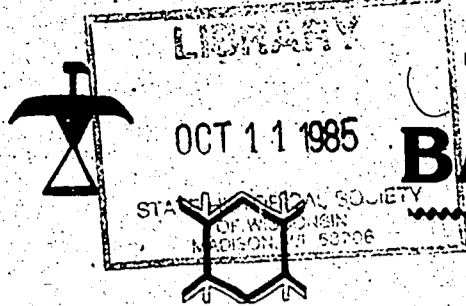


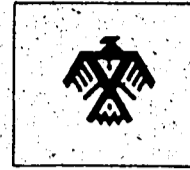
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**BAD RIVER SPECIAL PAGE -12**



# THE BAD RIVER BAND OF OJIBWAY

## A SPECIAL

# MASINAIGAN



A CHRONICLE OF THE  
 LAKE  
 SUPERIOR  
 OJIBWAY

SEPTEMBER, 1985

## NEGOTIATIONS LONGER VIABLE

### SYNOPSIS OF EVENTS

The path of negotiations to, and beyond, the 1985 Deer Agreement for off-reservation hunting on ceded territories, has proved to be steep and difficult for tribal negotiators. Negotiations broke down early due to the inflexibility of the WDNR's position.

Following the refusal to further attempt negotiations in the face of intransigence, the tribes came to an Inter-Tribal Agreement to regulate and provide a 1985 treaty deer hunt for tribal members. The DNR was quick to respond with its Board of Directors issuing "Emergency Rules" for the hunt which conflicted with the Inter-Tribal Agreement open to the possibility of arrest. Bad River went to court to seek an injunction to essentially over-rule the WDNR's emergency rules. The injunction was denied.

However, at the Great Lakes Indian Fish and Wildlife Commission's Annual conference in Michigan, September 5 & 6, WDNR lead negotiator, George Meyer informed the tribes that the DNR was flexible on issues such as uncased, loaded guns and shooting from vehicles on unpaved roads, and wanted immediate return to the negotiating table.

Negotiations resumed shortly after the 1985 Deer Agreement was signed between the tribes and the WDNR. All seemed back in order, however, in the sidelines, haunting the success of the 1985 agreement was Senate Bill (SB) 88 outlawing the shooting from vehicles for the state's handicapped hunters making it a bill, which if passed, would terminate by terms of the agreement, the negotiated right of tribal members to hunt from vehicles on unpaved roads with loaded, uncased weapons for the 34 day season.

A tacit understanding, or "gentlemen's agreement" existed between tribal and state negotiators that the Bill would not be signed into effect prior to the completion of the 34 day season.

However, SB 88 passed the Wisconsin legislature with a speed equivalent to Hurricane Gloria. It passed the Assembly Tuesday, September 24, and the Senate on Thursday, September 26, thanks to the power politics of Senator Loyd Kincaid, who made it plain to legislators, according to Paul De Main, Governor's Advisor on Indian Affairs, that this was a way to get the Indian treaty hunters off the roads.

Consequently, at a press conference on Madeline Island, Task Force Chairman James Schlender announced the end to the negotiating process between the tribes and the State. He said the State has been unable to negotiate in good faith and has violated all trust. The tribes, he said, will implement treaty hunting and fishing rights through Inter-Tribal Agreements rather than further attempt negotiations with the state.

Below is a reprint of Jim Schlender's statement to the press, delivered on Madeline Island, Sunday, September 29, 1985, reprinted is a letter to Governor Anthony Earl from the Voigt Task Force, again outlining their frustrations and disillusionment with the State.

### Press Statement by James Schlender, Voigt Inter-Tribal Task Force at a September 29th Press Conference.

Negotiation of seasons and methods with the State of Wisconsin is over. Negotiations, in order to be successful must be driven by certain forces. In these negotiations the driving forces were: 1) the uncertainty of litigation, 2) the affirmation of the treaty reserved rights by the U.S. Supreme Court, 3) the exercise of those rights upon agreed conditions to avoid social disharmony, 4) bilateral willingness to compromise to achieve mutual agreement, and 5) trust and good faith.

The negotiating process lost much of its driving force when Tribes lost the preliminary injunction in Federal Court in the 1984 Spring Sparring Season: much of the uncertainty was eliminated by Judge Doyle's ruling. Judge Doyle refused to decide the matter piecemeal, pointing the parties to other methods of dispute resolution—negotiating was one of these, but not the only one—litigation was another.

The Tribes ceased negotiations with the State of Wisconsin during the 1985 Deer Gun Season due to the allegedly inflexible position regarding loaded, uncased guns, and shooting from a vehicle on unpaved roads. The Governor urged a return to the table. The DNR Board passed emergency rules suddenly after a decade of allowing State citizens to be subject to such unsafe conditions. The Tribes passed inter-tribal agreements; the DNR negotiators found new flexibility on this issue and bargained for a 34 day gun season using uncased, loaded weapons, and shooting from a vehicle. The political nature of this flexibility required the cosmetic of conditional termination of the season if SB 88 passed the legislature with the inducement that the Governor would delay signing to achieve the 34 day season—this will be proven to have been a false inducement upon the Governor's signing of the bill into law.

In conversation with the Governor's Office on September 27, 1985, (American Indian Day), the Tribes were told that the Governor would not delay the bill or the signing of that bill into law. This may occur as early as Tuesday, October 1.

This latest breach of a "gentlemen's agreement" was but the last in a series of tribal complaints about the conduct of negotiations. The State's failure to embrace biology as a prime principal and goal of negotiated agreements was a complaint. The manipulation of media statements and the timing of those, which heightened public opinion against tribal positions, was a serious hindrance to the negotiating process. Finally, the veracity of State positions has come into question.

Simply because negotiations are over does not mean the end of the world. The tribes will ensure seasons and methods for tribal members through inter-tribal agreements. We would invite DNR participation in the enforcement of these agreements. This negotiating process was a journey the



James Schlender, Voigt Inter-Tribal Task Force Chairman

Tribes willingly consented to, but we have reached the end of this road. Other roads must now be explored. Inter-tribal agreements to achieve seasons is but one avenue—the State's response to these agreements will largely dictate the course of events to follow until there is a final decision from the federal courts.

Be clear, this negotiating process is over, but that does not mark a "call to arms in defense of treaty rights," nor should it become an opportunity for the escalation of circumstances to deny those rights by state citizens or by the State itself.

The Tribes shall follow a new route to achieve much of what has been achieved through the negotiating process. It is unfortunate that the State chose to spurn the negotiating process after publically embracing that method. It is not surprising for governments in these times to do surprising things—France acted to blow up the Rainbow warrior—so it is not surprising that Governor Earl could express displeasure at the Tribes' legal positions, while publicly extolling the State for "not contesting the basic existence of treaty reserved rights," and yet the State's legal position is that these rights are temporary only and are extinguished by white settlement.

If there is betrayal in these circumstances, it is the Tribes who have been betrayed. The Tribes' trust that the State would deal in this process on a truthful basis has been assailed by the State's conduct. The Tribes recognize the government to government relationship touches many other areas besides treaty rights. It is our hope that there be no spillover effects in these other areas.

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# NEGOTIATIONS CEASED EARLY WITH THE '85 DEER SEASON DUE TO WDNR INTRANGIENCE, BUT THEN...

## GLIFWC AND BIA PROTESTED WDNR RULES



PAUL DEMAIN, Governor's Advisor on Indian Affairs

### PRESS RELEASE SENT FROM GLIFWC CONFERENCE ON SEPTEMBER 6, 1985.

Responding to the unilateral action of the State of Wisconsin to impose emergency rules in the 1985 off-reservation treaty deer hunt, the Bureau of Indian Affairs announced continued support of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). They also joined the Commission in questioning the legitimacy of the WDNR Board's action.

Dr. Earl Barlow, Director of the Area Office of the BIA, Minneapolis Office, supported the message sent Wednesday by Ray DePerry, Executive Administrator of GLIFWC, to Governor Anthony Earl, encouraging Earl's intervention in the WDNR's imposition of emergency rules on the 1985 off-reservation treaty deer hunt.

Barlow says he would like to "encourage Governor Earl to investigate options available to intervene in the emergency ruling" and that he anticipates Earl will exercise his "usual good judgment" in regard to this issue.

BIA officials met with the GLIFWC Board of Commissioners Thursday morning to discuss the implications of the WDNR's emergency ruling and the upcoming treaty deer season.

"The rights of tribal members are abundantly clear," Barlow reiterated, and commented that both the GLIFWC and the BIA must jointly work to assure both that the responsibilities of resource management are met and that tribal members have the ability to exercise their rights without unnecessary intervention from the State.

Barlow also pointed out that there has not been any evidence that the emergency ruling was promulgated on a biological basis. "There is no threat to a species, no indication of depletion," Barlow said, "and certainly no evidence of a state of emergency." Both Barlow and DePerry asked to what "emergency" the WDNR is responding.

The BIA and GLIFWC Board of Commissioners also took action to make funds available for additional enforcement staff for those tribes who will be exercising their treaty hunting beginning Saturday, September 7. DePerry commented that in the past two years enforcement has been a cooperative effort between the tribes and the WDNR, a cooperation stemming from their joint concern to preserve the resources.

## PAUL DEMAIN SAID...

"GOVERNOR EARL IS COMMITTED TO THE NEGOTIATING PROCESS."



## GEORGE MEYER SAID...

"BUT LOOKING BACK, OUR MANY PEAKS OVERSHADOW THE VALLEYS."

George Meyer, Chief Negotiator for the WDNR, choose to look at the positive aspects of the state-tribal relationship, despite the setbacks in negotiating a 1985 off-reservation deer agreement.

Meyer opened his statements to the GLIFWC conference participants emphasizing the many positive areas in the state-tribal relationships achieved through the leadership of Governor Anthony Earl, Tribal Chairman, Paul DeMain (Governor's Advisor on Indian Affairs), and various agencies.

"We are in a valley now," said Meyer, referring to the breakdown in the negotiating process, "but looking back, our many peaks overshadow the valleys."

He cited the wild rice agreement as one example of achievement. "It is a clear thrust to increase wild rice production, to formally look at production, and to tighten regulations," he commented.

Meyer also mentioned the 1984 deer agreement as providing a "non-controversial season" which "established the precedence of a long, extended Chippewa deer season." Only the 42 day provision allowing tribal hunters to shoot from vehicles on unpaved roads caused public concern, he said, and then at the request of Governor Earl, the majority of the tribes refrained from using the right.

The 1984 small game agreement was also noted by Meyer. The agreement, he said, liberalized seasons and bag limits for tribal members. A 1985 agreement is needed. Similarly, the 1984 trapping agreement liberalized trapping regulations for the tribes and opened the way for "positive discussion between State and Tribal trappers," he noted.

The 1984 ice fishing agreement was successfully implemented, according to Meyer—another achievement. The extensive reporting on set lines beneath the ice and the study of the harvest paid off, he said, and showed that there was "no biological impact." Meyer said that they "can relax the reporting procedure of last year" in relation to ice fishing.

Labelling the 1985 spear fishing season as "potentially the most controversial" season, Meyer said that after reviewing results there was "not a serious impact from one year's experience." He continued to say that "the State is clearly willing to work out a 1986 spearing agreement."

The 1985 deer agreement "didn't work," said Meyer. Two sets of rules exist governing the tribal deer hunt with "95% of the contents identical." The major issue, he said, was shooting from vehicles on unpaved roads.

Eight agreements have been successfully negotiated in 1985, he said, and we are "stymied over one." Do you want to throw all that away?" he asked. "Do you want to throw away trapping, small game...and create that chaos for tribal members?"

"The Governor can assist in this delicate situation," said Meyer. "Let's get back to the table immediately..." However, he emphasized that "we will hold different views in litigation, "a situation which could be "inflammatory" during negotiations. Meyer said, "We must respect that we will hold different views."

"By working together we can plan together on how the rights will be implemented," Meyer concluded. "We can calmly work with and present things to tribal members and the general public."



# NEGOTIATIONS RESUMED AT THE ENCOURAGEMENT OF GOVERNOR EARL. AN AGREEMENT WAS REACHED...

Statement of the Wisconsin Department of Natural Resources at the Joint Chippewa-DNR Press Conferences on 1985 Chippewa Treaty Deer Hunting Season, September 13, 1985

Yesterday, September 12, 1985, the six Wisconsin Chippewa Tribes and the State of Wisconsin resumed negotiations regarding the 1985 Chippewa Treaty Deer Hunting Season. After five hours of negotiations, an agreement was reached by the tribes and the state. This was the 13th hunting and fishing agreement entered into by the tribes and the state in the last two years. The issues discussed and agreed to yesterday were:

1. A week (November 9-15) was added to the season that had been adopted by the State of Wisconsin for the 1985 Chippewa treaty gun deer hunting season. That season will now extend from September 14 through November 15, 1985, and from November 23 through December 14, 1985. This will be an 85 day season compared with the 78 day season adopted by the Wisconsin Natural Resources Board on August 30, 1985 and contrasts with the 111 day season established as a framework by the Chippewa tribes.

2. Provisions of state law regarding the reporting of hunting accidents and providing of assistance to hunting accident victims were added to the agreement.

3. More flexibility was added to the tribes' system of issuing antlerless permits for deer management units. The state's formula for issuance of antlerless permits is incorporated into the agreement. This does not involve an increase of the allocation of antlerless deer to the tribes in any deer management unit from that which had been adopted by the tribes and the state earlier this year. The state is fully satisfied with the tribes system of permit issuance, tagging, and registration system.

4. The possession of loaded and uncased firearms on vehicles while actually hunting and the discharge of firearms from standing vehicles on unpaved roads is allowed for a 34 day period starting on September 28, 1985, and extending through October 31, 1985, or until such time as the Wisconsin legislature modifies the current state law allowing these practices for disabled hunters, whichever date comes first. Currently Senate Bill 88, introduced by Senator Lloyd Kincaid, and Assembly Bill 151, introduced by Representative Jim Holperin, both of which address these practices, are pending in the state legislature.

The maximum of 34 days in which these firearm practices are allowed in this agreement contrast with the 65 and 42 days these practices were allowed, respectively, in the 1983 and 1984 treaty deer hunting agreements and also contrast with the 102 days they were allowed in the tribes 1985 proposed season.

An obvious question is why the State of Wisconsin at this time decided to negotiate, especially in regard to these firearm issues, in light of the emergency regulations adopted by the Natural Resources Board on August 30, 1985?

At the time of the Natural Resources Board adoption of the emergency rules, it was indicated that continued negotiations with the Chippewa tribes would be attempted in order to resolve this matter. Such continued negotiations were strongly endorsed by Governor Anthony Earl, Dane County Circuit Court Judge Richard Bardwell, while denying the tribes' request for a restraining order against the state regulations, strongly directed the parties to negotiate a settlement to the disagreement. This has also been the continuing direction of Federal District Court Judge James Doyle.

The major reason for the Department entering into negotiations on the controversial firearm issue is that the Chippewa tribes made it unequivocally clear that, unless the State of Wisconsin negotiated a 1985 treaty deer hunting agreement with the tribes, they would not negotiate any further agreements with the State of Wisconsin on future hunting, fishing, and gathering seasons. It was also



### THE 1985 DEER AGREEMENT: LESSONS TO BE LEARNED

The following statement was delivered at a Press Conference, September 9, announcing the 1985 Chippewa Off-Reservation Treaty Deer Agreement by James Schlender, Voigt Inter-Tribal Task Force Chairman. The negotiated agreement followed a period when the negotiating process between the State of Wisconsin and the Tribes seemed to have broken down.

The Tribes adopted an Inter-Tribal Agreement to allow tribal members a regulated off-reservation hunt without the State's approval. In response, the Wisconsin Department of Natural Resources' Board declared "emergency rules" which conflicted with the agreement adopted by the tribes. Return to the table and negotiations occurred as tribal members were beginning their hunt under the Inter-Tribal agreement, which began on September 7.

James Schlender, Chairman of the Voigt Inter-Tribal Task Force, heralded the 1985 off-reservation Chippewa deer agreement as "historic and significant."

