

The "Voigt Decision" has placed before the Lake Superior Chippewa not just the affirmation of hunting, fishing, and gathering rights...but also the responsibility for resource management and the authority to intervene if these treaty protected resources or habitats are threatened. —Masinaigan, July 1984

**Tribes signed treaties with the United States ceding land and reserving the right to hunt, fish, and gather on the territory ceded.**

1836 March 28, 1836	1837 July 29, 1837	1842 October 4, 1842	1854 September 30, 1854
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**1965**  
Keweenaw Bay tribal member William 'Boyzie' Jondreau is arrested for fishing on Lake Superior (Gichigami). An officer from the Michigan Department of Conservation issues a citation for illegal possession of lake trout.  
The Michigan Supreme Court recognized that fishing off-reservation in Gichigami is a right protected by the Treaty of 1854.  
**People v. Jondreau (1971)**

**1975**  
Lac Courte Oreilles (LCO) Band sues Wisconsin in federal court to stop enforcing state law against tribal members on the basis of the tribe's reserved rights to hunt, fish, and gather off-reservation.  
Lester Voigt, Secretary of the Wisconsin Department of Natural Resources (WDNR) is named as a defendant along with the Sawyer County Sheriff, District Attorney, and the two arresting wardens.

**1979**  
Judge Doyle rules that the Band members relinquished their off-reservation rights by accepting permanent reservations.  
Lac Courte Oreilles appeals Judge Doyle's decision to the U.S. Court of Appeals, 7th Circuit.

**Gaining momentum**  
Five additional tribal signatories to the 1837 and 1842 Treaties: Bad River, Red Cliff, St. Croix, Lac du Flambeau, and Sokaogon/Mole Lake join LCO in the litigation, asserting that they also retained off-reservation harvest rights.

**1983**  
The United States Supreme Court refuses to hear the State's appeal, thereby affirming the ruling of the 7th Circuit.

**1969**  
Red Cliff and Bad River tribal members including Richard Gurnoe of Red Cliff are arrested for gillnetting on Gichigami.  
The Wisconsin Supreme Court overturned a Bayfield County decision, affirming that the 1854 Treaty protected Red Cliff's right to fish off-reservation.  
**State of Wisconsin v. Gurnoe (1972)**

**1974**  
LCO tribal members Fred & Mike Tribble are arrested by WDNR wardens and charged with possession of a spear, occupying an ice shanty without name/address attached, and harvesting fish without a state license.  
The Tribble brothers were found guilty by a Sawyer County judge.

**1983: A ruling that respects sovereignty**  
January 25, 1983 the 7th Circuit Court of Appeals rules in favor of Lac Courte Oreilles, agreeing that Band members' right to hunt, fish, and gather off-reservation were reserved and protected in a series of treaties with the United States government.  
A three judge panel of the 7th Circuit Court of Appeals reverses Judge Doyle's ruling and returns the case back to the District Court for the two parties to determine how the treaty rights will be implemented.  
**Lac Courte Oreilles v. State of Wisconsin (1983)**

**1983**  
The legal basis for making treaties with the Indians was established as early as the sixteenth century by lawyers in the Spanish court. Although vast portions of the New World were claimed by the conquistadors, Spain still felt that the Indians enjoyed some vague "aboriginal title" to their lands. The United States sought to obtain the "voluntary consent" of Native Americans before usurping their lands. Other European and American legalists also granted Indians the same "aboriginal title" to their lands.

**1987**  
PHASE I of the LCO litigation clarifies that tribes can:  
1) use modern methods and sell the harvest  
2) harvest a quantity sufficient to ensure a modest standard of living

**1984**  
GLIFWC is formed by Ojibwe treaty tribes to implement off-reservation harvests and protect natural resources.



**Ongoing stipulations**  
*The LCO Voigt Decision is a living case*

**1990**  
Judge Crabb issues a ruling stating, "all of the harvestable natural resources in the Ceded Territory are declared to be apportioned equally" setting the allocation of treaty resources at 50% of the total resource available for harvest, under the 1837 and 1842 Treaties.  
Crabb also rules night hunting was not permitted due to public safety concerns.

Negotiations between the Bands and the State to determine harvest regulation and quotas occur annually for eight years.

**1990-1999: Building on the LCO v. Voigt case**  
The Mille Lacs Band files suit against the State of Minnesota claiming that the State's natural resources laws and regulations violate the Band's hunting, fishing, and gathering rights.  
**1999: The U.S. Supreme Court rules in favor of the treaty Bands' in a 5-4 decision.** This decision serves to end the debate that began over 20 years prior when LCO filed suit against Wisconsin in 1974.  
**State of Minnesota v. Mille Lacs (1999)**

**1991**  
The right to gather maple sap, birch bark, firewood, and miscellaneous forest products is affirmed.

**2013-2015**  
Six Ojibwe bands reopen the night hunting prohibition issued by Crabb.  
The Night Hunting Case challenges the 1990 ruling, and the 7th Circuit Court of Appeals overturns the night hunting restriction.  
In 2015, after the State of Wisconsin unsuccessfully appeals to the U.S. Supreme Court, the District Court approves the tribes' night hunting regulations.



**2021**  
Tribes bring litigation alleging that the Wisconsin wolf hunt violates their treaty rights. Before a decision was rendered, a separate court enjoined future hunts, and the wolf was relisted under federal protections.  
The U.S. Department of Interior issued a letter stating, "the Department's view is that the State of Wisconsin must honor the Ojibwe Tribes' reserved rights, including their right to protect."

This map of Wisconsin shows the overall territory of the Ceded Territory, and the Wisconsin DNR listing of public lands currently in the State of Wisconsin.  
LCO 40th design by Wesley Ballinger, Mille Lacs Band of Ojibwe  
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