

State of the Tribes Address February 13, 2018

State of the Tribes Address
Wisconsin State Capital

Gary Besaw

Welcome, Intro's, Thank you's, Acknowledgements

Netaenewaymakenak, Posoh, nemaninitan eneqs-
nawenakak!

Oskipaewis iniq aes wesiyon, but, Gary Besaw is the name
I use to pay my taxes.

Netotem enuaq eyaweq Awaesah Omaeqnomenew Enaniw nesek-
new netawem. Netaenewaymakenak, Mahni-kaekoh awew!
Maec-waewaenen skes'-Piyak- Nekataw-manawac kikitem.

...I've just said in our beautiful language,... President Cleveland, better go
outside, your car is double parked and is getting towed as we
speak...kidding. ...here is what
was said...

My relatives, greetings, it is good to see you all!
Oskipaewis is my name I use when I pray every morning... and Gary Besaw
is how the IRS knows me.

I am Bear Clan, who's duties include to serve as a speaker and keeper of the
law. It is in these responsibilities that you see me here today speaking to
you.

I also said I am but a common Menominee man. Finally, I said thank you
for being here, it's a good thing that is happening here today, and I will now
speak a bit.

My Goal for this speech? Last week I was reminded the #1 fear listed in
surveys of the public, isn't death, but something much, much worse... the
fear of public speaking. I told them mine wasn't either of those, but is a
combination of the two.... of dying in the middle of my speech. And not my
jokes dying, my kids say they're always dying...but me dropping over. So,
my goal is, if I am standing at the end, you know I considered this a minor
success. I've learned to keep the bar low...

I first would like to recognize and show respect to our Wisconsin leaders
and representatives here today... that in a very trying and painful,

democratic way...make many important decisions that impact our very lives, and the lives of those precious babies yet unborn. Mr. Assembly Speaker Vos, Assembly Majority Leader Steineke, Assembly Minority Leader Hintz, Senate President Roth, Senate Majority Leader Fitzgerald, Senate Minority Leader Shilling, Members of the Legislature, Supreme Court Justices -Chief Justice Roggensack, Justice Abrahamson, Justice Bradley, Justice Kingsland Ziegler, Justice Gableman, Justice Bradley, and Justice Bradley. Attorney General Schimel, Cabinet Secretaries, DPI State Superintendent Evers, and all other dedicated individuals serving in many various capacities as servants of our great Wisconsin public, we thank you, and I offer you my warmest greetings.

I would also like to welcome and introduce the leaders of our 11 tribal nations located in what is now called Wisconsin. I say maec-waewaenen to the tribal leadership for entrusting me to provide this message, as close to one voice as we can. As I call your name, please rise. These esteemed leaders include;

- President Wilfrid Cleveland, Ho-Chunk Nation
- Chairman Douglas Cox, Menominee Indian Tribe of Wisconsin
- President Shannon Holsey, Stockbridge-Munsee Community
- Chairman Tehassi Hill, Oneida Nation.
- Chairman Chris McGeshick, Sokaogon Chippewa Community
- Chairman Richard Peterson, Red Cliff Band of Lake Superior Chippewa Indians
- Chairman Lewis Taylor, St. Croix Chippewa Indians of Wisconsin
- Chairman Louis Taylor, Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
- Chairman Michael Wiggins, Bad River Band of the Lake Superior Tribe of Chippewa Indians
- President Joseph Wildcat Sr, Lac Du Flambeau Band of Lake Superior Chippewa Indians
- Chairman Ned Daniels, Sr., Forest County Potawatomi Community

Welcome to all leaders, state and tribal. We honor you for your service to the people.

We hope to use this opportunity to bring our communities and great state closer. We may not think of ourselves as neighbors, brothers and sisters today...but just think back to any tragedy that had befallen America or Wisconsin... let's remember the days after the 9-11 tragedy. We were able to show for a few fleeting days and weeks, the beautiful unity of our strength and togetherness that is inside of us. My relatives, we truly are related and on the same team, but sometimes we don't realize it without that common cause.

