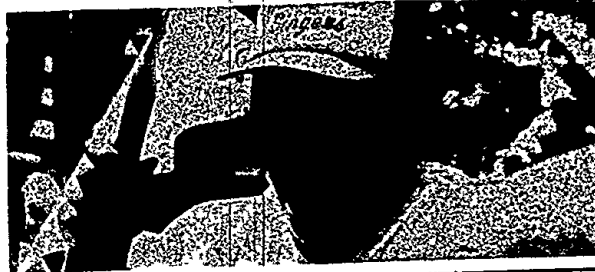


Been missing MASINAIGAN? Sorry! We've been so busy with informational booths, speaking engagements and our annual conference through the summer that we've fallen behind with the paper. We hope to get back on schedule through the winter.



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# MASINAIGAN



A CHRONICLE OF  
THE  
LAKE  
SUPERIOR  
CHIPPEWA

Fall 1989



The "Walk for Peace and Justice" was one response triggered by racial harassment and violence during spearfishing season this spring. Above, supporters approach the Capitol building in Madison, having successfully relayed a pipe from Lac du Flambeau. (Story on page 8)

## Tribal deer harvest safe and successful

by Jonathan Gilbert  
GLIFWC Wildlife Biologist

The 1989 Off-Reservation Treaty Deer Hunting Season past the mid-way point at the end of October. This is the seventh off-reservation deer hunting season since the original ruling in the Voigt Decision. The implementation of off-reservation deer hunting rights has undergone much modification based on the learning experiences of the past seasons. We have found a system which satisfies the hunter, the biologist and the warden.

The tribal permit and registration system provides a great deal of opportunity and flexibility to the tribal hunter. Tribal deer hunters have become used to the system and because of this familiarity are going off the reservation in greater and greater numbers to hunt. In 1988, the most tribal deer hunters ever (2244) participated in the off-reservation hunt. There have been virtually no complaints from the hunters regarding the system, except for a few deer management units closing prior to the end of the season. With our increased knowledge of tribal harvest pressure the Tribes should be able to secure adequate numbers of deer to meet their needs in the future.

Mandatory tagging and registration of all deer harvested and the permit system which serves to con-

trol the harvest of antlerless deer satisfies the need of biologists to accurately account for the number and location of all deer harvested. This accounting of the deer harvest is the corner stone of Wisconsin's deer management system which serves to ensure the continuation of the white tailed deer resource for the enjoyment of the Indian and non-Indian alike.

The off-reservation deer hunt is a safe and enforceable hunt. In the 6 years of treaty deer hunting there has never been a single hunting accident, a record of which we are proud. Continued safe hunting practices and the increased participation in hunter safety classes by Chippewa children will ensure that the hunt remains safe.

As of October 30, 1989 a total of 1610 deer have been registered by tribal members. The Lac du Flambeau registration station leads the way with 713 deer. Lac Courte Oreilles is next with 428, Mole Lake has registered 164, Bad River 135, Red Cliff 88, St. Croix 51 and Mille Lacs 31.

This harvest total is within 4 deer of the harvest total in 1988. The month of November has traditionally been the most popular hunting month with more than half the harvest coming during this time. If the current trend continues, the final deer harvest of 1989 should be very close to that of 1988 (3370 deer).

## GLIFWC conference hosts state legislators

**EDITOR'S NOTE:** The next issue of Masinaigan will have more in-depth coverage of the GLIFWC 6th Annual Conference. This issue is slated to be available at the end of the year.

For the first time, GLIFWC came south with its annual conference which has previously been held within the ceded territories. Targeting both the state's political leaders and educators, the conference was set at Inn on the Park, Madison from October 11-13.

Entitled "Facts and Fictions of Chippewa Treaty Rights" the conference drew approximately 170 people attended, many of those involved in education.

The highlight of the conference was the panel on "Potentials of Co-Management The Northwest Story." A group from the Washington State area, including representatives from the Northwest Indian Fish Commission and the Columbia River Fisheries Commission, both Native American groups; Trout Unlimited, a national sports-fishing organization; and the State of Washington Department of Fisheries spoke on the success of state/tribal co-management of the resources in the Northwest.

These speakers were also invited to meet with State Representative Frank Boyle and other legislators to discuss the concept of co-management in a session following a legislative reception at the hotel. Discussion centered on the process which led to successful cooperative management.

Following the panel on co-management, GLIFWC held a reception for the state legislators and the Wisconsin tribal leaders, giving both groups the opportunity to meet on a



A legislative reception at the Inn on the Park followed the first day of GLIFWC's 6th Annual Conference held in Madison. Above center, Don Wedll, Mille Lacs and Gaiashkibos, Lac Courte Oreilles, dish up from a table spread with traditional Chippewa foods.

more personal basis to discuss tribal issues and the co-management theory while enjoying Wisconsin Native American cuisine.

The second day of the conference began with consecutive panels on an overview of treaty rights and tribal resource management. The afternoon session was presented as an opportunity for more concise information with breakout sessions on topics ranging from tribal sovereignty, to Chippewa traditions, to promotion of understanding in the schools.

The second day ended with the

Commission's annual conference banquet, with Ada Deer, noted lecturer with the University of Wisconsin-Madison, as the banquet speaker.

Issues related to social problems and treaty rights were the topic of the third and final day of the conference. Speakers focused on identifying the complex social issues as they intertwined with the exercise of Chippewa treaty rights and have resulted in overt displays of racism in northern Wisconsin.

Of particular interest was the presentation by Leonard Zeskind,

Center for Democratic Renewal, Kansas City, MO, who talked about white rights' movements both in the state and nationally.

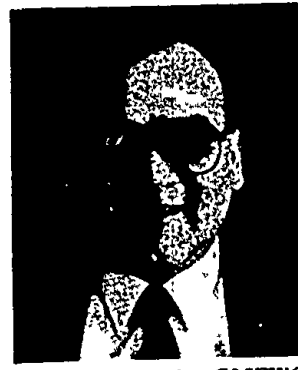
Educators, ministers, tribal leaders, and political leaders joined together to discuss not only the problems but the possible solutions.

While extensive amounts of material was covered in the course of the conference, it received glowing comments from participants, many who felt they came away with a much greater insight into an issue which has vitally affected the state over the past several years.

## Safety issues and Gov's presence critical to state-tribal meeting



Governor Tommy Thompson.



James H. Schlender, GLIFWC executive director.

In a response to an invitation to meet with state leadership to discuss cooperative management as experienced in the state of Washington, the GLIFWC's Executive Director James Schlender stressed the need for the Governor's participation in the meeting and the issue of safety as "a preliminary issue for discussion."

Following the October 25th Lac du Flambeau tribal referendum which rejected a proposed settlement between the Tribe and the State, several Wisconsin leaders proposed a meeting with tribal leaders.

However, tribal leaders who were invited to meet were confused when learning that Governor Thompson, who proposed the meeting, plans to be out of the country at the time.

A letter, signed by Governor Tommy Thompson, Senator Bob Jauch, Representative Jim Holperin and Representative Frank Boyle, suggested a tentative meeting date of November 15 at Telemark Lodge, Cable "to discuss the success of the Washington model and its possible application here in Wisconsin."

The "Washington model" is in reference to the implementation of cooperative management between

state, federal and tribal resource management agencies in regard to the fishery.

Schlender responded to the Governor in a letter dated November 8, indicating a positive response on the part of many tribal leaders towards discussing cooperative management.

However, Schlender stated that the Governor's attendance would be critical. "Your presence at such a meeting is crucial to insure tribal representation at the highest level. I understand you will be out of the country on the date you have proposed for the meeting."

Schlender also noted tribal leadership's willingness to discuss the "enviable degree of cooperation achieved in Washington state" which had also succeeded in achieving an abate of violence against tribal members exercising treaty rights.

The letter remarked on various instances of cooperative management as it is already occurring in Wisconsin and the need for greater cooperation "as we proceed with the implementation of stipulations reached in the ongoing litigation."

Schlender states that a response from the Governor will be awaited before the proposed meeting is confirmed.

## Moore heads Commission board

Donald Moore, Bad River Tribal Chairman, was elected chairman of the Great Lakes Indian Fish & Wildlife Commission's governing board during the board's annual meeting in October. Moore succeeds Michael Allen, Lac du Flambeau Tribal Chairman.

Moore views the role of the Commission as critical while tribes, each with separate and varying needs, seek to maintain and implement their treaty rights and exercise self-determination.

As Chairman, Moore says he will emphasize the "need for strong and consistent government-to-government relations between Chippewa bands and state and federal agencies."

More also feels "tribal solidarity needs to be continually enhanced as controversial issues are sorted

through." He views the Commission's role as instrumental in promoting that unity.

The Great Lakes Indian Fish and Wildlife Commission Board of Commissioners is comprised of representatives of the Great Lakes Indian Fish and Wildlife Commission's thirteen member tribes and is the policy-making body of the Commission.

The actions of the Board of Commissioners are based on recommendations from three standing committees: the Lakes Committee, the 1854 Committee (MN) and the Voigt Inter-Tribal Task Force.

The committees reflect varying interests of tribes in the implementation of treaty rights: the Lake Superior commercial treaty fishery and the exercise of inland hunting, fishing and gathering activities.



Donald Moore, Chairman of the GLIFWC Board of Directors.

# Brown seeks tribal input during midwest tour

Dr. Eddie Brown, newly appointed Assistant Secretary, Department of Interior, Bureau of Indian Affairs, toured midwest tribes this fall, stopping at the Great Lakes Indian Fish & Wildlife Commission offices in Olanah, WI as well as the Red Cliff and Bad River Reservations.

Brown described the purpose of his tour as fulfilling a commitment to developing better communications and understanding between Washington and the nations' reser-

ations. He spoke several times of the need to lift the curtain which separates national government from the tribes.

Speaking at a four state assembly of tribes in Superior, Brown stated that he needed to meet with tribal leaders on their home turf in order to better understand the individual needs and concerns of tribes.

Brown reiterated his support of tribal self-determination and the need to continue strengthening government-to-government rela-

tionships with the tribes.

Planning, he noted, should not come from the government down to the tribes, but rather should be a result of identifying priorities from the tribes themselves and cooperative planning between the federal and tribal governments.

Devising an all encompassing plan in Washington which can meet the varying individual needs of tribes is not feasible, according to Brown. "We cannot impose policies that will work the same in all cases. We need to be flexible and responsive to individual tribes," Brown stated.

Areas which Brown identified for emphasis included Indian education, economic development, support for tribal community infrastructure, and trust responsibilities and natural resources management.

In the area of Indian education, Brown stressed the need to improve school's accountability to Indian parents and communities and greater parent involvement. Brown also expressed the need to improve early childhood education.

In regard to economic development, Brown states that federal resources should be used to enable tribes to initial and control economic development on tribal lands. He feels that federal dollars used to subsidize direct and indirect costs of federal programs on reservations would be better used towards eco-



Ready to meet the press while visiting Red Cliff Dr. Eddie Brown, Assistant Secretary of the Interior (center) chats with Red Cliff Tribal Chairman Dick Gurnoe (left) and Bayfield County Board Chairman Thomas Gordon.

omic development projects.

The federal government should also support tribes in attracting private capital for economic development efforts, through tax incentives, tailored training for tribal workers and offering direct and guaranteed loans for business start-up costs and working capital.

Attraction of investors to Indian communities is not feasible if the communities themselves lack stable infrastructures, Brown says.

Therefore, support of tribes in developing sound roads, utility systems, housing, schools and human services programs in Indian communities is another role of the Department.

In the area of trust responsibility and natural resource management, Brown expressed a commitment to secure and protect Indian rights and resources "to the highest degree of fiduciary standards.

Brown says he will seek to im-

prove the the Bureau's resource management capabilities through recruitment of natural resource trust protection officers and will work with other federal agencies in order to promote a better understanding of their trust responsibilities towards Indian tribes.

He emphasized the need for the Bureau to support tribes in developing and implementing more effective resource management plans.



Dr. Eddie Brown, Assistant Secretary of the Interior, Bureau of Indian Affairs, addresses a 4-state inter-tribal gathering at Barker's Island, Superior, WI.

# New tribal chairmen elected



Galashkibos, Lac Courte Oreilles.



Eugene Taylor, St. Croix.



Richard Gurnoe, Red Cliff.

# Historians offer different view of Thanksgiving

By Christine Javid Wisconsin Week

Soon families will be gathering to give thanks around tables with centerpiece turkeys, while many Native Americans will be grieving for 700 ancestors who were slaughtered over 350 years ago.

"There's some historical evidence that the first Thanksgiving is not the way most people view the holiday," said Frances Steindorf, UW-Madison. He is also a member of the Winnebago Tribe.

According to Ruth Gudinas, a multicultural curriculum specialist with the Madison School District, there probably never was a friendly feast uniting the Pilgrims and Indians at Plymouth Colony. Instead, the Pequot Tribe were celebrating their annual green corn dance when they were gunned down or burned alive, she said.

The first Thanksgiving, according to common belief, allegedly took place in 1621 after a bountiful harvest, thanks to the help of the gracious Natives.

"But William Bradford, the second governor of the colony, whose journal is the most reliable primary source for the colony's history,

never mentions it," says Gudinas. There are other references to eating together, but no evidence of these gatherings being a first, she says. In fact, the next 100 Thanksgivings, according to her research, were held to commemorate the massacre of 700 men, women and children which took a little more than 30 minutes.

Captain Mason, who led his band of Pilgrims in the slaughter, believed the mass killings were divinely ordained, a common Puritan belief at the time. "Full credit was given to his God who had laughed his Enemies and the Enemies of his People to Scorn, making them as a fiery Oven... Thus did the Lord judge among the Heathen, filling the Place with dead Bodies," writes Mason in his journal.

The myth of harmony between the Pilgrims and the Indians probably stems from a letter written in the winter of 1621. It was specially crafted by a man named Winslow to lure more English to the new country, since more than half of their population had already died.

