

The Murder of Joe White: Ojibwe Leadership and Colonialism in Wisconsin

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*This dissertation is dedicated to my parents, Joan and Mike Redix, for their continued love and support through the years.*

## Abstract

*The Murder of Joe White: Ojibwe Leadership and Colonialism in Wisconsin* is centered around the 1894 murder of Lac Courte Oreilles Ojibwe ogimaa (chief) Giishkitawag, also known as Joe White. White was the ogimaa of a community at Rice Lake, Wisconsin, 50 miles southwest of the Lac Courte Oreilles Reservation. In 1894, Wisconsin game wardens Horace Martin and Josiah Hicks were dispatched to arrest White for hunting deer out of season and off reservation land. Martin and Hicks found White working in an off-reservation logging camp and made an effort to arrest him. When White took a single step back, the game officers proceeded to beat him with handcuffs and a shotgun. Then White attempted to flee, and the wardens shot him in the back, fatally wounding the leader. Both Martin and Hicks were charged with manslaughter, but later acquitted by an all-white jury. This dissertation contextualizes this event within decades of struggle of the community at Rice Lake to resist removal to the Lac Courte Oreilles Reservation, created in 1854 at the Treaty of La Pointe. The community at Rice Lake was first led by White's father, Nenaa'angabi, who after being killed in battle with the Dakota in 1855 was succeeded by Joe White's brother Waabizheshi. Joe White became ogimaa when Waabizheshi was murdered in 1877 for unknown reasons by another Ojibwe. While many studies portray American colonialism as defined by federal policy, this dissertation seeks a much broader understanding of colonialism, including the complex role of state and local governments as well as corporations. All of these facets of American colonialism shaped the events that led to the death of Joe White and the struggle of the Ojibwe to resist removal to the reservation.



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## Introduction

### Why Is There No Rice in Rice Lake?

On December 13, 1894 Lac Courte Oreilles Ojibwe *ogimaa* (or chief) Giishkitawag, was shot to death by game warden Josiah Hicks on the orders of his superior, Horace Martin. The game wardens were serving Giishkitawag with an arrest warrant for hunting deer out of season. Giishkitawag, or Joe White, as he was known to local whites, was the leader of an Ojibwe community at Rice Lake, Wisconsin. The shooting occurred north of Rice Lake at Long Lake, an important site for Ojibwe fishing and wild rice gathering. Giishkitawag was traveling from Long Lake to the Lac Courte Oreilles Reservation when the Rice Lake game wardens caught up with him. According to witnesses including family members present that day, Giishkitawag took a single step back as Martin and Hicks attempted to place him in handcuffs. This seemingly small action nonetheless provoked Martin and Hicks, and they began to beat Giishkitawag with the handcuffs and the end of a shotgun. As Giishkitawag began to fear for his life and attempted to flee, Hicks shot Giishkitawag, killing him instantly. At the time of his murder, Giishkitawag, like all Lake Superior Ojibwe, was guaranteed the right to hunt off-reservation in treaty rights, reserved rights never extinguished. While this shocking act of violence might today appear a quick or random event in an era when racial violence was common, it was in fact an event decades in the making, an action that was the direct result of the history of American colonialism operating against Native people in Wisconsin.<sup>1</sup>

Rice Lake, Wisconsin is a town of about 8,000 in the northwest part of Wisconsin. It is so named because of a shallow, 859 acre lake that borders the town.

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<sup>1</sup> All Ojibwe names I have spelled in the Fiero orthography as it is the most commonly used writing

Wild rice, the food source for which the lake is named, is not rice at all, but a highly nutritious grain, which once grew in dense stands over the entirety of the lake. Vital to the survival of the Ojibwe and other Native people of the region for centuries, wild rice can be stored for long periods of time without spoiling. Though small by many standards, Rice Lake is still the largest city in this part of northwest Wisconsin and draws people of surrounding smaller towns from a radius of over 60 miles. One of these communities is Hayward, Wisconsin, 50 miles northeast of Rice Lake. Ten miles south of Hayward is the Lac Courte Oreilles Ojibwe Indian Reservation. The boundaries of the Lac Courte Oreilles (or LCO) Reservation, includes 69,072 acres, of which just over 50,000 acres are owned by the tribe or individual tribal citizens. 2,252 of the 6,154 enrolled tribal citizens live on the Reservation.<sup>2</sup>

At the beginning of the nineteenth century the Lac Courte Oreilles Band consisted of seven communities spread out in a vast area along the Chippewa River watershed. The Band originated and took its name from the community at Lac Courte Oreilles, but by the nineteenth century largest and most influential Ojibwe community was at Rice Lake. The community was influential because the Ojibwe at Rice Lake had access to the rich prairie hunting grounds to the south and the vast wild rice beds of Rice Lake and nearby Prairie Rice Lake. Their influence was sustained by the military success of the leader of the community, Nenaangabi, in campaigns against Dakota people to the southwest.

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<sup>2</sup> “Lac Courte Oreilles Band of Lake Superior Chippewa, Tribal Profile,” Wisconsin State Tribal Relations Initiative, <http://witribes.wi.gov/section.asp?linkid=284&locid=57>, Visited on: 1/17/2012. Throughout I use the term “tribal citizen” to refer to individuals enrolled in Native nations. While “tribal member” is more common, the use of the word citizen better conveys the sovereignty of Native nations. I mean both tribal citizen and tribal member to be synonymous.

The rise of Nенаа'angabi coincided with American expansion in the western Great Lakes. In the Treaty of Prairie du Chien in 1825, the Native nations of the western Great Lakes agreed to boundaries among one another that paved the way for future land cessions. In 1837, Ojibwe leaders sold their lands in northwest Wisconsin in exchange for yearly payments of cash and goods over a twenty-year period. However, the majority of the signers of the treaty were leaders who represented communities outside of the territory ceded. Although Nенаа'angabi attended the council, he refused to sign the treaty. Despite selling their lands, the federal government made no effort to remove the Ojibwe, and under the treaty, the Ojibwe retained their essential rights to hunt and fish throughout the ceded territory.

When removal pressures came, it was not from the federal government, but local officials, in the person of Minnesota Territorial Governor Alexander Ramsey. In 1850, Ramsey plotted to remove the Wisconsin Ojibwe to Sandy Lake in northern Minnesota in order to benefit his fur trading cronies in Minnesota who stood to profit from the payment of Ojibwe treaty annuities. Ramsey schemed to trap the Wisconsin Ojibwe in Minnesota by having the annual treaty payment at Sandy Lake but withholding the payment until after the waterways had frozen, making travel back to Wisconsin more difficult in the hope that the Ojibwe would locate there for the winter. With no provisions, more than 400 Ojibwe, or 12% of the total Wisconsin Ojibwe population, died as a direct result of Ramsey's plans. After the deaths at Sandy Lake, Ojibwe leaders were anxious to retain reservations. In 1854, the Lac Courte Oreilles and other Lake Superior Ojibwe Bands retained reservations. In this treaty, as in prior land cession treaties, the Lake Superior Ojibwe also retained their

rights to hunt, fish, and gather throughout the territory ceded. Tragically, the following year, at the height of his influence, Nenaangabi was killed in battle with the Dakota.

Nenaangabi was succeeded by his son, Waabizheshi. During the following twenty-two years of his leadership, Waabizheshi would face unprecedented challenges from American expansion. The old growth forests of northern Wisconsin were razed, providing the building materials for homes in the treeless prairies of the west. Timber companies built dams to store logs temporarily during the winter, then in the spring logs were released downstream to sawmills for processing. Logging dams devastated wild rice crops, resulting in the complete destruction of wild rice beds at Rice Lake and Prairie Rice Lake. In the midst of these changes, white settlers poured into Rice Lake and the surrounding area. Unlike the traders who previously lived in the territory, these new settlers adamantly separated themselves from Ojibwe people, insisting that the Ojibwe remove north to a reservation at Lac Courte Oreilles. In the midst of these mounting pressures, Waabizheshi was killed by a member of the community in 1877.

In this turbulent environment, Giishkitawag inherited the mantle of leadership from the Ojibwe community at Rice Lake. The ensuing decade brought even more direct challenges to Ojibwe sovereignty. Allotment policies threatened to break up the reservation and federal officials sought to alienate Ojibwe children from traditional culture through education in off-reservation boarding schools. Even more disruptive to the Lac Courte Oreilles, the state of Wisconsin aggressively pursued its own agenda to curb the sovereignty of the Ojibwe. Despite their reserved rights to

hunt, fish, and gather off-reservation, which had been guaranteed in federal treaties, the state of Wisconsin vigorously enforced its own game laws, depriving Ojibwe people of their economic means of survival. In the early winter of 1894 a Rice Lake judge, Franklin Angel, issued a warrant for the arrest of Giishkitawag for hunting deer out of season. On December 13, 1894, Game Warden Horace Martin and his assistant Josiah Hicks left Rice Lake headed for a logging camp where the leader was employed, intending to serve him with a warrant and place the leader under arrest.

Following Giishkitawag's murder, conducted in full daylight in front of his distraught wife and terrified children, both Martin and Hicks were charged with manslaughter with a trial date set for the spring. During the trial, the defense never denied beating or shooting Joe White. Furthermore, examination of the scene clearly demonstrated that Joe White did not possess weapons prior to or throughout his violent encounter with Martin and Hicks. In late nineteenth century Wisconsin, justice for Native people in local courts was rare. Not only was the jury all-white, but it was composed of recent immigrants, and many held negative views of Native people. The murder of Joe White illustrates the atmosphere of violence in northern Wisconsin, and the trial of his killers shows how courts upheld the interests of white citizens and an encroaching state and local government, contributing to a complex colonialism for the indigenous Ojibwe living in their own homeland.

### **American Colonialism**

The murder of Joe White occurred four years after the massacre of 400 Lakotas at Wounded Knee. While very different events, both incidents were part of the process of American colonialism. Historians have only recently begun to see

American expansion in the nineteenth century and its impact on Native communities as examples of settler colonialism. One of the first works to do so is Jeffrey Ostler's *The Plains Sioux and U.S. Colonialism*. Ostler sees colonialism this way:

In contrast to colonization, the term colonialism makes explicit the fact that expansion almost always involves conquest, displacement, and rule over foreign groups. Colonialism is closely related to imperialism, often confusingly so. Usually, however, imperialism is seen as a process that leads to colonialism, as for example, in the case of Britain's establishment of a trading empire, which eventually led to formal political rule over indigenous people in south Asia and parts of Africa...Although Americans have often been reluctant to acknowledge imperialism and colonialism in their history, the expansion of the United States clearly involved both, insofar as it entailed the conquest of and eventual rule over Native people.<sup>3</sup>

Despite the tendency in most historical literature about Native peoples in the U.S. to deny colonialism, it is an important and useful way to conceptualize the unprecedented challenges faced by the Lac Courte Oreilles Ojibwe from the nineteenth century to the present day. Aside from its importance as historical methodology, colonialism is a foundational aspect of American nationhood. While many Native people may not articulate it in these terms, most Native people understand this. However, as Ostler points out, most non-Native Americans, including historians, refuse to acknowledge America's colonial past and how the legacy of colonialism continues to shape socioeconomic conditions today.

However, the Ojibwe experienced colonialism in a much different way than the Lakota, which is often used as a ready example of American colonialism through military conquest. It is relatively easy to understand a centralized military campaign as colonialism. However, Americans did not mount a military campaign against the Ojibwe. Instead the Ojibwe experienced colonialism as a complicated, sometimes contradictory, broad spectrum of violence and displacement, and through the

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<sup>3</sup> Jeffrey Ostler, *The Plains Sioux and U.S. Colonialism From Lewis and Clark to Wounded Knee*, (Cambridge: Cambridge University Press, 2004), 2-3.

extension of a brutal and unjust governmental authority. They faced colonialism not just on the federal policy level, but also from the state of Wisconsin, in addition to local governments run by recent immigrants from northern Europe, and even corporations, such as timber and power companies. These conditions made it much more difficult to resist settler colonialism. How could the Ojibwe resist? Even if the Ojibwe were so inclined to offer armed resistance, who or what would they fight? Who would be their allies? The Ojibwe experienced colonialism as a long and violent process, one that never included acts of war, but it was a relentless conquest that effectively undermined their communities and ways of life.

Many studies of Native American history place a heavy emphasis on the federal government as the principal force driving American colonialism. Indeed, the narrative of Native history is often tied to changes in federal Indian policy. A common way to conceptualize changes in federal Indian policy is through the idea of pendulum swings. However, historian Donald Fixico argues:

While this structure has indeed offered a useful way of organizing and periodizing Indian history, we should note that the ‘pendulum’s’ wide sweep obscures as much as it reveals. Federal policies have originated in and been administered from a wide array of ideological, economic, and political positions. Likewise, taking stock of the role of states, other colonial nations, corporations, and other private entities throws the entire question of policy into a more complicated relief.<sup>4</sup>

The idea of the “pendulum” is problematic when it has an exclusive focus on the federal government’s impact on Native people and their land and institutions.

Instead, I argue that colonialism at the state, municipal, and corporate level deeply effected Lac Courte Oreilles economic conditions and sovereignty as much if not more than federal policies of the time including the allotment of reservation lands to

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<sup>4</sup> Donald Fixico, “Federal and State Policies and American Indians,” *A Companion to American Indian History*, Philip J. Deloria and Neal Salisbury eds., (Malden, MA: Blackwell Publishers, 2002), 379.



individual ownership or enrollment of Native children in boarding schools. Timber companies flooded rice beds and the state of Wisconsin prosecuted Ojibwe fishers and hunters, undermining an entire economy. The result of these acts of colonialism was that by the end the nineteenth century most Ojibwe struggled on a day-to-day basis to feed their families.

Constructing a narrative of Native history using the “pendulum” model is also problematic because it rests on the assumption that federal policies only impacted Native peoples for a limited amount of time. For example, in many historical studies scholars treat the removal of Native people from ancestral homelands to reservations as limited to one or two decades following passage of the Indian Removal Act of 1830.<sup>5</sup> I seek to challenge this narrative by arguing that for the Lac Courte Oreilles Ojibwe, the immediate impact of removal was not limited to the mid-nineteenth century, but carried on for decades. For decades after the 1854 Treaty, which created the reservation, Ojibwe people remained in traditional areas. Furthermore, as Joe White’s activities prior to his murder illustrates, Ojibwe people continued to assert their sovereignty by practicing traditional labor in areas off-reservation into the late nineteenth century, even at the expense of their lives and safety. My dissertation seeks to expand the common narratives of Native American history by arguing that removal and the struggle for sovereignty was a complex, decades-long contestation between Native people and federal, state, municipal and corporate interests.

The “pendulum” narrative of Native American history also suggests that Native history was driven by policy, obscuring the vital role the federal, state and local laws played in American colonialism. For example, in 1885 Congress passed

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<sup>5</sup> Indian Removal Act of 1830 (4 Stat. 411).

The Major Crimes Act, making seven offenses committed on Native lands by and against Native peoples a federal offense. The Major Crimes Act came about as a response to the Supreme Court ruling in *Ex Parte Crow Dog* in 1884. There the court ruled that American courts had no authority in the murder of one Lakota of another Lakota on the reservation due to the sovereignty of Native nations.<sup>6</sup> As legal scholar Robert Clinton argues, passage of the Major Crimes Act represented the first time in the nearly 400 years since contact that a colonial power sought to assert governing authority over Native people in North America. Furthermore, Clinton points out that the Major Crimes Act established governing authority over non-citizens. Clinton further notes that this extension of governing authority had no basis in constitutional law, treaties, or consent of Native peoples, but merely in the racism justifying colonialism.<sup>7</sup>

Another example of the law as an effective and lasting tool of American colonialism was the establishment of the Plenary Power Doctrine in the Supreme Court's decision in *U.S. v. Kagama* in 1886. With *Kagama*, and later in 1903 in *Lone Wolf v. Hitchcock*, the Court ruled that the federal government holds absolute power over Native nations.<sup>8</sup> In his analysis of *Kagama*, legal scholar Robert Clinton argues that the Supreme Court found no constitutional basis or treaty justifying plenary power.<sup>9</sup> Nevertheless, the doctrine of plenary power has been utilized since the late

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<sup>6</sup> Major Crimes Act of 1885 (23 Stat. 362) and *Ex Parte Crow Dog*, 109 U.S. 556 (1883).

<sup>7</sup> Robert N. Clinton, "There Is No Federal Supremacy Clause For Indian Tribes," *Arizona State Law Journal* 34: 1 (Spring 2002), 113-260.

<sup>8</sup> *U.S. v. Kagama*, 118 U.S. 375 (1886) and *Lone Wolf v. Hitchcock*, 187 U.S. 553 (1903).

<sup>9</sup> Clinton, "There Is No Federal Supremacy Clause For Indian Tribes," 181.

nineteenth century to attempt to diminish tribal sovereignty.<sup>10</sup> As legal scholar Robert Clinton argues, *U.S. v. Kagama* enshrined racism and colonialism in U.S. law. Clinton sees the continued use of the case for precedent highly problematic in a democracy:

The closest analogy might be the Court unabashedly citing *Dred Scott v. Sanford* or *Plessy v. Ferguson* to make a controlling point in a modern affirmative action case. If such an event occurred, the uproar from the public and the legal and academic community undoubtedly would be deafening.<sup>11</sup>

For Clinton, the continued citation of Plenary Power by the courts means that American colonialism is not confined to the nineteenth and early twentieth century. Instead, the lasting legal legacy of nineteenth century colonialism remains to the present day. Change is a difficult task, as in its over 200 year history the Supreme Court has in only one instance invalidated a Congressional law dealing with Native peoples.

While federal policy initiatives were influential on the lives on Native people, it took laws to drive these policies. The relationship between law and policy at the federal level was effectively articulated by legal scholar Sidney Haring:

The image of U.S. law replacing the gun as the agent of civilization reveals the coercive core of the application of criminal law to Indians. Even if the law could not accomplish this end, it was inextricably intertwined with other assimilationist institutions. BIA schools could not function without compulsory attendance laws and BIA police to arrest or threaten parents for not sending children to school. BIA farmers could not teach the Indians to farm without laws and police to prevent Indians from killing their stock for food. Christian churches could not convert without laws to ban traditional ceremonial activities. Land could not be allotted without laws to punish Indians who resisted.<sup>12</sup>

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<sup>10</sup> For the legacy of plenary power see Laurence M. Hauptman, "Congress, Plenary Power, and the American Indian, 1870-1992," *Exiled in the Land of the Free: Democracy, Indian Nations, and the U.S. Constitution*, (Sante Fe: Clear Light Publishers, 1992), 317-336.

<sup>11</sup> Clinton, "There Is No Federal Supremacy Clause For Indian Tribes," 199. A similar legal rationale for a judicial overturning of Plenary Power is offered in Nell Jessup Newton, "Federal Power Over Indians: Its Sources, Scope, and Limitations," *University of Pennsylvania Law Review* 132: 2 (January 1984), 236.

<sup>12</sup> Sidney L. Haring, *Crow Dog's Case: American Indian Sovereignty, Tribal Law, and United States Law in the Nineteenth Century*, (New York: University of Cambridge Press, 1994), 13.

For Haring, assimilation policy of the era could not have existed the without the backing of individual laws that attacked tribal sovereignty. However, the impact of the law on Native people was not just laws passed to assimilate Native people. Equally as damaging to tribal sovereignty was the failure to enforce those laws that protected tribal sovereignty, such as treaty provisions.

On top of all this, Native people were not U.S. citizens before allotment, some not until 1924. Not only were Native people subject to laws and policies which attacked their sovereignty, but at the same time, they were not basic afforded the same basic legal protections of American citizens. This left Native people with no constitutional protections and increasingly fewer protections from their own political institutions. Just one example of the vulnerability of Native people during this time was Bureau of Indian Affairs efforts to suppress Native religion coupled with the lack of citizenship status that would have allowed Native people to seek protection under the Bill of Rights.<sup>13</sup> Federal policies and their lasting effect, federal and state law and the selective enforcement thereof, local governments, and corporations, were all part of the complicated way that American colonialism operated against the Ojibwe. While lacking the centrality and clarity of a military campaign, this colonialism was equally as effective at creating poverty and other social problems that made it more difficult for Ojibwe people to assert their sovereignty.

### **Tribal Sovereignty**

Native nations in the United States possess inherent sovereignty. Native nations were autonomous, sovereign entities prior to contact with European nations. Although colonialism reshaped Native nations, they retained their sovereignty. For

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<sup>13</sup> See Newton, "Federal Power Over Indians," 195-288.

the Lac Courte Oreilles Ojibwe and other Native nations in the Great Lakes, sovereignty was maintained for nearly 300 years of contact with the French and British. The United States recognized the sovereignty of Native nations in hundreds of ratified treaties, federal legislation, court decisions, and in the Commerce Clause of the Constitution. The Commerce Clause of the Constitution delegates the Senate to make treaties with foreign nations and “Indian tribes,” essentially recognizing the sovereignty of Native nations as equal to other sovereigns.<sup>14</sup>

Treaties form the basis of subsequent relationships between the U.S. government and the over 500 recognized tribal nations in the U.S. By the act of making treaties, the United States recognized the sovereignty of Native nations. Article 6 of the U.S. Constitution declares that treaties are the “supreme law of the land.” The first treaty between the United States and Native nations was with the Delaware in 1778 and continued until 1871, when Congress passed a rider to cease treaty making, although the U.S. government continued to make “agreements” with Native nations that were *de facto* treaties after that date. Over 500 treaties were made between the federal government and Native Nations. It cannot be overemphasized that no other groups of peoples nor states engaged in treaty making with the federal government.<sup>15</sup>

The sovereignty of Native nations was further reflected in early federal law with the Northwest Ordinance, which stipulated that Native lands could not be taken

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<sup>14</sup> For more on the foundations of the U.S. recognition of the inherent sovereignty of Native Nations see David Wilkins, *American Indian Politics and the American Political System*, (Lanham: Rowman & Littlefield, 2007), 52-54. For more on Native Nations and the Constitution see Vine Deloria, Jr. and David E. Wilkins, *Tribes, Treaties, and Constitutional Tribulations*, (Austin: University of Texas, 1999).

<sup>15</sup> Treaty With the Delaware Tribe, September 17, 1778, 7 Stat. 13. See Wilkins, *American Indian Politics and the American Political System*, 46.

without consent, and the Trade and Intercourse Act of 1790, which stipulated that only the federal government, not states or private individuals could acquire Native lands.<sup>16</sup> Many Supreme Court decisions attempted to define the relationship between Indian nations and the government. Most notably, Native Nations were defined as “domestic dependent nations” by Chief Justice John Marshall in *Cherokee Nation v. Georgia*. In this case and others, the Court has often produced decisions that have lasting effects on Indian law that often was based more on political realities of the day rather than the historical evolution of Native peoples inherent sovereignty.<sup>17</sup>

What many non-Natives (and perhaps some Native people themselves) fail to understand is that sovereignty is a dynamic, fluid process.<sup>18</sup> While tribal sovereignty is inherent and thus in many ways independent of historical chronology, tribal sovereignty is also an ever-changing historical process. Even the terminology employed to describe tribal sovereignty has differed vastly at particular historical moments. The Lac Courte Oreilles asserted their sovereignty in very different ways in contexts ranging from the late nineteenth century response to American colonialism, to the 1930s debate over the Indian Reorganization Act (IRA), to the grassroots and legal activism of the 1960’s and 1970’s, to the advent of gaming in the

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<sup>16</sup> Northwest Ordinance, July 13, 1787 and Trade and Intercourse Act, July 22, 1790, 1 Stat. 137.

<sup>17</sup> *Cherokee Nation v. Georgia*, 30 U.S. 1. In the Cherokee cases, Marshall crafted his decision to avoid a Constitutional showdown with the executive branch that would have ended in defeat for the Court. Crafting a decision that recognized the inherent sovereignty of the Cherokee would have exposed the violation of Cherokee treaties and the violation of Constitutional supremacy of treaties as the “law of the land” by the executive branch. For an overview of the circumstances surrounding the Cherokee cases see Jill Norgren, *The Cherokee Cases: The Confrontation of Law and Politics*, New York: McGraw-Hill, 1996. Early in Supreme Court decisions regarding Native Nations, the Court made decisions about the nature of individual Native Nations that would apply to the all Native Nations.

<sup>18</sup> On the nature and fluidity of sovereignty see Stephen D. Krasner, “Sovereignty,” *Foreign Policy*, February 2001. For more on the limitations of sovereignty for nations more broadly and its implications for theorizing the sovereignty of Native Nations, see David E. Wilkins, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice*, (Austin: University of Texas Press, 1997), 375.

1990s. Despite the numerous challenges to tribal sovereignty leveled by American colonialism, Native nations remain sovereign. Tribal sovereignty can only be diminished by Native people themselves. For the Lac Courte Oreilles and other Native nations, tribal sovereignty is practiced in a variety of ways including their organization of a government under the Lac Courte Oreilles Constitution, operating a gaming operation, by regulating citizenship, and by exercising off-reservation treaty rights to hunt, fish, and gather.

Despite claims in some Supreme Court rulings, the presence of the federal government does not diminish Native sovereignty. First, the historical record simply does not support this. Second, as Political Scientist Stephen Kramer argues, while modern nation-states claim absolute power, no nation can possess total sovereignty. Kramer argues this is even more true in contemporary times, given advances in technology and increased interdependence of all states in the global economy. Given that conditions of interdependence of the global economy existed for centuries, I would argue that tribal sovereignty is not dependent upon the recognition of the U.S. government or other external sovereigns, yet is bolstered by recognition by the U.S. government in treaties, legal decisions, and legislation.

Canadian Mohawk scholar Taiaiake Alfred takes issue with the use of sovereignty by Native nations, seeing it as tied to the “nation within a nation” model of domestic dependence as articulated by the U.S. Supreme Court and for being a Western concept, therefore opposed to traditional indigenous epistemologies. Alfred argues that sovereignty is too tied to Western notions of the nation-state and not reflective of more broad notions of sovereignty originating in the individual that

indigenous political traditions are based upon. To Alfred, the notion of sovereignty means a cession of sovereignty of the individual to a collective, which he sees as fundamentally opposed to indigenous traditions. For Alfred, indigenous political traditions are rooted in the freedom, power, and responsibilities of the individual. Alfred argues that the contradictions in Native nations' use of sovereignty (i.e. indigenous peoples utilizing a Western model) only serves colonialism. Alfred points to contemporary tribal governments in the U.S. and Canada are not traditional and tribal politicians are tied to colonialism for the basis of their power and status. Furthermore, Alfred notes that contemporary tribal governments, such as those formed in the U.S. under the Indian Reorganization Act are not only foreign, but simply do not work.<sup>19</sup>

While Alfred's critique of the dysfunction of contemporary tribal governments is in many cases correct, the problem with Alfred's view is that it assumes that Native peoples cannot be empowered by things emerging in the context of colonialism. However, the historical experience of Native people does not support this contention. For centuries, Native people have emerged with their traditions empowered by technologies and even ideologies that originally derived from colonial groups. While Alfred is right to caution of the problems inherent of the "nation within a nation" model, I would argue it is only dangerous if Native nations themselves see their sovereignty in this way. While many contemporary tribal political institutions are dysfunctional, their dysfunction arises not so much from their structure, but from the lack of traditional values and knowledge in Native

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<sup>19</sup> Taiaiake Alfred, *Peace, Power, and Righteousness: An Indigenous Manifesto*, (Oxford: Oxford University Press, 1999).



communities. A more informed and empowered traditional Native citizenry has the potential to combat the flaws in contemporary tribal political institutions, despite their Western, colonial origins.

The other issue with Alfred's critique is that it implicitly casts the building of Native nations over the course of the twentieth century as a non-indigenous process. This has implications not just for Native peoples, but all peoples globally attempting to rebuild political institutions following colonialism. Efforts at nation-building take place as a result of colonialism and are often done borrowing from Western ideas and institutions. However, this does not mean that indigenous or other colonized peoples should forsake these efforts. As political scientist Walker Connor argues, for the vast majority of state entities, the application of nation-state is a misnomer, as most states are made up of many nations. Connor further argues, "And it is worth noting that a nation can lose or alter any or all of its outward characteristics with losing its sense of vital uniqueness that makes it a nation."<sup>20</sup> Thus, while Native political institutions have been drastically altered by colonialism, the distinctiveness of Native national entities remains. In the wake of colonialism, Native peoples in the U.S. are not the only national entities faced with these difficult issues.

Understanding tribal sovereignty is an essential task of writing a history such as this. While it is important that the work of historians working in Native history speak to other historians, equally important is how their work is rooted in Native American Studies and Native communities. The central task of Native American Studies should empower Native people and non-Natives with a better understanding

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<sup>20</sup> Walker Connor, *Ethnonationalism: The Quest for Understanding*, (Princeton: Princeton University Press, 1994), 104.

of tribal sovereignty. While many studies exist that explore the historical development of how the federal government viewed tribal sovereignty, few historical studies discuss how Native people themselves viewed, understood and asserted their sovereignty as their own institutions evolved. This approach is vital to scholarship on Native people as it emphasizes that tribal sovereignty is not merely a concept resulting from the benevolence of the federal government, but is and always has been an inherent aspect of Native political life with its own historical development. The stakes are high. Scholars have the power to influence not only future policymakers, but also shape how Native people themselves understand their sovereignty.

Understanding sovereignty is a project linked to methodologies of cultural revitalization. In *Decolonizing Methodologies*, Maori scholar Linda Tuhiwai Smith sets forth a program of indigenous-based research that is relevant for study of indigenous peoples globally.<sup>21</sup> Much has been written about the tendency of Western academics to essentialize indigenous peoples, showing this as part of colonialism.<sup>22</sup> Smith puts this at the center of her theoretical constructs in ingenious ways. One example is her depiction of “The Indigenous Research Agenda,” which includes survival, recovery, and development as aspects of self-determination. Smith argues

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<sup>21</sup> Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples*. (Dunedin: University of Otago Press, 1999).

<sup>22</sup> See James Clifford, *The Predicament of Culture: Twentieth-Century Ethnography, Literature, and Art*, (Cambridge: Harvard University Press, 1988) and James Clifford and George E. Marcus, eds., *Writing Culture: The Poetics and Politics of Ethnography*, (Berkeley: University of California Press, 1986). In the U.S., the most famous criticism of anthropology and its lack of responsibility to Native communities is found in Vine Deloria, *Custer Died For Your Sins: An Indian Manifesto*, (New York: Macmillan, 1969). Deloria’s chapter “Anthropologists and Other Friends” was so influential it continues to be important today in discussions of scholarly responsibility to Native communities. See Thomas Biolsi and Larry J. Zimmerman, eds., *Indians and Anthropologists: Vine Deloria, Jr. and the Critique of Anthropology*, (Tucson: University of Arizona, 1997). In addition, numerous collections in the past two decades have interrogated the issue of what is “New Indian History.” See Donald L. Fixico, ed., *Rethinking American Indian History*, (Albuquerque: University of New Mexico Press, 1997) and Russell Thornton, ed., *Studying Native America: Problems and Prospects*, (Madison: University of Wisconsin Press, 1998).

that recovery of indigenous knowledge is only part of a process of indigenous self-determination and that indigenous people can further develop their cultural, social, and economic institutions beyond merely recovering traditions impaired by colonialism as part of the process of self-determination.<sup>23</sup>

Smith convincingly demonstrates that scholars who study indigenous people possess considerable power to bring forth decolonization. For historians, Smith argues that many of the struggles for advancement of indigenous peoples are inextricably linked to history, despite the fact that history is a fundamentally Western way of constructing the past.<sup>24</sup> Her project then becomes not to reject history, but to decolonize it through theory and accessible methodologies.<sup>25</sup> Smith's work is of even more interest to indigenous academics. Instead of arguing, as some Native scholars in the U.S. have, that indigenous academics are naturally imbued with decolonizing tendencies, she notes that indigenous scholars have an additional burden to be cognizant of how their research methodologies and writing advance decolonization.<sup>26</sup> As a result, Smith argues that academic study of indigenous peoples is highly political, even in instances when the results of study of indigenous peoples are not utilized in courts for contemporary indigenous struggles.<sup>27</sup>

## Sources

The interpretation of sources, most of which were produced by individuals directly involved with colonizing the Ojibwe, is an important aspect of the

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<sup>23</sup> Smith, *Decolonizing Methodologies*.

<sup>24</sup> Michel de Certeau, *The Writing of History*, (New York: Columbia University, 1988).

<sup>25</sup> Smith, *Decolonizing Methodologies*.

<sup>26</sup> A number of studies make such claims, including Devon A. Mihesuah, ed., *Natives and Academics: Researching and Writing About American Indians*, (Lincoln: University of Nebraska Press, 1998).

<sup>27</sup> Smith, *Decolonizing Methodologies*.

methodology for work including my own that seek to promote cultural revitalization and tribal sovereignty. No accounts exist written by Ojibwe people living in Rice Lake during the nineteenth century. Instead information for this study comes from government officials, white settlers, and mixed descent persons living outside Ojibwe communities. These sources must be read with knowledge of the biases within the context that they were produced. Who wrote the source? What was their relationship to Ojibwe people? Is the source accurate? These are all questions that require a knowledge of the context that the source was produced in order to evaluate the usefulness of a particular source.

While there is a lack of published historical literature about the Lac Courte Oreilles Ojibwe, the community has been the focus of much anthropological study. Numerous anthropologists focused their studies on the community in the early twentieth century. University of Minnesota anthropologist Albert Jenks, did field work at Lac Courte Oreilles included in his 1897 “The Wild Rice Gatherers of the Upper Lakes: A Study in American Primitive Economics.”<sup>28</sup> Milwaukee Public Museum Director Samuel Barrett’s 1911 “The Dream Dance of the Chippewa and Menominee Indians of Northern Wisconsin,” is based largely on extensive fieldwork at Lac Courte Oreilles, and, despite its title, actually includes little information on the Menominee Reservation.<sup>29</sup> In the 1940’s, an anthropology student from Columbia University, Robert Ritzenhauer, conducted extensive field work at Lac Courte Oreilles over three summers. In each of these summers, Ritzenhauer was joined by a

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<sup>28</sup> Albert E. Jenks, “The Wild Rice Gatherers of the Upper Lakes: A Study in American Primitive Economics,” *Nineteenth Annual Report of the Bureau of American Ethnology* 2 (1897-98), 1013-1133.

<sup>29</sup> S.A. Barrett, “The Dream Dance of the Chippewa and Menominee Indians of Northern Wisconsin,” *Bulletin of the Public Musuem of the City of Milwaukee* 1:4 (November 1911).

different graduate student colleague from Colombia. In 1941 Joseph Casagrande joined Ritzenhauer, Ernestine Friedl the following year, and Victor Barnouw in 1944.<sup>30</sup> Following brief publications about their time at Lac Courte Oreilles, Casagrande and Friedl changed research focus after graduate school.<sup>31</sup> Casagrande moved on to field work among indigenous people in Ecuador and Friedl went on to study Greek women. Ritzenhauer and Barnouw, however, continued to write about Wisconsin Ojibwe communities throughout their careers. Barnouw's spent most of his career at the University of Wisconsin-Milwaukee and in 1977 published *Wisconsin Chippewa Myths & Tales and Their Relation to Chippewa Life*.<sup>32</sup> Ritzenhauer went on to become curator of anthropology at the Milwaukee Public Museum and his field work at Lac Courte Oreilles formed the basis of *The Woodland Indians of the Western Great Lakes*.<sup>33</sup> More recently, many of anthropologist Thomas Vennum numerous works were strongly influenced by fieldwork at Lac Courte Oreilles, specifically his relationship with Lac Courte Oreilles elder Bill Baker.<sup>34</sup>

Historical literature on Ojibwe people in many ways begins with William Warren's seminal *History of the Ojibway People*. Warren was of mixed descent, the son of a white New England trader and a mixed descent mother from the Cadotte

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<sup>30</sup> Nancy Oestreich Lurie, "Robert Eugene Ritzenhauer, 1911-1980," *American Anthropologist* 83:3 (September 1981), 607-611.

<sup>31</sup> Joseph Casagrande, "John Mink, Ojibwa Informant," *Wisconsin Archaeologist* 36:4 (December 1955), 106-128 and Ernestine Friedl, "Persistence in Chippewa Culture and Personality," *American Anthropologist* 58:5 (October 1956), 814-825.

<sup>32</sup> Victor Barnouw, *Wisconsin Chippewa Myths & Tales and Their Relation to Chippewa Life*, (Madison: University of Wisconsin Press, 1977).

<sup>33</sup> Robert E. and Pat Ritzenhauer, *The Woodland Indians of the Western Great Lakes*, (Prospect Heights, Illinois: Waveland Press, 1988: originally published 1970).

<sup>34</sup> In particular see Thomas Vennum Jr., *The Ojibwa Dance Drum: Its History and Construction*, (Washington, D.C.: Smithsonian Institution, 1982); Vennum, *Wild Rice and the Ojibway People*, (St. Paul: Minnesota Historical Society, 1988); and Vennum, *Just Too Much of an Indian: Bill Baker, Stalwart in a Fading Culture*, (LaPointe, Wisconsin: Just Too Much of an Indian Press, 2008).

family, an important family in the Ojibwe fur trade. Fluent in Ojibwe, Warren was educated in the east, and returned to the western Great Lakes in adulthood and worked as a removal agent in the 1850's. Written in 1852, when Warren was 28 and published in 1885 decades after his death, it contains a wealth of valuable cultural, linguistic, and historical information. While much has been written about the biases of his work, the study is based on oral traditions recorded by Warren. While some have maligned its overt use of graphic images of Native warfare as indicative of Warren's own view or how Warren's potential audience viewed Native people as savage and warlike, I would argue instead that Warren's emphasis on war stories in the work stems from his sources. Warren's research material came from ogimaag in central Minnesota, such as Eshkibagikoonzh (or Flat Mouth) and Bagone-giizhig (or Hole-in-the-Day), who were at the time actively engaged in military campaigns against Dakota people over land and resources. The stories Warren collected may have been used by ogimaag to gain support for war parties.

Benjamin Armstrong echoed this view of Warren's research: "on his return to the country of his nativity he associated himself with principal Chief Es-ke-bug-a-kush (sic), it appears that this individual dictated a great part of the history which his book contains." Writing less than a decade after Warren's book appeared, Armstrong further noted, "I could write a great deal about the bloody battles of the Sioux and Chippewas that Indians have told me but do not care to do so as Warren has entered upon that subject quite exhaustively and as he learned it from a fighting chief."<sup>35</sup>

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<sup>35</sup> Benjamin G. Armstrong, *Early Life Among the Indians*, (Ashland, Wisconsin: A. W. Bowron, 1892), 198-199. Despite his critique of the war-based nature of Warren's work, Armstrong went on to note that "Mr. Warren was a good man intellectually and otherwise and every word he wrote he believed to be true."

While Warren's narrative style may be a product of the nineteenth century, his methodology of basing the work in oral tradition makes it an essential resource for anyone studying Ojibwe history.<sup>36</sup>

Armstrong's work, *Early Life Among the Indians*, is a valuable resource underutilized by scholars of Ojibwe history. Aside from his account of an 1852 trip to Washington where he accompanied Ojibwe leaders to oppose removal, Armstrong has not been cited by scholars. Unlike Warren's work, Armstrong's book has not been reprinted since its original publication in 1892 by a small publisher in Ashland, Wisconsin. Scholars have suggested that Armstrong may have exaggerated his role in the book, in particular, Armstrong's claim that he and La Pointe Band leader Bizhiki met with President Millard Fillmore, who personally overturned Zachary Taylor's 1850 Removal Order. However, Armstrong's work is a fascinating read, containing a variety of rich ethnographic information based on decades of interaction with Ojibwe communities. Armstrong married one of Bizhiki's daughters, and had a close relationship with his father-in-law, eventually becoming his adopted son. Furthermore, Armstrong wrote with little romanticization or patronization of the Ojibwe.<sup>37</sup>

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<sup>36</sup> William W. Warren, *History of the Ojibwe People*, (St. Paul: Minnesota Historical Society Press, 1984: originally published 1885). One critique of Warren's work is Teresa Schenck, "William W. Warren's History of the Ojibwe People: Tradition, History, and Context," *Reading Beyond Words: Contexts For Native History, 2<sup>nd</sup> Edition*, Jennifer S.H. Brown and Elizabeth Vibert, eds., (Peterborough, Ont.: Broadview Press, 2003), 193-210. A flawed analysis of Warren is found in Nancy Bunge, "Straddling Cultures: Harriet Wheeler's and William Warren's rendition of Ojibwe History," 31-42. Bunge's understanding of Ojibwe history, in particular the role of mixed-descent communities in the nineteenth century, is flawed, rendering her analysis extremely simplistic. The metaphor of straddling two cultures would be meaningless to Warren, who came from a family that considered distinct yet having ties to both Ojibwe and Euro-American cultures. Furthermore, it is unclear how Harriet Wheeler, a white woman whose father, Leonard, was a missionary at La Pointe, was connected in any real way to Ojibwe culture (other than writing bad, overly-romanticized books about them), hence rendering the issue of her positionality to straddle cultures moot.

<sup>37</sup> Armstrong, *Early Life Among the Indians*.

Ethnographic texts produced in the nineteenth century are important to this work. They are widely available to scholars, being either in print or old editions in most libraries or online. However, most scholars fail to engage these texts to their full potential. While many of these texts were produced by individuals directly involved in American colonialism, these texts include vital cultural information that if read for information such as women's roles, village locations, names of Ojibwe leaders, and other historical issues can be utilized as valuable historical evidence. These works include Henry Schoolcraft's *Personal Memoirs of a Residence of Thirty Years with the Indian Tribes* and *Narrative of an Expedition Through the Upper Mississippi to Itasca Lake*, Thomas McKenney's *Sketches of a Tour to the Lakes*, *The Journals of Joseph N. Nicollet*, Johann Kohl's *Kitchi-Gami*, and George Nelson's *My First Years In The Fur Trade: The Journals of 1802-1804*.<sup>38</sup> Unique among these works is John Tanner's *The Falcon*, which offers a more inside account of nineteenth century Ojibwe life. Tanner, a captive, was sold to an Ojibwe family in southern Michigan who then relocated to eastern North Dakota. Tanner's account is much more sympathetic to the Ojibwe, as Tanner spent most of his adult life living in

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<sup>38</sup> Henry R. Schoolcraft, *Personal Memoirs of a Residence of Thirty Years with the Indian Tribes on the American Frontiers*, (Philadelphia: Lippincott, Grambo, and Co., 1851); Henry Schoolcraft, *Schoolcraft's Expedition to Lake Itasca: The Discovery of the Source of the Mississippi*, Philip P. Mason, ed., (East Lansing: Michigan State University Press, 1993: originally published 1834); Thomas L. McKenney, *Sketches of a Tour to the Lakes*, (Minneapolis: Ross & Haines, 1959: originally published 1827); Joseph N. Nicollet, *The Journals of Joseph N. Nicollet: A Scientist on the Mississippi Headwaters With Notes on Indian Life, 1838-1837*, Andre Frey, trans., (St. Paul: Minnesota Historical Society, 1970); and Johann Georg Kohl, *Kitchi-Gami: Life Among the Lake Superior Ojibway*, Lascelles Wraxall, trans., (St. Paul: Minnesota Historical Society Press, 1985: originally published 1860); and George Nelson, *My First Years In The Fur Trade*, (St. Paul: Minnesota Historical Society Press, 2002).



Ojibwe communities. Tanner's account is valuable for its vivid depiction of the day-to-day struggles of nineteenth century Ojibwe life.<sup>39</sup>

Much of the information in later chapters about Rice Lake comes from local histories produced in the twentieth century. Nostalgia dominated these works. They vary widely in their attention to Ojibwe history and respect for Ojibwe people. These are not Indian histories: usually Ojibwe people are relegated to the first chapter and never heard from again. None of these histories critically reflect on how Native dispossession was a central aspect of "pioneer" life. These sources are typically the recollections of individuals late in life, after spending their lifetimes engaged in some form of manual labor, such as jobs in the timber industry. Early influential settlers were glorified, with no mention of how these individuals exploited Ojibwe people, which in many cases archival sources make abundantly clear. Other problems abound in these histories, such as a lack of respect and understanding for Ojibwe political institutions, which often leads authors to call every Indian they ever met "chief." Finally, these works are based on individual recollections. Whether Ojibwe or non-Ojibwe, people remember their lives as a series of anecdotes that were important to them, sometimes amusing and light-hearted. Individuals rarely ruminate on weighty topics of interest to scholars such as the processes of colonialism.

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<sup>39</sup> John Tanner, *The Falcon: A Narrative of the Captivity and Adventures of John Tanner (U.S. Interpreter at the Sault de Ste. Marie) During Thirty Years Residence among the Indians in the Interior of North America*, (Minneapolis: Ross & Haines, 1956: originally published 1830). A critical examination of the work is in John T. Fierst, "Strange Eloquence: Another Look at the *Captivity and Adventures of John Tanner*," *Reading Beyond Words: Contexts For Native History, 1<sup>st</sup> Edition*, Jennifer S.H. Brown and Elizabeth Vibert, eds., (Peterborough, Ont.: Broadview Press, 1996), 220-241. Despite the respect and sometimes pity Tanner is afforded today, Henry Schoolcraft took a dim view of Tanner, most likely due to Tanner's alleged role in the murder of his younger brother. See Schoolcraft, *Personal Memoirs*, 315-316. An examination of Tanner's later life and his relationship with Schoolcraft is in John T. Fierst, "Return to 'Civilization: John Tanner's Troubled Years at Sault Ste. Marie," *Minnesota History* 50:1 (Spring 1986), 23-36.

Newspaper accounts have similar biases against Native people. In one sense, newspaper accounts are more accurate, as they recorded events when they actually occurred. However, newspaper accounts were often less respectful for Ojibwe culture. Part of this may be due to the fact that reporters and their readers had less interaction with Ojibwe people. Much of the time, newspaper accounts were outright hostile to Ojibwe presence and appallingly racist. Conversely, in local histories produced years later, early settlers could wax nostalgically from the relative safety of the twentieth century about their “frontier” childhoods when colorful local Indians stopped in for a visit. Below the surface of this nostalgia was day-to-day interaction, often based on Ojibwe trading or gifting of food staples such as wild rice or maple sugar. For newspaper reporters and their readers living in the nineteenth century, Indians were seen as a real threat. They were not interested in understanding the Ojibwe, only lobbying for their removal to the reservation.

This study utilizes a wide variety of archival sources. The National Archives Regional Branch in Chicago contains the correspondence of government officials on the reservation from 1881 to 1934 and census records detailing how different Ojibwe people moved onto the reservation. The archives of the State Historical Society of Wisconsin led me to important legal evidence, such as the court documents of the trial of Joe White’s killers. These records are often all we have of a particular event. However, these sources were produced by federal and local officials, individuals actively engaged in dispossessing the Ojibwe from their lands. As a result, these sources must be read carefully, mindful of biases.

The collections of the Minnesota Historical Society includes records of annuity payments due under treaties that have been essential to my understanding of Joe White's family and other Ojibwe families moving onto the reservation. These records are rarely cited in works of Ojibwe history. As historian Frederick Hoxie argues, these records are of great value to historians studying Native peoples: "The major method or approach that Indian historians have ignored is the quantitative analysis of manuscript census data... Together they provide a rich resource for the study of population composition, family life, and cultural change."<sup>40</sup> Hoxie made this argument over twenty years ago. Since then, these types of records haven't become even less fashionable in academic histories. As a result, historians of Native people are even less likely to utilize these sources as when Hoxie argued for their wider use. However, methodological approaches to studying Native peoples should utilize all available evidence, regardless of which type of evidence is trendy in academia.

Annuity records are also underutilized because many scholars do not possess Ojibwe language ability. As a result, scholars often confuse the names of Ojibwe leaders. In the nineteenth century, there was no standardized orthography of Ojibwe. Furthermore, government officials and other writers of archival sources rarely had Ojibwe language ability, and spelled Ojibwe names phonetically. This makes having Ojibwe language ability imperative, as names of the same Ojibwe leaders do not appear similar. Furthermore, scholars face the challenge of deciphering the identity of Ojibwe leaders with common names such as Waabizheshi, Noodin, and Bizhiki.<sup>41</sup>

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<sup>40</sup> Frederick Hoxie, "The Problems of Indian History," *The Social Science Journal* 25: 4 (1988), 395-396.

<sup>41</sup> During the time this study encompasses there were two different Ojibwe ogimaag named Noodin, one from the Snake River Band and the other in the nearby Mille Lacs Band. There were three

As a result, Ojibwe leaders are often peripheral to many studies. By utilizing historical evidence such as annuity records and census data, this study attempts to place Ojibwe leaders at the center of the story.

## **Ojibwe History**

Most accounts of Ojibwe history are topic centered and specific to a time period. The result is Ojibwe history in snippets. This study attempts to understand changes in Ojibwe history over a longer period of time. One history that attempts a comprehensive understanding of Ojibwe history through time is Edmund Danziger's *The Chippewas of Lake Superior*.<sup>42</sup> However, Danziger's work is deeply problematic. Danziger constantly misundertood the Ojibwe and his work is flawed by Native victimization. Ojibwe writer Gerald Vizenor explains:

Danziger invents a romantic tribal culture and then he compares ersatz families from a data culture to complete a simple thesis that the impact of other cultures has been adverse. Such assumptions prevail in historical literature, but the way the axiom tumbles in academic print marks a vast difference between racial insensitivities and arrogance. The author borrows what appears to be random data from selected populations to reach improper conclusions; as a result, tribal peoples appear as victims in a colonial dramalogue.<sup>43</sup>

Recent works have eschewed Danziger's older model in favor of narratives that provide a better overview of the historical assertion of inherent sovereignty. However, these works do not attempt a comprehensive understanding of Ojibwe history, instead focusing on specific topics. Ronald Satz's *Chippewa Treaty Rights* discusses the historical background to the treaty rights struggle of the 1980's. Satz does a thorough job of addressing the legal issues surrounding the assertion of Ojibwe sovereignty involved in treaty making in the mid-nineteenth century. However, some

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ogimaag named Bizhiki, the most famous of which being of the La Pointe Band, but also influential ogimaag of the Leech Lake Band and St. Croix Band.

<sup>42</sup> Edmund Jefferson Danziger, *The Chippewas of Lake Superior*, (Norman: University of Oklahoma Press, 1979).

<sup>43</sup> Gerald Vizenor, *The People Named the Chippewa: Narrative Histories*, (Minneapolis: University of Minnesota, 1984), 30.

aspects of this history are not emphasized by Satz. Satz's chapters between Ojibwe treaties and Ojibwe exercise of off-reservation treaty rights in the 1980's are brief overviews of legal and political issues and do not include in-depth discussions of the movement of Ojibwe people onto reservations, allotment, lumbering, status of mixed-bloods, or changing gender roles or how each of these processes differed among different Wisconsin Ojibwe Reservations.<sup>44</sup>

The various authors of *Fish in the Lakes, Wild Rice, and Game in Abundance: Testimony on Behalf of Mille Lacs Ojibwe Hunting and Fishing Rights*, are more comprehensive while discussing historical issues surrounding the practice of off-reservation treaty rights. The chapters about allotment and reservation land loss are excellent, but since the book was prepared for the Mille Lacs treaty rights case, it is all about the Mille Lacs Reservation.<sup>45</sup> Larry Nesper's *The Walleye War* is another essential work focusing on the historical issues surrounding the practice of Ojibwe off-reservation treaty rights. The historical background about the exercise of Ojibwe inherent sovereignty is excellent, though Nesper's focus on the struggle to exercise off-reservation treaty rights in the 1980's centers primarily on the Lac du Flambeau Reservation.<sup>46</sup> Works addressing the cultural and social life of the Wisconsin Ojibwe are likewise not comprehensive. Thomas Venum's *Wild Rice and the Ojibway People*, is an excellent study of the importance of wild rice to Ojibwe people and

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<sup>44</sup> Ronald N. Satz, *Chippewa Treaty Rights: The Reserve Rights of Wisconsin's Chippewa Indians in Historical Perspective*, (Madison: Transactions of the Wisconsin Academy of Sciences, Arts and Letters Vol. 79, 1991).

<sup>45</sup> James M. McClurken, ed., *Fish in the Lakes, Wild Rice, and Game in Abundance: Testimony on Behalf of Mille Lacs Ojibwe Hunting and Fishing Rights*, (East Lansing: Michigan State University Press, 2000).

<sup>46</sup> Larry Nesper, *The Walleye War: The Struggle for Ojibwe Spearfishing and Treaty Rights*, (Lincoln: University of Nebraska Press, 2002).

covers the historical background, cultural practices, economics and legal issues surrounding wild rice.<sup>47</sup>

More historical literature exists that address the history of Minnesota Ojibwe. One of these works that is influential to this work is Melissa Meyer's *The White Earth Tragedy: Ethnicity and Dispossession At A Minnesota Anishinaabe Reservation, 1889-1920*. In particular, Meyer's discussion on how mixed descent families moved onto the reservation and intermarried with Ojibwe people influenced my understanding of similar processes at Lac Courte Oreilles. Meyer's work also deals with movements of Ojibwe people onto reservations and how allotment and land alienation transformed reservation life, another topic crucial to this work.<sup>48</sup> Rebecca Kugel's *To Be The Main Leaders Of Our People: A History of Minnesota Ojibwe Politics, 1825-1898*, utilizes missionary accounts to argue that certain Minnesota Ojibwe leaders strategically adopted Christianity for their own ends, leading to divisions within Minnesota Ojibwe communities and among Minnesota Ojibwe leaders. Kugel argues these divisions benefited the Minnesota Ojibwe overall as it undermined the policies of the U.S. government.<sup>49</sup>

A more recent study of Ojibwe politics is Cary Miller's *Ogimaag: Anishinaabe Leadership, 1760-1845*. Miller's work advocates that the flexibility of Ojibwe political institutions were often seen as weakness by outsiders. Miller details different leadership roles in Ojibwe political institutions and centers on leadership

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<sup>47</sup> Thomas Venum, Jr., *Wild Rice and the Ojibway People*, (St. Paul: Minnesota Historical Society Press, 1988).

<sup>48</sup> Melissa L. Meyer, *The White Earth Tragedy: Ethnicity and Dispossession At A Minnesota Anishinaabe Reservation, 1889-1920*, (Lincoln: University of Nebraska, 1994).

<sup>49</sup> Rebecca Kugel, *To Be The Main Leaders Of Our People: A History of Minnesota Ojibwe Politics, 1825-1898*, (Lansing, Michigan State University, 1998).

categories. The last chapter focuses solely on leadership among the Fond du Lac Band.<sup>50</sup> The result is that the longer history of a single community is not told in an effort to focus the narrative on broader Ojibwe political institutions. The work of Kugel and Miller both sample Ojibwe political leaders in a wide variety of communities. While broadening our understanding of Ojibwe politics, these works do not capture the local particulars and ebb and flow of the influence of individual leaders.

A work that details the ebb and flow of a single leader is Anton Treuer's *The Assassination of Hole in the Day*. Treuer accomplishes this feat by focusing on a single leader, Bagone-giizhig (or Hole in the Day), and charting his rise to leadership, and how he maintained and even lost influence. The work is most effective in its discussion of Bagone-giizhig's different spheres of influence: among his own Gull Lake Band, in the broader arena of Ojibwe politics, among Americans, and even among the Dakota. Treuer's work is also grounded in Ojibwe culture and linguistics. Another merit of Treuer's work is his discussion of Ojibwe-Dakota warfare, tracking the changes in violence based on local context and events. Ojibwe warfare is often difficult for modern scholars and Native people to understand, since sources by non-Ojibwe in the nineteenth century employed inflammatory discourses of savagery in discussing these events. Treuer explains Ojibwe warfare in ways that are easy for modern readers to comprehend, and it is based on thorough archival work and rooted

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<sup>50</sup> Cary Miller, *Ogimaag: Anishinaabe Leadership, 1760-1845*, (Lincoln: University of Nebraska Press, 2010). I take exception with the way Miller interprets her sources in her last chapter on leadership at Fond du Lac. Specifically, Miller's use of a missionary journal alone leads to overstate a struggle for leadership at Fond du Lac. For more see Erik Martin Redix, "Review of *Ogimaag: Anishinaabe Leadership, 1760-1845*," *The Western Historical Quarterly* 42:4 (Winter 2011), 528.

firmly in Ojibwe culture. For these strengthens, Treuer's book is a model for this work and a leap forward in the field of Ojibwe history.<sup>51</sup>

One issue common to Kugel, Miller, and even Treuer's study of Ojibwe politics is that each discusses individual leaders and their bands without noting the location and size of the communities they led. For example, when discussing leaders of the Leech Lake Band in the 1850's, Treuer simultaneously identifies Bizhiki and Niigaani-bines (also known as Eshkibagikoonzh the Younger) as Leech Lake ogimaag. However, these two ogimaag led two different villages in distinct locations. Not identifying the location of these villages gives the impression that the two ogimaag were living in the same place or one had more influence than the other. My own study attempts to ground discussion of the influence of any leader with a citation of existing annuity and other census data of how many people that leader had in his (as no Ojibwe communities in Wisconsin were led by women) community. Additionally, I note where the base of the community was located. The Lac Courte Oreilles Band consisted of seven communities each led by a different ogimaa. Each of these individuals exercised varying degrees of influence based on the size of their community. Furthermore, these seven communities were as far away as fifty miles. This political geography was the same in Minnesota and across Ojibwe country. However, this is never satisfactorily discussed in Kugel, Miller, or Treuer's work. For example, in their assessment of Gull Lake ogimaa Bagone-giizhig, Kugel and Treuer do not mention that there were Ojibwe of the Gull Lake Band living in

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<sup>51</sup> Anton Treuer, *The Assassination of Hole-in-the-Day*, (St. Paul: Minnesota Historical Society Press, 2011).



different communities in different localities than Bagone-giizhig who may or may not have been influenced by him, but at the end of the day, had their own ogimaa.

The work of historian Brenda Child has been influential on this study. In *Boarding School Seasons*, Child skillfully examines the impact of federal education policies on the day-to-day life of Ojibwe families during the late nineteenth and early twentieth centuries. In particular, Child's use of archival materials to tell the story of the experiences of individual Ojibwe people with larger, impersonal federal policies has been a model for this work.<sup>52</sup> In her more recent  *Holding Our World Together*, Child explores Ojibwe history through the stories of Ojibwe women. Once again, Child is able to speak to larger issues of Ojibwe history by focusing on the experience of individuals. While discussing a variety of Ojibwe communities, Child's discussion of specific issues in Ojibwe history such as the performances of the so-called "begging dance" or the increasing role of men in wild rice production in the twentieth century have shaped my ideas about the Lac Courte Oreilles Ojibwe.<sup>53</sup>

Even though this work is about Ojibwe communities in the nineteenth century, colonial history texts are essential for understanding Great Lakes Native history. Richard White's *The Middle Ground* is influential for understanding the Great Lakes in the seventeenth and eighteenth centuries. White describes how interactions between the French and Native communities were rooted in misunderstanding and how this led to new patterns of interaction in the region. Susan Sleeper-Smith's *Indian Women and French Men* frames interactions in the Great Lakes through

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<sup>52</sup> Brenda Child, *Boarding School Seasons: American Indian Families, 1900-1940*, (Lincoln: University of Nebraska Press, 1998).

<sup>53</sup> Brenda Child,  *Holding Our World Together: Ojibwe Women and the Survival of Community*, (New York: Viking, 2012).

gender. Building on White's work, Sleeper-Smith argues that the marriage of Native women with French men was foundational to interactions and exchange in the Great Lakes. Sleeper-Smith sees Native women as critical to shaping these interactions.<sup>54</sup> Finally, historian Michael Witgen's recent *An Infinity of Nations* convincingly demonstrates that the western Great Lakes were Native territory. Through his exhaustive and meticulous research, Witgen skillfully interrogates how French claims of empire were mere rhetoric. Aside from the implications of Witgen's work for American history more broadly, his work is essential for studies of any Native community in the western Great Lakes in the nineteenth century.<sup>55</sup>

Beyond Witgen's important contribution to seventeenth and eighteenth century Great Lakes history, Witgen's methodology is foundational to this work. Much in the same way Witgen that reads French sources and questions French claims of sovereignty over Native people, I seek to do the same with nineteenth century sources. The eventual dispossession of Ojibwe lands was by no means inevitable even decades after the land cession treaties were signed. There were moments in the second half of the nineteenth century when white settlers made broad claims and threats to remove Ojibwe people when in fact they possessed no such ability. Throughout the nineteenth century, Ojibwe leaders proposed viable alternative visions of their relationship to Americans that did not diminish Ojibwe sovereignty. Reading sources mindful of the actual realities of the time they were produced as

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<sup>54</sup> Susan Sleeper-Smith, *Indian Woman and French Men: Rethinking Cultural Encounter in the Western Great Lakes*, (Amherst: University of Massachusetts, 2001).

<sup>55</sup> Michael Witgen, *An Infinity of Nations: How the Native New World Shaped Early North America*, (Philadelphia: University of Pennsylvania Press, 2012).

Witgen does in his work, and not what eventually happened, is important for this or any study of Native history.

Works about the Ojibwe in Canada have a similar tendency to be specific to one time period or one topic, although some strong work by Canadian scholars have been influential to this work. Extremely influential to this study are a series of excellent articles by Tim E. Holzkamm, Joan A. Lovisek, and Leo G. Waisberg on the effects of colonialism on Ojibwe First Nations in western Ontario. Their research is superb, and their on-the-ground approach to the communities they study are a model for this work. “Ojibwe Reservations as ‘An Incubus upon the Territory’: The Indian Removal Policy of Ontario 1874-1982,” is an examination of how removal of the Ojibwe in Ontario was linked to the denial of reserve rights of hunting and fishing in the area of Treaty #3. In “‘Deprived Of Part Of Their Living’: Colonialism and Nineteenth-Century Flooding of Ojibwa Lands,” the scholars discuss how the building of dams impacted the Ojibwe of western Ontario, a topic very pertinent to the study the history of the Ojibwe at Rice Lake. Finally, in “‘A Tendency to Discourage Them From Cultivating’: Ojibwa Agriculture and Indian Affairs Administration in Northwestern Ontario,” the scholars discuss how Ojibwe agriculture near Lake of the Woods was eradicated by Canadian federal policy in the nineteenth century, resulting in dire poverty in the twentieth.<sup>56</sup>

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<sup>56</sup> Leo G. Waisberg, Joan A. Lovisek, and Tim E. Holzkamm, “Ojibwe Reservations as ‘An Incubus upon the Territory’: The Indian Removal Policy of Ontario 1874-1982,” *Papers of the 27<sup>th</sup> Algonquian Conference*, (Winnipeg: University of Manitoba, 1996), 337-352; Joan A. Lovisek, Leo G. Waisberg, and Tim E. Holzkamm, “‘Deprived Of Part Of Their Living’: Colonialism and Nineteenth-Century Flooding of Ojibwa Lands,” *Papers of the 26<sup>th</sup> Algonquian Conference*, (Winnipeg: University of Manitoba, 1995), 226-239; and Leo G. Waisberg and Tim E. Holzkamm, “‘A Tendency to Discourage Them From Cultivating’: Ojibwa Agriculture and Indian Affairs Administration in Northwestern Ontario,” *Ethnohistory* 40:2 (Spring 1993), 175-211. See also Tim E. Holzkamm, Leo G. Waisberg, and Joan A. Lovisek, “‘Stout Athletic Fellows’: The Ojibwa During the ‘Big Game Collapse’ in

The work of Canadian Ojibwe legal scholar John Borrows has been influential to this work. While based in Canadian law, Borrows works resonate just as profoundly with Ojibwe experiences on the American side of the border. In *Recovering Canada: The Resurgence of Indigenous Law*, Borrows skillfully unmask the legal history of colonialism in Canada. Throughout Borrows convincingly demonstrates how indigenous peoples utilized and changed traditions in the face of colonialism historically and how tradition can be a powerful tool against the problems in indigenous communities and in Canadian national life more broadly today.<sup>57</sup> This idea has shaped my own understanding of Ojibwe leaders in Wisconsin in the nineteenth century. Beyond its impact on my scholarship, this idea inspires me as a Native person.

