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

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MASINAIGAN

(Pronounced Muz in i ay gin)



A CHRONICLE
 OF THE LAKE
 SUPERIOR
 CHIPPEWA

June/July 1991

Cooperative study finds WI fishery healthy

By Sue Erickson
 Staff Writer

"No!—Chippewa spearing has not harmed the resource; and YES!—the fish population in the ceded territory is healthy." These were the answers to questions posed to a joint steering committee which undertook a major assessment of the fishery in northern Wisconsin's ceded territory as stated in the committee's report, *Casting Light Upon the Waters*.

The joint committee, composed of federal, state, and tribal officials, released their report during a press conference April 3 in Rhinelander following an extensive electrofishing survey of lakes in northern WI. The study was implemented through a \$300,000 Congressional appropriation which Senator Daniel Inouye (D-Hawaii), Chairman of the Senate Select Committee on Indian Affairs and the WI Congressional Delegation supported.

Representatives of the participating governments placed considerable significance on the cooperation required and achieved to produce the report as well as the much-needed information gathered during the study.

It was heralded as a beginning of not only a more comprehensive study of WI fishery, but also of cooperative management of the resources.

Senator Dan Inouye (D-Hawaii), Chairman of the Senate Select Committee on Indian Affairs, termed the report "extraordinary not only in the technical contents, but also because it indicated the ability of three sovereign entities—the federal, state and tribal governments—to set aside differences in order to reach agreement.

"This is the best \$300,000 this



Tribal, state and federal representatives released the findings of a joint fishery assessment April 9 in Rhinelander. The report represented a cooperative initiative and confirmed that spearfishing has not damaged the resources. Pictured above preparing for the joint press release are, from the left: Donald Moore, Bad River Chairman; Eugene Taylor, St. Croix Chairman; Jim Schlender, GLIFWC Executive Administrator; James Gritman, USFWS Regional Director; Robert Jackson, Biologist, MAO, BIA; Senator Daniel Inouye, Chairman, Senate Select Committee on Indian Affairs; Dr. Earl Barlow, Director, MAO, BIA; Secretary C.D. Besadny, WDNR; Gaiashkibos, Lac Courte Oreilles Chairman; and Mike Allen, Lac du Flambeau Chairman. (Photo by Amoose)

country has ever spent," Inouye stated, noting that he also speaks from the perspective of Chairman of the Defense Appropriations Committee which oversees a \$290 billion dollar budget.

Representing the U.S. Fish and Wildlife Service was Regional Director Jim Gritman, who also welcomed the report and the cooperation involved in its formation, said Gritman. "I look on this as a new day in cooperative management of our resources, not just in WI but in the upper Great Lakes."

GLIFWC Executive Director Jim Schlender, speaking on behalf

of the Chippewa Tribes, called the accomplishments of the steering committee an "unprecedented effort," noting that it marked only the beginning of the process of cooperatively understanding and managing the resources. The challenge, he noted, was to continue the process as well as to continue to override differences which have hampered cooperation in the past.

WDNR Secretary Buzz Besadny also commented that differences have interfered in the past, but common issues have led leaders to common issues regarding environmental protection, forestry,

fish and wildlife management.

Terming the report an "excellent report," Besadny regarded it as "a documentation of accomplishments we have done together."

The assessment

The assessment, performed by professional resource management staff from the Wisconsin Department of Natural Resources (WDNR), the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), and the U.S. Fish and Wildlife Service (USFWS), successfully tore away the argument of resource depletion used by many

anti-Indian groups over the past seven years when it comes to the Wisconsin fishery.

Senator Inouye and the Wisconsin Congressional Delegation secured the \$300,000 appropriation to fund the assessment, as a first critical step in quelling the fears and protests which have been dividing the state.

The violent protests which have haunted the landings used by Chippewa spearfishers in the spring have been justified by protestors on the basis of the rumor that spearfishing was destroying the fishery in Wisconsin.

Specifically, the steering committee

The fishery of the ceded territory faces increasing pressures from all factors. The managers must continue to monitor populations and harvest levels, and evaluate assessment methods and management strategies.—Casting Light Upon the Waters

was directed to use the funding to address the public fear and uncertainty related to the impacts of Chippewa hunting, fishing, and gathering rights—particularly the fishery.

While the report is clear that the Chippewa spearfishery is not damaging the resource, it points out the fishery in northern Wisconsin is under considerable pressure from a variety of sources and, therefore, needs continuing scrutiny and care.

"Preparation of the report yielded one very clear conclusion: The fishery of the ceded territory faces increasing pressures from all factors. The managers must continue to monitor populations and harvest levels, and evaluate assessment methods and management strategies," the report states.

Three major factors currently impacting the North's fishery were identified as: heavy angling pressure; reaffirmation of Chippewa treaty rights; and changing environmental factors.

These pressures, in combination, subject popular fish species, such as muskellunge and walleye, "to considerable stresses," according to the report.

Walleye

In order to assess the walleye fishery, population estimates (number of walleye per acre of water) were calculated for 172 out of 859

(See Cooperative study, page 2)

"Feathergate" may be appealed Treaty-retained rights at issue

By Sue Erickson
 Staff Writer

The federal government recently filed a notice to appeal the ruling of Federal Judge Paul Magnuson, Minnesota, U.S. District Court, 3rd Division, which cleared two Chippewa tribal members, Walter Bresette, Red Cliff, and Esther Nahgahnub, Fond du Lac, of criminal charges for violating the Federal Migratory Bird Treaty Act.

However, Attorney Jerod Peterson, Minnesota, who defended Bresette and Nahgahnub, said that the decision to appeal is still not definite although the government complied with the requirement to file notice within 30 days.

The final decision to appeal will come from the Department of Interior in Washington, D.C., Peterson explained. He views the DOI as possibly being at odds internally on the case, with the Bureau of Indian Affairs supportive of treaty rights and the USFWS in opposition to the lower court ruling and the extension of usufructu-

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ary rights into the state of Minnesota and it is viewed as impinging on USFWS arena of control.

Bresette feels a federal decision to appeal suggests that it is "a political trial—a treaty rights trial" rather than simply one of the defendants' alleged criminal actions. "At issue now," Bresette states, "are native rights and a loss in appellate court would be an erosion of tribal sovereignty and of treaty rights which would impact all tribes concerned."

Peterson also noted that the trial in appellate court would be of wider scope. "Now this is a relatively small decision concerning a couple individuals and a few bird feathers. I don't know why USFWS would seek an appellate decision which may harm their cause through a whole lot of additional publicity."

The decision

Magnuson ruled in favor of the defendants in a decision filed April 11th, stating that "... the migratory birds of Northern Minnesota and Wisconsin are not faced with extinction due to the likes of Walter Bresette or Esther Nahgahnub. Some regulations and restriction might be permitted under Puyallup, but this prosecution is not."

The trial was a result of a citation issued by the U.S. Fish and Wildlife Service (USFWS) in December, 1990. U.S.F.W.S. charged Bresette and Nahgahnub for violating the Migratory Bird Treaty Act through the sale of dreamcatchers in Bresette's Miller Hill Mall shop in Duluth, MN. In question were red-tail hawk feathers, blue/snow goose and Canada goose feathers.

James Zorn, GLIFWC policy analyst, termed the case a "classic treaty rights case," where a citation was issued and a tribal member claimed a treaty right to engage in the activity involved. He noted that the court found that a treaty right to sell migratory bird feathers was reserved in the 1854 Treaty. The Court, he commented, applied the rationale and precedent of the Voigt Decision in the 1837 and 1842 ceded territories in finding the existence of the right in the 1854 treaty.

In his decision Magnuson defined the issue as "whether defendants have the right to sell these items (migratory bird feathers) as

members of the Chippewa tribe."

A significant aspect of the decision pointed out by Zorn is the holding that the Migratory Bird Treaty Act did not extinguish that right. The court found that Congress did not intend to abrogate the right when it passed the Act.

Furthermore, the United States attorney was unable to show that the prohibition of sale is a "reasonable and necessary" conservation measure designed to safeguard the populations of the migratory birds, he said. Therefore, the court dismissed the citations.

Zorn also noted that tribes may have their own tribal codes regarding the sale of migratory bird feathers and recommended that tribal members consult with their respective tribes whose ordinances may govern the harvest of migratory birds on and off reservation.

For Bresette and Nahgahnub the ordeal has been a long one. Bresette, represented by attorney Jerod Peterson, Mpls., said he was unable to find counsel willing to represent them until May, 1990 when Peterson agreed to take the case.

Peterson says he will continue to represent Bresette and Nahgahnub should an appeal become definite. He would expect briefs to be completed during the summer and a decision by mid-October.

The criminal charges against the two tribal members carry the possibility of both a jail sentence and a substantial fine.



Proud of a night's catch during the spearfishing season. (See spring spearing coverage pages 4-5) Photo by Vincent Moore.

DUPLICATE EXPOSURE

State announces no appeal

Sixty days ago, Judge Crabb entered a final order in the treaty rights litigation. The Federal District Court has issued a set of decisions on a variety of issues involving the treaty. Last week, lawyers for the various bands of the Chippewa tribe involved in the litigation informed us that they would not appeal any of the issues, if the state also did not appeal.

After extensive consideration and consultation, Secretary Besadny and I are announcing today that the state will not appeal to the U.S. Court of Appeals for the Seventh Circuit. This means that a long and costly legal battle has been put to rest. It allows us to open a new chapter in state, community and tribal relations.

This case has been fully litig-

ated. Wisconsin and the tribe have been in court for nearly 17 years. Judge Crabb has heard a great deal of testimony and she has issued well-reasoned, comprehensive decisions. The matter has already been to the Seventh Circuit Court of Appeals twice.

This decision has required an extensive legal review of what the state could win or lose through a possible appeal. The DNR office has concluded that a further appeal of this case would serve no useful purpose, and might jeopardize the gains we have made. And, I concur.

The fundamental question of off-reservation treaty rights has already been decided by the Seventh Circuit Court of Appeals in this litigation. In 1987, my father

ruled that the Chippewas' off-reservation rights set out in the Treaties of 1837 and 1842 had been extinguished. On appeal, in 1983 the Seventh Circuit said my father's ruling was incorrect and declared that the off-reservation rights were valid. The state asked the U.S. Supreme Court to review that decision and the Supreme Court declined.

I know that many people in Wisconsin hold out hopes that another appeal would produce a different outcome. The general rule of law is that an issue once decided cannot be litigated again. There is no reasonable basis for a belief that the Seventh Circuit, or the Supreme Court, would deviate from this general rule and that the outcome on this basic issue would be any different today.

Our decision was reached after an exceptionally thorough legal review by many lawyers in this department over the last sixty days and extensive consultation with the DNR, the Department of Administration and the Governor's Office.

Wisconsin has won many significant victories in this case, all of which would be jeopardized in any appeal. These victories include:

1. The tribe cannot sue for past monetary damages...a claim the tribe has said is worth over \$300 million.

2. The treaties do not extend to the commercial harvest of timber. A contrary ruling would cost the counties of this state millions of dollars annually.

3. The state has the ultimate authority to protect and manage the resources in the ceded territory.

4. Tribal members cannot enter onto privately-owned lands to exercise their rights.

5. Treaty rights do not extend to privately-owned stream beds, river bottoms and overflowed lands.

6. The tribes are not entitled to all the available resources necessary to sustain a modest standard of living. Rather, the resources must be shared on a 50-50 basis.

7. The state can impose on tribal members its boating and safety regulations, even when the Chippewa are engaging in treaty protected activity. Thus, the tribe cannot shine deer or engage in summer deer hunting.

An appeal would put all of these significant victories at risk. And, for those who doubt that, let's remember that the fundamental off-reservation rights were granted on an appeal.

This is an appropriate time to put this case to rest. The people of northern Wisconsin are tired of fighting with each other. They know that we have far more impor-

No Voigt appeal ends era of courtroom conflict

The decision not to appeal Voigt by both the state and tribal officials concluded two decades of legal battle and hopefully signals a new era of cooperation.

The next issue of MASINAIGAN will provide a review of events that highlighted those first years of Voigt.

TO THE PEOPLE OF WISCONSIN:

The six bands of Lake Superior Chippewa, allied for many years in litigation against the State of Wisconsin in order to confirm and uphold their treaty right to hunt, fish and gather, and now secure in the conviction that they have preserved these rights for the generations to come, have this day forgone their right to further appeal and dispute adverse rulings in this case, including a district court ruling barring their damages. They do this, knowing that the subject of the latter ruling is currently before the United States Supreme Court, and has been decided in favor of Indian tribes in the Ninth Circuit Court of Appeals and other federal courts. They do this as a gesture of peace and friendship towards the people of Wisconsin, in a spirit they hope may someday be reciprocated on the part of the general citizenry and officials of this state.

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Because of outstanding community and tribal cooperation and an excellent job by law enforcement, the 1991 spearfishing season was remarkably quiet. We have had two consecutive years now of improved relations and a real understanding that both sides need to get on with their lives. Rather than spending millions of dollars on law enforcement and attorneys' fees, I think everyone in northern Wisconsin would prefer to support economic development, tourism and education.

I have been impressed with the many ways in which the citizens of northern Wisconsin...tribal and

non-tribal...have been working together to bring about economic development and cultural understanding. The state has a responsibility to support those efforts through words and action.

In my short time as Attorney General, I've made seven trips to northern Wisconsin on this issue. I've seen firsthand community leaders and tribal leaders sitting down together at the same table to talk about how to improve tourism and the economy. I've seen tribal fish hatcheries that are stocking fish in off-reservation lakes for all of us to enjoy.

(Statement by Attorney General Jami)



Donald Moore, Bad River Tribal Chairman and Chairman of the GLIFWC Board of Commissioners, right, and Eugene Taylor, St. Croix Tribal Chairman at the press conference releasing the joint fishery assessment report.

Cooperative study finds Wisconsin fishery healthy

(Continued from page 1)

identified walleye lakes.

The study indicated that "most lakes have population estimates that exceed the 3.0 fish per acre objective that biologists established as the guideline for healthy walleye populations in lakes with recruitment from natural reproduction."

Noting that walleye tend to do better in large, slow-moving bodies of water and that smaller lakes appear to have a higher exploitation rate, the study revealed that the walleye populations "appear to be stable." Average harvests of walleye in the ceded territory are approximately 4.8 walleye per acre in naturally reproducing lakes and 2.3 per acre in stocked lakes.

Muskellunge

603 lakes in northern WI have been identified as musky lakes. Of those population estimates (number of musky per acre of water) were done on 38 lakes. The mean population, according to the report, is 0.58 musky per acre.

Current catch rates in musky lakes average between 1-2 fish per 100 hours of fishing with maximum sizes ranging between 30-40 lbs. The report also notes that current catch rates are at least partially being maintained through the state's musky propagation and stocking programs.

Report overview

Casting Light Upon the Waters provides a comprehensive look at the Wisconsin fishery in the ceded territory within its approximate pages. This includes an extensive description of lakes, lands, and fish species in northern Wisconsin, a review of various environmental impacts, and a discussion of both angler and tribal harvest methods and impact.

The report also includes an excellent summary of the Voigt Decision as well as a detailed explanation of the Safe Harvest Level, which determines how quotas are established.

Recommendations

The concluding section of **Casting Light Upon the Waters** lists needs and recommendations determined by the joint committee. These include in brief:



Assessment and Harvest Monitoring

1. Fishery assessment targeting species other than walleyes.
2. Increase data handling and analysis capabilities, particularly among tribal resource groups.
3. Development of a better inter-agency assessment and harvest monitoring program.
4. Improve fishery resource assessments and harvest monitoring on reservation and border lakes.
5. Incidental mortality rates resulting from spearfishing are unknown and in need of further study.
6. Specifically address status of walleye populations in small (under 500 acres) ceded territory lakes.
7. River walleye populations have received little attention and need updated inventories.
8. More accurately quantify user demands on the resource.

Research

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Public Involvement

1. Identify and explain to the public the current cooperative Department of Natural Resources and Great Lakes Indian Fish and Wildlife Commission management and resource activities that are currently being done and those that are planned.
2. Explain the process of exercising court-defined rights.
3. Improve information transfer for public consumption through more joint positive news releases.



Wisconsin tribal chairman join Senator Daniel Inouye for a luncheon following the press conference releasing **Casting Light Upon the Waters**. Pictured from the left are: Eugene Taylor, St. Croix Chairman; Donald Moore, Bad River Chairman; Gaiashkibos, Lac Courte Oreilles Chairman; Raymond McGeshick, Mole Lake Chairman; and Mike Allen, Lac du Flambeau Chairman. Front Row, from the left, Senator Dan Inouye and Patricia DePerry, Red Cliff Chairman.

Public Education and Information

1. Improve public understanding of the ceded territory resources, the capabilities and limitations, and better define the meanings of percentages and numbers presented to the public.
2. Explain cultural similarities and differences in attitude about the use of resources to the public through presentations and publications.
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1. Consensus by the governments and agencies on the structure and function of inter-agency cooperation/communication.
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DUPLICATE EXPOSURE

Tribes/Fish for the Future stock area lakes

By Jim Thannum
GLIFWC Natural Resource
Development Specialist

During the 1991 Chippewa Spearfishing Season, Bad River, Red Cliff, and Fish for the Future continued their cooperative relationship collecting over 2,640,000 eggs for stocking of walleye fry and fingerlings into Bayfield County waters.

In comparison to some northern Wisconsin landings, tribal members were subjected to extended hands of friendship and warm greetings. Notably absent were the highly publicized crowds of anti-treaty protesters screaming obscenities, carrying racist signs, and throwing rocks at Indian spearfishers.

Building a foundation for cooperation—1990

Starting 1990, a group of resort owners and sportsmen, in association with the Cable Chamber of Commerce, met to explore potentials for establishing cooperative projects with neighboring tribes harvesting fish from area lakes. Upon forming Fish for the Future (FFF), preliminary contacts and discussions began with various tribal representatives to develop a project that would demonstrate that despite the high emotion surrounding the spearfishing controversy, Indian and non-Indian people could work together towards the common goal of resource enhancement. Under an innovative plan prepared by the project participants, walleye spawn would be stripped from tribally speared fish by volunteers and tribal biologists; eggs would be incubated in tribal fish hatcheries; and fry provided for rearing ponds operated by FFF or stocked area waters. The professional biologists and technicians staffed by Red Cliff and Bad River tribal governments shared their experience and expertise in spawn stripping techniques with area sportsmen and resort owners. The WDNR was also contacted for support of the project and processing proper stocking permits to insure intergovernmental coordination.

The first year becomes a success

In the first year of the project, 1990, the cooperative effort collected 2,852,000 walleye eggs from speared walleye and hatched 1,000,000 fry for stocking programs.

Chippewa spearers brought harvested females and males to FFF volunteers and tribal hatchery workers to be stripped of spawn and fertilization of eggs. This process yielded 1,612,000 eggs from Lake Namekagon; 744,000 eggs from the Eau Claire Lake; and

496,000 from the Pike Lake Chain. Bad River and Red Cliff utilized tribal hatchery facilities to incubate the eggs and produced over 1 million fry. Approximately 600,000 fry were then stocked into rearing ponds operated by FFF and 400,000 walleye fry were stocked into Lake Namekagon.

Expanded success in 1991

The 1991 cooperative fish enhancement project expanded upon earlier successes with increased fry



Fish for the Future volunteers strip walleye spawn from speared fish. (Photo by Jim Thannum)

survival rates.

Bad River tribal members and Fish for the Future participants collected 18 quarts of eggs from Lake Namekagon and 4 quarts from Lake Owen providing approximately 2,640,000 walleye eggs for incubation. These eggs were put into Big Redd incubation systems and hatched 1,200,000 fry in the second week of May. Approximately 600,000 fry were planted in Lake Namekagon and 600,000 fry were provided to Fish for the Future rearing ponds. In the coming months these rearing ponds will be cropped and walleye fingerlings planted.

Red Cliff's fishery staff and Fish for the Future participants collected spawn from Lake Owen, Eau Claire Lakes, and Bony Lake and fertilized approximately 1,500,000 walleye eggs. Once hatched at Red Cliff's fish hatchery fry were stocked into the following waters: Lake Owen 40,000 fry, Middle Eau Claire 454,000, and Bony Lake 115,000 walleye fry. Red Cliff prioritized its stocking based upon surveys identifying which lakes had the greatest needs for stocking.

Biology of stocking

A recent report on the status of Northern Wisconsin's fishery, Casting Light Upon the Waters, identified four known factors impacting walleye reproduction including: "1) fluctuating water levels during egg incubation and fry development; 2) food availability when fry begin to feed; 3) weather conditions during spawning season; 4) water quality on the spawning grounds."

The report went on to state that in a lake's natural setting, "Walleye survival rates from egg to fall fingerlings were estimated; for every 10,000 eggs, less than 3 survive to the fall fingerling stage (i.e. a .03% survival rate). In comparison the report indicated that, "Walleye have an average survival of 30-35% from egg to a 2 inch size under intensive hatchery management."

Due to increased operating costs and limited production capabilities, the WDNR utilizes the following stocking guidelines: new or reclaimed waters are stocked with walleye fry not ex-

ceeding 3000 per surface acre; normal stocking of 1000 walleye fry per surface acre; if poor survival of fry is apparent in follow-up evaluations, fingerling walleye are stocked at rates not exceeding 50 per surface acre and no more than 100,000 per individual lake.

Stocking management

Stocking is usually done as part of a specific management strategy including supplementation of populations that have poor natural reproduction; to diversify the number of species in a lake; to control overabundant populations of prey and rough fish; to repopulate lakes after pollution abatement or winterkill; to protect native stocks by buffering their harvest with hatchery fish; and to maintain fisheries experiencing heavy exploitation. (Casting Light Upon the Waters)

The state-tribal technical working committee, comprised of fisheries biologists from the state, tribal, and federal agencies, have classified 859 walleye lakes and 603 musky lakes in the 1837 and 1842 Ceded Territories of Wisconsin. Table A provides a breakdown of the waters stocked by Tribes and Fish for the Future and their respective classifications.

TABLE B

	Population Estimate	Tribal Harvest	% Population	# sampled	# females	% females	Fry Stocked
Bony Lake	682	0	5.28%	0	0	0.00%	0
Bad River		36		36	1	2.78%	115,000
Red Cliff		142		142	25	17.61%	0
Lake Owen	None Available	142		142	41	28.87%	40,000
Red Cliff		142					
Middle Eau Claire	None Available	0		0	0	0.00%	0
Bad River		210		210	8	3.81%	454,000
Red Cliff							
Lake Namekagon	19,630	553	5.97%	246	13	5.28%	600,000
Bad River		618		358	28	7.82%	0
Red Cliff							
Upper Eau Claire	None Available	0		0	0	0.00%	0
Bad River		253		253	29	11.46%	0
Red Cliff							
FFF Rearing Ponds							600,000
TOTALS		1,954		1,387	145	10.45%	1,809,000

Tribal harvests vs. restocking

Table B illustrates that while Bad River and Red Cliff harvested 1,954 walleye from the five lakes in 1991 approximately 1,809,000 fry were produced for restocking lakes and Fish for the Future rearing ponds.

Furthermore, the two Tribes harvested only a small population of walleye averaging 5.28%-5.29% of know populations. Lakes without populations assessments from mark and recapture sampling use statistical methods to estimate walleye populations and calculate safe harvest levels.

Contrary to popular belief, only 10.45% of the fish harvested from these five lakes were female. This is due to tribal regulations that restrict harvests of large fish and natural spawning habits where males spend greater period of time in shallow waters waiting for females.

Participation in resource management and enhancement activities

While the future will determine the extent of benefits resulting from cooperative fish stocking efforts between Bad River, Red Cliff, and Fish for the Future, joint participation by Indians and non-Indians in resource enhancement activities is a big step forward. The efforts to share concerns and search for common ground have already

LAKE	1991 RECRUITMENT CODE	CLASSIFICATION
Bony Lake	C-ST	Stocking provides the primary source of recruitment, but some natural reproduction occurs and may augment the adult population
Lake Owen	C-	Natural reproduction and stocking provide more or less equal recruitment to the adult population.
Middle Eau Claire	C-NR	Natural reproduction is adequate to sustain the population even though the lake is being stocked
Lake Namekagon	NR	Natural reproduction only; consistent enough to result in multi-year class adult populations
Upper Eau Claire	C-NR	Natural reproduction is adequate to sustain the population even though the lake is being stocked

bridged cultural conflicts and promoted understanding.

Unfortunately not all Wisconsin communities have taken a progressive approach to addressing resource concerns with their Indian neighbors. Efforts by Red Cliff to expand walleye spawn collection and stocking efforts on

Whitefish Lake in Douglas County were stopped due to rock throwing incidents.

If the issue is truly fish, the approach demonstrated by concerned sportsmen and resort owners participating in Fish for the Future surely hold greater promise for Wisconsin's shared future.



Joe Dan Rose, Bad River tribal biologist, incubated walleye eggs collected with Fish for the Future in Big Redd units. (Photo by Jim Thannum)



Ed Leoso, Bad River hatchery technician, waits as bags filled with walleye fry adjust to the water temperature to prevent shocking the fry. The release is part of a cooperative stocking project between Bad River, Red Cliff and Fish for the Future. (Photo by Matt O'Claire)

DNR sets walleye bag limits on speared lakes for 1991 fishing season

MADISON, WI—Most of Wisconsin's 1,200 walleye lakes statewide will have a three or five fish daily bag limit for the 1991 open water season, C.D. "Buzz" Besadny, Department of Natural Resources secretary, announced today.

Only 25 lakes located in the ceded territory will have a two fish bag limit and 179 will have a daily limit of three walleye because of spearfishing restraint shown by Wisconsin Chippewa tribes exercising treaty rights. The remaining 655 walleye lakes in the ceded territory retain a five walleye per day bag limit. There are 859 walleye lakes in the ceded territory.

