HISTORY OF THE MINNESOTA CHIPPEWA TRIBE

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FOREWORD

"Although the Indian is well known in Minnesota through folklore and place names, and although most people when asked express some curiosity, some interest, and real sympathy for the group, there exists considerable misinformation and misunderstanding about the Indian in Minnesota. Many intelligent and well-informed persons still picture the Indian in a teepee, while others believe he is the recipient of an allowance paid by the federal government. Few realize that the Indian is a citizen both of this nation and of the state and that as such he is entitled to share in all the benefits and privileges of that citizenship."

The above statement was part of a report by the Governor's Interracial Commission of Minnesota entitled **The Indian in Minnesota** dated 1952. Unfortunately, this statement is as true in 1978 as it was over a quarter of a century ago. The relationship between Minnesota's largest minority group and the general public today remains about the same.

This course is a sincere attempt to clarify some of the misinformation and misunderstanding about the legal status, inherent and negotiated rights, past and present legislation, and programs and services of The Minnesota Chippewa Tribe. This course is also a review of the historical circumstances of white settlement in Minnesota showing the condition of Indian affairs here has been and still is a complicated subject of much concern due to federal trust relationships.

It is hoped this course, through the education process, will dispel many of the myths of the federal and legal status of Indian people, and provide a more harmonious relationship between Indian and non-Indian students in the public school system and the adults of the general public.

This unit on Minnesota Chippewa Tribal Government begins with the form of government known to the Chippewa before contact with European people and shortly thereafter. Ensuing activity from that contact until the present time brought the need for certain agreements. These agreements came about in the way of treaties, legislative acts, congressional policy and administrative directives. The current tribal structure was formed from those legal policies and is more actively working towards equitable interpretation for today's and tomorrow's Chippewa people.

William Schaaf
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Curriculum Developers
The Minnesota Chippewa Tribe

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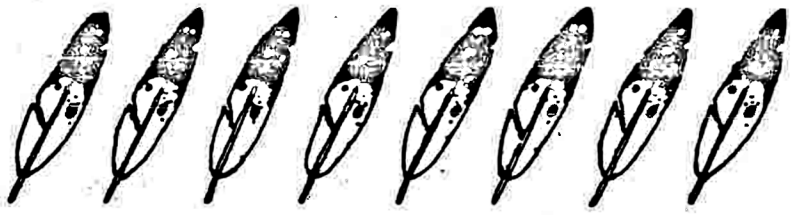
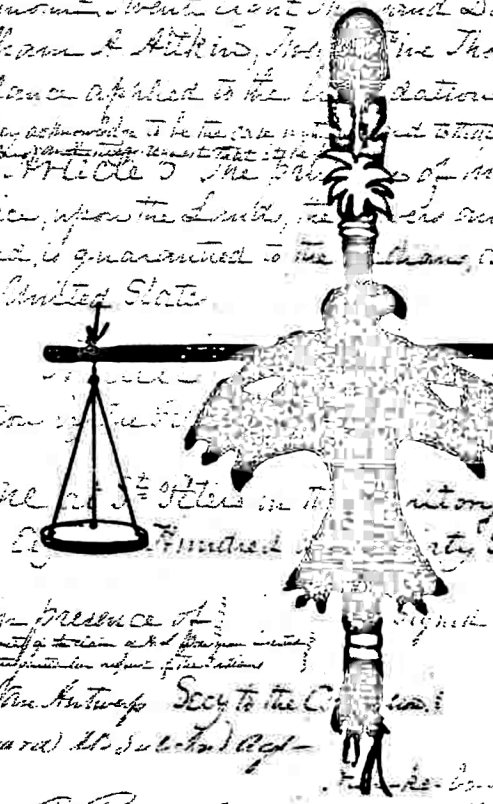


CHAPTER ONE

Traditional Chippewa Tribal Government



TRADITIONAL CHIPPEWA TRIBAL GOVERNMENT

For countless centuries Ojibwe people have governed themselves in a manner of which the so called "civilized" nations of today's world would be envious. Ojibwe people had a system, where there were no jails, poorhouses, or insane asylums. People respected each other, and actions such as stealing from one another were unheard of. A person was judged not by how much he owned but by how a person treated his fellow man. The most humble man was often the most respected man. That was the way it was with the Ojibwe people. Often times the Ojibwe were noted for the large amount of their possessions they had given away.

Chiefanship was divided into two categories, civil and war. Civil chiefs held the highest authority of the tribe and received their leadership hereditarily. When a chief died, the oldest male normally assumed the chieftanship of the band. If that was not possible, the oldest male relative was given the position by the band. Consequently many chiefs could trace their chief-line back as many as ten generations.

Traditional Ojibwe chiefs originally came from the various "Dodaims" or clans of the tribe. Some of these clans claimed many of the most prominent chiefs as their members. Two of these, the crane and loon clan were the principle chief clans, although chiefs came from many of the other clans. Only males were chiefs in the Ojibwe tribe.

A chief was most noted for his personal characteristics; anyone wishing to join his band was at liberty to do so. A band might comprise as few as thirty or forty people, or as many as three hundred.

The duties of a civil chief included presiding over tribal councils of his band, the making of decisions that affected its general welfare, and the settlement of small disputes. He represented the band at the signing of treaties, the payment of annuities, and any large gathering of the tribe.

Associated with the chief were two "headmen" who acted with the chief for the band. They were selected from among the most prominent warriors. Many of these warriors or headmen also signed treaties; today they are considered by many to be chiefs. At large council the head men always sat next to their chief.

Chiefs were often called upon to settle disputes among their band. Typical disputes often came up during the harvesting of rice, and the gathering of maple sap. It was the chief's word which determined when the band would start to rice and where. Oftentimes the chiefs relied upon the powerful medicine men and "jisakiwug" (wigwam shakers) for advice. The chiefs themselves were oftentimes respected by their band as being powerful medicine men.

Family groups usually shared the same ricing, maple sap, and hunting grounds. The chief had to monitor these activities so that harmony was kept amongst the band. The chief, with strong advice from the elders of the band, settled any disputes between the members of the band, and between the white people and the Ojibwe. (The most difficult decision was how to deal with a murder, which did not happen very often.)

The chief had to decide whether the accused was guilty and whether punishment should be meted out, or retribution to the family of one who was killed. The family listened to the chief, but it was their final decision, whether to revenge the death or not.

Photo courtesy Cass County Historical Society

Unidentified Ojibwe elders from the Cass Lake area around 1890.

Photo courtesy Cass County Historical Society

Civil chiefs also had to respect the wishes of the entire band in times of war. The signing of treaties was a difficult time for chiefs. There were many in the bands that disagreed on the treaty conditions. To be a chief for a lifetime and earn the continued respect of the tribe was indeed difficult.

TOTEMIC DIVISION OF THE OJIBWE [1]

Each grand family is known by a badge or symbol, taken from nature; generally a quadruped, bird, fish, or reptile. The badge or Dodaim (Totem, as it was most commonly written) descends invariably in the male line; marriage is strictly forbidden between individuals of the same symbol. This is one of the greatest sins that can be committed in the Ojibwe code of moral laws, and tradition says that in former times it was punishable with death.

In present somewhat degenerated times, when persons of the same Totem intermarry (which even now very seldom occurs), they become objects of reproach. It is an offense equivalent to the sin among the whites of a man marrying his own sister.

In this manner the blood relationship is strictly preserved among the several clans in each tribe, and is made to extend amongst the different tribes who claim to derive their origin from the same general root or stock.

An individual of any one of the several Totems belonging to a distinct tribe, as for instance, the Ojibwe, is a close blood relation to all other Indians of the same Totem, both in his own and all other tribes, though he may be divided from them by a long vista of years, interminable miles, and not even know of their existence.

I am not possessed of sufficient general information respecting all the different groups of tribes in America, to enable me to state positively that the Algics are the only stock who have perpetuated and still recognize this division into families, nor have I even data sufficient to state that the Totemic System is as rigidly kept up among the Ojibwe, Ottaways, and Potta-wat-om-ies.

From personal knowledge and inquiry, I can confidently assert that among the Dakotas the system is not known. There are a few who claim the Water Spirit or Merman as a symbol, but they are the descendents of Ojibwe who have in former times of peace intermarried with them. The system among the Winnebagos, which somewhat resembles this, is one borrowed or derived from the Ojibwe during their long intercourse with them, while residing about Green Bay and other portions of the present State of Wisconsin.

From these and many other facts which shall be enumerated, the writer is disposed to consider, and, therefore, present the Totemic division as important and worthy of more consideration than has generally been accorded to it by standard authors who have studied and written about the Indians.

The Ojibwe acknowledge in their secret beliefs and teachings to each successive generation five original Totems. The tradition in which this belief is embodied is known only to their chief Mides, or priests. It is like all their ancient traditions, vague and unsatisfactory, but such as it is, I will here present it -- verbatim-- as I received it.

"When the Earth was new, the An-ish-in-aub-ag lived, congregated on the shores of a great salt water. From the bosom of the great deep there suddenly appeared six beings in human form, who entered their wigwams.

[1] Adopted from William W. Warren, **History of the Ojibwe Nation,** 42-52 reprint edition 1974.

One of these six strangers kept a covering over his eyes, and he dared not look on the An-ish-in-aub-ag, though he showed the greatest anxiety to do so. At last he could no longer restrain his curiosity, and on one occasion he partially lifted his veil, and his eyes fell on the form of a human being, who instantly fell dead as if struck by one of the thunderers. Though the intentions of this dread being were friendly to the An-ish-in-aub-ag, yet the glance of his eye was too strong, and inflicted certain death. His fellows, therefore, caused him to return into the bosom of the great water from which they had apparently emerged.

The others, who now numbered five, remained with the An-ish-in-aub-ag, and became a blessing to them; from them originate the five great clans or Totems, which are known among the Ojibwe by the general terms of A-waus-e, Bus-in-aus-e, Ah-ah-wauk, Ma-kwa, and Monsone, or Waub-ish-ash-e. These are cognomens which are used only in connection with the Totemic system.

Though, according to this tradition, there were but five totems originally, yet, at the present day, the Ojibwe tribe consists of no less than fifteen or twenty families, each claiming a different badge, as follows:

1. Uj-e-jauk,	Crane
2. Man-un-aig,	Catfish
3. Mong,	Loon
4. Ma-kwa,	Bear
5. Waub-ish-ash-e,	Marten
6. Addick,	Reindeer
7. Mah-een-gun,	Wolf
8. Ne-baun-aub-ay,	Merman
9. Ke-noushay,	Pike
10. Be-sheu,	Lynx
11. Me-gizzee,	Eagle
12. Che-she-gwa,	Rattlesnake
13. Mous,	Moose
14. Muk-ud-a-shib,	Black Duck or Cormorant
15. Ne-kah,	Goose
16. Numba-bin,	Sucker
17. Numa,	Sturgeon
18. Ude-kumaig,	White Fish
19. Amik,	Beaver
20. Gy-aushk,	Gull
21. Ka-kaik,	Hawk

I have here given a list of every badge that is known as a family totem among the Ojibwe throughout their widespread villages and bands.

The crane, catfish, bear, marten, wolf, and loon are the principal familes, not only in a civil point of view, but also in numbers since they comprise eight-tenths of the whole tribe. Many of these Totems are not known to the tribe in general, and the writer has learned them only through close inquiry. Among these are the goose, beaver, sucker, sturgeon, gull, hawk, cormorant, and white fish totems. They are only known on the remotest northern boundaries of the Ojibwe country among the Musk-keeg-oes and "Bois Forts."

The old men of the Ojibwe whom I have questioned particularly on this subject affirm that all these different badges are only sub-divisions of the five great original totems of the An-ish-in-aub-ag, who have assumed separate minor badges, without losing sight or remembrance of the main stock or family to which they belong. These divisions have been gradually taking place, caused in the same manner as the division into distinct tribes. They are easily classed under the five great heads, the names of which we have given.

Aish-ke-bug-e-coshe, the old and reliable head chief of the Pillager and Northern Ojibwe, has rendered me much information on this subject. He is the present living recognized head of the great A-waus-e family. He says that this clan claim the Me-she-num-aig-way (immense fish) which, according to their description, is equivalent or analogical to the Leviathan mentioned in the Bible. This being is also one of the Spirits recognized in their grand Me-da-we rite. This clan comprises the several branches who claim the Catfish, Merman, Sturgeon, Pike, Whitefish, and Sucker Totems, and, in fact, all the totems of the fish species may be classed under this general head. This family is physically noted for being long lived and for the scantiness and fineness of their hair, especially in old age; if you see an old Indian of this tribe with a bald head, you may be certain that he is an A-waus-e.

Tradition says that many generations ago, all the different clans of the tribe, with the exception of the Ah-ah-wak, formed a league and made war on the A-waus-e with the intent to exterminate them. But the A-waus-e family proved too strong for their united brethren and prevailed against their efforts, and ever since this event, they have claimed a certain pre-eminence over them in the councils of the tribe. They also claim, that of the six beings who emerged from the great water and originated the Totems, their progenitor was the first who appeared and was leader of the others.

Of nine thousand of the Ojibwe who reside within the limits of the United States, about the shores of Lake Superior and the headwaters of the Mississippi, a full one thousand belong to the A-waus-e family.

The Bus-in-as-see, or Crane family, are also numerous and form an important element of the Ojibwe tribe. They reside mostly on the south shores of Lake Superior and toward the east in Canada, though they have representatives scattered in every spot where the Ojibwe have set foot and lighted their fires. The literal meaning of their totemic name is "Echo-maker" derived from the word Bus-wa-wag, "Echo" and pertaining to the loud, clear, and far reaching cry of the Crane. This clan is noted as possessing naturally a loud, ringing voice and are the acknowledged orators of the tribe; in former times, when different tribes met in councils, they acted as interpreters of the wishes of their tribe. They claim, with some apparent justice, the chieftanship over the other clans of the Ojibwe. The late lamented chief Shin-ga-ba-wos-sin, who resided at Sault Ste. Marie, belonged to this family. In Governor Lewis Cass's treaty at Prairie du Chien in 1825, he was the acknowledged head chief of his tribe and signed his name to that treaty as such. Ah-mous (the Little Bee), the son of the late worthy chief of Lac du Flambeau, Waub-ish-gaug-aug-e (or white crow) may now be considered as head or principal chief of this family.

The old war chief Ba-be-sig-aun-dib-ay (curly head) whose name is linked with the history of his tribe and who died on his way returning home from the above mentioned Treaty of Prairie du Chien, was also a Bus-in-aus-e and the only representative of his clan amongst that section of his tribe, who so long bravely struggled with the fierce Dakotas for the mastery of western banks of the Mississippi, which now form the home of the Winnebagoes. He was the civil and war chief of the Mississippi Ojibwe.

Hole-in-the-day I, of later notoriety, and his brother Song-uk-um-ig (Strong Ground), inherited Curly Head's chieftanship by his dying request, since he died childless. Weesh-e-da-mo, son of Aissance (Little Clan), late British Ojibwe chief of Red River, is also a member of this family. He is a young man, but has already received two American medals, one from the hands of a colonel of our army, and the other from the hands of the Governor of Minnesota Territory. He is recognized by our government as chief of the Pembina section of the Ojibwe tribe.

These facts are stated to show the importance of this family, and its wide extended influence over the tribe. It can be said of them that whenever they have planted their wigwam on the widespread territory of their people, they have been recognized as chieftans.

They also boast the names of Keesh-ke-mun, chief of the Lac du Flambeau section; Che-suh-yauh and Waub-ij-e-jauk (White Crane), of La Pointe, Shaug-a-waum-ik-ong, all noted chiefs during their first intercourse with the white race. The small clans who use the eagle as their totem or badge are a branch of the Bus-i-aus-e.

The Ah-ah-wauk, or loon totem (mang), also form an important body in the Ojibwe tribe; in fact, they also claim to be the chief or royal family, and one of their arguments to prove this position is that nature has placed a collar around the neck of the loon, which resembles the royal megis, or wampum, about the neck of a chief which forms the badge of honor. This dignity, however, is denied by the Cranes and other totems, whoever that the principal chiefs of the Ah-ah-wauk are descended from, individuals who were on a certain occasion made chiefs by the French at Quebec, will be related to in the course of the following history. This family does not lack in chiefs who have acted prominently in the affairs of the tribe and are linked with its history.

Ke-che-waish-keenh (Great Buffalo), the repected and venerable chief of the La Pointe band, and principal chief of all the Lake Superior and Wisconsin bands, is the acknowledged head of this clan; his importance as an individual in the tribe strengthens the position of the Ah-ah-wauk.

The chief of Sandy Lake on the upper Mississippi is also of this family. The Goose and Cormorant Totems are its sub-divisions. The Ma-kwa or Bear family is the most numerous of the other clans of the Ojibwe forming fully one-sixth of the entire tribe.

In former times this numerous body was sub-divided into many lesser clans, making only portions of the bear's body their Totems, as the head, the foot, the ribs, etc. They have all since united under one head, and the only shade of difference still recognized by them is the common and grizzley bear. They are the acknowledged war chiefs and warriors of the tribe keepers of the war-pipe and war-club, and often denominated as the bulwarks of the tribe against its enemies.