He praised the tribal members who had begun their hunting season on September 7, as was set through the Inter-tribal agreement, defying the "artificial rules of Wisconsin through civil disobedience, yet avoiding bloody confrontation."

Schlender expressed his praise and gratitude to several participants in ultimately negotiating a successful deer agreement:

"TO THE TRIBES for returning to the negotiating table, for exercising measured restraint (only one tribe exercised their hunting rights); for showing firm resolve to hunt responsibly in the absence of a state-tribal agreement. For the latter, he especially commended the Lac du Flambeau hunters who began the season without incident."

"TO THE VOIGT INTER-TRIBAL TASK FORCE for showing the wisdom of determining when to stand firm and when to compromise, and for recommending a return to the negotiating table."

"TO GOVERNOR ANTHONY EARL for using his influence to get things going again, following the stalemated negotiations between the tribes and the state, and for demonstrating his real commitment to a negotiated settlement."

"TO THE STATE OF WISCONSIN for abandoning the "red herring" approach to bargaining, and for re-embracing the negotiation principles which seek to allow a meaningful exercise of treaty rights consistent with sound biological principles."

Schlender also stated that he felt several lessons are to be learned from the problems encountered in reaching the 1985 off-reservation deer hunt agreement. The lessons cited are quoted verbatim below:

- Tribes will not agree simply for the sake of an agreement.
- The Tribes will demand a meaningful exercise of rights on an interim basis, and will not simply accept an opportunity to limit treaty rights.
- Concessions on behalf of the Tribes should not be misconstrued as weakness.
- Tribes will stand up for their rights in the absence of an agreement and will show measured restraint while doing so.
- Ill-founded and inconsistent cries of public safety waste the State's credibility and political capital.
- Public acceptance of the exercise of rights cannot be a basis of negotiation.
- The exercise of treaty rights is done more preferably with an agreement than without one. Without an agreement, we felt we had, and did have, a strategy to overcome emergency rules despite the setback to that process by one intemperate, ignorant, and narrow-minded decision by a Dane County Judge.
- Patience is the key—state citizens and tribal members both must await conclusion of both negotiations and litigation before a final picture emerges of how and where the treaty rights will be exercised.
- There should be recognition by the State that Tribes are firm in their resolve to exercise reserved rights.
- Continued negotiations will require some commitment of the State toward a change in the structure of negotiations (more commitment toward actual biological and safety concerns) to regain credibility with the Tribes."

made clear that in the absence of such agreements, the tribes would have adopted their own regulations which would have differed significantly from state regulations.

This would have resulted in chaotic situations in northern Wisconsin during each of the treaty hunting, fish, and gathering seasons during the next twelve to eighteen months before the Federal District Court resolves these issues. Failure to reach an agreement would have been a grave disservice to the citizens of northern Wisconsin, tribal members, and state conservation wardens.

One concluding point, last Friday was the first glimmer of hope that there would be continued negotiations. It was indeed a very fragile glimmer at that time. If there had been any significant controversy last weekend, any chances of negotiations would have been destroyed. The forbearance of tribal hunters and the high degree of professionalism of state conservation wardens last weekend is to be greatly commended.

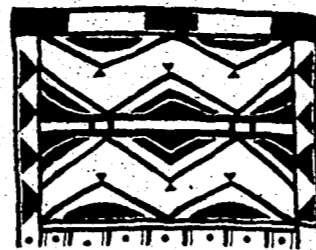
Presented by George E. Meyer, Enforcement Division Administrator, Department of Natural Resources



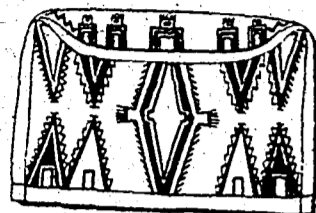
Tribal members listen to both Tribes and the WDNR.



# BUT SB88 WAS WAITING IN THE WINGS...THE STATE'S TOOL TO EFFECTIVELY ABROGATE THE AGREEMENT THEY HAD JUST MADE.



## SB88 PASSED THE LEGISLATURE IN RECORD TIME. GOV. EARL REFUSES TO VETO OR DELAY IT TO ACCOMMODATE THE AGREEMENT.



Hon. Anthony Earl, Governor  
State of Wisconsin  
State Capitol Building  
Madison, Wisconsin 53702

September 29, 1985

Dear Governor Earl:

The purpose of this letter is to inform you of the decision of the Voigt Inter-Tribal Task Force to withdraw from the negotiation process with the state. Our reasons are set forth below.

As you know, the initial negotiations on the 1985 deer hunting season broke down because of the state's refusal to bargain over certain hunting methods involved in road hunting. At the Great Lakes Indian Fish and Wildlife Commission conference in Marquette, Michigan, on September 4-6, 1985, the message was conveyed to various tribal chairmen and Task Force representatives by Paul DeMain of your office, and by the state's chief negotiator, George Meyer, that the state now had flexibility on the issue. The pendency of SB 88 was discussed, and we were told that if we would agree formally to be bound by SB 88 when it became effective, you would delay its effective date in order to provide a road hunting season similar to last year's. This assurance was reaffirmed by Mr. DeMain at Lac du Flambeau on September 9, 1985, at a Task Force meeting.

On the basis of this newfound flexibility in the state's position, we agreed to resume negotiations, and a session was held on September 12th at which agreement was reached. As you know, the agreement included a 34-day road hunting season, down considerably from last year's. We agreed to include a proviso regarding compliance with SB 88 only because we were again assured by George Meyer that you would delay the effective date of the bill so that we could complete that portion of the season. This understanding was left out of the agreement for political reasons advanced by your negotiators, but it was the key piece of consideration flowing to the tribes. It is no exaggeration to state that without this understanding there would be no agreement.

We were informed by Dan Wisniewski of your staff by telephone on Friday, September 27, 1985, that George Meyer then requested the assistance of your office to expedite Senate consideration of SB 88, which was clearly intended to prevent the 34-day season so vociferously sought by the tribes from taking place.

That telephone conversation was the culmination of several very frustrating days devoted to pinpointing the effect of imminent passage of SB 88 on the agreement which was reached with your negotiators. As you recall, that effort included direct communication by you with Lac du Flambeau Tribal Chairman Michael W. Allen, Sr.; in that conversation you expressed your commitment to carrying out the agreement's unwritten understanding about the road hunting season. However, at the close of business on Friday, September 27, 1985, the assembled Task Force members and tribal chairmen were told by Mr. Wisniewski that you in fact had made no commitment concerning road hunting season implementation, other than to convey Mr. Meyer's desire to expedite SB 88 consideration. In Mr. Wisniewski's view, then, no commitment had been violated. We disagree.

It is not possible for negotiations to occur in an atmosphere such as has developed between the Task Force and the state; it appears that state negotiators are either acting in excess of their authority, or that they do not in fact have the power to bind their principals. In addition, terms which are agreed upon at the negotiation table are purposely undermined by the very persons who agreed to them on behalf of the state. What conclusion can be drawn in such circumstances but that the tribes cannot trust the word of state negotiators and representatives? And if their word cannot be trusted, how can good faith negotiations be held with them?

You must realize that this deer hunting season negotiations are the only ones in which your authority and credibility were explicitly invoked by state negotiators in order to reach agreement with the Task Force. That agreement is now repudiated by your staff in your name. Who, then, can we negotiate with?

We have learned to our cost that the political climate in Wisconsin is not in fact any different than those in other states in which treaty rights issues have arisen. Negotiation as a mechanism of resolving them is not available here any more than it was to the tribes in the state of Washington. We refuse to invoke negotiation as a viable means of resolving our dispute with the state about the effect of the 1837 and 1842 treaties, when that avenue has in fact been closed. We are not going to engage in empty rhetoric about dispute resolution solely for public and political consumption. Instead, we will utilize the avenue which is available to us, which is the federal court system.

Until such time as the courts rule, we will invoke our authority as sovereign governments to enter into inter-tribal agreements through which treaty rights may be exercised by our members. We see no alternative.

Sincerely yours,

James H. Schlender  
Chairman  
Inter-Tribal Task Force

## THE END TO BAD FAITH NEGOTIATIONS

# AMBIGUOUS VICTORY WCA ANNUAL CONVENTION

The action by the Wisconsin Counties Association in passing Resolution 16, which encourages increased cooperation between tribal and county governments, was praised by Great Lakes Indian Fish & Wildlife Commission executive administrator Raymond DePerry.

The resolution passed the assembled WCA in Superior, September 23. The resolution, he feels, is indicative of the counties' willingness to seek improved communications between tribes and local governments and depicts Wisconsin as a state willing to seek progress and solutions cooperatively, rather than on a "battleground".

The resolution, written by Marvin Hunt, vice chairman of the Ashland County Board and passed by the Ashland County Board of Supervisors, was submitted to the WCA by the Ashland County/Bad River Joint Committee.

The resolution, based on the success of the Bad River/Ashland County Committee, "supports formation of similar committees in all county governments adjacent to, or containing all, or parts, of an Indian reservation to encourage unity rather than division in local units of governments and progress towards increased dialogue, problem solving, and positive action to the common benefit of all county citizens."



Panel on Tribal/County issues at WCA Conference in Superior. From the left are Larry Gleasman, Dane Co., Charles Tollander, Burnett Co., Joe Corbine, Bad River, and Marvin Hunt, Ashland Co.

DePerry also commended members of the WCA County/Tribal Committee who have worked over the past year to identify issues of common concern to tribal and county governments.

Although DePerry feels this is another step in the right direction for counties and tribes, he remains concerned about WCA Resolution 59, passed

last year by the WCA, which seeks congressional abrogation of treaties. Now that two resolutions have been passed by WCA, one for more cooperation and one for abrogation of Indian treaties, it makes the actual position of WCA somewhat ambiguous in the eyes of tribal leaders, he says.

### BREAD and FREEDOM . . . JUSTICE and FAITH

by Father Ted Zuern, S.J.

The Inspector General of the Department of Defense has reported that as of May first 15 of the nations top 20 defense contractors were being investigated for criminal activities in selling military items to the federal government. Rep. Dingell (D-MI), chairman of the Committee on Energy and Commerce of the House of Representatives, circulated the Inspector General's list of these corporations to that committee's Oversight and Investigation Subcommittee which he also chairs.

The corporations are listed below according to the amount of business they conducted with the federal government last year. McDonnell Douglas Corp. was the top defense contractor. It received \$7.7 billion from the United States. The corporations and the charges against them are:

1. McDONNELL DOUGLAS CORP. for duplicate billing and unallowable claims,
2. ROCKWELL INTERNATIONAL CORP. for transferring to government contracts costs that are not to be reimbursed by the government,
3. GENERAL DYNAMICS CORP. for improper billing, alleged product substitution, cost duplication and cost mischarging,
4. LOCKHEED CORP. for labor mischarging,
5. BOEING CO. for cost and labor mischarging,
6. GENERAL ELECTRIC CO. for false claims, defective pricing, product substitution and labor mischarging,
8. UNITED TECHNOLOGIES CORP. for bribery, subcontractor kickbacks, defective pricing and cost mischarging,
9. RAYTHEON CO. for labor mischarging and product substitution,
10. LITTON INDUSTRIES for bribery, subcontractor kickbacks, false claims, bid rigging and labor and cost mischarging,
11. GRUMMAN CORP. for cost mischarging,
12. MARTIN MARIETTA CORP. for subcontractor kickbacks and cost mischarging,
13. WESTINGHOUSE ELECTRIC CO. for cost mischarging,
15. SPERRY CORP. for defective pricing and labor and cost mischarging,
17. HONEYWELL INC. for bid rigging and diversion of government property,
20. FORD MOTOR CO. for falsification of performance records, defective pricing and labor mischarging.

Billions of dollars are involved in defense contracts. Some of America's best known businesses are charged with not being satisfied to make a profit, with illegally seeking to take money that was not theirs, with criminal greed at the expense of United States tax payers. Often they put ads in newspapers telling us they are patriotic because they build weapons to defend America. Now they are accused of robbing America, of betraying the trust placed in them.

This summer many witnesses sought to testify at Senate and House of Representative hearings on S. 902 and H.R. 1920 which would establish federal regulations for conducting gambling activities on Indian reservations and H.R. 2404 which would prohibit gambling within Indian country unless such gambling fits state laws. Of the few able to testify many were not Indian. They warned that high stakes bingo or other gambling on Indian reservations would draw organized crime to those communities. Witnesses from the Morongo Band of Mission Indians from California testified about the profitable operation of their bingo parlor and the tight security they use to control their operation. Still most of the other repeated that Indian tribes can not control reservation gambling and that all gambling must be controlled by the state.

As I listened to the testimony, I wondered about the 15 defense contractors being investigated for criminal activities in selling defense materials to the United States. Not one of those businesses is operated by an Indian tribe, but they are being investigated for serious crime. I thought also about the lotteries run by many states to raise money for their treasuries. Lotteries are forms of gambling, but the states are, of course, not Indian tribes. No observations were made about the possibility of crime arising in every area of society. If I had to depend only on the testimony from the hearings, I might well think that crime and criminals come only to Indian reservations and bingo or other gambling.

Why did those congressional witnesses so fear that Indian gambling operations would be invaded by organized crime? Did they think that tribes are especially weak and can be overrun? Andrew Jackson when he moved so many Indians from the Southeast to what is now Oklahoma, said that he had to protect the Indians from the bad example of white men. He did not want them corrupted so he sent them off on the Trail of Tears where so many died. Was that same mentality in the minds of these witnesses?

The worst form of prejudice against Indians is believing that Indians can not do what is right when they see whitemen do what is wrong. Of course, crime arises on Indian reservations as it arises in billion dollar businesses. But it is not going to be avoided on reservations by state control. I regret that gambling has become an economic opportunity for tribes. If in the past justice had been done so that tribes would have remained self-supporting, gambling on reservations would not have arisen. Now what?

H.R. 2404 should be defeated. S. 902 should also be defeated. H.R. 1920 has merit. It would help tribes if cases against them should be taken to the Supreme Court. As law H.R. 1920 would help that court support Indian self-determination. Without H.R. 1920 as law, that court might well rule against some tribal treaty rights.

From The Bureau Of Catholic Indian Missions



## A BRIEF PERSPECTIVE OF MIGRATORY BIRD HUNTING REGULATIONS BY INDIANS ON CEDED LANDS IN WISCONSIN

This presentation was given by Robert Oetting, Migratory Bird Coordinator, USFWS, Region 3, at the GLIFWC Annual Conference in Marquette, MI.

My involvement in this issue began in 1981 when we were in the early throes of coming to grips with Indian hunting on reservations in Minnesota. After many meetings, we sought guidance from the Service Directorate about whether or not Indian migratory bird hunting seasons should be within Federal flyway frameworks, essentially the same as the state, or whether other arrangements could be made within the constraints of the Migratory Bird Treaty Act.

By 1983, the legal avenue was cleared to consider special regulations for hunting of migratory birds by Indians on reservations. By this time we were dealing with Indians and non-Indians on some of the southwestern reservations, namely the White Mountain Apaches and the Navajo Nation, as well as the Minnesota Chippewas and the Penobscots of Maine.

The Service announced its intention to take the matter of migratory bird hunting on Indian reservations under advisement in the April 5, 1983 Federal Register. That was followed by season proposals from some Indian tribes for the 1984 hunting season and led to further action by the Service. In the March 23, 1985 Federal Register, the Service announced its intention to permit more flexibility in migratory bird hunting regulations for Indians on Federal Indian reservations. The Service proposed guidelines that would have permitted tribes with recognized hunting rights to select season dates that differed from those in the surrounding state. In all other aspects (season length, bag limits, and basic regulations), the 1984 proposed guidelines would have required the adoption of regulations that were consistent with those established by the Service in the general frameworks for migratory bird hunting.

Under the March 23 proposal, the special regulations would have applied only to tribal members on Federal Indian reservations and non-Indians or non-tribal members would have continued to be subject to the regulations established for application elsewhere in the state. In presenting the guidelines, the Service emphasized the need for a comprehensive and coordinated approach to management of migratory birds and asked that any tribal proposal be accompanied by a detailed evaluation plan.

