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# MASINAIGAN

(Pronounced Muz in ī ay gin)



A CHRONICLE  
 OF THE LAKE  
 SUPERIOR  
 CHIPPEWA

Fall 1990

## GLIFWC asks WDNR for explanations

GLIFWC's Executive Director James Schlender called for a clarification of the Wisconsin Department of Natural Resources' (WDNR) policy in recent fishery management decisions, as well as motivations behind the decisions, in a letter to WDNR Secretary Carroll Besadny dated October 5.

Defining the WDNR's and GLIFWC's common goal as a "wisely-managed, sustainable resource," Schlender expressed concern about seeming inconsistencies in the WDNR's fishery management decisions.

Schlender is awaiting a response from Secretary Besadny to the following questions which he posed:

**Question 1:** Schlender's first question asked the WDNR to explain on what authority the Department decided to override Wisconsin Administrative Code NR 2.37 (a). The Code requires bag limits of two or one on the 41 "watched" lakes.

Schlender noted that the Department established a "watch list" of 41 lakes, where walleye harvest by anglers was expected to be closed after November 1st. That list, he said, consists of lakes where the Wisconsin Administrative Code requires a daily bag limit of two or one based on tribal quota declarations.

If the Code applies, why then, and on what basis, did the WDNR set the bag limit at three instead of two or one?

**Question 2:** The second question posed regarded the monitoring of lakes on the "watch" list. He

noted that the WDNR is monitoring angler harvest on a total of 24 lakes in the ceded territories this year, and applauded the substantial increase in monitored lakes.

However, only two of the surveyed lakes are on the "watch" list. Schlender asked by what means the WDNR is "watching" the harvest on the other 39 lakes?

**Question 3:** Schlender also asked for an explanation of the WDNR's apparent change of heart in regard to opening ice fishing on some lakes which were previously announced to be closed.

While conceding that the opening of the lakes well-received by "those who had threatened a 'revolt' if winter harvest of walleye was indeed closed," he asked the WDNR to provide information and a rationale used to justify the opening of all 41 lakes. "In other words," he asked, "what changed your mind?"

**Question 4:** The fourth question posed asked for an explanation of an apparent change in policy from that applied in 1988 and that applied in 1990.

In 1988, Schlender noted, the WDNR closed walleye angling by emergency order after Labor Day on two lakes where harvest surveys indicated that 35% of the population had been harvested by the end of August.

"This is a conservative management approach based on agreed-upon standards, and was supported by GLIFWC," he stated.

Preliminary data on angler harvest through August 1990 indicated that five of 24 surveyed lakes should be closed to further angler



Representatives from various tribes, tribal organizations and treaty support groups gathered at the Pigeon River Bridge on the Minnesota-Canadian border in support of the Mohawks who were under siege. Above Mohawk supporters from the U.S. side of the bridge march towards the center. (story on pages 6-7)

harvest of walleye, if the WDNR followed the same standards applied in 1988.

Noting that the data is preliminary and not to be made public until final, Schlender felt that in the interest of protecting fish populations from excessive harvest, he must ask why lakes, where current harvest equals or exceeds 35% of the estimated population, were not closed this year as they were in 1988.

**Question 5:** Schlender also questioned the WDNR on its policy of "openness." "While I do not

share your interpretations of the Wisconsin Open Meetings Law as it applies to particular Department employees," he said, "I am concerned about the apparent lack of openness regarding the decision to keep all of the 'watched' lakes open. Is the policy of openness being applied consistently?" he asked.

Assuming that the decision to open the lakes required discussion both at the technical and policy levels of the Department, he commented that no notice was provided to GLIFWC or the public of

the Department's meetings when the policy was discussed and the decision made.

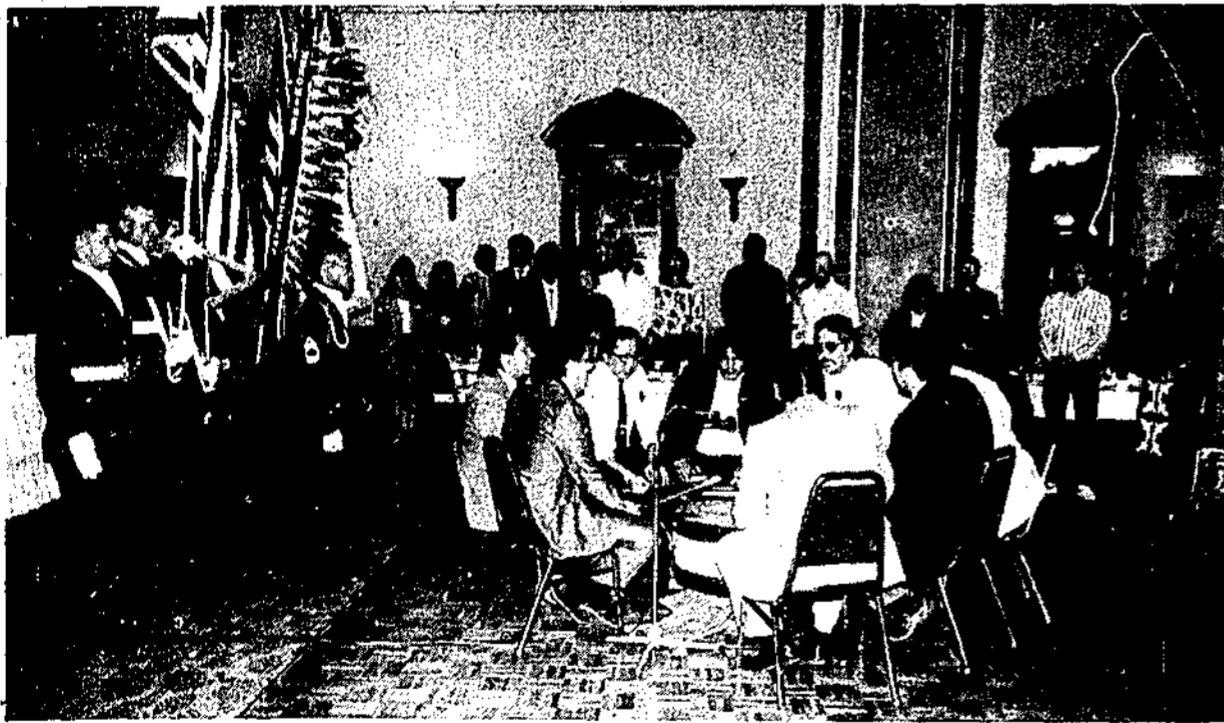
Schlender asked for advance notification, as a standing request, of meetings where policies such as the ones mentioned above are being discussed and decided upon, including staff briefings and meetings with individuals from other agencies or departments.

He also requested information regarding "when, where and by whom" the decisions on "watched" lakes were discussed and made.

**Question 6:** Finally,

Schlender asked Besadny to provide him with assurance that the WDNR's decision was made with regard to resource protection rather than "to foster political interests or scapegoat the Chippewa tribes."

Schlender referred to the concern of at least one legislator who, according to a recent news article, shared GLIFWC's concerns regarding WDNR's decisions. "The one thing I can say about the Department's decisions," he commented, "is that they are a constant source of surprise." □



The Forum on Sovereignty: Divergent Jurisdictions was formally opened with traditional ceremonies including presentation of flags and Drum songs from the Winnebago Drum. The opening banquet on October 7 was followed by a two-day schedule of presentations.

## Inouye urges respect for tribal sovereignty

Respect for the government-to-government relationship that tribes and local, state and the federal government share in the United States was underscored by Senator Dan Inouye during a videotaped address at the opening of the Forum on Sovereignty, Stevens Point in early October.

Unable to attend in person due to the budget crisis in the Congress, Inouye (D-Hawaii), Chairman of the Senate Select Committee on Indian Affairs, taped the remarks he had prepared for the occasion.

Inouye stressed that a government-to-government relationship and recognition of tribal sovereignty has historically been the basis of U.S. policy in regard to tribes and has its foundations in the Constitution.

Inouye also emphasized that violence and threats during the spring spearfishing season would not be tolerated.

Providing background on sovereignty, he noted that Indian people have had significant input into the formation of our country. For one example, that George Washington probably would not have survived Valley Forge without Indian aid, he said.

Inouye also noted that the principles for the new democratic state which was being formed were derived by our forefathers from the Great Law of Peace, which had long been the basis of government for the Nations of the Iro-



Senator Dan Inouye, Chairman of the Senate Select Committee on Indian Affairs.

quois Confederation. No other democracies were in existence to provide models.

Equal representation and the concept of separate houses of government, as well as equal status for men and women, were all part of the established Iroquois government which was studied by founders of the U.S. and incorporated into the democracy they formed, Inouye said.

The first Treaty between a tribe and the U.S. government was signed in 1778, Inouye stated, and was an alliance with the Delaware. That treaty provided for the confederation of other tribes with the

Delaware and representation in Congress.

Since that time over 800 treaties were made with various tribal governments. Those treaties, he said, were agreements that were intended to last "as long as the river flows and the sun rises in the east."

However, out of the 800 treaties 438 of them were never ratified by Congress. They were "shelved," but the U.S. expected the Tribes to be held to them.

Congress did ratify 370 treaties, but "we have violated them all," Inouye continued. "Rights supposedly protected by treaty have systematically been stripped away. No wonder Indian governments cherish their sovereignty."

Despite the actuality of eroded tribal rights and broken treaty agreements, Inouye stated that there are 100 years of Supreme Court decisions underscoring and reaffirming the sovereignty of tribal nations.

"It may seem hard to accept that treaties are being upheld, but it was hard for tribes to give up land and resources and lives," he said. "In my view, we owe the Indians much more."

Inouye also commented that he has seen a pattern evolve of Indian and non-Indian putting aside differences and solving problems, stressing that despite differences the message should be clear that we "will not tolerate violence."

## New ruling in Voigt case

Madison—Only the Federal Government and not the Wisconsin Chippewa Tribes may pursue claims for damages against the State of Wisconsin for the deprivation of tribal off-reservation treaty rights. Federal Judge Barbara Crabb has ruled that the State of Wisconsin is immune from the tribal damages claim by virtue of the 11th Amendment to the U.S. Constitution.

In an October 11, 1990, decision, Judge Crabb ruled "that [the Tribes] cannot pursue their claim for damages against the State of Wisconsin directly; they may do so only through the United States." This ruling is part of the on-going treaty rights litigation commonly referred to as the Voigt case.

As part of that case, the six Chippewa Tribes of Wisconsin claimed that the State of Wisconsin should be held liable for economic and other damages sustained as a result of the enforcement of state conservation laws against tribal members. The Tribes asserted that those laws infringed upon their off-reservation hunting, fishing and gathering rights reserved in the Treaties of 1837 and 1842.

According to James Zorn, GLIFWC Policy Analyst, this ruling does not address the merits of the Tribes' damages claims but only goes to who—the United States or the Tribes themselves—may assert those claims. "The State's past conduct in infringing on tribal rights is in no way vindicated by this decision," Zorn said. "The extent of tribal damages suffered at the hands of the State remains an open issue."

Tribal Officials and tribal attorneys involved in the Voigt case could not be reached for comment prior to press time.

DUPLICATE EXPOSURE

# Conference explores sovereignty and jurisdiction

The topic of tribal sovereignty was explored from a variety of perspectives during a two-day conference at Stevens Point this month. Entitled "Tribal Sovereignty: Divergent Jurisdictions," the forum attracted judges from both tribal and non-tribal court systems, tribal leaders, attorneys, clergy and educators.

Throughout the several days, the complexities relating to Indian law became apparent. The law itself becomes entangled in the socio-political pressures of various eras, the whims of Congress, and the problems which pertain to maintaining minority rights within a dominant culture.

Despite the continuous erosion of Indian rights and a history of interaction which is marred both by actions which are ignorant of the law or ignore the law, the status of tribes as sovereign, domestic nations within the United States has managed to remain.

It is the recognition of that status which the tribes are now seeking, and with that recognition the acceptance of their right as responsible, sovereign governments to exercise powers of self-regulation and protection of tribal rights and property.

While court decisions provide that recognition, society does not. The job, then, involves public education. That is the task that the Forum on Sovereignty undertook. Some highlights of the conference are summarized below:

## Historical Perspective of Sovereignty and Federal Indian Law

Prof. Rennard Strickland, Prof. of Law, and Director, American Indian Law and Policy Center, College of Law, University of Oklahoma, provided insights into the historical basis of tribal sovereignty and the principles which are fundamental to and guide Indian law.

Prof. Strickland described the course of Indian-U.S. relationships



Professor Rennard Strickland, University of Oklahoma.

as a "continuous journey." The choice to make that relationship one which would be "a continuous journey, not a final solution" was a careful and conscious choice of early leaders, he said. He described the choice as an "option for law."

Strickland stated that the choice, which involved recognition of tribal sovereignty, came out of international thought and the birth of international law, and is one which reflected the finest principles of the American Republic.

In the 1830s a series of court decisions entitled the Marshall Trilogy laid foundations for the relationship between state and tribe. While those decisions limited the powers of tribes, they also affirmed sovereignty, Strickland noted.

The status of tribes as sovereigns was not something bestowed on the tribes by the U.S. courts or governments, but, as Strickland noted, a status the tribes had enjoyed "long before the Indians discovered Columbus." The rights they enjoy, he also stated, were rights that they retained, not rights which were given to them.

Strickland continued to discuss regulating principles of sovereignty and Indian law. Some of those mentioned include:

□ Indian law is based on constitutional law.

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□ The basic relationship between tribes and government is a federal-tribal relationship as provided in the U.S. Constitution, the Supreme law of the land.

□ The law is to be read as it was understood by the people who signed it.

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In conclusion, Strickland called for an increased effort to correct mythology and stereotype in regard to Indian people. We need a new definition of what is Indian, he said, asking people to be aware that "Indians are not museum pieces, but an evolving people."

## Sovereignty: A matter of the spirit

Beyond the legal definitions and rhetoric Eddie Benton-Benai, Anishinabe spiritual leader and Superintendent of the Lac Courte Oreilles Schools, sees sovereignty as "a spiritual and subjective matter."

The terms currently used to describe sovereignty, he noted, are very recent terms and fail to encompass the full meaning of sovereignty for the people.

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Benton-Benai feels that to understand sovereignty individuals must put aside the legal perspective, the social perspective, the treaty rights perspective and begin at the rational point of beginning, which is to know yourself first.

"To honor our Creator and our Mother Earth and to know ourselves are the foundations of sovereignty," he said. "That sovereignty can never be taken parcel by parcel or subjected to legal interpretations."

## Litigation vs. negotiation

Standing in for James Klausner, George Meyer, WDNR chief of enforcement, presented the WDNR's position on litigation vs. negotiation. According to Meyer, the WDNR strongly advocates negotiations over litigation as a method for resolving differences of opinion.

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By Sherrole Benton  
Freelance Writer

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That discussion led to a five year agreement which established regulations for the commercial fishery in 1975. In 1980 a similar agreement, this time including the Bad River Band, was negotiated.

Currently, the WDNR has 20 agreements with tribes, Meyer stated, with many of these in non-controversial areas. In regard to Voigt, Meyers pointed out that over 40 highly complicated agreements were worked out between the WDNR and Voigt Inter-Tribal Task Force to provide for interim treaty harvest seasons while litigation was pending.

"If conflict comes up, the WDNR will prefer to try to deal with disputes through negotiations," he stated.

On the other hand, Kathryn Tierney, Sault Ste. Marie Tribal Attorney, former attorney for the Lac du Flambeau Band, feels the benefits and risks of both negotiations and litigation must be weighed.

Tierney characterized the litigation process as costly and often lengthy, noting that the Voigt case began in 1964 with the rights finally be re-affirmed in 1983 and litigation to clarify still in process.

But the benefit to litigation, she noted, was that "the Judge is the decision maker, not the politicians."

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To Tierney negotiations are likely to be successful if the issues are 1.) not political, 2.) not widely publicized and 3.) not likely to have a big economic impact.

In order to encourage participation in good faith negotiations, tribes need some assurances, Tier-

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For example, if the tribes had an intergovernmental agreement in place with the state for environmental protection, the tribe would be able to call on a local county emergency response team to clean up a chemical spill and have it done within hours, Dodge said. Whereas, if the tribe had no agreements with the state for environmental protection, the tribes would have to rely on a federal agency to clean up the spill, and it could take days for someone to respond, he said. The dollar savings would come from being able to rely on the state emergency response teams rather than spend hundreds of thousands of dollars in training, equipment and update education on chemical and hazardous waste spills, he said.

Intergovernmental agreements would also dispel the myth that reservations are a haven for violations of environmental laws, he said.

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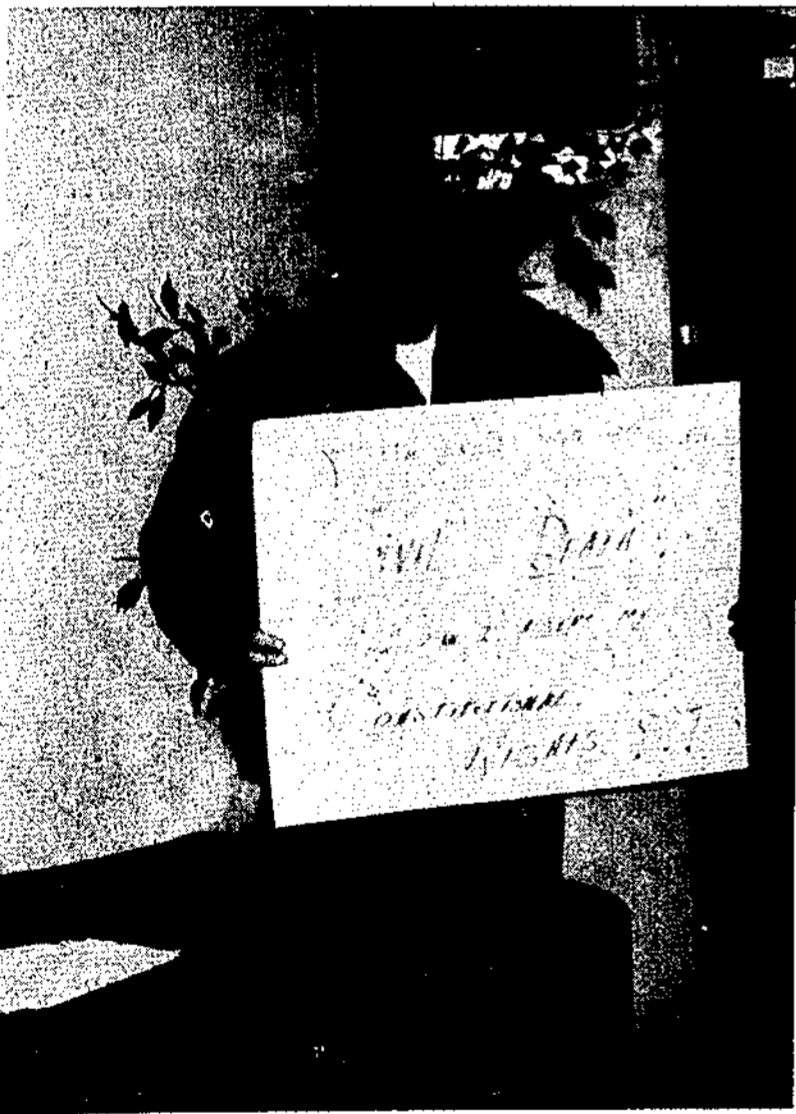
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Schlender noted that if the effort to establish the environmental laboratory is successful, tribes will benefit in several ways.

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would be operated as part of CLSES at the UW-Superior campus, would provide GLIFWC and member tribes with technical expertise and assistance in resource management related to off-reservation treaty rights. Accessible scientific equipment and professionals would complement and expand the current work of GLIFWC, he said.

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Signing the agreement for a cooperative effort aimed at establishing an environmental health laboratory at the Center for Lake Superior Environmental Studies at the UW-Superior were representatives of the cooperating organizations. From the left are: James Schlender, Executive Director, GLIFWC; Dr. Terrance MacTaggart, Chancellor, UW-Superior; and Dr. John Dellinger, Director, CLSES.

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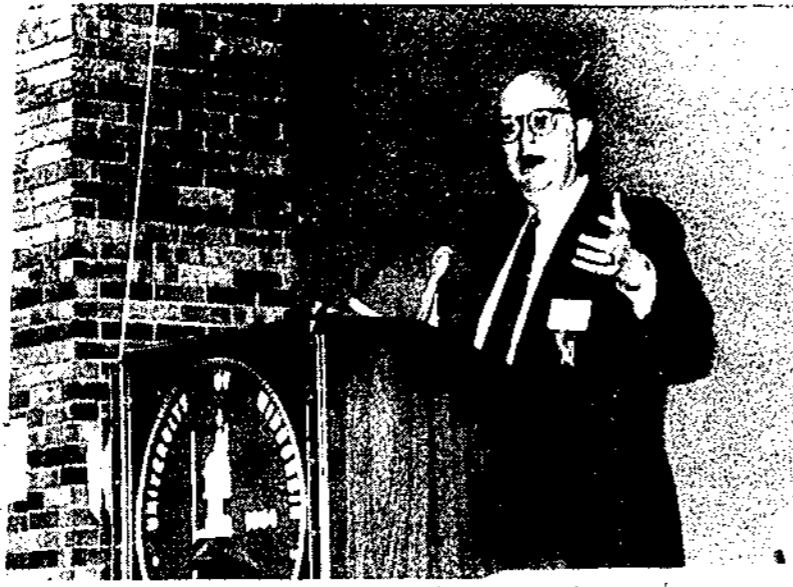
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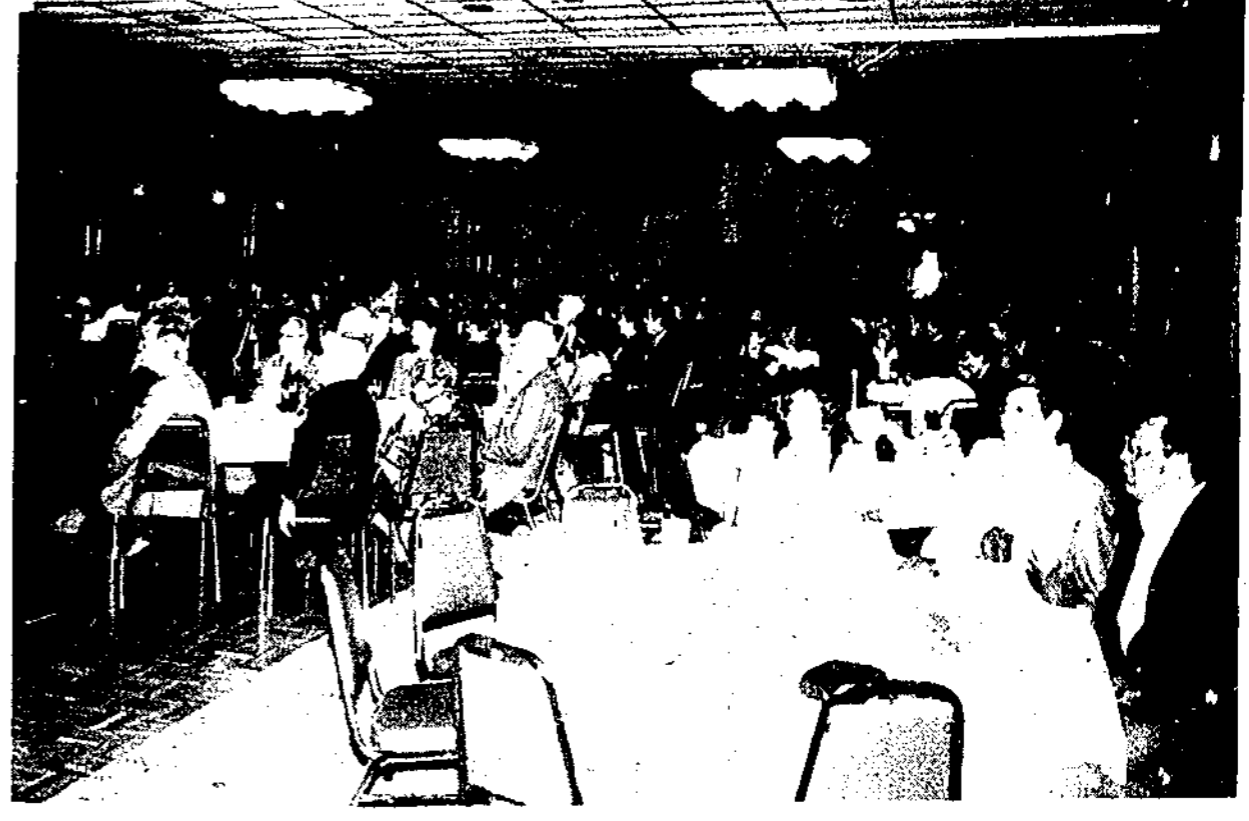
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## Tribal sovereignty within environmental protection laws

By Sherrole Benton  
Freelance Writer

The whole arena of environmental protection is a new frontier in regard to how the federal and state governments interact with tribes, said Steve Dodge, Environmental Protection Agency (EPA) Region 5 Office.

Expressing tribal sovereignty while protecting the environment was explored on the third day of the conference: "Forum on Sovereignty: Divergent Jurisdictions."

