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Disputed Waters, Native Americans and the Great Lakes Fishery. By Robert Doherty. Lexington: The University Press of Kentucky, 1990. 172 pages. \$24.00 cloth.

Controversies over Indian fishing rights have raged for twenty years in American courtrooms. The basis for the continuing legal battles is a fairly standard clause in land cession treaties, a clause assuring the Indian signers that they continue to have the right to use the natural resources of the ceded land, including the right to fish. Press and television coverage has emphasized confrontations on the Northwest Coast, where the legal status of Indian fishing rights first claimed national attention. The Great Lakes region, the second battle zone, has received less media coverage but is no less significant.

Disputed Waters presents strong personal views about the Michigan phase of this ongoing power struggle involving federal and state governments, the Chippewa and Ottawa tribes, and sports fishermen. Reference to a similar controversy over fishing rights in Wisconsin, which has created headlines since 1987, appears in the brief epilogue to the book, along with the author's recommendations to tribal fishermen. The text concentrates on particular sections of Lakes Huron, Michigan, and Superior adjoining part of the lengthy shoreline of the state of Michigan. The designated "treaty fishing waters" surround land in the eastern Upper Peninsula and northwest Lower Peninsula of Michigan ceded by the Chippewa and the Ottawa in a treaty signed in Washington, D.C. in March 1836, the year before Michigan achieved statehood.

In Michigan, Chippewa and Ottawa fishermen openly challenged the authority of the state Department of Natural Resources in the early 1970s. They insisted that their rights to fish were guaranteed by the 1836 treaty and were not subject to state regulation by the Department of Natural Resources. When local courts denied the validity of Indian fishing rights under federal treaty, the Bay Mills Indian community turned to the federal government for assistance. The case subsequently launched in their behalf and in behalf of the newly formed Sault Ste. Marie tribe of Chippewa became the landmark case in Michigan litigation, *United States v. the State of Michigan*, M 26-73 CA, the Western District of Michigan.

Tracing the history of the case, the author notes that the Departments of Justice and the Interior joined in supporting the In-

dian cause at the outset. Before the trial began in Grand Rapids, however, the Native American Rights Fund (NARF) of Boulder, Colorado entered the case and took over court strategy. The decision of Judge Noel Fox, handed down in May 1979, was reaffirmed in 1981 by the United States Court of Appeals in Cincinnati, and the United States Supreme Court refused to review the case. The Michigan Supreme Court ultimately upheld the Indian fishing rights, overturning lower court decisions. As a result, the treaty basis for Indian fishing rights in Michigan gained a firm legal standing by 1981.

Unfortunately, winning in court is only a preliminary step toward exercising Indian fishing rights. The real problem is formulating administrative regulations to implement the judicial opinion. As Doherty points out, the state of Michigan went far toward restricting and controlling Indian fishing at the follow-up administrative stage of negotiations. The real dispute concerns the allocation of the fish harvest among Indian fishermen, other commercial fishermen (if any), and the sports fishing industry represented in court by the Michigan United Conservation Clubs (MUCC) and strongly supported by the Michigan Department of Natural Resources. Repeated confrontations occurred at meetings called to decide exactly where and when Indians could fish, for which species, and using what equipment.

Politics further complicated the process of settling fishing rights. The advent of the Reagan administration in Washington and a new governor in Michigan increased opposition to the Indians' exercise of treaty-protected fishing rights. Members of Congress adroitly supported the sports fishermen, who had an effective lobby. Furthermore, the Indian litigants had to readjust demands after the Grand Traverse band of Chippewa and Ottawa, officially recognized in 1978, entered the scene to claim a role in allocation of fishing resources.

When the increasingly complex negotiating process seemed stalled, Judge Richard Enslin, Fox's replacement at the federal court in Michigan, adopted a new procedure called "alternative dispute resolution." With the agreement of all attorneys, Enslin appointed a "special master" to settle matters. In March 1985, fifty representatives of the litigants met at Sault Ste. Marie essentially to divide the "treaty fishing waters" into zones for Indian fishing and non-Indian fishing. As Doherty summarizes the resulting agreement, the Indian fishery would be limited to northern Lakes Michigan and Huron, while the Lake Michigan shoreline

further south in the prime resort area would be reserved for sports fishing.