Regardless of the merits or faults of these individual works, including my own study, I believe it is important to be comprehensive whenever possible and to include the social, cultural, economic, political, gender, and legal histories of a single community. Furthermore, we must situate Ojibwe history within the framework of American and Canadian colonialism. This work seeks to accomplish both tasks by providing a comprehensive historical account of an Ojibwe community while at the same time enriching our understanding of American colonialism as a driving force throughout American history.

## **Design**

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Northwest Ontario 1821-71," *Papers of the 26<sup>th</sup> Algonquian Conference*, (Winnipeg: University of Manitoba, 1995), 169-182; Joan A. Lovisek, Leo G. Waisberg, and Tim E. Holzkamm, "'Cultural Leprosy': The 'Aboriginal Ethnology' of Ruth Landes," *Papers of the 27<sup>th</sup> Algonquian Conference*, (Winnipeg: University of Manitoba, 1996), 164-179.

<sup>57</sup> John Borrows, *Recovering Canada: The Resurgence of Indigenous Law*, (Toronto: University of Toronto Press, 2002).

The chapters of this dissertation are organized chronologically and analyze a line of Ojibwe hereditary leaders from the early nineteenth century through the first decades of the twentieth century. Chapter 1, “The ‘favorite orator and chief’ of the Lake Superior Ojibwe: The Rise of Nenaa’angabi,” traces the historical development of the Ojibwe community at Rice Lake and how this community soon became the largest and most important among the Lac Courte Oreilles Band. Much of this had to do with the ability of the community’s leader, Nenaa’angabi, to defend the community from the Dakota. Nenaa’angabi’s military success allowed the Ojibwe to have access to rich wild rice and hunting grounds. This expansion coincided with increased American presence in the region, resulting in the Treaty of Prairie du Chien in 1825, where Native leaders from throughout the Great Lakes agreed to boundaries among them. Chapter 2, “‘I swallowed the words of the treaty down my throat, and they have not yet had time to blister my breast:’ The Language of Land Cession, 1837-1855,” chronicles the Nenaa’angabi’s role in treaties, including the 1837 treaty that Nenaa’angabi refused to sign where the Lac Courte Oreilles Band ceded their lands and the 1854 treaty where the Lac Courte Oreilles Band retained a three-township reservation. This chapter concludes with Nenaa’angabi’s death on the battlefield against the Dakota in 1855.

Chapter 3, “Manoominikaan to Rice Lake: Waabizheshi’s Vision of an Intercultural Community at Rice Lake, 1855-1877,” discusses the twenty-two year struggle of Nenaa’angabi’s son and successor, Waabizheshi, to establish a new community at Rice Lake, one that accommodated the increasing presence of white settlers but allowed the Ojibwe to remain in the area and remain sovereign. This was

made more difficult with the destruction of wild rice beds perpetrated by timber companies, including the complete destruction of the extensive wild rice bed on Rice Lake in 1864. At the same time, white settlers poured into northwestern Wisconsin and the city of Rice Lake grew. The chapter concludes with Waabizheshi's murder by Bidad, a member of the community in 1877. Chapter 4, "It is cowardly to be kept on the reserve by the government:" Giishkitawag Confronts Removal, 1879-1894," discusses the leadership of Waabizheshi's brother and successor, Giishkitawag, who adopted a more aggressive style to resistance to removal. In 1878, the Barron County Board petitioned the federal government for the removal of the community village to the reservation. Giishkitawag was able to resist this effort, but the allotment of the reservation increasingly brought the community into the reservation near Whitefish Lake, when timber sales from allotment provided the Ojibwe income. However, the Ojibwe continued to work off reservation in traditional labor and in lumber camps as timber harvest on allotments was plagued by fraud and federal mismanagement of Ojibwe timber resources, prompting a Senate investigation in 1888.

The heart of my study is chapter 5, "An Imperative Necessity:" The Murder of Joe White and the Culmination of Removal," which chronicles the murder of Giishkitawag, and the trial of his killers and how state of Wisconsin sought to suppress the treaty rights and sovereignty of Ojibwe people by any means, including violence. This chapter interrogates how white settlement impacted the Ojibwe and their ability to remain off-reservation by examining the various whites involved with the trial of Giishkitawag's killers, including timber workers, defense attorneys, jurors, and the killers themselves. Each of these people had a vastly different relationship to

the Ojibwe. However, all of them benefitted from Ojibwe dispossession even though these individuals were not directly involved with removing the Ojibwe from their lands. The trial of Joe White's killers illustrated the breadth of American colonialism: white settlement, the role of the timber industry, the state of Wisconsin's enforcement of its game laws on Ojibwe people, and the failure of American courts to provide Native people effective legal protections.

### **Aazhogan (Bridge)**

This dissertation is my attempt to answer the many questions I had about my northern Wisconsin home growing up in the 1980's at the height of controversy over spearfishing and the practice of Ojibwe Treaty Rights. Why do we have treaty rights? Who were our leaders? Why does our reservation have such an odd shape? Why is there no rice in Rice Lake? I have since learned all of these questions are connected to the murder of Joe White. The murder of Joe White is a telling event in American history, one that addresses how Native people sought to assert their sovereignty despite the unprecedented challenges they faced. Joe White's story is not widely known outside of Lac Courte Oreilles. The murder of Joe White is not mentioned in Wisconsin history, and has never been discussed in any published work. My hope is that this dissertation will help my own community better understand our history and the problem of American colonialism, remember important figures in the struggle, and appreciate that our sovereignty has never been extinguished.

## **Chapter 1**

The “favorite orator and chief” of the Lake Superior Ojibwe: The Rise of Nenaa’angabi and American Expansion in the Western Great Lakes, 1825-1837

### **Introduction**

At the 1855 annuity payment at Madeline Island, thousands of Lake Superior Ojibwe from Minnesota, Wisconsin, and Michigan gathered. Also present was Richard Morse, a Detroit physician. Dozens of Ojibwe leaders were there, yet the one that most captivated Morse was Nenaa’angabi:

He is rather less than the medium height and size, an intelligent face and mild expression, a very keen eye, and very animated when speaking, a sort of fiery look or twinkle. Like most of the warriors, his face is covered with vermillion. At the head of his warriors and in council, he wears an elaborate turban of turkey feathers over his head and shoulders—giving him a



fuller appearance in person than he really has, an *unique* look even for an Indian. It was not long after this chief arrived, before he became the favorite orator and chief.<sup>58</sup>

Nenaa'angabi was the ogimaa of a community at *Manoominikaan*, or Rice Lake, the southern most village of the Lac Courte Oreilles Band in northwest Wisconsin.

Nenaa'angabi was not born "the favorite orator and chief:" he was not a hereditary leader, but ascended to his position through military success. Writing in 1831, Henry Schoolcraft noted that Nenaa'angabi was a leader "whose influence is entirely of his own creation."<sup>59</sup> Nenaa'angabi's father was not an ogimaa. Prior to his assumption of leadership in the 1820's, there was no Ojibwe community at Manoominikaan, the area was only used by small family groups who briefly ventured to the area for ricing or hunting. The area was rich in wild rice, the mainstay of the Ojibwe diet, due to the massive rice bed on Rice Lake and an even richer rice bed on Prairie Rice Lake, fifteen miles to the south. The area was also rich in game, as the mixed forest and prairie lands around Rice Lake and areas to the south provided more food sources for deer than the heavily forested areas of Lac Courte Oreilles, 50 miles to the northeast. By the 1830's, these vast resources made the community the most vital of the Lac Courte Oreilles Band, larger and more important to Ojibwe survival than the original community at Lac Courte Oreilles.

The rise of Nenaa'angabi coincided with American expansion in the western Great Lakes. After centuries of trading relationships with the French and British marked by mutual cooperation, Americans pushed west in the nineteenth century with

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<sup>58</sup> Richard F. Morse, "The Chippewas of Lake Superior," *Collections of the State Historical Society of Wisconsin* Vol. III, Lyman Copland Draper, ed., (Madison: Wisconsin Historical Society, 1904: originally published 1857), 338-369, 341. This book can be accessed online at: <http://content.wisconsinhistory.org/cdm4/document.php?CISOROOT=/whc&CISOPTR=1793&REC=3>.

<sup>59</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 123-124. Schoolcraft spelled Nenaa'angabi's name Neenaba.

the intent of fully incorporating Ojibwe territory into the United States. Despite the claims of the French and the British prior to the nineteenth century, the Ojibwe fully controlled their own territory. As treaties proceeded, fur traders demanded payment from the government for Ojibwe debts, claiming Ojibwe dependence on the fur trade. In reality, the fur trade was a declining industry due to declining demand for fur products in Europe. Prominent fur traders saw Ojibwe treaties as an opportunity to subsidize the industry. While American settlers were uninterested in Ojibwe lands during the time of Nенаа'angabi, federal officials were bent on securing the timber and mineral resources. The first treaty that the Ojibwe made with the American government created borders among Native nations in the western Great Lakes that set the stage for future land cession treaties. However, Nенаа'angabi and other Native leaders attempted to use these borders to their benefit as well. Nенаа'angabi's vision of Ojibwe sovereignty brought complaints from American officials who hoped to get him to bend to their will, and yet his vast charisma also inspired respect from American officials. Treaties gave Ojibwe leaders like Nенаа'angabi new opportunities for asserting influence that were not present in the eighteenth century. Nенаа'angabi proved adept at utilizing these conditions on his way to becoming the "favorite orator and chief" of the Lake Superior Ojibwe.

### **Ojibwe Migration to Manoominikaan**

Although Ojibwe oral traditions vary on the exact details of Ojibwe migration, nearly all share certain commonalities: a westward movement along the Great Lakes from a starting point on the east coast. Ojibwe migration took several centuries, and Ojibwe people had common origins with Odaawaa and Potawatomi people. A

common thread to Ojibwe migration stories is the role of *Mooningwanekaan*, or Madeline Island in Lake Superior.<sup>60</sup> Madeline Island is a central place for Ojibwe people. In 1831, Henry Schoolcraft described it this way: “It appears to be the focus from which, as radii from a centre, the ancient population emigrated; and the interior bands consequently look back to it with something of the feelings of parental relations.”<sup>61</sup>

Ojibwe society was organized in small geographically based bands. While autonomous from one another, bands were linked through common language, history, kinship, and clan ties. By the mid-19<sup>th</sup> century, there were four bands of Ojibwe in Wisconsin: La Pointe, St. Croix, Lac du Flambeau, and Lac Courte Oreilles.<sup>62</sup> Bands were usually identified by the waterways that linked the villages in a band together. For example, the Lac du Flambeau band is named for *Waaswaagan Zaaga'igan*, the lake from which the band originated. Lac du Flambeau is the literal French translation of the Ojibwe name, which means torch lake, named after the Ojibwe practice of spearing fish at night using torch light. The St. Croix Band is named for

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<sup>60</sup> One account of Ojibwe migration based on oral tradition from the mid-nineteenth century is found in Warren, *History of the Ojibwe People*, 76-94.

<sup>61</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 118. See also Henry R. Schoolcraft, *Personal Memoirs*, 102-103. Warren discusses Madeline Island as a place where Ojibwe people were once concentrated in one community. See Warren, *History of the Ojibwe People*, 95-107. Historian Theresa Schenck disputes Warren and Schoolcraft's depiction of Madeline Island's importance to Ojibwe people in nineteenth century based upon its historical role the concentration of the Ojibwe population. Citing archival materials from the seventeenth and eighteenth centuries, Schenck argues that there was never a central concentration of Ojibwe people on Madeline Island. Schenck goes so far as to discount the symbolic importance of Madeline Island to nineteenth century Ojibwe. Schenck also disputes Warren's estimation of the arrival of Ojibwe people on Madeline Island in the late fifteenth century, and argues that Ojibwe arrived there much later. See Theresa M. Schenck, *The Voice of the Crane Echoes Afar: The Sociopolitical Organization of the Lake Superior Ojibwa, 1640-1855*, (New York: Garland Publishing, 1997), 78. Regardless of whether or not Madeline Island had a large concentration of Ojibwe people prior to the nineteenth century, sources from the nineteenth century indicate that Madeline Island was perceived by the Ojibwe in such a way. Furthermore, that perception remains among Ojibwe people today.

<sup>62</sup> Lake Superior Chippewa Annuity, 1857, Minnesota History Center, U.S. Office of Indian Affairs, Chippewa Annuity Rolls, 1841-1907, M-390, Roll 1.

the St. Croix River, that links the villages in that band. The Ojibwe name is Manoominikeshinh Ziibi, after the small birds that inhabit wild rice, as the St. Croix River valley contains massive amounts of wild rice, perhaps the most on Earth. The villages of the La Pointe Band were all linked through Chequamegon Bay, including villages at Madeline Island (which the French called the village site La Pointe or the Point), across the bay at Red Cliff, and at the mouth of the Bad River.

The Ojibwe name for Lac Courte Oreilles is *Odaawaa Zaaga'igan*, or Ottawa Lake, so named because early in the eighteenth century an Ojibwe hunting party found a dead Odaawaa on the lake's shores.<sup>63</sup> Evidence suggests that Lac Courte Oreilles was at one time home to a substantial Odaawaa community. In the late nineteenth century, future Bad River Ojibwe Tribal Chairman John Condecon was laboring as a surveyor at Lac Courte Oreilles. In the 1930's Condecon was interviewed for the Bad River WPA Historical Project: "When the mounds are dug, there are found skeletons in various positions of Ottawas who died suddenly and without warning. It is said they died suddenly of some epidemic."<sup>64</sup> Lac Courte Oreilles in French literally means "lake of the short ears." Bizarre explanations as to why Lac Courte Oreilles is identified this way abound including the unique shape of the ears of Ojibwe people of the area or that bays in Lac Courte Oreilles resemble short ears. However, the French name for the Lac Courte Oreilles is simply a translation of the Ojibwe name, much like Lac du Flambeau is a direct translation of

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<sup>63</sup> Warren, *History of the Ojibwe People*, 193.

<sup>64</sup> John Condecon, "Ottawas," Works Progress Administration, Chippewa Indian Historical Project, Archives of the Franciscan Sisters of Perpetual Adoration, La Crosse, Wisconsin. The Bad River WPA Project records are an underutilized treasure of historical information. The originals are located in La Crosse but they are also available on microfilm at the State Historical Society of Wisconsin's Area Research Center in Ashland, Wisconsin. Condecon was the son of Ontonagon Band ogimaa Waasegiizhig and Ikwezenzish, who was the daughter of Bad River ogimaa Makadebines.

Waaswaagan Zaaga'igan. Historical sources indicate that French fur traders identified Odaawaa people as *courte oreilles*. Thus, in the French vernacular of the time, Lac Courte Oreilles meant Odaawaa Lake, the same as its Ojibwe meaning.<sup>65</sup>

Band cohesiveness was strong and rooted in recognition of common origin, kinship, and geographical proximity. Villages within the same band were typically linked geographically by a common waterway, travel along lakes and rivers by birchbark canoe being the primary means of transport.<sup>66</sup> Ojibwe bands contained anywhere from four to seven villages, each led by an ogimaa, identified in federal records from the nineteenth century as chiefs.<sup>67</sup> Each ogimaa was autonomous. However, leaders could assert influence within the band or in larger Ojibwe politics based on their success in war, the importance of their community, and the number of persons living in the community.

Central to nineteenth century Ojibwe life was the clan, or *doodem*. Clans were sometimes called totems by English speakers in the nineteenth century. According to contemporary understanding, the importance of clans is reflected in the meaning of the word. *Ode'* means heart, and the word part *doo-* refers to the breast area. Nineteenth century ethnographers were often fascinated by Ojibwe names yet

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<sup>65</sup> Reference to Odaawaa people referred to as *court oreilles* can be found in Kohl, *Kitchi-Gami*, 118. Odaawaas were called short ears by the French because in the seventeenth and early eighteenth centuries most tribes in the western Great Lakes wore some form of weighted jewelry that elongated the ear lobe. However, the Odaawaa were the only tribal group in which this was not fashionable. Therefore the Odaawaa appeared to French traders to have short ears. See Alexander Henry, *Travels and Adventures in the Years 1760-1776*, (Chicago: The Lakeside Press, 1921: originally published 1809), 192.

<sup>66</sup> Historian Theresa Schenck argues that villages contained several bands. However, sources from the nineteenth century indicate the band was the larger structure and the term village was used for divisions within the band tied to a specific locality. See Schenck, *The Voice of the Crane Echoes Afar*, 78-79. I utilize the terms village and community interchangeably.

<sup>67</sup> Throughout I use ogimaa, chief, and leader interchangeably. Ogimaa are identified as chiefs in treaties, annuity records, and other historical documents of the nineteenth century. The term chief carries with it exoticized notions of Native leadership. As a result, in the historical record many Ojibwe people who were not ogimaa are identified by non-Ojibwe as chiefs.

frustrated that Ojibwe people were guarded about not speaking their name out of humility. At the same time, Ojibwe people stated their clan affiliation with pride.<sup>68</sup> Inherited from one's father, historically clans were central to Ojibwe society. According to Ojibwe oral tradition, each of the original clans had specific duties. For example, the *ajjjaak*, or crane clan was associated with leadership. By the nineteenth century these specific roles had faded, so not all ogimaag belonged to the crane clan. However, clans remained an integral part of the fabric of Ojibwe society, most significantly in kinship. One was responsible to a member of their clan the same way as a blood relative, even if this person was in no way related.<sup>69</sup> This tied Ojibwe communities together, as one could travel a huge area, from lower Michigan to Manitoba, and have kinship ties in different Ojibwe communities.

The Lac Courte Oreilles band had its origin in 1745, when Ojibwe who lived on Lake Superior and frequented the area on hunting trips made Lac Courte Oreilles their year-round base. According to mixed descent historian William Warren, Ojibwe people utilized the area around Lac Courte Oreilles increasingly in the early eighteenth century for seasonal activities as Dakota peoples slowly moved out of the area. According to Warren, this was risky: "For a number of years, however, these hunters made no permanent stay on any spot throughout this country, because danger lurked behind every bush and every tree from the prowling war parties of the Dakotas and Odugamees (Fox)." In 1745, things changed when three brothers of the Bear clan lost a child while hunting in the winter on the shores of Lac Courte Oreilles. When they buried the child, the tragedy tied the family to the area: "There was a silent

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<sup>68</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 94. See also Kohl, *Kitchi-Gami*, 274-275.

<sup>69</sup> Warren, *History of the Ojibwe People*, 41-53.

charm about that silent little grave, which caused the morning parents to brave all dangers, and isolated from their fellows, they passed the spring and summer in its vicinity, and eventually made the spot where it stood the site of a permanent village.” Soon, more families with kinship ties to the original family began moving to Lac Courte Oreilles.<sup>70</sup>

The natural beauty of Lac Courte Oreilles area cannot be overstated. Even today the crystal-clear waters and sandy shores of Lac Courte Oreilles and other lakes in the area beckon visitors from Minneapolis-St. Paul, Milwaukee, Chicago, and other metropolitan areas in the western Great Lakes. Pristine, bubbling rivers and creeks linked to the Chippewa River connected areas to the south where the Ojibwe hunted, fished, made maple sugar, and harvested wild rice. In addition, a pipestone quarry was nearby, an important cultural resource to Native peoples in the Great Lakes. From the first community at Lac Courte Oreilles, Ojibwe families then established other villages in the area including *Bakweyawaa* (later called Post) east of Lac Courte Oreilles on the Chippewa River, and at Lake Chetac, south of Lac Courte Oreilles.<sup>71</sup> By 1860, government officials paid treaty annuities to communities at Lac Courte Oreilles, Lake Chetac, Pacwawong Lake on the Namekagon River north of Lac

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<sup>70</sup> Ibid., 190-191.

<sup>71</sup> Ibid., 191 and 314. *Bakweyawaa* means where a river bends to resemble a lake. This was explained to me by Lac Courte Oreilles spiritual leader and Tribal Historic Preservation Officer Jerry Smith. Jerry Smith, Personal Interview, July 26, 2007. A nineteenth century source that explains this is Nicollet, *The Journals of Joseph N. Nicollet*, 149. *Bakweyawaa* is sometimes rendered “Pahquahwong,” and incorrectly translated as “where the river is wide.” For example, see Charlie Otto Rasmussen, *Where The Rive Is Wide: Pahquahwong and the Chippewa Flowage*, (Odanah: Great Lakes Indian Fish & Wildlife Commission, 1998).

Courte Oreilles, Rice Lake, and three on the Chippewa River.<sup>72</sup> These communities, although autonomous, were all part of the Lac Courte Oreilles Band.

Ojibwe village sites functioned as bases for Ojibwe people. Ojibwe people spent most of their time away from the village site engaged in various labor activities, including making maple sugar, gathering wild rice, hunting, trapping, and fishing.<sup>73</sup>

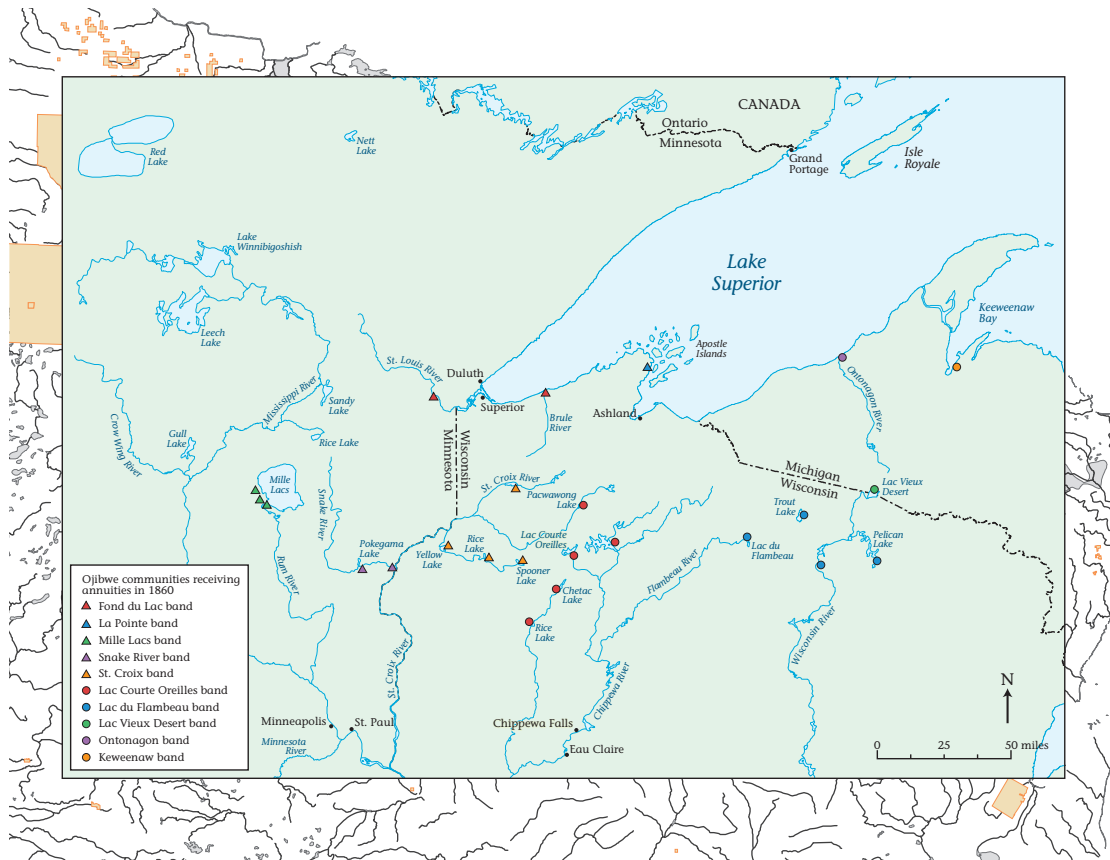
Indian Agent Henry Schoolcraft noted: “They are not fixed in their habitations at any point, during the whole of the year, being compelled to go in search of game, fish,

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<sup>72</sup> Lake Superior Chippewa Annuity, 1860, MHS M-390, Roll 2. Locations for Lac Courte Oreilles Band villages with phonetic spelling of village leaders is in Helen Hornbeck Tanner, *Atlas of Great Lakes Indian History*, (Norman: University of Oklahoma Press, 1987), 144.

<sup>73</sup> For an overview of how Ojibwe people in northwest Wisconsin lived and spent time in and away from the villages see Schoolcraft, *Personal Memoirs*. For a description of the Ojibwe labor activities see Frances Densmore, *Chippewa Customs*, (St. Paul: Minnesota Historical Society, 1979: (originally published 1929), 119-123. For an overview of how scholars have depicted Native labor, see Patricia Albers, “Labor and Exchange in American Indian History,” *A Companion to American Indian History*, 269-286. I use the term traditional labor to distinguish between labor activities Ojibwe people participated in historically such as making sugar, fishing, harvesting wild berries, planting gardens, harvesting wild rice, and hunting, with other forms of labor such as working in the timber industry. While some may characterize this as “subsistence” labor, this label is inaccurate, as Ojibwe people often sold or exchanged surplus wild rice, maple sugar, and other goods. While “traditional” may seem problematic, it does convey the historical importance of these labor activities as well as the spiritual protocols associated with this type of labor such as offering tobacco, first harvest ceremonies, and first kill ceremonies. While many scholars may not be comfortable with the term “traditional,” it has currency and specific meanings among Native people today.





and other spontaneous productions, on which they depend.”<sup>74</sup> Village sites were most populated in the warmer months following splitting off into smaller family groups in order to more effectively harvest resources. However, even during the summer months, village sites could be devoid of people due to labor activities such as berry picking or social events in other Ojibwe communities. For example, in July 1831 Schoolcraft passed through the village at Pacwawong Lake on the Namekagon River and left this description: “We found it completely deserted, according to the custom of the Indians, who after planting their gardens, leave them to go on summer hunts, eating berries, etc.”<sup>75</sup>

<sup>74</sup> Schoolcraft, *Schoolcraft’s Expedition to Lake Itasca*, 93.

<sup>75</sup> Schoolcraft, *Personal Memoirs*, 368. Later in Schoolcraft’s trip he found the village at Lake Chetac also deserted, noting “at present the whole tendency of the Indian population is to Rice Lake. The war party mustering at that point absorbs all attention.” *Personal Memoirs*, 380.

Furthermore, the sites of Ojibwe villages in the nineteenth century were not fixed in one location. For example, the site of the village at Lake Chetac moved to different locations on the lake throughout the nineteenth century. In 1831, Henry Schoolcraft found the village site on an island, while in the late nineteenth century, according to early settler Paul Kirkendall, the village site was located on the eastern side of the lake.<sup>76</sup> Communities often ran out of resources in areas adjacent to the village site, most notably firewood, causing the community to move the site to another location in the immediate vicinity.

Ojibwe people established a permanent community at Manoominikaan in the late eighteenth century. According to William Warren, Nenaa'angabi's father, Gekek, was a direct descendent of the hunter who lost his child on Lac Courte Oreilles and established the permanent Ojibwe community there in 1745. Warren claimed that Gekek founded the community at Manoominikaan.<sup>77</sup> Drawn to the abundant wild rice of Rice Lake, the village rapidly drew more and more Ojibwe families.<sup>78</sup> In July 1831, Henry Schoolcraft noted: "On coming into Rice Lake we found the whole area of it, except a channel, covered with rice not yet ripe."<sup>79</sup>

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<sup>76</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 116, and Ethel Elliot Chappelle, *Around The Four Corners: A Pioneer History of the Washburn, Sawyer, Barron, and Rusk Counties*, (Rice Lake, WI: Chronotype Publishing Company, 1971), 20.

<sup>77</sup> Warren, *History of the Ojibway People*, 193. There is no mention of Nenaa'angabi by name in Warren's book. However, writing in 1852, Warren identifies Gekek as "the present war-chief of the Chippewa River district." It is likely he is referring to Nenaa'angabi, since Gekek was likely dead by this time and Nenaa'angabi was at the height of his influence. Warren rendered Gekek "Ka-ka-ke (Hawk)." We do know that Warren was aware of Nenaa'angabi. For example, while he was employed as a removal agent in 1851 he wrote to his cousin, George Warren and suggested organizing a delegation of the nine most important Ojibwe leaders from Wisconsin go to Washington in order to convince the Wisconsin Ojibwe to remove to Fond du Lac. In this letter he identifies Nenaa'angabi as "Na nuh anung abe." See William Warren to George P. Warren, January 15, 1851, C.F.X. Goldsmith Papers, 1821-1923, State Historical Society of Wisconsin Area Research Center, University of Wisconsin-Eau Claire.

<sup>78</sup> For more on Ojibwe migration to this area see Warren, *History of the Ojibway People*, 314.

<sup>79</sup> See Schoolcraft, *Personal Memoirs*, 383.

Furthermore, Schoolcraft noted the abundance of rice along the Red Cedar River north of Rice Lake.<sup>80</sup>

However, there was no better ricing area in northwest Wisconsin (and perhaps anywhere in the world) than Prairie Rice Lake, about 20 miles south of the Ojibwe village in Rice Lake. In the nineteenth century, the skinny lake was eight miles long and about a quarter mile wide at its widest with a four acre island in the middle. Prairie Rice Lake is located on a stream just off of the Red Cedar River. It was named *Maskode-manoominikaan*, or Prairie Rice Lake because the area surrounding the lake was shaped by fire, which made it an open expanse with few trees. William Warren claimed that it could feed 2000 people per season. In 1850, Warren visited Prairie Rice Lake during the height of ricing season and found 500 people gathering rice there.<sup>81</sup> At the annuity payment that fall, there were 203 people in Nenaangabi's community.<sup>82</sup> This means that there were hundreds of other Ojibwe people from other communities that utilized Prairie Rice Lake.

Nearly all Ojibwe communities were located on ricing lakes or rivers and most battles Ojibwe people fought in Wisconsin were over access to ricing areas. Wild rice was the resource that enabled human survival in northern Wisconsin, northern Minnesota, and Upper Michigan prior to advent of refrigeration and large-scale importation of food into the area. It is a highly nutritious and delicious grain that could be easily stored in caches throughout the year without spoiling. As long as

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<sup>80</sup> Ibid., 386.

<sup>81</sup> Warren, *History of the Ojibwe People*, 309. Warren's description of the landscape of Prairie Rice Lake is some of his richest, most evocative writing. While critiques of Warren center on his over the top descriptions of Ojibwe warfare, passages such as this are both vital historical information and just plain good writing. Archeological evidence shows a number of pits for threshing rice on the east side of Prairie Rice Lake. See Charles E. Brown and Robert H. Becker, "The Chetek and Rice Lakes," *The Wisconsin Archeologist* 16: 3 (October 1917), 83-114, 102.

<sup>82</sup> Lake Superior Chippewa Annuity, 1850, MHS M-390, Roll 1.

it does not get wet, wild rice will not spoil. An annual, rice grows in shallow bodies of water with murky bottoms. Rice yield varies considerably from year to year and depending on weather conditions.<sup>83</sup>

Given the importance of rice to surviving the harsh climate of northern Wisconsin, the Dakota attempted to dislodge the Ojibwe from Prairie Rice in the late eighteenth century. In 1798, the Dakota launched a surprise attack on an Ojibwe ricing camp on Prairie Rice Lake. William Warren claimed that although the Ojibwe were outnumbered ten to one, only four Ojibwe were killed, while many more Dakota were killed. A few years later, 200 Dakota attacked a single Ojibwe family camped at Prairie Rice Lake while the head of the household was gone spearing fish. After finding his dead family, the man pursued the Dakota party and killed five Dakota warriors before making his skillful escape. Another Ojibwe family at Prairie Rice Lake was attacked by the Dakota a short time later. Speaking more broadly about the area, Warren asserted, “Almost every bend on the Chippeway and Menominee rivers has been the scene of a fight, surprise, or bloody massacre, and one of their chiefs remarked with truth when asked to sell his lands that ‘the country was strewn with the bones of their fathers and enriched with their blood.’”<sup>84</sup>

As valuable as the area’s rice beds were, there were other valuable resources in the region important to Ojibwe survival. In the nineteenth century, vast, old growth forests dominated the landscape around Lac Courte Oreilles. While the massive white pines, hemlocks, and sugar maples were awe-inspiringly beautiful, old

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<sup>83</sup> For more on the importance wild rice to Ojibwe life see Vennum, *Wild Rice and the Ojibway People*.

<sup>84</sup> Warren, *History of the Ojibwe People*, 304. The Red Cedar River was sometimes called the Menominee River in historical sources.

growth forests are not the best landscapes for sustaining an abundant deer population. The forest canopy of old growth forests chokes out sunlight to the ground. As a result, there was very little vegetation for deer to eat. Moving south towards Rice Lake, there were more open areas (as there are today) with more food sources for deer at ground level. In addition, the soil quality was much better. The sandy soils around Lac Courte Oreilles give way to much richer soils to the south, something evident today in the amount of agriculture around Rice Lake. Schoolcraft wrote: “the whole country puts on a sylvan character, as beautiful to the eye as it is fertile in soil.”<sup>85</sup>

South of Rice Lake were even better hunting grounds, as the woodlands totally gave way to open prairie. While traveling south of Rice Lake on the Red Cedar River in 1831 Henry Schoolcraft wrote:

We now entered a prairie country, of a pleasing and picturesque aspect. We observed a red deer during the morning; we passed many hunting encampments of the Indians and the horns and bones of slaughtered deers (sic), and other evidences of our being in a valuable game country... We were passing a country of sylvan attractions, of great fertility, and abounding in deer, elk, and other animals.<sup>86</sup>

Accordingly, this area was greatly contested between Ojibwe and Dakotas living to the south throughout the nineteenth century right up until they were removed from Minnesota after the Dakota War in 1862. The area in between the Ojibwe village at Rice Lake and the Mdewakanton Dakota village near the confluence of the Mississippi and Minnesota Rivers was a buffer zone between the two nations where neither had any permanent villages but instead made brief stays for labor activities. Despite the soil quality mentioned by Schoolcraft, no one (including non-Natives) dared stay long enough to plant, maintain, and harvest crops.

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<sup>85</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 117.

<sup>86</sup> Schoolcraft, *Personal Memoirs*, 388. Schoolcraft also mentioned numerous hunting camps south of Rice Lake in Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 116.

The vast resources of Rice Lake had drawn Native people for centuries, as evidenced by the numerous mounds around Rice Lake, some of which survive today as part of Indian Mounds City Park in Rice Lake.<sup>87</sup> While Wisconsin was the site of thousands of effigy and burial mounds, the highest concentration was in the southern part of the state, most notably around Madison. There were only scattered mounds in northern Wisconsin. Rice Lake is the one exception, which by far had the highest concentration of mounds in northern Wisconsin. The mounds at Rice Lake are believed to be several centuries old burial mounds of Dakota or Mesquakie peoples.<sup>88</sup> In addition, there were valuable cultural resources, such as a nearby pipestone quarry. Despite the fact that the quarry is surrounded by swamp and inaccessible in the summer months, it served as an important site for acquiring pipestone. Archeological evidence suggests that Native peoples utilized the site for hundreds of years prior to the Ojibwe settling at nearby Rice Lake.<sup>89</sup>

### **A Leader “whose influence is entirely his own creation”**

Nenaa’angabi was a self-made man. Schoolcraft noted Nenaa’angabi’s “influence is entirely of his own creation.” Estimates of Nenaa’angabi’s age vary.

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<sup>87</sup> For a brief description of the mounds of Indian Mounds Park in Rice Lake see [http://www.wisconsinstories.org/2001season/native/nj\\_journey.html](http://www.wisconsinstories.org/2001season/native/nj_journey.html). Visited on: 4/27/2009. More detail is found in Leland Cooper, *Indian Mounds Park, Rice Lake, Wisconsin: Archeological Site*, (St. Paul: Science Museum of the St. Paul Institute, 1959).

<sup>88</sup> Robert A. Birmingham and Leslie E. Eisenberg, *Indian Mounds of Wisconsin*, (Madison: University of Wisconsin Press, 2000). See also Brown and Becker, “The Chetek and Rice Lakes.” Both William Warren and Benjamin Armstrong noted that Ojibwe people had no explanation as to the origins of the mounds and were not the work of their ancestors. See Warren, *History of the Ojibwe People*, 180-182, and Armstrong, *Early Life Among the Indians*, 147-148.

<sup>89</sup> On the Barron County pipestone quarry, see G.A. West, “Pipestone Quarries in Barron County,” *The Wisconsin Archeologist* 9: 2 (April to July 1910), 31-34. The land of the site was bought by Cornell University, who later let the land go back to Barron County, who made the land part of the Barron County Forest. However, before letting the land go back to Barron County, Cornell retained the mineral rights. See Bob Heffner, *Rice Lake: Gem of the Red Cedar Valley*, (Rice Lake, WI: Chronotype Publishing, Co., 2000), 16. The quarry was mentioned by Henry Schoolcraft’s during his 1831 trip to Lac Courte Oreilles and Rice Lake. See Schoolcraft, *Personal Memoirs*, 383.

He was born sometime in the late eighteenth century, when Ojibwe struggled against Dakota attacks at Prairie Rice Lake. One account says he was 76 when he died in 1855, while another says he was “past 60” at his death.<sup>90</sup> As Schoolcraft pointed out, he was “not in the line of the ancient chiefs.” Indeed, Nenaangabi’s father, Gekek, was not a chief, despite his role in establishing the Ojibwe community at Manoominikaan.<sup>91</sup> The fact that Nenaangabi yielded so much influence is all the more remarkable given that Moozoojiid, leader of the community on Lac Courte Oreilles, was a hereditary leader and leader of the original community of the band.<sup>92</sup> However, by 1831, Nenaangabi’s personal qualities and success in war made him the most influential leader of the Lac Courte Oreilles Ojibwe and one of the most influential among all Ojibwe leaders.

Ojibwe clans are patrilineal and Nenaangabi was a direct descendent of the original bear clan settlers of Lac Courte Oreilles. Despite the fact that specific clan duties had faded, clans still exhibited common characteristics in the nineteenth century. William Warren claimed:

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<sup>90</sup> In 1925, Lac Courte Oreilles interpreter Ira Isham claimed in the *Rice Lake Chronotype* that Nenaangabi was 76 at the time of his death, while former *Rice Lake Chronotype* editor August Ender told historian William Bartlett that Nenaangabi was “past sixty” when he died. Both accounts agree that the year was 1855. See “How Na-non-gabe Was Killed in ’55,” *Rice Lake Chronotype*, February 18, 1925, 1, and William W. Bartlett, *History, Tradition, and Adventure in The Chippewa Valley*, (Chippewa Falls: The Chippewa Printery, 1929), 64-65. In 1855, Richard Morse estimated Nenaangabi had “seen about fifty-five winters.” See Morse, “The Chippewas of Lake Superior,” 341.

<sup>91</sup> Census Roll, Lac Courte Oreilles, April 3, 1877, National Archives and Records Administration, Great Lakes Region, Chicago, Illinois, Records Group 75, Records of the Bureau of Indian Affairs, Records of the La Pointe Agency. The Census role lists Nenaangabi’s son Waabizheshi as “son of Nenaangebi Chief died 1856, son of Gekek, son of Eshpaion.”

<sup>92</sup> Moozoojiid’s name literally means “Moose anus,” despite the fact it is usually translated more politely in literature from the nineteenth century. For example, Warren translated it as “Moose Tail.” See Warren, *History of the Ojibways*, 318. Schoolcraft noted that Moozoojiid was a “red-mouthed and puckered mouth man” and “He was named by the Indians for these two traits.” According to Schoolcraft, Moozoojiid was a jaasakiid. Schoolcraft rendered Moozoojiid “Mozojeed.” See Schoolcraft, *Personal Memoirs*, 377.

It is a general saying, and an observable fact, amongst their fellows, that the Bear clan resemble the animal that forms their Totem in disposition. They are ill-tempered and fond of fighting, and consequently they are noted as every having kept the tribe in difficulty and war with other tribes, in which, however, they haven generally been the principal and foremost actors.

Warren backed his claim by noting that powerful war chiefs such as Nenaa'angabi, Bagone-giizhig, and Bizhiki of Leech Lake were members of the bear clan. Warren even claimed that members of the bear clan exhibited physical characteristics in common related to bears: "the writer has observed the fact, that they are possessed of a long, thick, course head of the blackest hair, which seldom becomes thin or white in old age."<sup>93</sup>

Writing in 1831, Henry Schoolcraft found a robust, growing Ojibwe community at Manoominikaan: "The population in enterprising and warlike. They have the means in *comparative* abundance. They are increasing in numbers."<sup>94</sup> An 1843 federal census showed 153 people at Manoominikaan, making it the most populated community of the Lac Courte Oreilles Band. More people lived at Manoominikaan than the flagship community at Lac Courte Oreilles.<sup>95</sup> In 1850, just seven years later, the community grew to 203 people.<sup>96</sup> The growth of the

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<sup>93</sup> Warren, *History of the Ojibways*, 49. Again, even though Warren identifies "Ka-kaik (the Hawk) of Chippewa River," it is highly likely that he was referring to Nenaa'angabi. Warren identified Bagone-giizhig as "Hole-in-the-day (son of the great war chief of that name)" and Bizhiki as "Be-she-ke (Buffalo)." Bizhiki is not to be confused with the highly influential leader from La Pointe or the St. Croix leader of the same name. Much like Waabizheshi, Bizhiki was a very common nineteenth century Ojibwe name. There is a bust of Bizhiki of Leech Lake in Washington, D.C., which many mistakenly identify as Bizhiki of La Pointe. The bust was made in 1855, the year Bizhiki of La Pointe died. No evidence suggests he was in Washington in 1855. However, Bizhiki of Leech Lake was in Washington and signed the Treaty of Washington, where Mississippi Ojibwe leaders ceded lands to the government. In the treaty, Bizhiki is rendered "Be-sheck-kee, or Buffalo." See Treaty With the Chippewa, February 22, 1855, 10 Stat., 1165.

<sup>94</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 126-127.

<sup>95</sup> Census of the Chippewas of the Mississippi & Lake Superior within the La Pointe Sub-agency taken September, 1843, National Archives and Records Administration, Records Group 75, Letters Received by the Office of Indian Affairs, La Pointe Agency, 1840-1843, M-234, R388: 0428.

<sup>96</sup> Lake Superior Chippewa Annuity, 1850, MHS M-390, Roll 2. Starting in 1850, annuity records show more people from the community at Lac Courte Oreilles collecting annuities. However, this is



community was directly related to the leadership of Nenaa'angabi. Nenaa'angabi was able to successfully defend the community, securing the massive rice beds on Rice Lake and Prairie Rice Lake for the Ojibwe and gaining access to the abundant game south of Rice Lake. In contrast to the late eighteenth century, Nenaa'angabi made harvesting rice at Prairie Rice Lake safe for Ojibwe families. This ability to provide security and resources to Ojibwe families brought Nenaa'angabi massive popularity. When Henry Schoolcraft visited Manoominikaan in 1831, he marveled at the presence many young warriors "who appeared to be ardently attached to him." Schoolcraft then pressured Nenaa'angabi to stop fighting the Dakota: "After a pause, Neenaba (sic) got up, and spoke to the question, connecting it with obvious considerations, of which mutual rights, personal safety, and the obligation to protect women and children, formed the basis. The latter duty was not a slight one."<sup>97</sup>

However, it was not just his military accomplishments that sustained Nenaa'angabi's influence. Schoolcraft noted that Nenaa'angabi's personal qualities were equally a factor in his popularity: "His manner was frank and bold equally free from servility and repulsiveness." These were the characteristics that meant that he was not just a popular leader in his community, but was influential throughout the Lac Courte Oreilles Band. Schoolcraft claimed Nenaa'angabi was a leader "whose endowments, personal and mental had not been misrepresented by the Indians on my route, who uniformly spoke of him in favorable terms." It was due to all of these

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likely due to the provision in the Treaty of 1847 that allowed mixed descent people to collect annuities. In annuity records from 1850 onward a large number of heads of household collecting annuities have French or English surnames, while virtually nobody collecting annuities at Rice Lake had an English or French surname. Many of these mixed descent people lived south of Lac Courte Oreilles. No evidence suggests that the community at Lac Courte Oreilles actually grew in the mid-nineteenth century.

<sup>97</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 124. Schoolcraft spelled Nenaa'angabi's name "Neenaba."

factors that Nenaa'angabi became the most influential leader in the Lac Courte Oreilles Band. Schoolcraft noted "upon him rests essentially the conduct of affairs in this quarter."<sup>98</sup>

What was also so remarkable about Nenaa'angabi was that Americans respected him despite the fact he made absolutely no effort to compromise Ojibwe sovereignty or assimilate to American culture. While over in Minnesota famed Gull Lake Ojibwe leader Bagone-giizhig built a house and began farming in 1855 to show his commitment to American officials, Nenaa'angabi would make no such concessions.<sup>99</sup> He remained, utterly and completely, what the government would later refer to as a "blanket Indian" right to his death. Despite this, Americans loved him. In 1831, Schoolcraft referred to Nenaa'angabi as a "distinguished young man," and had nothing bad to say about him despite the fact that he refused to stop fighting the Dakota, the entire purpose of Schoolcraft's trip.<sup>100</sup> Beyond his considerable military success, intelligence, and political skill, Nenaa'angabi's popularity rested on the fact that he was a straightforward, honorable, and moral person.

Nenaa'angabi was not only influential within the Lac Courte Oreilles Band. As the nineteenth century wore on, Nenaa'angabi also exercised considerable influence among all the Wisconsin Ojibwe. *Ogimaag* (the plural of *ogimaa*) were leaders of a particular community or village and exercised autonomy from each other. Authority was never vested in one central figure. However, leaders of large villages were able to assert influence outside their own village. The size of one's village was

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<sup>98</sup> Ibid., 123-124.

<sup>99</sup> For more on Bagone-giizhig's move to farming see Treuer, *The Assassination of Hole in the Day*, 114.

<sup>100</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 123.

directly related to the quality of one's leadership as Ojibwe families could leave the village at any time to join relatives in another village if they felt the leader was not effective. Other factors shaped how much a leader could exercise influence outside of their own community such as how long they had been a leader, oratorical abilities, and the historical importance of the leader's community. For example, until his death in 1854, Bizhiki of La Pointe was the most influential Ojibwe leader in Wisconsin based on his own individual qualities as a leader, his advanced age, and the historical importance of the Ojibwe community at La Pointe. All of these factors in turn reflected the large size of his community.<sup>101</sup> At the time of Bizhiki's death, however, Nенаа'angabi's influence among Ojibwe in Wisconsin and even American officials rivaled the old chief. After Bizhiki's death there was no question Nенаа'angabi was the most influential Ojibwe leader in Wisconsin.

In the first decades of the early nineteenth century, Nенаа'angabi ascended to leadership as a war chief due to his bravery in battle with the Dakota. There was a distinction between war chiefs and civil chiefs. William Warren explained:

The war-chiefs, though second in rank to the civil chiefs, have often attained a paramount influence over the villages or sections of the tribe with whom they resided; but this influence (before they learned to follow some of the evil ways of the whites) they always used towards sustaining and strengthening the hereditary civil chiefs. The war chieftainship was usually obtained by courage and exploits in war, and success in leading a war party, through spiritual vision, against an enemy. It sometimes descended from father to son, in fact always, where the son approved himself in a manner to secure the confidence of the warriors.<sup>102</sup>

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<sup>101</sup> In her attempt to demonstrate how decentralized Ojibwe nineteenth century leadership was and how American officials at the time and scholars since have given weight to the notion of principal leaders, historian Theresa Schenck overstates the decentralized nature of Ojibwe political life. While Schenck is correct to assert the autonomy of communities and leaders from each other, Schenck goes too far. Schenck fails to discuss the importance of how the legacy of historical connections between Ojibwe communities influenced how communities related to each other and enabled influential leaders to have influence beyond their own community. See Schenck, *The Voice of the Crane Echoes Afar*.

<sup>102</sup> Warren, *History of the Ojibway*, 319.

By the time Warren wrote *History of the Ojibway People*, the main distinction between war chiefs and civil chiefs was merely how each attained their position: Nenaa'angabi was even more influential than Moozojiid, the leader at Lac Courte Oreilles who was a civil chief. As historian Theresa Schenck notes, while civil chiefs inherited their position from their father, it was not always the eldest son who ascended to leadership, but the son with the most merit.<sup>103</sup> However, the sons of war chiefs also inherited their father's position, as Nenaa'angabi's son Waabizheshi did in 1855, following Nenaa'angabi's death.

Many of the duties of the ogimaa occurred at the community level where each ogimaa made autonomous decisions that had little impact outside the community or the band. These included decisions about the allocating of resources and territory. However, in other areas ogimaag worked together outside of the community. This was where certain ogimaa could exercise greater influence. Prior to the nineteenth century, this was mostly in warfare. Leaders gained prominence outside their community by their ability to raise military groups and the subsequent success of those groups. However, in the mid-nineteenth century, treaties opened up new opportunities for Ojibwe leaders to distinguish themselves. Despite the claims of Warren about how the "evil ways of the whites" corrupted Ojibwe political structures, in many ways the advent of treaty making and the execution of provisions contained in treaties, such as annuity payments, gave ogimaag new avenues for asserting influence outside their own communities that had not been there in the eighteenth century.

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<sup>103</sup> Schenck, *The Voice of the Crane Echoes Afar*, 80-81. Leadership categories and how they often overlapped is covered in Miller, *Ogimaag*.

In reality, it made little difference how an ogimaa obtained his position since the authority of the ogimaa was based solely on their ability to provide effective leadership and access to resources. Members of the community could leave at any time to join family in other villages if they felt the leadership of the village ogimaa was not effective. For example, William Warren noted the presence of “made” chiefs, who were appointed by traders. For Warren, the presence of “made” chiefs illustrated how traditional Ojibwe political institutions were corrupted by outsiders. A “made” chief enjoyed advantages that civil chiefs and war chiefs did not. Since they were appointed by traders, a “made” chief had greater access to goods. However, despite Warren’s lamenting, if the leader was not a good provider to his community or was of low moral character, members of his community would leave, circumventing any impact a trader might have tried to make on Ojibwe communities.<sup>104</sup>

In the Lac Courte Oreilles Band, one leader who was a “made” chief was Misko-manidoons, leader of a community on the Chippewa River. The case of Misko-manidoons illustrates how a leader ascended to leadership was irrelevant to how much influence a leader could assert. Warren noted that Misko-manidoons sustained his popularity with his “courage in war, and especially his success in the chase.”<sup>105</sup> In the early nineteenth century, Misko-manidoons built on this to become

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<sup>104</sup> Historian Theresa Schenck discusses the ineffectiveness of traders and government officials appointing Ojibwe chiefs in the nineteenth century, including the failed attempts of American officials to get the Ojibwe to elect their leaders. See Schenck, *The Voice of the Crane Echoes Afar*, 73, 80, & 83.

<sup>105</sup> Warren rendered Misko-manidoons “Mis-ko-mun-e-dous.” Warren, *History of the Ojibwe People*, 318. Misko-manidoons’ name literally means “Little Red Spirit” but was always translated as “Red Devil” due to the American habit of the time translating Native words meaning “spirit” to “devil.” In 1996 the Devil’s Lake Dakota Reservation in North Dakota legally changed its name to the Spirit Lake Reservation. See “Devil’s Lake Tribe Votes For New Name,” *The Washington Post*, July 21, 1996,

an influential leader within the Lac Courte Oreilles Band. After Misko-manidoons' death in the late 1820's, his son, Gichi-Waabizheshi (not to be confused with Nenaangabi's son and successor Waabizheshi), assumed leadership and inherited his father's influence. For example, in 1831, Gichi-Waabizheshi was influential enough to represent the Lac Courte Oreilles Band along with Nenaangabi during Henry Schoolcraft during his first visit as Indian Agent to northwest Wisconsin from his headquarters at Sault Ste. Marie.<sup>106</sup> However, Schoolcraft noted that Gichi-Waabizheshi's influence within the band had slipped and was being surpassed by Moozojiid, leader of the community at Lac Courte Oreilles.<sup>107</sup> However, Gichi-Waabizheshi was still influential enough to speak for the Lac Courte Oreilles Band in 1843 in protest of the Treaty of 1842.<sup>108</sup> However, within a few years of that, Gichi-Waabizheshi's influence eroded quickly. This receding influence is reflected in the number of people in Gichi-Waabizheshi's community, which declined drastically from 161 in 1847 to 75 in 1850. During the same time period, the community at Bakweyawaa on the Chippewa River under Gwiiwizenzish in 1847 and then his son Ozhaawashko-giizhig in 1850 increased from 107 to 177.<sup>109</sup> Thus, the ability to

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A4. Likewise, on the Lac Courte Oreilles Reservation, the Ojibwe name for Devils Lake is *Manidoo Zaaga'igan*, or Spirit Lake.

<sup>106</sup> Schoolcraft, *Personal Memoirs*, 384. For the lineage of Waabizheshi see *Ibid.*, 378. Waabizheshi was a very common nineteenth century Ojibwe name. There was another Gichi-Waabizheshi in Wisconsin who led the community at Pelican Lake in far northeast Wisconsin. This leader signed the Treaty of 1826 as "Gitshee Waubeeshaans: Lac du Flambeau" and 1847 as "Ke che waub ish ash 1<sup>st</sup> Chief: Pelican Lake." See Treaty of Fond du Lac, August 5, 1826, 7 Stat. 290 and Treaty With the Chippewa, August 2, 1847, 9 Stat., 904. In 1847 according to annuity records, his community had 261 people. There he is identified as "Ke-che Waub-ish-ash, Big Martin: Pelican Lake." The existing record for the 1847 annuity is found in "Indian Payments," *Boston Herald*, August 27, 1847, 1.

<sup>107</sup> *Ibid.*, 377.

<sup>108</sup> Alfred Brunson to Thomas Hartley Crawford, January 8, 1843, NARA RG 75, M-234 Roll 388: 0390. Waabizheshi is identified by the English translation of his name, Martin.

<sup>109</sup> "Indian Payments," *Boston Herald*, August 27, 1847 and Lake Superior Chippewa Annuity, 1850. On the lineage of Gwiiwizenzish, see Census Roll, Lac Courte Oreilles, April 3, 1877.

maintain influence really had little to do with how a leader ascended to leadership, but was more about effectively providing for the needs of his community.

### **Ojibwe-Dakota Warfare**

Success in war was a major factor in Nenaa'angabi's influence. Warfare with the Dakota was a constant aspect of Ojibwe life in Wisconsin and Minnesota in the nineteenth century right up until the Dakota War in 1862, after which the Dakota were forcibly removed from Minnesota. Historical sources in the nineteenth century tended to portray Ojibwe-Dakota warfare in terms that had more to do with stereotypes of Native savagery. For example, Thomas Randall wrote in his *History of the Chippewa Valley*: "Nothing can be more dastardly, or better calculated to induce a mean, cowardly disposition, than their mode of conducting war—assassination or murder, better defines their treacherous, stealthy, fiendish butcheries than any other terms."<sup>110</sup> While Randall's characterization is rooted more in white stereotypes of Native savagery than actual knowledge of Ojibwe warfare, Ojibwe-Dakota warfare (like all warfare) was in fact marked by intense violence. Fear of this violence shaped Ojibwe communities in the nineteenth century, especially communities like Manoominikaan that bordered Dakota territory. While there are no recorded accounts of individuals from Manoominikaan, other accounts reveal the genuine terror of Ojibwe-Dakota warfare. At the Bakweyawaa community on the Chippewa River in 1803, teenaged fur trader George Nelson described a tense night: "We were in a most unenviable plight—we knew not what to do, where to fly—sometimes erect or half

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<sup>110</sup> Thomas E. Randall, *History of the Chippewa Valley*, (Eau Claire, WI: Free Press Print, 1875), 32.

standing; sometimes lying flat on the ground as possible to avoid the balls of our enemies we were every moment expecting to hear whizzing again amongst us.”<sup>111</sup>

While out on a hunting expedition and with his family and far from his main Plains Ojibwe village, John Tanner spotted Dakota peoples:

The night before my departure was one, at my lodge, of terror and alarm, greater even than is commonly felt among the Indians. I had mentioned the tracks that I had seen, and I did not doubt that a party of Sioux were in my immediate neighbourhood, and would fall upon me before morning. More than half the night had passed, and not one of us had slept, when we heard a sudden rushing without, and our dogs came running in evident alarm. I told my children that the time was come for us to all die together. I placed myself in the front part of my lodge, and raising the door a little, put the muzzle of my gun, and sat in momentary expectation of the approach of the enemy. Footsteps were distinctly audible, but the night being dark, I could as yet see nothing. At last a little black object, not larger in appearance than a man's head, came slowly and directly to my lodge. Here again I experienced how much fear influences the power of sight for this little object, as it came near, seemed at instant to shoot up to the height of a man, and at the next to be no larger than it really was. When I was entirely convinced that it was nothing but a small animal, I stepped out, and finding it to be a porcupine, killed it with my tomahawk. The remainder of the night was spent in the same manner as the beginning. Early in the morning, I fled to the fortified camp.<sup>112</sup>

Having to tell one's children that “the time has come for us to all die together” vividly illustrates the harsh realities of Ojibwe-Dakota warfare on Ojibwe families. While Tanner and his family were able to escape to safety, it is important to remember that many Ojibwe and Dakota families in nineteenth century Wisconsin and Minnesota were not so lucky.

Ojibwe-Dakota warfare was fought for both territorial gain and to avenge deaths. Historian Anton Treuer argues that by the beginning of the nineteenth century, most Ojibwe-Dakota military conflict was no longer large campaigns to gain (or in the case of the Dakota, regain) territory, but instead involved small raids to avenge dead relatives. Many times these small raids involved non-combatant civilians. American officials and early white settlers saw these raids as an endless

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<sup>111</sup> Nelson, *My First Years in the Fur Trade*, 130. See also 64 and 70-72.

<sup>112</sup> John Tanner, *The Falcon*, 149.



cycle of savage revenge, but in fact they served important cultural and spiritual purposes. When a person was killed in an Ojibwe community, it was the responsibility of their relatives to receive either material compensation or some form of retribution in order to for the spirit of the murdered person to go on to the spirit world. Warfare operated very similarly. The main difference was that instead of a ceremony within the community, there was a scalp dance. Scalps served an important spiritual purpose, as they contained the spirit of the person. Because of this, it was not just enough to kill a Dakota, but it was imperative to take the scalp and have the scalp dance so that the killed person could go on to the spirit world.<sup>113</sup>

According to Treuer, because most Ojibwe-Dakota warfare in the nineteenth century was just smaller raids to avenge relatives, casualties in both Ojibwe and Dakota communities were much lower than in the eighteenth century. Even though the immediate purpose of these raids was to avenge prior deaths, they served a secondary purpose in defining and maintaining Ojibwe territorial gains of the eighteenth century. At the same time, Ojibwe and Dakota people practiced truces in order to exchange hunting territory. However, these truces were not just about economic exchange: they often entailed social exchange including friendships and intermarriage.<sup>114</sup> The Lac Courte Oreilles Band practiced truces with the Dakota in 1841 and 1846. The 1841 peace came about after a Dakota party was killed on the Red Cedar River in 1840 and six Ojibwe were killed in retribution. A peace council was held in Eau Claire. Another peace council was held in 1846 at Chippewa Falls. Dakota leaders Wabasha, Red Wing, Big Thunder attended the council accompanied

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<sup>113</sup> Treuer, *The Assassination of Hole in the Day*.

<sup>114</sup> Ibid.

by 150 mounted warriors. The “head chief,” most likely Nenaa’angabi, approached the Dakota with a large pipe in one hand and a hatchet in the other. Upon reaching the Dakota, he threw the hatchet in the ground “with considerable force as to bury it in the earth.”<sup>115</sup> While the surviving account of this council does not identify whether it was in fact Nenaa’angabi, this dramatic gesture was in keeping with his dramatic diplomatic style. Furthermore, by the 1840’s, Nenaa’angabi was unquestionably the “head chief” of the region.

### **“The Country is Ours:” Traders, Treaties, and the Myth of Ojibwe Dependence**

In 1828, Leech Lake Band Ojibwe leader Eshkibagikoonzh or Flat Mouth told Henry Schoolcraft, “The Americans are not our masters; the English are not our masters; the country is ours.”<sup>116</sup> Eshkibagikoonzh’s words reveal how despite the claims of the British and later Americans, Ojibwe communities remained autonomous well into the mid-nineteenth century. Similarly, traders pushed for payments of Ojibwe debt at the treaties, arguing that the Ojibwe were poor and dependent on the fur trade. However, recent scholarship reveals that these claims of Ojibwe dependency were exaggerated, and that neither the British, Americans, or traders were the “masters” of the Ojibwe.

Highly influential to the historiography of Great Lakes Native history is Richard White’s *The Middle Ground*. Appearing in 1991, White saw misunderstanding between Native peoples and European colonial powers as a creative force in the forging of a new space in the wake of disease and warfare among Native peoples that produced massive movements of refugees. According to White, this new

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<sup>115</sup> Randall, *History of the Chippewa Valley*, 33.

<sup>116</sup> Schoolcraft, *Personal Memoirs*, 293.

space was shaped just as much by Native peoples as colonial groups. White's placing Native people at the center of this transformation completely recast early American history, giving Native people a central role in what were previously narratives centered on the actions of imperial powers.<sup>117</sup>

The implications of White's ideas about mutual creation and invention of a fundamentally new space in the Great Lakes have proved more problematic from the perspective of Native American history. In particular, White's suggestion that Native peoples faced a new, unfamiliar world has been most critiqued. Scholars argue that White characterization of Native peoples is too broad, and more specific case studies of specific Native communities have led to a reconsideration of White's ideas about Great Lakes Native peoples. One example is Heidi Bohaker's argument that clan and kinship networks mitigated the movement of Algonquian-speaking peoples into new areas west in the 17<sup>th</sup> century: "Anishinaabe peoples did not find, as White suggests, a world of 'danger, strangeness, and horror.' They knew, from well-established patterns, where to move and with whom to stay."<sup>118</sup> For Bohaker, it was Native institutions that allowed Native people to survive the crisis brought about by the start of the French fur trade. Bohaker asserts that *The Middle Ground's* contribution lies with what it tells scholars about the vast change in views of Native peoples held by the French and how the relationships forged by the French with Native people were shaped by Native people as much as the French.

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<sup>117</sup> White, *The Middle Ground*. For a brief overview of the impact of *The Middle Ground* in U.S. history see Ned Blackhawk, "Look How Far We've Come: How American Indian History Changed the Study of American History in the 1990's," *OAH Magazine of History* 19: 6 (November 2005), 13-17.

<sup>118</sup> Heidi Bohaker, "Nindoodemag: The Significance of Algonquian Kinship Networks in the Eastern Great Lakes Region, 1600-1701," *The William and Mary Quarterly* 63:1 (January 2006), 23-52.

While *The Middle Ground* was important in making scholars of American history more attentive to the Native role in early American history, the Great Lakes as a “middle ground” does not reflect Native autonomy on the ground. In *An Infinity of Nations*, Red Cliff Ojibwe scholar Michael Witgen demonstrates that the Great Lakes remained Native territory during the seventeenth and eighteenth centuries, despite the cultural, political, and economic shocks sustained by Native peoples. Like *The Middle Ground*, Witgen argues that both the French and Native peoples were fundamentally transformed by contact with each other, but Witgen shows how the Great Lakes remained territory controlled by Native peoples.<sup>119</sup> As Witgen argues: “European claims of discovery and possession in this region represented the rhetoric of empire rather than a genuine expansion of political sovereignty.”<sup>120</sup> Historical evidence bears this out, as Ojibwe leaders such as Eshkibagikoonzh clearly saw the western Great Lakes as Native territory well into the nineteenth century.

Other scholarship suggests that actual French and British influence on Ojibwe life was minimal. Historian Theresa Schenck argues that the Ojibwe were slow to enter the fur trade in the seventeenth century, and characterizes Ojibwe participation in the trade as sporadic, rather than of steadily increasing dependence.<sup>121</sup> Bruce White’s excellent study of the fur trade, “A Skilled Game of Exchange,” emphasizes the precarious position occupied by traders doing business with Ojibwe people. White discusses how traders had to give gifts to Ojibwe people to get them to participate in the trade, and points out how important it was for traders to have

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<sup>119</sup> Witgen, *An Infinity of Nations*.

