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Happy Holidays

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October/November 1988

## GLIFWC Annual Conference looks toward the Seventh Generation



GLIFWC's 5th Annual Conference was recently held at Indianhead Mountain Resort, Wakefield, MI. The conference drew approximately 150 participants. Above, Thomas Vennum, Senior Ethnomusicologist, Office of Folklife Programs, Smithsonian Institute, Washington, DC speaks during the general session. See pages 7-14 for conference coverage.



James Schlender, GLIFWC executive administrator, left, and Edward Benton-Benai, Director of Education for the Saginaw Chippewa, listened intently to a speaker during the conference.

## GLIFWC welcomes Lac Vieux Desert



Lac Vieux Desert, Watersmeet, Michigan became a member of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) during a Commission meeting at Bois Forte, Minnesota, November 15. With the addition of Lac Vieux Desert, the Commission now has a membership of 13. Pictured above are, from left to right, Jim Schlender, GLIFWC executive administrator, Don Klingman, Lac Vieux Desert Commission representative, and Commission Chairman Arlyn Ackley.

## Decision awaited after long days in federal court

Tribal attorneys and members of GLIFWC staff spent a grueling three weeks in Federal District Court, Madison, where hearings on the regulatory phase of LCO vs. the State of Wisconsin were held before U.S. District Judge Barbara Crabb.

The Tribes are asking the Judge to issue an injunction against the State of Wisconsin's regulations of the tribal walleye and muskellunge harvest. The State must persuade Judge Crabb that its regulations are reasonable and necessary for conservation and the least restrictive alternative available.

The DNR has adopted rules, NR 13, that would restrict spearing lakes of 500 acres or more, and netting to lakes of 1,000 acres or more. Intensive population estimates would be necessary for both, and tribal harvest is limited to 20 percent of the TAC (total allowable catch) from each lake under the regulations.

According to Kathryn Tierney, Lac du Flambeau attorney, the State provided little evidence to buttress their own rules or to indicate that the figures used in the regulations were not arbitrary. They did little to show that the state rules, known as NR 13, were "reasonable and necessary," she said.

Should regulation be shown as necessary, Tierney noted that the Tribe had available an alternate management plan, including model fishing regulations for adoption by the tribes and a way to coordinate harvest among the tribes. Much of the State's testimony focused on criticizing the Tribes' plan, she said.

The hearings provided expert testimony from GLIFWC, DNR, and outside fisheries experts who testified on various aspects of walleye and muskellunge management. Much of the testimony became very technical in nature. However, as Tierney commented, fish management is based on the best "estimations."

GLIFWC biologists Thomas Busiahn and Neil Kmiecik were among those called upon to testify during the hearings as was GLIFWC Executive Director James Schlender. Professor George Spangler of the University of Minnesota also testified as part of the Tribe's case. In addition hundreds of exhibits were prepared for the hearings between the State and the Tribes, with the Tribes presenting about 100 exhibits and the State about 80, according to Tierney.

Prior to a weekend break, Judge Crabb made some comments indicating the direction of her thoughts. Crabb suggested that there may be some overlap of tribal and state responsibilities in the regulation of the Chippewa's exercise of treaty rights, for one.

She also commented that she didn't think "that all of the onus of any undue risk to the walleye population should be placed on the tribes, given the fact that there are a number of risks to the walleye population."

Crabb said, "it does seem to me there's sort of an oddity here about saying the tribes have to be absolutely perfect about not over-harvesting."

Currently, Tribal attorneys are preparing written briefs which must be submitted by December 17th. The briefs present the argument, point out findings of fact based on oral testimony and exhibits, and make inference from those facts. It could be that oral argument may be made in court during the month of January.

Judge Crabb must weigh all the testimony presented by both the state and tribal attorney's, nine in all, before issuing her conclusions on this phase of the trial.

Attorneys representing the tribes during the hearings were Kathryn Tierney, Lac du Flambeau; Howard Bichler, St. Croix; Milton Rosenberg, Red Cliff; Candy Jackson, Bad River; Debra Bruck, Mole Lake; and Tracey Schwalbe, Lac Courte Oreilles. Assisting during the hearing was James Zorn, GLIFWC policy analyst.

1988 Off-Reservation Tribal Deer Harvest (as of 11/14/88)			
Tribes	Antlerless Deer	Bucks	Total
Bad River	146	59	205
Lac Courte Oreilles	464	188	652
Lac du Flambeau	654	205	859
Mole Lake	153	46	199
Red Cliff	85	42	127
St. Croix	77	79	156
Mille Lacs	22	15	44
Total	1608	634	2242

1988 Off-Reservation Tribal Bear Harvest as of 11/14/88	
Tribes	Harvest
Bad River	2
Lac Courte Oreilles	3
Lac du Flambeau	3
Mole Lake	2
Mille Lacs	0
Red Cliff	3
St. Croix	0
Total	13



Handrick appointment opposed

Wisconsin Equal Rights Council honors Metz for treaty support

(Reprinted from The Daily Press, October 27th edition)

Madison (AP)—The appointment to the state Equal Rights Council of a Republican who says Chippewa Indians have encouraged racism in northern Wisconsin is outrageous, the council's chairwoman says.

Barbara Morford protested Gov. Tommy G. Thompson's appointment of Joe Handrick of Minocqua to the advisory body, whose members are not subject to state Senate confirmation.

Handrick is the Republican candidate in the 12th Senate district opposing Sen. Lloyd Kincaid, D-Crandon. Kincaid has called the appointment a "political power play."

Handrick also was the author of a letter reprinted in a 1987 tribal publication on racism in Wisconsin that called racism "an unfortunate but natural psychological reaction" to tribal exercise of hunting and fishing rights.

"To say that the Chippewa are responsible for racism in the north because they are exercising a legal

right is horrific in its perversion of the truth," Morford said in a letter to Thompson.

She said Handrick's comments were "a sad commentary" on his understanding of the history of treaties, the principles of contract law on which the treaties are based, and the nature of racism.

"I am outraged that such a ridiculous argument would appear and doubly outraged that it should come from a governor's appointee charged with upholding equal rights," she said.

Chippewa treaty-rights protests at boat landings during spring fish spearing season are a "blight on the good name of Wisconsin," Morford told Thompson.

"This appointment is a further blight upon the good name of the equal rights in this state," she said. "If this is the type of person you will appoint to uphold civil rights, the state is in serious trouble."

Thompson could not immediately be reached for comment. Handrick was campaigning in Merrill Wednesday and also could not be reached.



Sharon Metz, executive director, Lutheran Human Relations Association of America, was honored by the Wisconsin Equal Rights Council for her efforts on human rights issues.

Sharon Metz, LHRAA, was among three Wisconsin citizens who were honored by the Wisconsin Equal Rights Council for their "commitment to human rights" the evening of November 3, at the Marc Plaza Hotel, Milwaukee.

Also receiving awards were William Tisdale, executive director of the Metropolitan Milwaukee Fair Housing Council and Minam Ben-Shalom, who teaches English in the Milwaukee Public Schools and is a gay activist.

Metz was cited for her contributions over the years to environmental activities, to organizing community support groups and for her activity in combating racism and anti-Indian activities in the State.

Mentioned in particular was her work in founding HONOR, an alliance of groups concerned with upholding treaty rights, this past year, and her public work to building better understanding of the issues surrounding Indian treaty rights.

Morford denounces Handrick appointment

Barbara Morford, Chairperson of the Wisconsin Equal Rights Council, opened the evening with comments relating to Governor Thompson's recent appointment of Joe Handrick to the Council. Morford described Handrick as an individual who had "written a letter in which he expressed things contradictory to what the council is about."

"I think it was an affront to the Council and the good name of the state to appoint someone with peculiar ideas about racism, to put it mildly," Morford stated.

Weakland appeals for global vision of human rights

The keynote address for the evening was delivered by Reverend Rembert Weakland, Archbishop of Milwaukee, who emphasized the need for people to think of the world in terms of a "global village," one vast, inter-related community.

In particular he appealed that international attention be given to eradicating torture and be more concerned with the needs of labor worldwide.

"We need to broaden our vision to the rights and dignity of all people on the globe," he concluded.



Handrick on racism

WE ARE NOT RACISTS

(The following article was submitted by Joe Handrick, Minocqua, Wisconsin to the June 1987 PARRISSUE, which is the publication of the Protect Americans Rights and Resources group.)

Martin Luther King, Jr. once told the American people he had a dream. A dream that one day his children would go to school and be judged not by the color of their skin but by the quality of their character.

If King were alive to make such a statement in northern Wisconsin in 1987, he would be branded a racist by those few who support American Indian spearfishing.

Ironically, many of the staunch spearfishing supporters are of the same political ideology embraced by the civil rights marchers of the 1950's and 1960's. Their battle cry was, "All men are created equal." How unfair it is then that a person is labeled a racist for speaking out against spearing on the grounds that "All men are created equal."

Those who claim that the ninety-percent of us in the north who oppose spearing by Americans who happen to be 1/16 or 1/32 Indian do so out of racism, do not understand racism and its causes.

Arguing that opponents of spearing feel as they do because of racism would be to confuse cause and effect. A more proper interpretation would be to argue that BECAUSE OF Indian spearing, more and more people are acquiring racist attitudes.

People are not born racist. Racism is a learned trait. Certainly there are some who were raised to be prejudiced, but for the most part northern residents are slowly learning to have prejudiced feelings toward American Indians. The shame of the situation is that prejudiced feelings are affecting all Indians when it is only a few who insist on threatening the livelihood and environment of northern Wisconsin. Racism is the result of spearing, not the cause for protest against.

Those who speared need to ask themselves whether what is happening to their children is worth spearing fish. American Indian children do not need fish, they need jobs. The spearing leaders need to recognize that jobs and economic development will be more difficult to achieve for their children if racial prejudice continues to spread.

Make no mistake about it, racism must be condemned and we must work to keep racism out of our schools and communities. However, the fact must be faced that racism is an unfortunate but natural psychological reaction which affects races which are discriminated against.

Have the proponents of spearing ever asked themselves why there is racism in South Africa? Blacks in South Africa not as a result of the discrimination yielded against them by whites. Any person who opposes Apartheid in South Africa but supports American Indian treaty rights is giving new meaning to the word hypocrisy. Any person who believes American Indians should be given rights not given to Blacks, Hispanics, and Asians is the real racist and the real cause of tension in the north.

The good people of northern Wisconsin will no longer accept being branded as racists simply because we share Martin Luther King's dream. A dream that how many fish a person can catch will be judged not by the color of his skin but by the strength of his fishing line.

HONOR objects to Handrick appointment

A request for the withdrawal of Governor Thompson's recent appointee, Joe Handrick, Minocqua, to the Wisconsin Equal Rights Council was sent from HONOR, an alliance of organizations and individuals in support of treaty rights. This decision was made at the organization's November 11th meeting at the Orchard Ridge Church of Christ, Madison.

The letter stated that "Mr. Handrick's writings and public statements demonstrate a clear lack of sensitivity or understanding about treaty history, sovereignty, and the reality of racism. Thinking individuals must reject Mr. Handrick's theory that 'spearing causes racism.'"

HONOR's letter to the Governor also noted that the role of the Equal Rights Council is defined as to "advise the legislature and the department on promoting a greater understanding of human rights." However, HONOR feels that Handrick "fails to grasp this concept in terms of the treaty situation." Therefore, HONOR requests the withdrawal of Handrick's appointment and also offers to supply a list of persons more suited to such an appointment.

In other items of business HONOR decided to support the public education through the media as a priority for the upcoming year. Included in the plans is the sponsorship of one day's programming WOJB radio, Lac Courte Oreilles, as proposed by Nick Van der Puy, Eagle River. The Communications Task Force of HONOR will be looking into the details of media projects.

Other activities for the upcoming year were also proposed and discussed.

A previously proposed project involving a scientifically performed public survey which would target on public education needs regarding tribes and treaty rights was also discussed at length. Father Jim Dolan, Oneida, reported on a survey proposal using St. Norbert's College, De Pere, to conduct and interpret the survey. No decision was reached in terms of pursuing the project, however.

Task forces broke into brief sessions over the lunch during which task force chairpersons were selected. They are as follows: Education Task Force co-chairpersons are Nick Van der Puy and Anne Forbes; Legislative Task Force chairperson is Ted Steege. Environmental Task Force chairperson is Sierra Powers, Communications/Events Task Force chairperson is Sue Erickson, Great Lakes Indian Fish & Wildlife Commission PIO director.

It was agreed that the task force chairperson plus one member at large form the steering committee for the organization. Currently, an ad hoc steering committee is currently in place.

The finalized version of the HONOR logo was presented by Barbara Bates, who designed the logo with assistance from Larry Balber, Red Cliff and Jim St Arnold, Keweenaw Bay.

James Yellowbank, from the Indian Treaty Rights Committee (ITRC), Chicago, Ill. attended the meeting and reported on the ITRC activities. ITRC is a state-chartered, multi-racial and inter-denominational organization also involved with the protection of tribal rights and tribal self-determination.

The next meeting of HONOR was designated to be on Friday, January 6th in Steven's Point. The site has not yet been determined.

News from elsewhere

**ATTORNEY GENERAL SPEAKS OUT AGAINST PROPOSED CASINO**

LANSING, MI (IPN)—U.S. Secretary of Interior Donald Hodel should deny a request from the Hannahville Indian Community to have property in Escanaba declared a federal reservation in order to open an off-reservation casino there, said Attorney General Frank Kelley.

The tribe is trying to circumvent Michigan's laws which prohibit commercial gambling, Kelley said in a letter to Hodel.

"I have been informed that the tribe will be asking you to accept certain off-reservation property into federal trust so as to permit the operation of a tribally-owned commercial gambling casino within the city of Escanaba, Michigan," Kelley wrote.

A U.S. District Court has already ruled that commercial casino operations, those operated on Indian reservations, violate federal and state gambling laws, the letter said.

"I must vigorously oppose the use of this facility by the tribe, or by any group or organization, as a commercial gambling casino it is in clear contravention of the criminal laws and the public policy of both this state and of the federal government," he wrote.

Escanaba officials announced last week that they expected the Hannahville Indian Community, a

federally recognized Indian tribe, to submit the request to the city council.

The tribe must first ask Hodel to place the property in trust status, making it a federal reservation. Under those circumstances, the tribe would then be able to open a casino, Kelley said.

Kelley's spokesman Chris DeWitt, said that Kelley is concerned that the Hannahville request could lead to "an even greater spread, than already exists, of casino gambling."

The tribe already operates a casino business on its reservation, but the Escanaba property appears more accessible, said DeWitt.

**INDIANS AND STATES SIGN FISH RUN AGREEMENT**

PORTLAND, OR (IPN)—A federal judge has approved a plan that will settle a 20-year-old fish run dispute between four Indian tribes and the states of Oregon and Washington.

The plan approved September 9 by U.S. District Judge Malcolm Marsh sets up a procedure to manage Columbia River salmon and steelhead runs upstream of Bonneville Dam.

Among the features included in the plan are: guidelines for harvesting salmon and steelhead runs by tribal and non-Indian commercial fishermen and sport anglers; provisions for Indian ceremonial and subsistence fisheries on sev-

eral tributaries; settlement of the issue of Indian impact on ocean coho fishing; continued harvest of steelhead runs bound for Idaho waters with measures that replenish wild steelhead stocks in the Snake Salmon and Clearwater river systems; basin management plans for tributaries of the Columbia that will help rebuild salmon and steelhead runs; and a plan to use mostly federal funds to minimize the impact hydroelectric dams on fish runs.

A 1974 federal court decision, that awarded treaty Indians half of the harvestable fish runs produced at hatcheries and through spawning upstream of the dam, resulted in the need for the management plan.

Officials from the Umatilla, Nez Perce and Yakima nations and the Confederated Tribes of the Warm Springs Reservation, and officials from the two states signed the agreement, which was filed in March.

**STATE SHOULD NEGOTIATE WITH INDIANS**

RENO, NV (IPN)—The state of Nevada should negotiate with Indians before they consider a proposal to begin to acquire up to 3 million acres of public lands from the federal government, said a Western Shoshone representative.

William Ross, Sr., addressing a Legislative Committee on Public Lands, said the state should be ne-

Also honored by the Wisconsin Equal Rights Council was William Tisdale, Milwaukee pictured above with council member Letha Harmon.

gotiating with the Indians and not with the federal government because millions of acres in Nevada belong to the tribe, which is already trying to secure title to the land.

"You people come to us and we can negotiate," said Ross.

According to Ross, the Western Shoshone do not want to sell the land but would be willing to lease it.

Ross also informed the committee that if the federal government starts a high level nuclear dump at Yucca Mountain in Southern Nevada, any railroad carrying radioactive waste would have to pass through Indian land.

"We feel this is a hazard to our health," said Ross.

Grace Bulowski, speaking on behalf of Citizen Alert told the committee her organization does not want to see the land turned over to private industry. Development in the form of housing and schools would be acceptable, she said.

Bulowski said in light of unmanaged growth in their past, the group is concerned that increased growth would expend Nevada's limited resources.

Fred Wright of the Nevada

Wildlife Federation said he supports a plan to allow cities to acquire additional federal lands for their expansion, and the switch of ownership from the federal government to state does not concern his group. □





# Racism: insidious, hurtful & hard to understand

## Understandings of Racism: "Marking of the Other"

(Reprinted with permission from FCNL Washington Newsletter, November 1988 edition)

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

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

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

The National Council of

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

## Experiences of Racism

(Reprinted with permission from FCNL Washington Newsletter, November 1988 edition)

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

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

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

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

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

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

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

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

searched.

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

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

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

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

- A sign reads, "Open Season on Indians. Bag Limit of 10 Per Day"

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

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

A Lumbee Indian from North Carolina discussed institutional racism in Robeson County. There Indians account for 37% of the county's population, the same percentage as whites; Blacks account for 26%. Yet Indians make up two-thirds of the defendants in Superior Court, and are found guilty 94% of

the time in District Court. Three times as many Indians as whites end up in prison, and often have longer sentences than whites who have committed the same crime.

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

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

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

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

## Michigan Congressman spearheads drive for Congressional action against Indian rights

### Indian Treaty Rights: Are we making sense?

(Michigan Congressman Robert Davis, wrote the following letter and mailed it to all Congressmen. The letter was forwarded to GLIFWC by Steve Robinson, Northwest Indian Fisheries Commission (NWIFC).)

Dear Colleague,

Native American hunting and fishing rights have caused confusion and controversy almost everywhere they are asserted. In my state of Michigan unlimited fishing rights have been upheld by federal courts without exception. Many of my constituents ask me why treaties over one hundred years old can be interpreted to mean unlimited fishing rights in a modern world where resource depletion is a real problem. My constituents also ask me why Indians seem to have it both ways: they are citizens of the U.S. but they have special tax status, special exemptions from laws the rest of us have to obey, and special programs paid for by general tax dollars.

These questions do not have easy answers. One of the answers that state authorities and the courts do offer is that only Congress can change this situation. But can we? We know that abrogating Indian treaties by an Act of Congress is an unrealistic answer. I have tried it. I have also introduced legislation that would allow the State of Michigan to regulate all fishing in Michigan waters both Indian and non-Indian. Again, no success. There is a good deal of sentiment in favor of providing more, not less to Native Americans—that they should have a special status and always will. But I suspect that there are some of my colleagues who feel that there has got to be a way to make some sense out of the patchwork of attitudes the Congress has affected toward our Native Americans over the last century, especially when it comes to asserting treaty rights. The federal courts clearly intend to continue granting these rights feeling no apparent need to also provide realistic solutions to the problems they cause.

I don't have all the answers. However, if what I have said here strikes you as a familiar problem, then maybe together we can come up with some solutions. I know that one of the things we hear all the time is that there simply isn't enough support in Congress to change the status quo. Well, this is my attempt to find out just how much support there is in Congress for working on these issues. What I would like to do is set up a Congressional Network among those of us who have treaty rights problems and get to work in anticipation of the 101st Congress. If you would like to join me, please call my staff member K.C. Bell at 225-2650.

Sincerely,  
Robert W. Davis  
Member of Congress

(Persons concerned about preserving the legal rights of Indians and other minorities in this country should contact Congressional Representatives, all who have received this letter from Congressman Davis.)