It is a general saying and an observable fact amongst their fellows that the Bear clan resemble in disposition the animal that forms their Totem. They are ill-tempered and fond of fighting, and consequently they are noted as having kept the tribe in difficulty and war with other tribes, in which, however, they have generally been the principal and foremost actors. They are physically noted, and the writer has observed the fact, that they are possessed of a long, thick, coarse head of the blackest hair which seldom becomes thin or white in old age. Young Hole-in-the-day (son of the great war chief of that name), the recognized chief of the Ojibwe of the Mississippi, numbering about twelve hundred, is not (A.D. 1852) the most noted man of the Ma-kwa family. Ka-kaik (the Hawk), of Chippeway River, and Be-she-ke (Buffalo), of the Leech Lake, have recognizable influence as war chiefs.

The Mah-een-gun, or Wolf Totem family are few in number and reside mostly on the St. Croix River at Mille Lacs. They are looked upon by the tribe in general with much respect. The Ojibwe of this totem derive their origin on the paternal side from the Dakotas. Na-guon-abe, the civil chief of Mille Lac, may be considered the principal man of this family. Mun-o-min-ik-a-she (Rice maker), who has lately removed from the St. Croix to Mille Lac with his band, is a man of considerable importance amongst his fellows.

The Waub-ish-a-she, or Marten family, form a numerous body in the tribe, and is one of the leading clans. Tradition says that they are sprung from the remnant captives of the fierce and warlike tribe whom the coalesced Algic Tribes have exterminated, and whom they denominate the Mun-dua. The chiefs Waub-ish-ash (the Marten) of Chippewa River, Shin-goob, (Balsam), and Nug-aun-ub (Sitting Ahead) of Fond du Lac are now the principal men of the clan. The celebrated Ke-che-waub-ish-ash of Sandy Lake, Sha-wa-ke-shig of Leech Lake, and Mud-ud-a-shib (or Black Duck) of Red River were members of this family. In their days they conduced greatly towards wresting country from the Dakotas and driving them westward. All three died on battle fields, the first at Elk River fight, the second at Rum River massacre, and the third fell fighting on the western prairies against immense odds, but one out of forty who fought with him escaped a warriors death.

Under the generic term of Mous-o-neeg, the families of the Marten, Moose, and Reindeer Totems are included. Aish-ke-bug-e-coshe, the old Pillager chief, related to me the following tradition, accounting for the coalition or close affinity between the Moose and Marten Totems.

"Many centuries ago the family of the Moose Totem, denominated Mous-o-neeg when the Ojibwe lived towards the rising sun, were numerous and powerful. They lived congregated by themselves in one great village and were noted for their warlike and quarrelsome disposition. They were ill-tempered and proud of their strength and bravery. For some slight cause they commenced to make war on their brethren of the Marten Totem. Severely suffering from the incursions, and unable to cope singly with the Mous-o-neeg, the Martens called together the different clans of the tribe to council and asked them for help and protection. A general league was made between the different Totems, and it was determined that the men of the obnoxious and quarrelsome family of the Moose badge should be exterminated."

"The plan for their sudden and total destruction was agreed upon, and a council lodge was ordered to be built which was made narrow and just long enough to admit all the warriors of the Mous-o-neeg. The poles of this lodge were planted firmly and deeply into the ground close together, and lapping over the top they were strongly twisted and fastened together. Over this frame were tied lengthways, and worked in like wicker-work, other green poles, and so close together that a mans hand could scarcely pass through any part of the frame, it was constructed closely and strongly. Over this frame, and from the inside, leaving but a long narrow aperture in the top, was fastened a thick covering and lining of dried grass."

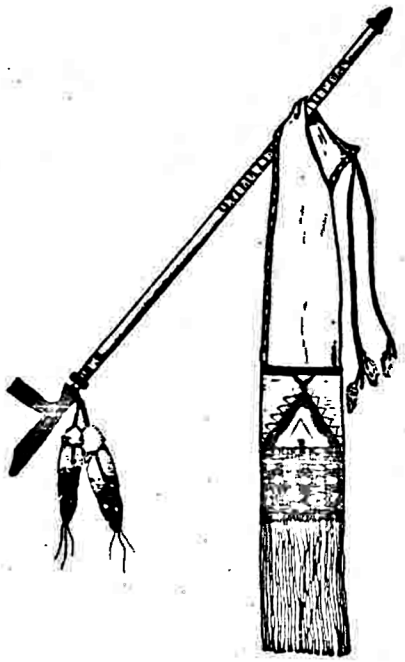
"When this lodge had been completed, runners were sent to the village of the Moose Totem family, and all their chiefs and warriors solemnly invited to a national council and feast. This summons was made in such a manner that they could not refuse, even if they felt so disposed; and on the day fixed, the chiefs and all the men of war of the refractory clan arrived in a body at the village of their mortal foes (the Martens) where the council-lodge had been built and made ready."

"They were led into the lodge, where the old men and chiefs of the tribe had collected to receive them. The Mous-o-neeg entered unarmed and as their great numbers gradually filled the lodge, the former inmates, as if through courtesy, arose and went out to give them room. Kettles full of cooked meat were brought in and placed before them, and they were requested to eat after the fatigues of their journey. They filled the long lodge entirely, and when everyone had left it but themselves, and while they were busy feasting on the good things that had been placed before them, the doors at each end were suddenly closed and fastened on them. A chief of

the Marten Totem addressed them in a loud voice, repeating over all the acts of blood and wickedness which they had enacted, and informing them that for these things the national council had decreed to sweep them from the face of the earth which they polluted. The lodge was surrounded by the warriors of the Marten who acted as executioners; torches were applied to the thick and dry covering of grass, and, struggling in the flames unable to escape, the men of the Moose Totem were dispatched with barbed arrows shot through the narrow openings between the lodge-poles that confined them. In this fearful manner were the men of this wicked clan destroyed.

Their women and children were captured by the Marten family, and adopted into their clan. In this manner the close consanguinity of those two totems commenced, and at this day they are considered one family."

The Reindeer family, which is a branch of the Mous-o-neeg, are few in number, and they reside mostly on the north coast of Lake Superior. The celebrated Ojibwe war leader Waub-O-jeeg (White Fisher), whom Mr. Schoolcraft wrote about at some length, was a member of this family, descended from a branch who imigrated from the Grand Portage near the mouth of Pigeon River to La Pointe, Shag-a-waum-ik-ong, where he and his father, Ma-man-giz-id (Big Foot), lived nearly a century ago as war-leaders and chiefs of their people.

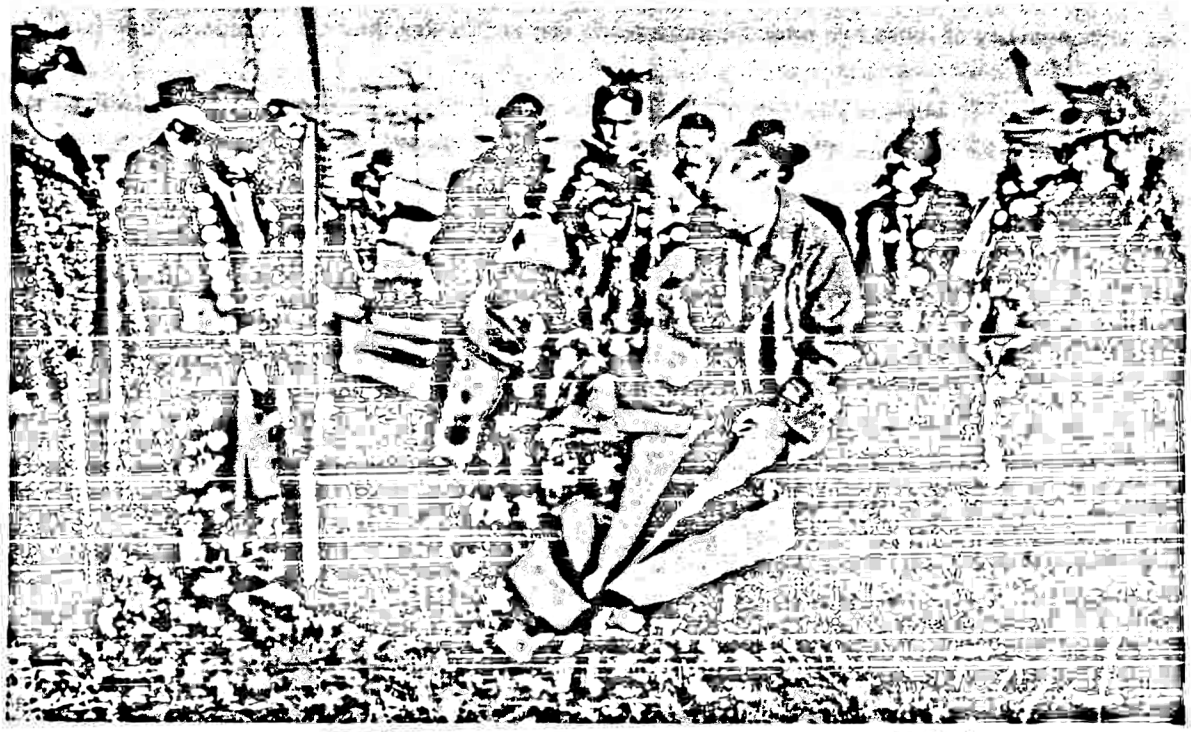


SIGNERS OF THE TREATIES

During the 1800's Ojibwe people met many times over the summer in treaty session. It was at these treaty meetings that the chiefs had to represent their bands in the government negotiations. Some of the chiefs had to come from far into the interior for the meetings. It would take weeks for the journey.

The traditional chiefs from each band were usually accompanied by lesser chiefs and the two top warriors from their band. These warriors were often called headmen.

Consequently, those who are recorded as having signed Ojibwe treaties are traditional chiefs, headmen and warriors. They represented the many bands in the treaty makings. They also had to report back to their bands and discuss the details and ramifications of the treaty issues.



photos courtesy of Minnesota Historical Society

1913 - Leech Lake
Signing of the Declaration of Allegiance to the U.S. Government

As these Ojibwe leaders signed treaties, their Indian names were written down, and their band. Their particular bands that signed the treaties were evidence that significant villages were present.

Many of those villages do not yet remain Indian land. A classic example is the village of Gull Lake. Bug-o-nay-ge-shig, or Hole-in-the-day, as he was known, led his people for many years residing on the shores of Gull Lake. The surrounding area also was the home of many Ojibwe people.

Madeline Island, which is mentioned many times in the Midewiwin speeches of our tribe, was once the site of the longest Ojibwe villages of all time. It, along with Sandy Lake, was the center point of Ojibwe people.

These, then, are the chiefs, headmen and warriors who have been recorded as signing the Ojibwe treaties. When they were recorded, the government stenographers made countless mistakes in the spelling of their names. We have corrected them where possible.

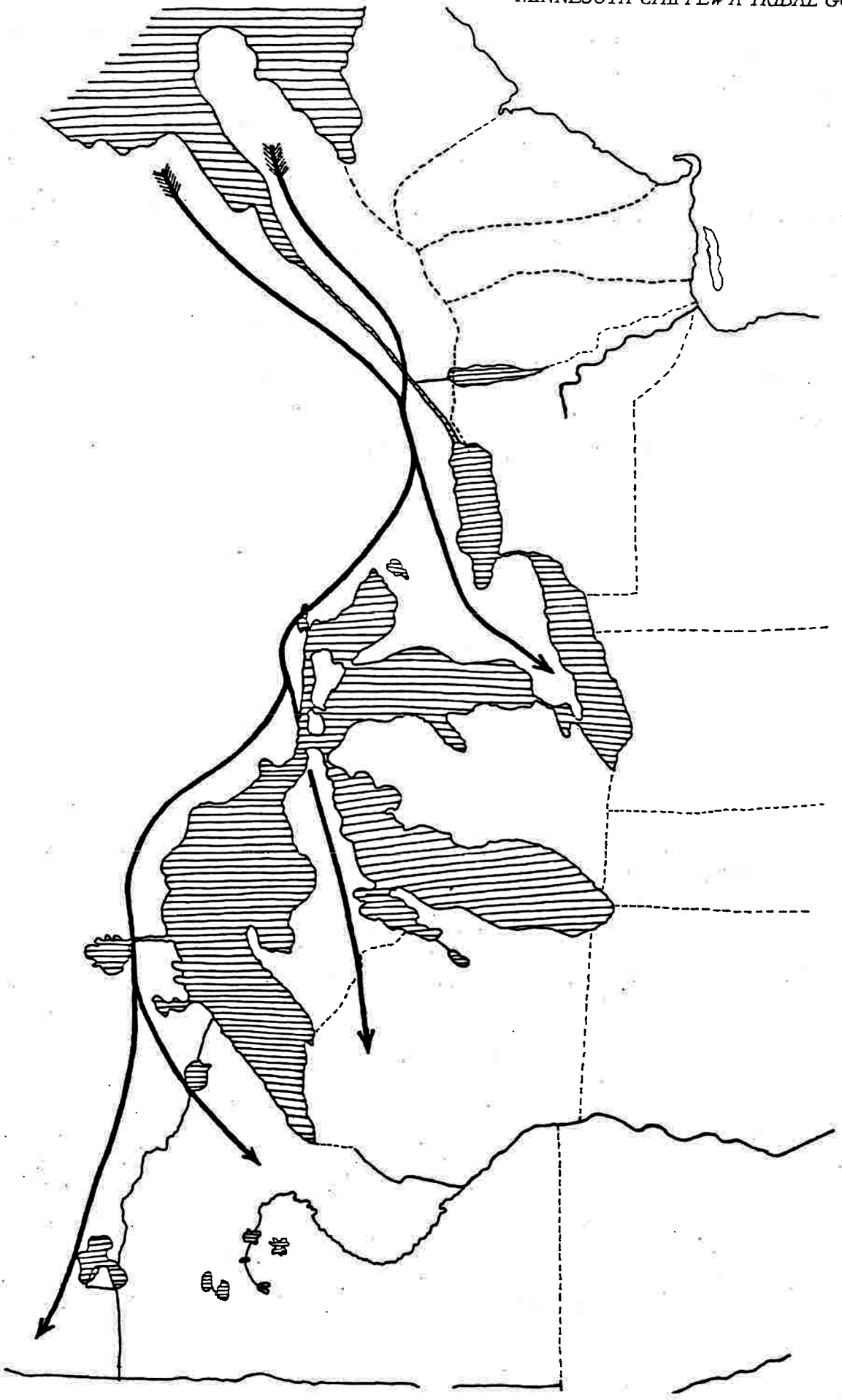
LAKE SUPERIOR	BANDS
	Grand Portage
Shaw-ga-nah-sheence	
Kitchi-inini	
Maw-da-gaw-me	
Way-mi-tee-go-she	
Bay-me-ge-wung	
Ah-deek-once	
May-mahsh-ko-wash	
We-wigi-wam	

* Wisconsin and some Michigan bands are included here because they were a part of the 1854 Lake Superior treaty. It is important to note that in those times Ojibwe people were not divided by state boundaries. Also, a great kinship was felt by all Ojibwe Indians as they migrated eastward. Many Ojibwe in Minnesota and Ontario can trace their people's ancestry to Madeline Island.

Lac Du Flambeau

Me-zha-kwad
Ah-mous
Ke-nish-ti-no-ah
Mee-giz-ee
Kay-kay-go-nay-ah-shee
Oh-chi-chag
Nay-she-kay-gwaw-nay-be
O-shkaw-bay-wis
Kwi-wi-zaince
Nee-gig
Nay-wadj-ee-gee-zhick
Kway-kway-kee-gah
Wa-ba-nim-ikee
Wa-bish-kah-kah-gay
Oh-ge-ma-gah
Bah-se-quam-jis

* Editors note on Wisconsin Band



Ojibwe historians tell of "the time when we lived by the great salt water...." This map shows the path of the Ojibwe from the original homeland to the lands occupied today - primarily in Michigan, Wisconsin, Minnesota, North Dakota and bordering provinces of Canada.

LAKE SUPERIOR	BANDS
She-gawg	Ontonagon
O-cun-de-cun	
Wa-say-geeshick	
Keesh-ke-taw-wug	
Oh-gaw-bay-ah-naw-kwad	
Wa-bish-kee-bee-nays	
Bay-bahm-ah-sing	
Keesh-kee-mun	
	LeVieux Desert, L'anse, Bad River
David King	
John Southwind	
Pete Marksman	
Naw-taw-me-geeshick	
Aw-se-neence	
May-dway-aush	
Bash-kway-geen	
	Lac Courte Oreilles
Ah-kee-wain-zee	
Key-no-zhaince	
Kitchi-bi-nay-see	
Kitchi-wah-bi-shay-she	
Wah-bi-shay-sheence	
Kway-kway-cub	
Shaw-waw-go-me-tay	
Nay-naw-ong-gay-be	
O-saw-wehsh-ko-geeshick	
Ay-yaw-baynce	

LAKE SUPERIOR	BANDS
	Fond du Lac
Shin-goob	
Mang-oh-zid	
An-ni-mah-sung	
Na-ga-nab	
Naw-bun-way-geeshick	
Manito-geeshick	
Oh-saw-gee	
May-kwaw-me-we-geeshick	
Kay-tah-waw-be-day	
Kitchi-aki-wainze	
Keesh-kwak	
Wenji-ma-dub	

Photos courtesy of Minnesota Historical Society

Chief Buffalo

Age 96 - Died 1856

Head Chief of the large Lake Superior Band. Every chief was given a large land allotment by the U.S. Government. In 1854, Chief Buffalo chose his allotment on the present day site of Duluth.