The Service received several letters from states on this announcement. Most expressed concern about the cumulative adverse effects that special regulations might have on waterfowl populations if a large number of tribes participated. Most states urged that such proposals be reviewed by flyway councils before any special seasons were approved.

Several Indian tribes also responded and supported the Service's efforts to accommodate their hunting rights. However, they requested greater flexibility than the Service proposed. This Commission pointed out that the tribes had gained a judicially recognized right to hunt on ceded lands and wished to establish a migratory bird hunting season for tribal members on these lands in Wisconsin. The Commission noted that the tribes wanted an earlier and longer season for ducks and other species that usually are not hunted in Wisconsin until October. The Commission also requested more flexibility in daily bag and possession limits for Canada geese, but stated that the tribes would observe other federal regulations.

Four Chippewa Indian bands in Minnesota stressed that their members are not bound by migratory bird hunting regulations established for states and waterfowl flyways.

On April 30, 1985, the Commission submitted a proposal for a special season for Chippewa Indians on ceded lands in Wisconsin. (A supplement dated June 18, 1985, modified the April 30 proposal. Commission officials discussed tribal interests with Service representatives and officials of the Wisconsin Department of Natural Resources. The Commission pointed out that only a small number of tribal members were likely to hunt ducks and geese during the special season and that the total Indian harvest would be too small to have a significant impact on the resource. Among other

## WATERFOWL AGREEMENT



Robert Oetting, U.S. Fish and Wildlife Service

things, the Commission requested a mid-September opening of the duck season for tribal members and a 10-bird season limit per hunter on Canada geese, all of which could be taken in any one day.

State officials objected to the proposed early opening, largely because of concern that hunting by tribal members would disturb and displace waterfowl and cause reduced hunting opportunity for non-Indian hunters when the regular waterfowl season opened. In response, the Commission agreed to evaluate the degree to which tribal hunting displaced waterfowl and indicated that the tribe would cease hunting 5 days before the regular season if the study indicated that displacement was occurring. However, the Commission and State did not agree on several issues.

As a result of these comments and after further consultation, the Service, in the June 4, 1985 Federal Register, set proposals for three types of Indian hunting of migratory birds. These were on-reservation hunting by tribal and non-tribal members, on-reservation hunting by tribal members only, and off-reservation hunting by tribal members on ceded lands. These proposals included increased flexibility for hunting seasons outside framework dates, season lengths, and bag and possession limits. For Wisconsin Chippewa Indians, the proposal was that the Service may establish earlier opening or later closing dates and longer migratory bird hunting seasons for tribal members with a judicially-recognized right to hunt on ceded lands. The Service would negotiate with tribes that requested bag limits different than those provided in the Federal frameworks. The special regulations would apply only to ceded lands now in public ownership.

The Service also listed five criteria against which such hunting season proposals would be reviewed. They are: 1) the requested hunting season dates, bag limits, and other details regarding regulations to be observed, 2) the harvest anticipated under the requested regulations, 3) methods to be employed to measure or monitor harvest, 4) steps that would be taken to limit the level of harvest where it could be shown that failure to limit such harvest would impact seriously on the migratory bird resource, and 5) tribal capabilities to establish and enforce the proposed regulations.

Further, the Service prepared an environmental assessment on the anticipated impact of the special regulations on the migratory bird resource. In essence, that assessment showed that the special regulations would not cause a substantial increase in waterfowl harvest above the current level. One example cited in the document was the 1982 harvest of ducks on the White Earth reservation in Minnesota, where tribal hunters took 792 birds. The same year, Minnesota non-Indian hunters killed 866,600 ducks. The assessment noted that from best estimates, hunting on Indian reservations accounted for only about 2 percent of the national waterfowl harvest. The assessment also recommended a public information effort to precede special hunting seasons for Indian on or off reservations.



Three important meetings led to our present status. First was a meeting in Washington, D.C. on February 1 between the Commission and the Service. This meeting was for procedural guidance; no proposals were tabled and there was no discussion about hunting of migratory birds on or off Indian reservations. The Region 3 Regional Director was given authority to proceed with negotiations for the 1985 hunting season. The Service was to act as a safety valve between the Commission and the Wisconsin DNR in future negotiations.

A second meeting was held, this one in Minneapolis at the Regional Office on February 22, 1985. At this meeting, the Commission and the Service were joined by representatives of the Wisconsin DNR. Considerable discussion ensued about whether the Commission must negotiate seasons with the DNR or merely consult with them. Since early seasons were involved and the Federal Register publication for such seasons was due May 24, it was agreed that an interim process be used for the 1985 hunting season. In this process the Service acted as a mediator between the Commission and the DNR.

The Service recognized the need to consult directly with both State and Commission officials and this was done at a meeting in Minneapolis on July 10, 1985. At this meeting, Service representatives attempted to reach a consensus with the Commission and the DNR on points of disagreement. Service officials pointed out at the meeting that the fall flight of ducks was expected to be below average and that it might be necessary to establish hunting season frameworks that would be more restrictive than usual. The Service also questioned the Canada goose bag limit proposed by the Commission in light of harvest restrictions of the Mississippi flyway. After the July 10 meeting, the Service considered the recommendations made by the Commission and the DNR and on July 19, 1985, proposed specific regulations to be implemented, on an experimental basis, in the 1985 hunting season. In a letter to both parties, the Service proposed compromises in length of the early season and Canada goose bag limits and included a suggested plan to evaluate possible waterfowl displacement.

The Service also urged the State and Commission to reach an agreement that would permit enforcement of tribal hunting regulations by DNR personnel. If the special season was implemented, the Commission had to agree to collect and evaluate information on hunting activity and harvest, take the lead in a cooperative study to evaluate waterfowl displacement, and to meet other requirements described in the June 4, 1985, Federal Register. Most such requirements have been addressed by the Commission.

On August 6, 1985, the Service published a supplemental proposed rule on migratory bird hunting regulations on Indian reservations and ceded land in the Federal Register. In this document, the Commission generally supported the Service's previous proposals but raised a number of questions and concerns regarding the manner in which the Service would consult with the Commission and with state officials and the procedures to be followed in establishing hunting regulations for tribal members.

Concern about displacement of ducks by Indians during the early season on public marshes has also been addressed. To evaluate this possibility, the early Indian season will close 5 days before the state season opens. Meanwhile, the hypothesis that ducks will be displaced will be tested at Powell Marsh, Crex Meadows, and other areas in paired experiments. Duck populations will be surveyed before and during the early season and also during the 5-day rest period to note their numbers and distribution.



## WATERFOWL AGREEMENT

The 1985 migratory bird hunting regulations for Chippewa tribal members on ceded lands in Wisconsin, which became final in the September 3, 1985 Federal Register, are as follows:

**Ducks—**  
**Season dates:** Begin 15 days prior to opening of regular Wisconsin Duck season and end with closure of State hunting season.

**Daily Bag and Possession Limits:** Same as permitted under Federal frameworks.  
**Special Scaup-only Season:** Same dates, season length, and daily bag and possession limits permitted Wisconsin under Federal frameworks.

**Rest Period:** A 5-day non-hunting period beginning 5 days before the regular State duck hunting season.

**Canada geese—**

**Season Dates:** Same as permitted under Federal frameworks.

**Bag and Possession Limits:** Daily bag limit 3, possession limit 6. No season limit.

**Other geese (snow geese, blue geese, white-fronted geese):** Same dates, season length and daily bag and possession limits permitted Wisconsin under Federal frameworks.

**Other Migratory Birds—**

**Coots and Gallinules**

**Season Dates:** Same as for ducks.  
**Bag Limit:** 15 daily, singly, or in aggregate. **Possession limit 30.** Sora and Virginia Rails.

**Season Dates:** September 15 through November 19.

**Bag Limit:** 25 daily, single, or in aggregate. **Possession limit 30.** Common Snipe.

**Season Dates:** September 15 through November 19.

**Bag Limit:** 8 daily. **Possession limit 16.** Woodcock.

**Season Dates:** September 15 through November 18.

**Bag Limit:** 5 daily. **Possession limit 10.** General Conditions

Tribal members will comply with all basic Federal migratory bird hunting regulations, shooting hour regulations, and non-toxic shot zone regulations. For purposes of enforcing bag and possession limits, all waterfowl or other migratory birds in the possession or custody of tribal hunters on ceded lands will be considered to have been taken on these lands.

## RICE SURVEY COMPLETE



Todd Varnes, wild rice crew leader and student intern from Stevens Point, determines the number of tillers (stem) per plant.

## A SENSE OF RESPONSIBILITY



We call ourselves environmentalists. We call ourselves social activists. We are against apartheid in South Africa. We are against the destruction of the people of Central America. We want to save the whales, the seals, clean up the air, and water. Yet, we often ignore the cries for justice in our own backyards and ignore the rape of the land where we live.

There is a great potential force for destruction of our northwoods. The northern half of this state is being looked upon as a new resource colony—and we are the peasants who will soon be colonized. The northern environment is being parceled off to the same multinational conglomerates who brought you coups in South America and in Black Africa and who run the mines in South Africa. Some of us are trying to put a stop to this resource war—but we can't do it alone.

There is another great potential force for destruction in the north—for sociological destruction. The people with whom we have the most in common in wanting to preserve a resource and way of life—our Indian brothers and sisters—are being asked to sell their rights to the state. To trade away their future resource endowment for a few dollars to spend now, to leave nothing for their children. This is different only by degrees from the injustices in South Africa or Central America. Unless we stand up for the rights of the Indian people of Wisconsin, we may find our rights the next set on the auction block, and we may find that we have lost the resource war that we could have won.

It is time to put our sense of righteousness into action. We must speak up for ourselves and for our Indian neighbors. We can only stop the colonization and selling of tribal rights by working together and supporting each other. It is time, also, to make the

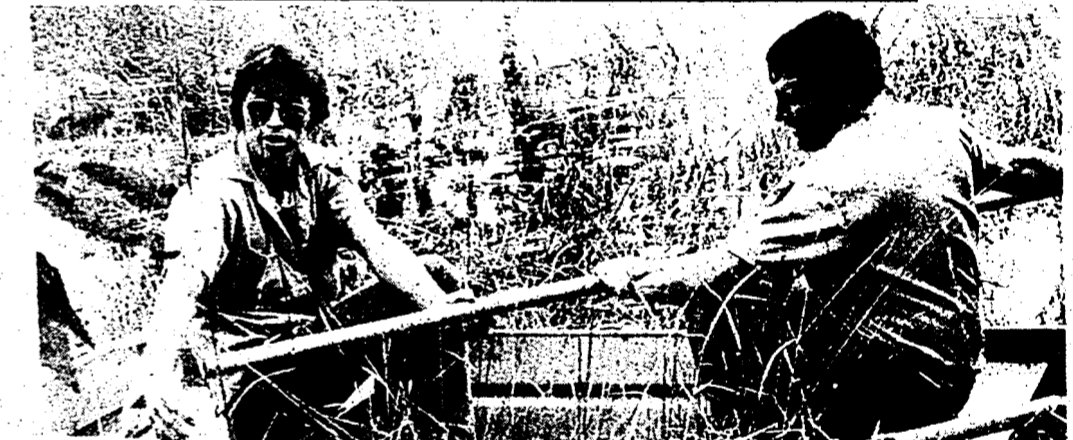
economists know that there is no economy without the environment and no economy without social justice. The anti-treaty rights advocates have tried to use an economic lever against the Chippewa people by trying to scare away tourist dollars from the north. I think it is time to turn the tables on these fear mongers and let them see that economic threats are not just one-sided. We can boycott business that support the racist, anti-Indian groups up north. We can boycott the newspapers and other media who propose abolition of treaty rights. We can channel our dollars (those of us who have any) into those businesses who are supportive of the environment and who support treaty rights. We can further spend our money on the reservations, supporting tribal run recreational facilities and buying tribal produced goods such as wild rice.

There may come a time when the Chippewa treaty rights, when LCO vs Voigt, may be the only stumbling block left for Exxon, Kerr-McGee, Northern States Power Company, or the U.S. Department of Energy and their plans for us and our resources.

If you don't want copper, zinc, and uranium mines up north; if you don't want the fish in the lakes to die from acid rain; if you don't want the DOE to bury its tons of radioactive waste in our backyards; then you must begin to see the relationship between treaty rights and the environment—that they go hand in hand—social justice and environmental justice work together to make economic justice.

In the Spirit of Crazy Horse,

Chris Kalka  
Holcombe, WI



Joe Oustigoff, St. Croix, and Sam Quagon, LCO take bottom samples of wild rice beds for chemical analysis.

The Great Lakes Indian Fish and Wildlife Commission (GLIFWC) and Wisconsin Department of Natural Resources (WDNR) have recently completed a summer inventory of existing and potential wild rice beds in northern Wisconsin. The survey was conducted to gather information needed to develop a wild rice management plan for northern Wisconsin.

The GLIFWC—WDNR wild rice management program is an outgrowth of the off-reservation treaty right affirmed in the 1983 Voigt decision. With the tribal right to harvest off-reservation rice also comes the responsibility for conservation and management of the off-reservation resource. Consequently, GLIFWC and WDNR in August 1984 developed a joint working group to develop a program to protect, enhance, and develop northern Wisconsin's wild rice resource.

Wild rice was once abundant throughout the state. However, since the nineteenth century it's distribution and abundance has been drastically reduced, so that it is now classified as a scarce resource, in the Wisconsin Administrative Code, in need of protection. This decline is cause for alarm because of wild rice's great food and economic value to hand harvesters and consumers, high food and cover value to wildlife, and unique esthetic value to all resource users.

The GLIFWC survey crew, under the direction of GLIFWC biologist Tim Andryk surveyed current and past wild rice sites this summer in the northwest Wisconsin counties of Barron, Burnett, Douglas, Iron, Polk, Price, Rusk, Sawyer, Taylor, and Washburn. While the WDNR survey crew, under the direction of Ron Eckstein (WDNR wildlife manager), surveyed the northwestern Wisconsin counties of

Forest, Lincoln, Langlade, Oneida, and Vilas. The survey crews mapped wild rice, surrounding aquatic vegetation and bottom contours; took bottom and water samples for chemical analysis; and recorded information on bottom types, water quality shoreline and watershed characteristics, wildlife use, presence or absence of beaver dams, carp, or anything else that may be impacting the rice.

Tim Andryk and Ron Eckstein will be analyzing the information, collected from the approximately 180 wetlands surveyed in northern Wisconsin, and begin writing the management plan this winter. The plan will describe the procedures to be employed on specific lakes and rivers to protect and enhance existing rice beds and to re-establish rice where it historically occurred. GLIFWC is planning to fund half of the program while WDNR will fund the other half through an increase in the state rice license fee.

Wild rice is a remarkable renewable resource as it benefits many types of resource users. Hand harvesting in its most efficient form removes only 25% of the rice produced by wild rice bed. The remaining rice falls into the water where it serves as food for waterfowl or as seed for next years crop. Wild rice beds typically attract large numbers of waterfowl in early fall and serves as an important food source before their fall migration.

Wild rice wetlands also support many other types of wildlife and are esthetically unique and ecologically important ecosystems. Consequently, many people will profit from a wild rice management program in northern Wisconsin. Rice harvesters, consumers, waterfowl hunters, bird watchers, canoeists, and ecologists will probably all benefit from the results of this program.

# GLIFWC BOARD OF COMMISSIONERS

## DEER HUNT REPORT

The 1985 off-reservation deer hunt is going strong according to Jon Gilbert, GLIFWC wildlife biologist. Figures seem to indicate a tripling in numbers of deer harvested for this season over the 1984 season. Figures, as of September 30, are as follows:

Lac du Flambeau	181
Lac Courte Oreilles	79
Bad River	8
Red Cliff	4
Mole Lake	37
St. Croix	11
Total	320

A telegram asking the Governor's intervention in the DNR Board's adoption of emergency rules for the 1985 Treaty Deer Season was sent from the Great Lakes Indian Fish and Wildlife Board of Commissioners following a unanimous resolution to do so at a Board meeting September 5, at Marquette, MI. The telegram was sent from Dr. D., Executive Director.

The resolution followed lengthy discussion by Commissioners of the problems encountered with two sets of rules—those adopted by the tribes and those from the state—which conflict on seasons and the use of uncased, loaded guns.