Besadny said the 1991 bag limits set by state biologists will guarantee continued, healthy walleye populations, in addition to abundant supplies of other game and pan fish.

"The news is that Wisconsin remains great 'walleye country' for the casual and serious walleye

angler alike—and that's no fish story," Besadny said. "The walleye bag limits are good news for those who fish and for those in the northern Wisconsin tourism business."

Besadny said this season's limits were "continuing evidence that Wisconsin is protecting the fishery for tomorrow while providing recreational opportunities for today. The three fish bag limits are also a result of a good faith effort by the tribes to adjust their 1991 spearing quotas out of consideration for their neighbors and the Wisconsin tourism industry."

Besadny anticipates no additional bag limit reductions throughout the 1991-92 angling season. Anglers are reminded of the 15-inch walleye size limit in effect on most state waters and should read the current fishing regulations pamphlet before going afield.

Formusky anglers, Little Sand Lake and Sand Lake in Barron County will have a 45-inch size

limit for muskies. All of the other lakes listed for spearing will have a 32-inch minimum size limit for musky.

"I commend the tribes for their individual efforts in adjusting their 1991 spring spearing quotas to provide additional opportunities for the hook-and-line angler," Besadny said. "Several tribes have voluntarily reduced their original quota declarations on various lakes to permit a three fish per day bag limit that stays within the acceptable harvest levels."

Besadny noted that all lakes on the Lac du Flambeau Indian Reservation will be under a three walleye daily bag limit and a 40-inch size limit for musky.

Tribes that took the action resulting in the three bag limit rule include Mole Lake, Bad River, St. Croix, Lac du Flambeau and Lac Courte Oreilles.

(Reprinted from Wisconsin Outdoors and Conservation News.)

1991 spearing season runs smoothly

By Sue Erickson
Staff Writer

The Chippewa spring spearing season is generally not discussed in light of spearing as much as in relation to the protest. However, the two activities—spearing and protesting—are quite distinct and while interrelated because of the protest activity on the landings, they should not be considered as one.

For this reason MASINAIGAN will discuss the 1991 Chippewa spearfishing season as an entity on its own and later look at the 1991 spring protesting season as it occurred.

Facts relating to the spring spearfishing season are as follows:

Season

The season opened on April 9th with the St. Croix Band and unofficially closed on May 5th. However, Red Cliff spearsmen did go out on May 15 and took 5 muskellunge and two walleye. Neither Red Cliff or Bad River have officially closed their seasons, according to GLIFWC Inland Lakes Biologist Neil Kmiecik.

Harvest

Total declared quota for Chippewa spearfishing was 39,090 walleye from 204 lakes and 1,240 muskellunge. Of that quota Chippewa speared 23,018 walleye and 185 muskellunge. The harvest of both species was down slightly from the 1990 season when 25,348 walleye and 303 muskellunge were taken.

Spearer participation

A total of 393 spearsmen participated in the 1991 season. This included: 38 from Bad River; 56 from Lac Courte Oreilles; 137 from Lac du Flambeau; 50 from Mole Lake; 47 from Red Cliff; and 65 from St. Croix.

Quotas

1991 spearing quotas were announced following a meeting of representatives from each Chippewa Band that intended to spear. Information regarding the total Safe Level of Harvest was available and band representatives provided information as to need from their respective bands. On

the basis of Safe Level of Harvest figures and estimated need, tribal quotas were established and announced for each lake to be speared.

The Safe Level of Harvest for WI lakes was determined by tribal and state biologists on the basis of population estimates for each lake. Depending on how recently the population study has been performed, as well as on the history of spearing on each lake, a safe quota is established which states the number of walleye/muskellunge that can be harvested by either state-licensed or tribal fishermen during the year. The Safe Level of Harvest figure is a very conservative figure, requiring both user groups to be satisfied with fewer fish.

Bag limits

The impact of bag limits for state-licensed fishermen is always of concern on lakes named for spearing. With a set Safe Level of Harvest, the tribal harvest directly impacts on the number of fish left for the non-Indian fishermen. This, however, does not mean that the tribes are over-harvesting a lake or destroying the resource, although it may limit angler opportunity.

Regulations

Each tribe must notify the WDNR and GLIFWC 48 hours prior to opening their spearing season. Once the season has been opened by the tribe, a tribal representative notified GLIFWC and WDNR by noon as to lakes which are to be speared each evening. GLIFWC also contacted the Kemp Control Station by 6 p.m. each evening in regard to which lakes had permits on them.

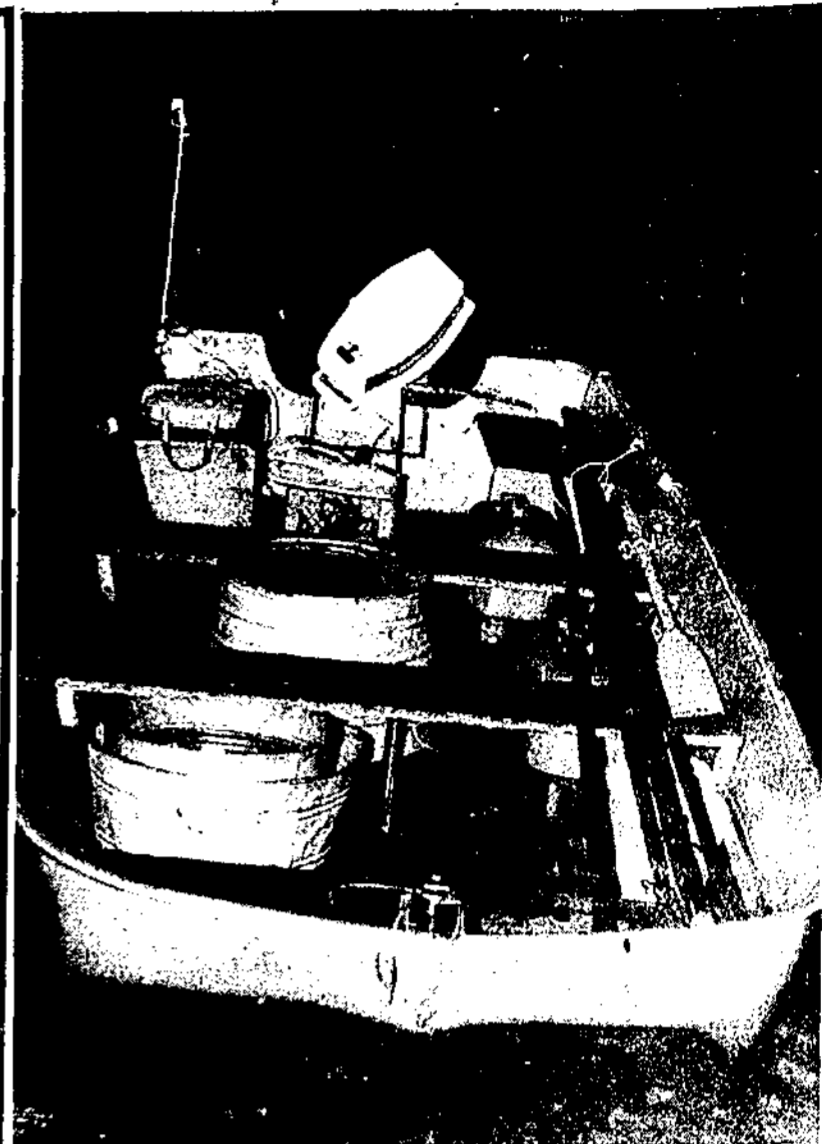
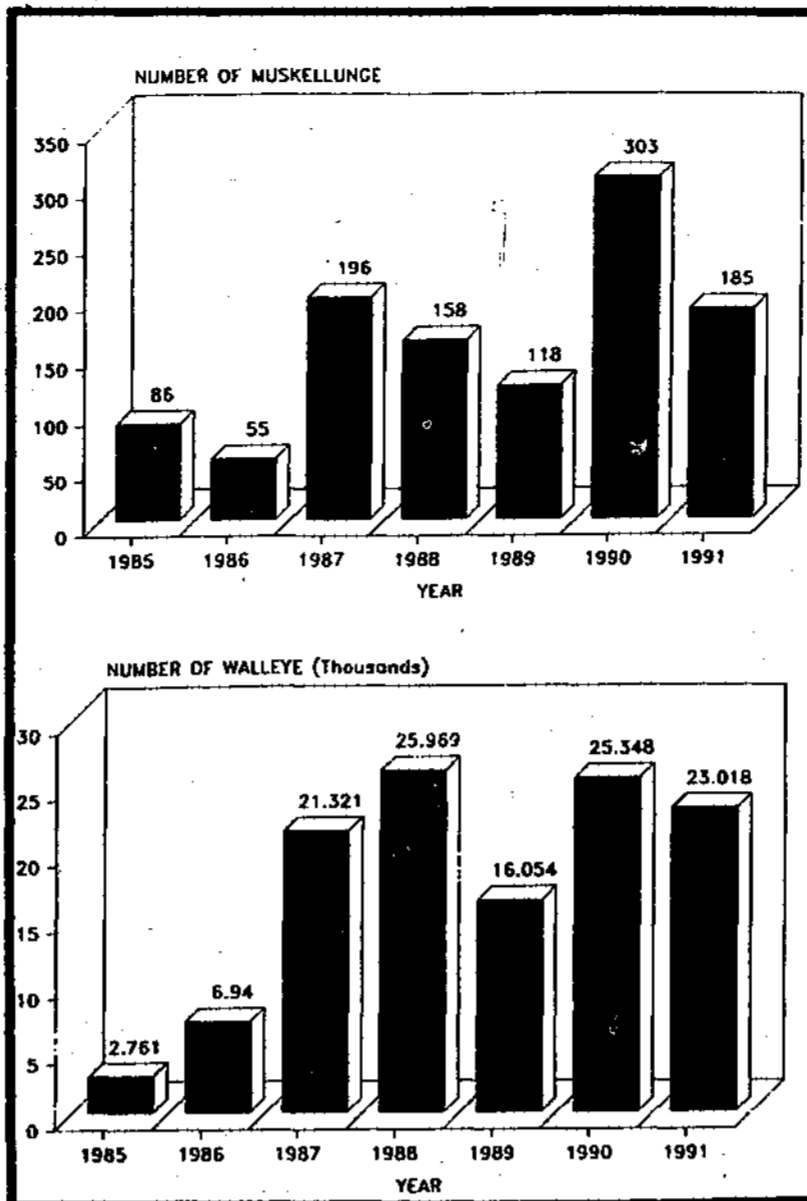
A tribal member wishing to spear must hold a valid tribal membership and must obtain a permit on a nightly basis. Permits designate the lake each member is to spear and the nightly bag limit for the specific lake.

Tribal spearsmen were allowed only two fish over 20" with one of those being between 20"-24" and one being any size.

Spearsmen are also required to launch and land from designated landings at each lake.

Monitoring

Adherence to the spearfishing regulations is assured through intensive monitoring. This involves



Spearsmen's boat, ready for a night's fishing. (Photo by Amoose)

presence of WDNR and GLIFWC biological staff at each landing to count, measure and sex the fish as well as GLIFWC and WDNR conservation enforcement personnel on landings and on the water. Citations are issued for violations of the regulations. Field wardens reported nightly catch statistics to GLIFWC each morning prior to 10 a.m. Those statistics were then released through the GLIFWC office in Odanah to the WDNR and interested media.

Permit stations

Because spearfishermen are required to obtain a nightly permit, each reservation maintains a permit station throughout the season. Permits state the lake to be speared and the bag limit for that lake. Permits can also be obtained from GLIFWC wardens on the landing

as well.

Nightly permits ensure that stated lake quotas are not exceeded. Quotas are adjusted daily to indicate numbers of fish remaining for tribal harvest. The number of permits for each lake, then, impacts the bag limit for spearsmen. For instance, if 100 fish remain and ten spearfishermen obtain permits, they would each have a ten fish bag limit.

Enforcement

GLIFWC enforcement staff monitored every landing on a nightly basis as in past seasons. GLIFWC wardens are primarily responsible for monitoring the tribal fishing activities, although are also available if needed in case of difficulties with crowd control.

According to GLIFWC Chief Charles Bresette, GLIFWC has issued 51 citations, with 3 pending

for 56 violations. Three citations, he notes, are for two violations each. This is not a final figure, according to Bresette, as not all citations may be in as yet.

As in other seasons, the Chippewa are intensely monitored throughout the season by GLIFWC wardens as well as WDNR wardens on water and on the land.

By regulation spearfishermen are only allowed to launch and land from designated landings and each fisherman must have his night's catch counted and measured prior to leaving the landing.

Bresette says that over-size limit violations composed the bulk of the citations. As noted above, spring spearing allows fishermen to take two fish over 20"—one between 20"-24" and one any size. WDNR staff also monitor the tribal harvest. Bresette says that WDNR take notes and videotape as fish are counted, measured and violations cited.

During the season GLIFWC enforcement staff totalled 56,309 miles and approximately 7,031 hours. Seasonal employees are hired to help cover the season. In 1991 Bresette added 26 seasonal staff to assist the 21 full-time wardens in carrying out enforcement responsibilities.

Looking to coming seasons, Bresette feels that GLIFWC enforcement requires more on-water capabilities during the season.

A few incidents between GLIFWC wardens and local sheriffs' staff were reported, but were able to be satisfactorily resolved at the Command Center, according to Bresette.

In Michigan

While regulations in MI vary from those in WI, GLIFWC provided monitoring of the spearing season for the Lac View Desert Band of Chippewa in Michigan for the third season as well. Lac View Desert harvested 808 walleye this spring and no musky. They had 26 spearsmen participating, which indicated an increased participation from previous years.

Comments on the tribal harvest

Joe Dan Rose, Bad River Voigt Inter-Tribal Task Force Representative: Rose indicated some disappointment that Bad River spearing did not come closer to the total overall quota. Rose said that three lakes with large quotas were "ready" simultaneously, making it difficult to harvest as effectively as on other lakes. Rose says he would like to see increased harvest opportunity for next year.

Mid-season Bad River had up to ten boats going out nightly, Rose states, compared to previous years when four or five boats was the norm. "There were a lot of new faces participating," Rose said, feeling positive about the increased interest on the part of Bad River members.

Neil Kmiecik, GLIFWC inland lakes biologist: Kmiecik felt that the overall season went well from a technical standpoint. Responsible for the supervision of creel clerks and monitoring of the tribal to Bresette. (See 1991 spearing, page 5)

TAXA	NUMBER OF FISH							7 YEAR TOTAL
	1985	1986	1987	1988	1989	1990	1991	
Walleye	2,761	6,940	21,321	25,969	16,054	25,348	23,018	121,411
Muskellunge	86	55	196	158	118	303	185	1,101
Bass sp.	21	39	275	167	113	3	3	621
Largemouth Bass						167	130	297
Smallmouth Bass						49	14	63
Northern Pike	2	13	41	59	14	34	41	204
Lake Sturgeon	1		6	2	1	3		13
Trout sp.			2		1	2	1	6
Rock Bass	12	3	1	23	9	20	4	72
Crappie sp.		9	22	47	27	87	31	223
Bluegill	2	2	8	9	3	6	1	31
Yellow Perch				17	13	25	8	63
Bullhead sp.	1	1	4	2	3	5		16
Sucker sp.	27	15	48	21	31	72	28	242
Carp	1		1	1		1	1	5
Burbot				1	3	7	1	12
Bowfin				1	2	2	3	8
Cisco					2			2
Total:	2,914	7,077	21,925	26,477	16,394	26,134	23,469	124,390

Number of various fish species harvested during spring spearing seasons from 1985-1991.



Larry Balber, Red Cliff, sharpens tines on a spear. (Photo by Sue Erickson)

1991 spearfishing season continued

(Continued from page 4)
 catch, Kmiecik experienced less problems on the landings than in previous years, when difficulties arose from misunderstandings between GLIFWC staff and other agencies.

Andy Gokee, Red Cliff spearer and Voigt Task Force Representative: Gokee indicated overall satisfaction with the spearing season, adding that some problems remain to be worked out.

Red Cliff, he said, experienced a 30% increase in spearer participation and succeeded in taking nearly the entire declared quota, which was about 2,800. Currently, they are about 200 short of quota. However, the season remains open. Gokee says tribal members are being permitted to go and fish for walleye or other species.

There were a "minimum of problems and difficulties," Gokee commented, with cooperation improved between the tribe and GLIFWC wardens and continued cooperation from both the Douglas and Bayfield County Sheriff's Department.

Some knots remain in the regulatory system, Gokee observed, but he hopes that they can be resolved. "We are all learning," he said. "The spearers are learning. GLIFWC is

learning. We all have to try to help work things out."

WDNR seemed to play a smaller role in 1991 with fewer boats, he noted, which was satisfactory to Gokee given few problems on the landings. However, he would hope the WDNR continue to monitor in areas where problems exist.

"More children and wives, people bringing families—the way it's supposed to be," was observable during 1991, he said. Red Cliff spearers even provided a fish fry one evening on the Pike Lake Chain, inviting all landing staff to share. "The state wardens wouldn't eat with us," Gokee noted, adding that "maybe they know something about the fish that we don't."

Red Cliff also hosted a community feast with ceremonies celebrating the harvest. It was open to the public and a time for thanks and sharing following a successful season.

Jim Schlender, GLIFWC Executive Director: The impact of the lawsuit against Stop Treaty Abuse (STA) was regarded as a critical factor in reducing problems this year, according to Schlender. He felt the decision, just prior to spearing, was "the turning point of the whole situa-

tion and accomplished what vigorous law enforcement would have done in prior years."

The WDNR "looking over our shoulder" is one area of concern expressed by Schlender. With diminished protest activity, the protesters are being rewarded, Schlender feels, by WDNR directing their attention against Indian spearfishermen and less against the protesters. "We are in the process of talking now to head off problems," he added.

Overall the season ran smoothly in his perception, with some issues to address between tribes and GLIFWC enforcement.

Ira Anton, Lac Vieux Desert, MI, spearfishmen: Anton stated the season went smoothly for the tribe with no social conflict. He did express concern over the quotas available for spearfishermen and questioned the TAC levels in several lakes.

Dick Williams, LVD spearfishmen: Williams repeated Anton's concern over limited quotas available for spearfishermen, particularly on larger lakes. The subject of tribal quotas will be brought to a tribal committee meeting, he said.

Williams noted that LVD had



Checking the shallows for walleye during spearfishing. (Photo by Amoose)

increased spearer participation this year, attributing it in part to reduced tensions across the border in WI.

"They were getting kids involved this year," Williams stated.

"because we want to begin to teach the children what life is like if you exercise rights and how hard the work is. These rights belong to them and that's the way it should be."

Williams also commented that LVD bases its harvest on need, not on want and has always been conscious of the fishery in a traditional way so as not to overharvest or harm it.

Scenes from 1991 spearfishing

Photos by Amoose and Vincent Moore



1991 spearfishing season continued

(Continued from page 4)
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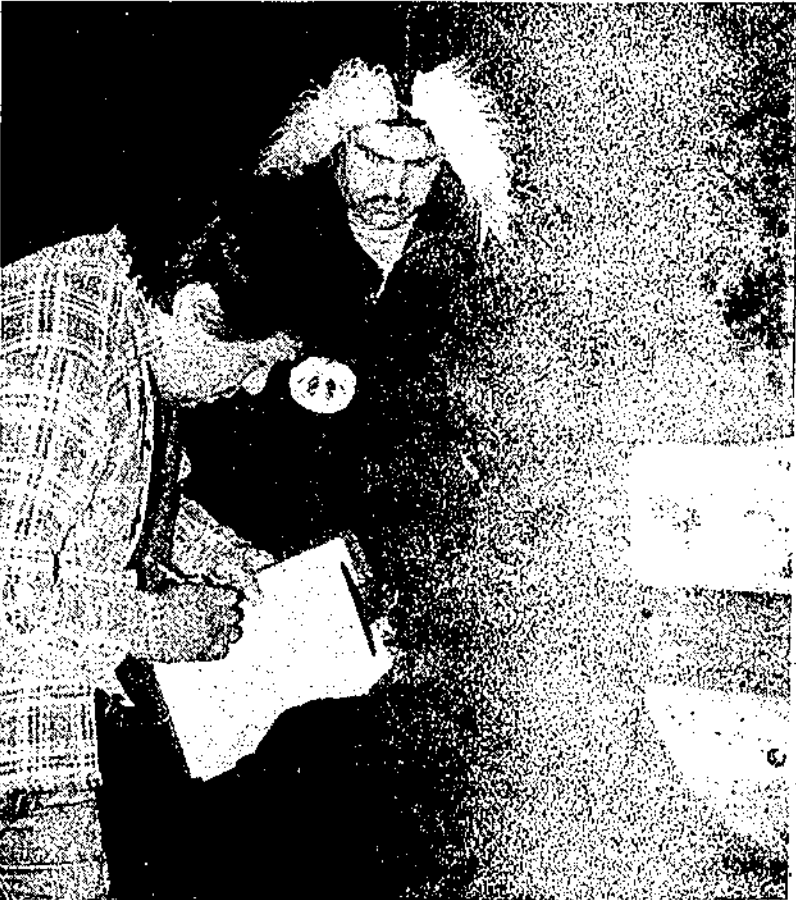
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Scenes from 1991 spearfishing

Photos by Amoose and Vincent Moore



DUPLICATE EXPOSURE

WI spring protest loses popularity Have the curtains dropped?

By Sue Erickson
Staff Writer

In 1991 the principle actors in the melodrama provided by protestors at Chippewa spearfishing landings appeared for (what is hoped) a few curtain calls before the show shuts down. They seemed to continue making appearances, however, despite the lack of applause.

The chants, the whistles, name-calling seem to have become a bore.

But after a successful five year run of a spring showtime featuring the best in a real life racism, bigotry, and violence, it's difficult to draw the curtains and cope with waning stardom.

Essentially, the 1991 protest show was filled with the same old stuff, but the interest just wasn't there for participants in areas outside of the Lac du Flambeau region, and even there interest was waning.

Promoting the protest

Minocqua was once again the proud host of a PARR Rally during

the spring spearing season. It actually drew several hundred hard core PARR/STA members or sympathizers to the area for yet another marching display of blaze-orange, sign-carrying bodies.

The rallying cry through late winter and early spring had been sounded long and hard by PARR (whose attendance at rallies during the 1990 season were straggly at best) to gather at the landings in 1991.

According to Kurt Krueger, Vilas County News Review, April 17, Larry Peterson took off work for a month from the Park Falls based Flambeau Paper Company in order to protest spearfishing.

Both protest stars, Larry Peterson and Dean Crist, STA, were present at the Minocqua rally April 20, encouraging support for the fading show. A vote was taken, and, to no one's surprise, a large majority of ralliers voted to continue the landing protest, and with that vote, pledged attendance at the landings.

However, those numbers just did not seem to make it for certain time on the landings, leaving the

tired, hard core troupe to carry the show. Generally, they, too, retired from the scene early as well.

"Ghosts of spring's past"

Big Eau Pleine, Marathon County: An otherwise quiet season with a blast of protest as Lac du Flambeau began their spearing season Tuesday, April 16, at Big Eau Pleine Lake, Marathon County. While other bands had begun their spearing seasons with minimal disturbance, about 250 were present at Big Eau Pleine.

According to a report by Alan Lemek, News-Herald, April 17, "Two key players in the spearing confrontation were on hand: 'Protect Americans' Rights and Resources Chairman Larry Peterson, Park Falls, assembled his orange members at the landing, while Lac du Flambeau spearing organizer Tom Maulson arrived later in the even and talked with both supporters and protesters."

Taunts, jeers, signs and chants were part of the protest routine, aimed not only a Chippewa spears but WDNR staff and media as well.

"The ghost of springs past returned to northern Wisconsin Tuesday," recorded Milwaukee Sentinel staff writers in an April 17 article, "as angry protesters waved signs and shouted obscenities at Lac du Flambeau Chippewa Indians opening their spearfishing season."

"Many of the protesters' signs bore racist messages. Many others were aimed at government officials..."

Other signs said, 'Spear Suckers! Spear Chuckers!' the article noted.

Sand/Dam Lakes, Oneida County: Following the rally in Minocqua, April 20, protesters proceeded to a Lac du Flambeau landing in order to exercise the Constitutional right of free speech and protest.

The result was about 300 anti-Indian activists on the landing and a volatile situation which police identified as near "riot."

