Early Chippewa-U. S. Relations

The Chippewa (also known as the Ojibwa or Anishinabe) Indians of present-day Wisconsin are the descendants of a northern Algonquian people who lived in an extensive area, mainly north of Lakes Superior and Huron. These people began migrating across the Great Lakes region long before Europeans arrived (Ritzenhaler 1978, 743). Early settlements at Sault Ste. Marie, L’Abre Croche, Mackinac, L’Anse, Green Bay, and Fond du Lac preceded the establishment of other villages in what are today the states of Michigan, Wisconsin, and Minnesota as European trade penetrated into the Great Lakes region and drew the Indians from the backwoods and upriver areas to the points of trade (Keller 1978, 2; James 1954, 19; Mason 1988, 94).

By the early decades of the nineteenth century, according to anthropologist Harold Hickerson, more than three thousand Chippewas occupied seven large autonomous village centers extending from Red Lake in present-day Minnesota on the northwest to Lac du Flambeau in Wisconsin on the east. Three of these centers—those at Red Lake, Leech Lake, and Sandy Lake—were in Minnesota while the Snake River and Yellow River settlements were on branches of St. Croix River in the Minnesota-Wisconsin border region. Another two centers were in Wisconsin at Lac Courte Oreilles and Lac du Flambeau. In addition to the seven village centers, about one thousand Chippewas lived in numerous smaller villages, each with a population of only one hundred to one-hundred fifty people, located near one or another of the larger settlements (Hickerson 1962, 12-13).

Hickerson’s population estimates may be on the conservative side. Nineteenth-century Indian agent and pioneer ethnologist Henry Rowe Schoolcraft reported there were more than seventy-three hundred Chippewas living along the southern shores of Lake Superior and the sources of the Mississippi River in the mid-1820s (1828, 98). The dearth of reliable population statistics for Indian communities in early nineteenth-century America is a perplexing problem, but there appears to be agreement among scholars that the bulk of the Chippewa population at the time of European penetration into North America was in Canada and that this population pattern has continued into the twentieth century. The Chippewa country in the United States and Canada encompasses an expanse of land from the eastern end of Lake Ontario westward to the vicinity of Lake Winnipeg in Manitoba and the Turtle Mountains of North Dakota, a range greater than that of any other Indian people in North America (Ritzenhaler 1978, 743; Tanner 1976, 1-4).

Like all Indian peoples in North America, the Chippewas lived close to nature. Their traditional lifestyle involved a seminomadic existence in heavily forested regions through which the Indians traveled, depending on the season, by canoe on the numerous lakes and rivers or by toboggans and snowshoes. Primarily hunters and trappers, this forest people also fished the streams (Fig. 1), gathered wild rice in the rivers (Fig. 2), and tapped trees to make maple sugar (Fig. 3); their lives
revolved around these differing subsistence activities according to the changing seasons. Hunting and fishing were such esteemed occupations that a Chippewa boy’s first success in each was publicly acknowledged. Chippewa religious beliefs emphasized the existence of spirits in both animate and inanimate objects and guided the Indians in their use of resources (McKenney and Hall {1838}, 99; Rizenthaler 1978, 746-47; Danziger 1979, 9-14; State Historical Museum 1990-91; Johnston 1990, 66; Vecsey 1983, 10-11, 59-63).

As Europeans ventured into the upper Great Lakes region in the seventeenth century, they introduced such goods as guns, ammunition, metal traps and kettles, and manufactured blankets—simplifying the lives of the Chippewas but also making them increasingly dependent on the traders who supplied these goods. Rapidly, Chippewa culture shifted from the stone-bone-wood-pottery materials made by Indians to metal replacements made by Europeans. As the gun replaced the bow, hunting and warfare intensified. Chippewa incursions into Sioux hunting territories to the West increased.1 By the mid-eighteenth century, scattered bands of Lake Superior Chippewas controlled the region west of the Keweenaw Peninsula as far as the upper Mississippi Valley, but they had to fight to maintain their control. Continual warfare with the Sioux in what are today Wisconsin and Minnesota preoccupied the Chippewas as the advancing line of American settlement moved westward following the American Revolution (James 1954, 23; Danziger 1979, Chs. 3-4; Keller 1978, 2; Rizenthaler 1978, 743-44).
The Treaty of Paris, which in 1783 ended the American Revolution, partitioned North America between Great Britain and the United States and its allies. Consequently, the Great Lakes and the Mississippi River became the northern and western boundaries of the independent United States. The Great Lakes region, however, was actually far beyond the area under American control. Chippewas and other Indians living in the area strongly resented having Great Britain and its former thirteen colonies carve up their homelands without consulting them (Jones 1982, 139-42).