<sup>120</sup> Michael Witgen, “The Rituals of Possession: Native Identity and the Invention of Empire in Seventeenth-Century Western North America,” *Ethnohistory* 54:4 (Fall 2007), 639-668, 639.

<sup>121</sup> Schenck, *The Voice of the Crane Echoes Afar*.

kinship ties to Ojibwe people in order to have an advantage over competing companies.<sup>122</sup> As German ethnographer Johann Georg Kohl observed in 1855: “It may be conjectured that a trader can only be successful through caution and exercise of tact.”<sup>123</sup> Women in particular exercised a central role, with traders often negotiating directly with Ojibwe women over food supplies, given the role of Ojibwe women in producing these supplies.<sup>124</sup> In his 1894 autobiography, Benjamin Armstrong noted that intermarriage was a tactic that Ojibwe leaders used in the nineteenth century when the monopoly of the American Fur Company resulted in high prices. Having a kinship relationship to an individual trader tempered the ability of the company to impose high prices, as the trader was obligated to be fair through his kinship relationship to Ojibwe leaders.<sup>125</sup>

In fact, much of the time, traders were dependent on the Ojibwe, not the other way around. One example was fur trader George Nelson at his fur trade post at Bakweyawaa on the Chippewa River. The teenage Nelson was utterly dependent on Ojibwe leader Babaamikawe, or as Nelson termed in him French, “La Piste,” (The Track). On February 29, 1803, Nelson wrote, “LaPiste today gives me two small Pike & about 6 quarts of rise – Charity!” A week later Nelson wrote, “La Piste gives me a bag (small) of wild rise (sic), & another mixed with Corn & rise half full.” By March 17, things were even more dire: “We subsist upon indian Charity (sic).”<sup>126</sup> At the Treaty of St. Peter’s in 1837, Eshkibagikoonzh told the Treaty Commissioners

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<sup>122</sup> Bruce M. White, “A Skilled Game of Exchange: Ojibway Fur Trade Protocol,” *Minnesota History* 50: 6 (Summer 1987), 229-240.

<sup>123</sup> Kohl, *Kitchi-Gami*, 130.

<sup>124</sup> Priscilla K. Buffalohead, “Farmers, Warriors, Traders: A Fresh Look at Ojibway Women,” *Minnesota History* 48: 6 (Summer 1983), 236-244.

<sup>125</sup> Armstrong, *Early Life Among the Indians*, 101.

<sup>126</sup> Nelson, *My First Years In The Fur Trade*, 149, 151, 152.

regarding the demands of traders seeking a payment from the Ojibwe: “Where have they got the Fish they have eaten, and the wood they have burned? They were caught from our Lakes, & Rivers, and taken from our Land—And they talk to us about paying them our debts!”<sup>127</sup>

Taken together, this literature suggests that accounts of Ojibwe dependence on the fur trade in the nineteenth century was highly exaggerated. Recent scholarship has more directly challenged the notion of Ojibwe dependence on the fur trade. In their excellent study on Ojibwe traditional labor in northwestern Ontario, scholars Tim E. Holzkamm, Leo G. Waisberg, and Joan A. Lovisek point out that the diversity of Ojibwe food sources and participation in cultural activities suggesting that Ojibwe people had free time for leisure pursuits even in winter indicates that descriptions of Ojibwe poverty and dependence during the mid-nineteenth century were exaggerated.<sup>128</sup> Instead, it wasn’t until the late nineteenth century when the ecological changes brought about by clear-cutting of timber resources, enforcement of provincial game laws off-reservation, and dispossession of Native reserve lands threatened traditional Ojibwe labor, resulting in poverty.

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<sup>127</sup> In the council, Eshkibagikoonzh is identified as “Flat Mouth.” Proceedings of a Council Held by Governor Henry Dodge with the Chiefs and Principal Men of the Chippewa Nation of Indians, July 20-29, 1837, National Archives and Records Administration, Records Group 75, Documents Relating to the Negotiation of Ratified and Unratified Treaties with Various Tribes of Indians, 1801-1869, T-494, Roll 3: 0548.

<sup>128</sup> Holzkamm, Waisberg, and Lovisek, “Stout Athletic Fellows.”

Likewise, in *The Ojibwa of Western Canada*, historian Laura Peers argues against increasing dependence on the fur trade among the Plains Ojibwe. Peers argues that the relative abundance of historical evidence from those involved in the fur trade has tended to overemphasize dependence on the fur trade:

these sources must be used carefully, for they were generated by non-Native people for particular purposes. The cultural biases of the authors, and the topical gaps created in our understanding by what they did not record, mean that the window they open on western Ojibwa life and history is narrow, and the view through it is limited and at times distorted. Traders' and missionaries' accounts tell us largely what happened around the trading posts and mission stations, and reliance on them tends to produce historical interpretations that over-emphasizes the role of these institutions in Native society.<sup>129</sup>

Peers goes on to make a convincing argument that Plains Ojibwe culture and labor went through several ups and downs in this time period and was not characterized by a linear increasing dependence. Peers notes that Plains Ojibwe dependence on traders peaked in the early 19<sup>th</sup> century, and traders increasingly were frustrated as Western Ojibwa turned to bison hunts and away from trapping in the 19<sup>th</sup> century. Another example Peers cites is how increasingly in the 19<sup>th</sup> century, Plains Ojibwe used skins of animals instead of blankets obtained by traders. Peers also offers compelling evidence that changes in the top of the trade, most notably the 1805 demise of the XY Company and the 1821 merger of the Northwest Company and Hudson's Bay Company did not devastate Plains Ojibwe communities or even lessen the role of the Plains Ojibwe in the trade. Rather, Peers demonstrates that the Plains Ojibwe turned to alternative furs by hunting different animals. Even when beaver epidemics coincided with changes at the top of the trade, Peers argues that the Plains Ojibwe were able to survive and even thrive in these conditions.

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<sup>129</sup> Laura Peers, *The Ojibwa of Western Canada, 1780 to 1870*. (St. Paul : Minnesota Historical Society Press, 1994), xii.

The work of Holzkamm, Waisberg, and Lovisek in northwest Ontario and Peers among the Plains Ojibwe suggest that Wisconsin Ojibwe dependence on the fur trade was exaggerated by American officials. Instead, it may be more useful to think of how the decline of fur trade revenues impacted the top levels of the industry rather than Ojibwe producers of furs. Henry Schoolcraft noted this in 1832, when he argued that both the supply of furs and goods going into Ojibwe communities had declined over the past forty years.<sup>130</sup> However, throughout the nineteenth century traders remained present in Ojibwe communities, giving the Ojibwe access to goods they could not produce themselves such as guns and powder. Furthermore, Ojibwe people were resourceful and knew how to produce alternatives to goods not available through the fur trade.

The excellent work of these scholars also informs the role of traders in Wisconsin Ojibwe treaties. Many of the early politicians in local governments in Wisconsin, Michigan, and Minnesota were either former traders or still held major interests in trading enterprises. Nearly all of the treaty commissioners for Ojibwe land cession treaties were had ties to trading interests. Therefore, it may be helpful to think of about the large amounts of money paid to traders in the treaties as not so much illustrating Ojibwe dependence on the fur trade, but instead as the federal government subsidizing an industry which saw profits eroding at the very top levels.

Traders secured direct payments from the US government in Ojibwe land cession treaties. Despite the payments made directly to traders at the time of the treaties, traders continued to siphon off Ojibwe yearly annuities after treaties, sometimes in collusion with government officials. Benjamin Armstrong noted that

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<sup>130</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 90-91.



the agent would: “allow the traders places by the pay table, especially the American Fur Company, with an open sack in which to take the money claimed to be due them from the Indians and as soon as an Indian had touched the pen the bill against this Indian was handed to the agent and the money poured into the traders’ sack, and the bill was generally enough to cover the Indians’ dues.”<sup>131</sup> Rather seeing Ojibwe dependency on the fur trade, a better way to think about the fur trade in the nineteenth century was that well-connected individuals involved in the fur trade saw an opportunity to make more money from government funds both paid to them directly and what they could further squeeze out of the Ojibwe from their annuities. This occurred because the traders had a voice in the US government, and the Ojibwe did not.

On the ground, Lac Courte Oreilles leaders felt the effects declining profits at the top of the fur industry. In 1828, Henry Schoolcraft described a visit to his agency at Sault Ste. Marie by Lac Courte Oreilles Band leader Misko-manidoons, who complained to Schoolcraft that traders were charging exorbitant prices for goods and that non-Ojibwe hunters were trespassing on Ojibwe hunting grounds.<sup>132</sup> These sentiments were echoed the same year by Gidagaa-bizhiw, leader of the community of the Lac Courte Band on Lake Chetac. In particular, Gidagaa-bizhiw complained that the traders were charging high prices for ammunition.<sup>133</sup> Perhaps local traders were trying to recoup losses at the top levels of the industry by overcharging Ojibwe people at the local level.

### **“A religious contract”: American Expansion & the Treaties of 1825 & 1826**

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<sup>131</sup> Armstrong, *Early Life Among the Indians*, 135.

<sup>132</sup> Schoolcraft, *Personal Memoirs*, 292.

<sup>133</sup> *Ibid.*, 297. Schoolcraft rendered Gidagaa-bizhiw “Dugah Beshue, or Spotted Lynx.”

In 1825, the American government made its first real attempt to assert its authority over Native nations in the western Great Lakes with the Treaty of Prairie du Chien. Despite American claims to the region dating back to the Treaty of Paris in 1783, on the ground Americans exercised little to no influence in Ojibwe communities. The relationship Americans sought with the Ojibwe differed dramatically from the relationships established between the Ojibwe and the French beginning in the seventeenth century and continuing later with the British. Both the French and the British maintained economic relationships with the Ojibwe founded on cooperation, as the Ojibwe traded beaver and other furs for technology useful in Ojibwe labor activities.<sup>134</sup> Americans had little interest in economic relationships rooted in respect for Native sovereignty and sought to incorporate Native territory and remove Native peoples from the land. In the course of a few decades American colonialism disrupted a pattern of two centuries of interaction between Ojibwe people and French and later British traders. While American officials claimed the Treaty of 1825 was meant to solely promote peace by setting up boundaries between Native nations, in reality the government used the boundaries to procure land cessions in the immediate years following the treaty in northern Illinois and southern Wisconsin.<sup>135</sup>

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<sup>134</sup> In depth studies on British-Native relations during the period between the American Revolution and War of 1812 abound. However, these studies tend to focus on often violent encounters in the eastern Great Lakes. See Timothy D. Willig, *Restoring the Chain of Friendship: British Policy and the Indians of the Great Lakes, 1783-1815*, (Lincoln: University of Nebraska, 2008) and Colin Calloway, *Crown and Calumet: British-Indian Relations, 1783-1815*, (Norman: University of Oklahoma Press, 1987).

<sup>135</sup> Much of the early American interest in Wisconsin was driven by lead mining in southwest Wisconsin, which was why Prairie du Chien was a center of American power in 1825. For more on the region see Lucy Eldersveld Murphy, *A Gathering of Rivers: Indians, Métis, and Mining in the Western Great Lakes, 1737-1832*, (Lincoln: University of Nebraska Press, 2000). Ironically, today the region is marginal to the state's economy, as economically bleak as northern Wisconsin only without tourism.

Another distinction of the relationship of Native nations in the Great Lakes with the American government as opposed to the British or French was the role of bureaucrats. While the President of the United States theoretically represented the American government, on the ground Native nations mostly dealt with a changing cast of bureaucrats. The Office of Indian Affairs, later known as the Bureau of Indians Affairs (BIA), was a division of the War Department. In 1849, the Office of Indian Affairs moved to the Interior Department. The Office of Indian Affairs was headed by the Commissioner of Indian Affairs, who in turn reported to the Secretary of War (after 1849, the Secretary of the Interior). Within the Office of Indian Affairs were Indian Agencies, federal outposts staffed by an Indian Agent, an individual charged with managing the day-to-day basics of the federal relationship with Native communities. In the early nineteenth century, the Indian Agent for the Lac Courte Oreilles Ojibwe was located at Sault Ste. Marie, at the far eastern tip of Michigan's Upper Peninsula, over 400 miles from Manoominkaan. Treaties were headed by a Treaty Commissioner, an individual (or individuals) authorized by the President to make the treaty on behalf of the government. Treaty Commissioners were typically an Indian Agent or Territorial official, as most treaties were concluded prior to Wisconsin or Minnesota statehood.

Ojibwe treaty councils were highly ritualized diplomatic exchanges, marked by protocols of Ojibwe diplomacy, such as gift giving. Missionary Leonard Wheeler's description of the 1842 Treaty council was typical of all Ojibwe treaties:

The making of a treaty with the Indians is one of the most important occasions for which they ever assemble together. It is an occasion which calls out a greater number of people than ordinarily meet for the transaction of other business. It is a time when the wise men of the nation are called for, and when the talents and oratory of the people are brought into

requisition. It is a time also for paint and ornaments and all that display, which exhibits national character. The number of Indians present, was between three and four thousand.<sup>136</sup>

While many attended treaties, only individuals of influence signed them. In some of the Lake Superior Ojibwe treaties, only ogimaag signed. In other treaties, individuals known as headmen and warriors signed. “Headmen” led smaller family groups when the larger village split up for labor activities, while “warriors” were typically younger individuals of military renown in the community.<sup>137</sup>

Despite popular notions about treaty making, Lake Superior Ojibwe leaders were not plied with alcohol or otherwise pressured through fraud into signing the treaties. In his work on Plains Indian treaties anthropologist Raymond DeMallie notes: “American Indian leaders were not mere pawns of the U.S. government. They did use political strategies to combat whites on their own ground and sometimes they were able to gain important concessions.”<sup>138</sup> This was even more true for the Lake Superior Ojibwe. No settlers clamored for Ojibwe lands in the mid-nineteenth century, and the Ojibwe still exercised complete autonomy. Lake Superior Ojibwe leaders signed the treaties because they hoped to establish a relationship with the

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<sup>136</sup> Leonard H. Wheeler to David Greene, May 3, 1843, Minnesota Historical Society, American Board of Commissioners for Foreign Missions Papers, Correspondence 1827-1878, Box 3: Correspondence 1840- April 1844.

<sup>137</sup> Sometimes “headmen” evolved into ogimaa as their group became more independent from the original community. One example is the village on Wisconsin Point in modern Superior, Wisconsin led by Ozaagii. Identified as a Fond du Lac Band headman in the Treaty of 1854, no annuity records identify as a “chief” (annuity records never recorded Ojibwe leaders as ogimaa) until 1865. Before 1865 he was listed under as part of the community Fond du Lac Band ogimaa Naagaanab. See Treaty With the Chippewa, September 30, 1854, 10 Stats., 1109, Lake Superior Chippewa Annuity, 1857, MHS M-390, Roll 1, and Lake Superior Chippewa Annuity, 1865, MHS M-390, Roll 2. Ozaagii is rendered “O-saw-gee” in the Treaty of 1854, “Osaw gee” in the 1857 Annuity Roll, and “Ozawgee” in the 1865 Annuity Roll. For more on the location of Ozaagii’s village and their struggle to remain there after the creation of the Fond du Lac Reservation see Thomas Peacock, ed., *A Forever Story: The People and Community of the Fond du Lac Reservation*, (Cloquet, MN: Fond du Lac Band of Lake Superior Chippewa, 1998), 130-142 and 189-205.

<sup>138</sup> Raymond J. DeMallie, “Touching the Pen: Plains Indian Treaty Councils in Ethnohistorical Perspective,” *Ethnicity on the Great Plains*, Frederick C. Luebke, ed., (Lincoln: University of Nebraska Press, 1980), 38-51, 40.

American government that would benefit their communities by bringing money and goods into the communities they led. Based on the minimal American presence in the western Great Lakes and what American officials said at the treaty councils Ojibwe leaders had little reason to believe that the treaties would be the basis of dispossession of their lands.

In the Treaty of 1825, the American government claimed to be only interested in promoting peace among Native nations by drawing borders between tribes in the western Great Lakes including the Ojibwe, Dakota, Ho-Chunk, Menominee, Potawatomi, Odaawaa, Sauk, Fox, and Iowa. The Treaty Commissioners were Michigan Territorial Governor (the states of Michigan, Wisconsin, and Minnesota were all part of the Michigan Territory at this time) and future War Secretary under the Jackson Administration Lewis Cass and St. Louis Indian Agent William Clark of the Lewis & Clark expedition fame. Cass told the tribes, “We tell you again your Great Father does not want your land. He wants to establish boundaries and peace among you.” Despite American imperial designs in the region, Native nations were still powerful, and the discourse of diplomacy was still very much rooted in Native protocols. For example, Clark told the tribes, “My Children, this belt of Wampum now in our hands is considered to be a religious contract between all the Tribes which are represented on it and is intended by your Great Father to draw you as a part of his Children still nearer under his protective wing.”<sup>139</sup> Furthermore, gifts were a central part of the diplomacy between Native nations and the American government, all revealing how much Native nations themselves dictated the process of diplomacy.

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<sup>139</sup> Documents Relating to the Negotiation of the Treaty of August 19, 1825, with the Sioux, Chippewa, Sauk and Fox, Meonominee, Iowa, and Winnebago Indians and Part of the Ottawa, Chippewa, and Portawatomi of the Illinois Indians, NARA RG 75, T-494 Roll 1: 0710.

After the Treaty, Clark and Cass wrote Secretary of War James Barbour, “This Treaty will form an era in our Indian relations.” However, Native leaders had mixed reaction to American goals. Many tribal leaders voiced uncertainty about the idea of boundaries. Noodin, an ogimaa of the Snake River Band, told the Commissioners, “I wish to leave here in peace. But in running marks around our country or in giving into our enemies it may make new disturbances or breed new wars.”<sup>140</sup> One of the issues that would impact the Lac Courte Oreilles Band was the widely diverging claims made by Ojibwe and Dakota leaders about the boundary southern border of Ojibwe territory south of Manoominkaan. Dakota leader Little Crow claimed lands all the way up to Chippewa Falls, while Snake River Band ogimaa Bayezhig told government officials that Ojibwe territory went all the way down to the mouth of the Chippewa River.<sup>141</sup> American officials located the boundary where the Eau Claire River empties into the Chippewa River (modern-day Eau Claire, Wisconsin) about 10 miles south of Chippewa Falls and about 50 miles north of the mouth of the Chippewa River. On the Red Cedar River, the boundary was drawn just north of

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<sup>140</sup> Ibid. Noodin is identified as “The Wind, Chippewa” in the Treaty Council Minutes. Noodin’s fear that the boundaries would “breed new wars,” was eerily prophetic when he was killed in battle with the Dakota in 1854. See “The Siouxs and the Chippewas,” *The Minnesota Pioneer*, June 30, 1854, 2. Noodin was a somewhat prominent ogimaa in Ojibwe politics during the treaty era, signing treaties in 1826, 1837, 1842, and 1847. According to William Warren, Noodin died without a successor. See Warren, *History of the Ojibwe People*, 335. In the 1840’s, he began to be referred to as Gichi-Noodin, to distinguish himself from another Ojibwe leader from Mille Lacs named Noodin. The close proximity of the Snake River to Mille Lacs compounded by the fact that after 1850, American policy centered on removing the Snake River Band to Mille Lacs creates confusion in distinguishing between the two leaders.

<sup>141</sup> Ibid. In the Treaty Council Minutes, Bayezhig is identified as “Pi-a-gick, or Single Man, Chippewa of St. Croix River.” Snake River leaders were sometimes identified as being from the St. Croix Band, as the communities of the Snake River Band were in close proximity to the St. Croix communities and the Snake River empties into the St. Croix River. Bayezhig was the leader of a community on Pokegama Lake, only 20 miles from the St. Croix River. Bayezhig signed treaties in 1837, 1842, 1847, and 1854. For more on Bayezhig see Armstrong, *Early Life Among the Indians*, 117, 124, 233. Armstrong spelled Bayezhig “Bi-a-jek.”

modern-day Menomonie, Wisconsin, some 15 miles north the mouth of the Red Cedar.<sup>142</sup>

While these areas were contested in eighteenth century, by 1825 Ojibwe people held the upper-hand in the region. Furthermore, as Nenaangabi grew in influence as a leader in the 1830's, Ojibwe at Manoominkaan exercised even more control of the area south of the boundary. Ojibwe leaders were supposed to be represented by Henry Schoolcraft, the Agent in far-off Sault Ste. Marie. However, Schoolcraft was marginal to the proceedings at Prairie du Chien. At the same time, Dakota leaders such as Little Crow and Wabasha had day-to-day interaction with agents at Prairie du Chien and Fort Snelling who were much more influential to the proceedings. How could Schoolcraft assert anything for the Ojibwe? After all, Sault Ste. Marie was over *600 miles* from Prairie du Chien: he had no pull among leaders in the developing lead mining region of southwest Wisconsin. The boundary was no small matter. While Ojibwe at the time exercised control on the ground south of the boundary, the American government allowed the Dakota to later lease a mill and ultimately cede the land in 1837. This meant that money and goods flowed into Dakota communities for lease and sale of what was in reality Ojibwe land.

Following the treaty, Schoolcraft argued that the Wisconsin and Minnesota Ojibwe were well represented at the treaty.<sup>143</sup> Schoolcraft's claim is bore out by the number of leaders who signed the treaty. Of the Lac Courte Oreilles Band, Gidagaa-bizhiw of Lake Chetac and Chippewa River leaders Misko-manidoons and Babaamikawe signed the treaty. In addition, it is possible the Nenaangabi's father,

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<sup>142</sup> Treaty of Prairie du Chien, August 19, 1825, 7 Stat. 272.

<sup>143</sup> Schoolcraft, *Personal Memoirs*, 216.

Gekek, signed the treaty as “Ka ka ka, The Sparrow, Lac Courte Orielle (sic).”<sup>144</sup> Despite his influence during the Schoolcraft visit in 1831, there is no evidence to suggest that Nенаа’angabi had achieved influence by 1825. It is unknown why Moozoojiid, leader of the community of Lac Courte Oreilles did not sign the treaty, since Henry Schoolcraft claimed he was present.<sup>145</sup> Despite the fair turnout from Lac Courte Oreilles Ojibwe leaders, Treaty Commissioners recognized the vastness of Ojibwe territory and that many leaders could not attend since Prairie du Chien was a long journey for most Ojibwe. Accordingly, Article 12 called for another treaty in 1826 on Lake Superior for just the Ojibwe, so “that the objects and advantages of this treaty may be fully explained to them.”<sup>146</sup>

In 1826, American presence among the Wisconsin Ojibwe increased when a sub-agency was established at La Pointe, a branch of the agency headquarters at Sault Ste. Marie.<sup>147</sup> Later in the year, the treaty with the Ojibwe mandated in the 1825 Treaty was held at Fond du Lac, on Lake Superior’s far western shore. Lewis Cass again served as Treaty Commissioner. This time, however, Cass was joined by Thomas McKenney, the Commissioner of Indian Affairs. McKenney’s massive journey from Washington to the far end of Lake Superior was published the following year as *Sketches of a Tour to the Lakes*.<sup>148</sup> A major task of the treaty was to get Ojibwe leaders to develop an exclusive diplomatic relationship with the American government and to stem the role of the British. Article 8 read: “The Chippeway tribe

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<sup>144</sup> Treaty of Prairie du Chien, August 19, 1825, 7 Stat. 272.

<sup>145</sup> Schoolcraft, *Personal Memoirs*, 377.

<sup>146</sup> Treaty of Prairie du Chien, August 19, 1825, 7 Stat. 272. In the treaty, Gidagaa-bizhiw is rendered “Tu kau bi sho or Crouching Lynx,” Misko-manidoons is “The Red Devil,” and Babaamikawe is “The Track.”

<sup>147</sup> Schoolcraft, *Schoolcraft’s Expedition to Lake Itasca*, 118.

<sup>148</sup> McKenney, *Sketches of a Tour to the Lakes*.



of Indians fully acknowledge the authority and jurisdiction of the United States, and disclaim all connection with any foreign power.”<sup>149</sup> The kinship ties Ojibwe leaders cultivated with the British after 1763 were viewed by Ojibwe leaders as binding and not easily broken. Furthermore, Ojibwe leaders no doubt had a sense of how Americans were handling other Native nations to the south and east and felt that the British had more of an interest in maintaining a trading relationship with Ojibwe people and not settling in the area or exploiting resources beyond furs. Americans were keenly aware of this and actively sought to stem the role of the British in the years after the Treaty of Prairie du Chien. For example, in 1828 Henry Schoolcraft denied gifts to Misko-manidoons, ogimaa of a Lac Courte Oreilles Band community on the Chippewa River, because he had visited the British.<sup>150</sup>

The primary reason for the treaty, however, and the reason for the presence of the Commissioner of Indian Affairs, was American interest in the mineral resources of the western part of the Upper Peninsula of Michigan. Americans were captivated by stories of above ground boulders of pure copper in the Ontonagon River valley. Most famous of these was the Ontonagon Boulder, 3000 pounds of pure copper. McKenney tried and failed to bring the Ontonagon Boulder back to Washington with him. Accordingly, Article 3 of the treaty read: “The Chippewa tribe grant to the government the right to search for, and carry away, any metals or minerals from any part of their country. But this grant is not to affect the title of the land, nor the existing jurisdiction over it.” Despite the fact that the treaty explicitly said the right of exploration did not relinquish Ojibwe land title, subsequent treaty commissioners

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<sup>149</sup> Treaty of Fond du Lac, August 5, 1826, 7 Stat. 290.

<sup>150</sup> Schoolcraft, *Personal Memoirs*, 295. Misko-manidoons was rendered “Miscoomonetoes, or Red Devil” by Schoolcraft.

twisted the meaning of the article to pressure Ojibwe leaders to sign. Other provisions of the treaty included land for persons of mixed descent. A section of land was granted near Sault Ste. Marie for over sixty persons of mixed descent or wives of persons of mixed descent, including such recognizable names as Michel Cadotte, William Warren, and the children of John Tanner. Another provision gave the Ojibwe an annuity of \$2000. However, this article and the article providing a section of land for persons of mixed descent were stricken out of the treaty by the Senate.<sup>151</sup>

According to Thomas McKenney, there were over 700 Ojibwe at the treaty. The treaty was held on an island in the St. Louis River. McKenney wrote: “Bark canoes are constantly passing to and from the island, which gives animation to the scene.”<sup>152</sup> While other Ojibwe bands were well represented at the Treaty, Lac Courte Oreilles leaders were not. According to influential La Pointe Band ogimaa Bizhiki:

The people who live at the Tawa Lakes (sic) have not come. But their ears are not shut. They are as open as ours. But they heard bad birds singing at the Prairie.<sup>153</sup>

It is clear that “the Prairie” referred to is Prairie du Chien. There is no historical evidence that explains what specifically Lac Courte Oreilles leaders objected to at Prairie du Chien. Only Babaamikawe, ogimaa of a community on the Chippewa River signed the treaty.<sup>154</sup>

### **The Legacy of 1825 and the Impact of Indian-Indian Boundaries**

While the treaties of 1825 and 1826 were an attempt to extend American influence in the region, in reality life changed little for the Ojibwe at Manoominikaan. American attempts to assert power near the community in the immediate years after

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<sup>151</sup> Treaty of Fond du Lac, August 5, 1826, 7 Stat. 290.

<sup>152</sup> McKenney, *Sketches of a Tour to the Lakes*, 312 and 330.

<sup>153</sup> The treaty journal is published as an appendix in *Ibid.*, 462. Original found in NARA RG 75, T-494 Roll 1: 0825.

<sup>154</sup> Treaty of Fond du Lac, August 5, 1826, 7 Stat. 290.

the treaties were laughable at best. For example, in the late fall of 1829, a party of seventy soldiers left Prairie du Chien to build a small fort on the Red Cedar near its mouth, about sixty miles south of Manoominkaan. Their journey up the Mississippi and Chippewa rivers to the mouth of the Red Cedar was an utter fiasco: half the boats got stuck in quicksand on the Chippewa River and ice fifteen miles from the mouth of the Red Cedar. The commanding officer remained on the Red Cedar to guard the supplies while the remainder of the group went back to rescue the helpless boats. In the meantime, the commanding officer spotted a group of Ojibwe and fled in terror, dropping his goods, which the Ojibwe group rescued. According to pilot John Fonda, “The warriors had no idea of disturbing anything” and later, “the oldest chief” returned the goods. Although unidentified in Fonda’s account, it is likely the “older chief” was Nenaangabi. The commanding officer was missing for three days. When finally discovered, his feet and legs were completely frozen to his knees. The fort was completed, although the commanding office was immediately returned to Prairie du Chien to face his commanding officer, future President Zachary Taylor.<sup>155</sup> That Taylor chose to dispatch the group so late in the year, when ice was forming, shows how completely unfamiliar Americans were with an area they claimed to be theirs.

Just as the American government sought to utilize these boundaries set at Prairie du Chien in 1825 for subsequent land cessions, Native leaders too attempted to utilize the boundaries for their benefit. As early as 1822, Mdewakanton Dakota leader Wabasha negotiated an agreement with Prairie du Chien fur traders James

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<sup>155</sup> John N. Fonda, “Early Reminiscences of Wisconsin,” *Wisconsin Historical Collections* V (1868), 205-284.

Lockwood and Joseph Rolette to cut timber and build a sawmill on the Red Cedar River on what would become the city of Menomonie, only 60 miles downstream from Rice Lake. Wabasha had close ties with the traders, who like others in the declining fur industry, saw timber as the next way to make money in Wisconsin. Wabasha located the sawmill on the far northern extent of what he thought of as Dakota territory. Wabasha's own community was located at modern-day Winona, Minnesota, hundreds of miles by river from the sawmill site. For the Dakota, it mattered little to them if Americans established themselves on the Red Cedar so long as they could utilize the far western Wisconsin for hunting. However, approval for the contract stalled and in the mean time the 1825 Treaty of Prairie du Chien defined the Ojibwe border just above the sawmill site, something Wabasha likely pushed for. After languishing for a few more years, Lockwood personally lobbied Michigan Territory's Congressional representative and in 1830 the agreement was approved. That summer work began on the mill.<sup>156</sup>

Nenaa'angabi was not happy about the mill. However, evidence suggests that Nenaa'angabi was less bothered by the actual presence of Americans close to his community. After all, he was not bothered by the fort construction on the Red Cedar, even returning the commanding officer's goods. What bothered Nenaa'angabi was Dakota claim to territory that by 1830 the Ojibwe at Manoominkaan exercised clear control. Indian Agent Henry Schoolcraft visited Manoominkaan in 1831 to sort out

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<sup>156</sup> Chad Delano Ronnander, "Many Paths to the Pine: Mdewakanton Dakotas, Fur Traders, Ojibwes, and the United States in Wisconsin's Chippewa Valley, 1815-1837," (Ph.d. Dissertation: University of Minnesota, 2003). When Lockwood secured approval of the agreement in 1829, Wisconsin was part of the Michigan territory. Ronnander's dissertation is thoroughly researched, however, he mentions misidentifies Nenaa'angabi twice, once in the context of Schoolcraft's 1831 visit to Manoominikaan and other Nenaa'angabi's arrival at the Treaty of 1837. However, without Ojibwe language ability and because Nenaa'angabi's name is rendered in different phonetic spellings, he fails to realize that they're the same person. Ibid., 139 and 202.

the issue of the boundary and the mill. Nenaa'angabi stated unequivocally that the mill was on Ojibwe land and made a map for Schoolcraft detailing the boundary. Nenaa'angabi was upset that the Ojibwe received no payment for the presence of the mill within Ojibwe territory. Nenaa'angabi told Schoolcraft that the mill "had been built, as it were, by stealth." After Schoolcraft left Manoominkaan, he traveled downriver to the mill where he found eleven men working. Schoolcraft noted that even the man in charge "believed that land in this vicinity belonged to the Chippewas. He said it was seven years since any Sioux had visited the mill."<sup>157</sup>

The purpose of the treaty at Fond du Lac in 1826 was to clarify the terms of the 1825 Treaty for Ojibwe leaders and sort out any of disputes over the boundaries. Had Nenaa'angabi and Moozoojiiid been involved, they could have asserted their right to the territory of western Wisconsin. Instead, Wabasha was able to exploit these boundaries for the benefit of his own community. This matter is not just a historical one. Today, this boundary defines ceded territory where Lac Courte Oreilles and other Lake Superior Ojibwe can practice off-reservation treaty rights. As a result, Ojibwe cannot practice off-reservation hunting and fishing in western Wisconsin where Nenaa'angabi and other Ojibwe routinely engaged in traditional labor activities because Wabasha and other nineteenth century Dakota leaders claimed the lands were within their territory. In reality, Dakota presence in these lands was minimal and it was only Wabasha's close ties to influential traders at Prairie du Chien that enabled him to assert this bogus claim at the 1825 Treaty. Dakota leaders further exploited this claim when they ceded the land to the U.S. government in 1837. The Dakota were paid 25 cents per acre. While vastly less than the lands worth, the Ojibwe got

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<sup>157</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 124-125.

an even worse deal that same year: when they ceded the lands that adjoined the Dakota claim to the north the Ojibwe were only paid 8 cents per acre.<sup>158</sup> The Dakota directly profited (and commanded a much higher price) from lands that were under effective Ojibwe control.

Moved by the Dakota timber lease, Nenaa'angabi and Moozoiid decided to make a similar agreement with Prairie du Chien entrepreneur Hercules Dousman as a way to bring goods and cash to their communities. The lease that Nenaa'angabi and Moozoiid made with Dousman was for ten years beginning May 1, 1836 and granted him "exclusive privilege" to build a mill and cut timber within three miles of the Chippewa River from the boundary with the Dakota to ten leagues (a league is about 3 miles) above Chippewa Falls. Nenaa'angabi and Moozoiid believed that "this arrangement will be of great and lasting benefit to their people and will materially benefit their white brothers." Under the agreement, every year the Ojibwe would get 400 pounds of tobacco, 300 pounds of powder, 2000 pounds of lead, 1000 gun flints, 50 knives, 75 bushels of corn, 150 pipes, and 150 gun screws.<sup>159</sup>

The contract with Dousman is important for thinking about why Ojibwe leaders made agreements with Americans, including future treaties that ceded land. Nenaa'angabi and Moozoiid were comfortable with the agreement because it brought resources into their communities, bolstering their own leadership positions, and because they knew that Dousman was only interested in cutting in white pine,

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<sup>158</sup> Treaty with the Sioux, September 29, 1837, 7 Stat. 538 and Treaty with the Chippewa, July 29, 1837, 7 Stat., 536.

<sup>159</sup> Samuel C. Stambaugh to Carey A. Harris, September 6, 1836, NARA RG 75, M-234 Roll 387: 0088. Nenaa'angabi is rendered "Na nag ag ga bee" and Moozoiid is rendered "Moose Tail Translate moose oojeed." Seven Lac Courte Oreilles Band community members signed the agreement as well including "Ah ke wa zee," which likely refers to Moozoiid's son and eventual successor Akiwenzii.

something that did not threaten Ojibwe livelihood or sovereignty. This is an important historical moment and offers a glimpse into the relationship that Ojibwe leaders sought with Americans. It was an alternative vision of accommodating American interest in resources while retaining Ojibwe sovereignty. At this moment, federal supremacy in Indian Affairs worked against the Ojibwe: a corporate interest (Dousmann) was willing to respect this vision. The federal government had other ideas. However, in future land cession treaties, American officials represented their interests according to this vision: they were only interested in timber or minerals knowing Ojibwe leaders would agree to those terms. Treaty commissioners did not frame the treaties for what they were: ceding title to the land.

Under the Trade & Intercourse Act of 1790, federal law prohibits the direct sale or lease of Indian land to private citizens or corporations.<sup>160</sup> As a result, Dousman and the Ojibwe leaders petitioned the President to approve the lease. The area was within the agency of Henry Schoolcraft, who approved the lease, writing to Secretary of War Lewis Cass endorsing the plan. However, Commissioner of Indian Affairs Carey Harris informed Dousman in December that the contract would “not be acted upon until a proposition for the purchase of the tract of country in question, which is now before Congress is finally disposed of.”<sup>161</sup> Local politics shaped the process. Henry Dodge had been appointed governor of the newly-formed Wisconsin Territory. Within the new territory was the Indian agency at Fort Snelling under Lawrence Taliaferro. Both men were appointees of Andrew Jackson, and were anxious to extinguish Indian title east of the Mississippi. Therefore, the contract with

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<sup>160</sup> Trade & Intercourse Act of 1790 (1 Stat. 137).

<sup>161</sup> Stambaugh to Harris, September 6, 1836.

Dousman was ignored as both men pushed for a land cession treaty the following summer.

## **Conclusion**

In 1831, Henry Schoolcraft visited Nенаа'angabi and asked him to accept an American flag as a show of alliance and acceptance of the President's wishes to end Ojibwe-Dakota warfare. Nенаа'angabi thought hard about Schoolcraft's offer and the next day Nенаа'angabi made a dramatic appearance. Schoolcraft recalled: "He had thrown the flag over one arm, and held the war club perpendicular in the other hand. He said, that although he accepted the one, he did not drop the other; he held fast to both."<sup>162</sup> The growth of the Ojibwe community at Rice Lake rested on the ability of its charismatic leader to defend it. Nенаа'angabi's achievement in defending and maintaining an Ojibwe community at Manoominikaan was a major accomplishment, allowing more Ojibwe families to utilize the rich resources of the area, something that increased his influence in the process.

Nенаа'angabi had a complicated relationship with American officials by the time of the first Lake Superior Ojibwe land cession treaty in 1837. While Americans might have seen Wisconsin Ojibwe communities as being in the way of American expansion, the increasing American presence provided Nенаа'angabi new ways to assert his influence and rise to prominence among Wisconsin Ojibwe leaders. While William Warren lamented "the evil ways of the whites" corrupting Ojibwe political institutions, the American presence in the region gave charismatic leaders like Nенаа'angabi new paths to prominence. He was a powerful leader American officials *had* to deal with. If Americans were to have access to the vast timber

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<sup>162</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 125.



resources of the Chippewa Valley, let alone incorporate the territory into the United States in any meaningful way, Nenaangabi and his young, growing community stood in the way.

## Chapter 2

“I swallowed the words of the treaty down my throat, and they have not yet had time to blister my breast.” *The Language of Treaties, 1837-1855*

### Introduction

At the 1855 annuity payment, American officials pressed Nenaa’angabi about his understanding of the treaty that had transpired the year before where Lake Superior Ojibwe Bands ceded iron-ore rich lands in northeast Minnesota and retained reservations. Nenaa’angabi replied, “I swallowed the words of the treaty down my throat, and they have not yet had time to blister my breast.”<sup>163</sup> The implication was that the long-time leader was dissatisfied with prior treaties and the relationship with the American government that had developed in the prior few decades. By 1855, Nenaa’angabi was the most influential Ojibwe leader in Wisconsin. In 1837, the Ojibwe ceded lands in northern Wisconsin, including Manoominikaan. However, Nenaa’angabi refused to sign the treaty. After the treaty, Nenaa’angabi continued to assert his influence in defense of Ojibwe sovereignty. In 1847, he joined other Ojibwe leaders in protesting a treaty made that year that ceded Ojibwe lands in central Minnesota because it gave a greater share of annuity payments to the Minnesota Ojibwe (while the Minnesota Ojibwe still collected equal share of the annuities from sale of Wisconsin Ojibwe lands) and the treaty authorized persons of mixed descent who were not Ojibwe leaders to sell land. Tragedy struck Nenaa’angabi’s community and the rest of the Wisconsin Ojibwe in 1850 when Minnesota Territorial Governor Alexander Ramsey attempted to remove the Wisconsin Ojibwe to Sandy Lake, Minnesota. The Sandy Lake Tragedy killed 400

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<sup>163</sup> Morse, “The Chippewas of Lake Superior,” 344.

Wisconsin Ojibwe, when the Wisconsin Ojibwe showed up at Sandy Lake with no provisions or annuities. As a result, Nenaa'angabi and other Lake Superior Ojibwe leaders signed the 1854 treaty that secured reservations, including one for the Lac Courte Oreilles Band. However, in 1855, just weeks after Nenaa'angabi told American officials the 1854 Treaty had “not yet had time to blister my breast,” the leader was cut down on the battlefield by the Dakota.

Ojibwe accounts how they understood treaties are found in a variety of contexts. In 1864, a group of Wisconsin Ojibwe leaders traveled to Washington D.C., and met with President Abraham Lincoln to protest unfulfilled treaty provisions. The Ojibwe delegation included Fond du Lac ogimaa Naagaanab, Lac du Flambeau ogimaa Aamoons, three ogimaag from the La Pointe Band, and Lac Courte Oreilles ogimaa Akiwenzii, the son and successor of Moozoojiid. The leaders presented Lincoln with a bi-lingual petition, detailing Ojibwe understanding of treaty provisions from 1825 to 1854.<sup>164</sup> While other scholars have analyzed the English version of the text, scholars have not pondered the precise meaning of the Ojibwe text and how it differs substantially from the English version. Analysis of the Ojibwe text of this

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<sup>164</sup> John D. Nichols, ed. *Statement Made By The Indians: A Bilingual Petition of the Chippewas of Lake Superior, 1864*, (London: University of Western Ontario, 1988). I have chosen to include the Fiero orthography of the Ojibwe as transcribed by John Nichols. The original document was written by Joseph Gurnoe, a person of mixed Ojibwe descent (and future government Farmer on the Lac Courte Oreilles Reservation), who utilized an orthography very similar to Frederic Baraga. For the original document see “Ojibwe treaty statement and related papers, 1864, 1881-1882.” Original manuscript in the Wisconsin Historical Society Archives (SC-O 40). Online facsimile at: <http://www.wisconsinhistory.org/turningpoints/search.asp?id=40>. Visited on: 3/4/2009. In the petition, Naagaanab is rendered “Na ga nob,” Aamoons is rendered “Ah-moonse,” and Akiwenzii is rendered “Ake wan zee.” Among the La Pointe Band leaders signing the document was “Kish kee tah wog.” However, this was a common name for men in the nineteenth century and was does not refer to Joe White. Giishkitawag of the La Pointe Band first appears on an annuity record as a “chief” in 1862 as “Kish ke taw wag, Chief” (#125). On the same document, Joe White appears as “Kish ke taw wag,” (#563) in a Lac Courte Oreilles Band community led by his brother Waabizheshi, or as it is spelled in the annuity record “Waw be zha she, Chief” (#560). See Lake Superior Chippewa Annuity, 1862, MHS M-390, Roll 2.

historical treasure reveals Ojibwe understanding of the treaties and that American officials explicitly told Ojibwe leaders that they were only purchasing rights to harvest certain resources and not purchasing title to the land itself. Other archival materials support this. Obtaining territory through outright deception is contrary to a just democracy and reveals how nineteenth century American expansion was colonialism. Had Nenaangabi lived even a few more years, the treaty of 1854 would no doubt have had time to blister his breast.

**“Gaawiin wiin owidi ojibikaawid gibagidinamoosinoon:” The Treaty of 1837**

In the winter of 1836, Wisconsin Territorial Governor Henry Dodge and St. Peter’s Indian Agent Lawrence Taliaferro lobbied the Jackson administration for a land cession treaty of Ojibwe pinelands in northern Wisconsin. Their efforts paid off, and Congress authorized a land cession treaty of Ojibwe lands in far east-central Minnesota and northern Wisconsin, including Manoominikaan. The Treaty was held at Lawrence Taliaferro’s Agency at the confluence of the Minnesota (which was then called the St. Peters River) and Mississippi Rivers. Henry Dodge acted as Treaty Commissioner. The location made it easy for Ojibwe living on the Mississippi whose lands were not included in the land cession to attend, while the geography made for a more arduous journey for the leaders of the Lac Courte Oreilles Band. This was by design, as Taliaferro knew that it would be easier to convince Ojibwe leaders along the Mississippi to agree to the cession, since he had a relationship with those leaders and they had nothing to lose and everything to gain by agreeing to the sale of lands they did not reside on.<sup>165</sup>

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<sup>165</sup> Excellent analysis of the Treaties of 1837 and 1842 appear in Satz, *Chippewa Treaty Rights* and Charles Cleland, “Preliminary Report of the Ethnohistorical Basis of the Hunting, Fishing, and

The Treaty council began on July 20, 1837. As to be expected the majority of attendees were from Mississippi Ojibwe Bands, as these bands lived in close proximity to the treaty site. The territory ceded included territory of the Mille Lacs, Snake River, St. Croix, and Lac Courte Oreilles Bands. When treaty council began, these bands were represented by Negwanebi and Wazhashkokon from the Mille Lacs Band; Bayezhig, Noodin, and Zhaagobe from the Snake River Band; and Bizhiki from the St. Croix Band. Despite the fact that the Mille Lacs and Snake River Bands were well represented, no Lac Courte Oreilles Band ogimaag were present, nor were St. Croix Band ogimaag Gabemabi or Ayaabens. One of the problems with the treaty that would plague subsequent treaties was that Treaty Commissioner Dodge dealt with all present as “the Chippewa Nation,” with all having equal authority to sell land and collect annuities from sale of the land.<sup>166</sup> As historian Charles Cleland argues, “He thus created a political amalgam that had no reality for the Chippewa and plagued relations between both the Chippewa and the United States and separate Chippewa bands for years into the future.”<sup>167</sup> Indeed, Dodge was anxious to get the Treaty pushed forward, negotiating with Ojibwe leaders regardless of their relationship to the territory ceded. This contradicted the autonomy maintained by each individual Ojibwe community. On the third day of the Treaty council, Leech Lake leader Eshkibagikoonzh (or Flat Mouth) expressed this concern:

I am not the Chief of the whole nation, but only of my people or tribe...I do not wish to take any further steps about what you have proposed to us, until the other people arrive, who have been expected here. They have not yet come; and to do so before their arrival, might be considered an improper interference, and unfair towards them. The residence of my band is

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Gathering Rights of the Mille Lacs Chippewa,” *Fish in the Lakes*, 1-140. While both are excellent, Cleland does a more thorough job of discussing growing tensions between what the treaties designated the “Lake Superior” and “Mississippi” Bands.

<sup>166</sup> Proceedings of a Council, July 20-29, 1837.

<sup>167</sup> Cleland, “Preliminary Report,” 28.

outside of the country which you wish to buy from us. After the people who live in that country shall have told you their minds, I will speak.<sup>168</sup>

Nenaa'angabi did not arrive until July 26, nearly a week after the negotiation had commenced. He was joined by Akiwenzii, who had recently succeeded his father Moozoiid as ogimaa of the Lac Courte Oreilles village.<sup>169</sup> Both leaders refused to sign the treaty. Nenaa'angabi and Akiwenzii names appear in the treaty text, but were scratched out. The only ogimaa from the Lac Courte Oreilles Band who signed the treaty was Bakwe'aamo, leader of the village on Pacwawong Lake, near modern-day Seeley, Wisconsin.<sup>170</sup> This was the smallest village in the Lac Courte Oreilles Band. Other Ojibwe leaders of the Lac Courte Oreilles Band such as Gidagaa-bizhiw, long-time ogimaa of the village on Lake Chetac, and Gichi-Waabizheshi and Babaamikawe, who were ogimaag of villages on the Chippewa River, were not even in attendance.<sup>171</sup>

While there are no surviving accounts explaining why Nenaa'angabi withheld his approval of the treaty, we do know some of the objections Akiwenzii and other Wisconsin Ojibwe leaders had to the treaty. One of the objections to the 1837 treaty the Ojibwe leaders had was the role played by leaders outside the territory ceded. This would be the beginning of a rift with Mississippi Bands. The U.S. government was directly responsible for this by assuming a commonality of interests among

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<sup>168</sup> Proceedings of a Council, July 20-29, 1837.

<sup>169</sup> Ibid. In the journal of the council, Nenaa'angabi is rendered "Ne-non-ga-be or 'The Wounded Man'" and Akiwenzii is rendered "Ke-wat-se, or The Old Man." On Akiwenzii's lineage see Census Roll, Lac Courte Oreilles, April 3, 1877. According to that census, Moozoiid died in 1839. It is possible the date is correct or Moozoiid was in poor health in his latter years, as Akiwenzii acted as leader of the community at Lac Courte Oreilles during the Treaty of 1837 and after.

<sup>170</sup> Treaty With the Chippewa, July 29, 1837, 7 Stat., 536. In the treaty, Bakwe'aamo is rendered "Pa-qua-a-mo, or the Wood Pecker Chief."

<sup>171</sup> Proceedings of a Council, July 20-29, 1837. The journal shows no record of these leaders being in attendance. Furthermore, Gichi-Waabizheshi told government officials in 1843, "I was not at St. Peter's (in 1837)." See Brunson to Crawford, January 8, 1843.

Ojibwe people, when in reality, each band exercised full autonomy from each other. In the 1864 petition, Akiwenzii and other leaders claimed that much of the negotiations of the 1837 Treaty was not done by an ogimaa, but by Maajigaabaw, a warrior from the Leech Lake Band, outside the territory being discussed: “Gaawiin wiin aw Anishinaabe wegimaawid ji-gii-giigidod apii bagidinaad onow zhingwaakwan Ogichidaa gaa-giigidod Maajigaabaw inaaban.” The English version reads: “It was not the Chiefs that done the talking at the sale of the pine timber. It was done by a Warrior whose name was Madjigawbow.”<sup>172</sup>

Non-Ojibwe accounts of the treaty echo the Ojibwe leaders complaints about the influence of Maajigaabaw and others outside of the territory ceded. In the treaty council minutes for July 27, Maajigaabaw was the only speaker.<sup>173</sup> Sault Ste. Marie agent Henry Schoolcraft was left completely out of the loop, despite the land ceded being within his agency. In 1838, trader Lyman Warren visited Schoolcraft in Sault Ste. Marie:

I took occasion to inquire into the circumstances of the cession of the treaty of the 29<sup>th</sup> of July, 1837, and asked him why it was that so little had been given for so large a cession, comprehending the very best lands of the Chippewas in the Mississippi Valley. He detailed a series of petty intrigues by the St. Peter’s agent (Taliaferro), who had flattered two of the Pillager (Leech Lake) chiefs, and loaded them with new cloths and presents. One of these, Hole-in-the-Day, came down twenty days before the time. The Pillagers, in fact, made the treaty. The bands of the St. Croix and Chippewa Rivers, who really lived on the land and owned it, had, in effect, no voice...Mr. Warren stated that the *Lac Courtorielle* (sic) band had not united in the sale, and would not attend the payment of the annuities; nor would the St. Croix and Lac du Flambeau Indians.<sup>174</sup>

While Schoolcraft erroneously identified the Gull Lake leader Bagone-giizhig the elder as a Leech Lake or Pillager chief, he was correct in his assessment that Ojibwe leaders residing outside of the territory ceded had too much influence over the

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<sup>172</sup> Nichols, *Statement Made By The Indians*, 48.

<sup>173</sup> Proceedings of a Council, July 20-29, 1837. Maajigaabaw was rendered “Ma-ghe-ga-bo” in the records of the council.

<sup>174</sup> Schoolcraft, *Personal Memoirs*, 610-611.

proceedings. In his 1832 exploration of the sources of the Mississippi, Schoolcraft noted the influence of Maajigaabaw and his close association with Eshkibagikoonzh. Maajigaabaw was distrusted by Schoolcraft and missionary William Boutwell due to his alleged role in the murder of Robert Semple in 1816 in Winnipeg. Semple was a governor of territory claimed by fur trade organization the Hudson Bay Company, while Maajigaabaw was loyal to the rival Northwest Company. Regardless, Maajigaabaw was an influential figure among the Leech Lake Band, despite the fact he was not an ogimaa.<sup>175</sup>

Like subsequent Wisconsin Ojibwe land cession treaties, the U.S. government did not seek the ceded lands for immediate use by settlers, but rather resources, in this case pine. In their 1864 petition, Akiwenzii and the other leaders explained explicitly that they did not cede the land, but only timber rights:

Aaniish go sa maa ninga-bagidinamawaa onow isa gegwejimijin zhingwaakwan Gedakominoga'igeyan, mii apii begidinamoonaan. Gaawiin wiin owidi ojiibikaawid gibagidinamoosinooon. Miinawaa maandan dekonamaan ininaatig, miinawaa maandan mitigomizh miinawaa maandan bezhig mashkosiw dekonamaan, manoomin nindizhiwiindaan maandan, gaawiin isa mamin gibagidinamossinooon.

Very well, I will sell him the Pine Timber as he requests me to, From (the) usual height of cutting a tree down and upwards to top is what I sell you, I reserve the root of the tree. Again this I hold in my hand the Maple Timber, also the Oak Timber, also this straw which I hold in my hand. Wild Rice is what we call this. These I do not sell.<sup>176</sup>

Clearly, Ojibwe leaders understood the treaty as only leasing the land for timber harvest. Furthermore, Ojibwe leaders understood that the lease only covered white pine and not hardwoods. Moreover, “I reserve the root of the tree” makes clear that the Ojibwe retained actual ownership of the land. The Ojibwe text makes this even more clear. The term “sell” in the English text is a misnomer. “Ninga-

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<sup>175</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*. Maajigaabaw was rendered “Maji Gabowi” by Schoolcraft, “Major Gaw-bo-way” by James Allen, and “Muchi Gabo” by William Boutwell.

<sup>176</sup> Nichols, *Statement Made By The Indians*, 44.



nibagidinamawaa” means I shall offer something to him, not to sell, which is the completely unrelated verb *adaawaage*. The treaty as a lease makes more sense than outright sale of the land from the Ojibwe perspective given the local historical context. There were practically no settlers moving onto the land. Also, the treaty made no mention of Ojibwe people moving onto reservations or removing outside the ceded territory. After all, why would the Ojibwe be allowed to stay on land that did not belong to them anymore? Finally, the Ojibwe made such an agreement with Hercules Dousman the year before that leased rights to harvest white pine but did not convey title.

According to the 1864 petition, Ojibwe leaders saw the treaty as part of the duties of the new relationship that was developing between the United States and the Ojibwe:

Gaawiin wiin gimiiisinoon, anishaa gidawi'in. Aaniish mii sa ezhi-nakwetoonaan noose. Gichi-apiitendaagozi maa aw nimishoomis, gaawiin dash niwii-aagonwetawaasii. Meshkwad dash wiin ninga-waabandaamin iw minik ba-izhi-waawiindamawiyān.

I do not make a present of this, I merely lend it to you. This is my answer, My Great Father is great, and out of respect for him I will not refuse him, but as an exchange of civility I must see and feel the benefits of this loan and the promises fulfilled.<sup>177</sup>

For Ojibwe leaders, the notion of equal exchange was foundational to their relationship with the United States. The Ojibwe were obligated to consent to the leasing of white pine rights, just as the Americans were obligated to provide the benefits they agreed to in the treaty.

Non-Native accounts of the treaty echo the Ojibwe leaders understanding of what they were told by treaty commissioners. In his 1894 autobiography, Benjamin Armstrong discussed the understanding of Ojibwe leaders of the 1837 Treaty. Born

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<sup>177</sup> Nichols, *Statement Made By The Indians*, 45-46.

in Alabama, Armstrong married a daughter of Bizhiki of La Pointe, and had a close relationship with the influential leader, and was even adopted as a son by Bizhiki.

According to Armstrong, the U.S. government explicitly told Ojibwe leaders that their interests were for specific resources, not the land itself:

He does not want your lands, it is too cold up here for farming. He wants just enough of it to build little towns where soldiers stop, mining camps for miners, and saw mill sites and logging camps. The timber that is best for you the great father does not care about. The maple tree that you make your sugar from, the birch tree that you get bark from for your canoes and from which you make pails for your sugar sap, the cedar from which you get material for making canoes, oars, and paddles, your great father cares nothing for. It is the pine and minerals that he wants and he has sent us here to make a bargain with you for it.<sup>178</sup>

While written some years after the treaty, this passage echoes much of what Ojibwe leaders recalled about the treaty, providing ample evidence that American officials and Ojibwe leaders agreed that the treaty constituted a lease of resource rights and not the sale of the land. Furthermore, historian Bruce White finds that this understanding of the 1837 Treaty persisted in the Mille Lacs community into the early twentieth century.<sup>179</sup>

Translation shaped Ojibwe understanding of the treaty. However, according to Henry Schoolcraft: “The department is very much in the hands of ignorant and immoral interpreters who frequently misconceive the point to be interpreted.”<sup>180</sup> Furthermore, linguist John Nichols argues that many of the words in the actual treaty were untranslatable, with meanings unique to Western legal institutions: “While the interpreters could have made up specific words to translate ‘right, title, and interest,’ it is very unlikely that these words (of which there is no record either in written

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<sup>178</sup> Armstrong, *Early Life Among the Indians*, 11.

<sup>179</sup> Bruce White, “The Myth of the ‘Forgotten’ Treaty: Traditions about the St. Peters Treaty of 1837,” 39-49.

<sup>180</sup> Schoolcraft, *Personal Memoirs*, 583.

sources or in the contemporary language) would have been understood by the Ojibwes present.”<sup>181</sup>

Historian Bruce White goes so far as to argue for the Ojibwe “the idea of land alienation was completely foreign.”<sup>182</sup> However, it is unlikely that Ojibwe leaders were unaware of the possibility that Americans purchased lands by treaty and dispossessed Native peoples. 1837 was the height of Cherokee Removal in the South. Even closer to home, the Black Hawk War was fueled by broken treaty promises. Instead, evidence suggests that American officials went out of their way to convince Ojibwe leaders that the treaty was a lumber lease and distinct from what was occurring elsewhere.

Despite the fact that Nenaangabi and Akiwenzii did not sign the treaty, it was ratified anyway. Article 5 guarantees the Ojibwe rights to hunt, fish, and gather within the ceded territory: “The privilege of hunting, fishing, and gathering the wild rice, upon the lands, the rivers and the lakes included in the territory ceded, is guaranteed to the Indians, during the pleasure of the President of the United States.” The meaning of the phrase “the pleasure of the President” has been much debated in the years since the treaty. Linguist John Nichols argues: “If this phrase had been translated at all, a literal translation would not have been understood to have placed a limit on the activities.”<sup>183</sup> Primary justification for the state of Wisconsin’s enforcement of state regulations over Ojibwe people off-reservation was that the phrase meant that off-reservations treaty rights were temporary. Federal courts

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<sup>181</sup> John D. Nichols, “The Translation of Key Phrases in the Treaties of 1837 and 1855,” *Fish in the Lakes*, 514-524, 520.

<sup>182</sup> White, “The Myth of the ‘Forgotten’ Treaty, 40.

<sup>183</sup> Nichols, “The Translation of Key Phrases in the Treaties of 1837 and 1855,” 519.

refuted this in both *Lac Courte Oreilles v. Voight* (1983) and *Mille Lacs v. Minnesota* (1999).<sup>184</sup> The treaty addressed the same points that all subsequent Ojibwe land treaties addressed: payment for territory, separate provisions for mixed-bloods, separate provisions for trader debts. These provisions were the direct result of the wishes of Ojibwe leaders. Article 3 provided \$100,000 of persons of mixed descent and Article 4 provided \$70,000 of payment of Ojibwe debt to traders. Article 2 of the Treaty provided \$9500 in money, \$19,000 in goods, \$3000 for blacksmiths, \$1000 for farmers, \$2000 for provisions, \$500 for tobacco annually for 20 years.<sup>185</sup>

The Treaty of 1837 and subsequent treaties with the Wisconsin Ojibwe reveal how Americans acted as a colonial power, whose primary goal was to extinguish Indian title as quickly and easily as possible. Important Ojibwe leaders like Nенаа'angabi and Akiwenzii refused to sign the treaty. Government officials actively misrepresented the treaty as being rights to cut pine rather than an actual sale of the land. Ojibwe leaders were aware of these problems. The length of the annuities was hotly debated in the Treaty council. As Eshkibagikoonzh eloquently stated: "If it were my land you were buying, I would, instead of an annuity for only 20 years, demand one from you as long as the ground lasted."<sup>186</sup> While there is no Ojibwe account of Eshkibagikoonzh's words, it is safe to assume that he also was under the impression that the treaty was not land sale, and what was being purchased was the right to cut pine. Even in that context, Eshkibagikoonzh sought annuities for however long the American government retained these rights. However, the American

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<sup>184</sup> *Lac Courte Oreilles v. Voight*, 700 F. 2d 341 (1983) and *Minnesota v. Mille Lacs*, 526 U.S. 172 (1999).

<sup>185</sup> Treaty With the Chippewa, July 29, 1837, 7 Stat., 536.

<sup>186</sup> Proceedings of a Council, July 20-29, 1837.

government acted as a colonial power, rather than treating Native peoples as equals in a just or democratic manner. In that context perpetual annuities were out of the question.

Mere weeks after conclusion of the Treaty, Pokegama Lake missionary Frederick Ayer forwarded a petition of Snake River Band leaders to President Martin Van Buren detailing how the Ojibwe there were unsatisfied with the treaty. Ayer wrote “they as a body regretted sale of their land by the recent treaty.” The petition was signed by Snake River ogimaa Noodin, St. Croix ogimaa Bizhiki (not to be confused with prominent La Pointe Band leader Bizhiki), and seven other Snake River Ojibwe. Both Noodin and Bizhiki signed the Treaty of 1837. Among the objections the Snake River Ojibwe voiced was the format of the treaty. Noodin argued, “I am an Indian and I do not know how to sign my name.” Noodin also argued that Mississippi Ojibwe had too much influence at the treaty, although he signaled out Bagone-giizhig (the elder) and not Maajigaabaw. Noodin was extremely frank in his assessment of the Gull Lake leader: “But only one sold the land (the hole in the day). He does not own the land where I reside, he is a mere child.” Noodin calling Bagone-giizhig a “child” illustrates how these treaties created growing tensions between Ojibwe leaders that would only worsen in subsequent treaties. Community members were upset with their leaders. Snake River Ojibwe leader Bwaanens told Ayer, “When I returned from St. Peter’s last summer from attending the treaty where our chiefs sold the land, and told my wife and children what our chiefs had done they cried.”<sup>187</sup>

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<sup>187</sup> Frederick Ayer to Martin Van Buren, September 30, 1837, M-234 Roll 387: 0101. Ayer rendered Noodin “Nodin (The Wind),” Bizhiki “Besheke (The Buffalo),” and Bwaanens “Bwahnase (Little

## “Gaawiin wiin aki nimbagidinamawaasii:” The Treaty of 1842

While Nenaangabi withheld his approval of the Treaty of 1837, he signed the next Wisconsin Ojibwe treaty in 1842. As in the 1837 Treaty, the U.S. government sought extractable resources, rather than land for settlers. Specifically, the U.S. government sought the vast copper deposits of Michigan’s Keeweenaw Peninsula. In the treaty, Ojibwe people ceded lands along Lake Superior in Wisconsin and the western half of the Upper Peninsula of Michigan. The treaty was held in October at La Pointe, within the territory ceded and Robert Stuart acted as Treaty Commissioner. Stuart was a former American Fur Company trader who recently succeeded Henry Schoolcraft as Indian Agent. Stuart twisted the meaning of the 1826 Treaty, to coerce Ojibwe leaders into signing the treaty: “Remember that you have already given permission by the Treaty of Fond du Lac, to have the minerals taken from your lands, which shall be done, whether you sell your lands or not.”<sup>188</sup> Joining Nenaangabi in signing the treaty was Akiwenzii. In addition the Lac Courte Oreilles Band was represented by Waabizheshi, Gwiiwizensish (who succeeded his father Babaamikawe), and Bebookakwe, ogimaag of distinct villages on the Chippewa River.<sup>189</sup>

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Sioux.” Bwaanens appears to have been an individual of influence. On his map of the region, Henry Schoolcraft claimed Bwaanens was a chief at Yellow Lake, however, no other surviving record identifies him as a chief. See Schoolcraft, *Personal Memoirs*, 362, 370. Schoolcraft rendered Bwaanens “Bwoinace.”

<sup>188</sup> Robert Stuart to Thomas Hartley Crawford, September 29, 1842, M-234 Roll 389: 0067.