Tribal leaders also questioned the status of "emergency" which would allow the DNR to adopt such emergency ruling which conflict with the tribal regulations.

Other matters of discussion surrounding the Deer Season, which was to begin on September 7, included the need for tribal unity. Ron Maulson, of Lac du Flambeau, as well as Arlyn Ackley, Mole Lake, emphasized the need for tribes to be unified on the issues of treaty rights.

Ackley also asked Commissioners present from other tribes to consider the use of tribal attorneys, in a reciprocal arrangement, when tribal attorneys cannot represent a tribal member because of conflict of interest in their role as prosecutors within the tribal court system.

Ackley also pointed out that there is difficulty getting news quickly to tribal members who may be living off-reservation but still interested in hunting. They may be relying purely on media coverage for their information, and consequently, be misinformed or confused.

## FISH COMMITTEE

Chairman of the Fish Committee, Joe Corbine, reported the Committee met in Grand Portage in July to discuss the budget and program goals.

Several priorities were set at that time, including the need to explore the marketing of fish, improve area law enforcement, and assist in commercial fishing attempts around Isle Royale.

As a follow-up to the Committee's concern over marketing, a consultant was interviewed by Ray DePerry and Tom Busiahn as to explore possible marketing ideas.

## THE VOIGT COMMITTEE REPORT

Voigt Task Force Chairman, James Schlender, reported that the Voigt Task Force has entered into three agreements since the Commission last met. The tribes have ratified a ricing agreement, a waterfowl agreement, and an Inter-Tribal Deer agreement. The waterfowl agreement is unique in that it was negotiated between the tribes and the federal government rather than the State. The '85 Deer Hunt agreement also set another precedent in being ratified by the tribes without the WDNR.

Schlender reported that the Emergency Rules handed down by the WDNR Board will be challenged in court, questioning whether or not an emergency does exist.

Schlender also reported that, the Task Force has been involved in litigation during the interim between Commission meetings which have entailed 8 court proceedings. Members of the Task Force have also been involved in preparing for the court proceedings which were scheduled for September 16.

The Task Force has negotiated with the WDNR twice in the last three months. They successfully negotiated a southern boundary line, using roadways and waterways as a means of defining the southern line. Schlender says that in so distinguishing the line, some of the ceded territories was lost in some areas and gained in others; so the definition left area of the ceded territory much the same as before.

The Voigt Task Force also met with the U.S. Fish and Wildlife Service in St. Paul on July 10 to negotiate a waterfowl agreement. And finally, met with the WDNR on July 26 to negotiate an '85 Deer Agreement with no success.

## DIVISION REPORTS

Biological Services Division, Tom Busiahn, chief biologist, reported on the numerous projects of inland and lakes biologists. He also reported that an environmental biologist, Alan Ruger, had been hired, and would be coming on board shortly.

The Wildlife Section has been working with the Voigt Task Force in supplying the necessary biological information for negotiations on the deer season.

Inland staff has also completed an extensive wild rice inventory of northwestern Wisconsin and worked with the policy analyst and the Voigt Task Force to develop the waterfowl season proposal.

Another major project of the Inland staff is entering public land data into a computer data base. Based on one-square mile section, the staff identifies how much public land is in a section, how much private land, deer habitat, wetlands, etc. The end result will be a comprehensive study of resources available on the ceded territories accessible through the computer.

The Inland Fisheries have completed the Fence Lake Chair Study. They are also doing a lake inventory similar to the lands survey mentioned above.

Staff has been assisting in Western Michigan Fishery, compiling information and maintaining contact with MDNR personnel keeping them apprised of development and to obtain wholesale fish sale reports.

They have also been working on Market development and involved in assessing fish in the Grand Portage area.

## Policy Analysis

David Siegler, policy analyst, was unable to attend the meeting due to involvement with the deer agreement. However, Ray DePerry read a memo telling Commissioners that as far as the issue of the Endangered Species Act, it appears likely that the Supreme Court will grant a hearing on it, but that the efforts to act at a Congressional level are seemingly stalled.

## Enforcement

Mike Cardinal, Division Chief, said that he had been spending time considering alternatives to bolster the warden staff during the deer hunt.

He also reported that they had been having problems with receiving BIA approval on purchasing equipment and the use of the radio systems.

## PIO

Walt Bresette, PIO Director, reported that media and education have been the primary focus of PIO attention in the past months, and emphasized the need to address vacancies in the curriculum, vacancies that leave the public uneducated about treaties and tribes in general.

Bresette plans to be working, when and how possible, to develop changes in the school system. Bresette also felt the tribes should be considering the problems which may be confronted during the '86 elections and consider how to best address them.



Richard Gurnoe, GLIFWC Commissioner and Red Cliff Tribal Chairman.

# THE BAD RIVER BAND OF OJIBWE A HISTORY

The Chippewa Indian Tribe is a member of the Algonquian linguistic stock and once was one of the largest Indian tribes north of Mexico. Before the arrival of the Europeans, the Chippewa resided in what is now Quebec and Ontario, Canada. They later migrated to the area around Lakes Huron and Superior and even into Minnesota and the Dakotas. Most of this migration was a result of pressure from other eastern tribes, such as the Iroquois who were moving westward. Finally, a permanent Indian settlement was established on Madeline Island in Lake Superior. The present Bad River Band descended from these Chippewa on Madeline Island.

First European contact with the Madeline Island Chippewa Indians came with the arrival of the French fur traders and missionaries during the early to mid 1600's. The Chippewa were generally friendly with the French and often traded with the French fur traders. Most Chippewa were hunters and trappers, but they also gathered wild fruits, berries, and wild rice, fished in the lakes and streams, and occasionally engaged in farming. The Hudson Bay Company established the first trading post on Madeline Island. Occasional skirmishes occurred between fur companies, such as that involving the Hudson Bay Company and the Northwest Fur Company. These conflicts interrupted trade for a while, but it was later resumed.

Around 1841, a Protestant missionary named Wheeler came to LaPointe, as the settlement became known, and a few years later the LaPointe Band of Chippewa separated, and settlements were established at Bad River and Red Cliff. The Bad River Indians continued their life of hunting, gathering, and fishing. In 1854 a treaty was signed at LaPointe between the Chippewa Bands and the United States Government. Chief Buffalo represented the Chippewa Indians. The Treaty officially recognized the various Bands and established the Reservations that exist today. It guaranteed year around hunting, fishing, and trapping rights for the Indians. It also recognized the Reservations as politically sovereign entities, which they remain today. The Bad River Reservation was to be 124,335 acres in size, bound by Lake Superior on the north. Included in the total acreage was 196 acres on Madeline Island. Each family was given an 80-acre parcel of land.

In 1892, the U.S. Stearns Lumber Company came to Odanah, the name given the main settlement on the Reservation. The lumber company was to play a large part in the early development and growth of Odanah. The Tribe possessed large tracts of valuable timber on the Reservation, and the extensive logging operations conducted by the Stearns Lumber Company quickly brought prosperity to the area and its people. The Bad River people worked side by side with the non-Indian workers and became expert lumberjacks. Unfortunately, little restraint was practiced by the Company and large areas were clean-cut, leaving little timber of value on the Reservation. The virgin stands of white pine were Bad River's most precious natural resource and these were heavily exploited and very nearly exhausted.

During the peak lumbering years the town of Odanah had grown to a population of about 2,200 people, Indian and non-Indian. Railroad lines were constructed, stores, houses, a post office, schools, and churches were built. Before 1915 the town even had its own weekly newspaper. The Stearns Lumber Company built a saw mill to cut the timber into

usable lumber, and a company store to supply the 40 lumber camps with everything they needed.

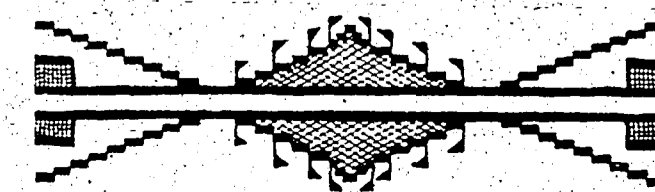
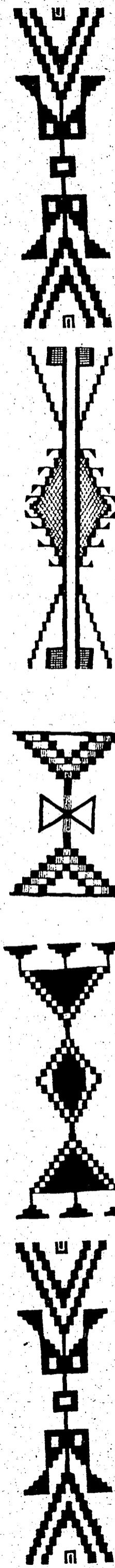
In 1922 Stearns ceased operations and moved out of Odanah, and as a result, most of the families moved from Odanah. Many of the Indian families also left Odanah and settled in Ashland, about nine miles away. The company had harvested a total of 1,267,579,000 board feet of timber with a stumpage value of \$6,813,372 from allotted lands and permanently changed the vegetative cover of the Bad River Reservation. The predominant species has changed from white pine to aspen.

Another historically valuable resource to the Tribe has been the waters along the shores of Lake Superior and the sloughs of the Kakagon and Bad Rivers. These wetlands are some of the most productive fish and wildlife areas along the entire southern shore of Lake Superior, and are especially valuable to the Tribe because they are the spawning grounds for large runs of walleye and northern pike. The area is also home for nesting waterfowl, many migratory birds, and several valuable fur-bearing mammals. The Bad River people have always hunted, fished, and trapped in this area, but in recent years the sloughs have experienced heavy pressure from increasing numbers of non-Indian hunters and fishermen. The Tribe has moved to discourage this unauthorized hunting and fishing with the help of recent favorable court interpretation of the 1854 Treaty.

Since the Stearns Lumber Company left Odanah in 1922, there has been little major economic development. Some cutting of wood pulp continued on the Reservation, but not enough revenue was produced to support the Tribe. The harvesting of wild rice, fishing, and trapping could provide neither sufficient food nor adequate income for tribal members. Many of the Bad River people were forced to travel to nearby Ashland to find employment and a large number of these eventually moved to the city, which was growing rapidly and still prospering as a rail hub and ore docking port. In Ashland many Bad River Indians found employment in some of the wood products industries, and the various local manufacturers.

During the 1950's, the United States Government instituted a program of relocation for Indian people. Under the program, Indians were encouraged to move to urban areas of the country in order to find more and better employment opportunities than those which existed on their reservations. Travel and moving expenses were financed by the Federal Government, as were many of the living expenses incurred before the individuals found jobs. During this period of relocation, many members of Bad River Band moved away to Milwaukee, Chicago, and Minneapolis-St. Paul. Now large numbers have returned and are still returning to Odanah and Indian life.

The Bad River people have progressed from a subsistence economy, through the period of fur trapping and trading, and eventually into the prosperous period of lumbering. Now, again the Tribe is ready for a new surge of economic development and time of prosperity. The healthy growth and development of the tribal fish hatchery, a comprehensive program of resource management, the tribal construction company, and the tourist-recreation industry, will transform the Bad River Reservation from an area reliant on surrounding towns to a self-sustaining and productive community.



# Welcome

ODANAH—The Great Lakes Indian Fish & Wildlife Commission (GLIFWC) has recently added an environmental biologist to its Biological Division. Alan Ruger, formerly the Executive Director of the Pyramid Lake Fisheries Restoration Program, Nevada, has returned to Wisconsin and will be assisting member tribes in confronting environmental issues and advocating for the environment in his new position. Ruger is looking forward, also, to working with environmental organizations in the area.

Ruger received his Bachelor of Science Degree from the University of Washington, Seattle in fisheries with an environmental option. He worked with the National Marine Fisheries for three years and has spent a number of years working with the Pyramid Lake Paiutes in Nevada in their fisheries department. While at Pyramid Lake, Ruger also studied at Sierra Nevada College, from which he received a Bachelor of Science Degree in business administration.

Wisconsin is far from foreign turf for Ruger who grew up in the Milwaukee area. He spent many summers as a youth in northern Wisconsin at this uncle's cabin on English Lake near Mellen, so he feels the return to the area is a return "home".

According to Ray DePerry, Executive Administrator of GLIFWC, environmental issues are of considerable consequence to the tribes today. The tribes must be able to protect the resource from the effects of environmental degradation and pollution. Recently affirmed treaty rights on ceded territories and on the Great Lakes may also give the tribes extra leverage when actions to protect the environment are needed.

The Great Lakes Indian Fish & Wildlife Commission represents eleven Chippewa tribes in the northern Midwest. Minnesota tribes are Mille Lacs, Fond du Lac, and Grand Portage. Michigan tribes are Keweenaw Bay and Bay Mills. Wisconsin tribes include Bad River, Lac du Flambeau, Mole Lake, Lac Courte Oreilles, and Red Cliff.

# THE BAD RIVER RESERVATION

## To Assure A Healthy Community The Bad River Department Of Health

In recent years, Bad River's health provision system has witnessed considerable expansion, according to the Health Director, Charlotte Dickerson. It has grown from a department with two positions to one which employs sixteen people in numerous facets of health-prevention, intervention, emergency services, and education.



Charlotte Dickerson, Health Dept. Director, in clinic.

**COMMUNITY HEALTH REPRESENTATIVES**—The four CHR representatives have been involved in a wide span of health related activities. They operate the eyeglass dispensary and repair, schedule and assist the audiologist, maintain the infant care seat loan program, and the fire extinguisher, fire alarm programs. CHRs also act as generalists under the guidance of the Community Health Nurse and make home visits. They are actively involved in community education on health issues.

**COMMUNITY HEALTH NURSE**—One of the primary duties of the nurse is to assist people in planning for discharge from the hospital, making sure they have appropriate follow-up care. The nurse also spends considerable time working with expectant mothers and with the child health program.

**MATERNAL & CHILD HEALTH PROGRAM**—Run through a state block grant, this program utilizes WIC (Women, Infants, and Children) as a means of reaching expectant mothers and new born infants. The aim is to assure proper pre-natal care as well as early infant health. Workers in the program are also interested in public education and a make home visits.

**WOMEN'S OUTREACH**—This is one of the newest additions to Bad River's Health Department and is part of a state program to reach Indian women with alcohol or drug abuse problems. It emphasizes the development of women's support groups and works closely with the Alcohol and Drug Abuse Program on the reservation.

**ALCOHOL AND DRUG ABUSE**—The Tribe maintains a full-time alcohol and drug abuse program which includes outpatient counseling and assessment, referral and regularly run group meetings. Again, community education is an important aspect to the program.

**TRAILS**—Targeting youth with alcohol and drug abuse problems, the TRAILS program is run from a state block grant. Community education regarding alcohol and drug use is a primary emphasis.

**CONTRACT HEALTH PROGRAM**—This program provides comprehensive health services to eligible Indian people, assuring them the ability to receive needed health services. The Tribe administers the program for Indian people in Ashland and Iron County.

**THE BAD RIVER CLINIC**—The clinic is staffed by a family nurse practitioner and a licensed practical nurse. They provide primary care with a physician's back-up. Community members can come in for physicals, check-ups, immunizations, and limited lab work. The clinic also refers individuals who may be in need of further health care.

**MENTAL HEALTH**—The Bad River Tribe has a mental health counselor who is available for outpatient counseling, assessment, and referral. The counselor works extensively with school age children in order to assure early intervention should there be learning disabilities or special problems which may impair a child's success in the school system.

Presently, the Health Department is pursuing funding for a nutritionist. Dickerson feels a nutritionist could enhance several existing programs, such as elderly feeding, headstart, WIC, and also provide intervention services as the tribe looks at a high incidence of diabetes and hypertension in the community.

Also, a goal is a new building to house the clinic, which is currently housed in the Community Center, but subjected to crowded conditions. The plans for a new facility are complete, but funding must yet be sought.



Mary Bigboy, Assistant Director and Charlotte Dickerson, Director, keep the multi-faceted health program running smoothly.



Bad River aims at preserving its culture and resources for the youth.



Emery Mallow, Instructor of the Log Construction Training Program, working at the drafting desks made by the students in the furniture class.