Let me start, then, on a path to get us to uniting. First, we must understand each other. Please do not think I'm scolding, judging, or lecturing. I'm an

educator, having taught as a K-12 teacher, vice-principal, principal, curriculum director, superintendent, and VP/Dean of student services in a college, so humor me.

Here is a primer, Native Nations 101...Let's start with some terminology...you will be graded on this later...Mr. Speaker, no peaking at my notes... You hear me speak of this great state by name. That is because we are taught to use Menominee language when we can. Wisconsin comes from the ancient Menominee name for this great land, and that word is "Weskohsek"...Wisconsin..., which means "a good place to live"...meaning it is good land, with plenty of fresh water, medicines for our use, plenty of fish and game, fresh air, and with a pretty dam good professional football team.

Next, you hear me say Nations. Demographically we are a minority and face many of the challenges of other minorities living in a majority society, but we are not simply a minority group like others. We are different. Native Americans have special interests and perspectives in the issues we all face. But we are not simply another special interest group ...We are different. Different because Native Americans are citizens of their own Nations, as well as citizens of Wisconsin and citizens of the United States. Nations that existed long before there was a United States of America or a State of Wisconsin. And Our status as Nations is recognized by federal law. We are 11 Nations in the State of Wehskosek, and about 567 Nations in the United States.

As Nations, we, to a great extent, govern ourselves. We make our own laws, run our own governments, and in the case of Menominee, provide our own courts, jails and punishments both civilly and criminally. So when we reach out to work with you on policy and legislation, we ask to be recognized as such.

My daughter Kara, who attends UW-Madison, along with her sister Melissa and brother Luke, who just gave our invocation, and alumni brother Aaron as well as myself and their mother, yeah, we're all Badgers!...well, anyway, Kara recently sat in her first sessions of an American Indian Studies Class at the UW, and the students were given an ungraded, test-your-knowledge type of introductory quiz. The quiz gave T-F choices to the students regarding statements about Indians, and I'm disappointed at how she said many answered the following as true...

Things like,...Native Americans in the state don't pay any taxes...T/F? true...Native Americans have a genetic disposition to being alcoholics...T/F? true...The Native Americans in Wisconsin are one big tribe? T/F? true... Native American Chairpersons are all good-looking...T/F?

...That ones false. Now, if it said "all FORMER tribal chairman are good-looking", then you OBVIOUSLY should have marked it true...

We are disappointed because nothing has changed. I had a class here at the UW, in the 1990's and was asked to critically review all Native references in a then-current, main-stream social studies text. WHAT I FOUND was over 90% of the references to us were only in the past tense, like they were teaching about ancient Greeks or Romans... So you can see yet another reason why we ask that Race-Based Mascots must be removed from our Public Schools. Not only are they hurtful to our children, they propagate the stereotypes our children must live with every day...

Back to my 1990's UW textbook review... it had things like,... Native Americans lived at one time in Wisconsin... Native Americans had contributed greatly... Native Americans once were great warriors.... Well, I'm here to say, we are not past tense references, we are still here today.

Let's review just these 3 past tense references...1) Native Americans lived at one time in Wisconsin ...yes we did, but we still live here, on 11 separate sovereign territories, or reservations,....2) Native Americans had contributed greatlyYes we did, but we still contribute today with jobs, taxes, and serve as the largest economic engines in the majority of counties that extend into our lands...3) Native Americans were once great warriors ... Yes, we were, but we still are great warriors...

I'd like to thank our all-tribal nations color guard, and ask any other veteran, regardless of skin color, sex, race, or creed to please stand and be recognized.....waewaenen for your service to our great nation. Native Americans proudly have the highest rate of service of any race, and Menominee County, which shares almost coterminous exterior boundaries with Menominee Reservation, is listed percentage-wise as one of the top service counties in the entire United States...and you should be proud to know Wisconsin has the honor of hosting three tribes as Code- Talker units — Ho-Chunk, Menominee, Oneida.