<sup>189</sup> Treaty With the Chippewa, October 4, 1842, 7 Stat., 591. On the treaty Nenaangabi is spelled “Ne na nang eb,” Akizenzii is spelled “Ki uen zi,” Waabizheshi is spelled “Ua be she shi,” Gwiiwizensish is spelled “Que way zhan sis,” and Bebookakwe is spelled “Be bo kon uen.” Bakwe’aamo nor anyone from his community did not sign the treaty. Nor did anyone from the Lake Chetac community, by this time most likely led by Omadaagami, the son and successor of Gidagaa-bizhiw.

Stuart continued the policy set forth in 1837 of dealing with the Ojibwe as a single nation. He told Ojibwe leaders: “Some of you have expressed a wish to treat by bands, & others to keep reservations, but I cannot sanction either—your Great Father will not treat with you as Bands, but as a nation” (emphasis original).<sup>190</sup> However, Stuart did distinguish between the Ojibwe Bands living along the Mississippi River who had not ceded their lands and Ojibwe Bands living along Lake Superior and directly inland who had ceded their lands (with the exception of the Fond du Lac Band and Grand Portage Band in northeast Minnesota, whose lands remained unceded and lived along Lake Superior). Acknowledging the tensions that had led Noodin to call Bagone-giizhig a “mere child” in 1838, Stuart told the Ojibwe “this will prevent future jealousies and allay the bad feelings which now exist among you.”<sup>191</sup> It is important to remember that these designations were imposed by the U.S. government. Use of the terms “Lake Superior” or “Mississippi” to distinguish Ojibwe bands were not used by Ojibwe people themselves prior to 1842.<sup>192</sup> Article 4 of the Treaty stipulated a payment of \$12,500 in money, \$10,500 in goods, \$2000 in provisions & tobacco, \$2000 for blacksmiths, \$1000 for 2 farmers, \$1200 for carpenters, \$2000 for schools annually for 25 years to the “Chippewa of Mississippi & Lake Superior.”<sup>193</sup>

At the same time, leaders from outside the territory ceded were more adamant in their resistance to the governments’ ploys to get them to sell land they did not

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<sup>190</sup> Stuart to Crawford, September 29, 1842.

<sup>191</sup> Ibid.

<sup>192</sup> The best example of how the “Lake Superior” and “Mississippi” Bands designation were a creation of the U.S. government is the Mille Lacs Band, whose lands were ceded in the treaty of 1837 with other “Lake Superior” Bands and maintained significant historical, kinship, and clan ties to the St. Croix Band but were later considered to be part of “Mississippi Chippewa” by the U.S. government.

<sup>193</sup> Treaty With the Chippewa, October 4, 1842, 7 Stat., 591.

occupy. According to Akiwenzii and the other leaders in their 1864 petition, Fond du Lac Band leader Zhingob was emphatic about not speaking for those whose lands were being discussed:

‘Aaniish niijikiwenyidog, mii sa zhayigwa ji-nakwetawag wa’aw Wayaabishkiiwed. Gaawiin giinawaa gidibendaasowiniwaa niwii-dazhindanziin niin isa go nindibendaasowin waa dazhindamaan. Aaniish nibagidinanawaa isa gimishoomisinaan maandan medwegagwejiminang.’

‘Well my Friends, I shall give my answer to the White man. I shall not say anything about your property. I shall only answer for myself and speak of the property belonging to me. I comply with the request of our Great Father in what he expects from us.’<sup>194</sup>

Again, analysis of the Ojibwe text brings a richer meaning to what Ojibwe leaders meant. While “I shall not say anything” is technically a correct translation of “niwii-dazhindanziin,” use of the prefix “wii-” is telling. The prefix “ga-” is a more definite way to indicate what is going to occur at a future time, while “wii-” is more indicative of what a speaker *desires* to happen. Thus, a more literal translation of Zhingob’s words would be “I *wish* to not say anything.” Moreover, use of the verb “dazhindan” is significant. It means to talk over something and can also mean to gossip. The verb for addressing someone is *gaagiigido*. Zhingob’s use of the verb “dazhindan” may reflect how Ojibwe leaders viewed such interference into what they saw as the affairs of other leaders. Zhingob’s hesitancy to speak about the territorial claims of other Ojibwe bands contrasts sharply with the role played by Maajigaabaw and Eshkibagikoonzh in 1837. No doubt this had to do with the large numbers of Ojibwe leaders present from the territory ceded. This also points to the ways that Americans were influencing Ojibwe political institutions. The bands now considered by the government to be part of the “Lake Superior” Ojibwe were starting to unify, aware of their common interests with regard to annuity payments.

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<sup>194</sup> Nichols, *Statement Made By The Indians*, 54-55.



According to the 1864 petition, the leaders in the territory being discussed did not consent:

Gaawiin dash ningod gii-ikidosiiwag ogow zhishodew bemi-inabijig ogimaag. Gaawiin gii-inendanziiwag.

It was all he said. The Chiefs along the Lake Shore did not say a word, not being able to sell or make any agreement.<sup>195</sup>

Much like in 1837, while the English version of the text uses the term “sell,” the Ojibwe text does not use any verb which means or even implies sell. Instead, “Gaawiin gii-inendanziiwag” literally means they did not think a certain way, or refused their consent. The lack of the term “sell” in the Ojibwe text reflects how Ojibwe leaders did not see the treaty as ceding title to lands, but instead that they were only leasing mineral rights. After Zhingob, the next speaker at the council was Lac du Flambeau leader Waabishki-gaagaagi, whose lands were included in the territory discussed. Waabishki-gaagaagi explicitly argued that Ojibwe leaders would only consent to leasing of mineral rights:

‘Noose gidizhi-nisidotoon bi-gagwejimiyan biiwaabik go sa maa. Ninga-bagidinamawaa aw isa nimishoomisinaan maandan biiwaabik medwe-gagwejimid aw nimishoomis. Gaawiin wiin aki nimbagidinamawaasii,’ gii-izhi-biibaagi gii-gwekitaad gii-ikidowaad, ‘Eh! Eh!’

‘My Father I understand you to say that you want the Mineral, well then I will comply with the wish of our Great Father in asking me to sell him the Mineral which he wants. I do not give you the land, it is the Mineral only that I sell if there is any to be found on my land. I do not cede the Land,’ as he cried with a loud voice turning to this fellow Indians in which they all responded with, ‘Eh! Eh!’ (an affirmative expression).<sup>196</sup>

When trying to understand how the Ojibwe saw the treaty, it does not get any more clear than “Gaawiin wiin aki nimbagidinamawaasii,” I do not offer the land, or as the English version reads, “I do not cede the land.” The reaction of “Eh! Eh!” to Waabishki-gaagaagi’s declaration from “all” the other Ojibwe leaders present shows

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<sup>195</sup> Ibid.

<sup>196</sup> Ibid., 52-54.

the clear consensus of Ojibwe leaders that the treaty leased mineral rights (and only mineral rights: nothing is mentioned about timber or any other resource rights) and was not a cession of the land.

Other oral tradition supports this. In the 1940's William Bigboy related his understanding of the Treaties of 1837 and 1842 to the Works Progress Administration historical project at Bad River:

In neither of these treaties did the Indians understand that they were ceding or signing away their lands. The Commissioners, in their eagerness to conclude the treaties, made promises that were never incorporated into the treaties. The Indians, depending on the verbal promises of the Commissioners and having no way of recording them, relied entirely on their memory of what transpired at these meetings. They understood that, in consideration for relinquishing their rights to the timber and mineral on their lands, they would be allowed to continue their hunting and fishing and enjoy the usual rights of occupancy, and that they would never be required to remove therefrom as long as they remained peaceable.<sup>197</sup>

Again, Benjamin Armstrong echoed this in his autobiography. Armstrong remembered, "No conversation that was had at this time gave the Indians an inkling or caused them to mistrust that they were ceding away their lands, but supposed that they were simply selling the pine and minerals, as they had in the treaty of 1837."<sup>198</sup> In the Treaty, the Ojibwe again retained rights to hunt, fish, and gather in the ceded territory. Other provisions were similar to those in the 1837 Treaty, as money was provided for payment of trader debt (\$75,000) and a payment for persons of mixed descent, although a substantially smaller amount of \$15,000.<sup>199</sup>

One aspect of the Treaty that gave Ojibwe leaders pause was language in Article 2 that recognized the rights to hunting and other activities of traditional labor in the ceded territory, "until required to remove by the President of the United

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<sup>197</sup> William Bigboy, "The Lost Tribe Comes Into Its Own," Works Progress Administration, Chippewa Indian Historical Project, Envelope 2, 36.

<sup>198</sup> Armstrong, *Early Life Among the Indians*, 12.

<sup>199</sup> Treaty With the Chippewa, October 4, 1842, 7 Stat., 591.

States.”<sup>200</sup> A few months after the Treaty, Lac Courte Oreilles Band ogimaa Gichi-Waabizheshi voiced concern about this provision: “when I touched the pen it was a condition that my relations were provided for (separate payment for persons of mixed descent) and that we should remain on the land, as long as we are peaceable.”<sup>201</sup>

According to Akiwenzii and the other Ojibwe leaders in the 1864 petition, when Ojibwe leaders raised questions to this provision Stuart quickly quelled their concerns:

Mii dash miinawaa, gii-aazhidemigod, gii-igod dash, ‘Aaniish booch wiin igo geyaabi naanimidana-daso-biboon gigadabiitaan maandan aki, booshke bigo ningodwaak daso-biboon gigadabiitaan maandan gidakiim, ezhi-dibendaman noongom ebiitaman. Aaniish gonimaa dash wiin ningoding giga-zagaswe’igowaa aw gimishoomisiwaa ji-gagwejimineg maandan gidakiim ezhi-dibendaman noongom ebiitameg.’

Then he answered back, and told that he how had the privilege of remaining on the land for Fifty Years, and even for a Hundred Years, as he owned and had possession of the land, he had a right to live on it. But then there may be a time that your Great Father will call you to a Council and ask you to sell him the land you live on.<sup>202</sup>

This indicates not only did Stuart not intend for Ojibwe people to be removed for some time, but validates the understanding of the Ojibwe leaders that they were merely selling mineral rights. While prior passages of the petition illustrate how Ojibwe leaders understood the treaties to not impact land title, this was the government, presumably Stuart, explicitly telling Ojibwe leaders that the treaty was not a land sale: “Gidakiim ezhi-dibendaman noongom:” literally, your land how you own it now. “Gidakiim” means your land, “ezhi-dibendaman” is how you own it, and “noongom” means now.

Ojibwe leaders were not happy with the treaty. Bizhiki, the most influential leader of the Wisconsin Ojibwe and whose territory was in the heart of the land

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<sup>200</sup> Ibid.

<sup>201</sup> Brunson to Crawford, January 8, 1843.

<sup>202</sup> Nichols, *Statement Made By The Indians*, 55-56.

ceded, was emphatic about his disapproval of the treaty. Just weeks after the Treaty council was concluded, he told trader Lyman Warren, “I tell you my friend, that I am ashamed of my treaty.” Bizhiki went on to say, “the commissioner would not listen to us at all.” A few months later, Bizhiki argued that Stuart coerced the Ojibwe to sign the treaty based on the Treaty of 1826: “He spoke of the copper that is strewn along the shore of this Lake. He told us that we have given it away.” In December, Waabishki-gaagige recalled, “I did not want to sell anymore of my land, but I was told that it made no difference whether I did or not, if the majority of chiefs signed the treaty our grandfather would take the land.”

After the Treaty of 1842, there was confusion as to the status of Isle Royale. While the Treaty mentioned Lake Superior as a territory, “including all the islands in said lake,” Ojibwe leaders were unsure if this included Isle Royale.<sup>203</sup> No small piece of real estate, Isle Royale is 45 miles long and 9 miles wide at its widest. Fifteen miles east of Grand Portage, today Isle Royale is a national park and classified as one of the world’s most unique wilderness ecosystems. To clarify the situation, American officials made a “compact” with the Lake Superior Ojibwe affirming that the 1842 Treaty included Isle Royale. While Nenaangabi and Akiwenzii joined other Lake Superior Ojibwe leaders signing the compact, Akiwenzii and the other Ojibwe leaders claimed in the 1864 petition that it was a hard sell: “Ogow dash Anishinaabeg gaa-bizindamowaad maandan gaa-izhi-gagwejimindwaa, gii-ikidowag dash wii-

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<sup>203</sup> In particular, Grand Portage families used the island in the nineteenth century for maple sugaring and other labor activities. Robert Stuart framed the matter as an international dispute between the US and Great Britain, claiming the Grand Portage group had acknowledged themselves as “British Indians” and were trading with the Canadian Hudson’s Bay Company. Furthermore, Stuart pointed out that the British had relinquished claim to the island. See Robert Stuart to Thomas Hartley Crawford, March 29, 1844, M-234 Roll 389: 0054. For more on the Grand Portage Band’s use of Isle Royale, see Timothy Cochrane, *Minong—The Good Place: Ojibwe and Isle Royale*, (East Lansing: Michigan State University Press, 2009).

bagidinanzigwaa ow minis. Baanimaa dash nesogwanagak ogii-bagidinaanaawaa.”

The English text reads: “And when the Indians had listened and heard the proposition made to them, they said they would not sell the island. But on the third day the concluded to sell and did.” However, once again while English text says “sell,” the Ojibwe does not. In the Ojibwe text, the leaders “ogii-bagidinaanaawaa” or offered it. While the Compact itself called for \$400 of gun powder and \$100 of beef, Akiwenzii and the other Ojibwe leaders claimed in 1864 that the Ojibwe were supposed to receive a one-time payment of \$30,000. The failure to receive the money led the leaders to conclude, “Niwanitaas isa ganabaj,” or as the English text reads, “Perhaps I have made a poor bargain and I am the loser.”<sup>204</sup>

Ojibwe leaders continually protested the shoddy execution of treaty provisions by the American government. Due to their location hundreds of miles inland from Lake Superior, the Lac Courte Oreilles and Lac du Flambeau Band were isolated from the limited benefits that the treaties provided such as blacksmith shops for gun and fish spear repair. In 1843, Nenaangabi and other Lac Courte Oreilles and Lac du Flambeau Band leaders requested blacksmiths and that their annuities be paid at Chippewa Falls instead of La Pointe. At this time, Chippewa Falls very few white settlers, while La Pointe had a much more diverse populations of whites and persons of mixed descent. The leaders echoed government reasoning for Indian removal

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<sup>204</sup> Compact Between the U.S. & the Chippewa Indians of Mississippi & Lake Superior in regard to Isle Royale, August 20, 1844, M-234 Roll 389: 0082. Nenaangabi’s name is spelled “Nay nuh aung abe.” Nichols, *Statement Made By The Indians*, 58, 62. On this last point, the Ojibwe text, “Niwanitaas isa ganabaj,” translates to just “perhaps I lose,” with no mention of the “poor bargain” of the English text. Additionally, it is not “I am the loser,” since “Niwanitaas” is a present tense verb not a noun. A noun meaning loser would be read something like “wenitaas.”

nationwide: “If we go to Bad River we are near to the white men... We do not wish to be near them. Whenever we are among white men we are sure to have trouble.”<sup>205</sup>

### **The Treaty of 1847 at Fond du Lac**

Increasingly in the 1840's, hostility emerged between the Mississippi and Lake Superior Bands as Mississippi Bands collected an equal share of the annuities from the 1837 and 1842 treaties despite never having ceded any of their own territory. The tension erupted after the 1847 Treaty of Fond du Lac that included the cession of territory of the Mississippi Bands in central Minnesota. The Treaty occurred in August and Isaac Verplank was Treaty Commissioner, with William Warren acting as interpreter. The U.S. government intended to have the lands serve as a reservation for the Ho-Chunk, in one of a series of removal schemes the government would inflict on the Ho-Chunk. While the Lake Superior Bands were already angered over the Mississippi Bands collecting equal share of the annuities from sale of their lands, the poor planning and execution of the Treaty of 1847 nearly brought these tensions to civil war. Some Ojibwe leaders arrived after the main group had, while Noodin of the Snake River Band and Bagone-giizhig the younger, son and successor of the prominent Gull Lake leader, signed the following day. This led to suspicion of coercion and cast an air of mistrust over the Treaty proceedings. This was the first treaty for the charismatic and divisive Bagone-giizhig, and Wisconsin Ojibwe leaders were nervous about the role played by the young upstart leader.<sup>206</sup>

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<sup>205</sup> “Petition of the Chiefs of the Chippewas for the restoration of the farm and shop to Chippewa Falls,” NARA RG 75, M-234 Roll 388: 0419. In this petition, Nenaangabi is rendered “Wounded Man or Ang-a-be.”

<sup>206</sup> Cleland, “Preliminary Report,” 52.

Unlike prior Lake Superior Ojibwe land cession treaties, annuities from sale of this territory were not to be evenly divided between the Lake Superior and Mississippi Ojibwe. The Mississippi Ojibwe were paid \$63,000 and the Lake Superior Ojibwe were paid \$17,000. This provision enraged Ojibwe leaders in Wisconsin. While they had to evenly split annuities from sale of their lands with the Mississippi Bands, now that the Mississippi Bands were selling their lands for the first time, they were only entitled to less than a quarter of those annuities. In addition, there was no provision made for payment for persons of mixed descent.

Article 4 of the treaty read:

It is stipulated that the half or mixed bloods of the Chippewas residing with them shall be considered Chippewa Indians, and shall, as such, be allowed to participate in all annuities which shall hereafter be paid to the Chippewas of the Mississippi and Lake Superior, due them by this treaty, and by the treaties heretofore made and ratified.<sup>207</sup>

Furthermore, persons of mixed descent actually signed the treaty itself. These individuals had no political leadership role in Ojibwe communities. Most did not even reside in Ojibwe communities. For example, 22 year old William Warren was termed a “chief.” These provisions were stark breaks with prior Treaty precedents. Both provisions outraged the Lake Superior Ojibwe leaders, as they had explicitly argued for them in prior in treaty councils. For example, in 1842, Waabizheshi of the Lac Courte Oreilles Band urged U.S. officials: “Our half breeds must be paid...But our Great Father can better afford to pay them than we can.”<sup>208</sup> The impact of this provision was immediate as people of mixed descent moved into certain Ojibwe communities in order to collect annuities. This had little impact on the community at Manoominikaan, but did reshape the community at Lac Courte Oreilles. In 1850,

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<sup>207</sup> Treaty With the Chippewa, August 2, 1847, 9 Stat., 904.

<sup>208</sup> Brunson to Crawford, January 8, 1843.

Julia Warren Spears noted there were several families of mixed descent living at Lac Courte Oreilles.<sup>209</sup>

Nenaa'angabi refused to sign the treaty. While many Ojibwe leaders signed the treaty, many of the signers of the treaty were either headmen or warriors, rather than ogimaag. Comparison between the treaty and the annuity record from a few weeks after the treaty and reveals that many ogimaag did sign the treaty. From the Lac Courte Oreilles Band, Akiwenzii, Gichi-Waabizheshi, and Gichi-binesi (new leader of the community on Pacwawong Lake, having succeeded Bakwe'aamo) signed the treaty. The Lac Courte Oreilles Band leaders represented on the 1847 annuity who did not sign the treaty included Gwiiwizensish (who did sign the Treaty of 1842), Ginoozhens (leader of a different community on the Chippewa River), and Omadaagami (leader of the Lake Chetac community). In the St. Croix Band, Gabemabi and Ayaabens signed the treaty, while Yellow Lake leader Gegwedaash (the son and successor of long time Yellow Lake leader Bizhiki) did not.<sup>210</sup>

It was here that Nenaa'angabi asserted a leadership role among the Wisconsin Ojibwe. Due to the suspicion and inconsistencies surrounding the treaty,

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<sup>209</sup> Julia Warren Spears, "My Journey with the Chippewa Indians," Julia A. Spears and Family Papers, Minnesota Historical Society. Spears claim is backed by the 1850 annuity roll. Of the 207 individuals collecting annuities from the community at Lac Courte Oreilles, 47 had non-Ojibwe names. A similar number non-Ojibwe names appeared on the annuity collection for the communities led by Ozhaawashko-giizhig and Ginoozhens on the Chippewa River, while only a handful of non-Ojibwe names appear in communities led by Omadaagami at Lake Chetac, Gichi-binesi at Pacwawong Lake, Waabizheshi on the Chippewa River, and Nenaa'angabi at Rice Lake. See Lake Superior Chippewa Annuity, 1850.

<sup>210</sup> Treaty With the Chippewa, August 2, 1847, 9 Stat., 904. "Indian Payments," *Boston Herald*, August 27, 1847. Akiwenzii is rendered "Kee wan see" in the treaty and "Ah-ke-wan-ze" in the annuity. Gichi-Waabizheshi is rendered "Waub ish ashe" in the treaty and "Waub-ish-esh, Martin" in the annuity. Gichi-binesi is rendered "Pin as see" in the treaty. In the annuity, Gwiiwizensish is rendered "Que-wee-sans-ish, Bad Boy," Ginoozhens is rendered "Kiu-anoch-ans, Little Pike," and Omadaagami is rendered "Mud-au Gum-me." Of the St. Croix Band leaders, Gabemabi appears in the treaty as "Gab im ub be" and in the annuity as Gab-am-ub-be, one who changes his seat." Ayaabens appears as "I au bans" in the treaty and "I-au-be-ans, Little Buck" in the annuity. Bizhiki appears as "Ke-che Be-she-ke, Big Buffalo" in the annuity.



Nenaa'angabi and other Ojibwe leaders from the St. Croix and Mille Lacs Bands formally protested the treaty. At issue for Nenaa'angabi and the other chiefs was that the Treaty of 1847 gave a greater portion of annuities to the Mississippi Bands while the Treaties of 1837 and 1842 split annuities evenly between the Lake Superior and Mississippi Bands. Also alarming for the leaders was the provision of the treaty authorizing persons of mixed descent who did not have any leadership role in Ojibwe communities to sign the treaty as "chiefs."<sup>211</sup> William Warren and Isaac Verplanck both defended the treaty to the Commissioner of Indian Affairs William Medill and claimed that Nenaa'angabi and other Ojibwe leaders protesting the treaty were "minor figures" who were mere pawns of the American Fur Company. Both Warren and Verplanck completely ignored the Ojibwe leaders concerns about the annuity spilt with the Mississippi Bands and did not explain why the American Fur Company would have any interest in this issue if the Ojibwe leaders were mere pawns of the company.<sup>212</sup>

At the very least, Warren's claim that they were all "minor figures" has little merit. Of the nine Ojibwe to sign the remonstrance, only three were not ogimaag. Aside from Nenaa'agnabi, the signers of the remonstrance included five other Ojibwe influential leaders with rather large communities. Just three years later Warren wrote his cousin George Warren and suggested organizing a delegation of the nine most important Ojibwe leaders from Wisconsin go to Washington in order to convince the

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<sup>211</sup> Letter of Remonstrance of Nine Chippeway Chiefs to Treaty August 21, 1847, M-234 R389: 0391. Nenaa'angabi's name is spelled "Nenangabe," Negwanebi is rendered "Nagonabi," Manoominikeshiinh is rendered "Manominikashe," Zhooniyaa is rendered "Shoniah," and Gegwedaash is rendered "Kakoatash,"

<sup>212</sup> William Warren to William Medill, September 1, 1847, M-234 Roll 388 and Isaac Verplanck to William Medill, November 1, 1847, M-234 Roll 389.

Wisconsin Ojibwe to remove to Fond du Lac. Included were two of the ogimaag Warren termed “minor” in 1847 including Nenaa’angabi.<sup>213</sup> Three of the ogimaag from the remonstrance, Negwanebi, Zhooniyaa, and Manoominikeshinh, were not included not because they did not yield enough influence, but because the Mille Lacs and Snake River Bands were part of a different removal scheme that involved the concentration of the Snake River Band and St. Croix Band at Mille Lacs. Thus, just four years later, Warren in essence invalidated his own claim that the remonstrance was the work of “minor figures” being duped by the American Fur Company.

Shortly after the protest of Nenaa’angabi and the other leaders who refused to sign the Treaty of 1847, Noodin, a Snake River ogimaa who did sign the treaty, refuted it in a letter to the President. Noodin was joined in his protest by Nenaa’angabi and ogimaag Negwanebi, Gichi-Noodin, and Zhooniyaa. The reason that Noodin refuted his endorsement of the treaty was that the terms of the treaty were misrepresented at the council: “we now learn from those who can read the Paper we signed that it speaks words different from what we listened to and agree to.” The leaders placed the blame for this squarely on William Warren: “We do not blame you we blame the one who speaks our tongue!”<sup>214</sup> As result of the leaders protests, Commissioner of Indian Affairs Medill asked Verplanck to address the issues raised by the both documents. In his defense of the Treaty, Verplanck dismissed the Remonstrance as solely the agenda of American Fur Company traders. Ignoring the

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<sup>213</sup> William Warren to George P. Warren, January 15, 1851, C.F.X. Goldsmith Papers. Warren spelled Nenaa’angabi “Na nuh anung abe” and Gegwedaash “Ka gua dash.”

<sup>214</sup> “Nodin & 5 Other Chippeway Chiefs to the President,” NARA RG 75, M-234 R389: 0396. Noodin is spelled “Nodin,” Gichi-noodin is spelled “Gichinodin,” Nenaa’angabi is spelled “Nenangabe,” Negwaanabi is spelled “Nagonabi,” and Zhooyinaa is spelled “Shoniah.” The petition of Noodin appears to be in same handwriting as the Remonstrance, although no writer is credited.

interests of Ojibwe leaders and their possible objections, Verplanck only noted how the treaty threatened the interests of the traders did not even discuss the specific complaints of the Ojibwe leaders. Verplanck echoed Warren's earlier dismissal of the Remonstrance and claimed that the traders "were only able to induce seven Indians claiming to be chiefs and two warriors to sign a remonstrance."<sup>215</sup> Despite the efforts of Nenaangabi and the other Ojibwe leaders, the Treaty of 1847 was ratified by the Senate on April 3, 1848.

### **"Gaawiin nindaa-ikwabisi": Ethnic Cleansing at Sandy Lake**

In 1848, Wisconsin became the thirtieth state of the union.<sup>216</sup> However, statehood did nothing to increase non-Ojibwe settlement in the vast northern one-third of Wisconsin: despite the declaration of statehood, it remained territory controlled and inhabited primarily by Ojibwe people. Wisconsin Ojibwe people had little reason to think that they had sold their lands in 1837 and 1842 as white settlers did not move onto Ojibwe lands until decades later. Even the extraction of resources was something that occurred in small select areas and not across the entire territory. Little land in the territory passed into the hands of private individuals or timber companies.<sup>217</sup> The only exception to this was in the St. Croix River valley, where lumbering began on the southern fringes of the ceded territory, mostly due to the presence of sawmills at Stillwater, Minnesota. Benjamin Armstrong noted "After the treaty of 1837 lumbermen were in the habit of cutting choice pine timber wherever it

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<sup>215</sup> Isaac Verplanck to Commissioner William Medill, November 1, 1847, Letters Received by the Office of Indian Affairs, M-234 Roll 389.

<sup>216</sup> Enabling Act of Wisconsin, 9 Stat. 56.

<sup>217</sup> For the immediate aftermath of the treaties see Satz, *Chippewa Treaty Rights*, and Cleland, "Preliminary Report."

was handy to get a market, without owning the land or getting permission to cut the timber. In other words, they were stealing it from the government.”<sup>218</sup>

By 1850, the only white settlement that happened even remotely near the Lac Courte Oreilles Band were on the southern fringes of Ojibwe territory. Menomonie, Eau Claire, and Chippewa Falls were all more than 60 miles away from Ojibwe villages. Even here though, the Ojibwe still vastly outnumbered whites. One example of this occurred at Chippewa Falls in 1849 when Martial Caznobia attempted to rape an Ojibwe woman. After entering woman’s lodge, Caznobia was stabbed by her husband. The next morning a crowd gathered at the local saloon and decided to lynch the man who stabbed Caznobia. The crowd went to the man’s lodge, drug him out, tied a noose around his neck, then hoisted him to a tree, killing him. However, at this time white settlers did not have the demographic advantage to get away with something like this. Soon after 1500 Ojibwe warriors showed up at Chippewa Falls demanding that Caznobia and the murders of the Ojibwe man be turned over to them or else they would burn every building in Chippewa Falls. This incident attracted Ojibwe leaders and warriors from hundreds of miles away including Gull Lake Band ogimaa Bagone-giizhig. Cooler heads prevailed. Leaders of the fledging settlement negotiated for the punishment of the perpetrators in American courts. However, the nearest police were at Prairie du Chien, over 100 miles away. Ojibwe leaders insisted on a party of Ojibwe to accompany the perpetrators to Prairie du Chien to ensure that justice was served. Travel was by boat down the Chippewa River to the Mississippi. However, when the group reached Dakota territory, the Ojibwe fled, fearing attack from the Dakota. When the group reached Prairie du Chien, there were no witnesses

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<sup>218</sup> Armstrong, *Early Life Among the Indians*, 115.

against the perpetrators, so they were released. However, neither the lynchers nor Caznobia returned to Chippewa Falls for fear of reprisal from the Ojibwe.<sup>219</sup>

This was the only tension between whites and the Ojibwe in the years following the treaty. The appearance of 1500 Ojibwe warriors overwhelmed the small settlement and illustrated the fact that all the ceded territory was still effectively controlled by the Ojibwe. This reinforced Ojibwe understanding of the treaties conveying the lease of timber and mineral rights and not selling the land. Ojibwe leaders were anxious to secure reservations, however, and avoid any chance of removal in the future. In 1849, a group of six Ojibwe leaders petitioned Congress for reservations. The group was led by Naagaanab of the Fond du Lac Band, Oshkaabewis of the Lac du Flambeau Band, and Gezhiiyaash of the Lac Vieux Desert Band. The reservations the leaders petitioned for were to be small village sites of a few sections.<sup>220</sup> While removal of Wisconsin Ojibwe had been discussed by some U.S. officials in the late 1840's, most American officials saw no reason why the Ojibwe should move from Wisconsin. Things changed with the appointment of Alexander Ramsey as Minnesota Territorial governor in 1849. Ramsey, a Whig, was appointed by newly elected President and fellow Whig Zachary Taylor. Ramsey had common interests with traders in Minnesota and saw an opportunity to better the economy of northern Minnesota by removing Wisconsin Ojibwe to Minnesota in order to bring the gold coin of annuities into Minnesota.

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<sup>219</sup> Randall, *History of the Chippewa Valley*, 34-35 and George Forrester, *Historical and Biographical Album of the Chippewa Valley*, (Chicago: A. Warner Publisher, 1892), 78-81.

<sup>220</sup> U.S. Congress, House of Representatives, Petition of the Head Chiefs of the Chippewa Tribe of Indians on Lake Superior, House misdoc. 36 544 (1849), 30<sup>th</sup> Cong., 2d sess., 1-2.

Later in 1849, Ramsey moved a Resolution through the Minnesota Territorial Legislature petitioning Congress for the removal of Ojibwe people who ceded lands in 1837 and 1842 to Minnesota. The Territorial Resolution justified the removal in order to ensure “the security and tranquility of the white settlements.”<sup>221</sup> However, as historian Charles Cleland argues, the number of Euro-American settlers living in the 1837 and 1842 ceded territory was minimal. Except for the lower part of the St. Croix River, there were virtually no settlers in the ceded territories. Furthermore, no complaints about Ojibwe presence in Wisconsin were brought by Euro-Americans. Cleland also points out that while states and territories commonly petitioned Congress and the President for removal of Native peoples out of their jurisdiction to another, it was highly irregular and even illegal to petition Congress to have persons residing in another state removed to a territory.<sup>222</sup>

Nevertheless, Congress forwarded the Territorial Resolution to President Taylor, who issued an Executive Order on February 6, 1850, ordering the removal of Ojibwe people from land ceded in 1837 and 1842. Ramsey planned to begin removal with the 1850 annuity payment. The payment would take place at Sandy Lake, in north central Minnesota, site of the new agency under John Watrous. The agency at La Pointe was dissolved in 1850, a controversial move among missionaries and traders there, who saw Ramsey’s plans for what they were: greed. Even more sketchy, Ramsey and Watrous hatched a secret plan to delay the annuity payment until after waterways had frozen and canoe travel was not possible, in order to trap

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<sup>221</sup> Joint Resolution of the Minnesota Territorial Assembly, November 7, 1849, M-234 Roll 428: 0124.

<sup>222</sup> Cleland, “Preliminary Report.”

Ojibwe families from Wisconsin and Michigan at Sandy Lake to ensure their relocation.<sup>223</sup>

Ojibwe leaders were perplexed by the Removal Order. Akiwenzii and the other Ojibwe leaders wrote in 1864: “‘Why is this order from my Great Father’ was the question among the Indians. I own the land yet, and I fail to see anything that I have done to my Great Father to deserve this punishment from him.’” Ojibwe leaders saw the Removal Order as a breach of the kinship duties that the Americans had cultivated with Ojibwe leaders. Additionally, it made no sense to Ojibwe leaders that they should have to remove from lands *they still owned*. The Ojibwe text contains the verb “nindibendaan” or I own it. Ojibwe response to the Removal Order was decisive: “Gaawiin nindaa-ikwabisii, geyaabi isa nindibendaan maandan aki,” or as the English text stated, “I will not remove and leave my lands, I own them yet.”<sup>224</sup>

The role of Alexander Ramsey and the assertion of local interests in the guise of territorial law was the beginning of a pattern that would reoccur to the Ojibwe again and again for the rest of the nineteenth century. From this point forward, American colonialism included not just federal power, but state and later corporate interests. This is what made American colonialism so dangerous to Ojibwe sovereignty. American colonialism had many facets, sometimes working against each other, but over time these interests would have a drastic impact on Ojibwe sovereignty and quality of life. This was certainly the case with the disaster at Sandy Lake.

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<sup>223</sup> Ibid.

<sup>224</sup> Nichols, *Statement Made By The Indians*, 67-68.

Due to the huge distance involved, Ojibwe people in Michigan and the Ojibwe village at Pelican Lake in far northeast Wisconsin refused to attend the payment. Ojibwe people from Wisconsin began arriving at Sandy Lake in late October, only to find Watrous not present. Ramsey and Watrous' removal scheme was foiled when only men of Ojibwe communities showed up, leaving their families in Wisconsin. Watrous would not arrive for six weeks, leaving thousands of Ojibwe at Sandy Lake with no food sources. Reports of Ojibwe deaths from starvation soon surfaced. When Watrous did arrive with the annuity on December 3, the remaining Ojibwe quickly collected their annuities and made the trip hundreds of miles back to Wisconsin on foot, resulting in hundreds of more deaths.<sup>225</sup>

The actual number of Ojibwe people who died as a result of Sandy Lake has been the subject of an ongoing debate since 1850. The lowest estimate came from Watrous, who claimed that only 150 Ojibwe died at Sandy Lake.<sup>226</sup> In midst of the crisis at Sandy Lake, the *Minnesota Chronicle and Register* suggested that at least 85 had died already by December 17, with 5-6 dying every night.<sup>227</sup> The *Chronicle and Register* reported that this total increased to at least 167 by December 23.<sup>228</sup> On January 8, Gull Lake Ojibwe leader Bagone-giizhig addressed a crowd at the St. Paul Presbyterian Church, where he estimated that 4-6 Ojibwe died each day.<sup>229</sup> La Pointe missionary Sherman Hall claimed that at least 70-80 Ojibwe were buried at Sandy Lake alone with as many as 9 dying per day during the removal attempt.<sup>230</sup> In 1851,

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<sup>225</sup> Ibid.

<sup>226</sup> John Watrous to Alexander Ramsey, December 10, 1850, M-234 Roll 767: 0052.

<sup>227</sup> *Minnesota Chronicle and Register*, December 17, 1850.

<sup>228</sup> *Minnesota Chronicle and Register*, December 23, 1850.

<sup>229</sup> *Minnesota Democrat*, July 21, 1851.

<sup>230</sup> Selah Treat to Luke Lea, February 15, 1851, M-234, Roll 767: 0255.



Wisconsin Ojibwe leaders claimed that 170 died at Sandy Lake with another 230 dying on the return trip home to Wisconsin.<sup>231</sup> Historians estimate these 400 deaths represented 12% of the Wisconsin Ojibwe population.<sup>232</sup>

Annuity records suggest that the Ojibwe community at Manoominikaan was devastated by events at Sandy Lake. The population of the Ojibwe community at Rice Lake was 192 in 1847, while the first surviving record after Sandy Lake showed 161 people. Other Lac Courte Oreilles communities were hit even harder. Gichi-Waabizheshi's village on the Chippewa River decreased from 75 to 34, the village at Lake Chetac decreased from 136 to 108, and the village at Pacwawong Lake under Gichi-binesi decreased from 99 to 62. Overall, the population of the Lac Courte Oreilles Band dropped by 126 people. Losses by the Lac du Flambeau Band were even worse: 167 people. Much of this population loss can be directly attributed to the events at Sandy Lake. While the Lac Courte Oreilles and Lac du Flambeau Bands showed population decreases, the population of the L'Anse Band in Michigan, who refused to go to Sandy Lake, *increased* in the same time period from 258 people in 1847 to 404 in 1857, an increase of 146 people. Furthermore, losses due to Sandy Lake might be even more than these numbers suggest. The provision of the Treaty of 1847 that allowed persons of mixed descent meant hundreds of people collected Ojibwe annuities in 1857 that had not in 1847. Of the 849 people collecting annuities of the Lac Courte Oreilles Band in 1857, 124 had French or English surnames.

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<sup>231</sup> Chief Buffalo to Luke Lea, November 6, 1851, M-234 Roll 149 and Chippewa Chiefs to Millard Fillmore, November 1852, M-234 Roll 149.

<sup>232</sup> James A. Clifton, "Wisconsin Death March: Explaining the Extremes in Old Northwest Indian Removal," *Transactions of the Wisconsin Academy of Sciences, Arts and Letters* 75 (1987), 1-39. The events at Sandy Lake are also covered in Satz, *Chippewa Treaty Rights*. However, the most detailed study of the events at Sandy Lake are in Bruce M. White, "The Regional Context of the Removal Order of 1850," *Fish in the Lakes*, 141-328.

Virtually all of these individuals collected annuities with Akiwenzii's community on Lac Courte Oreilles and a community on the Chippewa River under Ginoozhens. This means that population of these communities most likely decreased at the same rate as other Ojibwe communities that show a population decrease.<sup>233</sup>

William Warren wrote in 1851 that the Ojibwe "really supposed the whites intended to poison them off instead of removing them."<sup>234</sup> Despite the massive loss of Ojibwe life at Sandy Lake, the events of 1850 are largely unknown outside of Ojibwe communities. Few accounts of Minnesota history even mention the deaths at Sandy Lake. The events of Sandy Lake in 1850 constituted a deliberate act of ethnic cleansing worthy of inclusion in narratives of Minnesota history and Native American history. The 400 Ojibwe deaths as a result of Ramsey and Watrous' actions are more than more widely known incidents such as the estimated 200 Cheyenne massacred at Sand Creek in 1864, or the 300 Lakota slaughtered at Wounded Knee in 1890.

Ramsey and Watrous persisted in 1851 with removal efforts, despite the refusal of the Wisconsin Ojibwe to go anywhere near Sandy Lake and the death of Ramsey's supporter President Zachary Taylor. Watrous put William Warren in charge of removal for the communities of the Lac Courte Oreilles Band.<sup>235</sup> Warren

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<sup>233</sup> "Indian Payments," *Boston Herald*, August 27, 1847 and Lake Superior Chippewa Annuity, 1857. All numbers are comparisons based on the 1847 and 1857 annuity, with the exception of the Chippewa River community under Gichi-Waabizheshi, where the annuity number used is from 1850. See Lake Superior Chippewa Annuity, 1850. I chose to use the annuity of 1847 because it includes all Lake Superior Ojibwe communities, including those at Pelican Lake, Lac Vieux Desert, Ontonagon, and L'Anse, all of whom did not attend the annuity payment of 1850 at Sandy Lake. Numbers for all Ojibwe communities do not vary much between the 1847 and 1850 annuities with the exception of Gichi-Waabizheshi's. As discussed in the previous chapter, the leader's influence declined drastically in the 1840's, which lead many to leave his community prior to Sandy Lake. In 1847, 161 claimed annuities in his community and just 75 the following year.

<sup>234</sup> Warren to Warren, January 15, 1851.

<sup>235</sup> Theresa M. Schenck, *William W. Warren: The Life, Letters, and Times of an Ojibwe Leader*, (Lincoln: University of Nebraska, 2007), 125-126. Schenck concludes that Warren supported removal, seeing it as inevitable.

noted, “I have discovered that there is an extended league throughout the whole tribe (excepting only the St. Croix villages) not to remove. Pipes wampum and tobacco have been sent from village to village to effect this purpose.”<sup>236</sup> As a result of Ojibwe resistance, recently appointed Commissioner of Indian Affairs Luke Lea suspended the Removal Order in August 1851. However, Ramsey and Watrous ignored Lea’s instructions and instead hatched a new plan to get Wisconsin Ojibwe into Minnesota by removing the Wisconsin Ojibwe to Fond du Lac and the St. Croix Band to Mille Lacs. However, Ramsey and Watrous were forced to back down from their removal plans, as citizens in Wisconsin and Michigan were outraged due to Ramsey’s role in the Ojibwe deaths at Sandy Lake. As a result, Ramsey was forced to relent on several points, including paying annuities in 1851 and 1852 at Fond du Lac, exempting Michigan Ojibwe from removal, and moving the agency from Sandy Lake to Crow Wing. In the meantime, La Pointe Band ogimaa Bizhiki, at the time over ninety years old, and young St. Croix Band ogimaa Oshoge, who had just assumed leadership after the death of his father Gabemabi, began to organize a coalition of missionaries at La Pointe and Keeweenaw Bay, citizens of Wisconsin and Michigan, and copper interests to oppose removal of Wisconsin and Michigan Ojibwe. Most notably, copper interests in Michigan’s Keeweenaw Bay peninsula were staunchly opposed to Ojibwe removal, as their fledging operations were dependent on the Ojibwe for their food supply as there were no whites in the western Upper Peninsula besides miners.<sup>237</sup> When Bizhiki and Oshoge traveled to Washington in 1852, they circulated

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<sup>236</sup> William W. Warren to Alexander Ramsey, August 4, 1851, Office of Indian Affairs, Field Office Records, M-842 Roll 3. St. Croix communities were pressured to remove to Mille Lacs instead, something they resisted, but not as strongly as other Ojibwe resisted removal to Sandy Lake.

a petition to present to the President, showing opposition to Ojibwe removal.

Benjamin Armstrong noted: “From Ontonagon we went to Portage Lake, Houghton and Hancock, and visited the various copper mines, and all there signed the petition.”<sup>238</sup>

Bizhiki and Oshoge were determined to see the President and end removal efforts through diplomacy. According to Benjamin Armstrong, much was at stake: “To give up this trip would be to abandon the last hope of keeping that turbulent spirit of the young warriors within bounds.”<sup>239</sup> On meeting the President, Oshoge spoke for an hour to the President, according to Armstrong. Armstrong recalled that regarding the Treaties of 1837 and 1842 Oshoge “said that he did not understand that in either treaty they had ceded away the land and he further understood in both cases that the Indians were never asked to remove from the lands included in those treaties.”<sup>240</sup> While scholars have questioned certain details about Armstrong’s account of the trip to Washington, such as if the group met directly with the President, the trip illustrates the considerable political skill of Oshoge. While Bizhiki is often remembered in Ojibwe communities today, a close reading of Armstrong reveals that much of the skillful negotiation with American officials was done by Oshoge. This is not to take away from the role played by Bizhiki, but merely suggests that Oshoge has been overshadowed by the great elder chief. The young Oshoge was a rising star in Ojibwe politics. While he did not have the military success of Nенаа’angabi nor did he lead a historically important community like Bizhiki, Oshoge’s dazzling political

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<sup>238</sup> Armstrong, *Early Life Among the Indians*, 17.

<sup>239</sup> Ibid., 18.

<sup>240</sup> Ibid., 30.

skills in the wake of the disaster at Sandy Lake quickly made him of one of the most influential Wisconsin Ojibwe leaders.

At the same time that Bizhiki and Oshoge were in Washington, other events helped end the removal policy. Democrat Franklin Pierce took office in March 1853, and replaced Ramsey with Willis Gorman as Minnesota Territorial Governor. Meanwhile, the L'Anse Band brought charges of corruption against Watrous, leading to his ouster.<sup>241</sup> In 1853 annuity payments returned to La Pointe. In the meantime, American desire for another resource on Ojibwe land allowed Lake Superior Ojibwe leaders to secure permanent homelands.

### **The 1854 Treaty and Reservations**

American officials had long eyed the vast iron ore deposits of northeast Minnesota. This gave the Ojibwe of Wisconsin, northeastern Minnesota, and western Upper Michigan leverage in their demand to retain permanent reservations. Most Ojibwe leaders, including Nenaangabi, signed the Treaty of 1854 seeing it as the best way to finally end removal. Indian Agent Henry Gilbert served as Treaty Commissioner and Bizhiki, well into his nineties, was eager to secure reservations. In 1937, Bad River elder Joseph Stoddard, who was a young man at the time of the treaty, related his memories of the events for the Bad River Works Progress Administration Historical Project. Stoddard was the grandson of La Pointe Band ogimaa Giishkitawag (not to be confused with Nenaangabi's son and eventual successor), who signed the treaty and was one of the leaders who joined Akiwenzii in the 1864 bi-lingual petition. Stoddard remembered: "Mr. Gilbert stood at one end of

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<sup>241</sup> David Aitken to Luke Lea, November 19, 1851, M-234 Roll 149.

a small writing table and Chief Buffalo on the other end, joining hands in a mutual grip of friendship.”<sup>242</sup>

According to Stoddard, the treaty was to be Bizhiki’s legacy: “Chief Buffalo worked so hard during the drafting of the treaty of 1854, that he suffered a general health break-down, and lived only a short time after the completion and signing of the document. The Chief felt highly elated after the work was completed, thinking that every word of the treaty would be carried out, affording permanence and security to this people.” According to Stoddard, Bizhiki’s faith in the treaty was based on what Gilbert explicitly told Ojibwe leaders, as the Treaty Commissioner “assured the Indians that the obligations of the United States under this treaty would be fulfilled to the letter.” In a dramatic gesture, “Using the rolled treaty as a pointer, Mr. Gilbert pointed to the East, to the West, to the North and to the South. The gesture circumscribing the Great White Father’s domain, explaining that the treaty just concluded was backed by the integrity of the U.S. and promising that the Great Father would see that the stipulations in the document would be taken care of at the time indicated.” However, Stoddard claimed that the government changed the treaty from what was told to Ojibwe leaders: “Many of the most important provisions which were agreed upon at Madeline Island were stricken from the treaty...the whole document was so changed that every provision leaned to the advantage of the United States.”<sup>243</sup>

Still other issues plagued the treaty. Anger persisted between Lake Superior and Mississippi Ojibwe as a result of the Treaty of 1847. According to Gilbert: “Much jealousy and ill will existed between them and the Lake Superior Indians and

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<sup>242</sup> James Scott, “An Old Indian Settler,” Works Progress Administration, Chippewa Indian Historical Project, Envelope 19, 1.

<sup>243</sup> Ibid.

they could not even be prevailed upon to meet each other in council.”<sup>244</sup> According to Benjamin Armstrong, the Mississippi Bands arrived with traders from the American Fur Company, and were opposed to any separation of interests of annuities from the 1837 and 1842 Treaties.<sup>245</sup> To rectify the growing divide between Lake Superior and Mississippi Ojibwe over annuities, the U.S. paid the 1854 land cession annuities to the Lake Superior Ojibwe only, pushed the Lake Superior Ojibwe to relinquish claims to lands west of cession, and agreed to pay the Lake Superior Ojibwe two-thirds and Mississippi Ojibwe one-third of future annuities due under the Treaties of 1837 and 1842.<sup>246</sup>

Another disgruntled group at the treaty were traders. According to Armstrong, American Fur Company traders arrived armed in order to ensure a payment for traders in the treaty.<sup>247</sup> Despite their best efforts, there was no separate payment. In fact, the treaty explicitly forbid traders from collecting debt from the Ojibwe from the treaty. Article 6 read, “The annuities of the Indians shall not be taken to pay the debts of individuals.” Persons of mixed descent were also not paid, although under the Treaty of 1847 they were entitled to annuities if they lived in Ojibwe communities. While there was no payment for persons of mixed descent, the treaty provided off-reservation allotments of 80 acres.<sup>248</sup> This provision was the

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<sup>244</sup> Henry C. Gilbert to George W. Mannypenny, October 17, 1854, T-494 Roll 5: 0134.

<sup>245</sup> Armstrong, *Early Life Among the Indians*, 35.

<sup>246</sup> Treaty With the Chippewa, September 30, 1854, 10 Stats., 1109. Questions about what communities were included in the Lake Superior bands and Mississippi bands persisted. The Bois Forte Band, who were part of the Lake Superior bands had not yet been party to any annuities prior to 1854 and were excepted from this separation of interests. Furthermore, as historian Charles Cleland argues, the treaty failed to acknowledge the associations the Mille Lacs, Snake River, and St. Croix bands had to both the Lake Superior and Mississippi Ojibwe. See Cleland, Preliminary Report,” 84.

<sup>247</sup> Armstrong, *Early Life Among the Indians*, 42.

<sup>248</sup> According to Benjamin Armstrong, it was on his suggestion that this provision was included. See *Ibid.*, 41.

source of wide-spread corruption in the years following the treaty. For example, according to Benjamin Armstrong, La Pointe Agent Luther Webb of La Pointe ran a scheme in the 1860's that involved issuing mixed-blood allotments to young boys, obtaining the title for next to nothing, and selling the lands at a substantial profit.<sup>249</sup> The corruption prompted a House investigation in 1874.<sup>250</sup>

At the same time, Ojibwe leaders were ready for the treaty as well. 4000 Ojibwe attended the treaty. Gilbert noted, "The Chiefs who were notified to attend brought with them in every instance their entire band."<sup>251</sup> No doubt much of the motivation to sign the treaty had to do with ending removal and securing permanent homelands. The treaty explicitly stated: "the Indians shall not be required to remove from the homes hereby set apart for them." In the treaty the Lac Courte Oreilles Band retained three townships in an unspecified location. Reservations were also established for the La Pointe Band at Bad River and Red Cliff, the Lac du Flambeau Band, the L'Anse Band, the Fond du Lac Band, and the Grand Portage Band.<sup>252</sup> All of the Lac Courte Oreilles Band ogimaag signed the treaty, including Akiwenzii from the Lac Courte Oreilles village, Omadaagami from Lake Chetac, Gichi-binesi from Pacwawong Lake, and Ginoozhens, Waabizheshi, and Ozhaawashko-giizhig all ogimaag of separate villages on the Chippewa River.<sup>253</sup>

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<sup>249</sup> Ibid., 77.

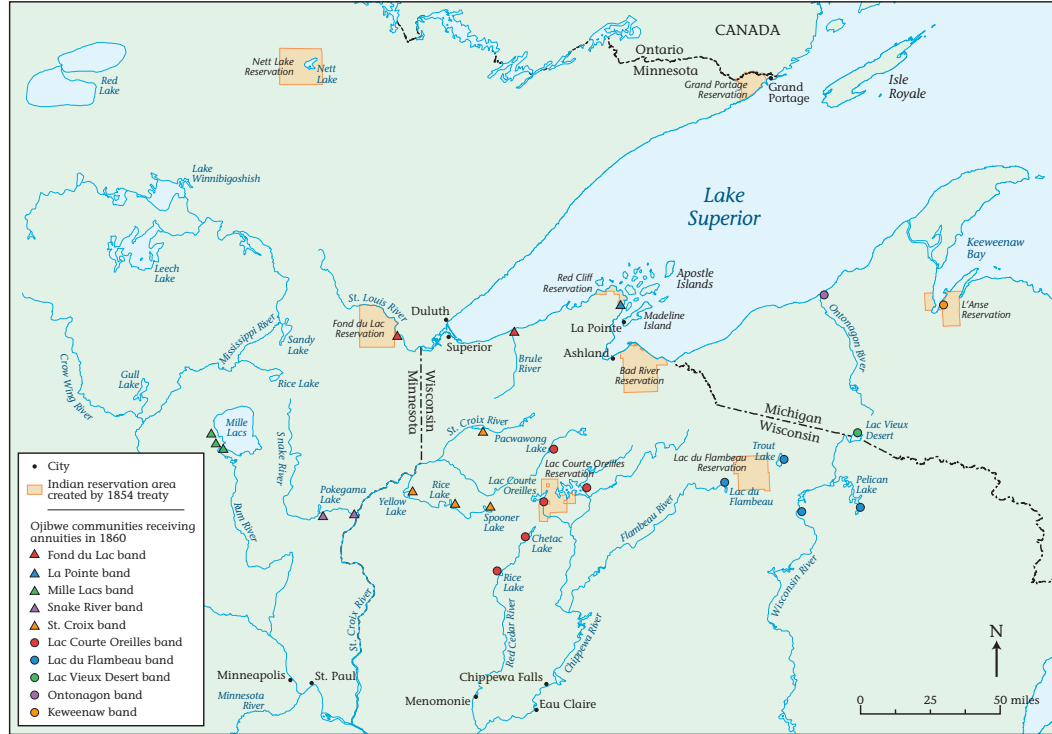
<sup>250</sup> U.S. Congress, House, Chippewa Half-Breeds of Lake Superior, House Ex. Doc. 193, 42<sup>nd</sup> Cong., 2d sess.

<sup>251</sup> Gilbert to Mannypenny, October 17, 1854.

<sup>252</sup> Treaty With the Chippewa, September 30, 1854, 10 Stats., 1109.

<sup>253</sup> Ibid. In the treaty, Nenaangabi's name is rendered "Nay-naw-ong-gay-be," Akiwenzii is rendered "Aw-ke-wain-ze, or the Old Man," Omadaagami is rendered "Maw daw gaw me," Gichi-binesi is rendered "Key-che-pe-nay-se or the Big Bird," Ginoozhens is rendered "Key no zhance or the Little Jack Fish," Waabizheshi is rendered "Ke-che-waw-be-shay-she or the Big Marten," and Ozhaawashko-giizhig is rendered "Ozhaw waw sco ge zhick or the Blue Sky."





## The Language of Kinship and Trust at the Treaties

By the time of the 1854 treaty, anger of Ojibwe leaders was not just centered on unequal distribution of annuities. By this time, Ojibwe leaders had signed five treaties, all with different American officials. Kinship was central to Ojibwe diplomacy, however, the varying personnel involved with the treaties stood in stark contrast to the ways that Ojibwe people related to outsiders prior to the treaties, such as fur traders. This frustration was reflected in a speech by Fond du Lac Band leader Naagaanab to Commissioner of Indian Affairs George Manypenny, recorded by Benjamin Armstrong:

When you talk we all listen, then we talk it over many times. In this was it is always fresh with us. This is the way we must keep our record. In 1837 we were asked to sell our timber and minerals. In 1842 we were asked to do the same. Our white brothers told us the great father did not want the land. We should keep it to hunt on. Bye and bye we were told to go away; to go and leave our friends that were buried yesterday. Then we asked each other what

it meant. Does the great father tell the truth? Does he keep his promises? We cannot help ourselves! We try to do as we agree in treaty. We ask you what this means? You do not tell from memory! You go to your black marks and say this is what those men out down; this is what they said when they made the treaty. The men we talk with don't come back; they do not come and you tell us they did not tell us so! We ask you where they are? You say you do not know or that they are dead and gone.<sup>254</sup>

Naagaanab's speech reflected the frustration of nearly twenty years of shifting personnel and the inability of Ojibwe leaders to forge lasting relationships with American officials in the ways they had to French and British traders.

Alarming to modern readers are continual references in the treaties to Ojibwe people as children by government officials in the treaties. However, as anthropologist Raymond DeMallie argues in his work on Plains Indian treaties, "Indian orators exploited the father-children metaphor to ask for important favors."<sup>255</sup> Scholar Russel Lawrence Barsh argues that Native leaders "did not imagine they were submitting to coercive laws, but rather accepting Europeans' desire to assume the burdens of leadership."<sup>256</sup> Historian Richard White argues that American use of "father" meant different things based on local context and was rooted in treaties between the U.S. and Native peoples in the eastern Great Lakes in the late eighteenth century. White argues that for Native peoples, "A father was not a stern patriarch; a father was a generous friend."<sup>257</sup> Furthermore, White argues that the meaning of the language of kinship was contested prior to arrival of American in the Great Lakes. However, White argues that the defeat of Tecumseh allowed Americans to create the fiction of Native peoples as children. White goes on to argue that this fiction was very

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<sup>254</sup> Armstrong, *Early Life Among the Indians*, 44.

<sup>255</sup> DeMallie, "Touching the Pen," 50.

<sup>256</sup> Russel Lawrence Barsh, "The Nature and Spirit of North American Political Systems," *American Indian Quarterly* 10:3 (Summer 1986), 181-198, 195.

<sup>257</sup> Richard White, "The Fictions of Patriarchy: Indians and Whites in the Early Republic," *Native Americans in the Early Republic*, Frederick E. Hoxie, Ronald Hoffman, and Peter J. Albert, eds., (Charlottesville and London: University Press of Virginia, 1999), 62-84.

damaging for Native people as government policymakers understood the kinship relationship as paternalism.

These ideas are reflected in the 1864 petition where Ojibwe leaders did not see their relationship to the American government as paternalism. At the 1842 Treaty, Ojibwe leaders employed vastly different kinship terms based on the context. While in the English text, the term used is merely “Father” or “Great Father,” the Ojibwe text contains a variety of kinship terms. Waabishki-gaagaagi used the term “noose,” which the English text has simply as “my father.” *Noos* was the common term for father in the nineteenth century (today the anglicized *nibaabaa* is more common), while *noose* was a way of saying “my father” similar to how a young child would plead for something. Later, the English text records Fond du Lac ogimaa Zhingob referring to “our Great Father,” while the Ojibwe text says “gimishoomisinaan,” or our grandfather.<sup>258</sup> These variations in the Ojibwe text indicate that for the Ojibwe the kinship relationship with the American government was by no means standardized and paternalistic but fluid based on the particular context of what was being said. What was important to Ojibwe leaders was the notion of mutual responsibility that the relationship entailed. However, at this time it really did not matter if American officials thought of the kinship in paternalistic terms, the region was still controlled by the Ojibwe.

J.J. Ducatel, a visitor to La Pointe who later wrote about the 1835 annuity payment, witnessed Zhingob contest the meaning of kinship. At the annuity payment, Zhingob rebuked the paternalism of government officials:

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<sup>258</sup> Nichols, *Statement Made By The Indians*, 52-54.

When I was a British Indian I was treated by the British agents like a man—they spoke well of me, which my young men heard, and they gave me presents, which my young men saw, and that caused them to respect me; but now that I am an American Indian, I am not noticed by the great father, and my young men think I am a child. I used to give them good advice, which they heeded; but now they don't listen to what I have to say...It was not so when I was a British Indian; but now I am a child, and must expect to be treated like a child.<sup>259</sup>

According to Ducatel, after the agent admonished him, Zhingob retreated and shook hands with the agent. This incident reveals Ojibwe frustration with the still new relationship with Americans. Zhingob's reference to being a "British Indian" and an "American Indian" reveals how much Ojibwe leaders were aware of the fact that Americans sought to incorporate Ojibwe resources and territory into the United States in contrast to the British who had much more respect for Ojibwe sovereignty. Perhaps also, Zhingob was purposefully playing on American anxiety about British influence in the region in order to press the Americans for better treatment.

A different interpretation from White's would be to frame the contestation over this terminology within the historical development of the trust relationship. A discussion of trust is completely absent from White's exploration of the meaning of kinship terminology, but is helpful as it speaks directly to the historical development of the trust relationship and informs American motives for utilizing kinship terminology. Indeed, the work of most historians does not include a consideration of the historical development of the trust relationship and how treaties shaped both Native and government understanding of trust. This may be a disciplinary divide, as legal scholars and historians are often exposed to different scholarly literature in their

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<sup>259</sup> Ducatel, "A Fortnight Among the Chippewas of Lake Superior," 365. Ducatel spelled Zhingob "Singoup." Zhingob was a prominent Ojibwe leader and signed the 1837 Treaty (Shing-go-be or the Spruce), the 1842 Treaty (Shin goob), the 1847 Treaty (Shin goob), and the 1854 Treaty (Shing goope or the Balsam). See Treaty With the Chippewa, July 29, 1837, 7 Stat., 536; Treaty With the Chippewa, October 4, 1842, 7 Stat., 591; Treaty With the Chippewa, August 2, 1847, 9 Stat., 904.; and Treaty With the Chippewa, September 30, 1854, 10 Stats., 1109.

training. Regardless, the use of Americans referring to Native people during treaties as children in need of protection is clearly informed by legal notions of trusteeship.

Trust is a foundational aspect of American relations with Native nations that developed during treaty-making. The American government initiated the trust relationship on its own and vowed to act in best interest of Native nations. The trust doctrine is a moral obligation enshrined in the historical relationship between the U.S. government and Native nations in Congressional legislation and in treaties. While not explicitly Constitutionally based, most scholars and legal decisions recognize the existence of some historically based form of trust. David Wilkins and K. Tsianina Lomawaima argue: “Common to many, but not all, definitions of ‘trust’ is the notion of federal *responsibility to protect or enhance* tribal assets (including fiscal, natural, human, and cultural resources) through policy decisions and management actions.”<sup>260</sup> At the very least, the U.S. government exercises very tangible limited trust relationship with Native nations, the most notable example being management of allotment lands and its protections from alienation. A more comprehensive yet abstract vision of trust was articulated by the Supreme Court in 1942 in *Seminole Nation v. U.S.*: “In carrying out its treaty obligations with the Indian tribes the Government is something more than a mere contracting party. Under a humane and self imposed policy which has found expression in many acts of Congress and numerous decisions of this Court, it has charged itself with moral obligations of the highest responsibility and trust.”<sup>261</sup>

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<sup>260</sup> Wilkins and Lomawaima, *Uneven Ground*, 65.

<sup>261</sup> *Seminole Nation v. U.S.*, 316 U.S. 286 (1942).

The historical record reflects a broad definition of trust as it was articulated in the *Seminole* case. In the Lake Superior Ojibwe treaties, there are clear examples of American officials articulating an understanding of the moral responsibilities associated with trust. Likewise, Ojibwe leaders understood early that Americans had themselves pledged to act in a moral capacity. This is reflected in the speeches of Nенаа'angabi and other Ojibwe leaders. Nенаа'angabi had a clear vision of how relationship between the Ojibwe and the U.S government should be. At the annuity payment 1855 at La Pointe, Nенаа'angabi gave a stirring speech in which he chided government officials regarding their shoddy execution of treaty provisions:

Five long winters have passed since I have received a blanket for one of my children. My father, what has become of your promise? You probably have sent what you promised to us, but where has it gone, is more than I am able to say. Perhaps it has sunk in the deep waters of the lake, or it may have evaporated in the heavens, like the rising of the mist—or perhaps it has blown over our heads, and gone toward the setting sun. Last year I visited our father who came here, and gave goods to a portion of his red children—but I could not get here in time—I got nothing. I turned round to some of our traders, no doubt who are standing among us here, and asked them for some clothing to take to my poor children, but they refused me. Therefore I had to retrace my foot-steps over a long road, with empty hands, to my home in the woods—just as I had come.<sup>262</sup>

In this speech, Nенаа'angabi articulated a clear understanding of the moral component of American trust responsibilities to Native nations. Historians and other scholars need to think more about how nineteenth century Americans and Native leaders thought about trust. This helps current policymakers and Native leaders better understand federal trust responsibilities. Most notably, it provides better evidence in court cases. Practiced correctly, such as the articulation in the *Seminole* case, trust is one of the cornerstones of a just democracy, something that all American citizens could take pride in.

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<sup>262</sup> Morse, “The Chippewas of Lake Superior,” 342.