Governmental interaction between tribes, states, and federal agencies can further define and substantiate tribal sovereignty, Dodge said.

"In 1973 the EPA came to grips with how to deal with tribes and how Indian law should be applied in Indian country. Recognizing the tenants of Indian law, the EPA decided to treat tribes on a government to government basis according to the foundations of treaty law," Dodge said. This sets a precedent in the areas of developing environmental protection laws for tribes to assert their tribal sovereignty within intergovernmental agreements, he said.

"Entering into intergovernmental agreements is an act of sovereignty... and provides (tribes with) technical assistance and dollar savings in the administration of

environmental protection," Dodge said.

For example, if the tribes had an intergovernmental agreement in place with the state for environmental protection, the tribe would be able to call on a local county emergency response team to clean up a chemical spill and have it done within hours, Dodge said. Whereas, if the tribe had no agreements with the state for environmental protection, the tribes would have to rely on a federal agency to clean up the spill, and it could take days for someone to respond, he said. The dollar savings would come from being able to rely on the state emergency response teams rather than spend hundreds of thousands of dollars in training, equipment and update education on chemical and hazardous waste spills, he said.

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DUPLICATE EXPOSURE

## Joint action plan for fishery assessment approved and underway

By Tom Busiahn  
GLIFWC  
Biological Services Director

Cooperation is the word of the day, as state, tribal, and federal representatives have approved a "Joint Action Plan" for assessment of the fisheries in Wisconsin's ceded territories. The plan includes a joint report on the status of the fishery, which will present recommendations on future needs for assessment and enhancement of the fishery resource.

The joint effort stems from the State of Wisconsin's plea for greater federal involvement in resolving the controversy that has arisen following the implementation of long-denied treaty fishing rights of the Chippewa. Senator Daniel Inouye, powerful chairman of the Senate Select Committee on Indian Affairs, secured \$300,000 to fund "an independent assessment of the status of the fishery resources... to be conducted jointly by the federal, state, and six Chippewa

tribal governments." (language from the Report of the Senate Appropriations Committee)

The participating governments set up a Steering Committee to oversee the study, including representatives from the U.S. Fish and Wildlife Service, the Bureau of Indian Affairs, the Wisconsin Department of Natural Resources, the Great Lakes Indian Fish and Wildlife Commission, and each of the six Chippewa tribal governments in Wisconsin: Bad River, Lac Courte Oreilles, Lac du Flambeau, Red Cliff, Sokaogon (Mole Lake), and St. Croix. Robert Jackson of the Bureau of Indian Affairs chairs the Steering Committee.

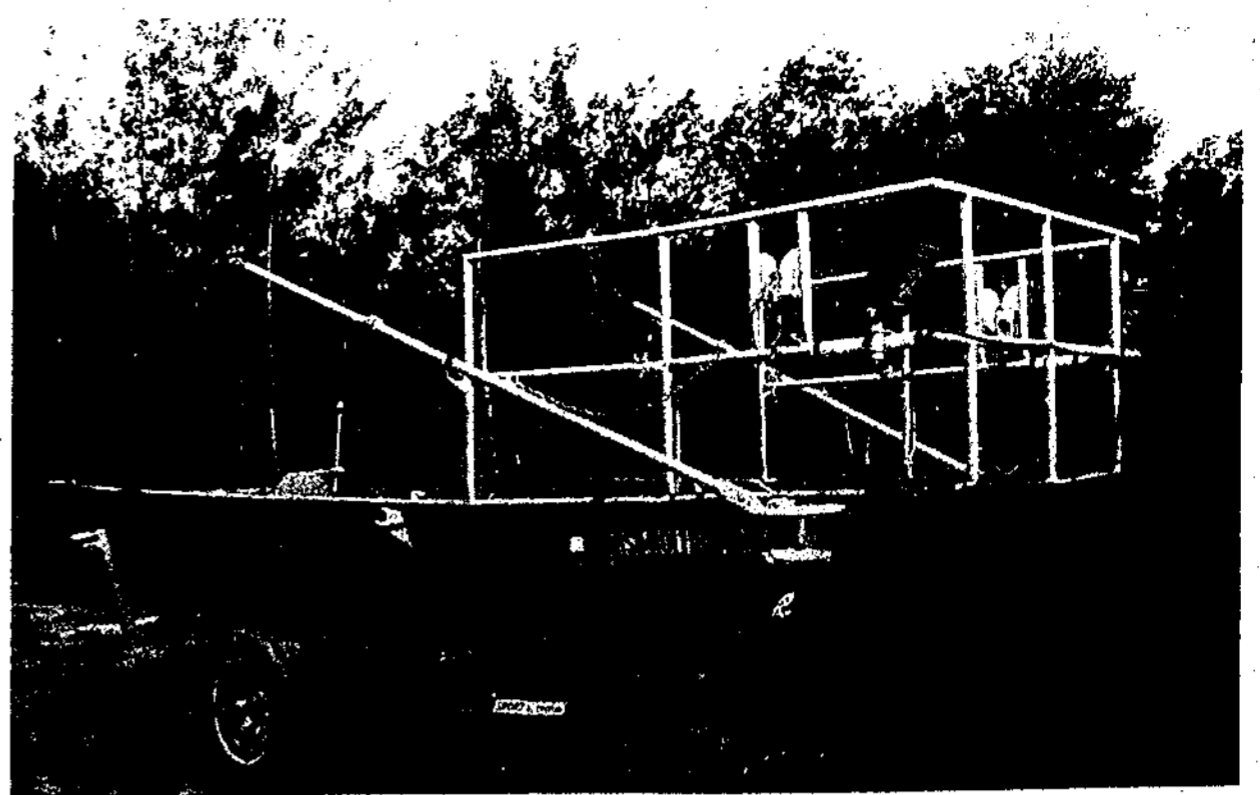
Planning for the study began in mid-May, when the Report of the Senate Appropriations Committee was received, but the first meeting of the joint Steering Committee did not occur until July 12, due to some differing perspectives on "open" meetings. Tribes have maintained that negotiations with the State should be open only to invited participants. The DNR has

recently introduced a policy that high-ranking administrators may only attend meetings that have been publicized in advance in a DNR newsletter.

The Steering Committee meetings have been publicized by DNR, but attention from the news media has been scant. A single reporter attended Steering Committee meetings on July 12 at Lac Courte Oreilles and at Mole Lake on August 7. No one from the press attended the most recent meeting at Bad River on September 28.

Despite the lack of attention from the news media, the joint study is likely to be of great significance for the future of northern Wisconsin's fisheries. The last five years have been marked by bitter controversy over fishing rights and regulations, and also by greatly accelerated assessment of walleye populations and harvest.

The controversy has been heightened by fear and uncertainty about the future of the resource (See Joint action, page 24)



A new electrofishing boat ready for work during the fall assessment process was purchased through funds made available for the joint fishery assessment work.

## Ceremonies initiate re-seeding project

**RICELAKE**—Ceremonies at the shores of Rice Lake, near Hertel, WI officially launched a cooperative wild rice re-seeding project last week. The project is the most extensive re-seeding effort undertaken to date, according to Peter David, Great Lakes Indian Fish & Wildlife Commission (GLIFWC) biologist.

Representatives from the cooperating agencies met at Rice Lake and participated in a tobacco ceremony led by Fred Ackley, tribal judge from the Sokaogon Chippewa. The ceremony both expressed gratitude for manomin

(wild rice) as a food source and sought blessing on the seeds to be sown this fall.

As Jim Schlender, GLIFWC executive director, pointed out that the Anishinabe (Chippewa) people were charged with stewardship over the manomin. That stewardship, he said, projects both spiritual and technical elements. Therefore, it is important that the spiritual aspect be an integral part of the re-seeding project about to be launched.

Schlender noted that the Anishinabe had been told that with the loss of important spiritual

teachings, the manomin crop would also decline, as it has done over the past decades. However, today, a rekindling of Anishinabe spirituality may also herald the return of more abundant manomin beds in northern lakes and rivers.

The seeds to be planted in Rice Lake were the first of 3200 lbs. which will be sown this fall by staff from the GLIFWC, the Wisconsin Department of Natural Resources, and the Nicolet and Chequamegon National Forests. Eleven bodies of water in five northern counties have been targeted for the effort.



A tobacco ceremony at Rice Lake, near Hertel, Wis., officially launched a cooperative wild rice re-seeding project. Above, from the left, are Jim Schlender, GLIFWC executive director, and Fred Ackley, Mole Lake tribal judge, both who shared comments on the significance of manomin (wild rice) to the Chippewa people.



Representatives from cooperating agencies present at the ceremony were, from the left: John Plenke, WDNR, Spooner; Doug Morrisette, Office of Tribal Cooperative Management, DNR; Don Bilyeu, U.S. Forest Service, Park Falls; Dave Evenson, WDNR, Cumberland; Jim Schlender, GLIFWC executive administrator; Ron Parisien, GLIFWC biological technician; Fred Ackley, Mole Lake Tribal Judge; Tom Matthiae, wildlife biologist, Nicolet National Forest, Laona District; and Peter David, GLIFWC wildlife biologist.



Listening to the words spoken at the re-seeding ceremony are, from the left: Peter David, GLIFWC wildlife biologist; Dave Evenson, WDNR Cumberland; Doug Morrisette, Office of Tribal Cooperative Management, DNR; Tom Matthiae, wildlife biologist, Nicolet National Forest; Don Bilyeu, U.S. Forest Service; and Bill Thornley, Spooner Advocate.

## Conference explores sovereignty and jurisdiction continued

(Continued from page 2)  
ney stated.

For one, they need assurance that they will be able to self-regulate and for another, that their right to be different will be accepted.

Tribes will have different goals and objectives and different ways of gaining objectives, she commented. With acceptance of their difference and their sovereignty, Tierney feels many more areas would be open to negotiations.

### Principles of sovereignty

Dr. Earl Barlow, Superintendent of the Minneapolis Area Office of the Bureau of Indian Affairs, provided an extensive overview of the "Federal Perspective: Current Status of Tribal Sovereignty and Jurisdiction." As he noted at the onset, the current status is difficult to address because it is always evolving and in a state of flux.

The state of tribal sovereignty, he said, is influenced by the various branches of government and their current philosophies. It is also intertwined with jurisdictions of county and state governments—the total picture becoming a jurisdictional collage.

In brief, Barlow went on to define three principles for understanding Indian legal relations. First, two aspects of sovereignty are considered by the federal government: an external sovereignty whereby tribes are subject to the legislative power of Congress and dependent on the federal government for protection and an internal sovereignty which provides for powers of self-government within Indian Country.

"The federal government has always held that Indian tribes will be ruled by their own laws," Barlow stated. "Today, tribal governments exercise legislative, judicial, and regulatory powers and there is

no question that their authority is derived from their aboriginal sovereignty, not from the federal government."

The second principle of federal Indian law defined by Barlow is federal power and obligations. Through treaties and agreements with tribes and through special legislation, the federal government has established a unique legal relationship with the tribes.

One part of the federal role, Barlow described is "to preempt the exercise of state power over much of the area. Another function is to carry out special obligations toward the tribes and their members."

Barlow cited Article III of the Northwest Ordinance of 1787 as an early declaration of the federal policy of good faith dealings with Indian Tribes and as an articulation of their intent to protect tribal property. The Article declared:

*The utmost good faith shall*

*always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and their property, rights and liberty shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.*

The third principle of federal Indian law regards reserved rights, according to Barlow. "So long as Indian rights are not voluntarily ceded by the tribes in treaties or in other negotiations which are approved by Congress, or they are not extinguished by Congress, they continue in their aboriginal state," he said.

Federal law views important rights that have not been specifically ceded to be reserved. When cessions are made or rights extin-

guished, they are to be construed narrowly, so as to affect only things specifically mentioned.

Treaties and agreements are also read to fulfill promises as Indians would have understood them.

Barlow noted that "the rights of Indians are often erroneously referred to as privileges. The courts, through their decisions, have not provided 'superior' rights to the treaty Indians; they have merely reaffirmed that these treaty rights were originally theirs and were not extinguished by the treaties."

Barlow concluded his talk noting that from the federal perspective, the current status is "both challenging and dynamic.... The challenge arises because the legal, economic, and political circumstances still get combative. The dynamism occurs because power and influence shift. Either condition yields hope and a responsibility to manage the development and change."

### Sovereignty

(Continued from page 2)

Many tribes receive offers of money and technical assistance from corporations in exchange for allowing them to dump hazardous waste or chemicals on their reservations, he said, because the corporations believe that environmental protection laws don't apply there.

"Tribes recognize a need to develop economic and business progress but they want to do it within a context of environmental preservation and safety," Bichler said. So businesses that come along with offers of money and assistance but with little respect for the environment are often rejected by tribes, he said.

In fact, if the tribe doesn't have its own environmental protection codes in place, then EPA standards would apply, according to Dodge. If it came to choosing between EPA codes and tribal codes, then the most stringent environmental laws of the two would apply, he said.

# Treaty suit filed in MN

By James Zorn  
GLIFWC Intergovernmental Affairs

ONAMIA, MN—The Mille Lacs Band of Chippewa Indians and a number of its members have filed a lawsuit against the State of Minnesota and the Minnesota Department of Natural Resources seeking to affirm the Tribe's off-reservation usufructuary rights reserved in the Treaty of 1837. The Tribe's complaint, filed on August 14, 1990, in a Minneapolis Federal Court, seeks a declaration that the tribal rights to hunt, fish and gather continue to exist and asks the Court to enjoin enforcement of

Minnesota laws allegedly infringing on the rights.

The Mille Lacs lawsuit is similar to the *Voigt* case which is pending in a Wisconsin Federal Court. In the *Voigt* case, six Chippewa Tribes located in Wisconsin have successfully obtained federal court affirmation of off-reservation treaty rights in the portions of the 1837 and 1842 ceded territories located in Wisconsin. The Mille Lacs complaint seeks relief from Minnesota state regulations in the portion of the 1837 ceded territory located in Minnesota.

According to Don Wedell, Mille Lacs Commissioner of Natural

Resources, the Tribe has granted a 90-day extension to the State of Minnesota for filing an answer to the Tribe's complaint. It is not known at this time how the State will respond to the Tribe's allegations and requests for relief.

However, the Tribe's complaint alleges that the State of Minnesota and its agents disregard the decisions rendered in the *Voigt* case and "continue to assert the right to control, regulate and license the exercise by [tribal] members of hunting, fishing and gathering activities despite the Treaty of 1837."

No activity is anticipated in the case until the State files its response to the Tribe's complaint.

# Letter to the Editor

Dear Editor:

This is an open letter to the Milwaukee County Museum Board of Directors, the Milwaukee County Board, and concerned folks of the Milwaukee area.

As a county board member I attended the recent Wisconsin Counties Association (WCA) Convention held in Milwaukee and for the most part was impressed with the courtesy that was extended to me. Milwaukee knows how to meet and greet visitors with a friendliness I thought reserved only for small towns.

Downtown Milwaukee has it all: MECCA, shopping, decent hotel accommodations, and a world famous museum. It is the latter that has prompted this letter. If I had not attended the WCA convention-wide event held at the Milwaukee museum, I would have left the city of Milwaukee with great memories and looked forward to returning. However, I did attend the museum event and was not prepared for the outrageous insensitivity allowed by the policies of the museum board and paid for by Milwaukee County residents.

As an "event" the museum opened its doors to convention participants for what I'm told was a typical party. On each of the floors food was served representing the time or place of the nearby exhibits. It looked like it was to be a grand evening (unless one considered the whole bash an example of conspicuous consumption paid for at the expense of the most needy) of entertainment and exhibit viewing.

A grand evening until one reached the second floor. Right in front of the Native American panorama was a supply of buffalo meat sandwiches being served up by a waiter dressed in fake buckskins and a funky black wig. What an outrage! What an insult! Especially in light of WCA's absurd policy that has defined Chippewa Treaties as the number one threat to the timber resources in Northern Wisconsin. Even the party hosts recognized their poor taste when they were confronted by members of the Midwest Treaty Support Network who had been invited to join in the festivities. The confrontation ended with the treaty support folks leaving after the hosts made sure the waiter changed his clothes.

WCA and Milwaukee County officials will likely justify their insensitivity one way or the other. However, the museum folks don't get off that easily—they know better! Hopefully, patrons will withhold their dollars or at least demand a public apology and review of the museum's policies and procedures. At present they are damned insensitive to Native Americans and everyone else who abhors stereotyping and racism!

Frank K. Koehn  
Lake Superior Greens

# Treaty backers asking county to investigate museum party

By Rick Romell  
Sentinel Staff Writer

The director of a treaty rights support group is calling for investigation of reports that a non-Indian, dressed as an Indian served "buffalo burgers" to guests at a Wisconsin Counties Association reception.

The incident allegedly occurred during a Sept. 17 reception at the Milwaukee Public Museum, said Sharon Metz, director of the group Honor Our Neighbors' Origins and Rights. The reception concluded the association's annual convention.

Milwaukee County operates the museum and is a member of the association.

In a letter to County Executive David F. Schulz this week Metz called the incident "racist behavior" and asked Schulz to investigate. (Metz's letter is reprinted at the end of this article.)

The costumed food server wore fake headdress, beads and other simulated Indian attire, she wrote.

"This stereotype portrayal of Native Americans is uncalled for under any circumstance," Metz's letter said.

"The fact that the event was held on public county property and possibly funded by county dollars makes it even more onerous.

Schulz said he had received the letter but had not yet had a chance to study the matter in detail. This week Schulz has been wrapping up his 1991 budget pro-

posal, which went to the County Board Thursday.

He said the county had supported the convention financially, but that he didn't know whether any county money went for the reception. That question would be addressed in any investigation, Schulz said.

Metz did not attend the reception. Her objections are based on accounts from witnesses.

If those accounts are accurate, she said, the counties association should apologize publicly to American Indians living in Milwaukee County.

The association's executive director, Mark M. Rogacki, could not be reached for comment. Its assistant director, Darla M. Hium, declined to discuss the matter.

The association has been at odds with some Indians and their supporters, who believe the group is working to take away rights they retained under treaties ceding their land to the United States.

Chippewa Indians exercising their spearfishing and other treaty rights in northern Wisconsin have met with noisy, sometimes violent protests by non-Indians since the mid-1980s.

The association sponsored a controversial conference in Salt Lake City in January, seeking to forge a nationwide lobbying effort to get Congress to resolve treaty rights disputes. Indian protesters disrupted the event, saying they had been excluded because of their race.

The Dane County Board withdrew from the association in February, largely because of its role in the Salt Lake City conference.

(Reprinted from the Milwaukee Sentinel.)

## Metz responds to Schulz

Dear County Executive Schulz:

As the Executive Director of HONOR (Honor Our Neighbors Origins and Rights), I want to bring to your attention a serious matter involving racist behavior perhaps partially funded by Milwaukee County, but certainly taking place in a County facility. With this letter I request a full investigation into the matter and (if the findings confirm what witnesses have reported), a public apology to the Native Americans in Milwaukee County.

On September 17th, at the Milwaukee County Museum, the Wisconsin Counties Association (WCA) held a reception for its members and guests, as part of the Wisconsin Counties Association annual meeting and convention. Since the WCA is funded by dues from member counties, Milwaukee being the largest, I am presuming the reception was paid for with revenue from these dues. Whether that is the case or not, the event was held at a County facility. During the reception a non-Indian person was dressed up in a fake Indian headdress, beads, and attire, serving "Buffalo Burgers" to the conference attendees. According to

# WCA moves alarm treaty supporters

By Scott Kerr  
Free-lance Writer

Indian leaders and treaty supporters say they are alarmed and disgusted by Wisconsin Counties Association (WCA) efforts aimed at pressuring Congress in to changing federal Indian policy.

A growing number of county board members from across the state now also question if public funds should be used by WCA in its campaign to "modernize" the treaties.

"Modernization" is just another term for abrogation, and the means to resolve treaty rights questions already exists, say Indian leaders.

Further, WCA critics charge the group has joined forces with anti-Indian groups whose aim actions are laced with racism.

Indians and supporters protested with these complaints late September at the WCA annual convention in Milwaukee, which was attended by about 900 officials from 71 Wisconsin counties.

Treaty supporters picketed at the Marc Plaza Hotel as officials registered for the convention. In television news coverage of the protest, WCA executive director Mark Rogacki denied the counties are anti-treaty and called the protesters "misinformed."

But the next night, 6 treaty supporters were forced to leave the WCA event at the Milwaukee Public Museum when Rogacki objected to their handing out leaflets to county officials. The leaflets contained information based on WCA minutes supporting the charges.

Insisting the treaty supporters must leave the public museum



Mark Rogacki, Wisconsin Counties Association executive director.

lobby, Rogacki's temper flared. "You have no right, no right at all to be here!" Rogacki yelled. He then spewed a stream of obscenities at leafleteer Rick Whaley.

Whaley, of Milwaukee, known for work with Midwest Treaty Network and Witness for Non-Violence, told Rogacki not only had he bought a ticket to the event, important principles were at stake.

"Take all of your principles and piss-off," Rogacki loudly responded.

According to copies of WCA minutes from a June 15-16 meeting in Washington, D.C./SPAWN (Steelhead Salmon Protective Alliance and Wildlife Network), a Washington State anti-Indian group, has voted to change its name

to National Coalition on Federal Indian Policy, the same name WCA has used since last year to promote its Indian policy efforts.

The minutes also show S/ SPAWN and WCA delegates at the meeting agreed to work together in the future on "concerns of mutual interest."

"This is a shameful alliance. Non-Indians as well as Indians should be outraged that Wisconsin counties funds and names involved in these efforts," said Dave Denomie, of Milwaukee, a Bad River tribal member who organized the WCA Milwaukee convention protests.

Rogacki refused to comment on WCA's relationship to S/ SPAWN, the Washington, D.C. WCA minutes, or allegations of

racism.

"S/SPAWN is the Ku Klux Klan of Indian country," charges Steve Robinson of the Northwest Indian Fisheries Commission in Olympia, Washington. "They're just an anti-Indian group like STA that tries to build careers by fanning the flames of racism."

A spokeswoman for S/ SPAWN refused to comment on S/ SPAWN's relationship to WCA or Robinson's accusation.

Rogacki has recently denied that the group hopes to change Indian treaties. But WCA minutes and memoranda clearly state the goal is "to organize a national coalition of state associations for the purpose of modernizing Indian treaties and/or resolving outstanding treaty problems."

## Wisconsin anti-Indian groups also linked to WCA

WCA Washington D.C. minutes show William H. Covoy, of Montana joined 11 Wisconsin county officials and Barbara Lindsay of Washington's S/ SPAWN as a participant in the conference.

"Covoy is the president of the force behind CERA (Citizens Equal Rights Alliance), and CERA is at the cutting edge of anti-Indian work across the country," Denomie said.

CERA literature shows Wisconsin anti-Indian leaders on its advisory board.

Dean Crist of STA Inc., Chuck Albom of STA/Wisconsin, and Larry Peterson of PARR, are CERA advisors. Neil B. Crist, of Utah (brother of Dean Crist) sits on CERA's executive board.

So does the new leader of ACE (All Citizens Equal), formerly headed by Covey's wife Gene, now

also on the CERA executive board.

"ACE is attempting to dip into the large reservoir of anti-Indian racism," according to THE MONITOR, published by hate-group watchers at the Center for Democratic Renewal in Atlanta.

"A group of Indians and non-Indians has organized the Flathead Reservation Human Rights Group based in Ronan (Montana) to promote cultural diversity and positive community relations. The Human Rights group has been be-

devised, however, by hard-core racists disrupting their public meetings. On Sept. 23 and again on Oct. 23 (1989) far-right activists distributed racist and anti-Jewish materials at public meetings in Ronan. ACE leader Gene Covey showed up at the October meeting," THE MONITOR reported.

"Why are the Wisconsin counties keeping company with people like this?" asked Bayfield County Supervisor Frank Koehn.

Rogacki has steadfastly refused to answer the question. Since the start of WCA's National Coalition on Federal Indian Policy work, Rogacki has insisted local frictions over treaty rights can not be resolved with the tribes at the state or county level. "We need a national policy on this," Rogacki has said repeatedly.

"Treaties are solemn promises. I'm all for a new national policy on keeping promises," said Walt Bretsette, a prominent Red Cliff Chippewa treaty rights supporter.

James Schlender, GLIFWC executive administrator said the State-County-Tribal Committee was established 4 years ago specifically to improve county-tribal relations. It was funded by WCA and the Great Lakes Inter-Tribal

were subsequently invited to leave and their money was refunded.

It is the position of HONOR that this stereotype portrayal of Native Americans is uncalled for under any circumstance. The fact that the event was held on public county property, and possibly funded by county dollars, makes it even more onerous. While similar events in Wauwatosa, concerning members of the police department and their activities panning African Americans, were covered in the press, we have seen nothing in the Milwaukee media about this incident.

I am prompted to write to you because you have repeatedly stated your concern for justice for people of color in this community. I hope that you will initiate an investigation into this incident. In any event, I trust you will respond to this letter, letting me, and the members of HONOR, know of your intentions. Thank you for your prompt attention.

Sincerely,  
Sharon Metz, Director



# Tribes assess whitefish, lake trout populations in Lake Superior

GLIFWC and Keweenaw Bay (KB) biological staff jointly performed juvenile whitefish as well as adult lake trout and whitefish tagging assessments in Lake Superior waters surrounding the Keweenaw Bay Reservation this summer. Fishery assessments are scheduled to resume this fall on lake trout and whitefish.