La Pointe

Bee-zhi-kee
Ta-kwaw-gah-nah
Cha-ching-gway-oh
Shee-we-tah-gin
Ki-mi-wun
Ma-ka-dey-bi-nay-see
O-shkin-ah-wey
Ah-da-we-geeshick
Bay-bah-me-say
Na-wa-ge-wah-nos

MISSISSIPPI, PILLAGER, WINNIBIGOSHISH	BANDS
	Mille Lacs
Me-gee-see	
Nay-kwan-ay-bee	
Bah-kay-naw-gay	
Wah-jushk-ko-kone	
Wenji-gee-shee-guck	
Adawe-gee-shick	
Ka-ka-gwap	

MISSISSIPPI, PILLAGER, WINNIBIGOSHISH	BANDS
	St. Croix, Snake, & Chippewa River
Be-zhe-ke	
Ka-be-ma-be	
Ba-gah-wey-we-wedung	
Ay-ya-banse	
Kish-kee-ta-wag	
Na-tam-ee-ga-bow	
Sah-ga-tah-gun	
No-din	
Sha-go-bay	
Sho-nee-yah	
Wee-mi-ti-go-sheens	
	Sandy Lake, Rice Lake (Pokegama)
Ah-aw-be-dway-we-dung	
Miskwa-dace	
Mah-no-min-i-kay-shee	
Bee-dud-ence	
Ma-ya-je-way-we-dung	
Naw-gawn-nee-gah-bow	
Mah-ya-ge-way-dung	
Kitchi-wee-mi-ti-goshe	
	Leech Lake & Winnibigoshish
Aish-ke-bug-e-koshe	
Bi-shee-kee	
Nah-bi-nay-aush	
O-gee-mah-wah-che-waib	
Ki-mi-wan-aush	
Mis-ko-bee-nay-say	
Manido-gee-shig	
O-gee-tub	
Kaw-be-mah-bee	
Kitchi-sai-yay	
Mah-ji-gah-bow	

Photos courtesy of Minnesota Historical Society

Indians at Grand Portage at foot of Rose Hill about 1885. Chiefs and men stopped game of la crosse to meet with government officals. Chief May-maush-ko-waush stands in from holding tomahawk and wearing a chiefs medal, 6th from left in back row is Mike Flatt.

MISSISSIPPI, PILLAGER, WINNIBIGOSHISH

BANDS

Mississippi Band

Ga-nawn-da-maw-win-so
Ay-yah-baince
O-taw-waw
By-ah-jig
Ih-yah-shaw-wey-ge-zhick
Mah-ko-dey
Ke-wey-cah-me-gee-shkung
Gah-besh-ko-da-way
Wah-dee-na

Photos courtesy of Minnesota Historical Society

Chief Wabanaquot or White Cloud of White Earth.

Gull Lake and Crow Wing

Bug-oh-nay-gee-shig
Wah-bo-jeeg
Wah-ba-na-kwad
Manido-wab
Sho-baush-kung
Kwi-wi-zaince
Wa-de-kaw
Way-nah-me
Song-ah-cumig

Photos courtesy of Minnesota Historical Society

Delegation of Leech Lake Ojibwe Leaders
in Washington D.C. 18[illegible]

Me-jaw-ke-ki-zhick	Rabbit Lake
Ah-ah-jaw-way-ge-shick	
Day-dah-com-mo-say	
Moz-oh-mah-nay	
Way-saw-wah-no-nayb	
Mino-gee-shick	

MISSISSIPPI, PILLAGER, WINNIBIGOSHISH	BANDS
Ga-besh-co-daway	Nett Lake, Vermillion, Pelican,
Ba-baw-madjew-esh-cang	Basswood Lake
Way-zaw-we-je-zhick-way-sking	
O-saw-way-bi-nay-see	
Shay-way-be-nay-see	
Bah-pee-oh	
Ah-da-wawnequa-bee-nays	
Sa-gwa-da-came-gish-cang	
Ne-oning	
Wa-ba-gam-agwa	
Gan-ah-wah-bam-ina	
Gaw-nanda-ma-winzo	
Ah-be-tang	

WAUB-OJEEG

The names Waub-Ojeeg, or White Fisher, is to be found in few history books nor is there a monument to this greatest of Ojibwe Chiefs. His story, like that of his Indian contemporaries, can only be pieced together from fragments gathered from various pioneer histories and from the oral legends of the Ojibwe themselves. When these fragments have been carefully sorted and tabulated, the shadowy profile of Waub-Ojeeg emerges as an inspired leader of his people and a fearless warrior.

As the son of Ma-mong-e-se-da, Chief of the Pigeon River or Reindeer Clan of Ojibwe, the young Waub-Ojeeg was faced with the necessity of filling the moccasins of an illustrious father whose feats on the hunt, in the council lodge, and on the war path lived in legend among the Indians for generations. A staunch friend of the French, Ma-mong-e-se-da led a large force of Lake Superior's Northern Ojibwe to Quebec to aid in the defense of that fort against the British. It is said that the defeated and mortally wounded Montcalm died in the arms of the Chief on the Plains of Abraham.

Waub-Ojeeg was six foot six inches tall and a remarkable man. He was only twenty-two years old when he became recognized as the head chief of his people.

The fact that Waub-Ojeeg was a peerless hunter and trapper is significant only because it helps to explain the great esteem and respect which he enjoyed as chief of his people. Also, the immense areas which he covered in these pursuits made him intimately familiar with much of the terrain over which he would later lead his warriors against the enemy.

A typical incident illustrating his resourcefulness as a hunter and woodsman involved a chance meeting with a belligerent bull moose.

It seems that Waub-Ojeeg was proceeding, unarmed except for a hunting knife, through a stand of large pine timber when the moose, proceeding in an opposite direction, disputed with loud grunts and lowered head, the right of Waub-Ojeeg to pass. Not wishing to argue the point, the Indian stepped behind the nearest tree expecting the moose to proceed on its way.

For some obscure reason known only to the bull, he chose instead to chase Waub-Ojeeg from the protection of one tree to the next with a red-eyed ferocity and determination which left no doubt of his homicidal intent. When the moose showed no sign of tiring this grim game of hide and seek, Waub-Ojeeg snatched up a stout stick and, in the brief intervals between the charges of the moose, removed the leather lacing from one of his high winter moccasins and bound his hunting knife to the end of the stick. With this improvised lance and a great deal of care and agility in avoiding the horns and hoofs of the enraged animal, the young hunter was able to inflict wounds which finally became numerous and deep enough to drain the life blood from the moose and bring to a conclusion what must surely have been the first and only bull fight ever staged on the shores of Lake Superior.

Waub-Ojeeg sent out messengers with war sticks and tobacco to the major Ojibwe villages in one of his first large war parties. Although quite young, his name was already a legend with all the Ojibwe. Within a short time canoes from villages such as Grand Portage, Sault St. Marie, Bad River, and the renowned warriors from Leech Lake arrived to answer Waub-Ojeegs call at Madeline Island.

Photos courtesy of Minnesota Historical Society

Waub-ojeeg - White Fisher: Early 19th Century Ojibwe leaders from Madeline Island, who led his Lake Superior warriors in a decisive battle against the Sioux and Fox nations at the battle of St. Croix Falls. This victory assured the Ojibwe the area of northern Wisconsin unchallenged.

After leaving Lake Superior, Waub-Ojeegs little army ascended the left branch of the Mush-kee-se-bee or Bad River to its head where a ten mile portage was made into Long Lake on the height of land between Lake Superior and the Mississippi. Three more shorter portages from Lake to Lake brought them to the Num-akaug-un branch of the St. Croix River. Since this was enemy country, Waub-Ojeeg proceeded with great caution and kept scouts constantly ahead to prevent a surprise encounter with the enemy. Arriving at the mouth of the Snake River, where a rendezvous with the promised reinforcements from Mille Lacs and Sandy Lake had been pre-arranged, Waub-Ojeeg was disappointed to find no one in sight.

Still confident in the numbers and fighting ability of his Lake Superior warriors, he proceeded down the St. Croix toward what he firmly believed would be a devastating surprise attack on the Sioux and Fox.

At about that time the three hundred Ojibwe were crossing the height of land between the Lake Superior and Mississippi waterheads, a like number of Fox Indians were proceeding up the Mississippi River to join a Sioux party of one hundred fifty warriors who had agreed to assist them in a last desperate attempt to annihilate the Ojibwe. It was routine that the Sioux and Fox should choose the St. Croix River as a war path to the north. It was incredible coincidence that they should do so at almost exactly the same moment that Waub-Ojeeg's forces moved southward on the same river.

As the Ojibwe prepared to cross the narrow and boulder strewn neck of rock which washed the black paint from their faces, which they were required to wear before engaging the enemy on their first war path, treasured amulets or be-ne-si-wi-am, made and guaranteed by the medicine man to keep the wearer safe, were hung about necks or attached to arm bands. Older warriors donned hard earned eagle feathers, each of which denoted an enemy slain. Muskets were loaded, knives and tomahawks were checked for readiness. At a word from Waub-Ojeeg, twenty-five warriors moved silently into the fringe of small trees on the landward side of the portage closing the only avenue of escape save the boiling rapids above and below the falls.

Having landed their dugouts, the Fox and Sioux quickly became aware of the presence of the Ojibwe on the portage. Confident of victory, and wishing to show contempt for the enemy, it was decided that the Fox would engage the Ojibwe alone, while the Sioux would be spectators and smoke their pipes in sneering unconcern on a pinnacle near the Falls. This, they felt, would be a magnificent gesture which would become a legend and a subject for boasting throughout the Fox and Sioux nations forever.

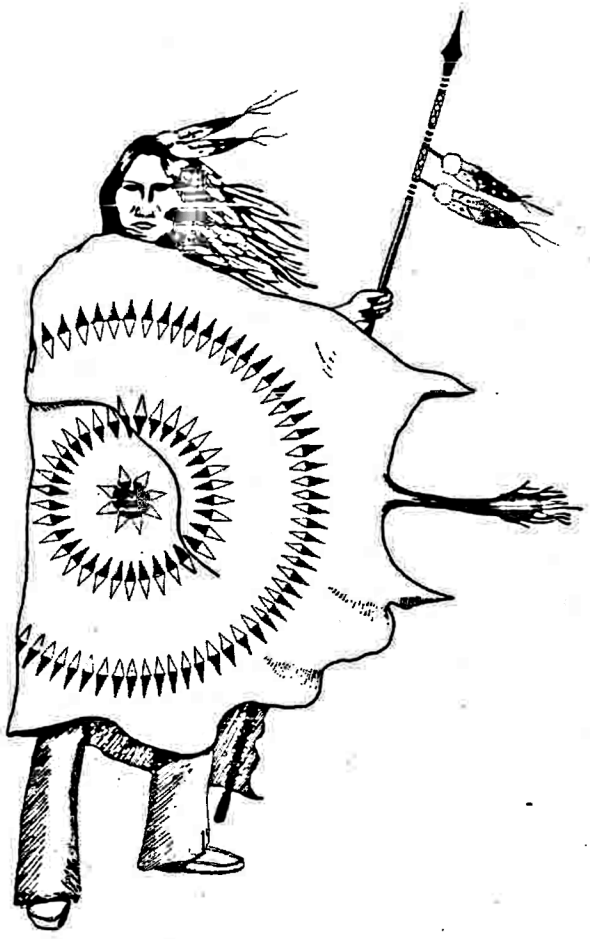
With these preliminary acts of symbolism and pageantry performed and a deafening, opening volley of musketry, and the battle was intensified in the hopelessly crowded confines of the portage. Muskets became clubs for lack of sufficient time and space to reload. Knives and tomahawks rose above the milling, sweating mass of warriors and descended swiftly and surely with the sickening, crunching thud of cleaving flesh and bone. Yells of triumph and screams of pain punctuated the steady, pervasive roar of the falls. Warriors, like grotesque dancers, locked in single combat at the river's edge, toppled into the rapids to be swept relentlyssly to their deaths among the jagged rocks below. The dead and dying littered the rugged portage with scalps intact for want of an adversary with the time and courage to claim his trophy. This was a elemental, primitive conflict. This was "kill or be killed" at its grisly worst.

At this exhausting pace, and in what must have been only a few minutes, the tide of battle moved downward toward the foot of the falls, until the Fox, with their backs to the river, appeared to be in immediate danger of annihilation. Seeing this, the Sioux no longer indifferent joined the fray with fresh, screaming enthusiasm. Thus reinforced and encouraged, the Fox warriors threw themselves at the tiring, outnumbered Ojibwe and forced them to retreat to the bloody arena at the head of the Falls.

At this point, two things happened which changed the course of history for the Ojibwe, the Fox, the Sioux and the pioneer states of Wisconsin and Minnesota. Waub-Ojeeg, although grievously wounded and exhausted from the tremendous exertion of battle, regrouped the remnants of his demoralized, bleeding warriors, and with loud cries of encouragement and defiance, led a renewed attack on the advancing Fox and Sioux. It will never be known how long this second phase of the battle lasted or how many more died among the blood stained rocks. It is only known that the promised but delayed flotilla of fifteen canoes, bearing sixty warriors from Sandy Lake, arrived in time to reinforce Waub-Ojeeg and drive the Fox and Sioux once more to the foot of the portage where most of them died under the knives and tomahawks of the Ojibwe or in the swirling currents and whirlpools of the river.

Costly as it was to the Ojibwe, this victory permanently removed the Fox Tribe from the Wisconsin-Minnesota wilderness and caused the Sioux to withdraw to the open country to the west and north.

Waub-Ojeeg later moved farther inland into present day Minnesota, where his fame grew. He lived out his days, leaving behind many descendents. At his death he was the principal Ojibwe chief of North America.



HOLE-IN-THE-DAY I AND SON HOLE-IN-THE-DAY II [KWI-WI-SENCE]

Bug-o-nay-ge-shig, or Hole-in-the-day, as it was interpreted, was born sometime around 1801. His well known older brother "Song-ah-comig", or Firm Ground, was born a few years before.

Hole-in-the-day had moved into Minnesota lands from LaPointe at the time of the Cass expedition in 1820. For the next five years he and his brother served as "Pipe Bearers" or aides-de-camp to Ba-be-sigundi-bay or Curly Head, principal War Chief for this avant-corps action on the downstream Mississippi. When Curley Head died of a disease controlled at the Prarie du Chien Treaty in 1825, Hole-in-the-day was the more dynamic of the two brothers, becoming the "Front man" while Song-ah-comig worked "behind the scenes". Before passing on, Curly Head had taken no less than 38 Dakotas with him.

In the late 1820's Hole-in-the-day had the rating of Second Chief at Sandy Lake under Ka-ta-wa-be-da; and, in 1828, his son Kwi-wi-sence was born of Ka-ta-wa-be-da's daughter. Shortly, the family moved to Gull Lake for a few years, probably at that time developing the famous "Sugar Bush" on North Long Crow Wing, thence to the mouth of the Little Elk near Little Falls. From that advanced position he variously retreated back to Rabbit Lake or Whitefish under Sioux attacks, though apparently never again going back to Gull Lake.

Bug-o-nay-ge-shig was the most well known chief of his era. Another prominent chief of that time, Buffalo of LaPointe, was equally as important to the bands of the Lake Superior group. Sam Yankee, a noted chief and elder of the Mille Lac Reservation, who lived at East Lake, near Rice Lake recollected many stories from his grandfather, "Manomin-ikesheence," about the bitter feuds between Buffalo, and Bug-o-nay-ge-shig. Mr. Yankee recollected his grandfather as saying that these two great chiefs split, and, as a result, the Lake Superior Bands treaty became completely separate from the Mississippi Band.

"Manomin-ikesheence" was a chief, and signer of the Mississippi Band treaty, and was a close friend and ally of "Bug-o-nay-ge-shig." These Mississippi Band Chiefs thought that Buffalo was too quick to agree to the government agents and was leading the Indians down a bleak trail. Consequently, these two great personalities clashed, making the split. (Sam Yankee, the resource on this subject passed away in May of 1975.)

"Bug-o-nay-ge-shig," in 1847, while traveling back from St. Paul,was killed by mixed bloods near the present site of Little Falls. Thus ended the life of one of the truly great Chippewa chiefs.

His son "Kwi-wi-sence" or Hole-in-the-day II carried on his chieftanship for many years and became famous during the Sioux uprising of the 1860's. Hole-in-the-day II had plans of joining the Sioux in driving the white man out of Minnesota. On August 18, 1862, Hole-in-the-day II's warriors burned the mission buildings at Gull Lake to the ground and also killed the Indian agent at nearby Crow Wing, at the Chippewa agency.