Despite the moral obligation of the United States to not secure Native title through force or conquest, the acquisition of the territory of the Lake Superior Ojibwe was tantamount to robbery. Abundant historical evidence demonstrates that Ojibwe leaders were told they were merely selling resources (pine, copper, and iron ore) and not the land itself. Moreover, the compensation provided was a pittance compared to the wealth of the resources exploited by the U.S. government in the nineteenth century alone. As historian David R. Wrone argues, the impact of these treaties on the expansion United States was immense. The U.S. got 240 billion board feet of timber in the ceded territory of these treaties. 13.5 million pounds of copper from Michigan's Keeweenaw Bay peninsula came with the 1842 Treaty. By the end of the nineteenth century, the region supplied a large share of the world's copper. A more lasting industry was the steel industry, which flourished in the wake of the 1854 Treaty and mining of the massive iron ore deposits in Minnesota's Mesabi Range. Less sustainable but still significant was iron ore production in Wisconsin's Gogebic Range during the late nineteenth and early twentieth century, which totaled 4 billion tons. Beyond these statistics, Wrone argues that the Ojibwe ceded territory changed America:

They provided several of the essential ingredients for the industrial transformation of late nineteenth century and early-twentieth century America. The ores of the Mesabi enabled the steel mills of Pittsburgh to flourish, the copper of the Keewnanh (sic) poured into wires made the telephone system possible. Power sites created paper mills, part of the industrial glory of Wisconsin. The lakes and fish offered a recreational paradise.<sup>263</sup>

### **“Our nation now mourns:” Wisconsin Ojibwe Leadership in Transition**

By the time of the 1854 treaty, Nenaangabi had been the chief at Manoominikaan for over two decades. At the 1855 annuity payment, Richard Morse

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<sup>263</sup> David R. Wrone, “The Economic Impact of the 1837 and 1842 Chippewa Treaties,” *American Indian Quarterly* 17:3 (Summer 1993), 329-340.

described Nенаа'angabi as “the favorite orator and chief” of the Wisconsin Ojibwe.<sup>264</sup> This was due to events that transpired since the 1854 Treaty. Bizhiki of La Pointe had died within the year in his 90's. Tragically, Oshoge of the St. Croix Band died in 1854 of small pox. The death of the relatively young Oshoge was severe blow to the political life of the Wisconsin Ojibwe. As Richard Morse noted “He was a young chief, of rare promise and merit; he stood high in the affections of his people.”<sup>265</sup> Oshoge was clearly a leader with the potential to lead Ojibwe communities through the difficult decades of the second half of the nineteenth century. At the 1855 annuity payment, Richard Morse recorded the speech of a man from the La Pointe Band named Zhaabo-giizhig: “We had but one man among us, capable of doing our business for the Chippewa Nation; that man was O-sho-ga, now dead, and our nation now mourns.”<sup>266</sup>

This left Nенаа'angabi as the sole Ojibwe leader in Wisconsin with the abilities and experience to articulate what many in Ojibwe communities felt was the governments failure to live up to its promises of earlier treaties. By 1855, Nенаа'angabi was the most influential leader of the Wisconsin Ojibwe and it was his duty to assert his influence and shape the Ojibwe relationship with Americans. Tragically, within a few weeks Nенаа'angabi would be dead. Nенаа'angabi's role in Wisconsin Ojibwe politics was remembered at Lac Courte Oreilles in the 1940's: “There was one head chief who got the Indians seven reservations. His name was Nina'angebi (sic)—he was going to Washington to get a reservation for his people,

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<sup>264</sup> Morse, “The Chippewas of Lake Superior,” 341.

<sup>265</sup> Ibid., 348.

<sup>266</sup> Ibid., 361.



but the Sioux killed him and his people were accepted here.”<sup>267</sup> The deaths of Oshoge, Bizhiki, and Nenaa’angabi within a year of each other could not have occurred at a worse time. The talent drain caused by the death of these three visionary leaders would impact Ojibwe communities in Wisconsin for the rest of the nineteenth century, a time they faced unprecedented challenges to their sovereignty from federal officials, the state of Wisconsin, American settlers, and corporate timber interests.

In the fall of 1855, shortly after Nenaa’angabi’s impassioned speech at the annuity payment at La Pointe, he led party of thirty-eight warriors into battle against the Dakota. The exact reason for the campaign is unknown. After leaving Manoominikaan, they caught site of a Dakota party with vastly larger numbers. Correctly seeing the hopelessness of the situation, Nenaa’angabi made the decision to retreat back to Manoominikaan. However, on their way back they were ambushed by a second Dakota group southwest of Manoominikaan near the modern town of Prairie Farm. Nenaa’angabi was killed in the ambush, he was 76.<sup>268</sup> Nenaa’angabi left three

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<sup>267</sup> Joseph B. Casagrande Papers, University of Illinois-Urbana Archives.

<sup>268</sup> “How Na-non-gabe Was Killed in ’55,” *Rice Lake Chronotype*, February 18, 1925, 1. The account of Nenaa’angabi’s death by former *Rice Lake Chronotype* editor August Ender in William Bartlett’s *History, Tradition, and Adventure in The Chippewa Valley*, published in 1929, differs somewhat. Ender said there were said that 100 Dakota from the vicinity of modern day Wabasha, Minnesota overtook Nenaa’angabi’s party of 50 Ojibwe at the Hay River near modern day Prairie Farm. See William W. Bartlett, *History, Tradition, and Adventure in The Chippewa Valley*, (Chippewa Falls: The Chippewa Printery, 1929), 64-65. Another minor variation in the details of Nenaa’angabi’s death is that Lac Courte Oreilles Census of 1877 lists Nenaa’angabi’s death as occurring in 1856. See Census Roll, Lac Courte Oreilles, April 3, 1877. Benjamin Armstrong claimed Nenaa’angabi’s death occurred on his return from the Treaty of 1854 at Pacwawong Lake on the Namekagon River, when Nenaa’angabi’s group was ambushed by Dakotas. Armstrong also claimed that one of his daughters then followed the Dakotas and avenged her father’s death. Armstrong said this daughter was married to Edward Dingley. Nenaa’angabi’s daughter Poskin was married to Dingley, and while not citing her by name, Armstrong claimed to have heard the story from her. However, this is unlikely as all other accounts talk of Nenaa’angabi’s death as occurring near modern-day Prairie Farm, over 100 miles to the south and west. Furthermore, the 1854 date is refuted by Richard Morse’s account of Nenaa’angabi’s speech at the 1855 annuity payment, as well as other accounts. Armstrong renders Nenaa’angabi “Na-nong-ga-bee.” See Armstrong, *Early Life Among the Indians*, 199-202. This

sons and five daughters. One daughter, Ashweia, was a noted warrior. His youngest child, Maggie White, was born after her father's death. His three sons were Waabizheshi, Ininiins, and Giishkitawag, who later be know to white settlers as Joe White.<sup>269</sup> Upon Nenaa'angabi's death, Waabizheshi, the oldest son, ascended to leadership of the community.

## Conclusion

In 1999, Supreme Court Justice Sandra Day O'Connor wrote in the majority opinion in *Mille Lacs v. Minnesota* about the Court's interpretation of the Treaty of 1837, "we look beyond the written words to the larger context that frames the Treaty."<sup>270</sup> At issue was whether the Mille Lacs Band (and by extension all the Ojibwe who ceded lands in the treaty) retained off-reservation treaty rights under the Treaty of 1837. While Ojibwe in Wisconsin and Michigan practiced off-reservation

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inaccuracy is repeated in Brown and Becker, "The Chetek and Rice Lakes," 84. Brown and Bender cite only Armstrong in their discussion of Nenaa'angabi's death. There are other inaccuracies in Brown and Bender, who despite their archeological expertise, but were not versant in Ojibwe history nor skilled at consulting with archival sources. They claim on page 85 that the Rice Lake band was in Washington in 1864, but this is the Rice Lake band of the Mississippi Ojibwe in Minnesota. Later on the same page, they claim the Lake Chetek they did archeological work at in Barron County was the site an Ojibwe community led by "Kedug-e-be-shew" (Gidagaa-bizhiw). But this community was located on the Lake Chetac in Sawyer County, and no major Ojibwe community existed on Lake Chetek in Barron County. Lake Chetek (with many variant spellings) is a common name in northern Wisconsin, Michigan, and Minnesota and is an English corruption of an Ojibwe word, *zhede*, meaning pelican. On page 111, they state that a site on Lower Rice Lake was a community led by "the well known Chippewa chief Chenini" until 1833, when all Native people in the area were removed to the Lac Courte Oreilles Reservation. However, the Lac Courte Oreilles Reservation did not exist until 1873. In addition, "Chenini" (Chi-inini), was not an ogimaa. It is possible that he was a headman of a smaller family group. Brown and Becker's information came from white settlers, who at the time had very limited understandings of Ojibwe political institutions. To many early settlers, every Indian they met was a "chief."

<sup>269</sup> Maggie Conger to William Light, March 11, 1913, National Archives and Records Administration, Great Lakes Region, Chicago, Illinois, Records Group 75, Records of the Bureau of Indian Affairs, Records of the La Pointe Agency, Letters Received From the Lac Courte Oreilles Reservation, 1881-1914, Box 4. Maggie Conger was the married name of Maggie White, the daughter born after Nenaa'angabi's death. The information on the children of Nenaa'angabi is also found in Census Roll, Lac Courte Oreilles, April 3, 1877. Ashweia is the phonetic spelling of Aazhawigiizhigokwe. However, I will henceforth identify this person as Ashweia, as this is the spelling most commonly used at Lac Courte Oreilles today.

<sup>270</sup> *Minnesota v. Mille Lacs*, 526 U.S. 172 (1999), 196.

treaty rights since the U.S. Court of Appeals 1983's decision in *Lac Courte Oreilles v. Voight*, the state of Minnesota was not bound to recognize the decision as it was outside their own Federal Court District, forcing the Mille Lacs Band to litigate. The Supreme Court found these rights to still be valid by a razor thin 5-4 majority, employing the Canons of Construction to reach the majority opinion. The Canons include interpreting treaties the way that Native people at the time understood them and interpreting ambiguities in treaties in favor of tribes. Used since the 1970's in federal Indian law, the Canons are not enshrined in statute and the courts are under no explicit obligation to employ them. However, O'Connor's use of the Canons in the Mille Lacs case bolstered their importance.<sup>271</sup>

Employing the Canons to look at larger issues in the Treaty of 1837 brings many other legal issues to the fore. Nенаа'angabi, the most important Ojibwe leader whose lands were being "ceded" in 1837, refused to sign the treaty. Furthermore, there is overwhelming historical evidence from both Ojibwe leaders and non-Ojibwe that during treaties both Ojibwe leaders and the American officials understood the treaties to only include American use of resources and not land cession. If we are to invest any significant meaning in the Canons of Construction, the land cession involved in these treaties is not valid. If the United States is to live up to its promise of a just democratic society, it must recognize and rectify its colonial past of territorial acquisition in a meaningful way. The death of Nенаа'angabi, along with the death of Oshoge and Bizhiki within the same year changed Wisconsin Ojibwe politics. At the same time, in the years that followed the community that

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<sup>271</sup> For an analysis of O'Connor's use of the Canons in Mille Lacs, see Wilkins and Lomawaima, *Uneven Ground*, 137-139.

Waabizheshi inherited from his father faced unprecedented challenges. The treaties were just the beginning: American colonialism was more than just federal policy, it was state laws, local governments, corporate transformation of land, and private settlers. Waabizheshi's own leadership style was vastly different from his father's. And just as the force of American colonialism grew, a new generation of Ojibwe leaders like Waabizheshi sought a more local response to these challenges.

### **Chapter 3**

#### Manoominikaan to Rice Lake: Waabizheshi's Vision of an Intercultural Community at Rice Lake, 1855-1877

#### **Introduction**

In 1855, Waabizheshi assumed leadership of the Rice Lake community from his father Nenaa'angabi following the influential leader's death on the battlefield. Waabizheshi inherited a thriving community, as well as an important political legacy from his father, who Richard Morse described in 1855 as "the favorite orator and chief" of the Lake Superior Ojibwe.<sup>272</sup> Lacking the raw charisma of his father, the exotic appeal of his warrior sister, or the tragedy that surrounded his brother Joe White's murder, Waabizheshi is overshadowed in the historical record. Nevertheless, his leadership was pivotal for the community. Waabizheshi led the community for twenty-two years, and Ojibwe life at Rice Lake was vastly different by the end of those twenty-two years than it had been at the beginning. During this time, the community faced unprecedented challenges. Beginning in the 1860's, timber companies leveled the territory that in 1837 Nenaa'angabi refused to sell. Despite some initial benefits to Ojibwe life such as increased deer populations and employment in logging camps during the tough winter months, the dam building that accompanied clear-cutting destroyed rice beds throughout the ceded territory. By 1870, the rice on Rice Lake and Prairie Rice Lake was gone forever. These resources had been the basis of the community's expansion and importance in nineteenth century. In the midst of this ecological destruction, the strongest El Nino of the nineteenth century further reduced yields of wild rice and maple sugar in the 1870's. At the same time, white settlers moved into Rice Lake, quickly outnumbering the

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<sup>272</sup> Morse, "The Chippewas of Lake Superior," 341.

Ojibwe, while federal officials pressured the Ojibwe at Rice Lake to remove first to the Ojibwe to a reservation 50 miles northeast at Lac Courte Oreilles and later to the Bad River Reservation 120 miles to the north.<sup>273</sup>

Waabizheshi employed new strategies in response to these challenges. While Nenaangabi's leadership was marked by engagement with federal officials and broad influence in Wisconsin Ojibwe political life, Waabizheshi virtually ignored federal officials and instead focused his efforts on building relationships with newly arrived white settlers in Rice Lake. Central to these exchanges was performance through speeches, gifting, and even dance. Performance was a central aspect of traditional Ojibwe political institutions that functioned as an important means of articulating policy. No evidence exists describing Waabizheshi himself formally articulating this as a strategy for remaining at Rice Lake. Instead these performances were a community effort. In 1858, Waabizheshi and other Lac Courte Oreilles leaders tried in vain to locate the reservation at Prairie Rice Lake. When federal officials refused and located the reservation at Lac Courte Oreilles, Waabizheshi virtually ceased to exert his influence among the Lac Courte Oreilles Band, let alone broader Ojibwe politics, and focused all of his efforts on building relationships with white settlers in order to avoid removal.

Scholars typically have focused on conflict when discussing the arrival of white settlers in Native lands. However, Waabizheshi strove for something much

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<sup>273</sup> Throughout I refer to settlers and their descendants as "whites." I employ this term intentionally, as opposed to "Euro-Americans," which is both awkward and somewhat of a misnomer. The view of settlers in northwest Wisconsin in the late nineteenth century of the Ojibwe were shaped not so much by European their heritage but more by an American racial experience that was based on centuries of interactions with Native peoples, African-Americans, and others in the Americas. In addition, the term "white" has currency today among both Ojibwe and non-Ojibwe, while Euro-Americans is not a term people utilize, historically or today.

different, aiming to accommodate white settlers in Rice Lake while retaining Ojibwe sovereignty. Given the drastic demographic and ecological transformations that took place in the 1860's and 1870's, Waabizheshi and the rest of the community were no doubt keenly aware that things were never going to be the same again. Instead of acquiescing to segregation on reservation lands or attempting to repel the settlers through violence, Waabizheshi and the rest of the community sought to collaborate with the newcomers to create a new community rooted in mutual respect and Ojibwe sovereignty. The practice of treaty rights was central to Ojibwe survival under these new conditions. Armed with rights guaranteed in the Treaty of 1837 and reaffirmed in the Treaty of 1854 to hunt, fish, and gather throughout the ceded territory, the Ojibwe of Rice Lake made their living in the new community at Rice Lake by blending treaty-sanctioned traditional labor with wage labor in logging camps. In the process, the Ojibwe sought to accommodate the new conditions while at the same time asserting their sovereignty by continuing to practice traditional labor throughout the ceded territory. This was a subversive alternative to federal policy, which demanded total assimilation.

Waabizheshi's vision is important not just for a better understanding of Native history, but American history as well. The Chippewa River valley was rich in white pine and supplied a sizeable amount of the timber that built America. As important as the area was to American expansion and growth elsewhere, Waabizheshi provides an important example of how Native leaders posed alternatives to colonial, race-based hierarchy and exploitation that were non-violent and rooted in tribal sovereignty. Non-violent alternatives to white supremacy are usually only talked about in

twentieth century American history. Waabizheshi and the Ojibwe at Rice Lake flatly rejected a segregated society in their refusal to be removed and contained on the Lac Courte Oreilles Reservation.

What Waabizheshi instead strove for at Rice Lake was an intercultural alternative. While scholars of indigenous communities in North America have focused more on immediate conflict, scholars of indigenous communities in Latin America have been more attentive to a broader array of strategies. In her study of indigenous communities in Colombia, anthropologist Joanne Rappaport argues “interculturalism fosters a broad field of intercultural exchange characterized by nonhierarchical relations.”<sup>274</sup> Rappaport describes how indigenous communities in Colombia have posed alternatives in their relationship to the Colombian state emerging out of the context of dictatorship, violence, and civil war in the 1970’s and 1980’s. While seemingly removed by time and political conditions from the communities studied by Rappaport, interculturalism is a helpful way to think about how Waabizheshi’s community at Rice Lake sought to accommodate the presence of newly arrived white settlers by engaging them in processes of exchange that had marked Ojibwe interactions with non-Ojibwe for centuries. Waabizheshi was successful for twenty-two years in resisting removal. However, all of the stresses on the community culminated in violence when Waabizheshi was murdered by another Ojibwe in 1877.

### **The Rice Lake Community Under Waabizheshi**

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<sup>274</sup> Joanne Rappaport, *Intercultural Utopias: Public Intellectuals, Cultural Experimentation, and Ethnic Pluralism in Colombia*, (Durham: Duke University Press, 2005), 131.



Reconstructing Waabizheshi's leadership is a difficult task. In marked contrast to his father, there is no historical record of Waabizheshi's words. Waabizheshi's thoughts and ideas remain a historical mystery, and we are left to infer his leadership style by his actions. However, the very absence of material on Waabizheshi is telling. Waabizheshi, unlike his father, did not seek direct engagement with American policymakers or attempt to influence the broader arena of Ojibwe politics, leaving no direct accounts of the leader's thoughts or actions in federal records. Indeed, the only specific reference in federal records to Waabizheshi by name is merely his listing as the "chief" of the community in annuity records. Instead, Waabizheshi's political focus becomes clear by his inclusion in local historical materials. In the early twentieth century, *Rice Lake Chronotype* editor August Ender characterized Waabizheshi's leadership: "while not so popular with the whites as was his father, seemed to get along quite well with his own people."<sup>275</sup> Annuity records support Ender's contention. In 1857, Waabizheshi's community consisted of 161 people and by 1874 the community had grown to 175 people.<sup>276</sup> This supports Enger's claim that Waabizheshi was able to maintain the popularity of his father's leadership within the community.

While Waabizheshi maintained a high degree of popularity in his own community, he did not seek the broader influence in Ojibwe politics or among American officials that characterized his father's leadership. Ender's assessment of Waabizheshi's leadership is helpful for thinking about changes in Ojibwe leadership

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<sup>275</sup> William W. Bartlett, *History, Tradition, and Adventure in the Chippewa Valley*, (Chippewa Falls: The Chippewa Printery, 1929), 65.

<sup>276</sup> Lake Superior Chippewa Annuity, 1857, MHS, M-390, Roll 1, and Lac Courte Oreilles Annuity, November 14, 1874, MHS, 1841-1907, M-390, Roll 2.

during the mid-nineteenth century. From this point on, the focus of Waabizheshi and most other Ojibwe leaders throughout Wisconsin increasingly turned inward, while in Minnesota leaders like Bagone-giizhig tried to build broad, multi-band alliances as a way to resist American colonialism.<sup>277</sup> Following the failure in 1858 to secure the Reservation at Prairie Rice Lake, Waabizheshi spent the next nineteen years leading his community in relative isolation, successfully resisting efforts to remove his own community to the Lac Courte Oreilles Reservation, but making little to no effort to assert his influence in Ojibwe politics in Wisconsin or even within the Lac Courte Oreilles Band. It appears that Waabizheshi refused to participate in the selection of reservation lands at Lac Courte Oreilles in 1859. Moreover, Waabizheshi did not join Akiwenzii (leader of the community at Lac Courte Oreilles) and other Wisconsin Ojibwe leaders when they visited Washington in 1864 to present the president with a bi-lingual petition detailing grievances against the federal government.<sup>278</sup> No evidence exists that shows Waabizheshi leading any effort to resist or accommodate American colonialism beyond what impacted his own community.

A major change for the Ojibwe community of Rice Lake occurred in 1862 when Dakota people were expelled from Minnesota and contained on reservations in the Dakotas and Nebraska following the Dakota War. Warfare shaped much of day-to-day life for Ojibwe in Wisconsin and Minnesota in the nineteenth century, especially for Ojibwe communities of the fringe of Ojibwe territory such as Rice Lake. Nenaangabi rose to prominence through military success and was killed on the battlefield. With the removal of the Dakota from Minnesota, the extreme violence

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<sup>277</sup> Treuer, *The Assassination of Hole-in-the-Day*.

<sup>278</sup> Nichols, *Statement Made By The Indians*.

that had shaped the community for much of the nineteenth century vanished instantly. Despite repeated attempts by American officials to end the conflict throughout the nineteenth century it was only the complete expulsion of Dakota from Minnesota that finally ended Ojibwe-Dakota warfare. So intense was Ojibwe-Dakota warfare by the 1860's that when local whites in Menomonie tried unsuccessfully to get the Ojibwe of Rice Lake to enlist in the Civil War, the local newspaper remarked, "They, however, express a willingness to enlist if the Government would send them to fight the Sioux."<sup>279</sup>

The Ojibwe could now participate in hunting and other traditional labor activities down the Red Cedar River without fear of Dakota attack. These areas were richer in game than the heavily wooded areas around Rice Lake and points north, as the open prairie lands provided much more food sources near the ground for deer. In the heavily wooded areas further north, deer struggled to find food sources, as old growth forest canopy choked out sunlight that would enable food sources close to the ground to grow. In addition, these areas received less pressure from Ojibwe and Dakota hunters, as it was dangerous for both groups to venture into the area for fear of violence. However, this boon for Ojibwe quality of life was quickly offset by white settlement in this area. The lack of Native people in this "buffer zone" facilitated the movement of whites into the area in the 1860's and 1870's.

### **The Struggle to Define the Lac Courte Oreilles Reservation, 1858-1873**

With white settlement moving north, leaders of the Lac Courte Oreilles Band were anxious to have the boundaries of the reservation set. The treaty of 1854 called for the Lac Courte Oreilles Reservation to consist of three townships in an

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<sup>279</sup> *Dunn County Lumberman*, "The Indians as Volunteers," August 27, 1864, 3.

unspecified location. In 1858, Lac Courte Oreilles leaders selected three townships that encompassed rice-heavy Prairie Rice Lake, about 15 miles south of the Rice Lake community.

In his seminal work *History of the Ojibway People*, William Warren noted that the wild rice harvested at Prairie Rice Lake could feed 2000 people per season.<sup>280</sup> The Lac Courte Oreilles Band had a population of 858 people in 1857.<sup>281</sup> The selection of the reservation at this location illustrates the central role wild rice played for Ojibwe survival in Wisconsin. When considering where to locate their permanent home, the Lac Courte Oreilles Band selected Prairie Rice Lake, deeming it the most vital place to ensure Ojibwe survival into the future. While the document containing the selection of the reservation at Prairie Rice Lake did not contain any information about the deliberations of the leaders of the Lac Courte Oreilles Band, it is likely that Waabizheshi played a central role in the selection as his community was the closest to the area and his community no doubt utilized the area more than the rest of the Lac Courte Oreilles Band.<sup>282</sup>

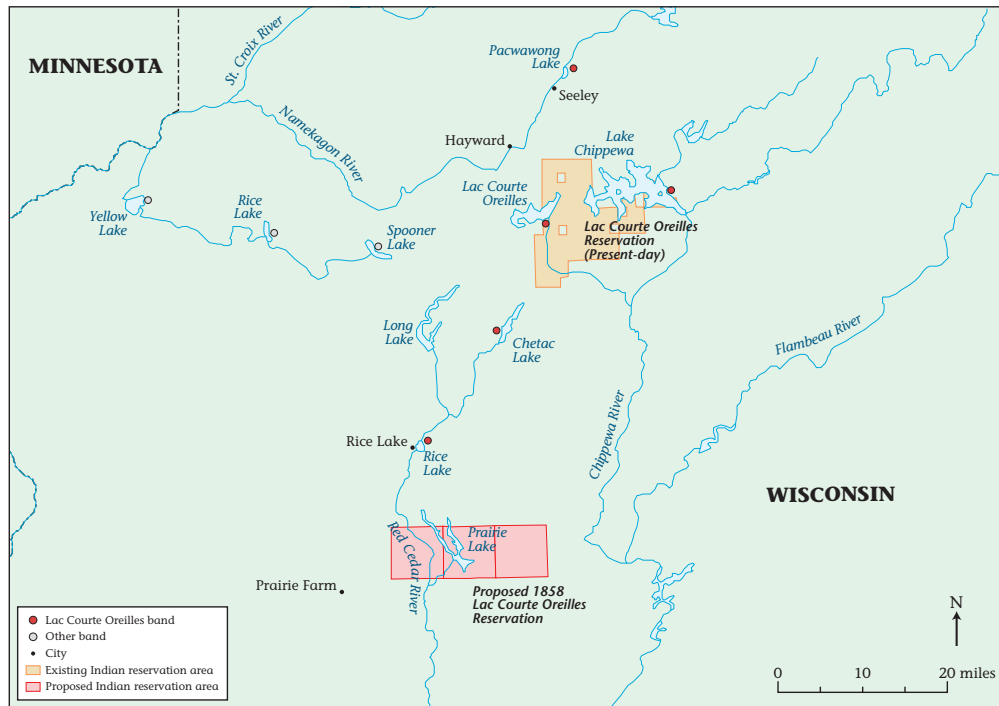
After failing to secure the reservation at Prairie Rice Lake, Waabizheshi attempted to thwart federal efforts to remove and confine his community, an endeavor he succeeded at throughout his twenty-two years as leader of the Rice Lake community. In March 1859, Interior Secretary Jacob Thompson approved the plan of Commissioner of Indian Affairs Charles E. Mix to remove Ojibwe from Rice Lake to a reservation at Lac Courte Oreilles, including appointment of a special agent for

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<sup>280</sup> Warren, *History of the Ojibwe People*, 309. Archeological evidence shows a number of pits for threshing rice on the east side of Prairie Rice Lake, known as Prairie Lake after a dam obliterated the rice on the lake. See Brown and Becker, "The Chetek and Rice Lakes," 102.

<sup>281</sup> Lake Superior Chippewa Annuity, 1857, MHS, M-390, Roll 1.

<sup>282</sup> A.M. Fitch to Charles E. Mix, May, 22, 1858 NARA RG 75, M-234, Roll 391, F:0480.



removal.<sup>283</sup> In the summer of 1859, special agent Matthias Martin held a gathering of Lac Courte Oreilles Band leaders. While not actually engaged in removing all Ojibwe from the Rice Lake, Martin’s strategy for removal involved locating the reservation at Lac Courte Oreilles, and not Prairie Rice Lake. This was not an easy task for Martin: “I had great difficulty to induce the Indians to make their selection from the township designated by the Department their understanding being that they should have the lands about Red Cedar Lake, and Lake Chetek the place where many of them are located.”<sup>284</sup> In fact, just as many people lived near Lac Courte Oreilles, but the rich hunting grounds south of Rice Lake and the rice of Prairie Rice Lake

<sup>283</sup> Jacob Thompson to Charles E. Mix, March 22, 1859, NARA RG 75, M-234, Roll 391, F:0713. Michigan Indian agent A.M. Fitch located areas around Lac Courte Oreilles where he felt the Reservation should be located. See A.M. Fitch to Charles E. Mix. March 25, 1859, NARA RG 75, M-234, M-234, Roll 391, F:0708.

<sup>284</sup> Matthias Martin to Charles E. Mix, June 26, 1859, NARA RG 75, M-234, Roll 391, F:0729.

made even those at the flagship community at Lac Courte Oreilles willing to remove south if the reservation was there. In 1831, when discussing the Ojibwe population at Rice Lake Henry Schoolcraft remarked: “it is evident that a very considerable additional population, particularly in men, resort there for the purpose of hunting a part of the year.”<sup>285</sup> Unfortunately, no account of the deliberation survives, so we can never know exactly what the role of Waabizheshi was in resisting the effort to locate the reservation at Lac Courte Oreilles. However, the influence of Waabizheshi can be seen by the fact that a large number of Ojibwe lived under his leadership and federal officials specifically targeted his community for removal.

On June 22, 1859, Lac Courte Oreilles Band leaders proposed their selections for the reservation under the direction of removal agent Matthias Martin. An oddly irregular shape, the proposed reservation encompassed the Ojibwe communities at Lac Courte Oreilles and Bakweyawaa, and included several areas near these communities utilized for wild rice. Six of the seven leaders of communities considered part of the Lac Courte Oreilles Band signed the document. In addition, St. Croix Band ogimaa Ayaabens signed the document, as federal officials sought to remove his community, located on another Rice Lake located directly west of Lac Courte Oreilles, to the new reservation, since no reservation for the St. Croix Band was provided in the 1854 Treaty. A leader by the name of Waabizheshi signed the document, but it is highly likely that this refers to the long time ogimaa of the Ojibwe community on the Chippewa River. While we can never know for sure that Waabizheshi of Rice Lake did not sign the document, it is more likely that he abstained from signing the document and highly unlikely that Waabizheshi of the

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<sup>285</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 124.

Chippewa River community would object since we know it was the Ojibwe at Rice Lake that were reluctant to remove and there is nothing in the historical record about the very small community on the Chippewa River objecting to the reservation being located at Lac Courte Oreilles.<sup>286</sup>

The selection of the reservation at Lac Courte Oreilles marks a watershed moment in the political career of Waabizheshi. There is nothing in surviving federal records about Waabizheshi following the failure to secure the reservation at Prairie Rice Lake. Not only did Waabizheshi not seek to extend his influence more broadly in Ojibwe politics like his father did, but after this point, Waabizheshi did not even seek influence within the Lac Courte Oreilles Band. Instead, this silence in the historical record suggests Waabizheshi's strategy was to focus solely on his own community at Rice Lake and thwart federal removal efforts. A central component of resisting removal to the reservation was forging relationships with the increasing number of white settlers in Rice Lake. Waabizheshi and his community sought an alternative to federal removal, striving to create a new, intercultural community at Rice Lake.

Despite the 1859 agreement to locate the reservation at Lac Courte Oreilles, it was still years before the reservation boundaries were set. In July 1863, the reservation was surveyed for the first time, four years after Lac Courte Oreilles Band leaders agreed to a preliminary reservation near Lac Courte Oreilles. The surveyor was instructed by Lake Superior Indian Agent Luther E. Webb: "You will consult

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<sup>286</sup> W.S. Cullen to Albert B. Greenwood, July 6, 1859, NARA RG 75, M-234, Roll 391, F:0555. Waabizheshi is rendered "Waw-be-shay-she or the 'Martin.'" The last annuity Waabizheshi of the Chippewa River village appears is in 1861, where he is listed as "Waw be zha she" (#952). See Lake Superior Chippewa Annuity, 1861, MHS, M-390, Roll 3.

with the Indians and as far as practicable carry out their wishes in the selection of the lands.” After succeeding in preventing the reservation at Prairie Rice Lake, federal officials were open to whatever selections Lac Courte Oreilles Band leaders made in the area around Lac Courte Oreilles, which, unlike the areas around Prairie Rice Lake, was nearly devoid of white settlers at the time. The surveyor reported, “I had council with Aw ke wen zee (sic), head chief who claimed that he was appointed by the chiefs to represent them by designating to the surveyor the lands they wanted embraced in their Reservation in as much as they could not agree among themselves.”<sup>287</sup> This reveals that selection of the reservation was highly contested. While there is no record of deliberations, it is likely that Waabizheshi played a role in the disagreement, given evidence that the Ojibwe at Rice Lake were staunchly opposed to removal to Lac Courte Oreilles. Furthermore, it illustrates how Akiwenzii was able to assume a central leadership role within the Lac Courte Oreilles Band as Waabizheshi withdrew from seeking influence within the Band to focus on his own community at Rice Lake. This dynamic is reflected in the Annual Report of the Commissioner of Indian Affairs for 1863, where Webb remarked that “the exterior boundary lines of the reservation have been defined and plainly marked, to the satisfaction of the Indians.”<sup>288</sup>

Despite being marked, the 1863 survey was not formally declared as the boundaries by the federal government. In 1865 Lac Courte Oreilles Band leaders

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<sup>287</sup> Clark W. Thompson to William P. Dole, November 14, 1863, NARA RG 75, M-234, Roll 393, F:0111.

<sup>288</sup> Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1863*, (Washington: Government Printing Office, 1864), 300.



pressured the government to make the reservation boundaries official.<sup>289</sup> With little white settlement in the Lac Courte Oreilles area, federal officials were in no hurry to define reservation lands. However, Akiwenzii was likely aware that settlement was pushing north and no doubt wanted the reservation defined when the settlers arrived. The boundaries were modified later that year, as swamplands were removed from the original selection and new lands were added to make up the difference.<sup>290</sup> Inactivity on the part of federal officials gave Waabizheshi opportunity to continue his opposition to locating the reservation at Lac Courte Oreilles throughout the 1860's. There is evidence that this led to friction between Waabizheshi and Akiwenzii. In 1868, new La Pointe Agent Asaph Whittlesey reported to the Commissioner Affairs that the annuity payment that was executed without problems, "With the exception of jealousies existing among the chiefs of the Lac Courte Oreille (sic) bands, growing out of the unsettled condition of their reservation lines."<sup>291</sup> However, the reservation boundaries were still not declared by 1870, due to federal efforts to remove all Wisconsin Ojibwe remove to the Bad River Reservation on Lake Superior.

The 1854 Treaty specified precise boundaries for the Bad River Reservation, while not specifying the boundaries for the Lac Courte Oreilles or Lac du Flambeau Reservations. Furthermore, the Bad River Reservation included six townships, compared to the three townships for Lac Courte Oreilles and Lac du Flambeau.<sup>292</sup> This suggests that treaty officials intended to concentrate all the Wisconsin Ojibwe on the larger Bad River Reservation in the future and not follow through with separate

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<sup>289</sup> Luther E. Webb to William P. Dole, January 18, 1865, NARA RG 75, M-234, Roll 393, F:0556.

<sup>290</sup> General Land Office to Dennis N. Cooley, July 21, 1866, NARA RG 75, M-234, Roll 393, F:0674.

<sup>291</sup> Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1868*, (Washington: Government Printing Office, 1868), 379.

<sup>292</sup> Treaty With the Chippewa, September 30, 1854, 10 Stats., 1109.

reservations for the Lac Courte Oreilles and Lac du Flambeau Bands. Immediately following the Treaty, Treaty Commissioner Henry Gilbert wrote Commissioner of Indian Affairs George Mannypenny about the Bad River Reservation, “I presume it will ultimately be the home of most of the Chippewas residing in that state.”<sup>293</sup> The concentration of Wisconsin Ojibwe on one or two reservations was first mentioned by La Pointe Agent Luther Webb in 1863, who noted that the reservations on Lake Superior were better suited to agriculture and would provide a more sustainable living as game in the interior was declining. However, Webb argued, “In my judgment, the voluntary movement of these Indians to the reservations on the lake will be a work of time.”<sup>294</sup>

Francis McElroy first proposed the concentration of Wisconsin Ojibwe at Bad River in 1864, noting the presence of educational facilities and agricultural instruction already on the Reservation. Elroy argued that concentrating the Wisconsin Ojibwe (along with the Fond du Lac Band in Minnesota) on one large reservation would be the most efficient way to achieve assimilation of all the Wisconsin Ojibwe.<sup>295</sup> A few months later, Commissioner of Indian Affairs William P. Dole officially recommended removing the interior Ojibwe to the lake:

the cost to the Indians of traveling to and from the agency at the annual payments is often nearly as much as the amount received. The best policy to be pursued would seem to be the abandonment, as soon as practicable, of these small reservations, and concentration of the Indians upon larger ones. The land thus abandoned would furnish, on being sold, a considerable fund for the benefit of the Indians.<sup>296</sup>

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<sup>293</sup> Henry C. Gilbert to George W. Mannypenny, October 17, 1854, National Archives and Records Administration, Records Group 75, Documents Relating to the Negotiation of Ratified and Unratified Treaties with Various Tribes of Indians, 1801-1869, T-494 Roll 5: 0134.

<sup>294</sup> Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1863*, 301.

<sup>295</sup> Francis McElroy to William P. Dole, October 18, 1864, NARA RG 75, M-234, Roll 393, F: 0466.

<sup>296</sup> Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1864*, (Washington: Government Printing Office, 1865), 41.

Ojibwe leaders responded to this by journeying to Washington to meet with President Abraham Lincoln. Included in the delegation were representatives from two of the three reservations that federal officials sought to dispose: Naagaanab, a Fond du Lac ogimaa, and Aamoons, a Lac du Flambeau ogimaa, were joined by three ogimaag from Bad River.<sup>297</sup>

As a result of the proposed removal to Bad River, the group hastily left for Washington in January 1865, before Akiwenzii could join them. Eerily echoing his first encounter with federal officials in the Treaty of 1837 when Minnesota Ojibwe leaders negotiated the sale of Lac Courte Oreilles lands before Akiwenzii even arrived, the leader fired off a letter to the Commissioner of Indian Affairs: “I wish the Commissioner of Indian Affairs not to make any arrangement or purchase that in any way effects my rights as chief of the Lake Courterille (sic) Band in Chippewa County as I wish to be present at the time of the sale and wish the whole matter be deferred until all the chiefs are present.”<sup>298</sup> Waabizheshi was not present with the group, despite the fact that he led the most populous and influential community of the Lac Courte Oreilles Band. Following the failure of the Lac Courte Oreilles to secure the reservation at Prairie Rice Lake, Waabizheshi’s strategy for resisting removal was solely building relationships with local whites and not engaging with federal officials. As a result, there is not one single letter in the federal archives authored by Waabizheshi, whereas several survive from Akiwenzii. In fact, Akiwenzii signed his

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<sup>297</sup> Akewenzie to William P. Dole, January 25, 1865, NARA RG 75, M-234, Roll 393, F: 0456.

<sup>298</sup> Ibid. In 1865, Chippewa County consisted of its current location plus much of the areas with then virtually no white settlement that would eventually become Sawyer, Washburn, Rusk, and other counties in present day Wisconsin.

letter as “chief of the Corterille (sic) Bands residing on the Reservation.”<sup>299</sup> This reflects the growing distance between Waabizheshi’s community and the communities at Lac Courte Oreilles and Bakweyawaa. This separation would only increase in the coming years, as the communities “on the reservation” accommodated federal initiatives whereas Waabizheshi’s community resisted any federal authority. This was even more the case when Giishkitawag became ogimaa following Waabizheshi’s death. Furthermore, with his refusal to participate in the 1865 delegation, Waabizheshi did not join other Lake Superior Ojibwe leaders in broader strategies of resistance that characterized Nenaangabi’s leadership.

Akiwenzii caught up to the main group and they met with President Lincoln. The group was successful in stalling removal to Bad River and in getting their next annuity paid in gold coin instead of paper currency.<sup>300</sup> The leaders also presented Lincoln with a bi-lingual petition, written by Joseph Gurnoe, a government official of mixed descent, detailing all the money the Ojibwe were due under prior treaties.<sup>301</sup> The success of the Washington delegation was fleeting, however, and federal officials persisted in their talk to remove the Wisconsin Ojibwe to Bad River. The very next year, new Commissioner of Indian Affairs Dennis Cooley argued: “Scattered as these bands of Chippewa are, it is difficult to do anything effectual for them in the way of education. Were they concentrated upon a single reservation, we might hope to do

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<sup>299</sup> Ibid.

<sup>300</sup> Luther E. Webb to Dennis Cooley, April 24, 1866, NARA RG 75, M-234, Roll 393, F: 0743. In areas with little effective American control, paper currency was often useless while the value of gold coin was strong in all areas. This was a reoccurring theme throughout era of annuity payments, which stretched from the Treaty of Fond du Lac in 1826 to the last annuity payment to the Lake Superior Ojibwe in 1875.

<sup>301</sup> Nichols, *Statement Made By The Indians*. In his introduction to the document, Nichols does not mention the Bad River removal threat as being the motivation for the trip, but Akiwenzii’s letter makes this clear.

them some good.”<sup>302</sup> In 1869, La Pointe Agent Whittlesey argued that annuities from the treaties would soon expire and that the Ojibwe would be more likely to agree to selling the reservations and removing to the lake.<sup>303</sup> Again in 1870, Superior Indian Agent (the La Pointe agency was temporarily relocated to Superior) John Knight wrote the Commissioner of Indian Affairs: “I cannot too earnestly urge upon you the great necessity of concentrating these Indians upon one reservation.”<sup>304</sup>

In early 1872, new La Pointe agent Selden Clark proposed all the Wisconsin Ojibwe remove to Bad River. At the time there were 3500 Ojibwe in Wisconsin and Clark argued, “The reservation of so much land for the comparatively small number of Indians is inconsistent with the rapid increase of the white population and the multiplication of railroads.” Common to most justifications for removal, the agent noted that Lac Courte Oreilles and Lac du Flambeau were remote areas that made it difficult to enforce federal liquor laws banning sale of alcohol to Indians. Likewise, Clark argued that removal was necessary in order to Christianize the Ojibwe. Clark noted that removal would include the St. Croix Ojibwe, who did not secure a reservation in the 1854 Treaty. Clark argued that timing was critical, as 1875 was the year of their last annuity, and the agent worried that greater poverty would result. Clark noted that both reservations were in the area of rich pinelands. The agent suggested the reservation lands be sold and the proceeds kept in an account managed by the federal government, the interest of which would fund education for the

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<sup>302</sup> Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1866*, (Washington: Government Printing Office, 1866), 59.

<sup>303</sup> Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1869*, (Washington: Government Printing Office, 1870), 426.

<sup>304</sup> Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1870*, (Washington: Government Printing Office, 1870), 309-310.

Ojibwe.<sup>305</sup> It is clear that Clark intended the sale to be before the harvesting of timber and not after the lands had been cutover, so the Ojibwe could reap the rewards of their timber profits.

After nine years and a cast of rotating bureaucrats, it was Clark's arguments that finally caused Congress to act. On May 29, 1872, the removal of the Lac Courte Oreilles, Lac du Flambeau, and Fond du Lac Ojibwe to Bad River was signed into law as part of the Appropriation Bill.<sup>306</sup> However, in June Secretary of Interior Columbus Delano instructed Commissioner of Indian Affairs Francis A. Walker to secure the consent of each Ojibwe Band prior to beginning removal.<sup>307</sup> The Lac Courte Oreilles flatly refused their consent.<sup>308</sup> This pushed the federal government to formally declare the boundaries of the Lac Courte Oreilles Reservation on March 1, 1873 based on the 1859 selections and modifications made in 1865.<sup>309</sup> This effectively ended the threat of removal to Bad River. Wisconsin Ojibwe were able to successfully resist removal to one large reservation at a time when Ojibwe in central Minnesota were fighting a very similar battle to avoid removal to the White Earth Reservation despite earlier treaties calling for reservations within the territory of the Minnesota Bands. However, the Minnesota Ojibwe were not nearly as successful.

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<sup>305</sup> Selden N. Clark to Francis A. Walker, February 1, 1872, NARA RG 75, M-234, Roll 394, F:1009.  
<sup>306</sup> 17 Stats., 190.

<sup>307</sup> Columbus Delano to Francis A. Walker, June 12, 1872, NARA RG 75, M-234, Roll 394, F:1028.

<sup>308</sup> Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1872*, (Washington: Government Printing Office, 1872), 87. Leaders at Fond du Lac claimed their consent was given fraudulently, that federal officials lured the some Fond du Lac men to Bad River for jobs logging and not telling them that they were also consenting to removal by doing so. Opposition of Fond du Lac leaders to removal to Bad River led La Pointe Isaac Mahan agent to postpone removal in 1874. While the agent remained committed to removal of Fond du Lac and Lac du Flambeau Ojibwe to Bad River, continued opposition of Ojibwe leaders led to non-enforcement of the policy. See Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1874*, (Washington: Government Printing Office, 1874), 189.

<sup>309</sup> Text of the orders is found in Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1882*, (Washington: Government Printing Office, 1882), 300.

The 1855 Treaty of Washington called for reservations at Mille Lacs, Rabbit Lake, Gull Lake, and Sandy Lake, yet today only the Mille Lacs Reservation remains as the rest of these Bands were concentrated on the White Earth Reservation in the late nineteenth century.<sup>310</sup>

While the Lac Courte Oreilles Band successfully resisted removal to Bad River, the band faced pressure to remove and to be contained on the reservation for the rest of the nineteenth century. The reservation boundaries only encompassed the communities at Lac Courte Oreilles and Bakweyawa. In addition to Waabizheshi's community at Rice Lake, communities outside the reservation included Lake Chetac, two on the Chippewa River, and at Pacwawong Lake on the Namekagon River. Furthermore, even the two communities located within the reservation boundaries were impacted by federal efforts to contain the Ojibwe on the reservation. Ojibwe people rarely confined themselves to the village site. Traditional labor activities such as hunting required large territory. Even in the summer, Ojibwe people utilized a wide area for activities such as harvest of berries.<sup>311</sup>

Prior to the establishment of the reservation, the only federal officials were stationed at La Pointe, over 120 miles from Manoominikaan. Establishment of the Lac Courte Oreilles Reservation brought federal officials closer to the Ojibwe at Rice Lake. In accordance with federal assimilation policies of the time, the Bureau of Indian Affairs stationed an official on every reservation to teach Native people about agriculture, accordingly called the "farmer." At Lac Courte Oreilles and other isolated reservations within a larger Agency, the farmer was oversaw all federal

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<sup>310</sup> Treaty With the Chippewa, February 22, 1855, 10 Stat., 1165.

<sup>311</sup> See Densmore, *Chippewa Customs*, 119-123.

directives on the reservation. One of the first acts of farmer Joseph Holt in 1873 was building Akiwenzii a house.<sup>312</sup> Akiwenzii's house was an important statement of federal goals of assimilation in the area. The relationship established between the farmer and Akiwenzii's community at Lac Courte Oreilles (and to a lesser extent the communities at Bakweyawa) would distinguish these communities from communities off-reservation, especially Manoominikaan. Increasingly, federal officials thought of the on-reservation communities as the "good Indians" and those stubbornly remaining off reservation as the "problem Indians."

The establishment of the reservation brought not just a farmer to Lac Courte Oreilles, but also a day school, opened in July 1873. 110 students attended the school on-and off the first school year, attendance being spotty as many students joined their families throughout the year for seasonal labor, something federal officials battled until the opening of the Hayward Indian School in 1901, which was a boarding school.<sup>313</sup> Nevertheless, the school represented yet another federal presence that came with the establishment of the reservation in 1873. Despite this, establishment of the reservation did not spur removal of Ojibwe communities to the reservation or end the practice of off-reservation treaty rights in the ceded territory. Instead, Lac Courte Oreilles Band Ojibwe would continue to remain in traditional areas to practice traditional labor activities for at least another two decades. Furthermore, Ojibwe participation in wage labor in the timber industry off-reservation acted to undermine the efforts to remove and contain Ojibwe on the reservation.

### **Traditional Labor and the Timber Industry**

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<sup>312</sup> *Annual Report of the Commissioner of Indian Affairs for the Year 1874*, 194.

<sup>313</sup> *Ibid.*, 195.



In 1875, the last annuity payment from treaties was issued. This economic pinch on Ojibwe families was somewhat alleviated by economic opportunities in logging camps off-reservation. However, the short-term economic opportunities for work in timber operations were offset by the devastation the timber industry caused to wild rice throughout the ceded territory. Beginning in the 1860's, logging of ceded territory moved rapidly northward, year by year. The production of lumber mills in Chippewa Falls exploded from 60 million board feet in 1860 to 436 million board feet in 1871.<sup>314</sup> The territory of the Lac Courte Oreilles Band is defined by the Chippewa Valley as all of the communities are either on the Chippewa River or on a waterway that empties into the Chippewa River: the outlet to Lac Courte Oreilles is the Couderay River, which joins with the Chippewa a few miles south of the Reservation, and both Lake Chetac and Rice Lake are part of the Red Cedar River, which empties into the Chippewa River south of Chippewa Falls.

The Treaty of 1837 that Nенаа'angabi refused to sign was pivotal in American history. While the treaty brought few settlers in the mid-nineteenth century, America was quite literally built on the treaty, as Wisconsin white pine supplied new home and business construction on both the east and west coast. Historian William Cronen saw the harvest of old growth white pine in Wisconsin, Michigan, and Minnesota as critical to the development of the West: "Americans who contemplated the future of the Great West at midcentury understood that settling the western prairies meant cutting the northern forests." White pine was central to this, as Cronen put it "they

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<sup>314</sup> Robert F. Fries, *Empire In Pine: The Story of Lumbering in Wisconsin, 1830-1900*, (Madison: State Historical Society of Wisconsin, 1951).

more than any other tree were lords of the north country.”<sup>315</sup> White pine is the ideal wood for building construction as it is light and easy to work with. Even more importantly, it easily floated down the many rivers of northern Wisconsin for processing in sawmills downstream. This was crucial in decades prior to railroads. While all Ojibwe lands in Wisconsin, Michigan, and Minnesota were rich with timber, the forests in the Chippewa River Valley were particularly rich in white pine. The Chippewa Valley alone contained one-sixth of the white pine west of the Appalachians. Beginning near Chippewa Falls, logging operations moved north up the Chippewa River, clear-cutting forests and opening land up for white settlers to begin the enormous task of clearing cutover stumpland for farms. While eventually all the old-growth white pine was cut, Wisconsin still lead the nation in white pine production as late as 1900.<sup>316</sup>

Logging in northern Wisconsin accelerated after 1853 when the Knapp, Stout Company was founded in Menomonie, 60 miles downstream on the Red Cedar River from Rice Lake. The corporation was a juggernaut, amassing a fortune in Wisconsin’s pine forests within a few years of its founding. Within a decade it was the largest lumber corporation in the state. The site for the city of Rice Lake was logged in the 1860’s. Most devastating for Ojibwe people, however, was the building of a dam on Rice Lake in 1864, which destroyed nearly all of the rice on the lake by significantly raising the water level. Today there is no rice in Rice Lake. This event, more than any other, would destroy the ability of the Ojibwe community at Rice Lake to support itself and avoid removal to the reservation. White settlement continued

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<sup>315</sup> William Cronon, *Nature’s Metropolis: Chicago and the Great West*, (New York: W.W. Norton, 1992), 151 and 154.

<sup>316</sup> Fries, *Empire In Pine*.

with the construction of a sawmill in 1871 and labor needed for the processing of timber at Rice Lake. The Barron County (later Rice Lake) *Chronotype* published its first edition in September 9, 1874 and the city of Rice Lake was formally founded in 1875.<sup>317</sup>

While clear-cutting of old-growth forest may seem horrendous to us today, logging actually increased Ojibwe economic livelihood for some Ojibwe families. Logging provided wage income for Ojibwe men in the harsh winter months, a time of the year when historically Ojibwe people struggled to survive. Furthermore, deer populations exploded in the ceded territory in the wake of clear cutting, as the cutover provided much more food on the ground for deer in the form of forest litter from logging and plant growth on the forest floor that was no longer blocked out by the canopy of massive old growth trees. According to Wildlife Biologist Robert Willging:

The wholesale and rapid conversion of the mature northern forest into a vast area of “cutover”—a mess of stumps and slash prone to wildfire—had a great impact on whitetail numbers. As each new tract of big woods was logged and the trees carted off to the mills, new, young growth—shrubs, forbs, and young, succulent tree growth—replaced the big trees. Ironically the devastation of the pineries greatly improved deer habitat.<sup>318</sup>

Ojibwe people no longer had to travel long distances down the Red Cedar or Chippewa Rivers to more open areas to find deer.

However, despite the increase in deer in the ceded territory, the destruction of rice beds through the creation of dams by timber industry posed an unprecedented threat to Ojibwe sovereignty and quality of life. Dams were central to timber operations prior to railroads, as logs were transported down rivers to sawmills in

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<sup>317</sup> Alvah T. Axtell, *The First Fifty Years: Rice Lake, Wisconsin, 1875-1925*, (Rice Lake, WI: Chronotype Publications, 1980).

<sup>318</sup> Robert C. Willging, *On the Hunt: The History of Deer Hunting in Wisconsin*, (Madison: Wisconsin Historical Society Press, 2008), 46.

Chippewa Falls, Menomonie, and after 1871, Rice Lake. Logs were moved to lakes by horses and oxen where they were cached over the winter until spring thaws moved the logs downstream to the sawmill. Dams were built on most lakes that were connected to rivers to raise water levels so that the lake could hold more logs.<sup>319</sup> The use of rivers to transport logs meant that all of the lakes that were attached to the Red Cedar River, including Rice Lake and Prairie Rice Lake, were flooded by timber operations to move logs down the Red Cedar to Menomonie.

Dams devastated rice crops. In the 1864 bi-lingual petition, Akiwenzii and the other Ojibwe leaders explained that at the council for the Treaty of 1837, Ojibwe leaders were explicit that timber harvests should not interfere with traditional Ojibwe labor, of which ricing was central: “ji-nishiwanaajitoosiwan maandan manoomin: That you may not destroy the rice in working the timber.”<sup>320</sup> In 1921, Lac Courte Oreilles tribal member Jim Bennet testified about the devastating impact the flooding from dams has on wild rice:

It is very tender at that time, the roots are tender, and if there is a sudden rise of water it pulls out the rice straws from the bottom or else after the flood goes down it is so weak that it falls over. Any disturbance of high water on the rice at certain periods when it is tender, before it is ripe, has usually the effect of either the roots pulling loose or the rice falling over.<sup>321</sup>

While Bennet’s testimony was in a hearing about the building of a dam on the Chippewa River that eventually created the Chippewa Flowage and destroyed reservation wild rice beds, the destruction of wild rice that Bennet described was the same in the nineteenth century.

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<sup>319</sup> Fries, *Empire In Pine*.

<sup>320</sup> Nichols, *Statement Made By The Indians*, 44 (Fiero Ojibwe) & 15 (English).

<sup>321</sup> “Memoirs of Ward Winton,” *Historical Collections of Washburn County and the Surrounding Indianhead Country*, Volume 1, E. Ward Winton and Kay Brown Winton, eds., (Shell Lake, WI: White Birch Printing, 1980), 55.

By the summer of 1864, the Ojibwe were very nervous about the increasing dams on the Red Cedar. Menomonie's weekly newspaper, the *Dunn County*

*Lumberman*, reported:

It is said that the Indians along the Red Cedar and adjacent streams, are very indignant against the dams that have been built to facilitate the bringing out the logs. They represent that the high water will prevent them from gathering their annual supply of wild rice, and they threaten to make a 'fuss' if they cannot have an opportunity to gather their rice. They say they may as well be killed in a row as to die next winter from want of rice.<sup>322</sup>

These fears proved were correct that fall when the Knapp, Stout Company built a dam on Rice Lake. Despite the devastating blow to Ojibwe survival that the dam at Rice Lake posed, surviving historical evidence suggests that Waabizheshi and the Ojibwe at Rice Lake pursued a pragmatic, non-violent approach. Writing in 1922, Newton S. Gordon noted in his *History of Barron County*, "When the dam was built at Rice Lake, late in the sixties, raising the water and flooding the rice fields, the Indians were much incensed, and for awhile danger was threatened, but the excitement in time died down."<sup>323</sup> A more detailed account came from early Rice Lake settler Horace Drake, who remembered in 1928, "the Indians were furious and threatened to kill the settlers here and tear out the dam. The Indians from a large territory gathered in the neighborhood and the settlers in the vicinity were terrified."<sup>324</sup>

In order to avoid violence, the Knapp, Stout Company was forced to enter into a treaty with the Ojibwe. Drake did not recall the exact terms of the treaty, but it included food provisions such as flour and pork to make up for the rice that was destroyed. The fact that the Knapp, Stout Company had to enter into a treaty with the

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<sup>322</sup> *Dunn County Lumberman*, "Indians Again," August 13, 1864, 3.

<sup>323</sup> Newton S. Gordon, *History of Barron County, Wisconsin*, (Minneapolis: H.C. Cooper, Jr. & Co., 1922), 27.

<sup>324</sup> *Rice Lake Chronotype*, "Indians and Logging Camps on Site of Rice Lake in 1877," January 18, 1928.

Ojibwe tells us about the amount of sovereignty the Ojibwe exercised at this particular moment. According to the text of the Treaty of 1837, the Ojibwe ceded Rice Lake. However, twenty-seven years later, American claim of ownership on the area was mere rhetoric. The treaty that Drake claimed the Knapp, Stout Company made with the Ojibwe does not survive and no other references to the treaty exist.<sup>325</sup> The treaty was not mentioned in an account left by Knapp, Stout Company superintendent James Bracklin. Bracklin, Rice Lake's first mayor, was married to Waabizheshi's sister Ashweia in the 1860's, a marriage that produced two children. According to Bracklin, "we had consulted with the old Chief several times and tried to settle matters with him, but without coming to any understanding that was satisfactory to him."<sup>326</sup> In this account, taken down shortly before Bracklin's death in 1900, Bracklin did not identify the "old Chief" as Waabizheshi nor mention his marriage to Waabizheshi's sister. Bracklin's kinship ties to Waabizheshi may have been the reason the Ojibwe at Rice Lake did not commit to violence when the rice in Rice Lake was flooded. Bracklin linked the events to the disappearance of two Stillwater lumbermen while on an expedition near Balsam Lake, Wisconsin in June 1864. Over the summer of 1864, searchers looked for the men in vain. By late August hundreds of Ojibwe from many bands were camped at Rice Lake and Prairie Rice Lake for ricing. It was then that the "old Chetek Chief," presumably Waabizheshi, heard a rumor that troops were coming up the Red Cedar from Menomonie to investigate the matter.

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<sup>325</sup> The treaty or any mention of it is not included in the Knapp-Stout Company Papers which are held at the University of Wisconsin-Stout in Menomonie.

<sup>326</sup> James Bracklin, "A Tragedy of the Wisconsin Pinery," *The Wisconsin Magazine of History* 3: 1 (September 1919), 42-51.

Motivated by the rumor of the impending troops, the “old Chetek chief” requested that Bracklin and Samuel Barker, a trader who operated a store just north of Rice Lake at a logging camp named Louseburg, meet him at Prairie Rice Lake. According to Bracklin, “the Chief thought a great deal of Barker.” Meeting near Prairie Rice Lake “out in the jack pines in a secluded place,” Waabizheshi confirmed Bracklin’s suspicion that the lumbermen were murdered by two Ojibwe men. Waabizheshi claimed that the murders were motivated by money, as one of the victims was carrying \$1,500 on his person. To put this amount of money in the perspective of its value in the nineteenth century, the last annuity payment the Lac Courte Oreilles Band received in 1874 was \$1032 for the entire band of 1074 people. Waabizheshi called the meeting with Bracklin and Barker “as his band did not have anything to do with this murder he wanted us to protect his band and tell the commander of the troops that they were good Indians.” No doubt with the events of the Dakota War just two years prior, the rumor about the troops motivated Waabizheshi to avoid violence in order protect his community. Waabizheshi’s strategy to accomplish these ends was to draw on his apparently good relationship with Barker, someone who had the potential to articulate Ojibwe interests to outsiders. This would have been sound diplomacy, except for the fact that Bracklin was purposefully lying to the Ojibwe: there were no troops coming. Bracklin wrote, “We knew that there were no troops coming, and that there was no danger in that direction to the old Chief, but told him that we would look after interests.”<sup>327</sup>

Shortly after their meeting with Waabizheshi, one of the murderers showed up at Louseburg. According to Bracklin, there were 75-100 Ojibwe camped at

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<sup>327</sup> Ibid. and Lac Courte Oreilles Chippewa Annuity, November 14, 1874, MHS M-390, Roll 2.

Louseburg. Barker sent for Bracklin, and the pair decided to capture the man themselves instead of waiting for backup from Chetek. Barker lured the murderer into his store, and when the man realized he was about to be captured, he lunged for the door. Barker grabbed him by the wrist and then Bracklin grabbed the man by the hair and pulled him back into the store. Then some of the Ojibwe camped there broke the door down, grabbed the man by the legs and essentially played tug-of-war with Bracklin and Barker. This went on for an hour. By the end of it, the man himself was injured and unable to escape on his own. Bracklin and Barker were aided by Barker's size. At six-foot, Bracklin described him as "a giant in strength, and brave as a lion." Having reached an impasse, the Ojibwe there sent for reinforcements from the Yellow River of the St. Croix Band.<sup>328</sup> Given that the murder occurred near Balsam Lake (which is still today the home of a St. Croix Band community) and Waabizheshi's assertion that the murderers were not associated with his community, it is likely that the man was from the St. Croix Band.

In any case, when the Ojibwe from the Yellow River arrived, they demanded the release of the prisoner. Bracklin and Barker refused, saying he would be sent to Stillwater for trial. They then snuck out a messenger to go to Menomonie for troops. The messenger was shot at by the Ojibwe, but made his escape. The rest of the day was a tense standoff. However, rumors of as many as twenty-five wagons of troops moving north circulated among the Ojibwe at Louseburg. With troops apparently on the way, the Ojibwe smuggled a gun to the murderer. After visiting his mother and sister (a moment Bracklin called "very touching"), the prisoner sang a death song and then shot himself around nine that evening. The next day the Bracklin met the troops

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<sup>328</sup> Ibid.



at Rice Lake, “The Indians there wanted protection from the army, but the army came and there were only seventeen men, and so we sat around and visited and talked the matter over that night and they went back.”<sup>329</sup>

Major violence was avoided that day at Rice Lake through the diplomacy of Waabizheshi and the deceit of Bracklin and Barker. Writing decades later, Bracklin, now the Mayor of Rice Lake, saw it as a watershed moment: “I tell you that after we got started in that scrape we had to stay in it, or else there would have been no living in that part of the country. If they had got that Indian away from us, we could not have stayed there.”<sup>330</sup> The murder of the two Stillwater lumberman by St. Croix Ojibwe had nothing and everything to do with understanding why Waabizheshi did not lead the community to war when Rice Lake was flooded. The threat of troops motivated Waabizheshi to use diplomacy over violence. A dam was built on Prairie Rice Lake shortly thereafter. Even less is known about the events surrounding this event or why the Ojibwe did not rise to violence to prevent the dam. The heightened water levels destroyed nearly all of the rice. The lake that William Warren claimed could feed 2000 people in the nineteenth century is now called Prairie Lake, as white settlers renamed the lake since there was no rice there anymore.

Armed resistance would have been a viable option for the Ojibwe in the 1860’s. Nenaangabi success as a leader was built on military achievement: the growth and increased importance of the community and its leader was sustained only

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<sup>329</sup> Ibid. An account of these events also appears in “An Indian Commits Suicide, *Dunn County Lumberman*, September 17, 1864, 3. The newspaper’s account of the events is exactly the same with the exception that the newspaper claimed that the murderer tried to fire at Barker and then turned the gun on himself. Bracklin made no mention of this, and it stands to reason that if the gun failed to discharge on Barker, why would the murderer expect the gun to work when turned it on himself. The other murderer took his own life as well, however, without any struggle, near where the crime was committed. See “Another Indian Suicide,” *Dunn County Lumberman*, October 1, 1864, 3.