Scientific estimations of fish populations in Lake Superior provide the tribes both with the ability to determine quotas and project fish abundance for the years ahead, according to Mark Ebener, Great Lakes fish biologist, GLIFWC.

Ebener was joined by Mike Donofrio, Keweenaw Bay biologist, Mike Plucinski, GLIFWC biological technician, and Evelyn Smith, Keweenaw Bay Natural Resources Technician during the assessment process.

About one week was devoted to juvenile whitefish assessments.

Staff used 2000' of assessment net with mesh varying from 2" - 3 1/2" in order to target the juvenile fish. Ebener explained that besides abundance, juvenile fish studies help biologists examine the effects of various elements on the fish.

Environmental conditions, such as water temperature, significantly influence a fishery, he noted. Awareness of those conditions assists biological staff in estimating the upcoming populations in the fishery.

Four weeks was spent on the adult lake trout and whitefish assessments. Adult fish are captured, tagged and released. Information such as weight, length and scale samples are also taken.

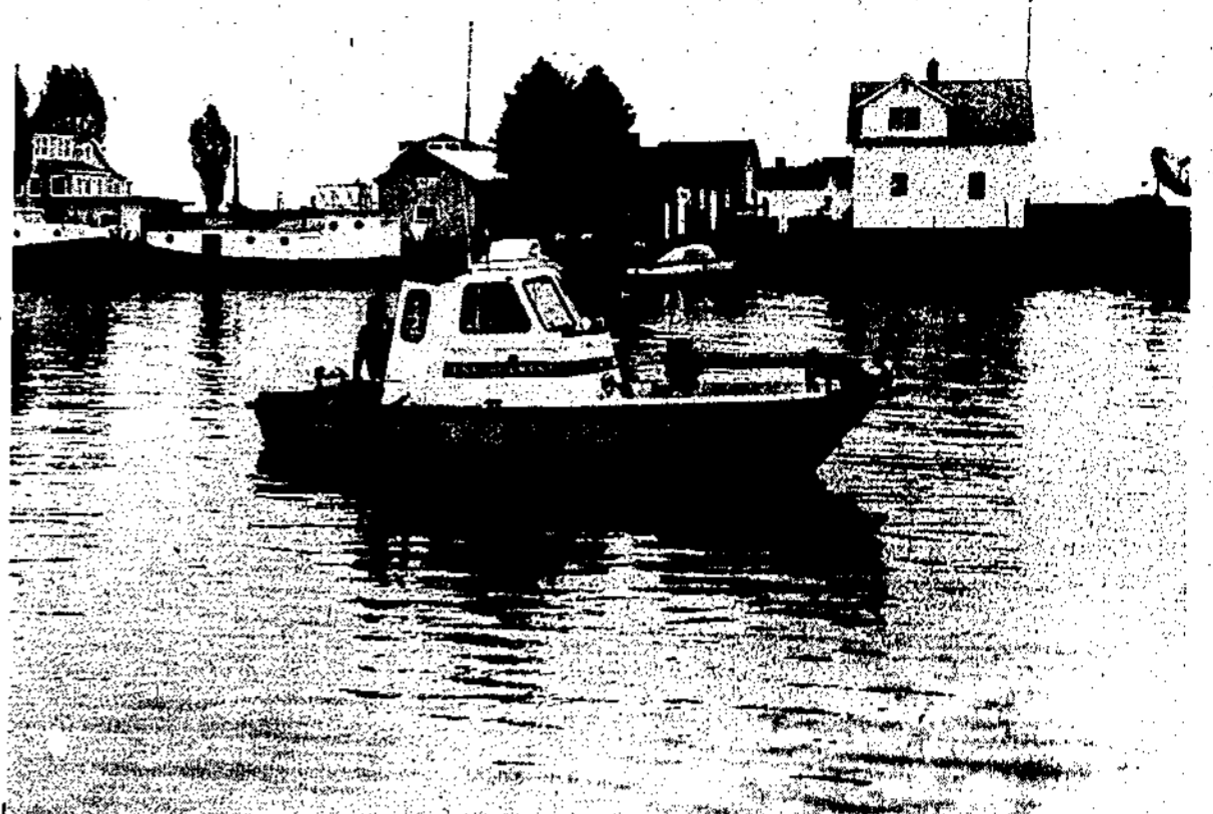
In addition to assessment netting, GLIFWC and KB staff take samples from tribal fishermen's catches. Plucinski spends several weeks each month taking catch assessments from the tribal catches

in Michigan and Smith regularly samples Keweenaw Bay catches.

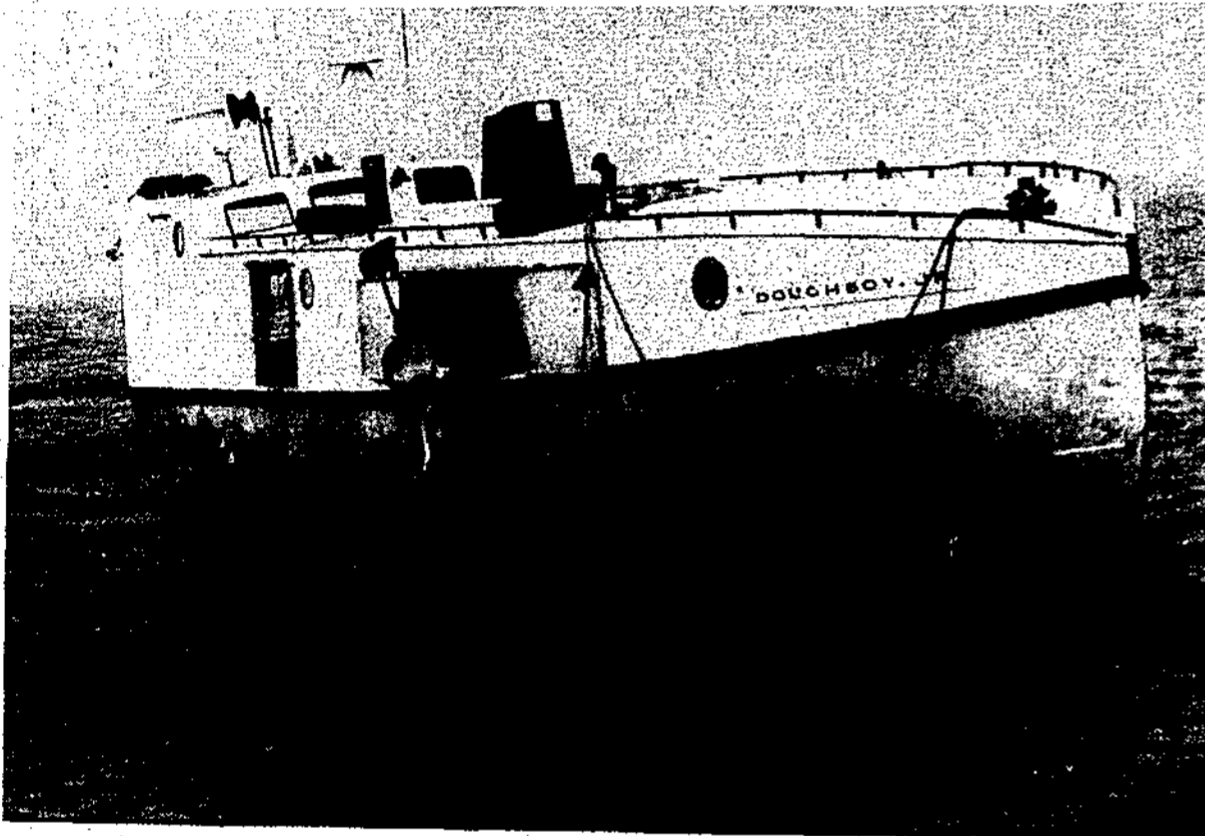
These studies, again help establish population estimates for quota determinations, and also provide scientists with data necessary to determine the impact of removal and characteristics of the fish population.

In addition to lake trout and whitefish, GLIFWC and Keweenaw Bay biologists are working with a researcher from Michigan Technical College in a sturgeon study. Ebener explains that sturgeon spawning in the Sturgeon River migrate into the KB. The study is aimed at providing a population estimate.

The Michigan waters of Lake Superior are fished by tribal treaty fishermen from Keweenaw Bay, Red Cliff and Bad River Reservations. Keweenaw Bay permits four big boat commercial fishing tugs and 14 small boats.



GLIFWC's conservation enforcement boat, Ojibwa Lady, is also used for fish assessment work.



Keweenaw Bay fishing tug, owned by Jim Emery, Jr., pulls up a lake trout.

## Harassment of tribal commercial fishermen: A continuing saga

Vandalism of tribal gill-nets and even tribal fishing boats has been a problem for years. As Jim Emery, Sr., Keweenaw Bay fishermen, stated, several nets are vandalized annually, usually in the spring. But this spring incidents of vandalism were on the increase.

Wilfred Peterson, Red Cliff fishermen, had 12 nets cut and ruined. As he stated, "They're after me. They're after the Indian." Peterson believes the vandals are sport fishermen and a group of anti-treaty rights activists.

Even though the problem is

routine, it's frustrating and costly to tribal fishermen and, perhaps, worse, it is costly to the resource. Cut nets drift freely and continue to catch fish as they sink to the bottom of the lake. Once down those nets are extremely difficult to retrieve.

## Bad River Biologist responds to accusations Challenges WDNR Board to separate fact and fiction

Presentation by Joe Dan Rose, Bad River manager, to the Wisconsin Department of Natural Resources Board.

I am here in direct response to a number of broad inferences and accusations unilaterally directed towards the tribal component of a shared fishery resource. These accusations and inferences have been circulated at both the local and statewide level by sensationalized print media coverage of the unsubstantiated claims offered to you by the previous speaker.

Before addressing these accusations as they appeared in the Sunday, June 24 edition of the Milwaukee Journal, (Reprinted to the right) I would like to thank Mr. Doug Morrissette for securing a time slot on today's agenda in which Bad River can address these previously mentioned accusations. Furthermore and from the standpoint of fairness, I am requesting that in the future, whenever the Board discusses or hears testimony regarding tribal harvest, management, and/or enforcement activities, that tribal representation will be invited to comment on the selected topic of consideration.

From the standpoint of timing and chronological appropriateness,

it is extremely unfortunate that the political fallout created by these accusations will probably impede the progress or perhaps even jeopardize the review and ratification process by which State and Tribal Governments will act upon revised TAC and quota recommendations which have already been developed by a technical working group collectively comprised of State, Federal and Tribal Biologists.

As with any elected governmental unit, tribal governments are responsible for their respective tribal constituencies. In consideration of past State/Tribal relations, tribal members are cautiously optimistic about entering into a new era of cooperation between governments, resource management agencies, and user groups. The trust and respect which is presently being encouraged by all parties is seriously undermined by the continued acknowledgment and validation of hearsay, be it by media, management agencies, or governments.

If the "Wisconsin Way" is indeed cooperation and goodwill between neighbors, irresponsible and incorrect claims such as "Tribal Fishermen are Taking Everything"

claims of overharvest by the Bad River and Red Cliff Bands of Lake Superior Chippewa should be openly questioned by all parties as to their validity. Keep in mind that these claims do not come from DNR Enforcement or Biological Personnel.

Unverifiable and presumptuous claims such as those which were identified recently found lost gill nets loaded with dead, spoiled and wasted fish as being "Discarded Indian Gill Nets" must be dismissed as nothing more than racially motivated attempts to discredit tribal fishermen. It does not take a genius to recognize the fact that ownership of these lost and/or abandoned nets cannot be verified or traced to a particular ethnic group.

Doomsday prophecies and accompanying rhetoric by politically pressured DNR employees should not be continued to displace realistic and appropriate descriptions of shared resource management challenges.

The continued disruption of tribal commercial and home-use fishing activity by "well meaning" sportsmen who tamper with tribal fishing gear continues to be an unaddressed problem, particularly when marker buoys are cut or when

(See Bad River, page 21)

## Indians on Lake Superior draw fire

By Jay Reed  
Journal Outdoor Writer

In what they describe as a professional suicide pact drawn out of desperation, a group of charter captains has gone public with its contention that lake trout and salmon fishing on Lake Superior this summer is so poor it is not worth the prices their customers must pay.

They blame commercial fishing overharvest by the Bad River and Red Cliff Bands of Chippewa Indians for the problem.

The Wisconsin Department of Natural Resources concedes that sport fishing has been poor but says the entire commercial fishing industry on the lake—white and Indian—must share the blame for reduced stocks of lake trout. As far as salmon are concerned, it's just a bad year for them, the DNR contends.

But David (Sorry) Sorenson of Ashland, one of the most popular and successful charter operators on Lake Superior and spokesman for eight Chequamegon Bay captains, said tribal fishermen were taking more lake trout than current quota agreements allowed and that these fish, as well as salmon, were being brokered for markets across the Midwest as well as restaurant outlets in northwestern Wisconsin.

As a result, he said, charter fishing operators are experiencing their poorest angling season in years.

They are taking everything, Sorenson said of the tribal fishermen, there are no cohos, no chinooks and absolutely no lake trout.

"The captains for whom I speak, some of the best and most experienced fishermen on Lake Superior, have caught about 150 trout and salmon this year compared with a take of about 900 a year ago at this time," Sorenson said.

"For my part, I've averaged about 20 fish per trip in past years but this year it is about 1.9 fish per trip."

Lee Kernen, of the DNR's Bureau of Fish Management in Madison, agrees that lake trout numbers are down in those areas where fishing is allowed.

"It is not correct to just blame the tribal fishermen, though," Kernen said. "The entire commercial fishing operation on Lake Superior must share the blame. Simply stated, too many lake trout are being killed by commercial methods, the gill net being the primary offender."

DNR records suggest that about 12 million feet of gill nets were placed in the Apostle Islands area last year by white and Indian commercial fishermen. Officials believe a significant number of lake trout are caught, killed and wasted in nets set to catch whitefish.

Kernen also agreed that coho salmon might not be available in the same numbers as last year but he said commercial fishing has nothing to do with that.

"This is a poor fishing year for coho," Kernen said. "There is a weak year class available for catching. It is almost an every-other-year situation."

Mark Ebener, fisheries biologist with the Great Lakes Indian Fish & Wildlife Commission, could not be reached for comment on the charges from the charter captains.

He was quoted in the Ashland Daily Press, however, that the situation is not as bad as either the DNR or the charter captains are saying.

"Among the Apostle Islands the lake trout mortality is too high, there are fewer large fish and the percent of naturally reproduced fish is down. But in off-shore areas, the situation is much better. The

(See Indians on Lake Superior, page 21)



Evelyn Smith, Keweenaw Bay Natural Resources Technician winds in a net as the biologists extract the fish.

# Perspectives on the Mohawk Crisis

## Demonstration of solidarity: A traffic-stopper

"Civilized human beings everywhere have a duty to protest injustice and oppression wherever it exists, whether it be in the Persian Gulf, South Africa, the United States or Canada." Oneida Statement on Mohawk-Canada Dispute

The bridge spans the Pigeon River, the dividing line between the U.S. and Canada. Mid-bridge a small line is the border demarcation. At that point brothers and sisters from both sides of the border joined this fall in support of the besieged people of the Mohawk Nation and in a stand against oppression.

Though the physical circumstances of the Mohawks have changed since that day of protest, the problems which relate to unsettled land claims, the rights of self-determination and oppression of a minority remain to be settled.

Saturday, Sept. 22nd dawned with an unusually bitter fall wind, but that did not daunt those who came from hundreds of miles up the northern highways, through the Grand Portage Reservation, to present a firm message that neither Indian people, nor any people, need to succumb to aggression.

Coming from the U.S. side, about a hundred strong followed the two-lane bridge and headed towards the center. Flags waved proudly and an Indian Drum set a clear beat and meaning for the marchers. A peaceful determination to demand justice accompanied the demonstrators as they steadily progressed to the center of the bridge.

Across the bridge, from the Canadian side, another 40 headed towards the middle, a Canadian

flag bearing the emblazoned image of a Mohawk fluttered crisply in the fall wind. They, too, carried their Drum and proceeded resolutely towards the center.

At the bridge's center the convergence of the two groups told the story. It was a strong union—warm, filled with purpose and shared struggle. They came from two sides of a bridge, two countries, from many tribal nations in order to stand firmly and resolutely with brothers, members of the Mohawk Nation, a thousand miles away who continue to be under occupation by Canadian military forces.

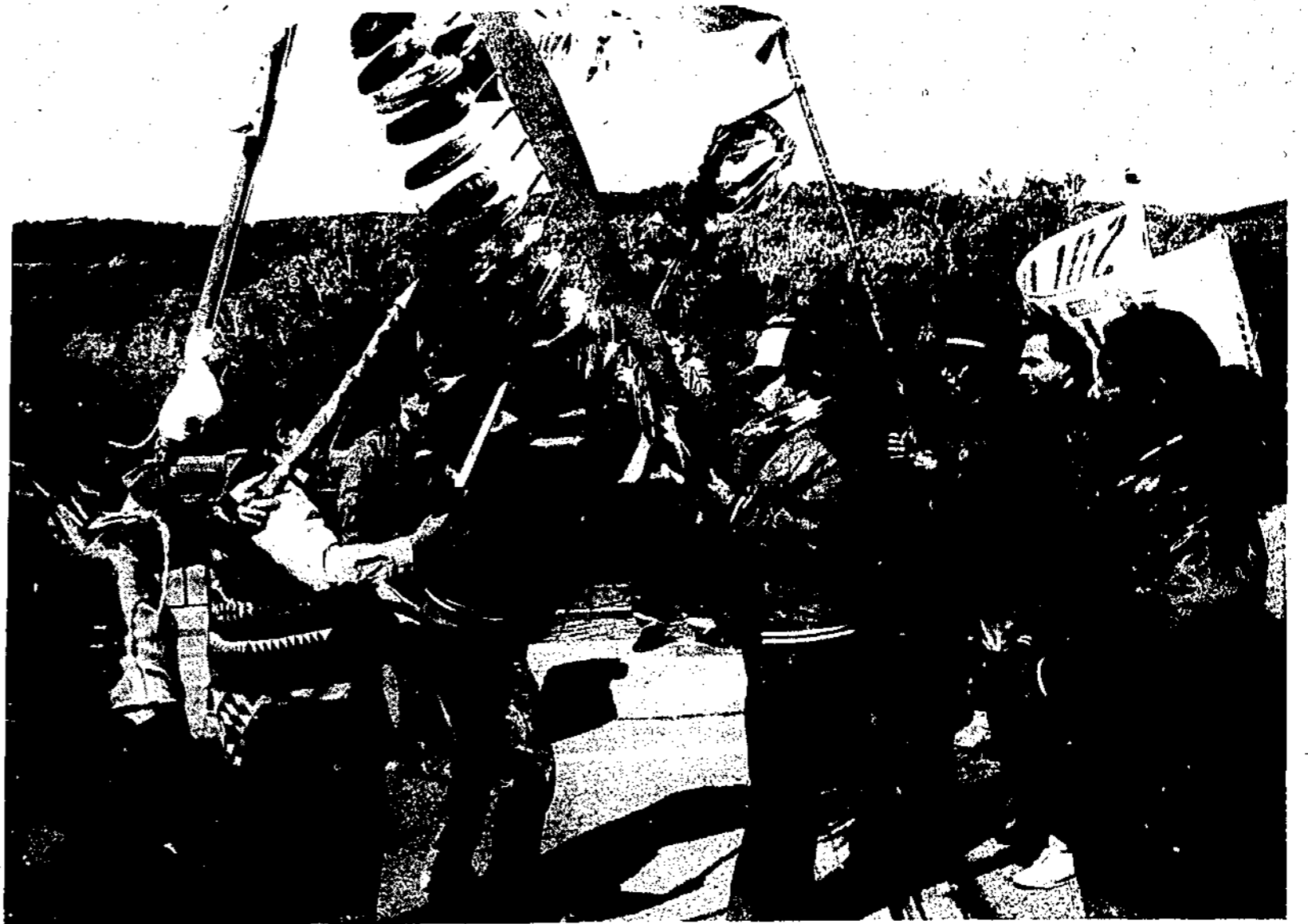
Vernon Bellecourt, spokesman for the American Indian Movement (AIM) pointed out that the Mohawk currently stand as a symbol for others in their "struggle for national liberation and against colonialism." Similar struggles, he indicated, were being fought worldwide and elsewhere in the U.S. and Canada by indigenous peoples and minorities.

Bellecourt also noted that the boundaries, such as the line on the Pigeon River Bridge, which separate people are only imaginary.

One purpose of the demonstration was to stop traffic over the Pigeon River bridge, much as the Mohawk had suspended traffic over the Mercier Bridge. The Mohawk action last July protested the 55 acre expansion of a golf course onto a sacred burial ground.

Stopping traffic usually draws people's attention, and so it did on Sept. 22nd on the Pigeon River Bridge when supporters of the Mohawk delayed traffic from noon to 3 p.m.

About two hundred vehicles came to a halt that afternoon and



Supporters for the Mohawks from Canada and the U.S. met in solidarity at the center of the Pigeon River Bridge, the center of which marks the U.S.-Canadian border.

occupants were given an opportunity to think about the situation currently ongoing between the Mohawk Nation and the Canadian and Quebec Provincial governments. They were also given an opportunity to think about the acts of oppression and injustice directed towards minorities in their own homelands as well as abroad.

While the proposed take-over of the burial grounds for a golf course may have precipitated the Mohawks' barricade of the Mercier Bridge and the subsequent aggressive actions from the Canadian government, a history of oppression and unrecognized land claims provides the background to Mohawk frustration and determi-

nation. Chris Nissan, representative of the Afrikaner Student Culture Center, found the situations of Kuwait and the Mohawks as analogous. "We cannot stand by and let oppression rule," he stated.

An attempt by a Minnesota State Patrol to open the barricade on the Pigeon River Bridge by driving his squad car through the crowd served to heighten tension, but failed to break the barricade. An Indian demonstrator jumped on top of car and asked the patrol man if he intended to "run over his brother."

Threats of using a water tanker to disperse the human roadblock on the bridge also failed.

Motorists with needs for medication were allowed to pass, but others just had to wait. As Bellecourt put it: "If they are inconvenienced, they have inconvenienced us for years. They ought to be able to stand a little inconvenience."

Around 3 p.m. demonstrators dispersed, some to the American side, others to the Canadian. They had succeeded in their stand and in presenting their message. There was talk of doing it again, and maybe again and again—whatever it takes to carry the message that Indian people, minorities, women, small nations will not, should not, accept intimidation from larger powers.

"The response of native people in the U.S. and Canada has been to operate under the duress of these demeaning government policies and blatant institutional racism while maintaining their own, honored traditions. ... However, when pushed to the wall by governments with large powerful armies and autocratic policies, native people, such as the Mohawks, have physically resisted rather than be intimidated. Still, thanks to these oppressive government policies the general population remains ignorant of the reasons why native people cling to their traditions and land rights." —Oneida Statement on Mohawk/Canadian Dispute



Eagle staffs and pipes were part of the ceremonies held on the bridge.

## Quebec standoff ends in brawl between Mohawks, soldiers

Oka, Quebec—AP—An 11-week standoff over Mohawk tribal lands and sovereignty ended in a brawl as warriors put down their weapons and then resisted soldiers who tried to arrest them as they left a detoxification center.

About 400 Mohawks living on a nearby reservation watched Wednesday night's clash on television and then grabbed baseball bats, lead pipes and rocks to attack troops guarding a bridge that links their community with Montreal.

A soldier suffered facial injuries in the Mercier Bridge incident, which ended after soldiers turned rifles on the protesters, threatening to shoot.

Only minor injuries were reported in the earlier brawl at Oka, which began after some of the more

than 50 militants who had been holed up for a month at a drug and alcohol treatment center tried to push past troops.

The warriors at the Indian settlement 18 miles west of Montreal had agreed to end the standoff peacefully but after leaving the center many tried to evade soldiers and pass through barbed-wire barricades.

### Warriors Seized

Brawls broke out when soldiers, some with fixed bayonets, seized warriors and the women and children accompanying them. Some Mohawks had small children in their arms and were knocked to the ground, witnesses said.

Police arrested six Mohawks outside army lines on unspecified

charges and a seventh for obstructing officers. Three warriors were arrested and placed in provincial police custody.

At least 50 Mohawks were in army custody late Wednesday and some could face charges later in connection with a prolonged power struggle that amounted to a series of sporadic clashes.

The standoff began July 11 when police tried to storm an Indian barricade outside Oka and a Quebec provincial police officer was killed. Blame has not been fixed in the officer's death.

(Reprinted with permission from the Associated Press.)



## What happened at Oka?

•On July 10 the Mayor of Oka, Quebec asked that a court injunction be served ordering the removal of barricades near the Kahnawake Reservation so a forest could be cleared, allowing for the expansion of a nine hole golf course on a sacred burial ground. The Kahnawake reserve had protested the expansion by blocking a road to keep developers out.

•July 11 Quebec Provincial Police opened fire on the village Kahnawake at Oka in an ill-advised attempt to break the barricade and serve the injunction. The Mohawks defended their position with orders to shoot over head. One provincial police was killed with no identification of who may have shot the officer.