"We have found the Indians very faithful in their covenant of peace with us... And we for our parts walk as peaceably and safely

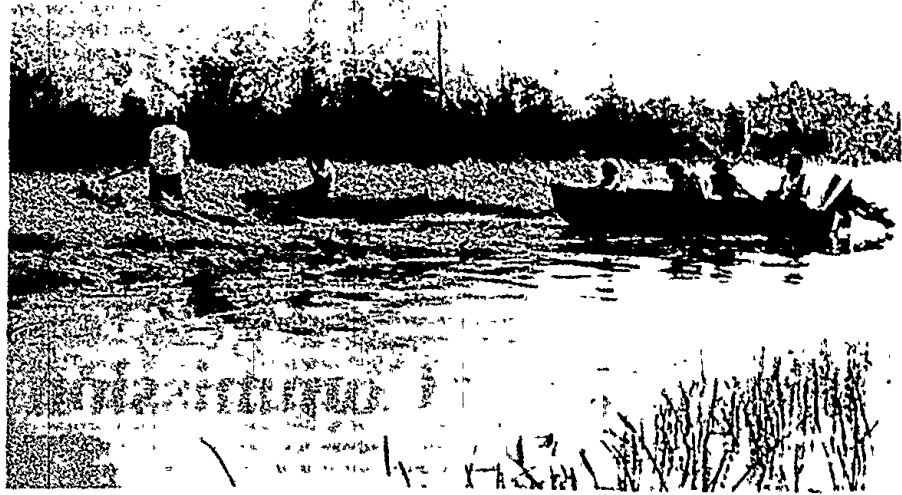
in the wood as in the highways of England. We entertain them familiarly in our houses, and they as friendly, bestowing their venison on us. They are a people without any reason any religion or knowledge of God, yet very trusty, quick of apprehension, ripe-witted, just. The men and women go naked, only a skin about their middles," he wrote.

Gudinas and a Native American colleague, Dorothy Davids have developed a curriculum for teachers to help replace the romantic myths of Thanksgiving. It is also intended to dispel stereotypes.

Steindorf says he considers the concept of giving thanks on one day as "silly" because Native Americans are taught to give thanks to God every day.

Alan Caldwell, a Menominee Indian, feels that correcting the historical record of Thanksgiving will help to impress upon teachers that "Indians are not just around at Thanksgiving." Caldwell is an education specialist with the DPI.

Separating fact from fiction will not destroy a comfortable myth, they say, but instead will preserve the spirit of Thanksgiving by letting us truly appreciate the Native Americans.



The American Indian Studies Committee held hearings on the Bad River Reservation this summer. Discussion centered on pro-active steps to mitigate problems through education. Discussions relating to education and economic development were aired by those who gave testimony. Committee members were given a tour of the Kakagon Sloughs at Bad River. Above they observe wild ricing in process.

Happy Thanksgiving from  
the Great Lakes Indian Fish and  
Wildlife Commission staff



# Summer netting harvest small

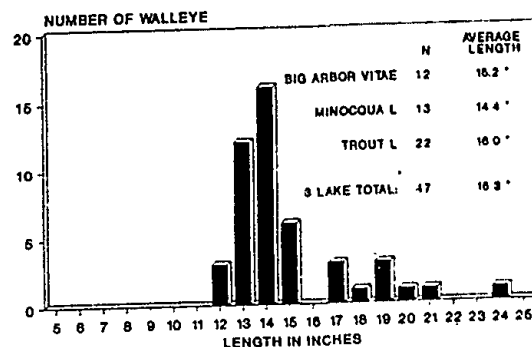
## Results of off-reservation gill-netting during 1989

LAKE:	Minocqua	Trout	Minocqua	Big Arbor Vitae	Total
COUNTY:	Oneida	Vilas	Oneida	Oneida	
DATE:	June 16	June 30	July 1	July 2	
MESH SIZE:	3 inch	3 inch	3 inch	3 inch	3 inch
LENGTH OF NET:	600 feet	600 feet	600 feet	600 feet	2400 feet
HARVEST:					
Walleye	0	22	13	12	47
Cisco	72	0	104	0	176
Muskellunge	0	0	1*	0	1
Rock Bass	0	4	0	0	4
Yellow Perch	0	2	0	0	2
Sucker	0	8	1	0	9
AVERAGE LENGTH:					
Walleye		16.0	14.4	15.2	15.3
Cisco	12.3		12.4		12.38
CPE: #/100 FEET					
Walleye	0.0	3.7	2.2	2.0	2.0
Cisco	12.0	0.0	17.3	0.0	14.7**

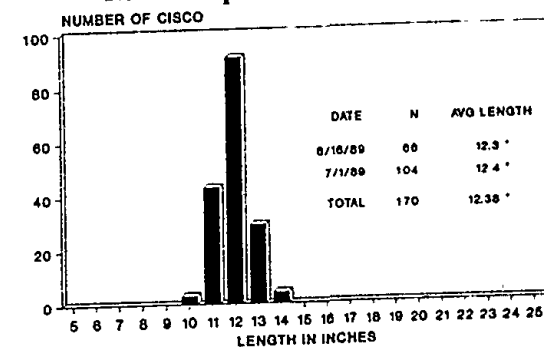
\* = Fish was released alive.

\*\* = Calculated for Minocqua Lake only.

### 1989 Gill Netting 3 Lake Total: Walleye



### 1989 Gill Netting Minocqua Lake: Cisco



Members of the Lac du Flambeau Band of Lake Superior Chippewa Indians exercised gill-netting on several lakes where tribal quotas for walleye remained.



Protestors resumed their posts during an evening of gill-netting this summer.



Gill-netting brought a few protestors on land and water.

# Resolutions support treaty rights

## City of Minneapolis Resolution

Recognizing Treaty Rights, especially hunting and fishing rights of the Chippewa people in northern Minnesota and Wisconsin.

WHEREAS, the City of Minneapolis recognizes Treaty Rights as the supreme law of the land as proclaimed in Article 6, Section II of the United States Constitution; and

WHEREAS, the United States and the various Indian Nations have entered into a series of Treaties, many of which contain provisions guaranteeing the natural rights of signatory Tribes to hunt, fish, and harvest wild rice on lands ceded by the Tribes to the United States; and

WHEREAS, the Chippewa Nations located in Northern Minnesota and Wisconsin and their members, including members who reside within Minneapolis have a right to protect these rights without interference from private and/or governmental intrusion; and

WHEREAS, the United States District Court for the Northern District of Wisconsin and the United States Court of Appeals for the Seventh Circuit have in a series of decisions upheld Treaty Rights of the Chippewa People; and

WHEREAS, these are necessary to maintain cultural identity and sovereignty of Indian Nations; and

WHEREAS, it is essential that citizens of Minneapolis and the City Council insure that these constitutionally guaranteed rights are upheld; and

WHEREAS, the Minneapolis City Council recognizes that treaties made between Indian Nations and the United States government (on a government to government basis) prior to 1871 are still in force and effect;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MINNEAPOLIS:

That Treaty Rights, especially hunting and fishing rights of the Chippewa peoples in northern Minnesota and Wisconsin, be given the recognition to which they are entitled.

(The above resolution was passed by the City of Minneapolis on May 26th.)

## National Congress of American Indians Resolution

WHEREAS, the treaty and sovereign rights of the Lake Superior Chippewa Indians of Wisconsin, and all other Indian Nations and Tribes in Wisconsin, are being threatened and challenged, and

the State of Wisconsin, in the lawful exercise of their rights, have experienced and have been subjected to the most vile and overt forms of Racism, and

WHEREAS, the Lake Superior Chippewa, carrying the sacred Pipe, has joined Treaty Rights support groups, Honor and other Religious Groups, in a spiritual walk for Peace and Justice, from the Lac du Flambeau Reservation to Madison, Wisconsin, culminating at the State Capitol on June 24, 1989; to call attention to the Racism directed against Chippewa spearfishing.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Committee, of the National Congress of American Indians assembled during the National Congress of American Indians Mid Year Conference, this twenty-second day of June, in Tampa, Florida, does hereby support this spiritual walk for Peace and Justice and condemns the racism directed against the Indian Peoples; and,

BE IT FURTHER RESOLVED that the National Congress of American Indians, Executive Committee, reiterates the unequivocal support for the treaty and sovereign Rights of Lake Superior Chippewa Indians and all Indian Nations and Tribes throughout this land.

(Adopted by the National Congress of American Indians Executive Committee, June 22, 1989, Tampa, Florida)

# First time for fall spearing

## Quota taken on Round Lake

On October 7th tribal spearkers from three Reservations (Bad river, Red Cliff, and Lac du Flambeau) travelled to Round Lake in Price County. The lake had been opened for spearing by the Bad River Tribe but members from other tribes were welcome to spear using permits issued by Bad River. This marked the first time in over a century that fall spearing had occurred in an off-reservation lake.

Since no fish had been harvested from Round Lake by Bad River members during spring, their tribal quotas remained at 95 for walleye and 3 for muskellunge. Upon arriving at the designated boat landing a count was made of all persons interested in spearing. The tribal walleye quota was then partitioned among members by setting the bag limit at 5 fish per permit.

All 95 walleye were taken by 17 spearkers in 11.6 boathours of effort. Average length was 13.4 inches (range: 8.8-18.4 inches).

Pike Lake which is connected by a navigable channel to Round Lake, was also named for spearing. However, following what was viewed as a successful harvest on Round Lake, tribal spearkers elected not to harvest the remaining 167 walleye from Pike Lake.

On the following evening, 16 spearkers from two reservations met at Lake Namekagon in Bayfield County. Since a walleye population estimate had been conducted during 1989 by the Wisconsin Department of Natural Resources, the tribal quota was adjusted using this current year information. After subtracting out the number of fish taken during spring (369), the remaining quota for Bad River was 1,690 walleye.

Harvest was down from the previous night. Spearkers reported that water was "greenish" indicating that an algal bloom was in progress. This likely affected visibility and the catch rate. A total of 5 walleye were taken in 11.5 boat-hours of effort. Average length was 14.0 inches (range: 10.9-20.6 inches). In addition, 3 northern pike (21.6-25.9 inches) were speared.

GLIFWC wardens and creel clerks were present to enforce tribal regulations and monitor the harvest. Rules governing fall spearing are identical to those for spring.



With darkness settling, Steve and Ray Moore, set out on Round Lake to look for walleye.



Tom Connors, Bad River, adjusts the pole which holds the Wa-Swa-Gon banner. It was implanted on the beach following a traditional ceremony at Round Lake during fall spearing.



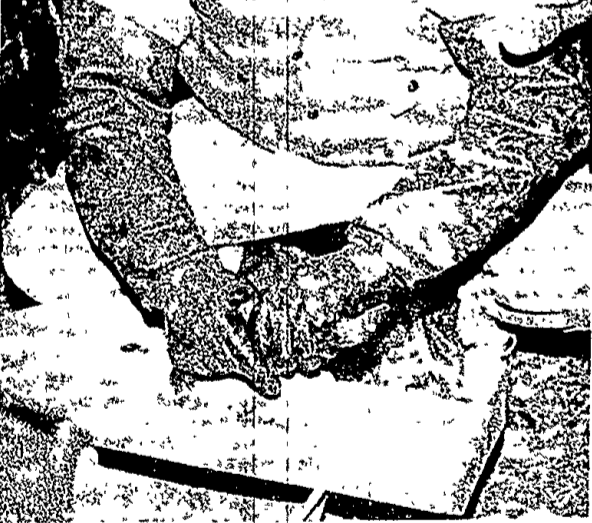
Issuing permits at Round Lake is Larry Mann, GLIFWC warden stationed at Lac du Flambeau.



Steve Moore, Bad River, waits for dusk at Round Lake, ready for an evening of spearing.



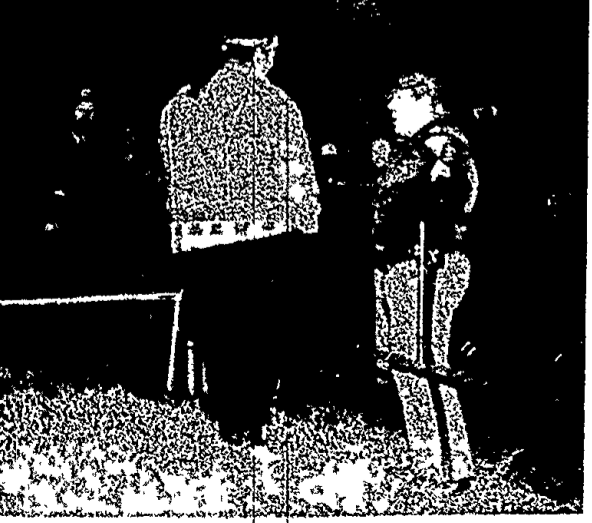
Spearkers and treaty supporters warm up by a fire built by Bayfield County Sheriffs at the Lake Namakagon landing during fall spearing.



As with spring spearing, walleye caught during the fall are all counted and measured.



Bad River tribal members, Sandy and Tom Deragon, push off from the Lake Namakagon landing for an evening of fall spearing.



Roger Stone, Bad River tribal member, chats with an enforcement person at Round Lake, Price County. Later Stone was arrested and charged with desecration of the flag, charges which were later dropped.

## American Indian Advisory Council Resolution Against Racism

WHEREAS, Article VI, Section (2) of the United States Constitution guarantees that all "Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; anything in the Constitution or Laws of any State to the Contrary notwithstanding," and

WHEREAS, certain treaties were negotiated with the Chippewa peoples guaranteeing them certain hunting and fishing rights which have become controversial yet have been found to be valid and binding;

NOW, THEREFORE, BE IT RESOLVED THAT, the American Indian Advisory Council stands in support of:

1. The lawful execution of the rights guaranteed to the Chippewa peoples by virtue of the aforesaid treaties.

2. The right of Self-Determination inherent in the sovereign powers of each Indian tribe which permit them to fully exercise, partially exercise, or trade for value those rights guaranteed by treaty;

BE IT FURTHER RESOLVED that the American Indian Advisory Council recognizes that the First Amendment of the United States Constitution guarantees people the right to peacefully assemble and to exercise freedom of speech including protesting the exercise of Indian treaty rights, the American Indian Advisory Council, however, decries the blatant racism including verbal and physical assaults on Chippewa Indians who exercise their hunting and fishing rights under the aforesaid treaty.

BE IT FINALLY RESOLVED that the Fourteenth Amendment of the United States Constitution in Section One guarantees that the States shall not deny to any person within its jurisdiction the equal protection of the law, however, the State of Wisconsin has provided insufficient protection for Chippewa Indians exercising their gaming rights, has failed to vigilantly arrest and or convict protestors' actions which are criminal, or sentence those who are convicted to penalties which are commensurate with the crimes. Strong sanctions imposed against racially motivated criminal activity are necessary to deter racist crimes.

NOW, THEREFORE, IT IS DEMANDED, that Governor Tommy Thompson, and all other elected officials of the State legislature, despite their individual or representative opinions on the matter of treaty rights, come out vociferously and with conviction against racism and against criminal behavior emanating therefrom.

DATED this first day of September 1989

(The above resolution was signed by members of the American Indian Advisory Council of Milwaukee. The resolution was sent to Wisconsin Governor Tommy Thompson with a letter urging him to act on the resolution against the blatant racism displayed toward the Chippewa Indians of northern Wisconsin.)

