

# MASINAIGAN

MASINAIGAN (MUZ IN I AY GIN) A quarterly publication of the Great Lakes Indian Fish & Wildlife Commission Spring 1992

## AWISHHINWABE



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# Inland fishery assessments targeted in State-Tribal Task Force proposals

By Sue Erickson  
Staff Writer

Requests for \$318,000 in federal monies for joint resource management projects in the WI ceded territory have been submitted for Congressional approval. A delegation representing the State-Tribal Natural Resources Task Force recently returned from Washington, D.C. where they sought an appropriation in the 1993 budget.

In recognition of federal budget constraints, the Task Force is pursuing only part of one project for inland fisheries assessments and data analysis, according to Jim Thannum, GLIFWC resource management specialist. The \$318,000 represents components of the overall \$984,000 project.

The Task Force, chaired by Representative Frank Boyle, was formed in the fall of 1991 by Speaker Walter Kunicki for the purpose of selecting projects of common interest to submit as proposals for federal funding.

Four components of Inland Fisheries Assessment Project for which funds are being sought include: 1.) Walleye Angler Harvest Surveys for \$100,000; 2.) Fish Habitat Surveys for \$50,000; 3.) Lac du Flambeau Assessment Crew for \$73,000; and 4.) Expansion of Tribal Data Handling for \$95,000.

## Angler Harvest Surveys

The first component for angler harvest surveys involves augmenting the angler surveys performed by the WDNR annually on 25 lakes. An additional four lakes would be surveyed yearly, but these lakes would be the same each year, rather than following the random selection of lakes which is part of the current WDNR survey process.

Annual surveys of specific lakes will serve "to monitor long-term angling trends and to further protect the fishery resource," according to the proposal.

With the economic contribution of angling in the ceded territory estimated at \$240 million annually, the benefit of long-term management and resource protection is essential, the proposal states.

The requested \$100,000 would fund personnel, vehicles, boats and motors plus supplies.

## Fish Habitat Surveys

The second component seeks to establish a fish habitat procedure and to survey up to 40 lakes currently classified as naturally reproducing walleye.

The proposal states that there is "a lack of an adequate quantifiable classification system and inventory of current habitats of ceded territory walleye lakes." The proposed joint surveys would establish necessary base data from which habitat trends can be predicted for long term management and protection.

The project would be managed by Joint GLIFWC/WDNR project managers



Rep. Frank Boyle

and coordinated through the joint GLIFWC/WDNR Biological Technical Working Group.

The requested \$50,000 would fund personnel, vehicles, necessary boats, motors and supplies.

## Lac du Flambeau Assessment Crews

The third component for which federal funding is sought is for a Lac du Flambeau Assessment Crew which would work in conjunction with the GLIFWC/WDNR Joint Project Team to complete 3 spring walleye population estimates and 25 juvenile recruitment surveys.

The assessments would augment surveys currently being performed by both the WDNR and GLIFWC which are needed to establish accurate and current walleye population estimates. Lakes used both by anglers and tribal spearmen are of particular interest.

These population estimates are needed in order to calculate the annual Safe Level of Harvest figures and to determine reproduction trends of walleye populations.

The major objective is to "monitor long term impacts of angling and tribal spearing/netting harvests upon fish stocks."

The requested \$73,000 for this study involves equipment and contract for assessment surveys.

## Expanded Data Handling Capability

The fourth component for federal consideration requests expanded tribal data handling capabilities. This deals with establishing more effective communications efficient application of the results through use of technology.

As GLIFWC expands data analysis capacity and more information is needed to be shared as the WDNR and GLIFWC work cooperatively in fishery management, so do the needs to process the information.

The proposal requests positions for a bio-statistician and two data entry clerks plus a computer system.

The Task Force's "1993 Project Proposals" document outlines nine major projects for joint resource management. The above represent only components of one project. Other areas considered by the Task Force include wildlife management projects, Great Lakes management and recreational projects.



Chaired by Representative Frank Boyle, the State-Tribal Natural Resources Task Force members review proposals to be presented to Congress. While proposals targeted all areas of resource management, the final selection placed inland fisheries assessment as a priority. (Photo by Amoose)

## Cooperative resource management projects

Tribal, State, Federal Agencies working together

The Great Lakes Indian Fish and Wildlife Commission (GLIFWC); Wisconsin Department of Natural Resources (WDNR); U.S. Forest Service (USFS); and the U.S. Fish and Wildlife Service (USFWS) as well as universities and community organizations assist one another in the completion of resource management projects. The result is the efficient use of time, staff and dollars to achieve more comprehensive resource management. Some of the cooperative projects are listed below:

- GLIFWC, USFS, and WDNR are working to restore sharp-tailed grouse in Bayfield County's Moquah Barrens.

- GLIFWC, WDNR, and the USFS are restoring wild rice beds through reseeding efforts.

- GLIFWC, WDNR, the USFS and the UW - Stevens Point are conducting research in the interaction of three northern Wisconsin furbearers: pine martens, fishers and bobcats.

- GLIFWC, WDNR, USFS, and the St. Croix Band conduct electro-fishing assessments each spring and fall. The spring surveys provide baseline data for calculating spearfishing harvest quotas.

- WDNR, the Bad River Band, the Red Cliff Band, and Cable Area Fish for the Future operate a cooperative stocking walleye stocking program.

- WDNR, the Lac Courte Oreilles Band, and USFS are developing a Chippewa Flowage management plan.

- Joint state/tribal technical working group (TWG) for inland fisheries management meets regularly to review and exchange data.

- GLIFWC wardens are cross-deputized to enforce state conservation codes in the ceded territory. WDNR and GLIFWC wardens conduct routine cooperative patrols throughout northern Wisconsin.



# Tribes learn about WDNR tradition

By Sue Erickson  
Staff Writer

The purpose of a two-day "DNR Tribal Training" session was to enable tribes "to understand how the WDNR works," according to WDNR Secretary Buzz Besadny, who opened the meeting in Wausau last February.

Representatives from WI Chippewa Tribes and the GLIFWC attended the session which provided an overview of WDNR traditions and history as well as how DNR works within the state government.

## WDNR tradition and history

Secretary Besadny identified the 1787 passage of the Northwest Ordinance as a key in determining the role of the yet non-existent WDNR. The Ordinance, he said, set up a government for the Northwest Territory, stating that "all navigable waters are forever free." This essentially became a public trust doctrine, Besadny said, to make sure that the waters do remain free for everyone. The same doctrine was later adopted by the WI state government word for word.

"The WDNR was given the responsibility of protecting the trust," he said, and that role has been given substantial court backing over the years. Because of this responsibility much of the WDNR's activity is water-related and frequently the issue of protecting the public trust "becomes testy."

State resource management developed



WDNR Secretary Buzz Besadny

throughout the late 1800's and early 1900's, with the adoption of various programs: forestry, fisheries, law enforcement, parks. In fact, natural resource management in the state became very splintered as it grew. The 1967 Executive Branch Reorganization Act attempted to consolidate splinter committees, Besadny said, and the WDNR became the umbrella organization, or the WDNR as we know it today.

Today the WDNR has grown to be the fifth or sixth largest agency in the state, according to Bruce Braun, Deputy Secretary, employing 2,900 people and operating on a \$700 million biennial budget.

## Policy making and implementation

The Wisconsin Department of Natural Resources is directed through the political system. "WDNR authority is received from Congress," Besadny stated. "Congress drives the activities, particularly water and pollution control." The agency also receives many directives from the state legislature, he noted, and "the court system, at the state and federal level, set the tone and policy."

The WDNR is directly run by a seven member citizen board. Members are appointed by the Governor. Currently, all board members are Republican. The board acts within the rules and congressional mandates provided. It passes administrative rules which, for instance, flesh out legislative mandates, Besadny explained. The board also establishes broad policies of its own, he says, regarding issues such as wetlands protection and fish and game management.

The WDNR Secretary is also appointed by the Governor and has no set terms of office. The job, he said, is "day-to-day."

Implementation of policy is complex for the agency and can be cumbersome as demands of the political process are met. Paulette Harder, Administrator, Office of Inter-Governmental Affairs, expanded on the process involved in implementation of a law.

Continuous effective networking with other governmental agencies relating to

resource management policies and programs is critical for the WDNR, she said, mentioning the Environmental Protection Agency, the U.S. Fish and Wildlife Service, the Department of Interior, the U.S. Park Service and Congress as a few key connections.

The open meeting law makes a critical difference in how tribes and states involve the public, Sec. Besadny stated. For the WDNR any meeting is open to the public.

Citizen input and involvement in WDNR planning and programs is also substantial, he said. "We receive a lot of advice from different groups . . ." Citing the Conservation Congress as well as statutory groups such as the Snowmobile Council, Air pollution Council and the Mining Council, plus numerous citizen committees. Public hearings are also necessary when any administrative rule is being developed, he noted.

"We need to figure out how we (WDNR and Chippewa Bands) can work together and cooperate," Secretary Besadny stated as he concluded his overview. "The goal is sound resource management and environmental protection."

Besadny acknowledged the nothing comes "cheap, free or easy," but that the challenges of resource management needed to be met by the WDNR and tribes, both who carry with them long, rich traditions.

In regard to the future and the state-tribal relationship, Besadny remarked that he hopes for "a new, better state-partnership."

# Milfoil causes fish kill in the Chippewa Flowage

By Sue Erickson, Staff Writer

A fish kill on the Chippewa Flowage, Sawyer County, alarmed the Lac Courte Oreilles Band of Chippewa recently. Biologists say the kill is caused by a low level of dissolved oxygen in the water, which essentially suffocates the fish beneath the ice.

LCO tribal members spearing through the ice noticed walleye surfacing to their fishing hole and gasping for air as well as shiners dying, according to GLIFWC Inland Fisheries Biologist Glen Miller.

The fishermen reported the problem to LCO Conservation Department, who in turn notified GLIFWC of the problem, Miller says. In conversation with the WDNR, Miller discovered they had received an alert earlier in regard to Crane Lake in the northern part of the Flowage and were preparing to investigate.

Eurasian water milfoil is the named culprit for the kill. Milfoil, Miller says, is an exotic species which becomes very prolific in our lakes once introduced. The death and resultant decay of the milfoil annually as the lakes freeze over causes a reduction in the oxygen level because the process of decay uses oxygen, Miller explains. When the plant becomes very abundant, the impact can be devastating in regard to the oxygen level, as is being witnessed on the Flowage.

To indicate the status of the Flowage, Miller said that during the summer a normal lake reads about 12 to 15 parts of oxygen per million parts of water. A stressed lake is considered six parts. Readings on sections of the Flowage come up at .2 to .05 parts per million, indicating trouble, Miller says.

Other factors may also contribute to the low oxygen level. The early winter with more ice and snow decrease the amount of oxygen available to the water.

Also, Miller noted that, the Northern States Power Company and Lac Courte Oreilles Band were drawing down the Flowage as part of an effort to eradicate the milfoil. The draw-down, he said, was very gradual and may not have alerted the fish that it would be a good time to seek healthier habitat in the lake. Consequently, unsuspecting fish became trapped in areas with very little oxygen.

So far, Miller thinks the problem looks like its limited to small pockets in the Flowage.

GLIFWC, the Lac Courte Oreilles Band and WDNR have been involved in aerating the Flowage in order to heighten the oxygen level. The WDNR has installed electronic pumps at Hermans Landing, he says. The pumps will open up about 1/2 mile of water.

They are also preparing to install a Crysafulli pump, which pumps water up out of the lake about 20' high and runs it through a 30' long baffle unit. The water becomes aerated as it travels through the baffle unit. This process also opens up the ice. The Crysafulli pump, Miller says, pumps about one acre of water per hour.

Miller issued an alert to all tribal fishermen and women to clean any boats of milfoil when leaving the Chippewa Flowage. This attention will prevent the spread of this dangerous exotic plant.



Combating the fish kill on the Chippewa Flowage, LCO tribal members assist in preparing to install a pump which will aerate the water. (Photo by Amoose)



# 1992 spearfishing scene

## Calm landings projected/no riot squads for '92

By Sue Erickson  
Staff Writer

Spearfishing landings for the spring of 1992 will be unlit, devoid of National Guard generators, free from yellow "sheriff's lines," and extra snow fences to hold back crowds. Milwaukee's special trained riot squads won't have to pack their longjohns and head north this year. And, it is hoped, the angry, violent protesters of earlier years, will also stay home.

Enforcement officials are anticipating a quiet spearfishing season for 1992 and will be cutting back enforcement, states GLIFWC Chief Warden Charles Bresette. GLIFWC wardens and biological staff will be in charge of the spearfishing landings on a nightly basis and will be enforcing the season's regulations.

While GLIFWC's primary focus is on monitoring the tribal, off-reservation spearfishing season, nine GLIFWC wardens are cross-deputized with the state and therefore can enforce state codes as well.

Bresette attended a meeting of enforcement officials regarding the upcoming spearfishing season on March 4th. Anticipated needs and strategies for the '92 spearing season were discussed among county, state, federal and tribal enforcement agencies.

The WDNR, Bresette said, is planning on going back to their "traditional duties" and will not be bringing in extra wardens for the season.

County Sheriffs and the state patrol will be monitoring the season by "drive-ups" and responding to problem situations as they might arise, Bresette said.

GLIFWC will be monitoring compliance with off-reservation codes and boating safety codes.

While welcoming signs of a peaceful spring, the tribes approach the less-guarded situation with some caution. "Concern exists regarding the protection of tribal spearers," Bresette notes.

Tom Maulson, Voigt Inter-Tribal Task Force Chairman, expresses the same caution. He feels the pull back in enforcement is "premature" and notes that Lac du Flambeau spearfishermen have apprehensions in regard to safety.

"I hope it is as calm as law enforcement anticipates," he says. "It will be an opportunity to harvest in the same conditions as sport anglers, without interference."

If the season does turn out to be as calm and peaceful as expected, Maulson would identify it "as a long awaited victory where tribal members can fish without harassment under regulation by the tribes."

Governor Tommy Thompson has issued a "1992 Spearfishing Plan," with a "contingency plan," in the event "unlawful activities connected with spearfishing cause a sustained threat to life and/or property."

To be activated only by the Governor, the plan would call into play many of the law enforcement agencies previously in-



Massive enforcement efforts which was needed on the landings to control protesters in the previous years will not be seen during the 1992 spearfishing season.

involved in protecting the spearfishing landings.

Additional meetings regarding the off-reservation spearing season are scheduled, according to Bresette.

Sheriffs, he said, are being asked to meet with tribes spearing in their respec-

tive counties and outline their enforcement plans to the tribes.

Also, each tribe will be meeting with tribal spearfishers in order to review regulations and codes governing the season as well as the enforcement plans for the landings.



GLIFWC Sergeant Jack Lemieux, left and Neil Kmiecik, GLIFWC Biological Services Division record the number of fish taken during an evening of spearfishing.

### Safe Level of Harvest figures down

By Sue Erickson, Staff Writer

By protocol, the Wisconsin Chippewa will be providing quotas by lake to the WDNR on March 15. Quotas declared by the Chippewa are based on the Safe Level of Harvest calculated on the basis of WDNR/GLIFWC assessment figures.

The total Safe Level of Harvest figure for 1992 is reduced from 120,000 walleye in 1991 to 97,000 in 1992, said Tom Maulson, Voigt Inter-Tribal Task Force Chairman. "This means the tribal fishermen are able to take less fish."

Maulson also noted that if the tribal lake quota is, for instance, 54% on a specific lake, it generally keeps the sport bag limit at 2 or 3 per day, according to the formulas.

This means that the tribes are taking the brunt of fish harvest reductions by basing their percentage on a smaller figure, while sport anglers walk away with the same daily bag limit, Maulson stated, questioning the "equity and rationale" of the system.

### Spearing regulations

All tribal members should contact their conservation departments for complete season regulations and attend tribal spearfishing meetings to be briefed on the upcoming season.

In general, the tribal regulations require daily permits to be obtained prior to spearing. The daily permits indicate bag limits for walleye and muskellunge allowed for a specific lake that night. Spearers may use only designated landings on any given lake.

Size restrictions on spearing walleye include a maximum of 20" except that each fisher may take one fish 20-24 inches and one fish any size per permit.

For muskellunge, the first fish may be of any size. Of subsequent fish within the quota, at least one-half of the catch must be at least 32".

All fish taken from a lake will be measured nightly on the landing by GLIFWC creel clerks, and GLIFWC wardens will be present nightly to enforce tribal codes.



