

MICHIGAN CIVIL RIGHTS COMMISSION

REPORT OF FINDINGS AND RECOMMENDATIONS

Following a Public Inquiry Into the Impact of
the Treaty Fishing Issue on Indian People in
Michigan Held in Ludington, Michigan, on
July 23, 1984.

Dr. Ronald L. Quincy, Director
Michigan Department of Civil Rights
State of Michigan Plaza Building
1200 Sixth Avenue
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Submitted to the Commission
February 20, 1985

Introduction

In May of 1979, Noel P. Fox, Chief Judge, United States District Court for the Western District of Michigan, rendered a decision in the case of United States vs. Michigan. Included within this ruling is the following summary on the right of Indians to fish:

"In summary, the wellspring of the reserved right to fish in the ceded waters of the Great Lakes rests on its implied reservation from the grant of land from the Indians to the United States and also on Article Thirteen. The right is implied because it was never explicitly ceded away by the Indians; thus, they retained it. The reason it was not granted was because the Indians were too heavily dependent upon fish as a food source and for their livelihood to ever relinquish this right."

The following is a chronology of events leading up to and following this Federal Court decision:

- 1814: The Treaty of Ghent was signed by the United States and England. This treaty put an end to the War of 1812 and recognized sovereignty of Indian nations.
- 1836: United States and Chippewa and Ottawa Bands signed a treaty that ceded lands, twenty-three of which later became the State of Michigan and maintained certain rights of occupation, including fishing rights.
- 1855: United States and Indian bands of Michigan signed a treaty which set aside lands for Indians, encouraged the dissolution of the Ottawa and Chippewa Nations and provided for Indian removal to lands west of the Mississippi if accepted by Indians. This treaty did not abandon fishing rights.
- 1971: Mr. Albert LeBlanc of the Bay Mills Reservation found guilty of fishing without a state license and using gillnets in violation of the state law, People vs. LeBlanc.
- 1972: Court of Appeals upholds lower court decision against LeBlanc.
- 1972: The Michigan United Conservation Clubs sued two Indian fishermen. Donald and Jacob Anthony and the Bay Mills Indian community because of fishing activity they believed was damaging the resource. An Ottawa County Court ordered defendants to adhere to state regulations. MUCC vs. Anthony.
- 1973: The Department of Interior initiates U.S. vs. Michigan to enjoin the state from interfering with the tribal right to fish.
- 1976: Michigan Supreme Court rules in People vs. LeBlanc - treaty of 1836 gives Indians the right to fish with gillnets.

- 1979: Federal District Court rules in favor of Indians in U.S. vs. Michigan, upholding Indians right to fish.
- 1981: Federal Court of Appeals in U.S. vs. Michigan upholds that the Treaty of 1836 guarantees Indian fishing rights subject to state regulation only if the state can prove tribal regulations are inadequate to protect the resource. The State fails to submit evidence to that effect. Court allows tribal regulations to remain.
- 1981: U.S. Supreme Court refused to review U.S. vs. Michigan, making the Court of Appeals decision final.
- 1982: Negotiations between tribes and state continue regarding "allocation of resources."
- 1984: Federal District Court assumes jurisdiction of "allocation of resources" issue. Court decision pending.

In Michigan, the affirmation of Indian treaty rights has resulted in confrontations between treaty fishermen and sport fishermen. This confrontation has gone beyond just the involvement of these two groups to include American Indians who have no involvement with the fishing issue. Confrontations have even found their way into the school classrooms. In March of 1983, the Michigan Civil Rights Commission received from the Director a fact-finding report of allegations of discriminatory actions directed at Indians in Michigan.

On May 23, 1984, the Commission unanimously supported a motion by Commissioner Clark to hold a public hearing in Ludington on alleged civil rights violations against Indians related to the fishing issue.