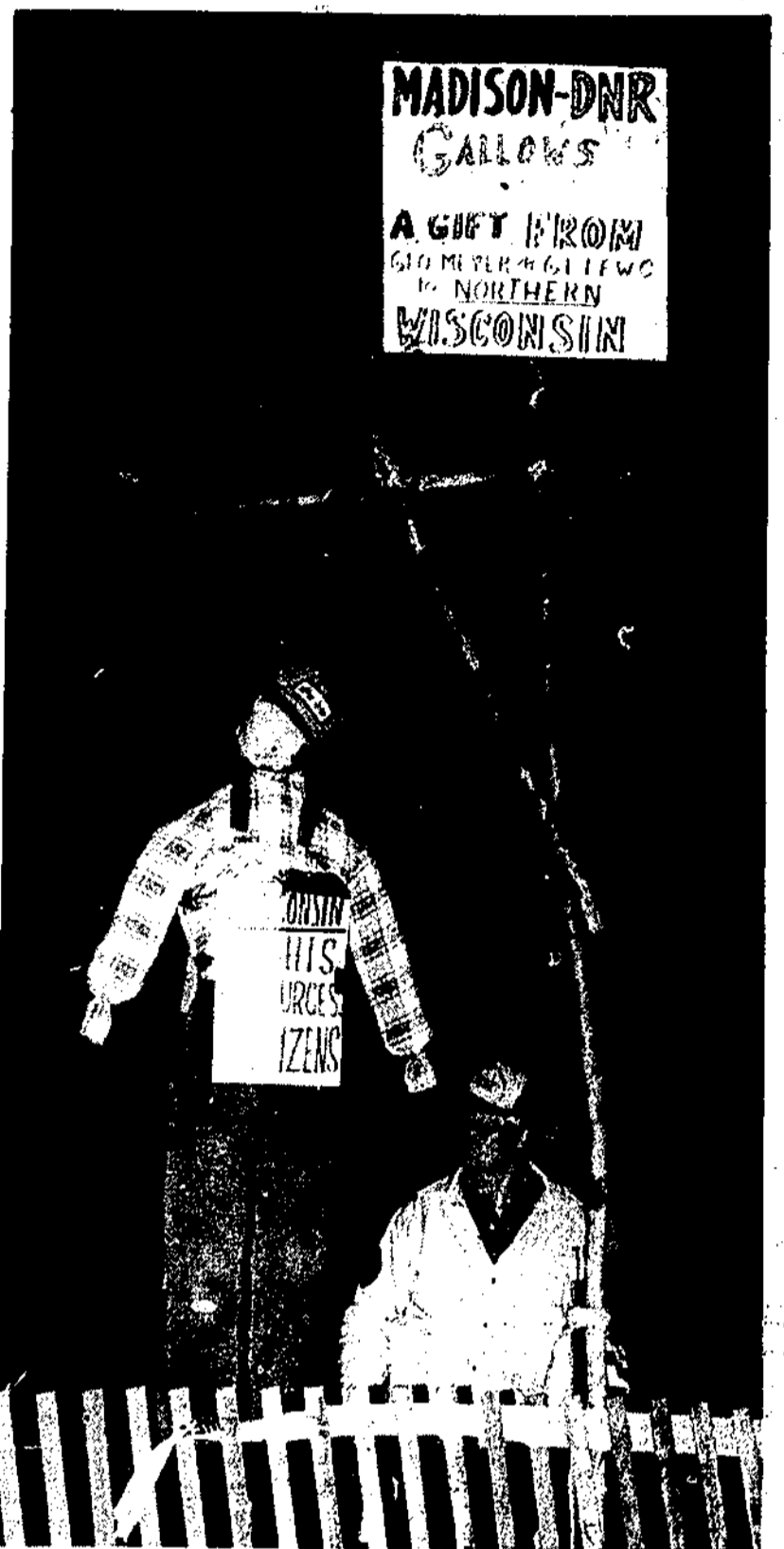
Protesters planned a burning of the Wa Swa Gon Banner, as one antagonistic tactic.

Larry Peterson, PARR, had ordered two banners for the Saturday night boat-landing protest, according to Ron Seeley, Wisconsin State Journal, April 24.

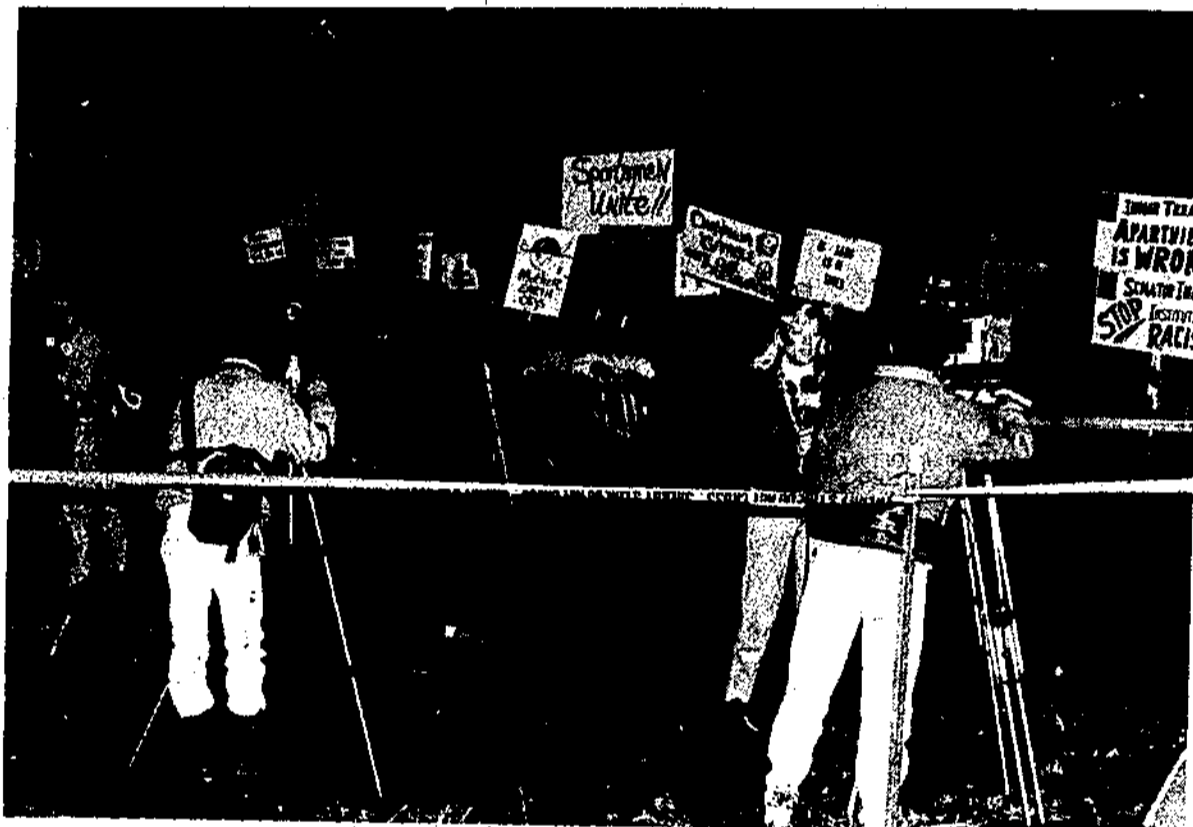
Racial slurs were also on the docket for the night's activities. This time a black treaty supporter from Madison became a target for abuse. James Mincey, stated he was in fear for his personal safety at the landings.

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(See Protests, page 7)

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Plaintiffs,

vs.

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- f) Playing "leapfrog" with any spearing boat, or otherwise impeding the progress of any spearing boat; and
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Entered this 15th day of March, 1991.

BY THE COURT:

Barbara B. Crabb
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District Judge

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Faces of protesters. (Photo by Vincent Moore)

WI spring protest loses popularity Have the curtains dropped?

By Sue Erickson
Staff Writer

In 1991 the principle actors in the melodrama provided by protesters at Chippewa spearfishing landings appeared for (what is hoped) a few curtain calls before the show shuts down. They seemed to continue making appearances, however, despite the lack of applause.

The chants, the whistles, name-calling seem to have become a bore.

But after a successful five year run of a spring showtime featuring the best in a real life racism, bigotry, and violence, it's difficult to draw the curtains and cope with waning stardom.

Essentially, the 1991 protest show was filled with the same old stuff, but the interest just wasn't there for participants in areas outside of the Lac du Flambeau region, and even there interest was waning.

Promoting the protest

Minocqua was once again the proud host of a PARR Rally during

the spring spearing season. It actually drew several hundred hard core PARR/STA members or sympathizers to the area for yet another marching display of blaze-orange, sign-carrying bodies.

The rallying cry through late winter and early spring had been sounded long and hard by PARR (whose attendance at rallies during the 1990 season were straggly at best) to gather at the landings in 1991.

According to Kurt Krueger, Vilas County News Review, April 17, Larry Peterson took off work for a month from the Park Falls based Flambeau Paper Company in order to protest spearfishing.

Both protest stars, Larry Peterson and Dean Crist, STA, were present at the Minocqua rally April 20, encouraging support for the fading show. A vote was taken, and, to no one's surprise, a large majority of ralliers voted to continue the landing protest, and with that vote, pledged attendance at the landings.

However, those numbers just did not seem to make it for curtain time on the landings, leaving the

tired, hard core troupe to carry the show. Generally, they, too, retired from the scene early as well.

"Ghosts of spring's past"

Big Eau Pleine, Marathon, County: An otherwise quiet season with a blast of protest as Lac du Flambeau began their spearing season Tuesday, April 16, at Big Eau Pleine Lake, Marathon County. While other bands had begun their spearing seasons with minimal disturbance, about 250 were present at Big Eau Pleine.

According to a report by Alan Lemck, News-Herald, April 17, "Two key players in the spearing confrontation were on hand: 'Protect Americans' Rights and Resources Chairman Larry Peterson, Park Falls, assembled his orange members at the landing, while Lac du Flambeau spearing organizer Tom Maulson arrived later in the evening and talked with both supporters and protesters."

Taunts, jeers, signs and chants were part of the protest routine, aimed not only a Chippewa spears but WDNR staff and media as well.

"The ghost of springs past returned to northern Wisconsin Tuesday," recorded Milwaukee Sentinel staff writers in an April 17 article, "as angry protesters waved signs and shouted obscenities at Lac du Flambeau Chippewa Indians opening their spearfishing season."

"Many of the protesters' signs bore racist messages. Many others were aimed at government officials..."

Other signs said, 'Spear Suckers! Spear Chuckers!' the article noted.

Sand/Dam Lakes, Oneida County: Following the rally in Minocqua, April 20, protesters proceeded to a Lac du Flambeau landing in order to exercise the Constitutional right of free speech and protest.

The result was about 300 anti-Indian activists on the landing and a volatile situation which police identified as near "riot."

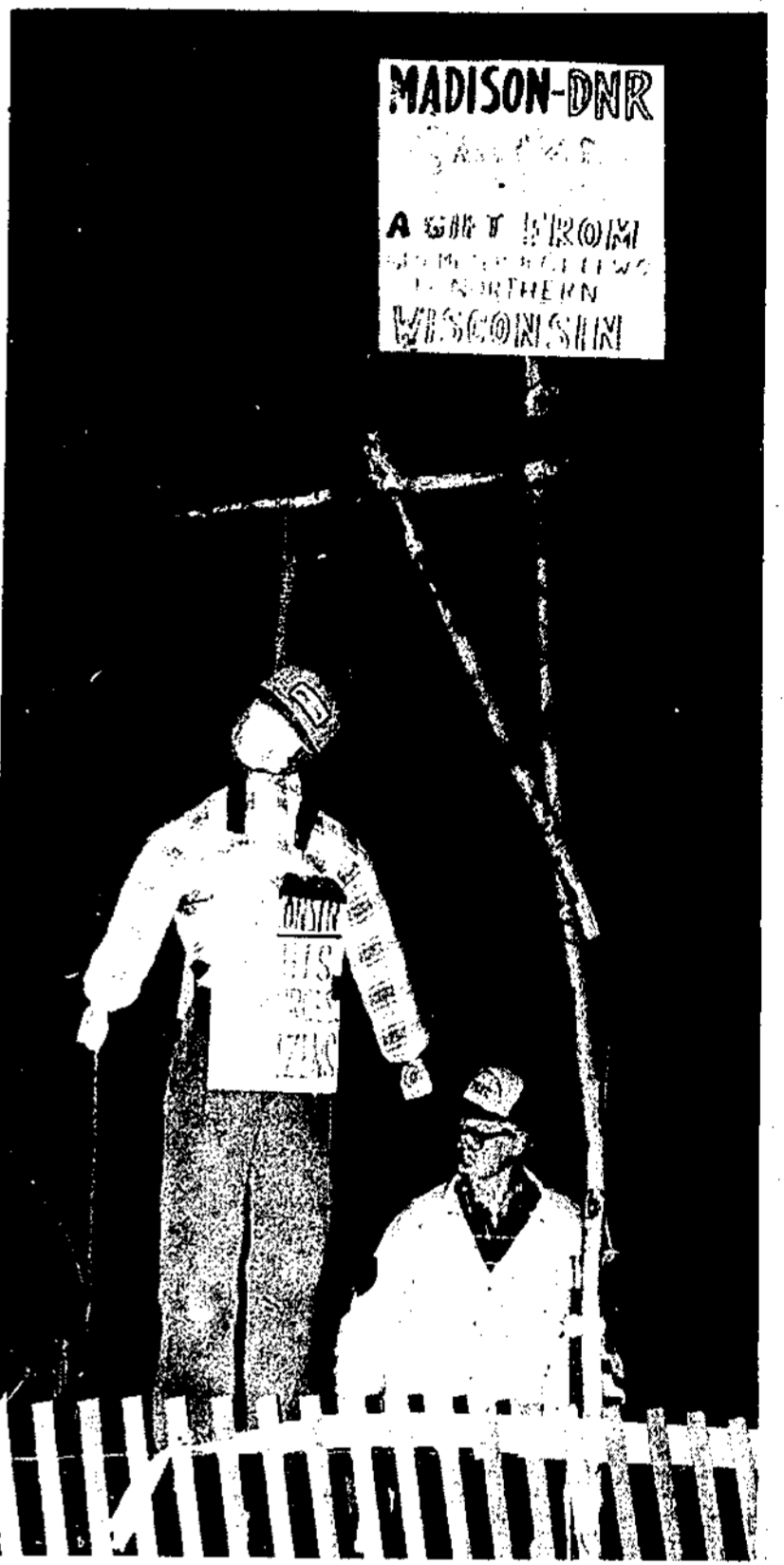
Protesters planned a burning of the Wa Swa Gon Banner, as one antagonistic tactic.

Larry Peterson, PARR, had ordered two banners for the Saturday night boat-landing protest, according to Ron Seeley, Wisconsin State Journal, April 24.

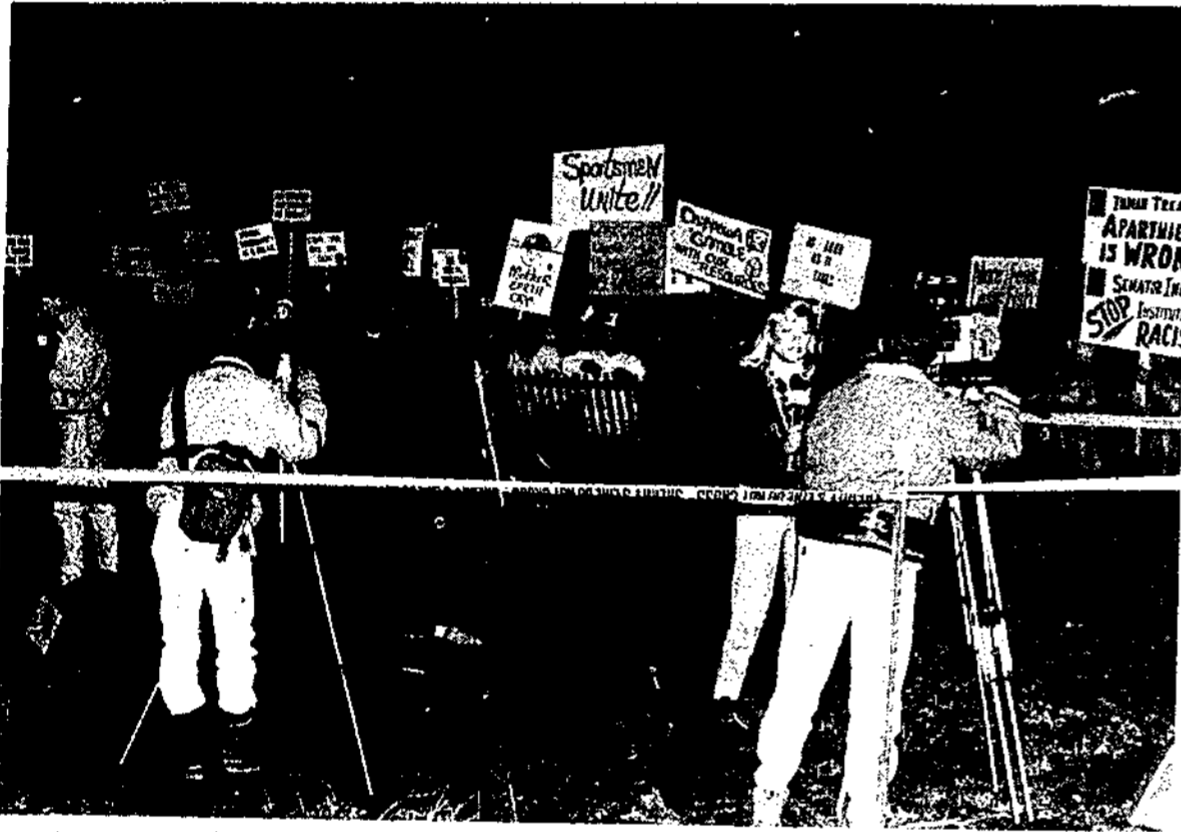
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Faces of protesters. (Photo by Vincent Moore)

DUPLICATE EXPOSURE

Protests decline/cooperation increases

Why the show closed

(Continued from page 6)

Many factors influenced the effectiveness and vitality of the anti-Indian protest in Wisconsin. It is difficult to presume one or two factors alone succeeded in dropping the curtain, but rather the diminished protest occurred as a culmination of many efforts. Some are mentioned below.

Federal ruling against STA members

GLIFWC Executive Director Jim Schlender credits the lawsuit won by the American Civil Liberties Union (ACLU) on behalf of Lac du Flambeau Tribal members as a major factor in discouraging continued landing protest.

The ruling from Federal Judge Barbara Crabb, entered March 15, made no bones about the degree of racism infused into the protests and prohibited a number of typical protest actions. Failure to comply with the ruling could result in the conviction for a felony.

Crabb's ruling simply eliminated a lot of the harassment, and probably took the joy out of the protest. Not being able to make wakes, "play leapfrog" with spearing boats etc. nearly eliminated the on-water activities, for instance. The order is reprinted on page six.

Education

Underlying the diminishment of the protest is a long process of education serving to get out the facts and begin to eliminate misdirected fears. While court orders prohibiting certain actions may have been long overdue, they do not serve address basic fears.

Over the past two years large strides have been taken in the slow process of simply "getting to know your neighbors, the Chippewa." Breaking of stereotypes, undoing misinformation and relating facts about the resource and Chippewa harvest has been, and will continue to be, a long-term process necessary to address the misconceptions which stimulated the protest.

Many have contributed to the undoing of the unfounded biases which perpetrated the violent and racist protests which shattered the peace of Wisconsin's springtime.

In combination, efforts of many have provided the information necessary for the public to recognize 1.) Treaty rights are the law; 2.) Tribal governments are sovereign responsible governments; 3.) The Chippewa are not depleting the resource; 4.) Much of the protest has a racist base.

Some of the many efforts which contributed towards this understanding are:

Joint assessment report

Just prior to spearing season on April 9 came the release findings from a comprehensive, joint fishery study, supported by Senator Daniel Inouye and the WI Congressional Delegation. (See front page story)

With federal, tribal and state resource managers and leaders all re-affirming that spearfishing has not depleted the resources, much of the argument behind the protest was deflated.

With proper statistical information provided from credible



Protesters oppose education on tribal sovereignty, treaties and tribal government as part of the curriculum. Ignorance on these issues creates a fertile ground for misunderstanding and racism. (Photo by Amoose)

sources, most reasonable people turned away from the protest movement, leaving hard core, anti-Indian activists at the landings.

Grassroots, community actions

Leadership in a variety of communities adjacent to Chippewa Reservations began to take actions to eliminate the scenes of violence and hatred experienced each spring.

Those individuals were frequently businessmen, members of Chambers, or concerned persons from local churches. Boulder Junction Chamber of Commerce, Eagle River Chamber of Commerce, Long Lake Chamber of Commerce and Cable's Fish for the Future were a few of the groups that took extra steps to meet with tribal leadership and establish a new forum for communication and joint efforts.

Those actions served to undermine the negativity of the protest movement and gained results from positive cooperative projects—such as more fish, or ideas for economic development.

Treaty support organizations formed in many local communities. They have played a significant role in disseminating information, countering misinformation, responding to "letters to the editor," public speaking and providing a strong non-Indian voice in support of the treaty rights of the tribes.

Treaty supporters have worked long and hard, some on the landings, some off the landings, on a volunteer basis to give a voice which would counter the protest to the media, to the politicians and to the public.

Tribal stamina and control

The protest turned around, because it couldn't work. It

couldn't work because the Chippewa spearfishermen, families and leadership wouldn't let it work.

Chippewa spearkers faced anger, hostility, violence, threats, verbal and physical abuse with peace and control.

They continued to exercise their rights, despite the the conditions. Boat wakes, taunts, gunshots from darkened lakesides, threatening phone calls, insults towards women - the Chippewa continued to exercise their treaty rights, using silence, spiritual ceremony and the support of the Drum and their communities for strength.

The power of peaceful resistance, coupled with the knowledge that the treaty rights belong to the Tribe and must be preserved, served as an effective and meaningful counter to the irrational violence directed through the protest.

The continued willingness also of tribal leaders, as well as tribal members, to take the time to talk with protesters or bystanders or concerned non-Indian citizenry served to slowly erode the bigotry and fear being fueled by anti-Indian organizations.

Hours and hours of patient explaining, invitations to Indian-homes, tribal communities, tribal ceremonies, feasts and pow-wows, individual contacts, presentations to organizations, have served to educate the public on a very personal basis.

State initiatives

Governor Thompson's initiative on economic development which set up tribal-county committees to identify common economic goals was another forum which served to close gaps of misunderstanding.

These committees, with representatives from Indian and non-Indian communities, met many

an impetus for understanding rather than division.

Tribal resource management

The Chippewa tribes can, and do, manage the resources with a conscientious eye towards the needs of all people and also the well-being of the resource.

Professional resource management capabilities, including biological as well as enforcement staff, have served to show and assure the public that the Chippewa Tribes possess credible and effective resource management capabilities.

Tribal councils and elected leaders, as policy-makers, have demonstrated year after year that the Chippewa are assuring that the resources are being protected and that the Tribes are contributing significantly to the enhancement of the resources.

Continued concerns related to environmental protection and related issues that impact the natural resources remain strong on the priority lists of the Tribes, who continue to speak out on behalf of a healthy environment.

Through their own efforts and the infusion of their own value system, the Tribes have demonstrated leadership and integrity when it comes to the care of the Earth.

Professional capabilities in combination with traditional values are being recognized as an important infusion into the resource management system rather than a threat.

Media/Educators/Religious leaders

Professionals who have access

to public forums began to get the facts and relate them. This took a process of education, and often the will and time to self-educate in regard to treaty and tribal issues.

Credit must be given to many of those who promoted understanding not only of the treaty rights as law, but also did not fear to reveal the racist aspects of the protest.

Many editors and writers experienced undo pressure, such as threats to remove advertising etc., if providing what was considered "pro-Indian" materials. Those articles were just the facts.

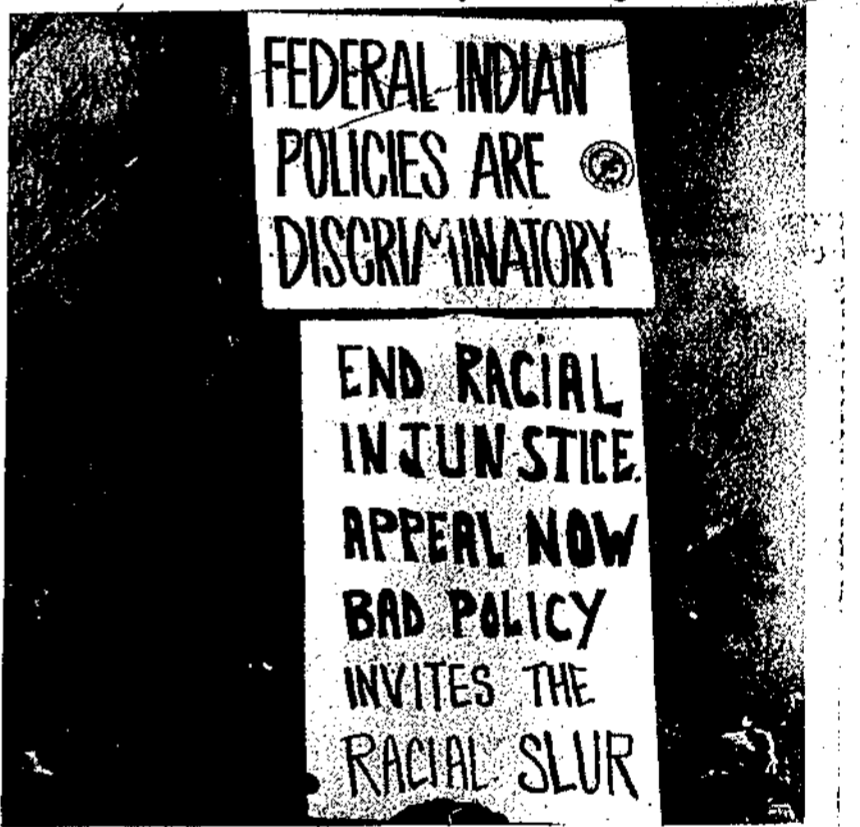
But in communities which have been largely hostile, it has taken courage, and will continue to do so, to teach the facts in classrooms, to write the facts in papers, to preach the facts from the pulpit.

The protest show: Where will it go?

Is it all over? No one knows... The strong anti-Indian sentiments remain for some, who will probably continue to push for the abrogation of Indian rights but in other arenas.

The anti-Indian movement is national in scope and generally works towards a political lobby at county, state and federal level. While violent protest may be a thing of the past, the anti-Indian movement is not. Less visibility does not necessarily make it less threatening to the rights of Indian people.

PARR continues to hammer at all positive initiatives—Indian curriculum and cross-deputization to mention a few—so while many may feel a major problem has departed from the Wisconsin stage, we must be aware that they may only be switching theaters.