# Electroshocking assessments to resume in spring

By Sue Erickson  
Staff Writer

Spring lake assessments will be in progress once the ice goes out. Great Lakes Indian Fish & Wildlife Commission (GLIFWC) crews will once again take to the lakes with electroshocking boats in order to continue gathering a data base on the walleye population in ceded territory lakes.

According to GLIFWC Inland Lakes Biologist Steve Shroyer, GLIFWC plans to shock from 23-26 lakes this year. A number similar to those identified for assessment in 1991. GLIFWC has been performing electrofishing assessments since 1987.

Lakes to be surveyed are determined on the basis of how recently they were last assessed and with consideration to their "recruitment code," according to GLIFWC inland fisheries biologist Glen Miller. Recruitment code refers to a lake's status as natural reproducing of walleye, a stocked lake and so forth.

Miller explained that assessments tend to emphasize natural reproducing to see if the population is remaining healthy without intervention. Sometimes, scientists find the code needs to indicate a change in a lake's status or stocking needed, he said.

Three U.S. Fish and Wildlife Service (USFWS) crews work with the GLIFWC staff during assessments. Two GLIFWC electroshocking boats, one electroshocking boat from the St. Croix Chippewa Band, and one GLIFWC fyke netting boat are used.

Electrofishing surveys of lakes are a long and tedious processes, requiring crews to begin at dusk and finish in the small hours of the morning. Stunned fish are measured, sexed, scale samples or a dorsal

spine sample is collected, the fish are then fin clipped or tagged for future identification, prior to returning them to the water.

A return trip to the lake is required, according to Miller, for a recapture survey, which essentially serves to give the data necessary for population estimates. The numbers of tagged fish recaptured per acre of water serves as a base for the population calculation.

One joint assessment project with the WDNR is tentatively being planned for the Yellow River in Burnett County. This will include some musky assessment as well, Miller states, although most of the surveys target only walleye.

Assistance from local communities, such as chambers and lake associations, is also welcomed during assessments. Miller remarked that the Butternut Lake Association in Forest County and the Long Lake Chamber of Commerce, Forest County have been actively involved with assessments for the past few years, arranging boat landings for the crews as well as physically assisting with the surveys.

Data gathered through assessments are not only used in determining a lake's recruitment status, but come into play when establishing the Safe Level of Harvest for a given lake. From that figure, quotas for tribal off-reservation spearfishing are determined and bag limits for the sport fishery.



Henry Mieloszyk, fisheries technician and Neil Kmiecik, director, biological services division, electroshock for assessment.

## Tribal Hatcheries release more than 97 million fish in 1991

Tribe Hatchery/Rearing Component	Walleye		Muskellunge		Northern	Largemouth	Lake	Whitefish	Brook	Brown	Rainbow	White	Total
	Fry	Fgl.	Fry	Fgl.	Pike	Bass	Herring		Trout	Trout	Trout	Sucker	
Bad River	9,500,000	16,724											
Bad River	3,000,000*								1,000*				12,517,724
Keweenaw Bay								20,000					20,000
Lac Courte Oreilles	150,000	280					13,500*						163,780
Lac du Flambeau	22,760,000	879,820	1,000,000	5,000			30,000*			24,406	28,726	10,000,000	34,727,952
Leech Lake	8,099,550	35,571						130,637	562,555			25,500,000	34,328,313
Menominee	6,500,000				38,000*						6,000*		6,544,000
Mole Lake													0
Red Cliff	609,000							320,000					929,000
Red Lake	500,000				3,000,000		8,500*				10,000*	2,000,000	5,518,500
Sault Ste. Marie	2,004,000	38,500											2,042,500
St. Croix	390,000	71,000					105,000*						566,000
White Earth		29,575											29,575
<b>Reservations</b>													
Grand Portage									4,000*				4,000
Fond du Lac									500*				500
<b>TOTALS</b>	<b>53,512,550</b>	<b>1,071,470</b>	<b>1,000,000</b>	<b>5,000</b>	<b>3,038,000</b>	<b>157,000</b>	<b>130,637</b>	<b>902,555</b>	<b>5,500</b>	<b>24,406</b>	<b>44,726</b>	<b>37,500,000</b>	<b>97,391,844</b>

\*Fish produced or obtained by the U.S. Fish and Wildlife Service



## 1991 off-reservation treaty deer season results by registration station

Registration Station	Antlered Deer	Antlerless Deer	Total
Bad River	116	430	546
Lac Courte Oreilles	344	1,069	1,413
Lac du Flambeau	230	1,015	1,245
Mille Lacs	38	106	144
Mole Lake	60	316	376
Red Cliff	143	456	599
St. Croix	164	452	616
<b>TOTAL</b>	<b>1,095</b>	<b>3,844</b>	<b>4,939</b>



## 1992 off-reservation treaty bear season results by registration station

Registration Station	Males	Females	Total
Bad River	5	4	9
Lac Courte Oreilles	7	1	8
Lac du Flambeau	2	1	3
Lac Vieux Desert	1	0	1
Mille Lacs	0	0	0
Mole Lake	3	3	6
Red Cliff	6	5	11
St. Croix	0	1	1
<b>TOTALS</b>	<b>24</b>	<b>15</b>	<b>39</b>

## Repopulation of sharp-tail grouse target of cooperative study

By M.J. Kewley  
ANA Writer/Photographer

**CREX MEADOWS**—A mass of chicken-wire fence leading to a live trap doesn't look like it would attract the attention of a meandering brood of sharp-tailed grouse. But the rudimentary traps are proving effective for state and tribal biologists working to re-populate the sharp-tail in northern Wisconsin.

The grouse find the cleared pathways easy to negotiate. If they follow a 200-foot line of fence to either end, they'll find a pile of corn leading into a circular live trap. Once inside, the grouse are unable to find their way out.

In the fall of 1991, the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), the U.S. Forest Service and the state Department of Natural Resources (DNR) completed the second year of a

cooperative project to re-establish the sharp-tailed grouse in Moquah Barrens Wildlife Area, near Lake Superior.

In 1991, biologists transplanted 44 grouse to Moquah, bringing the two-year total to 71 birds. GLIFWC wildlife biologist Jonathan Gilbert hopes to re-establish a self-sustaining grouse population with several mating grounds at Moquah. "Hopefully, there will be reproduction," Gilbert said. "Our intention is to give it a jump start."

In the early 1900s, the Moquah Barrens provided natural habitat for the birds. Unlike the forest-dwelling ruffed grouse, the sharp-tails live in open barrens, a rare habitat in Wisconsin today. They also have a pointed tail unlike the fan-like tail of the ruffed grouse.

Historically, said U.S. Forest Service District Ranger Duane Kick, wild fires maintained the barrens habitat. But in the 1930s, the forest service began fire protec-

tion efforts while the Civilian Conservation Corp. planted trees. Slowly, the area converted to a forest environment, and the sharp-tails declined nearly to zero. In the early 1970s, Kick said the Forest Service began to receive funding to return the barrens to its natural habitat. Now the barrens environment encompasses 4,000 of the 8,000-acre area. Kick hopes to clear 2,000 additional acres in the next few years.

Kick said the project also increased the abundance of a rare Wisconsin plant. Forest rangers discovered several new stands of ternate grape ferns in the barrens area. The fern is a "watch species" in Wisconsin, which means that biologists consider it rare but not yet threatened or endangered.

Kick, who heads the forest service district in Washburn, said the sharp-tail project fits in with the Forest Service's plan for biodiversity. "We're trying to provide a habitat for communities of plants and animals that need wide-open spaces," he said. For the first time since the turn of the century, Kick said people are seeing sharp-tails in the area. "That's a good initial sign," he said. "All indications are that the numbers are up."

DNR wildlife biologist Larry Gregg estimated the total sharptail population statewide to be a few thousand birds. "We believe the bulk of the birds are living on marginal farm land," Gregg said. "But we're continuing to lose ground on unmanaged lands."

Despite the relatively small population, hunters can legally kill the sharp-tail in Wisconsin. The state hunting season lasts three weeks, with a one bird daily bag limit. The tribal limit is one grouse per day. The Moquah Barrens Wildlife Area is closed to all sharp-tailed grouse hunting. David said greater restrictions throughout the state are likely in the future.

Biologists make population estimates each spring, by counting males as they meet for their annual mating ritual. The males gather at a traditional dancing ground

and begin displaying for the female. As they dance, their necks swell, showing a bright magenta color.

To help find the dancing grounds at Moquah and monitor the success of the project, biologists placed radio collars on 10 birds. Before their release, the grouse were weighed, aged and sexed. Biologists also attached leg bands. Two retired Forest Service employees—Ashland residents Matt Hosmer and John Moran—helped transport the birds to Moquah.

The radio collars will allow David to track the grouse for about a year. By monitoring their location, David hopes to determine the sharptails' survival rate, dispersal and habitat use.

The radios also help to investigate concerns raised by biologists like University of Wisconsin-Stevens Point professor Ray Anderson. He opposed the project because biologists could not determine if Moquah Barrens supported any existing sharp-tail populations.

David said less than five breeding sharp-tail pairs lived at Moquah before the project began. Without more specific information, Anderson said the effort may be useless. "If there is a low population, it's usually because of habitat," he said.

Gregg said the Forest Service's work to restore the Moquah Barrens habitat should improve the birds' chance for survival. "There's better habitat at Moquah," he said. "It's got a better chance for success." Anderson, who has completed extensive research on sharp-tails and prairie chickens, said translocation projects have worked with other extirpated species such as the pine marten, fisher and peregrine falcon. "Birds will expand naturally, it just takes time," he said. "Translocation speeds up the process considerably." For the sharp-tail, Anderson said this winter will be the critical period. "Winter will determine survivorship," he said, "and the radio telemetry is an extremely valuable tool if they do become established."



A part of the sharp-tail grouse repopulation project, this sharp-tail grouse was weighed, aged and sexed before being released. (Photo by M.J. Kewley)



# Thompson surfaces "equal rights argument" in gaming debate

By Steven Walters  
Sentinel Madison Bureau

Madison—Current contradictory patterns of legal and illegal gambling "tear at the fabric" of Wisconsin life, Gov. Tommy G. Thompson said Wednesday.

Thompson said it is unfair that Indian tribes that have negotiated pacts with the state can run casinos, but taverns statewide can't legally have video gaming machines.

Tavern owners "should be treated no differently," the governor said. "The worst thing is to continue the way we are."

Indian tribes "want a monopoly" on legalized gambling, "and they don't pay taxes" on their gambling revenue, Thompson noted.

The governor again asked the Legislature to act to clarify what gambling is legal, who can run those legal games and how much in state taxes should be charged.

"It tears at the fabric of society when laws are so confusing nobody obeys them," Thompson told the tavern owners, who gave him two standing ovations. "It tears at the fabric of society when some people get preferential treatment over others." In January, Thompson asked that tavern owners and restaurants with liquor licenses be given permission to have video gaming machines, if local voters approve. Under his plan, the state would get 45% of everything bet at the machines. Tavern owners said Wednesday they want to have the machines, but don't want local voters to be able to veto their operation. Thompson said tavern operators who now have illegal video gaming machines run the risk of being prosecuted and shut down for having something that is legal on some Indian reservations.

"That's not fair," the governor said.

"Isn't it all a little bit strange to you that the state can do it legally?" said Thompson.

"I think it's important that, once and for all, we know what the gambling law is going to be, and everybody be treated the same," he added.

In a related development, State Senate leaders scheduled debate

Thursday on a proposed constitutional amendment that would limit legalized gambling to the lottery, instant-win tickets and pull tabs.

The amendment, if adopted by two consecutive sessions of the Legislature and voters statewide, would again make casino-type gambling illegal statewide, according to its sponsor, Sen. Lynn S. Adelman (D-New Berlin).

If approved, the amendment would sharply limit gambling at Indian casinos, officials said.

Senate Majority Leader David W. Helbach (D-Stevens Point) said the Senate will consider Adelman's amendment, which could not become law until 1993 at the earliest, on Thursday.

(Reprinted from the Milwaukee Sentinel.)



Gov. Tommy Thompson

## Mille Lacs objects to state interference with gaming

(Excerpted from the State of the Band Address by Marge Anderson, Chief Executive, Mille Lacs Band of Chippewa Indians.)

"While we are using gaming revenues to make our community livable, there are others seeking to deprive us of our new found revenue. This should come as no surprise. Any time Indian people have had access to a valuable resource, the larger society has always stripped it from us. The timber barons of the 1800's took our white pine. Will the river boat promoters and bar owners be next in line to rip off our single means of self-improvement?"

We will not let this happen without a fight. Those who would promote slot machines in every bar across Minnesota will face a united and angry Indian population in Minnesota. We have found a way to improve the lives of our families, and we will make sure that legislators and those who elect them across this state know how important this resource is to our community and to neighboring white communities.

We are hopeful that the blind prejudice against Indian success that exists in Minnesota will take a back seat to the realization that we are making a dramatic positive, contribution to Minnesota's economy."

## Metz questions Gov. Thompson on gaming stance

Dear Governor Thompson:

Until I read this morning's Milwaukee Sentinel, I had remained silent during the entire "gaming issue" controversy in Wisconsin. You may remember that I voted against every bingo, gambling, lottery, and gaming issue when I was in the Legislature. This letter however is not to express my opinion about gambling but about your public statements regarding Indian tribes and their gaming operations.

Coming from anyone else these statements could have been labeled as inciting racial tension and inflammatory. But I don't want to believe that a Governor of this state would do such a thing. In fact, I am encouraging you to apologize for using the thinly veiled PARR rhetoric of "equal rights for everyone" to cloud the real issue of tribal sovereignty that to my knowledge—still exists in this country.

Even more troubling was the statement that tribes somehow do not produce their fair share of state taxes. You know better! Taxes are paid on winnings, on salaries of those Indian people not living on the reservation, on property owned by Indian individuals (on or off reservation\*), and on all the spin-off hotel, food, gas, and services that are surrounding reservation. (All Indian people pay Federal taxes on their salaries—no matter where they live.) In addition Wisconsin receives money from the Federal government for tribal lands held in trust to offset any tax loss.

Even though I am not a lawyer and you are, I know that the law is very clear on what is or is not illegal. Enforcement in taverns is not complicated at all. It's simple. If there is a violation—remove the liquor license. Surely you must remember this very effective tool for enforcement.

Speaking of tools, language and words are tools. As the Governor of this state I feel it is your responsibility to use them to foster respect and good public policy—not to incite one group of people against another.

I am writing to you as a private citizen, but also from the experience of being vice-chair of the Joint Finance Committee of the Legislature. Please don't embarrass or insult Wisconsin citizens with statements that serve no peaceful purpose and further, are lacking in fact.

Sincerely,  
Sharon Metz  
former legislator (1975-87)

\* per recent Yakima Supreme Court decision.



# WDNR responds to GLIFWC article

**Editor's note:** This letter is written in response to an article by GLIFWC Policy Analyst Robin Goree in the winter edition of MASINAIGAN. Mr. Birch has asked the MASINAIGAN to run his letter in this issue as a response. It appears below.

GLIFWC Executive Administrator James Schlender disagrees with the chronology and implication of Mr. Birch's letter. However, GLIFWC has no comment at this time as the same matters contained in Mr. Birch's letter are now the subject of Lac Courte Oreilles' lawsuit against the WDNR.

**Dear Editor:**

In your winter '91 issue (page 23) there was an article concerning Wisconsin DNR's consideration of GLIFWC's comments on the proposed oil drilling in Bayfield County. I coordinated the DNR's review and environmental assessment (EA) of this proposal and several important pieces of information were missing from the news article. The article implied the DNR did not consider GLIFWC's or tribal comments for oil exploration. In contrast to this news article, I believe that the DNR went to considerable efforts to solicit and incorporate tribal concerns in the EA.

Last summer, in early August, Department Secretary Besadny informed several people in GLIFWC of the Department's intention of seeking input and advice from the

Commission on this matter. The DNR attempted to involve GLIFWC in early September to help write an environmental assessment (EA) on the exploration project. No reply was received. In October, DNR began writing an EA, anticipating that GLIFWC would eventually become part of the effort. At the end of October, I sent a very rough (and exclusive) draft of the EA for GLIFWC's review in hopes that it would generate some dialog. It did start telephone calls and GLIFWC concerns were discussed with Robin Goree over the phone.

In the meantime, GLIFWC asked for several time extensions to submit written comments. I delayed the EA but after two time extensions were past, I began to lose hope any comments would come at all. Through efforts of Goree, comments did come and were well written. The comments were anticipated from our phone conversations, were considered and discussed by Department staff, and resulted in the EA being sent out several days after the December 2 news release.