Angry protesters carrying signs were visible at almost every spearing landing the tribes appeared at during the 1988 spring spearing season.

## An interview with Representative Ben Nighthorse Campbell

(Reprinted with permission from FCNL Washington Newsletter, November 1988)

(On October 13, U.S. Representative Ben Nighthorse Campbell, from the third district of Colorado and a member of the Northern Cheyenne Tribe of Montana, took time from the press of adjournment to talk with FCNL staff Cindy Darcy about racism. Here are excerpts from that dialogue.)

What is your sense of these anti-Indian groups, and about legislation to abrogate treaty rights?

My sense is that it won't go anywhere. My sense is that there are a lot of caring people, and a lot of legal precedents set, enough to safeguard [Indian] rights. But it's always going to be like fighting backfires. That's what Indians have done for 200 years—trying to prevent losing more, and losing more, and losing more. That's not going to change. There will always be, I believe, an assault on what little Indian people have left. But from the standpoint of legislation to do away with treaty rights, I just don't see that happening. Not as long as we have a Democratic-controlled Congress.

Regarding the letter you wrote to President Reagan, offering to set up a meeting with tribal leaders. Have you received a response?

I did get a letter back from the President saying that he was referring the matter, you know, to a third secretary to a third secretary.

one of those deals, and I never heard about it again. I happened to see [Assistant Secretary for Indian Affairs] Ross Swimmer, who defended the President's position and he said that they were working on setting up a meeting. But what has actually happened is that they're letting it wither on the vine. They're hoping, I believe, that over a period of time people will begin to forget that [incident]... and they won't have to deal with it at all. And that will make this one of the few administrations in the last century that has refused to meet with any Indian leaders... Obviously [the President] has met with a couple of Indian people who have been appointed by him. But we don't think that they really are the voice of Indian America because they were appointees...

You've been quite a spokesperson for Indian people yourself.

I've done it somewhat. I have never wanted to be the focal point for all the Indian battles. I'm just one congressman. I happen to be of Indian ancestry and so I think I have a special sensitivity and a special responsibility. But we just have a normal size staff and a normal size office, and in fact have to keep as our first priority the representation of the district that sent me here. What happened is that I sort of inherited a national constituency, meaning Indian people in Florida and Wisconsin and California—if they have a problem, a lot of times they call us...

Indian people have the lowest

voter turnout of any minority group. Many of us are working to try to let Indian people know that they are important, their vote does count, they've got to get active, they can't just stand outside looking through the glass window and complaining about what's going on. If you want to make changes, you've got to get inside. Indian self determination includes an equal part of responsibility, and you're never really going to achieve true self determination unless you're willing to accept the responsibility of being involved in the political process.

I have never been afraid of speaking up. There are so many misconceptions about Indians in the first place. Some misconceptions result from lack of knowledge; some of them are racially motivated, no doubt about it. Some of them are motivated by the dollar. I experience it. I see it in hearings. When they're telling me about the gambling issue, for instance, about Indian gaming and somebody is testifying, saying, "Oh, you can't let those Indians have any gaming because they'll have all kinds of crime." I mean, he doesn't know anything about crime. There's more crime on any given night in the city of Washington, DC, than on all Indian reservations put together for a year's time. Who is he kidding? That's a smokescreen to hide saying "We don't want any money going out to those reservations..."

That bothers me... I don't like the paternalistic attitude of some

(Continued on page 4)

## Racism mars signs & souls



(Reprinted from the Sawyer County Record, September 21, 1988 edition)

A WOJB radio advertising sign on US highway 63 south of Hayward was hit for a third time recently by a vandal or vandals who spray-painted racial epithets on it.

The painted words said: "What would Sitting Bull think? Welfare hogs and sister rapers." Station manager Dick Brooks said the incident was reported to the Wisconsin Division of Criminal Investigation. The same investigator from the division's Eau Claire office who looked into the previous incidents was assigned to the case. The Washburn County Sheriff's Department was also notified. Lac Courte Oreilles Tribal Governing Board member Gaiashkibos called the incident "very unfortunate," and said the board would send a letter to the attorney general about it.

The sign will be removed soon, Brooks indicated. "We were going to end the lease anyway, but this pretty much puts the icing on the cake," he said.

Another WOJB sign on STH 27 South has not been bothered, Brooks added.

# Racism in many forms, from many faces

## President Reagan's Moscow remarks

(Reprinted with permission from FCNL Washington Newsletter, November 1988)

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

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

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

"We've done everything we can to meet their demands as to how they want to live. Maybe we made a mistake. Maybe we should not have humored them in that wanting to stay in that kind of primitive life style. Maybe we should have

said, 'No, come join us. Be citizens along with the rest of us.'

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

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

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

The following are some incorrect generalizations:

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

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

Indians are citizens, and have

been since an act of Congress in 1924.

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

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

The response to the President's remarks from the American Indian community was bitter. Many Indian leaders used the word "racist" in their comments. Members of Congress were also quick to respond. Rep. Downey NY stated on the floor of the House of Representatives that the President's remarks "will defy explanation." Rep. Richardson NM stated, "I can only imagine the severe discouragement and frustration our Native American citizens must have felt when hearing their President stand before the world and speak with such inexcusable ignorance about their history and themselves."

Rep. Campbell CO, the only In-

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

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

## WERL responds to Vilas County Board Member

(The following news story was broadcast on WERL WRJO on September 7, 1988 at noon.)

A member of the Vilas County Board today recommended a solution to law enforcement problems on the Lac du Flambeau Indian Reservation. Supervisor Everett Zimpelmann said the county board should give each Indian five gallons of wine and ammunition and they'd take care of themselves. His comment came during a meeting of the county board committee meeting for operation of the sheriff's department. Zimpelmann's words were: "I know how to take care of the Indian people. Buy each of 'em five gallons of wine and issue 'em ammunition. They'd take care of themselves." Supervisors Philip Brandner of Eagle River and Eugene Ahlborn of Sawyer were with Zimpelmann on the committee. Neither Brandner nor Ahlborn challenged Zimpelmann's recommended solution to law enforcement problems on the reservation.

### Editorial

(The following comments were broadcast on September 7, 1987 by Nicolet Broadcasting President and General Manager Roger Utnehrmer of WERL WRJO radio station in Eagle River WI.)

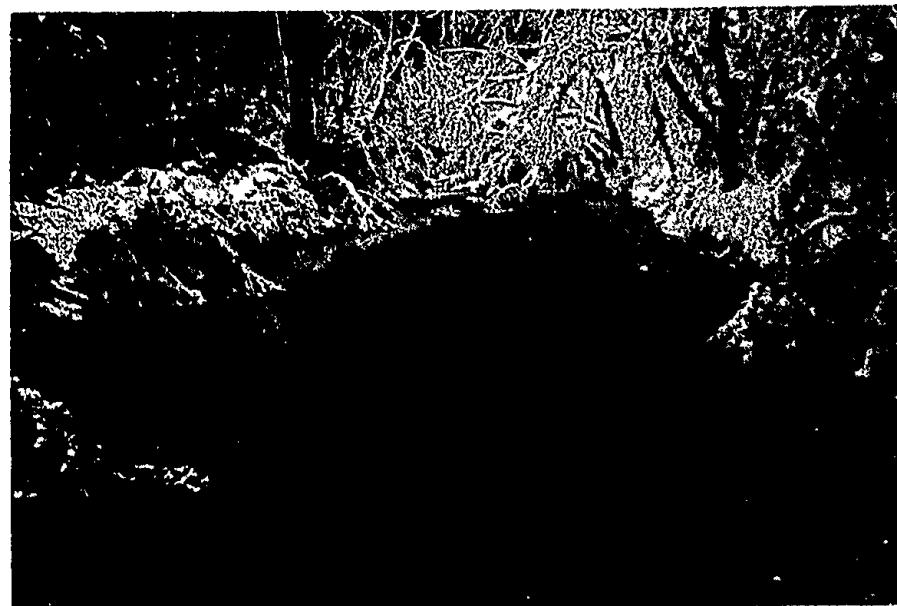
Vilas County Board Supervisor Everett Zimpelmann is dead wrong, and so is a county board that condones his comments when it comes to law enforcement of the Lac du Flambeau Reservation.

His remarks about giving Native Americans five gallons of wine and some ammunition is an embarrassment to the people of Vilas County and to those who serve with him on the county board. Zimpelmann demonstrated a disregard for the lives of Native Americans. He also deepened the wedge existing between two peoples who need to work more closely together.

Everett Zimpelmann hurt us all, not just the Native Americans with his rhetoric insults. At the very least, Zimpelmann should publicly apologize and his colleagues should remove him from his position as chairman of the board's law enforcement committee.

Hopefully, the Vilas County board has more sense than to let such foolish comments go unchallenged. An apology is in order and so is some comment from the county board.

That's my opinion. I'd like to hear yours.



The recent snowfall in northern Wisconsin created this peaceful scene on the Bad River just south of the Bad River Indian Reservation.



Bishop Rembert Weakland, Archbishop of Milwaukee, gave the keynote address at the Wisconsin Equal Rights Council's awards presentation. See page 2 for more information.

## Campbell Interview

(continued from page 1)  
people [who think]... where along the line... erred them to make a... for poor dumb Indians... they're not capable... own. I'm very quick.

Mind your own business... we'll take care of ourselves... sort of get out of the way and... take care of ourselves.

We have to be very careful... when we tell our [Indian]... people that they need to learn [professional] skills and get involved in the broader society, that doesn't mean they need to abandon their traditions... Indians have a very strong attachment to their beliefs and their traditions and their tribal religions... I think it's very dangerous to polarize kids, suggesting that you've got to be "there" or you've got to be "here," you've got to be in the white man's world and function and abandon your old world or you've got to stay with the old traditions and not be able to function in 20th century America. I try to tell them you've got to do both. And you can do both... Be proud of both... You can have the best of both worlds. □

# Bay Mills Community College offers fisheries class

The Bay Mills Community College (BMCC) on the Bay Mills Indian Community in Michigan, has begun a commercial fisheries class, according to Jim Lucas, Instructor at BMCC.

The class, aimed at tribally licensed fishermen, is structured to provide fishermen with the knowledge needed to succeed in fisheries on a business level.

"This is the first class of this type," Jim Lucas said, "and we want to tailor it to what the student needs are."

The BMCC class will provide classroom and on hand experience in different levels of commercial fishery management and operation.

The class is also intended to offer students the latest in research in the areas of commercial fishing, marketing, processing, and small business management.

According to the curriculum for the fisheries class, students will study business techniques that will be aimed at combining a successful business with preservation of traditional ways and maintenance of fish stocks.

Courses offered include, Fish Processing and Marketing in which students will learn processing techniques and different types of marketing operations from small fish houses to international brokerages.



Students in the commercial fisheries class go over materials given out in the class.

Conservation and Fisheries Law will be a study of federal, state and tribal laws affecting the commercial fisherman.

Fisheries Gear and Methods will explain the different types of gear and will have a special emphasis on the Great Lakes fisheries.

Small Business Management will prepare students for set up and

management of a fisheries operation.

The BMCC began operation in 1981 as a vocational program for the Bay Mills Indian Community with 11 students. It has since grown to an Indian controlled community college of approximately 200 students.

Though the BMCC is headquartered in the Bay Mills Indian Com-

munity where most of its classes are held, the BMCC also holds classes on other reservations when requested.

Information about enrollment into the Commercial Fisheries program and the Bay Mills Community College can be obtained by writing to the Bay Mills Community College, Route 1 Box 315A, Brimley, Michigan 49715.

## INDIAN FISH RUN BILL ENCOUNTERS LANGUAGE DIFFICULTIES

Washington, DC (IPN)—Disagreement over the language of a measure which would provide funding for a Umatilla River Basin Project to restore historic Indian fishing runs while preserving irrigation water for farmers, is threatening the approval of the bill before Congress adjourns.

Rep. Bob Smith (R-OR) withdrew the bill from consideration by the House Interior Committee because of language that would have forbidden irrigators from four irrigation districts in the basin from sending project water outside the district.

Smith said agreement on the bill's language had previously been reached to authorize \$42.2 million for construction.

The project would pump Columbia River water into the Umatilla River when the fish are running, while ensuring enough available water for the runs and irrigation.

## HOUSE PASSES INDIAN GAMBLING BILL

WASHINGTON, DC (IPN)—A bill that will regulate Indian gambling and bingo activities at the state and federal levels infringes on Indian sovereignty, said a South Dakota representative.

Rep. Gerry Sikorski, D-MN, and his SD colleague Tim Johnson, voted against the bill which was passed on Sept. 28 by

the House 323 to 84.

"Why do we feel we can invade Indian sovereignty whenever it is inconvenient to respect it?" Sikorski asked during the House debate over the bill.

The bill will establish a special commission to review games on reservations and also requires Indian tribes in states in which they are not working on gambling regulations.

Johnson said that states have jurisdiction over the tribes proposed compacts.

"I am not convinced that the concept of the tribal state compact is the most workable, efficient approach," Johnson said.

The Senate passed the bill in late Sept. and President Reagan is expected to sign it into law.

Indian leaders in SD and MN also spoke out against the bill, saying their right to govern their own affairs is being impinged upon.

A major rationale among House members for the bill is that organized crime might easily infiltrate an unregulated gaming industry. Some House and Senate members also believe the Indian games are poorly managed.

Indian tribes are still being allowed to run profitable gambling operations, so the bill is a reasonable compromise, said supporters.

In 1987 the U.S. Supreme Court ruled that Indian tribes could have gambling activities even in states where gambling is prohibited, a decision which provided the impetus to draft the new gambling legislation. □





# Getting Together



## Cooperation benefits communities

**MOLE LAKE**—The Sokaogon Chippewa W.C.C. crew is currently installing a new cedar fence, a picnic table, and signs to provide local residents and visitors an improved public landing on Langlade County's Rolling Stone Lake. The project is an outcome of earlier meetings held last winter between the Sokaogon Tribal Council and the Rolling Stone Lake Protection and Rehabilitation District in an effort to build better community relations and promote discussions on issues of mutual concern.

While the W.C.C. program provides jobs to unemployed young people ages 18-25, it also enhances the area's natural resources, improves area recreational facilities and promotes continuing education and job training.

Earlier this fall the Mole Lake W.C.C. crew completed habitat suitability indexes and density studies on a number of wild rice lakes throughout the region. Wild rice, once abundant in northern Wisconsin, is now classified as a scarce resource and is critical to waterfowl during fall migrations due to the grain's high protein and

carbohydrate content.

As part of the wild rice related activities, the Sokaogon W.C.C. crew is now reseeding a test plot on Rolling Stone Lake in an attempt to re-establish this resource. Since harvest only 10-14% of the seed from natural stands, re-establishment of wild rice beds provide a long term investment in the resource base of Northeast Wisconsin. Tyron McGeshick explained, "I had some experience ricing before, but I have never been involved in doing scientific surveys or reseeding." Both activities are crucial to successful crop management.

While some crew members bring outdoor experience others, such as David McGeshick, share their carpentry skills. Working in conjunction with the Rhinelander W.C.C. crew, retaining walls were built and a garage roofed at the golf course. "I like to meet folks from other crews and learn about the projects they are doing," Dave commented. The ability to build cooperation and work as a team is stressed throughout the program and promotes future job placement of participants.

Another new addition to Highway 55's fall scenery will be two paintings by crew member Peter Peoma. The Sokaogon Chippewa Community will now be identified to area visitors by signs illustrating an eagle soaring through a blazing sunset.

In coordination with Peter McGeshick III, the W.C.C. crew will construct a nature trail identifying local plants and animals in an effort to promote outdoor education for area youngsters. Jeff Thorbahn explained, "It's nice to do a project that the kids will be able to use. Many of the crew members have nieces and nephews attending the elementary school." The school serves both Indian and non-Indian students from the region.

While much has been written regarding the hostilities between Indian and non-Indian communities, the foresight shown by the Sokaogon Tribal Council and Rolling Stone Lake Protection and Rehabilitation District demonstrate the potentials for working together, and in doing so, enhancing the natural resources and recreational facilities of Northeastern Wisconsin.



Mole Lake WCC crew members Tyrone McGeshick and David McGeshick install a new fence at the Rolling Stone Lake public landing.

## Tribe/County work on \$20,000 grant for law enforcement

by Dean Bortz  
Lakeland Times sports editor

(Reprinted from the Lakeland Times, November 1st edition.)

A grant worth \$20,000 could help reduce Vilas County and Lac du Flambeau law enforcement costs.

This is the first year that funds for Indian law enforcement are available through Wisconsin Act 236. The Lac du Flambeau Tribal Council, Lac du Flambeau Law Enforcement Study Committee and the Vilas County Indian Affairs Committee are working on a grant application asking for \$20,000 from Act 236, the maximum amount available this year.

The three groups have drafted a three-point proposal that will go before the Vilas County board for approval Monday, November 14, according to James Janetta, Lac du Flambeau tribal attorney, and Charlie Rayala, Vilas County Indian Affairs Committee member.

The board must approve the proposal and grant application before

the application can be submitted to the state.

"If the grant is approved, the \$20,000 will go to Vilas County. The county will use that money to provide two services. The proposal also includes a mutual assistance provision," Janetta said.

If the county board approves the proposal and receives the grant, the money will be used to cover costs of tribal members ordered to Vilas County jail by tribal court for not paying their fines.

Because the tribe doesn't have a jail, people who don't pay forfeitures are sent to Vilas County. Janetta said three people fit the category now.

He said most of the grant would be used to defray Vilas County expenses incurred when a county officer travels to tribal court to testify. Now, the county isn't reimbursed by the tribe when deputies testify in tribal court, Rayala said.

"The county's biggest expense is sending uniformed officers and a squad car to Lac du Flambeau, he said."

If the grant is received, Janetta said Vilas County could continue enforcing the tribal traffic code.

An item included in the proposal, but not needing any funding, is a provision allowing mutual assistance in lieu of cross deputization.

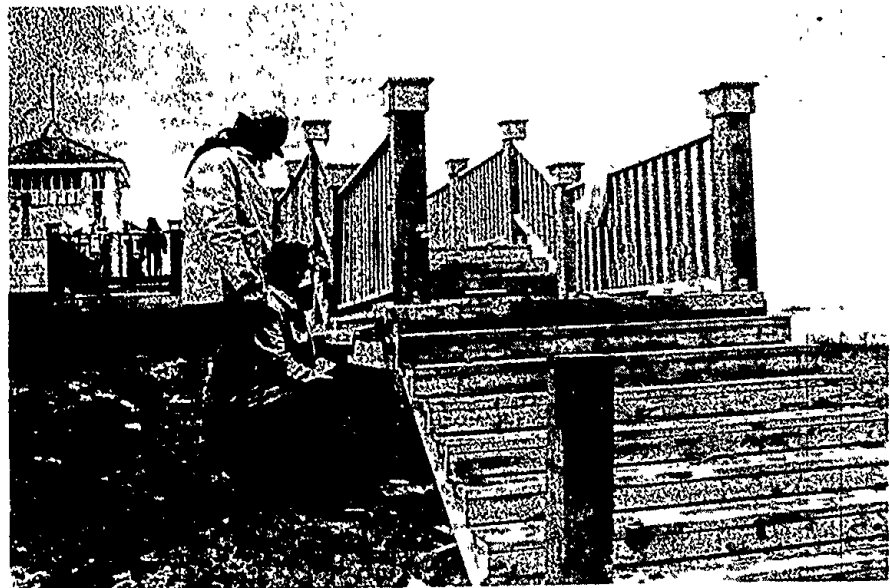
"It gives the county the option of calling a tribal officer in an emergency situation when a county officer isn't available. The tribal officer would be called by the sheriff (or deputy sheriff) for that purpose."

"It differs from cross deputization in that the sheriff makes the decision on a case-by-case basis," Janetta said. "The cooperative agreement falls short of cross deputization, but addresses some of the concerns."

Rayala said the county board should make a decision on the proposal at the November 14 meeting. Janetta said the application has to be submitted before a January 1st deadline.

"It looks like a workable plan," Rayala said.

