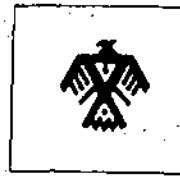


MASINAIGAN



A CHRONICLE OF THE LAKE SUPERIOR OJIBWAY

November, 1985 n

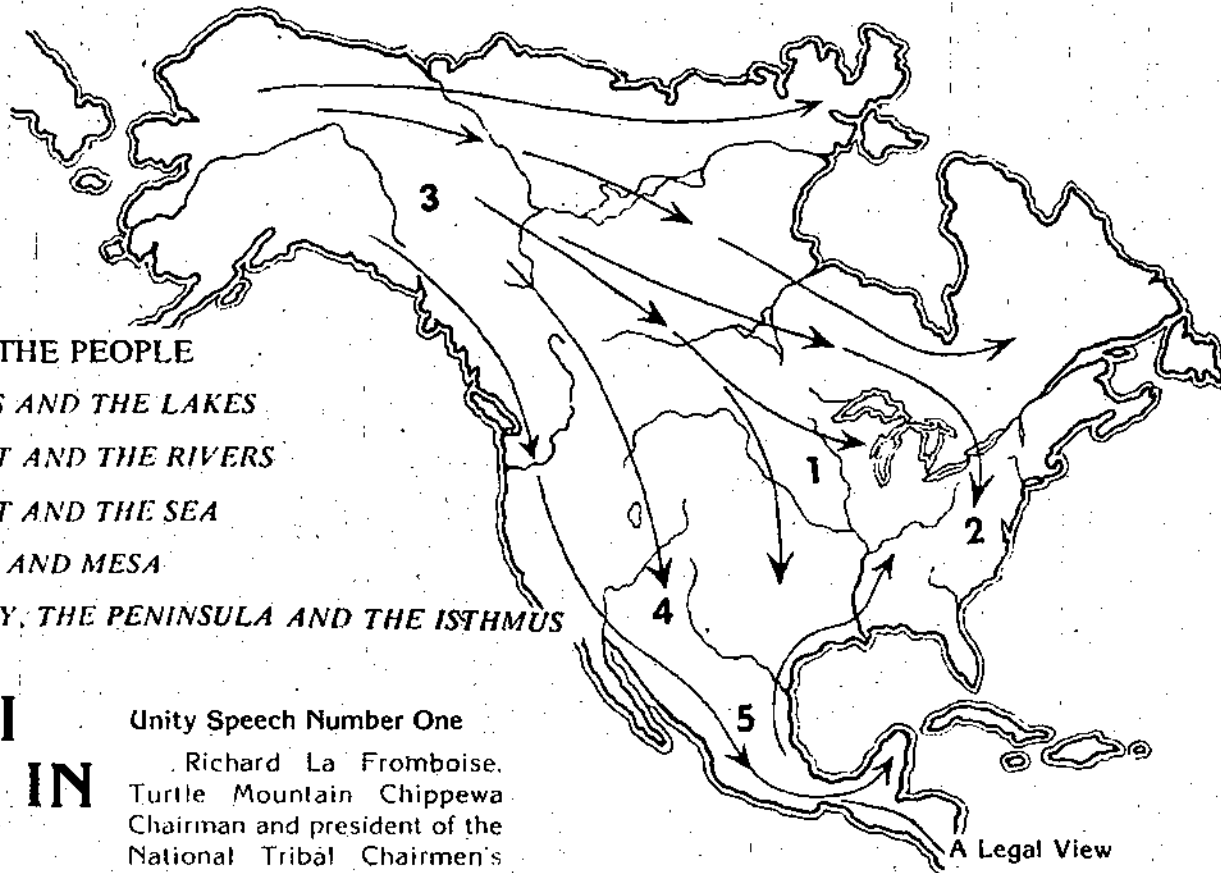


NCAI CONFERENCE

THINK TANK PROPOSED

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Grand Portage Supplement



THE LAND AND THE PEOPLE

- 1 THE PLAINS AND THE LAKES
- 2 THE FOREST AND THE RIVERS
- 3 THE FOREST AND THE SEA
- 4 MOUNTAIN AND MESA
- 5 THE VALLEY, THE PENINSULA AND THE ISTHMUS

NCAI MEETS IN TULSA

The National Congress of American Indians held its 42nd Annual convention from October 7-11, at the Sheraton-Kingston Hotel in Tulsa, Oklahoma. The theme of the convention was "On the Threshold of the 21st Century-National Indian & Native Policy Action Agenda."

Out of this gathering came new elected leaders, some suggestions for a policy agenda, over one hundred resolutions, and a call for a National Indian Assembly for 1986 in Phoenix. The following is a report of issues addressed in the general assembly: it should be noted that there were numerous concurrent workshops and task force meetings, most of which will be reported by NCAI in their November conference report.

Our Humble Serpent

Rueben Snake, Chairman of the Winnebago Tribe of Nebraska, was elected the new NCAI president. He outpolled National Indian Health Board Director Jake Whitecrow, 8,648 votes to 5,837. 126 tribes and 515 individuals were represented at the conference; each tribe had multiple votes based on population.

Snakes campaign humor, "Why I want to be your humble serpent," adds another dimension to the experienced chairman. Given the many issues and diverse interests of the many tribes, he'll need everything he can muster to keep NCAI going and growing.

Snake ran on a platform to improve communications in Indian Country, to develop a nationwide "Indian think tank," to create political coalitions with native people throughout the hemisphere and the world, and to "assert our God given inherent sovereignty as the Grandfathers and Grandmothers of this land."

Unity Speech Number One

Richard La Fromboise, Turtle Mountain Chippewa Chairman and president of the National Tribal Chairmen's Association said "our fight today is to heal old wounds so that our organizations can speak with one voice".

The NTCA president called for the different national organizations to take the lead in different areas and to come back for consensus.

He said that NTCA would take the lead in the trust area and other reservation areas. He called for an annual assembly of Indian Nations to create a policy for all of Indian Country including urban Indians.



HOPKI POTTERY

Outgoing NCAI President

Joe Delacruz, president of the Quinault Nation, bid his farewell after two consecutive terms as NCAI president. He called on tribal leaders to create a new agenda now that they have achieved self-determination, control of education, improved health care and protection of Indian religion and Indian lands.

Delacruz said that there has been no formal action following Reagan's pronouncement of his Indian policy. He said that NCAI has been rebuffed in attempts to meet with the administration to formalize the policy.

"This policy has been our policy for over 200 years," said Delacruz. "Now that they have learned the words, they must now learn the action".

He said the key agenda item for the 21st century is government-to-government relations, not economic development.

Delacruz said that the fundamental issue is to gain tribal control over economic activity.

"We don't need lip service about free enterprise," he added. "We need action - no more free offerings".

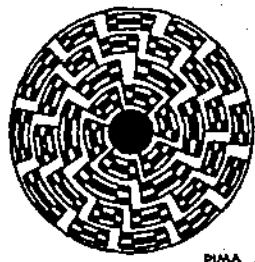
Governance - Different Perspectives

Bob Crawford, Health and Social Services Director, Colorado River Indian Tribes, began a panel on Governance over U.S. obligations.

"Our vision is that Indian children will be cared for equal to other U.S. citizens and the provisions will be under the control of tribal governments," Crawford began.

He said that the trend in health care reduction is deliberate and must be reversed. He said that the Snyder Act is too shakey a legal foundation for our health care provisions.

"We need politicians to debate the mission, not only single issues; we need help to design new systems; and, we must relook at ourselves as owners, not just tenants of our health care," Crawford said.



PIMA

Traditional View

Merle Garcia, Governor of the Acoma Pueblo, questioned the authority of the U.S. Congress to pass laws on Indians. He also called for a meeting with Reagan in order to achieve government-to-government relations.

"This land is ours, it never was and never will be property of the U.S.," he said. "We must not give up any of our traditions or customs for development - we will lose our identity."



QUILLWORK, BLACKFOOT

A Legal View

John Echohawk, director of Native American Rights Fund, outlined three ways to achieve a policy action agenda: redefinition of government-to-government relations, a new view of plenary power, and litigation.

He said that tribes cannot be self-determining when the U.S. feels they have exclusive authority to okay tribal actions. He said there is a conflict between self-determination and trust responsibility that needs to be resolved.

Echohawk said that the recent Supreme Court action in the Black Hills case has killed plenary power as a threat. The new doctrine he said, is that Congress must exercise their power in a way that is "rationally related to the concept of trust responsibility."

He concluded by saying that the Supreme Court, by taking on more Indian cases, will force the U.S. to define our rights and their trust responsibility. Litigation, he said, should be viewed as a major strategy.



JICARILLA APACHE

Another Legal View

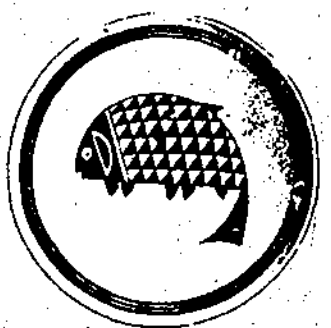
Doug Enderson, an ex-NARF attorney now in private practice, said that recent court victories have changed the task from law development to law in action.

"The priority is in solving the problem of implementing rights gained in the past 15 years," he said. "This creates a new set of problems, new people, and new energies."

Citing tribal powers to tax, zone, and regulate, which raise defensive concerns such as who and what, only drain tribal time and resources, according to Enderson. Instead, he said, we should be developing land acquisition plans, contracting laws, and facilitating non-Indian input and tribal diplomacy.

"We must ask how these concerns can be used offensively such as looking at environmental and commercial law. There is a prevailing ignorance of taxation, zoning, and other regulatory issues."

He said that the national organizations can help institutionalize this new challenge. He said the academic sector has failed and he, like others, called for an Indian think tank.



B-I-N-G-O

WIRC director Stan Webster brought up bingo, a topic that was perhaps the most controversial within the church conference. He outlined how bingo provides money for 35 programs for his tribe, the Oneida.

In response to the questions of why tribes can have higher stakes than others, Gerry Hill said that the limits are set by each tribe. They can do so as long as bingo is also regulated, or allowed, within their state. He said that the state had no regulatory power in this instance.

An audience comment reminded the gathering that bingo represents a successful attempt at entrepreneurship. If people didn't want high stakes bingo or other forms of gambling, then they should offer other sources of income or industry to the reservations.



HOPKI

A LONE LEGISLATOR

Sharon Metz, 90th Assembly District representative, has been a consistent defender of treaties. She gave an overview of the legislative relationship.

One of the ways the relationship continues is through the American Indian Study Committee, comprised of six tribal members and eight legislators. The committee reviews legislation such as the recently discussed Indian burial rights.

There is, however, growing anti-Indian sentiment in the legislature she said. "Elected officials have to return to their districts to face white rights groups."

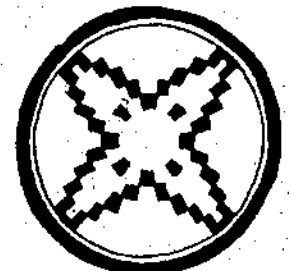
Other ways the relationship is maintained are through the Indian Desk in the Governor's Office and through other agency offices and various boards.

"Despite these methods, the political climate is fast becoming racist; legislators are hesitating and reacting to fear," said Metz.

"States like Wisconsin are reacting very much like what happened in Germany - little coalitions like ERFE and Care are very much like little groups which put Hitler in power," Metz warned.

"The Churches were quiet then, and they are quiet today, and I am disturbed by it," she said. "Brown and Outagamie Counties are suing to disestablish the Oneida; where has the church been in these issues?"

"If we are going to stand for human rights, then we'll have to form coalitions," she said. "You'll have to speak at the Kiwanis, because the Indians aren't invited."



QUILLWORK, BLACKFOOT

Bingo Blues

F. Browning Pipestone, an attorney for the Creek Tribe, said that a recent Oklahoma Supreme Court decision saying that the state can regulate the Creek bingo is an intrusion of tribal sovereignty that could have national implications.

Because he views the mood of the judiciary changing, he called for a return to the clarity of Justice John Marshall regarding trust responsibility. He said the states are gaining authority despite the Commerce Clause in the U.S. Constitution.

"The Sac & Fox have recently established their own bank according to their own laws," he cited positively. "Tribal sovereignty is an exercise of the heart - if you feel like a sovereign, you're going to act like one."



WHITE MOUNTAIN APACHE

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NCAI CONFERENCE

DELAWARE

Education

Rick St. Germaine, Lac Courte Oreilles Tribal Council and NCAI Education Committee, said that there have been important strides due to joint NCAI/NTCA efforts in the past 15 years.

He attributed the access to the creation of the NIEA in 1968, the 1970 Kennedy study which gave the issues focus, the 1972 Indian Education Act, and the passage of PL93-638.

However, he said Reagan is proposing devastating cuts in Title IV, the dispersal of tribal funds to states, closure of BIA bonding schools, ending the Department of Education, declared that education is not a trust responsibility, a reduction in JOM, a moratorium on new contract schools, removal of 6,000 students from BIA scholarships, and a departure of BIA standards from those of tribal educators.

He said the future depends on slowing the rate of acculturation, and the loss of native language and values; preservation of families; stopping the alienation of tribal elders.

He said there is a need for early childhood education and tribal provisions of day care; special education needs are above the norm; and, there is a need for adherence by the U.S. on treaty agreements relating to education.