<sup>330</sup> Ibid., 51.

by the ability to defend it. In 1831, Henry Schoolcraft wrote: “I found at Rice Lake a band of Chippewas, most of them young men, having a prompt and martial air, encamped in a very compact form, and prepared, at a moment’s notice, for action.”<sup>331</sup> Only two years after the Dakota were removed from Minnesota, the Ojibwe at Rice Lake were effective and experienced warriors. In the 1860’s the white population of Rice Lake was still less than the 200 Ojibwe in the immediate area, let alone 1000 more of the Lac Courte Oreilles Band. Furthermore, most of the whites at Rice Lake in the 1860’s were single laborers without families or an individual economic stake in the area, such as a farm. Despite this, Waabizheshi and the community saw exchange as a better alternative to violence as a strategy for remaining at Rice Lake.

It cannot be overstated how devastating the flooding of rice beds was to Ojibwe quality of life. The entire basis of seasonal labor for Ojibwe people rested upon wild rice and its ability to be stored throughout the harsh winter months without spoiling. For the Ojibwe community at Rice Lake it was the destruction of rice beds at Rice Lake and Prairie Rice Lake by timber corporations that most weakened the community by threatening the very survival of its members. Likewise, a notable aspect of the treaty that Drake claimed was made by the Knapp, Stout Company was the payment of pork and flour for the wild rice that the Ojibwe lost. The direct substitution of pork and flour for wild rice is another way colonialism impacted the Ojibwe by introducing cheap, unhealthy food to Ojibwe communities instead of healthier, traditional foods. Less healthy goods such as pork and flour were common staples of treaty annuities and government provisions to the present day. As Ojibwe communities today struggle with high rates of diabetes and other health problems,

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<sup>331</sup> Schoolcraft, *Schoolcraft’s Expedition to Lake Itasca*, 123.

this illustrates how the destruction of wild rice in the nineteenth century continues to threaten Ojibwe sovereignty and survival.

### **Traditional Labor and Climate**

In the midst of dramatic ecological transformations due to logging, the Ojibwe at Rice Lake also had to contend with the most unstable climatic conditions of the nineteenth century. In 1870, Superior Indian Agent John Knight reported to the Commissioner of Indian Affairs “Owing to the heavy cold rains of the summer and fall of 1869 the rice was destroyed, and has not appeared in quantities heretofore found.”<sup>332</sup> Later, the strongest El Nino of the nineteenth century occurred during the late 1870’s, resulting in extremely mild winters throughout the western Great Lakes, the warmest occurring in 1877-1878. During this winter, Minneapolis (100 miles away, the nearest location to Rice Lake with surviving climate records) recorded high temperatures in the 50’s during the week of Christmas, farmers in southern Minnesota began planting in February, and lakes in southern Minnesota did not freeze over.<sup>333</sup> Even in far northern Minnesota the climate was abnormally mild. In January, La Pointe Agent Isaac Mahan was frustrated at the inability to get annuity goods to the Bois Forte Band by sled due to the complete lack of snow on the ground.<sup>334</sup>

The impact of abnormally warm weather on Ojibwe labor activities was mixed. While mild temperatures may have made life during the winter more bearable, extreme climate variations can be devastating to yields of Ojibwe mainstays. Maple sugar is vulnerable to temperature change, as sustained periods of

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<sup>332</sup> *Annual Report of the Commissioner of Indian Affairs for the Year 1870*, 309.

<sup>333</sup> Mark Seeley, *Minnesota Weather Almanac*, (St. Paul: Minnesota Historical Society Press, 2006). Many thanks to Professor Seeley for sitting down with me and helping me assess the impact of climate variation on Ojibwe labor practices.

<sup>334</sup> Isaac Mahan to Ezra A. Hayt, January 11, 1878, NARA RG 75, M-234, Roll 398, F:0177.

high temperatures just above freezing during the day results in a high yield.

Likewise, if spring comes too early, and temperatures get too warm right away, the effect on maple sugar production is devastating, as the sap only runs for a few days and then quits.<sup>335</sup> Wild rice is a somewhat different story, as there are many variables that can make a good or bad rice crop. Aside from temperature fluctuations, extremes in precipitation devastate rice yields. Furthermore, there is variance by body of water: a good year on one lake does not necessarily mean a good year on another.<sup>336</sup>

The mixed impact of the mild El Niño weather was apparent in a July 1877 account of the Ojibwe in the *Barron County Chronotype*:

From recent information we learn that the Indians on the Lac Court de O'Reilles (sic) reserve are in rather a pitiful plight many of them being on the verge of starvation. Last year their wild rice crop was a total failure, and they were only able to get half a crop of sugar. This supply gave out early in the spring and they were obliged to depend entirely on hunting and fishing for their subsistence. This year they have had another very poor sugar season, many families securing but 125 pounds who in a good season put up 500 pounds. During the month of June and this far in July the weather has been so stormy on the reserve, that for days at a time they were unable to either hunt or fish... Some of the Indians have a little money, but the distance that would have to be traveled to obtain food is so great that their families would starve while they were gone. This year they have the promise of a very large wild rice crop, and the rice will be ripe one month earlier than was ever known to the oldest Indian.<sup>337</sup>

This account provides a detailed description of the impact of mild El Niño conditions on maple sugar and rice yields. Many whites tended to view Ojibwe labor activities as primitive, and inferior to white labor activities, in particular agriculture. This resulted in many descriptions of Ojibwe labor activities that used fluctuations in Ojibwe seasonal yield as proof that Ojibwe people needed to give up traditional labor

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<sup>335</sup> These are observations based on the author's experience in maple sugar production. This is exactly what happened during the spring of 2012. For more on the role of seasonal climate variables on Ojibwe maple sugar production see Frances Densmore, "Uses of Plants by the Chippewa Indians," *Forty-Fourth Annual Report of the Bureau of American Ethnology* (Washington: G.P.O., 1928), 308-313.

<sup>336</sup> These are observations based on the author's experience in wild rice production. For more on the role of seasonal climate variables on Ojibwe wild rice production see Vennum, *Wild Rice and the Ojibway People*.

<sup>337</sup> *Barron County Chronotype*, July 19, 1877, 3.

and adopt white labor. However, this quote is a somewhat more balanced in its assessment of the impact of the El Nino on Ojibwe seasonal yield. Warm weather clearly devastated maple sugar yields in northwest Wisconsin in 1876 and 1877. It is not clear what impact the El Nino had on the failure wild rice crop in 1876. It may have been abnormal precipitation during that summer led to the wild rice failure. However, in 1877, the mild winter led to the earliest rice crop in memory.

Just a few years later, the climatic pendulum swung the other way. The winter of 1880-1881 was known as the “Long Winter” in the upper Midwest, immortalized in Laura Ingalls Wilder’s book of that name detailing the struggles her family faced that winter while living in eastern South Dakota.<sup>338</sup> During the “Long Winter” there was heavy snowfall recorded at St. Paul every month from October to April.<sup>339</sup> The presence of snowfall for such an extended period indicates freezing temperatures to maintain that snowfall, meaning that the above freezing conditions need to begin maple sap runs would have occurred in April at the earliest. Spring spearing of spawning walleyes would have been delayed as well, as walleyes spawn when the ice has gone off lakes, a process that takes many days of above freezing weather. Wild rice harvest was likely impacted as well. The result of such a long winter in all these labor activities no doubt resulted in a reduced yields, as all of these staples require sustained periods of gradual warming for productive harvest. Abrupt warming from colder than normal weather to typical seasonal weather, often results in reduced yields. For example, when spring temperatures get too warm too quickly, walleye

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<sup>338</sup> Laura Ingalls Wilder, *The Long Winter*, (New York: Harper & Brothers, 1940).

<sup>339</sup> Seeley, *Minnesota Weather Almanac*.

spawns only last a few nights and tend to occur in all places at the same time, making the spring spearing season short and yields greatly reduced.

Climate variation no doubt had an impact on the Ojibwe at Rice Lake that coincided with ecological transformations of northern Wisconsin due to clear-cutting of northern Wisconsin's forests. While the Ojibwe had always dealt with variations in climate, the weather of the 1870's and 1880's was extreme and threatened the survival of the community at a time when white settlers were eager to contain the Ojibwe on the Reservation. Despite the challenges posed by climate extremes and the devastation of rice beds at Rice Lake and Prairie Rice Lake in the 1860's the Ojibwe remained at Rice Lake and continued to practice traditional labor in the area throughout the 1870's and 1880's. Ricing continued in areas less affected by dam construction, such as Little Rice Lake south of the Rice Lake.<sup>340</sup> At Prairie Rice Lake, archeological evidence unearthed a rice camp on the east side of the lake, where some rice remained, that non-Native settlers claimed was used by the Ojibwe after 1870.<sup>341</sup> A major site for the Ojibwe of Rice Lake was at Howard's Point on the west side of the lake, where archeological excavations revealed gardens just to the north. In 1879 and 1880, residents of the city of Rice Lake were uneasy when a major Midewiwin ceremony was held there.<sup>342</sup> These many sites provide evidence that for Ojibwe people, the community was not just one fixed location of a village site, but encompassed a very large area. Traditional labor required a large areas to be utilized, something that increasingly clashed with white use of land.

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<sup>340</sup> *Barron County Chronotype*, August 30, 1877, 3.

<sup>341</sup> Brown and Becker, "The Chetek and Rice Lakes," 97.

<sup>342</sup> *Ibid.*, 103.

While the increasing presence of white settlers created tensions, it also meant new markets for surplus goods. The Ojibwe of Rice Lake gathered blueberries at Louseberg on the Red Cedar River, a few miles downstream from Rice Lake. Early Rice Lake settler J.A.H. Johnson remembered: “each day during the berry season, birchbark canoes could be seen, headed downstream loaded with blueberries going to market to Menominee and other down-river points and other canoes headed up stream with articles of trade such as ammunition, calico, beads, etc.”<sup>343</sup> By participating in trading relationships with whites, the Ojibwe sought to maintain their presence at Rice Lake, rooted in centuries of exchange with outsiders of French, British, and mixed descent.

### **Ojibwe Men in the Timber Industry**

While the Ojibwe at Rice Lake struggled to continue to practice traditional labor in the area, Ojibwe men worked as wage laborers in timber operations, alleviating seasonal poverty during the harsh winter months. Most Ojibwe men in the Rice Lake community participated in timber operations. According to early Rice Lake settler Paul Kirkendall, Knapp, Stout Company typically employed about five Ojibwe men in each camp.<sup>344</sup> While early logging camps consisted of about a dozen men, by the 1880’s camps were made up of at least sixty men.<sup>345</sup> In Waabizheshi’s own family, men were active in the timber industry. His brother Ininiins was working for Knapp, Stout Company in 1877 when he heard of Waabizheshi’s death and his brother Giishkitawag was working at an off-reservation lumber camp prior to his

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<sup>343</sup> “Old Louseberg A Famed Landmark,” *Rice Lake Chronotype*, March 28, 1927.

<sup>344</sup> Chappelle, *Around The Four Corners*, 19.

<sup>345</sup> Fries, *Empire In Pine*, 27.

1894 death.<sup>346</sup> Participation in the lumber industry was one of the ways Ojibwe people began to acquire English names as whites in charge of logging camps were unable to pronounce Ojibwe names. Sometimes, these were translations of Ojibwe names, other times not.<sup>347</sup> Increasingly, Ininiins was referred to as John White and Giishkitawag as became known as Joe White. However, Ojibwe were slow to use English names. In an 1878 census of all the Lake Superior Ojibwe, a column was provided for English names. Neither Ininiins nor Giishkitawag's English names appeared.<sup>348</sup>

The participation of Ojibwe men in the timber industry and the income they provided, however meager, changed gender dynamics in Ojibwe communities. The traditional labor activities that were most threatened by ecological transformation and climate extremes during this time, maple sugaring and wild ricing, were solely the work of women. The participation of Ojibwe men in the timber industry came at a critical moment that gave new importance to male labor. Similar dynamics occurred in Ojibwe communities during the eighteenth century, when the fur trade and men's role in trapping transformed male labor.<sup>349</sup> The legacy of Ojibwe participation in the timber industry remained even after old-growth forests were long gone. Historian Brenda Child describes how during the Depression men quickly began participating in ricing, maple sugaring, and other forms of traditional labor that were previously

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<sup>346</sup> Bartlett, *History, Tradition, and Adventure in The Chippewa Valley*.

<sup>347</sup> There were other ways Ojibwe people got English names, including adopting English names at boarding schools, by church officials, and intermarriage with whites. One interesting discussion of this is in the Bad River WPA history project, Jerome Arbuckle, "How Surnames Were Acquired by the Chippewa," Works Progress Administration, Chippewa Indian Historical Project, Envelope 2, 8.

<sup>348</sup> Isaac Mahan to Ezra A. Hayt, April 23, 1878, NARA RG 75, M-234, Roll 398, F:0258.

<sup>349</sup> Patty Loew, *Indian Nations of Wisconsin: Histories of Endurance and Survival*, (Madison: State Wisconsin Historical Society of Press, 2001), 15-16.



only done by large collectives of women.<sup>350</sup> Today, ricing is mostly a male activity. While these changes were likely a direct result of male participation in Depression-era federal work programs, the lineage of this shift in male labor dates back to Ojibwe participation in the timber industry in the late nineteenth century.

While providing Ojibwe families with income during lean winter months, work in the timber industry was dangerous and provided little pay. Paul Kirkendall's description of non-Native men working in the logging industry is useful, as it illustrates how the timber industry did not provide sustaining employment. Describing the time after the winter season, Kirkendall noted: "In Rice Lake many, many of them staggered around the streets for several days and left for home broke."<sup>351</sup> This quote is revealing. While local newspapers portrayed drunkenness as exclusively a problem of the Ojibwe community, Kirkendall's account suggests that the culture of Rice Lake and of work in the timber industry centered around single men in physically demanding jobs that paid very little. Both Ojibwe and white laborers were impacted by these harsh conditions.

Ojibwe men were forced to work in mostly white logging crews and be away from their families for long periods of time. Lac du Flambeau Ojibwe Tom Badger described labor in the winter:

The same winter I went to work in a logging camp at Land O'Lakes. That was my first job. I had a job sawing and cutting logs. I had to leave my wife at home and go live in the camp. But I went home every Saturday and spent Sunday at home...There were about fifty men there, mostly white men...We worked all day for only \$2.50 a day. They charged us for meals at the camp. I also bought food at the camp to take home to my wife and her folks.

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<sup>350</sup> Child, *Holding Our World Together*.

<sup>351</sup> Chappelle, *Around The Four Corners*, 23. Description of labor conditions in Wisconsin's timber industry also appears in Fries, *Empire In Pine*.

There wasn't much left of my wages by the next pay day. It was the same every time. We couldn't save nothing.<sup>352</sup>

After logs were cut in the winter, the logs were floated down to sawmills in the spring with the melting snows. During the spring, labor was even more dangerous and difficult:

Sometimes I had to ride logs down the river. It was dangerous, but I never got hurt... While we were going down the river on the drives there were no weekends off... I never slept. I was working so hard, moving about so much, that I never felt sleepy. We worked for nearly a month on the river.<sup>353</sup>

The work was seasonal, and Ojibwe men returned home in late spring to participate in traditional Ojibwe labor activities:

Then I went home again. We worked on the garden at my father-in-law's place, made it a little bigger. We planted potatoes and corn... We went to make the canoes at Black Oak Lake... We stayed there for two or three weeks, working everyday. After we'd made three canoes, we took them home. We used these canoes for fishing, hunting, and shining deer. Whenever we had a good catch of fish, we'd sell it at ten cents a pound at Phelps. We sold meat there too at ten cents a pound.<sup>354</sup>

Badger's father was later killed by a falling tree, vividly illustrating the danger of working in the timber industry.<sup>355</sup> These were the dangers faced by Iniinins, Giishkitawag, and other Ojibwe men throughout Wisconsin.

Both white and Ojibwe workers were exploited in the timber industry, yet the logging era is still celebrated as part of the collective heritage of the northwoods of Wisconsin, Minnesota, and Michigan. The irresponsible clear-cutting of the old growth forest of the ceded territory by timber corporations for immediate profit created massive wealth, but it was not a sustainable industry. Furthermore, waste characterized the early years of timber harvest in northern Wisconsin. Technology was part of the waste: wide-blade circle saws chewed up inches of each tree into

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<sup>352</sup> Victor Barnouw, "Reminiscences of a Chippewa Mide Priest," *Wisconsin Archaeologist* 35: 4 (December 1954), 107. "Tom Badger" was a pseudonym created by anthropologist Victor Barnouw.

<sup>353</sup> *Ibid.*, 107.

<sup>354</sup> *Ibid.*, 107-108.

<sup>355</sup> *Ibid.*, 110.

sawdust. Had the companies used thinner band saws over circle saws, it is estimated an additional billion board feet of white pine would have been produced. In the woods, trees were cut high, leaving tall stumps to rot. Old growth hemlock, the focus of timber harvest after 1900 when most of the old growth white pine was gone, was cut for bark in the nineteenth century and left to rot.<sup>356</sup> As historian William Cronen stated in the last line of his work *Changes in the Land: Indians, Colonists, and Ecology of New England*, “the people of plenty were a people of waste.”<sup>357</sup>

As a result of clear-cutting and timber industry waste, once lush old growth forests were replaced by a bleak, barren landscape, fueling many fires in the late nineteenth century throughout Wisconsin, Michigan, and Minnesota, including major fires that destroyed Peshtigo, Wisconsin in 1871 (killing 1500 people) and Hinckley, Minnesota in 1894 (killing over 400). What grew in the wake of clear-cutting and fire were largely species of trees that were less profitable. While white pine itself grew quite well following fire, this could only occur when some of the old-growth trees survived, the heat of the fire opening cones that contained the seeds of the towering trees above to the scorched earth below. Because of clear-cutting, there were no longer seeds to produce a new generation of trees. What did thrive in the wake of clear-cutting was aspen, which grew fast and could grow from roots. While this species gave rise to the paper industry in the twentieth century, this was a far less lucrative industry than nineteenth century sawlog production. As a result of this short

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<sup>356</sup> Fries, *Empire In Pine*.

<sup>357</sup> William Cronen, *Changes in the Land: Indians, Colonists, and the Ecology of New England*, (New York: Hill and Wang, 1983), 170.

sighted approach, the economy of northern Wisconsin was under developed in the twentieth century, resulting in poverty for Ojibwe and whites alike.<sup>358</sup>

Colonialism in Wisconsin, while not as violent as the military campaigns against Native people in the West, involved squandering of forest resources by corporations for short-term profit, and resulted in crippling poverty. Also indicative of how colonialism replicates and sustains itself, this short-sited exploitation of forest resources fueled American expansion and Native dispossession elsewhere on the continent. There were alternatives: state regulation might have provided a more sustaining resource. As James Willard Hurst's exhaustive study *Law and Economic Growth: The Legal History of the Lumber Industry in Wisconsin* makes clear, the law instead functioned to create short-term wealth that had real long-term costs to both the national and regional economy.<sup>359</sup> Nevertheless, as a result of the decline of the timber industry, northern Wisconsin's population growth in the late nineteenth century halted by the beginning of the twentieth and in many areas declined as the century went on. However, despite the sparse overall population, whites still vastly outnumbered Indians in northern Wisconsin after the late nineteenth century. It fell to Waabizheshi and other Ojibwe leaders to form new relationships with them.

### **White Settlement and Waabizheshi's Intercultural Vision**

As the region around Rice Lake was logged, settlers came seeking to farm cutover lands. Despite the land of northwest Wisconsin being sold in 1837, the federal government did not dispose of the lands until decades later. Federal land laws were designed for turning lands acquired in Indian treaties into individual 80 or 160

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<sup>358</sup> Fries, *Empire In Pine*.

<sup>359</sup> James Willard Hurst, *Law and Economic Growth: The Legal History of the Lumber Industry in Wisconsin, 1836-1915*, (Cambridge: The Belknap Press of Harvard University Press, 1964).

acre farms. As historian Robert Fries argued, this system was not well suited to northern Wisconsin, where timber companies were forced to buy outright thousands of small 80 or 160 acre parcels rather than merely leasing the timber rights. After timber companies clear-cut the timber, they had no use for the land. Cutover lands were then sold by the company itself or went tax-delinquent and reverted to county ownership and eventual auction. In many areas close to the reservation, these lands became the basis of national, state, or county forest lands.<sup>360</sup> However, the areas near Rice Lake had soils better suited to agriculture, and white settlers began acquiring cutover lands throughout the 1870's and 1880's.

Ojibwe people attempted to forge relationships with the newcomers, just as they had with traders and government officials earlier in the nineteenth century. By forging these relationships, the Ojibwe at Rice Lake sought to position themselves in a new, intercultural community where there was a place for both whites and Ojibwe. This was highly subversive, as federal policy sought to create a northern Wisconsin that was segregated, with Indians confined to reservations. One of the ways Ojibwe people attempted to forge relationships with the new settlers was through a dance, termed by anthropologists as the "begging dance." Historian Brenda Child argues this is a misnomer, as the performance of Ojibwe music and dancing for outsiders was a reciprocal exchange, not begging.<sup>361</sup> Performance of the dance was part of an

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<sup>360</sup> Fries, *Empire In Pine*, 162.

<sup>361</sup> Child, *Holding Our World Together*, 55. Ojibwe people themselves did not employ the term "begging dance" for this performance as the term fundamentally mischaracterizes the reciprocal nature of the performance. Anthropologist Thomas Vennum discussed with Lac Courte Oreilles Ojibwe William Bineshi Baker the "begging dance:" "Baker discounted the existence of this genre per se, saying that one simply used a war-dance song, preferably one that 'sounds mournful.'" Thomas Vennum, "The Ojibwa Begging Dance" *Music and Context: Essays for John M. Ward*, Anne Dhu Shapiro, ed., (Cambridge, Harvard University Press, 1985), 60.

exchange rooted in friendship and affection that Ojibwe had used for centuries to forge relationships with outsiders.

Historical evidence shows that performance of the dance was central to how the Ojibwe forged diplomatic relationships with American officials earlier in the nineteenth century prior to the arrival of white settlers.<sup>362</sup> For example, during the 1835 annuity payment of all the Lake Superior Ojibwe held at La Pointe J.J. Ducatel noted:

During the period of the payment the performance of the pipe-dance, together with the war-dance, is a frequent exhibition with them; and as they resort to it for the express purpose of levying a contribution upon the merchants and traders of Lapointe, it has been more significantly called the 'begging dance.' Accordingly they make great preparation for its coming off with effect – such as anointing their limbs, painting their bodies in the most fantastical manner, and, barely saving decency, appear almost naked. After promenading the village, they assemble before the agency house, and other places where they expect to be treated, and commence their performances.<sup>363</sup>

For the Ojibwe, receiving annuities every year was more than just a monetary transaction. It was the renewal of a relationship built on exchange. In that context it was appropriate for the Ojibwe to perform and to “expect” gifts. Exchange was the basis of how Ojibwe people formed their relationship to Americans for decades following the treaties. When white settlers began showing up in the ceded territories in the late nineteenth century, Ojibwe people attempted to maintain a relationship rooted in exchange.

At Rice Lake, the *Barron County Chronotype* reported such a performance in October 1876. While the language of the account was reflects white stereotypes of

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<sup>362</sup> A description of the dance during the 1826 Treaty at Fond du Lac is in McKenney, *Sketches of a Tour to the Lakes*, 286-288. Although terming it the begging dance, McKenney emphasized that the nature of exchange of the dance as understood by both the Ojibwe and McKenney and other government officials present.

<sup>363</sup> J.J. Ducatel, “A Fortnight Among the Chippewas of Lake Superior,” *The Indian Miscellany*, W.W. Beach, ed., (Albany, NY: J. Munsell, 1877), 366.

Native savagery, it suggests that at this time local whites were open to Ojibwe presence at Rice Lake:

About forty hungry Chippewa's from the upper camps came marching into town last Saturday with drums beating and armed with war clubs and other implements of savage warfare. They were all elaborately painted and decked out with eagle feathers. Their mission was a peaceful one. They proceeded to the Hay Scales in front of K.S. & Co.'s (Knapp, Stout & Company) store where they held a dance of about an hours duration. After making their wants known they were bountifully supplied with pork, flour, tea and other kinds of goods. The pipe of peace was then lighted and passed around everybody present taking one pull at it. The head chief made a speech of thanks and assured the white people that everything was lovely. J.H. Ives Esq. was made a chief in return for his liberality and joined in the wind up dance. After visiting several other places of business and favoring each with a dance in return for which they received many presents, the party went on its way rejoicing. Many timid ones were not a little alarmed on the first appearance of the Indians, but there were no grounds for any fears.<sup>364</sup>

While Waabizheshi is not mentioned by name in the account, it is safe to assume that he is the "head chief" mentioned. While Waabizheshi's speech was an important part of the exchange, equally important was the performance of the dance, illustrating that Ojibwe political institutions were largely based on performance. The performance was apparently successful, as Waabizheshi was able to convince local whites "that everything was lovely." It is significant that the performance took place at the Knapp Stout company store, the center of American power in the region. For the Ojibwe at Rice Lake American power rested not so much at the federal level, but a corporation. This presented new challenges to Waabizheshi, as Nenea'angabi's performances were strictly for federal officials in far-off La Pointe who members of the community probably only saw once a year, if at all.

The dance performance is the best expression of Waabizheshi's vision of Rice Lake as an intercultural community, with relationships between Ojibwe and whites equal and not founded on a race-based hierarchy. This was a historically rooted alternative to federal removal efforts, which were characterized by Ojibwe

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<sup>364</sup> *Barron County Chronotype*, October 21, 1876, 3.

confinement to the reservation and economic and social marginalization of the Ojibwe. It was expression of Ojibwe sovereignty, as not only did it make clear that whites and Ojibwe at Rice Lake were autonomous from one another, but it was the Ojibwe themselves who directed how Ojibwe and whites would relate to each other. Waabizheshi's vision of Rice Lake as an intercultural community was highly subversive in the context of American colonialism and its race-based hierarchy of exploitation.<sup>365</sup>

Dancing was only one way the Ojibwe at Rice Lake attempted to create a new, intercultural community at Rice Lake. Ojibwe people also attempted to forge relationships with whites they worked with in timber operations through gifting. Early Rice Lake settler Paul Kirkendall remembered his father's relationship with Ojibwe loggers when his father worked for Knapp, Stout Company:

They were really decent Indians. They would give you things of their own if they took a liking to you. My dad, like I said, was always good to them and they kept him in buckskin gloves, jackets and moccasins, etc., and me, too.<sup>366</sup>

Similarly, early Long Lake settler Arthur Hovey remembers "Nickonis," an Ojibwe headman at Long Lake visiting Hovey's family:

He and his wife were frequent visitors at my grandmother's home, where they were given coffee or tea with cookies and cake for lunch, and at times a package of smoking tobacco. In return they would bring gifts of Indian rice, maple sugar, and sometimes venison.<sup>367</sup>

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<sup>365</sup> As Ojibwe relationships to non-Ojibwe were transformed by segregation from non-Ojibwe on reservations, the practice of the dance decreased. Anthropologist Thomas Vennum charted the dance's decline in the twentieth century. Vennum discusses the dance still being performed by Lac Courte Oreilles people in Hayward in the 1920's. The dance held out longer in other areas, still being performed in at Red Lake in northern Minnesota in the 1960's. See Vennum, "The Ojibwa Begging Dance."

<sup>366</sup> Chappelle, *Around The Four Corners*, 21.

<sup>367</sup> "Memoirs of Arthur Hovey," 287. "Hovey calls "Nickonis" a chief, but it is most likely he was a headman, as early settlers had limited understanding of Ojibwe political institutions, and tended to call most Ojibwe men chief. "Nickonis" does not appear in the 1878 census in either the Rice Lake or Lake Chetac communities. It is important remember that Ojibwe people often had multiple names and nicknames they used various contexts. See Mahan to Hayt, April 23, 1878, M-234, Roll 398, F:0258. I have left the name in the original phonetic spelling, as the meaning of this name appears to be idiomatic.



Ojibwe seasonal celebrations and dancing arose the interest of some settlers. Hovey remembers his uncle attending Ojibwe celebrations at Indian Point on Long Lake that lasted three days, and Hovey himself attended in 1892.<sup>368</sup> In these examples, Ojibwe people successfully forged relationships with white settlers, defying federal efforts at removal and confinement to the reservation.

### **Violence at Rice Lake**

The success of the community at Rice Lake in resisting federal removal efforts and continuing seasonal labor for two decades was a major accomplishment of Waabizheshi's leadership. However, by the last years of the 1870's, there were many stresses on the community. Seasonal labor itself was a precarious endeavor even without the ecological devastation brought by American colonialism, as weather fluctuations resulted in massive variations of Ojibwe food supply. However, the destruction of rice beds at Rice Lake and Prairie Rice Lake by timber corporations was devastating to the Ojibwe community. The destruction of these resources weakened the Ojibwe at Rice Lake as white settlers soon became the majority in the area. The stress put on the community began to manifest itself in violence. In his study of violence among Native peoples of the Great Basin in the eighteenth century, historian Ned Blackhawk argues that inter-tribal violence is a result of colonialism even when it is not directly perpetrated by colonial groups.<sup>369</sup> Tragically, this dynamic played-out at Rice Lake as the 1870's drew to a close. In September 1877, the *Barron County Chronotype* reported a drunken fight between Giishkitawag's wife

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<sup>368</sup> Ibid.

<sup>369</sup> Ned Blackhawk, *Violence Over The Land: Indians and Empires in the Early American West*, (Cambridge: Harvard University, 2006).

and his sister, “Poskin.” The *Chronotype* alleged that Poskin sustained injuries when she was gashed above the eye with a hatchet by Giishkitawag. The *Chronotype* used the incident to argue for enforcement of laws banning sale of liquor to Native people.<sup>370</sup> While the *Chronotype* cast the incident in stereotypical troupes of Indians consuming too much alcohol, the incident suggests how greatly the community was experiencing the stress of American colonialism.

That same fall a more serious incident of violence within the community occurred when Waabizheshi was stabbed and killed. Tensions grew in the community that fall leading to a disagreement between one member of the community, Bidad, and Waabizheshi. The historical record does not show whether the tensions were political or personal in nature, but the pressures from American colonialism to remove and the destruction of important wild rice beds created unprecedented tension in the community. Historical accounts claim that Bidad had been consuming alcohol when he stabbed and killed Waabizheshi at Long Lake. However, Ojibwe behavior is often oversimplified in the historical record. Surviving accounts written by non-Natives tend to simplify Ojibwe political institutions, and cast complexities within the Ojibwe communities as mere “drunken quarrels.”<sup>371</sup> What is more clear is that violence increasingly shaped the life in the community during Waabizheshi’s time as leader of the community. Violence within the

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<sup>370</sup> *Barron County Chronotype*, September 20, 1877, 3. A small town in central Barron County takes its name from Poskin. I have left the name in the original phonetic spelling, as the meaning of this name appears to be idiomatic.

<sup>371</sup> Accounts of Waabizheshi’s death appear in the *Barron County Chronotype*, June 27, 1878, 3 and Bartlett, *History, Tradition, and Adventure in The Chippewa Valley*. There is a discrepancy in the dates of Waabizheshi’s death. Bartlett, based on the account of *Chronotype* editor August Ender, lists it as happening in 1879. I utilize the date from the 1878 newspaper article describing the event as occurring “last fall,” as more accurate.

community was inextricably linked to American colonialism, as manifested by logging, the flooding of rice beds, and pressure to remove to the reservation.

The violence continued as Ininiins heard of his brother's murder by Bidad. Ininiins rushed from over ten miles from Red Cedar Lake where he was employed at a Knapp, Stout Company logging camp to Long Lake. Ininiins was hasty, and immediately sought out Bidad when he arrived at Long Lake. Ininiins threw open the entrance to Bidad's lodge, only to find Bidad with a gun laying for him. Bidad blasted Ininiins in the chest as soon as Ininiins opened the entrance to the lodge. Ininiins shouted "I am dying!" and fell over dead.<sup>372</sup> Ininiins' attempt to take Bidad's life was likely justified, if not well thought out. Under traditional Ojibwe criminal justice, Ininiins was responsible for seeking retribution for Bidad's killing of Waabizheshi, as his spirit could not move on to the next realm until this was done. Retribution could happen one of two ways: Waabizheshi's family could agree to compensation of money and goods from Bidad or they had the right to kill Bidad. It was the decision of Waabizheshi's family.<sup>373</sup>

Following Waabizheshi's death, Giishkitawag became the new ogimaa of the community. It was now up to the new ogimaa to seek retribution for the murder of both his brothers. Unlike Ininiins, Giishkitawag was more careful in seeking out Bidad. In June 1878, Bidad was at Lac Courte Oreilles for a social gathering. As he departed in a group of five, he was shot by Giishkitawag.<sup>374</sup> It is not known whether

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<sup>372</sup> Bartlett, *History, Tradition, and Adventure in the Chippewa Valley*.

<sup>373</sup> Treuer, *The Assassination of Hole-in-the-Day*.

<sup>374</sup> Bartlett, *History, Tradition, and Adventure in the Chippewa Valley*, and *Barron County Chronotype*, June 27, 1878, 3. There is a discrepancy in the dates of Bidad's death. Bartlett, based on the account of *Chronotype* editor August Ender, lists it as happening in 1882, while the 1878 *Chronotype* article described it as happening "last week." I utilize the date from the actual 1878 newspaper as more accurate.

Bidad left the community after his killing of Ininiins. However, his attendance at the gathering suggests he still was living in one of the communities of the Lac Courte Oreilles Band. While the *Barron County Chronotype* characterized the incident a “deadly feud,” Ojibwe protocols of criminal justice functioned for centuries and were arguably more humane and just than American forms of criminal justice of the time.<sup>375</sup>

### **Conclusion**

Waabizheshi’s ability to resist federal removal efforts was a major achievement in the twenty-two years he led the Ojibwe community at Rice Lake. Without question the ability to resist removal contributed to an enhanced quality of life and economic well-being for Ojibwe people of Rice Lake. Furthermore, it demonstrated Ojibwe sovereignty during a period of immense pressure from American colonialism. The Ojibwe at Rice Lake were able to resist American colonialism by actively striving to create an intercultural community at Rice Lake in an era when federal law and policy strove for a segregated society. The ability of Ojibwe people to remain at Rice Lake and the surrounding area for over two decades while white settlers became the majority illustrated the continuing vitality of Ojibwe sovereignty. Many narratives of Native American history ignore the years of struggle that important leaders such as Waabizheshi avoided removal. Many studies simply see Native groups as signing treaties and immediately moving to the reservation, implying that the movement of Native people to reservations was inevitable. In contrast, Waabizheshi’s tenure as leader of the community and was not a small amount of time. It represents a major portion of the lifetimes of the individuals of the

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<sup>375</sup> Ibid.

community: in this time span children became adults and had children of their own. In all likelihood the members of the community did not see removal as inevitable during these twenty-two years. Waabizheshi's ability to resist federal removal efforts for this long was a triumph over colonialism and an important demonstration of Ojibwe sovereignty.

At the same time, Waabizheshi's failure to directly engage American institutions as his father did or to seek more broad influence in Ojibwe politics may have had serious repercussions for his community in the longer term. Henry Schoolcraft noted in 1831 that Nenaangabi was a powerful leader "whose influence is entirely of his own creation."<sup>376</sup> Waabizheshi inherited the legacy of his father's influence and was able to maintain the number of people in his own community over two decades. These two factors would have allowed him broad influence in Ojibwe politics in Wisconsin. It can be argued he squandered this potential and the opportunity for a broader Ojibwe resistance to American colonialism. This united resistance may have been more effective in the long run. Instead, in the years after Waabizheshi's death, the Ojibwe at Rice Lake under Giishkitawag faced mounting pressure from local governments to remove as well state prosecution of off-reservation treaty rights. In the twentieth century, this would result in confinement to reservations, poverty, and suppression of off-reservation treaty rights until the 1980's. A chance for a broader opposition to American colonialism was an opportunity Nenaangabi would not have missed. Waabizheshi's brother and successor would adopt another style entirely.

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<sup>376</sup> Schoolcraft, *Schoolcraft's Expedition to Lake Itasca*, 123.

## Chapter 4

### “It is cowardly to be kept on the reserve by the government.” Giishkitawag Confronts Removal, 1879-1894

#### Introduction

In 1877, Giishkitawag, at age 38, became ogimaa of the Ojibwe at Rice Lake following Waabizheshi's death. The seventeen years of Giishkitawag's leadership were difficult ones. Federal, state, and local governments all challenged Ojibwe sovereignty. Giishkitawag responded to these challenges with a defiant stance to avoid removal. The Barron County Board petitioned the federal government for removal of the community to the reservation and the white population of Barron County boomed. On the reservation, allotment of reservation lands to individuals brought the opportunity of income from timber sales. Ironically, while federal officials saw allotment as a way to contain the Ojibwe on the reservation, Giishkitawag tried to use the policy to provide supplemental income to the community as a means for sustaining the continued presence of his community off-reservation. Where Waabizheshi avoided federal officials and solely focused on building relationships with local white settlers, Giishkitawag marched up to the reservation, demanded federal rations and other goods for his community, and threatened the safety of federal officials when they refused.

However, the wealth from sale of allotment timber was short lived. The federal government failed to provide an effective and sustainable management plan for reservation forest resources, resulting in corruption and poverty. As much as assimilation policy robbed Ojibwe people of income through mismanagement of forest resources, a much more direct threat to Ojibwe safety and survival was the law.

As federal officials suppressed Ojibwe legal institutions, at the same time they failed to provide the Ojibwe equal protection under American law. For the Ojibwe of Rice Lake, this manifested itself both off-reservation and on-reservation. Off-reservation the Ojibwe were not protected from violence perpetrated by local whites. On-reservation, individuals had little protection against timber trespass and forms of corruption on their allotments. Furthermore, by the 1890's, the state of Wisconsin was intent on enforcement of its game laws on the Ojibwe. State game laws were a direct violation of Ojibwe treaty rights, which were federal law that had never been extinguished. However, federal officials did not assert the supremacy of federal treaty law over state game laws. This made remaining off-reservation increasingly dangerous for the community and its defiant leader.

**“Almost every man in the County is either a candidate for office or expects to be before he dies:” Federal-municipal Contestations over Removal**

In January 1878, just months after Giishkitawag assumed leadership of the Ojibwe community at Rice Lake, Barron County officials responded decisively to the efforts of his brother Waabizheshi and other Ojibwe at Rice Lake to create an intercultural community. The Barron County Board petitioned the federal government for the removal of the Ojibwe at Rice Lake to the Lac Courte Oreilles Reservation. Despite the goodwill between some white settlers and Ojibwe people, most settlers were uneasy about the Ojibwe presence in Rice Lake. In many cases, these new settlers ideas about Native people were informed by stereotypes of Indian savagery, and not the centuries-long historical experience of relations between the Ojibwe and outsiders. As the white settlers increased in Barron County, most new settlers had no interest in forging the cooperative relationships rooted in this history.

Local whites sought to separate Indian and white communities by containing Indians on the reservation. Ironically, this came at a time when federal officials based in distant La Pointe had eased their efforts to make the Ojibwe at Rice Lake remove to the reservation.

In their petition to federal officials, the Barron County Board repeated many of the themes common to removal efforts nationally since passage of the Indian Removal Act in 1830, illustrating the influence this law had for decades following its passage. The petition read:

that the presence of said Indians in Barron County is greatly injurious to the moral, social, and pecuniary interests of the general community, and also detrimental to their own best interests for the following reasons, to-wit:

1<sup>st</sup>. In violation of our statutes large number of deer are killed annually by fire hunting during the summer on our streams, by these Indians.

2d. The greater portion of the deer are wantonly wasted by the Indians; the skins are secretly bartered by them, not for clothing or food, but for intoxicating liquors which are drunk by nearly all regardless of age or sex.

3d. That while thus intoxicated these Indian have brutally murdered several of their own number including, recently, by horrible burning, a helpless babe; and in addition thereto, have in numerous cases molested, and even jeopardized the lives of white citizens of this county.

4<sup>th</sup>. If these Indians were removed to their reservation, in addition to their being free from the use and influence of intoxicating drinks they would, for the fruits of their chase, receive clothing and food and, greater yet, would enjoy the benefits of education in the schools which the government so generously furnishes.<sup>377</sup>

Like whites throughout the nineteenth century seeking to segregate Native communities from their own, the Country Board cited exposure to alcohol as a corrupting influence on the behavior of the Ojibwe at Rice Lake. There is no historical evidence that corroborates the charge that an infant was burned as a result of intoxication. In fact, the only instance of violence within the community in the historical record is Giishkitawag's killing of Bidad, which was consistent with Ojibwe protocols of criminal justice. Nevertheless, the killing shook local whites,

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<sup>377</sup> Proceedings of the Barron County Board Supervisors, *Barron County Chronotype*, January 24, 1878, 2. The petition was sent to the Secretary of the Interior. N.H. Rockman to Carl Schurz, January 18, 1878, NARA RG 75, M-234, Roll 398, F:0562.



who portrayed it as “murder” throughout Giishkitawag’s tenure as ogimaa. Also common to removal tropes was the notion that Native exposure to growing white communities was “detrimental to their own best interests” as the federal government could better provide education away from white communities in a less populated area, in this case the Lac Courte Oreilles Reservation. Yet the petition also noted that the presence of Ojibwe in Barron County was “greatly injurious to the moral, social, and pecuniary interests of the general community.” This was a direct repudiation of the intercultural Rice Lake that Waabizheshi sought to achieve as the white population of the city grew. Instead, the County Board and most of their constituents saw the presence of the Ojibwe in Barron County as something that was detrimental to both the whites and Ojibwe (mostly whites though).

The petition also reveals another theme common to nineteenth century Native history: the prioritizing of state statute over federal treaty rights. Despite treaties being the “supreme law of the land,” the Country Board noted that the Ojibwe at Rice Lake killed deer during the summer “in violation of our statutes.” This privileging of state statute over federal was foundational to state and local attempts to undermine the sovereignty of Native nations, as by this time recognition of tribal sovereignty was entrenched in federal law through treaties, as well as executive orders, congressional acts, and judicial rulings. Moreover, the petition reveals the threat that state and municipal governments posed to tribal sovereignty and general economic well-being of Native peoples. The Barron County board sought to undermine tribal sovereignty by restricting the movement of Ojibwe people and suppressing off-reservation treaty rights. For the Ojibwe at Rice Lake, the impact of these measures

on day-to-day Ojibwe life and sovereignty rivaled the impact of federal policies of allotment of reservation lands and education of Native children at boarding schools.

The County Board's claim that "The greater portion of the deer are wantonly wasted by the Indians," was a common justification for suppressing Ojibwe treaty rights. In the 1930's, Bad River Ojibwe Joe Stoddard, then in his nineties, articulated one of the most clear and powerful rebuttals to the notion that the Ojibwe "wasted" resources in the Bad River WPA historical project:

They claim that the fish and game have to be preserved; that the Indians are notorious slaughters and wasters of game and fish, and that they should be subjected to the same laws that affect the white men in regard to the taking of game and fish. I can state with authority and certainty that the arrival of the white men in this region marked the decline of the wild life of the forests and waters and the virtual and complete extinction of many species.<sup>378</sup>

Although Stoddard was speaking of fishing on Lake Superior, Stoddard came of age during the same era in the late nineteenth century that saw the arrest of Giishkitawag. The ability to manage resources was central to both American colonialism and Ojibwe sovereignty. In many ways, colonialism was about waste. Whites sought the power to determine what was wasteful and to waste themselves. With the rampant waste of Wisconsin's timber industry at this time, whites charging the Ojibwe with being wasteful reveal the hypocrisy of colonialism. Interestingly, the petition and the eventual arrest that led to the murder of Giishkitawag by state wardens singled out deer hunting and not fishing. A century later, after federal courts found that Ojibwe treaty rights were never extinguished, non-Indian groups focused their opposition to treaty rights around spearing fish.

Evidence of the impact that state and municipal governments had on Ojibwe sovereignty is found in the federal response to the County Board's petition. Writing

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<sup>378</sup> Jerome Arbuckle, "Fishing on the Bad River Reservation in the Early Days," Works Progress Administration, Chippewa Indian Historical Project, Envelope 7, 4.

to Commissioner of Indian Affairs Ezra Hayt, La Pointe Agent Isaac Mahan said of the Rice Lake Ojibwe “They have caused myself and the employees (of the agency) considerable trouble. They are a worthless lazy drinking and fighting set of people, but who makes them so? (emphasis original).” Mahan then went on to firmly place the blame on Barron County’s elected officials for allowing sale of liquor to the Ojibwe and then angrily declared: “if the community in which alot of Indians live make such beds they should be made to sleep in them (emphasis original).” Mahan saw whites in Barron County as contributing directly to the alcohol related dysfunction they decried: “as soon as any man makes an attempt to stop the sale, the whole whiskey selling and drunken community, Indians and all oppose him for any office in the County, and almost every man in the County is either a candidate or expects to be before he dies.” The last comment would make Mahan enemies among the local press in Barron County, beginning the personal animosity that many in Barron County held toward the agent. Mahan responded to the Commissioner’s instructions to remove the Rice Lake Ojibwe to the reservation by noting: “It can only be done by force and at considerable expense.” Mahan argued that the agency had no such funds for the removal and no Ojibwe in the entire agency received rations of any kind to feed the Ojibwe during and after the removal.<sup>379</sup> This last point is an important one: for this brief window, from the last annuity payment in 1874 to the beginning of timber sales on individual allotments in the mid-1880’s, no Ojibwe at Rice Lake received any support from the federal government. In other words, the community was completely independent and autonomous from the federal

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<sup>379</sup> Isaac Mahan to Ezra A. Hayt, April 8, 1878, NARA RG 75, M-234, Roll 398, F:0243.

government. In that context, what incentive was there for the community to remove to the reservation?

Mahan's response to the County Board's petition and the growing animosity between the agent and Barron County residents personalizes the struggle between the federal government and state and local governments that underlie attempts to suppress tribal sovereignty in Wisconsin and throughout the rest of the country. While Mahan was less than tactful in his characterization of white residents of Barron County, his response is still rooted in federal interests, which in this instance worked to uphold tribal sovereignty. Mahan's harsh indictment of the "entire drunken community" at Rice Lake reveal the extent that white communities in northern Wisconsin were dysfunctional places at this time, burdened with the problems that white settlers claimed were rampant in Ojibwe communities. It wasn't just Mahan who had this view of white communities in northern Wisconsin. In 1882, Mahan's successor William Durfee wrote that the seven Ojibwe reservations in his agency had "less lawlessness than in the adjacent white communities."<sup>380</sup>

Following the petition of the County Board, many whites were unbending in their resolve to remove the Ojibwe. In August, the *Barron County Chronotype* reported that when three women and a small dog showed up a meeting of the County Board it "produced a panic," and that members of the Board "skedadled for home."<sup>381</sup> Earlier in the summer, a much more serious incident illustrated white hostility to the Ojibwe. In June, Mahan traveled to Barron County and found that the week prior an Ojibwe was killed in Rice Lake when a group of Ojibwe, allegedly intoxicated,

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<sup>380</sup> See *Annual Report of the Commissioner of Indian Affairs for the Year 1882*, 177.

<sup>381</sup> *Barron County Chronotype*, August 1, 1878, 3.

attacked two whites. The man who killed the Ojibwe claimed he was defending himself, and it is unclear whether the two men were intoxicated also. Mahan attempted to intervene in the matter: "I asked the authorities to investigate the matter, but the feeling against the Indians is so not spoken and unvoiced that no one would do anything." This incident illustrates the central role of the law in American colonialism. Now the minority in Rice Lake, the Ojibwe were unable to employ their own legal institutions against whites who committed crimes against them. At the same time, white residents and elected officials were unwilling to extend the protection of American law to Ojibwe people. More than federal policy, the lack of any legal system to protect the Ojibwe threatened their safety and very existence.

Likewise, Mahan reported that state courts were equally reluctant to prosecute those who sold liquor to Ojibwe. Selling liquor to the Ojibwe was illegal under Article 7 of the Treaty of 1854: "No spirituous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians, and the sale of the same shall be prohibited in the Territory hereby ceded, until otherwise ordered by the President."<sup>382</sup> The Lake Superior Ojibwe were not unique in this regard, many treaties contained such provisions. As legal scholar Felix Cohen argued in the *Handbook of Federal Indian Law*, the right of Congress to regulate alcohol sales to

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<sup>382</sup> Treaty With the Chippewa, September 30, 1854, 10 Stats., 1109. In 1892, Congress passed a comprehensive liquor law that made sale of alcohol to Indians by anyone (Indians and non-Indians) a federal offense on or off-reservation. Under the statute, only the person selling alcohol was prosecuted: it was not illegal for Indians to possess alcohol. The wording of the law included any Indian who "exercised guardianship." July 23, 1892, 27 Stats. 260. The law was complicated by allotment. When patents for allotments were issued, making owners of allotments citizens, the federal courts were flooded with appeals of convictions (mostly whites) of the 1892 Indian liquor law, arguing that the Indians buying liquor were citizens and not under "guardianship." In 1915, the Seventh Circuit Court of Appeals ruled in *Katzenmeyer v. U.S.* that Indians were still subject to federal liquor laws even if they were citizens. The court based its decision on *U.S. v. Noble*, where the Supreme Court ruled Indians were still under federal guardianship even when citizenship was bestowed. See *Katzenmeyer v. U.S.*, 225 F. 523 (1915) and *U.S. v. Noble*, 237 U.S. 74 (1915).

Native people on and off reservations regardless of state lines was Constitutionally based, as the Commerce Clause gives the Senate exclusive right to regulate commerce with Native nations.<sup>383</sup> Accordingly, Mahan reported: “it seems of no use to prosecute these people in the State Courts the only relief we have is in the US Courts.”<sup>384</sup> Mahan’s frustration at the inability to prosecute violence against Ojibwe people and his desire to prosecute in federal court those who sold alcohol to Ojibwe people in Barron County indicate that the federal government was willing to accommodate continued Ojibwe presence at Rice Lake and illustrates that by the late 1870’s, pressures to remove and contain the Ojibwe on the reservation emanated more from state and local governments.

Later in the year Mahan’s report to the Commissioner of Indian Affairs regarding the petition of the Barron County Board was made public. The County Board responded by firing back another petition to the Commissioner of Indian Affairs which answered Mahan’s report. Firstly, the County Board argued that jurisdiction to prosecute those who sold alcohol to the Ojibwe was not vested in the County Board. This deferring responsibility is appropriate, as the County Board itself was not charged with law enforcement, yet neither was the federal government at this time. The County Board argued that Mahan’s characterization that alcohol sales to the Ojibwe were openly allowed was “a libel alike on the peace officers of our county and law observing residents thereof which your memorialists most indignantly resent.” The County Board also took the opportunity to address Mahan’s attack that “almost every man in the County is either a candidate for office or expects to be before he

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<sup>383</sup> Felix S. Cohen, *Handbook of Federal Indian Law*, (Washington, United States Government Printing Office, 1945), 353.

<sup>384</sup> Isaac Mahan to Ezra A. Hayt, June 20, 1878, NARA RG 75, M-234, Roll 398, F:0322.

dies” saying that it was “too ridiculous for notice.” However, most significantly the County Board disputed Mahan’s argument that removal to the reservation would be too costly. The County Board argued: “the fear of falling into the hands of the law works a powerful influence on the Indian mind, that the known determination of the government to insist upon the removal to their reservation of said Indians, will effect, with but little expense, the desired result.”<sup>385</sup>

Despite the strategy proposed by the Barron County Board to remove the Ojibwe of Rice Lake to the Reservation, the federal government did not take any further direct action regarding removal. The main outcome of the battle between Mahan and the Barron County Board and was fallout in the local press. In June 1879 the *Barron County Chronotype* noted that Mahan “went to the reservation by the way of Rush City (Minnesota), giving this country a wide berth. He evidently doesn’t like the recommendations he receives at Washington from the County Board of Barron County.”<sup>386</sup>

In the fall of 1879, Mahan was petitioned again by fifteen white settlers north of Rice Lake on Red Cedar Lake. The Red Cedar Lake petitioners argued that the Ojibwe were “very troublesome to the settlers and citizens here and an absolute nuisance no longer to be tolerated by us.” The settlers demanded “immediate attention and remove them from here or the citizens will take the matter into our own hands and clear them out at once.” However, this bravado was absurd: it was highly unlikely that fifteen settlers could remove a community of over 200 people that had

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<sup>385</sup> Proceedings of the Barron County Board Supervisors, *Barron County Chronotype*, December 12, 1878, 2. The petition was sent to the Commissioner of Indian Affairs. N.H. Rockman to Ezra A. Hayt, December 18, 1878, NARA RG 75, M-234, Roll 398, F:0573.

<sup>386</sup> *Barron County Chronotype*, June 27, 1879, 3.

demonstrated military success over the course of nineteenth century right up until the Dakota were removed from Minnesota in 1862. After all, if these settlers had power to remove the Ojibwe, they wouldn't need to petition a low-level bureaucrat located over a hundred miles away on the shores of Lake Superior. This time, federal inefficiency actually helped the Ojibwe, as Mahan told the Commissioner of Indian Affairs Hayt that he would be leaving his post soon and that he could do nothing.<sup>387</sup> No doubt Mahan was sick of the complaints of settlers over a hundred miles away about just one of the seven reservations under his agency.

### **“If I interfered, he would put an end to me:” Giishkitawag & Joseph Gurnoe**

While Giishkitawag was successful in his efforts to avoid removal from local whites, the ogimaa departed from the strategies employed by his brother Waabizheshi. While Waabizheshi refused to participate in any type of relations with federal officials in far-off La Pointe, Giishkitawag engaged with federal officials more aggressively than his brother or father. In 1880, Joseph Gurnoe was appointed the farmer of the Lac Courte Oreilles Reservation at age 67. Formerly an interpreter at La Pointe, Gurnoe was of mixed descent.<sup>388</sup> Gurnoe had a rocky relationship with Giishkitawag and the other Ojibwe who refused to remove to the reservation. In 1881

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<sup>387</sup> Isaac Mahan to Ezra A. Hayt, October 29, 1879, M-234, Roll 399, F:0299.

<sup>388</sup> In 1864, Gurnoe transcribed the bi-lingual petition of Akiwenzii and other Ojibwe leaders that was presented to President Lincoln. Gurnoe's desire to become the farmer at Lac Courte Oreilles and his motivation for doing so is covered in Joseph Gurnoe to E. J. Brooks, June 23, 1879, NARA RG 75, M-234, Roll 399, F:0045 and Joseph Gurnoe to E. J. Brooks, July 7, 1879, NARA RG 75, M-234, Roll 399. La Pointe Agent Isaac Mahan was quite frustrated with Gurnoe, calling him "crass" and tired of his demands for increased pay. However, Mahan was beholden to Gurnoe's language ability, writing Commissioner of Indian Affairs Ezra Hayt "I do not see how I can now get along without him but I am determined to try" (emphasis original). See Isaac Mahan to Ezra A. Hayt, July 17, 1879, NARA RG 75, M-234, Roll 399, F:0254. Indeed, the documents left behind by Gurnoe in Ojibwe such as census records and the 1864 petition to President Lincoln are clearly legible and utilize the Baraga writing system is a way that is very accessible to modern readers. Over a hundred years later, we too rely on Gurnoe much in the way Mahan did. Background information on Gurnoe such as his age and prior position as interpreter is found in List of Employees at La Pointe Agency Wisconsin to be Prepared to be Retained in 1880, May 12, 1879, M-234, Roll 399, F:0215.



Gurnoe wrote, “The Indians living off the reserve very very seldom visit the Indians on the reserve. They will come at payment time and promise to move on the reserve but as soon as the payment is over, they are gone and laugh at the Agent and Chiefs whom they have duped and deceived” (emphasis original).<sup>389</sup>

In March 1882, Giishkitawag led a delegation of Ojibwe from Rice Lake to demand its share of government rations. No doubt Giishkitawag sought to supplement the community’s food supply toward the end of the lean winter months. Giishkitawag, in the prime of his powers at age 43, was tough on the old man: “If I would not willingly give it to them they would take it, and if I interfered he (the headman a murderer) would put an end to me.” While not mentioned by name, the “headman” no doubt was Giishkitawag, especially given Gurnoe’s labeling him a “murderer,” likely a reference to Giishkitawag’s killing of Bidad in 1878 on the Reservation. Gurnoe told the delegation he could not issue the rations and if the group took them by force the government would punish them. When the group pushed for just enough flour and pork that they could carry back with them, Gurnoe relented. Just as Gurnoe thought he had appeased the group, Giishkitawag persisted in his protests: “This appeared to satisfy them, when the headman the murderer once again broke out again making threats. Finally they went off, he growling and threatening still.”<sup>390</sup> The entire episode was in stark contrast to the leadership style of

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<sup>389</sup> Joseph Gurnoe to William Durfee, June 21, 1881, NARA RG 75, Records of the La Pointe Agency, Letters Received from the Lac Courte Oreilles Reservation, 1881-1914, Box 1.

<sup>390</sup> Joseph Gurnoe to William Durfee, March 22, 1882, National Archives and Records Administration, Great Lakes Region, Chicago, Illinois, Records Group 75, Records of the Bureau of Indian Affairs, Records of the La Pointe Agency, Letters Received From the Lac Courte Oreilles Reservation, 1881-1914, Box 1.

Waabizheshi, who did not even warrant a reference in any federal records during his twenty-two years of leadership.

This encounter reveals the cultural gap between Gurnoe and the people of Lac Courte Oreilles. Gurnoe's labeling Giishkitawag a "murderer" is particularly telling. While this was no doubt partially an attempt to convey to his superior, Durfee, how dangerous his job could be, it also speaks to Gurnoe's cultural identity. Giishkitawag was justified in taking Bidad's life under traditional Ojibwe legal institutions and most if not all in the community shared this belief. However, many persons of mixed descent during this time saw Ojibwe institutions and beliefs as barbaric, and placed their faith in Catholic and American institutions. Many persons of mixed descent lived in distinct communities from Ojibwe people. Despite kinship ties to Ojibwe people and ability to speak Ojibwe, these individuals saw themselves as distinct from Ojibwe people, based on their practice of Catholicism, ability to speak French and sometimes also English, and making a living through some aspect of the fur trade and not seasonal labor activities. This certainly was true of Gurnoe, who after all, was an employee of the American government. As the nineteenth century drew to a close, individuals in communities of mixed descent either migrated to the reservation or intermarried into the white population and took on a white identity. Persons of mixed descent who moved to the reservation sometimes clashed with traditional Ojibwe in the early twentieth century, as Gurnoe did at Lac Courte Oreilles.<sup>391</sup>

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<sup>391</sup> While there is no study of the relationship between persons of mixed descent and traditional Ojibwe at Lac Courte Oreilles, an excellent study of this conflict is Melissa L. Meyer, *The White Earth Tragedy: Ethnicity and Dispossession at a Minnesota Anishinaabe Reservation, 1889-1920*, (Lincoln: University of Nebraska, 1994). Two mixed descent communities in the nineteenth century in northwest Wisconsin were Flambeau Farm, (today called Ladysmith, Wisconsin) and Eagleton, 10 miles north of modern Chippewa Falls. Many individuals in these communities moved to the Lac Courte Oreilles Reservation when white settlers came. A description of this is in Sirilla LaRush,

While Giishkitawag successfully resisted the removal efforts of Gurnoe, the community was challenged more directly by increasing white settlement in Rice Lake. The population of Rice Lake skyrocketed to 2130 people in 1890. In 1870, the population of all of Barron County was 538, with most of that population focused to the south of Rice Lake in Barron and Chetek. However, things had changed by 1890, when the population stood at 15,416.<sup>392</sup> The role that the influx of these settlers had on the Ojibwe at Rice Lake and their ability to remain there cannot be overstated. The transformation of this space was drastic: instead of a one highly mobile Ojibwe community, Barron County now consisted of roughly five white communities fixed in one location. Outside of these population centers, whites living in the county were likewise fixed in one location. It was not just the vast outnumbering of Ojibwe people but different approaches to engaging the land that threatened Ojibwe resistance to removal. As a result, the community under Giishkitawag spent more time at Long Lake, which had a lower white population, and attempted to build cordial relationships with white settlers there. Long Lake had always been an important site for the Rice Lake community to practice seasonal labor. Early Rice Lake settler Paul Kirkendall remembered attending an Ojibwe celebration of the rice

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“Lola—Later, Sister M. Sirilla, OSF,” *Cadotte Family Stories*, Thomas Henry Tobola, ed., (Cadott, WI: Cadott Printing, 1974), 124-145. Sirilla LaRush was the first Lac Courte Oreilles Catholic nun and was the author’s grandfather’s second cousin. It is important to remember that these characterizations are particular to this time period and have nothing to do with descendants of these individuals or persons of mixed Ojibwe descent more generally. The way we think about Ojibwe identity today is vastly different than it was during this period. Furthermore, even in the nineteenth century, being Ojibwe was more about cultural practice than biological heritage. As Meyer notes at White Earth in nineteenth century, not all those labeled “full bloods” were solely of Ojibwe heritage. People of mixed descent who lived in Ojibwe communities, engaged in traditional seasonal labor, and practiced traditional beliefs were considered Ojibwe, regardless of the exact details of their ancestry.

<sup>392</sup> Forrester, *Historical and Biographical Album of the Chippewa Valley*, 312-313.

harvest on the west shore.<sup>393</sup> When early settlers set up the Nobleton School in 1888, many Ojibwe children living in the area attended.<sup>394</sup>

### **“It is cowardly to be kept on the reserve by the government:” Giishkitawag & Allotment**

Despite the failure of the Barron County board to remove the Ojibwe, what did spur the removal of the Ojibwe at Rice Lake was allotment of the Lac Courte Oreilles Reservation. The 1854 Treaty, which created reservations Lake Superior Ojibwe, called for the reservations to be eventually allotted (at the discretion of the President) into 80 acres to each head of family or person over 21.<sup>395</sup> The reservation was surveyed into 80 acre parcels in 1876, something which produced opposition among many young men at Lac Courte Oreilles and Bakweyawaa. According to the *Barron County Chronotype* these young men persuaded many on the reservation, “by threats of violence from occupying or taking possession of the lots assigned them.”<sup>396</sup>

In 1878, the federal government first called the Ojibwe to select their allotments. By September 1878, 160 allotments had been selected and the number grew to 205 in August 1880.<sup>397</sup> However, selection of an allotment meant nothing until a patent was issued. A patent legally conveyed title of allotment selection. Patents were slow in coming, leading to conflict within the Lac Courte Oreilles Band, in which the Ojibwe community at Rice Lake was directly involved. B. Cornell of

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<sup>393</sup> Chappelle, “*Around The Four Corners*,” 20.

<sup>394</sup> Ibid. and “Memoirs of Lena Larson,” *Historical Collections of Washburn County and the Surrounding Indianhead Country*, Volume 1, 286.

<sup>395</sup> Treaty With the Chippewa, September 30, 1854, 10 Stats., 1109, Article 3.

<sup>396</sup> *Barron County Chronotype*, July 1, 1876, 3.

<sup>397</sup> Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1878*, (Washington: Government Printing Office, 1878), 146 and Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1880*, (Washington: Government Printing Office, 1880), 172. Allotment selections were made even earlier at Bad River, with 160 selected by September 1875. See Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1875*, (Washington: Government Printing Office, 1875), 371.

Chippewa Falls petitioned Secretary of the Interior Carl Schurz in 1879 protesting the close relationship between the Ojibwe at Rice Lake and the Knapp, Stout Company and how this would impact allotment. Cornell noted that “selections were promptly made for them by Agents of the above company. In this way the claims of the Red Cedar Indians cover a large portion of these most valuable lands.” Cornell argued that the Knapp, Stout Company employed many of the Ojibwe at Rice Lake (or on the Red Cedar as he called it).<sup>398</sup> It is unknown what Cornell’s interest was, likely he was associated with a Chippewa Falls lumber interest competing with the Knapp, Stout Company.

Giishkitawag attempted to utilize the new policy as a way to sustain the community off-reservation. This led to another tense standoff with Gurnoe. At this point the Ojibwe at Rice Lake (or Red Cedar as Gurnoe identified them) were joined by the Lake Chetac community in resisting removal: “The Red Cedar and Shetek (sic) Indians are strongly averse to living on the reserve, averring that it is cowardly to be kept on the reserve by the government.” Giishkitawag claimed an area of the reservation called Meadow Creek, a meadow on the reservation that he planned to cut hay. In the meantime, federal officials allotted the area to Ojibwe living on the reservation. Giishkitawag told other Ojibwe at Lac Courte Oreilles: “no man will come out alive who dared cut the grass on his allotment.” According to Gurnoe, Giishkitawag had agreed to sell the hay to an unnamed merchant for pork and flour.<sup>399</sup>

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<sup>398</sup> B. Cornell to Carl Schurz, January 6, 1879, NARA RG 75, M-234, Roll 399, F:0026.

