Media Contact: Assistant Secretary -Indian Affairs
For Immediate Release: January 18, 1980
Print PDF

Assistant Interior Secretary for Indian Affairs Forrest Gerard today released the text of a telegram sent to Red Lake Chippewa Tribal Chairman, Roger Jourdain. Gerard says the telegram was sent to meet objections about a petition presented to the tribal council on October 12, 1979. The council, in Resolution Number I-80 rejected the petitions on grounds the original petitions on grounds the original petitions were not filed with the council. The council received only copies of the original.

"We made this minor concession to try to meet the council's objection, but this does not deter us from our original decision to withdraw federal recognition from the Red Lake Tribal Council if they fail to call an election as required by the petitions," Gerard said.

The text of the telegram, dated January 16, 1980 follows:

"Have received resolution No. 1-80 rejecting petitions delivered to secretary of the Red Lake Band on October 12, 1979, on grounds that the original petitions were notified. Since the council has had the petitions for three months and has now ruled them invalid solely on the grounds that the original petitions were not filed with the tribal council, I believe that the tribal council is prepared to go forward with the references requested in the petitions as soon as the original petitions are filed. I am therefore directing the acting superintendent to work with the petitioners to get the original to you.

If within ten days of having received the original petitions, the tribal council does not call for a proper election on the issues raised by the petitions to be conducted not less than 60 days from the council's receipt of the petitions, my fear that the tribal government process has ceased to function on the Red lake Reservation which I expressed to you in my telegram of December 19, 1979, will have been confirmed beyond all doubt.

The department will have no choice at that time but to withdraw immediately recognition of tile tribal council."

Interior Secretary Cecil D. Andrus today announced that public hearings on fishing regulations governing Michigan Indian tribes have been scheduled "because the matter is one of importance and controversy in Michigan."

Andrus said that public participation through the hearings, to be held February 20 at Sault Ste. Marie and February 22 in Lansing, "can assist us in evaluating the regulations for the 1980 season."

Following a U. S. District Court ruling in May 1979 that the State of Michigan does not have the authority to regulate the exercise of treaty fishing rights, the Interior Department in November published Federal regulations which took effect immediately as an interim rule to govern the remainder of the 1979 fishing season.

These regulations were developed under a memorandum of understanding with the involved tribes. In this memorandum the tribes agreed to develop one joint comprehensive set of fishing regulations which the Department agreed to review and promulgate as Federal regulations if they sufficiently protected

the fishing resource. Both the U. S. Fish and Wildlife Service and the Michigan Department of Natural Resources were consulted in the process.

The interim regulations, published in November, established a 60-day public comment period for possible changes for the 1980 season. This period has been extended to March 3, 1980. Comments should be sent to the Associate Solicitor for Indian Affairs, Department of the Interior, 18th & C Streets, N.W., Washington, D. C. 20240.

Andrus said he considered the memorandum of understanding with the tribes and the resulting regulations as "significant steps forward in protecting the fishery resource for all users while fully implementing treaty fishing rights."

"We realize, however, that there are long-term resource concerns, such as lake trout management and the prospects for gear conversion, which need to be discussed more fully among the Department, the state and the tribes, and that adjustments to the regulations for the 1980fishing season may be advisable," he added. Sports fishermen and others in Michigan have sought through litigation and political pressure to bring the tribes under state regulations. Andrus said that under the decision rendered by U. S. District Judge Noel Fox in May, the primary regulatory authority over treaty fishers is the tribes themselves, with the Interior Department having a residual authority to step in to preserve the resource.

"We do not have the authority to impose the state's management philosophy, or resource allocation decisions on the tribes," Andrus said. "We can only regulate to protect the resource." He said he was pleased with the responsible approach taken by the tribes in the development of the interim regulations, but said the Department would amend the regulations unilaterally if necessary to ensure conservation. Notice of the hearings and extension of the comment period is being published in the Federal Register. Persons desiring to testify and those seeking additional information about the hearings should contact the Bureau of Indian Affairs, Minneapolis Area Office, 831 Second Avenue, South, Minneapolis, Minnesota 55402,612/725-2904.