•A neighboring reserve, the Kahnawake Reservation, barricaded the Mercier Bridge in sympathy.

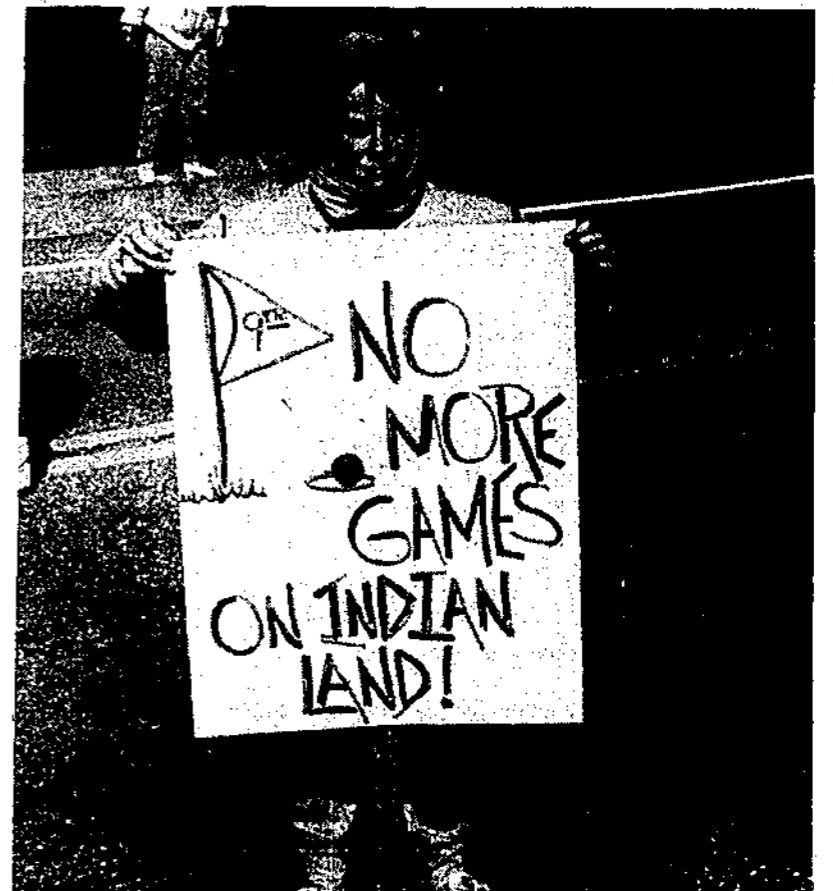
•On July 14-15 local residents protest bridge barricade, burn effigies of Mohawks, registering upset about being controlled by a few natives. A racist nature of demonstration was reported.

•The Canadian government moved in with armed forces and instituted negotiations. The government purchased the disputed land and gave it to the Mohawks. However, the Mohawks continued the barricade. Unsatisfactory negotiations continued. The Mohawk warriors were confined to quarters in a detoxification center.

•On August 27 Quebec Premier Robert Bourassa announced intent to remove barricades and registered dissatisfaction with negotiations.

•On September 18 Canadian troops entered the Kahnawake Reserve, a neighboring reserve to the Kahnawake Reservation near Oka, to seize weapons. Mohawks resisted the search and seizure operation and soldiers retaliated, using tear gas to disperse the crowd. 82 people were reported hurt and men, women and children jumped into the St. Lawrence River to escape effects of the gas.

•On September 27 the stand-



A youthful participant in the protest carried a sign referring to the Town of Oka's intention to expand a golf course onto land that is a sacred burial ground for the Mohawks.

off at Oka ended as warriors left the detoxification center without arms, but resisted as soldiers attempted to arrest them. About 50 Mohawks were taken into custody.

### The meaning of the Mohawk standoff

"Any outcome at Oka short of a bloodbath will send a powerful message to native people across Canada whose grievances far outweigh those of Kahnawake," stated University of Toronto historian Desmond Morton, as quoted in the August 20, 1990 Milwaukee Sentinel.

As Morton indicates, the issues underlying the recent Mohawk stand-off in Quebec are far deeper than first appears on the surface. The plot of land protected by the

Mohawks at Oka, Quebec from development into a golf course merely served as a symbol. At issue is a history of unanswered land claims that affect Indian communities across Canada and a government reticent to recognize tribal self-determination or their claims.

In an article for "Insight," (a Canadian publication) Sept. 10, 1990, writer Gayle Hanson, Montreal, notes that "as of March, 578 Indian land claims had been submitted for jurisdiction. Fewer than half have been resolved. There are 278 claims in various stages of review and another 98 are being reassessed, under litigation or suspended. Even under the best circumstances, claim resolutions can take years. ..."

In an interview with National Chief George Erasmus, Hanson (See Standoff, page 7)

# Mohawks seek unity with environmentalists to fight pollution

By Mary Machuga and Bill Welch, Sierra Club & Erie Co. Environmental Coalition

This spring, violence and chaos came to the 28,000-acre Mohawk territory of Akwesasne (along St. Lawrence River on the U.S.-Canada border). Mohawks fought over whether casino-style gambling should continue on their land. Pro-gambling forces and anti-gambling factions faced off, first with threats, then highway blockades of the casinos, and even physical battles, and burning of houses, barricades and more than 20 motor vehicles. The intra-tribal violence culminated in gunfire and deaths of two young Mohawk men. During this time, much of the population of 9000 Mohawks, including women and children, felt terrorized.

Following the shooting deaths, hundreds of Canadian Police and New York State Police occupied Akwesasne, and restored most of

the order. A strong contingent of these police remain.

To outsiders, the violence seems to be a civil war over differing economic values. But the real story is that it is just a tragic symptom of an environmental crisis.

To publicly clear up this misconception, Mohawk leaders of Akwesasne representing the Band Council (Canadian), the Tribal Council (U.S.) and the traditional Mohawk government met on May 20th, 1990, with environmental groups (including Great Lakes United, Environmental Planning Lobby, Citizens Environmental Coalition, Sierra Club, and Clearwater) at a NY DEC education center near Albany, NY. They announced that the gambling controversy at Akwesasne was not really the cause of the recent turmoil and violence. Instead, it is the violence to the environment and culture of Akwesasne that has led to gambling turmoil. The Akwesasne livelihood, food, lifestyle and

health are all threatened by pollution from the adjacent industries, and habitat destruction and pollution relating to seaway traffic.

The bright spot in this strife is that many Mohawks are seeking unity through their shared concern for the environment. They think of the Earth as the mother upon which we, and all living things, are dependent. At Akwesasne, Mother Earth has become sickened by pollutants from adjacent industries such as General Motors, Reynolds Metals Company, ALCOA, Domtar, and other river and Great Lakes pollution sources. PCBs from General Motors, Reynolds Metals and ALCOA have heavily contaminated the St. Lawrence River at Akwesasne, making much of the fish, frogs, turtles and waterfowl unfit for human consumption by Canadian and U.S. standards. This has greatly decreased the utilization of fish and wildlife as food by the Mohawks, and hundreds of thousands of fish and wildlife meals

have been lost. The traditional way of life and diet of the Mohawks is being lost to pollution.

In addition, there once were 60 or so Mohawk families involved in commercial fishing on the St. Lawrence River, but because of toxicant levels in the fish, this industry is all but wiped out. The hiring of Mohawks, as fishing guides, has also declined as clients seek less polluted waters.

Airborne fluorides from Reynolds Metals and ALCOA fell out on Mohawk lands and poisoned the cattle, and contaminated Mohawk agriculture. Additional study of the Reynolds Metals Company's air pollution of Akwesasne is needed—not only of fluorides, but also to determine if other chemical threats are present in the dark plumes that emanate from their stacks.

Most serious, at present, is the past and present water and air pollution from ALCOA, Reynolds Metals Company, and General Motors. The flow of PCBs from

these plants to the St. Lawrence River continues—especially from Reynolds and ALCOA—and this needs to be halted. If not, the Mohawks will never again be able to freely and safely consume the fish and wildlife of the St. Lawrence River at Akwesasne.

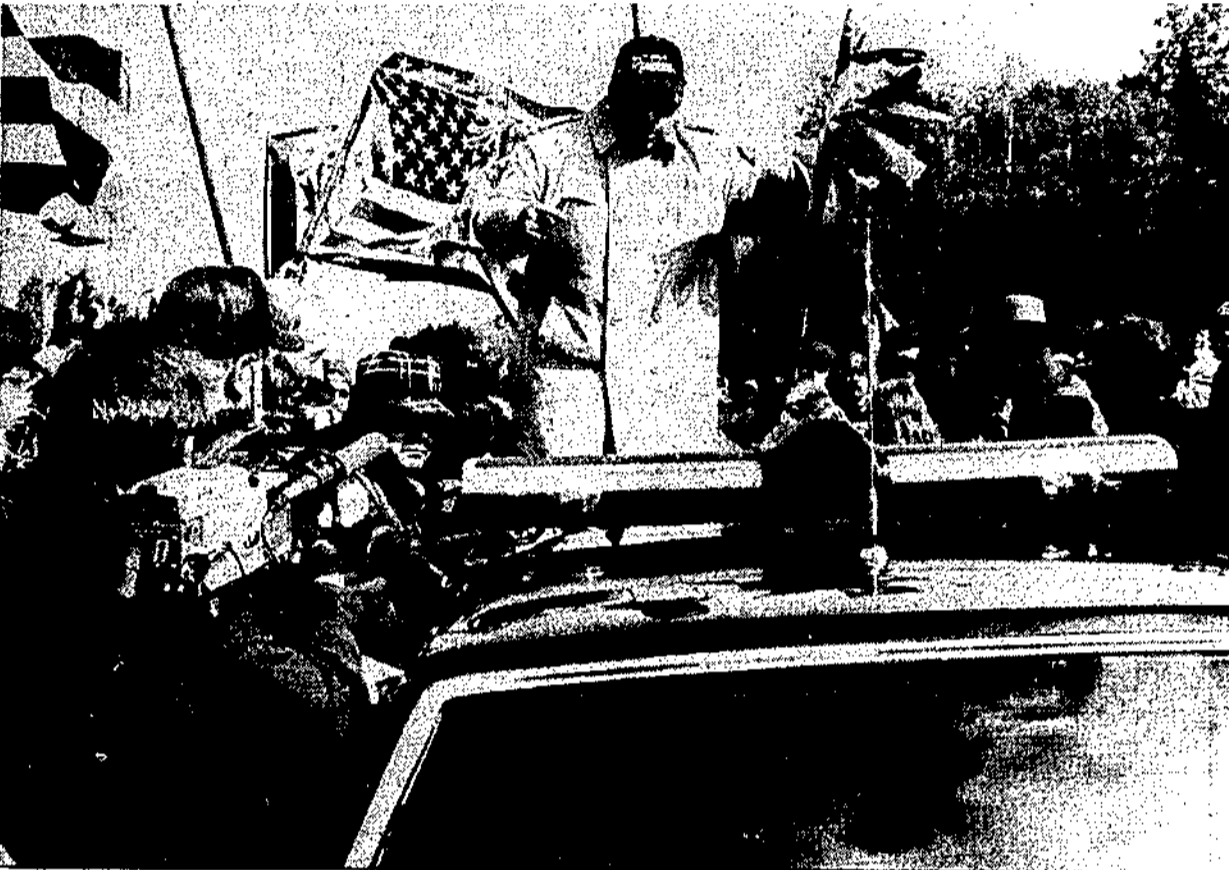
At the May meeting was Bear Clan Chief Tom Porter, a spiritual leader, who eloquently related how when he learned of the poisons in the fish of the river, he stopped fishing. He did not want his family and friends to eat such fish, and he symbolically placed his net on the bank of river to rot. He may leave Akwesasne with other Mohawks if he can find a suitable place to farm and where the fish and wildlife are safe for his people to eat on a regular basis. It is hoped that it will not be necessary for the chief and his followers to leave their ancestral home since the industrial pollution can be largely stopped and the river cleaned of PCB and other toxic "hot spots."

It is essential that environmen-

tal organizations support the Mohawks in seeing that the pollution of their waters is stopped. Not only will the Mohawks be grateful, but so, too, will wildlife like the Beluga whales who live downriver of Akwesasne. It is believed that part of the health problems of the Beluga whales are caused by PCBs and other toxics originating from the Massena area industries. Fish, such as eels, come into the highly polluted Akwesasne waters and acquire toxics such as the PCBs. When they go back downriver, they are eaten by the whales.

The long standing pollution of the Mohawk waters of Akwesasne by Massena area industries is a blot on the reputation of the industries and New York State. This pollution has disrupted the traditional lifestyle of Mohawks, and has had much to do with their economic and social stress. The time to cure this disease is now!

(Reprinted with permission from Great Lakes United newsletter, Summer 1990 edition.)



A moment of tension was created during the otherwise peaceful protest at the border bridge when a Minnesota State Patrol car attempted to break through the human barricade. One of the Mohawk support group jumped on the hood of the car and asked the patrolman if he intended to run his brother over.

## Statement of the Oneida Tribe on the Mohawk/Canadian dispute

Since July 11, 1990, the Mohawk settlements of Kanesatake and Kahnawake have been under siege by Canadian and Quebec authorities. These confrontations concern land rights which the Mohawks have asserted for many years. The responses of the various federal and provincial governments has been to cynically disregard the land and self-governing rights of Mohawks and other Indians throughout Canada. Even worse, the legal status of native people in Canada has been largely ignored.

The Canadian Indian Act unilaterally prescribes the status of native people in ways that are totally contradictory to traditional governments. It relegates native people to less than second class status. This Act and the government policies of Canada have worked to disenfranchise its native people, undermine the governments, culture and languages of the Mohawks and other native peoples and generally attempt to assimilate the homogenize those people into replicas of European immigrants. The Canadian policies are not unlike those of the United States.

The response of native people in the U.S. and Canada has been to operate under the duress of these demeaning government policies and blatant institutional racism while maintaining their own honored traditions. Despite this and yet faced with the schizophrenic dominant culture and the policies of its governments, Indians have served with distinction in all the wars for democracy only to be denied their native rights. However, when pushed to the wall by governments with large powerful armies and autocratic policies, native people, such as the Mohawks,

have physically resisted rather than be intimidated. Still, thanks to these oppressive government policies the general population remains ignorant of the reasons why native people cling to their traditions and land rights.

The present conflict between Mohawks and the separatist confrontations of the Canadian government is an example of how non-Indian issues are injected into long standing claims of native people when they assert their legitimate rights to land. The callous attempt of a local golf course to expand onto sacred Kanesatake Mohawk land on July 11, 1990, against the opposition, then protest and finally confrontation of Mohawk people illustrates Mohawk determination not to be intimidated by either the unjust Canadian system or its Army.

The Indian policy of the United States in the 1800's was to "send in the Cavalry." Over the years, these policies have been refined into bureaucratic, legislative and litigation forums. Through Canada in many ways is a modern nation, its present policies toward native people would appear to parallel that of the United States a hundred years ago, but with the machines of deadly modern warfare.

Neither Canada, the United States or any other democratic country can be allowed to use tactics against native people similar to those being presently utilized in the Middle East. Nor should these powerful nations celebrate and laud the resistance of Balkans, Native South Africans, or Chinese Students yet use their own forces to oppress and suppress the native people in North America for doing what repressed people throughout the world are doing. The tacit encouragement of the governments

of Canada and Quebec to permit the lawless harassment of the Mohawk people by their own non-native citizens is intolerable and must be stopped.

World attention to the present Mohawk situation has been largely instrumental in staying action by Canadian Armed Forces. But the display of tanks, artillery, fighter aircraft and hundreds of armed personnel is a blatant act of intimidation. Such shameless acts of a modern democracy can be neither denied nor ignored by truly civilized people.

The issues on the table between native peoples and democratic governments should pose no threat to these powerful governments. Issues such as land rights and self-government can only lead the way to human rights for all citizens. The vulgar shameless displays of power observed against the Mohawk people at Kanesatake and Kahnawake, accomplishes nothing.

Civilized human beings everywhere have a duty to protest injustice and oppression wherever it exists, whether it be the Persian Gulf, South Africa, the United States or Canada.

In the United States, President Bush, the Congress and international organizations must begin now to focus attention on the Mohawk situation. The United States must use all diplomatic means to stop the real danger of unnecessary bloodshed of Mohawk people who are refusing to give up their rights to land, their own government and their own culture and language.

(Reprinted with permission from the Oneida Tribe of Indians.)

## News blackout threatens Mohawk safety

On August 10th, the Oneida Nation held a rally in support of the Kanesatake and Kahnawake Mohawks at Oka, near Montreal, who have had food, water, medicine and emergency services cut-off by the heavily armed Quebec Provincial police. The Mohawks are objecting to the plans of the local community of Oka to build condominiums and expand a golf course onto Mohawk ancestral lands.

HONOR provided a presence at the rally and has sent action alerts to most of the HONOR organizations and chapters by now. There has been a complete news blackout ordered by the Canadian government. The Oneidas have agreed to assist the Mohawks, who are also part of the Iroquois confederacy, and also asked that individuals help with letters, prayers, and contributions.

According to a communique sent August 13, "Information is coming in from Chateaugay residents that the KKK-backed dem-

onstrators there are planning to infiltrate wooded areas around Kahnawake, from where they intend to shoot some Quebec Provincial Police, or RCMP or even military personnel. Their goal is to provoke violent confrontation with native people by whatever means possible. According to sources, the vast majority of surrounding residents are opposed to the racist behavior of non-Indians at the barricades, but "you should be aware" that the violence is being planned, fueled and directed by a small core of people, especially from outside the region. "We are becoming the congregating point for violent racists from everywhere in Quebec, Canada and even from the U.S."

A few off-duty police, and ex-police officers have also been identified among the more violent racist activists. The Mohawk people have confirmed their commitment to continued self-discipline, but they are concerned for the safety of the outside police

officers and military.

The Mohawk people wish no harm to Canadians, though the same racist elements now threatening the SQ, RCMP and military, have regularly and violently victimized Native people across Canada.

According to the organizers of the rally, messages should emphasize that the Canadian Government negotiate a peaceful settlement with the Mohawk on a nation-to-nation basis. That food, water, clothing, and basic medical supplies be afforded the Mohawk communities; that there be a full investigation of possible civil, human, and constitutional rights violations by the local and Provincial police.

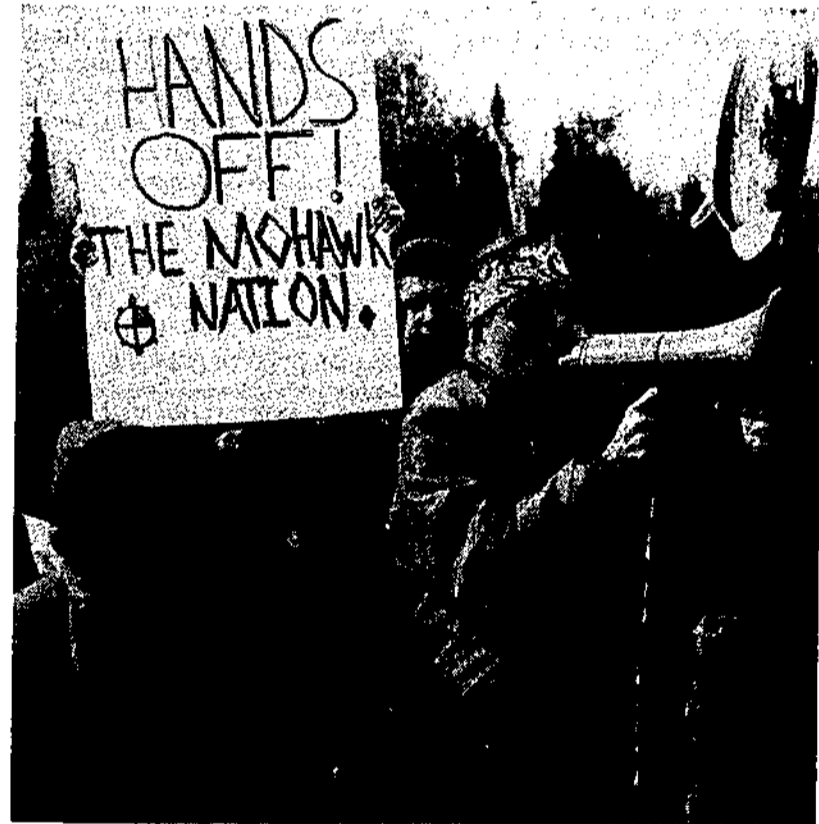
Here are the addresses: Please act today!

The Rt Hon. Brian Mulroney  
Prime Minister of Canada  
Ottawa, Ontario, KIA 0A6

Bonnie Green, Director  
Office of Church & Society  
United Church of Canada  
85 St. Clair Avenue East  
Quebec Qc  
Fax: 416-925-3394

Hon. John Ciaccia  
Minister of Indian Affairs  
House of Commons  
875 Grande Alle  
4eme stage Toronto,  
Ontario M4T 1M8  
Fax: 613-995-0101

(Reprinted with permission from the HONOR Digest, September 1990 edition.)



Representatives from the American Indian Movement (AIM), Wa-Swa-Gon Treaty Association, several tribes, Black and women's movements joined in forming a roadblock on the Pigeon River Bridge. Above, Vernon Bellecourt, AIM, talks about the purpose of the roadblock.

## Soldiers, Mohawks clash; 82 injured

KAHNAWAKE, Quebec—AP—Indians brawled with Canadian troops who were seizing weapons at a Mohawk reservation, and soldiers fired tear gas to disperse the crowd. At least 82 people were hurt, officials said.

Dozens of men, women and children jumped into the cold St. Lawrence River on Tuesday to escape the ringing gas.

Mohawks punched and kicked soldiers, who used rifle butts and fists in the brawl after the Indians intervened during the search-and-seizure operation at the Kahnawake reservation by the military and Quebec provincial police.

It was one of the most violent clashes since the Mohawk stand-off began more than two months ago over plans by the city of Oka, 18 miles west of Montreal, to build

a golf course expansion on what the Indians say is tribal land.

The federal government has since bought the disputed land in an attempt to settle the quarrel, but some Mohawk activists have held out for settlement of other grievances, including demands for greater sovereignty.

Eight helicopters and about 100 troops took part in the raid on Tekakwitha Island.

Maj. Rusty Bassarab, a military spokesman, said the raid netted about 50 weapons, ranging from shotguns and handguns to hunting rifles and AK-47 assault rifles. The weapons, which were wrapped in plastic, were found under rocks in the forest and were taken out by helicopter.

But Mohawks struck back. One soldier was dragged to the

ground, punched, kicked and struck repeatedly on the head with his own helmet.

Bassarab said five to seven soldiers were injured by the Mohawks.

The soldiers fired several volleys of submachine-gun fire into the air and then shot tear gas point-blank into the crowd, forcing it back. Dozens of people jumped into the river to evade the fumes.

About 75 people, including several children, were treated at the nearby Kateri Memorial Hospital for tear gas and released.

Dr. Louis Montour, medical director of the hospital, said a 15-year-old girl with a possible fractured hip and a 24-year old man with a possible fractured knee were sent to Montreal General Hospital. (See Soldiers, page 24)



# Mohawks seek unity with environmentalists to fight pollution

By Mary Machuga and Bill Welch, Sierra Club & Erie Co. Environmental Coalition

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The issues on the table between native peoples and democratic governments should pose no threat to these powerful governments. Issues such as land rights and self-government can only lead the way to human rights for all citizens. The vulgar shameless displays of power observed against the Mohawk people at Kanesatake and Kahnawake, accomplishes nothing.

Civilized human beings everywhere have a duty to protest injustice and oppression wherever it exists, whether it be the Persian Gulf, South Africa, the United States or Canada.

In the United States, President Bush, the Congress and international organizations must begin now to focus attention on the Mohawk situation. The United States must use all diplomatic means to stop the real danger of unnecessary bloodshed of Mohawk people who are refusing to give up their rights to land, their own government and their own culture and language.

(Reprinted with permission from the Oneida Tribe of Indians.)

## News blackout threatens Mohawk safety

On August 10th, the Oneida Nation held a rally in support of the Kanesatake and Kahnawake Mohawks at Oka, near Montreal, who have had food, water, medicine and emergency services cut-off by the heavily armed Quebec Provincial police. The Mohawks are objecting to the plans of the local community of Oka to build condominiums and expand a golf course onto Mohawk ancestral lands.

HONOR provided a presence at the rally and has sent action alerts to most of the HONOR organizations and chapters by now. There has been a complete news blackout ordered by the Canadian government. The Oneidas have agreed to assist the Mohawks, who are also part of the Iroquois confederacy, and also asked that individuals help with letters, prayers, and contributions.

According to a communique sent August 13, "Information is coming in from Chateaugay residents that the KKK-backed dem-

onstrators there are planning to infiltrate wooded areas around Kahnawake, from where they intend to shoot some Quebec Provincial Police, or RCMP or even military personnel. Their goal is to provoke violent confrontation with native people by whatever means possible. According to sources, the vast majority of surrounding residents are opposed to the racist behavior of non-Indians at the barricades, but "you should be aware" that the violence is being planned, fueled and directed by a small core of people, especially from outside the region. "We are becoming the congregating point for violent racists from everywhere in Quebec, Canada and even from the U.S."