On December 16, the Department held an open house to hear comments from the general public. Unfortunately, no-one from GLIFWC or any of the tribes attended and a valuable face-to-face meeting was missed. Since that time GLIFWC has submitted more comments and the Department made significant efforts, taking more than an extra month, to address them.

I would appreciate it if this letter would be printed in your paper this spring.

Sincerely,  
Gary Birch  
Environmental Specialist

## LCO files suit against WDNR Seeks temporary injunction on oil drilling

By Sue Erickson  
Staff Writer

As MASINAIGAN prepared for press, we were informed that Lac Courte Oreilles (LCO) has filed a complaint against the Wisconsin Department of Natural Resources (WDNR) in Dane County Circuit Court. Jordon Kushner, attorney for Leventhal and Associates, Mpls. which represents LCO, stated that Lac Courte Oreilles had received no response to their request for a contested hearing from the WDNR; therefore have initiated a lawsuit.

Lac Courte Oreilles, Kushner said, is seeking a preliminary injunction which will stop any exploratory oil drilling in Bayfield Co. by Terra Energy Ltd. until the court has made a final decision. Kushner says the complaint cites many of the grievances found in the request for the contested case hearing (see article below) relating to the alleged failure of the WDNR to consider tribal comments prior to announcing the decision to grant the permit for an exploratory well.

Lac Courte Oreilles still seeks and hopes to obtain through the lawsuit the preparation of an Environmental Impact Statement by the WDNR prior to any decision to approve or disapprove drilling which has already begun in Bayfield County.

### Contested case

The Lac Courte Oreilles (LCO) Band of Chippewa requested a contested case hearing in regard to the WDNR's permitting of Terra Energy, Ltd. exploratory oil/gas well drilling in Bayfield Co., according to Larry Leventhal, LCO attorney.

The hearing was needed, according to Leventhal, because tribal concerns were not adequately addressed in the WDNR's Environmental Assessment (EA).

Prior to the granting of the permit, tribes had indicated their opposition to the

proposed drilling without an Environmental Impact Statement. Formal opposition is on record from both the Red Cliff and Bad River Bands of Chippewa as well as the Voigt Inter-Tribal Task Force, which represents Chippewa Bands with off-reservation treaty rights in the ceded territories, states Robin Goree, GLIFWC policy analyst.

In a letter to Casey Ambutas, U.S. Environmental Protection Agency, Gaiashkibos, LCO Tribal Chairman, made clear the danger LCO feels oil and gas drilling imposes on the treaty rights of the tribes.

Lac Courte Oreilles, he said, "...is fearful that such oil drilling will infringe upon its treaty rights protecting its (LCO's) right to utilize area natural resources. Accordingly, our Tribe believes that an Environmental Impact Statement must be performed as to this proposed activity by your agency, or such other Federal agency as may be appropriate."

He further notes that the Federal government is legally obligated to protect the rights of the Chippewa under the Treaties of 1837 and 1854 which guarantee the rights to harvest on off-reservation ceded lands.

As Judy Pratt, environmental biologist for the Red Cliff Band, points out, the Chippewa Bands are concerned about the impact of oil/gas drilling on the rivers which are tributaries to Lake Superior and the proximity of the drilling to the Lake itself.

Among concerns in regard to the drilling are: "air and noise pollution; groundwater and surface water contamination; hazardous, toxic and radioactive waste; flooding, erosion, and runoffs; and harm to endangered species," Leventhal states in his request for a contested hearing.

Despite Tribal concerns, WDNR announced that a permit would be granted on Feb. 4, 1992. This led to the filing of a

contested case hearing which calls in question the permit issued for exploratory drilling to Terra Energy Ltd.

Actually, two requests for a contested case hearing were submitted by LCO. The first one, filed in Dec. 26, was labelled "untimely" for being too early because the documents had not been signed by the appropriate person(s) yet and, therefore, were not considered final. Leventhal states.

"It seems to me the WDNR is trying to frame it so that it is difficult for anyone to contest it," he commented.

### Basis for contesting WDNR permit for drilling

The request for a contested case hearing is based on the following reasons, according to the document submitted by Leventhal: 1.) The inadequacy of its Environmental Assessment and refusal to prepare and Environmental impact Statement. 2.) improperly issuing a permit for exploratory oil and gas drilling 3.) improperly issuing a waiver for the disposal of wastes and residues from the drilling operation.

Key issues of dispute raised in the case include: 1.) the degree of harm to the environment which the proposed well poses; 2.) whether the permitting of the well is "a major state action significantly affecting the environment, making it mandatory that DNR prepare and EIS; 3.) whether or not the WDNR has a fiduciary duty to protect the treaty rights and property interests of the Lake Superior Chippewa; 4.) Whether the Federal government has an obligation associated with the preparation of an EIS which has been legally delegated to the State of Wisconsin.

### Tribal concerns seem unheard

The seeming disregard of Tribal concerns over far-reaching environmental issues frustrates both Leventhal and Pratt. Pratt feels too many legitimate questions



remain unanswered to provide the necessary guarantees of protection prior to permitting a drilling operation, exploratory or not.

A representative from Terra Energy Ltd. addressed the Red Cliff Tribal Council earlier, she said, but Pratt felt the answers regarding the regulation of the testing itself "seem vague and undefined."

"WDNR has the ultimate authority," Pratt states, "unless its challenged. We can make comments until we are blue in the face, but if they (WDNR) don't feel they are important, they just go on anyway."

"The Tribes," she says, "need some controls on development in the ceded territories to protect their treaty interests."



# New group addresses environmental racism

By Tom Hastings  
Freelance Writer

"It's the same war," says Jackie Warledo of Greenpeace, "just different tactics."

Warledo, Oklahoma Seminole, is one of a handful of indigenous people who also work in key positions for international environmental organizations. She and others compare the environmental threats to Native Americans nowadays to the smallpox-infected blankets of days long ago. And Native Americans are organizing to fight back. Some of the leadership met in Minneapolis on February 10 to form the Woodlands and Plains Indigenous Environmental Network.

The stated goal of the new organization is to battle "environmental racism" with education and political action, led by indigenous people. The geographical area involved is the woodlands of the Upper Great Lakes and the plains of the Dakotas. Some 20 Native American leaders and non-native environmental leaders participated in the formation of the group.

The term "environmental racism" has been defined statistically by a 1987 United Church of Christ study which demonstrates patterns of disproportionate dumping of toxic waste on or near non-anglo communities. But many of the members of the indigenous environmental network felt that it went beyond statistics. Several expressed reservations about the impacts on native peoples of a host of institutions, from Indian Health Service to the Environmental Agency, from public utilities and private corporations and even to some of the mainstream environmental organizations.

The focus of the day's meeting was to begin to define the organization and set priorities from among the 35-40 identified environmental issues facing Native Americans today.

Organizer Tom Goldtooth, Environmental Coordinator for the Red Lake Band of Chippewa in northern Minnesota, stated that the goal of the network is to work with tribal councils and local Native environmental groups across the region.

The Woodland and Plains Indigenous Environmental Network is an outgrowth from other national and international meetings over the past two years. First was a gathering in Dilkon, Arizona two years ago to battle a proposed hazardous waste incinerator and then an international meeting of some 400 Native American environmental activists near Bear Butte, South Dakota in June of 1991, where the Indigenous Environmental Network was born.



*Racism is many-faceted and often subtle. It goes beyond the overt harassment and violence into the fabric of society. Environmental racism has been identified as one area where racial minorities have experienced discrimination within the American society. Above, demonstrators march to the Superbowl game in Minneapolis. (Photo by Amoose)*

Urban Native Americans have serious environmental concerns too, noted lawyer Shirley Cain. "I was born in Red Lake and moved to the Cities when I was fifteen," said Cain. "I see many Indians subjected to bad environmental conditions here and I hope this group will look into those." She, and others at the meeting in Minneapolis, noted that many of the environmental "hotspots," such as garbage transfer stations, are in Native American and African American neighborhoods and that there are widespread "toxic housing" problems in the same areas. Also mentioned were frequent toxic conditions on temporary labor job sites.

Goldtooth defined the group as a non-governmental organization (NGO) existing to empower indigenous environmental activists, whether they work for tribes or not. He stated that the budget of the national Indigenous Environmental Network is small—some \$70,000—but that most of it—about \$50,000—will go toward providing travel and organizing funds for "grassroots" indigenous activists who are working on environmental issues facing Native Americans.

"Tribal council members often get stacks of highly technical environmental information across their desks every day," said Goldtooth. "We want to help with the understanding of some of these issues."

The group decided over the course of the day-long meeting to take a two track approach initially. The network will work on developing a resource list of environmental issues facing indigenous peoples in the midwest with contacts and other information.

The second track will be to address the most crucial, time-urgent environmental problems occurring on Indian land or to Indian people. The first priority is to respond to the proposed siting of a high-level and transuranic nuclear waste storage facility on the Prairie Island Mdewakanton Sioux Reservation in Minnesota. The group agreed to try to help the tribe organize regional educational and political opposition to this current concern, if the tribe will accept their help.

Also under scrutiny are the health effects of the inoculation of Native Americans, including many children, with hepatitis vaccines. "Many of these are unlicensed," said Koenen, "and this threatens to wipe out many of our children, moving through them like a Sherman march to the sea. I think they want to eliminate future opposition to their environmental plans, like mining coal or taking natural gas from Native lands.

"These vaccines are dangerous," said Pat Bellanger, Minneapolis Native American environmental activist. "60% of those in one Native community given another vaccine, a flu shot, tested positive for AIDS." Koenen added that the Indian Health Service, which administered this flu shot, claims that the HIV testing procedures were flawed in this particular case.

At times, stated Koenen, the help that tribes receive from the government involves horrendous human and biological health tradeoffs. "The agencies come to us with the message that, 'We'll help you with your garbage problem. In order to help you with your garbage, you've got to take some of our garbage.'"

Koenen and others have stressed that spiritual values will remain central to the network's activities and Warledo says that the way a small number of Native people will affect mainstream America is by being active and visible. "We just have to hold firm to the truth as we've always known it," she says. "Others are looking for answers."

The next meeting of the Woodland and Plains Indigenous Environmental Network is tentatively set for April at Prairie Island. Goldtooth invited anyone interested to contact him at (218) 679-3959 for further information.



*A demonstrator in Minneapolis during Superbowl weekend representing the National Organization for Women. The weekend featured a conference on racism as well as several demonstrations. (Photo by Amoose)*



## Status of Major Indian Legislation 102nd Congress—First Session

Number of Bill	Title	Reported in House	Passed House	Reported in Senate	Passed Senate	Date Approved	Law No.
H.R. 349	Amendments to the Fair Labor Standards Act for tribal government employees	Referred to the Labor Standards Subcommittee					
H.R. 757	Alaska Native Claims Settlement Act	Referred to Interior and Insular Affairs Committee					
H.R. 1322	To authorize services for preventative treatment and aftercare of American Indians and Alaska Natives at risk for Fetal Alcohol Syndrome	Referred to Energy and Commerce Committee Subcommittee on Health Care Also referred to Interior and Insular Affairs Committee					
S. 110	Bill protecting traditional religious practices	Referred to Senate Select Committee on Indian Affairs					
S. 383	Tax incentives for establishing Enterprise Zones on reservations	Referred to Senate Finance Committee					
S. 515	Legislation to increase tribal share of highway fund	Referred to Senate Select Committee on Indian Affairs					
S. 290	Amendments to Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986	Referred to Senate Select Committee on Indian Affairs (Committee hearings held 5/23/91)					
S. 538	A bill to restore federal recognition to the Miami Tribe of Indians	Referred to Senate Select Committee on Indian Affairs					
S. 667	Tribal Judicial Enhancement Act	Referred to Senate Select Committee on Indian Affairs (Committee hearings held on 6/5/91. Ordered reported out of committee 7/18/91).					
S. 1530	Employment Training and Related Services	Referred to House Interior and Insular Affairs Committee 10/31/91			10/30/91		
S. 1287	To amend the Indian Self-determination and Education Assistance Act	Referred to House Interior and Insular Affairs Committee 11/13/91			11/12/91		
S. 668	The Indian Environmental Consolidated Grand Program Act	Ordered reported out of House Interior and Insular Affairs Committee 11/13/91			8/2/91		

(Reprinted from American Indian Report.)

# Update on Public Laws

**P.L. 102-67 (H.R. 749) Ocmulgee National Monument**

Authorizes the Secretary of the Interior to accept the donation of 18.6 acres of land known as Drake Lake, adjacent to the Ocmulgee National Monument in Macon, Georgia. The additional land shall be used for an addition to the monument.

**P.L. 102-123 ((S.J. Res 172) National American Indian Heritage Month**

Authorizes the designation of the months of November 1991 and November 1992 as "National American Indian Heritage Month."

**P.L. 102-124 (S. 1773) Temporary Duro Extension**

Authorizes the extension of the legislative reinstatement of the power of Indian tribes to exercise criminal jurisdiction over Indians until October 18, 1991.

**P.L. 102-137 (H.R. 972) Permanent Duro Extension**

Authorizes the permanent legislative reinstatement of Indian tribes to exercise criminal jurisdiction over Indians.

**P.L. 102-54 (H.R. 2686) Department of the Interior Appropriations**

Authorizes appropriations to be made for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992. The federal agencies include the Bureau of Indian Affairs, and the Indian Health Service.

**P.L. 102-71 (S. 374) Micmac Band of Aroostook Claims Settlement**

Authorizes the settlement of all claims of the Aroostook Band of Micmac Indians resulting from the band's omission from the Maine Indian Claims Settlement Act of 1980. The law includes the authorization of the provision of federal recognition and services to the Band.

**P.L. 102-180 (S. 1720) Navajo-Hopi Housing Reauthorization**

Re-authorizes appropriations for the Navajo-Hopi Relocation Housing Program through fiscal year 1995.

**P.L. 102-184 (H.R. 3394) Tribal Self-Governance Demonstration Project Admend.**

Authorizes amending the Indian Self-Determination and Indian Education Assis-

tance Act to extend the Tribal Self-Governance Demonstration Project a further three years and to an additional ten tribes. The amendments also authorize the precondition that tribes wishing to participate in the Project must first complete a Planning Grant.

**P.L. 102-188 (S.J. Res 217) Year of the American Indian**

Authorizes the President to proclaim 1992 as the "Year of the American Indian" in recognition of the fact that American Indians are the original inhabitants of what is now the United States. "Federal, state and local governments, interested groups and organizations, and the people of the United States are called upon to observe each month with appropriate programs, ceremonies and activities."

**P.L. 102-196 (H.R. 3370) Oklahoma Native American Center**

Authorizes the Secretary of the Interior to carry out a study and make recommendations to Congress with respect to the feasibility of establishing a Native American Cultural Center in Oklahoma City, Oklahoma, and recommend potential sites for the Center.

**P.L. 102-201 (H.R. 848) Little Bighorn Battlefield National Monument**

Authorizes the name of the Custer Battlefield National Monument to be changed to "Little Bighorn Battlefield National Monument;" and the designation of a cemetery located within the monument as the Custer National Cemetery. The Act also authorizes the establishment of a memorial within the monument to honor the Native Americans who fought at the Battle of the Little Bighorn.

**P.L. 102-231 (H.R. 1476) San Carlos Irrigation**

Authorizes the transfer and control of ownership of the San Carlos Irrigation Project electrical transmission and distribution system to the Gila River Indian Community, the San Carlos Apache Tribe, and certain Arizona utilities.

**P.L. 102-238 (S. 1193) Technical Amendments to Indian Laws**

Authorizes technical amendments to various Indian laws, including: the Indian Gaming Regulatory Act; the Indian Land Consolidation Act; the Crow Allotment Act; and the National Affordable Housing Act.



# High court says yes to taxes on reservation fee land

Casting aside briefs from the Bush Administration, 16 Indian tribes and the Native American Rights Fund, the U.S. Supreme Court ruled on January 14 that states and counties may impose property taxes on privately owned Indian land within the boundaries of Indian reservations. By an 8-1 vote, the justices upheld such a tax imposed by Yakima County, Washington, on land within the Yakima Indian reservation. Justice Harry A. Blackmun cast the dissenting vote.

In a separate vote in the same case (Yakima County vs. Confederated Tribes and Bands of the Yakima Indian Nation, 90-408), the justices voted unanimously to bar the county from imposing an excise tax on the sale of such privately owned "fee" land—land that is not held in trust by the U.S. Both decisions upheld a ruling by the 9th U.S. Circuit Court of Appeals that had been appealed both by the tribe and the county.