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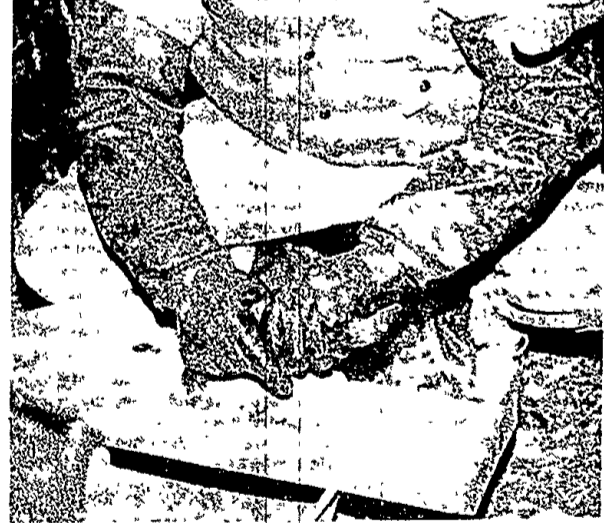
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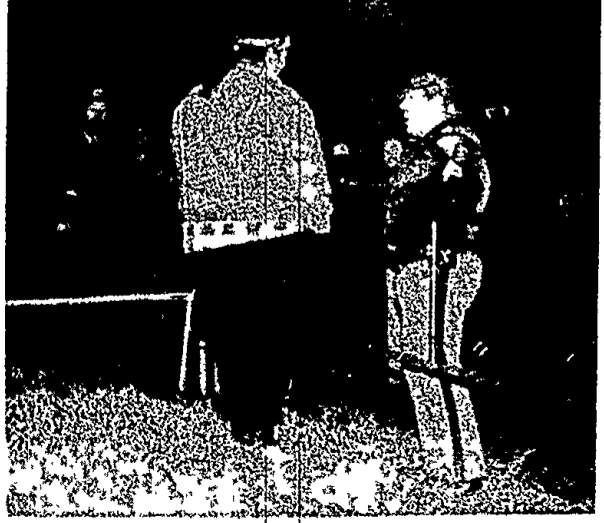
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BE IT FURTHER RESOLVED that the American Indian Advisory Council recognizes that the First Amendment of the United States Constitution guarantees people the right to peacefully assemble and to exercise freedom of speech including protesting the exercise of Indian treaty rights, the American Indian Advisory Council, however, decries the blatant racism including verbal and physical assaults on Chippewa Indians who exercise their hunting and fishing rights under the aforesaid treaty.

BE IT FINALLY RESOLVED that the Fourteenth Amendment of the United States Constitution in Section One guarantees that the States shall not deny to any person within its jurisdiction the equal protection of the law, however, the State of Wisconsin has provided insufficient protection for Chippewa Indians exercising their gaming rights, has failed to vigilantly arrest and or convict protestors' actions which are criminal, or sentence those who are convicted to penalties which are commensurate with the crimes. Strong sanctions imposed against racially motivated criminal activity are necessary to deter racist crimes.

NOW, THEREFORE, IT IS DEMANDED, that Governor Tommy Thompson, and all other elected officials of the State legislature, despite their individual or representative opinions on the matter of treaty rights, come out vociferously and with conviction against racism and against criminal behavior emanating therefrom.

DATED this first day of September 1989

(The above resolution was signed by members of the American Indian Advisory Council of Milwaukee. The resolution was sent to Wisconsin Governor Tommy Thompson with a letter urging him to act on the resolution against the blatant racism displayed toward the Chippewa Indians of northern Wisconsin.)

# First time for fall spearing

## Quota taken on Round Lake

On October 7th tribal spearkers from three Reservations (Bad river, Red Cliff, and Lac du Flambeau) travelled to Round Lake in Price County. The lake had been opened for spearing by the Bad River Tribe but members from other tribes were welcome to spear using permits issued by Bad River. This marked the first time in over a century that fall spearing had occurred in an off-reservation lake.

Since no fish had been harvested from Round Lake by Bad River members during spring, their tribal quotas remained at 95 for walleye and 3 for muskellunge. Upon arriving at the designated boat landing a count was made of all persons interested in spearing. The tribal walleye quota was then partitioned among members by setting the bag limit at 5 fish per permit.

All 95 walleye were taken by 17 spearkers in 11.6 boathours of effort. Average length was 13.4 inches (range: 8.8-18.4 inches).

Pike Lake which is connected by a navigable channel to Round Lake, was also named for spearing. However, following what was viewed as a successful harvest on Round Lake, tribal spearkers elected not to harvest the remaining 167 walleye from Pike Lake.

On the following evening, 16 spearkers from two reservations met at Lake Namekagon in Bayfield County. Since a walleye population estimate had been conducted during 1989 by the Wisconsin Department of Natural Resources, the tribal quota was adjusted using this current year information. After subtracting out the number of fish taken during spring (369), the remaining quota for Bad River was 1,690 walleye.

Harvest was down from the previous night. Spearkers reported that water was "greenish" indicating that an algal bloom was in progress. This likely affected visibility and the catch rate. A total of 5 walleye were taken in 11.5 boat-hours of effort. Average length was 14.0 inches (range: 10.9-20.6 inches). In addition, 3 northern pike (21.6-25.9 inches) were speared.

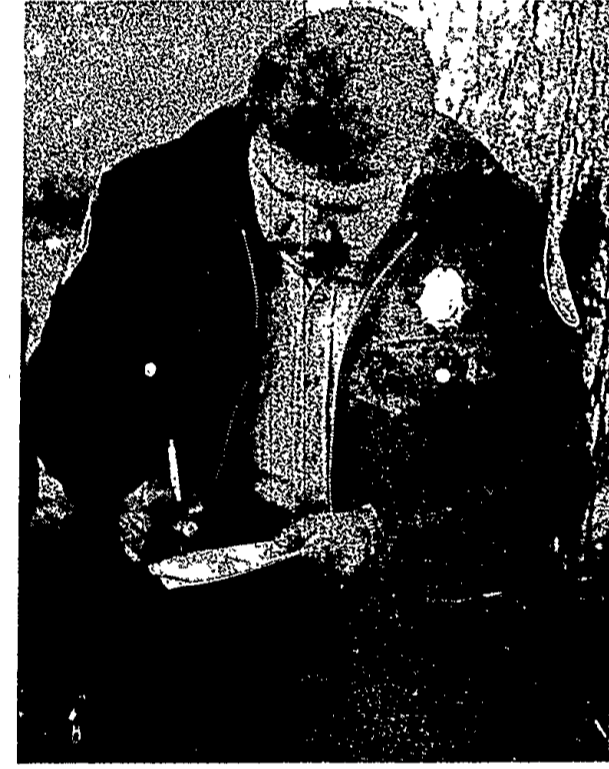
GLIFWC wardens and creel clerks were present to enforce tribal regulations and monitor the harvest. Rules governing fall spearing are identical to those for spring.



With darkness settling, Steve and Ray Moore, set out on Round Lake to look for walleye.



Tom Connors, Bad River, adjusts the pole which holds the Wa-Swa-Gon banner. It was implanted on the beach following a traditional ceremony at Round Lake during fall spearing.



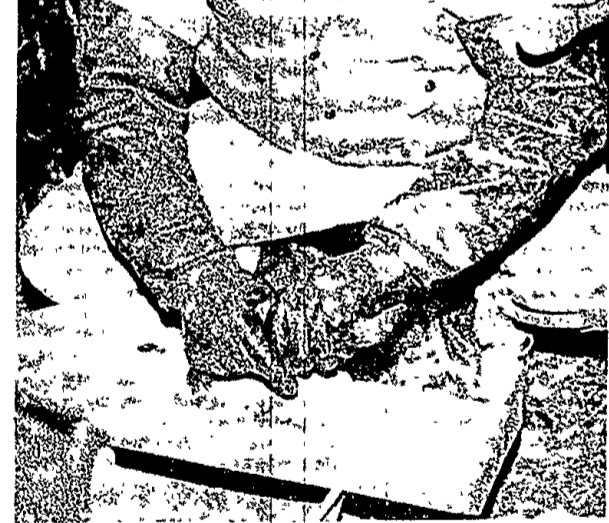
Issuing permits at Round Lake is Larry Mann, GLIFWC warden stationed at Lac du Flambeau.



Steve Moore, Bad River, waits for dusk at Round Lake, ready for an evening of spearing.



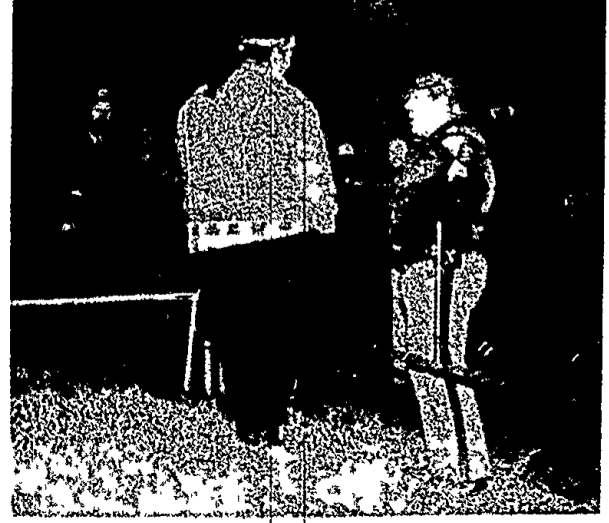
Spearkers and treaty supporters warm up by a fire built by Bayfield County Sheriffs at the Lake Namakagon landing during fall spearing.



As with spring spearing, walleye caught during the fall are all counted and measured.



Bad River tribal members, Sandy and Tom Deragon, push off from the Lake Namakagon landing for an evening of fall spearing.



Roger Stone, Bad River tribal member, chats with an enforcement person at Round Lake, Price County. Later Stone was arrested and charged with desecration of the flag, charges which were later dropped.

## American Indian Advisory Council Resolution Against Racism

WHEREAS, Article VI, Section (2) of the United States Constitution guarantees that all "Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; anything in the Constitution or Laws of any State to the Contrary notwithstanding," and

WHEREAS, certain treaties were negotiated with the Chippewa peoples guaranteeing them certain hunting and fishing rights which have become controversial yet have been found to be valid and binding;

NOW, THEREFORE, BE IT RESOLVED THAT, the American Indian Advisory Council stands in support of:

1. The lawful execution of the rights guaranteed to the Chippewa peoples by virtue of the aforesaid treaties.

2. The right of Self-Determination inherent in the sovereign powers of each Indian tribe which permit them to fully exercise, partially exercise, or trade for value those rights guaranteed by treaty;

BE IT FURTHER RESOLVED that the American Indian Advisory Council recognizes that the First Amendment of the United States Constitution guarantees people the right to peacefully assemble and to exercise freedom of speech including protesting the exercise of Indian treaty rights, the American Indian Advisory Council, however, decries the blatant racism including verbal and physical assaults on Chippewa Indians who exercise their hunting and fishing rights under the aforesaid treaty.

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Shupp is leading a campaign to increase GLFC funding to \$15.5 million in 1990. He said the Great Lakes fisheries provide the region with \$4.4 billion a year in economic benefits.

The GLFC has been level-funded at about \$7 million since 1986, Shupp said, and the preliminary budget for 1990 proposed by the State Department, which administers U.S. involvement in the GLFC, includes only small increases in funding for lamprey control. The department's final budget is to be approved sometime in July.

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It would seem shortsighted to allow the lamprey control program

to slip significantly," Ragotzkie said. "The consequences of letting even one or two year-classes of young lampreys survive will be felt for a decade or more."

Joining Shupp in the campaign for stepped-up lamprey control are state and Indian fisheries agencies from throughout the Great Lakes region. The group has taken its plea to Congress as well as the State Department.

In a statement prepared for Congress, Shupp and his coalition said that continued near-level funding for the GLFC would result in a doubling of sea lamprey numbers by the year 2000—and a 50 percent reduction in trout, salmon and whitefish populations. The annual loss to the region's economy would total about \$1.4 billion and 33,600 jobs, according to the coalition. The group said the losses would be felt most by industries dependent on sport and commercial fishing and tourism.

The GLFC, headquartered in Ann Arbor, Mich., was formed in response to the lamprey-induced collapse of Great Lakes fisheries during the 1940s and '50s. Established by a compact between the United States and Canada in 1955, the commission's first order of business was to eradicate the sea lamprey. Though unable to achieve that goal, the GLFC has kept sea lamprey populations low enough to enable today's restocked fishery to flourish.

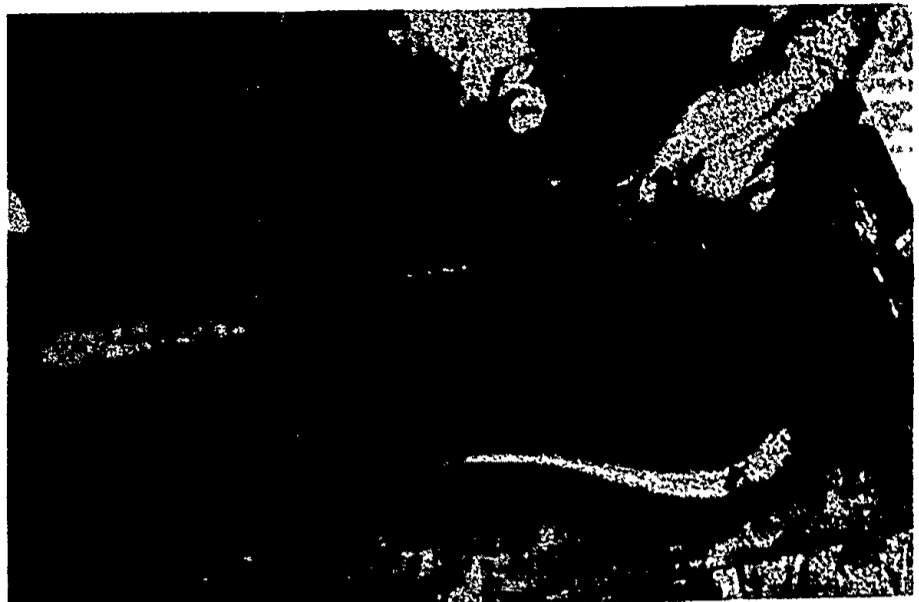
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That strategy is now off target, said Carlos Fetterolf, Jr., executive secretary of the GLFC, explaining that sea lampreys are a tough, adaptable species.

"Sea lampreys are taking advantage of improving water quality to expand their range. They are spawning in Great Lakes tributary streams and connecting channels once too polluted to attract them," Fetterolf said. "Some of these rivers, like the St. Marys and Niagara, are large bodies of water where current lamprey control methods are miserably expensive and ineffective."

To make matters worse, Fetterolf said, the price of TFM, a petroleum-based chemical, has risen nearly sevenfold over the last 20 years—from only \$2.55 per pound in 1969, to \$6.49 in 1979, to \$14.50 today.