A few off-duty police, and ex-police officers have also been identified among the more violent racist activists. The Mohawk people have confirmed their commitment to continued self-discipline, but they are concerned for the safety of the outside police

officers and military.

The Mohawk people wish no harm to Canadians, though the same racist elements now threatening the SQ, RCMP and military, have regularly and violently victimized Native people across Canada.

According to the organizers of the rally, messages should emphasize that the Canadian Government negotiate a peaceful settlement with the Mohawk on a nation-to-nation basis. That food, water, clothing, and basic medical supplies be afforded the Mohawk communities; that there be a full investigation of possible civil, human, and constitutional rights violations by the local and Provincial police.

Here are the addresses: Please act today!

The Rt Hon. Brian Mulroney  
Prime Minister of Canada  
Ottawa, Ontario, KIA OA6

Bonnie Green, Director  
Office of Church & Society  
United Church of Canada  
85 St. Clair Avenue East  
Quebec Qc  
Fax: 416-925-3394

Hon. John Ciaccia  
Minister of Indian Affairs  
House of Commons  
875 Grande Alle  
4ème stage Toronto,  
Ontario M4T 1M8  
Fax: 613-995-0101

(Reprinted with permission from the HONOR Digest, September 1990 edition.)



Representatives from the American Indian Movement (AIM), Wa-Swa-Gon Treaty Association, several tribes, Black and women's movements joined in forming a roadblock on the Pigeon River Bridge. Above, Vernon Bellecourt, AIM, talks about the purpose of the roadblock.

## Soldiers, Mohawks clash; 82 injured

KAHNAWAKE, Quebec—AP—Indians brawled with Canadian troops who were seizing weapons at a Mohawk reservation, and soldiers fired tear gas to disperse the crowd. At least 82 people were hurt, officials said.

Dozens of men, women and children jumped into the cold St. Lawrence River on Tuesday to escape the stinging gas.

Mohawks punched and kicked soldiers, who used rifle butts and fists in the brawl after the Indians intervened during the search-and-seizure operation at the Kahnawake reservation by the military and Quebec provincial police.

It was one of the most violent clashes since the Mohawk stand-off began more than two months ago over plans by the city of Oka, 18 miles west of Montreal, to build

a golf course expansion on what the Indians say is tribal land.

The federal government has since bought the disputed land in an attempt to settle the quarrel, but some Mohawk activists have held out for settlement of other grievances, including demands for greater sovereignty.

Eight helicopters and about 100 troops took part in the raid on Tekakwitha Island.

Maj. Rusty Bassarab, a military spokesman, said the raid netted about 50 weapons, ranging from shotguns and handguns to hunting rifles and AK-47 assault rifles. The weapons, which were wrapped in plastic, were found under rocks in the forest and were taken out by helicopter.

But Mohawks struck back. One soldier was dragged to the

ground, punched, kicked and struck repeatedly on the head with his own helmet.

Bassarab said five to seven soldiers were injured by the Mohawks.

The soldiers fired several volleys of submachine-gun fire into the air and then shot tear gas point-blank into the crowd, forcing it back. Dozens of people jumped into the river to evade the fumes.

About 75 people, including several children, were treated at the nearby Kateri Memorial Hospital for tear gas and released.

Dr. Louis Montour, medical director of the hospital, said a 15-year-old girl with a possible fractured hip and a 24-year old man with a possible fractured knee were sent to Montreal General Hospital. (See Soldiers, page 24)

DUPLICATE EXPOSURE



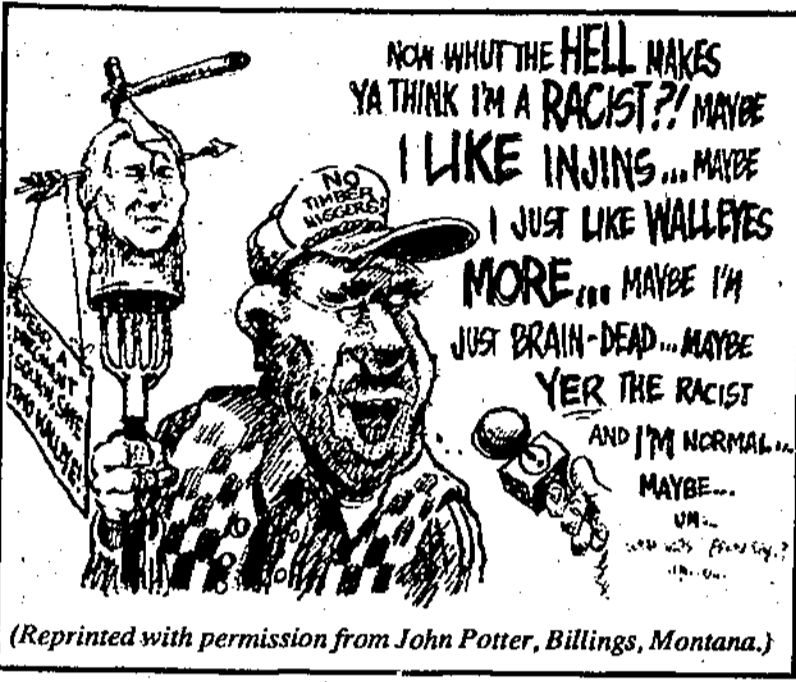
# The Two States of Wisconsin Continued

(Continued from page 8)

## Indians are not benefiting at the expense of non-Indians under the Chippewa Treaties of 1837 and 1842

Ignorance, poor economic conditions, and fear of the unknown continues to breed racism, hatred and violence in some areas of Wisconsin.

In the June 11, 1990 issue of *The New Republic*, author Weston Kosova reported, "... Away from the cameras, though, looser lips still prevail. 'That's all we got up here nowadays, niggers and Indians and Indians and niggers,' mumbled a man eyeing a black reporter. Later, in the woods by the water, a bearded man in a hunting vest bragged to his friend, 'If I ever caught an Indian spearing on my lake I'd kill him. Oh, I'd probably regret it for the rest of my life, but I swear to God I'd do it.'"



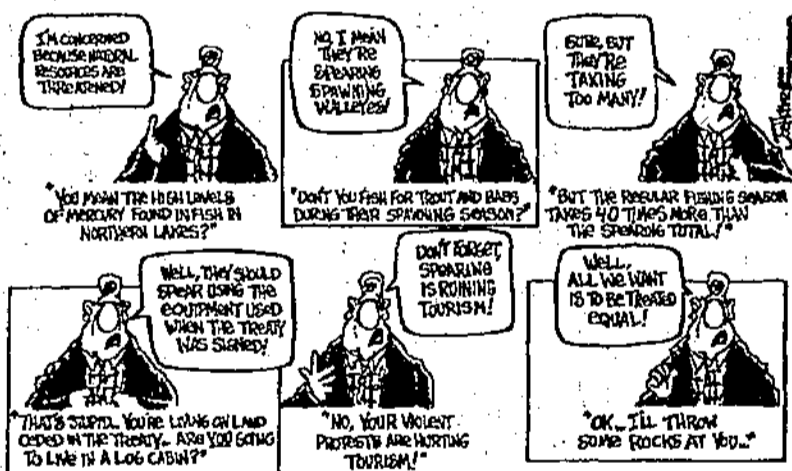
(Reprinted with permission from John Potter, Billings, Montana.)

A survey conducted by the St. Norbert College Survey Center and Wisconsin Public Radio concluded that although 81% of respondents said they had read or heard something about Chippewa Indian Treaty Rights, only one-third could correctly answer questions about those rights. Only 37% of respondents knew the treaties were between the Chippewa Indians and the U.S., rather than state government. Only 30% knew Indians were limited in the number of fish and game they can harvest.

While northern residents were more informed about treaty rights than residents of the South, they tended to have a more stereotypical view of their Indian neighbors. Only 24% of southern Wisconsin respondents thought Whites were more dependable than Indians as compared to 41% of the northern Wisconsin respondents.

**Spearing does not give unequal rights to Indians.**  
The federal court did not grant (i.e., give) off-reservation hunting, fishing, and gathering rights to the Chippewa tribes as often claimed by anti-Indian groups. The tribes reserved their off-reservation treaty rights when they ceded (i.e., sold) their land to the U.S. government. This occurrence is similar to a person selling his land and reserving mineral rights. Property rights such as these are enjoyed by us all and are not a special right granted to Indian people. "Many people in the northern part of the state complain that the tribes are accorded unequal rights because they are permitted to hunt, fish, and gather in ways denied to the non-Indian population. The fact is, however, that the tribes do not have unequal rights. They have the same rights as any other resident of the United States to enter into contractual agreements and to go to court to enforce their rights under those contracts." (LCO VL 707 F. Supp. 1034)

### A CARTOONIST TALKS TO AN ANTI-TREATY PROTESTER:



(Reprinted with permission from Joe Heller, Green Bay Press Gazette.)

### Comparison of seasonal unemployment rates

Year	March Unemployment Rate	August/September Unemployment Rate
Vilas County		
1989	9.8%	2.9%
1987	12.6%	3.9%
1986	14.9%	5.0%
Sawyer County		
1989	12.1%	4.9%

(Strickland)

Literature from anti-treaty organizations has claimed, "Indian households receive free food, homes, medical care and \$20,000 per year in cash." (Strickland) These hate groups use such falsehoods in an attempt to build and exploit an economic jealousy between tribal members and their neighbors.

In truth, between 1975 and 1991 the federal per-capita spending for non-Indians increased while federal per-capita spending for Indians began decreasing in 1979, and from FY 1982 to 1991 tribes received substantial reductions:

- Indian Housing decreased an average of 19.99% per year,
- Indian Education dropped an average of 3.4% annually,
- Indian Health expenditures grew 3% less than the growth in overall federal health spending while the Indian population grew 3.79% annually.

The Congressional Research Service also found federal per-capita spending in FY 1991 estimated at \$3,007 for non-Indians and \$2,281 for Indians.

Most tribal members receive the same benefits (i.e., AFDC, Social Security, Medicare, etc.) as any other Wisconsin residents, with eligibility based upon need, not Indian heritage or membership in a tribe.

It is also important for the general public to realize the timber and mineral resources obtained through the 1837 and 1842 Chippewa Treaties provided, "the essential ingredients for the incredible industrial transformation of late nineteenth and early twentieth century America."

While the Chippewa tribes received "a few thousand dollars, some odds and ends of equipment, and a few thousand acres of reservation land, non-Indians received: 100 billion board feet of timber; 150 billion tons of iron ore; 13.5 billion pounds of copper; 19 million acres of land, water, ports, power sites, and quarries." (Wrone)

### Tourism in Wisconsin continues to thrive despite actions of anti-Indian groups

Claims of the demise of northern Wisconsin tourism due to spearing activities and reduced bag limits is premature and inaccurate.

"We're pleased to say that, although unscientific, there is no real negative impact (i.e., from treaty conflicts)," said Dick Matty, Director of the Wisconsin Division of Tourism. "Recently, at the Chicago Sport Show, one of the largest shows we attend, of all people requesting Wisconsin information, not one person asked about the spearfishing issue," Matty said. "So we see no real definite negative effect as of this time." Matty also explained information distribution was up 76 percent last year. Typically, 8 of 10 people asking for information actually visit the state, he said.

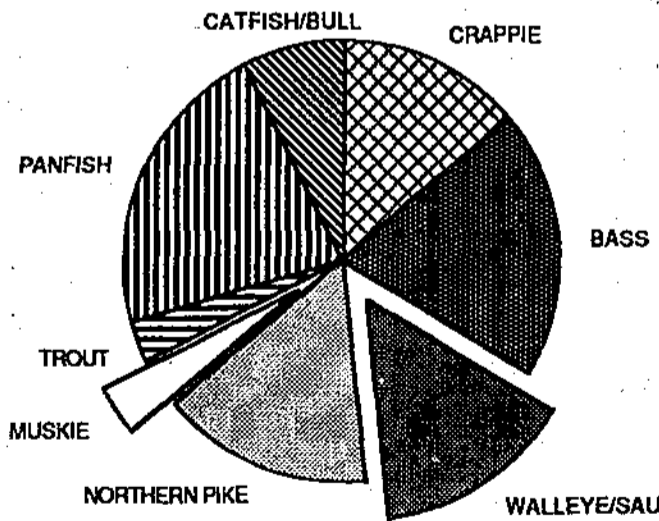
Evelyn Hartlep, Executive Director of the Greater Minocqua Chamber of Commerce, said resorts and hotels reported excellent summer bookings.

Jeff Long, Boulder Junction town chairman, said greater cooperation among chambers of commerce and business leaders in the North last winter helped reduce tension and negative publicity about the issue of spearfishing. He said tourism in the Boulder Junction area expected a summer equal to or better than last year.

Lowered bag limits have little impact on the average angler. Creel data supports this claim. The following graph from the WDNR publication *Spearing and Sport Angling for Walleye in Wisconsin's Ceded Territory* illustrates that few anglers catch more than three walleye.

Furthermore, a review of the 1985 Survey of Fishing, Hunting, and Wildlife Associated Recreation by the U.S. Fish and Wildlife Service and Census Bureau, (table #6) illustrated that resident and non-resident fishermen targeted 18% of their fishing days to walleye and musky in 1985. In fact, Wisconsin fishermen spent more time fishing for panfish (16,770,300 fishing days) and northern pike (11,929,800 fishing days) than for walleye-sauger (11,210,000 fishing days). Of the 11 species listed in the table, musky ranked 7 with 2,818,500 days of fishing pressure.

1985 DAYS OF FISHING ACTIVITY IN WISCONSIN (from data table #6)



In the summer and fall of 1987 Jack Grey, Survey Conductor for the U.W. Extension, interviewed 1,704 people from area hotels, resorts, and private campgrounds. Mr. Grey concluded that "while 100% of the visitors could have fished, only 8.3% said it was the main reason for the trip. Most people go for the scenic beauty or family vacation experience," he said.

Mr. Grey also commented on the issue of spearfishing's impact upon tourism. He explained that surveys could tell where visitors came from, what attracted them, and how much they spent. "But I can't tell you how many people stayed away from northwoods resorts because of the spearfishing controversy. Nobody else can either."

Evelyn Hartlep, Executive Director for the Minocqua Chamber of Commerce, asked resort owners about cancellations. The owners said more cancellations were due to the Lyme disease scare last summer than to spearfishing.

It is also important to note that significant changes in Wisconsin's tourism economy were occurring prior to the Voigt Decision and tribal exercise of off-reservation harvesting rights. This fact was documented by a 1981 Wisconsin Tourism Industry study which reported, "Resort problems were shown to increase with the age of the resort. Those that appear to be having the most significant problems, however, were built

prior to 1930. Twenty-five percent of these resorts were shown to have declining occupancy trends. This may be attributable to the declining quality of these resorts due to their age and the fact that over 60% of their owners have not made any improvements or done upkeep since the resort was built." The study went on to state that, "37% of the resort owners in Indianhead Country and 29% in the Northwoods Council said they planned to convert their resort within the next three years, implying that second home ownership may rise in northern Wisconsin, whereas resort room supply may continue to decline."

While reduced bag limits and the spearfishing controversy may have some impact upon northern Wisconsin's tourism spending, the tribes are convenient scapegoats for the failure of small, poorly managed, obsolete resorts. Regardless of future spearing activities, many of these resorts will continue to fail due to changing tourism markets characterized by a growth in two-income households, an aging population, and increased numbers of single parent families.

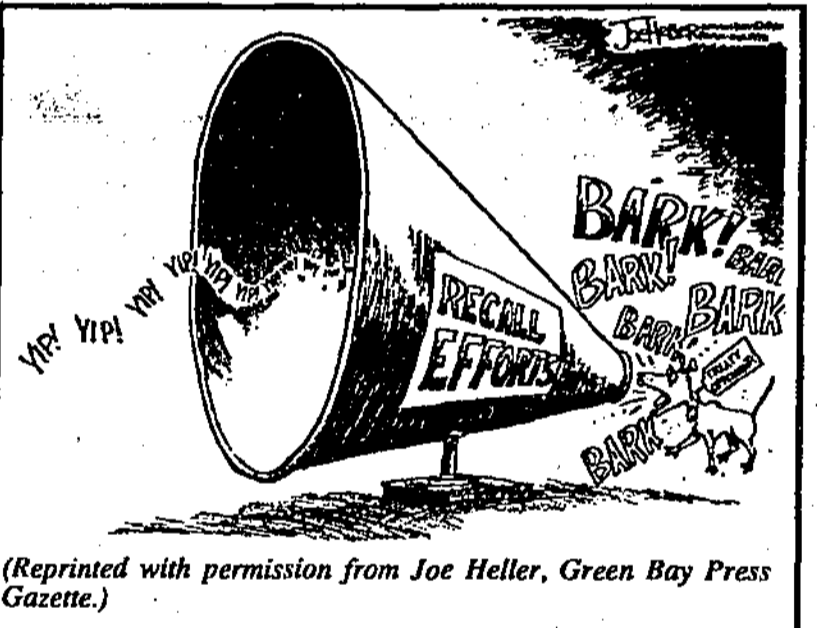
In addition, by the state's own testimony, new spearfishing restrictions were inevitable to reduce projected overharvest of walleye by anglers. This was documented in the WDNR's 1979 Strategic Fisheries Management Plan which estimated that angler demand for walleye would outstrip the supply of 13" fish by the mid-1980's. (See appendix for WDNR graph and analysis.) Resort owners and fishers would eventually have to deal with reduced bag limits even if spearing never occurred. The problem expressed by resort owners is that a 3/day bag limit is ok but if a nearby lake has a 5/day bag limit, then people are drawn to that lake. So it's not really so much what the bag limit is, but the fact that a variable bag limit system gives the resort competitors what's perceived as an advantage—it's believed to be sort of "unfair."

Furthermore, the poor public image given to the state by anti-Indian organizations demonstrating overt racism at public boat landings and harassment of tribal fishermen on the water are a far greater threat to tourism. A stigma of racism will require considerable expenditure of promotional advertising to counter national media coverage as the town of Minocqua has recently discovered. Not everything is measured in terms of tourist dollars—some people like Honor Our Neighbors Origins and Rights (HONOR) are concerned with social harmony, respect for each other as humans, etc.

### Building understanding and cooperation on a grass roots level

Stop Treaty Abuse (STA) protests at public landings and ceded territory lakes cost state taxpayers more than \$1.7 million last spring. More than 100 county, city, village, and town agencies reported expenses for salaries, materials and mileage, reported Richard Risler, Director of Emergency Police Services.

Protect Americans' Rights and Resources (PARR) and STA also worked to recall elected officials, again wasting taxpayer dollars in an attempt to force their radical, narrow opinions on the rest of Wisconsin citizens. Their failures indicate their organizations' waning power and hopefully, signal a new era where Wisconsin citizens spend their time and energy on productive efforts aimed at improving the living standards and resources of northern Wisconsin.



(Reprinted with permission from Joe Heller, Green Bay Press Gazette.)

The Lac Courte Oreilles (LCO) Band has experienced 6 peaceful spearing seasons without incidents of rock throwing, vulgar threats, pipe bombs, or shootings found in other areas of the state. The LCO Band and Hayward Lakes Association worked to build a foundation for cooperation over many years. Today, area churches sponsor Indian Awareness Sunday; a new development corporation which was formed by Hayward and LCO, Indian and non-Indian teachers attend joint workshops regarding treaty rights and Indian culture; and the Hayward Lakes Association actively supports tribal funding for construction and operation of a new fish hatchery.

The Red Cliff Band and Bayfield County Board have also built a strong relationship prior to recent state initiatives which attempt to encourage and promote cooperation. Historically, Bayfield County has taken the position that it will not endorse anti-Indian or anti-treaty positions, and relationships with the Bayfield Sheriff's Department are held in the highest regard by local tribal law enforcement agencies.

In an effort to reduce tensions and build understanding, other tribal governments and local business representatives also began dialogues regarding areas of mutual concern. From these informal meetings, twelve northern Wisconsin Chambers of Commerce issued a joint statement recognizing treaty rights.

Long Lake Chamber of Commerce members requested area residents not go to the landing and protest the spearing rights of St. Croix tribal members and manned two boats to accompany tribal members to insure safety and calm. Working together, St. Croix tribal spearsmen enjoyed peaceful spearing on the lake and the Long Lake Chamber of Commerce received complimentary media coverage.

The Lac du Flambeau Band's proposal to stock off-reservation waters signals yet another effort to build cooperation and mitigate racism in northeastern Wisconsin. The tribal council also made the decision to release its unused quota on 85 northern lakes so anglers could catch more fish.

The Bad River and Red Cliff Bands and Cable Area Chamber of Commerce's Fish for the Future undertook one of the most interesting new initiatives this spring. The tribal fisheries departments and local sportsmen collected 1,612,000 eggs from speared fish from Lake Namekagon, 744,000 eggs from Eau Claire Lakes, and approximately 496,000 eggs from the Pike Lake Chain. These eggs were then incubated at the Bad River Hatchery using Big Redd Units and at Red Cliff using Heath Trays. Once fry hatched, 400,000 were restocked in Lake Namekagon with an additional 600,000 provided for Fish for the Future rearing ponds. While a pilot project, this new initiative provides opportunities for increased grass roots cooperation. "This program is making a better working relationship of a hard situation," said Phil Rasmussen, owner of Lakewoods Lodge on Lake Namekagon and a Fish for the Future member. "This program is enhancing the resource," said Joe Dan Rose, Bad River Tribal Biologist. "When it comes to disputes over fishing, it is basically an allocation dispute. The pie is getting cut into smaller pieces. What we're doing is saying 'Let's get together and make some bigger pies.'" (See *The Two States of Wisconsin*, page 24)

### Comparisons of per capita adjusted gross income

County	1983	1985	1987	Comparison with 1987 State Average
State Average	\$ 7,602	\$ 8,714	\$ 10,176	—
Ashland	\$ 5,092	\$ 5,712	\$ 6,618	-34.9%
Bayfield	\$ 4,895	\$ 5,702	\$ 6,721	-33.6%
Burnett	\$ 4,460	\$ 5,248	\$ 6,123	-39.8%
Forest	\$ 4,067	\$ 4,391	\$ 5,000	-50.8%
Iron	\$ 4,017	\$ 4,761	\$ 5,597	-44.9%
Polk	\$ 5,605	\$ 6,595	\$ 8,286	-18.5%
Sawyer	\$ 6,315	\$ 7,066	\$ 8,586	-15.6%
Vilas	\$ 5,310	\$ 6,039	\$ 6,850	-32.6%

\*Wisconsin Department of Revenue, 89-90 Blue Book

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All aspects of tribal resource management, including fisheries, wildlife, forestry and enforcement, were featured during the fall regional workshop co-sponsored by the Great Lakes Regional Chapter of the Native American Fish and Wildlife Society (NAFWS) and the Minneapolis Area Office of the Bureau of Indian Affairs (BIA).

About 150 participants from northern midwest tribes attended the four day workshop held at the Oneida Radisson, Green Bay in September.

A highlight of the week was the receipt of a \$1000 donation from the Menominee Tribe to the NAFWS lobbying and legal fund for the Tribal Technical Involvement Plan.

According to Patricia Zakovec, NAFWS Great Lakes Regional President, the plan provides a formula for tribal involvement in federal funding for natural resources. Zakovec noted that the Menominee Tribe was the first tribe nationwide to make a donation and several others have followed.

During the week a blend of

topics for both panels and workshops addressed issues for both resource managers and conservation enforcement personnel. Enforcement issues, such as cross-deputization and enforcement acts were discussed, and presentations were provided on forestry planning, white-tail deer management, ruff-grouse and walleye pond culture, to cite a few.

The presentation of the first annual tribal biologist achievement award, which was awarded posthumously to Dr. William Eger, Sault Ste. Marie, was another significant event during the conference. Eger, who has long served the Michigan tribes as one of the first tribal biologists in the region, recently passed away and will be sorely missed.

The award has also been named in his memory—the "William H. Eger Tribal Biologist Achievement Award." The award was accepted on behalf of the Eger family by Faith McGruther, Executive Administrator of the Chippewa/Ottawa Treaty Fishery Management Authority (COTFMA).

Robert Jackson, MOA BIA bi-

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Eger's colleagues called him a "bull dog," Jackson noted, for his tenacity in defending tribal interests. Jackson also cited Eger's involvement in gaining recognition and credibility for tribes as management entities on the Great Lakes.

Other awards included those from the competition shoot held during the workshop. Conservation officers who took part in the shoot were: from Michigan, Ben Carrick, Bill Bailey, Ronald White, James Chambers and Terry Carrick; and from Minnesota, Pat Pierre. Officer Ron White was awarded Top Gun honors with an average score of 298.

Also cited for their fundraising success on behalf of NAFWS were Mike King and Terry Metoxin, both of Oneida.

The 1991 regional workshop was set for next fall in Grand Portage, with Dick Hoaglund chairing the conference committee.



Both a competitive shoot and a fun shoot were held during the Great Lakes Regional NAFWS/BIA conference, Oneida Radisson Hotel, this fall. Above, competitors in the fun shoot, each assisted by a trained warden, shoot the first round.

## NAFWS to sponsor youth for Earth Train

Two area youth, plus two alternates were selected by the Great Lakes Regional Chapter of the NAFWS to represent the region on the 1991 Earth Train, an international, environmental education program.