NTCA Concerns

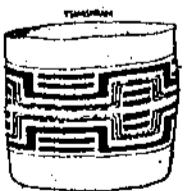
Pat Locke, NTCA Education Committee, said that because we are losing so much ground, we must now enforce the treaties where education is specifically mentioned.

"In education we have surrendered authority to the states," she added. "We've not enacted our own educational law; only four tribes have enacted language or cultural codes."

Taking the Offensive

Chief Claude Cox, Miscogee Creek Nation, said that in the face of threats to our sovereignty we should strive for unity such as the recently formed United Indian Nations of Oklahoma.

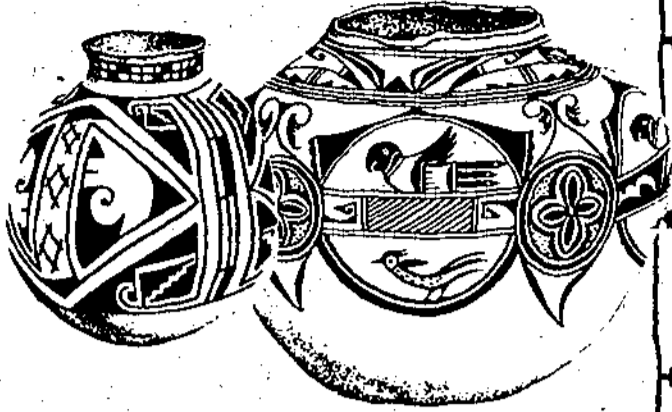
Bernie Littleaxe, IINO president, said there were 39 tribes involved. "We need to be like the Jews and other nationalities - we need to combine our resources. If we conducted boycotts, we'd have the same effect as OPEC."



The Chairman of the Band

Peterson Zah, Navaho Tribal Chairman, said that direct involvement by his office have successfully gained \$90 million in mineral royalties. He said too often we send our attorneys to talk to their attorneys with unproductive results.

He also called for tribal leaders to keep in touch with who they are, to preserve their unique identities. He said that his tribe mandates that language, culture, life-style, history, and government are taught at every high school.



Secretary Hodel

Donald Paul Hodel, Secretary of the Interior, read a letter from President Reagan and also confirmed the recent appointment of Ross Swimmer as the Assistant Secretary for Indian Affairs.

Hodel said they have a commitment to strengthen tribal government, through the trust responsibility and through economic self-determination. He said they will assist tribes who negotiate settlements on land, water, and energy lawsuits.

"We will provide incentives to tribes who seek entrepreneurship," he said. However, he added that due to the budget crisis, any new money will have to be developed by the tribes.

He said he would move to implement the report of the Presidential Commission of Indian Reservation Economies which Ross Swimmer co-chaired. He said there will be a focus on procurement, technical assistance, and trust management.

He concluded by saying that Swimmer will strive for better management within the BIA and the BIA offices will remain intact.

In response to questions, he said that he supported Indian bingo, but would discourage other formings of "hard core" gaming; that he was not adequately briefed to comment on Alaskan retribalization; that it is up to the tribes to make Indian agriculture part of the agenda; that there are limited dollars to implement the U.S.-Salmon Treaty; and, he has no comment yet, or support for the Indian Tax Status Act.

Tribal Assets Management

Sam Deloria, new partner in the investment bank of Tribal Assessment Management, said they seek to help make tribes more effective forces in regional economies.

Tom Turin, TAM founder, said the investment bank grew out of the Maine land claims. Those tribes saw no single solutions for economic stability so they used their funds in a combination of ways.

He suggests that because the outside economy is stronger, and because reservations are already a part of the regional economy, that by direct investment (acquisition) off-reservation, tribes not only gain capital, but also social and political power.

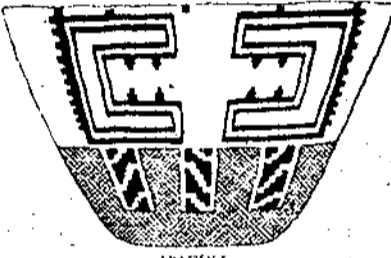
He said that the Tribal Tax Status Act is a way to accumulate tribal assets. He cited the recent takeover of Simpson Electric by the Lac du Flambeau Tribe as how even relatively poor tribes can use low rate loans to leverage capital.

He said that Tribal Assets Management is deal oriented not consultants. They focus on acquisitions through accessing outside capital.

New Cherokee Chief?

If Ross Swimmer passes Senate muster, it's likely that Wilma Mankiller will be the new principle chief of the Cherokee. "The federal dollars are gone," she said, and solutions must come from within.

Mankiller said the tribes must define values, economic development, demystify private sector language and turn toward traditions for valuable solutions.



Media Speak

Tom Beaver, Minnesota Chippewa and reporter for WCCO TV in The Twin Cities, began an abbreviated panel entitled Policy and Political Resources.

Beaver urged the conferees to learn and make use of the media, particularly the free space and time required by FCC known as public service announcements.

Walt Briesette, Great Lakes Indian Fish and Wildlife Commission, spoke of the failure of the educational system to provide information on treaties and of our tribal governments. He said media too has failed in this reporting, complicating an already complex and misunderstood situation, particularly regarding treaty issues.

He said that the tribes need to have PR departments and view them as vital management tools equal to other departments such as accounting or legal.

He said a think tank would help retain good leadership, that spiritual/cultural values must be retained, and that our native legacy as ecological leaders must be reclaimed.



New NCAI UP Defends Environment

Jon Gonzales, council member of the San Ildefonso Pueblo and the all-Indian Pueblo Council, was elected as the new first vice-President of NCAI.

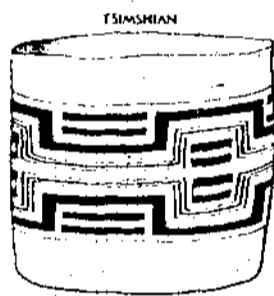
He identified nuclear waste and nuke testing and mining tailings as key environmental concerns. He called for reclamation projects and water quality studies. He said recent amendments to the Clean Water Act can be good tools.

U.S. Fish & Wildlife Attached

Lönnie Racehorse, Land Use Commissioner of the Shoshone-Bannock tribes, charged that USFWS regulations for special migratory bird hunting seasons goes beyond their authority and poses a threat to tribal rights.

Racehorse said that only 15 of the 114 tribes affected by the regulations were consulted. He said USFWS had no authority, that the guidelines were unnecessary, that it provides an entree for state involvement, and it will ultimately have an impact on other species including fish.

Racehorse successfully got on NCAI resolution opposing the regulations and calling for the regulations to be withdrawn.



BIA Swat Team

"We refuse to allow the BIA to regulate our religious practices," proclaimed Willie Colgrove, Chairman of the Hoopa Valley Tribe of California.

Colgrove asked NCAI support to help them regain access to salmon runs after they were regulated following severe overfishing by offshore commercial fishing.

He said that they initially agreed to limit fishing in the spirit of cooperation, but when the allocations came down, it came to less than one fish per tribal member.

The Interior Department ruled that the BIA would issue permits. He said that the BIA has begun making arrests and has a SWAT team on notice.

Colgrove called for a NCAI resolution condemning the BIA and to help them take this fall harvest which is used for religious ceremonies.

CERT

Former ANA administrator, David Lester, is now the executive director of the Council of Energy Resource tribes, once the power-house of Peter McDonald and often referred to as the Indian OPEC.

"Resources are nonrenewable," said Lester. "We are in the business of converting natural resources to financial resources, for renewable opportunities."

He called for more tribal controls while gaining a full trust commitment from the BIA. He said the old BIA lease system created enclaves for the companies.

The next step he said is to enhance compliance and enforcement of tribal controls. He added that we often lose in the field what we win in the courts.

Attorneys Part of the Problem

Roger Jim, Chairman of the Yakima Nation, called water rights the key issue to be resolved. He had few kind words for attorneys or the trustee (BIA) in resolving this matter.

"Those in the water rights fight know that the spigot will not produce water if we don't do something today," said Jim.

Despite law, treaties, and legislation even your own legal department will say you must first ask your trustee.

He said that because the attorneys and the trustee has misinterpreted litigation, failed to explain legislation, and accepted the "negotiate or else" threat, tribal positions are fragmented and we are told we must "hide our time."

"What happened to the power that brings rain? It showed that we had a close relationship with the Great Provider," he said. "Look at us today. We are split down the middle, modern versus traditional."

He said we must struggle to get out legal people to work with us because we are finding ourselves in court against our own trustee.



Indian Farm Aid

Keith Jerret, Cheyenne River Sioux, said his family has been farming since the 1800's. He said that the National Indian Task Force on Agriculture is still waiting approval.

He said that the problems facing Indian farmers are in addition to those facing other farmers. He said the Production Credit Association will issue no loans until sovereign immunity is waived on Indian Trust land.



John Marshall Revisited

Rick West, another private attorney, reviewed the basis of the trust doctrine. He said the early Cherokee cases affirmed the tribal nationhood status.

He said, however, that later cases turned this doctrine around by the end of the 19th century. The Kagima and Sandoval decisions were cases of manifest destiny run wild and the emergence of the plenary theory. These cases, ripe with racist attitudes, politically, and legally emasculated tribal powers.

He sees the more recent Supreme Court decisions, including the Sioux and Delaware cases, as a return to a clearer trust obligation. He too was encouraged by the potential redefinition of the plenary theory.



Outside the main assembly room at the NCAI Convention, Interior Secretary Hodel is button-holed with questions and concerns. The Secretary, second from right is just completing an interview with Mark Trobent, editor of the Navaho Times.

Nuke Waste for Cash

Although there is no specific language, implicit in the 1982 Nuclear Waste Policy Act is the recognition that many dollars will flow to those areas designated as "permanent" dumps for high level nuclear waste.

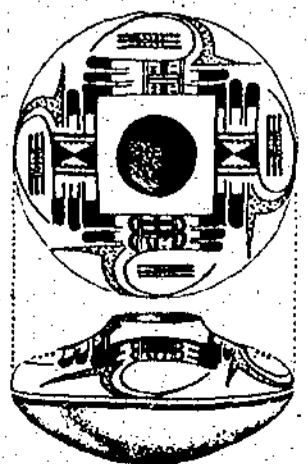
Roger Gale, Department of Energy, Office of Policy and Outreach, believes that the current sitting process is not only necessary, but is safe. He also said that the DOE has recently changed their policy and will now allow tribes in the crystalline area (second site) to seek funds even before achieving "affected tribe" status.

He said that in a few months, 15 to 20 sites will be selected for further study in the midwest, southeast, and northeast (17 states) where there are crystalline rock bodies. These will be identified in the DOE's "Area Recommendation Report".

He said that all tribes that the BIA says are not eligible may seek DOE funds to help them review and comment on the report. He said following the issuance of the report, some tribes may become eligible for "affected status".

Since early times the government has had a very broad power to regulate white hunting and fishing. It has the power, if it wants to use it, to restrict hunting and fishing as much as it pleases, and even to prevent hunting and fishing altogether, although if it goes this far, it may have to pay compensation to the landowner. A landowner must obey state fish and game regulations when hunting and fishing on his own land, the same as anyone else.

Rights to hunt or fish in particular places can be acquired by purchasing the land, or by purchasing an easement on the land, or by grant from the government, and in other ways. They can also be acquired by prescription, which means the use of someone else's land for such a long period of time and in such a way that the landowner has to allow it to continue. Prescription rights are very rare, because they are so hard to prove, and they do not exist at all on public lands or public waters (which includes almost all navigable waters).



NCAI CONFERENCE

Faithkeeper From the East

Oren Lyons is a faithkeeper with the Onondaga Nation which is part of the six nation Iroquois Confederacy. He asked for continued support as his people travel in the international community.

"Sovereignty is the act thereof," said Lyons. "Self identification is the first step to sovereignty. We are as sovereign as we act."

He said it is important that borders be defined, jurisdiction be established and distinct culture preserved.

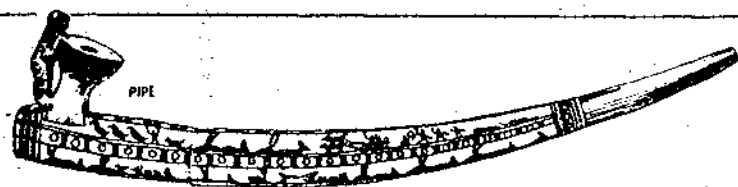
"When we give up our religions, language, cultural dress, and mores, it makes it difficult for other people to see us," he said. "The six nations travel on our own passports".

He said current economic developments are short-sighted. "We must think of the seventh generation to come. Your land will be attacked and taxation will allow encroachment."



Ross Swimmer, Principle Chief of the Oklahoma Cherokee, and the new designs for Assistant Secretary of Indian Affairs, Department of the Interior. Here he is speaking at a reception by the Women of Indian Nations Political Action Committee.

"The white man does not understand the Indian for the reason that he does not understand America. He is too far removed from its formative processes. The roots of the tree of his life have not yet grasped the rock and soil. The whiteman is still troubled with primitive fears; he still has in his unconscious the perils of this frontier continent, some of its vastness not yet having yielded to his questing footsteps and inquiring eyes. He shudders still with memory of the loss of his forefathers upon its scorching deserts and forbidding mountaintops. The man from Europe is still a foreigner and an alien. And he still hates the man who questioned his path across the continent. But in the Indian the spirit of the land is still vested, it will be until other men are able to divine and meet its rhythm. Men must be born and reborn to belong. Their bodies must be formed of the dust of their forefathers' bones." — Luther Standing Bear



REACTION TO VOIGT DECISION

"There was an Indian golfer who, with poor eyesight, teamed up with a white caddy with 20-20 vision," began Jim Schlender.