Sixteen Indian tribes, the Native

American Rights Fund headquartered in Boulder, Colorado, and the Bush Administration, submitted briefs siding with the Yakima Indian Nation and argued that the land could be taxed only if specifically authorized by the Congress. Ten states—California, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah and Washington—and counties in four others, Colorado, Idaho, Minnesota and Wyoming, joined in support of Yakima County's taxing authority.

While it is unknown how much land inside Indian reservations nationwide is owned by individual Indians, the ruling will likely have a significant impact on taxation of lands inside reservation boundaries. It is also unclear whether some states currently tax fee land inside reservation boundaries that is owned by non-Indians. It is be-

lieved that those states that do not currently do so, will now start taxing the land. It is also expected that individual Indians owning such land may now move to have the land placed in trust status by the U.S. Government.

Justice Antonin Scalia said in the court's opinion that an old federal law, the Indian General Allotment Act of 1887, and subsequent statutes do not shield the Yakima tribe's members from property taxes on privately owned land. The court rejected the standard of the lower appeals court that would bar imposition of property taxes on such land if they resulted in a "demonstrably serious" impact on tribal sovereignty. "Litigation would surely engulf the states' annual assessment and taxation process," Scalia said. "For

reasons of practicality, as well as text of the 1887 law, we adhere to our per se approach. We hold that the General Allotment Act permits Yakima County to impose an ad valorem (property) tax on reservation land patented in fee pursuant to the act, but does not allow the county to enforce its excise tax on sales of such land," Scalia said.

Blackmun voted against imposing the property tax and chastised the court for ignoring the plight of 31 Yakima Indian families threatened with eviction for non-payment of taxes. "The majority platitudinously suggests that the Yakima must make their policy argument in Congress," Blackmun said. "I am less confident than my colleagues that the 31 Yakima Indian families likely to be rendered landless and homeless by today's decision are well-positioned to lobby for change in the vast corridors of Congress."

(Reprinted from *Indian News*, a publication of the Bureau of Indian Affairs.)

## Bush submits FY'93 budget to Congress

Over the next several weeks, Congress will hear public and administration testimony on the President's proposed budget for the Bureau of Indian Affairs.

The \$1.88 billion spending plan was submitted on Jan. 29. The House Interior Appropriations Subcommittee heard public testimony on the budget March 4 and 5. Administration officials are scheduled to testify before the subcommittee on April 2.

The Administration has requested \$174.4 million less than the amount Congress appropriated for the BIA in the last fiscal year.

The President's budget requests \$500,000 to fund the annual cost of the Joint Tribal/BIA/Interior Advisory Task Force which was formed to review a plan for reorganizing the BIA.

Last year, Congress would not allow the BIA to implement any type of reorganization proposal without first getting the approval of the Interior Appropriations Committee. This year, the BIA is proposing that those restrictions be lifted noting that it expects the task force to complete its review of the reorganization proposal this year.

In the budget justification, the BIA said it does not plan to turn over the management of the trust fund accounts to a third party.

"In addition," the BIA said, "it has been ascertained that an audit and reconciliation of all trust funds to the earliest possible date would be prohibitive in terms of cost. The Bureau is currently working with tribal representatives, the General Accounting Office and the Office of Management and Budget to determine how best to proceed with the reconciliation."

The budget recommends that two programs Welfare Assistance and Johnson O'Malley (JOM)—be shifted from their respective accounts to the Tribe/Agency Operations account for inclusion in the Indian Priority System.

The BIA wants to eliminate the formula used to determine the distribution of JOM educational assistance grants. The bureau is proposing that the money be distributed to each tribe or agency based on the number of students counted in the 1991-92 school year.

The tribe's JOM allocation will be added to the tribe/agency operations base for tribes that have a tribe/agency location code. In the future, the BIA justification said, tribes will determine their funding needs and the priority of the JOM program within their tribe/agency base.

The BIA said transferring the program to the Tribe/Agency Operations account will let the tribes determine their own educational needs, goals and priorities.

The Administration requested \$56 million for the education portion of the Tribe/Agency Operations account. Although it is a \$20.8 million increase over FY'92 funding, the increase merely reflects the transfer of the JOM program.

Under School Operations, the Administration requested \$335.7 million, \$14.4 million more than was appropriated in FY 1992.



## Senate panel on federal agencies at odds over gaming

The Justice Department and the Bureau of Indian Affairs drew criticism last month from senators concerned about organized crime infiltrating Indian gaming operations.

In February, the Senate Select Committee on Indian Affairs held three oversight hearings on the implementation of the Indian Gaming Regulatory Act (IGRA).

The act was established in 1988 to regulate gambling on Indian reservations. Class II gaming, such as bingo, is regulated by the federal government. The tribes are allowed to operate Class III gaming, primarily casinos, only in states where the games are permitted by state law.

An estimated 150 tribes offer bingo and another 23 have casino-style gambling, including video slot machines.

State officials and representatives from the casino industry charge that some of the operations are illegal under federal law, and that they may attract organized crime.

Arizona Republican Senator John McCain said that federal agencies are not doing enough to combat potential problems with Indian gaming.

McCain charged that neither the Justice nor the Interior Departments had made any serious effort to investigate charges of illegal activities at reservation casinos.

A spokesman for the Justice Department told the senate panel that federal agencies are not allowed broad enough powers under the gaming act and that it prevents them from curtailing illegal activities.

Charges of widespread mob infiltration of Indian gaming angered Indian leaders who said it was in their own best interest to protect the integrity of their games.

One Indian leader said charges that organized crime had infiltrated Indian gaming were smoke screens pushed by the non-Indian gaming industry threatened by Indian-owned operations.

He said the Indian gaming industry has been painted in a negative light for the benefit of the non-Indian gaming industry and to persuade Congress to put more restrictions on Indian gambling.

Tribal leaders noted that gambling has provided jobs and boosted the reservation economies.

(Reprinted from *American Indian Report*, a publication of The Falmouth Institute, March 1992 edition.)





# Use of Indian mascots challenged at Superbowl

By Tom Hastings  
Freelance Writer

The message of Superbowl Sunday: stop the use of Indian mascots. It was a day of the spoken word and the gathering of support. 2500-5000 people—Indian and non-Indian—participated in delivering that message to America and the world.

It began on Superbowl Sunday, January 26, very early in the morning at the Elaine M. Stately Peacemakers Center at 2300 Cedar Avenue in Minneapolis. A handful of Indians and supporters began to make coffee and signs.

It ended about twelve hours later, as thousands opposed to the use of Indian mascots finally left the Hubert H. Humphrey Metrodome, site of Superbowl XXVI where the Buffalo Bills played the Washington Redskins.

The protest was sponsored by the National Coalition of Racism in Sports and the Media (NCRSM), a broad-based group comprised of 33 organizations, Indian and non-Indian. Other groups were in attendance and sent speakers. Various elected officials, from Minneapolis Park Board member Annie Young to U.S. Senator Paul Wellstone, were there to show support for the goals of the NCRSM.

The speakers began at the Peacemakers Center and continued at the Metrodome. From noon until 1 p.m. the crowd, growing constantly from its start of a few hundred in the late morning, walked down Franklin Avenue and then downtown to the Superbowl. The walkers, preceded by a drum, spanned one lane of the streets and, by the time they arrived at the Metrodome, stretched back for approximately eight blocks.

Unlike the events of the previous day (see Violence erupts over mascot protest, page 13), there were no reported incidents of physical violence associated with the mascot protest activities on Superbowl Sunday.

An area by one of two main gates had been selected for the Coalition to use, and a teepee had been set up by Coalition workers at about nine that Sunday morning. A sound system vied with the upbeat music and various Superbowl announcements sporadically piped throughout the Metrodome. A Minneapolis police line stood between gathered mascot protesters and Superbowl fans much of the time.

American Indian Movement (AIM) leader Vernon Bellecourt, who served much of the time as coordinator of the speakers, talked about the mission of the NCRSM. He urged Washington Redskin fans to enjoy the game and their time in Minnesota, but to "leave your chicken feathers and cheap Hollywood costumes, which demean Indian culture and values, at home." He told the two crowds that the portrayal of Indians as warlike was bad history and dehumanizing to living Indians.

The dehumanizing of an entire race of people is what the mascot issue is all about,



Concern over the impact of diverse forms of racism on Indian youth motivates contemporary action to address the issue. (Photo by Amoose)

according to E. Randel T. Osburn of the Southern Christian Leadership Conference (SCLC), the organization founded by Dr. Martin Luther King, Jr. "People of color must not be objectified. We have been and it leads to systemic abuse. The issue is not unemployment—everybody had work when there was slavery!—the issue here is racism and how it devastates everyone."

Speaking of the necessity to continue to address the widespread ignorance of and indifference to the issue of racism in sports was Kenneth Tilsen, longtime human rights lawyer and chief counsel during the trials at Wounded Knee. He simply thanked and encouraged those who gathered.

Charlene Teeters of the National Congress of American Indians (NCAI) and a founding member of the NCRSM, talked of the history of the opposition of Indians to the use of mascots. "We have been doing this for decades, and we have often been very lonely in our battles, but I don't feel lonely today!" She also noted that the largest organization of Indians in North America, the NCAI, had passed a resolution unanimously calling for the discontinuance of Indian mascots, "so Indians have spoken. When will we be heard?"

At times during the wintry day the Coalition people would leave the teepee and speaker site en masse and, as Vernon Bellecourt's brother Clyde termed it, "Circle the fort." This meant a walk around the Metrodome, and a chance to not only move around, but to meet Superbowl fans without the police line. There were spirited discussions but no shouting matches or physical violence reported.

During the weeks leading up to the Superbowl the nation's papers were sprinkled with articles and editorials addressing the mascot issue, which came into the national view with the 1991 World Series and the events surrounding the Atlanta Braves' "tomahawk chop." With the Redskins in the Superbowl and the event taking place at the home of the NCRSM, publicity has been intense.

The entire series of events organized by the NCRSM around the Superbowl began Friday, January 24, with a Summit on Racism in Sports and the Media at Augsburg College. That conference was addressed by St. Paul Pioneer Press columnist Nick Coleman, opponent of the use of Indian mascots, and was followed by a press conference.

That evening there was a demonstration at the Hyatt Regency Hotel on Minneapolis' Nicollet Mall as NFL officials met inside.

The next day there was a series of demonstrations, including a violent incident with injuries and arrests at the University of Minnesota basketball game. Finally, on Saturday, the NCRSM went to the "Superbowl Bash" and confronted the costumed Redskins mascot.

But the focus of the NCRSM remained on the actual Superbowl and organizers expressed satisfaction with the numbers who demonstrated support for their stated goal of eliminating all use of Indian mascots from sports teams, all the way from Little League to professional sports.



Indians are people not mascots. This was one of the messages which the demonstration at the Superbowl attempted to relay. Images of Indians used as logos or mascots are frequently demeaning and use culturally sacred symbols in an ignorant and disrespectful manner. (Photo by Amoose)





# Violence erupts over mascot protest

By Tom Hastings  
Freelance Writer

A melee broke out in Williams Arena when people tried to unfurl a banner during a University of Minnesota basketball game explaining their opposition to the use of Indian mascots. On Saturday, January 25, 12 Indians and supporters from the National Coalition on Racism and Sports in the Media (NCRSM) protested the use of the "Chief Illiniwek" mascot (University of Illinois) in particular.

Several of the Coalition members were hurt, the most serious injuries being sustained by Mike Haney, Second Chief of the Newcomer Band of the Seminoles of McCloud, Oklahoma. Haney's right arm was broken with a "greenstick" (angulated) fracture and several of his teeth were chipped when, according to Haney, University of Minnesota police mistook him for Clyde Bellecourt and attacked him and others. Several witnesses indicated that no NCRSM people struck any police, although several said there was an effort to physically come between police and those being struck.

Haney said that he and Charlene Teeters were hospitalized, treated, and released. The U of M police spokesperson said that three police were injured, including one broken nose, one immobilized knee, and a bruised hand.

"We were attacked, twice," said Haney. "First, when we tried to unfurl the banner, and then after we were trying to leave. The second time was the worst."

"We went in there with the intention of opening the banner," said Charlene Teeters of the National Congress of American Indians (NCAI). "We knew that we would be told to leave, and we decided to leave when we were told to. We unfurled the banner and they came upon us, the security and the police from the University of Minnesota. They started to push us—they got very physical almost immediately. They didn't give us a chance to leave."

The episode with the banner was inside the main section of Williams Arena, said Teeters, where the game



*The demonstration was joined by people from across the nation who feel the issue needs to be addressed by the professional sport industry as well as the general public. (Photo by Amoose)*

was in progress. She said the second event occurred after the Coalition members were shunted through the doors that led into the wide hallways on the peripheries of the stadium.

"We were all walking. We were saying, 'We're leaving, we're leaving, don't push,'" said Teeters. "Words were

exchanged. One of the cops started pushing me. He said, 'I got a job. I'm an American,' and my response was, 'We're Americans,' and his was, 'Shut the fuck up,' and he grabbed me by the neck and pushed me to the ground and started kicking me. He bent over me and looked like he was going to beat me. Then the [Coalition] men reacted to that."

Several of those involved felt that this may have been premeditated. Teeters said, "We felt that they attacked the women and children first, verbally and physically, to provoke the men. Once the men got into it, they left the women alone."

Twelve year-old Jennifer Martineau, Fond du Lac Ojibewa now attending Anderson School in Minneapolis, was the only child involved. She was there with her mother, Carol Smith. Police seized Martineau by the shoulders and pushed her along with the others. "I was scared, especially when they took Vernon and slammed him against the rail and the wall," she said.

University of Minnesota police claim that they were attacked by the Indian protesters.

Besides Haney and Vernon Bellecourt, those arrested and charged were Don Messec of Washington D.C., and Little Crow Bellecourt of Minneapolis.

The objections to the use of the Chief Illiniwek mascot, according to Vernon Bellecourt, are that the chief is portrayed by a student—not an American Indian—and that he dances a so-called war dance while dressed in a made-up chief costume of colored chicken feathers and war paint, carrying a fake tomahawk.

"This is the most demeaning, degrading depiction of our culture and values," says Bellecourt.

Haney indicated that lawyers for the Coalition are determining what legal response they will make. NCRSM spokesperson Bob Milner said that the medical expenses for Haney's broken arm and the oral surgery he is going to require are estimated "in the thousands [of dollars]" and will be covered in any lawsuit to be filed, with other damages to be assessed. He said Coalition lawyers are considering both criminal and civil actions against the University of Minnesota police.



*While some people may feel it is an honor to be used as a sport mascot, not everyone does. Many Indians are asking America to be sensitive to that difference and to the attitudes projected through use of Indians in that way. Above, in an organized march, supporters let their signs do the talking as they marched from the American Indian Center to the Superbowl in Minneapolis, Minnesota despite the nippy weather. (Photo by Amoose)*



*The pride of Indian people for their traditions and culture was clearly evident throughout the demonstration. (Photo by Amoose)*



# "A Place We Can All Come Home To"

By Sue Erickson  
Staff Writer

Finding a good life on the reservation—one which promises employment, homes and opportunity for youth—was the theme of the State of the Band Address presented by Marge Anderson, new Chief Executive for the Mille Lacs Band of Chippewa in January.

Anderson presented the goals of the recently enacted Net Revenue Allocation Schedule for the Band which will govern the distribution of the Grand Casino profits. The plans, she said, follow the "traditional custom of looking seven generations into the future."

Anderson emphasized that new economic resources will help reverse a trend which has forced members to leave the reservation. In recent years, she noted, reservations have become "places to escape from not to go home to." This situation has been devastating to the Mille Lacs and other tribes and bands, Anderson stated.

However, today, with new and expanded resources available to the Band, the opportunity to rebuild and strengthen the Mille Lacs community, presents itself as a real and immediate opportunity.

Citing improved employment, education and health care, Anderson said, the tribe can now "mend the torn fabric of our culture, so that we can welcome those who return and unify them into a family with strong values and an awareness of our history and language."

Among the goals established for the revenue allocation was the issuing of tax exempt government revenue bonds within 90 days. The bonds, she said, "will raise \$20 million to construct a school, a clinic, a water tower, water and sewer improvements, roads, housing day care facilities,



Marge Anderson, Mille Lacs Band of Chippewa Chairperson.

and other community facilities." Part of the monthly revenues from the Casino will pay off these bonds.

Reinvestment in the business is another goal. One which Anderson said will create more good jobs for Band members and increased revenues for community improvements.

Looking long term for the strengthening of the community, several specific programs have also been identified. One is establishing long term saving and an in-

vestment fund with over one-third of the monthly income. Second is the use of over one-quarter of the Casino revenues to re-acquire land taken over the centuries.

A third program will launch and develop new businesses in order to promote a more diverse and stable economy.