The public hearing was conducted on July 23, 1984, in the main conference room of the Ramada Inn, 4079 W. U. S. 10, Ludington, Michigan, at 9:30 a.m. The following Commission members were present:

1. Catherine C. Blackwell, Vice-Chairperson
2. Beverly Clark, Member
3. Michael C. Hidalgo, Member
4. Benny N. Napoleon, Member

The hearing was chaired by Vice-Chairperson Catherine C. Blackwell, Testimony was transcribed by a court reporter. Copies are on file with the Department.

The purpose of the public hearing was to gather information and assess the nature and extent of alleged discriminatory practices in the treatment of Native Americans as a direct result of the Indian treaty fishing controversy. The Department of Civil Rights had previously received several complaints from American Indians relating to this issue and, therefore, decided to hold this hearing in an area of Northern Michigan where the Indian fishing controversy was having its fullest impact.

The Commission sought testimony from Native Americans, sport fishing organizations, state agencies, elected officials, tribal officials and other interested parties.

Testimony was heard from twelve witnesses, two letters providing written statements were also received. Those providing testimony were as follows:

Colonel Gerald Hough, Director
Michigan Department of State Police

Dr. Ronald Skoog, Director
Michigan Department of Natural Resources

Mr. Andy Pelt, Executive Director
Michigan Steelheaders and Salmon Fishers Association

Officer Ben Carrick, Conservation Officer
Bay Mills Indian Community

Dr. George Cornell, Assistant Professor and Director
Native American Institute, Michigan State University, and
Member of the Michigan Commission on Indian Affairs

Mr. Charles Williams
Treaty Fisher

Mr. Joseph Genia, President
Northern Michigan Ottawa Association and
Member of the Michigan Commission on Indian Affairs

Ms. Yvonne Walker, Member
Northern Michigan Ottawa Association and Treaty Fisher

Dr. Eugene Cain, Assistant Superintendent
Michigan Department of Education

Mr. William LeBlanc, Executive Director
Michigan Commission on Indian Affairs

Mr. Gerry Mayer
Citizen of Mason County

Mr. Robert Peterson
Treaty Fisher

Written testimony provided by:

Mr. Arnold Sowmick, Tribal Chairperson
Saginaw Chippewa Indian Tribe
Mt. Pleasant, Michigan

Mr. Frank Krist, Chairperson
Fisheries Committee of the Presque Isle County Sportsmen's
Club, Inc., Rogers City, Michigan

This public hearing to examine the alleged discriminatory practices in the treatment of Native Americans as a direct result of the Indian treaty fishing controversy provided an opportunity for the Commission and the Department to hear directly from organizations and individuals on both sides of this issue.

Backlash Issues

When non-Indians are threatened by gains made in the area of Indian rights, counter offenses may be mounted. These efforts take many forms, some of which are legislative and policy oriented, and some of which are in the form of harassment and violence. In regard to the complaints received from American Indians, Commissioner Catherine Blackwell stated:

"Many complaints arise directly from the dispute over treaty fishing. They represent a problem of growing dimension that can, without close attention, become even more serious as time goes on." (p.6)

In order to present a clearer picture of the type of harassment endured by Indian fishermen, Mr. Robert Peterson, a licensed tribal fisherman, testified:

"Last summer, we were out fishing. It was a Saturday and there was a tournament going on at the time; and there was this one guy that -- he called the sport boats to chase us down -- they were cutting across in front of us and they wouldn't let us come in and we were scared for our lives that day." (p. 103)

Colonel Gerald Hough, Director of the Michigan State Police testified:

"In 1980, a meeting was held by officials of the Michigan State Police, Department of Civil Rights, Department of Natural Resources and the Bureau of Indian Affairs. Our joint objective was to establish a means of clarifying rumors,

preventing minor incidents from escalating and controlling any major problems." (p.8)

The fact that this meeting was held to discuss enforcement and preventive measures indicates the concern of those agencies over the possibility of major problems related to the treaty fishing issue.