However, at Leech Lake, where Hole-in-the-day II never did enjoy his fathers popularity, the Ojibwe people rose up against his plan. While many young warriors were anxious for battle, the older chiefs prevailed. "Bi-zhi-ki" of Leech Lake, along with Big Dog did not like Hole-in-the-day II's arrogant attitude nor his logic in fighting the white man. As stated previously, "Kwi-wi-sence" or Hole-in-the-day II, was not well liked by the other chiefs, ever since his father had died.

Many Ojibwe and a few respected whites and half breeds traveled to the Gull Lake camp where "Kwi-wi-sence" held many white captives from the mission at Gull Lake and the Chippewa Agency at Crow Wing. They were all able to stop the battle plan of the young chief from Gull Lake. Had they not done so, the Ojibwe might have joined the Sioux and the Ojibwe people all might have been talking in Ojibwe today instead of English.

Photos courtesy of Minnesota Historical Society

Hole-In-The-Day II

Hole-In-The-Day II or Kwi-wi-sense, played a major part in shaping the history of Minnesota.

OLD BUG

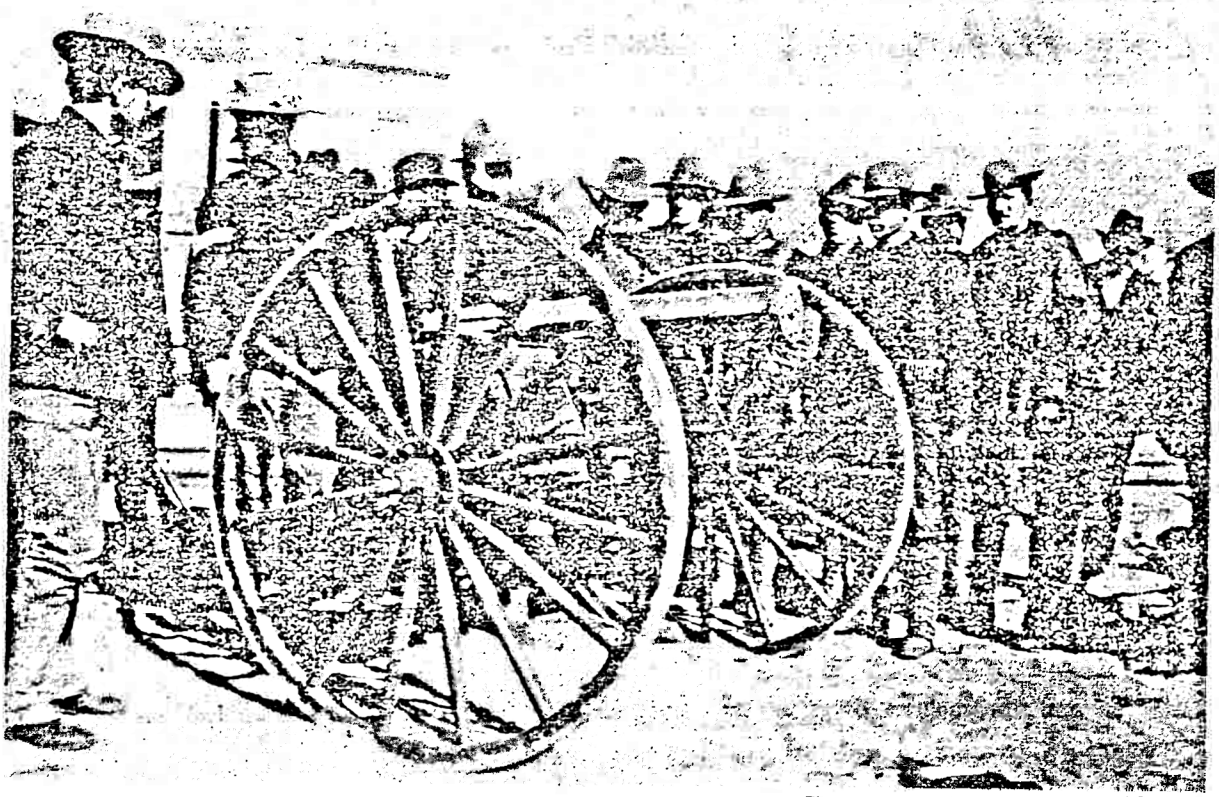
It is **very** important to note, that "Old Bug" as he was called, is **not** the same person as Hole-in-the-day I or II. Although his name is the same, this sub-chief of Leech Lake was not related to the first great "Bug-o-nay-ge-shig" of Gull Lake, nor to his son.

The 1890's was a time of deep resentment for Ojibwe people. Timber barons, and crooked government agents had cheated Ojibwe people so badly that it had prompted a federal investigation.

About this time, a sub-chieftain of the Bear Island Ojibwe, with a cabin on Sugar Point across the way, obtained a substantial supply of whiskey from one of these new installations, and brought it back to his comrades. The result was that one of them was shot and killed. This sub-chief was Begona-geshig, a namesake of the first great chieftain by that name on the lower Mississippi, as we have discussed elsewhere. Since the "p" and the "b" in Ojibwe are indistinguishable, this Leech Laker was commonly known as "Old Bug." He was arrested and sent to Duluth for six months in the St. Louis County jail. When his term ended in February, the authorities merely dismissed him - turned him out into mid-winter weather with no money for food, no fare to get back home. Sugar Point was a long ways off and Bugona-geshig was no longer a young man. The census in 1898 showed his age as 60. Worse, he had come to Duluth mid-summer, in mid-summer clothes. He tried to board a train; the conductor put him off. After hiking awhile along the bleak snowswept tracks, he tried to board another at the next stop out of Duluth. The conductor again put him off.

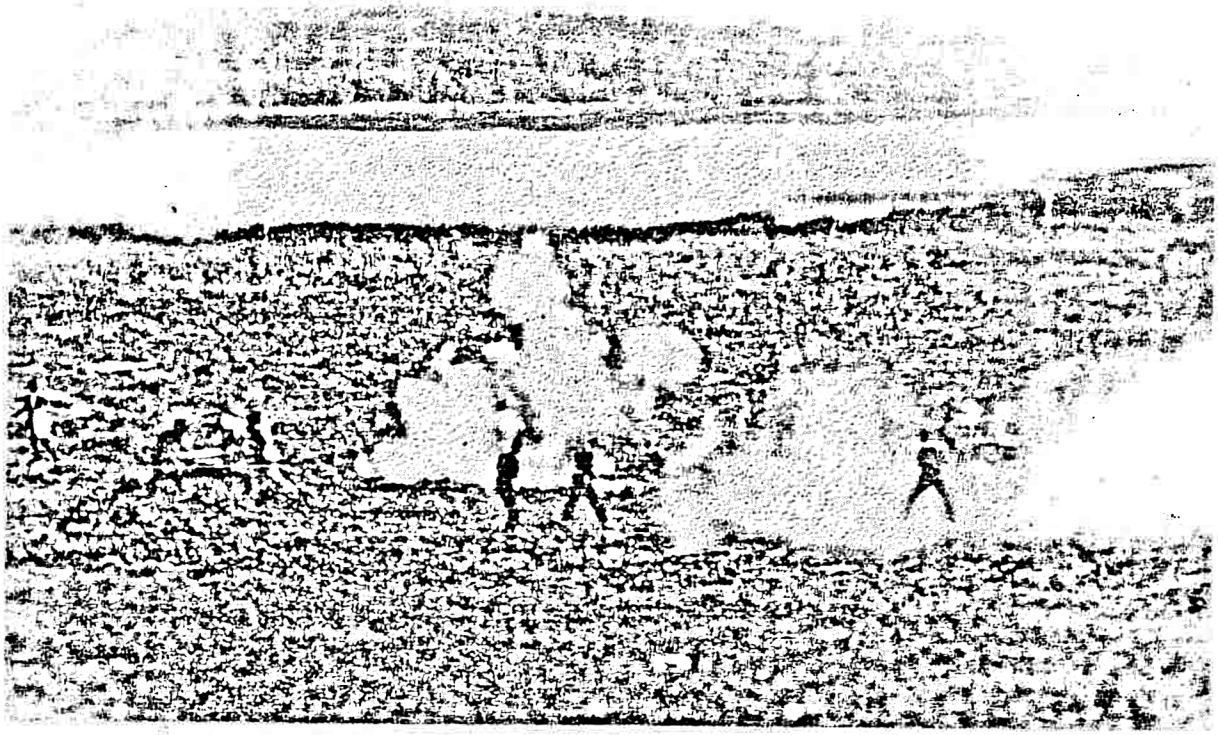
Photos courtesy of Minnesota Historical Society

Ojibwe patriot, Bug-o-nay-ge-shig [left, in the beaver pelt hat, holding the pistol], poses with two of his band members from Leech Lake. Taken 1897 at Bear Island.



Photos courtesy of Minnesota Historical Society

Soldiers and weaponry used against Bug-o-nay-ge-shig at Sugar Point 1898. Part of Col. Harbach's command stationed at Walker, Minnesota.



Photos courtesy of Minnesota Historical Society

Mock battle staged at White Earth Reservation 1910.

By the time "Old Bug" made Sugar Point, he was a very sick Indian. He nearly lost his life. Meantime, the authorities had moved against the White man who sold the liquor. They brought him to court. But when they came to get "Old Bug" to serve as a witness against him, he would have nothing to do with it - quite understandably. He simply hid out in the woods and refused to come in. Never again would he expose himself to the complex crudities of the white man and to find an Indian in the woods is not an easy matter. The situation was about to resolve itself when the annual payment became due at the Old Agency in Trader Bay. Though a mere pittance of some few dollars and a bit of merchandise, Bug-o-nay-ge-shig could not resist calling for that which was his own; whereupon he was promptly clamped in irons.

"Where are my young men?" he dramatically shouted toward a group of youthful Ojibwe as the two marshals were hustling him toward the boat. This touched a tender cord; for it was ever the honor and the glory of the young male Indian to serve as the battle arm for the helpless, the replacement for the old warrior, and the standard bearer for everything held dear in tribal tradition.

Within moments a score of them had Old Bug properly freed, and the two marshals effectively roughed up. But the aging Indian was not able to run quite fast enough particularly when manacled, and others aiding the marshals soon caught him. This infuriated a bunch of bystanding women who now got into the act and really put an end to it. Old Bug made it to the woods and all the way to Stony Point. There his friends filed off his handcuffs.

He was free and with nothing less than an official war with the United States Army on his hands. This was the famous Sugar Point Battle of 1898, begun on October 5 and finished on the 7th, with six Army men killed and no known dead Indians. For sometime all of Minnesota was under a renewed scare of an Indian uprising.

Old Bug escaped to live out his years in peace. He was rarely photographed and is today very well known for soundly leading his warriors in the victory of Sugar Point in one of the last Indian-White battles of this country.

Standing on the left is none other than the Leech Lake Bug-o-nay-ge-shig or "Old Bug", who instigated the Sugar Point Battle of 1898, then escaped into the deep woods to wear to this dying day the proud title of "Unconquered Indian." Very few photographs of him are known. To the left of "Old Bug" is the Leech Lake Chief, Jim Goose, second only to Chief Flat Mouth in rank. Seated is John Smith who lived to the ripe age of 138 years before passing on.

PRESENT DAY TRADITIONAL CHIEFS

Today, on all of our Ojibwe reservations, some of the descendents of our hereditary chiefs reside. Because of the 1934 Indian Reorganization Act, chiefs do not anymore have the type of leadership authority that they had traditionally. However, many of these descendents are still active with the business and affairs of their bands, and some are members of their elected tribal councils. Many of the older generation on our reservations still seek out out hereditary chiefs and go to them for advice in tribal matters.

Two tribal chiefs from the Mille Lacs Reservation: Melvin Eagle [left] and John Nayquonabe.

Melvin Eagle is the son of Joe Eagle, now deceased, a traditional chief of the Mississippi Band. Melvin's grandfather was "Migizi" which means eagle in the Ojibwe language. "Migizi" was one of the prinicipal chiefs who signed the treaty with the Mississippi Band and the United States of America.

John Nayquonabe is the son of Pete Nayquonabe, also of Mille Lacs. John inherited the chieftanship when his father Pete died. John is the grandson of "Nayquonabe" which means the feathers end.

Both Melvin Eagle and John Nayquonabe are involved in the tribal affairs of their band. Both are also owners of ceremonial drums which have been handed down for years to which a great importance is held. John Nayquonabe has also begun officiating at tribal religious ceremonies. These two men are good examples of our present day traditional chiefs.

JOHN FLAT

John Flat of Grand Portage is also a traditional chief. John is the holder of two chief medals, which were given out by King George of England in 1783, and again in 1814. John can trace the medals back seven generations, when Sir William Johnston traveled out to meet Ojibwe chiefs on behalf of the English Government. Special silver medals were minted and given to major Ojibwe chiefs. A delegation from Grand Portage traveled the long journey south from Sault Ste. Marie or "Ba-wi-ti-gong" as the Ojibwe called it, to the meeting. These medals that John has, have been in the hands of Grand Portage chiefs since those times.

John inherited the medals and chieftanship from his father, Mike Flat, who died in 1953. Mike was the stepson of Joe Louis, whose father was "May-mosh-ko-waush," a signer of the 1854 Lake Superior Band treaty.

John has served on the Grand Portage tribal council for many years, and has been active in the affairs of the Grand Portage Band for a long time.

John Flat of Grand Portage, Chief medals inherited from father, Mike Flat.

STUDENT WORKSHEET QUESTIONS

UNIT NUMBER I PART I

1. What were the most important duties of the civil chiefs?
2. What qualities were civil chiefs expected to have had?
3. What function did **totems** have?
4. Name the totems you know that have existed for your particular Indian community.
5. Which clans or totems usually provided chiefs to the Ojibwe Tribe?
6. What does the Ojibwe word "do-daim" mean?

UNIT NUMBER I PART II

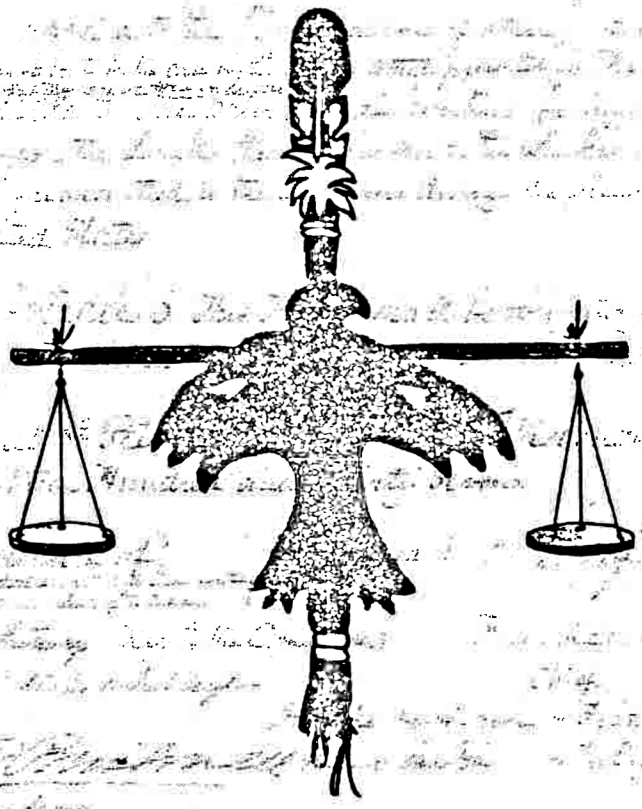
Write a brief biography, on your own words, of three of the chiefs you have read about. Give facts about residence, clan, qualities, when they lived, and a few exploits.

I.

II.

III.

CHAPTER TWO
Chippewa Treaties



CHIPPEWA TREATIES, A HISTORY AND OVERVIEW

There is little or no general understanding about Indian treaties, just as there is no understanding about the relationships of the various tribes, their inherent and negotiated rights, with the federal government. Likewise, there is almost no knowledge on the part of the educational community in Minnesota, including the local school systems, about the various Indian treaties that affect the Chippewa people, or the role of the United States Senate in either ratifying or refusing to ratify the treaties. This problem is a result of the educational system which fails to deal with Indians and Indian history in a positive sense. It has also been determined to be one of the major reasons for the problems between Indian and non-Indian students, and it is one reason for initiating alternative education for Indian students in Minnesota.

The schools have not provided the people with accurate information about Indian history and most often would rather not deal with Indian history at all. Also, mass media has done little to portray Indians in a positive sense. These two problems are the primary cause of the many stereotypes and misconceptions about American Indians that exist to this day.

The Minnesota Chippewa Tribe welcomes the chance to present facts concerning the inherent and negotiated rights of Indians in Minnesota, a result of negotiations between their ancestors and the United States government years ago. The inherent and negotiated rights of Indian tribes is a subject many people know nothing about. Special rights are guaranteed to Indians through treaties signed and approved both by the Indians and the Federal government.