A full 85 percent of the commission's budget is spent directly on lamprey control, leaving little money for developing and implementing new, more cost-effective technologies, Fetterolf said. —John Armbruster & Susie Isaksen



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# Wisconsin leads in lake pollution levels

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Other bordering states in the survey included Minnesota with 236,845 acres of pollution-impaired lakes, Illinois with 160,641 and Michigan with 119,836.

Overall, the Environmental Protection Agency survey of lake water quality indicated pollution has impaired about one-fourth of the more than 12 million acres of lakes examined in the 34 states.

Pollution threatens similar impairment in another 20 percent of the lake acres, it said. Nearly half of the lake acres in the 34 states is badly polluted or about to become that way, it said.

Jeff Bode, lake management section chief for the Wisconsin Department of Natural Resources, said Tuesday the Environmental Protection Agency report could be misleading since it is based on information filed by each state's DNR.

Bode said Wisconsin has taken a tough stand in studying lake pollution and comparison is difficult because each state may report differently.

Non-point source pollution, ranging from agricultural runoff to urban runoff caused by residential and commercial development, is the greatest threat to Wisconsin lakes, he said.

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The state also needs to protect its wetlands, which already have been reduced by 80 percent, Black said.

Black said he plans to introduce legislation this year that would protect the state's remaining wetlands,

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While the causes for the lake pollution varied, the EPA survey attributed three-fourths of the pollution to agricultural land and urban lawns and streets.

Industrial or sewage releases

were blamed for 11 percent and the remainder was linked to natural causes.

The Environmental Protection Agency said the most significant cause of lake impairment was excessive plant and algae growth resulting from high levels of nutrients being released into the water. Often those nutrients came from sewage facilities or agricultural runoff, the study said.

Such unwanted plant and algae growth often harms recreational activity and reduces a lake's scenic value. But more importantly, the growth depletes necessary oxygen and chokes off life, including fish, said Erik Olson, an attorney with the National Wildlife Association.

Olson said the Environmental Protection Agency findings underscore the true problem with water pollution nationwide because not

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EPA officials acknowledged the degree of lake pollution has been difficult to document nationally because of shortcomings in data collection.

For example, the new report on lake quality did not include data from 16 states because they did not report to the EPA. It also did not include data from the Great Lakes, the country's biggest lake system, which has had major pollution problems.

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(Source: Worldwatch Institute NEA graphics)



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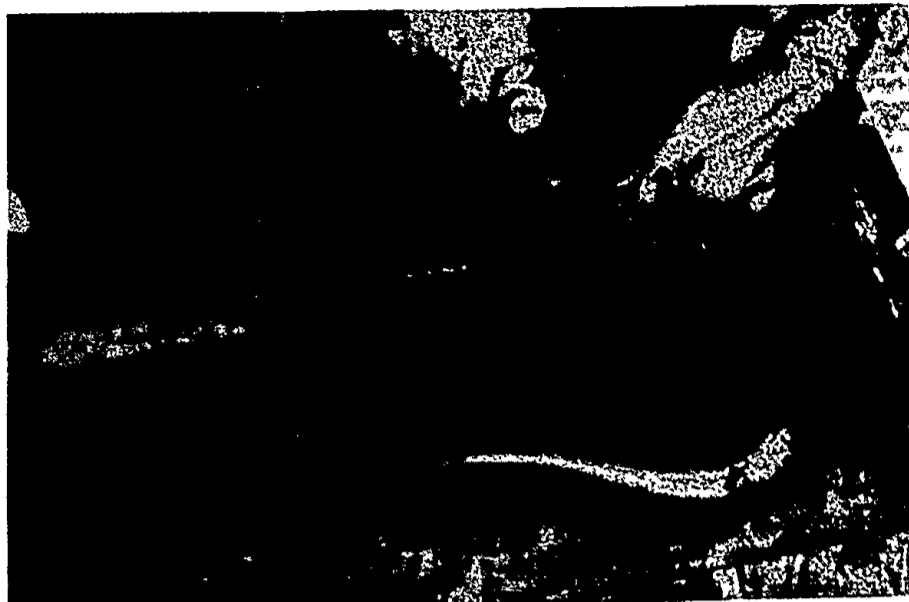
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# ek justice, peace &

# se Walk and run



Setting out for the journey from Lac du Flambeau to the Capitol's steps in Madison, a small contingency left Bear River Pow Wow grounds following a traditional sunrise ceremony. They carried the pipe and the banner, which were to arrive in Madison four days later.

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became tired and discouraged as the day shortened and their destination of Tomahawk seemed far away. It was then that help arrived in the form of Ernie St. Germaine and Sonny Smart, Lac du Flambeau. Ernie even brought with him his roller blades and the two runners covered a swift nine miles between them. It was 9:00 p.m. by the time the destination, Erma, was made and "a miracle we got there at all." Char Hockings stated. The home of Wisnes provided fresh food and a place for relaxation that first night. The hospitality hosts refreshed and revived the participants who stayed. Others drove home for the night. Fresh bodies arrived from Milwaukee for help the following day. Art Shagonne, Potawatomi-Menomonic; Dewey Kinadore, Menomonic; Sierra Powers and her children Shenandoah and Heather composed some of the new contingency. Yet those who had trekked the miles from Lac du Flambeau to Tomahawk did not know where and when more support would arrive as sleep overtook the ache of strained muscles and the sting of sun-burned skin. Wednesday, the second day, dawned with the promise of continued sun and heat. As planned, the day started early, around 6:00 a.m.

crew through Merrill and Wausau, where Meg Nasmith, a Wausau resident, greeted the runners with fresh fruit. Help arrived just outside of Wausau where a team from Bad River finally found the core team and helped cover the distance to Stevens Point. There Hazel Shagonne and Stevens Point Indian Community Center hosted a wonderful traditional feast for the tired group, provided warmth and moral support and lodging for those who chose to stay the night. Eddie Mago, Lac du Flambeau, carried the pipe out of Steven's Point as the trek continued early Thursday morning. The flanks of the core crew were again bolstered as others joined throughout the day, Indian and non-Indian. The relay carried the pipe and its message as far as Pakwaukee that day. The Prince of Peace Lutheran Church, Coloma, had prepared to receive the group for the evening, so they returned to Coloma to spend the night, enjoying the hospitality offered by the church and the community. The fourth day dawned with the promise of the destination, Madison, at hand. It had come to have the aura of "Oz" and the wonderment felt by Dorothy at ever having reached the destination was shared by the participants.

gressed and people from surrounding communities, or from distant communities, arrived to help the effort along. The Madison Treaty Support Group responded to the early arrival of the runners into Madison and found accommodations for Friday evening when the relay concluded on the outskirts of the capitol city. The burning of sweet grass and ceremony heralded the last day of the journey also, as runners gathered at the outskirts of Madison for the final leg into the city and up the Capitol steps. The heat of the day almost overwhelmed the walkers as they penetrated the city, stopping briefly as they passed the picketed fence surrounding the Governor's Mansion. It was a short leg, but a hot and arduous one. That exhaustion, however, was relieved when they arrived at the designated meeting place about a mile from the Capitol and found several hundred supporters waiting to join them for that final mile. The final leg of the walk filled East Washington with banks of people twelve abreast covering several city blocks. It was a moment of triumph in the name of peace and justice. More supporters waited on the Capitol's lawn to congratulate the effort of those who had traversed the miles. An afternoon of relaxation in

## Marathons used as purge after spring

The 1989 spring Chippewa spear fishing season left Wisconsin blatant and undeniable occurrence and reoccurrence of overt acts of violence. Many felt a need to respond in some manner and were unwilling to sit down over the grotesque episodes which nightly characterized the season. For James Schlender, who participated in and helped organize "Walking Together for Peace and Justice," it was a need to express community solidarity, from the people, in opposing the racism exhibited in Wisconsin. "Walking Together for Peace and Justice," was co-sponsored by numerous groups including HONOR, Great Lakes Inter-Tribal Council (GLITC), Madia Citizens for Treaty Rights, Chicago Treaty Support Committee, Wisconsin Association, Milwaukee Witnesses for Non-Violence, and the Great Lakes Life Commission. The walk, which turned into a run, took place on July 10-14. Shortly after the walk was completed a marathon "Solidarity Run" was held as an expression of unity among tribes and supporters of human rights. The Solidarity Run took place July 10-14 when a core team of runners from through each of the seven Chippewa reservations which participated in the path which united the tribes in a large circle across northern Wisconsin. In actuality, the response of concerned individuals and organizations for support and the passing of critical legislation to provide better treaty and treaty issues were key. But also new treaty support groups formed out the summer, and most importantly, concerned people began seeking solutions to treaty issues.

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## Walking Together From Lac du Flambeau

It was a small knot of individuals who gathered early in the quiet hours of the summer morning for the pipe ceremony which would officially begin the 250 plus mile trek to Madison. Harbored among towering pines which surround the Bear River Pow Wow Grounds at Lac du Flambeau, a group of fifteen people gathered around Nick Hockings, Lac du Flambeau, as he wrapped his pipe, lit it, and performed the ceremony which would provide the message for the pipe to be carried through the long and arduous journey. The message conveyed by the pipe was one of solidarity and unity opposing the racism and hatred expressed in Wisconsin. Following the ceremony, the group started the trek up the wooded road which led them out of the powwow ground onto Highway 47 and to Woodruff-Minocqua. Dorothy Thoms, LdF, carried the pipe the first leg from Bear River. Dorothy as well as Virginia Mosa, who was also present, were the women who set the nets during the first night of Lac du Flambeau's hunting season and were harassed by boaters who attempted to seize their boat. At the onset of the journey there were simply a few men, a few women, and a few children carrying wrapped pipe and a banner with the words "Walking Together for Peace and Justice."

the trek to Madison. Several of those with them at the onset could not continue. One had a lame foot, and several of the women would be unable to face the strain of such a walk, day after day. They had no idea who else may join them or where support, if there was any, might come. At the outskirts of Woodruff around noon, the ranks of the walkers swelled to 50 plus people for the walk down Highway 51 as it cuts through the communities of Woodruff and Minocqua, communities known for anti-treaty sentiments. The reception of the walkers was mixed. Some passers-by honked their horns and gave a "thumbs up" to the walkers; others shouted at them from their cars and made obscene gestures. A dead walleye had been thrown near the sidewalk where the marchers passed. However, the only real difficulty came when walkers stopped for a rest from the heat at Torpy Park, Minocqua. Police approached leaders of the walk and objected to the banner which was being carried. However, despite the objection, the banner was carried as the walk continued to the outskirts of Minocqua where it was taken down and wrapped around the pipe. Twice Oneida County enforce-

Walk pa

# *solidarity in the wake of violence*



John Rainbird, Bad River, carries the pipe another leg closer to its destination. Photo by Amoose.

On East Washington, numbers of walkers swelled to fill the street, twelve abreast, for several blocks—all joining in the support of treaty rights and in opposing racism and violence. (Photos by Amoose)



Walk participants carry the Eagle Flag up the Capitol steps.

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# NCAI election ushers in a new era

by Nancy Butterfield  
Native American News Service

Newly elected leaders of the National Congress of American Indians (NCAI) have named A. Gay Kingman, a Cheyenne River Sioux tribal member and former NCAI recording secretary, as interim executive director.

Kingman's appointment fills the vacancy left by former NCAI executive director Suzan Harjo, whose employment contract with the organization was not renewed following the October 5th election. The election took place at NCAI's 46th annual convention in Oklahoma City in October.

Kingman has taken a leave of absence from her position as president of the Cheyenne River Sioux Community College in order to assume the post. She was a key figure in recent efforts to oust Harjo from the NCAI directorship, and was a prominent supporter of the successful presidential bid by Wayne Ducheneaux, Cheyenne

River Sioux Tribal Chairman. Ducheneaux defeated two other presidential contenders, Thomas White and the late Jake Whitecrow, to lead the nation's largest American Indian organization.

Outgoing NCAI president John Gonzales had endorsed White, and several NCAI staff members complained during the conference that Harjo was pressuring them to work for White's election.

Menominee Tribal Chairman Apesanahkwat also had been a contender for the presidency, but withdrew his name before the election because of what he said were rumors about him abusing drugs and alcohol.

In one of the convention's more dramatic moments, Apesanahkwat rose and spoke to the assembly in his tribal language, then said, "I have just forgiven those who slandered me and spread rumors about me." He said he has not only dealt with his own past drug and alcohol problems, he also has implemented a stringent substance abuse preven-

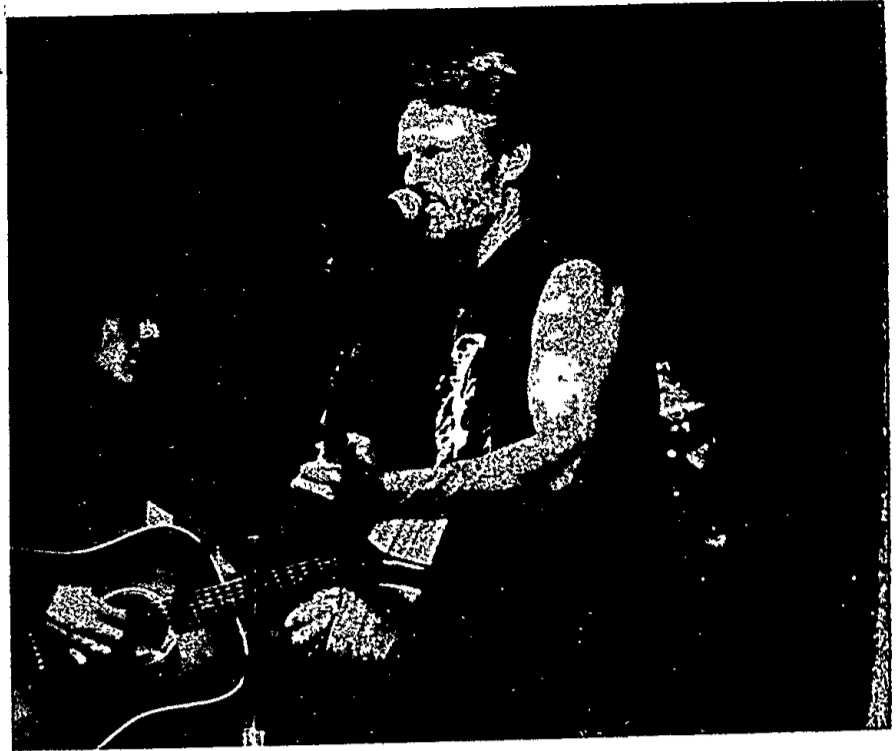
tion program in the Menominee Tribe. Apesanahkwat then nominated Wayne Ducheneaux for the presidency of NCAI.

In a three-way election, Ducheneaux drew 7,538 votes, while White received 5,196, and Whitecrow pulled in 2,657 votes. Vote totals represent both tribal delegate votes, which are based on tribal populations, and individual votes.