Following the Treaty of Paris, the United States used high-handed tactics to secure land cession treaties from Indians in the Great Lakes region. Indian resentment of American methods of acquiring land, together with American efforts to maintain peace on the frontier, led government officials to reexamine their handling of Indian-white relations. Because the United States had failed in its efforts to treat Indian affairs as a domestic problem, government officials found it necessary to treat Indian bands and tribes as if they were foreign nations. As one scholar notes, U. S. officials were “forced to consider relations with the Indians, rather than a unilateral policy for the Indians” (Jones 1982, 147-48).

On July 13, 1787, American officials adopted a set of principles for dealing with the Indians north of the Ohio River and east of the Mississippi River, a region including the lands of Wisconsin’s Chippewa Indians. The Northwest Ordinance declared:
The utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorised by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them. . . . (Continental Congress 1787, 10)

Land acquisition by "consent" implied the negotiation of formal treaties.

The Constitution of the United States, drafted in 1787 and ratified two years later, recognized treaty making as the basis for conducting the new republic's relations with Indian bands and tribes. The United States was a small, isolated, agrarian nation with military and financial weaknesses, so its founding fathers placed Indian affairs in the hands of the federal government (Wrone 1986-87, 84-85). John Marshall, one of the nation's most distinguished Supreme Court chief justices, summarized the scope of federal authority in Indian affairs in 1832. The Constitution, he said, "confers on congress the powers of war and peace; of making treaties, and of regulating commerce with foreign nations, and among the several states, and with the Indian tribes. These powers comprehend all that is required for the regulation of our intercourse with the Indians" (U.S. Supreme Court 1832, 559). The Supremacy Clause of the Constitution specifically stipulates that treaties with Indian tribes have the same status as those negotiated with foreign nations:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United
States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. (Article 6, Clause 2)

As the new American nation inaugurated its first president in 1789, the Northwest Ordinance and the recently ratified Constitution provided it with a basic framework for handling Indian-white relations based on the realities it confronted.

Secretary of War Henry Knox briefed President Washington on the realities of Indian-white relations in the Great Lakes region within a few months of the first chief executive's inauguration. Observing that "the Indians are greatly tenacious of their lands, and generally do not relinquish their right {to them},* excepting on the principle of a specific consideration, expressly given for the purchase of the same" (1789a, 8), Knox advised Washington that "the dignity and the interest of the nation" would best be advanced by recognizing Indian ownership of lands. Considering the number of warriors in the region, Knox urged Washington to adopt "a liberal system of justice" toward the Indians.

It is highly probable, that, by a conciliatory system, the expense of managing the said Indians, and attaching them to the United States for the next ensuing period of fifty years, may, on an average, cost 15,000 dollars annually.

A system of coercion and oppression, pursued from time to time, for the same period, as the convenience of the United States might dictate, would probably amount to a much greater sum of money . . . but the blood and injustice which would stain the character of the nation, would be beyond all pecuniary calculation.

As the settlements of the whites shall approach near to the Indian boundaries established by treaties, the game will be diminished, and the lands being valuable to the Indians only as hunting grounds, they will be willing to sell further tracts for small considerations. By the expiration, therefore, of the above period, it is most probable that the Indians will, by the invariable operation of the causes which have hitherto existed in their intercourse with the whites, be reduced to a very small number. (1789b, 13-14)

Knox understood that the United States needed peace on its frontiers so it could address other issues facing it, and he believed that acquiring Indian lands by purchase rather than by conquest was in his nation's best interests (Prucha 1984, 1: 49). The first treaty negotiated by the Washington administration with Chippewa Indians and other Great Lakes tribes, the Treaty of Greenville of 1795, specifically declared that in order to promote a "strong and perpetual" peace between the United States and the Indians of the Great Lakes "the Indian tribes who have a right to . . . [unceded] lands, are quietly to enjoy them, hunting, planting, and dwelling thereon so long as they please, without any molestation from the United States." In return for this pledge and for the promise of protection against all white intruders, the Indians agreed to sell lands only to the United States (Kappler 2: 41, 42).