This unit is an attempt to bring to the attention of the student only those treaties pertaining to the Chippewa people enrolled as members of The Minnesota Chippewa Tribe. In addition, students will be exposed to the specific clauses contained in treaties and understand the differences in meaning of treaties by both the Indians and the Federal Government.

For research purposes an organizational framework about Indian treaties can be found in Chapter 3, Indian Treaties, in Felix Cohen's **Handbook of Federal Indian Law.** This volume of information on Federal Indian Law has been and is still being utilized today as the most reliable and comprehensive study ever completed about Indian Law. Specifically, the chapter on treaties deals with the full scope of Indian treaties and interprets them so that they are easy to understand.

As background information, treaties are documents made between the President of the United States and Indian tribes, and have been regarded as the supreme law of the land, as noted in ARTICLE VI, SEC. 2 of the U.S. Constitution. ARTICLE II, SEC. 2 states that the President has the power to make treaties by and with the advice and consent of the Senate. ARTICLE I, SEC 10 strictly prohibits any states from entering into treaties or alliances with Indian tribes. These articles are as follows:

ARTICLE VI, SEC. 2

of the

UNITED STATES CONSTITUTION

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

ARTICLE II, SEC. 2

of the

UNITED STATES CONSTITUTION

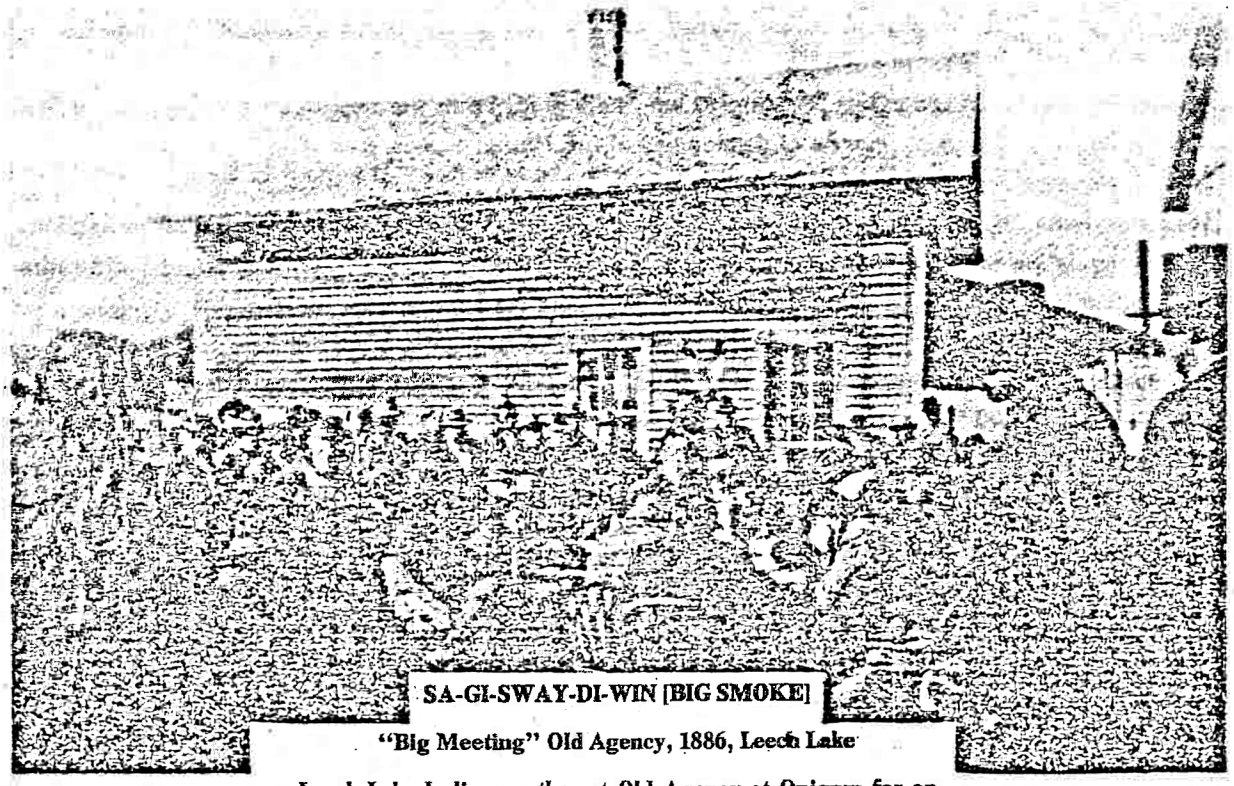
"He (the President) shall have the Power, by and with the Advice and Consent of the Senate to make Treaties, provided two-thirds of the Senators present concur;..."

ARTICLE I, SEC. 10

of the

UNITED STATES CONSTITUTION

(limitation of Powers of the States) "No State shall enter into any Treaty, Alliance, or Confederation..."



SA-GI-SWAY-DI-WIN [BIG SMOKE]

"Big Meeting" Old Agency, 1886, Leech Lake

Leech Lake Indians gather at Old Agency at Onigum for an 1886 agreement with the federal government. Ojibwe Indians called any important meeting [Sa-gi-sway-di-win] or a big smoke, as in previous days the ceremonial pipes were filled and smoked at all important meetings.

Before the establishment of the constitution of the United States, treaties had been made with Indians living near colonies. Many foreign nations entered into such treaties. These treaties were considered valid because both parties were sovereign powers. After the adoption of the United States Constitution, Indian tribes still held title to the land and were constantly transferring that title as a result of land cessions included within treaties signed with the United States government. The Federal government attempted to soften the shock of land cession by reserving certain rights for Indians in ceded lands, such as hunting, fishing, and gathering of wild rice. It should be noted that such cases are very much in Minnesota news today, where the State of Minnesota had contended that Indians do not have a right to hunt, fish or gather wild rice on ceded lands. Students should research this problem and come up with a solution. Do you think Indians can legally hunt, fish, gather sugar, and gather wild rice on ceded lands?

Treaties with Indian tribes hold the same dignity as treaties with foreign nations. This fact has been repeatedly confirmed by the federal courts and has never been successfully challenged. Although in some cases where this relationship has been challenged, the courts have continually ruled in favor of the Indians. Unfortunately, no one revealed to Indians, that the Congress of the United States could pass legislation in conflict with a signed treaty. Although the United States government understood that it has a moral obligation to act in good faith when dealing with treaties, the fact is that it has avoided this obligation through the passage of laws in conflict with treaties. [1]

At the present time there is a considerable amount of anti-Indian legislation being introduced to abolish tribal self-government and to abrogate all Indian treaties. It should be understood by students that the power to abrogate Indian treaties remains with Congress, though such powers will be exercised only in the best interest of the Indians of the country. If such powers were enacted, the United States government must be acting in "perfectly good faith toward the Indians."

Students may research current anti-Indian Legislation such as Representative Cunningham's Bill H.R. 9054, which calls for the abrogation of all Indian treaties, the termination of the Federal/Indian relationship, and the liquidation of tribal lands and assets. Would this bill, if adopted, be in the best interest of the United States? Would this bill serve the best interest of the Indians of the United States?

Treaties with Indian nations were made for various purposes. There were treaties for mutual protection, for peace, for regulation of trade with the Indians, for rights of way so that corporations might build railroads through Indian land, to provide military posts, and for taking land away from Indians.

As the settlers, railroaders, and miners moved onto the land, Indians were forced into submission and considered "conquered." Since "conquest" was not considered a means of taking legal title to Indian land, the United States government and the Indians, as sovereign nations, negotiated and signed treaties. States and individuals were strictly prohibited from dealing directly with Indians without the consent of the U.S. Goverment. [2]

There are those, who, in an effort to abolish Indian tribal rights, point out that Indian tribes were conquered by the superior forces of the United States. Felix Cohen, adequately responds to the theory of conquest in these words:

[1] Felix Cohen, **Handbook of Federal Indian Law**, Chapter 3, the legal force of Indian treaties.

[2] Trade and **Intercourse** Act of 1785, Article I, section 10, United States Constitution

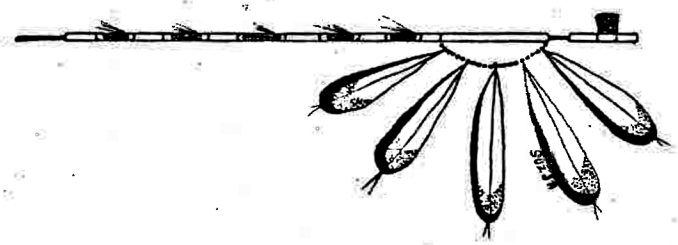
"Conquest renders the tribe subject to the legislative power of the U.S. and terminates the external powers of sovereignty of the tribe. Namely, its power to enter into treaties with foreign nations, but does not by itself affect the internal sovereignty of the tribe, that is, its power of self-government." [3]

In view of rights of self-government, the Minnesota Chippewa Tribe, as well as other tribes, do not receive their right of self-government entirely through legislation, but from the treaties themselves. (See Unit II, IRA). Although Indian tribes were conquered, there were never any declared wars upon any Indian nations. Armed conflict on the part of Indians were defensive in nature provoked by inhuman and cruel acts against Indians.

Since nearly all of the Indians signing treaties were unable to read, write or speak English, the treaty clauses and the highly organized, technical language had to be interpreted for the Indians to understand. Clauses were characterized as those written by a stronger nation with a much weaker, defenseless people who were wards of the nation and dependent upon the good faith and protection of the stronger. This was the view taken in 1889 by the Supreme Court in the case of **Jones vs. Meehan.**

"In construing any treaty between the United States and an Indian tribe, it must always (as was pointed out by the counsel for the appellees) be borne in mind that the negotiations for the treaty are conducted, on the part of the United States, an enlightened and powerful nation, by representatives skilled in diplomacy, masters of a written language, understanding the modes and forms of creating the various technical estates known to their law, and assisted by an interpreter employed by themselves; that the treaty is drawn up by them and in their own language; that the Indians on the other hand, are a weak and dependent people, who have no written language and are wholly unfamiliar with all the forms of legal expression, and whose only knowledge of the terms in which the treaty is framed is that imparted to them by the interpreter employed by the United States; and that the treaty must therefore be construed, not according to the technical meaning of its words to learned lawyers, but in the sense in which they would naturally be understood by Indians." [4]

The technical language contained in the treaties covered a wide range of subjects, and varied according to the treaty. Most of the emphasis of a treaty was upon the land boundaries and the amount of economic trade to be done. In general, treaties included some combination of the following: status as to war and peace, boundaries passports, extradition, relationships with other powers, dependency as to protection, trade relationships, representation in Congress, power of Congress, power to the President, termination of treaty making, commercial relations for cessions of land, reserved rights on ceded land, payments and services to tribes, jurisdiction that was both criminal and civil, and control over tribal affairs.



WHAT TREATIES MEANT TO THE CHIPPEWA AND THE UNITED STATES

From the beginning of treaty making, Indians and whites recognized that the future depended upon who controlled the land. Less noticeable are the assumptions on both sides which always influenced what was accomplished by a treaty. Occasionally these assumptions were unstated; sometimes they were made very explicit. After the end of the French and Indian War a Chippewa Chief addressed Alexander Henry at Michilimackinac, now the country of Michigan:

"Englishman! Although you have conquered the French you have not yet conquered us! We are not your slaves. These lakes and these woods and mountains were left to us by our ancestors. They are our inheritance, and we will part with them to none. Your nation supposes that we, like the white people, cannot live without bread and pork and beef. But you ought to know that he - the Great Spirit and master of life - has provided the food for us in these broad lakes and upon these mountains."[5]

*Wabanakwed, meaning White Cloud, a well known Chief of the White Earth reservation, spoke of his people's complaints against the government during the early 1870's. From Wabanakwed's view point, land cessions always meant the loss of political power. [6]

Cash payment for land, he reasoned, meant nothing if a tribe had no political power. He stated that land cessions led to poverty and poverty always led to further removal from the land. Any reservation had to include the reservation of resources on the land. The government giving away pines trees without tribal permission was the same as giving away the reservation itself. [7]

Other Chippewa Chiefs undoubtedly shared Wabanakwed's understanding of this economic fact of life, and as a result many of the Chippewa treaties contain reference to important Indian economic issues. During this time most Indians often assumed that white use of timber and rare minerals, such as copper or iron, would not lead to permanent white settlement. Another assumption was that in exchange for surrendering a great deal of land base, a portion of that land base might be salvaged. Indians sometimes felt that their interests in treaty-making could best be represented by disinterested missionaries, lawyers, and mixed bloods. All these assumptions however, proved to be misleading. It wasn't long before Indian leaders such as BUG-O-NAY-GE-SHIG (Hole-in-the-day) and WABANAKWED came to realize that their people depended directly upon white culture for all major forms of subsistence.

Wabanakwed or White Cloud - This noble patriarch gave the last thirty years of his life in service to the people he led to the White Earth Reservation in the Ojibwe removal of June 1868.

*Waabaanakwed

[5] William W. Warren, **History of the Ojibwe Nation**, p. 108

[6] Speech of Wabanakwed, **report of the conditions of the Chippewa of Minnesota**, St Paul Pioneer Co., 1875, pp 23-29.

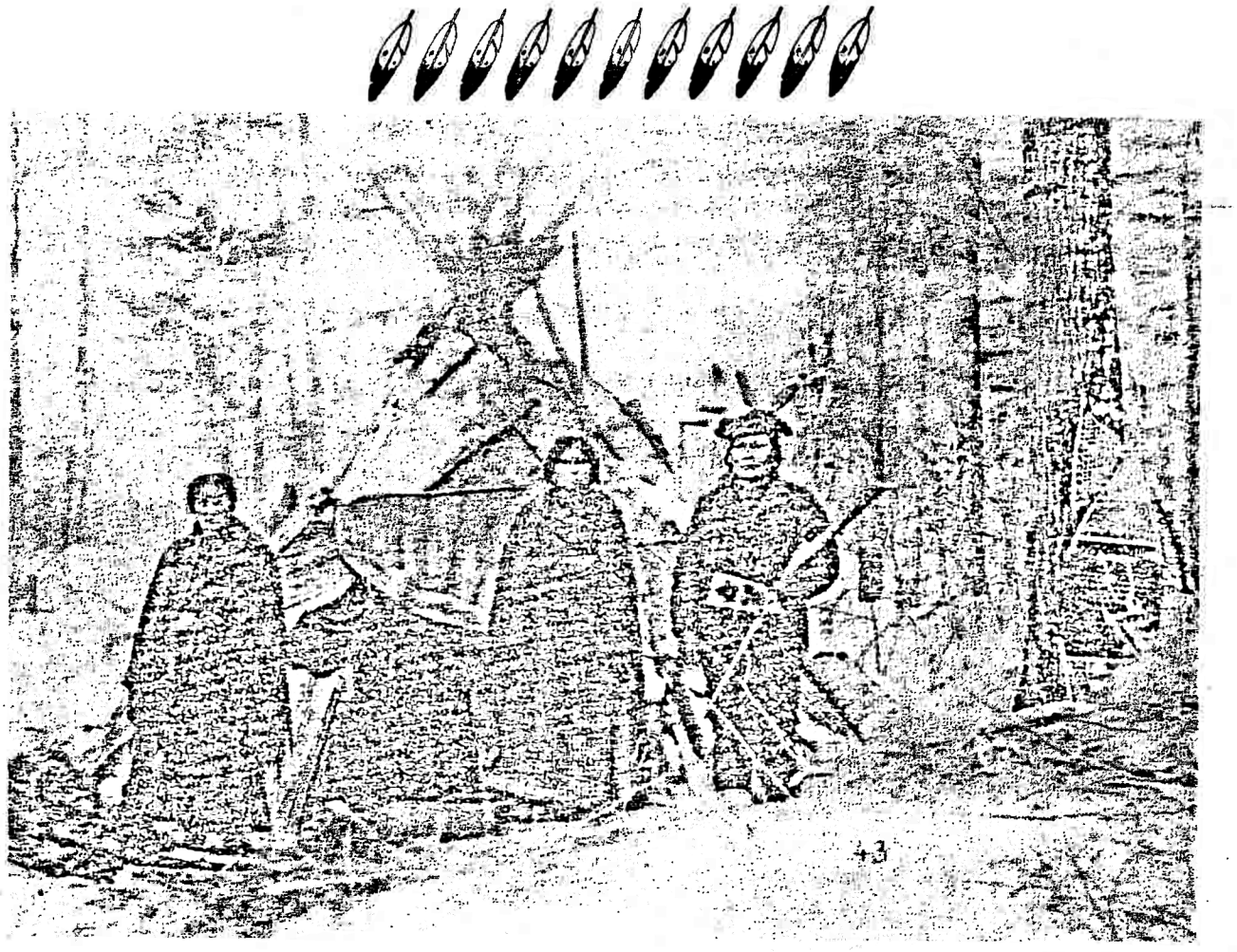
[7] See Clapp Act, unit number 5, Legislation.

Photos courtesy of Minnesota Historical Societ

The fact remains that Indians interpreted treaties totally different than the United States, primarily because they were accustomed to making treaties orally and did not understand the concepts of Anglo-Saxon law. The Indians assumed the words, as written in a treaty, were a reflection of everything that had been said at the treaty council. When Indians signed treaties, they believed that they were attesting to everything that had been spoken about at the council.