Dr. Ronald Skoog, Director of the Michigan Department of Natural Resources, provided additional testimony regarding the violation of Indian civil rights when he stated at the hearing:

"So what we've decided in the tribes and the DNR is to establish two committees: one in which we would bring together the Department of Civil Rights and the Tribal P. R. people, as well as our own DNR, and try to work out a means whereby we can get information out during the fishing season as to -- in such a way as to acquaint people with the fact that we are not going to tolerate these violations of property." (p. 25)

The matter of backlash efforts by non-Indians have not escaped the leadership of the sport fishing community. Mr. Andy Pelt, Executive Director of the Michigan Steelheaders and Salmon Fishers Association stated at the hearing:

"I am aware, as you are aware, that we have had numerous problems in the Great Lakes in the past year and a few this year with controversies between Native American fishermen and sport fishermen." (p. 33)

Backlash issues have reached beyond just the involvement of tribal fishing into other such areas as the public school classroom. Dr. Eugene Cain, Assistant Superintendent of the State Department of Education, testified:

"The state of Indian education in this state is not good. If we look at some very, very alarming indicators, about 43 percent of Indians in Michigan have not completed a high school education. There is a tremendous decline in the number of Indian high school graduates. Also between the ninth and twelfth grades, we have almost 30 percent of Indian student population opting to drop out of school." (p. 82)

Harassment of Indian school children because of the treaty fishing dispute makes successful academic and social progress difficult and, therefore, has a direct role in affecting Indian dropout and suspension rates. The Department of Civil Rights has received several complaints from American Indians who have been subjected to harassment in public schools because of the treaty fishing controversy.

In August of 1983, the Department of Civil Rights issued a report on Indian school dropout rates and incidents of harassment which included the following:

"Harassment of Indian school children has been documented in previous reports to the Commission and is further detailed by complaints which have been filed with this department . . . a resident of Suttons Bay, appeared before the Commission and described the harassment which her children experienced, the indifference of school officials toward her complaints, and the need, ultimately, to transfer her children to a private school. In Whitehall, the continuing harassment of Indian children of a certain family by other school children ultimately resulted in a fatal heart attack of the father who sought to protect his sons. In the past, complaints have been filed with the Department against the Haslett, Clarkston, Watervliet, Ludington, Charlevoix, Forest Park, St. Clair Shores and Bath School Districts. In all of these complaints, American Indian children were allegedly subjected to harassment."

The harassment of Indian children in public schools continues to be a major issue as a direct result of the Indian fishing controversy.

The problem of police response to Indian complaints came up several times in the hearing testimony. This problem has also been reported on several occasions in the past to the Department of Civil Rights from various Indians across the state. Mr. Ben Carrick, Bay Mills Tribal Conservation Officer stated:

"When Indian fishermen would have a complaint they would go to the county sheriff deputies and they may or may not have been ignored but never anything would happen." (p. 48)

When Mr. Charles Williams, tribal fisher, testified before the Commission, he recounted several incidents of vandalism to his fishing equipment. In response to a question from Commissioner Blackwell with respect to whether he had reported this information to the police, he stated:

"They have refused to respond." (p. 68)

Mr. Robert Peterson, tribal fisher, replied in response to a question from Commissioner Clark:

"We probably had around \$10,000 worth of net stolen from us from sport groups . . . well from sport fishermen on the lake -- and we went down and we filed complaints with the sheriffs department and they take it all down, say they'll get back with us and they never do -- it's hard to get any help." (pp. 107-108)

One attempt by police departments to improve service to minority communities in the past has been to hire officers from minority communities. On this subject Commissioner Napoleon asked Colonel Hough the number of Native Americans currently employed as troopers. The Colonel responded that he did not know but would make that information available. (The Colonel did, at a later date, provide the requested information concerning the American Indian employees in his department; 10 American Indian men are troopers and one woman. Civilian personnel included five women and two men who are American Indian.)