"The Indian, after hitting a long tee shot, asked his caddy if he saw where it went?"

"Yes," said the caddy. "But I forgot."

Schlender characterized the current treaty issue controversy as a situation where we all think we see clearly where we are, but we've forgotten how we got there.

AGE: Some people think that because the treaties are old they're invalid. Yet, no one cries about the ancient Bill of Rights or refers to the 18th century freedom of speech clause.

SPECIAL RIGHTS: Treaties should be viewed as what the tribes gave up - that which is left are reserved rights. No one complains about the vast inherited wealth of the Rockefellers, yet when we seek a legal claim of our inherited property rights they become special.

DUAL CITIZENSHIP: The 1924 Indian Citizenship Act conferred to American Indian U.S. citizenship, without having to give up citizenship, rights or property of their own tribe. Each of us are dual citizens - of the U.S. and the states where we reside.

RESOURCE DEPLETION: When the Voigt Decision was first reported,

editorials said that the only thing that would be left would be waterskiing; a Duluth, TV station reported the first Chippewa deer season as a slaughter of 700 deer while calling the regular state deer which took 250,000 deer, a harvest.

MONITORING: There are 2.1 million fisherman who are allowed a 5 walleye bag limit. We have less than 500 fisherman and all are monitored 100%

NON-SPORTSMAN: Indians are out for food, not for the sport. Why is it more sportsmanlike to concentrate 650,000 hunters in a fixed area in a 12 day period rather than 1,500 Indian hunters over the same area over an extended period? If I were going to go for battle, I'd do the former.

ROAD HUNTING: Disabled hunters enjoyed this privilege for over a decade, but as soon as the Chippewa also began to use it, the method became unsafe. The Wisconsin legislature, in their haste to get at the Chippewa, also took away some privileges from the regular hunters.

TREATIES INVALID: Many still argue, despite court decisions to the contrary, that our treaties were invalidated by the Presidential Removal Act. However, the court has already found that in trust circumstance, the president has no authority to issue the act and secondly the act was never com-

plied with. The 1854 homeland treaty, although it set aside our reservations, did not extinguish our reserved rights.

CONFLICTING STATE POLICY: The Governor said that he would not contest that the treaty rights exist. Yet, the state attorney general will agree in the Phase II Voigt trial that "settlement" of the ceded territory extinguished treaty rights. Even if they succeed in their argument, I am anxious to hear how they claim a lake is settled.

ANTI-INDIAN GROUPS: Vigilantism has sprung up since the Voigt Decision - signs saying "Save a Deer, Shoot an Indian".

POLITICAL ATTACKS: Dave Obey has threatened to withhold domestic assistance if the Chippewa "insist" on exercising their treaty rights; the legislature, in SB88, sacrificed the privileges of disabled hunters in order to take Chippewa Treaty Rights; and, various counties are looking at resolutions as an attempt to abrogate treaties - knowing, of course, their actions are without authority.

"We must see clearly and remember how we got here," concluded Schlender. "In order to do so, we must abandon fear and fearmongering and abandon hope that one or the other side will disappear or assimilate."

AIDS Argued

Dr. James Mason, Acting Assistant Secretary for Health (DHHS) said that they are trying to improve communications with Indian health through three oversight committees.

He said that the reprogramming of IHS dollars is consistent in this time of fiscal constraint. Two to five million dollars are being contemplated to be taken from IHS for AIDS research.

In response to concerns over Dr. Everett Thoades removal he said he would act on their concerns as soon as the Inspector General report is complete.

SB 88— BLUNDERING POWER POLITICS



WDNR ROADHUNT INTERPRETATION "ILLEGAL"

ODANAH—Dave Seigler, policy analyst for the Great Lakes Indian Fish and Wildlife Commission, has charged that the Wisconsin Department of Natural Resources are implementing an illegal interpretation of recent rules regarding roadhunting.

He said that the DNR Secretary has made an administrative decision that was clearly without authority regarding 1985 Wisconsin Act (SB 88). He said the bill never gave the secretary the right to reinterpret the language of the legislation.

He further states that the secretary conveniently timed the release of his interpretation to coincide with the end of Chippewa roadhunting rights under the 1985 State-Chippewa Treaty Deer Agreement.

... given the DNR definition, disabled persons may shoot from vehicles on all of the forest roads, logging roads, and the like not printed on county highway maps," Siegler pointed out in a letter to Tribal leaders.

"And so, according to the tribal-state agreement, should tribal members have been able to [roadhunt] up until [October 31]."

"At least to those roads excluded from Besadny's definition of 'highway,' neither state licensed hunters nor

disabled hunters will be hurt by SB88; the only parties affected are the tribes," he writes.

He noted that the Chippewa "conveniently" did not get a copy of the Besadny interpretation until October 21, the last day in which tribal roadhunting was allowed under agreement.

However, he also notes that despite the apparent illegality, there are implications in the DNR position which reopens roadhunting for the tribes in the future.

Getting the Indians Costs All Hunters

ODANAH—The passage of SB 88, with the use of loaded and uncased guns and other road hunting practices, will affect all deer hunters, a fact that was overlooked in the flurry of reporting preceding the passing of the bill, according to Voigt Inter-Tribal Task Force Chairman, James Schlender.

Schlender points out that in addition to putting an end to certain handicapped hunter practices, the bill also prohibits hunting or shooting within 50 feet of any road, paved or unpaved. This puts an end to the longstanding practice of hunting on unpaved roads outside of vehicles during the deer season.

Before SB 88 passed, he says, the state's deer hunters could road hunt outside of vehicles from unpaved roads, and this was a frequent group hunting practice. However, with the new bill, this can no longer be done. SB 88 he indicates, provides that "no person may discharge a firearm or shoot a bolt or an arrow from a bow or a crossbow from or across a highway or within 50 feet of the center line of roadway". "Highway" as defined in the bill includes all public roads, paved or unpaved, including forest roads, county and town roads, and any road open to public travel. Violation of this provision is punishable by a forfeiture of up to \$100, plus the new "weapons assess-

ment" of 75% of the forfeiture. This bill applies only to deer hunting. Small game hunting on unpaved roads with shotguns will still be allowed.

Schlender does not feel that state deer hunters will be too happy when they realize what has happened to them. He says, "It is a disgrace that the legislature and the Governor would act in such haste to change existing non-Indian hunting practices of long standing just to strike out at Chippewa hunting".

He also noted that the bill sped through the state legislature in great haste, spearheaded by Senator Lloyd Kincaid. It was signed by the Governor in a public ceremony on October 4. The new law will take effect this month and will apply to the upcoming deer season.

(Editor's comments)

Acting with its infinite wisdom, the Wisconsin legislature passed SB 88 at hurricane speeds. Probably so fast that few legislators had the opportunity to read or consider its real meaning and effects.

In a news release following the action, James Schlender, Voigt Inter-Tribal Task Force Chairman, offered the comments which follow, pointing out that the handicapped as well as other non-Indian hunters would actually be affected by the bill, which was basically designed to stop treaty hunters from possessing uncased loaded guns for a limited season while hunting off-reservation.

Of course, a few days after the bill was passed, another bill was introduced to try to make amends to non-Indian state hunters. This has not been passed as yet. In fact, action was taken to try to suspend the rules, but this was rejected by a 50 to 40 vote.

It is also interesting to note that a bill allowing farmers who are experiencing crop damage by deer to possess uncased, loaded weapons, Assembly Bill 439, was passed by our assembly. Farmers may, but tribal members may not.

It seems that the biases of our legislature are fairly transparent in this rather dowdy, manipulation of the legislative process.

WHAD D' YA SAY?

LET US HEAR FROM YOU!

"WHAD D' YA SAY?" will be run monthly in MASINAIGAN providing space for our readers to provide input and commentary on issues of tribally-related concerns. Your ideas are welcome. Send them to MASINAIGAN, P.O. Box 9, Odanah, WI 54861. Please limit length to 400 words. Submissions to be run will be selected by the editors. Please sign all submissions.



TREATY RALLIES



You are never too young to stand up for what you believe!



Central problems were identified.



Dennis Boyer, left, AFSCME lobbyist and one of the organizers of the rally in Madison shares the podium with Jim Schlender, Chairman of the Voigt Inter-Tribal Task Force.
Photo by Lothaire Niyonkuru

TREATY SUPPORTERS RALLIED IN MADISON

Treaty supporters rallied in Madison on the steps of the Capitol Sunday, September 15. Through signs, music, and speeches they indicated their commitment to the validity of the treaties made with the Chippewa and to assuring that the U.S. government and people abide by their promises made in the treaties.

The rally was held on the day prior to the court trial set to determine the scope of tribal hunting, fishing, and gathering rights as pertains to the Voigt Decision. The case was slated to be heard by Judge James Doyle in the Federal Court for the Western District of Wisconsin, however, due to the judge's illness, the proceedings were delayed. None-the-less, rallyers rallied on.

The court date has been moved to November 18th in Madison. Another Treaty Rally is also being slated: This time in Milwaukee on November 17th, giving supporters a chance to voice their opinions and concerns regarding the willingness of the U.S. to stand by its treaties.



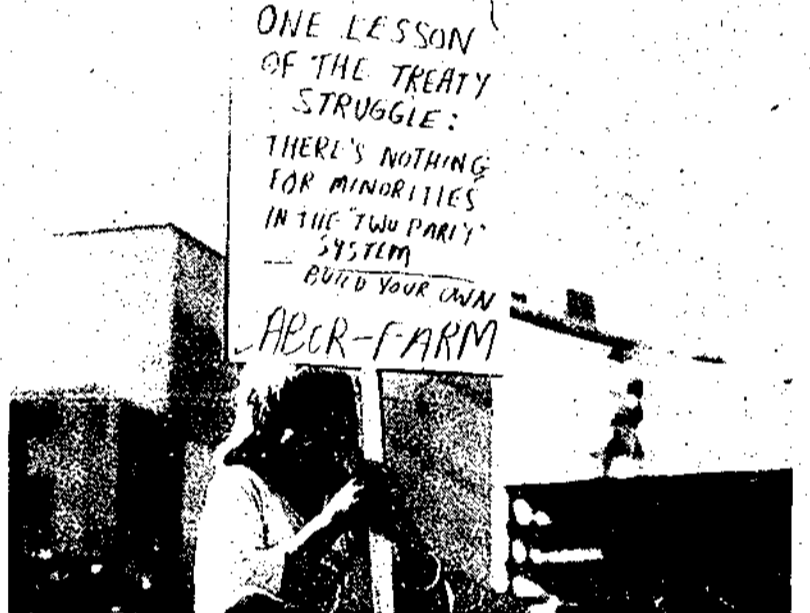
Indian leader Hillary Waukau, Menominee, addresses participants.
Photo by Lothaire Niyonkuru.



Treaty support comes from other groups of people who are also concerned with justice and equity.
Photo by Lothaire Niyonkuru



A petition in support of treaty rights was available at the rally.
Photo by Lothaire Niyonkuru



Alternatives were proposed.
Photo by Lothaire Niyonkuru



Support the Indian Treaties

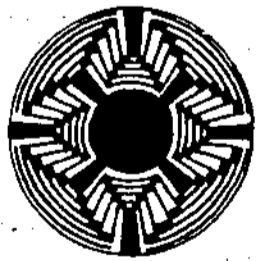


AMERICAN INDIAN TREATY RIGHTS...

...A CIVIL RIGHTS QUESTION

—A Community Forum on Treaty

Rights in Wisconsin—



Join with civil rights attorneys, minority spokespersons, tribal activists and community organizers to discuss the growing racist threat in Northern Wisconsin and what it means to all of us.

Featured speakers: Jim Schlender, Chippewa Activist and Treaty Rights Lawyer; Walt Bresette, Public Information Officer for the Great Lakes Indian Fish and Wildlife Commission; Dennis Boyer, Madison Attorney; and others.

Forum to be held at the AFSCME Building, 3427 West Saint Paul Avenue (at 35th St.), Milwaukee, on November 17, 1985. Panel discussions will begin at 3:00 p.m.

**NOVEMBER 17, 1985
DON'T FORGET!
3 PM AT 35TH & ST. PAUL**

Dept. LFP, P.O. Box 1222, Madison, WI 53701

WI LEGISLATORS TRIBAL LEADERS MINGLE



State tribal leaders had the opportunity to meet with state legislators informally during a luncheon in the Capitol building, Madison, last week. The luncheon was cosponsored by the Great Lakes Inter-Tribal Council (GLITC) and the Great Lakes Indian Fish and Wildlife Commission, GLIFWC, and was intended to provide a casual, nonspecific environment for tribal and state leaders to meet, according to GLITC Director, Joseph Bresette.