Beginning a new project—a tribal building, using the tribe's timber, sawed at the tribe's mill and built through the tribe's training program.



Dana Jackson, Director of Bad River Department of Education, reviews literature available on higher educational opportunities.

## To Insure Educational Equity And Opportunity For Tribal Members The Bad River Department Of Education

Growth and expansion has also been evidenced in the area of Tribal education. Dana Jackson, Education Director, reports the department's budget has expanded from \$46,000 to one-half million dollars since 1983. Twenty people are employed by the department which provides educationally related services to members age 3-50.

**HIGHER EDUCATION**—The department assists tribal members find funding sources for college expenses.

**ADULT VOCATIONAL TRAINING**—Similar to Higher Education, the department helps find financing for members who wish to pursue technical training or professions in institutions such as WITL.

**DIRECT EMPLOYMENT ASSISTANCE**—This program assists a tribal member who is relocating for a job. It provided back-up, such as subsistence in financing for the first month, special clothing, or tools which may be required.

**LOG CONSTRUCTION TRAINING PROGRAM**—A unique program, run by Vernon Stone, trains tribal members in the techniques of building log homes, buildings and furniture. Using reservation-grown timber and reservation-produced logs, students are instructed in all areas of the construction business, including the actual building process, design, cost estimates.

Their training center stands as an impressive witness to the skill of students and instructors in last year's programs. Even windows and door frames were self-produced by the furniture class as well as the drawing-desks used in the design aspects of the course.



Essie Leoso, secretary, Department of Education, works on the computers used for training in the community building.



Booshoo means "hello" in Chippewa—a welcome to headstart kids.



Bad River's Manomim (Wild Rice) Pow Wow attracts dances and visitors every fall.

## To Ensure Needs Of Community Members Are Recognized And Met Bad River Department Of Social Services

The Department of Social Services developed on the reservation in 1977 with the administration of RNIP (Relief for Needy Indian Persons). Since that time it has expanded, according to Director Glen Scott to the administration of AFDC, Food Stamps, and the Income Maintenance Program.

**HUMAN SERVICES FACILITATOR**—The Facilitator acts primarily as a resource person for community members, helping people in need of assistance find the most appropriate avenue to help. The Facilitator also helps Scott administer the Low Income Energy Assistance Program, which assures that people with low incomes have heat for the winter months.

**INDIAN CHILD WELFARE**—Under Indian Child Welfare, the staff is concerned with the placement of Indian children, for instance, in foster care. By law the Tribe is now able to intervene on behalf of an Indian child to assure that placement is not made away from the Tribe and the child's cultural heritage. The Indian Child Welfare Assistance works with the Crisis Respite Program helping in emergency situations which might arise in a family.

**INCOME MAINTENANCE**—This program administers the distribution of food stamps and AFDC benefits, assessing family situations, and providing assistance which will assure subsistence.

**WORK EXPERIENCE PROGRAM**—Run in conjunction with RNIP, Work Experience, provides work situations for recipients of RNIP benefits.

**AGING PROGRAM**—Designed to meet the needs of the communities' elderly, the program administers the elderly feeding program which serves noon meals at the Community Center and provides transportation to and from the meal.

**FOOD DISTRIBUTION PROGRAM**—This program administers the distribution of commodity foods to eligible tribal members.

**COMMUNITY CORRECTIONS**—Working through the State Department of Health and Social Services, the staff person works largely with people on parole.



Glenn Scott, Director of Bad River Social Services Department.



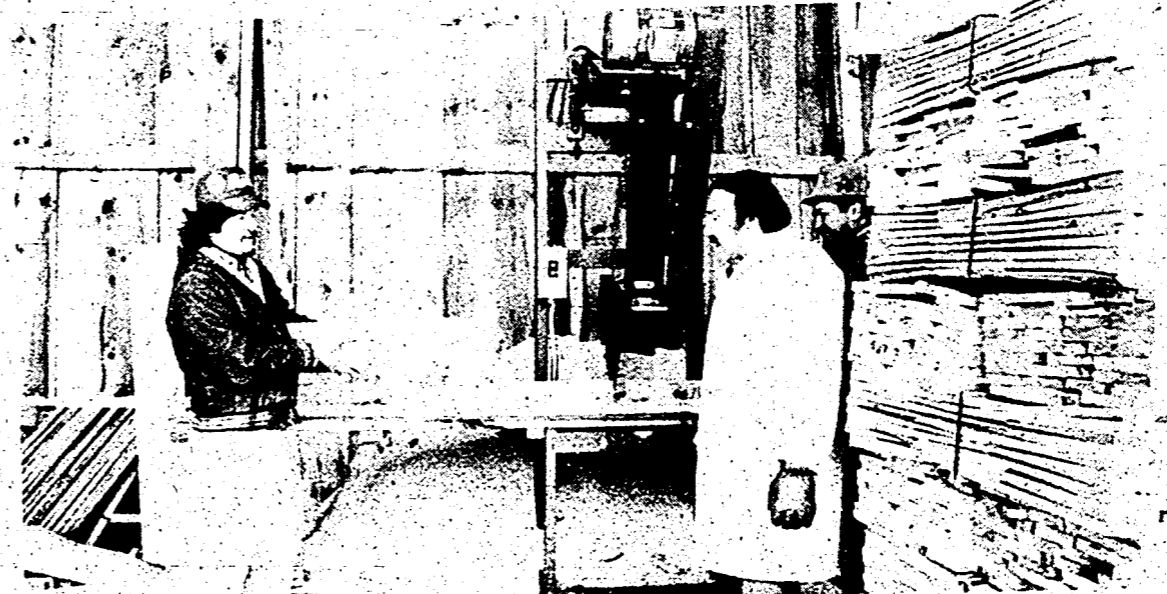
Wild rice is thick in the Kakagon Sloughs and has traditionally been an important and protected source of food.



Judge Irvin Soulier presides over the Bad River Tribal Court.



Young and old attend the Pow Wow.



The Bad River Indian Mills produces the cedar logs, as well as other lumber, for use by the log Construction Training Program and self-help homes under construction.



At Pow-Wow time, it is time to dance.

## To Enhance And To Preserve For Future Generations Bad River Department Of Natural Resources

Combining several separately run conservation programs under one umbrella, Bad River initiated its Department of Natural Resources as a pilot project on April 1st, 1985.

According to Bad River DNR Director, Irvin Soulier, the department's programs include fish and game management, a forestry program, rice protection, tribal court, and the Wisconsin Conservation Corps project for 1985 to 1986.

**TRIBAL COURT**—Bad River's Tribal Court was reinstated in 1983 following the Voigt Decision. It comes under the Tribe's DNR because mostly conservation violations are heard in the court. Soulier, who is also the tribal judge, presides over the court which is held six times a year.

**FISH AND GAME MANAGEMENT**—The Bad River Hatchery, which has been operating since 1975, is one of the major highlights of this program. Currently, the hatchery is largely engaged in the production of walleye fry for re-stocking purposes. However, the recent addition of four rearing ponds, to be completed by spring of 1986, will give the hatchery the ability to rear fingerlings. The Tribe is also looking into the possibility of selling fry and fingerlings, provided there is a surplus after re-stocking has taken place.

The Bad River Tribe also maintains hunting and fishing codes for on-reservation activity, limiting the deer hunting and fishing seasons in order to protect the Reservation's resources from the possibility of depletion.

**RICE PROTECTION**—One of the most cherished of Bad River's resources is wild rice. The winding waterways of the Kakagon Sloughs which lead out to Lake Superior are lined with the rare and fragile plant.

A rice protection program began in 1976 in effort to assure that the wild rice was not improperly harvested or the beds dug up by boaters. Bad River biologists and DNR staff have worked with other agencies in developing a management plan for the wild rice crop as well as participated in a survey to obtain baseline data on the Reservation's wild rice fields.

**WCC**—The Bad River Tribe and the Great Lakes Indian Fish & Wildlife Commission are co-sponsors of a seven man WCC crew. The crew will be participating in waterfowl and deer surveys as well as trout stream assessment on the Reservation under the supervision of Tribal and Commission biologists. In addition, they will be creating a park near the Tribe's Pow-Wow grounds.

With the various programs operated under a central department, they are effectively able to dovetail their efforts for a more effective, comprehensive conservation program on the Reservation, according to Soulier. The primary concern of the Department, and of the Tribe, is "to enhance our environment and preserve our resources for the future generations."



Every spring there is a stir of activity in the Bad River Fish Hatchery where walleye are produced for the re-stocking program. Recently four rearing ponds have been added to the facility.

# MEETING CHALLENGES, EXPANDING HORIZONS



Jim Thannum, Tribal Planner and Joe Corbine, Tribal Chairman, sign final papers for the Living Arts/Heritage Center grant.

## Tribal Government

The Bad River Tribe has a seven member Tribal Council, which is the law and policy making body of the reservation, approving such things as conservation codes and zoning regulations. The Tribal Council also serves as an appellate court for the Tribal Court and deals with the Tribe's employment policies and personnel decisions. With about 60 programs in operation as well as businesses such as bingo, the Council's tasks and responsibilities cannot be underestimated.

Bad River holds elections every year. However, elected council members are on staggered terms, so each elected council member holds a two year term in office.

Current members of the Tribal Council are: Chairman, Joe Corbine; Vice Chairman, Frank Connors, Sr.; Treasurer, Angeline Lemieux; Secretary, Karen Corbine; Sr. Council member, Dana Jackson; Sr. Council member, Bob Bender; and Jr. Council member, Ron Maday.

## Challenges Face Tribes And Tribal Governments

Tribal Chairman Joe Corbine says that the Bad River Tribe has been in the process of departmentalizing their numerous programs in order to more effectively manage them and maximize their benefit to the Tribe and community.

One of the keys for Tribal government, Corbine feels, is the ability to integrate the various programs so that they are complimentary to one another and serve to spur the economy. He cites the use of the Bad River Indian Mill, the Log Construction Training Program, and the new Living Arts/Heritage building as an example of programs, business, and projects blending in a supportive manner, stimulating the economic development of the Tribe and the community at large.

Corbine feels the Tribe must focus on using their natural resources in promoting tourist business, but in a non-consumptive manner. He would like to see visitors drawn to the reservation to enjoy the natural beauty so abundant on the reservation and to have an opportunity to appreciate the culture and heritage which the reservation still retains.

Economic development, he says, is top priority for the tribe, but not something that can be effectively accomplished by the tribe in isolation from the larger community or without also working with the private sector. More cooperative efforts, he feels, must be sought.

The challenge, he says, is in assisting the private sector as needs be, providing support to individuals who are willing to take the risks that developing private sector businesses entail.

He feels also that tribal leadership must maintain contacts within the larger community and seek support, assistance, and opportunity for the tribe. This entails maintaining contact with the Ashland community, with State and national officials and organizations. The more involvement with other governments, agencies, organizations, the more awareness will be developed, he feels, of opportunities for the Tribe or tribal members to use.



Standing for the traditional "Invocation" which begin Pow Wow festivities.



The Log Construction Training building stands as a powerful example of the skills of students and instructors.

## LIVING ARTS HERITAGE CENTER

Bad River has recently signed off on a grant for the construction of a new Living Arts/Heritage Center. According to Bad River Tribal Chairman Joe Corbine the center will continue and expand upon a current grant program which encourages the transmission of crafts and heritage from the elderly to the community's youth.

The new Center will also be built of logs, using reservation timber from the Bad River Indian Saw Mill and using the expertise of craftsmen who have been involved in the Bad River Log Construction Training program.

Corbine says the new facility will provide space needed for elders and community members to actively pursue their crafts. It will house a permanent display of the community's history, and also provide visitors the opportunity to see craftsmen in the process of their art. An oral history lounge is also part of the facility, providing an environment for community members to comfortably pass on through their oral tradition the history of their tribe.

The center will be located near the Log Construction Training building on Highway 2, so will be accessible to tourists. Corbine hopes it will add to attracting tourists both to the reservation, encouraging more contact between communities, and also enhance the interest of the entire area to visitors.

The grant was secured through the Department Housing and Urban Development.

# GRAND PORTAGE SEEKS TREATY RIGHTS

## INDIANS SEEK 1854 TREATY REAFFIRMATION

Written by Susan Stanich from the Duluth News Tribune 8/27/85  
A Minnesota Ojibwe band has filed a suit that, if successful, would restore hunting and fishing rights to Indians on some non-reservation lands in Northeastern Minnesota, including Superior National Forest.

The Indians would be able to hunt, fish, or gather wild rice on the lands without state licenses. A similar challenge by Wisconsin Ojibwe was successful. That court ruling, which affected only public lands, has sparked controversy in northern Wisconsin over Indian hunting and fishing rights.

The Lake Superior Chippewa, which includes six tribes in Wisconsin and three bands in Minnesota, claim an 1854 treaty grants them hunting, fishing, and rice-gathering rights on lands near Lake Superior that they ceded to the government. Those rights would supersede any state laws.

The ceded land in Minnesota runs west from Lake Superior along the Canadian border to near the eastern end of Rainy Lake, and southward into Carlton County. It includes the Superior National Forest, which includes the BWCA. Some of the land now is privately owned.

The Grand Portage Band and two of its members filed the suit last week in U.S. District Court in St. Paul against the state of Minnesota and Joseph Alexander, commissioner of the state Department of Natural Resources.

"It's an action to have the federal court declare what the hunting, trapping, fishing, and wild-rice rights are, pursuant to the 1854 treaty...both on the reservation and in ceded territory," said Kent Tupper of St. Paul, attorney for the band.

The Wisconsin tribes fought court battles for almost 10 years that ended in 1983 with the so-called Voigt decision, which reaffirmed those rights. Since then, the Wisconsin DNR and the tribes have negotiated temporary hunting and fishing seasons, and the tribes have held public information sessions to counter organizations that want the treaties abridged or abrogated.

The Grand Portage Band, the Bois Forte Band north of Virginia, and the Fond du Lac Band near Cloquet are the only Minnesota bands affected by the 1854 treaty.

The case that prompted the Minnesota suit involved Curtis Gagnon of Grand Portage, who was hunting on the reservation last November. Tupper

said, Gagnon is alleged to have shot at a moose. He then called the reservation game warden to say he was going to follow it and might leave the reservation. The tribal warden told a state game warden, who arrested Gagnon for hunting out of season.

Band Chairman James Hendrickson said the band has a good relationship with the DNR. Gagnon and Hendrickson are the other two plaintiffs in the suit. The state's case against Gagnon was continued indefinitely last week in Cook County, pending the federal court decision, Tupper said.

Authorities have been expecting such a case. "We knew that sooner or later, the 1854 (treaty) was going to be tried," the DNR's Alexander said Monday in a telephone interview. "We didn't know where or under what circumstances, but we knew it was coming."

"It could be the '54 ceded-territory case that people have been waiting around for," said Henry Buffalo, tribal attorney at Fond du Lac who headed the Wisconsin tribes' negotiation and conservation organization.

Some Minnesota legislators considered introducing a bill in the last legislative session that would have directed the DNR to negotiate directly with the bands and by-pass the expensive litigation that occupied Wisconsin for so long. However, the bill never was introduced.

Alexander said such a bill would have given the DNR more authority to negotiate, but he said he thinks a court case is necessary.

Alexander said the DNR and Ojibwe bands have a good relationship, one solidly established at Leech Lake Reservation in the early 1970s. There, the two governments cooperate in wildlife management, conservation, and enforcement. In addition, the band and local counties, townships, and businesses have established an alliance to promote conservation and tourism.

"In fact, I've had other states come in and talk to us about how we managed that," he said. "We thought Wisconsin might have learned from us."

He said he doesn't anticipate that Minnesota will have as difficult a time as Wisconsin, where negotiations often have been heated and are now at a standstill.

We know the (tribal) attorneys and respect them. We know it's a tough case, but we're not going to approach it as enemies," Alexander said. (from Duluth News Tribune, 8/27/85)



Tribal Planner "Big Jim" Thannum meets with Bad River/Ashland County Committee. The Committee pursues cooperative planning and problem solving and is made up of County Board members and tribal members.