Although representatives of the Bay Mills, Sault Ste. Marie, and Grand Traverse tribes all signed the March 1985 agreement, dissatisfaction with the terms immediately surfaced. Disagreements necessitated another court hearing two months later, and contention continues between the Department of Natural Resources and the tribal representatives. The real losers, as Doherty indicates, are the small boat Indian fishermen and the Bay Mills and Grand Traverse members who were not as effectively represented at the bargaining session at Sault Ste. Marie.

Doherty discusses all these events in the candid style of a reporter reviewing a multiseason sports contest. He identifies the key players on opposing teams in the courtroom action of *United States v. the State of Michigan*, giving a starring role to the NARF lawyer. He evaluates the performance of expert witnesses in testifying and the lawyers' skills in conducting direct and cross-examination. He even offers his own suggestions for better strategy in the legal jousting. Bold criticism goes to the "special master," whose chief objective was to free the federal court's calendar and save the expense of a trial, not to achieve a just settlement of the fishing controversy.

Disputed Waters is an interesting product of investigative journalism. Greater accuracy concerning the regional ethnohistory would have improved the sparse introductory chapters. The very first sentence of the book creates the erroneous impression that the Chippewa remained in the fur trade while the Ottawa largely gave up hunting by the mid-eighteenth century to become food suppliers. Certainly, the Michigan Ottawa grew corn for the British garrison at the present Mackinaw City, but they continued hunting and, above all, fishing, a vital occupation. Doherty is dead wrong in interpreting Chippewa and Ottawa travels to Canada in 1836 and 1837 as "removal" behavior. He is apparently unaware that thousands of Great Lakes Indians journeyed to British posts until the 1840s to receive gifts in recognition of military support during the War of 1812. The tide was particularly strong in 1836 when the British governor invited American Indians to Manitoulin Island to hear the announcement of his plan to make the island a reserve for all upper Great Lakes Indians. The plan was soon abandoned. Ottawa who were moving more permanently to Canada came from the Maumee River valley in Ohio, not from northwestern Michigan.

For the main topic of the book, the modern Michigan fishing rights controversy, Doherty has conducted wide-ranging research. However, he does not indicate that, with roots in northwestern Michigan, he was a potential witness for the Grand Traverse Ottawa and Chippewa in the final allocation stage of proceedings. He talked with Indian fishermen and the sportsmen in the bars and even briefly operated his own fishing business. He also discussed the fishing rights controversy with lawyers, read transcripts of testimony, newspapers, congressional reports, and unpublished academic research.

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Indians of the Rio Grande Delta: Their Role in the History of Southern Texas and Northern Mexico. By Martin Salinas. Austin: University of Texas Press, 1990. 207 pages. \$25.00 cloth. \$8.95 paper.

This volume is a valuable research tool for scholars interested in the history, or even prehistory, of southern Texas and northern Mexico. Using primary archival documents left by the Spanish, Martin Salinas assumed the painstaking effort of searching out the recorded shreds of Indian existence in the lower Rio Grande valley and, where possible, establishing the ethnic identities of different groups and their linkages. He thus has provided the only documentary synthesis for one of the least known areas of North America.

The Rio Grande delta is that area of the Gulf Coastal Plain bounded by the Nueces River of southern Texas and the Rio San Fernando of northern Tamaulipas, Mexico. Salinas describes this as an area in which a distinct physiography resulted in perennial supplies of water and where natural food sources existed in greater abundance than in surrounding zones. Thus it was populated by a large concentration of Indian groups when the Spanish arrived in 1519.

The word *probably* should be inserted into each of the preceding assumptions. Statements about the past environment of the area and its inhabitants can be predicated only on educated conjecture based on fragmentary documentation. Salinas's inferences