Commissioner Hidalgo raised the point with the Colonel on the number of persons who have, in fact, been prosecuted as a result of confrontations on the fishing issue. The Colonel stated he did not know. When pressed further by Commissioner Hidalgo, he stated, "I am positive that there are some." (p. 20)

Communication Issues

Communication, or the lack of it, has played a vital role in the treaty fishing controversy. Such issues as the depletion of the resource, gillnets vs. trap nets, and the role of the media are all directly tied to problems of communication and education regarding the true facts in each of these subject areas. In the written testimony provided by the Presque Isle County Sportsmen's Club, Inc. to the Civil Rights treaty fishing hearing, the chairperson stated:

"In summary we would like to state that both the Indians and sports fishermen have suffered many injustices because of the controversy. The biggest obstacle to a workable solution has been the lack of communication between the sportsmen at the local level and the Indian fisherman. For example, an Indian fisherman in the Grand Traverse area equipped himself with trap nets so that the sports fish could be released yet he still encountered problems with sportsmen. We feel much more education and communication should have taken place between the local community that was affected and the Indian fisherman. A new program cannot be expected to succeed unless all the parties involved understand the proposals."

Failure to communicate an understanding of technical problems in fishing operations was also seen as a problem by other witnesses.

The Department of Natural Resources and sport fishing organizations have, for years, contended that gillnets, because of their non-selective method of harvesting fish, were depleting sport fish resources. Therefore, the Department of Natural Resources began efforts to promote the use of trap net operations by Indian fishers. The DNR and sport fishers supported this change of netting operation because they said that trap nets would allow the return of sport fish caught in these types of nets. Several tribal fishers have changed from gillnet to trap net operations and now find that trap nets are also seen as a problem by the DNR and sport fishermen.

Dr. Skoog:

"...the sport fishermen, in dragging their lures and outrigger gear in that area, very often get hung up in the nets. It applies, though, not only to the gillnets. It also is a problem with the trap nets wherever they are." (p.33)

The problem of sport fishers having their equipment caught up in the nets of Indian fishers is the cause of much of the current confrontation between sport fishers and treaty fishers.

Sport fishers fishing in areas where non-Indian commercial fishing is taking place apparently do not experience the same problem of getting caught in these commercial fishing nets. Again, the Presque Isle County Sportsmen Club stated:

"In the Rogers City area we have proven that a sports fishery can co-exist with a commercial fishery. For example, Gary Lamb, a commercial trap netter, has been fishing near Rogers City for many years without encountering problems with sportsmen. This has been possible because an effort has been made to communicate and work together."

One of the main issues that has, for years, fueled the treaty fishing controversy is that of resource depletion. The State of Michigan and sport fishing organizations have for years contended that Indians using gillnets are depleting the Great Lakes of sport fish.

Mr. Pelt:

"...the area involved isn't capable of handling that many users, be they Indian fishermen or be they sport fishermen." (p.40)

Mr. William LeBlanc, Director of the Michigan Commission on Indian Affairs stated:

"Indian people today in total use less than 10 percent of the total resources -- the total fish resource of the Great Lakes." (p. 88)

As these two statements indicate there is still a question in the minds of both Indian and sport fishers as to who is actually depleting the resource.

One area that has long been a concern in the treaty fishing issue is that of the role of the media. Many individuals within the American Indian community have felt that the media has distorted the truth regarding the role of treaty fishermen. Sports and outdoors writers from several Michigan newspapers have written articles for years which blamed the treaties and treaty fishers for such events as depletion of fish stocks, abnormally large amounts of alewife die-offs (which clutter beaches), leaving nets unmarked and then getting caught in sport fishers lines, and for being "super citizens" with more rights than other Americans.

Dr. George Cornell, Director of the American Indian Institute at Michigan State University, stated in his testimony:

"...outdoor writers, primarily in this state, are responsible for continually fanning the flames of this quote -- controversy. Frank Manville from the "Lansing State Journal", Gordon Charles from Traverse City, Dave Richey from Detroit, Top Opre and other outdoor writers throughout this state continue to make outrageous allegations..." (p. 58)

Dr. Cornell went on to testify:

"These people who misinform the public on this issue I think ought to be held accountable in some way, shape or form because what they're dealing in is cheap allegations and innuendos. They cannot put the proof on the table." (p. 63)

The question of accuracy on the part of the newspapers was raised by Commissioner Clark when she asked Dr. Cornell:

"Dr. Cornell, you have indicated that you view the outdoor writer as being a big source of the problem. Has there been any group, yours included, to try and meet with editors of newspapers to try to forestall the kind of inaccuracies that you have indicated?" (p. 65)

Dr. Cornell responded that he has met with the editor of the Lansing State Journal. This is an effort that should be expanded if outdoor writers are, indeed, reporting inaccuracies regarding this issue.