## LCO helps out in Ashland



The Wisconsin Conservation Corps (WCC) sponsored by the Lac Courte Oreilles (LCO) Band of Chippewa Indians headed up to Ashland to help out on Monday, October 16th. Pictured above, LCO WCC crew members, lead by Mike Isham, worked in the rain to help Mark Schroeder, Ashland WCC crew leader, complete work on a remaining Ashland WCC project. The project involves construction of a walking deck along the lake frontage directly below the Chequamegon Hotel, providing a lovely addition to the grounds.

## Red Cliff hosts Bayfield County Board Cooperation, goodwill stressed



## GLIFWC assesses area lakes by electrofishing



# Replenishing: Bad River Hatchery plants 10,000 micro-tagged fingerlings in 2 northern rivers

(Reprinted from The Ashland Daily Press)

Through an arrangement with the Lac du Flambeau Reservation, the Bad River Fish Hatchery recently released 10,000 walleye fingerlings into the Bad River and the Kakagon River. The operation is nothing new. The unique part of this project is that this time the fish have been tagged so that the hatchery can monitor the effectiveness of the operation in future years.

Joe Dan Rose, hatchery manager, said that this is the only project of its type taking place in western Lake Superior waters. The Wisconsin Department of Natural Resources has conducted a similar project involving Lake Superior trout but this is a first for walleye.

"That way, in three or four years when the fish grow large enough to catch, we can find out how many

have survived to become a part of the overall walleye population," Rose said.

The tags are as unique as the project. A small wire no larger than a sliver is injected into the muscle tissue near the fingerlings' jaws. There the tags will remain in place without harming the fish as the fingerlings grow. When the fish are later harvested, the band can be detected by an electronic sensing device.

Despite the small size of the tag, it can hold an amazing amount of information. Each tag contains a code and allows the hatchery to determine the original site where the fingerlings were released along with other essential information that will aid in future planting projects. They will be able to determine the migration routes of the

1988 Stocking Figures for the Bad River Tribal Hatchery		
	Bad River	Kakagon River
Walleye Fry	4,000,000	3,500,000
1"-3" walleye	0	3,500
3"-5" walleye	7,450	7,450
1" sturgeon	2,000	0
4"-6" sturgeon	500	0
Totals	4,009,950	3,510,950

walleye, how many move out into Chequamegon Bay, or into other parts of their respective rivers.

With the help of Wisconsin Conservation Corps crew workers, the hatchery had set up an assembly line operation for the project. An anesthetic is placed into the holding tank to make handling the fingerlings easier. After re-

moval from the holding tank, the walleye are tagged. The wire bands are actually injected through a thin needle into the jaw muscle. Then the fingerlings are separated between those intended for the Kakagon and those heading for the Bad River.

The hatchery is able to process about 1,000 fingerlings an hour us-

ing this procedure.

On this day, fingerlings intended for the Bad River were released near the Government Road Bridge. Normally it's necessary to temper the fish down in a holding area before release but the temperatures in the tank and in the river were nearly identical, eliminating that step.

The fall is an ideal time for planting fish. The cool temperatures improve the survival rate of the fingerlings, Rose said.

Although Bad River maintains their own rearing ponds they have had limited success raising fingerlings of their own. That's why it was necessary for them to arrange for shipment of fingerlings from Lac du Flambeau. That is an area where Bad River hopes to expand into the future, Rose said.

Currently, Bad River raises walleye fry that are released into the river in the spring. This past spring approximately 7.5 million walleye fry were released into the Bad and Kakagon rivers.

Also, Bad River planted 2,000 1" sturgeon and 500 6" sturgeon fingerlings into the Bad River. The hatchery program hopes to expand into the area of sturgeon culture and foresees a real potential for that activity.

Since both the Bad and Kakagon rivers are tributaries of Lake Superior, both Indian and non-Indian people realize direct benefits from the Bad River Tribal Hatchery Program.

As co-managers of the area's fishery resource, the hatchery program figures prominently in the Bad River Tribe's management scheme.



Joe Dan Rose, Bad River Fisheries Specialist releases walleye fingerlings into the Kakagon River. Note the light reflecting from the eyes of the fish. Most people who have witnessed something like this agree that it is a very special moment and one which is never forgotten.



Paul Arbuckle, Bad River WCC assistant crew leader and, crewmember Rick Nells micro-tag the walleye fingerlings.

## As ye sow, so shall ye reap: LCO Wild Rice Project

by Mike Isham  
LCO WCC Crew Leader

(Reprinted from the Wisconsin Conservation Corps newsletter)

The WCC project that has recently begun on the Lac Courte Oreilles Indian Reservation seems just like most other WCC projects around the state. We have our share of building picnic tables and wood duck boxes. One thing that makes our project unique, however, is our wild rice (*Zizania aquatica*) re-seeding project.

For those of you who are not familiar with wild rice, I'll give a quick rundown of its attributes. Wild rice is an annual aquatic plant that has been growing in northern Wisconsin's shallow lakes and streams for about 2,500 years. Wild rice was, and still is, a very important staple for Native Americans and has been harvested by them for about 1,250 years. Wild rice is so nutritious that Indian families living in wild rice areas were, on an average, 50 percent larger than Indian families living elsewhere.

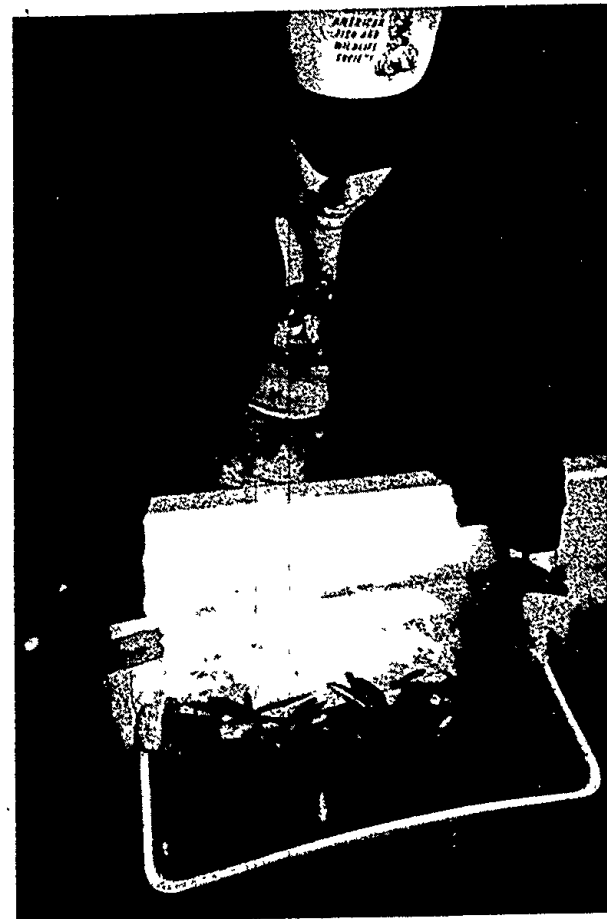
The importance of wild rice was demonstrated again in the early 20th century as wild rice gathering Indians were being forced onto reservations. While negotiating for land that was to be their permanent home, the Indians stressed the fact that they needed land near large stands of wild rice. Since the rice gatherers depended almost exclusively on wild rice, they would starve without it.

Keeping all that in mind, the reasons why we undertook the wild rice project seem obvious. With some technical assistance from the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), we set out on our mission. We surveyed reservation lakes in order to determine which of the lakes'

habitats were best suited for wild rice propagation. This consisted of our crew setting out in canoes and taking soil samples. Wild rice grows best in a soil that is black and mucky. We also took water depth measurements, as wild rice grows best in water that is two to five feet deep. Also, since wild rice does not compete well with perennials, such as cattail, burreed, or bulrush, and since wild rice decreases as aquatic vegetation increases, we mapped out the competing vegetation.

Another thing we did was to make note of the predators that might feed on wild rice, such as muskrats. Carp are also very detrimental to wild rice, as they make trails through wild rice stands in early spring when wild rice is most vulnerable. In spring, wild rice is in the floating leaf stage, and the roots are young and weak. A wallowing carp can uproot them very easily.

After we determined which lakes were best suited for wild rice, all we needed was wild rice seed. We gathered our seed while doing a separate project. We assisted GLIFWC in an ongoing study of Totogetic Lake to determine a way to estimate possible yields of a rice stand. This involved determining how many acres of wild rice were actually in a stand. GLIFWC used aerial surveys to determine this. We also took 20 samples of wild rice stands to estimate their density. Density samples were done by measuring square meters and counting the number of plants within that meter. We also weighed the harvests of all rices throughout the ricing season. This year 4,000 pounds of rice were weighed, as compared with last year's yield of 13,000 pounds, a substantial decline. Since it only takes two crew members to weigh a rices's



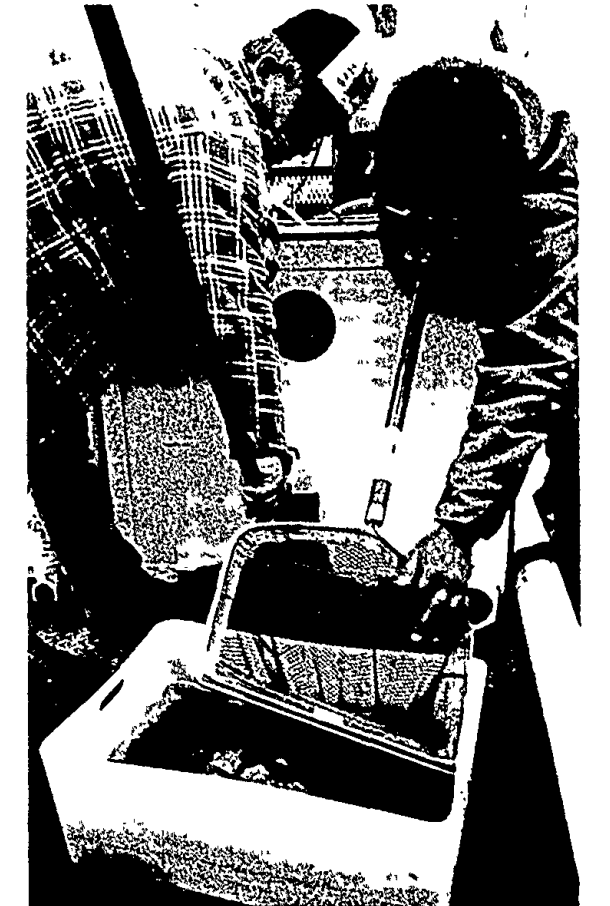
Bad River WCC crew member Jerry Nells prepares to move a container of walleye fingerlings.

harvest, we had all other crew members out ricing to gather seed for our project. We ended up gathering 350 pounds for seed.

After assisting GLIFWC in their project, we returned to our project. With 350 pounds of rice seed, we set out to reseed. On two reservation lakes and one creek we thought were suitable for wild rice propagation, we scattered seed by hand. About ten to twenty pounds

of seed were scattered per acre. The next step will be to check and see if the wild rice comes up in June (we have our fingers crossed).

Crew member Sheila Barber said she had never done anything scientific like this before, and the rest of the crew agreed. Louise Chandler, another crew member said, "I can't go fishing now without naming all the weeds that are growing on the lake." She said she



Lac du Flambeau Hatchery personnel delivering the "babies." Also shown is a specially equipped transportation tank which maintains ideal conditions for the fish during transport.

can't remember all the Latin names, though.

Now it's back to brushing trails and building picnic tables and, of course, there are 50 more wood duck boxes to go. The Lac Courte Oreilles Crew includes Eric Quaderer, Sheila Barber, Paul Stevens, John Taylor, Doreen DeBrot, Louise Chandler, Jose Valentin, Brian Miller, Jessie Smith, and Crew Leader Mike Isham.



# GLIFWC's 5th Annual Conference

## Resource Management for the 7th Generation

### 7 Generations of Change

#### Looking back: A process of rediscovery

Edward Benton-Benai  
Director of Education for the  
Saginaw Chippewa

"Inside I cried," said Eddie Benton-Benai, when telling about Chippewa youth who have become severed from their culture, tradition and nationality. However, his comments were in themselves a personal affirmation of the vitality and continuance of the Anishinabe heritage and sense of being, one which enthusiastically embraces the Anishinabe in a meaningful context with the Earth.

For Benai, the meaning of looking back seven generations is a process of re-discovering, re-connecting with, and re-living the rich social, philosophical and spiritual heritage of the Anishinabe people.

When looking back seven generations, Benai was forced to ask in what context? In chronological time? Or in terms of the Seven Prophecies of the Ojibwa? Or of the Seven Fires? Or the Seven Sacred Teachings. Or the Seven Principles of Life given to us by Ojibwa ancestors?

Do we look at the question in context of contemporary white society, or in terms of the Ojibwa teachings? And if it is the latter, is the capacity to relate from an Ojibwa core still available to Ojibwa people?

At one time, Benai emphasized, the Anishinabe had a keen, thorough knowledge of the past and a strong code based on the clan sys-

tem. The Anishinabe knew who their ancestors were down through the seven generations and understood themselves in relation to the past and the meaning of their clans.

"...we have to look back and think and postulate about our self. Truth is not found in the writings of the Jesuits or anywhere in the Vatican, but in the existing oral customs about ourselves." —Edward Benton-Benai

However, the Anishinabe today are separated from that knowledge and understanding which cannot be found watching "Looney Tunes" or "Edge of the Evening" or "Middle of the Morning," Benai said. Total exposure to White society has "linguistically, culturally and social removed us from our traditions," he emphasized.

Recently, Benai asked a Chippewa youth if she realized she spoke Chippewa. She replied, "We don't speak a foreign language here." Benai's response was, "What do you think English is?"

Strength and wisdom unique to the Anishinabe can be found, but the people must "look into the Lodge and hear the music." In the music of the rice songs and the hunting songs and in the ceremonies surrounding the harvests is a

wisdom which remains relevant for the Anishinabe people today, reflective of the Anishinabe's relationship to self and the Earth.

"Our tracks are on this part of the world," Benai said, "and looking back we have to put aside what has been drilled into us...about the Bering Straits and being Asians...all the scientific studies, labeled 'B.S.' ...we have to look back and think and postulate about our self. Truth is not found in the writings of the Jesuits or anywhere in the Vatican, but in the existing oral customs about ourselves."

Similarly, Benai described the tobacco ceremonies and feasts which traditionally have surrounded the rice season...a time when acquisition of the rice was blended Anishinabe spirituality. "Today, the buyer has become the Medicine Man," Benai stated, noting the severance of the harvest from the spiritual being.

Quoting the Bible, Benai noted that it says to "Honor your mother and father." For the Anishinabe, he noted, that does not just mean our genealogical parents. "Our mother is the Earth. Today we can look at her beautiful autumn dress. This means that Earth Mother has finished her work for the season. She has fed all children..."

When looking back seven generations, Benai concluded, these are the kinds of things Anishinabe must look for, listen for, hear and incorporate into themselves for the seven generations to come.

GLIFWC's 5th Annual Conference was held October 5-7 at the Indianhead Mountain Resort, Wakefield, Michigan. This section of MASINAIGAN attempts to summarize the comments from the various panels and workshops.

The theme of the conference encouraged people to focus on consideration of generations to come as resource management decisions are made.

Wednesday was devoted to panel presentations in plenary sessions, as was Friday morning. Thursday's agenda provided three concurrent workshops on a host of topics.

GLIFWC was delighted with the enthusiastic participation by all who came and pleased to welcome a wide-range of excellent speakers to share in our conference.



Edward Benton-Benai, Director of Education for Saginaw Chippewa, Isabella Reservation, Mt. Pleasant, Michigan.

## Wild Rice and the Chippewa people

Dr. Thomas Vennum  
Smithsonian Institute  
Washington, DC

In the past seven generations much has changed in relation to wild rice and the Chippewa people, and yet, much has remained unchanged, according to Dr. Thomas Vennum, who recently authored the book, *Wild Rice and the Ojibwa People*.

In the beginning the Ojibwa relied on the seasonal harvest of wild rice as staple food. It was harvested in birch bark canoes for subsistence purposes and processed at time of year which became significant to the people socially and spiritually.

Though the influence of White technology and exploitation has uprooted much of the native tradition and belief as well as vast beds of wild rice through the years, the late twentieth century still sees wild rice as a significant staple

food for the Ojibwa, harvested at subsistence level.

During his presentation which explored in depth the changes affecting both wild rice and the Ojibwa people, Vennum points out that the fur trade era did little to disrupt the natural, traditional reliance on wild rice as a staple food source. Both Indian and traders subsistence needs were satisfied, although wild rice was used as a significant item for barter.

However, with the reservation era major disruptions in the traditional relationship between the Ojibwa and their rice occurred. For one, living on established reservation often removed the people from significant rice beds. But most importantly, the non-Indian became interested in wild rice as a commodity.

This interest stimulated mechanization in processing and harvesting which, while making the procedure efficient, also threat-

ened destruction of entire rice beds through over-utilization of the crop which failed to leave enough rice for re-seeding. Traditional Indian harvesters were also unable to compete.

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## Michigan's Sylvania Tract

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# GLIFWC's 5th Annual Conference

## Resource Management for the 7th Generation

### 7 Generations of Change

#### Looking back: A process of rediscovery

**Edward Benton-Benai**  
Director of Education for the  
Saginaw Chippewa

"Inside I cried," said Eddie Benton-Benai, when telling about Chippewa youth who have become severed from their culture, tradition and nationality. However, his comments were in themselves a personal affirmation of the vitality and continuance of the Anishinabe heritage and sense of being, one which enthusiastically embraces the Anishinabe in a meaningful context with the Earth.

For Benai, the meaning of looking back seven generations is a process of re-discovering, re-connecting with, and re-living the rich social, philosophical and spiritual heritage of the Anishinabe people.

When looking back seven generations, Benai was forced to ask in what context? In chronological time? Or in terms of the Seven Prophecies of the Ojibwa? Or of the Seven Fires? Or the Seven Sacred Teachings. Or the Seven Principles of Life given to us by Ojibwa ancestors?

Do we look at the question in context of contemporary white society, or in terms of the Ojibwa teachings? And if it is the latter, is the capacity to relate from an Ojibwa core still available to Ojibwa people?

At one time, Benai emphasized, the Anishinabe had a keen, thorough knowledge of the past and a strong code based on the clan sys-

tem. The Anishinabe knew who their ancestors were down through the seven generations and understood themselves in relation to the past and the meaning of their clans.

"...we have to look back and think and postulate about our self. Truth is not found in the writings of the Jesuits or anywhere in the Vatican, but in the existing oral customs about ourselves." —Edward Benton-Benai

However, the Anishinabe today are separated from that knowledge and understanding which cannot be found watching "Looney Tunes" or "Edge of the Evening" or "Middle of the Morning," Benai said. Total exposure to White society has "linguistically, culturally and social removed us from our traditions," he emphasized.

Recently, Benai asked a Chippewa youth if she realized she spoke Chippewa. She replied, "We don't speak a foreign language here." Benai's response was, "What do you think English is?"

Strength and wisdom unique to the Anishinabe can be found, but the people must "look into the Lodge and hear the music." In the music of the rice songs and the hunting songs and in the ceremonies surrounding the harvests is a

wisdom which remains relevant for the Anishinabe people today, reflective of the Anishinabe's relationship to self and the Earth.

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Similarly, Benai described the tobacco ceremonies and feasts which traditionally have surrounded the rice season...a time when acquisition of the rice was blended Anishinabe spirituality. "Today, the buyer has become the Medicine Man," Benai stated, noting the severance of the harvest from the spiritual being.

Quoting the Bible, Benai noted that it says to "Honor your mother and father." For the Anishinabe, he noted, that does not just mean our genealogical parents. "Our mother is the Earth. Today we can look at her beautiful autumn dress. This means that Earth Mother has finished her work for the season. She has fed all children..."

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## Wild Rice and the Chippewa people

**Dr. Thomas Vennum**  
Smithsonian Institute  
Washington, DC

In the past seven generations much has changed in relation to wild rice and the Chippewa people, and yet, much has remained unchanged, according to Dr. Thomas Vennum, who recently authored the book, *Wild Rice and the Ojibwa People*.

In the beginning the Ojibwa relied on the seasonal harvest of wild rice as staple food. It was harvested in birch bark canoes for subsistence purposes and processed at time of year which became significant to the people socially and spiritually.