Selected for the slots were John Balck and Karlie Barber, both of Lac Courte Oreilles. Alternates were Kurt Buffalo, Red Cliff and

Zeke Diamond, Lac Courte Oreilles.

Earth Train is an annual event designed to encourage youth to develop greater interest in ecological concerns, according to Patricia Zakovec, NAFWS Regional President. While the Earth Train is being sponsored in the United States this year, it also does tours abroad.

NAFWS has a total of 12 slots for Indian youth aboard the 1991 Earth Train which will run for 13 days this spring en route from San Francisco to New York. In New York the youth will address the United Nations, and then continue to Washington, D.C., where they will meet with President Bush.

Zakovec noted that this will be the first year that Native American youth will be part of this program



Certificates of completion were presented to all participants following successful completion of the Training. Above, Pat Zakovec presents a certificate to Tribal Conservation Officer, James White.



Dr. Earl Barlow, Minneapolis Area Office, Bureau of Indian Affairs, takes aim.

## 1st regional tribal biologist honored posthumously



C O S P O N S O R S

The Dr. William H. Eger Family

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Bureau of Indian Affairs

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*Robert Jackson*  
Section Chief, Fish, Wildlife and Recreation

Native American Fish & Wildlife Society

*Patricia M. Zakovec*  
President  
Great Lakes Regional Director

*Ed Fairbanks*  
Great Lakes Regional Director



The Great Lakes Regional Chapter of the Native American Fish and Wildlife Society honored Dr. William Eger, formerly with the Chippewa-Ottawa Treaty Fishery Management Authority, for his outstanding work in biological services to the tribes. The award, presented during the regional NAFWS/BIA conference at Green Bay, was also named after Dr. Eger who passed away this summer. Accepting the award on behalf of the Eger family was Faith McGruther, COTFMA executive administrator. Pictured above are, from the left: Robert Jackson, biologist, Minneapolis Area Office, BIA; Faith McGruther, COTFMA executive administrator; Patricia Zakovec, President, NAFWS; and Ed Fairbanks.



Dick Hoaglund, Grand Portage conservation warden, accompanied by daughter, Heather, accepts an award from Kirk Beattie, conservation officer training instructor from UW-Stevens Point, for topping the class during the six week training session held this summer at Northland College, Ashland, WI. The training was one of the first regional trainings for conservation officers and was sponsored through the Native American Fish & Wildlife Society, Great Lakes Region.

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Zeke Diamond, Lac Courte Oreilles.

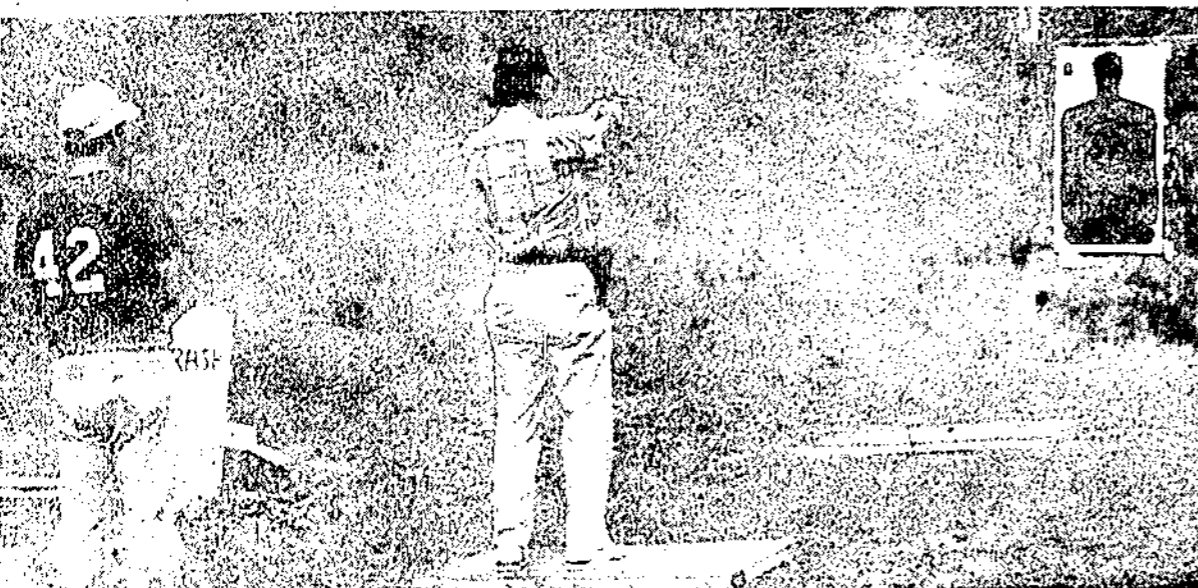
Earth Train is an annual event designed to encourage youth to develop greater interest in ecological concerns, according to Patricia Zakovec, NAFWS Regional President. While the Earth Train is being sponsored in the United States this year, it also does tours abroad.

NAFWS has a total of 12 slots for Indian youth aboard the 1991 Earth Train which will run for 13 days this spring en route from San Francisco to New York. In New York the youth will address the United Nations, and then continue to Washington, D.C., where they will meet with President Bush.

Zakovec noted that this will be the first year that Native American youth will be part of this program



Certificates of completion were presented to all participants following successful completion of the training. Above, Pat Zakovec presents a certificate to Tribal Conservation Officer, James White.



Dr. Earl Barlow, Minneapolis Area Office, Bureau of Indian Affairs, takes aim.



The Great Lakes Regional Chapter of the Native American Fish and Wildlife Society honored Dr. William Eger, formerly with the Chippewa-Ottawa Treaty Fishery Management Authority, for his outstanding work in biological services to the tribes. The award, presented during the regional NAFWS/BIA conference at Green Bay, was also named after Dr. Eger who passed away this summer. Accepting the award on behalf of the Eger family was Faith McGruther, COTFMA executive administrator. Pictured above are, from the left: Robert Jackson, biologist, Minneapolis Area Office, BIA; Faith McGruther, COTFMA executive administrator; Patricia Zakovec, President, NAFWS; and Ed Fairbanks.



Dick Hoagland, Grand Portage conservation warden, accompanied by daughter, Heather, accepts an award from Kirk Beattie, conservation officer from UW-Stevens Point, for topping the class during the six week training session held this summer at Northland College, Ashland, WI. The training was one of the first regional trainings for conservation officers and was sponsored through the Native American Fish & Wildlife Society, Great Lakes Region.

DUPLICATE EXPOSURE

# Treaty support groups active through summer

## Chippewa visits European support groups, addresses United Nations

A Chippewa elder from the Lac du Flambeau Reservation returned on Friday, August 10 from a trip to West Germany and Switzerland, where she addressed the Wisconsin treaty rights controversy to European support groups and a United Nations hearing.

Dorothy Thoms, a member of the Wa-Swa-Gon Treaty Association, spoke to special hearings of the United Nations in Geneva, Switzerland, on August 2. The United Nations Working Group on Indigenous Peoples has held annual hearings on the rights of American Indians and other native peoples since 1977. Thoms spoke to the U.N. hearing committee on the history of the Chippewa treaties, racism and violence during all the spearfishing seasons, other treaty-related harvesting issues, and mining plans in ceded territory. Thoms said upon her return, "The eyes and ears of the world are now on Wisconsin. It is being noticed in the United Nations that Wisconsin is not fully protecting the rights of its original peoples, and has even violated our human rights and sovereign rights."

Also speaking at the United Nations hearings were indigenous peoples from around the U.S., Canada/Quebec, eight Latin American nations, New Zealand, Malaysia, and the Soviet Union. Thoms said, "Everybody was interested in hearing about Wisconsin, and mentioned how similar many things were with their situation. The New Zealand Maoris, for instance, are also defending their

treaty spearfishing rights, and many others are fighting mines."

On July 23-27, Thoms had attended the Sixth European Meeting of North American Indian Support Groups in Munich, West Germany, where she spoke to over 100 pro-Indian activists from around Europe. She observed, "How can other nations expect the United States to keep treaties with them, when it hasn't kept most of the treaties with Indian people at home?"

A strong Indian support network has grown in Europe over the past two decades, including groups with hundreds or thousands of members. The Midwest Treaty Network sent articles to these groups about the infringement of Wisconsin Chippewa treaty rights by protesters and state officials. In the week before the 1990 Spring spearfishing season, foreign support groups held events supporting Chippewa treaty rights, effective security for the spearfishers, and protection of the Northern Wisconsin environment. Rallies were held at the U.S. embassies in Vienna, Austria (drawing 100 Austrians); London, England; and Oslo, Norway. Events were also held at U.S. consulates in Montreal and Toronto, Canada.

Also, Governor Thompson was sent over 200 letters of concern and 400 petition signatures from at least 16 countries. They were sent by Indian support groups in Holland, Sweden, Switzerland, Belgium, and West and East Germany, and pro-democracy groups in

Hungary and Soviet Union. Letters also came from Northern Ireland, Australia, and the Philippines; and drawings about Chippewa spearfishing came from 30 Italian school children. Some of the writers linked their governments' economic cooperation with Wisconsin to the protection of Wisconsin Indian treaty rights. The Wisconsin situation was brought to the attention of U.S. ambassadors, foreign ministries, national radio networks, and newspapers in six languages. (Many of the letters and drawings are presently on public exhibit at the Lac Courte Oreilles Reservation.)

Thoms is not the first Chippewa treaty supporter to visit Europe. The Indian Summer cultural festival last year drew some Chippewa to Stuttgart, West Germany. This past May, Lac Courte Oreilles Chairman Gaiashkibos attended a London shareholders' meeting of Rio Tinto Zinc, the world's largest mining company, whose Kennecott subsidiary wants to open a mine near Ladysmith. Gaiashkibos stated that the treaties are a legal tool to protect the habitat of fish, wild rice, and other Northern resources they guarantee to the Chippewa. (See mining issues on page 13)

Thoms has been active in the Wa-Swa-Gon Treaty Association, a member group of the Midwest Treaty Network, since its founding in early 1988. She participated in treaty-backed gill netting on Lake Minocqua in June 1989, and also led the last leg of a pro-treaty walk to the State Capitol in Madison.



The "Spirit Tree" at Grand Portage, MN grows out of the rocky shoreline. The Tree has long been a symbol of the spiritual strength and endurance of the Anishinabe people.

## ISI passes resolution of support

**WHEREAS** Indigenous Survival International (ISI) has had no contact with or the participation of any indigenous people in the lower (48) United States; and

**WHEREAS** ISI had intended to invite representatives from the Anishinabe Nation (Chippewa) of Northern Wisconsin; and

**WHEREAS** the Chippewa of Northern Wisconsin have been faced with racist attacks for simply spear fishing and netting, which is their treaty right; and

**WHEREAS** the seriousness of these attacks is compounded by the fact that private organizations such as "Protect Americans' Rights and Resources" and "Stop Treaty Abuse" have been initiating these racist attacks;

**BE IT RESOLVED THAT** this Assembly strongly condemns these racist actions and that ISI stands in solidarity with the Chippewa of Wisconsin and invites the indigenous people of Wisconsin to the next ISI Annual Assembly.

**MOVED BY:** Randy Kapashesit, A/Chief, Norecbeec, Moose Factory, Ontario

**SECONDED BY:** Bob Polasky, Director, Subsistence and Natural Resources, Rural Alaska Community Action Program, Inc., Anchorage, Alaska

## HONOR board of directors meets in Milwaukee and elects new officers

At the July meeting of HONOR an interim Board was selected. Seven members plus three more members who are Chapter Chairpersons make up the interim ten member Board. These ten people are also named on the Articles of Incorporation for HONOR. The Board expansion reflects a representation of men and women (five of each), people from other states (three states are now represented), Chapter organizers and members (four are Chapter Chairpersons) and Indian and non-Indian (three members are Native American.)

Officers chosen at the Board meeting are Sue Erickson, Secretary; Larry Balber, Treasurer; Ed Gray, Second Vice President; Father James Dolan, First Vice President; and Sharon Metz, President. Officers are from Wisconsin, with the exception of Ed Gray, from Michigan. Other members of the Board are Rev. Warren Behling, Medford, WI; Sandi Cianciulli, Philadelphia, PA; Rosemary Robinson, Milwaukee, WI; Nick VanderPuy, Eagle River, WI; and Margaret Cameron, Chippewa Falls, WI.

The Board worked for several hours incorporating the By-Law changes and reviewing the document in preparation for filing for the IRS tax number. In addition, the Board set policies on handling requests that HONOR receives for financial assistance, and a travel policy for Board members. Minutes of board meetings are available from the HONOR office. The office address is 2647 N. Stowell Avenue, Milwaukee, WI 53211.

(Reprinted with permission from HONOR Digest, October 1990 edition.)

## Resolutions pass at conference

By Dave Denomie  
Midwest Treaty Network

Last month in Ann Arbor, Michigan, the Greens passed a National statement of Support for Native American Treaty Rights and a statement opposing mining in the Great Lakes region.

The statement on Treaty Rights was written by Rick Whaley and Penny Urben who are members of the Milwaukee Greens and the Witness for Non-Violence. It strongly supports the efforts of in-

digenous people nationwide to exercise treaty rights, preserve and revitalize cultural traditions, and develop economic self-sufficiency. Dave Denomie of the Milwaukee Witness presented the statement and talked with those attending about the background of the treaties and the struggle against those who would do away with them. The statement was adopted without opposition.

The Statement opposing mining was presented by Ellen Smith of the Milwaukee Greens. She stressed the importance of protect-

ing the water in the Great Lakes region which is estimated to possess one-quarter of the world's freshwater supply and is already seriously endangered by pollution from other sources.

Attorney Waring Fincke of the Greens stressed the importance of this support in light of upcoming hearings in Ladysmith on the proposed Exxon mine site 140 feet from the Flambeau River. This statement was also adopted without opposition.

(Reprinted from the Midwest Treaty Network Messenger.)



Sadie Martin, Lac Vieux Desert, a youthful runner who has participated in several long distance solidarity runs.



Practical experience in search and seizure methods was part of eighty hours of in-service training provided by Professor Kirk Beattie of UW-Stevens Point. Above Ken Rusk gets a chance to tie up Lieutenant Richard Semasky.



# Long-distance Run seeks peace, spiritual healing

The Run was a run for peace—both in communities and in individual spirits—for Indian and non-Indian alike. The effort required in the long-distance relay symbolizes the effort and perseverance necessary to transmit the message of peace, acceptance, unity, and personal renewal in a world riddled with conflict and despair.

The Second Annual Anishinabe Spiritual Relay took off following spiritual ceremonies at the Bear River Pow-Wow Grounds in Lac du Flambeau and arrived a week later at the Lac Courte Oreilles Pipestone Quarry.

Runners, carrying an eagle staff the entire distance, followed a path which united eight Chippewa Bands and three states.

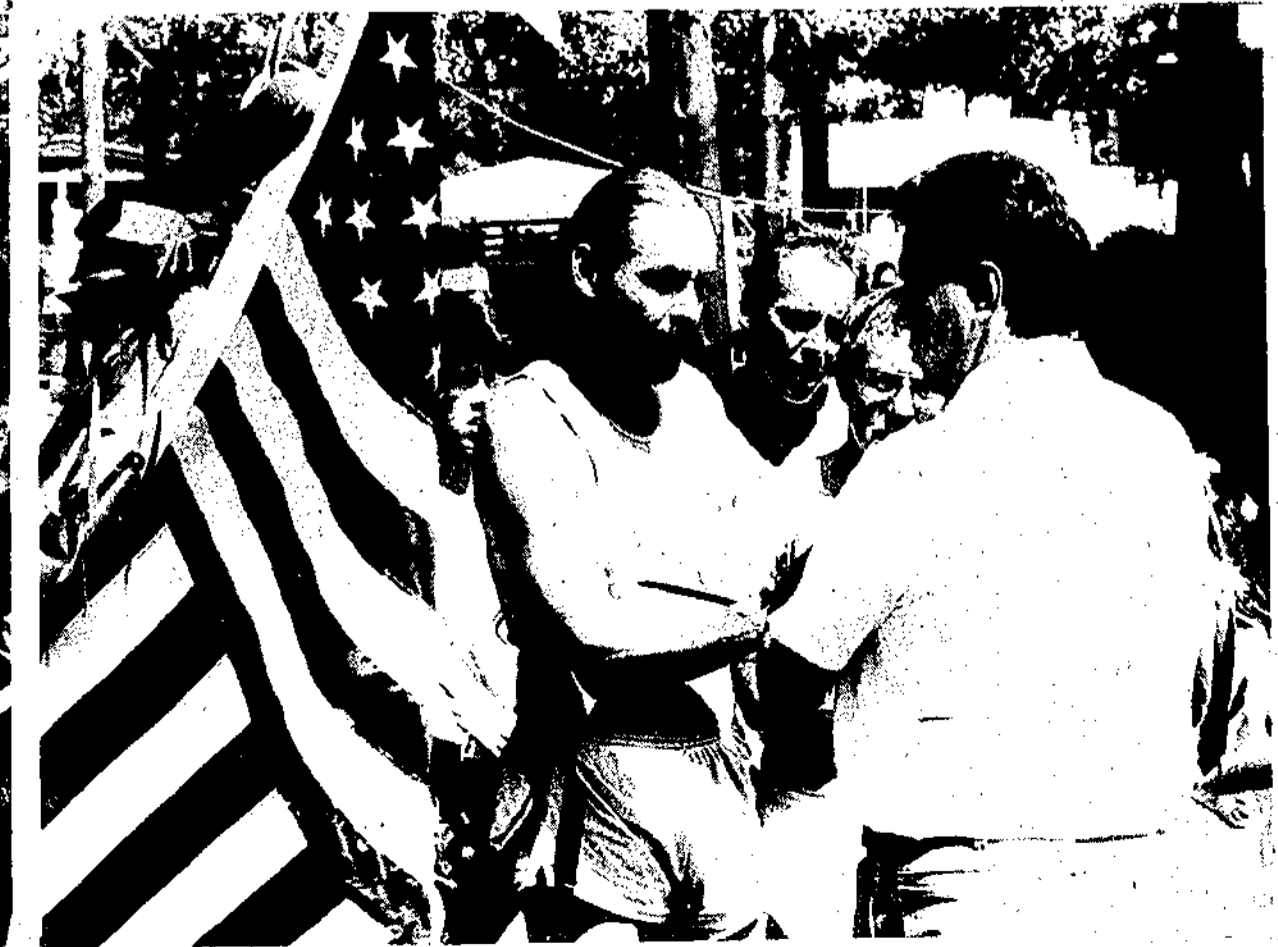
Over 800 miles were covered by the core team runners in an effort to both forge solidarity between tribes and communities and to seek spiritual healing in the aftermath of the 1991 spring spearing season.

The respective reservations welcomed runners with feasts, ceremonies, accommodations and relief runners. As each reservation was passed an Eagle feather was added to staff carried by the runners. Reservations included Lac du Flambeau, Mole Lake, Lac View Desert, Keweenaw Bay, Bad River, Red Cliff, St. Croix and Lac Courte Oreilles.

The distance covered by the team relay could not have been done alone, nor can one alone succeed in a reach for peace. It requires a team and commitment to a goal.

As fatigued runners handed the staff to fresh teammates, they knew it would be carried forward towards the goal in good spirit. As others joined along the way, the work was made easier, the goal more accessible, and people were drawn together in purpose.

And though the relay stopped at Lac Courte Oreilles, it will never stop in the spirit of those touched and joined through effort. The spirit of the Run will continue around and its circuitous course will grow wider, its path longer, the spirit stronger.





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**DUPLICATE EXPOSURE**



# The 1990 spearfishing season in review

## An editorial analysis

### Facts and figures of spearfishing

#### Media notes racism/ violence

A roundup of figures that relate to tribal harvest follow below. This essentially tells the whole story of the real Chippewa spearfishing season. Unfortunately, the story is complicated by a web of other events and actors which, while incidental to the treaty fish harvest, complicate and make-up the drama of the season as it is exercised.

#### The Chippewa spearfishing season

The figures were up for the 1990 spearfishing season which ran from April 10 through May 5, providing a total of about 3 1/2 weeks of active spearfishing.

Within that time a total of 25,348 walleye were taken and 303 muskellunge by members of the seven Chippewa tribes that participated.

73% of the walleye taken were sexed. Of those 79.4% were male, 12.7% female and 7.9% unknown.

Other species of fish harvested during the spearfishing season included: 167 largemouth bass, 49 smallmouth bass, 87 crappie, 34 northern pike, 72 sucker as well as small numbers of other species.

As in previous years, the spearfishing season was regulated under codes which set size limits and numbers on the fish taken. Indian spearfishermen were required to obtain nightly permits in order to spear. The permit system controls the number of spears on each lake so that the lake cannot be harvested over the quota.

Tribal members were allowed to spear two walleye over 20" nightly.



Embarking for a night of spear fishing, this fisherman salutes the crowd on the landing.

This included one of any size and one between 20"-24". The size limit, itself, is a factor in the preponderance of male fish harvested.

Wardens as well as creel clerks from the Great Lakes Indian Fish and Wildlife Commission

(GLIFWC) attended each spearfishing landing in order to monitor the catch.

This included checking and issuing permits, as well as monitoring the harvest of each tribal spearer. Each spearer's catch was counted

on the landing (or on the lake if landing conditions were not amenable), sexed and measured.

Citations for violation of spearfishing codes were also issued on the landings. 49 citations were issued by GLIFWC wardens for

violation of tribal ordinances during the 1990 season. Those citations will be heard in tribal courts.

A detailed report of the inland fishery harvest will be completed following the fall harvest and will be available upon request.

# Masked racism, muted violence characterize 1990 spear season

## Treaty rights remain in jeopardy

Intensive armed guard on landings used by tribal fishermen in Wisconsin and on the water where they fish remained necessary throughout the 1990 spring spearfishing season in order to assure the safety of Chippewa people exercising their legal, treaty right to fish.

This should not be an acceptable situation.

The threats as well as acts of violence and racism and deliberate measures taken to impede tribal fishing require the state to spend \$500,000 in order to allow Indians to harvest fish.

This should not be an acceptable situation.

However, the season was gener-

ally billed as "more subdued" as the state and communities sought to escape the image of "red necked, racist" Wisconsin provoked by last year's hostilities. Indeed, the anti-Indian protesters were a little more discreet this year, but the hate as well as the direct impediment to free exercise of a legal right held by a minority remained despite efforts not to appear racist.

This should not be an acceptable situation.

The spring spearing season came and left Wisconsin like a whirlwind. Much like preparing for a storm massive efforts were made on the part of tribes, tribal fishermen, treaty support groups, politicians, the media, law enforcement

agencies, the Wisconsin Department of Natural Resources (WDNR), GLIFWC, and anti-treaty organizations in order to face a situation which threatened violence and social disruption. However, the aftermath of the season has been ignored, particularly in addressing issues related to racism and civil rights.

This should not be an acceptable situation.

The state held its breath nightly from April 10 through May 5 as Chippewa tribal fishermen ventured out on to darkened lakes to exercise their rights under heavy guard both on land and water, hoping that nothing too ugly or violent would occur.

This should not be an acceptable situation.

A deep sigh of relief came as the season came to a close without injury and with the appearance of a relative calm in the north.

The image of the North was not as deeply tainted by the antics of the protesters as in 1990. The black smear of racism and violence across the face of Wisconsin in 1989 was more like a smudge in 1990.

This should not be an acceptable situation.

With that as a partial success story, the spearing season and the controversy were put to bed as everyone gladly returned to the business of the day and life as normal.

However, much which occurred during the season was unacceptable in terms of social justice. The violence remained. Tribal members were still hit by rocks, beer cans, and shots were fired at them. Tribal spearfishermen were still harassed by wakes of boats and ugly taunts on the water.

The situation remained to be menacing and disruptive throughout the season.

The free exercise of treaty rights without intensive armed guard nightly remains impossible. This should not be an acceptable situation in Wisconsin and should challenge citizens to continue to look at issues relating to civil rights in this state.

Many journalists picked up on the racist remarks and ugly tones which marred spring spearing once again this year. Excerpts from articles appearing in papers throughout the state which note such incidents follow below. The excerpts are directly quoted with attribution to writers, papers and dates.

#### BIG EAU PLEINE RESERVOIR—The Indians.

"Those two words are repeated often when crowds of people show up at spearfishing boat landings, whether it's in small talk among protesters or the taunts and jeers shouted at the Chippewa spearfishers.

"The Indians this. The Indians that.

"There are Indian jokes and constant inferences that all Indians are on welfare, that they're bums.

"No matter how many people show up at the landings to quietly protest that 19th century treaties give Chippewa unequal rights, it's the angry anti-Indian gestures and shouts that ring through the cold, night air."

Robert Imrie, Wausau Daily Herald, April 19, 1990

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"Rocks thrown from shore caused Chippewa Indians in one boat to leave a northern Wisconsin lake during Tuesday night's protests of tribal fishing on off-reservation lakes."

Associated Press story, Racine Journal Times, April 25, 1990

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"Protesters could be heard screaming 'Beat the \_\_\_ out of them.'"