A runoff between White and Ducheneaux was required because no candidate received a majority of more than 50 percent of the vote on the first ballot. The final ballot put Ducheneaux over the top with 8,945 votes to White's 6,464.

Voters also turned out former NCAI treasurer Buford Rolin, who sought the first vice-presidency, electing Buck Kitcheyan to the post. Kitcheyan is chairman of the San Carlos Apache Tribe.

The new NCAI treasurer is Ron Allen, chairman of the Jamestown Band of Klallam Indians, and recording secretary is Loretta Metoxen, a member of the Oneida Tribal Council.



Kris Kristofferson was featured during a concert at NCAI's 46th Annual Convention in Oklahoma City.

# Ducheneaux believes his election signals demand for change

by Nancy Butterfield  
Native American News Service

The newly elected president of the National Congress of American Indians believes she was put in office with a mandate to change the way the 46 year old organization does business.

Wayne Ducheneaux, who soundly defeated Thomas White and the late Jake Whitecrow for NCAI's top office, said his election means "the membership is saying they want change from the practices that have been going on."

"The biggest share of area vice presidents also changes," he observed. "The membership is saying it's time for a complete change."

Ducheneaux won the election on a campaign advocating reform, saying NCAI's top office leadership had forgotten or ignored the organization's mission, and was not addressing the needs of the tribes effectively.

"I hope to bring all Indian tribes and Alaska Native groups into the organization, so NCAI is speaking in their voice," he said.

He and other critics of former

NCAI President John Gonzales and former Executive Director Susan Harjo have said membership and involvement in the organization decreased under their leadership.

"We can increase membership immediately simply by being courteous to tribal leaders," Ducheneaux said. "NCAI has to be a place where tribal leaders are properly welcomed and given the assistance they need."

Ducheneaux, 53, is chairman of the Cheyenne River Sioux Tribe of Eagle Butte, S.D. He intends to remain in that position during his tenure as NCAI president. "I believe a leader (of NCAI) needs a firm tribal base," he said.

"Without our land bases and tribal governments, American Indians would be just another ethnic group, and I think it's important to continue to be personally involved in tribal government."

Ducheneaux has been married for 29 years, and he and his wife, Regina have three daughters, four sons, and four granddaughters.

He said he has been involved in Indian affairs all of his life. His father, Frank Ducheneaux, served a

total of 32 years on the Cheyenne River Sioux Tribal Council, 16 of those years as its chairman. The elder Ducheneaux was also a founder of United Sioux Tribes, Ducheneaux said.

He said it is incumbent on Indian leaders to make sure Indian youth will be prepared to assume leadership roles in the future. "We have to let youth participate and become involved in tribal government," he said.

"They need to be taught about our tribal constitutions and about the functions of tribal governments, and that probably is an area that many of our tribal schools are missing out on," he said.

Ducheneaux believes one of the most critical tasks facing NCAI's newly elected leaders will be the selection of an executive director. He and other members of the executive council last week named former NCAI Recording Secretary Gay Kingman to serve as interim director while a search is made for a permanent executive director.

"We will have to do a very careful study, and make sure he or she is the right person for the job," Ducheneaux said.

# UC-Berkeley has opportunities for American Indians

BERKELEY, Ca.—American Indians enrolled in the graduate schools at the University of California has risen in recent years to fifty, as opportunities for financial aid have been made available to qualifying American Indian students.

"Increasing numbers of Indians and Alaska Native are seeking graduate and professional degrees, these degrees are beyond their B.A. or B.S. as the demand for advanced training becomes a reality among Indian communities," according to program director, Felicia Hodge, Dr. P.H.

The University of California at Berkeley has one of the more dependable financial support programs of any graduate university, utilizing a Graduate Minority Program fellowship and other sources to encourage American Indian/Alaska Native student enrollment, both in-state and out-of-state.

Most of the 200+ Indian students who have obtained MPH

degrees through the Public Health program at Berkeley received financial assistance from the Graduate Minority Program to help them through, according to Dr. Hodge.

"Special grants are also available to Indian students working toward the Masters of Social Welfare degree at Berkeley, as well as many other professional areas," states Hodge.

Indian graduates from Berkeley are sought by many agencies serving Indian people. For example, over 80% of the graduates in the Public Health Program have received mid-level and upper management jobs within the Indian Health Service during the last twenty years.

With greater numbers of American Indian/Alaska Native students now enrolling at Berkeley, the American Indian Graduate Program provides specialized counseling, advocacy, housing and social support. With many more married

and family Indian students returning to graduate studies, they are a positive source of help and comfort to one another, noted Hodge.

Requirements for graduate school are a baccalaureate degree from an accredited college or university, an acceptable grade point average received as an undergraduate, and Graduate Record Examination (GRE) taken. Applications should be submitted by the deadline date of February 10, 1990 for admission, and January 5, 1990 for consideration of fellowships and Graduate Minority Scholarship funding. Applications received well before the deadline date have the best chance for approval.

Information regarding the various graduate programs and financial assistance can be obtained by telephoning (415) 642-3228 (collect) or writing to American Indian Graduate Program, 140 Earl Warren Hall, University of California, Berkeley, California 94720.

# Wapato appointed to head ANA

Portland, OR—S Timothy Wapato was sworn in September 5 as Commissioner of the Administration for Native Americans (ANA), an agency of the federal Department of Health and Human Services (HHS). Prior to his appointment, Mr. Wapato was the Executive Director of the Columbia River Inter-Tribal Fish Commission (CRITFC).

As the head of the Administration for Native Americans, he will be in charge of the annual distribution of nearly \$30 million of federal grants to tribal and native organizations throughout the United States.

Wapato was appointed by the Secretary of Health and Human Services, Dr. Louis Sullivan. Mr. Wapato is a member of the Colville Confederated Tribes in northeastern Washington.

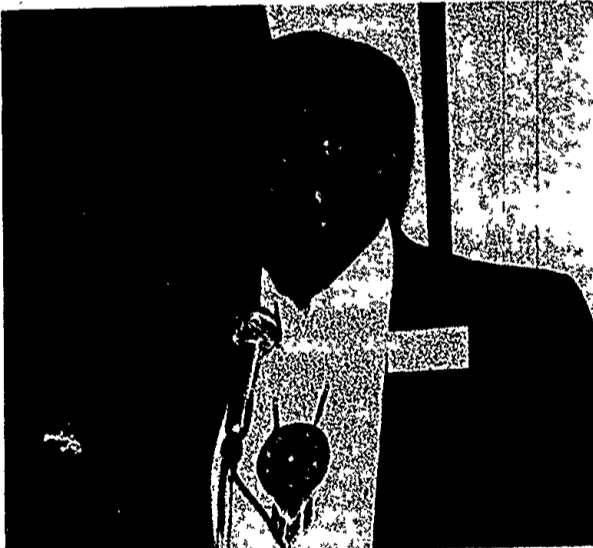
"ANA emphasizes grants for innovative programs and demonstration projects that are aimed at strengthening tribal government capabilities in the areas of economic and social development," he said.

"One of my special challenges at ANA will be to improve inter-agency cooperation and agreements between HHS and other continued federal agencies, such as EPA, HUD, and the Department of Labor.

Another area I'm interested in making federal veterans' programs more accessible to Native Americans," he said.

Mr. Wapato, who was with CRITFC from 1979 to 1989, is well known to the Northwest's Indian tribes and natural resource interests for having been instrumental in the resolution of several long-standing regional controversies.

He was a key player in the negotiations that led, in 1985, to the long-awaited United States-Canada Pacific Salmon Interception Treaty. Since it was ratified, Mr. Wapato has served on the bilateral Pacific



S. Timothy Wapato, Commissioner of the Administration for Native Americans.

Salmon Commission as the representative of 24 Northwest Indian tribes, as chairman of the U.S. delegation, and as chairman of the Pacific Salmon Commission itself. He continues to be the U.S. tribal representative on the Commission.

Under his careful stewardship as CRITFC Executive Director, the Columbia River tribes, the states of Oregon and Washington, and two federal fish agencies agreed in 1988—after nearly 20 years of litigation—to a detailed management plan under the authority of U.S. v. Oregon, the 1969 federal court ruling that upheld the tribes' treaty fishing rights.

Mr. Wapato's excellent working relationship with the Northwest congressional delegation produced, among other things, a 1988 measure to restore some of the tribes' fishing access sites along the Columbia River.

A solution to one of the most difficult fish management problems was fashioned in 1989 under his tenacious leadership when a 10-year agreement for the release of water at federal dams was signed by Columbia River fish and energy interests.

"I'm going to miss the exciting work and people that have been part of implementing cooperative management during the past six years. But I'm looking forward to helping carry out George Bush's Indian policy of government-to-government relations," Wapato said.

Ted Strong, a member of the Yakima Indian Nation with extensive marketing and management experience, has replaced Mr. Wapato as CRITFC executive director.

(The above news release is from the Columbia River Inter-Tribal Fish Commission, Portland, Ore.)



Bad River WCC crew member, Francis Leoso, left, and Ron Parisien, GI IFWC wildlife technician check bear bait stations in July.



Bad River wild rice processor Vincent Bender displays rice in a birch bark winnowing basket.

# Bingo

(Continued from page 6)

On cross motions for summary judgment, the court rejected the government's transparent arguments and ruled in favor of the Tribe. Judge Norma Holloway Johnson ordered the Assistant Secretary to reconsider the tribe's application under the valid regulations without any recourse whatsoever to the illegal rule.

Upon reconsideration, the Assistant Secretary approved the tribe's trust land petition and proclaimed the subject land an Indian reservation October 5, 1988.

The tribe now conducts a successful bingo enterprise on reservation land in the village of Turuk Lake, Wis. as part of the tribe's overall economic development plan. Proceeds are allocated to help defray expenses for the provision of essential tribal government services.

(The above article is from the Native American Rights Fund which is a national nonprofit organization providing legal representation to tribes and village groups and individuals in matters of significance to a great number of Native people.)

# Equal Rights vs. Treaty Rights

## Conflicting visions of the common good and of America

by Rosalyn LaPier

(Reprinted from the Native American Education Service newsletter, June 1989 edition)

Local organizations in Wisconsin such as Equal Rights for Everyone (ERFE), Stop Treaty Abuse (STA), and Protect American Rights and Resources (PARR) and national organizations such as Interstate Congress for Equal Rights and Responsibilities (ICERR) feel their constitutional rights are being threatened, because their hunting and fishing rights are not equal to those of American Indians. These groups believe that since both they and American Indians are citizens of the United States, all should be treated equally and abide by the same laws.

The ICERR states the following: "Declaration of Purpose: 'We believe that constitutionally guaranteed rights should be protected without regard to race and that all citizens should bear equally the responsibilities and burdens of citizenship as described under the laws

of the states and their political subdivisions. We hold taxation without representation and representation without taxation to be unconstitutional. It is fundamental that a governing body may not assert jurisdiction and power over those who have no voice in that government and similarly, that one should not participate in a government to which he owes no allegiance and to which government he is not subject."

Federally recognized tribes and individual Americans are not inherently equal. They are not inherently equal because tribes have a government to government relationship with the United States.

American Indians are not an ethnic group with special privileges. Tribes are sovereign governments within the United States. State law does not apply within reservation boundaries or within treaty guaranteed lands. Tribal authority was not created or granted by the Constitution—tribal sovereignty existed before the formation of the United States and continues after it. As a way to promote assimila-

tion the United States made citizens of all Indians in 1924. Tribes have the power to establish any form of government they decide best suits their needs. They have the power to determine membership, thus they decide who has the right to vote. They have the power to tax, administer justice, police, charter businesses, etc. on their land. Within the federal constitutional system there are three separate sources of sovereignty—federal, state, and tribal, in short, tribal governments have a status higher than states. Tribes view their treaty rights and inherent sovereignty as strongly as Americans view their constitutional rights.

Treaties according to Article VI of the Constitution, "shall be the supreme law of the land." Americans believe they have inalienable rights and those rights are expressed in the constitution, while Indians view their rights as stemming from tribal systems that have existed for centuries and from their treaty rights that are guaranteed by the constitution. □

### News coverage of civil rights violations criticized

Sharon Metz, executive director of the Lutheran Human Relations Association of America (LHRA), criticized news coverage pertaining to the indictment of two persons associated with pipe bomb plantings at boat landings.

Metz commented that news articles on the indictments for civil rights violations were "buried in back pages" of newspapers.

"If a native American person had been charged with a treaty connected offense that could mean twenty to thirty years of prison time and fines up to \$750,000, it would have been front page news in every paper in the state," Metz said.

Metz noted that the fact that accounts of these indictments had somehow been "overlooked" by the media, is another indication that the noteworthiness of the offense often depends on who committed it.

"Violations of civil rights and activities that can lead to death or bodily harm, simply cannot be tolerated in a state that still tries to cling to its 'progressive' image," Metz concluded.

### Indictments a victory for civil rights in WI

While most protestors who were arrested at spear fishing landings for disrupting the legal exercise of tribal rights walked away with \$50 fines, two Solon Springs men face up to twenty years in prison following indictments on civil rights violation charges.

Patrick M. Coughlin was indicted by a U.S. District Court Grand Jury for the possession of pipe bombs and possessing components to make pipe bombs. He was arrested May 4th on St. Croix Lake.

Bruce W. Curme, who was at the landings with Coughlin, pleaded guilty to possession of a pipe bomb and conspiring to deprive Chippewa of their rights.



Wisconsin Chippewa constructed a traditional village as part of the Indian Fest in Milwaukee this fall. Members of the Wa-Swa-Gon treaty support group as well as others assisted in the construction of the village.

## "The Neverending Story:" The continuing denial of American Indian Rights

by Sam Ardito

(Reprinted from the Native American Education Service newsletter, June 1989 edition)

Recent events in Wisconsin are playing out in a too familiar scenario to American Indians whenever their rights, as members of their respective tribes, come into apparent conflict with those of the majority population. Organized interest groups howl and bring pressure to bear on their elected officials to remedy this "unequal" affront to their freedoms. Controversies are brought into courts of law. When the courts uphold and vindicate the Indian position, these groups illegally refuse (often violently) recognition of the decision. Meanwhile, the federal government abdicates its responsibility to enforce these decisions, leaving state and local non-Indian officials and interests the relative freedom to flaunt the law and deny Indians their court vindicated rights. This sequence of American history repeats itself ad nauseam throughout the entire experience of Indian-white interaction from the time that the Indian people first discovered Europeans on their shores.