Though the influence of White technology and exploitation has uprooted much of the native tradition and belief as well as vast beds of wild rice through the years, the late twentieth century still sees wild rice as a significant staple

food for the Ojibwa, harvested at subsistence level.

During his presentation which explored in depth the changes affecting both wild rice and the Ojibwa people, Vennum points out that the fur trade era did little to disrupt the natural, traditional reliance on wild rice as a staple food source. Both Indian and traders subsistence needs were satisfied, although wild rice was used as a significant item for barter.

However, with the reservation era major disruptions in the traditional relationship between the Ojibwa and their rice occurred. For one, living on established reservation often removed the people from significant rice beds. But most importantly, the non-Indian became interested in wild rice as a commodity.

This interest stimulated mechanization in processing and harvesting which, while making the procedure efficient, also threat-

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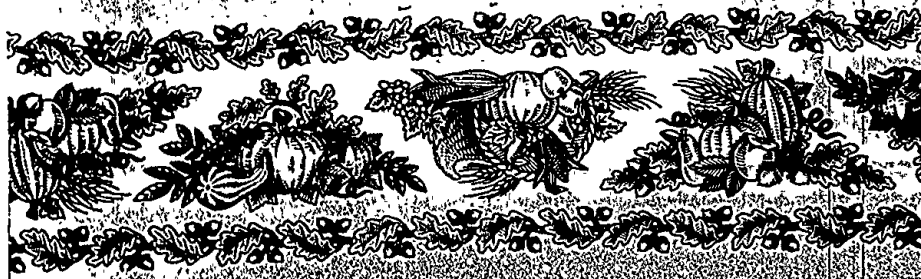
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# National and International Responsibility for the 7th Generation



**Robert Wells, Regional Enforcement Coordinator, Ministry of Natural Resources, London, ON.**

National and international responsibility to the seventh generation was the theme for a series of speakers at the Fifth annual GLIFWC conference held recently in Wakefield, Mich. The speakers' perspectives ranged from the spiritual significance of working towards an integrated future in resource management for tribal and non-tribal agencies, to practical suggestions on how to accomplish this goal.

Robert Wells, regional enforcement coordinator for the Ministry of Natural Resources, London, Ont., and chairman of the Great Lakes Fishery Commission Law Enforcement Committee, spoke of his childhood in a remote area of Ontario, and of the lessons he learned from area tribal elders.

"I grew up in a very remote part of western Ontario. My parents ran a resort and it was located 100 miles down the railroad tracks from the nearest store and the nearest school," Wells said.

"My parents taught me a respect for family, respect for law and order, Christian values, and how to take from the land," said Wells, who noted he also learned values from the Indian people who were his neighbors.

"They (Indian people) taught me another respect. They taught me a quieter way of living, a great dependency and reverence towards the animal world, the mineral world and the plant world," he noted.

Wells said the Indian people in Ontario put hunting into their cultural perspective. Indian people

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lived in harmony with their world, he said. They knew depleted resources were of no value to their people.

Wells noted that in his 22 years as a resource manager he has observed that Native Americans have a close and valuable link with the environment. He said when fishery management policies were initiated, Native Americans were not consulted, and if policy violations occurred it was because they had not been adequately explained. To that end, Wells felt it was necessary to involve tribal agencies in policy-making.

Wells said, "I'm pleased to see coming to this conference that both sides recognize that we must cooperate and work together if we are going to survive."



**James Gritman, Regional Director, U.S. Fish and Wildlife Service.**

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U.S. Fish and Wildlife Service regional director James Gritman noted in his presentation that in the eight-state midwest region, Minnesota, Iowa, Wisconsin, Missouri, Illinois, Michigan, Indiana, and Ohio, for which he is director, there are "no fish and wildlife problems, but we have 68 million people that live in those eight states."

Everyone wants something different from the fish and wildlife resource, and we can't satisfy everyone. All of needs and wants are different, and we must keep that in perspective, said Gritman.

Gritman said in looking 200 years ahead, it is the sharing of concerns and visions that will create the spark to ignite successful ideas and plans so that the descendants of today's generation can enjoy the benefits of America's resources.

Peace is the paramount priority for mankind, he said. "Conflict is the great destroyer. Little conflicts can grow and they can become bigger. They can destroy all the gains we've made today in fish and wildlife management," Gritman said.

In looking to the future, we need to be optimistic and not condemn ourselves for mistakes, but realize we can correct many environ-

mental mistakes of the past and improve the condition of the environment, Gritman stressed.

Gritman cited such measures as the 1966 Endangered Species Act (which prohibits any development on the habitat of an endangered species) and a national policy of reclaiming wetlands as positive steps. He noted the current sea lamprey eradication program was proving successful in restoring the commercial and recreational fish harvest populations in the Great Lakes.

As tribally held lands in the U.S. account for 50 million acres of land, 730,000 acres of lakes and impoundments and 10,000 miles of streams and rivers, Gritman acknowledged the importance of tribal involvement, along with federal and state agencies, in creating cohesive management policy.

"Court decisions greatly expanded the management authority and responsibility of the Indian Tribes to reservation and non-reservation areas," said Gritman. "Our working relationship with Indian Tribes in the management of the national wildlife refuges within reservations has been steadily improving."

Gritman said one example of working cohesively is found in the data GLIFWC has obtained in monitoring regional waterfowl activity. This information has helped the national effort to increase the waterfowl population.

**Dewey Schwalenberg, Executive Director, Native American Fish and Wildlife Society, Denver, Colorado**

In another presentation, Dewey Schwalenberg, executive director of the Native American Fish and Wildlife Society, headquartered in Denver, CO, emphasized the importance of tribal input into national policy decisions. Schwalenberg noted in the past tribal government has not had a significant input into fisheries management policy making or Indian education programs.

He said his organization is now providing a link between tribes and national policy makers. He also advocated the creation of a na-

tional technical working group to create policies and programs for tribal review and developing a national fish and wildlife symposium for both tribal and national policy making representatives.

"Currently, tribal governments aren't viewed as governments in federal acts and they should be. They are viewed as a minority voice when policies are created which effect tribal lands, when they should have a majority voice," Schwalenberg said. "Tribes are saying 'we can manage the resources if we have a chance.' It is funding, legal, and social issues that are keeping tribes from moving ahead in this direction," Schwalenberg concluded.



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**Bob Radtke, Leader for Wildlife and Fisheries Group, Eastern Region**

Bob Radtke, Leader for Wildlife and Fisheries Group, Eastern Region, discussed how policy planning is done in the eastern U.S. National Forests. He explained there is about 190 million acres of National Forest land, about one acre for everyone in the United States.

He said the management of the timber, water, and mineral resources are very important to the health of National Forest lands and new extensive long-range management plans are currently being adopted to protect the forests for future generation.

There are now management plans for each of the National Forests, he said.

He explained how native animals, like the fisher and martin, are

being reintroduced into the National Forest and are once again enjoying fairly healthy populations.

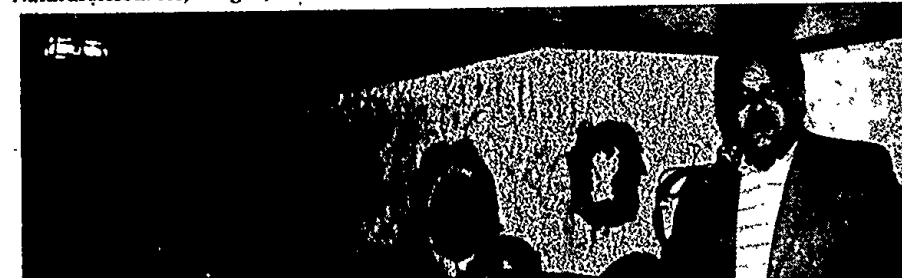
Radtke also mentioned the increase in the bald eagle, osprey, kirkland warbler, sandhill crane populations have also been on the increase in the National Forest area. "If we care for the least of them, then we care for our brothers," said Radtke.

"Many of the programs that we are involved with in terms of wildlife and fisheries, involve coordination of other resource programs such as timber because they are the basis for which species will exist," he said.

"We are currently growing about twice of what we're harvesting," he said. "So the long-term, in terms of the seventh generation, will be a much more older and mature forest. Many of the stands are now approaching maturity."



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Bob Radtke, Leader for Wildlife and Fisheries Group, Eastern Region, discussed how policy planning is done in the eastern U.S. National Forests. He explained there is about 190 million acres of National Forest land, about one acre for everyone in the United States.

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There are now management plans for each of the National Forests, he said.

He explained how native animals, like the fisher and martin, are

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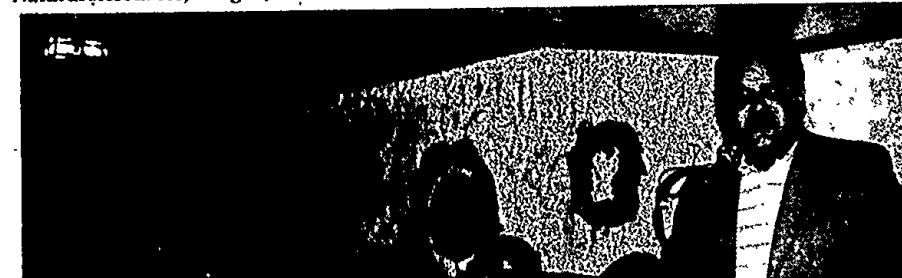
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# National and International Responsibility for the 7th Generation



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Wells noted that in his 22 years as a resource manager he has observed that Native Americans have a close and valuable link with the environment. He said when fishery management policies were initiated, Native Americans were not consulted, and if policy violations occurred it was because they had not been adequately explained. To that end, Wells felt it was necessary to involve tribal agencies in policy-making.

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Everyone wants something different from the fish and wildlife resource, and we can't satisfy everyone. All of needs and wants are different, and we must keep that in perspective, said Gritman.

Gritman said in looking 200 years ahead, it is the sharing of concerns and visions that will create the spark to ignite successful ideas and plans so that the descendants of today's generation can enjoy the benefits of America's resources.

Peace is the paramount priority for mankind, he said. "Conflict is the great destroyer. Little conflicts can grow and they can become bigger. They can destroy all the gains we've made today in fish and wildlife management," Gritman said.

In looking to the future, we need to be optimistic and not condemn ourselves for mistakes, but realize we can correct many environ-

mental mistakes of the past and improve the condition of the environment, Gritman stressed.

Gritman cited such measures as the 1966 Endangered Species Act (which prohibits any development on the habitat of an endangered species) and a national policy of reclaiming wetlands as positive steps. He noted the current sea lamprey eradication program was proving successful in restoring the commercial and recreational fish harvest populations in the Great Lakes.

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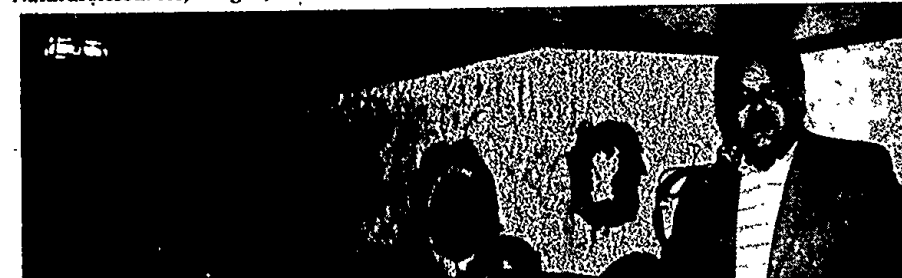
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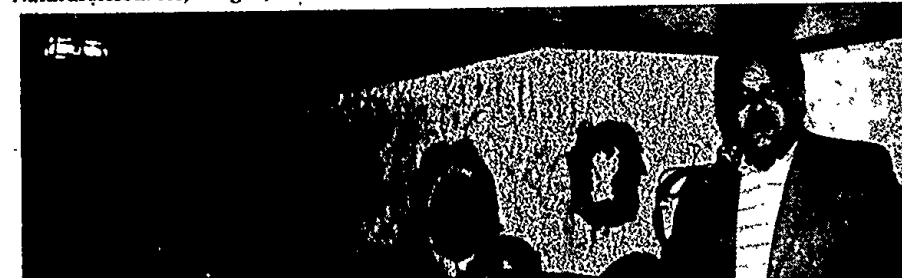
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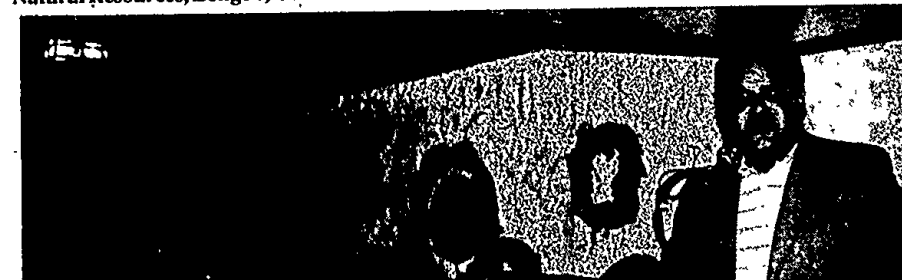
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# Treaty Waterfowl Hunting

(The following comments were written and presented by Peter David, GLIFWC wildlife biologist.)

The GLIFWC Tribes recently completed their fourth off-reservation waterfowl season. In a real sense, we are still in our infancy in gaining a full understanding of, and implementing, treaty-reserved rights.

Since the Tribes and U.S. Fish and Wildlife Service work together in establishing off-reservation waterfowl regulations, any changes in regulations will have to be made jointly. Since most of the impetus for change in the near future is likely to originate with the Tribes, they are going to have the task of making clear to the Service the need and purpose of the change.

It is clear that the hunting, fishing and gathering provisions of the treaties were intended to allow Chippewa the opportunity to maintain a culture which incorporated the subsistence harvest of natural resources. But can the existing tribal waterfowl season be characterized as a subsistence hunt?

The tribal off-reservation waterfowl harvest is very small. Last year, for example, the tribes harvested approximately 1000 ducks and 240 geese. On average, a tribal hunter bags about 1 1/2 ducks or 1/2 a goose on each trip.

These figures suggest a level of harvest which is more consistent with sport hunting than with subsistence hunting. This is not surprising since the greatest bulk of the regulations which restrict the tribal "subsistence" season have their foundation in the regulation of sport seasons.

Sport hunting and subsistence hunting are two different things, however. What is appropriate, and even ethical for one group may not be for the other. The idea of effi-

ciency is central to the difference; a subsistence hunt cannot be inefficient. If the tribal waterfowl season is ever going to realize its intention as a subsistence harvest, changes will have to be made to allow greater efficiency in the hunt.

Currently, the Fish and Wildlife Service seems to view the treaty hunt simply as a long sport season. This is not an appropriate perspective. The Service needs to make a conceptual separation between the regulatory process for sport and subsistence harvest. Only then will it be possible to formulate regulations appropriate for each group independently.

This change in perspective is not going to come about on its own. The Tribes have the responsibility to make their needs understood by the Fish and Wildlife Service. I believe the Service is willing to listen, but the tribes have to make sure that they hear what needs to be said. When we make that step, we will move much closer to realizing the intention of the treaties and the tribal forefathers.

**Don Wedll, Mille Lacs Natural Resource Commissioner**

(The following comments were summarized by Jon Gilbert, Wildlife Biologist)

Don Wedll led off the session with some beautiful slides of traditional Indian duck decoys. Those of you who thought that decoy hunting was the invention of American sportsmen are mistaken. These decoys are hundreds of years old and were found, for the most part, in the upper mid-western states.

Indian tribes used decoys in their subsistence hunting activities which took place during the spring and the fall.

Wedll continued his presentation with some discussion of sub-

sistence hunting in the present day. He expressed his desire to see more thought given to making the off-reservation hunts more in line with subsistence hunts.

For more discussion on what a modern day subsistence hunt might include, see the section on Peter David's presentation.

**Fant Martin, Office of Migratory Bird Management, Washington, DC.**

(The following comments were summarized by Jon Gilbert, Wildlife Biologist)

Fant Martin presented the group with the US Fish and Wildlife Service's perspective on Tribal waterfowl hunting.

He said that the Service considers all waterfowl hunting, whether on or off the reservations, to fall under the conditions set forth in the Migratory Bird Treaty between the United States and Canada. He said that guidelines are established whereby Tribes may participate in the regulatory process to obtain hunting seasons for their members.

The Great Lakes Indian Fish and Wildlife Commission was one of the early participants in this regulatory process and, in fact, served as one of the models to the Service in establishing their guidelines.

Martin described three different situations in which Indian tribes participate in the process: hunting by Tribal members on reservation lands, hunting by non-Indians on reservation lands and hunting by Tribal members on ceded lands off the reservations. GLIFWC participates in the latter of these three.

Martin also commented on the excellent working relationship which has been established between the tribes of the Commission and the Service and expressed confidence that this relationship will continue to flourish.

# Lake Superior fishery management concerns

(The following article written by Mark Ebener, Great Lakes Fishery Biologist, was presented at GLIFWC's conference.)

The fish community living in Lake Superior has undergone dramatic changes since European settlement. Prior to the 1800's the fish community of Lake Superior was balanced and made up mainly of lake trout, burbot, whitefish, herring, and chubs. Lake trout and burbot were top predators in the Lake's ecosystem with lake herring and sculpins being preferred prey.

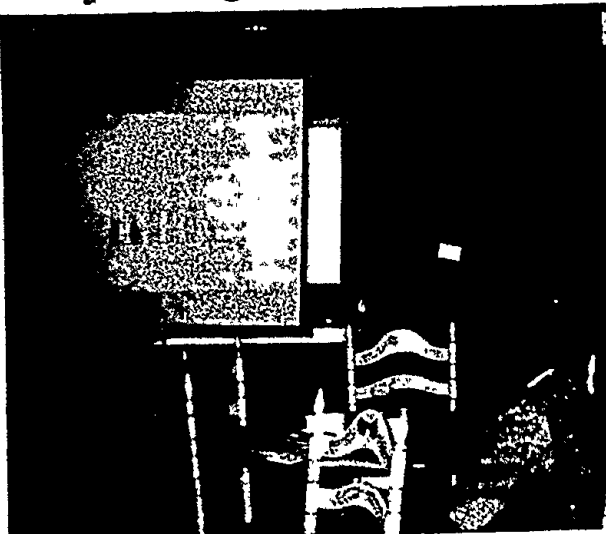
European settlement during the 1800's brought with it intense logging, mining, and commercial fishing operations. To remove the vast lumber and mineral resources from the four Upper Great Lakes the Welland Canal was constructed around Niagara Falls from Lake Ontario allowing shipping into the Lake Superior area. The canal also allowed the parasitic sea lamprey access to the Upper Great Lakes. The introduction of smelt into the Great Lake drainage basin added to this stress on the Lake Superior fish community.

By the 1960's man's activities, along with lamprey predation on economically important lake trout and whitefish populations, and increasing smelt populations altered the fish community structure to the point where many near shore discrete spawning stocks were eliminated and some fish species drove to extinction. To rehabilitate the Lake Superior fish community (the process of restructuring the original fish community) federal, provincial and state fishery agencies began massive programs of sea lamprey control, stocking of hatchery reared lake trout, and restricted commercial fisheries.

The lamprey control program has been successful in reducing abundance of lamprey by 80% in Lake Superior. The declines in abundance of lamprey, combined with the stocking of hatchery reared lake trout, allowed lake trout populations to once again reproduce successfully in many parts of the Lake. However, lamprey populations are still large enough to kill as many lake trout as sports and commercial fisheries put together. If lake trout rehabilitation is to proceed further, lamprey populations must be reduced even more.

The construction of barrier dams to prevent lamprey from reaching productive spawning grounds in the upper stretches of tributaries to the Lake is a current method being employed to reduce lamprey abundance. Introducing sterile male lamprey into lamprey spawning populations is another method of reducing abundance, but this technique is unproven.

Abundance of wild self-sustaining lake trout populations are increasing in Lake Superior, but the number of spawning size fish is declining. The exact reason for



Mark Ebener, GLIFWC Great Lakes Fishery Biologist

declines in abundance of spawning size fish (26 inches and larger) is unknown, but it may be a combination of lamprey predation, sport and commercial fishing, and declines in growth rate of lake trout. Fishery management agencies are attempting to halt the decline in the number of spawning fish by imposing season restrictions, size limits and limits on the number of fish to be harvested.