Northern Michigan Ottawa Association

Mr. Joseph Genia, President of the Northern Michigan Ottawa Association, and Ms. Yvonne Walker, member of the Executive Council of the Association, testified that members of the association were being discriminated against because they no longer can sell their fish to wholesalers because of Department of Natural Resources regulations. Ms. Walker stated:

"The main problem that we're having is that on April 11 of this year Frank Opalka issued a letter to the fish wholesale buyers and it outlined a criteria that did not include the Northern Michigan Ottawa Association. Consequently, the fish markets were closed to the Ottawa Association fishermen and it has caused irreparable harm to the financial condition of the Ottawa fishermen and to the Ottawa people as well." (p. 73)

On the conclusion of their testimony, Commissioner Blackwell stated:

"I believe the statement regarding the letter is a matter that is between your organizations -- the Northern Michigan Ottawa Association -- and the DNR. Have you met with them regarding this?"

Mr. Genia stated:

"No, we haven't. The letter is basically, you know, just one-sided. It's to the commercial wholesale buyers. The Department of Natural Resources are aware of the Northern Michigan Ottawa Association. They're aware that our members have commercially fished, some of them in excess of 30 years. We have no dialogue with the State of Michigan in relationship to our hunting and fishing rights..." (p. 79)

The conflict over the fishing rights of the Northern Michigan Ottawa Association would appear to be related to an even deeper conflict between the more traditional Indian groups (whose tribal philosophies stem from a style of government that operated prior to European contact) and the more progressive Indian governments which were created by Congress and the Bureau of Indian Affairs. The federal courts have compounded this problem by stating that treaty fishing rights such as fishing rights belong to the tribe and not to individual Indians. The Congress,

through the Indian Reorganization Act of 1934 has outlined the procedure for an Indian organization to become a federal tribe. The Bureau of Indian Affairs has, in addition, prescribed a set of rules with which an Indian group must conform in order to become a federally recognized tribal group. This leaves traditional groups such as the Northern Michigan Ottawa Association with no recourse since the courts will not disturb what Congress or the executive branch has done in terms of organizing or recognizing the political authority of Indian tribes.

United States vs. Sandoval, 231 U.S. 28 (1913).

The Federal District Court decision in United States vs. Michigan (Fox decision) stated:

"Even if the federal relationship with Indian tribes or bands is not continuous, this does not destroy federal rights or bar the recognition of present tribal groups as political successors in interest."

The various bands or tribal groups that comprise the Northern Michigan Ottawa Association are free to organize and seek recognition by the federal government and thus attain their fishing rights. This, apparently, is not in accord with their traditional beliefs.

FINDINGS

1. There is evidence of civil rights violations relating to the treaty fishing issue. These violations affect treaty fishers as well as other American Indians in the pursuit of education, public services and public accommodations.
2. There is a communication gap between American Indians, the criminal justice system, the media, sport fishing organizations, governmental agencies and the general public concerning treaty fishing rights. This has resulted in distortions by the media, inadequate response by law enforcement officers and lack of cooperation by treaty fishers, sport fishers and the Department of Natural Resources.
3. The height of confrontations between treaty and sport fishers occurs at the beginning of the fishing season in the spring, and continues until the end of the season in the fall. These confrontations have resulted in an increased number of complaints filed with the Department of Civil Rights.
4. There is a general lack of knowledge regarding the history, law and culture of the Michigan Indian. This has fostered misperceptions and stereotypes of American Indians.