Despite the rhetoric of the Northwest Ordinance and of the Washington administration, the demands of settlers, speculators, and other whites for Indian lands and resources during the early years of the republic were often met by violating the "liberal system of justice" Secretary of War Knox had so enthusiastically

*As mentioned in the "Notes to the Reader on Usage," I have used braces {} throughout the book for any information added to a quotation.
endorsed. Knox greatly underestimated the firm attachment Great Lakes Indians had to their lands. As the demand for Indian lands grew, American officials increasingly resorted to bribery, deception, economic coercion, threats, and sometimes brute force to secure Indian signatures on land cession treaties. The treaty-making process served as a convenient means of sanctioning federal land grabs under the guise of diplomacy (Satz 1975, 1-6; 1987, 35-36).

In the early 1800s, the U. S. War Department opened government trading houses at Fort Wayne (Indiana, 1802), Detroit (Michigan, 1802), Chicago (Illinois, 1805), Sandusky (Ohio, 1806), Fort Mackinac (Michigan, 1808), Fort Madison (Iowa, 1808), Green Bay (Wisconsin, 1815) and Prairie du Chien (Wisconsin, 1815) as part of its effort to exert economic influence over the tribes on the northwestern frontier (Prucha 1953, 11; Prucha 1984, 1: 124). As Thomas Jefferson had noted in a private letter in 1803, “we shall push our trading [ho]uses, and be glad to see the good and influential individuals among them run in[to] debt, because we observe that when these debts get beyond what the individuals can pay, they become willing to lop them off by a cession of lands.” By following such a policy, Jefferson was confident that “our settlements will gradually circumscribe and approach the Indians, and they will in time either incorporate with us as citizens of the United States, or remove beyond the Mississippi” (Jefferson 1803, 10: 370). Jefferson’s plan conflicted with the efforts of private traders like John Jacob Astor of the American Fur Company and his lieutenants Ramsey Crooks and Robert Stuart who lobbied hard, especially after the War of 1812, to regain control of the fur trade from the government-run trading houses. Their efforts contributed to the closing of the Green Bay trading house in 1821 and the closing of the one at Prairie du Chien the following year, as the lobbyists succeeded in convincing Congress that the trade should be turned over to private interests (Prucha 1984, 1: Ch. 4).

Following the closing of the trading house at Green Bay in 1821, federal officials anxiously sought other ways to extend their authority over the Indian tribes of the upper Great Lakes region. Yet, the Lake Superior Chippewa continued to depend on British traders and to ignore American claims to their homelands (Keller 1978, 4). As a result, the U. S. War Department established a military post and an Indian agency at Sault Ste. Marie in 1822 for the purpose of countering British influence in the region and extending American control over the Chippewas (Bremer 1987, 53, 56; Hill 1974, 165).

During the mid-1820s, American officials sought to transfer the allegiance of the scattered bands of Lake Superior Chippewa Indians from their British “Father” in Canada to their American “Father” in Washington through a series of treaty negotiations. The first parley convened on the east bank of the Mississippi River above the mouth of the Wisconsin River at Prairie du Chien on August 19, 1825 (Fig. 4). In the resulting treaty (Kappler 2: 250-55), American Commissioners William Clark of the St. Louis Superintendency and Michigan Territorial Governor Lewis Cass called for “a firm and perpetual peace between the Sioux and Chippewas”; established “tribal” boundaries for the Chippewa, Sioux, Sac and Fox, Menominee, Ioway, and Winnebago Indians, as well as for bands living along the Illinois River; recognized Indian title to the newly demarcated “tribal” territories; and supposedly placed each of the various Indian peoples under American supervision.
Fig. 4. View of the Great Treaty Held at Prairie du Chien, September 1825. A James Otto Lewis painting. By establishing tribal boundaries for the assembled Indians, Treaty Commissioners Lewis Cass and William Clark laid the groundwork for future land cessions. Courtesy of the State Historical Society of Wisconsin. WHi(x3)2812
Not all Chippewa bands were represented by full deputations at Prairie du Chien (Neill 1885, 467-70), and Clark and Cass found it necessary to include the following provision in the treaty under Article 12:

The Chippewa tribe being dispersed over a great extent of country, and the Chiefs of that tribe having requested, that such portion of them as may be thought proper, by the Government of the United States, may be assembled in 1826, upon some part of Lake Superior, that the objects and advantages of this treaty may be fully explained to them, so that the stipulations may be observed by the warriors. The Commissioners of the United States assent thereto, and it is therefore agreed that a council shall accordingly be held for these purposes. (Kappler 2: 253)