A PARR-style pun on a PARR-style protest sign which indicates a failure to recognize racism as it is occurring. (Photo by Sue Erickson)

Boycott Licenses 1992

April 12, 1991

W.O.W. D.N.R. Members:

The only requirements to belong to this affiliate is to be an avid sportsman in any type of recreational activity and to want to see it still there, in its' bounty, for generations to come.... We are asking everyone who camps, fishes, hunts, snowmobiles, owns boats, or ATV's—not to buy any licenses from the Wisconsin DNR in 1992!

We have major problems here in Wisconsin: Higher license fees, less benefits, mis-managed resources depleting, trout stamps with closed seasons, \$6.60 application fee for bear license under the guise of a chase permit, Lake Michigan Charter Businesses going under because of the depleting resources. One of the newest fees they want is a \$3.00 Habitat Stamp and a \$3.00 charge for filing for a doe permit. If you are selected for the Hunter's Choice, it will be an additional \$12.00 for a total of \$36.00 for a Deer License. That \$3.00 fee alone is worth well over \$1.5 Million Dollars because over 5 hundred thousand sportsmen applied last year.

We need to make a formal protest to get the attention of the Wisconsin Department of Natural Resources. We need to stop buying licenses to support their expensive habits. Let's get them to trim the fat when we do buy those licenses again sometime.

The Wisconsin DNR would like to have us focus our discontent at the Indians and their treaty rights. Well, most of us do not feel they should have all these treaty rights and we do protest, but that, in itself, is not the major problem. All it does is take the focus off the DNR. They should be out there fighting hard for the sportsmen's rights. But, we hear nothing from them except when it comes to increases in fees and depletion of benefits. Well.... let's let them know we are fed up and we are not going to sit still for it! We are asking you not to buy a Sportsmen's License in 1991. Go off the Sportsmen's and buy small individual licenses until January 1992—then.....**BOYCOTT LICENSES IN 1992!**

We will have meetings every month at the Labor Temple (Upstairs) at Rhinelander, Wisconsin on the 3rd Monday at 7:00 p.m.—mark your calendars. Please bring a friend. We talk—discuss—and listen to your ideas. We need everyone's help.

January 1, 1992 will begin the "WAR ON WISCONSIN DEPARTMENT OF NATURAL RESOURCES" (W.O.W.-D.N.R.).

Recopy Encouraged

Spokesman for W.O.W.-D.N.R.,
Douglas D. Jensen Sr.
Douglas D. Jensen, Sr.

D.N.R. SPENDING OUT OF CONTROL

(This flyer is being distributed by WAR ON WISCONSIN DEPARTMENT OF NATURAL RESOURCES (W.O.W.-D.N.R. members.)



One of the racist signs carried during the Minocqua PARR Rally slurring Indian people. (Photo by Sue Erickson)

Treaty supporters witness at landings

Provide behind the scenes support

By Sue Erickson
Staff Writer

Support for treaties is most obvious through physical presence on the landings. However, that presence is not the basis for treaty support, nor is treaty support limited to those who elect to "witness" on landings during spearfishing season.

The basis for treaty support is respect and protection of tribal sovereignty. To actively support tribal sovereignty is year round rather than a seasonal task and requires involvement at many levels of the social and political scene—national, state, local, even international.

For some treaty support may take the form of participating in a run or relay, or attending a rally, or responding to an editorial. For others, it may mean being on the landings. For yet others it may mean a prayer, the lighting of sage and sweetgrass, or the offering of tobacco.

During the spearing season all these were happening simultaneously in support of the Chippewa rights to hunt, fish and gather on the ceded lands.

During 1991 organizations such as the Midwest Treaty Support Network, HONOR and the Wa Swa Gon Treaty Association have been active in supporting treaty rights in various forums, as have the affiliates or chapters of each organization.

Public speaking, public education and letter writing are activities which involve much of treaty support organizations' time annually. Providing responses or input to the media as a balance to the anti-Indian commentary is another.

HONOR has taken on the task of monitoring significant legislation which may impact tribes, treaty rights and/or sovereignty. They have also been active in tracking the route of the anti-Indian movement nationally, and HONOR's monthly newsletter keeps readers informed as to issues and suggests pro-active responses.

Wa Swa Gon Treaty Association is based at the Lac du Flambeau Reservation and is, primarily composed of tribal members. Public education become a significant part of their endeavor, with members even going to Europe on behalf of treaty rights.

However, on a more grassroots level they also play a major role in organizing support activities during the spearfishing season. Wa Swa Gon in conjunction with the Midwest Treaty Support Network maintains an office throughout the season and assists in organizing the witness effort during actual spearfishing. This involves planning, meals, accommodations, coordinating, providing necessary information on a nightly basis.

Witness activities have provided an effective counter to the protest by providing an alternative voice and by recording events as they occur. Witnesses are trained to record so that there is some account of violations or harassment as it may be met during the long dark hours of spearfishing.

While witness activity during the 1991 season was not as intense as in 1990, the need in areas other than the Lac du Flambeau region was not apparent. Elsewhere, reports of problems or incidents were relatively few.

However, witnesses maintained a nightly presence at the more controversial landings used by the Lac du Flambeau Band. Discourse with protesters or observers was common, although some incidents occurred between protesters and witnesses, particularly at Sand and Dam Lake landings.

A more detailed account of the witness activity is printed in the article entitled "Role of witnesses reviewed." This article gives history of the witness project and details its experiences and goals.



The Drum provided support to tribal spearkers many evenings during the 1991 season. (Photo by Vincent Moore)

Role of witnesses reviewed

By Rick Whaley
Witness for Non-Violence

"When a young Indian man says it's a good day to die, you need to pay close attention. You need to make this Witness idea work."
James Yellowbank—March, 1989

Who were those witnesses, invited by some spearkers and families to be at Spring boat landings these last four years, but so condemned in various political and press quarters? Derisively called "treehuggers" by the protesters (actually a very welcome name, especially compared to what witness women were called in the first years), we represented people from throughout Wisconsin and the Midwest, from many cultures and many walks of life, who came to be in solidarity with Chippewa treaty rights and the cause of non-violent conflict resolution. We were blamed like the Chippewa for causing problems just by being there, but we served as observers to this historic drama of Native American rights in the face of often violent, social backlash.

In 1987, members of what was to become Citizens for Treaty Rights (CTR) tried to get to the boat landing at Butternut Lake but were turned back by police. Protesters had no such trouble getting to the landing where they threw

two Chippewa elders to the ground and built name calling and rock-throwing to the first of many near-riot situations. That year, CTR and members of Orenda were among the few supporters to stand with Chippewa families at the boat landing protests that were to last five years.

In 1988, Walt Bresette embarked on a speaking tour of the state, urging people to non-violently witness at boat landings in ways similar to the 1986 Big Mountain Witness (which helped prevent the forcible relocation of Navajo by federal troops) and to the Central America Witness for Peace in contra-attacked areas of Nicaragua. This Wisconsin witness notion didn't originate "downstate" or from outsiders from the ceded territory, but many of its first organizers came from Milwaukee and Madison to join with the Anishinabe and non-Indians in the ceded territory. Witness trainings began in 1988 with brief sessions on the philosophy of nonviolence, background on the treaties and issues in

northern Wisconsin, and our first look at Anishinabe culture and what it meant to our work.

The non-violent stance of the witness came first and foremost from the courageous stance of non-retaliation by Chippewa spearfishers and their principled call for support. From the beginning, witnesses came as a peaceful presence, willing to assume the risks of being there and willing to tell the truth of what was happening.

There was no attempt to escalate the boat landing scene by being a counter-demonstration to the protesters. We brought no signs or slogans, and no witnesses were ever arrested in northern WI.

We hoped to help diffuse tension through dialoguing with all parties or, at least, being documenting observers to the racism and violence there. Though not neutral (we have always supported the exercise of treaty rights and stood with Indian families), we have striven to be objective and spoken to media, public meetings and in federal court on what we have documented in northern Wisconsin.

In the first year of witnessing, many of us did not know all the arguments about fish, tourism, equal rights, treaty and court case history, and dual citizenship. But we spoke to all sides and educated

ourselves on these issues and learned which side was telling the truth.

The measure of respect given the witness has grown over the years. We had three tribal council invites in 1990. A Polk County Ledger editorial in 1990 said of the witness:

"There is no doubt that the presence of witnesses was a major factor in the peaceful situation at the landings. Their numbers no doubt quieted some who would have protested in a more disruptive manner. Their quiet, peaceful presence showed protesters and TV cameras alike that support for the Indian treaties exists in the county."

By 1991, witnesses and supporters usually outnumbered the hard core sixty of treaty protesters, on some weeknights of spearing and dramatically on the last weekend of spearing on Trout and North Twin Lakes.

The welcome success of a safe 1991 off-reservation spearing harvest came from the combined work of tribal governments, spearing organizations and other Native American institutions (e.g., GLIFWC and Native American press), European-American business and church leaders, and grassroots support, much of the latter coordinated through the Midwest Treaty Network. Within this combined support, the witness strategy contributed some important breakthroughs.

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Wa Swa Gon Treaty Association member carries the banner during a rally in Madison. (Photo by Amoose)

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Treaty supporter on a landing carries the Wa Swa Gon Treaty Association banner. A banner was burned at the Sand and Dam Lake landings by PARR on April 20. (Photo by Vincent Moore)

Treaty supporters witness at landings Provide behind the scenes support

By Sue Erickson
Staff Writer

Support for treaties is most obvious through physical presence on the landings. However, that presence is not the basis for treaty support, nor is treaty support limited to those who elect to "witness" on landings during spearfishing season.

The basis for treaty support is respect and protection of tribal sovereignty. To actively support tribal sovereignty is year round rather than a seasonal task and requires involvement at many levels of the social and political scene—national, state, local, even international.

For some treaty support may take the form of participating in a run or relay, or attending a rally, or responding to an editorial. For others, it may mean being on the landings. For yet others it may mean a prayer, the lighting of sage and sweetgrass, or the offering of tobacco.

During the spearing season all these were happening simultaneously in support of the Chippewa rights to hunt, fish and gather on the ceded lands.

During 1991 organizations such as the Midwest Treaty Support Network, HONOR and the Wa Swa Gon Treaty Association have been active in supporting treaty rights in various forums, as have the affiliates or chapters of each organization.

Public speaking, public education and letter writing are activities which involve much of treaty support organizations' time annually. Providing responses or input to the media as a balance to the anti-Indian commentary is another.

HONOR has taken on the task of monitoring significant legislation which may impact tribes, treaty rights and/or sovereignty. They have also been active in tracking the route of the anti-Indian movement nationally, and HONOR's monthly newsletter keeps readers informed as to issues and suggests pro-active responses.

Wa Swa Gon Treaty Association is based at the Lac du Flambeau Reservation and is, primarily composed of tribal members. Public education become a significant part of their endeavor, with members even going to Europe on behalf of treaty rights.

However, on a more grassroots level they also play a major role in organizing support activities during the spearfishing season. Wa Swa Gon in conjunction with the Midwest Treaty Support Network maintains an office throughout the season and assists in organizing the witness effort during actual spearfishing. This involves planning, meals, accommodations, coordinating, providing necessary information on a nightly basis.

Witness activities have provided an effective counter to the protest by providing an alternative voice and by recording events as they occur. Witnesses are trained to record so that there is some account of violations or harassment as it may be met during the long dark hours of spearfishing.

While witness activity during the 1991 season was not as intense as in 1990, the need in areas other than the Lac du Flambeau region was not apparent. Elsewhere, reports of problems or incidents were relatively few.

However, witnesses maintained a nightly presence at the more controversial landings used by the Lac du Flambeau Band. Discourse with protesters or observers was common, although some incidents occurred between protesters and witnesses, particularly at Sand and Dam Lake landings.

A more detailed account of the witness activity is printed in the article entitled "Role of witnesses reviewed." This article gives history of the witness project and details its experiences and goals.



The Drum provided support to tribal spearkers many evenings during the 1991 season. (Photo by Vincent Moore)

Role of witnesses reviewed

By Rick Whaley
Witness for Non-Violence

"When a young Indian man says it's a good day to die,
you need to pay close attention.
You need to make this Witness idea work."
James Yellowbank—March, 1989

Who were those witnesses, invited by some spearkers and families to be at Spring boat landings these last four years, but so condemned in various political and press quarters? Derisively called "treehuggers" by the protesters (actually a very welcome name, especially compared to what witness women were called in the first years), we represented people from throughout Wisconsin and the Midwest, from many cultures and many walks of life, who came to be in solidarity with Chippewa treaty rights and the cause of non-violent conflict resolution. We were blamed like the Chippewa for causing problems just by being there, but we served as observers to this historic drama of Native American rights in the face of often violent, social backlash.

In 1987, members of what was to become Citizens for Treaty Rights (CTR) tried to get to the boat landing at Butternut Lake but were turned back by police. Protesters had no such trouble getting to the landing where they threw

two Chippewa elders to the ground and built name calling and rock-throwing to the first of many near-riot situations. That year, CTR and members of Orenda were among the few supporters to stand with Chippewa families at the boat landing protests that were to last five years.

In 1988, Walt Bresette embarked on a speaking tour of the state, urging people to non-violently witness at boat landings in ways similar to the 1986 Big Mountain Witness (which helped prevent the forcible relocation of Navajo by federal troops) and to the Central America Witness for Peace in contra-attacked areas of Nicaragua. This Wisconsin witness notion didn't originate "downstate" or from outsiders from the ceded territory, but many of its first organizers came from Milwaukee and Madison to join with the Anishinabe and non-Indians in the ceded territory. Witness trainings began in 1988 with brief sessions on the philosophy of nonviolence, background on the treaties and issues in

northern Wisconsin, and our first look at Anishinabe culture and what it meant to our work.

The non-violent stance of the witness came first and foremost from the courageous stance of non-retaliation by Chippewa spearfishers and their principled call for support. From the beginning, witnesses came as a peaceful presence, willing to assume the risks of being there and willing to tell the truth of what was happening.

There was no attempt to escalate the boat landing scene by being a counter-demonstration to the protesters. We brought no signs or slogans, and no witnesses were ever arrested in northern WI.

We hoped to help diffuse tension through dialoguing with all parties or, at least, being documenting observers to the racism and violence there. Though not neutral (we have always supported the exercise of treaty rights and stood with Indian families), we have striven to be objective and spoken to media, public meetings and in federal court on what we have documented in northern Wisconsin.

In the first year of witnessing, many of us did not know all the arguments about fish, tourism, equal rights, treaty and court case history, and dual citizenship. But we spoke to all sides and educated

ourselves on these issues and learned which side was telling the truth.

The measure of respect given the witness has grown over the years. We had three tribal council invites in 1990. A Polk County Ledger editorial in 1990 said of the witness:

"There is no doubt that the presence of witnesses was a major factor in the peaceful situation at the landings. Their numbers no doubt quieted some who would have protested in a more disruptive manner. Their quiet, peaceful presence showed protesters and TV cameras alike that support for the Indian treaties exists in the county."

By 1991, witnesses and supporters usually outnumbered the hard core sixty of treaty protesters, on some weeknights of spearing and dramatically on the last weekend of spearing on Trout and North Twin Lakes.

The welcome success of a safe 1991 off-reservation spearing harvest came from the combined work of tribal governments, spearing organizations and other Native American institutions (e.g., GLIFWC and Native American press), European-American business and church leaders, and grassroots support, much of the latter coordinated through the Midwest Treaty Network. Within this combined support, the witness strategy contributed some important breakthroughs.

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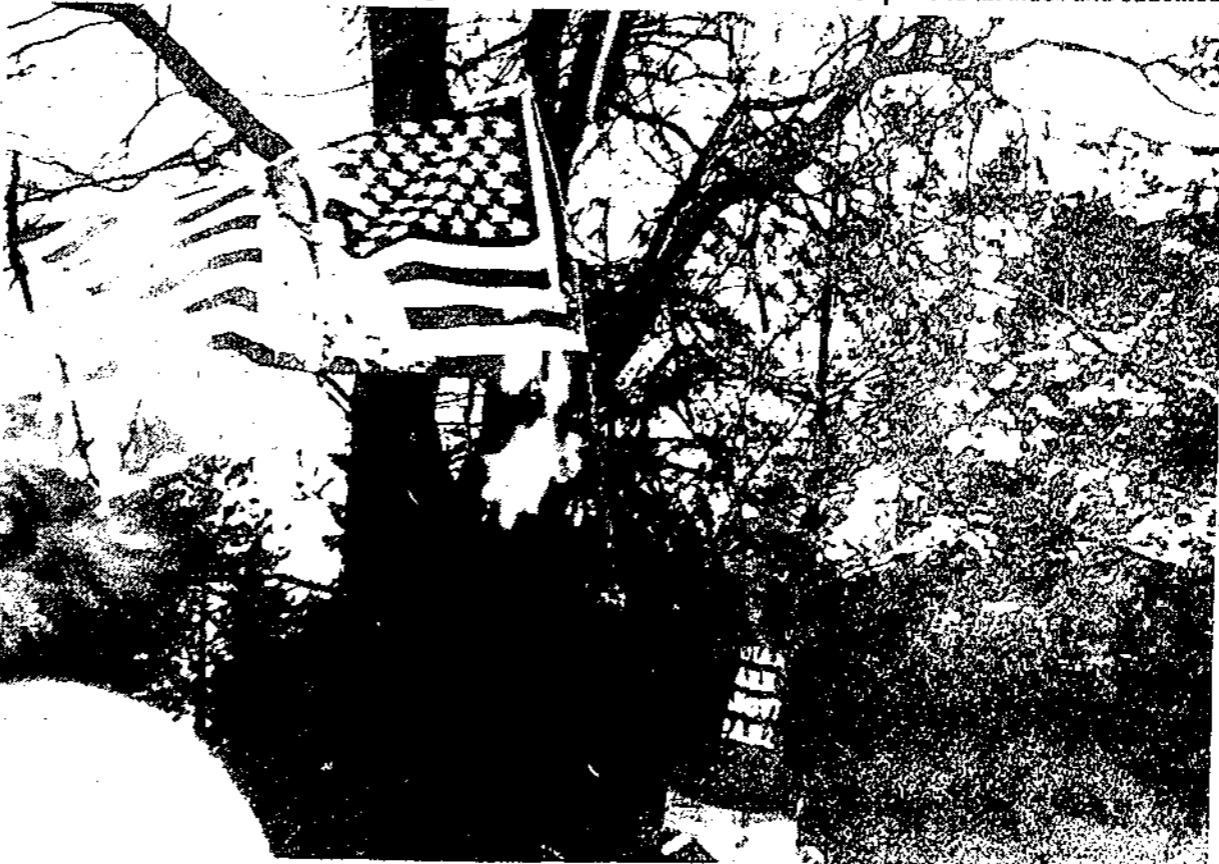
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DUPLICATE EXPOSURE

HONOR issues legislative alert

The Gwich'in Athabaskan Indians dependence on hunting and fishing resources in Alaska's Arctic National Wildlife Refuge (ANWR) is now imperiled by the Bush Administration's proposal to open the Refuge for open exploration and exploitation.

S. Bill 341, introduced by Senator J. Bennett Johnston of LA, incorporated the proposal to open ANWR for oil and gas exploration, production, and development as a means of increasing domestic US oil production and reducing US dependence on foreign oil imports. The bill places little emphasis on conservation measures or development of renewable energy technologies as a means of achieving the same objectives.

Senators Tim Wirth of Colorado and Richard Bryan of Nevada have introduced alternatives to the Johnston legislation. Wirth's bill, S. 742, The National Energy Efficiency and Development Act, includes a variety of energy conservation measures and explicitly rejects ANWR exploration as a requirement of meeting US energy needs. Bryan's bill, S. 279, The Motor Vehicle Fuel Efficiency Act, establishes stricter fuel efficiency requirements for US auto manufacturers as a means of slowing US consumption of oil from all sources.

Members are urged to contact Senator Johnston and other members of the Committee to register their opposition to the proposed opening of the Arctic National Wildlife Refuge and to endorse alternative legislation emphasizing energy conservation measures.

The Episcopal Church passed an action resolution on the bills listed above; that resolution (in part) is included below along with additional information.

The Alaskan Resolution reads in part:

That the Episcopal Diocese of Alaska calls upon the United States Congress and President... to permanently protect the calving and nursery grounds of the Porcupine Caribou Herd by prohibiting oil development in the Coastal Plain of the Arctic National Wildlife Refuge.

The tract, known as the 1002 area, is a portion of the refuge that was set aside by Congress in 1980 for a possible future oil development. In the spring of 1987 a controversial report prepared by the Department of Interior recommended immediate leasing of the 1002 area to oil companies. Congress has not yet approved the department recommendation.

Environmental biologists insist that the construction of oil-producing facilities would destroy the caribou herd, totally dependent on the flatlands of the 1002 tract for a critical, two-month annual period of calving and nursing, and cripple the larger ecosystem. The 1002 area, the biological wellspring of an enormous ecosystem, is habitat of polar and grizzly bear, snow geese, wolf and musk-oxen.

The survival of the Gwich'in Indians is intimately related to the caribou, according to local leaders. Said Jonathan Solomon, an Episcopal Athabaskan leader, "To kill the caribou is to kill the Indian."

Gwich'in leaders of 15 scattered villages who came together as a tribal group for the first time in 1988 and again in August of 1990 to devise strategy to protect the caribou and prevent oil drilling on the land where 180,000 caribou roam.

Gwich'in people, estimated at 7,000, have the inherent right to continue their way of life, and this right is recognized and affirmed by civilized nations in the international covenants on human rights, which read in part: "...In no case may a people be deprived of its own means of subsistence."

During its annual convention on October 5th, the Diocese of Alaska voted 88-2 to support the Gwich'in Indians of northern Alaska in their struggle to prevent oil development in a portion of the nine-million acre Arctic National Wildlife Refuge (ANWR).

Supporters rally in Madison

By Sue Erickson
Staff Writer

Prior to the onset of the 1991 spearfishing season, treaty supporters rallied at the Capitol in Madison, Saturday, April 6, drawing about 250 participants.

Victoria Gokee, a Red Cliff tribal member and treaty rights activist, was honored during the gathering. Gokee's sudden death this spring left her family and the

tribal community both stunned and missing the energetic leadership as well as encouragement as a staunch Indian rights supporter.

The rally, also, was timely with threats of another turbulent spearfishing season imminent. It provided an opportunity to respond to questions and accusations raised by the vocal anti-Indian organizations during the spring and address issues of public concern.

The continued affirmation of the rights held by the Chippewa. The show of support in Madison was actually echoed in other parts of the world where similar rallies supporting Chippewa treaty rights occurred in London, Vienna and Toronto as well.

A drum ceremony opened the rally and set the stage for a number of speakers, including state political figures as well as tribal and non-Indian treaty rights advocates.



On the steps of the Capitol in Madison a Drum provides an opening song for a Treaty Support Rally, April 9. (Photo by Amoose)

Treaty supporter responds to PARR

To the Editor:

Last year's state budget bill, Act 31, contained language requiring all public schools to teach about the history, culture and tribal sovereignty of Wisconsin Indian tribes at least twice in the elementary grades and once in high school. The new law, which takes effect next September, represents an honest effort by the Legislature to alleviate racial tensions which have intensified in recent years with the exercise of Chippewa treaty rights. Because anti-Indian sentiment is borne largely of ignorance, the obvious remedy is improved education.

To many of us who live and work in northern Wisconsin, the Indian education mandate makes a great deal of sense. Its only shortcoming is that it comes about a hundred years late.

As a public school teacher, I've had the opportunity to examine a variety of popular social studies texts and find them all seriously deficient in their portrayal of American Indians. My colleagues who teach "by the book" (the vast majority, I'm afraid) inevitably leave their students with two lasting impressions: 1) that the only tribes of any importance lived somewhere else (e.g., New Mexico); and 2) that Indians are important only in a historical context. Even the most enlightened educators rarely get beyond the "noble savage" stereotype to consider Indians in contemporary American society.

We thus have graduated generation upon generation of young people from Wisconsin high schools with little or no understanding of our state's first inhabitants. They may be able to trace the route of Ferdinand Magellan's explorations, but don't ask them how or when the Chippewa got to Wisconsin. It wasn't in the book. As for treaties, the average high school student probably knows more about the Treaty of Versailles than the Treaty of 1837. Perhaps the greatest tragedy in all this is that many of our Indian students remain as ignorant of their own history as are their white classmates. Could it be that their high dropout rates are caused at least in part by this obvious and apparently purposeful omission from our history and social studies curricula?

Because the public schools have until now chosen to ignore Indian issues, much of the adult population of Wisconsin is not only ignorant, but ignorant of its ignorance. Much of what they think they know about Indians is learned in the bars or on the boat landings, where they become easy marks for the anti-Indian propaganda of organized hate groups like Protect Americans' Rights and Resources (PARR) and Stop Treaty Abuse/Wisconsin (STA/Wis.).

PARR spokesman Larry Peterson announced in February that his organization will actively oppose the Act 31 mandate. "PARR is totally opposed to any form of mandated Indian education in the public school systems, and the possibility and probability for extreme bias has already been proven to exist," stated a position paper distributed outside a recent meeting of educators in Wausau. Peterson promised reporters that he would picket his children's school in Park Falls next fall if it dares comply with the new law.

In truth, the "extreme bias" that Larry Peterson warns against already exists in the status quo, and PARR's intent is to institutionalize that bias by disallowing Indian education. Consider the following statement attributed to an anonymous "Wisconsin educator" in a PARR tract titled Indian Education in the Public Schools: "Americans know what to think about Indians, but are unable to do so critically and analytically." Don't confuse us with the facts, in other words, our minds are already made up. This know-nothing mentality shows PARR for what it really is—a racist organization interested only in expanding its own influence by exploiting the irrational fears of an uneducated public.