Bad River Elder, Vincent Bender, teaches craft of hide tanning to youth.



## GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION, POST OFFICE BOX 9, ODANAH, WISCONSIN 54861-715/682-6619

### MINNESOTA

**GRAND PORTAGE RESERVATION**—The Grand Portage Reservation is one of six which comprise the Minnesota Chippewa Tribe as organized under the 1934 Indian Reorganization Act. It covers about 45,000 acres and is situated on the U.S.—Canadian border on the north shore of Lake Superior. THE GRAND PORTAGE BAND, P.O. BOX 428, GRAND PORTAGE, MN 55605—PHONE 218/475-2279.

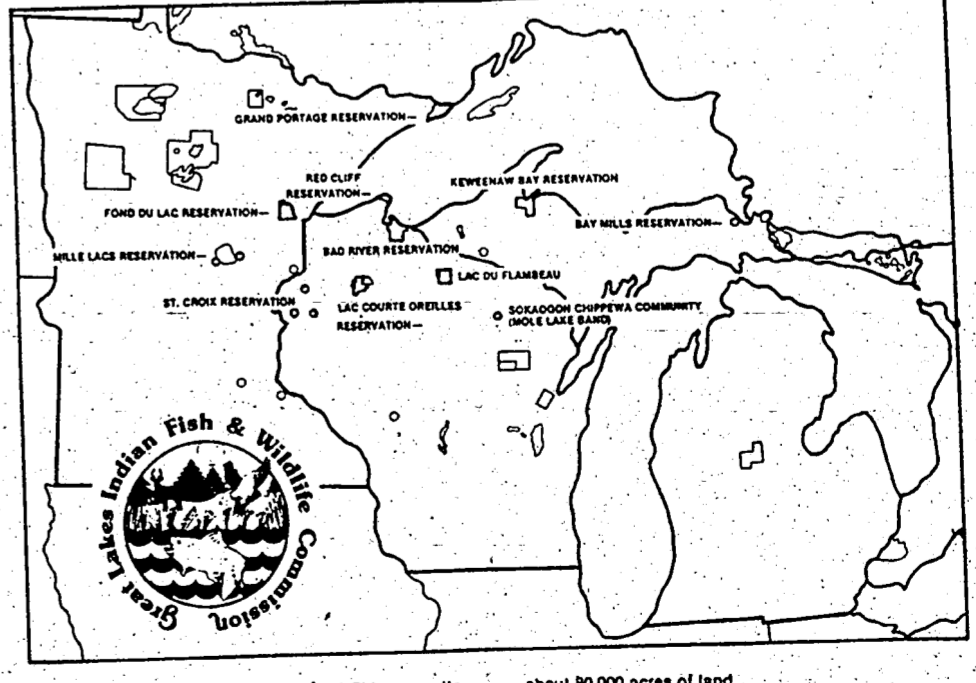
**FOND DU LAC RESERVATION**—The Fond du Lac Reservation is about twenty miles west of Duluth and is a member of the Minnesota Chippewa Tribe. The St. Louis River, which empties into Lake Superior at Duluth, runs through the 100,000 acre reservation. THE FOND DU LAC TRIBE, 105 UNIVERSITY ROAD, CLOQUET, MN 55720—PHONE 218/879-4593.

**MILLE LACS RESERVATION**—This Minnesota reservation is located on Mille Lacs Lake. Its 3,000 acres is broken into three groups, all adjacent to the large inland lake. The Mille Lacs Reservation maintains a Tribal Court system and a law enforcement program, with a staff of four enforcement officers. It also has a newly developed Fishery Management program. MILLE LACS BUSINESS COMMITTEE, STAR ROUTE, ONAMIA, MN 56359—PHONE 612/532-4181.

**RED CLIFF RESERVATION**—Red Cliff is the northernmost Chippewa reservation in Wisconsin. It is located on the tip of Bayfield Peninsula with extensive shoreline and some docking facilities. There are about 14,000 acres within its boundaries. THE RED CLIFF TRIBAL COUNCIL, P.O. BOX 529, BAYFIELD, WI 54814—PHONE 715/779-5805.

**BAD RIVER RESERVATION**—With an approximate size of 125,000 acres, Bad River is the largest of the six Wisconsin Chippewa Reservations. It gets its name from the Bad River which flows through the reservation enroute to Lake Superior. THE BAD RIVER TRIBAL COUNCIL, ROUTE 2, BOX 400, ASHLAND, WI 54806—PHONE 715/682-4212.

**ST. CROIX RESERVATION**—Rather than a contiguous area there are a number of separate land parcels which comprise the St. Croix



Reservation. They are the western-most Chippewa site in Wisconsin and hold lands in Barron, Polk and Burnett Counties, totaling about 2,200 acres. The St. Croix Band does have a conservation department, with warden staff and has a Tribal Court system. ST. CROIX TRIBAL COUNCIL, STAR ROUTE, WEBSTER, WI 54983—PHONE 715/409-2295.

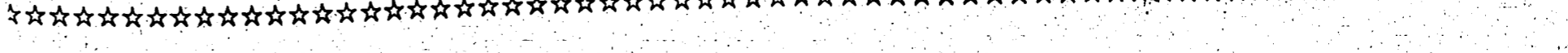
**LAC COURTE OREILLES RESERVATION**—Located in Sawyer County, northwestern Wisconsin, the Lac Courte Oreilles (LCO) reservation encompasses about 80,000 acres of land. The tribe has a Conservation Department composed of several wardens, an assistant tribal forester and a stream enhancement project crew. They also maintain their own Tribal Court system and have sought to ensure the protection and enhancement of the reservation's natural resources through the enactment of a Fishing, Hunting, Trapping and Picking Code, adopted in 1976.

**LAC DU FLAMBEAU**—There are 126 lakes on this inland reservation which has 70,000 acres within Vilas, Oneida and Iron Counties. The reservation is abundant in natural resources, particularly timber and fish. The tribe has a large Fish and Game Department and for many years has maintained an extensive conservation program, including a tribal fish hatchery. Lac du Flambeau also had its own Tribal Court system, with a conservation code inclusive. LAC DU FLAMBEAU TRIBAL COUNCIL, BOX 67, LAC DU FLAMBEAU, WI 54853—PHONE 715/598-3306.

**SOKAOGON CHIPPEWA COMMUNITY—(MOLE LAKE BAND)**—The Sokaogon Chippewa Community is one of the smaller reservations with a contiguous land base. They have about 2,000 acres in Florence County and are the eastern-most Chippewa reservation in Wisconsin. The Community is in the process of establishing a tribal court and does have a conservation warden staff appointed by the tribal council. MOLE LAKE TRIBAL COUNCIL, ROUTE 1, BOX 552, GRANDON, WI 54520—PHONE 715/478-2604.

**MICHIGAN**  
**KEWEENAW BAY RESERVATION**—With about 58,000 acres, this is the largest reservation in the state of Michigan. It is located at the eastern base of the Keweenaw Peninsula and the reservation is physically separated by the Keweenaw Bay. KEWEENAW BAY INDIAN COMMUNITY, ROUTE 1, BARAGA, MI 49908—PHONE 906/353-6623.

**BAY MILLS RESERVATION**—This reservation in Michigan's upper peninsula has 2200 acres. Bay Mills has two separate sites, one about twenty miles west of Sault Ste. Marie and another about one mile east on Sugar Island. They are located near the mouth of the upper St. Mary's River in Whitefish Bay. THE BAY MILLS INDIAN COMMUNITY, ROUTE 1, BOX 313, BRIMLEY, MI 49715—PHONE 906/248-3241.



# GLIFWC ANNUAL CONFERENCE

## TIME TO SPEAK UP, TO SPEAK OUT



MYRTLE TOLONEN, Tribal Chairperson for the Keweenaw Bay Indian Community and Chairperson for the Michigan Inter-Tribal Council

### "LET US NOT FAIL"

Myrtle Tolonen, Chairperson for the Keweenaw Bay Indian Community, looks upon the inter-tribal agreement for fishing the Western waters of Lake Superior as a success in terms of three interested tribes forming and participating in an agreement.

The agreement, between Bad River, Red Cliff, and Keweenaw Bay, established quotas and guidelines by which fishermen from all three communities could fish the waters.

However, the challenge to cooperatively work together will again face the three tribes when the current agreement expires on October 1. The tribes will have to go back to the table again, she said, to work out another agreement which will accommodate, to the greatest measure it can, the interests of all. These agreements stand as a challenge for tribes to work together, to cooperatively solve difficulties, and to emerge unified.

Keweenaw Bay, Tolonen also said, is concerned with the need for public education regarding treaty rights for both the Indian and non-Indian people in Michigan.

Tolonen cautioned that organizations are actively working against the rights of tribes to pursue the implementation of their treaty agreements. She mentioned that Equal Rights for Everyone, Inc., an anti-Indian and anti-treaty organization which has been active in Wisconsin over the past year and a half, will be holding a meeting in Houghton on September 24—a signal that more and continued opposition to the exercise of treaty rights is evident in Michigan.

Tolonen also mentioned that several Michigan sports groups have recently passed resolutions which are before the Michigan legislature, stating that they refuse to buy fishing licenses in Baraga County because tribes are granted special rights.

The need for tribes to continue to build up their regulatory and enforcement capabilities was emphasized by Tolonen. She feels that these abilities on the part of the tribes must be able to effectively meet the scope of the program.

In conclusion, Tolonen quoted GLIFWC Board Chairmen, Joe Corbine: "Let's continue as a unified voice....Let's not fail." The challenge to the tribes, all of the tribes, is clear, she said.



The 2nd Annual Conference of the Great Lakes Indian Fish and Wildlife Commission was held in Marquette, MI on September 5-6. The success of the conference was marked by its ability to bring in speakers representing both local, state, and national organizations concerned both with Indian issues and those of resource management and to pinpoint problems and successes.

It offered participants a chance to hear what is occurring in other states, neighborhoods and across the nation, as well as an opportunity to exchange ideas and share experiences.

A common theme relating to the exercise of treaty rights is prevalent. All tribes in all states with decisions similar to that of Voigt have experienced white backlash and initial difficulties in dealing with their respective states.

However, optimism was also expressed. Biologists in Washington are now able to look back over ten hard years, finding the trail has led to successful cooperative management between the tribes and the state. They are included in resource planning processes at all levels, including participation in the recent treaty with Canada on the salmon fisheries.

It all points to the fact, that sound leaders, with perseverance and foresight for both the non-Indian and Indian public can carry both the tribes, the white community, and the resource through to safe and equitable conclusion—one which can allow us all to live in harmony while allowing the exercise of tribal rights and supporting the American system of justice and our Constitutional principles. Abrogation and dissension are clearly not the answer.

In this issue of Masinaigan, we will give a brief overview of comments made by many of the participants in order to provide a glimpse at the topics of primary concern.



### "TREATY RIGHTS DO NOT REFER TO THE GIVING UP OF RIGHTS."

Wade Teeple, Tribal Chairman of the Bay Mills Indian Community in Michigan "kicked off" the conference with several introductory remarks regarding the Michigan experience.

The thrust of Teeple's message was twofold. For one, Teeple warned all tribes to exercise caution when negotiating for the exercise of their treaty rights. Secondly, he emphasized the need for tribes to be unified.

Having recently entered into a 15 year agreement with the state of Michigan, which was signed by the Bay Mills, Grand Traverse, and Ste. Sault Marie Tribes, as well as the state of Michigan and several sports organizations, Teeple warned tribes to be cautious of what you sign, what you say, and what you may write as they could appear in federal court as evidence against your case.

The agreement which essentially allocates the resource, although signed by the tribe, Teeple feels, is unfair to the Bay Mills fishing interests. He says that through the agreement Bay Mills gave up 11,500 sq. miles for 70% of the total allowed harvest (TAC) of whitefish. However, this represents a resource that will not be available to tribal fishermen because they are not equipped to get it. In other words, the harvestable resource is inaccessible to the fishermen with their present gear.

Currently, Bay Mills is participating in a fifteen year agreement which is not serving its fishermen, nor perhaps adequate enough to allow for their survival until the present agreement expires.

Teeple feels that people should be aware and understand that treaty rights do not refer to the giving up of rights but the taking of rights—rights which were reserved.



Dr. William Eger, Director of the Chippewa/Ottawa Treaty Fishery Management Authority, MI, outlined the recent agreement between Michigan tribes and the state.

## EDUCATION NEEDED

"RACISM AND FEAR ARE NOT INDIAN ISSUES...THEY ARE THE STATE'S ISSUES AND EDUCATIONAL ISSUES."



WALTER BRESSETTE, GLIFWC Director of Public Information

"Until treaty issues are viewed as an educational issue, it will never be resolved," were the emphatic words of Walter Bresette, Public Information Director for GLIFWC and conference coordinator.

Bresette, speaking briefly several times during the course of the conference, was unforgiving in his judgements on both the educational system in America and media coverage of treaty issues.

The most obvious problems relating to Voigt in Wisconsin and the Voigt Decision in Michigan have been 1.) the lack of a coherent policy by the educational system and the legislature and 2.) the lack of understanding by the media of the issue, according to Bresette.

The media, he said, is one of our most important educational tools and yet they have done such a "poor job" in presenting the public with the facts relating to treaty issues. He cited, for example, the initial announcement of the Voigt Decision two years ago when the press published across the state that the decision granted Chippewa UNLIMITED hunting and fishing rights in the ceded territories. The facts were false, he said, and it has taken two years since that time to try to undo the misinformation presented through the media.

Echoing the perceptions of Henry Buffalo, Bresette feels strongly that the "educational system must come forth and accept the responsibility of public ignorance" about treaties and about tribes.

As a result of ignorance, "everything becomes a red flag-smoke shops, bingos, and down the line....and this will always be until there is some understanding of tribes and tribal governments," he said.

Playing on public ignorance are anti-Indian organizations who are "out there fearmongering and scaring people," said Bresette. People think Indians are going to steal the gold fish right out of their bowls, he said. They are told we are stopping tourism.

"The challenge of getting over that fear is monumental," according to Bresette, "yet it is ignorance and fear that continues to cut our credibility out from underneath us."

Racism and fear are not Indian issues, Bresette told participants, rather they are the state's issues and educational issues, which, unless recognized, amounts to a "fundamental abdication of responsibility by education, state government, and the media."

In the midst of monumental problems of continuing environmental degradation through acid rain and pollution, the WDNR still questions the tribes' ability to manage the resources. Bresette commented ironically. This will remain in question as will the exercise of treaty rights, which has minimal impact on the resource, while "power companies are hunting and fishing without a license and without regulation."

## ERFE to phase chapters

## HIDE 'N GO SEEK WITH ERFER'S

A reorganization of Equal Rights for Everyone, Inc. (ERFE) has been announced by ERFE President Paul Mullaly, of Hayward. ERFE members have been informed that ERFE is phasing out the individual chapters. Mullaly said that all operations of the organization will be conducted through the headquarters located in Hayward.

"Our chapter officers have done a tremendous job in the last 18 months recruiting new members," Mullaly said, "but all are strictly volunteer. We felt it not only was time to ease some of the workload on these dedicated people," he said, but also to possibly improve communications by having direct contact with our members."

Mullaly said it was also felt that there would be a more efficient handling of funds if all expenditures were handled directly through the headquarters office.

According to Mullaly, all expenses are met by membership fees, private donations and volunteer help. "We owe it to these members to see that these funds are used in the most effective way possible," he said.

Mullaly also said that due to the rapid growth of ERFE, some members felt it was time "to do away with the volunteer organization and develop a more corporate image."

While recognizing some of the advantages of such a move, Mullaly said the board of directors felt that there was no better alternative than to continue the original grass-roots policy that has appealed to its members.

"This way we can continue to represent the members as they have supported us in the past," he said.

## ERFE argues safety for new state color

HAYWARD — At a recent meeting of Equal Rights For Everyone (ERFE), the board of directors took action which urges the state to immediately adopt blaze orange as the official state color. Members of the board felt such a move was necessary to help ensure "the safety of our citizens, tourists and school children."

