

State Bar of Michigan
American Indian Law Section
Annual Report 2001-2002
Submitted by Sheila Hackett Gaskell, Chair

The American Indian Law Section began its sixth year at the State Bar of Michigan Annual Convention in Lansing, on September 13, 2001. Our meeting was overshadowed by the horribly tragic events of September 11. Despite the grief and loss we faced during that uncertain time, going forward with the convention was a small but important step in the healing process. While we remain forever changed by those tragic events, we must continue on with our lives and our work.

During our annual business meeting, our current officers were elected: Chairperson Sheila H. Gaskell, Chairperson-Elect Melissa Pope, and Secretary-Treasurer John J. Lemire. Our council members this year are: Larry Betz, Donna Budnick, Ronald Douglas, Dawn Duncan, Michael Murray, Jonathan Siebers, Katherine Scotta, Art Stine, and William Tanner. A special thanks to each of our officers and members for their contributions of time and talent to our section.

The Annual Program, Treaty Rights, Great Lakes Fishing Compact: Yesterday, Today, Tomorrow, immediately followed our business meeting and included presentation of the 2001 Tecumseh Peace Keeping Award to Helen Hornbeck Tanner. Ms. Tanner is an ethnohistorian who has specialized in American Indian history for decades. Her research and writing has served American Indians in their pursuit of legal rights in the Anglo-American judicial system on numerous occasions. Her books include, *The Atlas of Great Lakes Indian History*, *The Peopling of North America: The Visual Atlas of the Great Lakes*, *The Ojibwa, Zespedes in East Florida, 1784 to 1790*, and *The Settling of North America*. As an expert witness in *United States v. Michigan*, Ms. Tanner's testimony and research contributed towards the recognition of reserved fishing rights, and made her a particularly appropriate recipient of our award given the program topic. As a historian and senior research fellow at the Newberry Library in Chicago, Illinois, she continues her important work.

Ms. Tanner's unique background and experience also made her the ideal introductory speaker for the Annual Program. Her presentation was insightful and brought clarity to the treaty history so critical to the litigation which led to the Consent Decree and related documents detailing how fishing in 1836 Treaty waters is allocated, managed, and regulated by the *United States v. Michigan* parties now and for the next twenty years. Following Ms. Tanner was an informative discussion of the Decree terms by Bay Mills Indian Community Tribal attorney Kathryn L. Tierney and Michigan assistant attorney general in charge, Native American Affairs Division, John R. Wernet, Jr. Their knowledge and expertise and the visual presentation they shared made understandable some of the most complex terms of the Decree.

Our Program closed with presentations from Michigan Department of Civil Rights Special Assistant Director Cathy Milette and Lawrence R. Baca. Mr. Baca is a Pawnee Indian, chair of the Federal Bar Association's Indian Law Section, and a senior trial attorney in the Civil Rights Division of the United States Department of Justice. Both Ms. Milette and Mr. Baca had planned on appearing personally, but were unfortunately unable to do so. They were, however, able to

share through members of our section, information from their work dealing with the issue of bias crimes and incidents. Mr. Baca's presentation was particularly compelling because he shared not only the knowledge he has garnered during his legal career concerning hate crimes, but also a childhood experience involving acts motivated by prejudice and hatred because of his American Indian heritage. As a leading civil rights proponent, Mr. Baca has devoted his career to protecting and defending the civil rights of all Americans. His efforts on behalf of American Indians in the areas of credit, voting rights, and education have been recognized as groundbreaking.

The 2001 Annual Program was an all around success. Special thanks go out to each of our presenters and to Angela K. Sherigan, the 2001 Program chair, for the hard work and contributions all made to the program.

On November 14, 2001, our section joined with the University of Detroit Mercy School of Law Indian Law Center and the State Bar of Michigan Children's Law Section in jointly sponsoring an Indian Child Welfare Act demonstration hearing at UDM. Our section was well represented by ex-officio Jacqueline Hand as moderator and council members Ronald G. Douglas and Katherine Scotta as advocates. The program was well attended and very informative. Special thanks to Jacqueline Hand for her hard work and commitment to the program.

A telephone conference meeting of our council occurred on January 24, 2002, where, among other things, we began plans for our upcoming September 26, 2002, annual meeting in Grand Rapids.

On February 13, 2002, Chairperson-Elect Melissa Pope attended a legislative briefing at the State on behalf of our section. She reported back at a later meeting that the briefing was very informative.

On March 18, 2002, our council held a regular meeting at the American Indian Affairs Office of the Michigan Department of Civil Rights in Lansing. We had a very full agenda, which included revitalizing our section's Legislative and Bylaw Amendments Subcommittees and approving our section's dissemination of a model code and commentary on enforcement of protection orders (discussed below). The 2001 Final Report of the 3rd Invitational Bench Bar Conference was also distributed. Sheila H. Gaskell attended the May 2001 conference on behalf of our section.

Chairperson-Elect Melissa Pope remained busy this year on behalf of the section by attending a State Bar Leaders Retreat on May 3-4, 2002.

On May 15, 2002, our section had the privilege and honor of joining with Patrick M. Shannon and Kandra K. Robbins, co-chairpersons of the State Bar of Michigan American Indian Law Committee, as well as the Michigan Indian Judicial Association's President Ronald G. Douglas, in mailing to Tribal officials across Michigan a Proposed Model Code for Use by Michigan Indian Tribes, entitled Enforcement of Foreign Protection Orders. The materials were generated over a period of two years by a multi-jurisdictional and multi-disciplinary working group whose task was to develop recommendations to implement the full faith and credit provisions of the Federal Violence Against Women Act in Michigan. The recommendations of the working group

also contributed toward enactment of comprehensive legislation in Michigan designed to enhance protections available to domestic violence victims. Among the many amendments is MCLA 600.2950h-.2950k, which provides that valid protection orders issued by other jurisdictions, which include Tribal courts, are to be accorded full faith and credit by Michigan courts, and are subject to the same enforcement procedures and penalties as if they were issued in Michigan. If you are interested in obtaining a copy of the working group's recommendations, please contact Sheila H. Gaskell.

Our section continues plans for the upcoming Annual Meeting, and I look forward to seeing each of you there. As we approach the one year anniversary of one of our nation's greatest tragedies, I reflect back on a challenging and rewarding year as the American Indian Law Section chairperson. I extend a special thanks to all who have contributed time and effort to the accomplishments of our section. A special thanks to our Chairperson-Elect Melissa Pope for her hard work throughout this year and in years past. Her commitment to our section is truly appreciated and I look forward to working with Melissa and each of you in the coming year.