Such a council was assembled a year later on the western end of Lake Superior at Fond du Lac where a treaty concluded by Governor Cass and War Department official Thomas L. McKenney on August 5, 1826, claimed that “the whole Chippewa tribe” had assented to the principles and policies laid out at Prairie du Chien (Kappler 2: 268-73). A year later, at a treaty parley with Chippewa, Menominee, and Winnebago leaders concluded at Butte des Morts near Green Bay, Commissioners Cass and McKenney negotiated the southern boundary line of the Chippewa country (Kappler 2: 281-83). These treaties, as Henry Rowe Schoolcraft of the Sault Ste. Marie Agency on the Upper Peninsula of Michigan noted, were designed “to place our Indian relations in this quarter on a permanent basis, and to ensure the future peace of the frontier” (Schoolcraft 1851, 244-45).

One way in which American treaty commissioners sought to extend American influence into the Great Lakes region was to convince the Indians of America’s military strength. To accomplish this goal, soldiers accompanying the commissioners drilled, paraded, and stood inspection on a regular basis. At Fond du Lac, Commissioners Lewis Cass and Thomas L. McKenney emphasized the military strength of the United States by warning the Chippewas, “You have never seen your great father’s arm. Only a small particle of it—here on your right—[pointing to the military]—but it is only a bit, and a very little bit, of his little finger.” The commissioners told the Chippewas to view agent Schoolcraft as the representative of the president of the United States. “We advise you as friends and brothers, not to offend your great father. He has sent his agent, [Mr. Schoolcraft] among you. He speaks your great father’s words, listen to him; then you will be happy—and this is what your great father wishes you to be. It is with yourselves to be so, or not” (Edwards 1826, 475-76).

The American treaty making of the mid-1820s actually had little immediate impact on the daily lives of Wisconsin Chippewas for nearly a decade. Americans generally viewed the Chippewa country in the Lake Superior region as “sterile and forbidding” (Schoolcraft 1828, 99), and few ventured into the vast region of approximately twenty-seven million acres including about fifteen million in Wisconsin, seven million in Minnesota, and five million in the Upper Peninsula in Michigan (Wilkinson 1990, 9). Located between and thus remote from the Indian agencies established in 1819 at Fort Snelling near present-day Minneapolis and at Sault Ste. Marie in Michigan Territory in 1822, the Wisconsin Chippewas did not have an American Indian agent residing within their country until the stationing of a subagent at La Pointe in 1837 (Hill 1974, 87, 160, 162, 165-66; Danziger 1979, 77).
Despite the efforts of American treaty commissioners to end intertribal hostilities, Chippewa and Sioux Indians continued to fight over the game in Wisconsin and Minnesota largely in response to the prodigious demands of the fur trade system introduced by whites (Hickerson 1962, 28-29, 94 n. 16; 1973, 30). Indeed, surveyors did not actually begin work on the boundary line between the Sioux and the Chippewas called for in the 1825 Treaty of Prairie du Chien until a decade later (Herring 1835, 66). Even though the treaties of the 1820s had little immediate impact on the Chippewas, they set the stage for later negotiations that did have far-reaching effects.

Chippewa leaders had ostensibly recognized American hegemony in the region at Fond du Lac in 1826 since they agreed to a provision allowing the United States the right “to search for, and carry away, any metals or minerals from any part of their country.” Although American Treaty Commissioners Lewis Cass and Thomas McKenney gave the Indians no reason to believe that this provision would affect their land title or jurisdiction over the land (Edwards 1826, 458; Kappler 2: 269), the provision would haunt the Chippewas. “The article . . . was so worded,” a missionary observed many years later, “that I can conceive the Indians might understand that they gave permission to take specimens of minerals without intending to grant liberty to [the] Government to work the mines, while the Government might understand that they had full liberty to work the mines and this without any intention to deceive the Indians” (Wheeler 1843).