Gene Skille, ERFE vice-president, stated that the main reason for the blaze orange suggestion was the early deer season for the Chippewa Indians. "It is imperative," he said, "that unsuspecting visitors, berry pickers, bow and small game hunters and school children be aware of the danger of being in or near the woods during this big game season."

Donna Salzmann, ERFE secretary, also noted that school buses load and travel during the prime hunting hours of early morning and early evening.

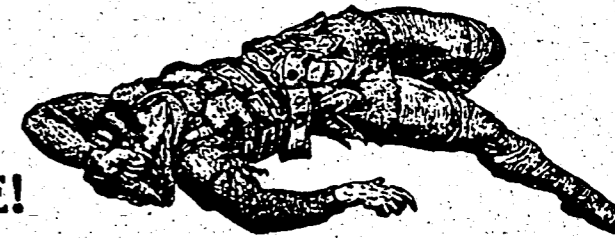
Paul Mullaly, ERFE president, stated that every citizen should be made aware of the risk when entering "ceded" territory. "Stray bullets could travel nearly two miles," he said, and with the beautiful fall weather, more people would be in the country. Skilled also said, "Until our representatives, both state and federal, admit that it is their responsibility and act on the treaty issue to end this unequal situation once and for all, perhaps the publicity of blaze orange as our state color would at least give our children, visitors and the great silent majority some degree of awareness or protection."



## INDIAN ISSUES:

ABROGATION/JURISDICTION HUNTING AND FISHING RIGHTS/TRIBAL GOVERNMENT

CONFUSING! MADDENING! SHOCKING! HARD TO TAKE!

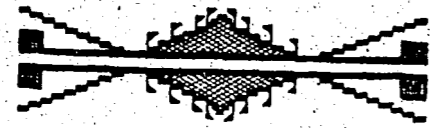


## BE INFORMED

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# GLIFWC CONFERENCE CHALLENGES



**"TRY TO RESOLVE PROBLEMS AT THE LOWEST LEVEL, THROUGH WORKING COMMITTEES."**

**"EVERY TIME THE TRIBES FLEX THEIR MUSCLES, THE PUBLIC GETS UP IN ARMS"**



FRANK OPULKA, Upper Peninsula Regional Director, Michigan DNR

HENRY BUFFALO, former Executive Administrator of GLIFWC and attorney for the FOND DU LAC Chippewa.

DR. EARL BARLOW, Director of the Minneapolis Area Office of the Bureau of Indian Affairs

**"IN THE VOID THEY HAVE AN ANGRY RESPONSE TO ANY ACTIONS OF TRIBAL GOVERNMENTS."**

Dr. Earl Barlow, Director of the Minneapolis Area Office of the Bureau of Indian Affairs (BIA), has been advocating a change in the role of the BIA, he told conference participants. That change, as defined by Barlow, is one of moving from the role of regulating to a service function.

Barlow feels that the change in role is being given impetus by the increase in numbers of qualified, professional Indian people who can move into the upper echelons of the bureaucracy into decision-making positions. Indian people, he said, are no longer only the janitors and cleaning ladies, but are capable of assuming positions of power.

Two recent court decisions, LCO vs. Voigt, and U.S. vs. Michigan, Barlow says, have required a quick response to assist tribes in implementing the court decisions. They presented immediate needs to meet, such as providing management and enforcement systems and assistance in alleviating public fears about responsible Indian management.

Despite "growing pains" Barlow feels the record, to date, is excellent in serving those needs and implementing the court affirmed treaty rights. Recognizing that many problems yet need to be faced, Barlow feels the tribes can and will overcome them. "There's no teacher like experience," he said, and encouraged those concerned to look back and learn from both successes and mistakes in the past.

Treaty hunting and fishing are just one of the issues concerning tribes today, he said. Others include bingo and the right of tribes to license businesses.

"Every time the tribes flex their muscles, the public gets up in arms," Barlow commented. "Every time tribes take a position on anything, the whole structure of the tribes are affected. It becomes a social thing."

Because the public cannot attack the tribes on conservation, on enforcement, or on regulating, they have to find something else, whatever it may be, Barlow concluded.

Henry Buffalo, Jr., representing the Fond du Lac Chippewa in Minnesota, is the former executive director of GLIFWC. It was his vision that provided the impetus for the founding first of the Great Lakes Indian Fish Commission, concerned with tribal fishing rights on the Great Lakes. Later, following the Voigt Decision, he was instrumental in merging the Voigt Inter-Tribal Task Force and the GLIFWC into the present day GLIFWC, which assists tribes in implementing treaty rights both on the inland ceded territories and lakes under Voigt and in the Great Lakes.

Buffalo noted that in Minnesota, the members of the Fond du Lac Tribe have been concerned about obtaining their treaty rights. "We have received a continuous call to push for their tribal rights," he said.

Recently, the tribe has instituted tribal licensing for on-reservation businesses, he said, and that has provoked a negative public reaction. A question on all these issues, hunting, and fishing rights, licensing, and so forth, which pertain to the exercise of tribal rights, is how to effectively communicate with the general public.

Buffalo remarked that today people are still writing the same letters, asking the same question, remain as incredulous over tribal rights and powers as they did the two years ago—despite efforts at public information and the media coverage.

To Buffalo the inability of the public to accept the actions and rights of tribes and their governments is a result of ignorance about tribal governments. "They never did learn about tribal governments," he said, "so in the void people have an angry response to actions taken by tribal governments."

Minnesota is just entering into the issue of treaty hunting and fishing rights, as the Grand Portage Band of Chippewa have recently filed suit there on behalf of one of its tribal members. As in Wisconsin, Michigan, and the western states, where these issues have already emerged, public education will remain a key to the peaceful implementation of rights.



# UNITY... STRENGTH... PERSISTENCE

The following is an excerpt from a presentation by Robert Holden, Natural Resources Researcher for the National Congress of American Indians.

President Reagan issued an Indian Policy Statement on January 24, 1983, which 1) reaffirmed the government-to-government relationship between the Indian Tribes and the United States, 2) expressed the primary role of Tribal Governments in reservation affairs, and 3) called for special efforts to develop reservation economies. The President agrees with us that Tribal Governments, like state and local governments, are more aware of the needs and desires of their citizens than is the federal government and should, therefore, have the primary responsibility for meeting those needs. The President called for federal agencies to offer specialized assistance and expertise to Tribes to create a positive environment in Indian Country.

The Environmental Protection Agency, accordingly, developed an Indian Policy which was issued just prior to the start of this Administration's second term.

The Department of Energy has been working with several Indian Tribes in the repository siting process as mandated by Congress under the Nuclear Waste Policy Act of 1982.

The National Congress of American Indians, which is the oldest, largest, and most representative organization serving American Indian and Alaska Native governments and individuals, coordinated a mid-August meeting in Albuquerque. This meeting brought together Tribal Governments, federal agency representatives, state representatives, and interested parties. This meeting was one in a series of meetings that allows us to disseminate information and provide technical assistance to American Indian Governments regarding nuclear waste management, repository site selection, and transportation issues.

We are very fortunate that the Department of Energy has provided us with a grant and worked with us to address the concerns Indian Country face today regarding these important subjects.

A relationship is now developing between Indian Nations, the Departments of Transportation and Energy, and the Nuclear Regulatory Commission regarding the transportation of high level nuclear waste. The Department of Transportation is responsible for the routing of hazardous material across the country. Preliminary Department of Energy routing plans reveal that, regardless of the first or second repository site selection or Monitored Retrievable Site location, transporting nuclear waste without crossing Indian reservations or Tribally-owned land is highly improbable. Many Indian Nations believe it is incumbent on the NRC and the DOT to implement and outreach program similar to the one DOE has been mandated to carry out. I commend the NRC for inviting the Indian Tribal Representatives to this important meeting.

I must add here, however, that some Indian Tribes and the NCAI recently had to respond to changes in 10 CFR 60, Part 60, proposed by the NRC. The proposed changes would serve to limit participation by an already narrow category of Indian Tribes in the NRC high-level waste geologic repository licensing procedures. The proposed change would preclude participation by tribally-sanctioned organizations whose assistance may be requested by more than one tribal government in the interest of cost-saving and information-sharing and technical assistance. Most importantly, the proposed change would preclude participation of Tribes that are not at this time "affected" Tribes under the Nuclear Waste Policy Act. There are only three Tribes at present that have petitioned for and received "affected" status. Most Tribes in the first and second repository states have not petitioned for "affected" status and some have just become aware that they are potentially affected. Indian Tribes, excepting the three mentioned, are years behind the

states in receiving financial assistance to address siting and transportation issues. Though this may be an error to be laid at the feet of Congress, it may be one that the federal agencies may attempt to correct through discretionary policy procedures.

Another concern of the proposed change in the regs is they may further limit participation by Tribes that have land and usage rights that are not the subject of Congressionally-ratified treaties. Section 2(2) of the NWPA mentions both federally defined possessory or usage rights and congressionally-ratified treaties, the latter being one method of establishing reservation boundaries and Indian Country. Indian Country is defined in Section 1151(a) of the United States Code and the Court has interpreted it to mean to include all reservation lands, with the term reservation being a term of art meaning all Indian lands which are subject to restrictions against alienation, notwithstanding the issuance of any patent. In 1871, in an appropriations act, Congress restricted its future treaty-making with Indian Nations and Tribes. Since that time, nearly 30 million acres have been federally defined as reservations or Indian Country, through Congressional settlements, Executive Orders, administrative procedures and court decisions. Also, since that time, Congress has passed numerous acts recognizing the property and usage rights of Tribes, including the National Environmental Policy Act, the American Indian Religious Freedom Act and the Archaeological Resources Protection Act, all of which recognize Tribes, their rights and property, irrespective of their establishment method. Since the NRC rule and the NWPA address, in the first instance, property that would be affected by nuclear waste, the focus here should be on the character of that property and related jurisdictional systems, rather than on the precise manner in which they were federally defined or recognized.

What the Tribes ask is that all of the representatives of the federal agencies participating in this meeting keep in mind the trust responsibility of each agency and that the Tribes continue to be included in future meetings. It is the will of the Tribes to also meet with state governments and agencies to share information.

Several Indian Nations sacrificed hundreds of thousands of acres for the people of this Country when they allowed the U.S. Government to take land for experimental projects during initial research and development of nuclear weapons. Lands belonging to the Confederated Tribes and Bands of the Yakima Nation, the Nez Perce Reservation, the Umatilla Reservation, the San Ildefonso Pueblo, and the Santa Clara Pueblo, to name a few areas, are still under government control. Sacred sites and areas of traditional cultural significance are located on these federal reservations. Indians have no doubt risen to the occasion when national security interests were at stake.

Meanwhile, let us work together on this problem that brings us together at this time. The source of this radiation, this uranium, is the same as all things the Creator put here. It is like the trees, the grasses, the mountains, the rivers, the four-legged and winged creatures. It was here before any of us were, it is here now, and it will surely be here after we are gone. Let us seek an answer together.



ROBERT HOLDEN, Natural Resources Researcher, NCAI

**"LET US SEEK AN ANSWER TOGETHER"**

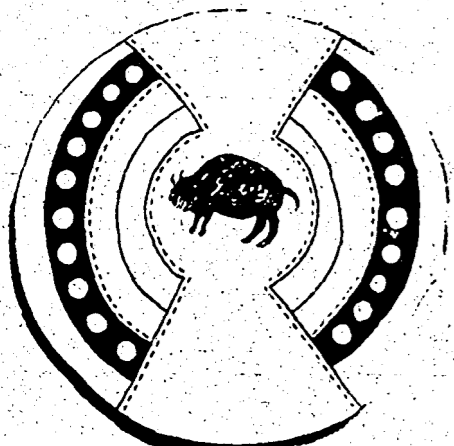
*Excerpted from Robert Holden's presentation on "An Indian Perspective."*

A Taos Pueblo elder sat on his roof one afternoon with his back to the sun. He was speaking to a young non-Indian lady who wanted to write a story on the Taos Pueblo People.

You know how it is. People come here and they want to know our secrets of life. They ask many questions, but their minds are already made up. They admire our children but they feel sorry for them. They come to our dances but they are always wanting to take pictures. They come into our homes expecting to learn about us in five minutes. Our homes, which are made of mud and straw, look strange to them. They are glad they do not live here. Yet, they are not sure whether or not we know something which is the key to all understanding. Our secret of life would take forever to find out. Even then, they would not believe it.

Many of you may wonder why we refuse to give up Tribal identity, why we cling so tenaciously to our lands and traditional Tribal way of life. It is a belief, a feeling, and it is very difficult, maybe impossible to explain this belief. This is our home - our ancestral home. Many Tribes have stories of their origins and those stories relate that the People came up from the Earth, our Mother.

And here our forebear were born and our children will be born here and their children's children. I do not intend to pronounce a revelation by saying that because of our beliefs we have regenerated ourselves through times of attempted extermination, repression, religious persecution, and forces assimilation. We still encounter these extreme forms of subjugation in various situations. The Creator put the Indian People here just as He put all of you here. If it is the will of the Creator that we truly become the Vanishing American, as we have been called, then it is meant to be.



# A GIFT FROM THE GREAT SPIRIT

"When cultures die, great resources are lost"—lost are centuries of an entire culture's observations about the environment and eco-system, an often unique sense of aesthetics, religion, and an historical perspective, Thomas Vennum, ethnomusicologist with the Smithsonian Institute, Washington, D.C., told participants of the Great Lakes Indian Fish and Wildlife Commission's annual conference in Marquette, Michigan, last week.

One of Vennum's primary concerns is to prevent the growing "cultural grey-out" threatening the diversity of culture which has long been part of the American heritage. Integral to this concern are both the proposed plans for Long Island and the maintenance of Bad River's wild rice crop.

He quoted Alan Lomax, famed folksong collector, in defining the problem: "Today, cultural variety lies under the threat of extinction. A grey-out is in progress which, if it continues unchecked, will fill our human skies with the smog of the phoney and cut the families of men off from a vision of their own cultural constellations. A mismanaged, over-centralized electronic communication system is imposing a few standardized, mass-produced, and cheapened cultures everywhere."

In response to the threat of cultural grey-out, the Smithsonian Institute maintains a program of cultural conservation designed to reserve and restore cultures which do exist within the United States.

New laws have also been passed by Congress which are designed to protect cultural heritage, Vennum says, including those "intangible elements" which are frequently not comprehended by the general public.

In particular, Vennum cited the significance of wild rice to Indian tribes. For the non-Indian public, he says, wild rice is largely just another, fairly expensive, food available in gourmet shops, or sent to Aunt Tillie in St. Louis at Christmas time.

"There is no general recognition that this food is in fact considered by many Indians sacred, and that its discovery by Wenabozho, its propagation and abundance or decline are at the mercy of the supernatural," Vennum said.



Thomas Vennum, ethnomusicologist with the Smithsonian Institute, Washington, D.C., gave a presentation at the Conference banquet.

People don't know the place of wild rice in Indian culture—that it is traditionally served at Indian memorials and must, in some places, still be blessed by a medicine man before the community eats it, or that it was placed in the graves of the dead to feed them on their journey to the land of souls.

Wild rice, know as manomin, Vennum said, was considered a gift from the Great Spirit through Wenabozho, who discovered it, and who with his great grandmother Nokomis, was the first to transplant it to another lake. The rice, he said, was viewed as "a spiritual food for the Indian people given by their Great Spirit."

But currently wild rice is under seige, says Vennum—suffering from the disturbances of development. Wild rice fields are on the decline. They are being even further threatened, he said, by development such as Exxon's discovery of mineral deposits near the Mole Lake rice beds, a portent for an irreversible pollution problem that could wipe out the stand for the Mole Lake people.

The consideration of converting Long Island to part of the National Lakeshore of the Apostle Islands "poses an equal threat to the function of Long Island as a reef to protect the Kakagon sloughs, where the Bad River Ojibway have their traditional rice beds.

"The ecological and thus economic threats to the Bad River people are plain," Vennum told the audience. Creating a public park off Long Island will only invite increased powerboat traffic to the area, Vennum contends, and the rice beds have already suffered from minimal traffic.

Vennum also noted that the Ojibway people there are powerless to prevent boat traffic unless a boat lands on reservation lands.