Senator D. Inouye, Chairman of the Senate Select Committee on Indian Affairs, most recently echoed this abdication of responsibility in his press statement declaring that the federal government will not intercede into the conflict in Wisconsin and that the problem is one that the "participants" will have to

work out. The senator is very mistaken! The federal government is a participant and must intercede on behalf of the Indians! In fact, the entity that is a non-participant are the state governments themselves. The treaty rights which are the locus of the controversy in Wisconsin are between the tribes and the federal government—not the states.

It is basic textbook, blackletter law that in the area of Indian affairs and policy it is the federal government that is the supreme actor and protector along with the tribes. Even the most shallow historic and legal research into the relationship uncovers that fact. The states have always been at odds with Indian interests. This adversarial situation had been noted early on by the Supreme Court and has been repeatedly emphasized ever since. In United States v. Kagama (a case often used by the federal government as justification to support its pretensions of "plenary power"—almost total control—over the lives of Indian people by the federal government), the Court stated: "(The) Indian Tribes are the wards of the nation. They are communities dependent of the United States. Dependent largely for their daily food. Dependent for their political rights. They owe no allegiance to the States, and receive from them no protection. Because of the local ill feeling, the people of the States where they are found are often their deadliest enemies. From their very weakness and helplessness, largely due to the course of

dealing of the Federal government with them and the treaties in which it has been promised, there arises the duty of protection. ..."

Nowhere in these words of the Supreme Court does the notion appear that the states have any participation in the resolving of disagreements over Indian treaty rights. These words do, however, emphatically point out the reasons that the federal government must stand between the states and tribes and protect tribal interests. To do otherwise would be leaving the sheep in the care of the wolves. However, unfortunately for Indian rights, that is precisely the course the federal government often takes in these situations.

Highly illustrative of the problem in Wisconsin and indicative of the way a solution to the problem will be resolved (abdicated) by the federal government is the ongoing fishing controversy in Washington state. After decades of civil strife and numerous state and federal court cases between the Indian tribes involved and the state governmental apparatus of Washington, the Indian tribal position as regards their guaranteed treaty rights was upheld by the United States Supreme Court in the case of Washington v. Washington State Commercial Passenger Fishing Vessel Association.

Supreme Court intervention was necessary because of the impotence and reluctance of the federal legislative and executive branches of government to enforce federal

judicial decisions that had resolved the dispute in the tribes' favor (i.e. the "Boldt Decision"). When the decisions were handed down the federal judiciary had every expectation that the state would enforce the decisions as mandated by the federal Constitution. State compliance was not the case, however. "The State ... with well publicized reluctance, issued regulations which, if enforced, would have met the district court's requirements. State prosecutors refused to prosecute violations in the few instances where the State issued citations."

This defiance of federal law extended to the state's judicial branch as well. In June of 1977, the Washington State supreme court ruled that, as a matter of state law, state enforcement officials had no authority to enforce regulations designed to allocate fish between Indians and non-Indians. Because of the state's "extraordinary machinations in resisting the decree," the federal district court was forced to

manage the state's fishery in order to enforce its decrees.

What was the federal government's response during this illegal, concerted, and systematic defiance of its judicial authority by the citizens, courts and state government? Did it send in federal law enforcement forces to enforce the federal judicial mandate or compel the state authorities to abide by and honor the Constitution? No, it decided to form a task force to investigate and mediate the dispute!! The task force wanted the tribes to sit down with the state and renegotiate the very same rights that the tribes had already won in court! Apparently, when Indians win court cases the

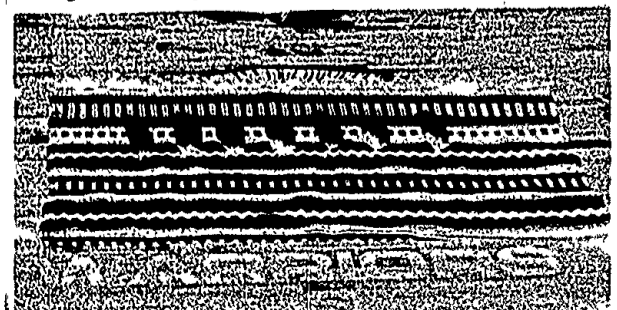
decision is not final and is open to negotiation—an outcome completely antithetical to the judicial system this country purports to abide by!

A decade after the above events the sequence seems to be unfolding again in Wisconsin. However, this time the composition of the United States Supreme Court makes it highly unlikely that it will come to the rescue of the tribes and vindicate their rights. This time the federal executive and legislative branches will have to do their Constitutional duty to protect those citizens contrary to Senator Inouye's mistaken assumption that the dispute is between (see Denial page 16)

## Treaty Preservation Pow Wow



A "Treaty Preservation Pow Wow" was held at Lac du Flambeau following the tribe's rejection of a settlement by referendum vote. The pow wow and feast honored those who had supported the exercise rather than lease of treaty rights. Above, Tom Maulson, LDF tribal member and member of the Wa-Swa-Gon treaty support group presents an eagle feather plus a hat to Gilbert Chapman, LDF. The below photo depicts these seven other eagle feathers which were presented during the ceremony.



Time for some fun! Part of the post-referendum celebration and pow wow was a dance called the "fish."



Elders as well as children joined the pow wow and feast.

### Treaty stand smells fishy

by Joel McNally  
The Innocent Bystander

(Reprinted with permission from the Milwaukee Journal, October 13th edition)

Do you think the Indians should be allowed to exercise their right to spearfish out of season? Absolutely not. That would deplete one of Wisconsin's most precious natural resources—yahoos in feed caps who go up north to leer at waitresses and catch lunkers.

Then I take it you're in favor of the state's proposed \$50 million settlement with the Lac du Flambeau Chippewa in exchange for the Indians agreeing to limit fishing, hunting and timber cutting, is that right?

Now, hold on a dam minute. I said I wanted to put a stop to spearfishing. I didn't say anything about forking over \$50 million to a bunch of Indians.

So what's it worth to you to end spearfishing and all these racist protests that give Wisconsin such a black eye?

It would be worth plenty, just as long as those damn Indians don't get a dime.

But you're asking the Indians to give up a source of food and livelihood. What should the state propose to them in negotiation?

The state should propose that the Indians knock off spearfishing. If the Indians don't like that, they can lump it.

That's an interesting negotiating posture.

Oh, O.K. Maybe the state has to toss in a few sweeteners. I don't mind the state offering money for doctors, schools, law enforcement health programs, job training and economic development. What really bothers me is the cash payments that would go directly to the Indians.

You mean \$1,890 for each adult the first year and \$1,250 a year plus inflation after that?

Exactly. How do we know how those Indians are going to spend that money? What if they fritter it away or spend it foolishly?

How do we know how you spend your money?

It's none of your business how I spend my money.

Why is it any of your business how Indians spend their money?

Because they're going to be paid by the state with our tax dollars.

Tommy Thompson and thousands of state employees are paid by the state with tax dollars. Is it any of your business how they spend their money?

They aren't Indians.

Oh.

Don't "oh" me. Are you trying to suggest I'm some kind of jerk? Why is it that every time someone opposes something the Indians he's accused of being a racist?

Who's accusing you? Why are you getting so excited? You're doing is asking questions in italics and writing down answers.

Excited? Who are you calling excited? It's disgusting how these discussions on this issue always degenerate. I know and I'm glad when I hear one. You make me sick.

(A satirical column of personal opinion)

Race Religion—Gender—Ethnicity—Lifestyle—Physical Ability—Mental Ability

## LITTLE BOXES MADE OF TICKY-TACKY

(Reprinted from the Friends Committee on National Legislation (FCNL) Washington Newsletter, October 1989 edition)

Americans are known as rugged individualists. It should be easy for us to resist the urge to classify people by group characteristics—by race, religion, sex, ethnicity, lifestyle, physical abilities, and so on. Yet U.S. history is a checkerboard of categories, with unequal rights, privileges, and even expectations for each "caste." The society seems to run on assumptions about the abilities, intentions and motivations of individuals based on their "group membership."

Civil rights policies challenge these classifications and urge—and in some cases require—certain segments of the society to recognize and abandon their use. The civil rights movement of the sixties made visible progress. New laws and policies were put on the books, new enforcement patterns were set up within federal and state governments. For a time, it appeared that the nation was committed to growing beyond the restrictive practice of categorizing and apportioning rights.

But now there is a backlash. Communities across the country are experiencing waves of violence, ranging from vandalism of shrines, graveyards and bookstores to racially motivated murder. Two bills in Congress, known as the Hate Crimes bills, propose just to count the instances of this kind of violence; passage of even these mild bills is far from assured.

Communities that express pride in the contributions made by earlier waves of refugees and immigrants from European countries are now resisting the more modest influx of newcomers from other parts of the globe. Recent legislation on immigration and refugee assistance has not sought to welcome "the tired and the poor," but instead has sought to close down the borders and to deny the needs of those outside of them.

The Supreme Court, with three new members appointed by President Reagan, has begun to establish a clear position against an expanded recognition of civil rights. A large handful of cases handed down this summer placed new roadblocks in the way of women, elders, and people of color who seek to establish an equitable place for themselves in this society.

Nevertheless, even as the backlash gains fury, and even as the Supreme

Court tears down recent gains, new hopes for a more open society continue to rise and to encourage new policies. Stalwart civil rights advocates and their allies in religious, labor and educational organizations continue to challenge the "recognized" boundaries of civil rights, and raise new questions for policy-makers of the next decade.

• Whose civil rights should not be recognized? At what point does a human being so separate himself or herself from the society, that he or she has no further right to participate on equal footing with others? Does a physical or mental disability disqualify a person from society? Does a person have to have a permanent residence in order to be a full partner in society? Does a person have to agree with the majority on issues of military service, religious practices, or cultural beliefs in order to be a member of society? Do all members of the society have to have similar views on sexual preference, marriage and children in order for the society to function? Are certain diseases—AIDS, for example—so fearsome that they should separate a person from his or her society? Does anyone claim an "ownership" of this society sufficient to permit him or her to decide who should be in, who should be out?

• What rights should be assured? The initial thrust of the civil rights movement was primarily economic and political. The demand was for access to jobs, education, housing and commercial opportunities, and for the right to register and vote. The work is far from done on these issues. These primary objectives are still beyond the reach of many in this society, such as people with physical and mental disabilities, and people with no citizenship. Congress is considering legislation this year to improve access to election polls, since so many citizens find registration procedures to be prohibitively cumbersome.

There are other rights assured by the U.S. Constitution and the Bill of Rights that have not been recognized for some members of society. Freedom of religion has not always protected Native Americans who struggle to preserve religious practices and sacred sites in the face of commercial development. Basic rights to liberty and due process were denied for 120,000 Americans of Japanese descent when they were imprisoned during World War II because of their ethnic origin. Compensation for their losses, though promised by Congress, has still not been paid.



Visitors to the Indian fest could enter the wigwam for a first hand feel of traditional living during "Indian Fest" this fall in Milwaukee, Wisconsin.

## Assembly seat backed for state Indians

(Reprinted with permission from the Milwaukee Sentinel, October 17th edition)

A state legislator from Milwaukee said Monday he will propose creating an at-large seat in the Assembly to represent Wisconsin's Indian population.

Rep. Timothy W. Carpenter (D-Milwaukee) said one reason the Legislature is having problems dealing with the treaty situation is that it includes no members of the Indian community.

"We need a special line of communication with the various tribes," he said.

Carpenter said his plan, now in "very preliminary stages," would seek to establish a seat with full voting and committee membership rights.

To do so would require amending the State Constitution, a process that would take several years.

"The goal for this session is to get the idea out on the stage and to open up debate," Carpenter said, adding that a draft of the resolution could be ready later this year.

"I believe legislative bodies should be representative and pluralistic," said Carpenter, chairman of the Assembly Elections and Constitutional Law Committee.

He said he had been working on the idea for several months.

Rep. Gwendolynne Moore (D-Milwaukee) said she plans to co-sponsor the resolution and would "do anything I can to help galvanize support for it."

Moore said the Legislature needs to hear firsthand the "opinions and needs" of Wisconsin's Indians. Because the Indians are widely distributed around the state, they lack the ability to select an elected spokesman in the Legislature, she said.

## Marketing beer and a "just say no" ad campaign used to further anti-treaty groups cause

From an article which appeared in the "On Tap" magazine, a publication for bar owners, it appears that Wisconsinites will once again be encouraged to scoff what's been called "racism in a can," Treaty Beer. Treaty Beer, apparently, will once again be on the market as a source of funding for Stop Treaty Abuse's (STA) current campaign to rid tribes of their legal rights.

The article as it appeared in "On Tap" reads as follows:

Dean M. Crist, President of Stop Treaty Abuse/Wisconsin announced that Treaty Beer will again be available through Jed's Distrib-

uting Company of Rhineland, Wisconsin.

This year Treaty Beer is donating all its profits to the Northwoods Foundation, which will do historical and legal research on the Voigt case. If the Voigt case is overturned, it will eliminate all off-reservation treaty rights which include spearfishing, shining, hunting and timber harvesting.

Stop Treaty Abuse/Wisconsin made enormous gains in the fight against spearfishing this spring through protests and arrests made at boat landings. "With a little help from liquor license holders, we can keep

making gains and keep the treaty rights problem in the forefront of the political scene," said Crist. "We know everyone cannot go to a boat landing to protest, but every liquor license holder can buy Treaty Beer, push it, and help push for a solution."

For more information write to Stop Treaty Abuse/Wisconsin, P.O. Box 602, Minocqua, Wisconsin 54548. To order Treaty Beer call Jed's Distributing Company in Rhineland, Wisconsin at 1-800-533-3384.

While STA markets its alcoholic beverage, PARR, another anti-

treaty group launched a billboard campaign in the Milwaukee area. According to a September 27 article in the Milwaukee Journal, PARR spokesperson Don Blaies said the signs would instruct the public to "just say no" to treaty lease negotiations or buy-outs.

According to the article, Larry Peterson, Park Falls, PARR chairman, said the billboards would cost a total of \$4,000 and the organization planned to spend an additional \$6,000 for full-page ads in the T.V. Guide. Financing, Peterson said, is from \$10 annual membership fees and donations.

## Winner announced



MASINAIGAN would like to thank our readership for the many contributions to our photo caption. The winner of the 2 pounds of rice is, "The issue isn't treaty rights, it's trophy rights." This submission was sent in by Terry Tinkle, Plymouth, Wis.

## Court limits tribal zoning power on private lands

(Reprinted with permission from The Milwaukee Journal, June 30th edition)

Washington D.C.—The Supreme Court on Thursday limited the power of Indian tribes to control, through tribal zoning laws, the use of land owned by non-Indians within a reservation's boundaries.

The court said tribes may be forced to share the zoning power over some parts of their reservations with state or county officials.

The justices, in splintered voting that yielded no one majority opinion, distinguished between "open" and "closed" areas of the Washington state reservation of the Confederated Tribes and Bands of the Yakima Indian Nation.