## Treaty Issues

Addressing the ongoing concern of the Mille Lacs Band over the implementation of off-reservation treaty rights, Ander-

son was clear that the clarification of the treaty issue is of great importance to the Band.

She noted that the Band has implemented a two-phase process for the implementation of the hunting, fishing and gathering rights reserved in the 1837 Treaty.

These involve the current "difficult negotiations" with the state of Minnesota, she said. And, if negotiations should fail, "I direct the Commissioner of Natural Resources to use all resources of the Band to continue with full litigation."

## Education

Another highlight in the Band's plans involves an educational mission, entitled Mile Lacs Band 2000, which envisions new school facilities as well as new curriculum.

Anderson underlined the Band's commitment to prepare the children for the challenges ahead in the 21st century. This will entail an "aggressive" educational approach, which will include mentoring and a traditional learning process.

Students, she said, will work directly with Commissioners to learn about Band government and will be "working with our elders to learn and preserve the Ojibwe language."

Challenges and definite directions were issued to Commissioners in every phase of community development and work. The message was clear, progressive, aggressive, and optimistic.

Anderson concluded with a restatement of the overall vision:

**"I am very confident that we will be successful in all that we have discussed today.**

**Our goal is to rebuild our reservation communities!**

**To develop a place to which we can all come home!**

**Our homes will, once again, become places of hope and inspiration.**

**Our homes will, once again, become places of fulfillment and opportunity.**

**Our homes will offer a bright future for us, for our children, and for their children.**

**It is time we all come home!"**



## Counties will likely appeal treaty case ruling

By Teri M. Ryan  
Isanti County News

An alliance of East Central Minnesota counties, including Isanti County, will likely appeal Federal District Court Judge Diana Murphy's ruling that dismisses the counties' intervenor/defendant status in the 1837 Treaty rights lawsuit.

The lawsuit was filed in Eighth Circuit Federal Court last summer by the Mille Lacs Band of Chippewa Indians who is seeking the removal of state regulation of tribal fishing, hunting and gathering rights in accordance with the Treaty of 1837. Approximately two-thirds of Isanti County is included in the ceded treaty land, along with portions of Chisago, Anoka, Morrison, Kanabec, Pine, Sherburne, Benton, Crow Wing and Aitkin counties.

Special Assistant Mille Lacs County Attorney Jeffrey Chaffee is representing the counties' interests in the matter.

Chaffee says Judge Murphy's Jan. 30 ruling was quite unexpected.

"It's a shock," says Chaffee who is currently drafting the appeal.

**Judge Murphy's ruling reverses a Nov. 4, 1991, decision by a federal dis-**

trict court magistrate judge that allowed the counties intervenor/defendant status.

Chaffee says that Judge Murphy's ruling finds that the counties' interests were being adequately represented by the state, which is the defendant named in the lawsuit. Chaffee says, however, that the alliance of counties originally sought intervenor status because they felt their interests were not being adequately represented.

In order to be granted intervenor/defendant status, the counties had to meet a three-part test, explains Chaffee. First, the counties had to show that they were inadequately represented by existing parties; secondly, the counties had to show they had legally protectable interests in the matter; and third, the counties had to file for intervention in a timely fashion.

Chaffee, who is awaiting authorization from the alliance counties to appeal Judge Murphy's decision, has not yet received official approval from Isanti County. County Coordinator Robyn Sykes said the board will probably consider the matter this week.

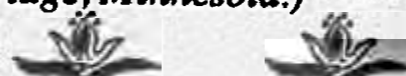
Regardless of the outcome of the appeal, the counties will most likely continue

to play a role in attempting to negotiate a settlement in the matter. (The judge cannot determine which parties may play a role in settlement negotiations).

Chaffee said, however, that all parties involved in settlement negotiations signed a confidentiality agreement preventing disclosure of any details of the negotiations. Thus, Chaffee declined to comment on the specifics of the negotiations.

The 1837 treaty rights include netting fish, harvesting wild rice and hunting game. In the lawsuit, **The Mille Lacs Band of Chippewa Indians et al., vs. the State of Minnesota et al.**, the plaintiffs are seeking a declaratory judgment stating that the Mille Lacs Chippewa Band possesses rights to hunt, fish and gather under the 1837 Treaty; defining the nature and scope of those rights; delineating the restraints that the 1837 Treaty imposes on the state's regulation of those rights; an injunction barring state interference with the exercise of treaty rights and attorneys fees and litigation expenses incurred by the plaintiffs.

(Reprinted from *Isanti County News*, Cambridge, Minnesota.)





# LVD dedicates education/multi-purpose building

On Saturday, February 15, an important milestone in the history of the Lac Vieux Desert Band of Lake Superior Chippewas was marked with the dedication of the recently completed center at Watersmeet, Michigan.

The welcome address was given by John C. McGeshick Sr., tribal chairman. Archie McGeshick Sr. gave the dedication prayer in the Ojibwe language which was interpreted by Eugene Begay.

Robert Davis, U.S. congressman, 11th District, Michigan, and State Senator Don Koivisto, praised the LVD Tribe for the multi-purpose educational center and the progress they are making toward becoming a self-sufficient entity.

Elizabeth Martin, executive secretary to the chairman presented John C. McGeshick with a plaque dedicating the new building to him.

Dr. James Grote, Ironwood Gogebic Community College president, complimented the tribal officials on their educational efforts, and offered cooperation in expanding their programs.

A highlight of the program was a flag raising ceremony held in front of the center. The American Legion Color Guard of Ironwood gave the U.S. Flag salute, and Congressman Davis and John C. McGeshick Sr. raised the U.S. flag, while Senator Don Koivisto and executive secretary, Elizabeth Martin raised the Michigan State Flag. A third flag pole remains vacant at this time with plans for the tribal flag ceremony to be done upon completion of the first LVD tribal flag. A flag contest

was held within the community and was won by Elizabeth Martin, tribal member, whose ideas will be depicted on that flag.

Honored guests also included Lester Dellies, Watersmeet township board; Bruce Kerkove, Ironwood Area Community Schools director; Thomas Schneller, Ironwood, Snow County Enterprises, general contractor for the new building, and Neil Kmiecik, Great Lakes Indian Fish & Wildlife Commission.

A ceremonial luncheon was served following the ceremonies. Special Indianhead Native American wood carvings were presented to Congressman Davis, and Senator Koivisto by Helen Smith, council member. Josephine McGeshick, Lac Vieux Desert tribal elder who made two beaded breast medallions for the honored guests, presented those as well.

The multi-purpose building, a \$250,000 Housing and Urban Development project, is the first facility of its kind to serve tribal residents and the general public. This is the beginning of a series of long-range developments by the Lac Vieux Desert Tribe.

The new building includes a spacious multi-purpose room where the Elderly Nutrition Program has meals three times a week. The multi-purpose room is equipped with a very modern kitchen.

Other offices are the education office, classroom, library, tribal court, tribal judge, court clerk, CEO, Chairman, executive secretary, arts and crafts workshop, and an arts & crafts gift shop.



Archie McGeshick and Betty Martin, Lac Vieux Desert council members, stand outside the newly dedicated multi-purpose and community education center. (Photo by Amoose)



Inside the new LVD education building is a craftshop featuring original Ojibway handwork by tribal members. Above, LVD Elder Josephine McGeshick and Annabelle McGeshick, both craft instructors, staff the shop. (Photo by Amoose)



Lac Vieux Desert and GLIFWC representatives met with residents from Cisco Lake recently in order to answer questions and concerns over tribal off-reservation spearfishing. (Photo by Amoose)

## 3rd Annual Billy Mills Run coming up at LVD

Come meet Billy Mills, Olympic 10,000 meter gold medalist. Billy Mills is the only American, (Native American at that), to win the gold medal in this event. He won the gold medal in Tokyo, Japan in 1964 during the summer olympics.

Plans are underway for the 3rd Annual Billy Mills New World Run at Lac Vieux Desert. Billy Mills' main message is to respect and believe in yourself, earn the love and respect of your family, identify positive desires that in turn lead to accomplishments and the enhancement and advancement of Indian culture. Billy Mills has inspired many youths to soar like eagles.

The race is made possible through the fund raising organization Christian Relief Services, Running Strong for American Indian Youth. Over the past three years the

race has built a reputation for itself and is considered one of the U.P.'s finest quality road races, and each year with Billy Mills' presence is growing in number.

This year's event includes a 5K run/walk, a one mile run/walk, and a 5K wheelchair race. Trophies will be awarded in the different age groups, long sleeve designer shirts will be included in the entry fee, a meal after the race, and drawings for prizes will be held on Saturday, March 28. The starting time will be 9:30 a.m. for wheelchairs, and walkers and 10:00 a.m. for runners.

We look forward to this special event and would like to see you there. For entry forms and more information call Betty Martin, Race Director at (906) 358-4577 days.

## UP citizen group targets copper mine

By Dave Bach  
Upper Peninsula Environmental Coalition

On January 20 twenty-four people gathered for the first meeting of the UPEC Houghton group. This group (and a similar one being assembled in Marquette) is the result of the "UPEC: The Next 15 Years" meeting in early January where it was decided that UPEC would try to involve more of its members by forming community-based "working" groups. The goal of each group is to work on local issues and provide the Coalition's Board of Directors with the information needed for appropriate and timely UPEC-wide action.

And it didn't take long for the Houghton people to get right down to the nitty gritty—a proposed copper mining venture near Gratiot Lake in Keweenaw County. Present at this meeting were people who live at Gratiot Lake and who have been actively addressing this mining proposal. Prompted by their activism and concern and with valuable input from local Sierra Club members in attendance, the issue was dissected and the groundwork laid for specific action. The Houghton group will next advise the UPEC Board on what strategy it should prepare.

Although most of the meeting was devoted to the Gratiot Lake mining venture, another important topic was communication on mutual issues with other environmental groups in the Copper Country. This resulted in setting up a liaison with the local Windigo group of the Sierra Club. In the future a member of the Sierra Club will attend the Houghton group meetings and vice versa.

In my opinion, the first meeting of the Houghton group was very successful and I am optimistic about its future success and the positive influence it will have on me and my community. It was great to see friends and new faces that do not normally attend the monthly Board of Directors meetings.

It was also encouraging to note that the concept of dealing in-depth with local issues and reporting our findings to the Board might work very well. Lately, the workload of the Board of Directors has made in-depth issue analysis virtually impossible. For instance, the Gratiot Lake people have come to the last couple of Board meetings and we were not able to adequately address their concerns. I felt the Houghton group has started and will continue to give the Keweenaw mining issue the attention it deserves.

(Reprinted from the Upper Peninsula Environment, January-February 1992)



# Cross-deputization in Minnesota & Wisconsin effective enforcement

By M.J. Kewley  
ANA Writer/Photographer

Things were pretty quiet the first time Jack Lemieux and Mike Vogelsang went on patrol.

"I was real quiet, I wanted to check him out," Lemieux, a sergeant with the Great Lakes Indian Fish and Wildlife Commission, said. Now—despite the fact they wear different uniforms—they're the most

active tribal and state warden team in northern Wisconsin. "We're pretty similar," Vogelsang, a state DNR warden, said. "He's law enforcement oriented. If there's a violation, he's going to write the citation."

In February of 1991, the state cross-deputized nine Great Lakes Indian Fish and Wildlife Commission wardens to patrol in the ceded territory of northern Wisconsin.

The wardens carry the same creden-

tials as state DNR wardens, and have authority to investigate complaints involving both Indian and non-Indian hunters and fishermen. Lemieux also works as the DNR court officer for the Bad River tribal court.

The cooperative patrols also brought a change in the adversarial relationship that existed during the legal battle over Chippewa treaty rights. Lemieux said state and tribal wardens barely acknowledged each other, much less worked together. "A lot of wardens are watching Mike and I," Lemieux said. "Attitudes have changed."

DNR chief warden Ralph Christensen said he is committed to the agreement. "We will never have enough people to cover all the bases up north," he said. "We're in this for the long haul."

GLIFWC policy analyst James Zorn said the cross-deputization agreement enhances the tribe's stature as a sovereign government.

"The agreement solidifies a government-to-government relationship between the tribe and the state of Wisconsin," Zorn said. "It's to the state's advantage to help promote GLIFWC wardens," Christensen said. "They will help safeguard those resources."

GLIFWC chief warden Charles Bresette said the wardens' first priority

will always be to enforce off-reservation hunting laws for tribal members. But the state credentials allow them to investigate state violations that may occur at the same time and place. Bresette said GLIFWC wardens must complete the same 400 hours of basic training as DNR recruits.

"The state gets nine more pairs of eyes and ears to protect the resource," Bresette said. "And the tribe gets recognition as a law enforcement agency."

Wisconsin isn't the first state to cross-deputized Chippewa wardens.

In Minnesota, wardens with the 1854 Authority have conducted off-reservation patrols since 1988. "We're not Indian or non-Indian wardens—we're all peace officers," 1854 warden Clayton Hascall said.

All 1854 Authority wardens must be cross-deputized within a year after their hire. Like Wisconsin, Minnesota wardens must complete training programs, and pass state exams and background investigations.

"Our work puts us in contact with Indians and non-Indians," Hascall said. "The resource is for everyone, and our eyes in the field are beneficial to the state."

"The main goal is to get compliance," Vogelsang said. "We're out there working together, so we're going to be ahead of the game."



Jack Lemieux, GLIFWC Sergeant, left, and Mike Vogelsang, DNR warden, patrol in the ceded territory of northern Wisconsin. Both wardens carry the same credentials and have the authority to investigate complaints involving both Indian and non-Indian hunters and fishermen. (Photo by M.J. Kewley)

## Martineau heads 1854 Authority in Minnesota

By Sue Erickson  
Staff Writer

Ferdinand Martineau, Fond du Lac, assumed the directorship of the 1854 Authority in Minnesota this fall. The Authority represents the Grand Portage and Bois Forte Bands of Chippewa in the implementation and enforcement of off-reservation treaty seasons.

Martineau described the Authority's involvement as primarily with enforcement. However, resource management programs are also being initiated, he said.

The Authority has been working with the U. S. Fish and Wildlife Service and with the Great Lakes Indian Fish and Wildlife Commission in some resource management activities, he said.

Currently proposals to fund positions for a forestry planner and fisheries biologist have been submitted for funding. The Authority is also looking for increased administrative staff, Martineau stated. Cooperative management of the re-

sources is definitely on the Authority agenda. Martineau projects wild rice to be one of the first areas for cooperative management projects.

The Authority has met with resource managers from other organizations to discuss possible goals and common programs.

Members of the 1854 Authority exercise their off-reservation rights under codes passed by the member Bands and enforced through the Authority conservation officers.

Off-reservation treaty fishing, trapping and hunting seasons are exercised by member Bands, Martineau said. However, the off-reservation seasons differ from that in Wisconsin. The extended tribal deer season, for instance, included a two week extension at the conclusion of the Minnesota state season.

An exclusive tribal moose hunt was available to tribal members in the ceded territory this year also, he said.

Cross-deputization with state conservation officers has been a part of 1854



Firearm training, including competitive shoots, are part of the GLIFWC enforcement program to maintain and improve the skills of conservation officers. (Photo by Amoose)

Authority conservation enforcement for several years. All of the Authority wardens are cross-deputized with the state of Minnesota, so also enforce state conservation laws off the reservation.

In January, 45 state wardens, essentially all conservation officers in the ceded area, were cross-deputized with the Authority, providing them with the power to enforce tribal codes in ceded areas. Chair-

man of the 1854 Authority Board of Directors Dwayne Porter, Grand Portage, officiated in the ceremonies at Lakeview Castle, Duluth, in January.

Martineau is optimistic about the trends in cooperation and co-management opportunities available to the 1854 member Bands and state agencies and views the cross-deputization process as an indicator of more co-management activities to follow.



# Canadian First Nations claim traditional rights

By Sue Erickson  
Staff Writer

The Great Lakes Indian Fish and Wildlife Commission has recently been visited by Canadian First Nations also concerned about the implementation of off-reservation hunting, fishing and gathering rights, as well as land settlements.

Similar to Ojibway Tribes in the U.S., the treaty rights of Canadian Ojibway have been forgotten and overlooked as the pressures and needs of the non-Native residents took over, and frequently, despoiled, hunting, fishing and gathering grounds.

Representatives from the Cape Croker Band of Chippewa and Saugeen Ojibway both located near the Georgian Bay in Lake Huron spent several days talking with GLIFWC and tribal officials in relation to the implementation of treaty rights and self-regulation issues.

The Saugeen Ojibway are in the process of claiming and exercising their right to fish in traditional waters for food and commerce, according to Saugeen Council Member James Ritchie.

