

New Opportunities, New Challenges

Activity 11.1: Indian Spearfishing

Teacher Materials

Preparation/Organization To do the activity, you will need one copy of Student Pages 1–3 to use as transparencies as well as one copy for each student or group, depending upon the classroom organization you choose.

Procedure

1. After reading and discussing, “Struggles and Protests for Equal Rights,” on pages 214–215 of *Wisconsin: Our State, Our Story*, ask students to look again at the two political buttons on the right side of page 214. Remind students that these buttons portray the two sides of the Indian Treaty Rights issues that arose during the 1980s and 1990s. Then display a transparency of Student Page 1 (“Ojibwe Spearfishing Information”) and distribute it to students. Read the text aloud and discuss the importance of fishing to the people of Wisconsin. For example: How does fishing help people? What makes treaty rights an issue of social justice? Which Chapter 11 TLH questions address this issue?
2. Explain that some people believe that spearfishing gives the Ojibwe people unfair advantages over others who enjoy sportfishing. Explain that controversies about this issue reached a head in the late 1980s and 1990s, bringing violence against the Ojibwe people. Eventually it directly led to legislation that mandates the teaching of treaty rights in Wisconsin schools. Display a transparency of Student Page 2 (“Comparing Sportfishing and Spearfishing for Muskie and Walleye”) and hand out copies to students. Read through the information as a class. Guide students in further discussing the issues surrounding the spearfishing controversy.
3. Finally, display and hand out copies of Student Page 3 (“Understanding Fishing Rights”). Have students read it, paying special attention to the reasons why some people do not support Ojibwe spearfishing. Discuss those reasons with students. Ask students to think about the issue from both points of view and to articulate the controversy in their own words. Students should be able to tell why some people agree or disagree with Indian spearfishing rights.

4. Direct students' attention to the bottom of Student Page 3. Allow them time to write in their own words why the Ojibwe people have the right to spearfish. You may choose to have students revise and rewrite final copies of their statements.
5. Ask student volunteers to share their written responses. Discuss both sides of the issue. Be sure that students understand that the treaties signed over one hundred years ago protect the rights of Native Americans to spearfish.

Answers

Paragraphs will vary in content and sophistication, but students should demonstrate a basic recognition of how people—and their government—are bound by treaty agreements, even when those include rights and privileges that might be unpopular with some elements of the community at large.

Name _____ Date _____

Activity 11.1 Ojibwe Spearfishing Information

Over one hundred years ago, treaties were made between the United States and Native people, such as the Ojibwe tribe. The treaties of 1837 and 1842 with the Ojibwe people ceded about **one-third** of the land in northern Wisconsin to the United States government. The Ojibwe people ceded the land, but *they did not cede the rights to use the land*. In exchange for the land they gave up, these two treaties guaranteed that the Ojibwe people (those who live in Minnesota and Wisconsin today) could hunt, fish, gather, harvest rice, and tap maple trees on the ceded lands. The treaties also allowed the Native tribes to continue spearfishing in the lakes and rivers within that land.

Spearfishing has been a method of fishing for Native people for centuries. Native Americans spearfish throughout the year, but the seasons of spring and winter are special times for spearfishing. Spring is the official spearfishing season set by the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). The Ojibwe people learned that they could catch more fish during the season when the fish **spawned** (laid eggs). In early spring, sturgeon and other smaller fish—such as bass, walleye, and pike—spawn close to shore. Ojibwe people fish from boats at night, using some form of bright light to locate the spawning fish. The reflection of the light in the eyes of the fish, especially walleye, is very bright and makes them much more visible.

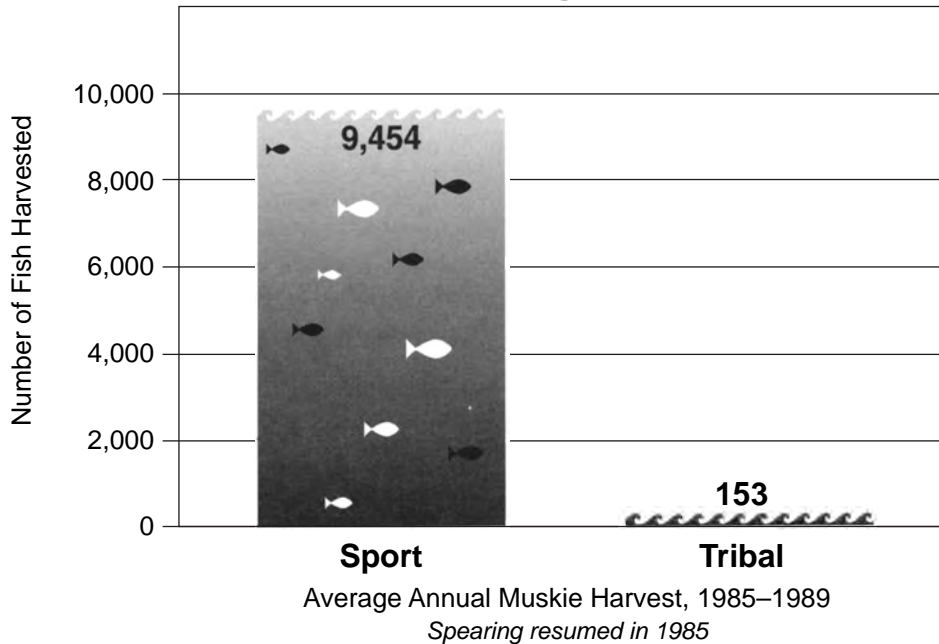
During the winter, like many non-Indians, the Ojibwe ice fish. To **lure** (loowr) or attract the fish, some people still make a small wooden **artificial** (ar tih **fish** ul, fake) model or **decoy** that looks like a local bait fish. After drilling a hole in the ice and pitching a dark tent over it, the fisher ties the decoy to the end of a string and lowers it into the water. Now the fisher has to wait patiently, ready to spear the first large fish.