I hope Larry Peterson follows through on his threat to picket the Park Falls school, and I hope other PARR members picket other schools including mine. If they do, I'm convinced that their credibility will finally be stretched to the breaking point, revealing an agenda that has less to do with protecting resources than with promoting racial strife. The sooner these people are exposed as the bigots they really are, the sooner the rest of us can get on with the task of building understanding between Indians and non-Indians in northern Wisconsin. It's time we faced the facts.

Jeff Peterson
Balsam Lake



About 250 supporters rallied in Madison prior to spring spearing on April 9. (Photo by Amoose)



Witnesses and spearers gather at T & L's Mini Mart prior to caravanning to a landing. (Photo by Vincent Moore)

Role of witnesses

(Continued from page 8)

with tribal governments. The witness continued to pressure for safe and consistent law enforcement and to train people for witnessing/documentation each Spring.

From 1988 on, we helped create an opening with the media on what was happening—"You're white and you're for peace? That's a new angle," one mainstream press person said to us. Like the responsible press, our role as witnesses has been to hold up a mirror to what was happening and say, Is this acceptable? Is this how we settle disputes? Live up to our agreements? Finally in 1991, it seems most people in northern Wisconsin have said the protests are not ok; we can at least live with treaty rights.

The spearers first met with lawyers in October 1989 at a witness home in Milwaukee. With the backing of the ACLU, this legal team went into federal court in March 1991 and won a temporary injunction against STA's on-lake and boat landing harassment.

While the Lac du Flambeau tribal council provided critical legal stature to the case, extensive witness documentation and testimony added credence to the spearfishers' evidence of intense harassment throughout the 89 and 90 spearing seasons.

In her decision, Judge Crabb went to great lengths to describe the racism of the protests and their intention to disrupt Chippewa civil

rights and property rights. Witness Reports were written in 1988, 1989 & 1990 and have been used as evidence for the Wisconsin Equal Rights Council hearings and used in preparation for the federal court case. (Both the 89 and 90 Witness Reports were prepared by the Madison Treaty Rights Support Group.)

Witnesses were also present at the boat landings these last four years to observe and document the action, or inaction, of law enforcement personnel. At times, witnesses provided protection to Chippewa families, standing with them in the face of protester hostilities, where police would not come to prevent trouble. We escorted families back to their vehicles on many nights and in 1990 linked arms to protect a threatened Native American drum.

Year round outreach and education on Chippewa treaties has brought witness supporters to college campuses, editorial board meetings, churches, unions and educational conferences. Letters to the editor, articles in Native American and Green publications as well as national news stories have helped turn the tide toward acceptance and respect for Anishinabe rights and culture.

Witness training blossomed in 1990 as over 1000 people were trained in non-violent philosophy and action, cultural sensitivity, treaty history and northern Wisconsin issues. More than half of

the people trained were from northern Wisconsin and Minnesota.

In the last two years, hundreds have been trained by the Twin Cities Witness for Non-Violence and by the Chicago Indian Treaty Rights Committee, and supporters came from all over the U.S. and some countries abroad to be at the Spring boat landings.

These numbers represent people of many races who have been empowered by this movement to risk themselves so that the past injustices of broken treaties and resource grabs are not repeated. Inspired by the Earth philosophy and spiritual centeredness of this Anishinabe struggle, this multi-racial alliance remains strong and ready to act here in the Midwest.

We are all hopeful that the 1991 season is the last of boat landing protests and that all our trips to Chippewa country will now be for celebrations in each season. We, however, still have a number of concerns in regards to law enforcement at the landings and the still-existing political moves against Chippewa rights and culture.

The fizzling of the protests and the need for reconciliation in northern Wisconsin should not cause us to forget that this was never a struggle where both sides shared equal blame. Racism has not disappeared from northern Wisconsin (as the Sand Lake incident, 4-20-90, made all too clear for African-Americans as well as Native Americans).

Joint projects put the squeeze on Great Lakes invaders

GLIFWC/USFWS seek more effective lamprey control

By Sue Erickson
Staff Writer

High water levels during the wet spring have hampered activities of lamprey assessment crews throughout the area, according to Dale Shively, GLIFWC lakes biologist, who supervises several crews involved in lamprey population studies.

For the fifth year biological services staff from GLIFWC are working with the U.S. Fish and Wildlife Service (USFWS) Sea Lamprey Control Project, Marquette, MI in projects designed to study and curb the problems caused by the sea lamprey eel.

This year GLIFWC is also participating in a lamprey larval project on the Bad River system.

Lamprey assessments are being performed on 13 rivers by GLIFWC crews. Two men handle the western district around Superior, WI and two other the eastern district, which extends into MI.

Red Cliff also has a crew, Shively states, which is performing assessments on Red Cliff Creek

and the Raspberry River.

High water levels have hampered the setting of nets this spring and Shively fears assessment crews may have missed the peak of the spring lamprey run. Catches are down from prior years, he says.

The assessment process involves setting of either box or fyke nets in the river system during the time lamprey run to the spawning beds. Trapped lamprey are clipped on the dorsal fin, using a different colored clip each week, and then released at least a quarter mile downstream. They are released to mix with others ready to migrate back upstream.

Through recapture of the marked lamprey, population estimates on the eels are established, Shively explains, basing figures on the ratio of marked and unmarked eels that are recaptured.

The USFWS has been treating rivers with TMF, a chemical developed in the 50's for the control of lamprey. While the chemical can effect other fish species, the dosage is geared for lamprey, he explains.

The population estimates provide data on which to gauge not only population concentrations, but determine the effectiveness of the chemical treatment.

This year USFWS is also releasing sterile male lamprey into the system. The sterile males, Shively states, compete for females with the other male lamprey. While the female will still lay eggs, those eggs will not survive.

The lamprey larval project is geared to studying preferred habitat of larval stage lamprey in order to more efficiently reduce their populations, according to Shively.

GLIFWC crews have set up 136 transects, or one every mile, along the Bad River system, he says. The transects, or lines, serve to map the substrata type in the system and record whether it is or is not preferred habitat for the lamprey.

Crews also electroshock larval lamprey, then measure and destroy them. The length indicates the age of the lamprey, Shively says, and gives biologists an indication of the effectiveness of the



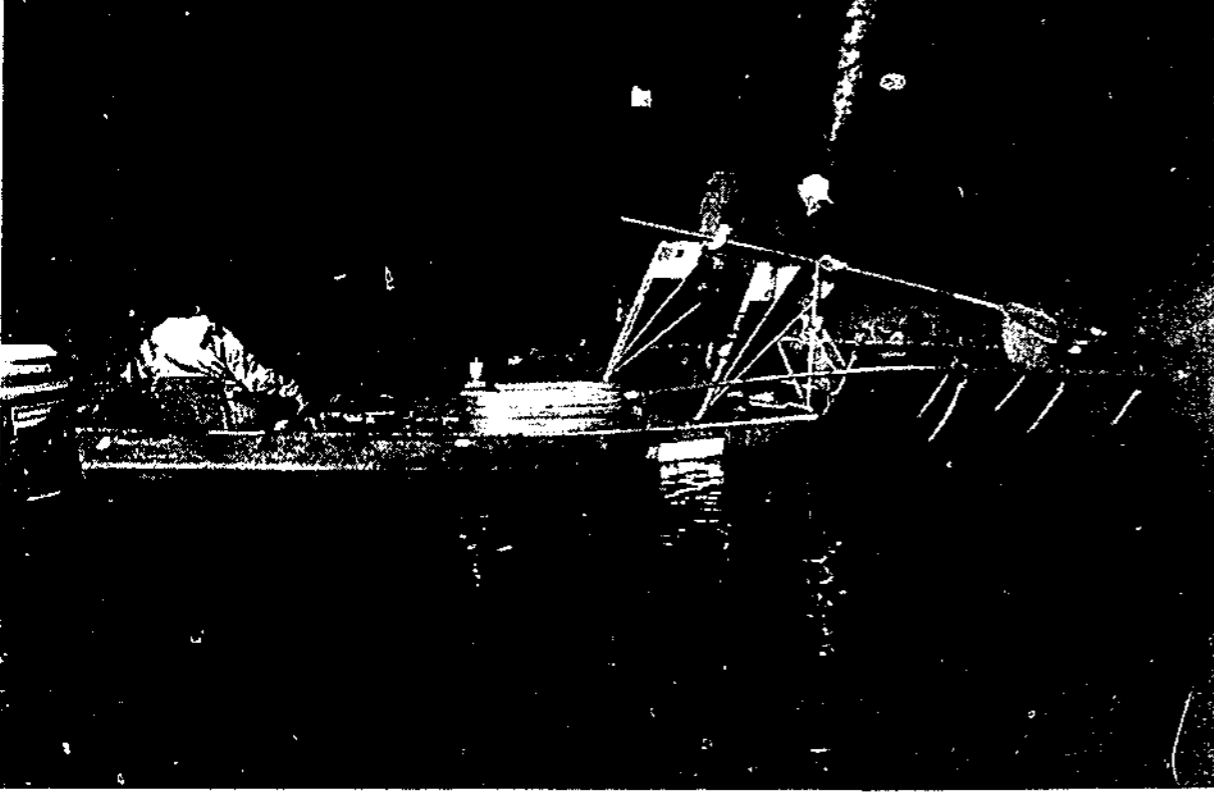
GLIFWC lamprey crews, Clyde Moore (left) and Larry Houle check a lamprey net on the Middle River in Douglas County. (Photo by Vincent Moore)

chemical treatment.

The larval project is being performed on the Potato, White, Marengo, Brunswiler and Trout Brook Rivers on the Bad River Reservation.

GLIFWC's assessments are just part of a much larger scale project administered through the USFWS Sea Lamprey Control Project. GLIFWC's data is recorded with that gathered from

many other crews, both in Michigan and Canada, in order to provide a comprehensive picture of the lamprey problem in Lake Superior and the impact of treatment to date.



Electroshocking takes place near shore from dusk to dawn. (Photo by Sue Erickson)

Walleye target of population estimates on inland lakes

By Sue Erickson
Staff Writer

Walleye have been the target species for the annual electrofishing assessment performed by GLIFWC biological staff over the past five years. The studies are part of a joint effort to establish a more comprehensive data base on WI's walleye fishery.

Statistics are also used to establish the Safe Harvest Level figures for the upcoming seasons on each lake, according to GLIFWC Inland Lakes Biologist Neil Kmiecik.

GLIFWC crews performed adult walleye assessments on 25

out of 26 lakes scheduled for electrofishing this spring. In addition, four lakes were electroshocked for juvenile population studies, he says.

Lakes which were shocked were scattered throughout the ceded territories of northern Wisconsin. Crews were as far southwest as Long Lake, Washburn County and moved east to Kentucky Lake and Butternut Lakes, Vilas Co. On the northern edge crew work extended to include Goegebic Co., Michigan and Amnicon and Dowling Lakes, Douglas Co.

Electrofishing began April 9 through April 30 for adult estimates. Sampling must occur during the spring spawning season

when the fish are available, Kmiecik explains. Juvenile estimates began May 8 and ran through May, 17th.

The shocking process begins at dusk with work continuing into the small hours of the morning. Fish are stunned, collected and held for short period of time, states Kmiecik.

The crew then pauses to "work up" the fish. This includes taking length measurements, sexing, collecting scale or spine sample for future aging, and clipping or tagging prior to release. The fish are released towards the center of the lake and the crew returns to the shallow edges of the lakes to con-

tinue the collection process.

The Great Lakes Indian Fish & Wildlife Commission used a total of six electrofishing boats. Two are owned by GLIFWC, one which GLIFWC constructed for the St. Croix Band and three from the USFWS.

GLIFWC has worked closely with the USFWS in electrofishing studies over the past several seasons. U.S. Fish and Wildlife Service also provided a crew leader to work with GLIFWC fishery aides, Kmiecik says.

This spring GLIFWC used six electrofishing crews and one fyke net crew to complete the assessment project.

age food base for native predator fish such as walleye and northern pike, Selgeby says.

Scientists are in the process of studying the impact of the ruffe, developing population estimates and initiating population control efforts with a cooperative endeavor by the U.S. Fish and Wildlife Service (USFWS), WI Department of Natural Resource (WDNR) and Great Lakes Indian Fish and Wildlife Commission (GLIFWC).

GLIFWC has provided one full crew of three men for the summer project, according to Selgeby. The crew is performing assessment netting, which involves the trapping of predator fish and taking samples of their stomach content.

Samples of stomach content are then analyzed in the USFWS laboratory, Ashland, to determine

what the fish are using for forage foods. Predator fish studied are largely northern pike, large bullheads and large yellow perch, Selgeby says.

USFWS is largely involved with studying the biology of the ruffe and determining abundance of the ruffe and major predators.

Another branch of the project involves a river ruffe control effort being performed by the WDNR. This is the release of more large predators such as northern pike and walleye into the river system who will use river ruffe as a food base.

The hope, according to Selgeby, is that increased large predator fish will serve to control ruffe populations. The effectiveness of that effort is part of the assessment study as well.

"Top-down" predator study on ruffe launched

By Sue Erickson
Staff Writer

A three-pronged "top down predator control" project on river ruffe has been launched this spring with a long term objective of controlling populations of the exotic species in major tributaries of Lake Superior, according to Dr. James Selgeby, USFWS fisheries biologist, project leader Lake Superior fisheries unit, Ashland.

River ruffe, another "invader" thought to have been introduced to the Great Lakes region through the ballast of incoming foreign ships, has a noticeable population in the St. Louis River, Duluth.

The major concern of fish biologists is that expanding ruffe populations will diminish the for-

The data collected is used to provide a population estimate which is calculated using a standard format agreed to with the WDNR, Kmiecik explains.

The WDNR and GLIFWC fishery biologists will meet in the later part of June to review the estimates. WDNR had scheduled 45 lakes for their electrofishing studies.

The data will be reviewed, discussed and a population figure agreed upon. The agreed upon figures, then, become part of the process used for updating next year's Safe Harvest Level, according to Kmiecik.

The Safe Harvest Level figure

is critical in establishing quotas which effect both tribal and state-licensed fishermen.



State updates sport fish consumption advisory

MADISON, WI—Walleyes, bass and northern pike of various sizes from 20 lakes and three river segments contain unhealthy mercury concentrations and have been added to the spring update of Wisconsin's fish consumption advisory, the Department of Natural Resources reported in early April.

The advisory warns the public to limit consumption or not eat sport fish that may contain unhealthy traces of mercury and other toxic chemicals. Most of the waters added to the advisory this time pinpoint mercury-contaminated gamefish from lakes in northern Wisconsin, said James Amrhein, toxic substances specialist for the Department's Bureau of Water Resources Management.

The Department reported last year that PCB levels in some Lake Michigan gamefish had dropped 80 percent in the last 15 years. Agency data collected since last year show that yellow perch tested from several sites along Lake Michigan and Green Bay did not contain any detectable levels of polychlorinated biphenyls (PCBs) or the pesticides chlordane, diel-

drin and DDT. Updated information on contaminant levels in Great Lakes trout and salmon will not be available until later this year, Amrhein said.

Lake sturgeon from the Peshigo River's mouth in Green Bay upstream to the Badger Mill Dam also were added to the advisory due to PCB and DDT contamination. The fishing season for sturgeon on the Peshigo River is open in the fall, but few sturgeon are found in the river at that time of year.

"Practically speaking, these sturgeon pose little health risk because hardly anyone catches them, Amrhein said.

The Michigan Department of Public Health recently cautioned against eating carp larger than 30 inches from the Menominee River on the Wisconsin-Michigan border due to dioxin contamination, but the information is not contained in Michigan's 1991 advisory because the pamphlet already had been issued.

Wisconsin and Michigan natural resource agencies have tested walleyes, redear and smallmouth bass from the Menominee River

and found that the species contained "very low or nondetectable dioxin levels," Amrhein said.

Both agencies will test carp from a 50-mile stretch of the river this year to confirm dioxin distribution and concentrations in this species. Wisconsin will decide then whether carp need to be added to the state's fish advisory, Amrhein said.

Dioxin is a suspected human carcinogen and is a byproduct of the chlorine bleaching process used in papermaking to whiten wood pulp. The health standard for dioxin in sport fish is 10 parts per trillion.

Mercury contamination patterns in sport fish from Wisconsin's inland waters remain the same as in previous years, Amrhein said.

"A few larger, older walleyes, bass, northern pike and other gamefish generally are the only sport fish from inland lakes listed on the advisory that contain mercury in concentrations high enough to pose a health threat," he said.

The advisory divides fish contaminated with mercury into four groups based on mercury concen-

trations and fish size. Pregnant women should eat no more than one meal a month of Group 1 fish. Children under 18 and pregnant women should not eat Group 2 or 3 fish. Everyone else should limit their consumption of Group 2 and 3 fish to 26 and 13 meals a year, respectively. No one should eat fish in Group 4.

According to Dr. Henry Anderson, chief of environmental epidemiology for the Department of Health and Social Services, mercury poses a risk to the human nervous system. A dose of mercury can be eliminated from the human body through normal metabolic processes. The state's health standard for mercury in sport fish is 0.5 parts per million.

Wisconsin has been issuing sport fish consumption advisories since 1976. Updates are issued each autumn and spring. The advisory now lists fish from 217 sites on 720 inland lakes, rivers and border waters.

Overall, Wisconsin's water resources total 15,000 inland lakes, 43,000 miles of rivers and streams and 650 miles of Great Lakes shoreline.

New additions to Wisconsin's fish consumption advisory

IMPORTANT: Only some sizes and species of fish from listed bodies of water pose a health concern. Health advice also differs depending on fish size range and contaminant. Please refer to the DNR publication "Health advisory for people who eat sport fish from Wisconsin waters" for these details.

MARINETTE COUNTY—Menominee River from Piers Gorge through Sturgeon Falls Flowage
Peshigo River from its mouth at Green Bay up to Badger Mill Dam
EAU CLAIRE COUNTY—Chippewa River above the Dells Dam

CHIPPEWA COUNTY—Chippewa River from the dam at Chippewa Falls downstream to the Chippewa Co. line (see Eau Claire Co. also)

ROCK COUNTY—Clear Lake
JUNEAU COUNTY—New Lisbon Flowage in the Lemonweir River

MARATHON COUNTY—Big Eau Plaines Reservoir
ONEIDA COUNTY—Hemlock Lake, Long Lake (T39 R11E S8), Nokomis Lake, Pickerel Lake T39 R8E S7

VILAS COUNTY—Birch Lake, Boulder Lake, Long Lake, North Turtle Lake, Upper Buckatoban Lake

IRON COUNTY—Bearskull Lake, Cedar Lake, Island Lake (T44 R1E S25), Pine Lake

TAYLOR COUNTY—Black River below Medford to the Taylor County line; Sackett Lake, South Harper Lake
PRICE COUNTY—Wilson Flowage



Jon "Little Bird" Anderson, LCO (front left) and Gaiashkibos, LCO Tribal Chairman lead the runners, walkers out of the LCO Pipestone Quarry at the start of a relay to Madison. Environmental protection and respect for the Earth was one of the themes of the relay. (Photo by Jim Schlender.)

PCB Facts

- Generally found in the Great Lakes, their tributaries and Mississippi River.
- PCBs once used as fire retardants and in many other products or discharged in pre-1970s industrial wastewater effluent. Acid rain may release mercury into lakewater and contaminate sport fisheries.
- PCBs still widely distributed in the environment
- Highest PCB levels in Wisconsin usually found in the largest salmon, lake trout and carp from Green Bay, Lake Michigan and tributaries
- PCBs build up in the fat of fish, birds, humans and other organisms
- Panfish (perch, etc.) usually contain low or undetectable PCB levels
- PCBs are a suspected animal carcinogen; research shows PCBs impair reproduction in some animals
- PCBs linked to developmental and growth problems in children born to women who regularly ate Great Lakes fish
- AVOID EXPOSURE TO PCBs by eating smaller, leaner fish; remove all traces of skin and fat before cooking (fat holds the PCBs). If you're pregnant, nursing an infant or under 15, avoid eating some fish.

Mercury Facts

- Generally found in inland Wisconsin lakes and some rivers
 - Emitted from coal-burning, paint and mixed-waste incineration, or discharged in pre-1970s industrial wastewater effluent. Acid rain may release mercury into lakewater and contaminate sport fisheries.
 - Converted by bacteria dwelling in lake sediment into a chemical form readily absorbed by fish
 - Highest levels found in large, old walleyes in lakes from all parts of the state; high levels found less frequently in larger northern pike and largemouth bass
 - Panfish (bluegill, perch, rock bass, crappie) generally contain low or undetectable levels
 - Mercury is stored in the fillet, or muscle, portion of a fish, not the fat; removing fat or skin from these fish will not lower mercury levels
 - Mercury harms the human central nervous system; may affect body movement and senses of touch, taste and sight
 - Health effects generally reversible if mild exposure halted; human body can eliminate half its mercury burden every 70 days
 - AVOID EXPOSURE TO MERCURY by following advice in this Health Guide, especially if you are pregnant, under 15 or frequently eat sport fish that might contain mercury. Remember that in general, panfish contain lower mercury levels than large, predator fish.
- (Reprinted from Health Guide for people who eat sport fish from Wisconsin waters, April 1991.)

Eagles could be Lakes' 'canary in the coal mine'

A bald eagle might not, at first glance, look much like a canary. Great Lakes researchers, though, hope that bald eagles can become the "canary" in the "coal mine" of Great Lakes toxic pollution.

Researchers in Canada and the U.S. are drafting guidelines for using bald eagles and other species at or near the top of the Lakes' food chain as "ecological indicators." The ultimate goal, said Paul Bertram of the U.S. Environmental Protection Agency (USEPA), is "to have laws, discharge permits and regulations set on the basis of the indicators: how these animals are doing in the environment."

Chip Weseloh of the Canadian Wildlife Service said the bald eagle "certainly looks like it has a lot of potential" as an indicator of overall ecosystem health. Being at the top of the food chain, Weseloh said, the eagle can serve as a measure of how many toxics are present in the Lakes, since those substances tend to persist and "bioaccumulate" upwards, reaching higher concentrations at each step of the chain.

David Best of the U.S. Fish and Wildlife Service, also a member of the IJC committee, said, "We could pick one or more of the species we're studying (including mink, lake trout, and cormorants) as an indicator for a particular lake. The eagle keeps coming up be-

cause it's fairly widely distributed, easily recognizable in the field, there's a lot of historical data on its extent, it feeds on a variety of species, and at least in the southern Lakes, it stays year-round."

Once common on the shores of the Great Lakes, bald eagles had virtually vanished from the Lakes by the early 1980s. Researchers found that toxic substances, particularly DDT and polychlorinated biphenyls (PCBs), caused wide reproductive failure in the birds. While the numbers of eagles nesting on the shores of the Lakes have climbed up to at least 70 pairs, they are still not reproducing "well, if at all," Best said.

Bald eagles are reproducing "very well" in inland areas of Ontario, Minnesota, Michigan and Wisconsin, Best noted, indicating that toxic substances are still causing reproductive problems in birds nesting near shorelines. "We think 'clean' birds from inland areas are flying in to nest [near the Lakes], but then are not able to produce healthy eggs," he said.

Uptonow, governments' regulation of toxic discharges into the environment have largely been based on concentrations of various substances in an industrial or municipal discharge.

Such concentration limits, no matter how carefully crafted, are

"inherently arbitrary," noted Phil Weller of Great Lakes United, a coalition of activist groups. Bertram said, "Ecological indicators can be seen as a check on the chemical measures, that can tell us whether those measures are appropriate, whether they're working," and the effects of different toxics in combination with each other.

Reports by the USEPA, the Great Lakes Fishery Commission, and the International Joint Commission in recent years have discussed and analyzed the possibilities for establishing such indicators for the Lakes. The 1987 amendments to the Canada-U.S. Great Lakes Water Quality Agreement call for the development of "ecosystem health indicators," and specified that the lake trout should serve as an "indicator species" for Lake Superior.

The governments have not yet formally designated any species as "indicators," but, said Weller, "I think they are already being used in an informal sense" in setting agencies' goals and objectives for reducing toxic discharges. Using indicators to help set discharge limits "seems to be where we're heading," said Canada's Weseloh. "It's part of the 'ecosystem approach' to regulation."

(Reprinted from The Great Lakes Reporter.)

Endangered species found near Flambeau mine site

By Robin Goree
GLIFWC Policy Analyst

The purple warty back clam is really "taking a beating" in the Midwest, said David Heath, who found the creature in the Flambeau River just seven-tenths of one mile downstream from the site of the Flambeau Mining Corporation's controversial copper mine.

Heath, who has been working for the DNR for about one year, said that at one time the purple warty back clam was found all over the country from the Mississippi drainage area, Alabama, north to Wisconsin, west to Kansas and East to Pennsylvania.

He said he couldn't be certain why the clam was endangered, but

said it was probably related to water quality which impacts both directly and indirectly on the clams. Heath said that since World War II, water pollution has "annihilated" mussels all over the country. He said the clams are very sensitive animals and seldom successfully reproduce when they have been reintroduced to recovered or cleaned up habitat. Heath has been working with the DNR as a biologist surveying aquatic life as part of the Federal Energy Regulatory Commission (FERC) relicensing process. He also found shell fragments of the endangered clam near the hydro projects of the Flambeau Paper Company.

He said he is working on about one hundred hydro projects that are up for relicensing. In order to do his aquatic life surveys, Heath dons scuba gear and explores the often swift moving river beds looking for endangered or threatened species.