The decline in the growth of lake trout is important since reproduction is related to the size of the fish. Female lake trout do not begin spawning until about 24 inches in length or 8 years old. All female lake trout are able to reproduce by the time they are 28 inches long (10 years old), but not all fish reproduce every year. If growth rates decline then it will take longer for a fish to reach reproductive size. The longer it takes to reach that size the greater the chance of a fish being killed by lamprey or fishing. The overall effect of declining growth is to reduce reproductive potential of lake trout.

The declines in growth rate of lake trout may be due to dramatic changes in the abundance of available prey. Herring historically were the principal prey of lake trout, but heavy commercial fishing and smelt predation on herring fry may have acted together causing the collapse of herring populations in Lake Superior by 1970. Smelt abundance increased up until 1979, then they also collapsed. Lake trout growth rate began to decline after the reduction in smelt abundance. Herring numbers have begun to increase again and they now outnumber smelt by nearly 6 to 1, yet smelt still make up 70% of the lake trout diet. The goal of many fishery agencies is to foster herring abundance over smelt because it is believed that lake trout growth will be much better on a herring rather than smelt diet.

Abundance of Pacific salmon may also be affecting the growth

rate of lake trout. There are now self-sustaining populations of coho and chinook salmon throughout Lake Superior. The state fishery management agencies also stock over one million chinook salmon annually into Lake Superior. These fish grow very fast and consume great quantities of food. Food habit studies on Lake Superior salmonids have found that chinook and lake trout have very similar diets with both species depending heavily on smelt as their major food item. Chinook salmon may be impacting lake trout growth and reproduction because there is such a limited prey base in the Lake. However, further studies need to be conducted to determine if indeed salmon are impacting lake trout growth.

Whitefish are now the dominate species sought by state and tribal licensed commercial fishermen on Lake Superior. Current harvest levels from United States waters are larger than any other time since the middle 1890's. The large harvests appear to be due to a combination of real increases in whitefish abundance, increases in gear efficiency and increasing exploitation on previously under utilized stocks of whitefish. White fish make up about 70% of the total tribal commercial harvest of all fish species from U.S. waters of the Lake. Any declines in abundance of the species will have a significant impact on tribal fisheries and the ability of fishermen to make a living off the resource.

The fish community of Lake Superior appears to be approaching some form of rehabilitation after the severe changes which took place during the early and mid 1900's. Left to their own devices the fish will do fine. It will be man's ability to control his harvests and use of the Lake's water that will determine whether or not the fish community can approach the structure present during pre-European settlement.



Fant Martin, Office of Migratory Bird Management, Washington, DC

# Wild Rice Enhancement

(The following remarks were written and presented by Peter David, GLIFWC, Wildlife Biologist)

The Great Lakes Indian Fish and Wildlife Commission (GLIFWC) is currently involved in a wide variety of wild rice research and management activities. Activities in 1988 included:

- 1) Habitat suitability index studies. Forty rice waters were selected for long term habitat suitability studies. Two summer interns, one from Stevens Point and one from Northland College, gained valuable field experience surveying these waters this summer. Besides recording recording wild rice abundance and density, they examined the presence and effect of other components of the aquatic plant community, and other ecological factors which may effect rice abundance. In addition, they began a herbarium collection of aquatic plants which will be useful for future years students.
- 2) Harvest surveys. For the first time, both the state and tribal members were surveyed for information regarding their 1987 off-reservation harvest of wild rice. In addition to information regarding the areas rice and amounts harvested, interesting information about differences between the characteristics of state and tribal rice was obtained. (Copies of the report are available from GLIFWC.)
- 3) Boat landing surveys. With the cooperation of the LCO WCC crew, we collected harvest information at Totogatic Lake in Bay-

field County. Although 13,000 pounds were harvested in 1987, the 1988 harvest declined to only one-third that amount.

4) Seeding activities. In a cooperative project with the U.S. Forest Service, the Commission seeded Pat Shay Lake near Eagle River, Wisconsin, for the second year. Initial results from the 1987 seeding were promising, but many plants were destroyed by muskrats before blossoming and producing seed. Muskrat control is now being considered. We expect that 4-5 years of seeding will probably be needed to re-establish this historic stand.

5) Production studies. Wild rice seed production was closely studied on two lakes in 1988. Individual rice stalks were studied to examine the influence of water depth, plant height, plant density and tillering on seed production. We hope to gain a better understanding of the long term relationships between these variables and seed production.

This sampling of GLIFWC's wild rice management activities reflects the Tribes diverse information needs. It will take years of work to satisfy these needs, but fortunately, the tribes strong commitment to this resource will make sure that these activities continue to be carried out.

**Mic Isham, LCO WCC Crew Leader**

**Mic Isham, Lac Courte Oreilles Wisconsin Conservation Corps**

(WCC) Crew Leader spoke about the wild rice project his crew has been working on during the past year.

Isham said that a few years ago the Chippewa River which runs through LCO had an annual yield of 25,000 lbs. of rice. Today, because of the hydro-electric dam placed on the river, it yields no rice. LCO members must now drive 1-2 hours to find a harvestable stand of wild rice.

The WCC crew, under the direction of Isham were then given the job of reseeding several lakes on the reservation. The ultimate goal, according to Isham, is to increase harvestable stands of wild rice on or near LCO.

The project itself included lake surveys, bottom samples and examining the lake for competing vegetation. The crew then gathered 350 pounds of rice to begin reseeding, he said.

The lakes were seeded by hand with approximately 10-15 pounds per acre. Isham is hoping for a sparse to medium stand of wild rice.

The efforts of the crew will be recognized when the rice begins to grow.

**Ken Badboy, Criminal Justice and Judicial Department, Boise Fort**

The Nett Lake wild rice project was discussed by Ken Badboy, Criminal Justice and Judicial Department, Boise Fort.

Their project began back in 1979 with a picture of a satellite

image of Nett Lake. The work was done by the Environment Research Institute of Michigan (EROM) and the Earth Resources Observation System (EROS) of Sioux Falls, SD.

EROM and EROS told the tribe that the first thing to be done to make the rice crop more consistent was to control the water level, Badboy said.

Working with people at the legislative level and the state DNR, Bois Forte was successful in getting funding from the legislature to construct a dam, reroute the river and dredge a portion of the lake entering the river, he said. The project which began three years ago was completed last year and the tribe has just completed their 2nd rice harvesting year. This year's crop had increased 80-90%.

Badboy said that water level studies are still being conducted and will continue for another 4 to 5 years.

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# Indian Fish & Wildlife Management

**Gary Rankel, BIA**

2 Generations of Change in the Management of Indian Fish and Wildlife Resources was the topic of a workshop given by Gary Rankel, Chief Branch of Fish, Wildlife and Recreation, BIA, Washington, DC.

Rankel spoke on the past 30 years—Circa 1960—and the status of Indian fish and wildlife programs around this time period. He spoke about where we are now and about the significant changes which have taken place during this 30 year time frame.

He talked about the past, the present and the future of the resources, where we have come, where we need to go and how we might get there.

Rankel cited several examples, one of which was, in the past Indian hunting and fishing rights were not yet reaffirmed, defined or clarified. In the present, he said, Indian hunting and fishing rights are now reaffirmed, defined and

clarified in several key case areas. Rankel feels that in the future—Circa 2020—all Indian hunting and fishing rights will be defined and related jurisdictional disputes resolved in all key case areas.

He also outlined main events which have occurred between 1960-1990 which have caused the major changes we have seen over the last 30 years. Of all the changes made, Rankel feels that the court rulings are the most important, because without these we might be now where we were in the 60's.

Without these rulings we probably wouldn't have state and federal agencies sitting down and talking with one another, he said. There would not be a co-equal type of arrangement as there is today. The courts in defining and reaffirming the rights gave the tribes the right to manage and enforce under the provision that conservation enforcement must come first. The tribe's harvest cannot deplete the resource; and the tribes must deal with other entities, he said.



Mike Malcheski, Red Cliff; James Thannum, GLIFWC; Dick Hartman, St. Croix; Joe Dan Rose, Bad River; and Jim Vermoch, Buffalo Bay Fish Company were several of the participants in a round table discussion on economics, marketing and the resource.

## Northwest's Hunting Agreement

Steve Robinson, Information Services Manager, NWIFC

Steve Robinson, Information Services Manager for the Northwest Indian Fisheries Commission (NWIFC) presented an overview of the Northwest's New Hunting Agreement.

Robinson stated that in the west the fishery resource has been a significant part of tribal life, culture, economy and basic survival for thousands of years. Tribal members, he said, have a deep tie with not only the fishery resources, but the game resource as well. Deer, elk and other game have been a very significant part of Indian culture from time immemorial, he said.

When the tribes signed treaties which ceded land to Washington State, they reserved the right to continue to hunt and fish on those lands. The state has done everything it could to deny this right and make it hard for the tribes to hunt for their existence, Robinson stated.

One of the facts Robinson mentioned which is ignored by people who are in opposition to treaty rights is that the non-Indian harvest of deer and elk has been very substantial compared to the Indian harvest. There is also the fact that the loss to poachers far exceeds the tribal take.

Robinson stated that there were several incentives for the tribes to enter into an agreement with the

state, two of these were: 1) harassment, and 2) the tribal need to be involved in resource management—the tribes are protectors of the land and Indian people need to be involved for the protection of the resource itself.

The agreement (the result of three years of negotiations) developed between the tribes and the state is an interim, one year agreement. Several of the major points in the agreement are: a) the treaty hunt will take place on state and federal lands, b) violators of the agreement are prosecuted in tribal court, c) tribes set their own seasons, d) the agreement establishes a joint technical committee to provide state and tribal policy makers biological information they need to set standards, e) the enforcement of gun safety provisions comparable to the state.

Robinson said that the official state position is that given the minimal impact the tribes have on the game resource, the state is better off with the agreement than without it. There is a greater benefit for both the state and the tribes in working together, he said.

He mentioned that the Pacific Northwest has learned a lesson that the fighting, Indian bashing, and the false blaming serves no purpose, it really serves a counter-purpose. "We can get a long way down the road in terms of resource protection by working together," Robinson concluded.

## Planning, Development & Marketing: A Round Table Discussion

By James Thannum  
GLIFWC Natural Resource Development Specialist

While it is common knowledge that the Chippewa Bands traditionally based their economic system upon the seasonal harvests of natural resources; few people understand the central role these natural resources continue to play in the long term planning and development strategies for the future.

A round table discussion was developed to provide an overview of tribal natural resource planning and development efforts, identify common problems, and discuss potential benefits.

The harvesting and marketing of fish has been a key source of subsistence and income for many tribal members living on Lake Superior. The movement into processing and marketing was discussed by Mike Malcheski and Jim Vermoch as a means in which Red Cliff has increased wholesale prices for tribal fishermen and expanded jobs through the marketing of deep water trout.

Aquaculture discussions covered a wide range of programs from Leonard Guth's description of the success Mole Lake has had in incubating eggs from speared walleye; to Dick Hartman's review of St. Croix's cooperative

rearing program with the Northwest District of the WDNR; and Russel Wolfe's recap of Lac du Flambeau's extensive hatchery operation and the rainbow trout wholesale initiative.

Joe Dan Rose, Bad River's tribal biologist, discussed the cultural factors impacting natural resource planning and development. Mr. Rose highlighted the benefits elders provide in assisting tribal efforts through their knowledge and experience and emphasized that without strong community support there is little chance for successful implementation of any resource development strategy, no matter the long term benefits.

The ability to integrate marketing of natural products and tourism development were discussed with examples from Forts Folle Avoine and Lac du Flambeau's public relations initiatives using a trout fishing pond.

Ken Badboy, Nett Lake, identified tribal efforts to market wild rice through export markets in European countries.

The cross section of tribal resource development efforts presented by the panel were diverse in nature, often complex, and demonstrate a strong commitment by tribal governments to expand jobs and improve the living standards for their membership.

## Directions in Midwest Commissions

James Schlender, GLIFWC executive administrator

James H. Schlender, GLIFWC Executive Administrator presented an overview of the Commission and its three committees: Voigt Inter-Tribal Task Force, Great Lakes Committee and the 1854 Committee.

The Commission's activities are determined largely and principally by our constitution and charters and by the 12 member board of Commissioners, Schlender said.

The Commission's direction is also influenced by the outcome of negotiations in which the 8 member Voigt Inter-Tribal Task Force is deeply involved, as well as the dictates of the two other Committees.

Schlender also cited the court case now in progress in Wisconsin as another significant determinant in GLIFWC's future direction.

The same is true in Minnesota and Michigan, he said. The court case in Minnesota has been settled and presents us with different opportunities and scenarios, he noted.

Schlender added that the Michigan court case has already gone to trial and has been concluded and will determine largely the direction GLIFWC will take there.

The direction the Great Lakes Indian Fish and Wildlife has taken is influenced not only by the internal working of GLIFWC, but also by outside pressures such as racism, Schlender said. Dealing with racism was not an initial goal of the Commission, but has taken a large amount of time in the past years.

Schlender concluded by saying that the Commission is growing in numbers. With the addition of Boise Forte in June 1988, our membership grew to 12. We are

also looking forward to Lac Vieux Desert, Watersmeet, MI joining the Commission in the upcoming months.

Faith McGruther, executive Director, COTFMA

Faith McGruther, Chippewa Ottawa Treaty Fishery Management Authority (COTFMA) executive director spoke on the workings of the COTFMA.

McGruther stated that following the court decision in 1981 the tribes voluntarily formed COTFMA. The primary interest was to promulgate joint treaty fishing regulations.

COTFMA, she said, is composed of three tribes Grand Traverse, Sault Ste. Marie and Bay Mills, each represented by the respective tribal chairman, three conservation committee chairmen, an ex-officio member from the Fish and Wildlife Service in Ann Arbor, MI and a member of the BIA office in Sault Ste. Marie.

Future direction is difficult to address at this time, she said, because the Management Authority is young and has experienced significant change. Meetings on the direction of COTFMA are just beginning, she added.

A couple of the major goals she spoke of were marketing and the use of other species, such as salmon. The authority is also planning to develop a hatchery to raise walleye and salmon to take the pressure off the whitefish population.

As far as the 7th generation is concerned, the three treaty tribes of the Chippewa Ottawa Treaty Fishery Management Authority will manage the resources wisely so there will be a fishery resource out there for the 7th generation of Anishinabe people, McGruther concluded.

## Legislative development in the 100th Congress

Doug Endreson, attorney, Sonosky, Chambers & Sachse

Doug Endreson, attorney with Sonosky, Chambers & Sachse, Washington, D.C. provided a summary of significant developments in the 100th Congress, both in regard to enacted legislation pertaining to Indian interests and pending legislation. Endreson addressed participants following the banquet dinner at Indianhead Mountain Resort.

Only highlights of Endreson's presentation are presented below. However, copies of the entire summary are available through the GLIFWC public information office or detailed memoranda of any legislation reviewed are attainable by contacting Mary Pavel at (202) 682-0240.

Endreson divided his legislative summary into categories including: 1.) Government Services 2.) Appropriations 3.) Tax Issues 4.) Cultural 5.) Indian Gaming 6.) Economic Development 7.) Courts and Civil Rights.

Under Government Services Endreson explained the enacted Omnibus Education Act including the significant amendments to the BIA education law; the Reauthorization of the National Health Service Corps, creation of new loan repayment program, the Act to separate Indian housing programs from the rest of HUD; the reauthorization of

funds for the Older Americans Act and reauthorization of Administration for Native Americans; and finally, the act to aid the homeless which contains a 1.5 set-aside for Indian tribes.

Under pending legislation related to government services, Endreson described H.R. 1223, a bill to amend the Indian Self-Determination Act, which is now awaiting the President's signature and which will make significant changes in the 638 contracting process.

In the area of appropriations, Endreson noted that the FY 1989 Interior appropriations bill has been signed by the President with several significant provisions. One of these is a \$54 million increase over the amount requested for the BIA administration and is the \$7.5 and \$10 million increases in contract support funds for contractors with the BIA and IHS, respectively.

**Tax Issues**  
In regard to tax issues, Endreson highlighted the enacted legislation which imposes a restriction on tribes' authority to issue tax-exempt bonds. He noted that the budget reconciliation law for 1987 severely restricts tribes' authority to issue tax-exempt bonds to finance economic development and that tribal bonding authority is now largely limited to public

works-type projects, such as roads and schools.

Under pending legislation is H.R. 2792, a bill to clarify status of the income derived from treaty guaranteed fishing rights. This bill, according to Endreson, is awaiting the President's signature and clarifies by law that income derived by Indians and Indian-owned entities for the exercise of fishing rights protected by treaties, acts of Congress, or executive orders is not subject to Federal, state or local income tax including Social Security. This bill will put a stop to recent IRS efforts to tax treaty fishing income.

**Indian Gaming**

A significant bill on Indian Gaming, S 555, was also summarized by Endreson. Basically the bill divides Indian gaming into three classes. Class II, including bingo, lotto, pull tabs, tip jars, and non-banking card games, would be subject to regulation by a three-member National Indian Gaming Commission established by the Act. The Commission would review and approve all tribal gaming ordinances and management contracts. Class III games, involving all those not under Class I (ceremonial games) or Class II, and would include jai-alai, horse and dog racing, video and slot machines would be governed by individual tribal/state compacts.

**Economic Development**

In the area of economic development the 100th Congress enacted legislation which amended the Indian Financing Act of 1974. It increases the limitations on the amount of loans to individual Indians or economic enterprises from \$350,000 to \$500,000. The loan guaranty authorization is also raised from \$200,000,000 to \$500,000,000. The new law also provides a bonus for federal contractors who subcontract with Indian organizations.

**Courts/Civil Rights**

And finally, in regard to courts and civil rights issues, Endreson mentioned several bills which are pending legislation. One, S. 2747, provides federal court review of ICRA violations. Endreson remarks that the bill, introduced by Senator Hatch of Utah, would permit federal courts to hear cases involving Indian Civil Rights Act claims and would overrule the Martinez case in the Supreme Court, which held that federal courts have no jurisdiction over IRA claims with the exception of habeas corpus cases.

Endreson felt that this bill, which indicates a very negative view of tribal courts by the bill's sponsor, will not be enacted during this session, but it is likely that similar legislative efforts will surface during the 101st Congress.

## Combatting Racism

Madeline Para, Coordinator of Racism Hotline & and Chairperson of WINOW Combatting Racism Task Force and Gerry Rainingbird, WI Community Leadership Development.

A workshop on Combatting Racism, with limited participation, ran through one afternoon of the Annual Conference. The session, facilitated by Madeline Para and Gerry Rainingbird, was designed to help individuals, both Indian and non-Indian, develop perspectives on their own racist attitudes as well as provide guidelines on breaking down racism when confronted.

The workshop focused on "un-learning racism," assuming that "people are not born racist, nor born expecting to be victims of racism."

Small group discussions provided a more intimate forum for participants to identify experiences which influenced their attitudes towards people of other races. This exercise assisted individuals in understanding how certain attitudes developed. Frequently, they were based on a childhood experience/or experiences.

One section of the workshop addressed the subject of how Whites become racist. Para noted that people learn to treat others as they have been treated. If people have been mistreated or subjected to abusive behavior that is a learned behavior. Para also noted that this is significant because it

means that racism in the lives of Whites cannot be divorced from their other experiences.

Para also feels that Whites "acquire racist attitudes and behaviors directly from teaching of families and social institutions, as part of the socialization process."