The Ojibwe are careful not to overfish the lakes. They want to be able to keep fishing there, and they want their children and their children's children to be able to fish there as well. Spearfishers still have to follow strict rules about the way they spearfish and how many fish they catch. Even though spearfishing is a good method of fishing, people who fish with rods and reels actually catch more fish each year.

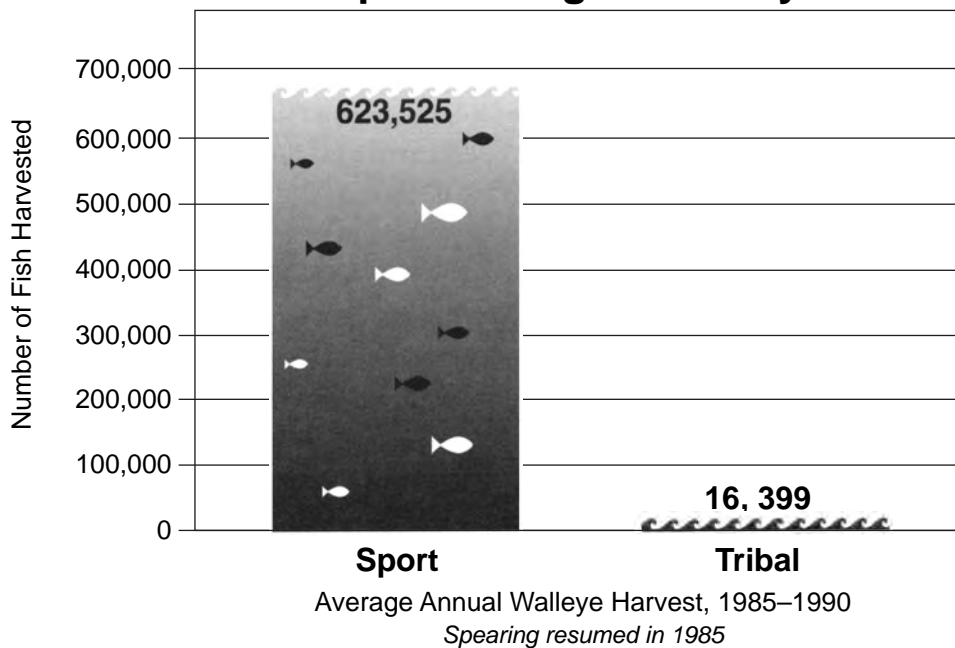
In 1983 a court decided that Indians could spearfish on the lands they had given away in the treaties. It was good news for the Indian people. However, it made many non-Indian people upset. They thought that spearfishing would allow the Ojibwe to take all the fish in the lakes, leaving little for the non-Indians who want to fish. Some people were so angry that they acted violently against the Ojibwe people.

Name _____ Date _____

Comparing Sportfishing and Spearfishing for Muskie



Comparing Sportfishing and Spearfishing for Walleye



Adapted from: Ronald N. Satz. *Chippewa Treaty Rights* (Madison: Wisconsin Academy of Science, Arts, and Letters, 1991), Figure 39, p. 114; Figure 40, p. 115.

Name _____ Date _____

Understanding Fishing Rights

Some non-Indians do not support Indian spearfishing because:

- Some believe that spearfishing may be more efficient than fishing with a rod and reel.
- Some fear that the Ojibwe people may be able to catch too many fish and leave none for others.
- Some believe that the treaties were made so long ago that they no longer have the same meaning in today’s world.
- There is a limit on the number of fish that non-Native people can catch (called a “bag limit”) on the lakes in the ceded territories.
- The Ojibwe Nation has very strict laws about spearfishing. Non-Native fishermen also have strict laws to follow, but not the same ones. Some people **resent** (re **zent**, don’t like) the fact that there are different laws for fishing in Wisconsin for different people.

Write a paragraph in your own words that explains why the Ojibwe people in Wisconsin have the right to spearfish on the state’s northern lakes. Base your answers on what you have read in Chapter 11 and on these Student Pages.