He said he has been doing this work for one year and "I can't do it all." The State, Heath said, performs a consultative role for the hydro companies, but the State asks the company to do the actual studies. The DNR negotiates on standards, but the companies hire independent consultants or, if they have enough money, their own biologists.

Heath is the only person in the state working on endangered species near hydro projects. He was only able to give a " cursory" look around the Flambeau Paper Company's hydro projects and "no in-depth search" was done so he felt it would be useful to go back up the river and search for more living clams.

There has been some talk about moving the clam from the area near the mine to a safer environment but the process is very touchy, said Heath. He said some transplants have been done of similar clams in other states but that the mortality rate was "unacceptably high." The Purple Warty Back can live up to 80 years and it takes them approximately 4 to 5 years to reproduce, so it could be 15 or more years before it is known if the transplanted clams can reproduce successfully.

Questioned as to the importance of the Purple Warty Back, Heath said clams are very important to a river ecosystem. Clams are filter feeders, therefore their population density indicates their role in a given river system.

Clams may filter two liters of water in an hour and in some areas there are up to 100 clams per square meter. "They tie up a lot of biomass," he said. "They help keep the water clean."

Clams aid clean environment

In ecological terminology clams are termed "primary consumers." Clams consume plankton which is at the base of the food chain and not many other organisms can utilize the energy stored in plankton—some insects and a few fish. Clams play an important role in releasing the energy in plankton and storing it in their meat. The energy from the plankton converted into the clam then becomes accessible to other creatures—fish, otters, etc.—for food.

Stopping the next invader

You might think that after all the dire warnings about the zebra mussel, and the Great Lakes' long and difficult experience with the alewife and the sea lamprey, that every effort would be underway to keep more "ecological invaders" from entering the Lakes.

You would be wrong. The U.S. Congress, the International Joint Commission, and the Great Lakes Fishery Commission have concluded that every ship entering the Great Lakes should switch its ballast first, to leave any potential freshwater invaders out in the saltwater ocean where they can do no harm. Congress, in fact, has decided to require it for ships entering U.S. waters. Canada's Coast Guard, though, thinks the idea is worth studying.

Ships' ballast water is one way, maybe the main way, that invaders like the zebra mussel can make their way across an ocean from a freshwater lake or river on another continent to the Great Lakes. "The health and integrity of the Great Lakes St. Lawrence ecosystem are jeopardized by the rampant colonization by shipborne exotic organisms," the two binational commissions noted in a joint statement on ballast-switching. "It is a problem that can and must be curtailed."

The Coast Guard claims that

its voluntary ballast-switching program, in which ship captains are asked to switch their ballast before entering the St. Lawrence, has a 97% compliance rate. A few vessels, they say, cannot safely comply without risking capsizing. Research is needed on alternatives, they say, before switching can be required.

The problem with that is that it only takes one of those vessels to dump something new and dangerous into the Lakes; for all we know, it has already happened. Based on experience, it seems the question is not whether it will happen, but when.

Surely nothing would inspire shipowners to find safe ways of switching their ballast like the knowledge that they cannot enter the St. Lawrence Seaway until they do.

Any sense of urgency seems distinctly lacking in the Coast Guard's considering of the question: officials are "hopeful" that some funds for research can be found in the fiscal year starting in April, to get some research started maybe sometime this year. The shipping season, meanwhile, opens by mid-March, and another invader could be in a Great Lake in a matter of weeks.

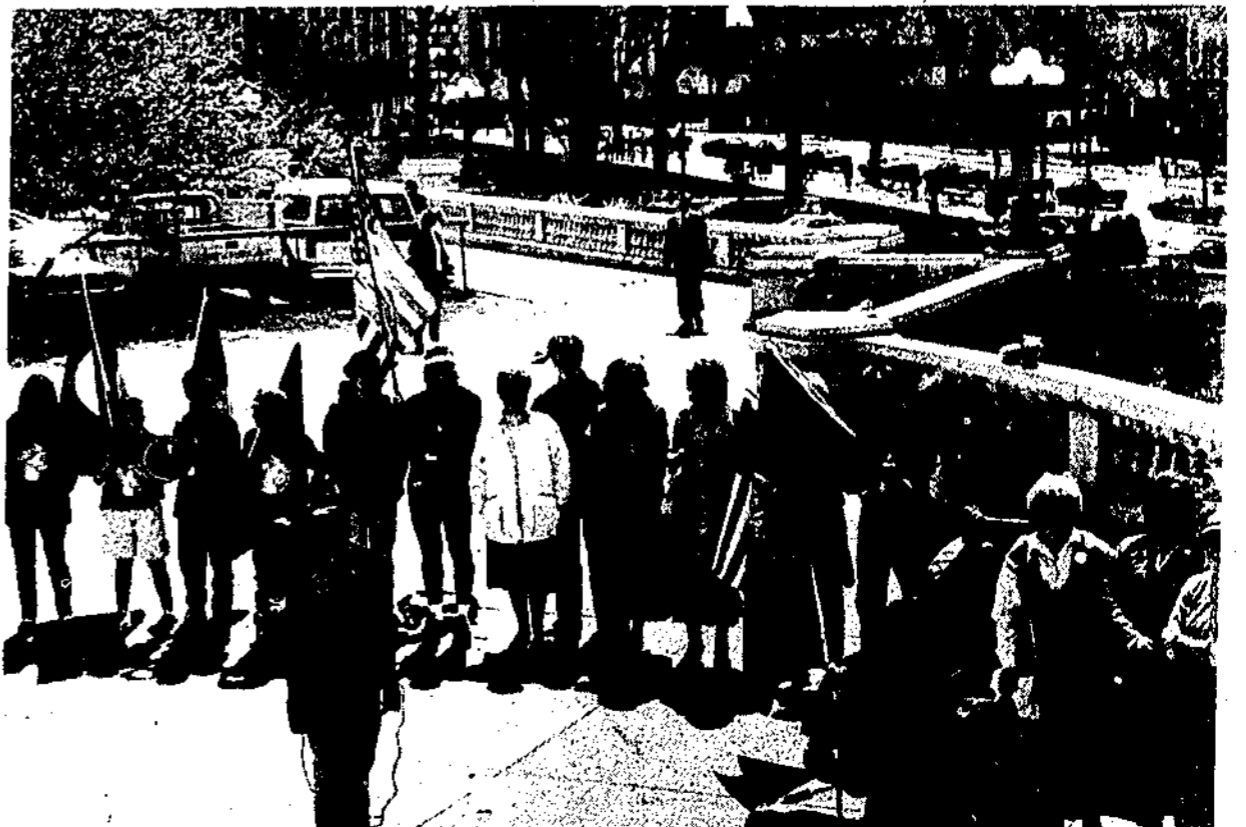
(Reprinted from The Great Lakes Reporter.)



Enroute from LCO to Madison a relay runner carries the Eagle Staff along a stretch of highway. (Photo by Jim Schlender)



Copies of "Health advisory for people who eat sport fish from Wisconsin waters" are available free of charge from any DNR office or from the Bureau of Water Resources Management, P.O. Box 7921, Madison, WI 53707 (608) 267-7610.



The Capitol steps in Madison was the destination of a spring relay. Above, relay participants and supporters rally in Madison in regard to environmental issues. (Photo by Jim Schlender)

Anti-Indian groups have singleness of purpose: common strategies

By Sharon Metz HONOR

Following the activities of the many anti-Indian groups around the country reveals connections that appear to be more than coincidental. While Klan Chapters around the country are known by the national name, groups opposing Native American treaties go by many names. CERA, PARR, STA, ERFE, CORE, ICCER, TEA, MOD, S/SPAWN, UPOW, EIE are just a few acronyms of these groups. Most interesting is the singleness of purpose and identical strategies—down to the same phraseology in the various publications.

The stated purpose is quite different than the de facto purpose of most organizations. To give just a few examples, Citizens for Equal Rights Alliance (CERA) says it is not "anti-Indian" but has lobbied against education, religious freedom, water rights, tribal courts and numerous other measures that help preserve the sovereignty and well-being of tribes...even when non-Indians would not be harmed by the legislation. (CERA, located in Montana, is a national umbrella group for a number of organizations.) Protect Americans Rights and Resources (PARR) claims to have as its purpose "resource pro-



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What then is the real purpose of these organizations? Make no

mistake about it—it is LAND. Ownership of Indian removal from—jurisdiction over...it's land. Land! Since Europeans stepped foot on this continent they have never been satisfied to share control and ownership of the land with other legal entities. Satisfy-

ing that basic greed to "have it all" requires removal of the two barriers that stand in the way...treaties and cultural values. In nearly every instance of anti-Indian activity, protest groups focus on diminishing a treaty or a cultural value (language, religion, life-style, etc.)

Having established the clear single interest of anti-Indian groups as land, what are the common strategies? As I name them you will recognize the tactics. You may think that these tactics are unique to your own local rump group of radicals. Not so...they look much the same under many banners, ven worse, in many instances they seem to be working. To counter an effort one must name its strategies. Here goes:

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Indian Courts can't be trusted. Indian spirituality isn't really a "religion."

Strategy #3: Use the energy, money, and time of tribes and their advocates. Examples: Fighting with local governments over the Indian Child Welfare Act consumes endless hours of time and costs money.

Brown and Outagamie Counties (WI) spent approximately \$300,000 to file a lawsuit that would disestablish the Oneida Tribe and eradicate the reservation borders. Ironically, not only did the Tribe have to pay to defend itself, but many Oneida taxpayers helped foot the County bill through individual property taxes they paid on lands not in tribal trust.

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Opposing Indian rights, this PARR van encourages protest at the press conference announcing the report from the joint fishery assessment. PARR is part of a nationwide network which opposes Indian rights. (Photo by Amoose)

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The Keweenaw Bay Indian Community (KBIC) expressed concern and frustration regarding enforcement of the "Bell decision" on reservation lands at a recent council meeting. The United States District Court decision by Judge Robert Bell gives the tribe control of jurisdictional issues within the boundaries of the reservation.

At question is whether or not the decision gives the tribe complete jurisdiction over civil and criminal matters, or, as local non-Indian government agencies see it, just over criminal matters. The original intention of the Bell decision was to help eliminate a "check-board" effect for law enforcement agencies. Prior to the decision, there was a question as to whether or not a non-tribal police officer could arrest a tribal member and vice-versa. The decision gave tribal officers jurisdiction over their members and non-tribal officers jurisdiction over non-Indians.

KBIC officials feel Bell's decision gives the tribe control over all jurisdictional matters. Currently, tribal officials are attempting to remove all land within the reservation owned by KBIC members off the state tax rolls. There are some 60 parcels at question split between L'Anse and Baraga townships. However, according to Tribal Realty Officer Tim Shanahan, the move has hit a stumbling block.

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L'Anse Township Assessor Carlo Heikkinen and Baraga Township Assessor Donald Takala with less than favorable results.

"Heikkinen said there was no information on when the land was patented (sold) so they were all denied. Takala looked back through the records and exempted one," said Shanahan.

"The case is clear. Bell's decision gives (the tribe) complete jurisdiction within the reservation," said Shanahan. "We took the issue to the (Michigan) tax tribunal and they gave a decision on taking property within the boundaries off the tax roll and now the Bell decision makes the boundaries clear. From what I understand, no one with authority is making a decision...local authority is in direct violation of Bell's decision."

KBIC officials approached the state tax tribunal in 1981 and had some property removed from the tax rolls. However, those parcels not covered by the "check-board" were not removed. With the Bell decision, KBIC officials are again attempting to pull the parcels.

According to the Bell's decision, the entire original reservation boundaries are included in his decision...irrespective of whether they had been sold...prior to the effective date of the 1854 treaty." KBIC officials contend this statement means all lands within the reservation belonging to tribal

members are placed under the jurisdiction of the KBIC.

"The boundaries have been set for jurisdictional issues. It's a closed case as far as I'm concerned. I don't know where (the state) is getting its advice. I'm at a loss as to where they're coming from," said Tribal Attorney Joseph O'Leary. "If this goes back before (Judge) Bell, I'd be curious to see his reaction when he hears he doesn't have the authority (to enforce his decision)."

Councilwoman Myrtle Tolonen questioned the group as to how it can assert itself regarding the decision.

"If push comes to shove, the legal system is supposed to work. It has cost the tribe a lot of money every time we've gone to court," said Tribal Chairman and CEO Fred Dakota. "I don't know if we need to authorize the expense to go back to Bell for an interpretation."

O'Leary explained there are legal steps already in place which should play to the tribe's advantage.

"There are contempt sanctions and different routes we could go to let them know what's going on," said O'Leary.

"We have to get someone that can convince them. We hate to go into court all the damn time," Dakota said.

O'Leary said Monday he will contact the state Attorney General's office to hopefully clarify the is-

Board passes treaty rights resolution

After six months of discussion and debate, the Board of Directors passed a resolution affirming Native American treaty rights at the March meeting. The resolution, which passed by 8-2 with 1 abstention, was undoubtedly one of the most contentious ever considered by the Board. Opinions were strong on both sides. Most, though not all, of those opposed to the passage of the resolution support the concept of treaty rights; their objection was that this is not an environmental issue, but a civil rights or social justice issue. Those who favored the resolution argued that in the Upper Midwest treaty rights are an environmental issue, and that at any rate one cannot separate environmental from social justice issues. Those opposed also contended that Indian gill netters are depleting lake trout and other fish in Lake Superior; those in favor contended that there is no evidence to support this claim. In addition, those in favor pointed to the support among Great Lakes tribes for zero discharge, to the Keweenaw Bay Indian Community's opposition to the proposed James River and Mead mills, and to the Bad River Chippewa band's opposition to new paper mills in Iron County, Wisconsin (adjacent to Gogebic County).

UPEC's resolution is based on one drafted by an Oneida attorney, and has been adopted by many groups elsewhere:

WHEREAS, American Indians have lived in the western hemisphere for thousands of years before the colonial period, and

WHEREAS, American Indians evolved rich cultures and complex governments which exist to the present, and

WHEREAS, the many Nations of Indians living in what has become the United States of America entered into treaties pursuant to the United State Constitution, which recognized the lawful rights of Indian governments and people;

WHEREAS, the lands ceded by the Indian Nations to the United States as recorded and reflected in the Treaties formed the basis for the progress in settlement of the United States, and

WHEREAS, Indian Treaties have been upheld repeatedly by the United States Supreme Court up to the present, and

WHEREAS, treaty provisions have been honored by the Congress and the Executive Branch of the federal government, and

WHEREAS, Indian Treaties represent the honor and origin of the United States as an independent international state and the legal status of Indian Nations to self-determination and homelands.

NOW, THEREFORE BE IT RESOLVED, that the Upper Peninsula Environmental Coalition supports the legal rights of Indian people and their governments, and recognizes that treaty rights are constitutionally based and must continue to be recognized and honored.

To follow up on the resolution, we have written to all five Indian communities in the U.P. to offer to meet with their tribal councils, explain what UPEC is, listen to their environmental concerns and suggestions, and decide on ways we can work on environmental issues of mutual interest.

(Reprinted from The Upper Peninsula Environment, A newsletter of the Upper Peninsula Peace Coalition, April-May 1991 edition.)

sue.

"There seems to be a lot of confusion. Rather than drag this back into court, I hope to set up a meeting and ask for an explanation. We would like to include the county, but nothing has been set up yet," said O'Leary.

Close to a dozen KBIC commercial fishermen attended Saturday's meeting expressing grave concern over the proposed five year fishery management plan currently under development by the tribe to help stabilize Lake Superior fish stocks.

The plan is part of an entire package which includes court action against commercial fishermen from the Bad River and Red Cliff Chippewas, and action against the state of Michigan to prohibit the further stocking of salmon into Lake Superior. KBIC officials hope the effort will result in a more stable lake trout population.

KBIC Fisheries Biologist Mike Donofrio acknowledged the proposal has been re-written four times and that he has looked for input each time with the exception of the last draft. Still, those fishermen in attendance expressed strong oppo-

sition to the plan.

"All fishermen oppose it down the last fisherman," said KBIC commercial fisherman Don Chosa Sr. "The old regulations were pretty damned good and even then, we were over-regulated. There a re lots of people out there protecting the fish but no one is out there protecting the fisherman. Our forefathers held firm in dealing with all treaty rights. Now this body (council is steering away."

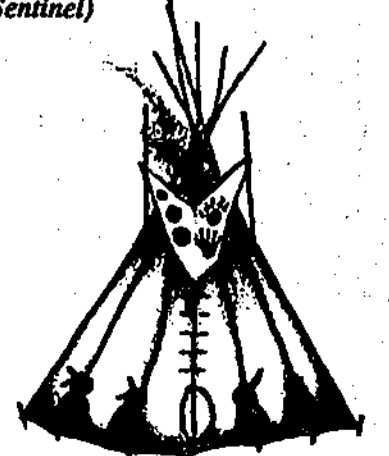
Dakota explained that the council is concerned with protecting the fishery for future generations but acknowledged the need of the commercial fisherman to make a living at his trade.

The fishermen expressed concern over a proposed tagging system and also limiting the number of boats allowed to set nets in the Big Lake. He explained based on figures, some fishermen were over their quotas by thousands of fish. He said to help make the plan work, either the tagging system (giving a predetermined number of tags for lake trout) would have to be implemented, or the number of large boats working the waters would have to be limited.

O'Leary backed Donofrio's statement adding based on the biological information he has seen, there is no more room for large fishing boats to operate on Lake Superior. Dakota said the KBIC commercial fishermen are not being blamed for all the problem, but they are being asked to help solve it.

Chosa, speaking on behalf of the fishermen, said he felt the information out there represented "mis-information" from the state which he feels is attempting to eliminate treaty fishing rights.

(Reprinted from the L'Anse Sentinel)



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members are placed under the jurisdiction of the KBIC.

"The boundaries have been set for jurisdictional issues. It's a closed case as far as I'm concerned. I don't know where (the state) is getting its advice. I'm at a loss as to where they're coming from," said Tribal Attorney Joseph O'Leary. "If this goes back before (Judge) Bell, I'd be curious to see his reaction when he hears he doesn't have the authority (to enforce his decision)."

Councilwoman Myrtle Tolonen questioned the group as to how it can assert itself regarding the decision.

"If push comes to shove, the legal system is supposed to work. It has cost the tribe a lot of money every time we've gone to court," said Tribal Chairman and CEO Fred Dakota. "I don't know if we need to authorize the expense to go back to Bell for an interpretation."

O'Leary explained there are legal steps already in place which should play to the tribe's advantage.

"There are contempt sanctions and different routes we could go to let them know what's going on," said O'Leary.

"We have to get someone that can convince them. We hate to go into court all the damn time," Dakota said.

O'Leary said Monday he will contact the state Attorney General's office to hopefully clarify the is-

Board passes treaty rights resolution

After six months of discussion and debate, the Board of Directors passed a resolution affirming Native American treaty rights at the March meeting. The resolution, which passed by 8-2 with 1 abstention, was undoubtedly one of the most contentious ever considered by the Board. Opinions were strong on both sides. Most, though not all, of those opposed to the passage of the resolution support the concept of treaty rights; their objection was that this is not an environmental issue, but a civil rights or social justice issue. Those who favored the resolution argued that in the Upper Midwest treaty rights are an environmental issue, and that at any rate one cannot separate environmental from social justice issues. Those opposed also contended that Indian gill netters are depleting lake trout and other fish in Lake Superior; those in favor contended that there is no evidence to support this claim. In addition, those in favor pointed to the support among Great Lakes tribes for zero discharge, to the Keweenaw Bay Indian Community's opposition to the proposed James River and Mead mills, and to the Bad River Chippewa band's opposition to new paper mills in Iron County, Wisconsin (adjacent to Gogebic County).

UPEC's resolution is based on one drafted by an Oneida attorney, and has been adopted by many groups elsewhere:

WHEREAS, American Indians have lived in the western hemisphere for thousands of years before the colonial period, and

WHEREAS, American Indians evolved rich cultures and complex governments which exist to the present, and

WHEREAS, the many Nations of Indians living in what has become the United States of America entered into treaties pursuant to the United State Constitution, which recognized the lawful rights of Indian governments and people;

WHEREAS, the lands ceded by the Indian Nations to the United States as recorded and reflected in the Treaties formed the basis for the progress in settlement of the United States, and

WHEREAS, Indian Treaties have been upheld repeatedly by the United States Supreme Court up to the present, and

WHEREAS, treaty provisions have been honored by the Congress and the Executive Branch of the federal government, and

WHEREAS, Indian Treaties represent the honor and origin of the United States as an independent international state and the legal status of Indian Nations to self-determination and homelands.

NOW, THEREFORE BE IT RESOLVED, that the Upper Peninsula Environmental Coalition supports the legal rights of Indian people and their governments, and recognizes that treaty rights are constitutionally based and must continue to be recognized and honored.

To follow up on the resolution, we have written to all five Indian communities in the U.P. to offer to meet with their tribal councils, explain what UPEC is, listen to their environmental concerns and suggestions, and decide on ways we can work on environmental issues of mutual interest.

(Reprinted from The Upper Peninsula Environment, A newsletter of the Upper Peninsula Peace Coalition, April-May 1991 edition.)

suc.

"There seems to be a lot of confusion. Rather than drag this back into court, I hope to set up a meeting and ask for an explanation. We would like to include the county, but nothing has been set up yet," said O'Leary.

Closed to a dozen KBIC commercial fishermen attended Saturday's meeting expressing grave concern over the proposed five year fishery management plan currently under development by the tribe to help stabilize Lake Superior fish stocks.

The plan is part of an entire package which includes court action against commercial fishermen from the Bad River and Red Cliff Chippewas, and action against the state of Michigan to prohibit the further stocking of salmon into Lake Superior. KBIC officials hope the effort will result in a more stable lake trout population.

KBIC Fisheries Biologist Mike Donofrio acknowledged the proposal has been re-written four times and that he has looked for input each time with the exception of the last draft. Still, those fishermen in attendance expressed strong oppo-

sition to the plan.

"All fishermen oppose it down the last fisherman," said KBIC commercial fisherman Don Chosa Sr. "The old regulations were pretty damned good and even then, we were over-regulated. There a re lots of people out there protecting the fish but no one is out there protecting the fisherman. Our forefathers held firm in dealing with all treaty rights. Now this body (council is steering away."

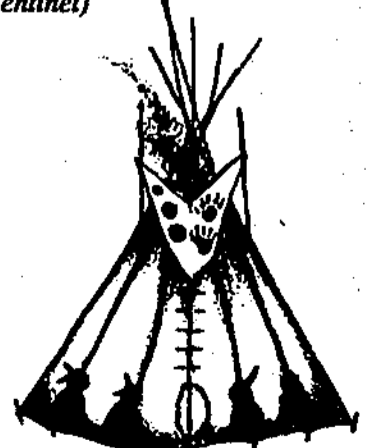
Dakota explained that the council is concerned with protecting the fishery for future generations but acknowledged the need of the commercial fisherman to make a living at his trade.

The fishermen expressed concern over a proposed tagging system and also limiting the number of boats allowed to set nets in the Big Lake. He explained based on figures, some fishermen were over their quotas by thousands of fish. He said to help make the plan work, either the tagging system (giving a predetermined number of tags for lake trout) would have to be implemented, or the number of large boats working the waters would have to be limited.

O'Leary backed Donofrio's statement adding based on the biological information he has seen, there is no more room for large fishing boats to operate on Lake Superior. Dakota said the KBIC commercial fishermen are not being blamed for all the problem, but they are being asked to help solve it.

Chosa, speaking on behalf of the fishermen, said he felt the information out there represented "mis-information" from the state which he feels is attempting to eliminate treaty fishing rights.

(Reprinted from the L'Anse Sentinel)



Teachers come on-reservation to learn Ojibewa science

By Sue Erickson
Staff Writer

Math and science teachers from the upper midwest are learning the practical aspects of the Ojibewa experience firsthand as part of a 9 mo. project designed to infuse the Ojibewa culture into current curriculum, according to Dana Jackson, Bad River Education Coordinator.

Jackson has been working hand-in-hand with Clayton Russell, Sigurd Olson Environmental Institute, Ashland in coordination of a project which involves seventeen teachers and four major on-reservation workshops.

The project was initiated last winter after the Sigurd Olson Insti-

tute was awarded an Eisenhower Math and Science Grant, University of Wisconsin-Madison, for the proposal.

Jackson identified two major reasons behind the project. One is to encourage regional educators to teach something about the Native people in the area.

The second is provide an opportunity for Native American children to feel a sense of ownership in the math and science disciplines. Jackson says the body of scientific knowledge possessed by the Native American people is rarely revealed in those terms. For Native kids to succeed and be involved in math and science, a sense of pride and ownership in their own culture's contributions must be

encouraged.

Learning of Native ways is best done experientially as it is practiced. So participants spend several days, usually a weekend, in intensive workshops during significant seasons for the Ojibewa people.

For instance, this spring they were involved firsthand in the maple sugaring process and spring fishing activities on the Bad River Reservation. Coordinators either bring in guest speakers or bring the workshop literally into the backyards of the experts, tribal members, skilled in traditional practices.

Spring sugaring and fishing were, and continue to be, key to the food gathering of the Ojibewa. Both

the methods and uses of the food from the seasonal gathering process are explored.

This summer teachers will join the summer Great Lakes Youth Leadership Camp at the Raspberry Bay Campground, Red Cliff. Construction of lodges, utensils, and other items use by the Ojibewa people is highlight of summer activities.

In addition, Jackson says, teachers will be introduced to Ojibewa use of wild plants which are important for food, medicine and ceremonial purposes.

The beginning session last winter served to provide basic background on the culture through teachings and storytelling. The season was appropriate as storytelling

is traditionally only done through the winter months, after the snow flies.

Fall will bring the teachers back to the Bad River Reservation during their annual wild ricing season and traditional pow wow time.