The luncheon was held prior to a regular GLITC meeting on Thursday, October

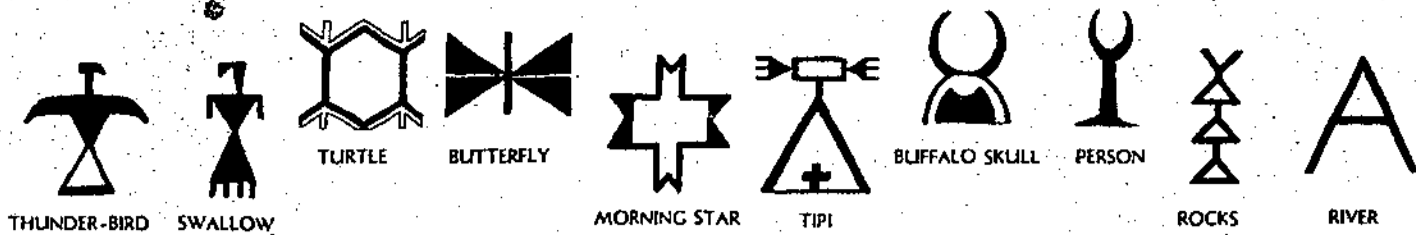
10, also in Madison, so many tribal leaders were in the area. Bresette viewed the event as successful in building personal contacts with representatives and providing a non-confrontative setting for both the legislators and tribal chairmen to talk.

Joseph Corbine, Bad River Tribal Chairman, felt the event was helpful in initiating more discussion with legislators on issues and beginning an "education process". Corbine said that this was the first time he had talked with Assemblyman Bill Plizka, for instance, and that he and

Plizka agreed to meet during legislative "time-off" to further their discussions.

Besides meeting state legislators, some of them for the first time, Ray DePerry, Executive Administrator of GLIFWC, noted that during the GLITC meeting, Governor Anthony Earl addressed the assembled tribal leaders as well, stating his continued concern over issues affecting the tribes and Matt Flynn, Democratic candidate for U.S. Senate, spent about thirty minutes outlining the issues he perceives as important in the coming elections.

ABOUT TREATY RIGHTS:



THUNDER-BIRD SWALLOW

TURTLE

BUTTERFLY

MORNING STAR

TIPI

BUFFALO SKULL

PERSON

ROCKS

RIVER



The following is a memorandum to the National Congress of American Indians, written in 1967, by staff from the law firm of Wilkinson, Cragun and Barker, Washington, D.C. It is re-printed in part below as background material explaining the legal hunting and fishing rights of many tribes throughout this nation.

From time immemorial Indians have hunted and fished for their livelihood, and many still do today, sometimes for food, sometimes for pocked money, sometimes for commercial profits. As the population of the country grows, and more and more white hunters and fishermen take to the field and as the game and fish grow scarcer, more complaints are heard about the Indians' use of their hunting and fishing rights.

There have been lawsuits over Indian hunting and fishing rights since 1887, when some Yakima Indians went into the Washington Territory Court and were successful in establishing their right to fish at accustomed stations, over the protests of the whites who owned the land the Indians fished from. This holding was later approved by the U.S. Supreme Court in the famous *Winans* case in 1905.

In the last few years, there have been several serious clashes in Washington, involving the Yakimas, Nisquallies, Puyallups, and others, which have received nationwide publicity. These disputes are still being fought, with the state claiming the power to regulate Indian hunting and fishing rights, and the Indians claiming the contrary. Other cases on Indian hunting and fishing are being fought in Michigan, Montana, Oklahoma, Oregon, and Wisconsin.

In other recent cases, Indians have lost their hunting and fishing rights due to federal government action and have sued for compensation.

The purpose of this memorandum is to explain the general nature of hunting and fishing rights, so that the various tribes can be better informed as to whether they have any such rights, and what the rights mean.

I. WHITE HUNTING AND FISHING RIGHTS

In order to better understand how the courts treat Indian hunting and fishing rights, one should at least have an idea how the courts treat the white man's hunting and fishing rights. In this country the white man's laws on hunting and fishing go back to ancient England, and before that to the Romans. In the early days all fish and game belonged to the king. In modern days fish and game belong to the public until caught, and then they belong to the one who caught the fish or game, if he caught it legally. If he caught it in violation of State law, it may belong to the state, and if he caught it by trespassing on someone else's posted land, then it may belong to the landowner. It is not usually a trespass, incidentally, to enter the boundaries of a white person's land by boat on navigable waters, and fish from the boat; however, it is a trespass to fish in waters within an Indian reservation.

II. INDIAN HUNTING AND FISHING RIGHTS

Indians being citizens of the United States and of the state wherein they reside, have as much right to hunt and fish anywhere in the state as the whites. But due to their special status, and to treaties made with the United States before their hunting grounds and fishing stations came within state boundaries, many Indians have more rights to hunt and fish than whites do. These special rights are of two kinds - (1) the right (called an easement) to use or cross someone else's land in order to fish or hunt, and (2) the right to hunt and fish without regard to the game and fish regulations of the state or federal government. The second kind of right is the more important one, though the first is important, too.

Before discussing these two aspects of hunting and fishing rights further, it will be useful to consider the various sources of these rights.

The best source is a treaty or statute expressly guaranteeing hunting and fishing rights, and many tribes have such treaties or statutes. In these cases it is clear that the Indians have the rights, and that the state government must honor those rights, and so must the federal government, except that the federal government has the power to abrogate the rights upon payment of compensation.

If the tribe has a treaty, or a statute creating a reservation, which does not mention hunting and fishing rights. If the place of hunting or fishing is located outside the reservation, then the mere fact that the Indians have traditionally hunted or fished there probably is not enough to establish freedom from state regulation, though it might be enough to establish an easement by prescription under ordinary state law, which would be good against the private landowner. On the other hand, if the place is inside the reservation, then the treaty or statute may very well be interpreted to guarantee the hunting and fishing rights inside the reservation. The Quinaltuls, the Menominees, the Klamaths, the Chippewas, and the Metlakatlas have won such cases.

If the tribe has no treaty or statute, it may argue that it has hunting and fishing rights arising from aboriginal use, or from an Executive Order establishing a reservation or setting aside lands or waters for hunting and fishing. These rights, if they exist at all, are weak. In the *Hynes* case (1949), the U.S. Supreme Court said that an Executive Order reservation of fishing grounds was not exclusive, and that white men could fish within the waters reserved for the Indians. In the *Kake* case (1962), the Court held that Indian fishing rights granted by Executive Order were subject to state regulations.

INSIDE THE RESERVATION

Where the rights are based on a treaty or statute, and are exercised inside the reservation, the Indians have uniformly been held to be free from state or federal restriction. Some of the more famous cases are *Mason v. Sams* (1925), where federal court held that the Secretary of Interior could not regulate Indian hunting and fishing rights, and *Pioneer Packing Co. v. Winslow* (1930), where the Washington court held that so long as the Indians caught the fish on their reservation, they could ship it out of state, even though if caught by a white man such shipment would be illegal.

OUTSIDE THE RESERVATION

Where Indian hunting and fishing rights based on treaty or statute are exercised outside the reservation, the Indians at present are subject to some restrictions, but not as many as white men are subject to.

The first case on this question was *Ward v. Race Horse*, decided by the U.S. Supreme Court in 1896. A Fort Hall Indian hunted elk outside his reservation, in accordance with a treaty expressly guaranteeing hunting rights on unoccupied land. The state wanted to prosecute him for violation of state regulations. The Supreme Court held that the Indians' hunting right was terminated when Wyoming became a state, because the tribe and United States intended the hunting right only to be temporary. In *Kennedy v. Becker* (1916), the Supreme Court held that the Senecas' treaty hunting and fishing rights were subject to state regulation. These decisions were hard ones for the Indians (and Congress later paid the Fort Hall Indians \$75,000 as compensation), but as will be seen, they have been modified at least to some extent, in favor of the Indians.

For a long time the courts thought that the *Race Horse* case meant the Indians had no special rights outside their reservations. Then, in 1942, the U.S. Supreme Court decided the *Tulee* case, holding that while the state may regulate Indian treaty fishing rights outside the reservation where "necessary" for conservation, the state cannot require the Indians to pay a license fee. This case has caused a great deal of confusion, and there are now three different rules (the *Makah* rule, the *Arthur* rule, and the *Puyallup* rule) on the question of off-reservation hunting and fishing, which means the confusion will continue until the U.S. Supreme Court settles it.

1. The *Makah* rule was decided in 1951 by the federal appeals court for the Ninth Circuit (and reaffirmed by the court in 1963). This rule says that the Indians, in exercising off-reservation treaty rights, do not have to obey state regulations unless the Indians' violation of those regulations will lead to destruction of the fishery; in other words, the state must try to achieve adequate conservation by restricting white fishing, and only if that fails may the state restrict Indian fishing. As a practical matter, this rule permits the Indians to fish without restriction unless the fishery is being destroyed due to excessive Indian fishing.

2. The *Arthur* case was decided by the Idaho court in 1953. It held that off-reservation treaty hunting rights cannot be restricted at all by state regulations. A local court in Montana has followed this rule, and the Supreme Court of Canada apparently follows a similar rule.

3. The *Puyallup* rule was decided in 1967 by the Washington court. It is stricter than the *Makah* and *Arthur* rules, and says that the Indians have greater rights to fish than white men, but they must obey state restrictions which are "reasonable and necessary" for conservation. Both this case and the *Makah* case agree that the Indians cannot destroy the entire fishery, but the *Puyallup* case makes it much easier for the state to satisfy the "necessary for conservation" test.

As stated above, which of the three rules will be approved by the U.S. Supreme Court remains to be seen. Another dispute now in litigation

involves certain Yakima Indians who have been fishing outside their reservation not only in violation of state regulations, but also in violation of Yakima tribal regulations. The tribe, backed by the United States, takes the position that members who fish in violation of tribal regulations are not within the protection of the treaty. At least one local state court has agreed.

COMPENSATION FOR LOSS OF RIGHTS

If a tribe has permanent hunting and fishing rights arising from treaty or statute, then the State must honor them, it cannot take them away. The federal government cannot take them away either, unless it pays for them. Several times over the years Congress has paid for the destruction of treaty fishing or hunting rights. In 1954 the Yakimas, Nez Percés and other tribes won an out-of-court settlement of \$27,000,000 from the United States when the Dalles Dam flooded their fishing stations at Celilo Falls.

However, if the rights arise from Executive Order or aboriginal use, there may not be a right to compensation in event they are taken away, at least not under the Constitution, though there might well be a claim under the Indian Claims Commission Act. There are no cases on this.

(b) Indians Fishing and Hunting off their Reservation

Indians, except where their treaties otherwise provide, who hunt or fish outside their reservation or lands which are no longer restricted or held in trust are subject to the State fish and game conservation laws. Treaties with certain tribes reserve to tribal members, however, a right to hunt and fish on ceded lands outside their reservation, or to "fish at all usual and accustomed places, in common with the citizens of the Territory" (now State). The right provided by treaty for Indians to hunt outside their reservation is usually limited by such phrases as "so long as the same (ceded lands) shall remain property of the United States" or "during the pleasure of the President," or to "open an unclaimed land." A State cannot, by legislation or otherwise, deny the Indians these right guaranteed by treaty, but the State may enforce reasonable conservation laws applicable alike to all citizens of the State. See *Tulee v. State of Washington*, 315 U.S.C. 681 (1942).

(c) Hunting and Fishing by Non-Indians on an Indian Reservation

Non-Indians and Indians who are not members of the particular tribe have no right to hunt or fish on the trust or restricted lands within a reservation without the consent of the tribe. Non-Indians and Indian non-tribal members who have the consent of the tribe to hunt or fish within the reservation do not have a right to hunt or fish on trust or restricted allotted land without the consent of the particular allottee. Non-Indians who have received tribal consent to hunt or fish must not only comply with special tribal rules and regulations as may be in force on the reservation, but are also subject to State and Federal laws.

(d) Hunting and Fishing Regulations on Indian Reservations

An Indian tribe may regulate and control game and fishtaking activities of Indians and non-Indians by enacting a suitable ordinance.

FREEDOM FROM PRIVATE INTERFERENCE

If the hunting or fishing rights exist through treaty or statute, then individual white men cannot interfere with them. In the *Winans* case (1905), the Yakimas were accustomed to fishing at certain stations outside the reservation. The Yakima treaty gave the Indians the right to take fish at usual and accustomed places outside the reservation. One of these accustomed stations was patented by the United States to a white landowner, who then tried to stop the Indians from coming on his land to fish. The U.S. Supreme Court said the treaty gave the Indians an easement to continue to use these stations, even after the land was patented to a white man.

In the Alaska Pacific case (1918), Congress passed a statute giving the Metlakatlas a reservation consisting of the Annette Islands. A white fishing company put a fish trap in the waters near the islands, and the Indians sued to have it removed. The U.S. Supreme Court interpreted the statute to mean that the waters around the islands were part of the reservation, and accordingly, the trap was ordered removed.

FREEDOM FROM GOVERNMENTAL INTERFERENCE

Most of the cases dealing with Indian hunting and fishing rights involve the attempts of the state and federal governments to restrict the rights by regulation.

Novitske also called in the assistance of resource management specialists from several other land management agencies. Although the plan had begun as a Timber Management Plan, it had changed into a Multiple-Use Forest Management Plan, recognizing the value of "all natural resource values in the forest," according to Novitske, "including wildlife, stream fisheries, cultural values, recreation, aesthetics, watershed, soils, and of course, timber."