When Indians entered into any sort of agreement, oral or written, they always considered it a sacred and moral agreement which could not be broken. This belief was continually reinforced through pipe ceremonies that followed the signing of a treaty which was then and still is today a focal point in Indian religion and tradition. Indians didn't know that whites would deliberately break these agreements, nor did they understand the concept of Anglo-Saxon law.

Indians never had any concept of landownership by anyone. Selling land was totally unheard of, and as a result there was genuine confusion on the part of the Indians when the government spoke of buying land during treaty councils. When the Chippewa ceded land, the evidence indicates that the Indians thought that they were only selling the right to mine or cut timber, with the tribe retaining occupancy right. Had the Indians known what was actually taking place, there more than likely would have been warfare and violence written into Chippewa history.



Ojibwe family in a typical winter scene - the way things were.....

WHAT TREATIES MEANT TO THE UNITED STATES

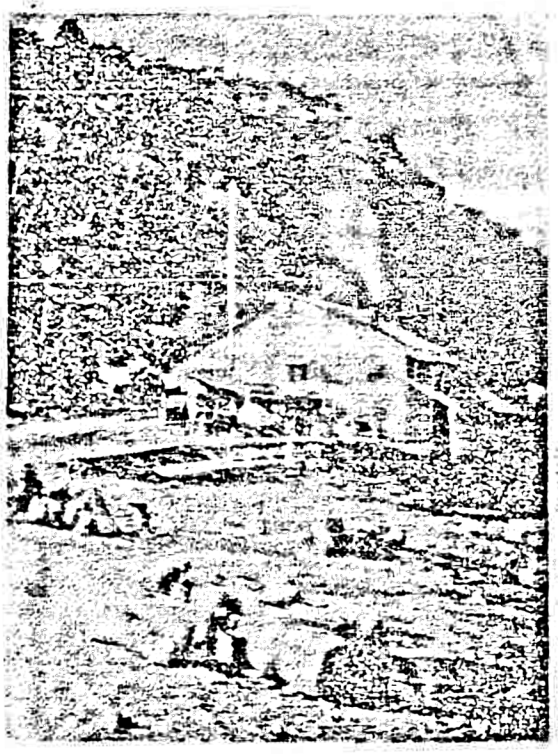
The United States, like the Indians, understood that land ownership meant power and wealth and believed settlement would be permanent and small enough to let Indians exist next to white communities or to assimilate into white society. Americans saw growth and expansion as a national destiny which made the exploitation of natural resources necessary and set up an obligation to consume these resources as rapidly as possible.

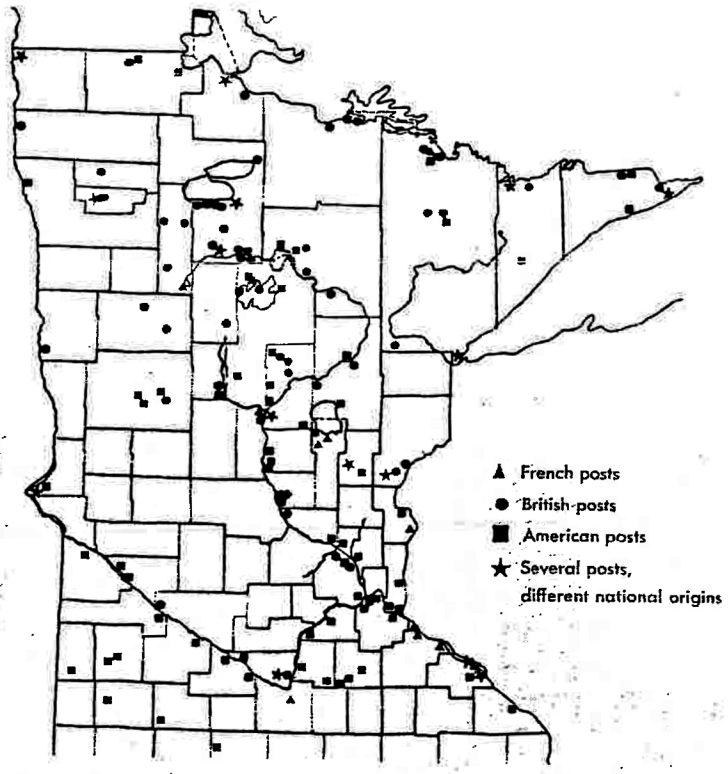
A Minnesota land promoter once said:

"It is necessary for the Indians either to change their habits and become **at once** an agricultural people or to give up their lands and themselves to the guardianship of the United States, and thus, to secure regular supplies and the paternal care of the government, as they generally struggle out of the teepee and blanket into the farm house and civilization. Equally necessary is the possession of the territory to the whites." [8]

(Many attempts to make farmers out of Indians have failed.) This land promoter was making reference to the fact that, although some whites rejected the idea of extermination of Indians, tribes have very little choice if they were to avoid extermination.

In early treaty history the United States saw trade as one of the most important elements of economy that should be grasped from the Indians and exploited to the fullest extent. Although land was of primary importance in all aspects of treaty-making, the fact remains that trade also was considered very crucial during early treaty councils. Fish, fur-bearing animals and other wildlife were plentiful in the northern Minnesota regions which were accessible to markets through Lake Superior. The Chippewa of this region were the primary hunter and providers of furs to the French and British from colonial times.





The American Fur Company became the most influential and the last large fur concern to operate in what soon became Minnesota Territory. An American Fur Company Warehouse at Mendota is shown here in the photograph taken in the 1860's. There, at the confluence of the Minnesota and Mississippi Rivers, trade goods were stored and furs collected. Smaller posts were maintained at Big Stone, Cass, Gull, Leech, Mille Lac, Red, and Sandy Lakes and on the Crow Wing and Red Rivers.

[8] Theodore C. Belegen, Reading in Early Minnesota History, University of Minnesota, p. 146.

Grand Portage was the most important of all the North West Company posts. This recent photograph shows the partially reconstructed headquarters, which originally consisted of sixteen buildings enclosed by a stockade. This great post became a very busy place each summer from 1778 to 1803 when hundreds of English traders arrived from the interior to settle the year's business. Trade goods and supplies were brought to Grand Portage from Montreal in large canoes or in the company's own ninety-five-ton sailing ship. Photograph courtesy National Park Service.

The Grand Portage and Fond du Lac Bands of Chippewa held a very strong position in regards to trade with the French and British until 1850. The United States realized this and focused its concern on the control of Indian trade by discouraging and prohibiting tribal relations with British Hudson's Bay Company and the French Canadian Northwest Company. As the United States gained more control, a crucial factor dominating every treaty council with the Chippewa was the monetary compensation of individual traders. At the treaty council, and in the treaty documents themselves, many tactics were used to discourage trade to both the north and south. Threats to hold back annuities, bribing, and indications of force and violence were used by Americans as ways to disrupt and prohibit Indian trade with Canadians.

Once the United States had complete control of the Indian commerce its attention shifted to gaining access through Indian land for American traders and fur companies. The American Fur Companies and traders, in turn, systematically swindled, cheated, and coerced the Chippewa out of their money appropriated for land cessions in the treaties. In reference to this, once pioneer stated:

"The Indians would enter the front door.... sign their receipt, receive their money and walk out the back door, where stood a crowd of hungry traders, who quickly transferred most of the money from the hands of the Indian to their own pockets for the payment of old debts. The traders commonly claimed all they could see, and the Indians, as a rule, gave up without protest." [9]

[9] Walter Belliveau, **The Life of Alexis Bailly, Minnesota Pioneer**, ms in the Minnesota Historical Society., St Paul, MN.

Later the United States realized the importance of the extensive deposits of copper on the shores of Lake Superior and Isle Royale, and the iron deposits of the Vermillion and Mesabi iron ranges. The United States gained control of this great mineral wealth through several "mineral cessions" despite the resistence of the Chippewa.

In conclusion, the United States saw treaties as the only legal means to abolishing Indian claims to land other than by conquest. It was necessary for the government and private interests to coerce Indians into signing the treaties so that the land would be sold to the government. The United States then sold or opened the land to its citizens for settlement. In reality, the Indians never 'sold' land because they never believed anyone could own land. Therefore, in reference to 'sold' above, the concept is actually a misnomer. Nevertheless, the signatures allowed a legal transfer of Indian land, minerals and rights.

Indians visited the Trading Posts twice a year in October and March after the autumn and winter hunts. They trades furs for knives, guns, powder horns, blankets, cloth and some food items. Much of the trade was conducted on credit with values and interest established arbitrarily to the traders' advantage.

THE END OF TREATY MAKING

Students should understand the reasons that treaty making came to and end in 1871.[10] Originally treaties were approved by the President and two-thirds vote of the Senate with the House of Representatives having no opportunity to express it's opinion.

Since the House was responsible for appropriating money, goods, and/or services promised in treaties, they felt that they should have a voice in the whole process. The House would sometimes refuse to allow the necessary appropriations as provided for by the Senate.

The political rift between the House and the Senate made it evident that the treaty system had reached its end with the result being the passage of the **Indian Appropriation Act,** first approved March 3, 1871:

> "No Indian nation, or tribe, within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe or power with whom the United States may contract by treaty; but no obligation of any treaty made and ratified with such Indian tribe prior to March 3, 1871, shall hereby be invalidated or impaired."

Another reason for the House's opposition to the signing of treaties was its disillusionment with the administration of the Office of Indian Affairs. The following statement was extracted from a House Executive Documemet by the Indian Peace Commision of 1857:

> "The records are abundant to show that agents have pocketed funds appropriated by the government and driven Indians to starvation. It cannot be doubted that Indian wars have originated from this cause. The Sioux War, in Minnesota, is suppose to have been produced in this way. For a long time the officers have been selected from the partisan ranks, not so much on the account of honesty and qualifications as for devotion to party interest and their willingness to apply the money of the Indian to promote the selfish schemes of local politicians."[11]

Many legal opinions and questions have arisen concerning the Act of 1871 which ended treaty making. Article III, Section 2 of the United States Constitution has been discusssed in this unit already, which basically states that "THE President shall have the power to make treaties by and with the consent of the Senate." The Act ending treaty making apprears to be unconsitutional since its effect was to take the President and Senate powers granted to them by the United States Constitution. The following is a legal opinion concerning this Act:

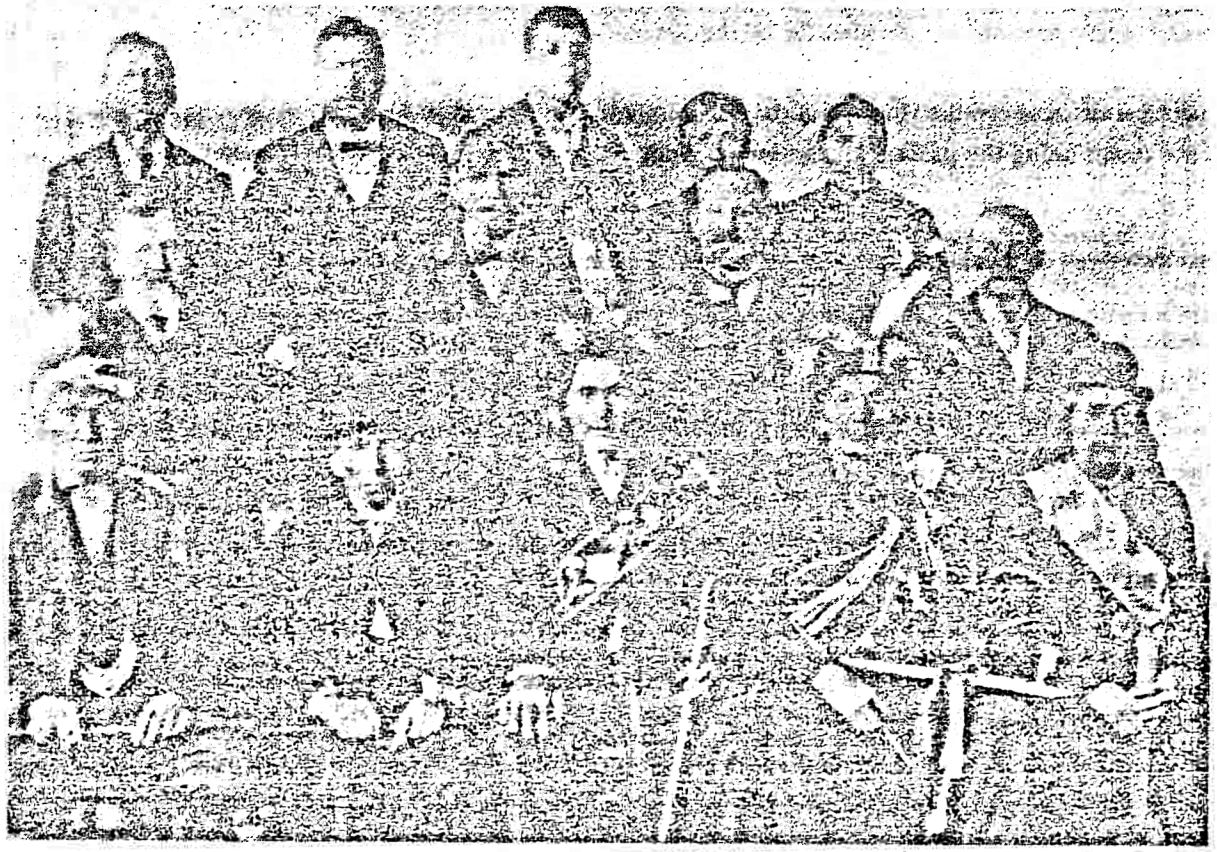
> "If there are to be any changes made to the Constitution, it is to be done according to the procedures set out in the Constitution itself. Article V of the constitution states that if two-thirds of both houses feel it necessary, then either can propose an amendment. The amendment will only be valid when ratified by three-fourths of the states. By passing this act, the Congress was changing the powers of the President as set forth in the constitution by legislation rather than the proper amendment procedures."

10 Felix Cohen, **Handbook of Federal Indian Law**, p. 66-67. The End of treaty making.

11 **History of Indian Treaties**, National Institution for the development of Indian Law, p.58

CONTEMPORARY RELATIONSHIPS WITH INDIAN/U.S. TREATIES

Students should understand that treaties are just as important today as they were in the 1800's. Some people have a tendency to consider treaties as just old documents of little significance. This is not true. Treaties are documents of great historical importance, and are considered legal and binding to this day.[12] The constitution of the United States deliberatly makes treaties equal in law to any statute or law that the Congress may pass. The State of Minnesota, as well as other states, has attempted to attack the validity of these important documents, but the Supreme Court most often upholds the validity of the Indian treaties.



Photos courtesy of Minnesota Historical Society

White Earth Delegation in Washington, D.C. 1899

Sometimes Indian communities are confused or misinformed about their rights under treaties. Many of the treaties act as instruments which extinguish title to land, although people tend to interpret them as instruments which create title to land. In the same way, treaties also extinguish other kinds of rights. For example, in 1971 a federal court in the State of Minnesota upheld a decision which favored the right (by treaty) of the Leech Lake Indian Reservation to hunt and fish and gather wild rice on public lands and public waters of the Leech Lake Reservation free of Minnesota game and fish laws. In other words, the treaty extinguished state jurisdiction. That decision was somewhat of a milestone in the 20th century Indian treaty law. It was also an indication to other reservations of The Minnesota Chippewa Tribe that the rights reserved to them through treaty would and should be upheld. As a result, other reservations in Minnesota currently are attempting to gain control, through the legal process, of all rights guaranteed through treaties. The court, in this case, made a politically

[12] **United States Constitution**, article IV, Clause 2.

unpopular decision, but one which is constitutionally correct. It is an important case, for it serves to remind America that treaties, the agreements made by Indian nations and the United States government, are still in full force and effect. The question that Indian students and Indians in general should constantly raise is "What was given up or surrendered under the treaties? Under the law, a right not relinquished, as in the case of the fishing, hunting and wild rice rights of the Chippewa of Leech Lake Reservation, remains a right of the Indian nation.

Today, Chippewa Indians must deal with the Minnesota Department of Natural Resources concerning all hunting and fishing matters. While some bands such as Leech Lake have adopted their own conservation codes with the state, others remain at odds with the Department of Natural Resources. Major court cases have paved the way for some of the victories Indians have won in the last ten years.

From 1837 to 1889, different Chippewa groups from what became Minnesota during this time entered into nine treaties and three major legal agreements with the United States. As stated earlier, the Appropriations Act for 1871 forbade further recognition of Indian tribes for the purpose of making treaties. From 1871 on, legal contracts between Indian groups and the government took the form of **agreements.** The government made three with the Chippewa between 1873 and 1889. These treaties and agreements laid the foundation for contemporary Chippewa life, because they transferred most Chippewa lands to non-Indians, in changing traditional tribal ways, and established Indian reservations. It should be pointed out that the major reason for ending treaty making and agreements with Indians was that the government had been successful in transferring Indian ownership of land to non-Indians. There was no further need for treaties since almost all the land has been usurped. Below is a list of treaties made with the six Indian reservations that comprise The Minnesota Chippewa Tribe.