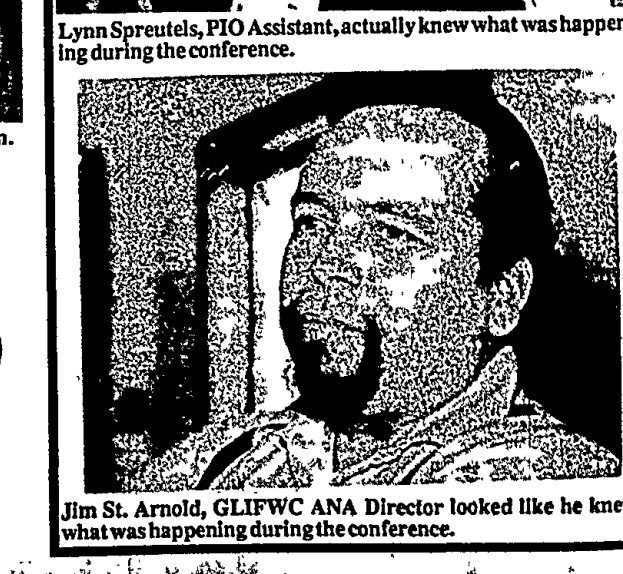
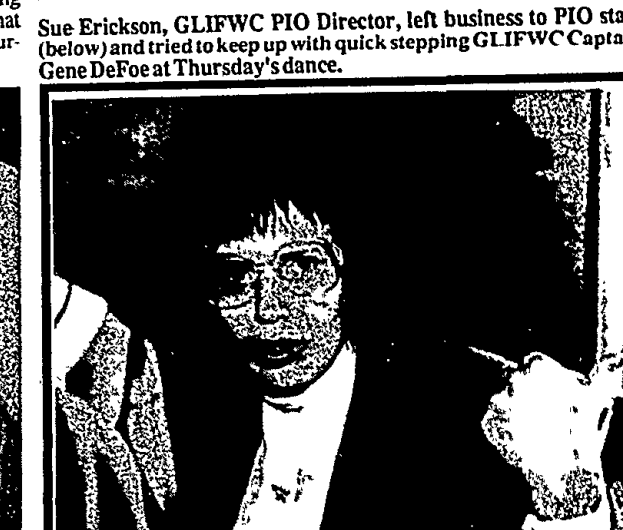
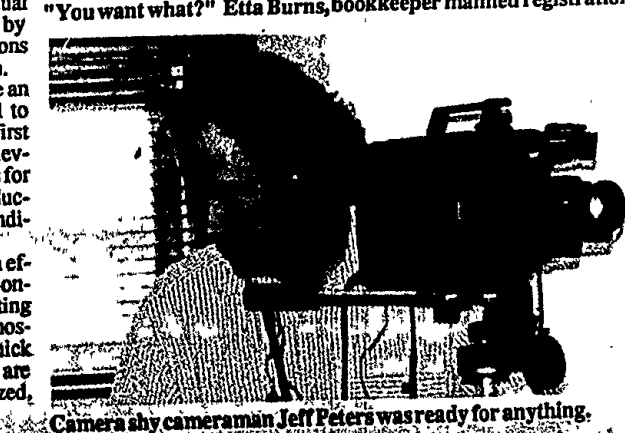
A couple of examples of teaching which promote racism are: rolling up car windows when driving through Mexican or Black parts of town; or hearing a family member complain about the Blacks on welfare.

Another aspect of the workshop addressed the problem of helping Whites change. Both Para and Rainingbird emphasized the need to refrain from condemnation or argument which only serves to intensify defensiveness.

One suggestion offered was to provide feedback to an individual in a "non-condemning" way by simply stating how his/her actions or words may have affected you.

Another avenue is to provide an opportunity for the individual to feel appreciated as a person first and to listen to the person's grievances with respect. This allows for a building of trust prior to introducing new perspectives to the individual.

All in all, combatting racism effectively boils down to a one-on-one slow process of confronting feelings and opinions in a non-hostile open atmosphere. No "quick fixes" to a painful problem are available. It's slow, personalized, but rewarding process.





# Ducks are counted

(Reprinted from The Daily Press, November 11, 1988 edition.)

By Claire Duquette  
Press Staff Writer

ODANAH—They're up before dawn, sliding down the quiet waterways of the Kakagon slough with binoculars in hand. Great Lakes Indian Fish and Wildlife Commission (GLIFWC) wildlife biologist Peter David and assistants Ron Parisien and Russ Corbine, members of the Bad River Tribe of Lake Superior Chippewa, may not be sitting ducks, but they are looking for them—sitting, flying, floating, or diving.

This is the fifth year GLIFWC has undertaken a seasonal survey of the duck population in the Chequamegon Bay-Kakagon Slough area, a major fall waterfowl staging area in northern Wisconsin. The goal of the survey is to observe what species congregate in the fall and to determine the dates for the arrival, departure, and peak concentration of major waterfowl species.

David explained the northern Wisconsin area he studies is unique in that it provides habitat for both diving and dabbling ducks. Diving ducks—such as scaup, buffleheads, goldeneyes and redheads—use the bay area to dive under the water in search of submerged plants, fish, snails, and other invertebrates.

The dabbling ducks—mallards, black ducks, teal, wood ducks and widgeons—dabble on the surface

for food, occasionally tipping up to feed. The Kakagon slough, full of wild rice beds, attracts thousands of dabblers as they migrate.

The eight to ten week waterfowl survey, running from September through November, is conducted twice weekly, one survey conducted on the bay and one in the slough.

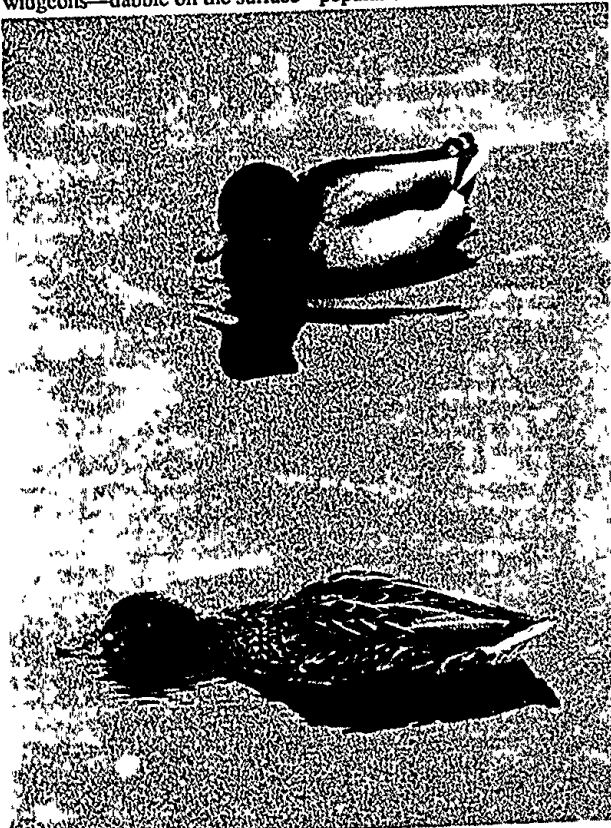
The bay survey is conducted from the road, as David, assisted by Northland College ornithologist Richard Verch, traverses the 10-mile bay between Washburn and Ashland, stopping at ten different points to observe and count waterfowl.

"When we encounter large flocks, we have to make a best guess as to numbers," David explained. "We count 10 ducks then look at that group as a whole and count groupings of ten ducks."

"On the slough, we take two boats and count everything we find from pre-sunrise to two hours beyond," David said.

"In addition to ducks, we count geese, swans, and loons, as well as monitor any bald eagle activity," he noted.

"This year we've seen more mallards than usual, which is contrary to what we might have expected since the flyway population of mallards is down," David said. "It's my hypothesis that many of these may be adult birds which left their traditional breeding grounds on the prairies due to the drought. So it's interesting to note that our local flight results do not necessarily follow the flyway population trends."



Mallards are already pairing for next spring's breeding season.



GLIFWC wildlife technician Ron Parisien (left) and Peter David, GLIFWC wildlife biologist survey the migration of waterfowl on the Kakagon River.



Ron Parisien, GLIFWC wildlife technician records the daily waterfowl count.

## Memories of the traditional hunt

Written by  
Chief Kay-Ge-Gah-Bowh

(Reprinted from the Shenandoah Newsletter, November 1988 Issue.)

The deer was killed in four different ways before the introduction of fire-arms. The first was by a snare formed of a rope of wild hemp, and so placed that when the deer's neck was caught, the more stir he made the more he couldn't stir. At every movement the cord would wind about the neck tighter and tighter, until he was choked. When they wish to get through soon, they placed these snares all around for half a day, then drove the deer all over the snares until some are caught.

The second was by driving sharp spikes of wood into the ground on the deer path, just the other side of a log over which they would be expected to jump. In jumping the logs, they must fall upon these sharp spikes, which would pierce them through, and thus kill them.

The third was to drive the deer with dogs into the water, when, being out of their element, they could be captured. In winter, instead of driving them into the water, a short chase in the deep snow would soon tire them and they were soon at the disposal of the hunter.

The fourth and last manner of killing them was by means of bow and arrow. Bows were made of a power to enable them to shoot through the side of a deer without any difficulty. The Indian watched at the "salt licks," or at the borders of lakes or rivers, to which the deer often go to feed on the grass. An Indian can shoot a deer in the woods at a distance of fifty paces.

The bow was generally made of ironwood or red cedar, sometimes of hickory, well seasoned. The arrows were made like spikes at the end. Before they had iron, they used bone and shell for the ends. The shells were carved in such a manner as to admit of being pointed at the end of the arrow.

In the spring but few deer were killed, because they were not in good order, the venison being poor, and the skin so thin, that it

was no object to kill them. To hunt deer in the summer was my great delight, which I did in the following manner.

During the day I looked for their tracks, as they came on the shore of the lake or river during the night; they came there to feed. If they came on the bank of the river, I lighted pitch pine, and the current of the river took the canoe along the shore. My lantern was so constructed that the light could not fall on one spot but sweep along the shore. The deer could see the light, but were not alarmed by it and continued feeding on the weeds. In this way, I have approached so close that I could have reached them with my paddle. In this manner our forefathers shot them, not with a gun as I did but with the bow and arrow.

Another mode of hunting on the lakes preferred by some, is shooting without a light. Many were so expert, and possessed such an accuracy in hearing, that they could shoot successfully in the dark, with no other guide than the noise of the deer in the water, the position of deer being well known. In this way the darkest night I will here relate an occurrence which took place in 1834.

My father and I were hunting on the river Trent, in the night, after we had shot two deer, and while returning homewards, we heard the noise of a deer's footsteps. The night was dark as pitch. We approached the deer. I asked my father at what part of the animal I should aim. He replied, "At the head or neck." I poised my gun and fired; hearing no noise, I concluded that my game was sure. I lighted some pitch pine and walked towards the spot from which the noise had come. The deer lay dead and bleeding. On examination I found that I had shot it just below the ear.

(From Chief Kah-ge-gah-bowh's LIFE, LETTERS AND SPEECHES, pp. 25-26, and TRADITIONAL HISTORY AND CHARACTERISTIC SKETCHES OF THE OJIBWAY NATION, pp. 34-35.)

## The maligned wolf: A plan for recovery

Written by Bill Thornley

(Reprinted with permission from the Spooner Advocate, October 6, 1988 edition.)

SPOONER—State Department of Natural Resources officials say there are no plans to stock timber wolves in this area, but there are hopes for natural wolf recovery.

Timber wolves once ranged all over Wisconsin, but by around 1960 they had been shot, trapped, and poisoned into extinction. Gradually, however, wolves from Minnesota began to repopulate Wisconsin until they reached a current population of between 25-30 wolves.

The Eastern Timber Wolf is listed as an endangered species in Wisconsin by the U.S. Fish and Wildlife Service and the Wisconsin Department of Natural Resources.

"The Timber Wolf Recovery Team has worked for more than

two years with the public to develop an acceptable recovery plan," said Dick Thiel, chairman of the team. "We've met personally with leaders and members of most of Wisconsin's conservation and environmental groups, and they've had direct input into the plan. We've reviewed all concerns carefully and conscientiously. We believe our wolf management plan is sound and achievable."

The impact of wolves on the deer population and the issue of multiple use of the forest are the primary subjects addressed in an assessment just released. Biologists estimate that between 25 and 30 wolves exist in six packs scattered in northern Wisconsin. The goal of the recovery plan is to establish a population of 80 wolves in suitable habitat in the northern third of the state.

The presence of wolves will not affect the deer populations in general, according to the assessment. Approximately 265,000 deer live in northern Wisconsin throughout

the winter.

"If 80 wolves eat a maximum of 18 deer per year each (they also eat beaver and snowshoe hare), only 1,450 deer in a total of 16 deer management units would be unavailable to hunters," said Thiel. "Eighty wolves spread throughout the north will consume less than 1/2 of 1 percent of the northern forest deer herd."

The recovery plan also addresses public concerns over access to public lands for recreation including hunting, snowmobiling, and hiking, and for logging and effective timber management. The land access management program proposed by the recovery team does not inconvenience logging practices, recreational pursuits nor does it interfere with individual private land management preferences, according to Thiel.

The recovery plan proposes keeping access on improved roads and existing recreational trails at present levels. It also calls for keeping access to lower standard

roads (woods trails) by motorized vehicles to a minimum. Foot travel would not be affected at all.

The plan is compatible with logging because it recognizes the value of commercial cutting in effective timber management and creation of desirable deer habitat.

Adverse and unavoidable impacts of wolf recovery are also honestly addressed in assessment, according to Thiel. Wolves can attack livestock. Authorities may have to kill individual wolves to stop livestock depredation.

According to Thiel wolves will not be stocked here or anywhere else in the north.

"We do not have any plans for stocking," he said. "We are trying to help wolves help themselves. The Spooner area is not really wolf habitat. There is a block of good habitat in northeast Washburn County near Minong. If they get there, fine. Recovery will be natural, not stocked."

Although wolves have been sighted in Washburn and Burnett

counties, the major populations are north and east of here. Wolves are being monitored in Douglas, Bayfield, and Lincoln counties with radio collars. It seems like more wolves are surviving, including pups.

"The population, based on what we know, looks like it is doing better than before," said Thiel. "A conservative estimate would be about 25 animals in the state, but it is probably more. I'm really tickled about that. We know pups were

produced in four packs this year. We had contact with them through mid-July, and that is a very good sign."

Some people will always want to kill wolves just because they are there. Those are the kind of people Thiel hopes can be better educated on the natural place of wolves in Wisconsin. Along with Minnesota, Michigan, and parts of Montana, Wisconsin is the last remaining stronghold for wolves in the

(continued on page 16)



# Environmental Issues

## Air Toxics: A headache for the Great Lakes

Written by Jane Elder

(Reprinted from the EPA Journal, June 1988 edition.)

Imagine visiting friends in Duluth for a late summer picnic: a feast of sweet corn, raspberries, and fresh lake trout straight from the cold depths of Lake Superior. As the plates are passed around, a woman, obviously pregnant, passes up the trout. Her surprised host asks, "Not hungry?" "Yes," she replies, "but I worry about the PCBs." Her host protests, "Honey, there's nothing wrong with that fish. It was caught fresh this morning." "If it's all just the same," she answers, "I'll pass."

It's not surprising that our host was a bit defensive. Lake Superior just doesn't look like a polluted lake. The water is clear and cold, and there are few cities and industries on the shores. Yet even when discharge from industrial sites and sewage treatment plants is isolated or well-controlled, the lakes are still vulnerable to an onslaught of pollution from the sky.

Although PCB levels are slowly declining in all the Great Lakes, sufficient concentrations are present in the water and in the food chain to be of major concern. This spring, the states warned consumers to avoid eating the large lake trout (30 inches and up) from Lake Superior. For the first time, not even Superior's sparkling waters

could be assumed safe. (Fish advisories for the other Great Lakes have been issued for many years.) People were surprised because direct discharges of PCBs into Lake Superior no longer exist. The PCBs had to be coming from the air.

Thus, PCB contamination of Lake Superior fish adds to the growing concern over the impact of toxic air pollution on the Great Lakes. With the largest surface area of all the Great Lakes, Superior is perhaps the most vulnerable to airborne pollution. Research dictates that atmospheric sources are responsible for perhaps 80 percent of the PCBs entering Lake Superior.

Toxic pollution in the Great Lakes emanates from many sources, including direct discharge from waste pipes, runoff from land, and even from exchange with contaminated ground water and lake sediments. However, growing evidence indicates that airborne sources may be the single largest contributor of new toxic pollution to the upper Great Lakes, and a significant source—perhaps 20 percent—in the lower lakes.

Atmospheric contributions to Great Lakes pollution were first identified in the late 1970s when

Concerns about toxic pollution in Great Lakes waters have been heightened by the effects on Great Lakes fish.

land-based sources of phosphorus couldn't account for total phosphorus levels in the lakes. The atmosphere turned out to be the culprit for a significant portion of the phosphorus. More troubling was the discovery of toxaphene in fish samples in an inland lake on Isle Royale National Park. Toxaphene was used primarily as a boll weevil pesticide in the South and also in stockyards in the West. It was rarely applied in the Great Lakes region. Isle Royale, in the northern reaches of Lake Superior, could only have been contaminated through atmospheric inputs.

Furthermore, Isle Royale was not the only site contaminated in this way. Today, although banned from use, the pesticide remains one of the substances of greatest concern throughout the Great Lakes.

The huge surface area of the Great Lakes watershed—94,000 square miles—provides an enormous catch basin for rain, snow, and dry deposition. From lead particles in the heart of an ice crystal to a chemical soup in a rain drop, pollutants find their way easily into the lakes.

Concerns about toxic pollution in Great Lakes waters have been heightened by the effects on Great Lakes fish. Over 25 species of fish are either banned or discouraged for human consumption in the Great Lakes. Concentrations of bioaccumulative toxics (chemicals that concentrate in living tissue) are the primary reason for concern. Bioaccumulative contaminants in the Great Lakes include PCBs and dioxin, as well as toxaphene, DDT, and other pesticides. While many of these substances are now banned from use in the United States, they are still present in the upper atmosphere and continue to reach the lakes from the sky. Some of these materials are still used in other countries or reach the atmosphere through careless incineration practices. Thus, they come from sources as nearby as the local waste incinerator or as far away as Mexico and Asia.

In addition to contamination of the food chain, another phenomenon—widespread evidence of cancer in fish—has raised concerns. Some pollutants are not passed up the food chain, but instead are easily metabolized by living organisms. PAHs (polynuclear aromatic hydrocarbons) fall in this category. One PAH in particular, benzo-a-pyrene, is a known human carcinogen also linked to the high incidence of fish



cancers in the lakes. PAHs are emitted in numerous combustion processes and are particularly concerning in coke oven emissions, for which EPA has recently proposed new regulations.

In spite of what we are learning about contaminated food and cancers in fish, the United States continues to regulate only a handful of toxic chemicals as air pollutants. Current regulations address only seven of the most deadly air pollutants (over 800 toxic substances have been identified in trace amounts in the Great Lakes), and the procedure for regulating more substances is slow and complicated. Currently, EPA must prove that a chemical is hazardous to human health from direct exposure before it can regulate it under the Clean Air Act; secondary exposures through food and drinking water are not considered under regulatory criteria. Thus, hundreds of toxic air pollutants that endanger human health and the environment go unregulated in the United States, whereas Ontario, for example, regulates almost 100

toxic air pollutants. These problems are not unique to the Great Lakes. As one of the world's more studied ecosystems, however, the Great Lakes often indicate the emergence of new environmental problems first.

By and large, what goes up must come down. Each year, millions of tons of toxic pollutants go up into the atmosphere from tall stacks, tail pipes, open factory vents, evaporation from waste ponds and landfills, and many other sources. Every day, untold tons of toxics mix in the atmosphere or fall back down to earth in the form of rain, snow, or dry deposition. And so we live with them every day in our lungs and tissues, in the water we drink, and in the fish we eat. Airborne toxics present the Great Lakes region and the nation with important environmental and public health problems which need to be faced and resolved.

(Elder is the Midwestern Representative for the Sierra Club.)  
Editor's Note: In November the U.S. and Canada signed a series of annexes and amendments to the 1978 water quality agreement to protect the Great Lakes. Annex 15 of the agreement focuses specifically on toxic air pollution and both countries pledged to develop control programs for persistent toxic substances which reach the Great Lakes from airborne sources.

# Radon a problem on Indian land

U.S. Environmental Protection Agency (EPA) Region 5 reported today that 54 percent of homes in a random survey of the Menominee Reservation had radon levels above the Agency's suggested acceptable level of 4 pCi/L.

U.S. Indian Health Services conducted the random radon survey in Michigan, Minnesota, and Wisconsin, placing 1,000 radon detection canisters on 31 reservations during the 1987-88 heating season; 934 canisters were returned.