RECOMMENDATIONS

1. The Department of Civil Rights should continue to give priority to civil rights violations relating to the treaty fishing issue.
2. Department of Civil Rights staff should work with tribal governments, Department of Natural Resources, Department of State Police, Department of Education, Commission on Indian Affairs, Indian Legal Services and other organizations to:
 - (a) monitor media coverage and correct factual misinterpretations;
 - (b) Improve communication with law enforcement agencies; and
 - (c) Conduct civil rights seminars involving community, business and civic leaders with a focus on equal access to public accommodations and services.
3. The Civil Rights Commission should continue to encourage programs that increase public awareness and understanding of civil rights violations relating to the treaty fishing issue.
4. The Michigan Department of Education and the Michigan Commission on Indian Affairs should expand efforts to promote American Indian history, culture and law in public school systems, especially in Northern Michigan where harassment has been cited as a contributing factor in the high dropout rate of American Indian children.

RECOMMENDATIONS (cont'd)

5. Communications should be developed with other states who have experienced similar backlash issues from treaty rights and evaluate their responses to similar problems.
6. The Department of Civil Rights and other appropriate state agencies should monitor, by a presence, areas of treaty fishing during the fishing season.
7. The Department of Civil Rights should continue and expend its presence in Northern Michigan until such time as a Northern Michigan office can be established.

STATE OF MICHIGAN



JAMES J. BLANCHARD, Governor

DEPARTMENT OF CIVIL RIGHTS

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Telephone (313) 256-2570

MICHIGAN CIVIL RIGHTS COMMISSION

POLICY STATEMENT

The Michigan Civil Rights Commission is concerned about the alleged civil rights violations as a result of the treaty fishing issue.

The rights of Indians to fish in treaty waters has been established under federal law and upheld by the courts. Indians also have the right to be free from discrimination on the basis of race and national origin. When these rights are denied, individuals may file complaints with the Michigan Department of Civil Rights. Complaints relating to "backlash" violations will receive priority.

Civil rights violations have occurred more frequently in those communities where strong feelings and opinions about treaty fishing exist. In some instances, persons who may object to fishing methods have vented their objections upon Indians who are not involved in treaty fishing. Civil rights violations have occurred in all aspects of Indian life, including employment, education, housing, public accommodation and public service. Indian people have been denied public accommodations, Indian school children have been harassed and unfairly treated, and law enforcement responses to Indian complaints of violence and property destruction have resulted in unequal or inadequate service.

The Commission is required by the Michigan Constitution and subsequent legislation to protect and secure the equal enjoyment of civil rights of all persons without discrimination because of religion, race, color or national origin.

Protected areas include employment, housing, education, public accommodation and public service. Statutory prohibitions against discrimination based on age, sex, marital status, height, weight and handicap are cited in the Elliott-Larsen Civil Rights Act and the Michigan Handicappers' Civil Rights Act, both enacted in 1977. Strong enforcement action will be taken to remedy proven acts of discrimination. We will, however, attempt to facilitate, through affirmative programs, a better public understanding of the civil rights of all persons. Because of our responsibility and our knowledge of previous incidents, we believe it is appropriate to increase awareness and invite assistance in the effort to resolve civil rights tensions.

The rights of individuals must be protected, and the harassment of Indians whether fishers or non-fishers, must end. We believe that public and private organizations in all communities, including the Indian community, must contribute to a solution that will benefit all citizens in Michigan.

The Commission has directed staff of the Department to Civil Rights to work closely with other state agencies on long and short term programs that will prevent tension and conflict relating to the Indian fishing issue. Programs administered jointly with the Department of Natural Resources and the Department of Education will assure the dissemination of accurate information to create better understanding. On-going communication between the Departments of State Police and Natural Resources, local enforcement agencies, tribal leaders and Indian organizations will help to monitor conditions and assure prompt response to civil rights violations.

The Commission calls on individuals and organizations to act with reason and respect in dealing with the fishing issue. Law enforcement agencies must closely monitor situations that may arise in order to prevent or remedy any unlawful acts when respect and reason fail.