Ron Seely & Susan Lampert Smith, Wisconsin State Journal, April 22, 1990

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"Meanwhile, there were reports that three boats of Chippewa spearfishers with 12 permits were pelted with rocks as they passed through the narrows between the landing and the main body of the 1,200-acre lake. (Reference to Star Lake)

Ron Seely & Susan Lampert Smith, Wisconsin State Journal, April 22, 1990

oooooooooooo

Early in the evening, a Lac du Flambeau woman was stranded among the treaty protesters. The protesters loudly ridiculed Anita Thoms Koser as she made her way out of the crowd to rejoin the treaty supporters.

Danielle Mueller, a member of Stop Treaty Abuse, moved to within inches of Koser's face and screamed at her that she should buy a STA hat and button.

"Don't you have a dollar?" one protester screamed.

"The only place she has a dollar is in a bar for a beer," another yelled.

"Hey, Tubby, lose some weight," another man screamed.

"Other northern residents watched silently as the Chippewa started to launch their boats."

Ron Seely & Susan Lampert Smith, Wisconsin State Journal, April 22, 1990

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"Eight boats of protesters were near Chippewa spearer's boats on the lake.

The protesters believe they hinder spearing by rocking the water with their boats."

James B. Nelson & George Stanley, Milwaukee Sentinel, April 23, 1990

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"How do you feel about being the only people raping the environment on Earth Day?" a protester shouted as the first boat of Indians entered the lake.

(See Media notes, page 14)



The violent sentiments of this protestor is reflected in his shirt.



Part of the new image, a musky on a spear replaced the Indian head on a spear from 1989. Apparently this protestor was perturbed because the Indian head on a spear was considered racist.



# Treaty support and solidarity win the season

The power of the Drum was evident at many spearfishing landings and was probably one of the most significant forms of support and unification for spearers and treaty supporters.

AIM, as well as several tribes, carried their Drum to landings, and the sound and the song had an uncanny ability to diminish, or even totally quiet, the protesters while it rang reassurance and pride into the hearts of supporters. It was a song with a spirit that could not and was not vanquished throughout the season.

Despite attempts to mock, mimic and outdo the Drum by frustrated hecklers—the beat and song remained steady, strong and undeterred. Whistles could not drown the Drum; cheers and jeers could not drown the Drum; other mock drums could not drown the Drum; bullhorns could not drown the Drum. Trite, taunting rhymes were tinny, insignificant sound from babbling idiots as the strong, spiritual tenor of the Drum and the traditional songs filled the air in natural, mellow and an all-encompassing way.

That support was strong, sure, comforting, consistent and obvious.

## Support from many people, places

It's not easy to ignore taunts, jeers and insults on a nightly basis, but the power to rise above the acts of an ugly crowd also grows when support is known.

Treaty support, in a variety of forms, provided a spiritual strength for spearers that held. Support came in the form of rallies in various communities, prayer vigils in churches, fasts and prayers among traditional people, presence on the landings as witnesses, marathon

runs, walks and letters to the editor.

This season was significantly different from others in that many times treaty supporters outnumbered hecklers, particularly as the evening waned and hecklers grew tired and cold. Treaty supporters kept the faith through the long hours.

Midwest Treaty Support Network members manned offices at the Bad River and Lac du Flambeau Reservations in order to help coordinate efforts of those who came to show support. They were also active in coordinating support for the St. Croix Band.

Trained witnesses were present on the landings nightly both in the form of support and to document events as they saw and heard them. Many gave up weekend after weekend and vacation time in order to be present as spearfishing took place.

Support groups issued press statements, gave comment to the media as witnesses, and in general provided an alternative voice which has scarcely been heard in previous years.

Indian people came from several states to stand with their brothers and sisters through a time of hardship which is significant to all Indian people in the United States. The solidarity was strong.

Mothers, fathers, children, wives and friends of spearers sat long hours on cold landings waiting for the boats to arrive back from the night's fishing and faced the heckling and harassment.

Others supporters stayed at home for various reasons—but prayers for those on the lakes and landings were in their hearts.

Solidarity, which came from the spirits of all supporters, whether present at landings or at home, won the day.



Treaty supporters display the Wa Swa Gon Treaty Association banner during a rally in Stevens Point.



Laura Maulson (left) and Charlotte Hockings wait for the return of the spearfishermen.



Tom Maulson, Lac du Flambeau spearer, (left) chats with Joe Dan Rose, Bad River member during the last night of spearing at Lake Minocqua.

# Austrians join in pro-treaty-rights demonstration

by Peter Schwarzbauer  
Vienna, Austria

**Vienna, Austria, Europe:** Around 100 people demonstrated for U.S.-Indian treaty rights and for the protection of Wisconsin Indian spearfishers on Friday, April 6, in Vienna.

The demonstration, organized by the Association for Endangered Peoples-Austria (AEP), started at 4 p.m. and led from the Vienna Inner City Congress Center to the U.S. Embassy. The date was chosen because the Midwest Treaty Network (a coalition of Indian and non-Indian pro-treaty supporters) had designated April 7, 1990 as the International Day of Support for the Indians of Wisconsin.

The intentions of the organizers went beyond the Wisconsin scope. One hour before the demonstration started, Peter Schwarzbauer, main organizer of the demonstration, met with the first secretary of the U.S. Embassy in Vienna, Francis Thomas Scanlan (currently there is no appointed U.S. Ambassador in Austria) to discuss the anti-Indian situation in Wisconsin and the United States. He reported of Austrian concerns relating to the Wisconsin situation in particular and the Wisconsin Counties Associations' lobbying efforts to eventually abrogate all U.S.-Indian treaty rights in gen-

eral. He passed on a "note of protest and concern" to Scanlan and asked him to send copies of this note to the relevant bodies of the U.S. Congress, the State Department and the BIA, which he agreed to do.

The demonstration was a reaction to information coming from several sources on the evolving situation in Wisconsin, lobbying efforts in the Congress to undermine Indian treaty rights and efforts of Indian nations to take a unified stand against this new development (meetings in Rapid City and Salt Lake City).

The starting point of the demonstration, the Inner City Congress Center called "Hofburg," was selected because it was the place where the United Nations International Convention of Treaties was signed in 1969, a convention which codified international standards for international treaties. The demonstrators carried placards and banners with slogans "USA: Keep up the Treaties with US-Indians," "Stay away from changing Indian Treaty Rights," "Protect Indian Fisherman in Wisconsin," "Indian Fishing for Subsistence-not Sports," "Stop Environmental Destruction of Indian Lands" and the like.

It was interesting to see that the U.S. Embassy has requested information on the situation from back

home when learning about the demonstration and the request for a meeting with U.S. Embassy officials. Scanlan seemed quite impressed about the level of information on this issue existing within the AEP. There was one point, where the information he got from the USA differed from the information of AEP. He thought—or wanted us to believe—that we are protesting against the wrong bill (HR 4033), because this bill would only set up a mediation structure.

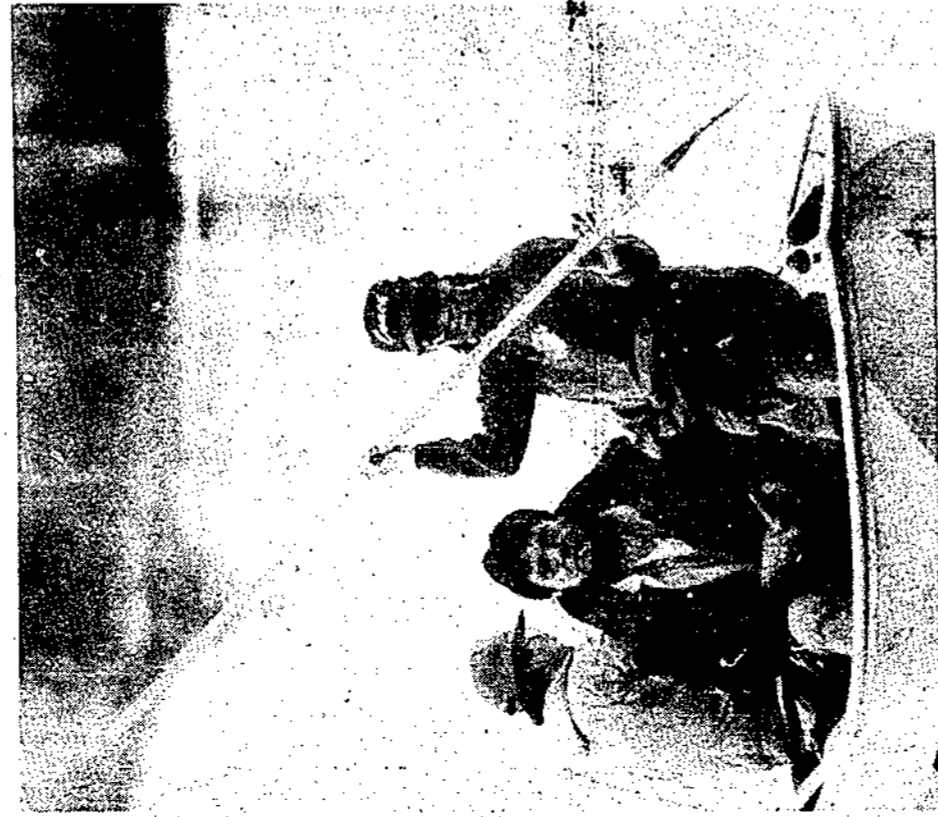
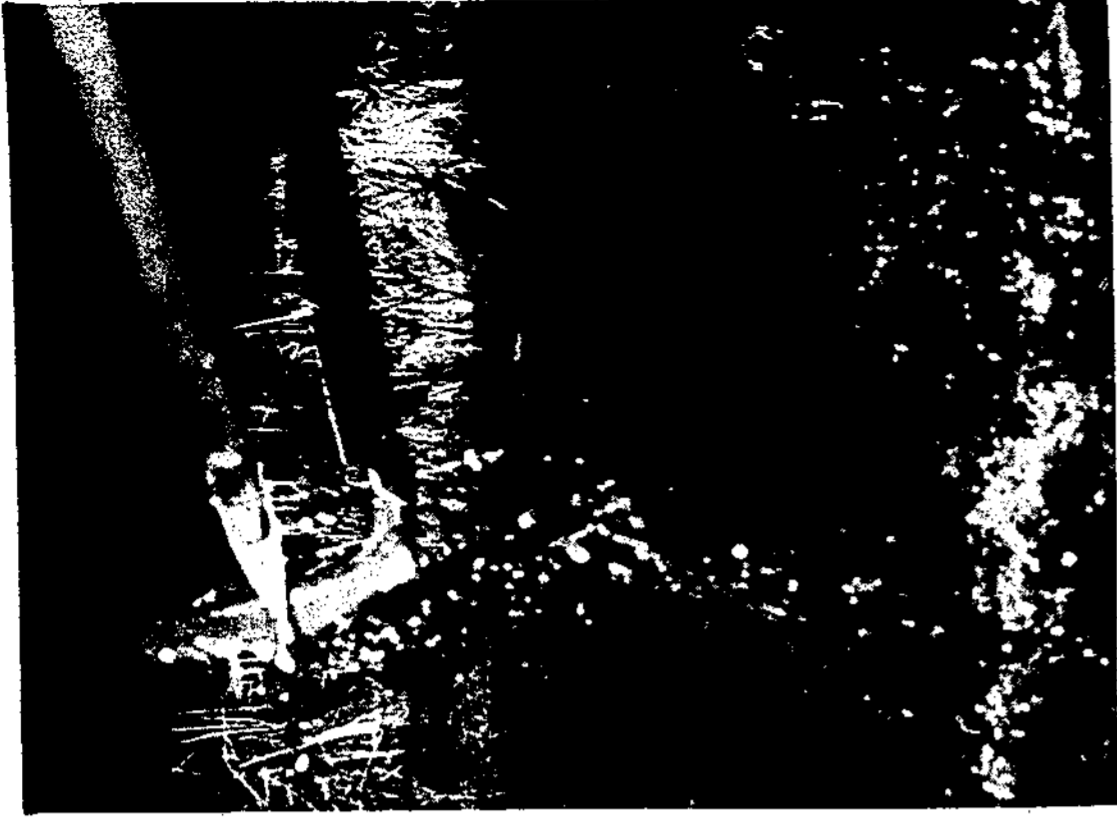
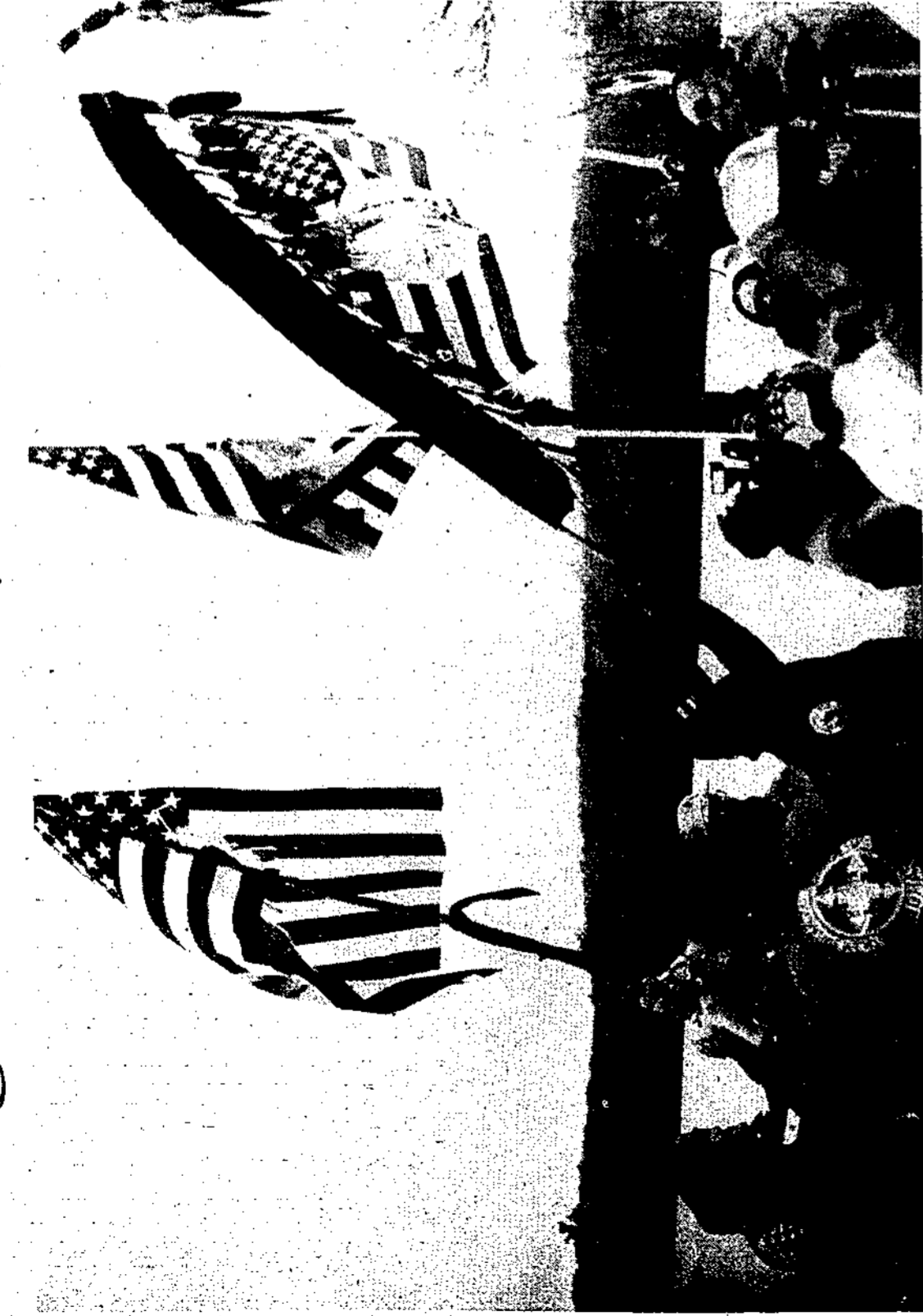
Peter Schwarzbauer was able to emphasize that this bill would make states and counties have a say in Indian treaty rights, while this should be reserved only for Indian Nations and the federal government. Scanlan also mentioned that he knows Representative David Obey, the sponsor of HR 4033, very well. He said that this man has been working in the civil rights movement and indicated that in case there would be Indian opposition to this bill, it may be dropped because of Obey's sensitive approach to such issues.

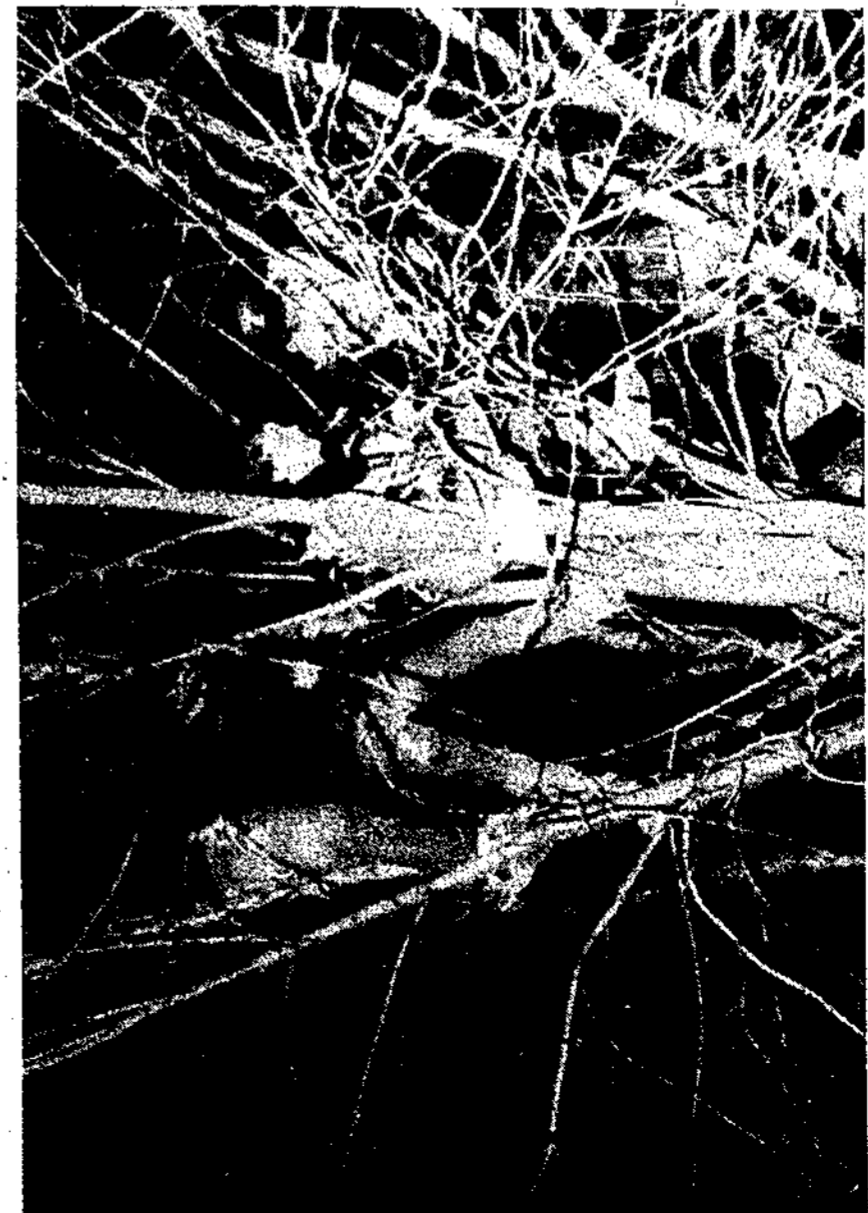
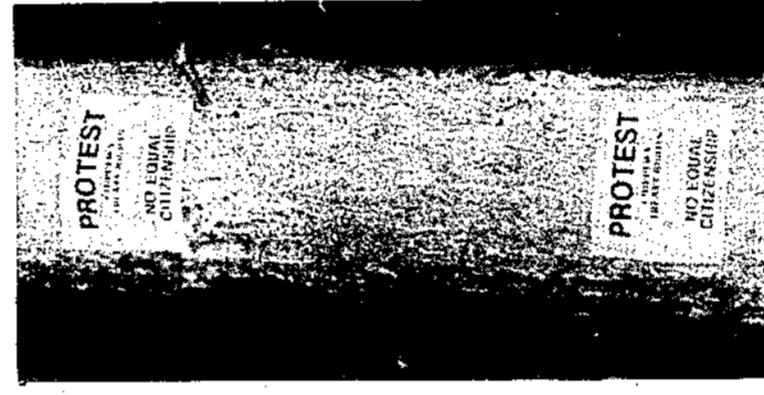
In connection with the demonstration AEP has started a campaign to collect signatures for a petition requesting the stop of Indian treaty rights erosion and the protection of Indian treaty rights in the USA in general and Wisconsin in particular.



Approximately 100 Austrians march to the U.S. Embassy in Vienna on April 6, in support of Wisconsin Chippewa treaty rights. Signs read in German and English, "Treaty Rights—Not Treaty Wrongs," "Stop Destroying the Environment on Indian Land," "Stop Environmental Destruction—Stop Treaty Destruction," and "USA: Keep Your Treaties with the Indian People." A delegation from the rally's Austrian sponsor, the Association for Endangered Peoples, later met with the acting U.S. ambassador. Similar events took place the same weekend in various locations (see international support article, page 20) as part of the International Days of Support for the Indian Peoples of Wisconsin, sponsored by the Midwest Treaty Network. (Photo by Midwest Treaty Network)

# Images from 1990 spring spearing season





# Harassers' spring spearfishing sideshow featuring D.C. Superstar

It is difficult to understand why Wisconsin spends \$500,000 annually for the spring spearing sideshow which is played out on the state's boat landings. Dean Crist, the superstar of the show, presents a shallow act, although he successfully manipulates political leaders and the media.

The theme—harassment of Indians and deprivation of Indian rights—has already been rejected by many Wisconsinites, so the act only seems to appeal to a few.

The spring spearing sideshow for 1990 would have to be given at least an "R" rating due to the obscenities and violence that spattered the performance. Any children attending should be with parents so that the anti-Indian and racist nature of the show can be explained.

The show presented a range of theatrical genres for the observer—vaudevilian comedy, an attempt at drama, as well as extemporaneous acts.

Although the show directors made a conscientious effort to change the image from 1989, in order to diminish its overtly racist character, the new image only provided a thin veneer for the racism. Apparently, it was difficult to conceal the racism in many of the show's actors.

The show seemed to have several levels. One was the stage show for public consumption, with silly songs and blaze orange outfits. The act came off as plain ignorant, monotonous, and embarrassing. It was embarrassing because people throughout the nation may get the impression that these people represent the northern Wisconsin white population.

The script for the public show just didn't have much content worth repeating, or which anyone may wish to repeat, and it was, so very repetitious.

Imagine listening nightly to jaded STA cheerleaders bang on a

drum and howl plaintively: "Don't let the walleyes be gone, the lakes and the meadows cry. The mother fish hangs on a spear and her eggs wither and die."

"Don't let the walleyes be gone, with eyes that shine so true. Save them with the seals, and with the whales, and with the dolphins too."

"Don't let the walleyes be gone, when will we ever learn? If we let the walleyes be gone, when will they ever return?"

Hearing the strange refrain leaves one incredulous the first time around, especially considering the sport fishermen take an estimated 670,000 walleye annually in comparison to the 26,000 taken by spearfishermen this year. They should be singing to sports' groups.

But to have the song sung over and over again nightly was almost intolerable to intelligent listeners. Even one of the protesters reportedly covered his ears as he left the crowd stating, "They're driving me crazy." (Milwaukee Sentinel, April 21, 1990, pg 5, part 1)

They did have a few other songs in their repertoire like: "Hang down your head Tom Maulson, hang down your head in shame" or Al Soik, STA, may take over the bullhorn and chant, "Tom, Tom the whiteman's son, speared a fish and watch him run."

One time through with this stuff might have been tolerable, but over and over again for hours night after night just made white, middle-class, Wisconsinites appear retarded.

Other forms of entertainment popular in the protesters' repertoire included blowing whistles or mocking the Indian drum songs with a chant—"Hi, how are? Ho, how are ya." Soik frequently took the lead in this one too.

Of course, the loon pontoon with elaborate fish and fowl figures carrying signs accusing the tribes for killing unborn babies and raping the



This pontoon complete with elaborate fish and fowl was seen several evenings during the season.

resource was a good diversion from the nightly replay.

While the songs and drums and chants and whistles formed the front line of the show, another act was being carried on behind. Behind the scenes, the real bitterness and hatred kept seeping out in episodes of rock-throwing and name-calling despite leaders' warnings not to behave that way in public.

These acts, however, were just sideshow entertainment for the real star, Dean Crist (D.C.), who appeared everywhere—on the landings, on the water, and in the media circle as a media representative.

This guy is somewhat versatile—but his roles tended to be confusing. At one point, decked out in camouflage D.C. appears to lead the charge out onto the dark waters to inhibit spearmen by causing wakes in a John Wayne style. Next time you turn around, he's doing his Ghan-

dan bit with a hunger fast until he's released from jail and using civil disobedience as means to manipulate both press and the Governor.

There was D.C. on the water with a bullhorn, D.C. in the media circle as a media representative, D.C. the fasting martyr, D.C. being carried bodily off a boat during an arrest, D.C. rallying his troops, D.C. indignant in court, D.C. giving press conferences, D.C. in a neckbrace after an arrest and D.C. burning the Wa Swa Gon banner after being outfoxed by the spearmen the final night of spearing. (The neck-

brace may have been more effective if he hadn't used it last year.)