Because of the comprehensive nature of the plan, specialists not available through the BIA had to be sought. Novitske worked with a fisheries biologist from the Leech Lake RBC, a wildlife biologist from the U.S. Fish and Wildlife Service, a landscape architect, a forest hydrologist, and a forest archeologist, all from the Superior National Forest, a soil scientist from the U.S. Soil Conservation Service in addition to BIA foresters in developing the plan.

Eleven grueling days were spent at Grand Portage Lodge in December, 1984, with Novitsky, six BIA foresters, and the six resource managers from other agencies, all working at developing the plan. The eleven days generated nearly three-hundred pages of handwritten draft plan materials, and accomplished what had taken the Superior National Forest eight years to derive.

Essentially the plan divides the reservation land into units, or management areas. Each area has been given a priority usage: recreation, timber, or wildlife. The management practices in each area will reflect the interests of the identified priority use.

Although the draft plan is ready for review, Novitsky also points out that there is still need for more studies to address deficiencies. He cites the need for a detailed soil survey, a visual resource survey, wildlife population inventories, recreational use surveys, resource value studies, cultural site inventories, as a few areas that need further in-depth attention.

The plan is currently awaiting approval from the Reservation Business Committee and from the BIA. Novitsky, however, is hopeful that the plan will be implemented by the end of 1985 to begin "a new era in natural resource management at Grand Portage."

TRIBAL REGULATION

The hunting and fishing rights, whether they arise from treaty, statute, or Executive Order, are tribal rights, and the tribe has the full power to regulate them and to say who can exercise them. Like any other tribal property, the members have a right to use the hunting and fishing rights, subject to tribal regulation, but only to use it—a member cannot sell his right, nor do his children inherit it at this death—it always belongs to the tribe.

Many tribes have conservation regulations, so that the game and fish will still be available for future generations. The Quinaltuls, for example, have had fishing regulations in effect since 1915, and they are strictly enforced; a member who breaks the regulations may lose his fishing rights. Any tribe to whom hunting and fishing is important should have conservation regulations. They do not need to be as strict as state regulations, but they should be strict enough to prevent over-hunting or over-fishing. Tribes with their own regulations will also find that they have a better chance to win disputes with the state, because the federal government may take the tribe's side, and the court will be more sympathetic to the Indian's rights.

TRIBAL LICENSING

If the tribe has a reservation, then it can license outsiders to come on the reservation to hunt and fish. The tribe may charge any licensing fee it wishes, or no fee at all. It may, if it wishes, give free licenses to Indian guests, while charging white men.

If the licensee is a white man, he must also have a state license and he must obey all state regulations. He must also obey tribal regulations, and if he does not, he may be a trespasser and subject to prosecution under federal law.

CONCLUSION

Indian hunting and fishing rights are under constant pressure: tribes which have such rights must be vigilant, and ready to fight any attempts to impair those rights, in the courts, in the state or federal legislatures in the offices of government officials, or elsewhere.

Any tribe which is in doubt about its hunting and fishing rights should hire a lawyer familiar with Indian law, to research the tribe's statutes, treaties, Executive Orders, and aboriginal customs. These rights can be very valuable, and if a tribe or its members carelessly go too far in using what they think are their rights, they may find the court will refuse to recognize the rights at all. Each tribe, therefore, should have a careful opinion given as to just what its rights are, and how much they can be used.

WILKINSON, CRAGUN & BARKER

CHURCH LEADERS SUPPORT TREATIES/SEEK UNDERSTANDING

POTAWATOMI



The Wisconsin Conference of Churches is an ecumenical agency of Christian judicatories in the state of Wisconsin. Its purpose is to provide an ecumenical agency through which the churches may cooperate to contribute the experience, wisdom, and strength in every denomination to the common task of the churches: to express through fellowship and service, the essential cooperation of the Christian church in Wisconsin; to study the religious, civic, social, and moral needs of the people of Wisconsin and devise and correlate plans to meet these needs.



CHURCH LEADERS HEAR ABOUT TREATIES

PERSONAL GROWTH AND INVOLVEMENT

The following is a report of a day-long meeting of the Executive Board of the Wisconsin Conference of Churches, a statewide ecumenical agency of Christian churches. The meeting, sponsored by the Wisconsin Indian Resource Council, was designed to provide information about treaties and tribal governments. This gathering is part of a series on these issues and is part of WCC's Indian ministry Economical Partnership.

Gerry Hill, a teacher and one of three attorney's working for the Wisconsin Oneida, was asked to give a legal background for the treaty issue. As a preface he related how he finally got involved as a young Oneida.

Speaking at the meeting was Episcopalian Bishop William Wantland, president of the Wisconsin Council of Churches; Stan Webster, Executive Director of the Wisconsin Indian Resource Council; Gerry Hill, Attorney for the Wisconsin Oneida; Jim Schlender, Lac Courte Oreilles Tribal Governing Board member and Chairman of the Voigt Committee of the Great Lakes Indian Fish & Wildlife Commission; and Sharon Metz, Assembly-women from Green Bay.

He said that Indians, like other dissatisfied groups, benefited from the social unrest of the sixties. However, he said he was personally unprepared and unclear about the developments during those times.

"When I came to Alcatraz, I didn't know what to do; there were no rules, no one to tell you what's next," he remembered. "However, it was the beginning of my trip back to my Indianness and to the Oneida tribe.

Hill, who was working in California at the time, had also spent a tour in the service. He said that takeover at Alcatraz by Indian activities forced him through an identity crisis. "Dollars were flowing, there was grandstanding and ego-trapping - I couldn't take it, so I returned to Oneida."

He found more dollars back home. A school recruiter, looking for Indian students, convinced him to apply for college. Within two weeks he was a student. After undergraduate work he passed to LSAT and in 1976 finished his law degree.

"I was practically through law school before I realized that I was going to be a lawyer and I didn't even know what they did," he conferred.

He found out through practicing the legal profession and says he is now trying to demystify it for other Indian people. He not only teaches at various colleges, but also gives classes for 5th, 6th, and 7th grades at the Oneida School.

"I found out that the true religion in the U.S. is money," he said. "And the priests are the attorney's and the high priests are the judges."

INFORMATION VERSUS EMOTION

"Information is power," said Hill. "The alternative is emotion. Our rights are not just emotional and moral, but are legal."

Hill said that his primary source material is *Kappler's Treaties*, which lists verbatim all the treaties between Indian tribes and the United States. He said much of it is boring, especially the descriptions, unless it's your land being described.

He said Indians must use and understand the law because facts will always outweigh emotions in a court room. He also said that Indians should go to law school "because the U.S. has more forbs than we do".

"I didn't worry about ERFE or other anti-Indian groups because I know they're only being emotional," he admitted. "However, I start to worry when bombs and politicians get into the way. They're supposed to know better."

He said however, that the national mood and the judiciary are in continued flux. The courts, when looking at Indian issues, often will look at the majority interest. And, despite legal facts in large money or land settlements, we know we will have to compromise, he added.

TREATY AUTHORITY

"Treaties are agreements to do something - to relate", said Hill. "When the balance of power shifts, the agreements will also change."

He cited the claim by the Lakota for the Black Hills - despite never having sold the land, Congress unilaterally allowed it to be taken (Contrary to the treaties) and decided to make a money settlement, which he said has not yet been provided except for attorney's fees.

He said that the U.S. Constitution is the primary authority which validates past and present treaties. He noted three separate articles:

- 1) Article I, Section 8, Clause 3

The Congress shall have power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes...

- 2) Article II, Section 2, Clause 2

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

- 3) Article III, Section 2

This constitution, and laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land...

ROUNDTABLE COMMENTARY

Following the presentations, each of the participants had the opportunity to comment on the presentations and to share any other comments they had on the issues. Comments follow:

— Through Operation Understanding we are trying to get a better social and moral understanding of treaties. Through church funding, we have put on conferences - we look forward to a conference on "spirituality," the sharing of various beliefs.

We've found that even the churches still have stereotypes and that puts us on the defensive. We need more teaching of the issues with all people.

— I want to learn more about the relationships between people. The most crucial point is the understanding that treaties are bound up with the honor of our country.



— We have begun to produce and distribute material on treaty rights. There is a lot of good material available. The concept that treaty rights are property rights is something people will understand.

— Because my father was an avid student of history, our family was familiar with and sympathetic to many of these issues. History is a dialogue between the past and the future.



— I am learning about my own Indianness - my Indian roots. I found that there are risks when identifying with Indian people - I've been told by anti-Indian groups to stay out of politics. Indian humor is also very important.

— As a former educator working with Mishito Indians in Nicaragua, I have some concept of the cultural conflicts we face. There, the Indians are treated wickedly by all parties due to total ignorance of their treaties. We are suffering from a lack of education - the church must carry the message that we have failed.

— Many people, including my good Episcopalian friends, simply don't care when the treaty issue is involved. The main problem is fear - "if we give an inch, the Indians will take a mile." How can we call ourselves children of God when the churches allow the Indians to be treated so badly?

— We have fine reservations in our diocese, and we have given \$600,000 to Lac Courte Oreilles, yet I'm finding out that I'm prejudice. The discussion earlier about consensus pointed out my prejudices. I'm now beginning to understand treaties. This is one of the best workshops I've ever attended.



— I concur with other comments regarding education. The question is, "How can I bring this information back to my parish?" How can I get them to see their own racism? How can we be honest about being the church and not deal with today's issues?

We need each other. We need the Indian Ministry Education Project - perhaps an even wider influence. I need the guidance and patience of the Indian community to see how more can happen together.

— As a tribal business committee member, I too have a lot to learn and have had a hard time understanding treaty and sovereignty issues. When we took on bingo I wondered what people thought about us. We've recently invited non-Indian business people to visit our reservation and this has helped greatly. Individuals need to do P.R. My work in athletics allows me to meet a lot of non-Indians. Although some of my old friends are still sort of friendly, I know a wall between us is forming.

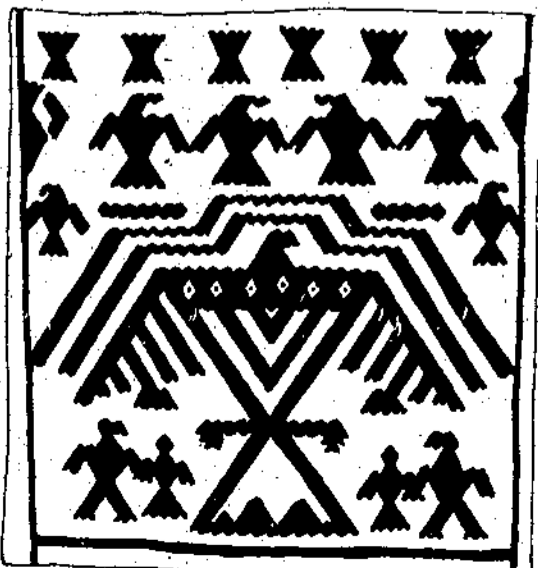
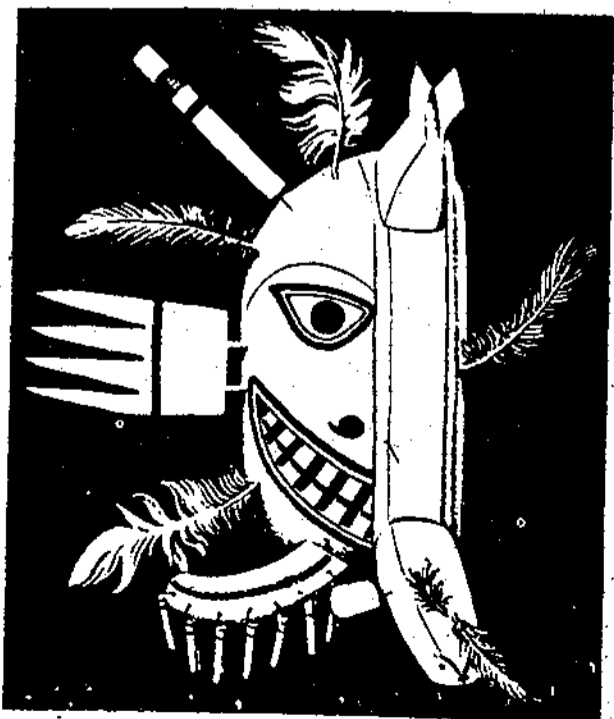


— As a former pastor in Alaska I saw firsthand how whites negatively impact the villages. More Christians need to wake up - to learn about the treaties. It is good to consult on matters that are important to our brothers and sisters in Christ.

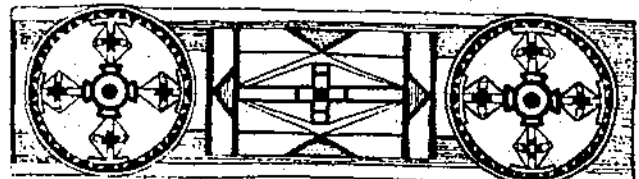


— Because Wisconsin is my spiritual home, the information here has assaulted my idealization of the Indian. I'm now thinking of Indians like other biblical people. Rather than think of property rights, I like to think in terms of contract law - God's covenant. The promise to each other requires that we respect each other.

WOODEN MASK, ESKIMO



MENOMINI THUNDER-BIRD



EPA AND TRIBES WORK TOGETHER

FOLLOWING THE ENVIRONMENTAL PROTECTION AGENCY

The Great Lakes Indian Fish & Wildlife Commission (GLIFWC) submitted its application for project dollars to the Environmental Protection Agency (EPA) on Monday, October 28, at a meeting in Wausau with Kestutis K. Ambutas, EPA Indian Affairs Coordinator.