Overall, EPA found 19 percent of Indian homes had radon levels between 4 and 20 pCi/L and 1 percent had levels above 20 pCi/L. Radon levels in 80 percent surveyed homes were below 4 pCi/L. EPA is concerned about radon as a significant health threat. Radon is believed to be responsible for 5,000 to 20,000 of the 130,000 lung cancer deaths in the United States annually. Radon is a naturally occurring gas created by the decay of radium; it is colorless, odorless, and radioactive.

Indian Health Service Survey  
Ten Highest Radon Measurements\*

Radon Level, pCi/L	Tribal Land	State
70	Menominee	Wisconsin
57	Menominee	Wisconsin
52	Lac Courte Oreilles	Wisconsin
40	Keweenaw Bay	Michigan
33	Menominee	Wisconsin
33	Menominee	Wisconsin
30	Menominee	Wisconsin
27	Menominee	Wisconsin
27	Menominee	Wisconsin
27	Red Lake	Minnesota

\* These Single Measurements Do Not Represent All Homes in These Tribal Lands

ally occurring gas created by the decay of radium; it is colorless, odorless, and radioactive. The highest radon levels, 70 and 57 pCi/L, were recorded on the Menominee Reservation in Wisconsin. The next eight highest readings, on the reservation and in the State, were: 52, Lac Courte Oreilles, WI; 40, Keweenaw Bay, Michigan; two 33's, a 30, and two 27's, all in Menominee, Wisconsin; and 27, Red Lake, Minnesota.

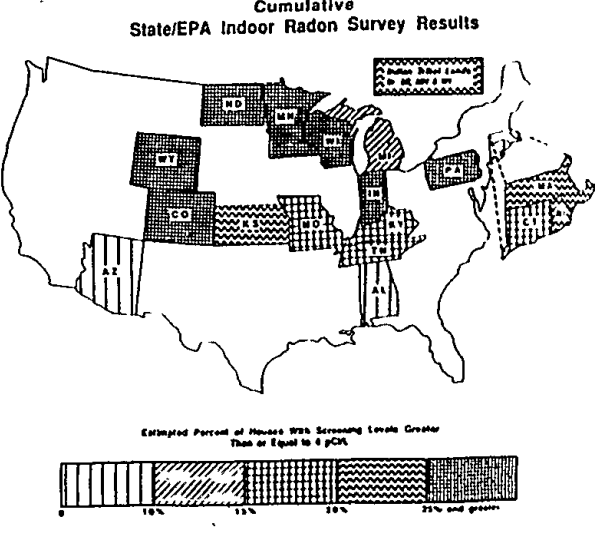
Based on the survey, an estimated 2 percent of Michigan reservations will exceed 4 pCi/L. Other Michigan reservations surveyed were Lac Vieux Desert, Hannahville, Bay Mills, Sault Ste. Marie, Grand Traverse, and Saginaw-Chippewa.

An estimated 21 percent of Minnesota reservation homes, based on the survey, will exceed 4 pCi/L.

Other MN reservations surveyed were White Earth, Leech Lake, Bois Forte, Fond du Lac, Grand Portage, Mille Lacs, Prairie Island, Shakopee-Medawakanton Sioux, Lower Sioux, and Upper Sioux.

Except for the Menominee Reservation, EPA estimates 16 percent of Wisconsin reservations will exceed 4 pCi/L. Other Wisconsin reservations surveyed were Red Cliff, Bad River, St. Croix, Lac du Flambeau, Sokaogon Chippewa (Mole Lake), Forest County, Stockbridge-Munsee, Oneida, and Wisconsin-Winnabago.

If radon levels are between 4 and 20 pCi/L, EPA recommends taking steps within 2 years to reduce levels. At levels between 20 and 200 pCi/L, action is recommended within several months. At levels greater than 200 pCi/L, homeowners should act within weeks, or relocate. (Although there is risk at 4 pCi/L and lower, it can be difficult to reduce indoor radon below this level.)



# The malinged wolf continued

(continued from page 15)

lower 48 states. "It will take a lot of public education," said Thiel. "And we want a plan that is workable with both sides. If you step on somebody's toes it will ruin the whole thing. It is very volatile on both sides. There are things you can do and things you can't."

"There are some people who are just against wolves on principle," added Ronald Nicotera, director of the Bureau of Endangered Species. "But I do think we have a lot of support. Stocking is not in the plan now."

were randomly selected from county lists. Of those contacted, 78 percent completed the survey.

"The future of the timber wolf depends very much on the public," said Ed Nelson, DNR sociologist who led the survey. "People are the critical factor limiting the return of the wolf to Wisconsin."

"The survey results didn't give us a firm 'yes' or 'no' answer. Farmers and rural non-farmers are lukewarm in their support of timber wolf restoration."

Among farmers, 50 percent opposed restoration, 32 percent were in favor, and 18 percent undecided. For non-farmers, 35 percent opposed restoration, 48 percent were in favor, and 17 percent were undecided.

Two concerns people have with

"Our natural resources, be they wolves, lands or waters, are ours to enhance, manage, and protect." "Only through this kind of continuing communication and cooperation can we work together to meet our responsibilities as stewards of those elements that sustain our quality of life."—Dick Thiel

wolf protection and restoration are the closing of coyote hunting during deer season, and the possibility that roads might be closed to protect wolves, according to Nelson. "Farmers often mistake wolves for coyotes. In Wisconsin, coyotes

can be hunted year-round except during the nine-day gun deer season in the northern part of the state. A recent change in the state statutes has increased the penalties for killing endangered species, like the timber wolf. Fifty-one percent of farmers and 35 percent of non-farmers opposed closing coyote hunting during deer season.

Thirty-six percent of the farmers and 23 percent of the non-farmers agreed that wolves threaten livestock. A majority of both groups would like to see monetary compensation to farmers for any livestock damage due to wolves (91 percent/farmers; 74 percent/non-farmers), and live trapping and removal of problem wolves (83 percent/farmers; 78 percent/non-farmers).

"We also found out people are not afraid of wolves are not afraid wolves will hurt the deer herd," said Nelson.

Respondents did not view the wolf as a threat to deer populations. They tended to see harsh winters and poaching as having larger influences. Twenty-seven percent of the farmers and 18 per-

cent of the non-farmers viewed wolves as a deer population threat.

The timber wolf symbolizes the beauty and wonder of nature to 46 percent of farmers and 64 percent of non-farmers.

"Whether farmers or non-farmer, people have an appreciation for the aesthetic qualities of the wolf," said Nelson. "We found that people aren't so much concerned with the wolf as they are with possible restrictions placed on their own activities or land uses for timber wolf recovery."

Thiel hopes that people will give more support to the wolf recovery plan.

"Our natural resources, be they wolves, lands or waters, are ours to enhance, manage, and protect," he said. "Only through this kind of continuing communication and cooperation can we work together to meet our responsibilities as stewards of those elements that sustain our quality of life."

Copies of the DNR's Environmental Assessment of the Timber Wolf Recovery Plan can be obtained from: Bureau of Endangered Resources, Department of Natural Resources, P.O. Box 7921, Madison WI 53707.

## Pratt selected to serve on CBE board

Judy Pratt, Great Lakes Indian Fish and Wildlife Commission (GLIFWC) Environmental Biologist, was selected to serve on the Board of Directors for Citizens for a Better Environment (CBE).

CBE is a research, advocacy and education organization dedicated to eliminating human and environmental exposure to toxic substances. The main focus of CBE's work is prevention in protecting the public from exposure to toxic substances.

CBE has been involved in many environmental issues including: involvement in developing Water Quality Rules for Wisconsin and Remedial Action Plans for the Great Lakes areas of concern; solid and hazardous waste programs, air toxics, acid rain, and ozone. Public education and information is also available from CBE.

Pratt has been selected as a representative of the environmental sector on the Binational Public Advisory Council (BPAC) for the St. Mary's River Remedial Action Plan. Carla Ebener, Bay Mills Indian Community, is also a member of the BPAC as a representative of the Native American sector.

Pratt was elected to the CBE Board of Directors on the motion of board members Tom Crawford and Sharon Metz. The next board meeting is Monday, December 12. Please call Judy Pratt evenings at (715) 779-5164 if you have concerns you would like to be brought to the attention of the CBE board.

### Greens issue public service announcement on recycling

The Wisconsin Greens wish to announce the availability of an information packet on recycling. The packet contains tips on how to best handle items for recycling and how to start recycling programs. Also included is a consumer guide on how to shop to avoid waste and how to minimize the use of disposable items. The packet is free by writing to:

Wisconsin Greens  
P.O. Box 3377  
Madison, WI 53704

# Judges Corner Tribal Court libraries



by William Gordon  
Chief Judge,  
Red Cliff Tribal Court

The goal of the Tribal Court Library should be to select, acquire, organize, maintain and make available resource materials of a legal, management or administration nature. The library should be designed to meet the needs of the Court, Tribal Councils, police, prosecutors, defenders, attorneys, or Tribal members, (including defendants and persons confined to jail).

The following are designed to meet these needs:

## 1. Library facility

The library should be located in the same building or at least in close proximity in order to achieve the efficient and maximum utilization of space and the potential for convenient access to the library.

The library should be located in a separate room. If a room is not available, then it should be in an open area that is readily accessible to Court personnel. All possible options should be investigated to avoid maintaining the library in the individual office(s) of Court personnel because that arrangement inevitably discourages the use of library resources.

Ample, attractive work areas and comfortable seats should be provided for users of the library. Good lighting is essential. Photocopy service and other support services should be within easy reach if not a part of the library quarters.

## 2. Library Responsibility

The Court Library should usually be under the control of the



William Gordon, Red Cliff Chief Judge

Chief Judge. However, one person (usually the Court administrator) should be responsible for the day-to-day operation of the Court Library. This responsibility includes acquiring resources, maintaining the library, monitoring the sign-in sheet, subscribing to and filing supplemental services for all periodical publications, providing information concerning the library to potential users, development of training for court personnel, and planning for future development of the library.

## 3. Budgeting

The library is the basis and the foundation of the Court and staff.

The budget should be large enough to insure the development and maintenance of our adequate up-to-date collection of library resources.

Normally, the Tribal Court will not be able to afford the cost of an ideal library in one year. A court, therefore, should use its limited funds to purchase the most necessary materials and then develop long-term plans to meet the rest of its needs.

In addition to a courts normal appropriations, there may be other sources for acquiring materials such as the following:

## A. Bureau of Indian Affairs

(BIA)—The BIA is responsible for providing to CFR courts, copies of "all federal and state laws and regulations of the BIA applicable to the conduct of Indians within the reservation." 25CFR 11.12 The BIA may also provide resources (e.g. Indian Law Reporter) to non-CFR Courts.

B. Tribal Bar Association—If the Court requires attorneys or lay advocates to be admitted to practice before the court, it may be appropriate to assess a fee that would be used to purchase library materials (Especially if bar members use the library.)

C. Other State or Federal Agencies—For example, some states have a policy which requires them to provide a free copy of their state codes to any state that provides a copy of their code. Consequently, a Tribal Court may be able to obtain a free copy of the state code by furnishing the state or the state court system with a copy of the Tribal Code.

D. Various Private Donations—Perhaps a local retiring judge or attorney would donate their library to your court.

## 4. Information Concerning the Court Library

The library should be arranged so that all materials can be easily located and are readily identifiable at a glance. All materials (including loose leaf) should be arranged in a systematic manner and should be clearly named on the outside (preferably on the binder).

The court administrator should develop an inventory of all library materials, which should then be distributed to all court personnel and other potential users so that they will be aware of the available

resources. The inventory would be especially important if the library resources are located in individual offices and potential users would need to know what materials are available and where they are.

Court personnel should be provided with periodic training in legal research and the use of the library.

## 5. Check out Procedures

The court administrator should post and monitor a sign-in and sign-out sheet for the library materials in order to encourage court personnel to utilize the library resources and also to provide a tracking system to locate materials which have been taken out of the library.

## 6. Selection of Library Materials

The following is a list of some of the necessary materials which a Tribal Court library should contain:

## A. Tribal Constitution and By-Laws

## B. Tribal Code

## C. Tribal Court Rules

## D. Tribal Court Opinions

## E. Appellate Court Rules

## F. Personnel system rules and procedures

## G. Any other materials concerning the Courts operation and procedures

## H. Publications from the National Indian Justice Center (#7 Fourth Street, Suite 28; Petaluma, CA 94952)

## I. Indian Law Reporter (American Indian Lawyer Training Program, 319 MacArthur Boulevard, Oakland, CA 94610)

## J. Publications from the American Indian Lawyer Training Pro-

gram (Address same as I)

K. Publications from the National American Indian Court Judges Association (1000 Connecticut Avenue, Suite 401, Washington, DC 20006)

L. National Indian Law Library Catalogue, 1982 Edition (Native American Rights Fund, 1506 Broadway, Boulder, CO 80302)

M. 1982 Update of Felix Coheus Handbook of Federal Indian Law (Michie/Bobb Merrill Law Publishers, Charlottesville, VA)

N. American Indian Law in a Nutshell (West Publishing Company, P.O. Box 3536, St. Paul, MN 55165)

O. Blacks Law Dictionary (West Publishing Company)

P. Law Dictionary for Non-Lawyers (Daniel Oren, West Publishing Co.)

Q. Native American Indian Tribal Court Profiles (NAICJA and BIA 1982)

R. Title 25, United State Code Annotated Version (USCA) (West Publishing Co)

S. Title 25 of the Code of Federal Regulations (CFR) (Superintendent of Documents, US Governments Printing Office, Washington, DC 20401)

T. Federal Rules of Civil Procedures (West Publishing Company incorporated into USCA)

U. Complete set of State Code (annotated if possible)

V. Besides West Publishing Company, the other major legal publishers are: The Lawyers Co-Operative Publishing Company (Bancroft-Whitney Company), 301 Brannon Street, San Francisco, CA 94107 and Mathew Bender Company, 450 Sansome Street, San Francisco, CA 94111



Red Cliff Tribal Court staff members are, left to right, Steve Bouley, Fran Wells, Nancy Gordon, Arlene Basina, Nora Hillert, and Bill Gordon.



Red Cliff Tribal Court Clerks, Arlene Basina and Nancy Gordon, concentrate on their work.

## Red Cliff Tribal Court seeks to serve community

Housed in the tribal center, the Red Cliff Tribal Court has five people on staff. The staff includes a Chief Judge, two paralegals, one full time court clerk and one part time court clerk. There is also a position for an Associate Judge that is presently unfilled.

William Gordon has been the Chief Judge since his appointment on July 18, 1988. Prior to his appointment by the Red Cliff Tribal Council, Judge Gordon served as Associate Judge for Red Cliff for five years.

"I see my position as a service provider," Judge Gordon said.

"I hope to better serve our community and its needs," he continued. "We are here for the people."

Presently, the Red Cliff Tribal Court concerns itself with child welfare matters 80% of the time. However, Judge Gordon hopes to expand tribal court jurisdiction into delinquent, probate, and traffic matters.

He also hopes to empower a panel of tribal elders to hear and determine child welfare matters.

"I feel it would add a sense of traditionalism," he said, "It would also add respect to our elders."

Judge Gordon feels the unmet needs of the court include inadequate funding, enforcement of court orders, lack of probation of-

ficers, and space. Court is presently held in the court's staff office room, which, in addition to housing the court library, is also the office space for all court staff.

"I see my position as a service provider." "I hope to better serve our community and its needs, we are here for the people."—Judge William Gordon

Nora Hillert and Steve Bouley are the court's paralegals. Their duties include legal research for the court and the tribe, drafting resolutions, updating the tribal code, and processing land leases. They are also training to learn the duties of guardian ad litem.

Both Hillert and Bouley are recent additions to the Red Cliff Tribal Court system and are going through a lot of training for their positions as paralegals.

Nancy Gordon is the court clerk with Arlene Basina as her part time assistant.

Their duties include typing of court transcripts, court scheduling, typing correspondence, handling civil forfeitures, and maintaining case files.

Basina also publishes, edits and distributes the Red Cliff Newsletter.

## Federal Court upholds jurisdiction of tribal

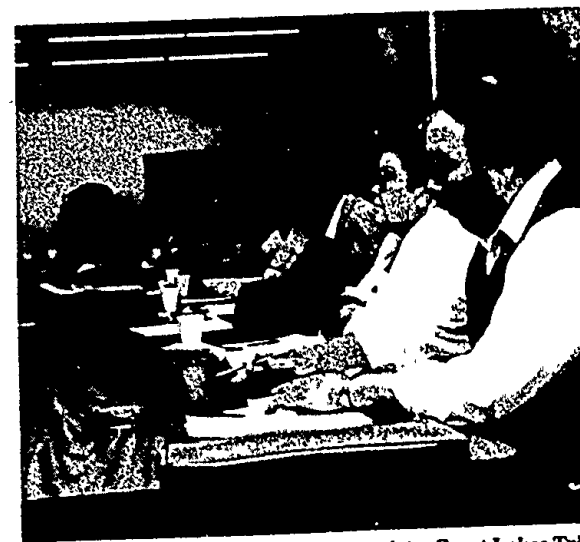
Boulder, CO—On September 20, 1988, in *Twin City Construction Co. v. Turtle Mountain Band of Chippewa Indians*, the United States Court of appeals for the Eighth Circuit issued an opinion upholding a decision of the Turtle Mountain Chippewa Court of Appeals that the Tribal Courts have jurisdiction over a suit by a tribal member against a non-Indian doing business on the Turtle Mountain Reservation.

The non-Indian, Twin City Construction Company of Fargo, North Dakota, had contracted with the Bureau of Indian Affairs to build a school on the Turtle Mountain Reservation. Under a subcontract, Twin City hired a tribal member, Ernest V. Parisien, to do the sewer work. When a dispute over the subcontract arose, Parisien sued Twin City in Tribal Court. While the Tribal Court dismissed for lack of jurisdiction, the Tribal Court of Appeals reversed. Twin City then sought, and obtained, an injunction in federal district court against further proceedings in the Turtle Mountain Tribal Courts.

In its September 20 opinion, the Eighth Circuit court of Appeals reversed the lower federal court's decision and held for the Tribe, ruling on three issues. First, it held that the federal district court had jurisdiction to hear Twin City's challenge to the Tribal Court of Appeals' decision. This was because Twin City alleged that federal law had limited the jurisdiction of the Tribal Court.

Second, the Eighth Circuit held that federal law has not limited the jurisdiction of the Tribal Court over the action against Twin City. This confirmed what the United States Supreme Court held last year in *Iowa Mutual Insurance Co. v. LaPlante*, that tribal courts "presumptively" have jurisdiction over reservation-based civil actions involving non-Indians, "unless affirmatively limited by a specific treaty provision or federal statute." The Eighth Circuit did not find any specific federal law limitations on tribal court jurisdiction.

Third, the Eighth Circuit held that the federal district court had jurisdiction to construe the Tribal Court's jurisdictional statute, but that the district court "was bound, in exercising such jurisdiction, to accept and apply the law on the matter as declared by the highest tribal court." Therefore, the Turtle Mountain Court of Appeals' decision that the Tribal Courts had ju-



Attendees at the 3rd annual conference of the Great Lakes Tribal Judges Association listened to a variety of speakers during the two-day conference. This year's conference was held at Indianhead Mountain Resort, Wakefield, MI, October 3 & 4.

isdiction over the action against Twin City under the Tribal Code, was binding on the federal courts.

"The Eighth Circuit's opinion, especially on the third issue, is a significant victory for Indian tribes," said Melody McCoy, staff attorney for the Native American Rights Fund, which represented the Tribe in the federal court litigation. She went on to say that the

opinion confirms that tribal courts, and therefore tribal governments, are entitled to the same respect as federal courts accord state courts and governments. Under the Eighth Circuit's decision, federal courts must defer to tribal court decisions on issues of purely tribal law just as they would to state court decisions on issues of purely state law. □

# Editor

## Peoples

coyote, the spider, the beavers, and the thunder. Making the earth unsuitable for human and swift and drastic action toward the goal of averting tragedy.