A Supreme Court ruling in Canada, entitled the Sparrow decision, affirmed the Native right to fish for food and ceremony, he says, and has encouraged the Provincial government to more seriously consider Native rights.

However, the Saugeen are currently in negotiations with the Province to recog-

nize the Saugeen's right "to fish for trade and commerce."

The Saugeen Ojibway feel an agreement is necessary with Ontario in order to both protect the Native commercial fishery as well as the resource.

The Saugeen Native interest in the fishery today represents about \$17,000 annually, which is shared among 12 families. This, according to a situation summary by the Saugeen Ojibway, is in contrast to a non-Native commercial fishery worth \$1.5 million, an interest which can easily overpower the small Native fishery.

The Saugeen also note that the fishery has been "plundered in the last Century and some species, like the sturgeon, have been unable to recover. This coupled with the introduction of new species, poses a threat to indigenous stocks of value to the Saugeen.

Also, under current law Native people, exercising their traditional fishing rights, will be charged for violating. The right to the Native fishery is documented, according to the Saugeen; however, the "Government simply allowed the privileges of non-Native fishing interests to take precedence over our rights."

Ritchie says the Saugeen are ready to exercise their fishing rights and to regulate their own members this spring. Similarly, they are interested in developing resource enhancement programs which will contribute to the long-term well-being of the fishery on behalf of both Native and non-Native people to come.



Taking notes and listening intently, Eric Johnston, a council member from the Cape Croker First Nation in Ontario, Canada, was one of three Canadian representatives on a fact-finding mission to the Commission this winter. (Photo by Amoose)

## Manabozo and the Maple Trees (Anishinabe Legend)

A long time ago, when the world was new and fresh, Gitchee Manito made things so that life was very easy for the Anishinabe. There was plenty of animals to get and eat for food, even the weather was always good and the maple trees were filled with very thick sweet syrup. At this time when anyone wanted to get maple syrup from the trees, all they had to do was break off a twig and collect pure thick maple syrup as it dripped out.

One day, Manabozo went walking around. "I think I'll go see how my friends the Anishinabe are doing," he said. So he went to a village of Anishinabe people. But there was no one around. So Manabozo looked for the people.

They were not fishing in the big lake or streams. They were not gathering berries. He looked and looked he could not find them anywhere around doing what they were to be doing.

Finally he found them. They were in the woods by the maple trees near the village. They were all just lying on their backs with their mouths open, letting the thick maple syrup drip into their mouths.

There were doing nothing but laying there, some of them were laying there so long that they had big red sores on their butts. "This will not do," Manabozo said. "My people are all going to be fat and lazy if they keep on living this way."

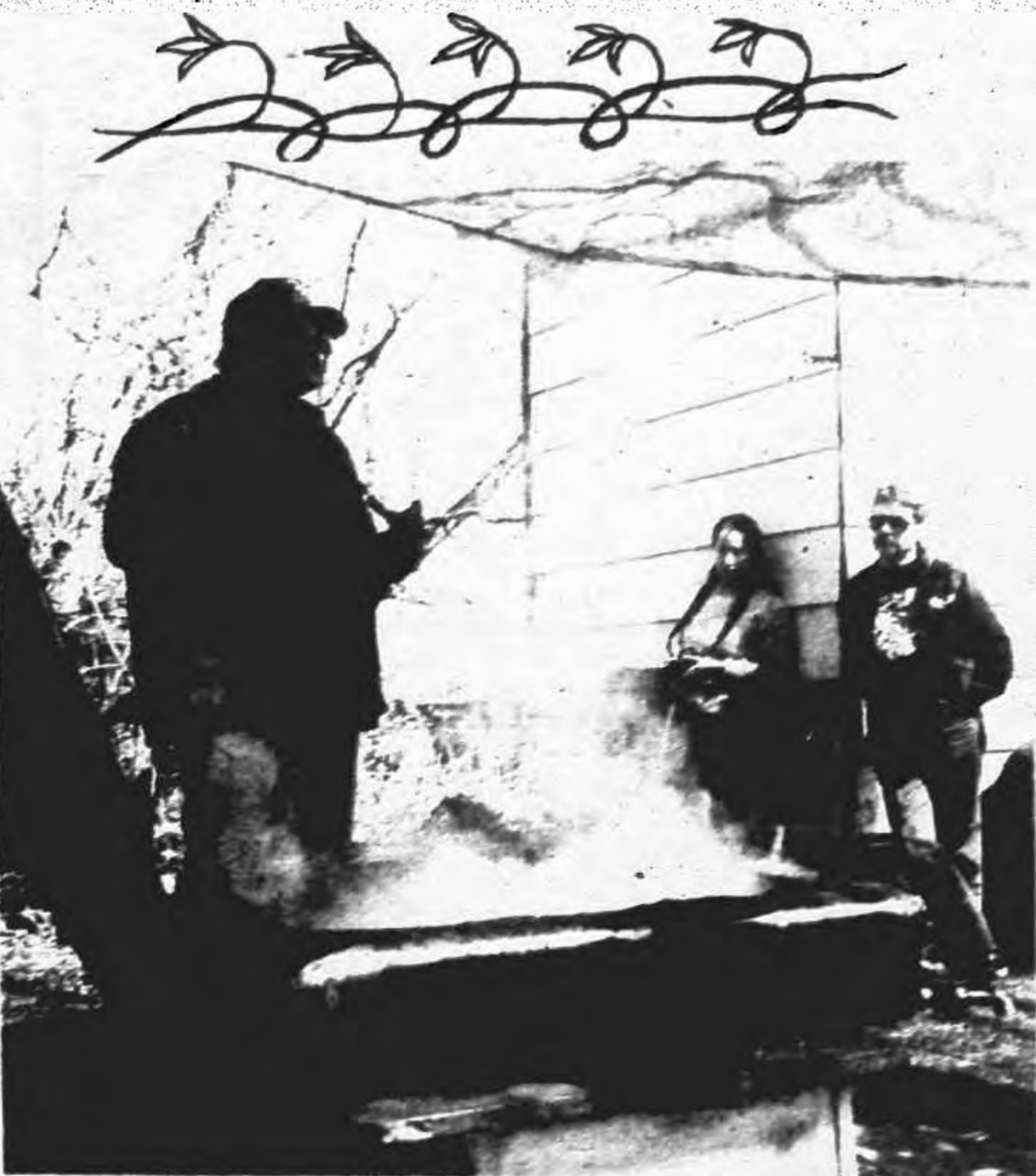
So Manabozo went down to the river. He took with him a big basket he had made of birchbark. With this basket he brought back many buckets full of water. He went to the top of the maple trees and poured the water in so that it thinned out the syrup. Now thick maple syrup no longer dripped out of the broken twigs. Now what came out was thin and watery and just barely sweet to the taste.

"This is how it will be from now on for the Anishinabe," Manabozo said. "No longer will my people be daybinock (any old way) and be lazy." No longer will syrup drip from the maple trees. Now there will only be watery sap.

When people want to make maple syrup they will have to roll up their sleeves do some work, they will have to gather many buckets full of sap in a birch bark basket like mine. They will have to gather wood and make fires so they can heat stones to drop into the baskets. They will have to boil water with the heated stones for a long time to make even a little syrup. Then my people will no longer grow fat and lazy. Then they will appreciate life and this maple syrup Gitchee Manito made available to them. Not only that, this sap will drip only from the trees at a certain time of year. Then it will not keep people from hunting and fishing and gathering. This is how it is going to be from now on from this day.

Manabozo sees that the relationship between the maple trees and the Anishinabe is not good. The people are taking the easy paths and letting the trees feed them while they neglect their hunting, fishing, gathering and families. So Manabozo thins the sap and makes it flow only during the late winter and early spring. This way it will be appreciated and the Anishinabe will have to hunt, fish and gather berries to sustain themselves. And it is hoped that they will stay strong and healthy.

(Reprinted from the Red Cliff Newsletter.)



Dana Jackson, Bad River Education Coordinator, talks about traditional maple sugar gathering on the Bad River Reservation to a group of educators. (Photo by Amoose)







Andy Stockheimer, Mole Lake Tribal member, participated in a Mole Lake T.R.A.I.L.S. pow-wow in March. (Photo by Amoose)

## It's always been about land

By Sharon Metz  
HONOR

Land. For 500 years the loss of homelands, and the jurisdiction rights and resources connected with it, has been (and continues to be) the rationale for U.S. Government policies devastating to Native Americans. It is also the underlying focus of anti-Indian groups (including counties and county associations) and the rallying point for hate groups who target Native Americans. This greed, combined with racism, is a lethal combination that has worked to erode not only the land base—but the spirit of Native American people.

Treaties and Native American cultures are barriers to the dominant society quest to "get it all." After HONOR formed in 1988, members soon realized that the violent protests in Wisconsin against Native American spearfishing, the protests and political action in Washington and Montana over fishing and water rights, the

organizing efforts by counties to erode tribal rights, and the rise in anti-Indian groups around the country were connected. The common denominator was just for land.

HONOR is initiating several direct actions to help restore and consolidate tribal land bases. **ALL EXCEPT #1 ARE IN THE DEVELOPMENT STAGE.** Members are invited to send comments and questions about the proposals. You are also invited to send suggestions on how you can help implement one or more of them. The proposals are simple and straightforward.

### G I G I W E M A G U C K A N I S H I N A B E A K I

(Return the Homelands to the People)

1. Challenge churches to return excess lands on or near reservations to the appropriate tribe. A model resolution is available through HONOR for your congregations or church body to adopt.

## Midwest Treaty Network upcoming events

**Wednesday, March 12.** Witness report presentation at press conference, 10:00 a.m. State Capitol Assembly Parlor. Call 608-238-8843. Details about 1991 season, and recommendations for security this year. PARR has announced it will replace STA at the boat landings, and possibly organize a protest caravan to Madison as well. The state government will NOT provide coordination this year, which means only Vilas County deputies in Vilas County, no lights or fences, and few if any DNR boats on the water. In the meantime, DNR officials are still talking about spearfishing causing decreased bag limits, and harassment of ice fishers is above last year. The possible David Duke campaign in Wisconsin may also rally his followers to go to the landings. Please urge your local media to send reporters this year. "It ain't over till it's over."

**Saturday, March 14.** Start of two-day American Indian Survival Summit ("Empowerment Through Unity"), hosted by Alliance of Native Americans, with a Declaration Toward a 1992 Quincentennial Resolution. American Indian Center 1630 W. Wilson, Chicago, phone (312) 252-8556 6-10 p.m. Pow Wow, Artist Coalition Exhibit, and Cultural Exchange. Also Women of All Red Nations 500 Years of genocide conference, 9 a.m. - 6 p.m. Truman College (nearby).

**Sunday, March 15.** Midwest Treaty Network meeting at American Indian Center, Chicago, 9 a.m. Subjects may include spearing, mining, quincentennial, Peace & Dignity Journeys, Dickson Mounds (where the state of Illinois has agreed to close the exhibit, but not bury the bodies). Noon potluck and testimonies to 4 p.m.

**Saturday-Sunday, March 21-22.** United Indians of Milwaukee Traditional Pow Wow. State Fair Park (414) 384-8070

**Wednesday, March 25.** Winona LaDuke (Indigenous Women's Network) speaks in Madison at UW Memorial Union, 7 p.m.

**Saturday, March 28** Witness training, 12 noon. UW Memorial Union, Madison (608) 238-8843. Also orientation for former witnesses on Sunday evening at Pres House, 731 State Street, Madison.

**Saturday, April 4.** Midwest Treaty Network meeting, 12 noon, Lac du Flambeau (715) 588-3614. Concentration will be on spearing season. Wa-Swa-Gon has invited witnesses this year, and Nick Hockings is putting together a village with traditional structures on the Res. We will join the Sunday rally nearby

**Sunday, April 5.** Rally at the proposed Noranda mine site, Town of Lynne, Oneida County, WI. From Hwy. 51 take Hwy. 8 west and Willow Road north to just before the Willow River. (715) 282-5895. A large new group has started around Minocqua called the Ecologically Concerned Citizens of the Lakeland Area (ECCOLA), and some members are now saying that mining, not spearing, is the real threat to spawning walleye! Be there! There will also be a public meeting or hearing on April 8.

**April 15.** Usually around the start of two-week spearing season; could be earlier with warm conditions.

**Sunday, April 26.** 6th anniversary of Chernobyl disaster in Ukraine. A mock nuclear waste caravan will converge on the Point Beach nuke near Manitowoc (also actions elsewhere). (414) 748-3654.

**July 3-18.** Peace and Dignity Journeys 1992 runs from Minneapolis to Chicago (via LCO, Flambeau, Madison, Milwaukee), on its route from Alaska to Mexico. In Minnesota (612) 379-1443, in Wisconsin (608) 246-2256 and in Illinois (312) 733-6363 or 6006.

**October 12.** Beginning of 500 years of regained freedom for the Native Peoples of the Western Hemisphere. North American Peace and Dignity run meets with run from Argentina at Teotihuacan (near Mexico City).

2. Establish a "Return the Homelands" Foundation that will raise money to purchase lands that are determined to be priority by tribal councils or land committees, and convey them to the tribe.

3. Match up those who wish to help purchase an "Acre of HONOR" with a tribe who needs a specific parcel but cannot afford the purchase.

4. Provide leadership training to community activists with particular expertise (mapping, real estate licences, paralegals, speakers, etc.) to assist in this effort.

5. Work in coalition with others who are using other approaches and strategies to achieve the same purpose.

For reservation Indians, the connection to the land remains. For urban Indians, reservations remain for many, "a place to go home to." "In either case the return of homelands is a direct counter to the land grab that began with Columbus.

(Reprinted from HONOR Digest, Jan./Feb. 1992.)





# United Methodists support land protections

A resolution and a directive, adopted by the United Methodist Church speaks to the Native American land issue. They read as follows:

## Protecting the Native American Land Base SP 70.A

WHEREAS, protection of the Native American land base is an issue of prime importance today as it has been historically, and

WHEREAS, Native American tribal organizations are seeking to consolidate and increase their land base for economic and cultural purposes, and

WHEREAS, intrusion on tribal lands and subsequent attempts to seize Indian lands by non-Indian parties continues to be a source of tension and insecurity among Native American people, and

WHEREAS, The United Methodist Church has historically held tribal lands for mission purposes and contemporarily holds Indian lands originally secured for purposes of missionary work of the church among Native Americans, and

WHEREAS, some of their land is no longer used for purpose of mission among Native Americans,

BE IT RESOLVED, that all such lands held by the church, where there is no intention of continuing or developing ministries among the respective Native Americans, be transferred without compensation to the ownership of the Indian Nation within whose bounds it exists, or to the Indian Nations which was the original owner. Adopted 1988

## Advocacy Clearinghouse Trust (ACT) formed

"Turning information into action" is the best way to describe the Advocacy Clearinghouse Trust (ACT) program of HONOR. Coordinator, Wendy Helgemo, has been developing the fast response system since she became part of the ACT team in September. A start up grant from the Jubilee Ministry of the Episcopal Church enabled HONOR to establish a system to mobilize others to action and serve as a link between churches, tribes, organizations, and members.

ACT is an extension of HONOR's networking capabilities. There are glitches but, based on the number of calls, it's already a success. The question and answer format below responds to inquiries.

Q. What kind of information is available from ACT?

A. Current information about the status of major Federal legislation of critical interest to Native Americans, updates on major issues (jurisdiction, logos, court cases, Anti-Indian movement,) resources & speakers, events about the Quincentenary, and activities of support groups, etc. In other words if you don't know where to begin, start here.

Q. Does ACT have an 800 number?

A. Not yet, but it is in the plans by June 1st. This will add to the information pool by providing easy access to Native American and non-Indian organizers and also serve as a hotline for activists.

Q. Where does HONOR get its information?

A. From YOU—and from a variety of sources. Part of Wendy's job is to research and find accurate data. It is important for you to send pertinent clippings, cartoons, reports, information put out by anti-Indian groups and counties, meeting notices, background papers, and resolutions from your group. That way it "gets in the loop" and

can be relayed as necessary.

Q. How do I get HONOR to send out information I think is important?

A. If it fits into HONOR's Principles and Actions mission, has endorsements from member organizations, is timely and of general interest, and if it promotes tribal sovereignty, treaty rights, and inter-cultural understanding, it will be considered. It should be emphasized here that HONOR will not involve itself in tribal politics.

Q. Are there telephone or FAX trees for critical issues?

A. Not yet. This is part of "phase two" and should be on line by this fall. FAX and telephone relays are used now on a limited basis and only for critical issues.