Most of our languages do not have English equivalents, like for the word "Please"...it denotes good manners today, but in our teachings, if you were asked to do something, it was expected you would do it if you could,... no need to beg. One more example...the Menominee, and I'm sure other nations, do not have a word for "Natural Resources"... to us, everything is alive and is to be respected. To call these living things Natural Resources means to commodify them... To demean then, to think about them as just objects for man to use and gain wealth from. No. Our elders taught us different. Now...we know we are part of a bigger industrialized world, and we're not Ludites. We know society

must use resources today, but we try to do that in a more sustainable way.... we just see the world differently.

I'll come back to that thought later. So then...we do, though, have a million ways to say thank you... Waewaenen, miigwetch, piinigiigii, Anushiik, Yawako, etc.... and I'd like to use that tone to switch now to discuss some of the successes we've had this past year collaborating with and in consultation with one another in a nation-to-nation, government-to-government process. Our 1st success is Wisconsin has been a leader and model in the development of a state tribal consultation policy. It is based on Executive Order 39, which was signed in 2004 and continues to be honored by our current administration. It provides a forum for the executive cabinet agencies to consult with our nations. We meet with all agencies annually and in the case of DHS, DCF, and DNR we meet more often. We will soon begin consultations with DPI. For the most part the consultations have been helpful in working out issues for the benefit of both the state and the tribes.

We keep emphasizing to agencies the need to give us a heads-up when any new or revised administrative rules, policies, or statutes directly affecting our nations are being considered. We want to ask that you as State Legislators do so as well. What then more, would we ask for? Free, Prior, Informed Consent.

Free, Prior Informed Consent principles must guide our consultations and serve as that model for our government- to-government consultations. Free, as in not coerced. Prior, as in consent sought in advance. Informed as in providing all needed information, and Consent, as in the collective decision made by the rightholders and reached through their customary decision process. Let us help in the making of law or administrative rule that Impacts us.

That was #1. This relates to our next topic of success, our 2nd success) The Special Committee on State-Tribal Relations. As you know, the Joint Legislative Council serves to provide the Legislature with legal advice, guidance, and research on tough issues and to recommend solutions.

The Special Committee on State-Tribal Relations is led by Chair Representative Jeff Mursau and Vice-Chair Senator Kathleen Vinehout. Thank you for all your efforts. The Study Committee is a rather progressive legislative forum designed to provide tribal nations' input into developing legislation or developing recommendations on specific issues that impact tribal nations.

We know the State Legislature will soon complete its 2017-2018 session. Here are some examples of recent legislation developed by Study Committees that we are pleased have been working their way through the legislative process.

Tribal ID's-Each tribal citizen today holds a tribally- issued photo-identification card that is recognized by the federal government. This bill, which you will be voting on later today in the Assembly, will allow tribal members to use their tribal IDs for certain similar purposes to that of a Wisconsin Driver's License. Things like picking up prescription medications at pharmacies, using it for registering to vote, and using it for alcohol or cigarette purchases.

You have before you, the TAD Bill, or Treatment and Diversion Grants. This bill will clarify that tribes are eligible for TAD grants, even though we know that tribal eligibility has already been recognized.

Assault on Tribal Police and Judges is another piece of legislation. It affords equal protection for tribal police, judges and court officials as is currently enjoyed by all other police, judges and court officials in Wisconsin.

The Indian Burial Mounds bill is something tribes have been working with the legislature on during the past two years. It's an issue very important to tribes in Wisconsin. AB-118 is the product of many months of work by another study committee, the Study Committee on Preservation of Burial Mounds. The committee membership included the Tribal Historic Preservation Officers from Menominee and Ho-Chunk.