1825 - Treaty with the Chippewa, established a boundary between the Chippewa and the Sioux. No land was ceded.

1837 - Treaty with the Chippewa, ceded land but created no reservation.

1847 - Treaty with the Chippewa of the Mississippi and Lake Superior, ceded land but created no reservation.

1847 - Treaty with the Pillager Band of Chippewa signed at Leech Lake, August 21. Ceded land but created no reservation.

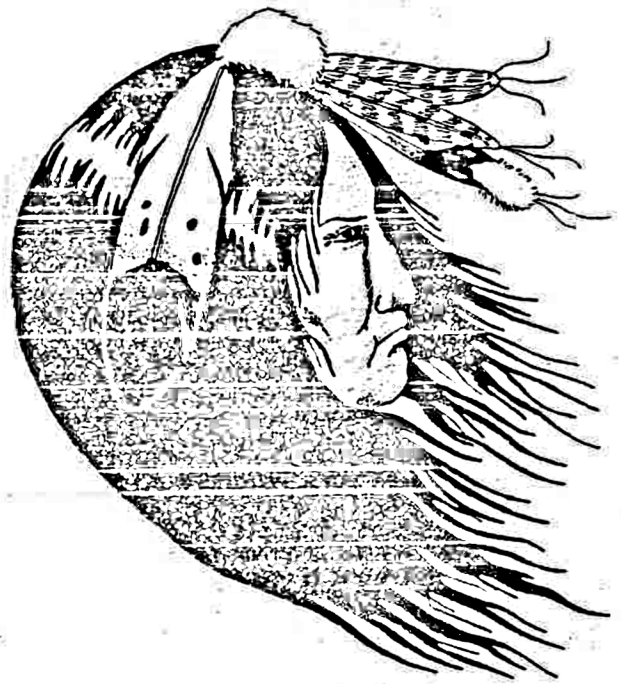
1854 - Treaty with the Chippewa of Lake Superior and Mississippi. Ceded most of the arrowhead country, created Grand Portage and Fond du Lac Reservations.

1855 - Treaty with the Chippewa of the Mississippi. Ceded land and created Mille Lacs and Leech Lake reservations and several others that were later ceded or merged with the Leech Lake reservation.

1864 - Treaty with the Mississippi, Pillager and Lake Winnibigoshish Bands of Chippewa. Ceded Mille Lacs reservation, but provided that those Indians should not be compelled to remove.

1866 - Treaty with the Bois Forte Band of Chippewa. Ceded land and created Nett Lake Reservation.

1867 - Treaty with the Chippewa of the Mississippi. Ceded part of Leech Lake Reservation. (Additions to the reservation were made by executive order in 1873 and 1874.) Created White Earth Reservation.



WHAT IS THE BASIC OUTLINE OF A TREATY?

A treaty is a contract or agreement between two or more nations, similar to a contract between individuals or corporations. There are two major parts of a treaty agreement.

1. The first part of a treaty is a statement of what the agreement is all about; why the two parties need to make an agreement and what the two parties agree to do. This is the most important part of a treaty because everything must be written down as clearly as possible so that both parties understand what they are agreeing to.

   This particular type of treaty is also called a "written compact." The custom of writing down important agreements began in Europe, China and the Middle East many centuries ago. In ancient Europe it was usually only priests and other officials of the church who could read and write. Nearly everything that was written down was of a religious nature and usually written in Latin, the language of the church. The written word, therefore, was seen as something sacred.

   When two countries were in conflict over something and wished to settle their differences, they would send "Heralds," messengers who could not be harmed or threatened in any way, according to the laws of all European nations in those days. These heralds would arrange the provisions of a treaty or arrange a meeting of higher officials from each government under the protection of the herald. After the provisions of the treaty had been developed and written down by a priest or other church official, a final meeting was arranged where the leaders of each government or their official representatives would sign or affix a seal or stamp to the written treaty to symbolize their acceptance of the agreement. This written agreement was considered a sacred compact. International treaties are still made in much the same manner today.

2. The second part of a treaty is a list of signatures, stamps, seals or marks of some sort, which personally identify the individuals who have drawn up the treaty and who, by placing their mark on the treaty, agree to live up to their part of the agreement.

   Many problems have arisen with treaties because of failures to clearly record or understand the provisions of the treaty. Problems also arise when an identifying mark placed on a treaty might be forged and placed there without the knowledge or consent of the person it supposedly represents. One of the most obvious problems in making a treaty arises when the parties meeting together do not speak the same language. Another arises when one or more of the persons negotiating the treaty cannot read and therefore verify that what has been said is actually what has been written down.

WHY A TREATY?

A treaty is a method for peaceful settling of disagreements between nations as an alternative to warfare. It may also serve as a peaceful method of reaching an agreement which puts and end to warfare.

The basic rationale for a treaty is to settle a disagreement between nations. Such disagreements either lead to war or to negotiations. If negotiations fail, the conflict remains unsettled and usually leads to violence. If negotiations succeed, a pact or agreement is signed which both nations are honor bound to abide by, thus avoiding war. Many nations, like people, have no honor beyond what is personally convenient, and treaties often fail. Where nations negotiate in "good faith," treaties carry the weight of supreme law.

WHO IS INVOLVED IN MAKING A TREATY?

Treaties were and still are usually negotiated between representatives appointed by their governments will full power to develop and conclude the treaty within whatever limitations are placed upon them by their governments. By international law, the signatures of these representatives are presumed to be official only with the final approval (ratification) of the governments involved, unless the ratification requirement is explicitly done away with during the treaty negotiations.

In North America, all of the European nations who came here negotiated treaties with the Native American peoples. They recognized the Indian tribes as nations who by European values had previous title, or ownership, of all lands and their resources in North America. A European country might claim land in America, but this claim could be disputed by anyone, including Indians, until that land had been legally turned over to that government, either by treaty with the previous owners or by right of military conquest and occupation.

Wherever whites attempted to secure land through force of violence, the Indian people resisted. By international law the previous inhabitants of lands that have been invaded or conquered by violence have the moral right to resist that conquest unto death. In order to put an end to the violence of war and the loss of further lives, many of the treaties entered into by white and Indian governments have been treaties of peace designed to settle desagreements over land ownership, use of natural resources, compensation for damages or losses, and the right to self-government.

Whenever white and Indian governments attempted to peacefully enter into treaties, further difficulties arose based on very different concepts of land ownership and land use between the two cultures. The Indian people's land was not owned, but only utilized and cared for by those who inhabited it. Also, the right to utilize land was shared equally, not only with all human beings inhabiting the land, but with all living things upon the land. Though use of specific areas or resources might be given to certain tribes, bands, or families, land title was never a matter of personal ownership to Indians.

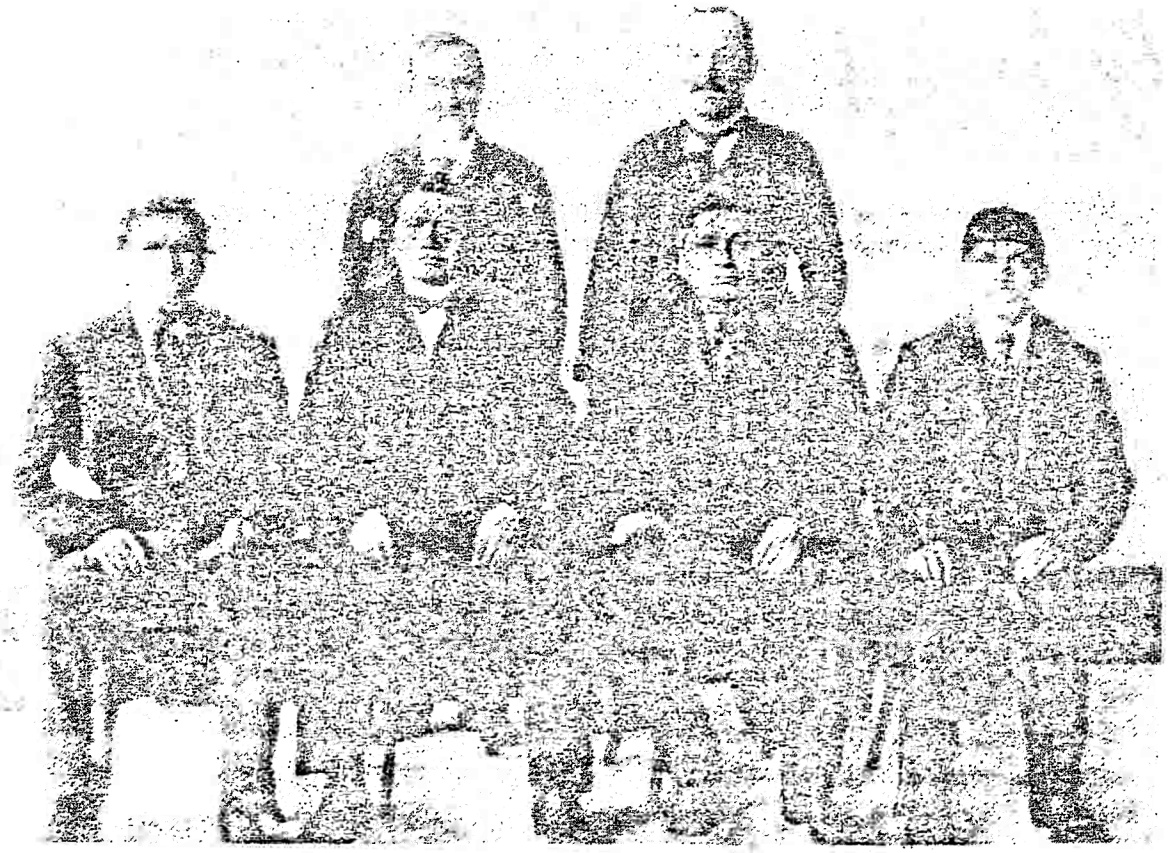
For the most part, Indian societies were basically democratic. The individuals who represented their tribes at treaty negotiations with the whites were usually appointed by their people on the basis of their social standing in the tribe or family.

In Europe land ownership was the basis of all secular law. Equal representation and justice was available to free land holders only. The vast majority of Europeans were tenant workers, indentured workers, serf/slaves, or people outside the law. Legal written title to land was the ultimate and usually impossible dream of millions of Europeans. It gave a person the basic right to justice under European law. Without it his very life was at the sufferance of the landed gentry. Written land title gave the owner the power of life and death over everything on his land.

WHO CAN MAKE TREATIES?

Treaties are negotiated between nations that are separate, independent and sovereign. In other words, they are between nations who have the right to control all internal and external affairs of their people. The fact remains that Indian Tribes have been considered sovereign since before European contact, and this has continually been supported by a number of court decisions. Indian tribes could still make treaties with the United States, even though they had limited authority as a result of conquest.

"Each Indian tribe begins its relationship with the federal government as a sovereign power, recognized as such in treaty and legislation." [13]



Photos courtesy of Minnesota Historical Society

Mille Lacs Delegation in Washington D.C. 1899

WHAT IS THE CONTENT OF A TREATY?

Treaties do not have a standard format, and each one will vary depending on the subject. Most of the time, treaties are considered very complex documents. Depending upon the subject, such as treaties with the Chippewa, treaties always dealt with acquistion of land, mineral rights, right of way, the establishment of reservations, etc.

STATEMENT OF PURPOSE

Most Chippewa treaties open with an introductory statement. This introductory statement, sometimes called a preamble, lists the dates, parties involved, and the location where it took place. An example is as follows:

Article of agreement and convention, made and concluded at the city of Washington, this eleventh day of March, A.D. one thousand eight hundred and sixty-three, between William P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, Superintendency, on the part of the United States and Henry M. Rice, of Minnesota, for and on behalf of the Chippewa of the Mississippi and the Pillager and Lake Winnibigoshish bands of Chippewa Indians in Minnesota. [14]

[13] Felix Cohen, **Handbook of Federal Indian Law**, p. 122.

[14] **Treaties and Agreements of the Chippewa Indians**, the Institute for the Development of Indian Law.

PROVISIONS OR PROVISOS

Within the content of treaties are separate sections which designate special conditions that must be adhered to. Provisos are another way in which the United States has taken away power of a sovereign nation. Provisos were never really explained or understood by Indians. An example follows:

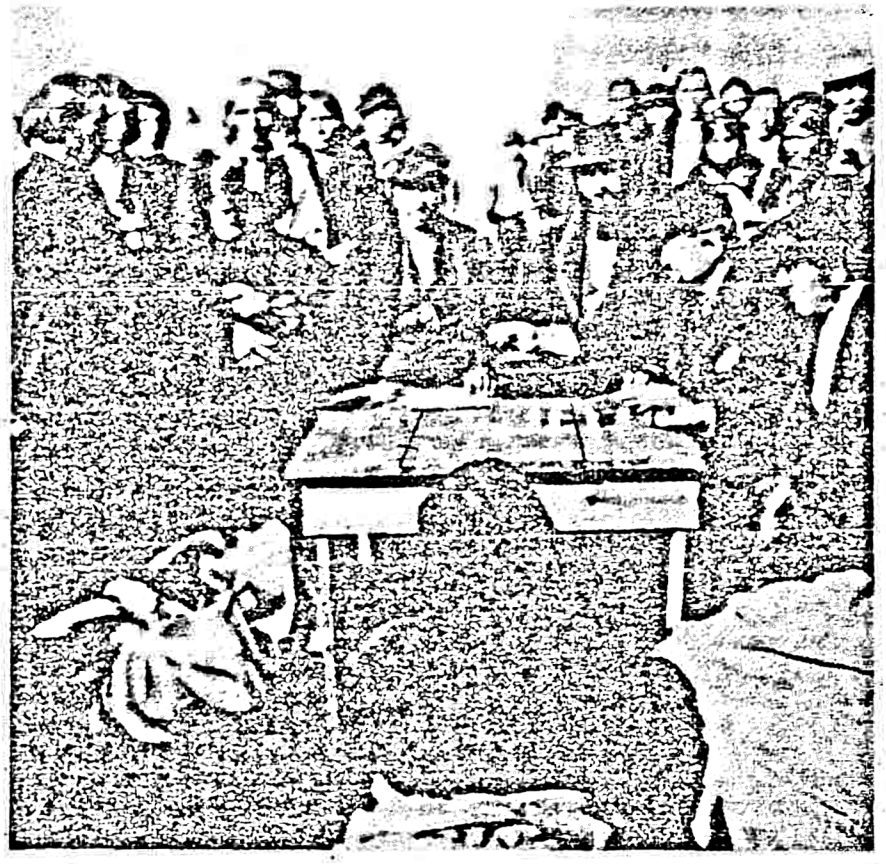
"All annuities under this or former treaties shall be paid as the chiefs in council may request, with the approval of the secretary of the Interior, until otherwise altered or amended: Provided, that not less than one half of said annuities shall be paid in necessary clothing, provisions, and other necessary and useful articles." [15]

ANNUITIES

The United States paid Indians for their land with supplies and money. The responsibility for the annual distribution of cash and goods was with the Bureau of Indian Affairs. These annual payments created many problems, since the United States made Indians travel hundreds of miles to payment sites.

An example of this problem existed with the Chippewa of Elk River who refused to travel for payments due them following the 1837 treaty council. They were told to go to La Pointe where the annuities would be distributed. Chief HOLE-IN-THE-DAY responded:

Photos courtesy of Minnesota Historical Society



Annuity payment - Grand Portage - 1860's

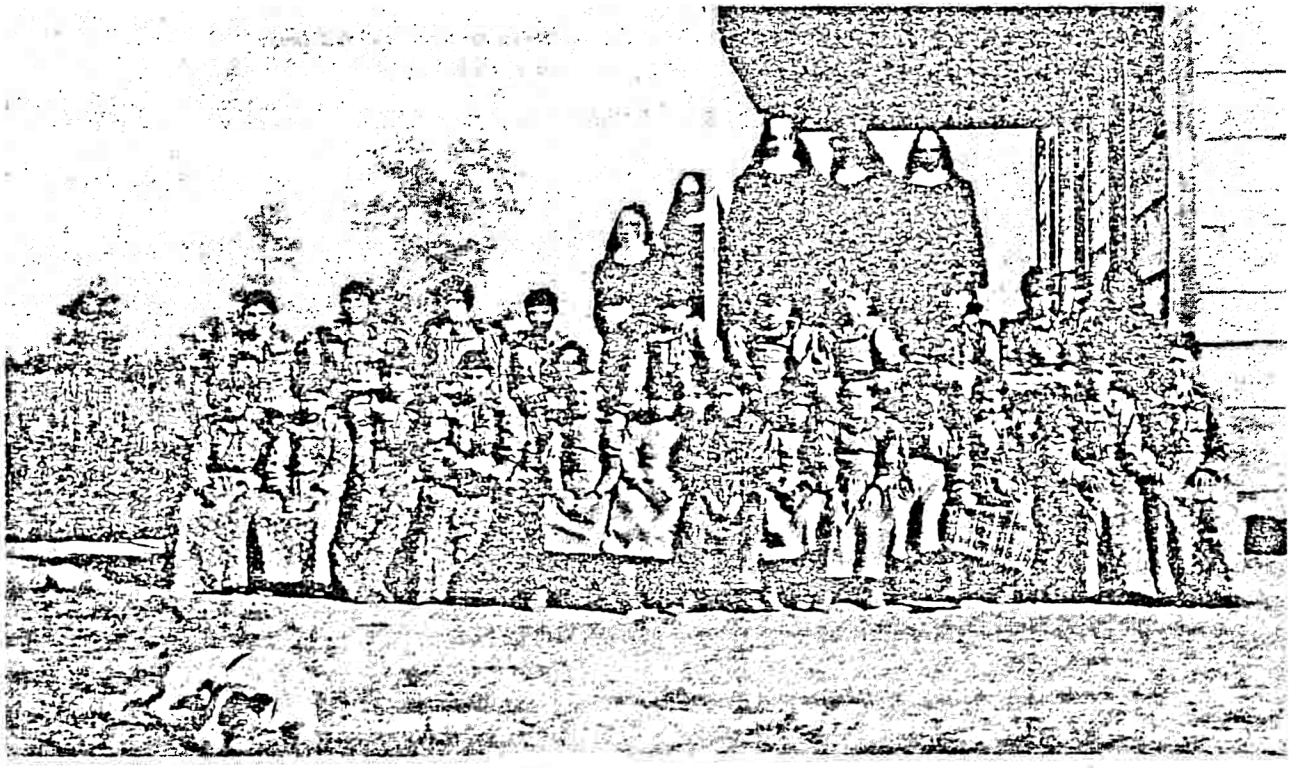
Indian agent and enterpreters gather near the government dock at Grand Portage in the 1860's to distribute annuity payments. Heads of families receive their share for the forth coming.