Q. How will it benefit the tribes?

A. It expands the number of allies on issues important to tribal sovereignty, cultures, treaties, and jurisdiction. It also provides a central point of reference for activists.

Q. What kinds of advocacy actions are resulting from ACT?

A. Letter writing on opening the Arctic National Wildlife Refuge to oil drilling, the federal remedy (S.972) to the Duro v. Reina Supreme Court decision, timely notices of public hearings on Native American issues, phone campaigns, providing information on how to reach key decision makers, and equipping callers with key documents and background material.

Q. How will ACT be supported in the future?

A. HONOR will encourage those who use the system to contract with us to relay (and receive) important information alerts affecting Native Americans. (Alerts must fall within our program guidelines).

For further information contact ACT Coordinator, at HONOR, 2647 N. Stowell Avenue, Milwaukee, WI 53211

## Indian Lands Used by The United Methodist Church SP 70, 72.A

The General Conference directed:

☆that the General Board of Global Ministries develop a comprehensive study and report on the use by the United Methodist Church of American Indian Lands for mission purposed since 1784, in consultation with the Native American International Caucus and the Oklahoma Indian Missionary Conference;

☆that the board report include the intended disposition of any unused land.

Adopted 1988

In a document entitled "Toward A New Beginning Beyond 1992" the Board-wide Task Force on a New Beginning of the General Board of Global Ministries proposed the following General Recommendations:

① To negotiate with indigenous people to ascertain how lands taken unjustly by churches from indigenous people can be returned to them;

② To recognize, acknowledge and vigorously support self-determination and sovereignty of indigenous people, as defined by them, in church and society; and

③ To oppose continuing and now increasing exploitation of indigenous peoples' land and mineral resources.

(Reprinted from HONOR Digest, Jan./Feb. 1992 edition.)



Migizee (eagle). The regal eye of a bald eagle catches the passer-by at the Chippewa Valley Museum, Eau Claire, where a display in a "true to life" setting helps capture the feel of the wild. (Photo by Amoose)



# PARR tries to think of new ideas

## An editorial comment by Sue Erickson

A federal court injunction restricting many of the 'games protester's like to play' seems to have curbed interest in the landing protests. Like playing "leapfrog" with tribal spear fishermen on the water is definitely out.

STA reports no intention of landing protests, but the staunch PARR membership seems to like this spring time activity. They intend to protest in 1992.

But the protest stuff is getting old, kinda dreary. Even Larry Peterson, PARR Chairman, is scratching his head for "some new ideas." (see article at the right)

According to a report from the March 4th meeting of enforcement officials, PARR is planning a rally on April 25th, once again in Minocqua, and once again in the middle of spearing. What's new about that, though??? Kinda old. Same old signs, same old jargon....same old orange outfits....same old, same old people....same old....stuff!

How about a car caravan to Madison, impeding traffic on the way??? A light bulb must of switched on! A new idea! There are some pro's to that one. At least, it's not impeding tribal spearfishing for a change. Blocking a highway is better than blocking a landing—different scenery, different folks.

And there's another new one from PARR—the "no ducks by the docks" claim. It's not really new, though, just a take off on "there's gonna be no deer in the woods scare" that accompanied the first tribal off-reservation deer season. Statistics showed that the tribes only took 700 deer that year, and the entire state is having a hard time killing enough deer annually. So that didn't work...neither did no fish in the lakes....but I suppose "no ducks by the ducks" is worth a try.

Of course, PARR has added environmentalists to their list of the bad guys threatening sportsmen's interests. I believe PARR stands for something like Protect Americans Rights and Resources, but with such avid opposition to environmentalism that second "R" for resources seems to be a bit "ify." It's a new twist, though! An labeling the Endangered Species Act as a weapon of environmentalist groups to shut down sport hunting in the U.S.—that oughta make people think.

Well, environmentalists are some new guys to get mad at, anyway. That makes the Indians, the politicians (especially Sen. Inouye), the WDNR, Sharon Metz, and the environmentalists all available as targets.

Hey, PARR! Why don't you try thinking of some resource enhancement projects for a change? Try building something up, instead of tearing things down....that would really be something new!

## PARR to continue peaceful landing protests



Larry Peterson, PARR Chairman.

By Randy Bitter  
Lakeland Times Reporter

A one-time car caravan to Madison could augment peaceful boat landing rallies as a way for one Northwoods group to show their continued opposition to Chippewa off-reservation spearing, members of Protect Americans' Rights and Resources (PARR) said Wednesday.

In the face of waning support of boat landing protests, about 40 PARR members met at the group's Lakeland area winter organizational meeting at the Arbor Vitae Town Hall.

According to PARR Chairman Larry Peterson of Park Falls, the meeting was called to update members on the group's (and Stop Treaty Abuse/Wisconsin's) court case and to plan protest strategy for the 1992 spearing season.

"It seemed like the same old group last spring," Peterson said of small crowds at Northwoods boat landings. "We need some new ideas. Just what are we going to do?"

Though Peterson said he was happy with meeting attendance, he said a similar gathering three years ago would have drawn twice as many people.

Boat landing protests were cooled last spring when Federal Judge Barbara Crabb ruled members of Stop Treaty Abuse/Wisconsin (STA/Wis.) could not physically interfere with Chippewa exercising their off-reservation treaty rights.

After a PARR board of directors meeting Sunday, Peterson said the group will encourage members to continue peaceful protests begun last spring. There were only three arrests last spring, compared to several hundred the year before. No date has been set for a car caravan, Peterson added.

At Wednesday's meeting, Marcia Dewey of Boulder Junction suggested an

alternative to boat landing protest.

"Maybe we'd get more support from people if we organized a car caravan that ended in Madison where we'd stage a protest in front of the state capitol," she said. "Lots of people who might not go to the landings might join a car caravan."

"People down state think we've dried up and blown away," Peterson said. "It's time we made the effort to let people in Madison know that people up here are concerned and we're still active."

Dewey said caravanning PARR members and supporters could tie up traffic on Hwy 51 by going 47 or 48 miles per hour all the way to Madison. That ought to get someone's attention."

### Cross deputization

PARR lawyer Fred Hatch reviewed cross deputization and pending court action.

PARR filed a class action suit in April opposing the year-old practice of cross deputizing Chippewa game wardens, an act that gives tribal wardens jurisdiction over non-Indians for off-reservation violations. The Department of Natural Resources (DNR) started deputizing tribal wardens last February.

The jurisdiction case has been before a Dane County circuit court judge since April.

Hatch criticized cross deputization as pandering and said the practice is particularly dangerous because Indian wardens can't be held accountable by the state.

"If they injure someone while making an arrest, they can claim tribal sovereignty. That makes any legal recourse impossible," Hatch said. "Getting damages from the tribe is impossible. Any cash awards would come from county taxpayers."

Hatch criticized Vilas County board members as "too paternalistic" in their approach to Lac du Flambeau tribal members.

"I hate the way people owning private land within the reservation can get away without paying taxes," he said. "Some day there will be a county board with enough guts to make them pay their fair share."

Hatch compared members of the Vilas County Board to the cast of the movie "Awakenings," and said he hates the way county politicians pander to reservation residents.

"I hate that kind of paternalism," he said. "And the way they move the Vilas County court to the reservation every month is nothing but racist, preferential treatment."

Hatch said differing standards for the Chippewa is part of a country-wide change in attitude.

"The whole country is in a crazy phase right now," he said. "Suddenly people who five years ago wouldn't have claimed Indian blood are now Indians."

(See PARR to be at landings, page 23)



Signs at a PARR Rally.



# STA not planning to be at landings, but PARR is

Stop Treaty Abuse/Wisconsin has filed an appeal to the U.S. 7th Circuit Court of Appeals on the spearfishing protest injunction issued last month by Federal District Judge Barbara Crabb.

Crabb issued a summary judgment in a lawsuit brought against STA/Wis. and some of its members by the Lac du Flambeau tribe, aided by the American Civil Liberties Union (ACLU). She granted a permanent injunction to the tribe banning physical interference with spearfishing.

STA/Wisconsin spokesman Dean Crist, one of the defendants, said confidently Monday that there are more than enough "material issues of fact" to allow the court of appeals to completely overturn the existence of off-reservation treaty rights (spearfishing).

Paramount in the appeal is the claim that the Chippewa sold their spearfishing rights to the federal government during the Indian Claims Commission rulings which ended in 1978.

"The Chippewa settled any and all retained off-reservation treaty rights in the court of claims. The federal taxpayers, of which I am one, paid the Chippewa more than \$20 million in three separate Indian Claims Commission dockets," stated Crist.

"Just because Governor Thompson lied to northern Wisconsin when he repeatedly promised us he would appeal the Voigt case, does not make the Voigt rulings valid," he said. "The Voigt case is based on a fallacy of law and is therefore invalid. Barbara Crabb cannot find STA/Wisconsin and Dean Crist guilty of violating a right which the Chippewa sold in the Indian Claims Commission and Court of Claims settlements."

Crist said STA/Wisconsin submitted to the district court and the court of appeals the complete "bill of sale" for any and all off-reservation treaty rights.

It will take about 90 days for STA/Wisconsin and tribal attorneys to submit briefs to the Court of Appeals. The appeal process normally takes from six to nine months.

Crist stated, "There is no question STA/Wisconsin and I are correct in our position of 'res judicata.' What is appalling is the fact the Thompson administration abandoned northern Wisconsin. STA/Wisconsin and I must now pay tens of thousands of our dollars to appeal what the governor personally promised every person in this state he would do if reelected. The good news is our documentation should quiet spearing and all off-reservation treaty rights once and for all. Which is exactly what the federal government stated in the court of claims."

Attorneys for the tribe could not be reached before press time.

(Reprinted from Eagle River Vilas County News Review, February 5 edition)



Cartoons by: Joe Heller  
Green Bay Press Gazette

# Duke predicts doing well in Wisconsin

MADISON (AP)—The Wisconsin Supreme Court voted 4-3 Monday to allow former Ku Klux Klansman David Duke to be listed as a Republican candidate on Wisconsin's April 7 presidential primary ballot.

The court's decision overturned a Presidential Preference Selection Committee's 6-5 vote in January to reject Duke's bid for candidacy. The American Civil Liberties Union of Wisconsin sued on Duke's behalf, saying he had a right to a spot on the ballot.

Duke said he was pleased with the court's decision, saying it shows "the Republican Party and the Democratic Party are not private clubs."

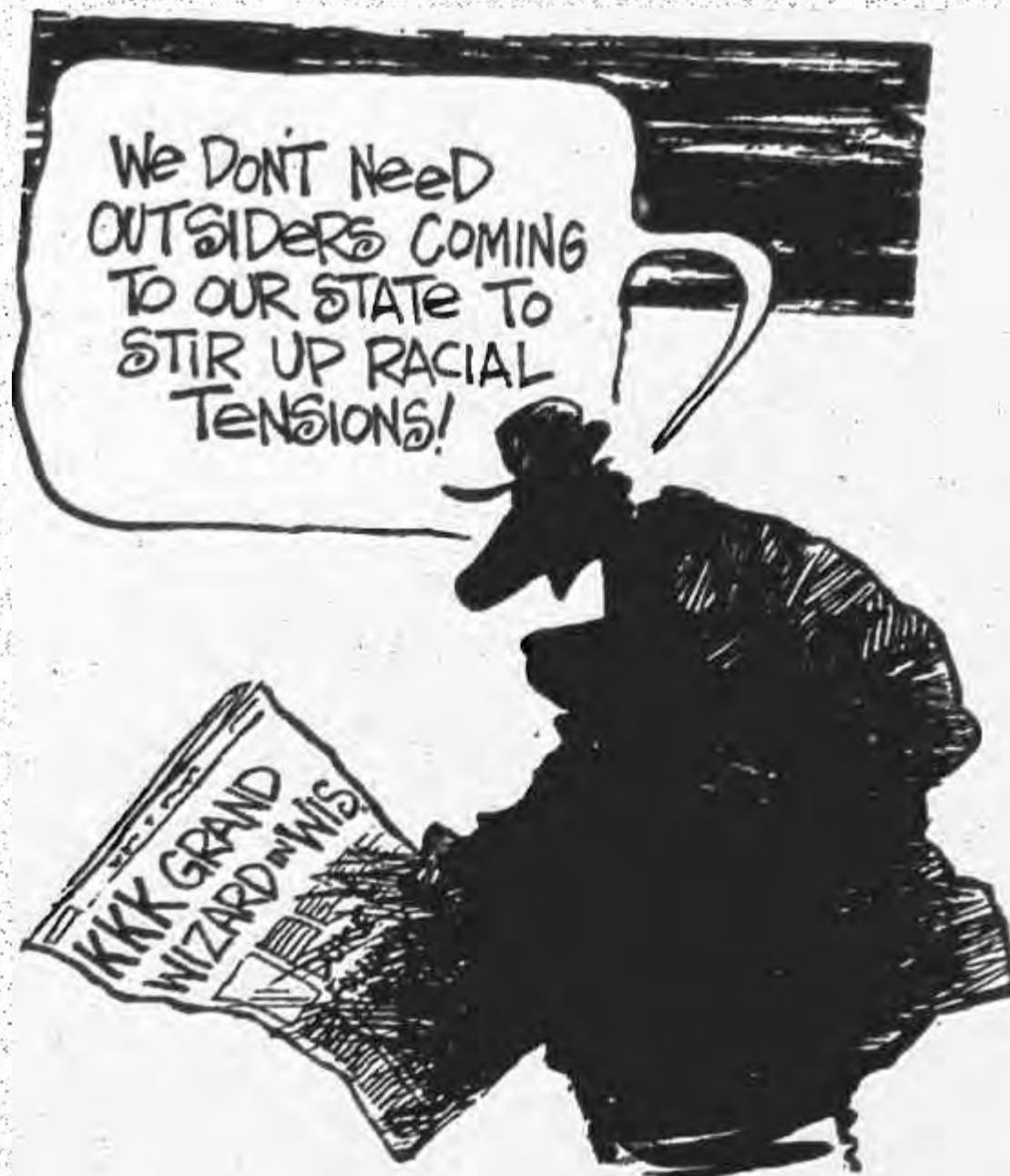
"I think it was an affirmation of the idea that this is America and that anyone has a right to run for president and that voters have the right to vote for whomever they choose," Duke told WTMJ-TV of Milwaukee.

"I'm definitely making plans to come to Wisconsin," Duke said. "I think Wisconsin will be an excellent state for me."

The high court decided Duke should be listed as a GOP candidate, along with Harold E. Stassen, who is making his 10th bid for the White House, and Wisconsin farmer Emmanuel L. Branch of Dodgeville.

Democrats who are entitled to be listed, the court said, are former U.S. Sen. Eugene McCarthy of Minnesota, conservative Lyndon H. LaRouche Jr., and Larry Agran, mayor of Irvine, Calif.

Duke, Stassen and Branch will be listed with President Bush and columnist



Patrick Buchanan in the Republican column.

McCarthy, LaRouche and Agran will join five Democrats named by the committee: former California Gov. Edmund "Jerry" Brown, Gov. Bill Clinton of Ar-

kansas; U.S. Sen. Tom Harkin of Iowa; U.S. Sen. J. Robert "Bob" Kerrey of Nebraska, and former U.S. Sen. Paul E. Tsongas of Massachusetts;

Republican Gov. Tommy G. Thompson, who had called Duke a "Charlatan,"

said the Supreme Court's decision was a mistake, but predicted voters will "shun the racist and anti-democratic views" of Duke in the primary.

Wisconsin Attorney General James Doyle said the decision to name Duke and LaRouche to the ballot was "sort of a wash" for the Republican and Democratic parties. "The Republicans get Duke and we get LaRouche," Doyle said of LaRouche, a conservative Democrat.

An attorney for the Democratic Party of Wisconsin argued before the state Supreme Court on Friday that Duke's name should be on the ballot because the selection panel failed to carry out its statutory obligation to list all "generally advocated or nationally recognized" White House aspirants.

"There are no bosses in this process," attorney Robert Friebert said of Wisconsin's 90-year open presidential primary balloting in which voters can cast ballots for candidates regardless of their party affiliation.

The state selection committee had declined, on a 6-5 vote, to list Duke, who was unanimously opposed by the panel's five Republicans. They were joined by the committee chairman, University of Wisconsin law professor Gordon Baldwin.

(Reprinted from The Daily Press, Tuesday, March 3rd edition.)





# Schools move to implement curriculum

By Sue Erickson  
Staff Writer

Bad River Education Coordinator Dana Jackson presented two Eagle Feathers to the care and keeping of Ashland school administrators, Supt. Don Kolek and Elementary Principals Al Lundquist and Don Johnson during an in-school pow-wow in February. Jackson noted that the Eagle Feather is a "symbol of getting along better together, and there to protect Native children in school."