This legislation required long hours, tough negotiation, and compromise. In the end no one got everything they wanted, but the process was fair and deliberate. Representative Amy Loudbeck chaired the study committee and is guiding this legislation through the process. Waewaenen. The bill passed unanimously out of an Assembly Committee, passed the Assembly floor on a voice vote, and has now passed unanimously out of a Senate Committee. We are just waiting and hoping it gets scheduled for the Senate floor VERY soon....Where's Senate Majority Leader Fitzgerald, my notes say I'm supposed to look at you when I say that...

A new law that was not initiated by a Study Committee but is important to tribes is Act 100, or the Hemp Bill. Under Act 100, DATCP is mandated to, and is currently finalizing, administrative rules that may allow for planting of hemp crops as early as this spring. While we would have loved to include tribal involvement at a separate but equal level, we will still participate in this great, environmentally-sound economic opportunity.

In the last State budget, funding for a Tribal Adolescent Treatment Center was discussed. We are not walking alone in this effort to fight the Alcohol and Drug abuse crisis in our communities. Whether tribal community or small town Wisconsin, or big city Wisconsin, we know that drugs know no

boundaries. The State Budget included \$200,000 for a feasibility plan for a Tribal Nations Adolescent Treatment and Wellness Center, one centrally-located, shared center.

On behalf of the 11 tribal nations, I want to thank you for the authorization of the funding, and as we move forward, we hope the legislature can continue to support our efforts to help our youth with alcohol and drug sobriety, and continue to help us combat this plague that has invaded our communities state-wide.

On another issue is Act 31. You will hear us refer to Act 31 as it relates to Public School education regarding our 11 tribal nations. The tribal nations are developing recommendations to strengthen Act 31 without adding undue extra work for teachers and public schools. We hope to have legislation ready for next session to address the history, culture, sovereignty, and treaty-rights of the 11 tribal nations. Remember, an educated child is a child ready to contribute to a just society, to compete with or grow the economy with their neighbors. These amendments provide the tools to do that. The Wisconsin Indian Education Association, a group of volunteer professional from across the state, are working hard on these improvements. WIEA we thank you.

On Charter Schools, let me speak for the 11 tribal nations when I say thank you for your support in 2015 when you expanded Charter School authorization to the two Tribal colleges in our state - College of Menominee Nation and Lac Courte Oreilles Ojibwe Community College, to sponsor up to 6 total Charter schools between them.

The Tribal Colleges have been approached about planning for potential requests for charter schools with many different themes, all aimed at improving cultural identity and improving the quality of education.

Based on the Charter School authorization and long-range strategic planning, Menominee had used precious tribal funding to create a Menominee Language Immersion Program. We are teaching young adults our language to prepare them to be instructors in a potential Menominee Language Immersion Charter School. My son, Otaeciah, or Luke, who gave today's invocation, is a product of our immersion program and a junior in linguistics here at UW- Madison.

Menominee is piloting a Day Care Birth-to-2 language immersion classroom as we develop more adult speakers to be teachers. Other tribal immersion schools today include Waadookadaading K-7 school in Lac Courte Oreilles, Ho-Chunk Immersion Daycare, and Lac Du Flambeau Headstart Immersion. Maec-waewaenen Otaeciah for those beautiful words given on our behalf. Legislators, you would be surprised the doors your legislation can open for our young men and women. If we have any immersion students, teachers, and

parents here today, please rise...

Safe Haven Bill amendments, AB-113 is our biggest disappointment with bills recommended by the Special Committee on State-Tribal Relations. We have worked diligently to improve the Safe Haven Law to ensure that Wisconsin's Safe Haven Law maintains anonymity, but is consistent with the Wisconsin Indian Child Welfare Act or WICWA, and the federal Indian Child Welfare Act, or ICWA. WICWA and ICWA are state and federal laws meant to protect the best interests of Indian children and to promote stability and security of Indian families and tribes.

It is our hope that you will recognize the cultural sensitivity that comes with a Native American child and respect the modest improvements the Tribal Nations have requested to assist in the identification and the protection of our children. Unfortunately, the bill has run into delays in the legislative process.