Another point raised by Vennum was that Long Island was probably once attached to the reservation. In fact, it was known as shaqawamikong, meaning long peninsula. "At the time of the treaty sessions in 1854," he said, "there is considerable evidence to suggest that it was, indeed, attached to the mainland." Consequently, Vennum feels a thorough treaty search may well reveal the island is actually reservation land.

Shagawamikong is also a sacred place in Ojibway history, as it was a point of emergence of the spirit Otter who carried the sacred shell given by the Great Spirit. Wherever Otter emerged from gitchigammi (Lake Superior), tradition holds he was to establish a medicine lodge and there the people would stay and flourish.

With so much of both the tangible and intangible elements of culture at risk for the Ojibway, Vennum feels the Indian people must explore all avenues to protect those cultural resources.

"But the cultural conservation of Indian rights is a never-ending battle, and protecting one's heritage and way of life from intrusion is ultimately the goal of every American, if we are to live up to the standards which are clearly defined in our Constitution and the Bill of Rights." Vennum concluded. "Otherwise, Alan Lomax's fear of the cultural grey-out, where we all eat fast food, watch 'All My Children' at noon, don wet suits and waterski through the Kakagon sloughs is our ultimate destiny."

# GLIFWC CONFERENCE



MARK EBENER, Lakes Biologist for GLIFWC

## "THE BIGGEST ISSUE ON THE GREAT LAKES IS LAKE TROUT REHABILITATION"

With the total tribal harvest of the Great Lakes in 1984 worth approximately \$800,000, the economic impact of the Great Lakes fishery is substantial for the tribes, according to Mark Ebener, Great Lakes Biologist for GLIFWC.

Currently, the GLIFWC works with a number of Chippewa tribes concerned with the Great Lakes fishery. They are Keweenaw Bay, Bay Mills (also a member of the Chippewa/Ottawa Treaty Fishery Management Authority), Grand Portage, Fond du Lac, Red Cliff, and Bad River.

Ebener indicated that in terms of fishery management, the tribes approach management with a different philosophy from that of the states. The tribes, he said, are not always seeking "the biggest band for the buck," as are the states. For instance, Ebener cited the states' willingness to cater to the sports fishing industry and the practice of stocking in areas where there is a large sports fishery—despite, perhaps, the effectiveness of the stocking program in terms of rehabilitation.

The largest issue facing the Great Lakes fishery is the rehabilitation of lake trout, according to Ebener. Rehabilitation essentially refers to achieving the self-reproduction of lake trout and is, therefore, intrinsically linked to another major lakes issue—lake trout stocking.

Ebener explained that lake trout rehabilitation has not been successful to date. The threat of lamprey still exists. There is also a lack of adequate forage, partially due to the importation of exotic salmonoid for the sports fishery which depletes the forage for the lake trout, and also because lake trout have not always been stocked in areas which are most highly conducive to their return and reproduction (again because of the difference of state DNRs to the sports fishery). Ebener also pointed out that although most lake trout is actually raised by the federal government programs, they are given to the individual state's to stock.

The conflict between the sport and commercial fishery was also identified by Ebener as a major issue. Besides, the fact that the sports fishery has the greatest economic impact for the states, so is given preferential treatment, the hostility emanating from sports fishermen directly impact the tribal commercial fishermen. Ebener cited incidences of damage to tribal fishermen's equipment and boats. A Keweenaw Bay tribal member bought a fishing boat, he said. Shortly afterwards, it had disappeared from its dockage and has never been seen again.

Other issues cited by Ebener which are of concern to the tribal commercial fishery include marketing, the test of the 1854 Treaty in Minnesota, tribal vs. state allocation for commercial fishing, inter-tribal conflicts, and regulation and enforcement.

The fact that the state commercial fishermen use trapnets give them an edge over the tribal fishermen using gillnets in several ways, Ebener noted. For one, the trapnet is much more efficient, he said. Secondly, trapnetted fish are much more marketable than gillnetted fish.

Marketing remains to be a primary concern of tribal fishermen who are subjected to the fluctuations of the fish market, which can range from 30 cents per pound to \$2 per pound. Assistance in establishing a more stable market for tribal fishermen is an area which is being explored.

## "TRIBAL DEER HARVEST ABOUT 1% OF STATE HARVEST."

According to Jonathan Gilbert, Wildlife Biologist for GLIFWC, white-tailed deer are the most important wildlife resource to tribal members. To date, two deer seasons have passed under Voigt with approximately 1,500 tribal participants.

During both seasons, tribal hunters have had extended seasons and no individual bag limits. Gilbert says that no individual bag limits are appropriate for tribal members as many of them hunt and supply meat for an extended family. There has been required registration of deer through both seasons.

Despite relaxed regulations for tribal hunters under interim agreements with the State, the impact of the tribal hunter on the deer population remains small, says Gilbert, accounting for only about 1% of the annual deer harvest.

GLIFWC is in the process of doing comparative deer studies in order to establish a data base on the deer population in Wisconsin ceded territories. Two off-reservation and two on-reservation deer studies are being performed, according to Gilbert, to test the hypothesis that "no regulations would wipe-out the deer population," as deer have been hunting on reservations with very minimal regulation. Also, the studies are important in order to establish quotas for interim agreements as they are negotiated.

In the area of wild rice, which Gilbert labels as the second most important resource being managed by the wildlife section, some unique management developments have occurred in the last year. Tim Andryk, GLIFWC Waterfowl and Wild Rice Biologist, has been working primarily in this area.

For one, a technical working group with tribal and state participants has been formed to consider changes in the regulation of the wild rice harvest, and changes have been enacted following the consultation with tribal members, who are rightfully considered the experts on wild rice.

A comprehensive wild rice survey was also coordinated by the GLIFWC staff which studied over 200 wild rice beds throughout the ceded territories, including currently producing beds and areas that formerly produced wild rice.

As a result of this survey and the considerations of the technical working group on wild rice, a comprehensive management plan for the state will be developed.

Another major area for Inland Wildlife staff has been waterfowl. Recently a waterfowl agreement, allowing the harvest of waterfowl on ceded territories, has been negotiated, largely working with the federal government through the U.S. Fish and Wildlife Service.

The agreement allows an early season to tribal hunters and a larger bag limit for geese, but otherwise must adhere to state regulations, Gilbert says.

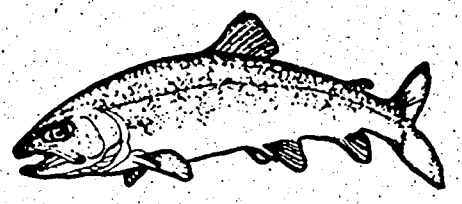
Andryk has been working with the Mississippi Flyway Council as a technical committee member and as an observer of the Status of Regulations Committee. As such, he has had an opportunity to express tribal concerns on the regulation of waterfowl and also is seeking the opportunity to be included on a policy making committee as a voting member.

Although the non-Indian public has no interest in the resale of most wildlife species, the area of furbearing animals is different. Gilbert, who has provided technical assistance in negotiating two trapping seasons to date, says for furbearers, both Indian and non-Indian, are interested in selling their catch.

Tribal trappers have harvested only minimally off-reservation under the two agreements. Gilbert feels this may be because on-reservation trapping is so good that there is little need to travel far from home.

Recently, staff attended a workshop on snaring which was presented by the WDNR to study snaring as an alternative method for harvesting furbearers. This is being looked at both for Chippewa trappers and non-Indian trappers.

In summary, Gilbert looked at the future concerns of the Inland Wildlife Division. He predicts 1.) continued involvement in monitoring and harvesting the resources 2.) increased enhancement activities for deer and waterfowl management 3.) a role as an informational source for tribal and non-tribal conservation programs.



NEIL Kmiecik, Inland Fisheries Biologist for GLIFWC

## "WISCONSIN IS AIMED AT PROVIDING THE MAXIMUM NUMBER OF FISH TO THE SPORTSMEN."

Protection of the resource in the inland lakes on the ceded territories is one of the major concerns for inland biologists working with GLIFWC, says Neil Kmiecik, Inland Fishery Biologist for GLIFWC.

In order to adequately protect the resource, two definitions need to be made, according to Kmiecik. For one, the resource has to be thoroughly defined, and secondly, the impact of the methods used for harvest needs to be identified.

Inland fisheries biologists have been working on inland lakes to study the resource, targeting walleye and musky which are species of primary interest to the tribes. They are concerned with surveying the lakes to establish the quantity and health of those species in the lakes.

They have also been surveying the results of using different methods of harvest, such as spearing or gillnetting on inland lakes. As part of their comparative studies, inland biologists have been inventorying some on-reservation lakes where traditional methods, such as gillnetting and spearing, have been employed steadily over a number of years. The health of the resource in on-reservation lakes where traditional methods have been the custom will give biologists an idea as to the long term possible impact of those methods on the fish populations.

Kmiecik noted that in surveying the resources available to the tribes under the Voigt decision, about 12,000 of Wisconsin's 15,000 inland lakes are in the ceded territory. However, he said, many of these are too small to produce significant amounts of the resource.

Inland biologists are also concerned with rehabilitation, although walleye appear to be sustaining their population very well in Wisconsin lakes. They are currently classifying lakes in a manner which identifies lakes as having self-sustaining fish populations, stocked, or a combination of the two.

Kmiecik also pointed out that some harvestable lakes have no public access, but are entirely flanked by privately owned property—a problem for the tribal fisherman who would wish to fish the lake.

The impact of the tribal fish harvest on inland lakes is, indeed, very small, according to Kmiecik. He compared figures relating tribal vs. sports harvest for 1985. The sports harvest is projected to be .9 to 1.5 million pounds of walleye, whereas the tribal harvest was 2,800 pounds, including spearing during spawning. The ratio on musky harvest for sports vs. tribal members is roughly 300 to 1.

The real concern for GLIFWC biologists and the tribes is to prevent the overharvest of individual lakes, Kmiecik concluded. When walleye lakes near a harvest of one-half pound per acre, they were closed to further harvest. Prevention of overharvest and depletion of the stocks will continue to be a priority for the inland lakes fishery staff.

# RALLYING IN THE RAIN



Tribal leaders Joe Corbine, left, Bad River Tribal Chairman, and Leo LaFerner, Red Cliff Vice Chairman, chat at Treaty Rally.

Among several speakers at the pow-wow grounds was Joe Corbine, Bad River Tribal Chairman, who addressed the frustrations of the negotiating process between the tribes and the state.

"The state's dealing with us on hunting and fishing rights digests me," Corbine told the gathered crowd.

Referring to the SB 88 which eliminates the rights of handicapped hunters to shoot from vehicles and which will also nullify the 34 day treaty season allowing shooting from vehicles, Corbine said, "It shows to what extent the Government will go to deny us justice."

Corbine felt the rally should serve as a reaffirmation of resolve to continue on to what tribes can do to preserve the rights preserved by their forefathers in the treaties. He said, "We must not desecrate the treaties, but honor them and maintain

treaties and equal justice under the law."

Also commenting on the recent legislation, SB 88, was Paul DeMain, Governor's Advisor on Indian Affairs. DeMain said that this piece of legislation "must have broken all records in getting passed in three days." It passed the house last Tuesday night and the Senate last Thursday night, skipping both a committee stage and a public hearing.

DeMain labeled the legislature's actions as "power politics in its rawest form" and said the bill was "passed for all the wrong reasons, passed because they felt it would void the agreement and get treaty hunters off the road."

Despite the frustrations expressed, the drums played and the people danced as an expression of commitment to heritage and the validity of their treaties.



Chippewa tribal members from Wisconsin and Minnesota gathered on Madeline Island Sunday despite chilly, autumn weather to celebrate the signing of the 1854 treaty which took place on the island 131 years ago.

The celebration was held with a theme of affirming the treaties signed by the grand-fathers and great-grandfathers of those gathered Sunday at the Treaty Rally.

The rally, sponsored by the Red Cliff Cultural Institute, offered educational workshops, a sumptuous feast, dancing, and speeches.

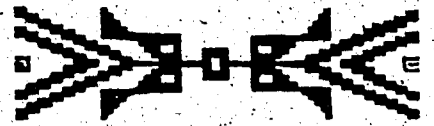
Addressing participants of a workshop were Jon Anderson, President of the Lac Courte Oreilles Community College, Walter Bresette, Public Information with the Great Lakes Indian Fish & Wildlife Commission, and David Damrell, Professor of Sociology, Northland College.

The speakers all emphasized the need for history books to be rewritten to include a more comprehensive and truthful picture of Indian tribes, governments, and just how the West was really won.

Bresette claimed the schools are "dysfunctional" in that they rarely talk about the tribes as federally recognized governments. The U.S. government, state and court system all recognize tribal governments as dependent sovereign nations, Bresette said, but the educational systems do not.

Damrell told the audience that society seems capable of accepting only the culture of the Indian, and only their past culture at that. They really show little interest in the "present, real, viable human beings" which live around them, he said.

Damrell said this is not a white society, but rather it is a society of many races, labeled as a white society through the process of conquest.



**UNITED STATES SUPREME COURT RULES KLAMATH TRIBE CEDED HUNTING AND FISHING RIGHTS**

BOULDER, COLORADO: In a recent decision during the final days of the 1984-85 term, the U.S.S.C. ruled that the Klamath Tribe in Oregon no longer retains hunting, fishing, and trapping rights on lands ceded to the U.S. over eighty years ago. The 6-2 decision in *Oregon Department of Fish and Wildlife vs. Klamath Indian Tribe* reversed a court of appeals decision holding that the Tribe's rights on almost 700,000 acres of ceded land were never abrogated.

In reversing the lower court, the Supreme Court said: "We agree with the Court of Appeals that Indians may enjoy special hunting and fishing rights that are independent of any ownership of land, and that, as demonstrated in...the 1954 Termination Act for the Klamath Tribe, such rights may survive the termination of an Indian reservation. Moreover, the Court of Appeals was entirely correct in its view that doubts concerning the meaning of a treaty with an Indian tribe should be resolved in favor of the tribe."

But the Court went on to hold that the Tribe's rights were extinguished by a 1901 agreement which contained "a broad and unequivocal conveyance of the Tribe's title to the land and a surrender of all their claim, right, title, and interest in and to that portion of the reservation." The Court also reasoned that the Tribe's exclusive hunting and fishing rights secured by their 1864 treaty were restricted to the boundaries of the Tribe's reservation, and that once the boundaries were reduced, the Tribe's rights were similarly limited unless expressly retained. The Tribe had argued that its rights were retained unless expressly extinguished and that neither the 1901 agreement nor any other act expressly extinguished their rights.

Justice Marshall, joined by Justice Brennan, dissented from the Court's decision saying: The Court today holds that the Klamath Tribe has no special right to hunt and fish on certain lands although it has done so undisturbed from time immemorial.

Although all agree that hunting and fishing have historically been vital to the continued prosperity of the Klamath, the Court today assumes that the Klamath Tribe silently gave up its rights to hunt and fish on these lands in a 1901 agreement, approved by Congress in 1906, that had no purpose other than to benefit the Tribe for a previous injustice. It reaches this conclusion even though there is no historical evidence that any party to the agreement envisioned it as having the effect of altering tribal hunting and fishing practices, and even though hunting and fishing practices did not in fact change as a result of the agreement.

The Court said it reviewed the Klamath case in order to resolve a conflict with a decision in the Eighth Circuit Court of Appeals which had held that the Red Lake Band of Chippewa Indian's hunting, fishing, and ricing rights were extinguished despite the Band's claim that diminishment of their reservation boundaries did not abrogate such rights absent explicit reference.

**CONCERNED ABOUT TREATY RIGHTS?**

Perhaps you have been confused about "treaty issues" and the much-written-about Voigt Decision. Perhaps you have even gotten angry after reading about Indian treaty rights. If so, why don't you give them a call! The tribes are ready, willing, and able to hear your concerns, answer some questions, and explain exactly what they are up to.



**INFORMATION**

A variety of publications address the Indian/treaty right issue. The newspaper, MASINAIGAN, deals exclusively with Chippewa treaty rights and keeps you up-to-date on current happenings. For a free subscription write: P.O. Box 9, Odanah, WI 54861, or give us a call for other forms of information.



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