About 800,000 acres fall within the reservation's "closed area," in which the tribe's zoning ordinance allows no permanent structures. Only a very small percentage of land in the closed area is held in "fee"—meaning it is held by private owners and not the tribe.

Another 500,000 acres are included in the unrestricted "open area," where about half the land is

privately owned. Almost all of the reservation's residents live in the open area. About 5,000 tribal members and about 20,000 non-members live on the reservation.

In the decision released Thursday, the court ruled that the tribe had the authority to regulate privately owned land in the closed area but not in the open area.

Philip Brendale, who owns 160 acres of land within the "closed area," had been barred by the tribal ordinance from selling his land for residential development.

Stanley Wilkinson, who owns about 100 acres in the reservation's "open area," had been barred from subdividing a portion of his land.

Neither man is a member of the Yakima tribe. They contended that the tribe lacked legal authority to control the use of their land. The men were supported by officials of Yakima County, where most of the reservation is located.

The Supreme Court ruled against Brendale but for Wilkinson—drawing a distinction between the "closed area" and "open area" lands.

The controlling opinion in the decision was written by Justice John Paul Stevens, who was joined by Justice Sandra Day O'Connor.

He said the difference between the closed and open areas "is of critical importance and requires a different disposition" of the appeals filed by Brendale and Wilkinson.

Four court members—Chief Justice William Rehnquist, Justices Byron White, Antonin Scalia and Anthony Kennedy—would have disallowed tribal regulation of any private land on the reservation.

Justices Harry Blackmun, William Brennan and Thurgood Marshall voted to allow tribal regulation of all privately owned land throughout the reservation.

The efforts to limit tribal control of land use were supported in friend-of-the-court briefs submitted by the National Association of Counties, the National League of Cities, the National Governors' Association and 11 states. (Wisconsin was not one of the 11 states.)

Numerous Indian tribes filed friend-of-the-court briefs supporting the Yakimas.

## HONOR calls for assurances of safety for tribal spearers

Following the October 25th rejection of the Lac du Flambeau settlement proposal by tribal referendum vote, HONOR spokesperson Sharon Metz asked for guarantees for the safety of tribal spearers and families.

"In light of the defeat of the proposed treaty settlement agreement by the Lac du Flambeau people, it is imperative that the Governor take the leadership right now in showing that the racism and violence that took place last spring will not be tolerated again," said Sharon Metz, spokesperson for HONOR. "Anything less will be a signal that Wisconsin is soft on civil and human rights," she added.

Metz added that she hoped the legislature would now exercise its prerogative to explore co-management of the resources and models of successful cooperative efforts between tribes and resort owners in other parts of northern Wisconsin.

HONOR has forty member organizations and members in sixteen states, with over one-third of the organizations religiously affiliated. It has been a policy of HONOR not to insert itself into inter-tribal politics.

Metz, a Steering Committee member of HONOR, is also executive director of Lutheran Human Relations Association of America. As an ex-legislator from Green Bay, she chaired the Legislative Council Indian Study Committee.



Jim Zorn, GLIFWC policy analyst, addresses employees of the National Forest Service at the Bad River Reservation. The two day event included presentations on tribal resource management, treaties, and culture. It was designed to promote better understanding between the Service and the Chippewa.

It was unclear if the ruling would have any effect on private land within Indian reservations in Wis.

A 1982 opinion by then-Atty. Gen. Bronson La Follette granted the LdF band of the Chippewa tribe concurrent jurisdiction to zone private property within the reservation unless county zoning infringed on tribal self-government. The opinion also granted the tribe exclusive authority to zone Indian-owned land within the reservation.

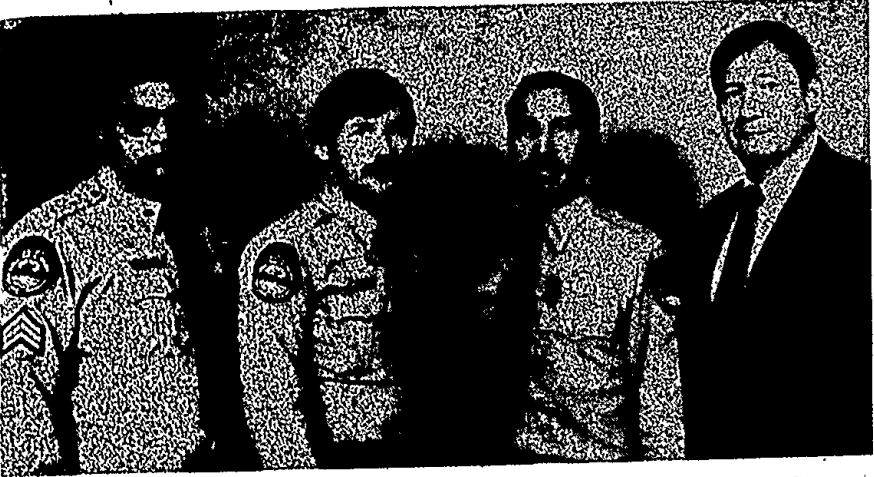
A spokeswoman for the zoning department in Vilas County, where the LdF Reservation is located, said current zoning practices subjected all privately owned property in the reservation to county restrictions. There have been no disputes over the policy in recent years. □



Tom Maulson, Lac du Flambeau, helps prepare a dancer for the powwow which was part of Indian Fest.



# GLIFWC Wardens complete training



On October 13th the Great Lakes Indian Fish and Wildlife Commission, Division of Conservation/Enforcement had three of its officers graduate from a 320 hour, 8 week, Basic Recruit Training program. The officers and instructor are pictured (from the left) Leslie Haataj, Keweenaw Bay Sergeant; John Mulroy, St. Croix warden; and Vern Stone, Bad River warden and Bob Teets, Instructor.

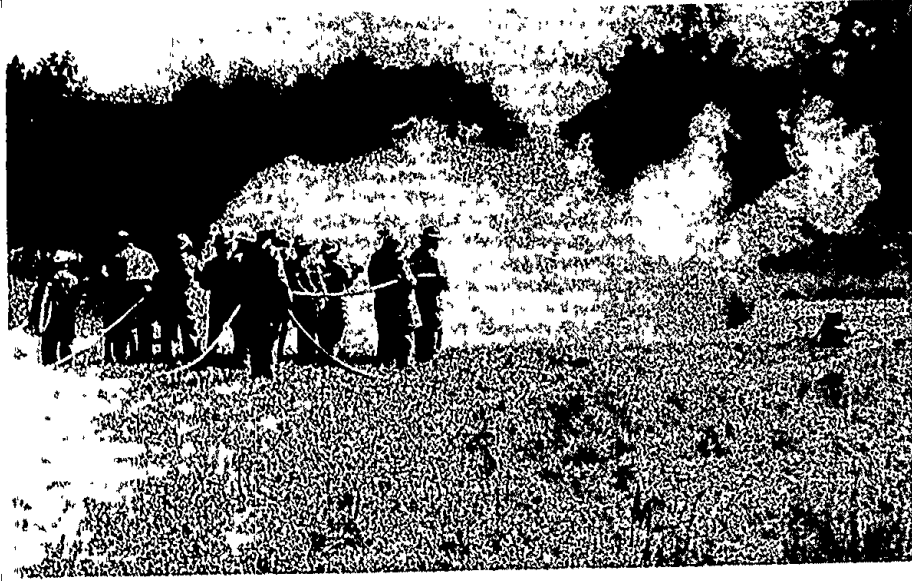
The Basic recruit training is sponsored by the Wisconsin Department of Justice, Training and Standards Bureau and is required by all law enforcement officers in the State of Wisconsin. The training was held at the Chippewa Valley Technical College in Eau Claire, Wisconsin. Instruction for this training is provided by the police science faculty, the Department of Justice, lawyers, educators, chiefs of police, police officers, sheriff department personnel and other personnel in specialized areas. Each officer attending this program receives extensive training in over 50 different areas of law enforcement.

# Fire training assumes new proportions

The Bureau of Indian Affairs, Ashland Office, coordinated and planned a fire training session at Reserve, Wisconsin on June 27th. The coordinator was Chuck McCuddy, Natural Resource specialist for the Ashland agency. This is the seventh consecutive year the Ashland agency has participated in fire training programs through the Department of the Interior. The Ashland Agency has the longest consecutive fire training program in the United States in conjunction with the Department of the Interior. The coordinator for Minneapolis BIA fire training program is Herman Fisher. Fisher was also on location as an observer at the LCO training exercise on June 27.

On June 25, the BIA sponsored a fire training exercise at Odanah, WI under the direction of Aviers Zakis, assistant natural resources specialist. The exercise at Bad River involved a fuel oil burn combined with a fire table technique. Participants were from the Bad River Volunteer Fire Dept., Red Cliff Volunteer Fire Dept., WDNR and other local fire departments from the area.

On June 26 the Alexandria SCBA fire training trailer unit from the Alexandria Technical Institute was located at WITC, Ashland campus. Firefighters in full gear experience simulated conditions for heat, smoke, darkness, sound and close confinement. The training unit is one of two simulators in the United States. This exercise was the second time the unit was in the state. There were 11 participants from the Red Cliff Volunteer F.D., Mellen Volunteer F.D. and the Washburn Volunteer F.D. LCO hosted a fire training exercise using the SCBA mobile unit on June 27 at LCO. There were 35 participants for this exercise. McCuddy commented on the excellent participation from the LCO Volunteer F.D. In the past year LCO has received a letter of commendation from the Dept. of the Interior for rescuing 5 fishermen from Illinois who went through the ice on the Chippewa Flowage. They utilized special ice-water rescue survival suits during the rescue.



Dousing a propane fire during a training exercise at Lac Courte Oreilles.

# American Indian veterans to open 1990 Goodwill Games

(Reprinted from the Native American News Service) SEATTLE, WA—Color guards comprised of American Indian military veterans will lead opening ceremonies for the 1990 Goodwill Games in Washington. The Goodwill Games are expected to be viewed by more than one billion people worldwide, organizers said. Native American participation in the opening ceremonies is being coordinated through a newly formed organization, Northwest Indian Veterans Association (NWIVA), according to Mac C. Oreiro Jr., a spokesman for the group. The veterans organization, which joins a growing list of regional Indian veterans groups, has been formed to address the needs of

Native American veterans that are not being met by existing agencies, including health care, housing, job training, mental health and family services, Oreiro said. "So many of us are saying that many of the Native American warriors are being forgotten," Oreiro said. "During the last four or five months some of us have been asking critical questions of federal and state service providers. The Indian health Service people do not know how to treat and care for some of the veterans." Membership in NWIVA so far includes Native American veterans from Washington, Oregon, Idaho, Montana, Nevada, Northern California, and British Columbia, he said. Oreiro called on tribes and urban Indian organizations in the region to

support the group by passing along information, donating money and helping to organize the group. "Many of us Indian veterans are stepping in and assisting service agencies to become more successful helping our people. "We are past the hurt and anger," Oreiro said. "Only we can help our own. All we need is a little help from our friends." Oreiro is asking tribes and urban Indian programs to identify a contact person in their organization, and to send a list of names, addresses and telephone numbers of tribal veterans to him at Northwest Indian Veterans Association, P.O. Box 4570, Rollingbay, WA 98061. Members of the organization will be available to present orientations to reservation and urban Indian communities, he said.

# Cross deputization sets precedent in MN

History was made in Duluth, MN, when a Chippewa conservation warden was cross-deputized by the Minnesota Department of Natural Resources (MDNR). On September 12th, Leo Haseman, Director of Enforcement, MDNR, gave the Oath of Minnesota Conservation Officer to Thomas Parent. This made Parent the first Chippewa warden of the 1854 Authority authorized to enforce state regulations within the 1854 ceded territory in Minnesota. Officer Parent, a member of the Grand Portage Reservation and a

conservation warden for the Chippewa 1854 Authority in northern Minnesota, was cross-deputized as a Minnesota Conservation Officer in accordance with the agreement signed by the Grand Portage, Bois Forte, and Fond du Lac Bands of Lake Superior Chippewa and the State of Minnesota. The agreement pertains to the exercise of Chippewa treaty rights on off-reservation, ceded lands. "Within two years we hope to have a total of 19 tribal wardens cross-deputized by the state" said Pat Zakovec, Coordinator of the

1854 Authority. The 1854 Authority coordinates off-reservation, treaty resource management activities on behalf of the member bands. In addition, two state wardens received their identification cards from the 1854 Authority authorizing them to enforce tribal regulations within the ceded territory. "With this cross-deputization, we will be able to assist each other and provide for better protection of the resources," said Zakovec. "We see this as a positive step forward," she added.



Leo Haseman (right), Director of MDNR Enforcement, cross-deputized Chippewa conservation officer Tom Parent (left), Grand Portage. Two MDNR officers were also cross-deputized. The cross-deputization authorizes the wardens to enforce both state and tribal regulations on off-reservation, ceded territories.

# HONOR forms new chapters in WI, MI and Pacific Northwest

New chapters of HONOR (Honor Our Neighbors Origins and Rights) have been forming in Wisconsin and elsewhere as a means of affirming treaty rights and tribal self-determination. Earlier in the summer, chapters of HONOR formed in Eau Claire, WI and a Pacific Northwest chapter formed in Washington State. Recently, a Park Falls chapter of HONOR was initiated. The Park Falls chapter meets monthly and has sponsored speakers on topics

relating to Chippewa Treaty Rights. Another new chapter formed in Sagatuck, MI which intends to respond to problems relating to tribal rights in that state. Member Ed Gray reports about 35 members at this point. According to Gray, the Michigan chapter is planning on sponsoring a Thanksgiving Day dinner for about 150 people as a way of promoting public education and interest in Native American issues. The Eau Claire chapter hosted

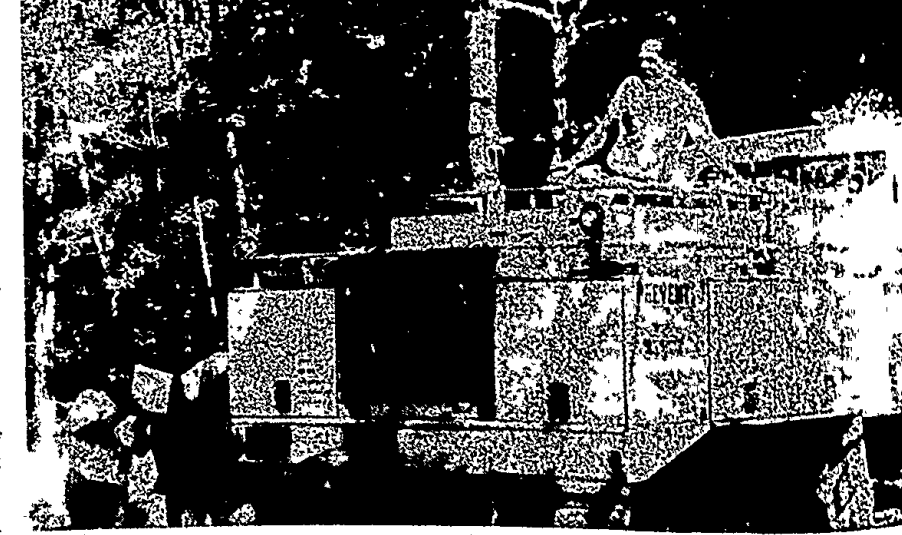
HONOR's annual event focusing on Columbus Day. Over one hundred people attended a dinner honoring tribal elected officials. HONOR was pleased that three tribal chairmen were able to attend. Those included: Gordon Thunder, Winnebago, Purcell Powless, Oneida, and Eugene Taylor, St. Croix. The dinner was followed with a skit prepared by Lac Courte Oreilles school children on the topic of Columbus Day from an Indian perspective.