The proposal submitted by GLIFWC has two major objections, according to Alan Ruger, GLIFWC environmental biologist. One is to inventory environmental risks to which the Tribes in the Commission are subjected, which are also EPA responsibility. These would include clean water, pesticides, hazardous waste, and noise pollution.

The second objective would be to examine the solutions to the problems and create a document for the Tribes which would detail the risks and the costs and methods needed to deal with them.

As David Siegler, policy analyst who worked with Ruger on the proposal explained, the project would provide the Tribes with a base from which to make informed decisions regarding environmental issues which they may need to address in the near future.

The involvement of the EPA with Tribal governments is new, stemming from the EPA's Indian Policy adopted in 1984 which established guidelines for the agency to work with American Indian Tribes.

According to the Policy, EPA will be working on a government-to-government basis with the tribes, assisting them to identify environmental problems and developing technical and administrative capabilities to solve them.

The long-term goal is "to delegate to qualified Tribes the authority to administer their own federally approved regulatory programs".



Commission member Tribes are part of EPA's Region V which serves about 30 tribes. Siegler feels that with the GLIFWC representing eleven of those 30 tribes, the agency may have a good chance of securing some funding.

This year, the EPA Indian Program received \$250,000 available across the nation for technical assistance projects. Region V has \$40,000, enough to support one or possibly two tribal projects.

The Council for Energy Resource Tribes (CERT) has been contracted with by the EPA, however, to administer the tribal programs which are selected. Siegler feels this arrangement is unfortunate as CERT is located in Denver, Colorado and has primarily worked with the southern and western tribes who have quite different concerns. He feels that tribal programs in the midwest should be administered through area agencies or Tribal governments and feels, that by contracting the responsibility to CERT, the EPA is failing to live up to their stated commitment which is direct involvement with the Tribes.

Nevertheless, it is a new project, Ruger says, and should at least begin preparing Tribes to address environmental issues which could become a whole new set of responsibilities for the Tribes.

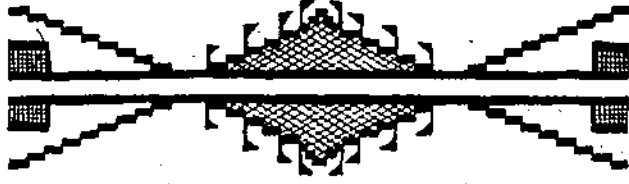
GLIFWC Executive Administrator, Ray DePerry feels that the contacts made with EPA have at the very least, been helpful, as the EPA and GLIFWC have worked together, or even met before.

He feels the meeting in Wausau made EPA aware that the GLIFWC is here, has expertise in an area of their direct concern, and whether or not this initial proposal will be accepted, the agencies will be able to work together in the future.



OFF-RESERVATION DEER HARVEST GOING STRONG.

TOTAL AS OF NOV 4— 802 DEER



NEW INDIAN AFFAIRS NOMINEE EXPERIENCED IN TRIBAL LEADERSHIP AND BUSINESS

Secretary of the Interior Don Hodel said today he was "absolutely delighted" that the President had nominated Ross Swimmer for Assistant Secretary for Indian Affairs. "We are exceedingly fortunate that Mr. Swimmer is willing to accept this position," Hodel said. "for he has extraordinary qualities of leadership and business experience vital to the success of U.S. Indian programs."

"Ross Swimmer combines a solid knowledge of tribal and Indian affairs with understanding and skill in modern business management," Hodel said, noting that the nominee has served for 10 years as the Principal Chief of the Cherokee Nation of Oklahoma, which includes more than 67,000 registered members living mostly in 14 counties of northeastern Oklahoma. At the same time he was president of the First National Bank of Tahlequah.

"He is dedicated to helping tribes achieve economic success in a competitive society while preserving the rich Indian heritage," Hodel said.

Swimmer, 41, was appointed by President Reagan in 1983 as Co-Chairman of the Presidential Commission on Indian Reservation Economies.

Swimmer earned a political science degree in 1965 and a law degree in 1967 at the University of Oklahoma. From 1967 to 1972 he was a partner in an Oklahoma City law firm. He became general counsel for the Cherokee Nation in 1972, serving in that capacity until 1975 when he was elected Principal Chief. In 1974, he was named executive vice president of the First National Bank in Tahlequah and was promoted to president the following year.

He is a member of the Oklahoma and American Bar Associations, Oklahoma Historical Society, Oklahoma Industrial Development Commission; Oklahoma Bankers Association; Chairman, Board of Directors of the Council of Energy Resource Tribes; and Executive Committee of the Boy Scouts of America in Eastern Oklahoma. He also is the president of Cherokee National Historical Society and Chairman of the Inter-tribal Council of the Five Civilized Tribes.

Swimmer and his wife Margaret, a Tulsa attorney, have two children.

SO SORRY, BUT...

DNR BLUNDER CREATES PROBLEMS FOR LCO HYDRO PROJECT

"A year after the DNR signed off on all agreements, including the FERC license application, Chippewa Flowage Settlement, and power sales contract, they have indicated that they forgot to do their job, and now when its too late, they need a fish impact study," chided Tribal Chairman Rick Baker when commenting on the Department of Natural Resources belated environmental study.

An environmental impact study conducted by the DNR to determine effects of holding back water on the Chippewa River at the Winter Dam has been completed. The study, which many officials feel should have been done before the LCO Tribe, Northern States Power Company, and the DNR signed an agreement permitting construction in 1984, has reached conclusions unfavorable to the building of the Project.

"The DNR said that they were concerned with the adverse economic impact this could have on LCO," Baker related, "but there is something strange about the fact that this study was planned years after they approved the hydro project and got the tribe out on a limb."

The results of the study, made public in an October 14 news release, expressed concerns that the project would impact fish populations near the Winter Dam. DNR officials also cited problems canoeists and anglers would potentially have because of low water



flows. The press release indicated that, "Prior to making any final assessment, the Department will be studying impacts on individual fish and wildlife species that were found in the initial study."

In a news release by 74th Assembly District representative Bill Plizka on October 3, he stated that "The DNR was totally negligent in not carefully reviewing potential adverse effects of impounding water on the Chippewa." Plizka went on to admonish DNR officials by saying, "The DNR should have studied the matter fully before signing onto the agreement in 1984. David Jacobson, Northwest Director of the DNR, even stated that the possible effect on the river below the dam was 'simply missed' by the DNR."

Despite the apparent blunder by DNR officials and Plizka's belief that "someone in the DNR ought to have some heads rolling", it is the LCO Tribe who will receive the brunt of the problems created by the DNR's handling of the impact study. At a point when construction on the Hydro Project is near completion, the environmental concerns cited by the study leaves the Tribe in a precarious position. Reprinted from the LCO Journal



TASK FORCE LOOKING AHEAD

VOIGT TASK FORCE

The voigt Inter-Tribal Task Force met October 31 at Lac Courte Oreilles to discuss the 1986 Deer Season and spring spearing issues.

Jonathan Gilbert, GLIFWC wildlife biologist, provided the Task Force with information on establishing deer quotas.

The Task Force also listened to a report from Niel Kmiecik, inland lakes biologist, on considerations for spring spearing. Items to be considered in relation to spring spearing were 1) lake selection, 2) notice to DNR of opening lakes, 3) lake size and border lakes, 4) marking of inlets and outlets, 5) identification of landings on lakes, 6) bag limit on walleye and size limit, 7) taking of sturgeon, 8) exchange of information, 9) honoring the refuge system and experimental lakes, and 10) closure provision.

The Task Force asked that Kmiecik prepare two options for a spring spearing season for them to consider at their next meeting, which is scheduled for 10 a.m. Friday, November 8, at the Commission, Odanah. Fiscal Year '86 budget is also on the agenda for that meeting.

FISH COMMITTEE LOOKS AT MARKETING/LAMPREY



From the left, Mark Ebener, lakes biologist, presents lamprey control assessment to Fish Committee. Jim Hendrickson, Grand Portage tribal chairman listens.

Marketing of Tribal commercial fishermen's catch was one of six priority items established by the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) Fish Committee for fiscal year 1986. The Committee, which has representatives from Fond du Lac and Grand Portage (Minnesota); Red Cliff and Bad River (Wisconsin); By Mills and Keweenaw Bay (Michigan); met October 30th at the GLIFWC administration building in Odanah.

Other areas identified as priorities included: 1) acquisition of a patrol vessel; 2) additional enforcement and biological personnel; 3) assess-

ment of fishing activity around Isle Royale; 4) identification of U.S./Canadian borders in Lake Superior; 5) lamprey control.

In regard to marketing, Richard Gurnoe, Red Cliff Tribal Chairman, emphasized the need to assist Tribes in marketing their catch. "Marketing was supposed to be a #1 priority of the Commission since its inception," he said.

Gurnoe followed with a motion for the GLIFWC to hire someone on a six month basis to develop marketing of fish with a marketing line item to be attached to the administrative component of the budget. The motion passed unanimously.

MASINAIGAN

January, 1985



Published by Great Lakes Indian Fish and Wildlife Commission

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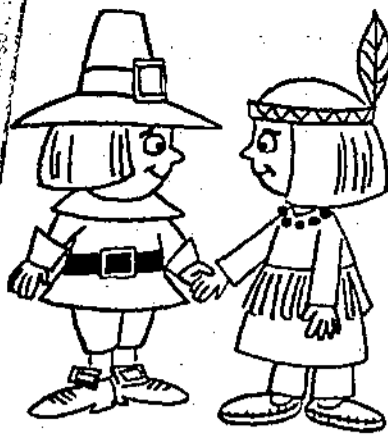
GREAT LAKES INDIAN, FISH & WILDLIFE COMMISSION
P. O. Box 9 • Odanah, WI 54861 • 715/682-6619

MASINAIGAN, is (usually) a monthly publication of the public information office of Great Lakes Indian, Fish & Wildlife Commission, P. O. Box 9, Odanah, WI 54861. The name is an Ojibwa word for paper. Some of the elders referred to the treatises as gitchi-masinaigan, or big paper. As such, MASINAIGAN focuses on treaty rights issues of the Chippewa around the Great Lakes. Subscriptions are free on request. If you have questions or comments, write the above address or call 715/682-6619.

Co-Editors/Writers: Walt Bresette, Sue Erickson
Typist: Lynn Spreutels

"SEE THE COLORS SIDE BY SIDE..."

STATE HISTORICAL SOCIETY
MADISON, WISCONSIN
DEC 6 1985



Speech delivered by Tribal Chairman Mike Allen, St., November 2, 1985, at the Rainbow Childrens Project Benefit event at the Tribal Community Center in Lac du Flambeau, Wisconsin.

The Lac du Flambeau Council has gone on record supporting the concept of the Rainbow Childrens Project -- that concept being one of enhancing a better understanding between various cultures in Wisconsin by working with children to develop an open attitude toward different cultures and races.

No law or legislation or proclamation will end the misunderstanding and stereotypes held by individuals in regard to cultures that are different than the one they are familiar with. What will end misunderstanding and stereotypes is education. Through the educational process of our young children -- our future leaders -- we will be creating a society where misunderstanding of cultures, and stereotypes of different races will hopefully come to an end.

There are those of us who will say that racism, discrimination, and prejudice will always be here. The rainbow childrens project is here to say that although racism, discrimination, and prejudice will be factors in our lives, we can work hard toward bringing harmony and understanding between people.

To create a better understanding of different people, we must be willing to participate in cross-cultural exchanges. We cannot expect the non-Indian to study and understand and appreciate our Indian culture, without us seriously looking at their culture, too.

As an example of this willingness for cross-cultural exchanges, the Lac du Flambeau tribe and the town of Lac du Flambeau have been working together to solve common problems and to achieve common goals. The adult community must be willing to set the example for our children if we expect them to willingly study other cultures.

The Lac du Flambeau community can be proud that we have several individuals who are willing to volunteer their time and effort toward alleviating stereotypes and moving in the direction to better inter-cultural understanding.

Please allow me at this time to list some of those individuals in order to give them the public recognition they greatly deserve: Cappy Landin; Bobby Bullet; Carol Pendergast; Corrine Hoyt; Donna Cizek; Al Bauman; Jerry Maulson; Patty Manor; Terry Hoyt; Dorothy Poupart; John La Barge; and 'Gene' Cizek.

In addition, several community service organizations have gone on record supporting the concept, goals, and objectives of the rainbow childrens project.

It is my understanding that the idea for the rainbow childrens project originated with songwriter and guitarist -- Bobby Bullet -- an enrolled Chippewa Tribal member. Bobby Bullet has written a song entitled, "Children of the Rainbow," which inspired him to begin working toward bringing children of various backgrounds together in workshops, camps, and retreats.

One of the lines in Bullet's state: "See the colors side by side, that's the way things ought to be..." he began to envision children of all races coming together in unity and disregarding racial differences and color lines.

When you look at the world today -- the international scene -- you can clearly see for yourself that race relation problems are not a thing of the past. Rather they are affecting us today. They affect us today in the northwoods where a lack of understanding has caused some hard feelings in both non-Indian and Indian communities. They are affecting us in South Africa where there exists a government which believes one race is superior to another race of people. And where indigenous people of the South African nation have had their land purged and their basic human rights denied.

