

TESTIMONY
OF
NORMAN .W. DESCHAMPE

Before the
Committee on NATURAL RESOURCES
Subcommittee on Indian and Alaska Native Affairs

July 29, 2014, at 2:00 p.m.
Room 1324 Longworth House Office

Legislative hearing on **H.R. 3608 (Nolan)**, “*Grand Portage Band Per Capita Adjustment Act*”

CHAIRMAN Young and Members of the Committee:

My name is Norman Deschampe. I am the Chairman of the Grand Portage Band of Lake Superior Chippewa Indians. I am here to testify in support of H.R. 3608, a bill that would amend existing federal law so that payments made to members of the Grand Portage Band receive the same treatment as other payments derived from Indian trust resources.

The background of this issue goes back to 1985 when Grand Portage filed a suit against officials of the State of Minnesota. The lawsuit was necessary because the State refused to recognize that Grand Portage possessed reserved treaty rights to hunt and fish in the 5 million acre territory ceded to the United States by the Treaty of September 30, 1854. 10 Stat. 1109.

When it became clear to the State of Minnesota that the treaty rights were real and that those rights could include a commercial harvest of fish in Lake Superior and inland lakes, the State began to negotiate a settlement. The settlement we reached in 1988 was approved by the federal court and is the basis for the payments made by the State to the Band and, ultimately, to Grand Portage members. The annual payment made by the State of Minnesota is in exchange for the Band’s willingness to forego the full exercise of treaty rights. For Grand Portage members that means that instead of sharing in the proceeds of a commercial fish harvest from Lake Superior, they receive a small per capita payment.

In 2000, Congress enacted Public Law 106-568 to make it clear that the payments to the Bois Forte Band are treated as income from trust resources. Bois Forte is a party to the same agreement with the State of Minnesota and there should be no difference between the treatment of per capita payments to our members. I believe that the fact Bois Forte was included in the 2000 Act and Grand Portage was not was simply an oversight.

Grand Portage is not a large Band. We have about 1100 members on our rolls and about 20% of them are age 65 or older. It is those elders who do not realize the full benefit of their per capita when it reduces an assistance payment or increases their tax burden. On behalf of all Grand Portage members and our elders I urge you to make H.R. 3608 the law.