# Denial

(continued from page 14) the Lake Superior Bands and the state of Wisconsin. Just as in the Washington state controversy, ugly and racist confrontations have taken place. State officials have uttered ignorant and racist statements in regards to the Indians and their rights and have advocated legislation to deny the tribes their rights and threatened to impede and/or cut off tribal requests for support in other areas completely removed from the controversy. Local law enforcement agencies have refused to protect Indians peacefully exercising their rights, and only after pressure had been applied have grudgingly offered some protection. Racist organizations such as P.A.R.R. have crossed state boundaries to provoke and influence confrontations. Vicious hate literature and bumper stickers (i.e. "Save a Walleye, Spear an Indian," "Spear a Pregnant Squaw") have been distributed by such groups. American Indians have been openly harassed and discriminated against in Wisconsin

towns, public schools and retail businesses. Schools have been closed because of bomb threats and the use of claymore mines (an anti-personnel mine used in Vietnam with an extremely large and lethal killing radius) at boat landings had been threatened. This atrocious list of wrongs inflicted upon American Indians goes on and on. Unlike the judicial climate at the time of the Washington controversy, however, there are now more federal laws concerning the racist element in the commission of Civil Rights violations that can be invoked and that can be enforced. The aggrieved Bands and their members should push the Department of Justice and Federal Bureau of Investigation (through the Bureau of Indian Affairs and other agencies) to actively and vigorously investigate these incidents and issue criminal indictments wherever cause can be found in that investigation. Continued pressure should be brought to bear on the BIA and other pertinent agencies to see that this is done. The investigation should not only include the one hundred plus individuals arrested at the boat landing

incidents, but also the racist organizations that instigated the outbreaks of violence and any state officials that actively condoned them. School officials and merchants should be investigated for their participation in the wave of racial hatred exhibited in Wisconsin during the confrontations. Not only should criminal complaints be issued, the aggrieved Bands and band members should pursue the law-breakers in civil court as well. Monetary damages should be sought from these individuals and organizations (both private and official) to the fullest extent the law allows. Litigation is expensive and these and other perpetrators of racism will think twice before they open themselves up to charges of racism in the future (Maybe this last suggestion hitting them in their pocketbooks will have the greatest impact on deterring future racial incidents like those that have occurred in Wisconsin towns and schools). The guilty should be made accountable for their part in the shameful and wanton display of racial hatred.



Ready for business. One of the local fire trucks used during the fire training exercises waits on site at Lac Courte Oreilles.

# The pageantry of Pow Wows

## *Pow-wow time*

Pow-wows celebrate simply, beautifully we on Earth here being alive together. Thankfully and miraculously so, we people are still enfolded by the gracious, embracing arms of an outrageously abused Mother Earth. At pow-wows we may pause to wonder at such beneficence, remembering the smallness of man.

Pow-wows herald, drum wise, honor to those forgotten too often outside the dance circle...those who have served, humbly; who have given honestly and without thought of return to nation, state, and community. Honor is given, finally, not just to statemen, but to those who talk little and do most the things that count, like care for elders, combat drugs, help lost kids.

Pow-wows celebrate a relationship between the natural world, seek the kindred spirits of animals, plants, and we, the people. Outfits of feathers and furs, valued for their spiritual relationships with the people, reflect the brotherhood, and the sanctity of that kinship finding, fanciful expression in the dance, in the outfit, in the multi-colored beadwork and the dramas depicted in the dance - an honoring of the natural brotherhood from we, the people.

Pow-wows celebrate the spirit of we who live together here on Earth, sharing the benevolence of a life source. Gathering to share in food and commradie and the victory of being alive to celebrate ourselves and our world. Fry bread, wild rice soup, venison only compliment the traditional feasts which bring us once again, thankfully together sharing Mother Earth's provisions this year to her children.

Pow-wows invite everyone to celebrate simply, soley being human - to dance, to feast, to come together for humansake, forgetting the moment's so-called crisis which draws us continually away from the center of thankfulness and rejoicing and beauty which is there, should we choose, momentarily, to look towards the soul's center and find ourselves there. Close to the drumbeat, the heartbeat.



Above photos were taken by Amoose, free-lance photographer, Bad River. They depict Grand Entry at the Bad River Manomin Pow Wow, which is held in August each year to celebrate the wild rice season. Other photos on this page and the following attempt to capture some of the pageantry and variety experienced at the many pow wows which are held on all the reservations yearly.

# pow wow season



(above) Colt St. Arnold, one year old from Kee-  
in full garb. Below, Colt takes time out for re-  
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(above) Colt St. Arnold, one year old from Kee... in full garb. Below, Colt takes time out for re... ation, also part of pow wow season.



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# Continued

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reference to the Lac Courte Oreilles, the tribes re- usufructuary gather within to the United States of 1837 and the methods of in treaty times. The court these rights as exclusive, be- common with may trade and the fruits of their land as much as may be. The State of the ex- ertly in the inter- and public d only upon a regulation is rea-



Dancers at the Youth 2000 pow-wow at Ashland High School, Ashland, Wis.

and resource conservation. Tribal staffs focus extensive effort on negotiating annual inland hunting and fishing seasons and methods with the State of Wisconsin, in developing Great Lakes fishing agreements and resource data bases, and on regulating, monitoring and managing all aspects of tribal harvest and related impacts. They also participate in endangered species recovery efforts, work to improve the understanding of Great Lakes community dynamics, cooperate in impact assessment studies relating to nuclear waste, mining and toxic contaminants, and are engaged in a variety of fish production, rearing and stocking operations.

We hope this letter has addressed some of the questions and concerns you have regarding Indian hunting and fishing rights, and how such rights are exercised and man-

aged by the Chippewa people in Wisconsin. In many parts of the country, state and tribal governments share responsibility for resource management and conservation. Complex resource management issues are being addressed and resolved by the affected interests on a case by case basis, through the establishment of meaningful inter party dialogue and cooperation. Coordinated action by all affected resource management jurisdictions, coupled with the use of Indian hunting and fishing rights as tools to address the many threats facing this Nation's fish and wildlife resources, represents an effective strategy for serving the fish and wildlife resource needs of society.

Sincerely,  
W P Ragdale  
Deputy to the Asst Secretary  
Indian Affairs (Operations)

3, members of the Wisconsin Conservation Corps' 6th Annual Wisconsin Conservation Workshops related to rights and their there was a variety throughout the were professional chairmen, at- resource man- personnel and



WCC members who attended the conference are, from the left, Andy Belille, Matt White, Mic Isham, Crew Leader and Jerry Barber.

and PARR. He also commented on "the way they (PARR) disguise their racism behind Christian morals and white rights slogans. The presentation that sticks out in my mind was entitled, "Economic Impact of Chippewa Treaties," by Dr. David Wronne, Professor of History at U. W. Stevens Point. People across the northern tip of Wisconsin are saying that the treaties are having a negative impact on the economy of northern Wisconsin. Dr. Wronne, however, states that the exact opposite is true. The treaties of 1837 and 1842 with the Chippewa made Wisconsin what it is today. In Wronne's research paper entitled, "Economic Impact of the Treaties of 1837 and 1842" he states, "The American nation, by legal title gained: 100 billion board feet of timber, 150 billion tons of iron ore, 13 1/2 billion tons of copper, 19 million acres of land, water, ports, powersites, quar-

ries, fish, fowl and game numbering into the billions. "As the other party to the property contract the Chippewa received only a few thousand dollars, some odds and ends of equipment, and a few thousand acres of reservation land. Also they chose not to sell their hunting, fishing and gathering rights." This was hardly a negative impact on northern Wisconsin's economy. This fact though is usually ignored by those people making statements that the treaties are having a negative impact on Wisconsin. Crew member Jerry Barber had his mind on a different workshop. Since Barber wants to be a game warden after his year with the WCC, he went to the workshop entitled, "Tribal Enforcement." After listening to Eugene Defoe, GLIFWC Chief Warden, and Pat Zakovec, 1854 Authority, he is determined even more to become a warden. He

said that one statement made by the speakers really stuck in his mind "In the past a warden would give a ticket to a person for illegally shooting a duck without even knowing what kind of duck it was." Barber said that current warden training is emphasizing conservation training as well as police training.

Crew member Matt White was asked if he thought the conference was worthwhile and he stated, "Yes, because of the large number and wide variety of workshops." He further stated "All WCC Crews should have attended."

There were two added bonuses to the Madison visit. The first bonus was we had the opportunity to meet Harvey Stower, the father of WCC. He was the legislator who introduced WCC to the rest of the legislature and initiated its formation. An interesting note is that Bill Braken, the first Executive Director of WCC was Stower's assistant at the time of the legislation. Our crew also met Sharon Metz, the "Key vote" when the WCC legislation passed. Stower also told me how Rudy Wendlin (an old WCC'er) created the WCC logo. It turns out that he is the same person who created Smokey The Bear.

The second bonus of the conference was it enabled us to make a "site visit" to the WCC Central Office. Matt White stated, "I thought they would all be in three piece suits." This was not the case. We were welcomed with open arms and made to feel we were as important as we felt we were.

As for rating the conference we agreed on this too. A double thumbs up.

Sincerely,  
Mic Isham, Crew Leader

# Letters con

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**Honorable Toby Roth:**  
Thank you for your letter of May 1, 1989, pertaining to the exercise of Indian treaty rights in the State of Wisconsin. The rights in question emanate from the Chippewa treaties of 1837 and 1842, as reaffirmed in *Lac Courte Oreilles v. Voigt*. Rulings in this case have been consistent with those of other courts relative to Indian hunting and fishing in other states.

**A** Indian hunting, fishing and gathering rights are complex matters that frequently require interpretation by the courts. Direction received from the courts and settlements negotiated with other resource management jurisdictions provide the basis for determining the nature and extent to which these rights may be exercised in the context of overall resource allocation and conservation. The courts have construed Indian treaties not as grants of rights to Indians from the Federal Government, but as reservations of preexisting rights, in- cluding the right to utilize resources for both subsistence and commercial purposes. These same rules of construction have been applied to Executive Orders and Acts of Congress, which have been used to address Indian needs after the making of treaties was prohibited by the Congress in 1871.

**O** Generations of American Indians have developed lifestyles, cultures, religious beliefs and customs around their relationships with fish and wildlife resources. Historically, these resources provided food, clothing, shelter and tools, and were traded for a variety of goods. They continue to provide a base of sustenance, cultural enrichment and economic support for many tribes, and help maintain tribal social structure and stability by per-

mitting gainful employment in traditional and desirable occupations. To ensure the perpetuation of traditional practices, many signatory tribes had language incorporated into treaties negotiated with the United States Government reserving for their members exclusive on-reservation rights, as well as certain off-reservation rights to hunt, fish and gather at "usual and accustomed" places and "in common with" all citizens.

The courts have rejected the argument that treaties provide only the opportunity to compete with non-treaty users, finding instead that they reserve to the Indians a fair share of the available resources: as much as, but no more than is necessary, to provide a livelihood or moderate standard of living. Indian treaties have been construed to permit the exercise of Indian fishing rights unencumbered by state regulation, licensing and taxation, except that treaty fishing activity may be subject to state regulation where necessary for conservation. Under these circumstances, however, the state must prove that such regulation is reasonable and necessary for conservation, and that conservation cannot first be achieved through restrictions on non-Indian activity. The courts have also construed reserved fishing rights as allowing for the employment of modern boats, nets and other techniques, and the utilization of improvements in traditional techniques, methods and gear.

Indian treaties were, and remain today, the supreme law of the land, superior to the laws of any state, and protected by Article VI of the United States Constitution. Additionally, and as partial compensation for the land ceded by the Indian tribes, the Federal Government has

**O** In his Association which in Lake Superior Conservation Concept a le these kn

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Three members of the Wisconsin Conservation Corps' 6th Annual Wisconsin Conservation Workshops related to rights and their there was a variety throughout the were professional chairmen, at- resource man- personnel and



GLIFWC staff member Jim St. Arnold and son, Colt, prepare to join the pow-wow at Indian Fest.

**Dear Editor:**  
As I understand it, the alleged reasons for a negotiated agreement on the treaty rights issue are: (1) to bring peace to the ceded territory by eliminating all but "token" ceremonial spearing, and (2) to protect resources and tourism against the perceived threat of Chippewa harvests. Since I consider both of these arguments to be based on fallacy, and since there are several very important reasons to support the Chippewa in their efforts to retain their treaty rights, I'm totally opposed to the proposed negotiated settlement.

I'm not the only average citizen to feel this way. Instead of a campaign of misinformation designed to propel us toward a negotiated agreement, why not try walking an honest path? The lack of understanding of treaty rights shows that we're victims of inadequate educational systems. Why not show some leadership by encouraging respect for Native American cultures and fostering understanding of the treaty rights? Contrary to popular belief, many Chippewa are desperately trying to hold on to the beauty of their culture. We have a great deal to learn from them, and cultural diversity enriches all of us.

It should be obvious to even the most stubborn supporter of the agreement that rather than calming things down a settlement would only create more tension and divisiveness between Indians and non-Indians and within both the Indian and non-Indian communities. As to claims that the settlement

Whether the treaty rights are a stumbling block or a stepping-stone to tourism depends on our attitude toward them, and on our innovative and creative abilities. How many areas offer viable Indian cultures with the strength and integrity the

## MASINAIGAN STAFF:

(Pronounced Muz in ī ay gin)

- Susan Erickson..... Editor
- Lynn Spreutels..... Assistant editor
- H. James St. Arnold..... Staff writer
- Georgiana Cloud..... Typesetter



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Letters to the editor and guest editorials are welcomed by MASINAIGAN. We like to hear from our readership. The right to edit or refuse to print, however, is maintained. All letters to the editor are subject to editing. Submissions should be received by the 10th of the month in order to

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