Let me move now to specific issues and concerns lying ahead of us all, and what we ask of our state leaders.

Drug Testing for Medicaid Eligibility- Though not yet granted a waiver from the federal government, we are concerned about the unintended impact of BadgerCare childless adult reforms on tribal healthcare budgets. We are concerned with the high rates of unemployment and low job opportunities on our rural reservations and the need to get our members ready for work. We fear that the lack of job opportunities and threat of drug testing will simply shift the cost of healthcare from the federal government to tribes.

That is because today when a tribal clinic provides certain types of care to a tribal member eligible for Medicaid, the federal government pays 100% of that cost, not the state or tribe. If that same tribal member goes to that same tribal clinic, but is removed from Medicaid eligibility or avoids Medicaid eligibility then federal Indian Health Service or tribal funding must pay. And total federal Indian Health Service funding only covers 60% of tribal healthcare needs.

So here is the problem. Rather than moving away from the Reservation for employment or taking a drug test to keep their Medicaid benefits, the tribal member instead shows up at a Tribal Clinic for medical treatment and the tribal clinic must pay the cost from its own limited funds. That might not be a problem for some tribes, but for most we cannot afford that. So we continue to tell the Feds to not approve that portion of the state's waiver request.

Tribal leaders are pleased that Family Care is now being expanded statewide. We are working with DHS and the federal government to make

the program work better for our tribal members. We believe that the services provided need to be culturally-centered and tribally controlled. We are hopeful we can get this worked out so that it can meet the targeted implementation date of July 1, 2018.

Tribal governments are facing the terrible opioid crisis just like the rest of the state. We applaud the efforts made by Rep. Nygren and Lt Governor Kleefisch. Tribes are in a unique situation when it comes to qualifying for the State Targeted Response to Opioid Crisis Grants. Our challenge is the collection of data to support the need. Because we don't have the facilities or wait lists, we can't show need to garner grant points, but like everywhere else, our need is tremendous. Tribes also request that the counties that receive this special grant funding be required to work cooperatively with the tribes within their counties. Our concern with culturally-based treatment, hopefully, will be addressed when our new Tribal Nations Adolescent Treatment and Wellness Center is constructed with help from the state.

On the supportive front, many of the tribes have developed Tribal Action Plans, to help combat the growing drug epidemic as well as other substance abuse issues in our communities. These Tribal Action plans are community-wide strategic plans, using all available tribal programs and agencies, and are centered on prevention and intervention, including culturally relevant programming.

We ask the legislature to help us by providing assistance and cooperation in our Tribal Action Plan efforts to combat drug abuse in our shared communities. Many of our Tribal Action Plans use Trauma Informed Care as a component of the plans. We are seeing preliminary good results from these efforts.

Closely related to our health, is environmental health. This is part of the reason, I believe, that Menominee was requested to provide this speech. The two-leggeds, four-leggeds, finned, winged, and the plants, are all our relatives. We are all related.

When I first was voted onto our Tribal Legislature, several of my aunts and uncles took me aside, and reminded me of my responsibilities. I was told when I vote that I am to remember that I am not just voting for humans, I'm also voting for all those that cannot vote. The apaehsohsak, or deer, can't raise a hoof and say, "respectfully, mr. chairman, I vote no on this item..." no fish or bird or otherwise can vote directly either. It is through our vote, that we consider their welfare, and vote for what is the negotiated best choice for us all.

Further, we are told we have a compact of sorts, or an agreement, that we made way back when humans and animals could still communicate. That compact was that we humans could harvest these animals and fish and other beings, but only take what we needed for us and our young to survive, and we would, in turn, help protect the survival of their homelands

and their young. A trade-off, a compact.

So then, here are some of our concerns..first, the tribal nations need you and our DNR and DATCP to provide stronger protections for the wild herds of deer in Wisconsin from CWD. One of our major concerns is the adequacy of game farm regulation. We thank the DNR and DATCP for agreeing to a notification process with tribes on reporting CWD test positives.