While this sounds like great fun, the teachers must produce curriculum following the "hands-on" aspects of the workshop. The curriculum, Jackson says, will add specifically Ojibewa knowledge into the current presentation of math and science concepts.

Following the sessions, curriculum must be prepared by each participant and submitted to Sigurd Olson. Two curriculum experts, Ken Rogers, CESA #12, and Jacquelyn Crow, Bloomington School

District, Fraedrick, MN, review the submissions and assist in formatting the curriculum ideas.

The final goal of the project is to provide completed curriculum which the teachers will share with other math and science teachers in their districts, thereby encouraging a more comprehensive use of the materials developed.

This project, Jackson adds, is one of several which are responding to an identified need for more curriculum addressing Native American issues and culture in the school system.

Other ongoing projects include a CESA #12 curriculum project and the curriculum being developed through the Wisconsin Act 31.



Maple sugaring was one of the topics of the spring Ojibewa workshop attended by 17 math/science teachers as part of a 9 month curriculum development project. Far left, Dana Jackson, Bad River Education Coordinator, explains the process of making syrup. (Photo by Vincent Moore)

Education emphasis of new GLIFWC ANA grant

In March, the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) was notified by the U.S. Department of Health and Human Services Administration for Native Americans (ANA) that they (GLIFWC) had been funded for a Cooperative Resource Management grant.

The grant was awarded to the Commission for the purposes of developing educational materials regarding the resource manage-

ment and co-management programs of the tribes.

"There is a definite gap in the public concept of the tribes," Jim St. Arnold, the ANA program director said. "Everyone knows what the tribes are harvesting every spring during spearfishing or every year during deer hunting," he added, "but few people are aware of the tribal regulations or the resource management programs and co-management efforts of the tribes."

"The purpose of the program is to develop materials that we can make available to the tribal and general public concerning the management efforts of the tribes," he concluded.

The program will be hiring a graphics specialist/writer whose main job will be to develop the resource management materials.

In addition, the Great Lakes Indian Fish & Wildlife Commission's ANA program has also hired three summer youth interns

who will be manning information booths and talking about treaty rights and tribal resource management at pow-wows and state fairs this summer.

Hired for the summer youth positions are Lynn Maday a Bad River tribal member, Priscilla Pine from the Sault Ste. Marie tribe of Chippewa in Michigan, and Ryan St. Arnold, a Keweenaw Bay tribal member. The first year funding for the GLIFWC ANA grant was for \$119,287.

Overall, Satz viewed the project as "exciting." However, the demands on team were heavy. They were awarded the contract for the project in May with deadlines for this summer.

Satz has recently completed a

major book on Chippewa treaty rights, entitled *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*, which will be available in July, he says.

The research involved with the book, provided the team with immediate access to the subject background and resource materials necessary to formulate the curriculum on the tight deadline.

Gollnick and Fran Steindorf, both Indian Education Consultants through the Department of Public Instruction (DPI) will be engaged in the implementation of the curriculum itself. Gollnick says the curriculum will be presented in January to teachers during a special training session. He anticipates that follow-up training will occur.

Providing proper preparation and understanding to educators who will be working with the materials identified as critical to the success of the curriculum itself.

A few other concerns discussed in regard to the project involved the exclusion of other tribes in Wisconsin. Satz feels that this should be addressed in further curriculum projects so material appropriate to different regions of WI are available.

Another concern was the anticipated reluctance on part of some educators to present the materials. Quoting a statement from a teacher in Memphis, Tenn, that eventually led to a civil rights suit—"We're going to talk about Indians today. How many of you want to waste your time?"—Satz noted that a certain amount of negativity will be encountered "no matter what you provide."

Briefly, the curriculum provides lesson by lesson guides for each grade level defining objectives, concepts and providing references and material required for the teacher.

Curriculum draft ready for comment

By Sue Erickson
Staff Writer

Dr. Ronald Satz, UW-Eau Claire, presented the rough draft of the curriculum designed to meet the specifications of the American Indian Education Legislation, Act 31, which mandates curriculum for grades 4-12 on Chippewa Indians' off-reservation treaty rights, to the Wisconsin Native American Language, Education and Culture Board in Red Cliff, June 16.

Satz, in conjunction with Dr. Richard St. Germaine and Dr. Anthony Gulig, who jointly developed the curriculum, provided copies and an overview of the curriculum to the Board.

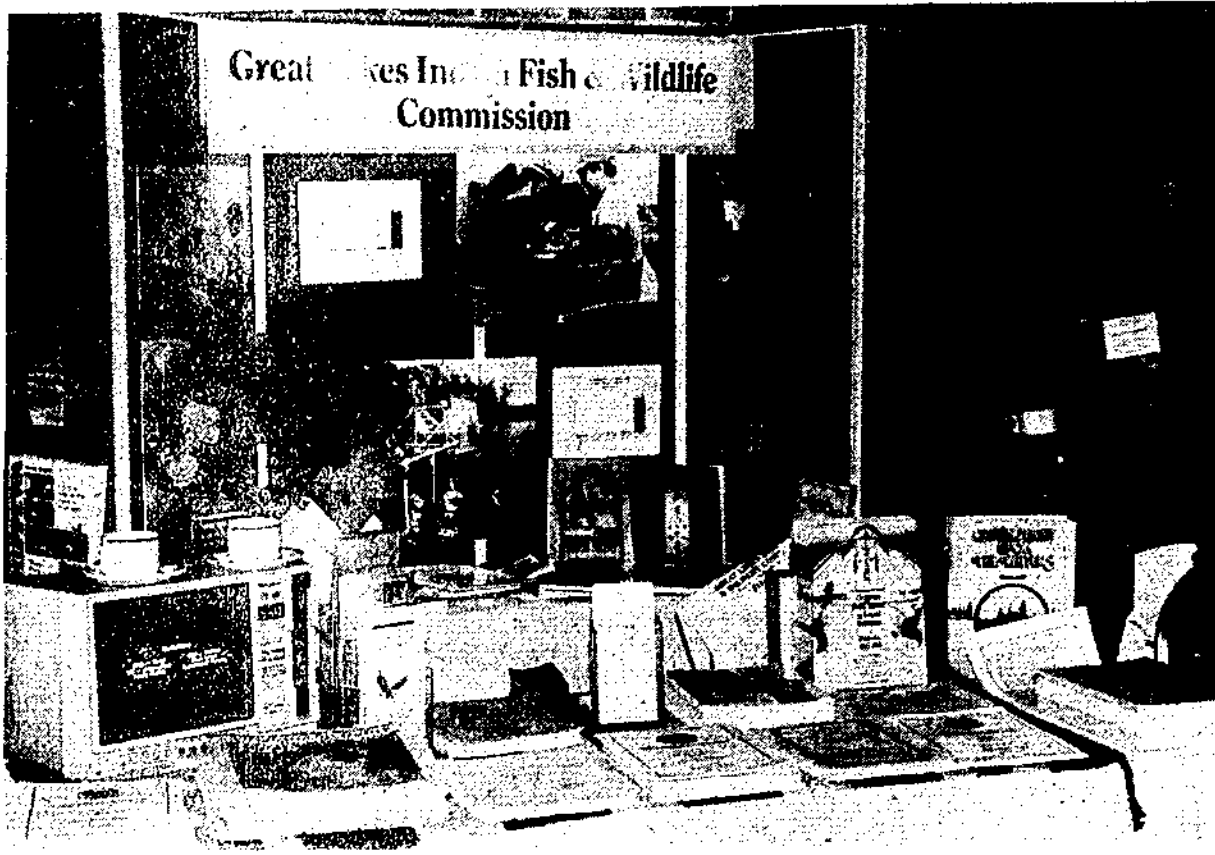
According to Satz, comment on the curriculum is now being invited prior to the formation of the final draft. The curriculum is due to be completed by July and implemented by fall of 1991.

Dr. William Gollnick, Indian Education Consultant, Department of Public Instruction, stated that in-services will also be available with the curriculum in order to familiarize teachers with the new materials and provide assistance in school room presentation.

The curriculum is divided into three levels—elementary, middle school, and high school. Presenting the material at the different levels, was one of the more difficult aspects of the project, Satz said. Assuring continuity as the subject appeared in the elevating grade levels as well as presenting appropriate materials for the different levels of learning was a challenge.

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Winding their way to sugarbush on the Bad River Reservation are math/science teachers involved in a project geared to infuse Ojibewa culture and knowledge into math and science curriculums. (Photo by Vincent Moore)

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Math/science teachers from the upper midwest are learning the practical aspects of the Ojibewa experience. As part of a 9 month project designed to infuse the Ojibewa culture into current curriculum, a group of 17 math/science teachers from the Bad River Reservation, led by Dana Jackson, Bad River Education Coordinator, are participating in a series of workshops.

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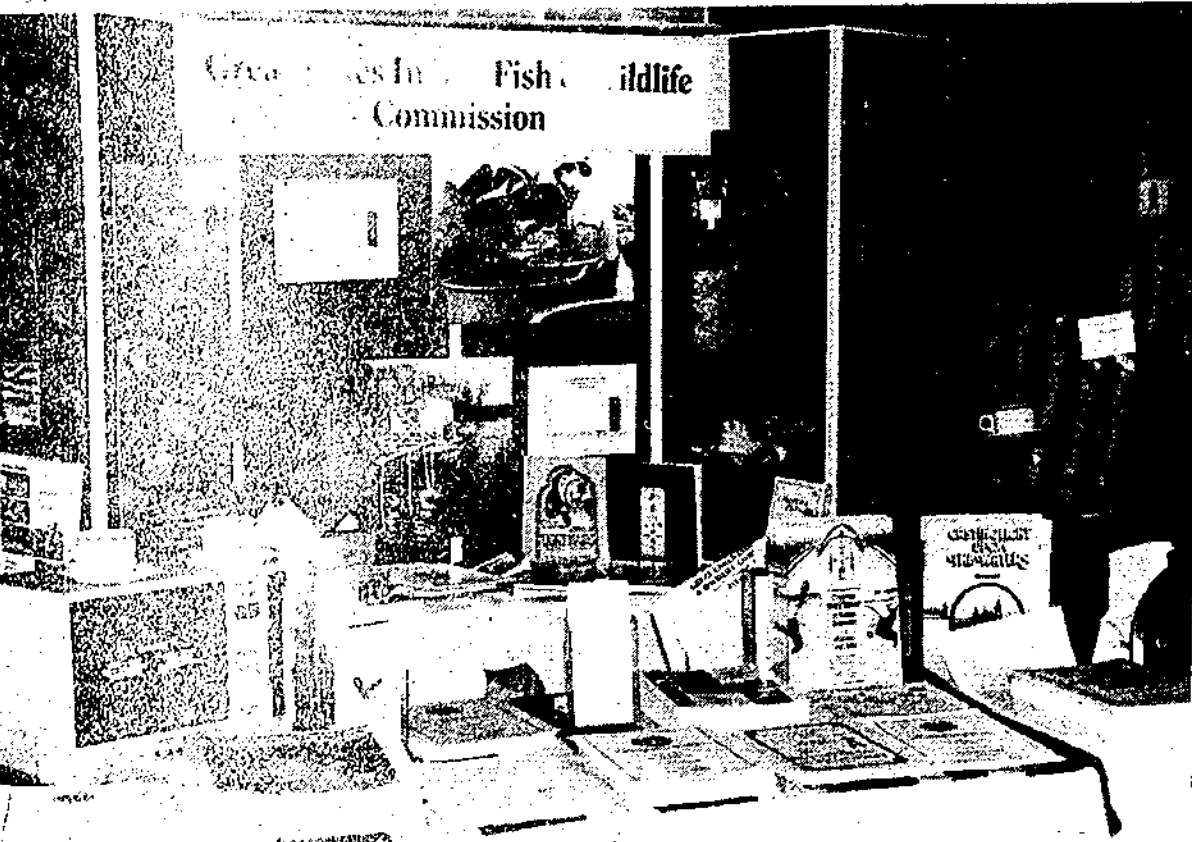
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DUPLICATE EXPOSURE

St. Croix fish farm looks promising

By Sue Erickson
Staff Writer

The reality of a tribally owned fish farm near Danbury, Wisconsin is getting closer, according to Richard Hartman, planner for the St. Croix Band of Chippewa Indians.

The Band, he says, has been working on developing the project since 1987, and is currently involved in one of the final stages—obtaining necessary permits from the Wisconsin Department of Natural Resources (WDNR).

Providing permits are obtained in a timely fashion, the Band hopes to begin construction in the spring of 1992.

Running the gamut on local objections and attempts to block the venture has involved tribal council members, who are open and willing to discuss the project with concerned individuals.

This spring Tribal Chairman Eugene Taylor and Councilwoman Ruth Holms attended a meeting in Danbury of a newly formed group entitled "Citizens Awareness Group."

The impact of the fish farm on the environment was a concern of

many individuals there, but they had not sought information from the Tribe itself in this regard.

Although uninvited, Taylor ran interference on statements made at the meeting, such as "these people are not going to be responsible for some of the things that happen..."

Taylor noted that any development would be with regard to the safety and well-being of the environment and that necessary permits for the facility were being obtained through the WDNR.

Taylor also pointed out that the Band is willing and open to address questions which may arise from local residents and that they should contact the Tribe with any questions.

The St. Croix Tribal Salmon Fish Farm is a commercial venture which seeks to fulfill the growing demand for fish and fish products as the abundance of fish from the wild become less available, according to Hartman.

As such it would not only benefit the Tribe, but the entire region. Hartman considers aquaculture a new major food industry and the benefits of the project would in-

clude: "\$9,000,000.00 in capital investment, nearly \$2,000,000.00 additional expenditures in the area as a result of the industry, and up to 90 jobs."

The goal of the farm would be to produce 2,500,000 lbs of salmon in round weight annually, Hartman says. While the St. Croix project would be the first plant in operation, he says, it is only part of what is envisioned as a major aquaculture industry for the tribe and the region.

Advantages of fish farming are several, Hartman points out. For one salmon from a fish farm are available year round rather seasonally, so marketable amounts of fish can be guaranteed, unlike the harvest from the wild fishery.

Hartman also points out that the farm will be geared to "producing a standard high quality product because of the controlled food supply and environment," including managed diet and living conditions for optimal growth of the fish.

Lastly, Hartman indicates that processing can take place on site for farmed fish, allowing for the freshest product with a minimum of handling and transportation.

"Importation of fish and fish

products into the United States is one of the leading factors for our deficit payments and ranks third behind oil and autos as a contributor to the national trade deficit," Hartman points out. Today, fresh salmon is being flown in daily from Norway, other western European countries and Chile in order to serve the midwestern market.

The completed facility at the Danbury site will be a "state-of-the-art" fish farm to be located on Loon Creek.

The facility will be owned by the Tribe, but leased to Superior Seafoods, Inc. a WI corporation, with experience in fish processing and major marketing.

Superior Seafoods, Inc. is a subsidiary of A. Kemp Fisheries which has operations in Duluth, Los Angeles and Alaska.

Kemp guaranteed the Tribe to purchase all products produced at the new fish farm, Hartman said.

Because of the success of the first proposal and potentials for the aquaculture industry within the state, two other sites are being considered, with possible sites near Gordon, Douglas County and Hurley, Iron County, being considered.

NAFWS hosts Maine conference

Partnerships key to resource development

Emphasizing the role of partnerships in resource management, the Native American Fish and Wildlife Society convened for its national conference in Bar Harbor, Maine May 20-23.

Several hundred resource managers from across the U.S. and Canada were drawn to the conference, which provided an opportunity to share new developments in tribal resource management as well as discuss issues of national merit.

Topics of interest to the Great Lakes region included a presentation of the 'Circle of Flight' project; the Red Lake walleye management project, opportunities for co-management and tribal involvement with Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Topics of interest to tribal enforcement officials were also part of the comprehensive agenda, including training opportunities, caliber and ballistics, and informational systems.

NAFWS Executive Director Dewey Schwalenberg stressed the need to continue to form relationships with professional management entities nationally.

"To overlook the management potential that such a relationship provides would be a serious mistake for the vast fish, wildlife, recreation, and land and water resources that are impacted by Tribal sovereignty and jurisdiction," he stated.

Schwalenberg views the role of NAFWS as a "forum for the exchange of information and ideas about Tribal needs and wishes in resource development."

To that end, the Maine conference sought to define Tribal needs and objectives in resource management nationally.

400 mile buffalo ride for social causes

By Sue Erickson
Staff Writer

A twist of sweet grass and a feather swing from the large, furry jowl of the buffalo Harry L. as he walks along Hwy 2 through the Bad River Reservation. They indicate that the trek from Superior, WI to Mauston, WI, being undertaken by he and his rider, "Wild Bill" has a spiritual purpose and is more than an adventure for the unusual pair.

Wild Bill's Ride for a Reason is a statement—a statement made by a man expressing his concern for people and for the environment—the earth and all living things. It is one man's way of saying I'm going to try to do something about the problems I see.

The bundle on Harry L's bridle also contains sage, cedar and tobacco, all items used in ceremony, states Bill, who has Cree ancestry. They are used in Indian ceremonies, part of the spiritual aspect of the journey and "pleasing to the Grandfather," Bill states.

Harry L and Wild Bill are involved in "Wild Bill's Ride for a Reason," but actually the 400 mile ride is being done for manifold reasons. Wild Bill, the owner and rider of the four year old buffalo, is raising money for causes—cancer research, the disabled, projects for the elderly, veterans, and underprivileged Native American children in the state.

Fundraising is accomplished through the sale of Wild Bill shirts and hats as well as post cards. Bill notes that he keeps the costs down on the items so organizations that may wish to sell them can also use them for a fundraising project.

Bill's causes and the ride are mixed into his personal experience, so the ride has also become deeply spiritual for Wild Bill, whose ruddy, bearded face and attire suggest an "old west" character come to life. He describes the ride as "kinda like a prayer," the fulfillment of a dream.

Bill's life has been touched through the years with the pain and tragedy of parents succumbing to cancer, the death of a hydrocephalic son, the trauma of the Vietnam war. He knows firsthand of the needs still abundant in the society.

His sensitivity is apparent in his respectful handling of Harry L. Bill sleeps in his truck adjacent to the buffalo nightly, and while encouraging kids to come around and see the buffalo, he makes no bones about interfering if children become pesty. He speaks to them firmly, but kindly about "respecting" the animal.

The idea for the ride is not new or sudden. Bill says its been in the planning for six years and has taken some doing. Training the buffalo was one accomplishment and modifying riding tack another. The saddle Bill worked on himself,

having to make a special tie down stall for Harry so the procedure could be performed.

He pounded large posts into the ground to hold the buffalo in place. Harry would get impatient and the posts would be jerked out. "I just kept adding posts," Bill explained, "until we had enough to keep him still."

Riding Harry L, however, is not like riding a trail horse. Harry is skittish of trucks and traffic and gets startled by sounds from the bush. That's one reason they prefer back country routes.

Already, Bill has had some "harry" moments of just hanging on when Harry L decides its time to move out.

One such incident occurred at night when Bill thinks a bear gave them a bit of a chase. They heard the bush move in back of them and a "thumping" that wasn't the rhythm of their own footsteps. Harry just took off for a couple of miles with Bill just hanging in there for the ride.

Funds raised along the route will go to the various causes Bill has cited. However, he is also a man with concerns about the earth and man as caretakers.

In fact he doesn't mince words about politics or the WDNR. "It's sad to see how big business is prospering on the destruction of our fresh water body, Lake Superior," he states. "The WDNR sells us licenses to catch polluted fish—fish you shouldn't eat. When a



Children gather around Harry L's trailer as he and Wild Bill rest at the Bad River Reservation. (Photo by Amoose)

man can only eat one pound of fish per month per 100 lbs of body weight, something's not right."

He's also upset about what he views as disenfranchisement of the common man. Bill is vociferous about his objection to the electoral vote, which he feels served its purpose in 1786 because of difficulty in communications. But today it's "outdated," he claims and only

serves the "parasitic" government. "We people are the victims; money is the blood," he adds.

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Neglect and Paternalism. The small numbers and low visibility of Indian people make their programs easy targets for budget cuts. And the federal government continues to act more as a parent than as a partner in its relationship to Indian tribes. This is exemplified in its continued failure to consult with tribes in the early stages of planning for major changes in Indian programs. Concerned citizens need to communicate to elected officials our vision of tribally-directed opportunity and equality for Indian people.

(Reprinted from Friends Committee on National Legislation newsletter.)

St. Croix fish farm looks promising

By Sue Erickson
Staff Writer

The reality of a tribally owned fish farm near Danbury, Wisconsin is getting closer, according to Richard Hartman, planner for the St. Croix Band of Chippewa Indians.

The Band, he says, has been working on developing the project since 1987, and is currently involved in one of the final stages—obtaining necessary permits from the Wisconsin Department of Natural Resources (WDNR).

Providing permits are obtained in a timely fashion, the Band hopes to begin construction in the spring of 1992.

Running the gamut on local objections and attempts to block the venture has involved tribal council members, who are open and willing to discuss the project with concerned individuals.

This spring Tribal Chairman Eugene Taylor and Councilwoman Ruth Holms attended a meeting in Danbury of a newly formed group entitled "Citizens Awareness Group."

The impact of the fish farm on the environment was a concern of

many individuals there, but they had not sought information from the Tribe itself in this regard.

Although uninvited, Taylor and Holms interference on statements in reference to the Band's fish farm made at the meeting, such as "these people are not going to be responsible for some of the things that happen..."

Taylor noted that any development would be with regard to the safety and well-being of the environment and that necessary permits for the facility were being obtained through the WDNR.

Taylor also pointed out that the Band is willing and open to address questions which may arise from local residents and that they should contact the Tribe with any questions.

The St. Croix Tribal Salmon Fish Farm is a commercial venture which seeks to fulfill the growing demand for fish and fish products as the abundance of fish from the wild become less available, according to Hartman.

As such it would not only benefit the Tribe, but the entire region. Hartman considers aquaculture a new major food industry and the benefits of the project would in-

clude: "\$9,000,000.00 in capital investment, nearly \$2,000,000.00 additional expenditures in the area as a result of the industry, and up to 90 jobs."

The goal of the farm would be to produce 2,500,000 lbs of salmon in round weight annually, Hartman says. While the St. Croix project would be the first plant in operation, he says, it is only part of what is envisioned as a major aquaculture industry for the tribe and the region.

Advantages of fish farming are several, Hartman points out. For one salmon from a fish farm are available year round rather seasonally, so marketable amounts of fish can be guaranteed, unlike the harvest from the wild fishery.

Hartman also points out that the farm will be geared to "producing a standard high quality product because of the controlled food supply and environment," including managed diet and living conditions for optimal growth of the fish.

Lastly, Hartman indicates that processing can take place on site for farmed fish, allowing for the freshest product with a minimum of handling and transportation.

"Importation of fish and fish

products into the United States is one of the leading factors for our deficit payments and ranks third behind oil and autos as a contributor to the national trade deficit," Hartman points out. Today, fresh salmon is being flown in daily from Norway, other western European countries and Chile in order to serve the midwestern market.

The completed facility at the Danbury site will be a "state-of-the-art" fish farm to be located on Loon Creek.

The facility will be owned by the Tribe, but leased to Superior Seafoods, Inc. a WI corporation, with experience in fish processing and major marketing.

Superior Seafoods, Inc. is a subsidiary of A. Kemp Fisheries which has operations in Duluth, Los Angeles and Alaska.

Kemp guaranteed the Tribe to purchase all products produced at the new fish farm, Hartman said.

Because of the success of the first proposal and potentials for the aquaculture industry within the state, two other sites are being considered, with possible sites near Gordon, Douglas County and Hurley, Iron County, being considered.

NAFWS hosts Maine conference

Partnerships key to resource development

Emphasizing the role of partnerships in resource management, the Native American Fish and Wildlife Society convened for its national conference in Bar Harbor, Maine May 20-23.

Several hundred resource managers from across the U.S. and Canada were drawn to the conference, which provided an opportunity to share new developments in tribal resource management as well as discuss issues of national merit.

Topics of interest to the Great Lakes region included a presentation of the 'Circle of Flight' project; the Red Lake walleye management project, opportunities for co-management and tribal involvement with Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Topics of interest to tribal enforcement officials were also part of the comprehensive agenda, including training opportunities, caliber and ballistics, and informational systems.

NAFWS Executive Director Dewey Schwalenberg stressed the need to continue to form relationships with professional management entities nationally.

"To overlook the management potential that such a relationship provides would be a serious mistake for the vast fish, wildlife, recreation, and land and water resources that are impacted by Tribal sovereignty and jurisdiction," he stated.

Schwalenberg views the role of NAFWS as a "forum for the exchange of information and ideas about Tribal needs and wishes in resource development."

To that end, the Maine conference sought to define Tribal needs and objectives in resource management nationally.

400 mile buffalo ride for social causes

By Sue Erickson
Staff Writer

A twist of sweet grass and a feather swing from the large, furry jowl of the buffalo Harry L. as he walks along Hwy 2 through the Bad River Reservation. They indicate that the trek from Superior, WI to Mauston, WI, being undertaken by he and his rider, "Wild Bill" has a spiritual purpose and is more than an adventure for the unusual pair.

Wild Bill's Ride for a Reason is a statement—a statement made by a man expressing his concern for people and for the environment—the earth and all living things. It is one man's way of saying "I'm going to try to do something about the problems I see."

The bundle on Harry L.'s bridle also contains sage, cedar and tobacco, all items used in ceremony, states Bill, who has Cree ancestry. They are used in Indian ceremonies, part of the spiritual aspect of the journey and "pleasing to the Grandfather," Bill states.