MICHIGAN DEPARTMENT OF CIVIL RIGHTS
309 North Washington Square
Lansing, Michigan 48913

FOR FURTHER INFORMATION, CONTACT:
James H. Horn - (517) 373-7634

FOR RELEASE FEBRUARY 22, 1985
OR THEREAFTER

The Michigan Civil Rights Commission, during its February 20 public meeting in Detroit, adopted the following policy statement.

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Elliott-Larsen Civil Rights Act and the Michigan Handicappers' Civil Rights
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The Commission calls on individuals and organizations to act with reason and respect in dealing with the fishing issue. Law enforcement agencies must closely monitor situations that may arise in order to prevent or remedy any unlawful acts when respect and reason fail.

(Northern Michigan residents may call toll free 1-800/482-3604 for assistance with civil rights problems.)

Michigan Department of Civil Rights
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Bill Rastetter
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FOR RELEASE FEBRUARY 27, 1985
OR THEREAFTER

The Michigan Civil Rights Commission, during its February 20 public meeting, received a final report from Department of Civil Rights staff on "The Impact of the Treaty Fishing Issue on Indian People in Michigan."

The report, which summarizes testimony from the July 23, 1984, public hearing in Ludington, states, "In Michigan, the affirmation of Indian treaty rights has resulted in confrontations between treaty fishermen and sport fishermen.

"This confrontation has gone beyond the involvement of these two groups to include American Indians who have no involvement with the fishing issue. Confrontations have even found their way into the school classrooms. The purpose of the public hearing was to gather information and assess the nature and extent of alleged discriminatory practices in the treatment of Native Americans as a direct result of the Indian treaty fishing controversy."

The Commission received testimony from state officials, sport fishing representatives, tribal officials, treaty fishers and other interested citizens. The report included the following findings and recommendations:

FINDINGS

1. There is evidence of civil rights violations relating to the treaty fishing issue. These violations affect treaty fishers as well as other American Indians in the pursuit of education, public services and public accommodations.
2. There is a communication gap between American Indians, the criminal justice system, the media, sport fishing organizations, governmental agencies and the general public concerning treaty fishing rights. This has resulted in distortions by the media, inadequate response by law enforcement officers and lack of cooperation by treaty fishers, sport fishers and the Department of Natural Resources.
3. The height of confrontations between treaty and sport fishers occurs at the beginning of the fishing season in the spring, and continues until the end of the season in the fall. These confrontations have resulted in an increased number of complaints filed with the Department of Civil Rights.
4. There is a general lack of knowledge regarding the history, law and culture of the Michigan Indian. This has fostered misperceptions and stereotypes of American Indians.

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RECOMMENDATIONS

1. The Department of Civil Rights should continue to give priority to civil rights violations relating to the treaty fishing issue.
2. Department of Civil Rights staff should work with tribal governments, Department of Natural Resources, Department of State Police, Department of Education, Commission on Indian Affairs, Indian Legal Services and other organizations to:
 - (a) monitor media coverage and correct factual misinterpretations;
 - (b) Improve communication with law enforcement agencies; and
 - (c) Conduct civil rights seminars involving community, business and civic leaders with a focus on equal access to public accommodations and services.
3. The Civil Rights Commission should continue to encourage programs that increase public awareness and understanding of civil rights violations relating to the treaty fishing issue.
4. The Michigan Department of Education and the Michigan Commission on Indian Affairs should expand efforts to promote American Indian history, culture and law in public school systems, especially in Northern Michigan where harassment has been cited as a contributing factor in the high dropout rate of American Indian children.
5. Communications should be developed with other states who have experienced similar backlash issues from treaty rights and evaluate their responses to similar problems.
6. The Department of Civil Rights and other appropriate state agencies should monitor, by a presence, areas of treaty fishing during the fishing season.
7. The Department of Civil Rights should continue and expand its presence in Northern Michigan until such time as a Northern Michigan office can be established.

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(Faint handwritten notes and initials)

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