It is indeed time for us to take a stand against such injustices, whether its on the international scene, national scene, or the local scene. It is indeed the time for us to agree to work together in a cooperative manner in order for us to successfully reach our common goals. Those goals include developing a better racial and cultural understanding; working toward the day when we won't have to worry about overt racism; and working toward developing a day when we can truly understand each other's cultures and traditions.

Those goals cannot be reached by cosmetic changes in our society. Rather than being all talk and no action, we must move to all action and very little talking. The lawmakers of our state and nation may make it illegal for discriminatory practices in facets of our lives, but it will not create understanding. It will not create and effect and

attitudinal change in people. The laws are only guidelines for citizens to follow. And, they are excellent guidelines.

But we must go beyond the guidelines and the law. We must go deeper. We must go into the hearts and minds of people. We must reach out to each other and communicate to each other. We must air our differences with one another. We must ask questions if we don't understand a certain aspect of a culture.

The Rainbow Childrens Project must be commended for going deeper into the hearts and minds of children. This group of people and the children that volunteer to participate in the program should be examples to all of us. We should make every effort to follow in their path in developing in ourselves, in our friends, in our children, and in our adversaries -- room for better understanding through the educational process. Thank You



A Petition in Support of Indian Treaty Rights

We, the undersigned, affix our signature to this because we understand that the rights of present day American Indian Tribes are based in a pre-United States sovereignty which, although limited, was not abolished by their inclusion within the territorial boundaries of the United States. The U.S. Constitution states:

"... all the treaties made, or which shall be made, under the authority of the United States, shall be supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or Law of any State to the contrary, notwithstanding." (Article 6, sec. 2)

WE IMPLORE ALL PARTIES CONCERNED, THE FEDERAL AND STATE AND COUNTY AND MUNICIPAL GOVERNMENTS, AS WELL AS THE COURTS AND THE GENERAL PUBLIC, TO ACT IN KEEPING WITH THE FOREGOING, IN THEIR RELATIONS WITH THE AMERICAN INDIANS

NAME	ADDRESS
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Treaty Rights Support Committee
(Sponsored by Wunk Sheek and Labor-Farm Party)

Mail to:
LFP
P.O. Box 1222
Madison, WI 53701

THE GRAND PORTAGE OJIBWE

A weather beaten, six foot scrub cedar, its only evidence of life are fine sprigs of green on its few gnarled and contorted branches. It has lived without benefit of soil and battled the fierce gales of Lake Superior, in solitary majesty, for at least 300 years.

This little cedar was recognized shrine of the Chippewas. The Indian custom of leaving offerings at the base of the tree was adopted by the French Voyageurs to appease the Lake's "storm spirits".



The spirit tree. photo by Rick Novitske

Stark and unlovely, it stands alone,
Rooted in bare, unyielding stone,
Clinging to life through centuries past,
Scorning the Lake's relentless blast.

"'Tis only a tree," the scoffers cry,
A scrubby cedar that hates to die.
'Tis that, my friends and a great deal more,
'Tis a friendly spirit on a hostile shore.

A primitive shrine of another day,
'Tis a place where the Indians came to pray,
And to place small gifts for the waves to take
To the stormy spirit of the mighty lake

Visit this shrine but harm it not,
Lest the curse of the Pagan be your lot.
Place a gift near this ancient tree,
For the troubled spirit of your rough sea.



RENDEZVOUS

'Tis a motley crowd, I grant you,
That's assembled here today,
In the year of Independence,
On the shore of Portage Bay.

They are traders, trappers,
packers,
Voyageurs and Indians too,
They are carefree, they are happy,
They are here for Rendezvous.

The winter's catch of beaver is,
All pressed in bales so small,
For the long traverse to market,
To the docks at Montreal.

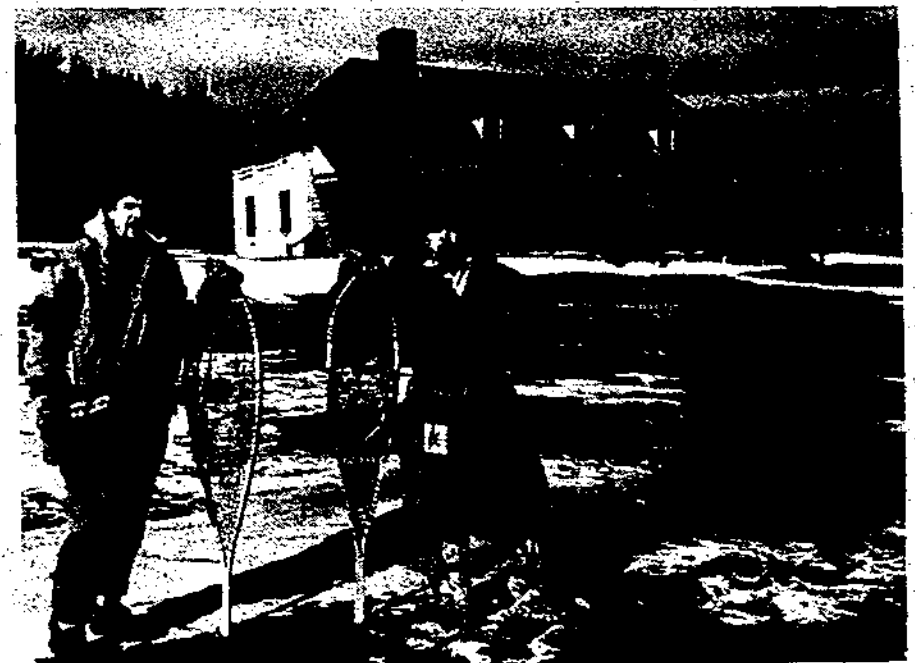
In this wealth of furry peltry,
In each shining, oval plew,
Are the means to laugh and linger,
At the summer Rendezvous.

In each heart is only gladness,
And a will to savor life,
Gone, the heartbreak of the winter,
Gone, the drudgery and strife.

Devil take each rocky portage,
And the sweat befouled canoe,
Let us live each lusty moment,
Of the summer Rendezvous.

Broach the kegs and fill the firkins,
Where's the fiddle and the drum?
Clear the floor, the feast is over,
Take the food and bring the rum.

Choose your partners, take your places,
Then live, love, and say adieu,
For the sun's first ray to eastward,
Spells the end of Rendezvous.



Rick Novitsky and Andre LeGarde display interpretive costumes in front of reconstructed NW Company fur post.

photo by Rick Novitske

GRAND PORTAGE SOMEPLACE SPECIAL

ECONOMIC DEVELOPMENT
Typical of many northern communities, economic development has been a struggle for Grand Portage. Distance plus short seasons have their impact on almost any business venture. But the Grand Portage Reservation Business Committee has kept building the community's economic viability and potential, looking continuously at improving tribal businesses or for new opportunities.

The Local Development Corporation, which is a tribally run corporation, operates the various tribal enterprises, such as the Gas Station, the Trading Post and a small boat marina. The marina is currently being considered for possible expansion with the popularity of boating on the increase.

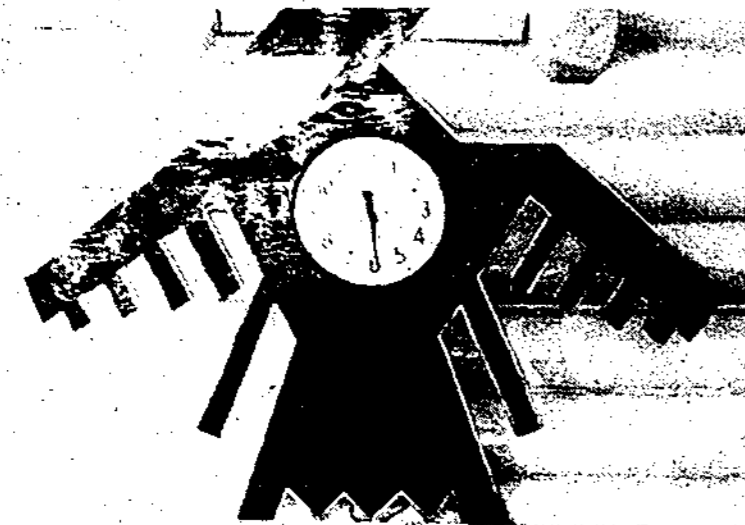
The tribe also runs a trucking enterprise for logging. They contract to haul logs for Indian and non-Indian loggers on the reservation.

Far and away, the largest and most ambitious enterprise is the Grand Portage Lodge and the Conference Center and accompanying ski trail system. The Lodge was originally run by the Radisson Hotel, but taken over by the Grand Portage Development Corporation in 1980, five years after it was built.

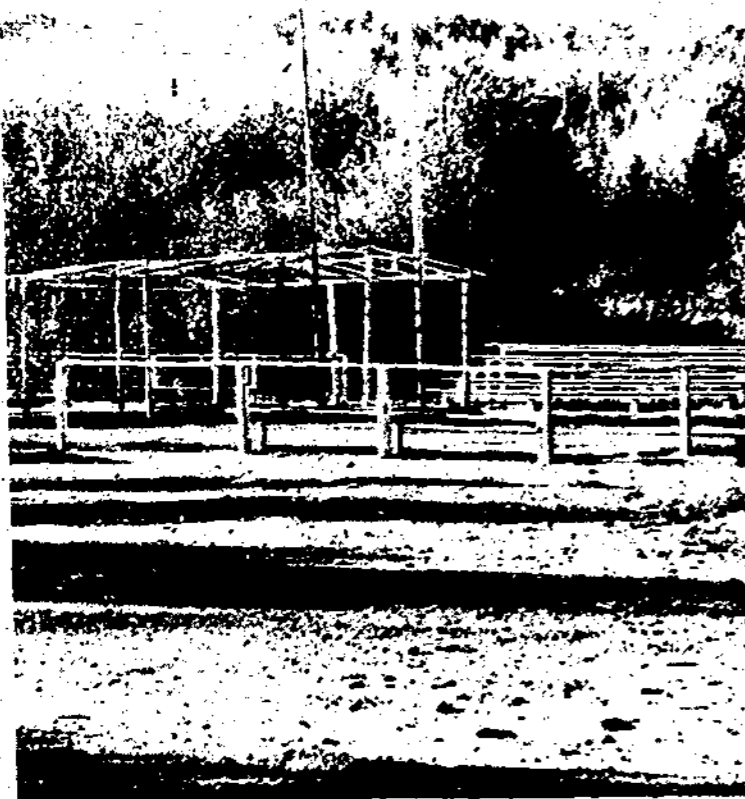
The lodge has worked to attract tourists and expand the recreational business of the community. Adding to that attraction is the annual Rendezvous Days and pow wows, sponsored by the tribe, which bring many additional visitors to the area.

The tribally run Bingo has been another source of income for the Grand Portage community. Currently it is held in the Grand Portage Lodge once a week on Sundays, but plans are being made to build a new tribal bingo building closer to the Canadian border.

The proposed new bingo facility will actually accommodate a combination of enterprises including a convenience store, tax free liquor store, and a bingo hall.



The Grand Portage school is Minnesota's only remaining log school house. Teacher Jaye Clearwater-Day, 1985 Minnesota Teacher of the Year, is one of three teachers at the Grand Portage School.



Pow Wow ground for Rendezvous Days



EDUCATION

The Grand Portage Elementary School, operated through Cook County, is unique in several respects. For one, it is the only log schoolhouse, built in the 1930's, which is still operating in Minnesota. As that alone, it remains a treasure to be preserved.

However, the historic significance and beauty of the well-maintained building does not override the school's importance to the small community. It has become the hub of community life, sponsoring the annual Halloween Party, the Christmas Program, and various other school-related events which draw together the entire community.

Currently the school has 31 students through grade 6. Following sixth grade, students are bused down the road to Grand Marais, about a forty mile trek.

The school is currently staffed by three full-time teachers, with two grade levels in each classroom. Previously, teachers were attempting to handle three grades per teacher. However, in 1984 an extra teacher was hired. The difference was marked, according to teacher Jaye Clearwater-Day, in the test scores as students entered the Grand Marais school. For the past twenty years students entered the Grand Marais school. For the past twenty years students from Grand Portage entered high school with an average of 20% deficiencies. This, she said, had just been accepted for twenty years. Now with the long-needed additional staff, the number of students showing a deficiency has been substantially reduced.

The school, although a public school serving both Indian and non-Indian children, does have an emphasis on Indian culture. It is evident in the decor and the types of resource materials selected. The Chippewa language, for instance, is used on bulletin boards and a good selection of books in the school's library are available on the Indian heritage to help strengthen the students' knowledge, understanding and perception of themselves.

The teachers do not serve as the only instructors at the school. Community members also play a large role. For instance, the children observe Forestry Day annually when staff members from the tribe's resource programs provide an educational outing for the students and build an awareness of the reservation's resource issues.

Although the school is an integral part of the community, its continued existence is threatened annually. The County would like to close the school to save dollars and bring the Grand Portage students to Grand Marais with their older brothers and sisters. To prevent the closing of the school, community members have also pitched in to help with the physical maintenance of the building, thus saving the cost to the County.

They feel strongly that the school must stay as it is at the heart of the entire community and an invaluable resource to the village as a whole. They also feel their ability to offer their youth a firm background in their culture would be severely impaired, so they continue to stand firmly in back of the school, supporting it however they can for the benefit of their youngsters and citizenry in general.