Larry Peterson, who was much more visible in 1989 than in the 1990 show made a few appearances at landings, but without signage. His role was as a quiet observer. PARR did hold several daytime rallies with low attendance and choose to discourage participation in the landing shows.

All in all, the spring spearing sideshow was just too redundant to be entertaining, too expensive to produce, and too racist to accept.

I hope Wisconsin won't support a replay next year.

## Media notes

(Continued from page 13)

"Here's a sampling of what gets said when passions over spearfishing are unleashed and Indians are nearby to hear it:

"How do you starve an Indian? Hide his welfare checks under his boots," one man yelled.

"You are getting all our tax money. You should be able to get something better than that," one man shouted to three Lac du Flambeau spearmen heading on a lake in a small boat.

"The AIM singers stopped beating the drum and silence fell over the crowd. 'What's the matter?' one man shouted. 'Did the rest of you stupid (expletive) forget the words or what?'"

"At the Big Eau Pleine Reservoir, eight men climbed a tree. 'Stupid Injuns. Stupid Injuns,' one hollered. Another said, 'They don't have to work. They get welfare and food stamps and have 20 kids.'"

Robert Imrie, Associate Press Writer, Sheboygan Press, April 19, 1990

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"Robert J. Hocking, 33, Michigan, and David D. Stephani, 29, Wisconsin, were arrested for throwing beer cans at Lac du Flambeau spearmen on Gile Flowage in Iron County."

Mary Jo Kewley and Dewey Pfister, Wausau Daily Herald, April 23, 1990

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"At 10 p.m. a spearing boat was moving slowly through the shallows on the east side of the lake, near Phelps. From a county road above the lake, several boats of protesters could be seen swarming around the spearmen and shouting obscenities.

"A tape player on one of the protester boats boomed 'God Bless America' at high volume. Two figures stood among the trees on shore, shouting obscenities. After apparently throwing something, they ran, laughing, up a hill to their parked cars and raced off.

"Wardens said they couldn't catch the rock throwers because of the darkness."

Milwaukee Sentinel, April 26, 1990

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"The Lac du Flambeau Chipewewa band planned to close out its walleye spearfishing season on Friday night at Butternut Lake. State officials said gunshots reportedly were heard near the lake about 1 a.m. Thursday. ...

"In Ashland, tribal officials disputed a resort owner's reported explanation that he fired a shotgun to scare away bears the night that some Indian spearfishermen said they were threatened by gunfire at Gordon Lake.

"Bad River Tribal Councilman Matt O'Claire said the spearmen 'saw fire from the gun barrel' and questioned whether the shots were fired into the air."

Associated Press Story, Milwaukee Journal, May 5, 1990

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"Vilas County Sheriff Jim Williquette said officers could find no evidence of rock throwing. He also said some people might 'feign' being hit to attract attention.

"Williquette went on to praise the protesters.

"There isn't anybody here who condones violence. If these people (protesters) hadn't come to the landing, no one would have listened. I really think these people have proven a point."

"Williquette also said the protesters are not racist rednecks.

"I think what they are asking for is a peaceful solution ... I'm sure a lot of them would like to be home watching TV, but they want to make their presence known."

"Protesters hurled racial insults at the Indians and their supporters. Although the insults were not shouted as in past years, they were more noticeable at the Arbor Vitae landing than at other landings so far this year.

(See Media notes, page 19)



STA cheerleaders.



Signs such as the one above were a common sight at the landings and on the water during the spearing season.

## To readers from other states

The actions of treaty protesters do not reflect attitudes or behaviors of all adult, white Wisconsinites, many of whom are truly embarrassed and disgusted by the behavior of their neighbors.

Because of the publicity surrounding the protests, many positive endeavors which occur between tribes and local communities become undermined.

Simultaneously, Wisconsin needs to deal more directly and firmly with the "elements of racism" which do create such a negative image and unless addressed will continue to do so in generations to come.

Congratulations need to be given to treaty supporters as well as efforts made by many of the enforcement persons who manned the landings nightly under difficult circumstances.

# Protesters change image from 1989



(See Media notes, page 19)

# Wisconsin passes anti-harassment bill

Below is the newly passed hunting/fishing interference bill. Note that the law not only provides for fines upon conviction, but also that a person who is adversely affected by, or who may reasonably be expected to be adversely affected by, conduct in violation of the law may bring a civil action in state courts seeking an injunction or damages, or both.

## 1989 Wisconsin Act 190

AN ACT to amend 29.01 (8); and to create 29.223 and 29.99 (11r) of the statutes, relating to the interference by persons with lawful hunting, fishing or trapping and providing penalties.

The people of the state of Wisconsin represented in senate and assembly, do enact as follows:

SECTION 1. 29.01 (8) of the statutes is amended to read:  
29.01 (8) "Hunt" or "hunting" includes shooting, shooting at, pursuing, taking, catching or killing any wild animal or animals, except that for the purposes of ss 29.1085, 29.109 and 29.114, "hunt" or "hunting" does not include shooting, shooting at, taking, catching or killing any bear.

SECTION 2. 29.223 of the statutes is created to read:  
29.223 Interference with hunting, fishing or trapping.

(1) DEFINITION. In this section, "activity associated with lawful hunting, fishing or trapping" means travel, camping or other acts that are preparatory to lawful hunting, fishing or trapping and that are done by a hunter, fisher or trapper or by a member of a hunting, fishing or trapping party.

(2) PROHIBITIONS. (a) No person may interfere or attempt to interfere with lawful hunting, fishing or trapping with the intent to prevent the taking of a wild animal by doing any of the following:

1. Harassing a wild animal or by engaging in an activity that tends to harass wild animals.
2. Impeding or obstructing a person who is engaged in lawful hunting, fishing or trapping.
3. Impeding or obstructing a person who is engaged in an activity associated with lawful hunting, fishing or trapping.
4. Disturbing the personal property of a person engaged in lawful hunting, fishing or trapping.

5. Disturbing a lawfully placed hunting blind.  
(b) No person may knowingly fail to obey the order of a warden or other law enforcement officer to desist from conduct in violation of par. (a) if the order is based on any of the following:

1. The warden or other law enforcement officer personally observed such conduct by the person.

2. The warden or other law enforcement officer has reasonable grounds to believe that the person has engaged in such conduct that day or that the person intends to engage in such conduct that day.

(3) EXEMPTIONS. This section does not apply to actions under sub. (2) (a) 1 to 5 performed by wardens and other law enforcement officers if the actions are authorized by law and are necessary for the performance of their official duties.

(3m) AFFIRMATIVE DEFENSE. It is an affirmative defense to the prosecution for violation of this section if the defendant's conduct is protected by his or her right to freedom of speech under the constitution of this state or of the United States.

(4) CIVIL ACTIONS. (a) A person who is adversely affected by, or who reasonably may be expected to be adversely affected by, conduct that is in violation of sub. (2) (a) may bring an action in circuit court for an injunction or damages or both.

(b) The circuit court may enter an injunction under ch. 813 against conduct in violation of sub. (2) (a) if the court determines any of the following:

1. The defendant is threatening the conduct.
2. The defendant has engaged in the conduct in the past and that it is reasonable to expect that the defendant will engage in the conduct that will adversely affect the plaintiff in the future.

(c) The circuit court may award damages to the plaintiff if the defendant's conduct in violation of sub. (2) (a) has adversely affected the plaintiff. The damages awarded may include punitive damages and any special damages. Special damages may include approval fees, travel costs, camping fees, costs for guides, and costs for equipment or supplies to the extent that the plaintiff did not receive the full value of any expenditures due to the unlawful conduct of the defendant.

SECTION 3. 29.99 (11r) of the statutes is created to read:  
29.99 (11r) (a) For the violation of s. 29.223 (2) (a), by a forfeiture of not more than \$500.

(b) For the violation of s. 29.223 (2) (b), by a forfeiture of not more than \$1,000.

## Governor pleased with peace-keeping efforts

With the 1990 spring Chippewa spearfishing season now completed, I want to thank all Wisconsin citizens who helped state government insure that the Chippewa Indians could exercise their treaty rights in peace and relative calm.

The list of those who contributed to these efforts of peace-keeping and rational thinking is long — but it must be headed by the people of the North themselves.

The people of northern Wisconsin have courageously passed a difficult test, laying the foundation for a better future by rejecting a confrontational past. And though challenges remain, the restraint and reason that prevailed throughout this spearfishing season gives all of Wisconsin much hope. Indeed, the building of a greater northern Wisconsin community can continue.

I congratulate Indians and non-Indians alike who rejected confrontational actions, and who worked with one another toward healing misunderstandings and opening new doors of communication. They have my continued support as they work toward a community built on trust and cooperation.

I also congratulate the news media for its balanced coverage of the spearfishing season, which included many insightful reports on the history of the federal treaties. There were many favorable reports of progress in the North, because of the actions of good people, and I thank the media for its spreading the good news. I especially thank those station managers and editorial writers who flexed their editorial muscle in urging calm behavior by individuals at the boat landings.

Finally, I want to thank those individuals involved in law enforcement efforts. I am proud of their professionalism, and they should be, too. Through their presence and personal sacrifice, they also contributed to the safety and success of the spearfishing season.

As Governor, I pledge to continue my efforts to press on toward the goal of achieving mutual respect, understanding, and economic opportunity among all the citizens of our state.

(Reprinted from a statement given by Gov. Tommy on Tuesday, May 8.)



Protesters wait patiently for spearers to return to the landing.

## Owner says sign a gag; Indians call it racist

By James Nelson  
Sentinel staff writer

St. Germain—A hand-lettered sign behind the bar in Worthen's St. Germain Pub states: "Help wanted, small Indians for mud flaps. Must be flexible and willing to travel."

"It's kind of a gag," tavern owner David Worthen said. "This is a bar, it's not a church."

Told about the sign, an Indian spokesman said, "It's a good example of the racism in the area."

Leaders of the anti-treaty protest group Stop Treaty Abuse/Wisconsin have worked hard this spring to remove racist signs and slogans from their protests of off-reservation spearfishing by Chippewa Indians. Tribal leaders say that the

effort has masked racism, which they feel drives the protests.

James St. Arnold, of the Great Lakes Indian Fish and Wildlife Commission, said the sign expressed exactly the sentiment that had given the North Woods a black eye because of anti-treaty-rights protests.

"We've seen signs like this for years," he said, noting that many businesses last year displayed a poster advertising a "first annual Indian hunt."

The Medford-based Tombstone Pizza firm went so far as to write the commission a letter apologizing for an "Indian hunt" sign displayed last year on an employee bulletin board, St. Arnold said.

Most patrons are amused by the

mud-flap sign, which has been up for more than two years, Worthen said. "I have never had a complaint."

Worthen, an active STA member, bristled at a suggestion that the sign might be racially offensive to Indians.

"If you want to talk about racism, talk to the Indians. They have superior rights," he said.

STA spokesman Dean M. Crist, of Minocqua, said he was aware of the sign, which is displayed elsewhere in the area. "We are not endorsing it, but I think it's bizarre, enough that it's even outside of the realm of being a racist joke," Crist said.

(Reprinted from the Milwaukee Sentinel, April 25th edition.)

## You call this racism?

Joel McNally  
The Innocent Bystander

Gov. Tommy Thompson was outraged by a report to the federal government on Indians spearfishing in Wisconsin. The independent report accused him of failing to denounce racism and buddying up to right-wing anti-treaty groups.

Thompson immediately put through a call to his own expert on the scene up north.

"Dean, baby! I'm glad I caught you before you went out to rouse the old rabble on the boat landings."

"Yo, Tombo! To what do I owe the pleasure of a call from the highest office in our great state?"

"Hey, you know me, Dino. I just like to keep the lines of communication open to all parties in a controversy. So, are all you boys in Stop Treaty Abuse still partying hearty?"

"We're having a ball, Tommy. There's nothing like milling around in feed hats acting like brutish thugs. It really gets the old juices flowing."

"Say, you've got your rear pretty close to the ground there, Dean. You haven't heard of any racism around there have you, buddy?"

"Heavens no, governor. Why you should have heard the boys singing that great old Negro spiritual 'Kumbaya' while they roasted their marshmallows. We welcome all races and creeds to join us in

abusing the Indians."

"That's what I thought, Dean. A couple of crazy Madison professors wrote a report to the federal government claiming this dam treaty flap was based on racism. They compared treaty opponents to neo-Nazis. You haven't noticed any swastikas around there, have you, Dean?"

"Not a one, Tommy. There's nothing around here but good, patriotic National Rifle Association symbols. That, and a few T-shirts that say 'Fish Naked.'"

"That just goes to show you, Dino. Those ivory tower professors don't understand northern Wisconsin culture. What could be racist

## STOP TREATY ABUSE/WIS PROTESTING POLICY

STA/WIS only supports peaceful protests. The following 5 points are not peaceful and are not acceptable behavior. Please do not engage in the following:

### DO NOT...

1. carry signs containing racial slogans
2. shout racial or obscene remarks
3. throw rocks or any other objects
4. engage in verbal arguments with treaty supporters
5. engage in physical violence with treaty supporters

Please do not litter

Thank You  
STA/WIS Board of Directors

Stop Treaty Abuse/Wis. will not assume any legal or financial responsibility for any unlawful incidents which may occur.

EDITOR NOTE: The above notice was handed out at several boat landings by STA members.

## Media notes

(Continued from page 18)

"One group of high school-age protesters was particularly abusive toward a single Menominee Indian whom they surrounded.

"The Menominee said, 'I don't hate you guys. I don't hate nobody.'"

Ron Seeley, Madison, Wisconsin State Journal, April 2, 1990

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My name is \_\_\_\_\_ I am on the water protesting the Chippewa's Off-Reservation Exercise of Treaty Rights. I am exercising my freedom of speech protected by the constitution of this state, the United States, and in accordance with Amendment (2) of Wisconsin Assembly Bill 656.

If you inhibit or chill my constitutional right of free speech, I intend to take affirmative action, including but not limited to, utilizing the "Affirmative Defense" as stated in Wisconsin Assembly Bill 656 and bring action against you in your official capacity as a law enforcement officer and as a individual under 42 USC Sec. 1983.

(Distributed by STA)

## B R responds to gun fire threats

On Saturday, April 28, 1990, gunfire threatened the lives of two Bad River Spearfishermen on Gordon Lake in Ashland County.

Ashland County Law Enforcement personnel were conspicuous by their absence from the landing and failure to respond to calls for assistance.

The Bad River Tribal Council deplores the pathetic attitude of the Ashland County Sheriff's Department and has requested assistance from the State Department of Criminal Investigations.

Bad River refuses to be intimidated by this incident and in recognition of the kinship and brotherhood among the Chippewa we have invited our friends and relatives from the other Lake Superior bands to share in our harvest tonight on Gordon and English Lakes.

The highlight of the Bad River

1990 Spearfishing season has been the cooperative walleye enhancement project between Bad River, Red Cliff, and Fish for the Future, in Southern Bayfield County.

The Gordon Lake gunfire incident stands in stark contrast to Bad River's attempts at improving relations between tribal and sport fishing user groups. Bad River will continue these efforts in the future.



Dean Crist communicates to his friends on shore through his handy bullhorn.

about a threatening mob blowing whistles and whipping up waves to disrupt Indian spearfishing?"

"The truth is, governor, every one of those guys is a sportsman. A lot of 'em are off-duty referees. They're just practicing. Those boys running figure eights around the spearfishing boats are training for the big water ballet competition."

"I thought it must be something like that, Dean. If you see any racism, you be sure and let me know. I want to be sure and denounce it. But I'm not about to tar any innocent citizens who merely happen to be trying to break through the police lines to express their concern about the local economy."

"Well, it's great to hear from

you, governor. I'm on my way to stand on the counter down at the pizza parlor and whip the boys into a frenzy. Can I give them your regards?"

"Tell 'em not to do anything I wouldn't do, Dino. Don't take any Indian nickels, you cutups."

(A satirical column of personal opinion, Milwaukee Journal.)

# Feasts and dance celebrate successful season

Tribes celebrated the conclusion of the 1990 spring fishing season through feasts, dancing and recognition ceremonies.

Thankful that all tribal fishermen had returned safely to the reservations, and thankful also for a good harvest, the feasts contained both the spirit of thanksgiving and of continued affirmation of tribal solidarity.

Fresh walleye, wild rice casseroles, and fry bread were common fare at the feasts on each of the reservations where tribal members as well as non-Indian friends gathered in a warm and friendly environment after weeks of tension on cold and bitter landings.

Praise was given to all the spearkers who ventured out to exercise their rights despite hostile conditions as well as to families and friends who supported those efforts.

## The final acts The spirit won't burn

On May 4th media, enforcement, Dean Crist and protestors waited for Chippewa spearfishermen to appear at Butternut Lake, Price County. They waited for the final night of spearing to occur amid crowds and demonstrations.

They waited while the spearkers headed to Lake Minocqua and enjoyed for the first time during the season the freedom of fishing and landing unencumbered by mobs of enforcement and protestors.

The feeling of freedom brought smiles and relief to fishermen and friends as they quickly and quietly launched boats—no passes necessary.

Supporters found comfortable spots on and off the landing. For a short space of time they were free

from the police ribbons that prevented them from mixing with the fishermen on previous nights.

For awhile no spotlights intruded on the soft evening light, no flashbulbs blinded fishermen or supporters; no media waited for comments and a story; no protestors called ugly jeers.

Once aware that the spearfishermen were on Lake Minocqua enforcement arrived. Quickly they cordoned off the treaty supporters from the fishermen, rolled out the snow fences and set to the task of securing the landing. One protestor arrived ... but all this happened as the Chippewa were completing their fishing and almost ready to leave.

Miles away at Butternut Lake,



At Wa Swa Gon's feast to honor spearkers and supporters, an aboriginal Australian visitor, also received a hat as a memento. Pictured above, from the left: Tom Maulson, Lac du Flambeau; Gordon Coulthard, Austria; George Moore, Milwaukee and Nick Hockings, Lac du Flambeau.

Price Co. a frustrated Dean Crist burned the Wa Swa Gon banner as a last gesture for the media.

But the banner was already safe and flying freely on another shore

because you cannot burn the spirit behind the symbol. Although cloth can be turned to ashes, the spirit remains free, indomitable and untouched by flames of hate.

## MN Chippewa Band defends spearfishing

by Sherrole Benton

Sawyer, MN—One Minnesota Chippewa Band, Fond du Lac, took steps to protect its tribal members while they speared fish off the reservation. It also began to develop a Natural Resources Commission (NRC) to create environmentally-sound policies for the exercise of treaty rights off the reservation.

"We started spearing off reservation to force our tribal government to take a stand on treaty rights," said Jim Northrup, Jr., a spokesman for the Fond du Lac (FDL) Chippewa spearkers. After the group began spearing last May, the FDL Reservation Business Committee (RBC) issued off-reservation spearing permits to them and sent out tribal game wardens to monitor spearing activity.

FDL tribal chairman, Robert Peacock, considered the off-reservation spearing to be supportive of the treaties and treaty rights.

The FDL spearkers encountered very few problems this spring mostly because no one knew where they were, Northrup said. But, there was gunfire one night, and a few protestors the next night after the spearkers were discovered, he said.

"What's important is the number of treaties we exercised. We exercised the '37, '42, and '54 treaties in the ceded territory," Northrup said.

Peacock agreed there were a few problems for the FDL spearkers. The RBC took measures to modify their reservation's conservation code so that FDL spearkers could not be prosecuted in state or tribal court, he said.

"I'm realizing that I have a very large groundswell of support to preserve the treaty rights in the

ceded territory and to exercise those rights," Peacock said.

The RBC withdrew from the Tri-Band Agreement last summer following a tribal referendum. The Tri-Band Agreement was an out-of-court settlement between Minnesota State and three Minnesota Chippewa bands to refrain from exercising their treaty rights off the reservation.

The RBC began forming a FDL NRC that will develop a comprehensive conservation code for off-reservation spearing and other activities, Peacock said. The commission will also examine Wisconsin's policies to set FDL standards, he said.

"We can't go too far wrong taking Wisconsin as a guide. But, we want to avoid the conflict Wisconsin has had. As we go forward, we'll have to sit down with Bois Forte, Grand Portage and the state to talk and work together," Peacock said.

Peacock expects the FDL NRC to seek advice from GLIFWC, work toward a "co-sharing" policy with the state, and develop a conservation code based on the yield of the resources and safety factors.

Peacock said the RBC will also discuss accepting "transfer of enrollment" applications from two members of the White Earth reservation into Fond du Lac. White Earth tribal members Sonny Greensky and Russell Shabaish were arrested and cited with misdemeanor charges, April 24th, for spearing fish at Nichols Lake. Peacock said the FDL tribal court would receive their cases from the state upon the tribal council's acceptance of their enrollment transfers. Their cases would probably be dismissed in FDL tribal court at that time, he said.



440 miles of run found an end at the Lac du Flambeau Reservation. The run began at Pipestone, MN. The marathon effort was in the spirit of peace and support for Indian treaties. The spirit behind the Wa Swa Gon banner remains unscathed by protests and burning.

## International support actions held for WI Chippewa

By Zoltan Grossman  
Madison Treaty Network

The International Days of Support for the Indians of Wisconsin were held on Friday, April 6 and Saturday, April 7, to call attention to the Chippewa treaty rights situation. Rallies and events were held in a number of cities around the world, including Vienna, London, Oslo, Montreal, Munich, Chicago and Stevens Point. The action was sponsored by the Midwest Treaty Network (MTN), a regional network of grassroots Indian and non-Indian pro-treaty groups.

All the actions around the world carry the same three demands of Wisconsin and U.S. officials, particularly Governor Thompson:

□ Uphold and defend Chippewa treaty rights. The groups oppose anti-treaty legislation or litigation against any Wisconsin Indian nation, and any economic or legal pressure on reservations to

surrender any of their rights;

□ Provide effective security for the Chippewa spearfishers, including implementation of the tribes' plan for safety at Northern lakes, and use of the Hate Crimes Law and other legal tools against violent anti-Indian protesters;

□ Protect Northern Wisconsin's natural resources from destructive mining projects, and form a Northern toxics-free zone. Begin co-management of natural resources in the ceded territories, and economic development for both Indian and non-Indian communities, as ways to ease the treaty crisis.

Dorothy Thoms, a Lac du Flambeau Chippewa elder active in the Wa-Swa-Gon Treaty Association, visited West Germany on a cultural program last year. She says, "They're very aware and sympathetic over in Europe. They couldn't believe things like this were happening, and they're anxious to hear the real story."

Sarah Backus, spokesperson for the Milwaukee Witness for Nonviolence, said that the violent harassment of Wisconsin Indians has grown beyond a local issue into an international issue of human rights. She says, "When it comes to the safety of Chippewa spearfishers and the protection of their treaty rights, Governor Thompson should be aware: the whole world is watching."

### Austria

In Austria on April 6, the Association for Endangered Peoples drew 100 Austrians to a demonstration in downtown Vienna, from the Hofburg Palace to the U.S. Embassy, where members met with the acting Ambassador.

A board member of the indigenous support group, Dr. Peter Schwarzbauer, says that "the Hofburg was chosen because in that building in 1969 the International Convention of Treaties was passed. The

U.S. is a signatory to this convention, which defines international treaties. It is our position that—not only by this convention—Indian treaties qualify as treaties between nations." The Hofburg also hosted the Conference on Security and Cooperation in Europe (CSCE), which has defined international standards for human rights and the rights of national minorities.

### Britain

In Britain, the People Against Rio Tinto Zinc and Subsidiaries (PARTIZANS) held a rally at the U.S. Embassy in London. The group works against the London-based parent company of the Kenecott mining firm, which is planning a copper mine near Ladysmith. Lac Courte Oreilles Reservation Chair Gaiashkibos said last November 11 that, since mine wastes would endanger off-reservation natural resources, the treaties may be used against the project in court.

Gaiashkibos is planning to attend a London shareholders meeting of Rio Tinto Zinc, now the world's largest mining company.

### Norway

In Norway on April 9, a small gathering was held at the U.S. Embassy in Oslo. The gathering was organized by Gloria Hays, a Wisconsin musician on tour in Europe, and active in Beaver Dam's Alliance for Treaty Rights. A number of Norwegian groups have been supporting the Sami (Lapp) indigenous peoples in northern Norway, who have made links with North American Indian groups.

### West Germany

In West Germany, on April 6, the Big Mountain Action Group held a workshop on Wisconsin Indian treaty rights in front of the U.S. consulate in Munich. The group has previously supported Navajo Indians in Arizona, and is hosing a gath-

ering of European Support Groups in late July.

### Canada

In Canada, the Alliance for Nonviolence and Action sent a delegation to deliver a protest letter to the U.S. consulate in Montreal. The group has worked against low test flights of NATO jets over traditional gathering areas of the Innu native peoples in Quebec and Labrador. A rally was also held in Toronto, and an interview of Tom Maulson was aired on national CBC radio.

### Illinois

In Illinois on April 7, the Indian Treaty Rights Committee held a moon rally at the Federal Building Plaza in Chicago. The group held an evening vigil at the Chicago totem pole, followed by a floating of candles onto Lake Michigan to symbolize hope for a peaceful season on Wisconsin lakes.