<sup>399</sup> Joseph Gurnoe to William Durfee, June 27, 1881, NARA RG 75, Records of the La Pointe Agency, Letters Received from the Lac Courte Oreilles Reservation, 1881-1914, Box 1. Once again, Gurnoe did not identify Giishkitawag by name, instead calling him the “(Chief?) of the Red Cedar band.”

Gurnoe petitioned La Pointe Agent William Durfee for four or five government troops to protect the pasture and the “good and working Indians” as they harvested the hay. In addition, Gurnoe requested that Durfee make a personal appearance to the Ojibwe at Rice Lake to tell them the government would not tolerate harassment of Ojibwe on the reservation. Gurnoe pleaded with Durfee, arguing that Giishkitawag had already “murdered one of the tribe with impunity,” another reference to Giishkitawag’s killing of Bidad in 1878, and thus would have no problem making good on his threat. Gurnoe also sought circulation of regulations about trade among local vendors in the area to thwart transactions that were unapproved by the federal government like Giishkitawag’s selling hay in exchange for pork and flour.<sup>400</sup>

Three weeks later, Gurnoe had heard no response from Durfee. Elsewhere on the reservation, Gurnoe reported that some allottees at Bakweyawaa were complaining that hay was being cut on their allotments. Gurnoe again complained to Durfee about Giishkitawag and the Rice Lake community: “You can not reason with them. They say the allotment scheme has failed and it is of no account, therefore they have a perfect right to cut hay wherever it is found.”<sup>401</sup> In the allotment policy, Giishkitawag saw an opportunity to provide for his community. For Giishkitawag, participation in on-reservation allotment was consistent with remaining off-reservation. While Giishkitawag may at first seem radical and unbending, it is important to think about the broader context of Gurnoe’s characterization of the leader. While he was more confrontational than Waabizheshi and even

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<sup>400</sup> Ibid.

<sup>401</sup> Joseph Gurnoe to William Durfee, July 18, 1881, NARA RG 75, Records of the La Pointe Agency, Letters Received from the Lac Courte Oreilles Reservation, 1881-1914, Box 1. Gurnoe wrote Bakweyawaa “Bakweiawa.”

Nenaa'angabi, this stance was confined to his relationship with federal officials. While he was downright tough with Gurnoe, Giishkitawag not opposed to the presence of whites in northwest Wisconsin. After all, the hay being sold from the allotment he claimed was likely going to white cattle farms. Like Waabizheshi, Giishkitawag knew that alienating white settlers would bring violence. No doubt he took the tough stand he did with Gurnoe because he was keenly aware that Gurnoe was a lone sitting duck, with an overworked and underfunded superior a hundred miles away in La Pointe, with seven other reservations to worry about. Gurnoe could not even get the half dozen troops he requested.

The first patent on the Lac Courte Oreilles Reservation was issued March 11, 1881. By August 1882, 186 patents had been issued at Lac Courte Oreilles.<sup>402</sup> 188 additional patents were issued the following year and another 77 by August 1884.<sup>403</sup> Giishkitawag received a patent for his allotment near Whitefish Lake on June 20, 1881.<sup>404</sup> Thus, Giishkitawag and hundreds of other Ojibwe at Lac Courte Oreilles, Bad River, and Red Cliff received patents to their allotments a full six years prior to passage of the Dawes Act, the legislation making allotment national policy.<sup>405</sup>

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<sup>402</sup> *Annual Report of the Commissioner of Indian Affairs for the Year 1882*, 175.

<sup>403</sup> Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1883*, (Washington: Government Printing Office, 1883), 159 and Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1884*, (Washington: Government Printing Office, 1884), 180.

<sup>404</sup> Giishkitawag's allotment was the E ½ SE ¼ Section 25 Township 39 Range 9. See U.S. Congress, Senate, Chippewa Allotment of Land and Timber Contracts, S.Rept. 2710, 50<sup>th</sup> Cong., 2d sess., 1278. Giishkitawag is rendered "Gish-ki-ta-wag." Today the land is tribal land. The Senate Report includes a complete inventory of allotments for Lac Courte Oreilles, Bad River, Red Cliff, Fond du Lac, and Lac du Flambeau through 1889.

<sup>405</sup> Under the 1854 Treaty, patents were issued at Bad River at the same as Lac Courte Oreilles with 131 patents issued by August 1882. See Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1882*, (Washington: Government Printing Office, 1882), 173. On the much smaller Red Cliff Reservation, the entire reservation was allotted in 1876 and all had patents by August 1883. See Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1876*, (Washington: Government Printing Office, 1883), 159 and

Individuals submitted their selection to the Agent, who approved them. This process was often highly contentious, as many had made claims earlier during the survey in 1876 that they thought were official.

Allotment was instrumental in the formation of new communities on the reservation. The reservation boundaries already encompassed communities at Lac Courte Oreilles and Bakweyawa. The village on Lac Courte Oreilles took their allotments in close vicinity to where they were already living, and this community, which held the farmer and first school, became known as Reserve. Likewise, people from Bakweyawa took their allotments in the area, and this community became known as Post, after trader Thaddeus Thayer's trading post. The communities off-reservation also tended to take their allotments together, forming the basis of what would become new communities on the reservation. The Ojibwe of Rice Lake took their allotments on Whitefish Lake, on the western edge of the reservation, a few miles west of Reserve.

Allotment in the 1880's was the beginning of the Ojibwe of Rice Lake creating a new community at Whitefish. Increasing white settlement in Barron County and Wisconsin's enforcement of its game laws contributed to this to a certain extent. Federal officials pushed individuals to remain on the reservation by cutting hay for cattle and growing crops such as potatoes on their allotments. However, what brought the Ojibwe to Whitefish was not so much agriculture, as federal officials hoped, but sale of timber on their allotments. This was the case for all the Lake Superior Ojibwe. In 1887, La Pointe Agent James Gregory submitted census data to

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Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1883*, (Washington: Government Printing Office, 1876), 149.



the Commissioner of Indians Affairs and explained the population increases on reservations throughout the agency: “This is due to the fact that many are moving onto the reservations to get pineland, who have never lived there before.”<sup>406</sup>

However, many of the Ojibwe of Rice Lake continued to spend much of their time at Long Lake and engage in seasonal labor activities near Rice Lake.

### **William Rust and the Theft of Lac Courte Oreilles Timber**

Ojibwe allotments were private property that often held valuable stands of old-growth timber. Allotment land was and still is held in trust, thus protected from alienation and taxation. Because the allotments on the Lac Courte Oreilles Reservation (and the other Reservations of the Lake Superior Ojibwe) were allotted under the Treaty of 1854 and not the Dawes Act, this trust never expired. As soon as Ojibwe received their allotments, they were anxious to begin timber harvest to provide much needed income. However, this was complicated by the history of timber harvest on the reservation in the 1870’s. Racist federal policy coupled with lack of federal oversight of timber corporations operating on the reservation resulted in the outright theft of millions of board feet of reservation timber from the Lac Courte Oreilles Band.

Prior to allotment, the Ojibwe at Lac Courte Oreilles were anxious to gain income from timber harvest on communally held reservation lands. In 1872, a year before declaration of the reservation boundaries, the Lac Courte Oreilles people petitioned for sale of their timber to provide income. A contract was made with William Rust of Eau Claire for sale of timber on the Lac Courte Oreilles Reservation

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<sup>406</sup> Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1887*, (Washington: Government Printing Office, 1887), 229.

for \$50,000 over five years, to be paid in equal installments of \$10,000 annually. Rust was able to harvest all the white pine on the reservation within three miles from any lake or stream that could float a log. The first season in 1873-1874, Rust harvested 14,000,000 board feet of pine, amounting to \$1.00 per 1,000 board feet. This amount was extremely low: during the 1887-1888 timber season at Lac Courte Oreilles the rate paid was \$7.00 per 1,000 board feet. When government officials realized their mistake in approving a contract that amounted to near robbery of the Reservation's forest, the contract was modified to include \$75,000 more to paid in equal annual installments of \$5000.<sup>407</sup>

In its very first year, the Rust contract was threatened by a Supreme Court decision. In October 1873, the Supreme Court ruled in *United States v. Cook* that Native people could not harvest timber on their lands, except in cases approved by the federal government in order to promote cultivation of lands. The case originated on the Oneida Reservation in Wisconsin, when under the direction of Oneida leadership, tribal members began cutting timber of reservation lands held in common. The logs were sold to George Cook, which prompted the federal government bring suit against Cook for recovery of the timber. The Supreme Court cited *Johnson v. McIntosh* (1823), and the infamous Discovery Doctrine, where Chief Justice John Marshall ruled that Native title to land was that of mere occupancy and true title resided with the European "discoverers," and the American government as their descendents. Therefore, the court found, the Oneida had no right to harvest timber on the

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<sup>407</sup> Anthony Godfrey, *A Forest History of Ten Wisconsin Indian Reservations Under The Great Lakes Agency: Precontact to the Present*, (Salt Lake City: U.S. West Research, 1996).

reservation, since their title to the land was that of strictly occupancy and the right to sell timber belonged to the government alone.<sup>408</sup>

In their analysis of *Johnson v. McIntosh*, scholars David Wilkins and K. Tsianina Lomawaima argue that the decision did not reflect the historical reality of how colonial groups saw Native title to lands in the seventeenth and eighteenth centuries but rather reflected racism and expansionist goals of the nineteenth century. At the time of Marshall's decision in *Johnson*, the government sought to dispose of Native title in the southern Great Lakes and elsewhere as quickly as possible to meet the demands of increasing number of settlers in the region. Wilkins and Lomawaima argue that historical evidence indicates that colonial groups understood discovery to not in any way impair Native title. According to Wilkins and Lomawaima, the French and the British only understood discovery rights to mean the exclusive right to first purchase of Native lands.<sup>409</sup>

The *Cook* decision was a clear example of American colonial efforts to assert total control over Indians, even on reservations. The Supreme Court effectively barred the Oneida (and all Native nations) from managing their own timber resources on own lands. This was a direct attack on tribal sovereignty with tragic results, as federal management of reservation forests was often marred by corruption. The Court's decision in *Cook* was not based on legal precedent or how Native nations used timber resources on their lands. Instead, the Court's ruling *Cook* can be better understood in the context of assimilation era federal policies of the late nineteenth century, such as allotment and boarding schools. The Court's ruling in *Cook*, that the

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<sup>408</sup> *United States v. Cook*, 86 U.S. 591 (1873).

<sup>409</sup> Wilkins and Lomawaima, *Uneven Ground*, 58-60.

only exception where timber could be cut was for agricultural improvements, was in line with the direction of federal policy that sought to transform Native economies from traditional labor activities to agriculture. The Court ruled that even removing dead and down timber was illegal, as timber on tribal lands was property of the United States because the discovery doctrine made the government true owners of even reservation lands. This would not occur until Congress passed the Dead and Down Timber Act of 1889, which allowed Native people the right to cut dead and down timber on their reservations.<sup>410</sup> Internationally, Ojibwe in Canada faced the similar restrictions their Ojibwe relatives in the United States in terms of cutting green timber on reserve lands. Canada allowed only harvest of dead timber by permit.<sup>411</sup>

As a result of the *Cook* decision, the Rust contract was voided, and Rust was ordered by La Pointe Agent Isaac Mahan to cease operations in the upcoming harvest season. Rust did not. During the winter 1874-1875, Rust removed an undetermined amount of timber from the Lac Courte Oreilles Reservation without *any* compensation to the Lac Courte Oreilles Band.<sup>412</sup> Federal officials took no action against Rust in the outright theft of reservation timber. Rust's theft of Lac Courte Oreilles timber and federal officials unwillingness to take action graphically illustrates how corporate interests were able to exploit federal policy for their own profits due to the fact that most reservations are located in isolated areas with little or no federal oversight. At the local level was where American colonialism was the

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<sup>410</sup> Dead and Down Timber Act, February 16, 1889, 25 Stat. 673.

<sup>411</sup> Waisberg and Holzkamm, "A Tendency to Discourage Them From Cultivating," 193.

<sup>412</sup> Commissioner of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1875*, (Washington: Government Printing Office, 1875), 373 and Godfrey, *A Forest History of Ten Wisconsin Indian Reservations Under The Great Lakes Agency*.

most dangerous to tribal sovereignty: disorganization, bureaucratic ineptitude, and neglect allowed policy, no matter how well-intentioned, to be exploited for profit at the expense of Native peoples. Rust became a very wealthy man and influential politician: first as a state senator then as mayor of Eau Claire.<sup>413</sup>

### **Allotment & Timber Harvest**

In the 1940's, Lac Courte Oreilles spiritual leader John Mink told anthropologist Robert Ritzenhauer that allotment was "The worst thing that ever happened to the Indian. Timber companies really established the reservation. They wanted timber rights and pushed the setting up of a reservation through."<sup>414</sup> Mink's sentiments speak to the result of federal mismanagement of reservation timber that resulted in massive corruption. There was an alternative: tribal sovereignty. Had Ojibwe leaders been more directly involved in the management of their own forest resources, the theft and corruption of the Rust contract and sale of allotment timber would have been avoided. Elsewhere in Wisconsin on the Menominee reservation, tribal leaders dictated the harvest of reservation timber using what would today be called sustained yield forestry. This provided employment for tribal citizens for a much longer duration. Profitable timber operations continue at Menominee into the present day, more than a century after the surrounding white communities and other reservations in Wisconsin were stripped of valuable old growth timber.<sup>415</sup>

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<sup>413</sup> For Rust's biography, see Forrester, *Historical and Biographical Album of the Chippewa Valley*, 424-426.

<sup>414</sup> Joseph B. Casagrande Papers, University of Illinois-Urbana Archives.

<sup>415</sup> For more on Menominee management of their forest resources see Brian C. Hosmer, *American Indians in the Marketplace: Persistence and Innovation Among the Menominees and Metlakatans, 1870-1920*, (Lawrence: University of Kansas Press, 1999) and David R.M. Beck, *The Struggle for Self-Determination: History of the Menominee Indians since 1854*, (Lincoln: University of Nebraska Press, 2005).

While individual allottees pushed for sale of their timber as a way to provide income to their families, allotment presented a whole new set of issues in regard to the harvest of reservation timber. Unlike reservation lands held in common, allottees were private property owners. Both allottees and timber companies pressured the federal government to allow allotments to be open to timber harvest.<sup>416</sup> La Pointe Indian Agent William Durfee (who succeeded Mahan in 1881) responded in 1883. Under the Durfee Plan, allottees were allowed to sell three-fourths of their timber and required to leave one-fourth remaining for future use, such as for fuel or fencing. Individual allottees made their own contracts with outside contractors, subject to the approval of the agent. Additionally, non-Indians were not allowed work on timber harvesting, as Durfee wanted to supplement Ojibwe income as well as provide Ojibwe men with experience in the timber industry so they could work in lumber camps off-reservation.

During the first winter of 1882-1883, 3,302,880 board feet of pine were sold from Lac Courte Oreilles, with the figure continuously increasing to 31,391,950 board feet in 1883-1884 and 25,260,760 board feet in the 1884-1885 season. The 1885-1886 season brought a marked increase in production to 46,510, 156 million board feet. Lac Courte Oreilles was the focal point for timber production in the La Pointe Agency (which included Bad River, Red Cliff, and Lac du Flambeau in Wisconsin and the Fond du Lac, Grand Portage, and Nett Lake Reservations in Minnesota) with 72% of all lumber in the La Pointe Agency in the 1885-1886 season

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<sup>416</sup> Godfrey, *A Forest History of Ten Wisconsin Indian Reservations Under The Great Lakes Agency. United States v. Cook*, 86 U.S. 591 (1873).

coming from Lac Courte Oreilles.<sup>417</sup> As impressive as these totals were, they produced wealth that was not sustainable.

In keeping with federal paternalism, money earned from sale of allotment timber did not go directly to allottees: it was paid to the Agency, who then paid individual allottees. As a result, the federal archives from the mid-1880's are filled with thousands of requests for Indians wanting their money from the agent. Allottees were private property owners and yet there was a third party dispersing monies that came from the sale of timber on private property. This illustrates how much American colonialism was rooted in white supremacy. After all, private property ownership was part of the American ideal that federal policymakers were pushing Native people to assimilate to. However, Native people were not allowed to manage their own private property. Even more appalling, this is still the case today: those having shares in allotments have no say when timber harvest occurs or who the contractor is. The Bureau of Indian Affairs (BIA) makes all of these decisions. The contractor pays the BIA following the timber harvest, not the owner directly.

Although the Durfee Plan did have guidelines, federal officials failed to ensure proper compliance. As a result, corruption was rampant. Allottees at Lac Courte Oreilles had little legal recourse when they were defrauded of their timber through timber trespass. However, the same was not true of trader Thaddeus Thayer. Thayer, a non-Indian, married an Ojibwe woman and started his trading post near the Bakweyawaa community on the Chippewa River in 1865.<sup>418</sup> This Ojibwe community soon became known as Post, so named after Thayer's trading post. In February 1881,

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<sup>417</sup> Ibid.

<sup>418</sup> Eldon Marple, *The Visitor Who Came To Stay: Legacy of the Hayward Area*, (Hayward: The Country Print Shop, 1971), 49.

Thayer purchased logs from the allotments of Biidaanakwad and “Chiz-ai-aw.” Both cut the logs and delivered them to Thayer. Thayer paid Biidaanakwad \$504.60 and “Chiz-ai-aw” \$59.95. On April 29, 1881, on orders from the Indian agent, General Land Office agents George A. Henry and Benjamin F. Millard seized Thayer’s logs and sold them to Stockings and Savings for \$809.20, which went to the federal government. In the process, they moved the logs behind Thayer’s dam on Pokegamon Creek to float them down stream for transportation, in the process inflicting \$200 worth of damage to Thayer’s dam.<sup>419</sup>

Thayer brought suit, and in 1885 the U.S. Court of Claims ruled on the case. In its decision, the court ruled “that the government is not responsible for the wrongful acts of its officers. It is liable only for the money which it received on consequence of those wrongful acts.”<sup>420</sup> Therefore, the court denied Thayer damages done to his dam during the trespass of the agents but awarded Thayer \$809.20 from the sale of the logs. In the decision, the court cited *U.S. v. Cook* that allottees could cut timber for improvement and cultivation of the land with the approval of the government.

The Thayer case illustrates how the law only protected whites at this time. Thayer, a non-Indian, had the means to seek redress in the courts, something few Ojibwe had the means to do. Instead, all the Ojibwe could do was complain to the agent, a bureaucrat, who himself could only complain to his superiors, even if he

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<sup>419</sup> *Thaddeus Thayer v. United States*, 20 Ct. Cl. 137 (1885). In the case, Biidaanakwad is rendered “Bi-da-na-kwad.” I have left the name “Chiz-ai-aw” in the original phonetic spelling, as the meaning of this name appears to be idiomatic. Biidaanakwad’s allotment was Lots 4 and 5 Section 31 Township 40 Range 6. “Chiz-ai-aw’s” allotment was SE ¼ SE ½ and Lot 3 Section 31 Township 40 Range 6. See U.S. Congress, Senate, Chippewa Allotment of Land and Timber Contracts, S.Rept. 2710, 50<sup>th</sup> Cong., 2d sess., 1271.

<sup>420</sup> *Ibid*, 142.



were so inclined. Most of the time, these complaints went unanswered. This was a matter that affected Ojibwe people as individual property owners, not as a collective Native nation. Yet Ojibwe people at Lac Courte Oreilles were not given the same legal protection that other individual property owners received. This is yet another example of how Ojibwe quality of life was impacted by the failure to enforce the law, illustrating how the lack of equal protection under the law impacted Ojibwe life as much if not more than federal policy.

There were other issues of corruption under the Durfee Plan. In particular, enforcing the provision of Ojibwe-only labor in allotment timber operations proved to be a difficult task. In 1886, twenty-one timber operators petitioned La Pointe Agent Gregory claiming they had made every effort to employ Indians in their operations on the reservation but had failed. According to the petitioners, economics played a large role: “Indian sawyers will not work for less than from 40 to 45 dollars per month. White men are working on the outside for 22 to 26 dollars.” According to the petition, the reason for this was scarcity: “Indian labor at any price is scarce.”<sup>421</sup> Not all the parties to the petition were outsiders. Among the signers were white men married to Ojibwe women, including John Quaderer and Ira Isham. There were also persons of mixed descent such as Joseph Gurnoe and John LaRush. In addition, Giishkitawag’s nephew, Tom Bracklin, the son of Ashweia and Rice Lake Mayor James Bracklin, was among the signatories.

Enforcement of the Durfee Plan was difficult. That same winter the new farmer, William Rusler, was left to police each camp at the height of timber harvest:

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<sup>421</sup> Petition to James Gregory, October 28, 1886, NARA RG 75, Records of the La Pointe Agency, Letters Received from the Lac Courte Oreilles Reservation, 1881-1914, Box 2.

“As to the matter of white men I find some of them in each camp (besides the teamsters cooks and foreman), and have had those not allowed here discharged at each camp I visit, but as there are so many camps not a few of them go to other camps and find work.” Rusler went on to claim: “I find the Indians who want to work are all employed, and a disposition on the parties running these camps to give them the preference every time. The wages given the Indians are from \$26 to \$45 per month and the whites who have been working averaged from \$26 to \$35 per month.”<sup>422</sup>

While Ojibwe laborers were able to get slightly higher wages, Rusler’s assessment also reveals how local whites took advantage of federal Indian policy to bolster the local economy. In this regard, the issue of white laborers in on-reservation logging camps differs little from Alexander Ramsey’s plans to remove the Wisconsin Ojibwe to Sandy Lake in 1850 to get annuities monies to Minnesota. Like so many federal policy initiatives, the lack of oversight meant local whites were able to exploit the policy to enrich themselves.

These difficulties pushed new La Pointe Agent James Gregory to modify the Durfee Plan without authorization of the Commissioner of Indian Affairs. Gregory began approving contracts with many large timber companies beginning with the 1886-1887 harvest season and ignoring Durfee Plan provisions requiring Ojibwe labor. Gregory believed provisions requiring Ojibwe labor promoted Ojibwe absenteeism on the job and that Ojibwe laborers could demand exorbitant wages. As a result contracting directly with outside contractors, the pine harvest increased dramatically from 46,510,156 million board feet during the 1885-1886 harvest season

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<sup>422</sup> William Rusler to James Gregory, January 3, 1887, NARA RG 75, Records of the La Pointe Agency, Letters Received from the Lac Courte Oreilles Reservation, 1881-1914, Box 2.

to 78,069,770 board feet in the 1886-1887 harvest season. The 1887-1888 harvest season brought a further increase to 88,347,340 board feet. During this season, the price of \$4.75 to \$7 per 1000 feet of pine brought Lac Courte Oreilles allottees \$218,671. The figure of \$7.00 per 100 feet of pine contrasts sharply to the \$1.00 per 1000 feet paid the Lac Courte Oreilles in 1873-1874 under William Rust. During this massive year for timber harvest, a number of contractors worked on the reservation, including Dobie & Stratton; England, Thomas, & Clark; Valley Lumber Company; D.F. Carroll; and Charles Bergeson. All of these contractors labored in direct violation of Durfee Plan provisions requiring Ojibwe labor.<sup>423</sup>

The massive amount of timber being removed from Lac Courte Oreilles by non-Native contractors prompted a Senate investigation, which resulted in a halt in all timber operations on all the reservations in the La Pointe Agency until new regulations were approved. As to be expected, the Senate investigation found widespread violations of the Durfee Plan, concluding:

That a plan designed to benefit the Indians by giving them for many years useful employment and reasonable sums of money while removing from the reservations only trees which could be judiciously spared and leaving the rest suitably preserved and located, had been perverted into a system under which greedy contractors have rushed upon the reservations; have aroused the desire of the Indians to obtain money without work; have made contracts practically unlimited as to the number of trees to be cut; have brought in swarms of lumbermen to do the work; have already denuded the finest timber tracts, and are stripping the allotments so rapidly, that it is probable that within two or three years the pine lumber of the reservations will all be gone, and that not long after the temporary and delusive prosperity of the Indians will cease, and the Government will be asked for appropriations for their support.<sup>424</sup>

Beyond the issue of individual allottees being defrauded of timber and using white laborers in the lumber camps the findings of the Senate committee brings another issue to the fore: how the reservation timber resource was managed. Once Durfee

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<sup>423</sup> Godfrey, *A Forest History of Ten Wisconsin Indian Reservations Under The Great Lakes Agency*.

<sup>424</sup> U.S. Congress, Senate, Chippewa Allotment of Land and Timber Contracts, S.Rept. 2710, 50<sup>th</sup> Cong., 2d sess., vii.

Plan provisions requiring Ojibwe labor were ignored under James Gregory, old-growth white pine at Lac Courte Oreilles was stripped within a couple of years. Had Ojibwe leaders had a voice in determining how the resource was harvested, as happened on the Menominee Reservation, reservation timber could have provided Ojibwe families income for a longer duration. This would have benefitted the federal government as well. As the Senate committee noted, sustainable forest management would have made the Lac Courte Oreilles (and other Lake Superior Ojibwe) more self-sufficient, and thus less in need of federal aid.

The massive clear-cutting on the Lac Courte Oreilles Reservation as a result of the abuses of timber operations under Gregory left the Lac Courte Oreilles timber resource devastated. Furthermore, the clear-cutting made the reservation a tinder-box, and fires raged throughout 1889. After one fire in the summer wiped out 6,000,000 board feet of remaining pine, new La Pointe Agent M.A. Leahy recommended that the remainder of pine on the Lac Courte Oreilles Reservation be cut immediately to prevent timber loss to fire. However, these suggestions were met with no response from Washington. In the meantime, Ojibwe men had to go to lumber camps off-reservations to find winter work. New regulations came in 1893 with the La Pointe Plan, which stipulated awarding a contract to one contractor who received a monopoly on reservation timber harvest. The contractor themselves set prices for allottees, had to have sawmill on the reservation and were required to adhere to regulations, including use of Ojibwe laborers. With just one contractor, the task of ensuring regulations were being followed and abuses were not taking place

was easier than under Gregory, when five different contractors were running rampant on the Lac Courte Oreilles Reservation alone.<sup>425</sup>

The La Pointe Plan was enacted on an experimental basis on the Lac du Flambeau Reservation (which had much more pine intact than Lac Courte Oreilles) for the 1893-1894 season. After proving a success there, the other reservations began contracting with a single contractor beginning in 1894. At Lac Courte Oreilles, Turrish Lumber Co. of Rhinelander was awarded the contract under the La Pointe Plan. There was an estimated 24,000,000 board feet of pine left in remote stands on the Lac Courte Oreilles Reservation. In first season in 1894-1895, 13,469,410 board feet of pine were harvested. This increased the following season when an additional 118 allotments were made at Lac Courte Oreilles, resulting in 22,000,000 board feet harvested in 1895-1896. The timber harvest was suspended in 1896-1897 and in 1897-1898 the 3,500,000 board feet of pine harvested by Turrish was the last of the standing old-growth pine on the Lac Courte Oreilles Reservation.<sup>426</sup>

### **Allotment Timber Harvest & Removal**

Despite corruption that resulted in allottees of the Lac Courte Oreilles getting less than the value of their timber, allottees still received hundreds of thousands of dollars annually from the sale of allotment timber from 1886-1888. During the peak of season of production in 1887-1888 Lac Courte Oreilles allottees received \$218,671. To put this in perspective, in 1874 the Lac Courte Oreilles Band received only \$1032 during the last annual payment for land cession treaties.<sup>427</sup> The income received by allottees for sale of timber dwarfed annual payments received for land

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<sup>425</sup> Godfrey, *A Forest History of Ten Wisconsin Indian Reservations Under The Great Lakes Agency*.

<sup>426</sup> Ibid.

<sup>427</sup> Lac Courte Oreilles Chippewa Annuity, November 14, 1874, MHS M-390, Roll 2.

cession treaties. Income from timber sales on allotments served to supplement Ojibwe standard of living in the wake of the destruction of wild rice beds in northwest Wisconsin. On the Lac du Flambeau Reservation 100 miles east of Lac Courte Oreilles, Tom Badger described the prosperity enjoyed by some allottees:

Most of the Indians there then had houses—log houses and frame houses. At that time some of the Indians had a lot of money which they got from selling timber on their land.<sup>428</sup>

While allottees may have enjoyed an increased standard of living, this was only for a few fleeting years in the late 1880's at the peak of the timber harvest. At the end of this time, Ojibwe timber resources were devastated, most traditional areas for ricing were destroyed, and Wisconsin increasingly refused to allow practice of Ojibwe treaty rights off-reservation. All of this resulted in poverty for the Wisconsin Ojibwe throughout most of the twentieth century.

Furthermore, the wealth from sale of allotment timber was not distributed evenly. Examination of the 1887-1888 harvest season illustrates this. Giishkitawag's timber was worth \$146.86. This was on the low end of the sixty-two allottees who sold timber that season. The high was Harriet Duprie, whose timber was worth \$4325.81. There were twenty allottees whose timber was worth more than a thousand dollars, including the author's grandfather's grandmother Sophia LaRush, whose timber was worth \$1491.51. Only seven of the twenty allottees receiving more than one thousand dollars had Ojibwe names. Since at this time Ojibwe people had Ojibwe names, this may suggest that persons of mixed descent were able to manipulate the system more effectively. The reason for this wasn't just the amount of

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<sup>428</sup> Barnouw, "Reminiscences of a Chippewa Mide Priest," 95.

timber cut: price paid for stumpage varied widely from \$6.25 to \$1.25. Giishkitawag only got \$2.00.<sup>429</sup>

The promise of this prosperity drew Ojibwe to the reservation as life became tougher off-reservation by increased enforcement of Wisconsin game laws and pressure to remove from white settlers. The account of Tom Badger on the Lac du Flambeau Reservation sheds light on Ojibwe motivation to move onto the reservation. Allotment at Lac du Flambeau began five years later than Lac Courte Oreilles, in 1886.<sup>430</sup> The first time Lac du Flambeau Ojibwe Tom Badger came onto the Lac du Flambeau Reservation was in 1897 when he was in his twenties to apply for his allotment. Badger's motivations for securing an allotment sheds light on Ojibwe motivations for securing allotment and eventually moving onto reservations:

We had no money at the time, but the paper we had with us to give old Herrick was to let Herrick have the right to cut timber on our land when we got it. The storekeeper took a piece of paper and wrote out the allotment number that was on the paper we were to give to Herrick. Then we went back to the Farmer's Office again. They took some things down and then sent for a map showing these two allotments. Then we went down to Herrick's office and handed our papers over to Herrick, who gave them to the clerk. They had alot of maps on the wall.<sup>431</sup>

From there, Badger and his family visited the Ojibwe community on Lac du Flambeau. While not remaining on the reservation full-time at this point, taking an allotment began a period of spending an ever-increasing amount of time on the reservation for Badger's family, which culminated with Badger spending all of his time there by the 1910's.

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<sup>429</sup> Chippewa Allotment of Land and Timber Contracts, 817-818. Giishkitawag is rendered "Geskitawag."

<sup>430</sup> Lac du Flambeau had a very similar experience with allotment as Lac Courte Oreilles. The main difference was that during the late nineteenth century, the white settlers moved into the territory near the Lac du Flambeau Ojibwe a decade or more later than at Lac Courte Oreilles. Godfrey, *A Forest History of Ten Wisconsin Indian Reservations Under The Great Lakes Agency*, 40.

<sup>431</sup> Barnouw, "Reminiscences of a Chippewa Mide Priest.," 95.

Once the final old growth white pine was harvested in 1898, the value of allotment timber was drastically reduced. As allotment failed to create a sustaining living even the Ojibwe on the reservation continued to practice seasonal labor off-reservation. Movement was facilitated by new modes of transportation. Early Long Lake settler Arthur Hovey remembered:

Soon after school started, the Indians started coming down the lake to the old landing below our home on their way to Bear Lake for their annual rice harvest. They came from two villages on Long Lake, from Lake Sissabagama, Sand Lake, and from the Reservation. Some came by canoe and others came in light wagons and in almost anything that had wheels.<sup>432</sup>

The Ojibwe community at Long Lake remained off-reservation throughout the 1880's. According to early Long Lake settler Arthur Hovey, the Ojibwe community at Long Lake split after the summer of 1892. At the time there were about 15 lodges located on Indian Point. After that, some in the community moved to the reservation, while others moved to a new site a mile and a half north called Bakerville, after Joe Baker, a resident of the community.<sup>433</sup> However, even for those who moved to the reservation, Ojibwe cultural ties to traditional areas kept the Ojibwe coming back. For example, early Long Lake settler Lena Larson remembered Ojibwe returning to leave spirit dishes for deceased relatives at gravesites after moving to the reservation.<sup>434</sup>

However, the state of Wisconsin became an increasing threat to the presence Ojibwe off-reservation. Again, the law, rather than policy, was the primary tool for making this happen. Throughout the ceded territory, Wisconsin game wardens increasingly sought to enforce state game laws in the 1890's. Lac du Flambeau

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<sup>432</sup> "Memoirs of Arthur Hovey," 287-288.

<sup>433</sup> "Memoirs of Arthur Hovey," *Historical Collections of Washburn County and the Surrounding Indianhead Country*, Volume 1, 287.

<sup>434</sup> "Memoirs of Lena Larson, 1886," 286.



Ojibwe Tom Badger described losing his birchbark canoe when his brother-in-law borrowed the canoe while fishing off-reservation in the late nineteenth century. Badger's brother-in-law was forced to leave the canoe behind in order to flee from a game warden. The game warden seized the canoe, which Badger could not retrieve since they were off-reservation.<sup>435</sup>

As dire as the situation was for Ojibwe in the United States, the situation in Canada was worse. Ojibwe there were subject to dispossession not only by whites seeking farmland, but also the government seeking lands. The protected one-million acre "wilderness" of Quetico Provincial Park we know today was achieved by expelling the Sturgeon Lake Ojibwe band in 1913. Forest rangers destroyed Ojibwe traplines and cabins and forced Ojibwe families out at gunpoint. Furthermore, in 1914, off-reserve hunting was criminalized throughout Ontario. As in the U.S., Canadian Ojibwe treaty rights were outright ignored in the prosecution of the Ojibwe for violation of provincial game laws. In their excellent study on Ojibwe removal in northwest Ontario, Leo G. Waisberg, Joan A. Lovisek, and Tim E. Holzkamm describe the ordeal of Ojibwe Pierre Hunter of Lac Seul. Hunter was convicted for possession of moose meat, imprisoned at Port Arthur, 200 miles away, for 30 days, then released with no means of transportation home. After four weeks, Hunter died, unable to kill any game to feed himself. Ontario officials denied any responsibility for the incident and no immediate changes to Ontario game laws resulted.<sup>436</sup>

The suppression of Ojibwe treaty rights had real impact on Ojibwe quality of life. As the state of Wisconsin increasingly prosecuted tribal members for hunting

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<sup>435</sup> Barnouw, "Reminiscences of a Chippewa Mide Priest," 108.

<sup>436</sup> Waisberg, Lovisek, and Holzkamm, "Ojibwe Reservations as 'An Incubus upon the Territory,'" 337-352.

and fishing off-reservation, the Ojibwe had less access to traditional food such as wild rice and venison. The void was filled with less healthy, Western food such as flour and pork obtained through government commodities. In his study of Lake Superior Ojibwe demographics in the nineteenth and early twentieth century, historian James Oberly found that the population of the Lake Superior Ojibwe reached its lowest point in 1900, a full decade after the Native population reached its lowest point nationally. However, Oberly's research found that birthrates for the Lake Superior Ojibwe during this time did not decline, and in fact were higher than the overall Wisconsin population. The reason for the population decline was a horrific infant mortality rate: in 1890, out of 152 births only 72 babies survived their first year. Oberly attributed this decline to a lack of access to nutritious foods, something directly linked to the suppression of off-reservation treaty rights.<sup>437</sup>

## **Conclusion**

Much has been written about the role of federal policies such as boarding schools and allotment and their adverse effect on tribal sovereignty during the closing years of the nineteenth century. However, for the Ojibwe of Rice Lake, American colonialism was broader than just federal policy during these years. Even the impact of federal policy diverges from common ideas about Native history. For example, it wasn't so much of allotment itself as much as the inability of the Ojibwe at Lac Courte Oreilles (and the same is true of all seven Ojibwe reservations in the La Pointe Agency) to effectively manage forest resources on their allotments. There was a model for this: despite a turbulent history, today the Menominee Reservation forest in

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<sup>437</sup> James W. Oberly, "Land, Population, Prices, and the Regulation of Natural Resources: The Lake Superior Ojibwa, 1790-1920," *The Other Side of the Frontier: Economic Explorations into Native American History*, Linda Barrington, ed., (Boulder: Westview Press, 1999), 190-205.

northeast Wisconsin still stands as an example of how old growth forest can be sustainably managed using select cut principals.

Income from timber sales on allotments brought Giishkitawag and the Ojibwe community of Rice Lake to the reservation. Giishkitawag's leadership was characterized by his confrontational stance that yielded some success. Giishkitawag successfully resisted the removal efforts of Barron County officials in 1879.

Likewise, Giishkitawag successfully defied reservation farmer Joseph Gurnoe by threatening him and securing supplies for his community. However, growth of the white population made Rice Lake an increasingly hostile place to the Ojibwe in the 1880's, as the Ojibwe community of a couple hundred was vastly outnumbered by a white population of a couple thousand by 1890. The Ojibwe responded by spending more time in less populated areas of Barron County such as Long Lake. However, state enforcement of its game laws provided the greatest pressure yet to remove on the community, more than federal policy, local governments, and increasing white settlement. The reason was Wisconsin's willingness to employ the law and even violence to achieve its goals. This represented the greatest danger to the community and especially to its defiant leader. This led to an environment where Giishkitawag could be legally murdered.

## Chapter 5

### “An Imperative Necessity:” The Murder of Joe White and the Culmination of Removal

“I knew the face well. Blood was running out of his ears. A crack in his skull. His right shoulder all mashed up. Next I saw a bullet mark,” commented Joe Baker, providing an eye witness testimony during the arraignment of two Wisconsin game wardens who had murdered Giishkitawag, or Joe White. At the time of his chilling account in 1894, Baker and the rest of his community at Bakerville still lived off the reservation in wigwams, four decades after the Treaty of La Pointe had created the Lac Courte Oreilles Reservation. Among their Ojibwe friends and relatives, the villagers of Bakerville were in the minority by choosing to live on traditional Ojibwe lands not included in the reservation. In many ways, Baker and his community, who were part with the larger Ojibwe community led by Giishkitawag, embodied the late ogimaa’s resistance to removal to the reservation.

Michigan Supreme Court Justice John Voelker (using his pseudonym Robert Traver) wrote in his classic 1958 novel *Anatomy of a Murder*, “a trial was after all a savage and primitive battle for survival itself.”<sup>438</sup> Voelker’s dramatic words refer to the high stakes involved in every trial, but they ring even more true for American Indians involved in courtroom battles in the United States at the turn of the century. Through the trial of Joe White’s killers, two lawmen of the state of Wisconsin, the

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<sup>438</sup> Robert Traver, *Anatomy of a Murder*, (New York: St. Martin’s Press, 1958), 376. *Anatomy* is often cited as the birth of the modern legal thriller, which means it in turn influenced the dozens of procedural crime dramas now flooding the schedules of network television. *Anatomy* was set in Upper Michigan, however, Upper Michigan’s Ojibwe people were not part of the story. However, Voelker was very interested in the Ojibwe communities of the Upper Peninsula. His follow-up work, *Laughing Whitefish*, was a fictionalized version of a real-life case of where an Ojibwe woman sought compensation due her father from a mining company because her father was promised an interest in an ore deposit he led company officials to. Also, in 1989 he established the Voelker Foundation, which provided scholarships for Native students in law school.

Ojibwe would once again experience the extension of American colonialism into their everyday lives. Scholars may dwell on federal Indian policy as a way to understand Native history, but it is also important to remember how local history and smaller legal stories and events, including the trial of Joe White's killers, have also determined the shape of broader policy initiatives, including Indian removal. An acquittal for Martin and Hicks, the two Wisconsin lawmen, while on the one hand representing a story that was not unique in Ojibwe Country, the increasing success of local law authorities when extending their authority over American Indian people and their sovereignty and treaty rights, also meant that local whites were willing to accept violence, even condoning murder in the process.

Joe White exercised his legal right by killing a deer, but he had also resisted removal to the reservation. Both of these acts challenged the authority of the state of Wisconsin over Indian lives. By the time of Joe White's murder and the trial of his killers, the experiences of white settlers with Ojibwe people varied greatly. Some settlers saw the Ojibwe strictly as savage obstacles to civilization, others had deep connections to them based on exchanges that included goods and even kinship. The individuals involved in the trial, including their level of interaction with the Ojibwe, was critical to any verdict reached by the jurors in the trial of Joe White's killers. In Wisconsin of 1894, that verdict was by no means inevitable.

### **The Murder of Joe White**

On Thursday, December 13, 1894, Deputy Game Warden Horace Martin and his assistant Josiah Hicks were sent to serve a warrant issued by Rice Lake municipal Judge Franklin Angel for the arrest of Joe White, 57, for hunting deer out of season.

Journeying the road from Rice Lake to Long Lake (today County Road M), the pair traveled 25 miles to the head of Long Lake where Joe White was working at a logging camp. On their arrival at the camp, Martin and Hicks learned that Joe White had just left for the reservation. The game wardens caught up to White not far from the logging camp.

White was traveling with a group that included his wife “Kwe-wi-dook,” 47, one of his two daughters, and youngest child, nine-year old Charles. Joe White had two daughters, Dabinawaa, 15, and Etta, 11, however, court documents do not identify which daughter was traveling with the group. The group also included another man from Whitefish later identified as “Wabasha,” and five other women and children.<sup>439</sup> At gun point, the game wardens separated Joe White from the group, disarmed the ogimaa and the other Ojibwe, and tossed all firearms out of their reach. According to all witnesses, when Martin and Hicks confronted White, he agreed to go willingly, but then stepped back when Martin tried to handcuff him. Martin and Hicks claimed that then Joe White brandished a knife. Regardless, all eyewitness testimonies agreed that White was then beaten: first Martin struck White with handcuffs on the head and then Hicks struck White with a gun on the head and shoulder. The coroner noted that White’s skull was fractured as a result of the trauma

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<sup>439</sup> Newspaper accounts identified another boy in the group as Joe White’s son, but census records identify Charles as White only son. In 2007, *Spooner Advocate* reporter Frank Zufall detailed the case. In his account, Zufall claimed Charles White was “in his late teens or early 20’s. However, no newspaper or trial accounts identify Charles White’s exact age and census records consistently give his age as nine at the time of his father’s murder. Frank Zufall, “Blood on the Trail: The Killing of Joe White, Ojibwa Chief,” *Spooner Advocate*, March 17, 2007. Census of the Lac Courte Oreilles Band of Chippewa Indians, 1892 (#1075), National Archives and Records Administration, Records Group 75, Indian Census Rolls, 1885-1940, La Pointe Agency Census Rolls, 1890-1892, M-595, Roll 235. In this census, Giishkitawag is rendered “Kish ke tu wag” and Dabinawaa is rendered “Do-bin-a-wah.” I left the name “Kwe-wi-dook” in the original phonetic spelling, as the meanings of this name appears to be idiomatic.

from the cuffs and gun. When White got up and fled, he was fatally shot in the back by Hicks, a fact confirmed by all eyewitness testimony (including Martin and Hicks) as well as the coroner. As the ogimaa lay wounded, his nine year old son Charles ran to his side, only to hear his last words, “I am killed. I cannot live.”<sup>440</sup>

Martin and Hicks then left the scene on foot, arriving in Rice Lake at 1:00 A.M. The next day, December 14, Washburn County prosecutor William Knapp went to Rice Lake to meet with Martin, who agreed to be questioned the following day in Shell Lake. After traveling with the prosecutor to Shell Lake, Martin told Knapp that White resisted arrest, pulled a knife and attempted to cut him. According to his own admission, Martin struck White in the head with the gun and White started to run away. Martin then ordered Hicks to shoot him. Evidently, Martin felt his actions were justified, as Knapp later remarked, “He made these statements to me without being solicited in any way to do so.”<sup>441</sup>

The *Spooner Register* reported that on December 18, La Pointe Indian Agent Lieutenant William A. Mercer was in Duluth gathering evidence about the case. While the paper argued: “The federal authorities will also demand jurisdiction on the ground that the Indian had a right to hunt where he did,” the article also noted that the state had jurisdiction on the basis of the crime occurring off-reservation.<sup>442</sup> Nothing in existing federal records explains why the federal government never assumed jurisdiction in the case. The only mention of the incident in the federal archives is a

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<sup>440</sup> Details of the murder are in State Against S.M. Hicks, ST 113, State Against Horrace Martin, State Historical Society of Wisconsin, Ashland Area Research Center, Washburn Series 27: Wisconsin Circuit Court Washburn County, Case Files, 1886-1982, ST 114, “About Finished!,” *Shell Lake Watchman*, March 21, 1895, and “The Slayers of Joe White,” *Spooner Register*, December 29, 1894.

<sup>441</sup> State Against S.M. Hicks, ST 113.

<sup>442</sup> “Is Very Much Mixed,” *Spooner Register*, December 22, 1894.

December 14 handwritten Western Union telegram from Horace Martin to the Sawyer County Sheriff reading: “Notify Indian Agent Joe White Indian shot about 12 miles south La (sic) Courte Oreilles Reservation Long Lake Road while resisting arrest.” The telegram was accompanied by a letter from Sawyer County District Attorney John Riordan to Agent Mercer stating that the state would have jurisdiction if the crime was committed off-reservation. What neither the Riordan nor Mercer (nor Martin apparently) knew at the time was that the crime occurred in adjacent Washburn County and a different county district attorney would prosecute the case once it was clear the federal government was not to assume jurisdiction.<sup>443</sup>

The failure of the federal government to assert jurisdiction in the case reveals much about the nature and practice of American colonialism at the close of the nineteenth century. The unwillingness of federal officials to assert jurisdiction in the case was not surprising and consistent with federal policies that had assimilation as its objective. While Ojibwe treaty rights were, as all treaties, “the law of the land” according to the Constitution, promoting treaty rights and tribal sovereignty ran counter to efforts to assimilate Native people. Existing laws that recognized and sought to enhance tribal sovereignty were meaningless if they were not enforced. Failure to enforce laws enacted to protect tribal sovereignty was just as effective as federal policies that directly attacked tribal sovereignty, such as allotment or boarding schools.

At the local level, it was up to Indian Agents to assert tribal sovereignty when states violated treaty rights. However, most Indian Agents were overworked

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<sup>443</sup> J.F. Riordan to W.A. Mercer, December 14, 1894, National Archives and Records Administration, Great Lakes Region, Chicago, Illinois, Records Group 75, Records of the Bureau of Indian Affairs, Records of the La Pointe Agency, General Letters Received, 1871-1914.



bureaucrats drawn from the military with little to no experience in Indian Affairs and even less sympathy for Native people. Legal scholar Sidney Haring argues that Indian Agents were not interested in enforcement of the law, but instead acted as stewards of assimilation goals: “the BIA created a substantial system of policing and punishment that was administrative rather than legal, therefore effectively beyond the reach of federal or state courts.”<sup>444</sup> At the same time, Haring also found that increasingly in the late nineteenth and early twentieth century the federal government ceded jurisdiction to states for efficiency sake.<sup>445</sup> This legal environment explains the failure of the federal government to defend Ojibwe Treaty Rights.

### **Martin and Hicks**

Martin and Hicks both came of age during the dispossession of Ojibwe people from important areas that sustained Ojibwe communities of the region in the nineteenth century. Josiah Hicks was born in Chetek in 1861, the son of Irish immigrants.<sup>446</sup> Three years prior to Hicks birth, Waabizheshi sought unsuccessfully to locate the Lac Courte Oreilles Reservation at Chetek, as the massive rice beds of nearby Prairie Rice Lake sustained not just the Ojibwe at Rice Lake but most of the Lac Courte Oreilles Band. Horace Martin was born in Maine, in 1866, but his family migrated to Clear Lake, Wisconsin, when Martin was a young boy. While Martin’s father was born in Maine, his mother hailed from Ireland. Martin’s father was a farmer, and it is likely that he moved the family to the area for access to cheaper and

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<sup>444</sup> Sidney L. Haring, *Crow Dog's Case: American Indian Sovereignty, Tribal Law, and United States Law in the Nineteenth Century*, (Cambridge: Cambridge University Press, 1994), 206.

<sup>445</sup> *Ibid.*, 174.

<sup>446</sup> Tenth Census of the United States, 1880, Town of Shetek, Wisconsin, Enumeration District: 196, National Archives and Records Administration, Bureau of the Census, T-621, Roll 1417, Page 2B.

better land.<sup>447</sup> The challenge of farming on recently cutover lands was something Martin's father likely had experience with in Maine. As a young adult, Martin left the family farm in Clear Lake and moved 40 miles northeast to the larger town of Rice Lake.

Colonialism was not just policy or laws that functioned independently, but instead was the result of the decisions of people. While Martin and Hicks had motives unique to their individual personality, the environment in which they were raised shaped the decisions they made. Martin and Hicks both inhabited a world where more economic opportunities were made possible because of Ojibwe dispossession. Both men's parents were either immigrants or from another part of the country who migrated to two locations, Rice Lake and Chetek near Prairie Rice Lake, vital to Ojibwe survival. Their families, and others like them, did not have any type of economic relationship or any other ties to Ojibwe people. These two factors directly shaped their hostile view of Indians, especially a leader like Joe White who actively resisted removal. In fact, after the murder, Martin's wrote a jailhouse letter to the editor of his hometown *Clear Lake Mirror* detailing how Joe White's political standing was enhanced by his resistance to removal and how this justified his killing of White. Later, at the trial, the wardens made Joe White's hostility to white settlers the entire basis of their defense. The environment in which Martin and Hicks were raised nurtured and sustained the choices they made. Accordingly, the two game wardens made a choice that December day to shoot down the Indian leader who most embodied resistance to removal.

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<sup>447</sup> Tenth Census of the United States, 1880, Town of Clear Lake, Wisconsin, Enumeration District: 209, NARA, T-621, Roll 1440, Page 3B.

## December 21: Inquisition

An inquisition was held on Friday, December 21, over a week after the murder, at the scene of the crime. A jury of six was convened to determine whether Martin and Hicks would be charged. District Attorney Knapp, Justice of the Peace Andrew Ryan, the witnesses, and the six jurors journeyed to the home of Town of Long Lake Chairman William Todd. From there the group walked 10 miles to the scene of the crime.<sup>448</sup> Shell Lake physician George Barker testified that White died from a bullet that entered his right buttock and passed through his pelvis and that the wound was sufficient enough to cause immediate death. Barker also testified that head injuries Joe White received as a result of the beating would also cause death, although not immediately. Next, White's employer, Nicholas Abrahamson, identified the body of Joe White. Abrahamson's testimony spoke directly to the interaction of the Ojibwe and whites in lumber camps: "I have known him for nine years. I always considered him a peaceable man. I have had dealings with him and been closely acquainted with him for the last six years." From the local Ojibwe community at Bakerville, Joe Navaosh also identified White's body, saying he knew him for 40 years, since he was a child.<sup>449</sup>

Next, White's son Charles testified. Charles White's testimony was the most extensive of the inquisition. According to the boy, Martin and Hicks did not present a warrant to Joe White: "They read no papers to Joe White and showed him none." Charles White disputed Martin's claims that Joe White stabbed him: "Joe White had no knife, not even a pocket knife." Charles White added, "Joe White did nothing

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<sup>448</sup> "The Slayers of Joe White," *Spooner Register*, December 29, 1894.

<sup>449</sup> State Against S.M. Hicks, ST 113.

only to run away. He was willing to go to Rice Lake with them, but did not want to be handcuffed.” According to Charles White, he was also threatened: “The game warden said to me to get away or he’d shoot my head off. When they pointed their guns at White, he was about so close to them that they nearly touched him and Joe White started and ran away.” Charles White then testified that after falling from Hicks rifle shot, his father knew he was going to die: “He said for me to run and tell my mother to come. I am killed, I can’t live.”<sup>450</sup>

In the presence justice of the peace Andrew Ryan, six jurors concluded that White died by a gunshot from Hicks, acting under orders from Martin. As a result of the inquisition, criminal complaints were made to Justice Ryan that Horace Martin and Josiah Hicks “willfully, feloniously, and with malice aforethought, kill and murder one Joe White, against the peace and dignity of the state of Wisconsin.” A warrant was then issued for the arrest of each. Interestingly, the person making the complaint was Joe Baker, from the Long Lake Ojibwe community that bore his name. Baker, 30, spoke English, and was of mixed descent. While his mother was Ojibwe, his father was from Canada, either French or of mixed French and Native ancestry. Baker was also a U.S. citizen, something he obtained through allotment.<sup>451</sup> As a U.S. citizen, this gave Baker the standing to make the complaint. On Sunday, December 23 Washburn County Sheriff Peter Mills arrested both Martin and Hicks. Martin was arrested at Rice Lake and Hicks was arrested at Chetek. The next day both were

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<sup>450</sup> Ibid.

<sup>451</sup> Twelfth Census of the United States, 1900, Town of Long Lake, Wisconsin, Enumeration District: 166, National Archives and Records Administration, Bureau of the Census, T-623, Roll 1821, Page 9A. The census taker lists Joe Baker of being of half “white” blood, however, many persons of mixed-descent at this time were considered “white.” Therefore, it is possible that Baker’s father was himself of mixed descent.

arraigned in Shell Lake and pleaded not guilty. The arraignment was scheduled to be continued December 27, meaning both Martin and Hicks had to sit it out in jail during the interim.<sup>452</sup>

#### **Thursday, December 27: Arraignment**

At the arraignment, witnesses were called and cross-examined. Barron attorney Clarence Coe appeared for the defense. Charles White was the first witness called and Ellen Thomas was sworn in as interpreter. Strangely, White testified that he knew Hicks, but not Martin. How the young boy knew Hicks is unclear from other testimony or surviving records.<sup>453</sup> Charles White testified that when Martin and Hicks approached the group, “They did not say they were officers of the law.” According to Charles White’s testimony, his father was compliant when confronted by the wardens: “Joe White told me to take the ponies and stuff and that he would go to Rice Lake.”<sup>454</sup>

According to young Charles White’s testimony, the nine year old was standing right next to his father while the wardens began beating him. Martin hit Joe White with handcuffs and Hicks struck Joe White with a gun three times, once on his shoulder and twice on his head. According to Charles White, the attack was completely unprovoked: “Joe White was doing nothing when they struck him with the handcuffs.” After Charles White went to gather the ponies, he saw his father run away and get shot. Charles White did not see if it was Martin or Hicks shot that Joe

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<sup>452</sup> State Against Horrace Martin, ST 114.

<sup>453</sup> The *Shell Lake Watchman* and the *Spooner Register* identified Charles White as Joe White’s stepson. See “Hicks Being Tried,” *Shell Lake Watchman*, December 27, 1894, “About Finished!,” *Shell Lake Watchman*, March 21, 1895, and “District Court Proceedings,” *Spooner Register*, March 23, 1895. Census Records identify the boy as Joe White’s son. See Census of the Lac Courte Oreilles Band of Chippewa Indians, 1890 (#1095), 1891 (#1085), and 1892 (#1079), NARA, RG 75, M-595, Roll 235.

<sup>454</sup> State Against S.M. Hicks, ST 113.

White, but when the shots were fired, the boy ran back to his father, and as he had testified at the inquisition, the nine year old then witnessed his father die.<sup>455</sup>

A critical issue for the defense was that Joe White had weapons on his person. Their contention was that his character demonstrated that he intended to use them against the wardens. Charles White's testimony directly refuted the defense's claims Joe White tried to stab the wardens: "Joe White had no knife—I would have known if he had any." Then Charles White laid out the physical proximity of the groups guns: "At the time those men came we had no guns. They were on the other side of the road. The old man White had a shot gun. I had a gun. It was a Winchester. Joe White's gun was a muzzle loader. It was not loaded." Charles White added: "He did not run towards the guns. He ran in the other direction. White did not try to get his guns at all."<sup>456</sup>

Not surprisingly, defense counsel Clarence Coe pressed Charles White about this issue:

Q—Where were you when you first saw those men on that day?

A—They were on the other side of the road, about as far across as the room.

Q—How many guns were there?

A—There were about four. The white men had two and we has (sic) three.

As adept as Charles White was as a witness when examined by the prosecution, he was just as effective when cross-examined. The young boy did not get tripped up as Coe, an experienced attorney, pressed the nine year old further in an attempt to prove that Joe White was attempting to secure a weapon:

Q—While you were running down the hill did Joe White take the gun away from the other White man?

A—I did not see him. I saw him all the time.

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<sup>455</sup> Ibid.

<sup>456</sup> Ibid.

Q—What was he doing while this man was going down the hill with you?

A—Nothing.

Q—Was the other White man touching the Indian?

A—Yes, he hit him with the gun.

Q—How many times did he hit him with the gun while you were going?

A—Three. I did not see the other man hit him with the gun. I was present all the time.

The fact that a nine year old boy could do so and hold his composure in a courtroom a mere week witnessing his father's violent murder is astonishing. Coe repeatedly attempted to cast doubt on the young boy's contention that his view of the events was obstructed. However, Charles White yielded no ground, repeatedly stating his continued presence as an eyewitness to the events:

Q—When you went down the road that time wasn't the big Indian with you?

A—The other Indian was ahead of me. I don't know how far. I could not see him. I was not looking at the other Indian I was looking at the one they got a hold of.

Q—When you was going away did you walk backward?

A—When I was going away from the other fellow I did. I had no gun. My gun wasn't with my packs. They were broken. The other fellows broke them.<sup>457</sup>

It is clear from this testimony that Charles White was a remarkable young boy.

Under the intense scrutiny of Coe's cross-examination, Charles White stated with precision how he was able to maintain his view of the events.

Following Coe's cross-examination, District Attorney Knapp was allowed to question Charles White further in response to Coe's cross. Knapp's re-direct focused on the incident of the beatings and Joe White's response. Charles White testified: "The white men did not point the gun at him before they struck him with the hand cuffs as I could see." Then the young boy added: "I did not see White do anything immediately after he was struck with the guns." This was in direct response to Coe's

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<sup>457</sup> State Against S.M. Hicks, ST 113.

contention that the game wardens were not only justified in killing Joe White, but they were also justified in beating him. Next, Coe was allowed to cross-examine Charles White a second time. In the second cross-examination, Coe pressed the boy about the “big Indian” who was present, who at this point in the proceedings was still unidentified. Coe no doubt sought to establish that this person also presented an imminent threat to the wardens. Again, the young boy’s testimony gave the defense little to argue:

The big Indian camped with us the night before. The first time I saw him was a week before I was away to a little store and he was to the camp when I came back. They call him ‘Ooshkoshur.’ The last time I saw him was last week on Friday, he was at White Fish. I think he is at White Fish now. I don’t know where he lives. He was alone when he came to our camp. There were in our party at the time of the trouble there were eleven but part of them were ahead about as far as from here to that White House (pointing to a house on another street). My Mother, Sister, a Brother younger than me and the balance smaller there, no other grown people.<sup>458</sup>

With this testimony Charles White was able to defuse any notion that the wardens were vastly outnumbered by a party of war-like Indians. The only adults on the scene besides Joe White and his wife was the “big Indian,” identified at this time “Ooshkoshur,” later identified at the trial as “Wabasha.”<sup>459</sup> With earlier testimony the young boy had firmly established that neither Joe White nor “the big Indian” had immediate access to weapons of any sort (gun or knives). With this fact irrefutable, the defense was forced to argue that the wardens were vastly outnumbered; something they had not tried to establish until now, with the weapons defense shattered. However, once again Coe’s defense was torpedoed by the testimony of a nine-year old.

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<sup>458</sup> Ibid.

<sup>459</sup> It is likely his name was Waabizheshi (like Joe White’s brother), as this was a very common Ojibwe name in the nineteenth century. There are a few individuals in Lac Courte Oreilles census records of the time with this name. At the same time, there is no individual in census records of the time named “Wabasha” or “Ooshkoshur.” See Census of the Lac Courte Oreilles Band of Chippewa Indians, 1890 and 1891, NARA RG 75, M-595, Roll 235.



The testimony of Charles White during Coe's second cross-examination reveals the role of Indian removal in the murder of Joe White. Charles White's testimony showed how the community that Joe White led was not confined to Whitefish on the reservation. In the course of one day, Joe White and his family moved back and forth from Whitefish on the Reservation to an off-reservation logging camp on Long Lake, a distance of over 30 miles. However, Joe White and his family group were not just aimless, wandering nomads. Instead, the group's travels were the direct result of the actions of federal policymakers. In 1894, federal officials had failed to make Whitefish a permanent home for Joe White's community. This failure was due to the lack of sustaining income on the reservation. The community's presence off the reservation was not based solely on its federally based treaty rights to hunt, fish, and gather off-reservation, although this alone was subversive. Ojibwe movement off reservation was rooted in the community's historical presence at Long Lake and sustained by employment opportunities off-reservation.

At the same time, Ojibwe presence off reservation was extremely risky, something the murder of Joe White made clear. This was the conundrum Indians faced at the close of the nineteenth century: federal policy had failed them on the reservation, while Indians encountered state laws and the hostility of local whites off the reservation. This was American colonialism in Wisconsin. Many local whites were fed up with the presence of Indians off the reservation. This, more than the statutory scope of justifiable homicide, played a role in how potential jurors saw the case.

The next witness at the arraignment was Dr. George Barker, who conducted the examination of Joe White's body. According to his testimony, Barker graduated from Bowden Medical College in Maine in 1884 and had practiced medicine in the ten years since. While he was a general practitioner in Shell Lake, Barker claimed "I have had some experience in autopsies." According to Barker's testimony, he did not know the defendants. Barker's testimony regarding cause of death differed little from the doctors testimony at the initial inquest, stating again that the bullet entered Joe White's right side above the buttock, passed through the abdomen, and exited two inches below his naval. Barker testified, "The bullet was severe and sufficient enough to cause death in a short time." The doctor offered more extensive testimony regarding the beating. Barker testified:

I found a scalp wound about an inch long over the right ear. Through the scalp with a slight depression of the bone. Blood in the right ear. Rest of the head and face clean. Scalp clean. This lead me to think that blood issued from ear after he was washed. Discoloration on right shoulder. A blow like that would have the tendency to stun or daze a person. If it received proper care it would not necessarily cause death.<sup>460</sup>

Regardless of the medical impact of the beating on the actual cause of death, this testimony made it difficult for the defense to claim justifiable homicide when prior to being shot Joe White had received injuries that would "stun or daze a person." After all, how could one be imminent danger from someone who was stunned and dazed?

On cross-examination, the defense did not waste any time in getting to the beating, likely in order to argue that in terms of cause of death, the beating was not relevant. However, Barker testified with some uncertainty: "I pressed my thumb into the opening and probed wound on the shoulder. Was not serious. I don't think."

Regarding Joe White's head injuries, Barker's testimony was also marked with a

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<sup>460</sup> Ibid.

degree of uncertainty: “From my examination of the skull I think that the outer plate only was damaged.” In terms of the gunshot wounds, Barker’s testimony failed to help the defense and only served to reiterate that Joe White was running away from the wardens when he was shot: “The bullet seemed to take an upward course as if the deceased was leaning or running.” Building on this and earlier testimony, Barker added, “It came out about an inch higher than where it entered.”<sup>461</sup>

The next witness was Joe Baker, who testified in English without a translator. Despite his appearance here, Baker would not appear as a witness at the trial. Baker testified that he knew Joe White seven years and did not know Hicks. Baker then went on to describe Joe White’s injuries, which differed little from his testimony at the December 21 inquisition at the crime scene. Interestingly, on cross-examination, the defense questioned Baker about Joe White’s status as the chief.