Harry L. and Wild Bill are involved in "Wild Bill's Ride for a Reason," but actually the 400 mile ride is being done for manifold reasons. Wild Bill, the owner and rider of the four year old buffalo, is raising money for causes—cancer research, the disabled, projects for the elderly, veterans, and underprivileged Native American children in the state.

Fundraising is accomplished through the sale of Wild Bill shirts and hats as well as post cards. Bill notes that he keeps the costs down on the items so organizations that may wish to sell them can also use them for a fundraising project.

Bill's causes and the ride are mixed into his personal experience, so the ride has also become deeply spiritual for Wild Bill, whose ruddy, bearded face and attire suggest an "old west" character come to life. He describes the ride as "kinda like a prayer," the fulfillment of a dream.

Bill's life has been touched through the years with the pain and tragedy of parents succumbing to cancer, the death of a hydrocephalic son, the trauma of the Vietnam war. He knows firsthand of the needs still abundant in the society.

His sensitivity is apparent in his respectful handling of Harry L. Bill sleeps in his truck adjacent to the buffalo nightly, and while encouraging kids to come around and see the buffalo, he makes no bones about interfering if children become pesty. He speaks to them firmly, but kindly about "respecting" the animal.

The idea for the ride is not new or sudden. Bill says its been in the planning for six years and has taken some doing. Training the buffalo was one accomplishment and modifying riding tack another. The saddle Bill worked on himself,

having to make a special tie down stall for Harry so the procedure could be performed.

He pounded large posts into the ground to hold the buffalo in place. Harry would get impatient and the posts would be jerked out. "I just kept adding posts," Bill explained, "until we had enough to keep him still."

Riding Harry L., however, is not like riding a trail horse. Harry is skittish of trucks and traffic and gets startled by sounds from the bush. That's one reason they prefer back country routes.

Already, Bill has had some "harry" moments of just hanging on when Harry L. decides its time to move out.

One such incident occurred at night when Bill thinks a bear gave them a bit of a chase. They heard the bush move in back of them and a "thumping" that wasn't the rhythm of their own footsteps. Harry just took off for a couple of miles with Bill just hanging in there for the ride.

Funds raised along the route will go to the various causes Bill has cited. However, he is also a man with concerns about the earth and man as caretakers.

In fact he doesn't mince words about politics or the WDNR. "It's sad to see how big business is prospering on the destruction of our fresh water body, Lake Superior," he states. "The WDNR sells us licenses to catch polluted fish—fish you shouldn't eat. When a



Children gather around Harry L.'s trailer as he and Wild Bill rest at the Bad River Reservation. (Photo by Amoose)

man can only eat one pound of fish per month per 100 lbs of body weight, something's not right."

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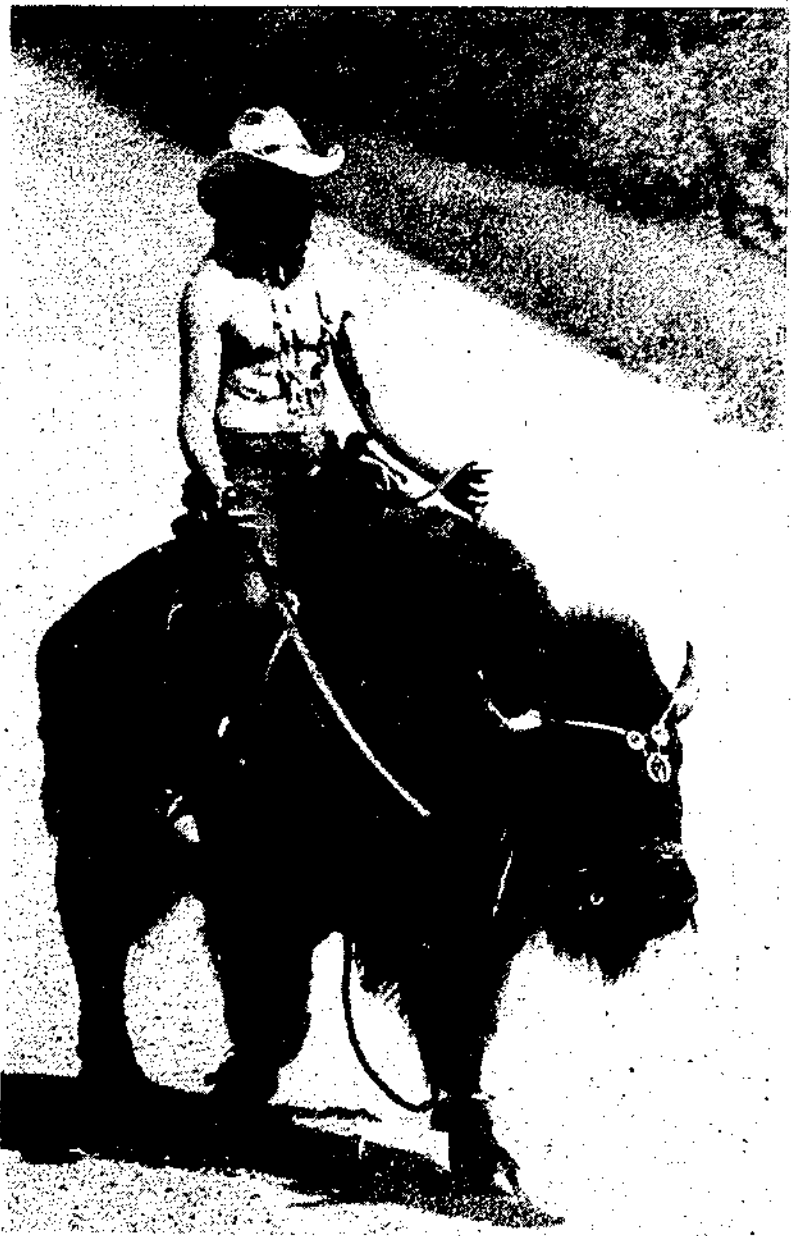
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DUPLICATE EXPOSURE

In memoriam: Chippewa leaders pass on

MASINAIGAN would like to remember and honor Ojibewa leaders who have passed away this spring. They are individuals—some young, some old—who have pointed the way for those who remain to follow. Each in their own way have provided strength, courage, leadership and shared a gift of wisdom freely with Indian and non-Indian people alike.

We would like to express gratitude for their contributions throughout their lives and honor them for the courage they have shown.

...Now great changes have occurred on this earth since its beginning. We live at a time when people are more preoccupied and impressed by those changes that have occurred at the hands of men.

But it seems to me that in the light of life and death, the incredible wonder and awe of each, that every act of a human being can be put into perspective, and therefore, any plan that (human Beings) devise and make functional, and any magnificent dream that we can imagine, will still not be comparable to the incomprehensible phenomena of life and death.

This is what I believe. Until there is no more life and no more death, anywhere, there will always be a "truth," and the unspeakable wonder of it. (Anna L. Walters, 1976, *The Sacred Ways of Knowledge*, 1990, pg. 321)

In memory of Patricia Zakovec

The tribal community suffered a loss with Patricia Zakovec's untimely death. She resigned her position as Coordinator for the 1854 Authority in Minnesota this spring due to a diagnosis of incurable cancer and passed away at home on May 31st.

In March Zakovec was honored during a benefit feast and dance at Red Cliff for her many significant contributions towards forwarding tribal rights and tribal self-regulation, particularly in the area of resource management and enforcement.

Zakovec served as deputy administrator for the Great Lakes Indian Fish and Wildlife Commission from Jan., 1986 to Dec., 1988, when she assumed her position with the 1854 Authority in Minnesota.

Both organizations are involved with the implementation of tribal off-reservation treaty rights.

Of particular note was Zakovec's work with the Native American Fish and Wildlife Society (NAFWS), a national organization of native resource managers and enforcement personnel. She was elected as President of the NAFWS Board nationally following several years of service as a board member. She also worked intensively with the Great Lakes Regional Chapter of the NAFWS, serving on the Regional Board of Directors as well.

Her promotion of regionally-based enforcement training for tribal conservation wardens and tribal court personnel, and encouragement of enforcement personnel to be in-



Patricia Zakovec, involved with the Society, resulted in the growth and strengthening of both the Society and Native American enforcement capabilities.

Noted for her drive, wit, humor and determination, Zakovec well-deserved the numerous

awards bestowed on her during the benefit. These included:

- NAFWS will provide an education scholarship in her honor
- USFWS presented her with a Silver Eagle Award
- Great Lakes Regional NAFWS presented her with an Eagle Feather
- BIA & USFWS announced the first Circle of Flight project will be named the Patricia Zakovec Wetland Management Area.
- Conservation officers announced the "Conservation Officer of the Year" Award will be named in her honor.

Typical of her spirit, Pat faced the challenges posed by incurable cancer bravely and in stride. Her strength and services are, and will be, missed within the Native American community, but her contributions will be there forever.

In memory of Mark DePerry

All through this time I never asked of them (grandmother and grandfather) or anyone, "why?" It would have meant that I was learning nothing—that I was stupid. And in Western Society if you don't ask why they think you are stupid. So having been raised to not ask why but to listen, become aware, I take for granted that people have some knowledge of themselves and myself—that is religion. Then when we know ourselves we can put our feelings together and share this knowledge. (Larry Bird as quoted in *Rasmussen*, 1930, Vol. 7, No. 2:69)



Mark DePerry

An Eagle Feather placed on the casket of Mark DePerry, the 18 year old son of GLIFWC Deputy Administrator Gerald DePerry and his wife, Sue, provided a powerful, wordless tribute to the youth as farewells were spoken by Indian and non-Indian mourners alike.

The sudden death of DePerry, a member of the Red Cliff Band, was yet another tragedy which hit the hearts of the Great Lakes Indian Fish and Wildlife Commission staff, who joined about 500 people from the community at the Bayfield Holy Family Church for the funeral service on May 6.

Tribal ceremonies for the youth, who died in a car accident on an unauthorized "senior skip day," were also held at Red Cliff in his honor.

Mark's death was one of those sudden and seemingly senseless deaths that leaves an echoing "why?" in the minds and souls of an entire community. One which makes words fumble for sense and fail.

Due to graduate as valedictorian of Bayfield High School's 1991 class, Mark, a straight "A" student, excelled both academically and athletically. He was a star on the basketball team, a talented musician and state-level participant in forensics.

Mark had been awarded a \$2,500 per year governor's scholarship to attend the UW-Madison where he was to enroll in pre-med

curriculum. The eternal "why" may never be answered. For his dad, Gerry, however, life has assumed another dimension as he faces the struggle with a still raw grief.

Tribal spiritual leaders, the Indian and non-Indian friends and educators have provided him both with support and with an awareness of a need for youth and parents to deal more directly with the issues that surrounded his son's death.

As a firsthand witness to the tragedy of youth and alcohol, DePerry has been making guest appearances in tribal youth programs addressing these problems, sharing his experiences and thoughts.

Perhaps in sharing of the pain a potential recurrence of that sorrow for another family, another community will be prevented.

He feels that meaning can be sought in the seemingly senseless death. New paths, though not chosen, may be revealed and time will somehow justify the emptiness of today's grieving "why?"



"In the lost Eden of the human heart, an ancient tree of knowledge grows wherefrom the mind has not yet gathered more than a few windfalls." (John Collier, *On the Gleaming Way*, 1962, p.80) (Photo by Vincent Moore)

In memory of Victoria Gokee

"More important than formal education...is knowledge acquired through family, elders and personal record." Victoria Gokee, Red Cliff tribal member.

Victoria Gokee led a diverse and active life; one devoted particularly to revitalizing the Ojibewa culture. She has influenced key areas such as education, politics, and recorded history.

Gokee served the tribal community in many capacities: Red Cliff Tribal Chairperson (1970-

72); WI Indian Child Welfare Coordinator (1972-1973); Director of Indian Studies Program, UM-D (1974-1978); adjunct faculty at Mt. Scenario College, Ladysmith, WI (1982-1986); and as an independent business woman and archivist.

Her interest in the oral history of her people was stimulated when caring for her disabled father, who related stories and "invaluable knowledge" in regard to traditional medicines and plant life.

Among many projects, she has

taped legends and stories as related by Ojibewa people and has gathered a complete history of the Red Cliff Band.

Gokee's knowledge and interests have been shared through her involvement with education; the writing of a play entitled "Flags Over Gitchee Gummi;" and her energetic involvement with diverse organizations and activities. Significantly, she was instrumental in bringing a sweat lodge back into the Red Cliff community which many have been able to enjoy.

While a staunch supporter of

tribal sovereignty and an advocate for tribal rights, Gokee always had time to share her love and pride in her culture with those around her, whether Indian or white. This is witnessed by twelve years of service as the Red Cliff PowWow Committee Chairperson.

The mother of ten children and four stepsons, Gokee, true to her words, continued both to learn from and to teach her family. However, the entire community has benefited from her knowledge, vitality and dedication to preserve her culture for generations to come.

Recent Supreme Court decision seen as attack on sovereignty; will Congress respond?

A recent Supreme Court decision concerning the limits of the criminal jurisdiction of tribal courts has caused much dismay and alarm among Indian leaders throughout the country. The case, *Duro v. Reina*, involved the killing of an Indian youth within the boundaries of the Salt River Pima-Maricopa Reservation by Albert Duro, who is an enrolled member of another tribe. The Pima-Maricopa Indian Community prosecuted Duro for the misdemeanor crime of illegally firing a weapon. (Under federal law, the tribe did not have the authority to charge him with a "major crime" such as murder.)

On appeal, Duro sought dismissal of the prosecution's case, claiming that the tribe had no authority over him because he was not a member of the tribe. *The Supreme Court held, by a 7-2 margin, that an Indian tribe may not assert criminal jurisdiction over an Indian who is not one of its members.*

In its decision, the court was

pushed to further quantify the dimensions of the sovereignty retained by tribes. The court rested its decision largely on two past sovereignty-related decisions, namely *Oliphant and Wheeler*. *Wheeler* simply affirmed the jurisdiction of tribes over Indians on a reservation. In *Oliphant*, however, the court established that the inherent sovereignty of Indian tribes does not extend to criminal jurisdiction over non-Indians who commit crimes on a reservation.

The court based this restriction of tribes' authority on the view that tribes are "domestic, dependent sovereigns" whose powers are limited to internal matters. Additionally, the justices reasoned, if tribes were able to exercise jurisdiction over non-Indians, these defendants might face an alien and potentially discriminatory tribunal. In the *Duro* decision the court built on this logic, and held that the legal status of a non-member Indian is parallel to that of a non-Indian with respect to jurisdiction of such a

tribal court.

In dissent, Justice Brennan, joined by Justice Marshall, attacked the "parsimonious view of the sovereignty retained by Indian tribes" embodied in the majority decision. The majority interpreted *Oliphant* to mean that tribes lack "territorial sovereignty, meaning the power to enforce laws against all who come within their territory. Brennan disagreed and concluded by stating:

"The Court's decision today not only ignores the assumptions on which Congress originally legislated with respect to the jurisdiction over Indian crimes, but also stands in direct conflict with current congressional policy.

Emergency Situation

Of immediate concern is the "jurisdictional void" which this decision creates. The decision would remove misdemeanor jurisdiction over non-member Indians from tribal courts. But state and

federal courts lack the authority (and will) to assume such jurisdiction. Even if state and federal courts were able to assert this authority, tribes would overwhelmingly oppose such an erosion of tribal sovereignty. The decision recognized this vacuum, but held that Congress is the proper body to remedy the problem.

Impact of the Decision Delayed

Following the decision, the National Congress of American Indians (NCAI) and others immediately began working with Congress to remedy this alarming situation. The time was too short last year to reach consensus on a cure for the dilemma, but these efforts were successful in buying more time before Congress adjourned. The House and Senate Conference report attached an amendment to last year's Department of Defense appropriations bill which delayed the effects of the decision for one year (until September 30, 1991).

In addition to the delay, the amendment recognizes and affirms "the inherent power of tribes to exercise criminal misdemeanor jurisdiction over all Indians on their respective reservations."

Comprehensive Tribal Court Support?

As this Congress gets under way, a long term solution to the *Duro* decision is at the top of the Indian affairs agenda. Coordinated by the NCAI, Indian leaders now have a two-pronged strategy. On the one hand, they will pursue a bill to simply extend the congressional affirmation of Indian jurisdiction over all Indians. Representative Richardson NM has already introduced just such a bill in the House—H.R. 972—to make "permanent the power of Indian tribes to exercise criminal jurisdiction over Indians."

At the same time, plans are under way in the Senate Select Committee on Indian Affairs to craft comprehensive legislation to

enhance the capacities of tribal courts. On March 14, Senator McCain AZ, along with Sens. Inouye, HI, and Burdick, ND, introduced S. 667, the Tribal Judicial Enhancement Act. This bill proposes the creation of an Office of Tribal Judicial Support, in the Bureau of Indian Affairs. The purposes of the office would include providing funds, training, and technical assistance to tribal justice systems. It would also be charged with developing standards for judicial administration and court management.

As hearings and deliberations proceed on legislation to strengthen tribal courts, a number of important issues are likely to arise. Broad support for and affirmation of the inherent sovereignty of Indian tribes will be important to encourage Congress to pass a sound legislative remedy for the Supreme Court's *Duro* decision.

(Reprinted from FCNL Washington Newsletter, April 1991.)



Above is graduate Shelley McFee and below, Tisha McRoy demonstrates her dance style. Bad River Headstart students celebrated the end of a learning year with graduation ceremonies and a powwow. (Photos by Vincent Moore)



Strength found in Ojibwa ceremonies

By Sherrole Benton
Freelance Journalist

Spring ceremonies bring a new beginning and a closing of the past to many Native American traditionalists.

The Three Fires Society, subscribing to the Midewiwin teachings, reserves its spring ceremonies mostly for those people seeking a new life and who are ready to leave old ways behind.

Members of the Three Fires Society, usually Anishinabe people, conduct the spring ceremonies in much the same way as their ancestors did for hundreds of years: They build elongated wigwams, tend a symbolic fire, unwrap their sacred bundles of pipestone, feathers and animal pelts, offer blessed water to participants, then sit on the ground next to Mother Earth to begin the ceremonies.

Native American traditionalists use nature as a means of expressing their spirituality. Symbols of land, water, sky and animals abound within their traditional religious practices.

Since nature conveys spirituality, the Native American approach toward natural resources is one of respect. The kind of respect Native Americans have for nature is the same respect one gives toward life, toward living beings, toward one's closest relatives. Nature is an equal life form, not a higher authority nor something subservient. This is part of the spiritual teachings of the Lodge.

As Native American people strive toward inner balance and harmony, they also seek balance and harmony with the environment

around them. For instance, most tribes prefer to live within their environment rather than change the environment to suit them.

Many of the "shrines" or sacred places of Native American people are located in the wilderness and are recognized by the natural beauty and aesthetics of the environment. The sacred places evoke a sense of wonder, awe, and humility. People gain a sense of serenity, timelessness and connectedness as they stand in the sacred place. Many people come away from the sacred places with a feeling of security and personal insight and power. The chaos of the world ceases to exist and people re-enter the world with a new perspective on life.

In the sacred places, Native American people offer their prayers, songs, food and gifts to the Gitchi Manitou or God. While closing their prayers, many Native American people indicate they have prayed on behalf of all their relatives as well.

"All my relatives," means not only one's nuclear family, but the extended family—those who have passed on and those yet to come—all of humankind, all animals, birds, fish, plant life, earth, water, sky, fire—all living things are relatives to Native American people.

As hunters take down game, they recognize that the animal sacrifices its life so the hunters can continue to live. The hunter makes an offering of prayer on behalf of the animal and gives thanks for his or her own life. As the herbalist gathers medicine plants, he or she recognizes that the plant sacrifices its life on behalf of the people. So

the herbalist offers prayer and thanks for this medicine.

This spiritual awareness and growth permeate the whole traditional culture of Native American people. From basic food gathering to communion with Gitchi Manitou, spirituality and reverence for life is expressed in many ways.

Spring ceremonies such as those held recently by The Three Fires Society promote and revitalize the spiritual connections of people to the earth, other living things and with the Great Spirit. The philosophy of the Three Fires Society lead people to find inner harmony and balance with the world through a value system of respect and thanks giving.

EDITOR'S NOTE: Sherrole Benton is a member of the Three Fires Society and First Degree *MideQuay*.



Great Lakes Indian Fish & Wildlife Commission's

8th Annual Conference

"Ojibwa Miikanawan (Roads) in Resource Management"

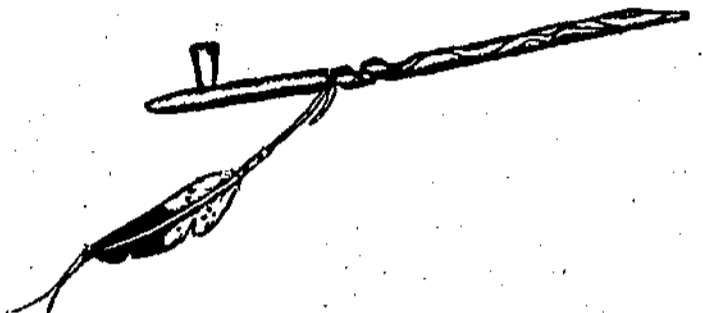
November 6-8, 1991

Ojibwa Resort Motel

Keweenaw Bay Reservation — Baraga, Michigan

For conference information call or write:

GLIFWC
Public Information Office
P.O. Box 9
Odanah, WI 54861



Hotel accommodations:

Ojibwa Resort Motel, Route 1, Box 284 A, Baraga, MI 49908 or phone (906) 353-7611 or Super 8 Motel (directly across the street from the conference) 790 Michigan Avenue, Baraga, MI 49908 or phone (906) 353-6680. Please make your hotel arrangements as soon as possible and let the hotel know that you will be attending GLIFWC's conference.

Conference fees:

If you pre-register and pay on or before November 1, 1991 you will be charged \$20.00. After November 1 there will be a charge of \$25.00. Included in this fee is admission to the conference, a conference packet and the banquet on November 7. Please make all checks payable to the Great Lakes Indian Fish & Wildlife Commission.

Everyone is Welcome — Hope to see you there!!!

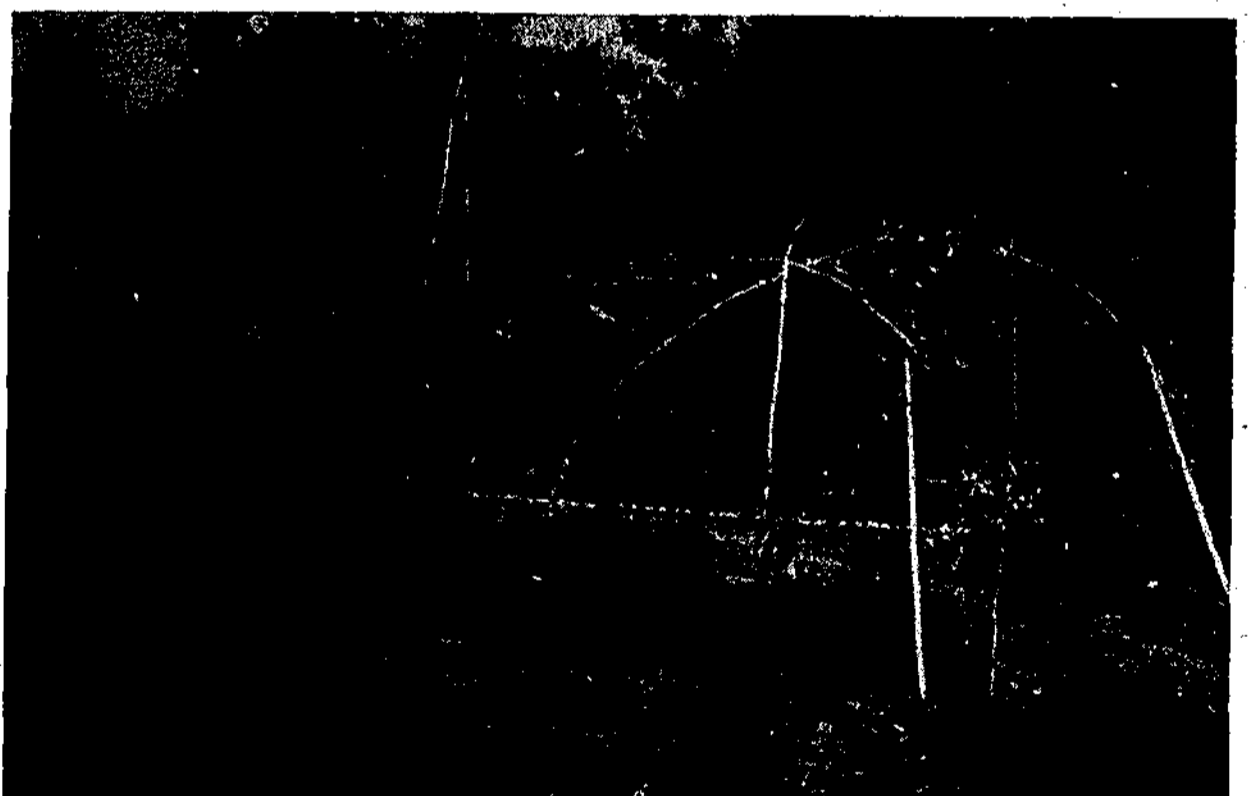
Pre-Registration Form

Name: _____

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Please enclose your check or money order and mail to the above address. Pre-registrations must be received before November 1, 1991. Receipts will be mailed upon receiving check.



Traditionally constructed Ojibwa lodges at spring ceremony site following ceremonies. Printed with permission from Eddie Benton, Grand Chief of the Three Fires Society. (Photo by Amoose)

MASINAIGAN STAFF: (Pronounced Muz in i ay gin)

Susan Erickson Editor
Lynn Spreutels Assistant Editor
Amoose Photographer



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