But the question comes next, what about stricter actions after we get the CWD positives? The Ojibwe enjoy court- affirmed treaty hunting, fishing and gathering rights in the northern one-third of Wisconsin, and we other tribes enjoy those same rights on our trust lands. Our treaties, signed for ceding this beautiful land, allows for certain rights forever, and the lack of an aggressive common-sense prevention and intervention plan regarding stopping CWD puts our court-affirmed treaty rights, as well as the Wisconsin public's tourism and hunting, in peril.

Next, and I had been leading up to this, is our perspective on mining. Now, certain types of mining, such as gravel mines, seem okay. When the Mining Moratorium Law was passed in 1998, or the "Prove it First Law" as it was known, it included a common-sense provision that any Metallic-Sulfide mining attempts in Wisconsin must first prove that the same type of mining was operated for 10 years, then closed for 10 years, and there was no environmental degradation, or pollution, emanating from it.

So basically, when technology caught up with mining and could prove it could happen and wouldn't hurt us or our environment, Wisconsin would agree to monitor it and allow it. But this year the Mining Moratorium Law was repealed. This reversal of much of the protections of the Prove it First Law, goes against all our knowledge and common-sense. But, as we said, we're not Ludites. We understand a certain amount of risk might be tolerated in exchange for certain minerals that help society. We get it. But we don't think that technology day has not come yet! We aren't allowed, ethically, to put our future babies' world at high risk. We must look at alternatives such as recycling or no mines near water. We are no one's enemies when we opposed this law change and still do believe it was a mistake and should be amended.

We have the same concerns over reducing state regulation over certain types of wetlands, and we have concerns over altering the balance of wildlife in our forests by removing the alpha predators, the wolves, from their rightful role in keeping the balance.

Finally, we are disappointed at our state's inactions regarding the potential permitting of the Aquila Back 40 open-pit sulfide mine along the Menominee River, in Menominee County, Michigan. Because this is an interstate, inter-

commerce boundary waterway, we believe the federal government mistakenly is giving regulatory authority to the State of Michigan. The State of Wisconsin seems to have given away the concerns of its citizens to either another state. The waters of this interstate dictate mandatory federal authority.

For the Menominee, construction of the mine means desecration and destruction of burial mounds, graves, and sacred sites, along an extended ancient village setting.

We urge our legislators and agencies to heed a warning: If allowed, this open-pit sulfide mine, located just 50 yards from the Menominee River, will put, either now by accident, or later because that's what happens eventually in every one of these types of mines to date, toxic sulfuric acid into the groundwater that will pollute the Menominee River, Green Bay, and Lake Michigan. Wisconsin homes and businesses and tourism along the river and lakeshore will be harmed. Would you sit back if risky action were being taken on the Minnesota side of the Mississippi River or the St Croix River that could impact your Wisconsin district? Would you sit back if Lake Superior were threatened by some action again in Minnesota or in Ontario, Canada?

Hopefully when the State Legislature reconvenes for its 2019-2020 session, you will reconsider this and other environmental concerns we've voiced today. It's a hope. My relatives, we're told this path we walk is hard, and as humans we are not alone. We should see ourselves as strands in this beautiful environment here for a fleeting minute, and join in it, not put it at risk.

We just must see the world differently. As tribal leaders we have inherited, ... different, non-negotiable responsibilities to our great-grandchildren. It's how we lived on this land for almost 15,000 years. 7 generations ago, my ancestors believed in this rule and here I stand, benefitting from their sacrifice and wisdom. If every generation follows this rule, we are guaranteed a good world forever.

So, the Tribal Nations invite you to visit our lands to learn about our businesses, our laws and our cultures.

In reaching out to you, we quote Hunkpapa Lakota Sioux, elder Sitting Bull, 1831-1890. I leave you with this: "Let us put our minds together and see what life we can make for our children."

Netaenewemakenak,