Q: Was he a regular Chippewa?

This must have been unclear to Baker, because at this point District Attorney Knapp interceded and asked the next question.

Q: Was Joe White a chief?

A: He was. He wasn’t the highest but he was a chief. The second highest chief.<sup>462</sup>

It is strange that this was brought up by the defense, since it indicated a political motive for the killing. However, neither the defense nor the prosecution made at any

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<sup>461</sup> Ibid.

<sup>462</sup> Ibid. This reference to Joe White as the “second highest chief” reflects how Akiwenzii had sustained his influence over the decades and as the reservation was established he became more influential as Lac Courte Oreilles Band people moved onto the reservation. Akiwenzii was succeeded by his son-in-law George Sheff, who by virtue of being the “head chief” of the reservation in issues such as who was entitled to allotments maintained Akiwenzii’s influence.

connection at any stage in the proceedings about how Joe White's political position shaped the defendants motives.

It was not in the defense's best interest to discuss this as a motive, as it went directly against their claims that the murder was mere self-defense. However, the prosecution never questioned the defendants if they were even aware of Joe White's political position, let alone tried to make the case that this may have been a motive and thus the murder premeditated. For Native people, seeking justice in American courts had its limitations as the courts were part of the very system that was actively suppressing tribal sovereignty at this time. Linking the murder of Joe White to the desire of local whites to contain Ojibwe people on the reservation or the state of Wisconsin's goal to suppress Ojibwe treaty rights would have forced the prosecution to argue that these actions were unjust. This was something most local whites were not comfortable with as they directly benefitted from the dispossession of Native people. The defense, however, had much more latitude to exploit these issues, implicitly building into their case local whites fear of Indians.

The next witness was Joe Navaosh, 44, who testified in English without a translator. Navaosh also testified that Joe White was a chief. According to his testimony, Navaosh knew Joe White his entire life and did not know Hicks. Navaosh also testified to living at Long Lake. The cross-examination consisted solely of Coe asking where Navaosh knew Joe White, to which Navaosh responded: "I first knew him at Long Lake."<sup>463</sup> This small bit of testimony skirted around the issue of Ojibwe

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<sup>463</sup> Ibid. Information on Joe Navaosh's age is from Thirteenth Census of the United States, 1910, Town of Loomis, Wisconsin, Enumeration District: 223, National Archives and Records Administration, Bureau of the Census, T-625, Roll 2020, Page 15A. Navaosh's last name is spelled in trial documents "Navaosh" while in the census is spelled "Neveach."

presence off-reservation. The defense never explicitly argued that the mere presence of Ojibwe people off the reservation justified the shooting, but slyly implied it throughout the proceedings. Navoash was part of the Bakerville community at Long Lake that did not remove to the reservation. In the minds of most local whites Indians belonged on the reservation. There was no foundation for this in the law: in fact federal statute supported Ojibwe presence off-reservation, since Ojibwe treaties rights to hunt, fish, and gather off-reservation had never been extinguished.

Christian Sorstead was the next witness. Sorstead lived at John Mc Cullum's logging camp at the head of Long Lake, a few miles south of Nick Abrahamson's camp where Joe White worked. Sorstead testified that he knew Hicks. According to Sorstead's testimony, Martin and Hicks stopped at John Mc Cullum's camp while on the hunt for Joe White: "I heard them tell John Mc Cullum that they was after the Indians because they tried to shoot white men on Bear Lake. They said they were after Joe White." Later Sorstead added: "Mr. Hicks did not say he was going to arrest Joe White. He said he was after him." The defense chose not to cross-examine Sorstead.<sup>464</sup> Sorstead was the pivotal witness in these proceedings. Sorstead's testimony was clear that the murder was premeditated: Hicks saying he was "after" Joe White could be interpreted to mean that he merely wanted to bring him in custody, except for Hicks explicitly saying he did want to arrest him. Here was a white man under oath testifying that Josiah Hicks planned to kill Joe White prior to encountering him.

At this point Dr. George Barker was recalled by the prosecution and testified that a blunt instrument would have caused a skull wound. On cross-examination,

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<sup>464</sup> State Against S.M. Hicks, ST 113.

Barker testified that he could not say with absolute certainty if the wound was caused by handcuffs, only a “heavy instrument.” The timing of this re-direct is strange, since Sorstead’s testimony was not about the beating. The next witness was Horace Martin. Martin testified to knowing Joe White prior to incident. On cross-examination, Martin produced the warrant for Joe White’s arrest, which was entered into evidence. Martin then testified that he informed Joe White of the warrant and arrest. Martin did not offer any testimony about the killing of Joe White.

On the basis of this testimony, Washburn County Justice of the Peace Andrew Ryan ruled: “I find that the crime of manslaughter has been committed and that there is probable cause to believe the defendant guilty.” The trial date was set for March. Ryan set bail for each at \$3000. The case records do not indicate why Martin and Hicks were charged with manslaughter instead of murder. No evidence exists indicating that District Attorney Knapp sought this charge or whether this was Justice Ryan’s decision alone. Perhaps Knapp felt that manslaughter would be easier to sell to a jury. Had the District Attorney charged the wardens with murder, he would have to prove to a jury beyond a reasonable doubt that the killing was premeditated. This would have been difficult, despite the testimony Christian Sorstead, a non-Ojibwe, that the wardens planned to kill Joe White and not arrest him. However, this meant that the prosecution would have to discuss the motives of Martin and Hicks, namely that the murder happened because Joe White was an Ojibwe leader who resisted removal to the reservation and enforcement of state game laws in violation of Ojibwe treaty rights. These were issues that most potential jurors had little sympathy for. Instead, the prosecution built their case against the game wardens as an abuse of duty.

Joe White's political position, resistance to removal, even that he was Indian figured little in the prosecutions case.

While the arraignment testimony was entered into evidence as exhibit "C," a jury never sat and listened to this testimony. The jury had access to the transcript of this testimony during the trial, but it is not known how closely it was read by the jurors or if it was even read at all. The next day, December 28, Horace Martin was released on bail. Martin, M.T. Howard, S.A. Peterson, and William Dietz provided the \$3000. Dietz was a former Barron County deputy who would testify later at the trial as a character witness for the defense. Hicks had to sit it out a few more days. Hicks was released on December 31 on bail provided by Hicks, Walter Speed, E.G. Slayton, C.F. Munseas, John Kleve, T.H. Apkes, and P.A. Moe.<sup>465</sup>

### **The Case in Local Newspapers**

As the trial date approached, rumors swirled around the towns of Washburn and Barron Counties. In Washburn County, the two largest towns were (and still are today) Shell Lake, the county seat, and Spooner, 5 miles to the north. Both places had weekly newspapers, the *Shell Lake Watchman* and the *Spooner Register*. Local newspaper coverage, in particular the *Shell Lake Watchman*, framed the case in racist terms that favored the defendants' perspective of the case. For example, in reporting the initial facts of the case in its December 20 issue printed Martin and Hicks version of the events as fact. The *Watchman* reported that "White made drew a knife and made a vicious stab at Martin, wounding him slightly in the hand." Following the beating the *Watchman* claimed "White made a rush for his gun." When this was disputed and later convincingly refuted at the trial, the *Watchman* did not print a

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<sup>465</sup> State Against Horrace Martin, ST 114. The connection of these men to Hicks is unclear.

retraction. The *Watchman* went on to say that White “is a ‘good Indian’ now,” a reference to the saying “the only good Indian is a dead Indian.” In addition, the *Watchman* highlighted White’s supposedly bad character in patronizing, racist terms: “He has been a terror among the Indians for years, and no one will miss his departure for the ‘happy hunting grounds.’” The *Watchman* went on to report an unsubstantiated account of White’s attempt to rob a cook shanty in the nearby village of Haugen.<sup>466</sup> Closer to the reservation, when the *Hayward Republican* reported Joe White’s death, it added “his death will be no loss to this section.”<sup>467</sup>

By the end of January, the local media saturated the readers with news about the murder. The *Watchman* noted: “The readers of the different newspapers of this locality have no doubt become somewhat weary of reading of Joe White.” Most of the coverage blamed the victim for his own demise due to alleged incidents prior to the murder with little focus on the details of the crime. The *Watchman* directly took up the issue of Joe White’s character: “A large number of people will testify that he was a quiet, peaceable man, while as many more say he was one of the most desperate characters in this section.” This report went on to say that Tom Bracklin would be a character witness in the trial, identifying Bracklin as “one of the camp foreman for the Knapp, Stout & Co.” and made no mention that Bracklin was Joe White’s nephew.<sup>468</sup>

The *Clear Lake Mirror* published a letter to the editor from Horace Martin, which appeared in its January 20 edition. Martin was born in Clear Lake and likely had family still living there. Four days later, the *Watchman* reprinted Martin’s letter.

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<sup>466</sup> “Game Warden Shoots,” *Shell Lake Watchman*, December 20, 1894.

<sup>467</sup> *Hayward Republican*, December 20, 1894, 5.

<sup>468</sup> “Joe White Again,” *Shell Lake Watchman*, January 31, 1895.



The letter contained wildly unsubstantiated claims justifying his actions, which would be the center of his trial defense. However, first Martin attacked District Attorney Knapp: “The district attorney who has been prosecuting this case was drunk when he received the information, and he was posted in the saloons though the city of Shell Lake.” Martin argued that he did not try to conceal his actions following the killing: “we walked thirty-eight miles after dark to report this matter to the proper authorities.” Next Martin claimed that they sent telegrams to any authority with power to investigate, a claim supported by the surviving telegram in the federal archives to Sawyer County authorities that was forwarded to Indian Agent Mercer. According to Martin, all the authorities agreed with the killing “except the ambitious district attorney of Washburn county, who wished to get his name in the paper.”

Martin then went on to attack the character of the deceased: “Joe White has done nothing but steal and murder all his life.” Martin backed this claim by pointing out that Joe White had killed two Indians: Bidad and another one in Rice Lake. No existing historical evidence discusses Joe White killing anybody in non-combat during his life besides Bidad. Martin argued that Joe White’s killing of Bidad and harassment of whites bolstered his political standing within his community: “All that was required of White the time he killed Petud (sic) was to stay away from the reservation a few months, and on his return he was held so high in the estimation of his tribe, by cutting and shooting several settlers in the vicinity of Barron and Sawyer counties.” Martin’s letter gave no other reason for his actions other than White’s alleged bad character nor provided any direct explanation of his shooting of White.<sup>469</sup>

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<sup>469</sup> “Ghost of Joe White,” *Shell Lake Watchman*, January 24, 1895, 1.

There is nothing in the historical record that supports or refutes Martin's claims that Joe White harassed individual settlers in and near Rice Lake. If this was true, it is very likely that Martin was correct in claiming that this was the increased Joe White's political standing in the community. Joseph Gurnoe and other federal officials on the reservation made similar claims. White settlers had no superiors to report to and therefore did not leave detailed records of their interaction with the Ojibwe. Regardless of the truth of Martin claims that Joe White harassed white settlers, he believed it to be the case. Martin's letter demonstrates that the wardens shooting of Joe White was not about enforcing the law but instead it was to silence Joe White and his resistance to removal specifically because he was a chief.

The *Spooner Register* was more balanced in its coverage of the murder. The paper published a letter from District Attorney Knapp, where Knapp attempted to answer many of the rumors regarding the case, and to argue the legality of charging Martin and Hicks.<sup>470</sup> Interestingly, Knapp lived in Shell Lake where the paper did not print anything from the District Attorney. The *Register* also featured an article in its December 22 edition where Long Lake town chairman William Todd reported that popular opinion in Long Lake tended to be against Martin and Hicks.<sup>471</sup> The *Register* reported this again the following week: "The feeling of the people in the neighborhood where the killing was done appears to be entirely in favor of White and bitter against Martin and Hicks."<sup>472</sup> It is likely this was the result of relatively harmonious relations between Ojibwe at the Bakerville and white settlers at Long Lake.

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<sup>470</sup> "The District Attorneys," *Spooner Register*, January 5, 1895.

<sup>471</sup> "Chairman Todd of Long Lake," *Spooner Register*, December 22, 1894.

<sup>472</sup> "The Slayers of Joe White," *Spooner Register*, December 29, 1894.

The *Register* also discussed Ojibwe treaty rights, something completely absent in coverage of the case in the *Shell Lake Watchman* and other local papers. In an article about the failed attempt of the federal government to take over jurisdiction, the *Register* noted, “When the lands were ceded by the Indians they reserved the right to hunt and fish whenever and wherever they pleased so long as the president did not withdraw such reservation. The president has never interfered, and so White was apparently doing what he had a right to do at the same time he was killed, though off the reservation.”<sup>473</sup> No other paper recognized that Ojibwe treaty rights were still the law of the land. Not even the prosecution at the trial argued that the warrant issued for Joe White’s arrest for hunting out of season violated federal laws and the game wardens had no right to arrest White, let alone gun him down.

Likewise, the *Shell Lake Watchman* only once made only passing reference to Joe White’s political position.<sup>474</sup> The *Spooner Register* more frequently referenced Joe White’s role as leader of the community, but did not seriously discuss it as a possible motive or if the game wardens targeted Joe White for that reason. On December 29 the *Register* ran the front page headline “The Slayers of Joe White,” with a subtitle underneath in smaller letters, “The Indian Chief.”<sup>475</sup> In their coverage of the trial proceedings, the *Register* again referred to Joe White as “the Indian chief.”<sup>476</sup> However, even the more sympathetic *Spooner Register* did not go so far as to explicitly say that Joe White was targeted because he was the chief who led resistance to removal to the reservation.

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<sup>473</sup> “Is Very Much Mixed,” *Spooner Register*, December 22, 1894.

<sup>474</sup> In coverage of the trial, the *Watchman* referred to Joe White as “the ill-fated chief.” See “About Finished!,” *Shell Lake Watchman*, March 21, 1895.

<sup>475</sup> “The Slayers of Joe White,” *Spooner Register*, December 29, 1894.

<sup>476</sup> “District Court Proceedings,” *Spooner Register*, March 23, 1895.

## The Defense Team

As the trial date neared, Martin and Hicks rounded out their defense teams. In addition to Coe, Martin retained Lewis Mead of Shell Lake and Charles Stark of Rice Lake. Hicks was defended by Henry Ellsworth of Barron.<sup>477</sup> These men, like Martin and Hicks, were products of the dispossession of Ojibwe people from their lands in Barron County and their careers were shaped by the opportunities that this presented. Lewis Mead was 41 at the time of the trial. He was born in Marshall in southern Wisconsin. At age 19, Mead lost his right hand in a farming accident, after which he began to study law at a Madison law firm and was admitted to the bar in 1882. For a year he practiced law in Hudson, in west-central Wisconsin on the Minnesota border, before moving north to Shell Lake. Mead was elected to the Wisconsin State Assembly in 1888 as a Republican, serving through 1893. Mead was next elected Washburn County District Attorney in 1896.<sup>478</sup>

Clarence Coe was born in 1864 in on a farm outside of Sterling, Illinois. According to Newton S. Gordon's *History of Barron County*, "His parental ancestry in America has been traced back to the year 1631, when the first Coe arrived in New England among the early Puritan settlers."<sup>479</sup> Coe graduated from high school in Sterling in 1884, and came to Barron immediately after graduating to work in his cousin's law office. Coe graduated from the University of Wisconsin-Madison law school and passed the bar in 1888, returning to Barron to practice law. That fall he was elected Barron County District Attorney and in 1892 became a municipal judge,

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<sup>477</sup> "The Court Calender," *Shell Lake Watchman*, March 14, 1895, 1.

<sup>478</sup> *Commemorative Biographical Record of the Upper Lakes Region*, (Chicago: J.H. Beers & Co., 1905), 124-125.

<sup>479</sup> Gordon, *History of Barron County, Wisconsin*, 85.

a position he held for eight years. Later, Coe was elected for a single two-year term in the Wisconsin State Assembly as a Republican in 1918, but was defeated in 1920. Coe had two children, one of which, Robert, followed his father's footsteps by getting a law degree at the University of Wisconsin-Madison and eventually practicing law in Rice Lake.<sup>480</sup>

Charles Stark was a relatively recent arrival to Barron County. He was born in 1854 in Randolph County in southern Wisconsin. Stark graduated from the University of Wisconsin-Madison with a law degree in 1878, setting up a law practice in Randolph. In 1887, Stark moved to Rice Lake to practice law. Later in his career, Stark was appointed second municipal judge of Rice Lake in 1919.<sup>481</sup> Hicks' attorney, Henry Ellsworth, was born in Oregon, Wisconsin, a town in southern Wisconsin about 10 miles south of Madison. His parents were natives of New York. Ellsworth grew up on a farm, and after college at the University of Wisconsin-Platteville and law school at the University of Wisconsin-Madison, was admitted to the bar in Wisconsin in 1881. In 1890, Ellsworth left southern Wisconsin for Cumberland in Barron County. In November of that same year, Ellsworth was elected District Attorney of Barron County, the first Democratic candidate to do so.<sup>482</sup>

What these men had in common is that they were all legal professionals who furthered their young careers by achieving elected offices in the developing white communities of Barron County. These men, like the other white settlers of various occupations who made the population of Barron County explode between 1870 and

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<sup>480</sup> Ibid., 86. See also Forrester, *Historical and Biographical Album of the Chippewa Valley*, 882 and Axtell, *The First Fifty Years: Rice Lake, Wisconsin, 1875-1925*, 41.

<sup>481</sup> Gordon, *History of Barron County, Wisconsin*, 258 and Axtell, *The First Fifty Years: Rice Lake, Wisconsin, 1875-1925*, 203.

<sup>482</sup> Forrester, *Historical and Biographical Album of the Chippewa Valley*, 874.

1890, moved onto Ojibwe homelands in hopes of a better life than they could achieve where they came from. Indeed, all of these men enhanced their economic and social standing by moving to northwest Wisconsin. Indians were an obstacle to their economic and social mobility. They were actively a part of the very process that Joe White was resisting. While these men were all deemed important enough to be included in the *History of Barron County* and other early local histories, Joe White appeared in none of these publications.

### **Jury Selection: March 19, 1895**

A major shift in the case occurred when Webster Goss succeeded William Knapp as Washburn County District Attorney in early 1895. Goss was elected in November prior to Joe White's murder. Goss, a Republican, was elected District Attorney during the 1894 Republican landslide that gave Republicans control of Congress and brought Republicans to the Wisconsin Governorship and Senate as well as the local House, State Senate, and State Assembly districts.<sup>483</sup> Goss's presence as prosecutor was marred by conflict of interest. This shaped the first day of the trial when prior to jury selection the defense, in the words of the *Spooner Register*, "created a sensation" by introducing several affidavits that Goss had been retained by the defendants during the preliminary examination.<sup>484</sup> This forced Goss to quickly file his own deposition stating that when Martin was first arrested he sought Goss as his attorney. Goss replied that he would serve as Martin's attorney if the federal government asserted jurisdiction, however, he informed Martin he could not serve as

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<sup>483</sup> "Everything Goes Republican Throughout the Country," *Shell Lake Watchman*, November 8, 1894, 1. The *Watchman* was a Republican paper. Accordingly, in the article about the Republican landslide of 1894, the paper proclaimed "The world is ours!"

<sup>484</sup> *Ibid.* The defense affidavits are contained in State Against Horrace Martin, ST 114.

his attorney if the state charged Martin. Complicating the matter was the fact that Martin paid Goss's expenses to accompany him to Martin's initial hearing at Shell Lake. Goss stated that his appearance with Martin was not as his attorney of record and he received no compensation for appearing, and it would not interfere with his duties as prosecutor if the state chose to charge Martin.<sup>485</sup> Remarkably, the judge agreed, and Goss was allowed to continue prosecuting the case.<sup>486</sup> Regardless, Goss's actions were ones that no doubt would not have permitted in most courts, and reveal how the courts during this time failed to extend protections of the law to Native victims of violent crime.

Once the matter of District Attorney Goss' conflict of interest was settled, jury selection began. Jury selection was a challenge. The *Spooner Register* noted that the saturation of local press coverage about the case was a serious obstacle to the selection of impartial jurors. According to the *Register*, the defense was concerned "that the reports in the county papers were so impartially made as not to create any prejudice toward the defendants." Another aspect of jury selection that the *Register* commented on was that many of the prospective jurors were recent immigrants.<sup>487</sup> Many of these newcomers had little direct interaction with Ojibwe people themselves. Instead, they were exposed to common stereotypes of Indian savagery that contrasted sharply with the historical experience between Ojibwe people and outsiders. On the

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<sup>485</sup> Goss' affidavits are contained in State Against S.M. Hicks, ST 113.

<sup>486</sup> "District Court Proceedings," *Spooner Register*, March 23, 1895.

<sup>487</sup> Ibid.

other hand, Washburn County was not just Shell Lake and Spooner.<sup>488</sup> As the *Spooner Register* reported, many in Long Lake were sympathetic to Joe White.

Then there was the northern part of the county: newly established towns such as Minong, Trego, and Springbrook. Settlers from these communities may have had a much different view of the case based on actual interaction with Ojibwe people. For example, a pioneer resident of Springbrook was Joseph Trepania, a French Canadian. Trepania had left Quebec for Prairie du Chien, then took a farm in Chippewa Falls. After a brief stint in Rice Lake, Trepania moved his family to Springbrook in 1880, where he operated a store and saloon on the Chicago, St. Paul, Minneapolis and Omaha railway that ran from the Twin Cities to Ashland (today U.S. Highway 63). Trepania was first married to a Lac Courte Oreilles woman, Niizhooenh, a cousin of Akiwenzii, and then a woman named Gekek, one of Akiwenzii's nieces. Trepania had a child with each of these two women. Then Trepania married and had two children with Margaret De Marie, a mixed-blood Cree woman from Chippewa Falls. Even after Trepania married Margaret De Marie, he still raised his children from his prior marriages, and they all lived in Springbrook. Trepania's son Alfred himself had two wives from Lac Courte Oreilles, first Maggie LaRonge and then Elizabeth Greeley, and had three children with each of these women, all of whom also resided in Springbrook.<sup>489</sup> Men such as Trepania and the many members of his family living in Springbrook were all potential jurors with significant ties to the Ojibwe.

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<sup>488</sup> For the early history of Shell Lake see A.L. Stouffer, *The Story of Shell Lake*, (Shell Lake: The Washburn County Historical Society, 1961).

<sup>489</sup> *Commemorative Biographical Record of the Upper Lakes Region*, 88-90; "Memoirs of Maude Ferguson Pratt," *Historical Collections of Washburn County*, Volume II, 467-487; and "Memoirs of William S. Ferguson, II, *Historical Collections of Washburn County*, Volume II, 490-491. Niizhooenh is identified as "Ne-Io-da, meaning 'a twin' (also spelled Ne-Sho-Dar and Ne-Sho-Te)" and Gekek is identified as "Ke-kek," in the "Memoirs of Maude Ferguson Pratt."



Jury selection consumed the entire first day and the morning of the second. By the end of the first day, the defense had used 38 challenges and had 10 remaining, while the prosecution had used 10 and had 2 remaining. In all Judge Marshall examined 115 jurors.<sup>490</sup> The fact that many potential jurors were recent immigrants from Scandinavia and that many in Long Lake were sympathetic to Joe White and perhaps Ojibwe people in general were two factors that had the potential to sway the verdict in either direction. However, none of the jurors were from Long Lake or any area outside Shell Lake or Spooner and many were recent immigrants.

The eldest juror and the foreman was Oliver Purdy, 63. Purdy lived in the Township of Bashaw, to the west of Spooner and Shell Lake. A Civil War veteran from Elbridge, New York, Purdy came to Washburn County to farm in 1882.<sup>491</sup> John Arnquist, 38, was a native of Sweden, as was Ole Errickson. Both lived in the Township of Shell Lake. Also from the Township of Shell Lake was Millage Irwin, 33, a native of Canada, and Charles Blair, 41, who was born in New York, but whose parents were French-Canadian. The last juror from the township of Shell Lake was John Lynch, 28, who was born in Wisconsin, but whose parents hailed from Ireland.<sup>492</sup> Artemus Crandall, 52, lived in the village of Shell Lake. Crandall was from New York and both his parents were also from the northeast.<sup>493</sup> Jurors from the

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<sup>490</sup> "District Court Proceedings," *Spooner Register*, March 23, 1895.

<sup>491</sup> "Oliver Purdy Dead," *Shell Lake Watchman*, December 12, 1901, 1.

<sup>492</sup> Illustrating how intense Scandinavian immigration to the area was in the late nineteenth century is the fact that there were two Ole Erricksons in the Town of Shell Lake. One was 55 and the other was 31. Twelfth Census of the United States, 1900, Township of Shell Lake, Wisconsin, Enumeration District: 166, NARA, T-623, Roll 1821, Page 6A, 7A, and 2B.

<sup>493</sup> Thirteenth Census of the United States, 1910, Village of Shell Lake, Wisconsin, Enumeration District: 224, NARA, T-625, Roll 2020, Page 5A. See also "Obituary: Artemus B. Crandall," *Shell Lake Watchman*, July 17, 1915, 5.

village of Shell Lake also included Charles Mitchell and William Bergin. Two jurors lived in the Town of Spooner, A.C. Buxton and Albert Stratton.<sup>494</sup>

No jurors were included from the northern part of the county or from Long Lake. Unlike many settlers from these areas, the jurors selected had little direct relationships with Ojibwe people. However, like Martin and Hicks and the legal professionals involved with the case, these men too were recent arrivals who came to the region specifically to increase their economic and social status. None of the jurors left journals or letters. There are no surviving written accounts documenting how any of these jurors felt about Indians. Unlike many Long Lake settlers, there is no evidence that they chose develop any type of relationship with the Ojibwe. This made it much more likely they had a hostile view of Indians in general and a leader like Joe White in particular, who sought a continued presence off the reservation. They had much more in common with Martin and Hicks than Joe White.

The reason for this was more than merely ethnic background or immigration status. There was a sharp distinction between the type of labor practiced by white settlers in and near Shell Lake and Spooner and other parts of the county. This is still evident today, as the southern part of Washburn County is much more agricultural than the northern portion or the area along Long Lake where the murder occurred. This difference had a profound effect on settler's relationships with the Ojibwe. The men selected for the jury were farmers. Their labor and profit was solitary and

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<sup>494</sup> The only record of these jurors in Washburn County is the Wisconsin State Census, 1895, Wisconsin Historical Society, Madison, Wisconsin. Little is known about the background of these jurors, since state census records did not provide such information. The twelfth juror, reported in the *Watchman* as "R. Mooney," does not show up on any federal or state census records for Washburn County. The only possible record of this person is an individual on the Shell Lake baseball team in 1896 named Dick Mooney. See *Historical Collections of Washburn County and the Surrounding Indianhead Country*, Volume 1, E. Ward Winton and Kay Brown Winton, eds., (Shell Lake, WI: White Birch Printing, 1980), 254.

derived from land they themselves owned. Whites in the lumber industry were wage laborers for large corporations on lands owned by the corporation. They worked along side Joe White and hundreds of other Ojibwe. The witnesses at the trial bear this out: Christian Sorestead was just as Scandinavian as the jurors, yet held a favorable opinion of Joe White and Ojibwe people in general based on working with them.

### **The Trial: Day One, March 20, 1895**

The trial commenced on March 20 at 10:00 A.M with opening arguments of the state. In his opening, District Attorney Goss argued that the jury should not consider that Joe White was an Indian and made a direct reference to the heritage of the jurors: “when the Maker created us he recognized all men as equal—it makes no difference whether the unfortunate be an Indian or a Scandinavian.” In reference to Martin, Goss claimed, “I have known him since he was a small boy; it is no matter of pleasure that I stand here to prosecute him but it is a matter of duty.”<sup>495</sup>

Goss then called Charles White as the first witness for the state. Ira Isham was sworn in as interpreter. Once again, Charles White testified that he was in a party of eleven, with the only men in the group being Joe White and another Ojibwe man, now identified as “Wabasha.” The rest of Charles White’s testimony was similar to his arraignment testimony, that Martin attempted to handcuff Joe White but White told him it was not necessary and he would go with them but Joe White pulled back when Martin attempted to handcuff him. Martin then struck Joe White with the

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<sup>495</sup> “About Finished!,” *Shell Lake Watchman*, March 21, 1895. Trial testimony is not included in the circuit court files. The only testimony included in the circuit court files is from the arraignment on December 27, 1894. Therefore, the only source of the trial testimony is from the *Shell Lake Watchman* and *Spooner Register* neither of which provided an exact transcription of the trial.

handcuffs on the head. Hicks also beat Joe White with the end of his gun landing three blows, including one on his shoulder and one on his head. Charles White testified that when his father ran away Hicks shot him in the back, under direct orders from Martin.<sup>496</sup>

After the noon lunch break, Goss called Dr. George Barker. The doctor testified that the bullet entered Joe White's right side and exited on his left just below his navel. Barker's testimony was corroborated by two other local physicians. Barker testified that the cause of death was the gunshot wound. Crime scene examiner Henry Mitchell testified next. According to his testimony, Joe White fell 412 feet from the site where Martin and Hicks beat him. Hicks shot White from a distance of 85 feet. All of this corroborated Charles White's testimony. Christian Sorestead took the stand after Mitchell, and testified, as he had at the arraignment, that Martin and Hicks stopped at the John McCullum's camp and told him that they were "after" White for shooting at a white man at Bear Lake, in northeast Barron County. Goss then recalled Charles White, asking the boy how much English he could understand. After an examination, it was determined he could understand most of what was being said.<sup>497</sup>

The next witness for the state was Wabasha, who was not a witness at the arraignment, and there was identified as "the Big Indian." Wabasha offered the most detailed testimony. Through Isham's interpretation, Wabasha testified that he was with Joe and Charles White when Martin and Hicks approached them. According to Wabasha, one of the wardens grabbed Joe White while the other attempted to

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<sup>496</sup> Ibid. and "District Court Proceedings," *Spooner Register*, March 23, 1895.

<sup>497</sup> Ibid.

handcuff him. When Martin began beating him with the handcuffs, Joe White stepped back. Martin then ordered Charles White and Wabasha to step back, which they did. Hicks then began beating Joe White with his gun, while Martin picked up Joe and Charles White's guns and threw them away. Oddly, Martin then patted Wabasha on the shoulder and told him, "you are a nice old man." Wabasha then started to leave the scene, and turned around when he heard a shot, seeing Joe White fall. Wabasha then ran to Joe White and picked up the wounded leader and carried him a few feet before lying him on the ground. According to Wabasha's testimony, a few short moments later, Joe White was dead. There was a brief interlude of humor in the courthouse when the Goss asked Wabasha if he was the one who shot Joe White, he replied with a quick "gaawiin" (no). The judge quickly suppressed the laughter throughout the courthouse and Goss had nothing further for Wabasha. On cross-examination Wabasha testified that Martin forced him up the road by gunpoint, warning him and Charles White to stay back.<sup>498</sup>

Joe Navaosh was called as the next witness. Navaosh was sworn in, climbed to the witness stand, and then unexpectedly pulled out a billie club. The jurors and the capacity crowd produced an uproar, stunned to see an Indian on the witness stand with a weapon. It took several minutes to calm the gallery. After calling for order, the judge demanded an explanation. Navaosh claimed he took the club from the crime scene. He went on to testify he knew of no Indian who had access to such a weapon and that the weapon was left by Martin or Hicks. This meant that Martin and Hicks were in possession of firearms, handcuffs, and a club after they disarmed Joe White. Barker was then recalled and testified that the wound indicated that White

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<sup>498</sup> Ibid.

was bent over while he ran. On cross-examination, the doctor was closely questioned about the wounds to White's head and whether the doctor's medical examination conformed to Charles White's and Wabasha's testimony regarding the beating. The doctor's testimony confirmed the beating according to Charles White and Wabasha and generally supported the case of the state.<sup>499</sup>

Following Barker's testimony, the state rested its case. Henry Ellsworth then opened for the defense, arguing that the killing was justifiable self-defense:

"Gentleman, the only thing that stood between these men and death was Hicks' gun. Such was the judgment of both of them. Had not this shot been fired Hicks' wife would be a widow and his children without a father." Ellsworth told the jury that witnesses for the defense would demonstrate that the homicide was justifiable, painting a picture of the two wardens fearful of being overwhelmed by dangerous Indians. The defense claimed Joe White drew a knife on Martin before he beat him with the handcuffs and that Hicks then shot Joe White because White was going for his gun and Wabasha was trying to join him in resisting the officers. Ellsworth further argued the defense would prove that Joe White was a dangerous person, who had just days before shot at a white man. The state objected to defense counsel introducing new evidence of specific acts that proved Joe White's bad character. This objection was sustained, and the court adjourned for the day.<sup>500</sup>

### **The Trial: Day Two, March 21, 1895**

The doors to the courtroom opened the following day at 8:30. *The Shell Lake Watchman* reported that attendance in the courtroom was less than the prior day. The

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<sup>499</sup> Ibid.

<sup>500</sup> Ibid.

defense presented their character witnesses who would each testify that Joe White was reckless and dangerous, thus proving their case of justifiable homicide. The first witness of the day was former Barron County deputy William Dietz of Rice Lake. Dietz testified about an 1883 incident when as Barron County deputy Dietz attempted to arrest Joe White and shot at the Ojibwe leader to no avail. Dietz was prepared to elaborate on his encounter with Joe White, when the state objected, which was sustained. The judge only allowed Dietz to state his opinion regarding Joe White's character and barred him from relating any specific incidents. In the testimony he was able to deliver, Dietz claimed that Joe White's character was very bad, however, this testimony could not have been too convincing without any specific incidents to back it up.<sup>501</sup>

Judge Franklin Angel took the stand next. Angel was municipal judge of Rice Lake and issued the warrant for Joe White's arrest that were served by Martin and Hicks. Like Dietz, Angel was barred from relating any specific incidents of Joe White's alleged bad character and did not provide any reason why he issued the warrant. Angel testified that he told Martin and Hicks to be careful, that Joe White was dangerous. The state did not cross-examine Angel.<sup>502</sup> The failure to cross-examine Angel was a critical factor in the trial and illustrates how Goss failed to provide the jury with critical information that pointed toward the game warden's guilt. Goss could have questioned Angel about why he ordered the Joe White's arrest. Specifically, Goss did not question Angel as to why he issued an arrest warrant when the Ojibwe still retained rights to hunt off-reservation. This was

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<sup>501</sup> Ibid.

<sup>502</sup> Biographical information on Franklin Angel is in Forrester, *Historical and Biographical Album of the Chippewa Valley*, 627.

something even white settlers were aware of. Even the *Spooner Register* had acknowledged Joe White had a right to hunt off reservation.

After Judge Angel, the defense provided a parade of witnesses describing Joe White's alleged bad character and how he posed a real danger to the wardens. Harry Anderson of Haugen testified that Joe White had shot at him just days before his death. Anderson also testified to Joe White's bad character and claimed that he was usually armed. The next witness for the defense was Ole Brane who warned Martin of Joe White's bad character. Hans Peaborgen of Rice Lake also warned the wardens of Joe White's bad character, calling him "blood-thirsty." C.O. Nass of Rice Lake, a former deputy U.S. Marshall, testified next that Joe White had "an aversion to being arrested."<sup>503</sup> Nass' testimony reveals the depth of prejudice against Ojibwe people at the time. The parade of witnesses the defense produced claimed that Joe White was a dangerous person based on rumors with no specific incidents to back up these claims. The absurdity of it all peaked with Nass. After all, who, white or Indian, *doesn't* have "an aversion to being arrested"? Only in an environment of extreme racism would the flimsy testimony of these witnesses be seen as credible.

Horace Martin then testified in his own defense. According to Martin, the game wardens informed Joe White he was under arrest and then White pulled a knife.

Martin testified:

When (Joe) White drew the knife, I struck him with the handcuffs, which flew out of my hand. Charlie (White) tried to get behind me and I pushed him back and drew a revolver on the big Indian, Wabasha, and told him I would kill him if he did not go on. I followed him down the road a short distance. When I came back, I was running and White tried to get Hicks' gun away from him. I picked up the handcuffs and when White saw me coming he struck at me with his knife, but struck over Hicks' gun and I struck him, but not hard. He then ran up the road and we after him. I was close to him and struck at him. He jumped over a

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<sup>503</sup> "About Finished!," *Shell Lake Watchman*, March 21, 1895 and "District Court Proceedings," *Spooner Register*, March 23, 1895.



fallen tree and then turned back and ran towards the gun. Hicks was close after him. When I saw what White intended to do I called to Hicks to 'stop him for God's sake! Shoot him in the leg.' I told Hicks to get the handcuffs and put them on. Hicks went to the Indian and said he was shot through the leg.<sup>504</sup>

Martin then testified that he and Hicks left the scene and arrived back at Rice Lake at one in the morning. Martin claimed he was warned by eight men that Joe White was dangerous. The warden also testified that Wabasha had a gun and having not being able to speak Ojibwe, was unable to tell Wabasha to put his gun away, causing him to draw his own.

The last witness for the defense was Sarah Kelly of Rice Lake, the only woman to testify. Kelly claimed she had witnessed Joe White brandish a knife on another Indian. The defense then rested their case at 10:40 A.M. The state spent half an hour on rebuttal witnesses. First was Andrew Ryan, Washburn County justice of the peace, who offered testimony based on the December 21 inquisition at the crime scene. Ryan's findings directly refuted Martin's testimony in two ways. First, the trajectory of the fired round disproved Martin's testimony regarding where Hicks stood when he fired. Second, Ryan testimony of the location of two pools of Joe White's blood indicating the beginning and end point to White's path when he ran away from the wardens also refuted Martin's testimony. Ryan's testimony was significant as the defense claim of justifiable homicide was based on Joe White running toward the firearms. Yet evidence at the crime scene in the form of the pools of blood directly revealed that Martin was lying, and Joe White was not running toward the firearms. Ryan's testimony regarding the location of the shooting was supported by Nick Abrahamson's eyewitness testimony. Abrahamson further

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<sup>504</sup> Ibid.

testified that he had known Joe White nine years and had always known him to be a peaceable man.<sup>505</sup>

Next, the prosecution recalled Henry Mitchell, deemed “the smoothing iron,” by the *Shell Lake Watchman* because Mitchell’s testimony spoke directly to the facts. This time, the prosecution questioned Mitchell about Joe White’s character. Mitchell testified White was “about the ordinary run of the Indians in character.” After Mitchell, Goss bumbled by calling John Harrington, a Knapp-Stout foreman, who did not help the prosecution when he testified that he saw Joe White shoot at a man several years ago. Despite this misstep, Goss recovered by recalling Wabasha, who testified that Joe White had no knife. At 11:10 A.M. Goss offered his closing argument, ending just before noon.<sup>506</sup>

Defense counsel Lewis Mead offered his closing argument on behalf of Martin which lasted almost two hours. *The Watchman* gave Mead’s closing glowing reviews:

One of the most able efforts ever made in this county. He was not only eloquent in his oratorical flights, but was so sympathetic and earnest in his appeals in behalf of his client and his right as an officer in the discharge of his duties that he deeply impressed everyone with the force of his logic and the vindication of officers of the law in the discharge of their duties in defense of the rights of the public and their own individual protection.

Even the more balanced reporters of the *Spooner Register* concurred, albeit more briefly, referring to Mead’s closing as “an eloquent impressive plea.” Henry Ellsworth then offered closing on behalf of Hicks, which the *Watchman* called, “a

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<sup>505</sup> Ibid.

<sup>506</sup> Ibid. Biographical information on John Harrington is in Forrester, *Historical and Biographical Album of the Chippewa Valley*, 632-633.

very touching address.” Ellsworth’s argument centered on Joe White’s alleged prior misdeeds and the fact that the defense maintained Joe White reached for his gun.<sup>507</sup>

Following closing arguments, Judge Marshall instructed the jury as to what legally constituted justifiable homicide and that since Martin had instructed Hicks to shoot, both were equally liable. Marshall also instructed the jury as to the scope of the rights of an officer carrying out an arrest for a misdemeanor offense. Within the original case files are an unlabeled page of precedent cases that may have served as jury instructions, as they closely follow newspaper accounts of jury instructions given by Judge Marshall prior to deliberations. The four cases include an Arkansas case, *Smith v. State*, which found that an officer could only kill or serious hurt a suspect for a misdemeanor if his own life was in danger. Also included was an Alabama case, *Karr v. State*, which found that defense was justifiable if the deceased was a violent man. The last two cases drew from Wisconsin case law. In *Clifford v. State*, a defendant was excused from guilt if they acted from “reason and honest conviction” at the time of the killing. *State v. Nett* allowed the defendant to offer evidence that the slain was “a man of great physical strength and was a desperate fighting, ruffanly man,” and provided the defendant knew this prior to the killing.

None of these cases, nor the documented instructions given by Judge Marshall, spoke to premeditation, something clear in Christian Sorstead’s testimony that the game wardens were not going to arrest Joe White, but were “after” him. Furthermore, the defense’s case and the jury instructions were based on the assumption that the wardens action were justifiable because Joe White their lives were in danger due to White’s possession of or intent to use a weapon. However, no

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<sup>507</sup> Ibid.

knife was ever found or entered into evidence. Moreover, Martin's testimony that Joe White was running towards his gun was a lie based on Justice of Peace Andrew Ryan's examination of the crime scene, which showed clearly that Joe White was running away from the wardens and the guns. Even if the jury chose to disregard the testimony two Indian eyewitnesses, Charles White and Wabasha, the testimony of two upstanding white citizens of Shell Lake made it clear that the murder was premeditated and Martin and Hicks were in no imminent danger and had no right to shoot Joe White according to existing case law. It didn't matter though. The jury retired at 4:00 P.M. and returned an over hour later with a verdict of not guilty.<sup>508</sup>

#### **“Sympathy was in favor of the pale faces:” Reactions to the Verdict**

The reason for the not guilty verdict is readily apparent when one considers the fact that many jurors were recent immigrants whose view of Ojibwe people was rooted in fear, based on stereotypes of Indian savagery that contradicted with the historical experience of Ojibwe relations to outsiders. For over two centuries, the relationship between Ojibwe people and non-Ojibwe traders was marked by economic cooperation and cultural respect.<sup>509</sup> However, by the end of the nineteenth century, the majority of residents of northern Wisconsin were either recent immigrants from northern Europe or Euro-Americans. The makeup of the jury reflected this. These new arrivals to northern Wisconsin had no desire for cooperative relationships with Ojibwe people, and wanted Ojibwe people segregated on the reservation. The *Spooner Register* explained the prosecution's dilemma this way: “having to rely almost entirely on the testimony of Indians, against whom, in

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<sup>508</sup> Ibid. and “Session Finished,” *Shell Lake Watchman*, March 28, 1895.

<sup>509</sup> See White, *The Middle Ground*.

this case especially, exists a great deal of prejudice in the whole county.” The

*Register* further noted that the verdict:

was rather a surprise as the weight of testimony seemed to be on the State’s side. Sympathy was in favor of the pale faces. The verdict appears to be entirely satisfactory, though not thought to be in accordance with the testimony.<sup>510</sup>

Typically, the *Shell Lake Watchman* had a different take:

There was a few who discented (sic) with the jury, but we believe it safe to say the ninety percent of all who listened to the evidence thought the verdict was right. It was well brought out by the evidence that Joe White, the dead Indian, was a dangerous, blood-thirsty character.<sup>511</sup>

The following week the *Watchman* went even further by praising the murderers: “The Watchman feels at liberty to say that their course has not been only highly honorable, but they have showed a considerable amount of grit... The boys are made of good stuff, and have served the state faithfully and deserve a good deal of credit for what they have done for law and order.”<sup>512</sup> Even more shocking than the reaction of the general public and the local press to the acquittal was District Attorney Goss’ reaction to the verdict: “I expected it. I have done my duty to the state, but personally I feel glad that Martin got clear.”<sup>513</sup>

Back in Rice Lake, the *Chronotype* had a brief notice of the result of the trial.

After reporting the acquittal of Martin and Hicks in a scant two sentences, the

*Chronotype* went on to say:

The Chronotype has no desire to discuss the unfortunate affair, as it believes that justice has been done to all concerned, with the possible exception of the tax-payers of Washburn county who have had a needless expense saddled upon them through the medium of incompetent officials who listened to the old grannies at Shell Lake and forced a trial when an intelligent investigation of the killing at the time of its occurrence would have clearly demonstrated, what the trial has now done, that the taking of Joe White’s life was not only justifiable, but an imperative necessity.<sup>514</sup>

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<sup>510</sup> “District Court Proceedings,” *Spooner Register*, March 23, 1895.

<sup>511</sup> “Session Finished,” *Shell Lake Watchman*, March 28, 1895.

<sup>512</sup> “Be Sure You Are Right,” *Shell Lake Watchman*, March 28, 1895.

<sup>513</sup> “Martin & Hicks Trial,” *Hayward Republican*, March 28, 1895.

<sup>514</sup> “Justifiable Homicide,” *Rice Lake Chronotype*, March 22, 1895, 1.

It is not insignificant that the Rice Lake paper called the murder of Joe White “an imperative necessity.” It was “an imperative necessity” for whites at Rice Lake in order finally remove Ojibwe people from Rice Lake. This is clear when one considers the facts of the case. It was the municipal judge of Rice Lake that issued the arrest warrant for Joe White, who was not in Rice Lake or Barron County at the time. Why was the warrant not issued from Washburn County where Joe White was actually residing? Even more telling, one of Rice Lake’s own, Horace Martin, ordered his assistant to murder the community’s leader. While some families of the Ojibwe community of Joe White would remain near Long Lake into the twentieth century, most Ojibwe people were contained on the reservation. The *Chronotype* and the citizens of Rice Lake had no need to discuss the “unfortunate affair” at length: their judge and their game warden had, in violation of federal law, went out of their way to eliminate the Ojibwe from Rice Lake by killing their leader. They could now look forward to the future having fully achieved their goal of a completely white community.

### **Conclusion**

Historian Ned Blackhawk argues that violence was central to American colonialism: “Violence enabled the rapid accumulation of new resources, territories, and subject peoples.”<sup>515</sup> In his work, Blackhawk sees violence in the Great Basin as an unwieldy force emanating from colonial disruptions, whether perpetrated by whites against Native people or by Natives themselves against other Natives. For Blackhawk, regardless of its source, violence resulted in Native dispossession.

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<sup>515</sup> Ned Blackhawk, *Violence Over The Land: Indians and Empires in the Early American West*, (Cambridge: Harvard University, 2006), 9.

Things were much different in Wisconsin where Ojibwe sovereignty was most threatened not by large campaigns of violence but smaller events like the murder of Joe White and the failure of the law to effectively protect Native people. The decades long struggle of Joe White and his family to resist removal ended not on a battlefield, but a courtroom.

For the Ojibwe of Rice Lake and their leader, violence was perpetrated not by the federal government, but by the agents of the state of Wisconsin. While there were no federal military campaigns against the Ojibwe, the murder of Joe White achieved much the same result. State policies such as Wisconsin's enforcement of game laws and the resulting tragedy that ensued on that cold, December day in 1894 were more destructive to Ojibwe people and their sovereignty than the federal policies of allotment or boarding schools. The violence that Giishkitawag was a victim of tragically illustrates this point. Giishkitawag was successful in defying federal efforts to remove the Ojibwe for more than a decade. Likewise, the policy of allotment failed to keep Giishkitawag and other Ojibwe on the reservation. In the end, it was the determination of whites of Rice Lake, emboldened by state laws, to end the leader's resistance by ending his life.

The Indian Removal Act passed Congress in 1830. However, it took sixty-four years, two game wardens, and twelve jurors to give the law any real meaning for the Ojibwe of Rice Lake. These men were recent arrivals to Wisconsin, many directly from Scandinavia. They came to Wisconsin in an environment of Ojibwe dispossession which enhanced their social and economic status. These men had little sympathy for an Ojibwe leader who resisted this. This, in turn, led to an environment

where premeditated murder was legal. It mattered little that there were laws on the books protecting Ojibwe treaty rights and sovereignty. In Wisconsin, colonialism was a local affair, achieved by the selective enforcement of the law.



## Conclusion

### Ziigwang: From Lac Courte Oreilles to Barron County

Charles White appears to not have talked much about his father's murder, based on what little we know about the murder from his descendants.<sup>516</sup> For Charles White, the murder of Joe White was not just an attack on Ojibwe sovereignty, but also robbed the nine year old of his father. The world in which Charles White grew up was directly shaped by events such as the murder of his father. These were dark times for Native people, as most Native people lived in dire poverty while their traditions were being attacked by American institutions. Federal policy used education as a tool to separate Native children from their families as a way to eradicate Native traditions, including the practice of traditional labor. The community at Whitefish that Charles White grew up in was no exception. A day school at Whitefish was followed by the Hayward Indian School, a boarding school built specifically to keep Lac Courte Oreilles children in school instead of out with their families gathering maple sugar, fishing, harvesting wild rice, and hunting. At the same time the Ojibwe struggled to continue these activities off-reservation, as the murder of Joe White made clear the steps Wisconsin was willing to take to enforce its laws. It was almost a century after White's murder that federal courts decisively asserted that Wisconsin's denial of Ojibwe treaty rights was illegal.

### Living and Working Off-reservation After Joe White's Murder

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<sup>516</sup> Zufall, "Blood on the Trail." Joe White has very few direct descendents. While there are hundreds of people living on the Lac Courte Oreilles Reservation from the Bracklin, Grover, and Isham families who are descendents of White's sisters, the *Spooner Advocate* article identified only two direct descendents of White, one living in Trego, Wisconsin (a town about 25 miles west of Lac Courte Oreilles) and another in Princeton, Minnesota (a city about an hour north of the Twin Cities).

The fall after Joe White was murdered, education came to Whitefish with the opening of a 24 by 70 foot schoolhouse. The first school was opened on the reservation in 1873 at Reserve, followed by a school at Post in 1881, and another in the Round Lake community two years later. Education was utilized as a means to keep the Ojibwe on the reservation. At Whitefish, the teacher was a person of mixed descent from Bad River, William Denomie.<sup>517</sup> The school averaged about fifteen students per year.<sup>518</sup> Federal officials hoped the school would keep the Ojibwe at Whitefish. However, because the federal government mismanaged reservation timber resources, the Ojibwe had no way to make a living on the reservation. Federal records from the time period are filled with letters from frustrated educators writing to the Agent at La Pointe complaining that their efforts came to a screeching halt as students had joined their parents for traditional labor and work in logging camps off-reservation.

Five years after Joe White's murder, Denomie reported to La Pointe Indian Agent Samuel Campbell that Ojibwe families at Whitefish were still leaving the reservation for logging camps:

During the month four families from this settlement have taken their children out of school and have moved away to the logging camps located about fifteen miles from the school. This caused a loss of ten pupils. I understand that another family is to leave this week. The men of these families work in the camps during the winter. They will all be back to the reservation in the spring. They can hardly be blamed for going away as there is no work on the reservation. It is a case of work or go hungry.<sup>519</sup>

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<sup>517</sup> R.L. McCormick, *Evolution of Indian Education: Mission, Public School, U.S. Auspices in Sawyer County, Wisconsin*, (Hayward, WI: Hayward School Board, 1901).

<sup>518</sup> Denomie reported 16 students in 1897, 15 in 1898, 16 in 1899, and 14 in 1900. See William Denomie to Samuel Campbell, July 1, 1897, June 2, 1898, June 6, 1899, March 1, 1900, National Archives and Records Administration, Great Lakes Region, Chicago, Illinois, Records Group 75, Records of the Bureau of Indian Affairs, Records of the La Pointe Agency, Letters Received From the Lac Courte Oreilles Reservation, 1881-1914, Box 3 and 4.

<sup>519</sup> Denomie to Campbell, November 30, 1899, NARA RG 75, Letters Received From the Lac Courte Oreilles Reservation, 1881-1914, Box 4.

Whether engaged in traditional labor or working in lumber camps, for the families at Whitefish and the rest of the reservation, leaving the reservation was about survival. As local whites and state game laws pressured the Ojibwe to remain on the reservation, the federal government provide little opportunity for the Ojibwe to make a living on the reservation.

At the end of the nineteenth century, educational policy on the reservation underwent a dramatic shift with the creation of a boarding school in Hayward. The new school was designed specially to educate all the Ojibwe at Lac Courte Oreilles (and from nearby St. Croix Band communities) at a site off the reservation and avoid the attendance problems described by Denomie and other educators. The school was completed in 1901, and began taking students that fall. While some students from Lac Courte Oreilles Ojibwe attended national boarding schools such as Carlisle Industrial School and the Hampton Institute prior to the building of the Hayward Indian School, the new school brought the board school policy to nearly every family on the reservation. The Whitefish School was closed, along with the day schools at Post and Round Lake. The only day school that remained open on the reservation was a Catholic day school at Reserve, which was slated to be closed, but remained open when 54 tribal members (mostly of mixed descent) petitioned the federal government.<sup>520</sup>

Both boarding schools and the state prosecution of Ojibwe Treaty Rights escalated pressure to remain at Whitefish. However, even after White's murder, Ojibwe people on the reservation continued to practice traditional and wage labor off-

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<sup>520</sup> Petition, April 22, 1901, NARA RG 75, Records of the La Pointe Agency, Letters Received From the Lac Courte Oreilles Reservation, 1881-1914, Box 4.

reservation in order to survive. In 1911, at the one remaining day school on the reservation, Sister Xavier Grany wrote to La Pointe Agent Major Samuel A. Campbell echoing the dilemmas faced by her predecessors in the last decades of the nineteenth century: “We wish to inform you that fourteen of our children are in the sugarbush and we feel that they should be in school as they are of no use to their parents.”<sup>521</sup>

The accounts of early white settlers also speak to continued Ojibwe presence off-reservation. In Birchwood, Wisconsin (a town about 15 miles south of the reservation) Allison Stout remembered:

There was a good sized wild rice bed on Birch Creek just above where it empties into Balsam Lake. Every fall the Indians came down from the Reserve to gather the rice and camped on the north bank of the creek... They stayed there for some time as they came down in time to tie up the green rice stalks in bundles, and waited for it to get ripe. Then they gathered and parched it before returning to Reserve. I venture they camped there about a month as it probably took a week or so to tie the green rice into bundles about the size one could reach around with both hands.<sup>522</sup>

Stout also remembered her father trying to buy rice: “I remember well the cries of outrage when the price went up to 7 cents a pound.”<sup>523</sup> Stout remembered that the Ojibwe did not want to sell rice to her father, and under pressure would agree to the following day, only to sneak back to the reservation without selling him any. By this time, the prejudice of local whites against Indians had shaped the Ojibwe related to outsiders. However, according to other Birchwood settlers, Ojibwe people would routinely come down from the reservation selling birchbark, beaded items, and mats.<sup>524</sup>

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<sup>521</sup> Xavier Grany to Samuel Campbell March 23, 1911, La Pointe Agency, Letters Received From Lac Courte Oreilles (Box 8)

<sup>522</sup> Chappelle, “*Around The Four Corners*,” 98.

<sup>523</sup> *Ibid.*, 99.

<sup>524</sup> *Ibid.*

The murder of Joe White demonstrated that many white settlers were willing to accept violence as a means to keep Ojibwe people on the reservation. However, there were exceptions. As newspaper coverage of the trial of Martin and Hicks suggested, whites at Long Lake were somewhat more tolerant of Ojibwe presence. Six years after the murder of their ogimaa, the Ojibwe community of Bakerville on Long Lake still existed. It was a small community of 45 people. Only Joe Baker's family, another family headed by a German man, and one other individual had any non-Ojibwe ancestry. Despite the presence of "white" blood in a small minority of the community, culturally this was an Ojibwe community, more traditional than many families on the reservation. For example, every single person lived in a wigwam at a time when most on the reservation lived in a frame house.<sup>525</sup> Bakerville was not a community that sought to assimilate with the whites that surrounded them.

As jobs in timber industry dried up with the elimination of old-growth forests, the Ojibwe at Bakerville found some work in the developing tourism industry as a way to sustain itself. In 1904, the Rockford Hotel was opened on Long Lake. The hotel was named because its owner, Asaph B. Curtis, was from Rockford, Illinois, as were most of his clients. Ojibwe men drove the buggy from the train stop in Sarona, Wisconsin, about fifteen miles to the west. Ojibwe people sold blueberries and other traditional foods to the guests.<sup>526</sup>

However, the increased enforcement of Wisconsin game laws on Ojibwe people and the end of the timber industry took its toll on the small community. By

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<sup>525</sup> Twelfth Census of the United States, 1900, Town of Long Lake, Wisconsin, Enumeration District: 166, National Archives and Records Administration, Bureau of the Census, T-623, Roll 1821, Pages 9A, 9B, and 10A.

<sup>526</sup> Chappelle, "*Around The Four Corners*," 86. The Rockford House still stands as a tavern on County Highway B on Long Lake.

1910, the community at Bakerville dwindled to thirteen, consisting only of the families of the brothers Joe and Bill Navaosh and Mary Wiedeman, the Ojibwe wife of a German man, and her four year old son. By this time, all three families lived in frame houses. Joe Navaosh's family consisted of his wife and three children. Bill Navaosh's family consisted of his wife, daughter, and three young grandchildren.<sup>527</sup> These families remained at Long Lake, however, and in 1923, Bill Navaosh charged a local tourist one dollar to take a picture of his family in their birch bark canoe.<sup>528</sup>

### **“Not Justifiable in Law:” Federal Courts and Ojibwe Treaty Rights**

While federal officials failed to intervene and protect the Ojibwe Treaty Rights against Wisconsin's violation of federal law, the Ojibwe had some success taking matters into their own hands. In 1901, Bad River Ojibwe Andrew Blackbird (a direct descendant of Bad River ogimaa Makadebinesi, who signed the Treaty of 1854) was arrested for netting in a stream on the Bad River Reservation. Blackbird was fined \$25 plus court costs and was subsequently jailed for failing to pay fine. Blackbird sued in federal court and Judge Romanzo Bunn overturned the citation and ordered Blackbird's release. Bunn ruled, “the prisoner's arrest was the result of overzeal on the part of a fish and game warden, which may be excusable, but is not justifiable in law.” Bunn found that the Ojibwe maintained hunting and fishing rights under the Treaty of 1854 throughout the territory ceded (on and off the reservation) that only the federal government terminate. Bunn ruled: “Congress might even

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<sup>527</sup> Thirteenth Census of the United States, 1910, Town of Long Lake, Wisconsin, Enumeration District: 223, National Archives and Records Administration, Bureau of the Census, T-625, Roll 2020, Page 16A and Thirteenth Census of the United States, 1910, Town of Loomis, Wisconsin, Enumeration District: 223, National Archives and Records Administration, Bureau of the Census, T-625, Roll 2020, Page 15A. In the 1910 Census Navaosh is spelled “Neveash.”

<sup>528</sup> Chappelle, “*Around The Four Corners*,” 86. Chappelle spelled Navaosh “Naviach.”

provide fish and game laws to restrict the Indians in their natural and immemorial rights of fishing and hunting. But it has not seen fit to do so. It would be intolerable if the state, under these circumstances, should have the power to step in, and extend its civil and criminal codes and police power over these people. It would be an invitation to an early conflict of jurisdiction.<sup>529</sup>

While Bunn's ruling helped Blackbird, it did nothing to stop Wisconsin (or Minnesota or Michigan) from enforcing game laws in direct violation of the Treaty of 1854. Change did not come until over eighty years later, with the Voight Decision. In 1972, two Lac Courte Oreilles members, brothers Fred and Mike Tribble, moved their dark house ice fishing house on Chief Lake over the reservation boundary, intending to be arrested, so to challenge Wisconsin's prosecution of Ojibwe Treaty Rights. As a result of the brothers' arrest, the Lac Courte Oreilles Band sued Wisconsin Department of Natural Resources head Lester Voight in federal court. Soon all of the Wisconsin Ojibwe Bands joined in the suit. The District court upheld the brothers arrest in violation of state game laws, ignoring Bunn's ruling in the same District Court. However, the Circuit Court of Appeals reversed the lower court ruling and found that Ojibwe Treaty Rights had never been extinguished and ordered Wisconsin to stop prosecuting the Ojibwe and work with the Ojibwe to create a management plan for the harvesting of resources under treaties. The Supreme Court chose not to hear Wisconsin's appeal of the case.<sup>530</sup>

The practice of Ojibwe Treaty Rights in Wisconsin angered many whites in northern Wisconsin, in particular the spearing of fish in the spring. In the late 1980's

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<sup>529</sup> In re: Blackbird, Western District of Wisconsin, 109 F. 139 (1901).

<sup>530</sup> Lac Courte Oreilles v. Voight, 700 F. 2d 341 (1983).

boat landings became increasingly dangerous for the Ojibwe as hundreds of white protesters yelled racist slogans and threw rocks at Ojibwe fishermen. State and local authorities did nothing to stop the protests, often refusing to press charges against violent protesters. The protests drew national media attention, with some media outlets drawing comparisons with racial violence in the deep South during the 1950's and 1960's. It was only after Judge Barbara Crabb issued an order that interference with Ojibwe Treaty Rights was a federal crime that the protests slowly died down.<sup>531</sup> At the same time, the state of Minnesota chose to ignore the decision reached in Circuit Court of Appeals that includes Wisconsin, forcing the Ojibwe bands in Minnesota who were party to the Treaties of 1837 and 1854 to bring their own suit in the Federal District Court of Minnesota. This time the case went all the way to the Supreme Court. In 1999, the U.S. Supreme Court upheld Ojibwe Treaty Rights, in a very close 5-4 decision. While there was some opposition to Ojibwe Treaty Rights in central Minnesota, the furvor did not reach the heights of Wisconsin in the prior decade.<sup>532</sup>

### **Ziigwang (In the spring)**

On a beautiful morning in late March of 2012, I leave the Lac Courte Oreilles Reservation headed for Barron County. This year marks the fifth consecutive spring my family gathers maple sap on Barron County Forest Land just north of Cumberland, Wisconsin. Gathering maple sap on public lands is part of our treaty rights, albeit less practiced and less controversial than spearing fish or deer hunting. I leave the reservation, driving south on State Highway 27 for a few miles before

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<sup>531</sup> Satz, *Chippewa Treaty Rights*.

<sup>532</sup> *Minnesota v. Mille Lacs*, 526 U.S. 172 (1999).



turning west on State Highway 70 for a few more. I then make a left on County Highway B. Two miles up Highway B to my left is Slim Lake Road. Just up this road was where Horace Martin and Josiah Hicks murdered Joe White. I continue on for about twenty miles on County Highway B, winding along the beautiful, towering pines that line Long Lake until I reach Shell Lake. I pass the Washburn County Courthouse, where Martin and Hicks were acquitted of White's murder.

I have passed these places over a hundred times and rarely is their significance lost on me. I finally arrive at the sugar camp. After being cooped up indoors during the long northern Wisconsin winter, the temperatures in the upper 30's feel tropical. It feels great to get outside in the calm winds and clear blue skies. It is a true traditional family activity, as my son, my parents and I collect sap from each tree and lug buckets of sap through the still deep snow. Despite the events that occurred at places I've passed on my way to get here, there are still Ojibwe families in Barron County practicing treaty rights. Removal wasn't fixed in one particular time period. Its significance lies beyond specific legal or policy definition. Removal is foundational to colonialism in its desire create a racially segregated America. Removal is something we live with and must resist today: Ojibwe Akiing (territory) isn't just the Reservation, it is the entire ceded territory.

This is not just significant for Ojibwe people. Nenaangabi, Waabizheshi, and Joe White were American heroes. They accepted Americans in Ojibwe territory but fought hard against those who wished to create a segregated America. The America that Nenaangabi, Waabizheshi, and Joe White strove for was inclusionary and intercultural, strengthened by the exchange of cultures. While theirs is a unique

and interesting story, there were hundreds of other Indian leaders throughout the Western Hemisphere who also resisted colonialism during the nineteenth century. However, tribal sovereignty is not limited to the heroic efforts of these leaders. While we build on what came before, it is up to each generation to practice and define our sovereignty: one bucket of maple sap at a time. It's spring. It's a new day.

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