United States treaty commissioners frequently referred to and dealt with the Chippewas as if they constituted a single tribe or nation, as when Cass and McKenney referred to assembling “the Chippewa Tribe of Indians” at the Fond du Lac negotiations in 1826 (Kappler 2: 268). The term tribe or nation, however, is not applicable to these people because the words connote a single political and social body. In reality, separate Chippewa villages actually carried out ceremonial and political activities as independent, autonomous units (Hickerson 1988, 77-78). As Indian agent Schoolcraft observed:

Their government, so far as they exercise any, is placed in the hands of chiefs. They have village chiefs and war chiefs. The former are hereditary, the latter elective. Neither are invested with much power in advance. The occasion which calls for action, brings with it an expression of the general voice. The latter is implicitly obeyed; and it is the policy of the chiefs to keep a little in the rear of public sentiment. The power of both orders of chiefs, is only advisory; but that of the war chief predominates during a state of war. No formality is exercised in taking the sense of the village, or nation, as to public men or measures. Popular feeling is the supreme law. They exchange opinions casually, and these are final. Councils generally deliberate upon what has been, beforehand, pretty well settled. (1828, 100)

Many years before Schoolcraft recorded his observations of Chippewa governmental structure and before the negotiation of the 1826 treaty mentioned earlier, Cass had reported to the War Department that the Chippewas were loosely organized into villages headed by chiefs who had only limited power and that “the Government of the Indians, if it deserve that name, is a Government of opinion” (Keller 1981, 2).

Although Chippewa bands shared a common culture and the same Algonquian language, there was no overall political structure binding them together. Individuals from contiguous villages maintained communication links, intermarried, and some-
times participated together in religious ceremonies, peace councils, war parties, and treaty negotiations; but in general, such activities were dealt with by individual villages or bands rather than by united Chippewa communities. There were common law-ways, but these were set and enforced informally through the use of praise and scorn rather than formally through legal institutions tying the bands together (Hickerson 1962, 13; Ritzenthaler 1978, 753; Wilkinson 1990, 7).

By 1830, the Chippewa Indians were deeply in debt to fur traders. Like Thomas Jefferson before him, President Andrew Jackson was eager to use "national" Indian debts as a vehicle for securing "tribal" land cessions. Michigan Territorial Governor Lewis Cass informed the president that the situation among the Indians of the Great Lakes region was ideal for treaty negotiations. "The goods they received were dear," Cass remarked, "and the peltry they furnished was cheap" (1830, 65). This situation played into the hands of federal treaty negotiators.

Andrew Jackson entered the White House in 1829 committed to the removal of Indians from states and territories east of the Mississippi River to locations in the trans-Mississippi West. Years of experience in Indian affairs as an army officer and territorial governor of Florida had led Jackson to the position that American national security demanded the removal of Indians outside the nation’s geographical limits in order to provide "a connexion of our territory by the possession of their claims." In 1830, Jackson pushed an Indian Removal Bill through Congress and lost little time in directing eastern Indians to the trans-Mississippi West (Satz 1975, Chs. 1, 3-4).

The Removal Act of 1830 called for the voluntary exchange of lands east of the Mississippi River for lands in an area west of Arkansas and Missouri designated as Indian Country (U. S. Congress 1830). Treaties negotiated under this legislation promised Indian emigrants permanent title to their new lands, rations and transportation to the West, protection en route, medicine and physicians, reimbursement for abandoned property, and assistance in rebuilding their settlements in the West (Satz 1975, 31, 107, 296-98).

Although Jackson’s removal policy is associated most frequently with incidents in southern Indian history such as the Cherokee Trail of Tears and the Seminole Indian War, the removal policy was applied to Indians in the Great Lakes region as well (Satz, 1975, 112-15; 1976, 71-93). By the mid-1830s, removal treaties had opened large portions of southern Wisconsin to white settlement, and American policymakers cast covetous eyes on Chippewa lands in the northern part of the state (A. Smith 1973, 131-48).

When President Jackson signed the Removal Bill into law in 1830, Winnebago Indian villages still bordered Lake Mendota, the site of the present-day state capital of Madison. During the following decade, southern Wisconsin witnessed an influx of land speculators and Yankee immigrants who made their way to the western Great Lakes via the Erie Canal. Far from being viewed by settlers as savages as were many Southern Indians, Potawatomis were still welcome in the kitchens of some Milwaukee settlers in 1836 when Wisconsin Territory was organized (Tanner 1987, 146). The territorial seal designed by engraver William Wagner, however, expressed the pervasive belief of the age and pointed the way toward the future of Indian-white relations in the territory. It boldly proclaimed, "Civilitas Successit Barbarum" (civilization succeeds barbarism) and depicted a white settler plowing a field while an Indian faced his destiny in the West (Fig. 5).
Fig. 5. The Great Seal of the Territory of Wisconsin. William Wagner's territorial seal reproduced from Marcus Willson's American History (1855). Courtesy of the State Historical Society of Wisconsin. WHi(x3)45609