A NEW ERA IN NATURAL RESOURCE MANAGEMENT

CONSERVATION DEPARTMENT/FIRST TIME EVER PROJECTS

The Grand Portage Conservation Department is involved both in enforcement and resource management. It is staffed by Dick Hoaglund, Chief Game Warden and Gordy Le Garde, Jr., who is also a warden.

The conservation department has recently become involved in several first-time projects for the tribe. One of these is planting wild rice beds. Department staff, working with specialists, have surveyed the area for wild rice and potential bed sites, taking bottom samples for soil acidity tests, testing plants, looking at water depth - all factors which must be considered for a successful wild rice bed.

According to Hoaglund, two lakes were planted this summer, and the Department will be planting more beds in the summer of 1986 in an effort to restore the tribe's wild rice resource.

Another first-time ever project for the tribe is a comprehensive moose survey being instituted through the Conservation Department. Data will be gathered from both land and air. The tribe would like to study its moose population, says Hoaglund, in order to help preserve the species on the reservation.

Another current conservation project involves fisheries. The tribe has been re-stocking this year for the first time since 1972. They planted 6,500 speckled trout in Trout Lake, and, in conjunction with the U.S. Fish & Wildlife Service, have been working on Reservation River to build holding areas for planting rainbow trout.

Another major concern to the Department is beaver control. Beaver become pests by damming up the rivers, so staff are continually having to encourage the beaver to move elsewhere.

Hoaglund says that the tribe's Conservation Code was re-written in 1983, significantly updating it from the former 1950's version. The tribal codes and ordinances are enforced by the Conservation staff, as wardens.

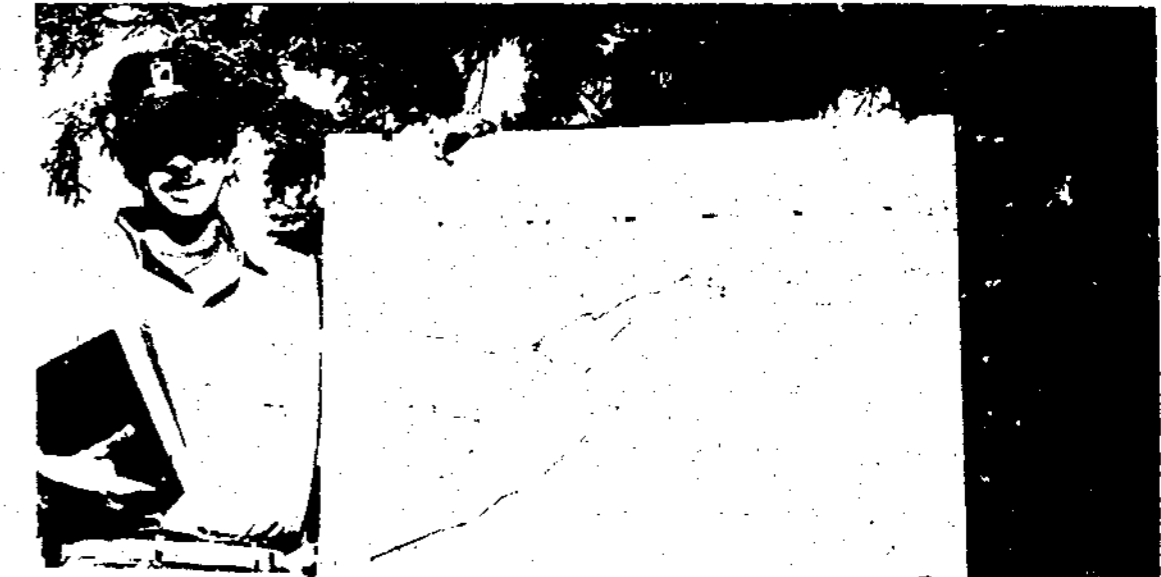
Grand Portage's codes are strict, with the intent to adequately protect the tribe's valuable resources. For instance, they allow no inland netting, no netting in Lake Superior during the steelhead run and only 1,000 feet out from the mouth of a stream.

The tribe's commercial fishermen fish, by in large, for a supplement to their livelihood. No big boats operate from the reservation. About ten 14 foot open boats fish from the Grand Portage community.



Dama Vondall proudly displays her white spruce seedling during the 1985 Forestry Day activities at the Grand Portage school.

photo by Rick Novitske



Rick Novitske, Natural Resources Specialist, holds the multiple use management plan designed for the Grand Portage Reservation. Dick Hoaglund, Chief Game Warden on the Grand Portage Reservation.

Grand Portage Multiple-Use Forest Management Plan

"The new plan signifies the beginning of a new era in natural resources management at Grand Portage," Rick Novitsky, Grand Portage RBC Natural Resources Specialist.

With the setting of the Grand Portage Reservation as close to idyllic in terms of natural beauty as can be found, it is not surprising that the tribe has given considerable attention to the management of its resources and protection of that environment.

Currently Novitsky is in the final stages of developing and implementing a comprehensive Resource Management Plan, which if approved by the tribe and the Bureau of Indian Affairs, will be the first multi-resource management plan instituted through the BIA for any tribe.

The plan may be considered unique in several ways. Firstly, it has used as a guiding principle that "the most important factor in making this a meaningful plan was to successfully solicit the input of the landowner."

Novitsky spend considerable time and effort in eliciting the views regarding land use and management priorities from the tribal members. This consisted of publishing a Natural Resources newsletter, advertising the upcoming plan through a poster campaign, and mailing out a questionnaire to all tribal members.

The questionnaire, which received a good response rate, asked tribal members (landowners) to consider how they felt the land and its resources should be used. This information provided the necessary guidance when developing the plan to effectively incorporate priority interests when considering resource use.

Novitske also called in the assistance of resource management specialists from several other land management agencies. Although the plan had begun as a Timber Management Plan, it had changed into a Multiple-Use Forest Management Plan, recognizing the value of "all natural resource values in the forest," according to Novitske, "including wildlife, stream fisheries, cultural values, recreation, aesthetics, watershed, soils, and of course, timber."

Because of the comprehensive nature of the plan, specialists not available through the BIA had to be sought. Novitske worked with a fisheries biologist from the Leech Lake RBC, a wildlife biologist from the U.S. Fish and Wildlife Service, a landscape architect, a forest hydrologist, and a forest archeologist, all from the Superior National Forest, a soil scientist from the U.S. Soil Conservation Service in addition to BIA foresters in developing the plan.

Eleven grueling days were spent at Grand Portage Lodge in December, 1984, with Novitsky, six BIA foresters, and the six resource managers from other agencies, all working at developing the plan. The eleven days generated nearly three-hundred pages of hand-written draft plan materials, and accomplished what had taken the Superior National Forest eight years to derive.

Essentially the plan divides the reservation land into units, or management areas. Each area has been given a priority usage-recreation, timber, or wildlife. The management practices in each area will reflect the interests of the identified priority use.

Although the draft plan is ready for review, Novitsky also points out that there is still need for more studies to address deficiencies. He cites the need for a detailed soil survey, a visual resource survey, wildlife population inventories, recreational use surveys, resource value studies, cultural site inventories, as a few areas that need further in-depth attention.

The plan is currently awaiting approval from the Reservation Business Committee and from the BIA. Novitsky, however, is hopeful that the plan will be implemented by the end of 1985-to begin "a new era in natural resource management at Grand Portage."

THE GRAND PORTAGE LODGE

AN HISTORICAL ACCOUNT



The Grand Portage Lodge and Conference Center

The Grand Portage Lodge: Not so far to a faraway place.

Close to the pounding roar of Lake Superior's rolling waves on the rough and rocky banks of the north shore stands the Grand Portage Lodge—an imposing, modern facility owned and operated by the Grand Portage Reservation Business Committee. It seems to rise like a magic castle on the shoreline in the wilderness.

Indeed, it is something of a magic castle at the far northeastern tip of Minnesota, offering the luxury of urban accommodations—complete with 100 spacious rooms, a swimming pool, lounge, and restaurant—in the midst of a gloriously natural, undeveloped area with the special touch given from the Chippewa culture.

As the Lodge's manager, Lois Van der Vieren, points out, it is really not so far to this seemingly faraway and remote place. Lying just an hour beyond Lutsen, the Grand Portage Lodge offers 160 kilometers of groomed ski trails for cross-country enthusiasts and is located on a highway which is kept clean, clear, and easily passable year around. "We do not get snowed in," she declares.

The cross-country trail system at Grand Portage is the second largest in the midwest. Only Wisconsin's Telemark Lodge has a longer trail system. The cross-country skiing offers groomed trails of various lengths and terrain, able to accommodate skilled or beginning skiers. The trails run along the slopes of Mt. Josphine, which rises directly

behind the small Grand Portage community, allowing the skiers vista views of the hills, the Lake Superior shoreline, or a run through the maple stand where community members gather their maple sap every spring.

In the evening the Lodge also provides lamplit skiing for those who arrive at night and are anxious to hit the trails, or simply for a special kind of trek into the wintry nights and glistening snow—a lamplit magicland for skiers, snowshoers, or people simply out for an evening walk.

On weekends in the winter the Lodge also brings in speakers on subjects such as winter camping or archeology. It also maintains a ski director at the head of a the cross country ski trails to provide information or assistance to skiers.

But winter isn't the only season when the Grand Portage Lodge offers something special and unique for visitors. In the summer the Lodge not only offers wonderful accommodations in a scenic environment, but also programs which offer guests an opportunity to learn and fully experience the area.

The Lodge maintains a naturalist during the summer, for instance, who leads berry picking expeditions in the mornings, gives scheduled lectures, guides hikes during the day, or does special things, like setting a live trap at night with the children and looking in the morning to see what kind of creature they have caught before letting it go.

The Lodge also brings in speakers during the season, largely on environmental topics, such as the reintroduc-

tion of the peregrin falcon and eagles in the area.

Between season there are several weekends of dinner theatre at the Grand Portage Lodge—four weekends in the fall and six in the spring—which provides a nice change in venue.

The fact that the Lodge is, indeed, a tribal operation on a Chippewa reservation also enhances the interest of the place. It is firsthand contact with Chippewa community and the Lodge interior uses the Chippewa designs and traditional artwork decoratively. There is also a gift shop in the Lodge featuring Indian crafts, some of them locally made.

Also Van der Vieren says the Lodge is currently working on plans for a permanent museum within the Lodge itself. Some foundation commitments have already been achieved for the project, she says, and they hope to begin the project in the next twelve months.

Whatever the season, the area itself and the people always offer something spectacular just because of the blend of the inherent natural beauty, the historic setting, and the small, peaceful Chippewa community which has for hundreds of years been at home there.



The Chippewa people of the Grand Portage area lived an existence typical of the semi-nomadic Indians of the north, relying for their living on hunting, ricing, fishing, and gathering.

The Annishinabe, as they called themselves, actually migrated from the eastern sea coast over a period of generations. According to their spiritual leaders they followed the path through the Great Lakes which was shown to them by the great Megis (or shell).

The Megis first rose in the great salt water, radiant and shiny - its presence gave prosperity to the Chippewa. When it sank, the Chippewa were without its light.

The Megis rose later in the St. Lawrence River. The Annishinabe followed it. Again, it disappeared to rise again in Lake Ontario, and so the people followed the shell all the way across the Great Lakes to Madeline Island, Sandy Lake, Nett Lake, and into Canada.

In the 1700's the Chippewa started to move more south into the hunting grounds of central Wisconsin and Minnesota. During that time, they were to go to war with both the Fox and the Dakota, eventually pushing these tribes to other areas.

Even the land designated as reserve lands for the Chippewa would soon fall prey to land speculators, settlers, lumbermen and miners who would buy Indian land for pennies per acre, and continue the saga of land, rape that their predecessors had begun.

Despite the federal governments promises to protect the Chippewa and act in the capacity of a trustee, the final result is sufficient witness to the unwillingness of the government to accept that role or, in truth, keep its promises.

The Grand Portage people continued to look to the land for a living over decades of hardship. They depended on

rice, fishing, hunting, and maple sugar for much of their sustenance while they also worked in the woods as lumbermen or guides, or went to nearby mines. They were also encouraged to begin farming, so grew vegetables on their land, raised cattle, and built homes. The government encouraged the children to go to school, learn English, and essentially leave the Chippewa culture for the white culture.

Meanwhile, because of an inherent difference in value systems, in world views, the Indian people continued to be victims of white populations around them, who over-farmed the land and stripped the forests of timber.

As with many of the Indian nations, things began to change around following the 1934 Re-Organization Act. The Act gave the tribes the power to govern themselves through elected leadership and effectively stopped the sale of tribal lands and provided for buying back lands already sold. It also gave the tribes the power to form corporations and credits systems as well as means for college and technical training.

As a result of the Act, tribes, such as Grand Portage, began to take control of their own economic development and social affairs. The result has been increasingly effective programs addressing education, alcohol and drug abuse, needs of the elderly and the need to develop employment and a tribal income. The result has been increasing numbers of graduates from high school, technical schools, and colleges. The results have been businesses—such as the Grand Portage Lodge and Conference Center—which allow the Chippewa to become increasingly independent, skilled. It has offered them the possibility of autonomy and the ability to make their own choices, to take of the white culture what is necessary, while remaining Chippewa, as they truly are.