The presentation highlighted a day of activities aimed at understanding Ojibewa culture and traditions and was in line with the implementation of the Indian education curriculum mandated for inclusion in schools this year, Jackson said.

The event, coordinated by Charlotte Dickerson, Cultural Resources Coordinator for the school, was sponsored by the Title V Parent Advisory Committee of Ashland, Wisconsin.

Members of the Bad River Three Fires Society as well as the Bad River Drum were brought into the school for an authentic pop-wow.

Master of Ceremonies Eddie Benton, Three Fires Society, Lac Courte Oreilles, provided an explanation of events as they occurred, including the introduction of the Drum, the Grand Entry, Eagle Feather Presentation, Honor Songs and inter-tribal dances.

Ojibewa children from the school joined visiting adult dancers in full dance outfits. Traditional dancers, grass dancers, jingle dress dancers, fancy dancers were all represented.

Dancers were enthusiastically joined by the student body during several inter-tribal dances. The gym literally became one mass of dancing bodies moving around the Drum in the center.

As Benton explained to the children, "When people can dance together, they don't have time to argue or dislike each other."

Benton also commented further on the significance of the Eagle Feather, which is a very special symbol for the Ojibewa people. He told the school that the Feather comes to them "with all the hopes for the future turned over to you and hope that the children find equality and a quality education on our terms."

Prior to the actual pow-wow, entitled "Dance for Mother Earth," speakers from the Three Fires Society met in the classroom with children to explain and acquaint them with some aspects of the culture as well as to answer questions. Penny Charette Powless, one of the presenters, found the children very attentive and interested both in the classroom and during the pow-wow.

Because of the large student body, two separate Eagle Feather presentations and pow-wows took place. The K-2 student body was first, followed by another session for 3-5 grade pupils.

Dana Jackson, Bad River Education Coordinator, (center) joins Ashland elementary students in a dance at the school gymnasium. The pow-wow at the school was part of an overall initiative to promote understanding of the Ojibway culture.



Dana Jackson, Bad River Education Coordinator, joins Ashland elementary students in a pow-wow provided for the entire elementary school in February. The event was part of an initiative to promote a better understanding of the Ojibway communities and culture within the schools. (Photo by Sue Erickson)

## AIMS Scholarship needed now more than ever

By Mike McLean  
Minnesota Sea Grant

As American Indians exercise the right to use resources in the ceded territory, the need for professional tribal fisheries and wildlife managers is greater than ever. But college-level training can be expensive and remote.

American Indians in Marine Science (AIMS) is a three-year program that helps American Indian students earn a college degree in the aquatic sciences from the University of Minnesota-Duluth. AIMS provides comprehensive financial support for up to three years of undergraduate course work in one of five areas of study: chemistry, geology, biology, environmental law, and business administration.

More than a decade ago, University researchers studying water quality problems on Ojibwe reservations had a problem: there were no Indian students in the sciences at University of Minnesota-Duluth at all, no students to help with critical field studies, no students working to take their place as resource management leaders. Sea Grant responded to requests from Indian leaders to fill that gap, and beyond that to provide a cadre of Indian professionals who would serve as role models for Indian youth.

AIMS was set up to give graduates the skills to assume positions of leadership in natural resource management both on and off the reservation—positions usually held by non-Indians for lack of qualified Indian scientists.

An AIMS education includes doing up to three years of scientific research into improving fish, plant, and water life. Students who are selected for the AIMS program gain that research experience while

earning a four-year undergraduate degree from the University of Minnesota-Duluth.

If you are an American Indian sophomore student with a 2.5 or better GPA, you are encouraged to apply. You must be planning a career in aquatic resource management and have a desire to do research.

American Indian students use their AIMS experience to launch careers in environmental law, wildlife and aquatic resource management, geology, fish biology, conservation—the possibilities are boundless. A college degree, plus research experience, gives graduates a head start.

"Sea Grant's AIMS program helped quite a bit. Not only with money, but with making professional connections that continue to this day," said Mike Swan, natural resources manager for the White Earth Bank of Ojibwe. Using the AIMS program, Swan earned his degree from the University of Minnesota-Duluth.

Tuition, books, supplies, fees and other education expenses are paid by the American Indians in Marine Sciences program. AIMS students also receive a monthly stipend. American Indians into Marine Science (AIMS) is one of six programs offered by the Center of American Indian and Minority Health under the leadership of Gerald Hill, M.D., Director, for primarily American Indian post-secondary and high school students.

AIMS is funded by the Minnesota Sea Grant College Program. Sea Grant is a statewide program that supports research, extension, and educational programs related to Lake Superior and Minnesota's water resources. Sea Grant offices are located on the Twin Cities and Duluth campuses of the University of Minnesota.

For more information, or to apply, write: AIMS, CAIMH, 162 Med, 10 University Drive, Duluth, MN 55812.



Jim St. Arnold, GLIFWC Administration for Native Americans (ANA) Program Director, provides a presentation on treaty issues at the Chippewa Valley Museum, Eau Claire. St. Arnold spends much of his time answering speaking requests for schools and community organizations who seek a better understanding of Chippewa treaty rights and resource management. (Photo by Amoose)





# MASINAIGAN readership survey

## We need to know what you need to know!

MASINAIGAN is in the process of both updating its subscription list and considering possible changes in the publication. Therefore, we would be very appreciative if readers would respond to the few questions below. Your comments will be very helpful to us in planning for an improved newspaper.

Two changes have already been implemented. For one, we have switched to the tab size, making the paper easier to carry and to distribute at shows and booths. Secondly, the MASINAIGAN will be coming out on a quarterly basis: Winter, Spring, Summer and Fall editions.

Please keep in mind that the MASINAIGAN is published by the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) which represents 13 Chippewa Tribes in Michigan, Minnesota and Wisconsin. GLIFWC's primary goals relate to the implementation of off-reservation treaty hunting, fishing and gathering rights in the ceded territory on behalf of its members. This involves both protection of the treaty rights and the preservation of the natural resources concerned. Consequently, the MASINAIGAN, focuses on issues relating to the exercise of treaty rights and the preservation of those rights and the resources.

*Questions—Please circle your answers and return survey to MASINAIGAN, P.O. Box 9, Odanah, WI 54861.*

1. Do you wish to continue receiving the MASINAIGAN?      YES      NO  
If not, please include your address so we can remove you from our mailing list.
2. Have you recently changed address? (please print your address change below)
3. Are you an enrolled tribal member?      YES      NO
4. Does MASINAIGAN provide enough coverage of treaty issues?      YES      NO
5. Does MASINAIGAN provide enough information regarding off-reservation seasons for tribal members?      YES      NO

6. Does MASINAIGAN provide the needed information for the non-Indian public?      YES      NO
7. Should MASINAIGAN include more material about the Chippewa culture?      YES      NO
8. Is MASINAIGAN too technical?      YES      NO
9. Should MASINAIGAN be published more than quarterly?      YES      NO
10. Are you from (circle one) Michigan, Minnesota, Wisconsin, or other (please state)?

### READERS' COMMENTS:

What would you like to see the MASINAIGAN cover?

What should be excluded from the MASINAIGAN?

Do you have other suggestions that would make MASINAIGAN more helpful to its readers?

## PARR to continue landing protests

(Continued from page 20)

He said getting any court ruling limiting Chippewa off-reservation gambling is particularly difficult.

"As long as reservation gambling is as big as it is in Wisconsin, there will be few politicians willing to threaten Indian's retained rights," Hatch said. "The political climate in the state right now just won't allow for any changes."

### Link to national group

Peterson said PARR is looking to link with national organization opposing environmental groups and anti-hunting.

Peterson said PARR sees environmentalists and native Americans as part of a conspiracy to erode recreational users (hunters and fishermen) rights in the outdoors.

"We started the National Alliance for America at a PARR meeting in 1989," Peterson said. "We're concerned that sportsmen won't have access to the state's resources if the anti-hunting groups have their way."

Peterson called the Endangered Species Act a weapon of environmentalist groups and part of their effort to shut down the sport of hunting in the U.S.

He blasted Sen. Daniel Inouye (D-Hawaii) for trying to amend the Migratory Bird Act allowing native Alaskans to harvest migrating ducks and geese. He said the act would also allow Canadian Indians to kill birds and eliminate the Western Flyway.

"And pretty soon there will be no ducks by the docks around here, either," Peterson said.

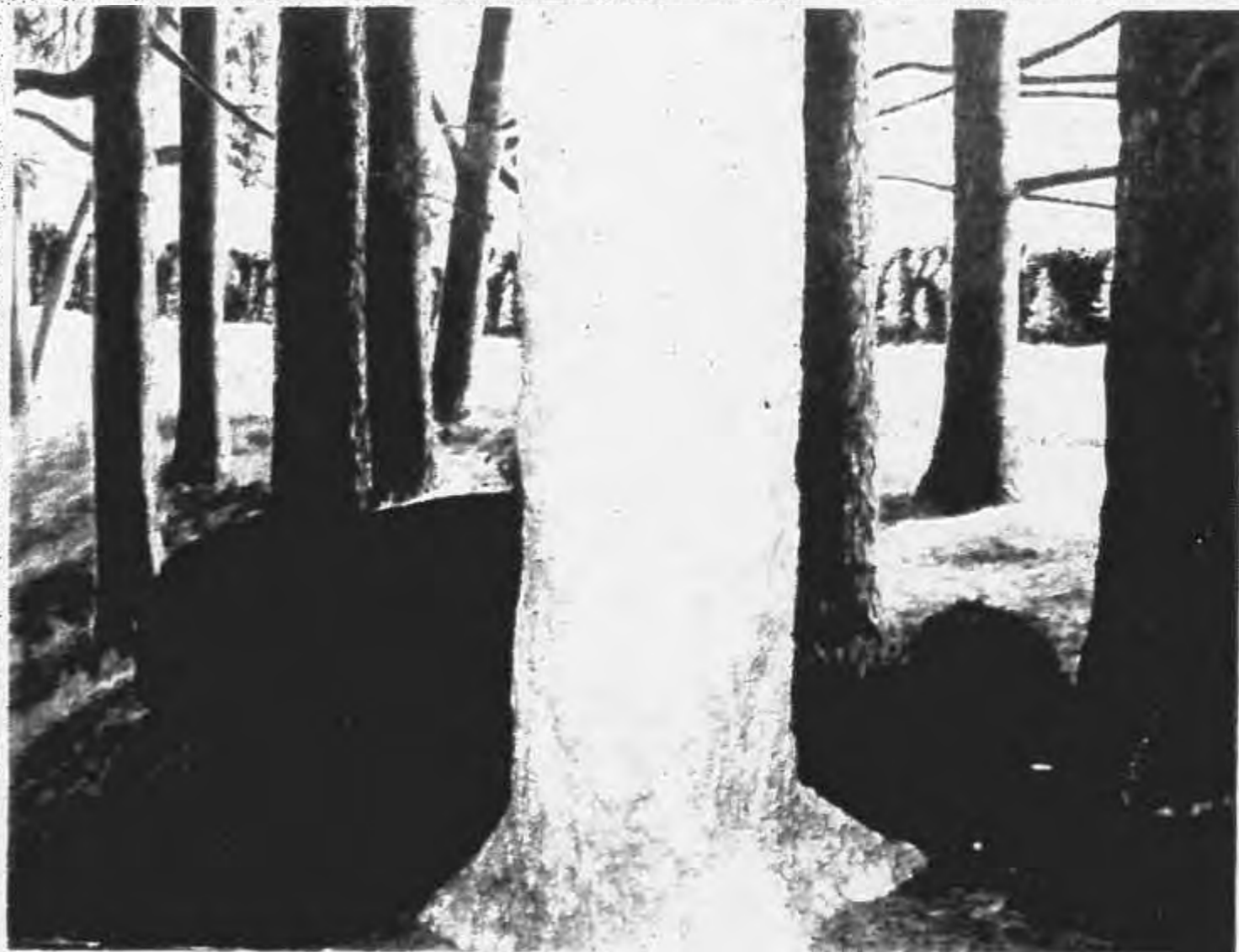
### STA/Wisconsin appeal

PARR members reviewed the STA/Wisc. appeal of a suite filed against the organization by the American Civil Liberties Union and the Lac du Flambeau tribe.

The organization's appeal contends that Chippewa tribal members have no standing to file the suit because they were not full-blooded descendants of those full-blooded Indians who signed the treaties in the 1800's.

The appeal also states that Wisconsin tribes in 1972 agreed to give up their right to hunt and gather in the ceded territory for \$20.1 million.

(Reprinted from the Lakeland Times, February 25th edition)



Moquah (bear) and amik (beaver) appear in a simulated setting. The wildlife display at the Chippewa Valley Museum, located in Eau Claire, Wisconsin, features realistic appearing animals in a natural environment. (Photo by Amoose)





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## Holding up our end of the pact

Our country sets a high value on negotiating and honoring international treaties. However, the U.S. has a disturbing track record when it comes to treaties made between the federal government and Indian tribes. Tribes have had to take claims to the courts and to Congress because the federal government has unilaterally violated and abrogated treaties. Shouldn't these U.S. treaties be honored, both in letter and intent? What can be done to ensure that they will?

In its early history the United States signed numerous treaties with the indigenous populations of this country, in which Indian tribes granted some rights to the U.S. A treaty is defined as an agreement between two sovereign nations, and is recognized by international law as binding and legal. In addition, the U.S. has a trust responsibility that grows out of some of the early treaties to uphold its "legal and moral duty to assist Indians in the protection of their property and rights."

The primary motivation of the U.S. in treaty-making was a desire for land, peace, and trade in order that the new nation might grow and prosper. As the country grew in population and strength, federal policy shifted. After 1871, the U.S. no longer recognized the sovereignty of Indian nations and ceased to negotiate treaties, although for a period it did negotiate agreements which are as binding as treaties.

Each branch of the government is responsible for carrying out the provisions of treaties and agreements, and is therefore responsible when they are violated or abrogated. There are currently many outstanding claims before Congress and the courts as a result of treaty abrogations. These include disputes over land and land use, fishing and hunting rights, water rights, and questions of jurisdiction. A report by the Institute for the Development of Indian Law found that treaties are abrogated in many ways: Congress does not always appropriate sufficient funds to carry out treaty provisions; various federal policies, such as the "termination policy," have allowed Congress and federal agencies to completely disregard treaty provisions; and Congress has assumed in some cases that all rights were signed away to the U.S.

Those who oppose honoring treaty provisions argue that treaties are antiquated, unconstitutional, and invalid. They also argue that treaties grant Indians special rights that the average citizen does not have. "The relationship between the U.S. and the Indian nations is unique but is not groundless. The U.S. Constitution states that "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." Age has not invalidated treaties any more than age has invalidated the Constitution. The U.S. Supreme Court has generally upheld the validity of Indian treaties and has often decided ambiguities in favor of the Indian tribes, by applying the maxim of international law that a "treaty should be interpreted as the parties understood it, at the time it was negotiated and signed." The courts have also recognized that there are vast differences, in many cases, between what was said and what was actually written down.

In exchange for peaceful relations with the U.S. government, Indian nations signed treaties, giving up vast tracts of land which were integral to their way of life. We cannot continue to violate treaties and deny Indian tribes the rights which they protect.

*(Reprinted from FCNL Washington Newsletter, January '92 edition)*



### MASINAIGAN STAFF: (Pronounced MUZ IN IAY GIN)

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MASINAIGAN (Talking Paper) is a quarterly publication of the Great Lakes Indian Fish & Wildlife Commission, which represents thirteen Chippewa tribes in Michigan, Minnesota and Wisconsin.

Subscriptions to the paper are free. Write to MASINAIGAN, P.O. Box 9, Odanah, WI 54861 or phone (715) 682-6619. Please be sure and keep us informed if you are planning to move or have recently moved so we can keep our mailing list up to date.

MASINAIGAN reserves the right to edit any letters or materials contributed for publication as well as the right to refuse to print submissions at the discretion of the editor.

Letters to the editor and guest editorials are welcomed by MASINAIGAN. We like to hear from our readership. The right to edit or refuse to print, however, is maintained. All letters to the editor should be within a 300 word limit. Submissions should be received by the 10th of the month in order to be included in the upcoming edition.

Letters to the editor or submitted editorials do not necessarily reflect the opinion of the Great Lakes Indian Fish and Wildlife Commission.

Mille Lacs elders heard that times are changing for Mille Lacs—this time for the better. The State of the Band message presented by Chief Executive Marge Anderson. (Photo by Amoose)