Even humanitarian interests are hampered by the means we see for retaining a livable earth. It is possible if reasons are reinforced by feeling that actions aimed at averting catastrophe, will get results. Subtler emotions live by. Advertisers appeal to these feelings

have a charm that Scientific American articles listening to persons or peoples who have not religious forces. Native American Indians

ive peoples whom we can never fully appreciate. American Indians themselves do not expect to minimal, and the world are not as sharp as they

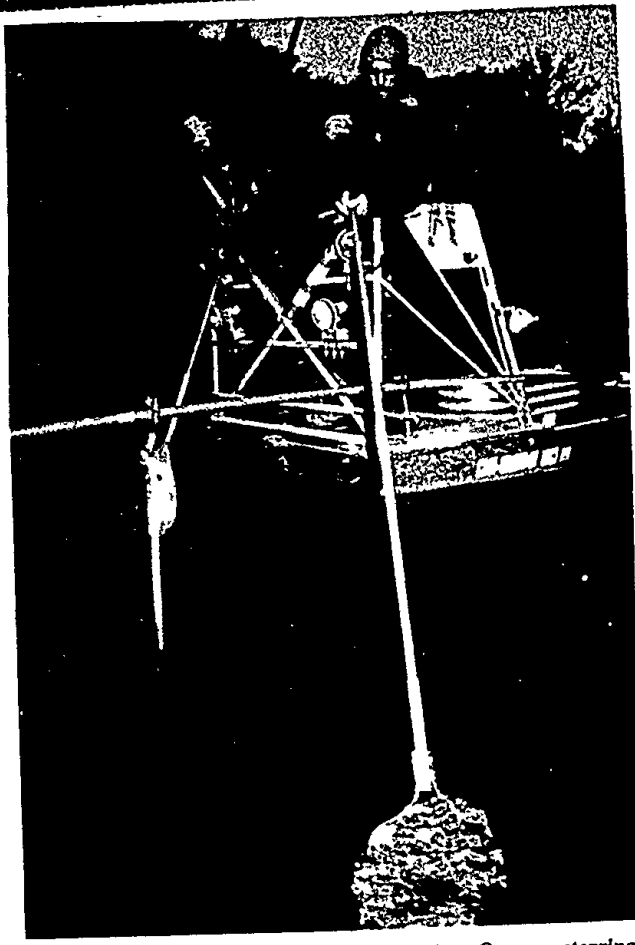
ir various nations and tribes, we can generalize and distinctions were not yet fixed. A being could as well have been human, as easily were. Power, furthermore, flowed through and still has, access to the power. This power,

parateness and set man over all the rest! And of the world became focused in us! For me to at makes me hurt when nature hurts.

at these stories be told more often and to more they put into storytelling at least the amount of

ke into consideration their impact on specific

ciate Professor as Counties Extension



Dale Shively, left, Jack Hamilton, right and Sam Quagon, steering the boat, surveyed lakes in Wisconsin and Minnesota. For further coverage, see page 5.



## Book Reviews

**Fish Decoys of the Lac du Flambeau Ojibway**  
Art and Brad Kimball  
Aardvark Publications, Incorporated  
Post Office Box 252  
Boulder Junction, Wisconsin 54512  
\$19.50 plus postage and handling

Dedicated to the people of Lac du Flambeau, **Fish Decoys of the Lac du Flambeau Ojibway** is an easy reading and very informative book. A good addition to the library of dedicated fishermen and anyone interested in traditions of Native peoples; this book discusses one of the traditional fishing methods of the Ojibwa people, that of winter spearing with the use of decoys. Fish Decoys of the Lac du Flambeau Ojibway talks about the history of winter spearing as well as construction of the decoys, with photos and text covering the individual details of the fish decoys from the jigging sticks to the bending or "tuning" of the fins to get proper action. Especially enjoyable are the many photographs, in color and black and white, showing the details of the fish decoys and methods used in making them. Worth the purchase price, this book is interesting reading and provides an insight into one aspect of the Ojibwa lifestyle.

**WILD RICE and the Ojibwa People**  
Thomas Vennum, Jr.  
Minnesota Historical Society Press  
St. Paul, Minnesota

A well written and researched book, **Wild Rice and the Ojibwa People** takes a look at all aspects of wild rice and ricing. Thomas Vennum, Jr., uses historical accounts, scientific data, and the words of the Ojibwa ricers themselves to provide input into this book. He discusses the processes of gathering and harvesting the grain, from traditional methods to today's technology. With a comparative and economical look at the effects of the technology of the white growers and the production of paddy rice upon the traditional harvesting techniques of the Ojibwa people. The book also reviews the Ojibwa ricing concerns of the past and the present, with overharvests by non-Indians and machines, the treaty rights issues and litigations affecting wild rice gathering by tribal members. Utilizing historical data and narratives of the Ojibwa ricers, Mr. Vennum also explains the cultural, ceremonial, and social aspects of wild rice in its relationship to the Ojibwa people. Wild rice has been a staple of the Ojibwa people for centuries. Now that it has become a gourmet food, technology of white growers and competition for the grain itself has almost eliminated this as a potential economic source and lifestyle for the tribes. However, despite this strong and sometimes harmful competition, wild rice and ricing itself has remained a vital part of the Ojibwa culture and society. Thomas Vennum, Jr. is a senior ethnomusicologist, Office of Folklife Programs, at the Smithsonian Institution and author of *The Ojibwa Dance Drum: Its History and Construction*.

## Letters to the

### A Plea to Native Americans

**Dear Editor:**  
My plea to Native American peoples is that they share with the rest of us derbirds. Listening to these and other traditional stories, I believe, can help. It is clear by now that we cannot go on damaging the environment at the other life. If pure ideas, reasons, impelled humans, this knowledge alone averting tragedy.  
The pure idea of a goal, however, has to be reached by concrete, practical earth are in conflict with the means which seem necessary for other human improving the environment rule out some of the activities which are aimed by the fact that the means for improving the environment require sacrifices. To prefer activities which work for the environment rather than those vings, by emotions. The strongest emotions, such as fear in the face of immitions, nevertheless, also work as motivators. Such are the feelings we have all the time, why shouldn't people who are concerned about the environment. Two kinds of feeling come to mind. The one is that of poets and artists. do not have. Rachel Carson touched the hearts of many people. The other lost their sense of nature. The attitude of St. Francis of Assisi, for instance, as peoples can also teach others how to feel the value of nature.  
In order to feel this value we descendants of immigrants should not try to ciate. Nor should we hope for a return to an earlier and simpler state of nature again. Rather, we should learn what it means to feel that the distinction seem to be, and the differences between them are not as great as we thought. With apologies to Native Americans for glossing over the specific difference by saying that each looks back to a time in the formation of the world, could then as easily be an animal as a human, as easily a human as an animal human as an animal. Even the stones could as well have been something of this world-in-flux, and although man turned out to be the puniest of all creatures furthermore, travels to him from nature, not from him to nature.  
How different this is from the concept that God created plants, animals, how easily it can exist alongside scientific notions of how the indetermin accept this native worldview is to find deep down within myself an appreciation. The Native American worldview is taught in the myths, the traditional people than they have until now. I respectfully suggest to the Native American effort which they have been putting into dancing and into demonstrating t

Sincerely,  
Paul Tutwiler

**Dear Editor:**  
Jon Gilbert's article on beaver was well thought out. The relationship of other species is well taken. However, I believe resource managers must take into consideration ad streams. Our cold water resources, particularly Class I trout streams, are fixed. more, the stream miles of Class I trout waters are small when compared to systems. My caution and concern is that if Class I self-sustaining brook trout w sponse is stocking, either with brown trout (a form of species pollution) or Either management response leaves the original resource somewhat ta While we enjoy habitats created by beaver activity for the diversity the natural habitats that exist.

Respectfully,  
Kenneth C. Resource University

## BIA contract si

**ASHLAND**—On September 20, 1988 officials from eight Wisconsin tribes met at the Great Lakes Agency of the Bureau of Indian Affairs, Ashland to sign contracts for the upcoming year's programs. A total of \$3,704,083 million in contract dollars was awarded to ten Wisconsin tribes for FY89 contracts/grants. These monies are primarily "banded," or for Indian Priority Programs, according to Frank Larson, supervisory field service representative, Great Lakes Agency, Bureau of Indian Affairs. A large portion of those FY89 contract dollars are directed towards educational programs, including Higher Education, Johnson O'Malley, and Adult Vocational Training/Direct Employment. Other priority programs identified by the tribes included tribal courts and housing improvements. According to Larson the FY89 award amounts did reflect program dollar decreases as a result of



Pictured above, from the left, are: Lloyd Spotted Wolf, contracting officer; Joseph Mooney, education specialist, Great Lakes Agency; Patricia, chairwoman; and Purcell Powless, Oneida tribal chairman.

# Thanksgiving



# Happ



## No tax on tribal fishing income

(Reprinted from FCNL Indian Report)

On June 20 the House of Representatives passed H.R. 2792, a bill to clarify that income tax laws do not apply to income derived by individual Indians and Indian-owned entities from the exercise of fishing rights protected by treaty, congressional act or executive order.

H.R. 2792 is similar to S. 727, passed in May, 1987, by the Senate. On June 21, however, the House passed a "sense of the House" resolution, which declared that Senate adoption of S. 727 had infringed upon the privileges of the House to originate revenue legislation. Therefore, passage of S. 727 by the Senate was essentially invalidated. The language of H.R. 2792 was folded into a big tax bill by the Senate Finance Committee in early August. Final passage of the measure is in question this fall. The bill is reprinted below.

## Indian Fishing Rights

### SEC. 3041. FEDERAL TAX TREATMENT OF INCOME DERIVED BY INDIANS FROM EXERCISE OF FISHING RIGHTS SECURED BY TREATY, ETC.

(a) GENERAL RULES.—Subchapter C of chapter 80 of the 1986 Code (relating to provisions affecting more than one subtitle) is amended by adding at the end thereof the following new section:

#### "SEC. 7873. INCOME DERIVED BY INDIANS FROM EXERCISE OF FISHING RIGHTS.

##### "(a) IN GENERAL.—

"(1) INCOME AND SELF-EMPLOYMENT TAXES.—No tax shall be imposed by subtitle A on income derived—

"(A) by a member of an Indian tribe directly or through a qualified Indian entity, or

"(B) by a qualified Indian entity, from a fishing rights-related activity of such tribe.

"(2) EMPLOYMENT TAXES.—No tax shall be imposed by subtitle C on remuneration paid for services performed in a fishing rights-related activity of an Indian tribe by a member of such tribe for another member of such tribe or for a qualified Indian entity.

##### "(b) DEFINITIONS.—For purposes of this section—

"(1) FISHING RIGHTS RELATED ACTIVITY.—The term 'fishing rights-related activity' means, with respect to an Indian tribe, any activity directly related to harvesting, processing, or transporting fish harvested in the exercise of a recognized fishing right of such tribe or to selling such fish but only if substantially all of such harvesting was performed by members of such tribe.

"(2) RECOGNIZED FISHING RIGHTS.—The term 'recognized fishing rights' means, with respect to an Indian tribe, fishing rights secured as of March 17, 1988, by a treaty between such tribe and the United States or by an Executive order or an Act of Congress.

"(3) QUALIFIED INDIAN ENTITY.—

"(A) IN GENERAL.—The term 'qualified Indian entity' means, with respect to an Indian tribe, any entity if—

"(i) such entity is engaged in a fishing rights-related activity of such tribe,

"(ii) all of the equity interests in the entity are owned by qualified Indian tribes, members of such tribes, or their spouses,

"(iii) except as provided in regulations, in the case of an entity which engages to any extent in any substantial processing or transporting of fish, 90 percent or more of the annual gross receipts of the entity is derived from fishing rights-related activities of one or more qualified Indian tribes each of which owns at least 10 percent of the equity interests in the entity, and

"(iv) substantially all of the management functions of the entity are performed by members of qualified Indian tribes.

For purposes of clause (iii), equity interests owned by a member (or the spouse of a member) of a qualified Indian tribe shall be treated as owned by the tribe.

"(B) QUALIFIED INDIAN TRIBE.—For purposes of subparagraph (A), an Indian tribe is a qualified Indian tribe with respect to an entity if such entity is engaged in a fishing rights-related activity of such tribe.

##### "(c) Special Rules.—

"(1) DISTRIBUTIONS FROM QUALIFIED INDIAN ENTITY.—For purposes of this section, any distribution with respect to an equity interest in a qualified Indian entity of an Indian tribe to a member of such tribe shall be treated as derived by such member from a fishing rights-related activity of such tribe to the extent such distribution is attributable to income derived by such entity from a fishing rights-related activity of such tribe.

"(2) DE MINIMIS UNRELATED AMOUNTS MAY BE EXCLUDED.—If, but for this paragraph, all but a de minimis amount—

"(A) derived by a qualified Indian tribal entity, or by an individual through such an entity, is entitled to the benefits of paragraph (1) of subsection (a), or

"(B) paid to an individual for services is entitled to the benefits of paragraph (2) of subsection (a), then the entire amount shall be entitled to the benefits of such paragraph."

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter C is amended by adding at the end thereof the following new item: "Sec. 7873. Income derived by Indians from exercise of fishing rights."

### SEC. 3042. STATE TAX TREATMENT OF INCOME DERIVED BY INDIANS FROM EXERCISE OF FISHING RIGHTS SECURED BY TREATY, INC.

Section 2079 of the Revised Statutes (25 U.S.C. 71) is amended by adding at the end thereof the following new sentence: "Such treaties, and any Executive orders and Acts of Congress under which the rights of any Indian tribe to fish are secured, shall be construed to prohibit (in addition to any other prohibition) the imposition under any law of a State or political subdivision thereof of any tax on any income derived from the exercise of rights to fish secured by such treaty, Executive order, or Act of Congress if section 7873 of the Internal Revenue Code of 1986 does not permit a like Federal tax to be imposed on such income."

### SEC. 3043. CONFORMING AMENDMENTS RELATING TO COVERAGE UNDER OLD-AGE, SURVIVORS AND DISABILITY INSURANCE PROGRAM.

(a) EXCLUSION FROM WAGES OF INCOME DERIVED BY INDIANS FROM EXERCISE OF FISHING RIGHTS.—Section 209 of the Social Security Act (42 U.S.C. 409) is amended—

(1) in subsection (r), by striking out "or" at the end;

(2) in subsection (s), by striking out the period and inserting in lieu thereof "; or"; and

(3) by inserting after subsection (s) the following new subsection:

"(t) Remuneration consisting of income excluded from taxation under section 7873 of the Internal Revenue Code of 1986 (relating to income derived by Indians from exercise of fishing rights)."

(b) EXCLUSION FROM NET EARNINGS FROM SELF-EMPLOYMENT OF INCOME DERIVED BY INDIANS FROM EXERCISE OF FISHING RIGHTS.—Section 211(a) of such Act (42 U.S.C. 411(a)) is amended—

(1) in paragraph (12), by striking out "and" at the end;

(2) in paragraph (13), by striking out the period and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (13) the following new paragraph:

"(14) There shall be excluded income excluded from taxation under section 7873 of the Internal Revenue Code of 1986 (relating to income derived by Indians from exercise of fishing rights)."

(c) CROSS-REFERENCES IN SECA AND FICA TO APPLICABLE INDIAN FISHING RIGHTS PROVISIONS.—

(1) SECA.—Subsection (a) of section 1402 of the 1986 Code (relating to net earnings from self-employment) is amended by striking out "and" at the end of paragraph (13), by striking out the period at the end of paragraph (14) and inserting in lieu thereof "; and", and by inserting after paragraph (14) the following new paragraph:

"(15) in the case of a member of an Indian tribe, the special rules of section 7873 (relating to income derived by Indians from exercise of fishing rights) shall apply."

(2) FICA.—Subsection (a) of section 3121 of the 1986 Code (relating to wages) is amended by striking out "or" at the end of paragraph (19), by striking out the period at the end of paragraph (20) and inserting in lieu thereof "; or", and by inserting after paragraph (20) the following new paragraph:

"(21) in the case of a member of an Indian tribe, any remuneration on which no tax is imposed by this chapter by reason of section 7873 (relating to income derived by Indians from exercise of fishing rights)."

### SEC. 3044. EFFECTIVE DATE; NO INFERENCE CREATED.

(a) EFFECTIVE DATE.—The amendments made by this subtitle shall apply to all periods beginning before, on, or after the date of the enactment of this Act.

(b) NO INFERENCE CREATED.—Nothing in the amendments made by this subtitle shall create any inference as to the existence or nonexistence or scope of any exemption from tax for income derived from fishing rights secured as of March 17, 1988, by any treaty, law, or Executive Order.

## Congress approves more Columbia River Treaty Indian fish sites

On November 2, 1988, President Reagan signed into law H.R. 2677, which includes provisions for additional Columbia River treaty Indian fishing access sites. The additional sites help fulfill a commitment the United States government made to the Yakima, Warm Springs, Umatilla and Nez Perce treaty tribes 50 years ago to provide lands for treaty fishing in lieu of the traditional fishing sites that were flooded due to the construction of Bonneville Dam.

The legislation, which was sponsored by Senator Dan Evans (R-Wash.), designates certain federally owned lands between Bonneville and McNary dams (Zone 6) for treaty fishing access sites. There are 23 federally owned sites identified on maps accompanying the legislation, and these lands are to be improved by the Corps of Engineers and then transferred to the Bureau of Indian Affairs (BIA) for management and maintenance. Representatives of the tribal governments identified these sites, most of which have been used or are being used by tribal fishermen. At a hearing last April, the sites identified by the tribes were presented to the Senate Select Committee on Indian Affairs in a briefing book prepared by The Columbia River Inter-Tribal Fish Commission (CRITFC) at the request of Senator Evans, Vice-Chairman of the Committee. It was during the April hearing that the Corps of Engineers indicated that legislation was required to fulfill the United States' 50-year-old

commitment to the tribes that reserved fishing and other rights in 1855 treaties.

The legislation also authorizes the Corps to acquire from willing sellers at least six additional sites between Bonneville and The Dalles dams for in-lieu sites. The acquisitions will occur after consultation with the tribal governments and the BIA. After these sites have been acquired and improved, the sites will be transferred to the BIA for management and maintenance. This designation and acquisition of additional treaty fishing access sites will also assist the planning effort for the Columbia Gorge National Scenic Area.

"We are very pleased that Congress has finally acted to provide additional fishing access sites, which we were promised half a century ago," said Rod Cowapoo, chairman of CRITFC and the Umatilla Fish and Wildlife Committee. "We especially appreciate the efforts of Senator Evans, Senator Mark Hatfield and Congressman Peter DeFazio."

"The treaty tribes are instrumental in the ongoing restoration of upriver salmon and steelhead runs, but we need more access sites to fish the improved runs," said Levi George, Chairman of the Fish and Wildlife Committee of the Yakima Indian Nation. "We desperately needed to get more fishing access sites before construction of wind-surfing facilities precluded the government from being able to provide the promised fishing access sites."



Alan Neveaux, GLIFWC warden supervises Zina McGeshick as she sights in on the shooting range during the Mole Lake hunter safety class. All students in the class successfully passed the course.

## FDL highlights natural resource education

Muskrat house counts and deer pellet counts don't seem like very exciting ways to spend a day, but that is what students at the Fond du Lac Natural Resources Technician School do as part of their training, according to Bob Fedeler, instructor at the school.

Fondly referred to as "Alaska Bob" by his co-workers, Bob is proud of both the school, which is just beginning its second year of operation, and the 14 students enrolled in the 2-year natural resource technician program.

Students have worked with Larry Schwarzkopf, Natural Resources Manager for Fond du Lac, to learn how to collect samples for mercury contamination estimates.

do lake surveys, stream surveys and wildlife population estimates.

Part of the training is the development of a lake survey plan, in which the students are given a particular lake to develop a survey plan for, then actually do.

Students at the school also learn the research and file side of the technician's job. Classroom work involves aging fish and animals, and, of course, book work along with learning how to handle a computer.

The school also plans to have students do study time on rearing ponds which are currently being built as part of a tribal fish hatchery project, and hopes to arrange for students to work with the University of Minnesota-St. Paul seniors doing wildlife research on deer, wild rice, and fisheries.

The school hopes to, eventually, enable tribal members to fill natural resource technician positions in Indian country and convince some students into continuing on with their education towards a natural resource biologist degree. □

Bob Fedeler, instructor, (left) and Larry Schwarzkopf, FDL natural resource manager look on as natural resource technician students work on school projects.