15 Ibid., Article 10, p. 102.

"We are very anxious to see governor Dodge with whom we made the treaty, that we may have a talk with him. It was with him commissioner of the United States we made the treaty, and we are very much disappointed to hear the news we hear this day (that we must go to Lake Superior for our payment) which we have this day decided we shall not do. That we had rather die first: it is on this account we wish to pay you a visit... you sir, Mr. Tolivar, know very well our situation, and that the distance is so great for us to go to Lake Superior to get our pay or even a gun repaired, that it is inconsistant for such a thing to be required of us; even if we did literally place the matter in the hands of the government." [16]

Skillfully manipulated, the annuity system gave government officials a powerful weapon with which to coerce tribal conformity with BIA policy: The Snyder Act was passed in 1921, which transferred United States Treaty obligations to the BIA. Services promised in treaties were supported by Congress through direct appropriations to the BIA. An example of annuities written into treaties follows:

"The United States will expend annually for and in behalf of said Bois Forte Band of Chippewa, for and during the term of twenty years from and after the ratification of this treaty, the several sums and for the purposes following, to wit: for the support of one Blacksmith and assistant, and for tools, iron, and steel, and other articles necessary for the blacksmith's shop, fifteen hundred dollars; for one school teacher, and the necessary books and stationary for the school, eight hundred dollars, the chiefs in council have the privilege of selecting with the approval of the Secretary of the Interior, the religious denomination to which the teacher shall belong; for instructions of the said Indians in farming, and the purchase of seeds, tools & etc., for that purpose, eight hundred dollars; and for annuity payments, the sum of eleven thousand dollars, three thousand five hundred dollars to be distributed to them in goods and other articles suited to their wants and conditions." [17]



While the government established Indian schools, at White Earth, Onigum, and at Lake Vermillion, the Catholic Church also ran schools attended by many Indian children. The schools were very strict and did much to suppress the native culture of the Indian children.

Photos courtesy of Minnesota Historical Society

16 BIA Pointe Agency, HOLE-IN-THE-DAY, to Major Tolivar and Plimpton, June 3, 1839.

17 The Institute for the Development of Indian Law , OPCIT* * Article 3, 30

SEALS, MARKS, SIGNATURES

Chippewa headmen and chiefs were usually the ones authorized to sign treaties. Actually, they did not sign their own names but, instead, put an "X" next to their names written in English because they neither could write nor read English. In Chippewa - United States treaties, the list of signers was sometimes very long as in the following example:

Wm. P. Dole, Commissioner of Indian Affairs

Clark W. Thompson, Superintendent of Indian Affairs for the northern superintendency. [seal]

Henry M. Rice, Gull Lake Band:
Qui-we-shen-shish, or Bad Boy.
his x mark.

J. Johnson, Rabbitt Lake Band:
Me-jaw-ke-shick or Sky that touches the ground. [seal]
his x mark.

Ah-ah-o-jaw-wa-ke-shick, Crossing Sky, his x mark. [seal]

Sandy Lake and Rice Lake Bands:

Aw-aw-bedway-we-dung or Returning Echo, his x mark. [seal]

Po-ke-ga-ma Band:

Ma-ya-je-way-dung, or Chistopher his x mark. [seal]

Mille Lac Band:

Shob-osh-kunk, or Passes under Everything, his x mark. [seal].

Me-no-min-i-

Me-no-min-e-ke-shen, or Ricemaker his x mark. [seal]

Re-dud-ence, Rats Liver, his x mark. [seal]

Te-daw-kaw-mo-say, Walking to and from his x mark. [seal]

Mose-o-nan-nay, or Moose, his x mark. [seal]

me-no-ke-shick, or Fine Day, his x mark.

Be-she-kee, or Buffalo, his x mark [seal]

Nah-bon-e-aush, Young Man's Son his x mark. [seal]

O-ge-ma-way-che-waib, Chief of the Mountain his mark. [seal]

Ke-me-wne-aush, Raining Wind, his x mark. [seal]

Keh-beh-naw-gay, The Winner his x mark. [seal]

Winne-pe-go-shish Band:

Kob-mub-bey, or North Star, his x mark. [seal]

Mis-co-pe-nen-shey, Red Bird, his x mark. [seal]

Cass Lake Band:

Maw-je-ke-shick, Travelling Sky, his x mark. [seal]

Ma-ne-to-ke-shick, Spirit of the Day, his mark. [seal]
O-gee-tub, The Trader, his x mark. [seal]

Executed in presence of---

E.A.C Hatch.
Geo. C. Whiting.
A.S.H. White
George Fuller
James Whitehead.
D. Geo. Morrison
Paul H. Beaulieu, United States interpreter.
Peter Roy, interpreter.
J.G. Morrison, interpreter.
James Thompson.

EXAMPLES OF SPECIFIC TREATY ARTICLES OF THE CHIPPEWA, WHAT LAND WAS LOST, WHAT RIGHTS WERE RESERVED AND HOW METALS AND MINERALS WERE TAKEN.

The treaties signed in the 1800's for the Chippewa living in Minnesota today are the basis for whatever relationship the Indians have with the United States, whether it be the right to self-government or the right to regulate hunting and fishing on reservation land. In ceding territory to the government of the United States, and in turn the federal government's establishment of reserved tracts of land for the Chippewa of Minnesota, the federal government acts as a private trustee of the rights of the Indians. This has been described by many pro-Indian activists as a clear-cut case of conflict of interest. How can the United States act in the best interest of the Indians, as trustee, when many of its own interests are at stake? Students should research this problem and come up with positive recommendations for change.

Reservation land areas in Minnesota have diminished because of the allotment system, legislative acts, (Unit VI), and easements and rights of ways, to name a few. There was then and there is now a great deal of frustration over the magnitude of lands lost under the so-called trusteeship of the United States government. Original boundaries are delineated in original treaties; however, it is shocking to discover the actual minimal amount of Indian land ownership today. (See Chart Unit IV).

Treaty of 1826 - Article 3: "the Chippewa Tribe grants to the government the right to search for, and carry away, any metals or minerals from any part of their country." The treaty was made and concluded at Fond du Lac of Lake Superior between the commissioner for the United States, Lewis Cass, and Thomas L. McKenny, and the Chippewa Tribe of Indians. In this treaty, the Chippewa agreed to a treaty made previously at Prairie du Chien, Wisconsin, to boundary lines set up to divide them from the Winnebagoes and Menominee. The agreements reached in this treaty were especially advantageous for the federal government to abide by. This article let the federal government and agents of mining explore and mine Minnesota's great Mesabi iron range. In addition, it let settlers take silver from the present sites of Duluth, Minnesota and Isle Royale near Grand Marais, Minnesota. There are also a number of copper mines in the area and semi-precious metals. If the federal government were to pay an honest value for the minerals and metals extracted from the upper Great Lakes regions since the signing of the treaties, the American Indians of this area would be as economically stable as the prominent mining companies and other metal concerns.

Treaty of 1837 - Article 5: "...and gathering wild rice, upon the lands, rivers and lakes included in the territory ceded, is guaranteed to the Indians." This treaty was made and concluded at St. Peters where the St. Peters and Mississippi Rivers join in the Territory of Wisconsin. The United States was represented by Henry Dodge, the governor of the Wisconsin Territory. The chiefs and headmen represented the Chippewa nation. A large amount of land was ceded to the United States by the Chippewa. The treaty specified the annuities to be granted and settled claims against Indians by the agents and traders. Along with the right of gathering wild rice in the lands, rivers, and lakes of the ceded territory, the Chippewa were also given the right to hunt and fish therein.

Photo courtesy Itasca County Historical Society

Aquisition of land by white industrialists meant the development of subterranean resources like Northern Minnesota's rich iron ore beds. Taken in 1909.

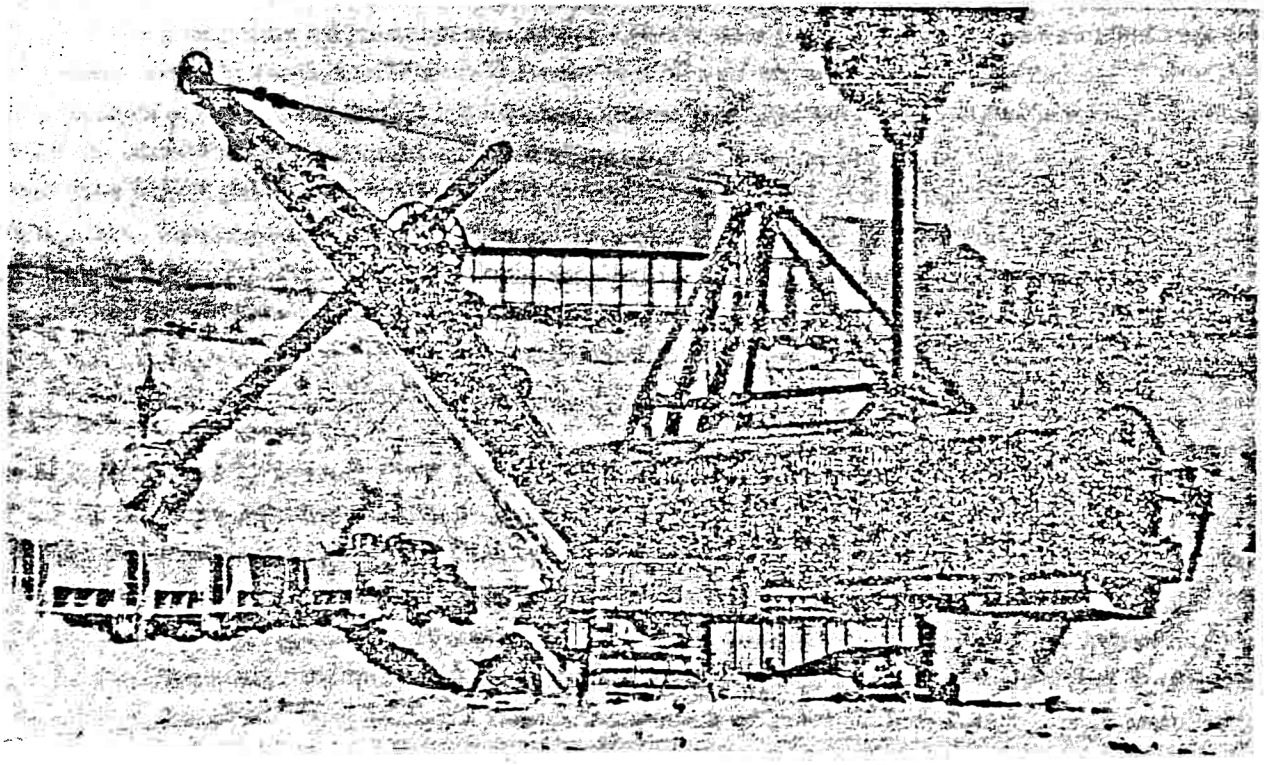


Photo courtesy Itasca County Historical Society

It is interesting to note that many of the basic foods of the daily diet of the Indians are also basic to the diet of the modern American. It is also interesting to note that almost no changes have occurred in the growing of traditional Indian corn and tobacco. Wild rice and maple sugar remain important Native commodities. These two natural foods are, however, undergoing the same transitional problems of other native staples. As people seek new and different foods, these natural foods will be exploited economically and in the best interest of the non-Indian population. While treaty committments regarding wild rice are still held, non-Indian interests allow wild rice to be harvested mechanically on public waters. Further, the research conducted on wild rice will only benefit the commercial processor and technician. Just as scientific methods force the small farmer to improve "or get out" so the research will deliver the market in wild rice to the interest of big business.

Treaty of 1842 - Article 5: "Whereas the whole countrybetween Lake Superior and the Mississippi has always been understood as belonging in common to the Chippewa..." This treaty was made and concluded at La Pointe of Lake Superior in the Territory of Wisconsin between Robert Stuart, Commissioner of the United States, and the Chippewa of the Mississippi and Lake Superior Bands, represented by their chiefs and headmen. These bands ceded territory to the United States. Annuities and debts were outlined and settled. Hunting rights were granted to the Chippewa in the ceded territory. Unceded lands were to be held in common by all the Chippewa. Those Indians living on mineral grounds were to be removed at the pleasure of the President. This treaty included Chippewa not included in treaties before and granted them annuities for lands ceded.

The implications of this article are that the federal government of the United States recognized that the Native people living on the land did have aboriginal title to that land, just as we must possibly admit that inhabitants of another land or even planet would indeed be the "owners" of that land, whether or not they had title to that land as we know it or as our government recognizes.

Treaty of 1847 - Article 1: "It is agreed that the peace and friendship which exists between the people of the United States and the Chippewa Indians shall be perpetual." The treaty was made and concluded on August 2, 1847. Henry M. Rice and Isaac A. Verplank represented the United States as its commissioners. The Chippewa of the Mississippi and Lake Superior Bands were represented by their chiefs and headmen. As usual, land was ceded and annuities and claims were outlined and settled. Two interesting articles of this treaty were the first stressing friendship between the two nations and the fifth which was stricken out and not put on record.

Treaty of 1854 - Article 2: "The United States agree to set apart and withhold from sale, for use of the Chippewa of Lake Superior, the following described tracts of land." The treaty was made and concluded at La Pointe in the State of Wisconsin between Henry C. Gilbert and David B. Harrison, Commissioners for the United States and the Chippewa of the Mississippi and Lake Superior Bands represented by their chiefs and headmen. Again land was ceded to the United States government. At this time, the government also specified tracts of land which were to become reservations for the following Bands of Chippewa: The L'Anse and Vieux De Sert from Michigan; the LaPointe, Lac De Flambeau, Lac Court Orielles and Ontonagan from Wisconsin; the Grand Portage and Fond du Lac from Minnesota. the legalities of such reservation were outlined. It was important to the Chippewa to have such rights as hunting and fishing in ceded territory stated in the treaty.

National parks, commercial recreation areas, and other interests mentioned before have reduced the amount of land originally set apart in this article substantially.

CULTURAL STUDIES ON TRIBAL GOVERNMENT

STUDENT WORKSHEET QUESTIONS

CHAPTER TWO PART ONE

1. Who makes treaties with Indian tribes?
2. Who approves them?
3. How were two way treaties broken?
4. What are annuities?
5. When was the first significant treaty signed by the Chippewa?
6. After what date were tribes no longer considered Independent Nations?
7. When were Indians made United States Citizens?
8. How did the United States violate International Law?
9. What was the status Of Indians between 1871 and 1924?
10. When did the United States begin to take title to Indian lands?

CHAPTER TWO PART TWO

1. What is required to make a treaty official?
2. How were oral treaties of Indian nations finalized?
3. Were Indian tribes considered to be sovereign?
4. Why did Indians sign treaties with the United States?
   a.
   b.
   c.
5. In most treaties, what does the **Statement of Purpose** contain?
6. What are the **terms** or articles of treaties?
7. What do you think was the purpose in providing the Boise Forte Band with annuities such as those listed in "G. The Terms"?

CHAPTER TWO PART THREE

1.. What is **Consideration?** What form did it take?
2. What other considerations were sometimes given?
3. Describe some difficulties Indians has with the meaning of treaties.
4. What are the most important aspects of treaties as far as the United States is concerned?
5. Why are treaties of long ago still important today?

TREATY WITH THE CHIPPEWA, 1826.

Aug. 5, 1826.
Stat. 7, 290.
Proclamation, Feb. 7, 1827.

Articles of a treaty made and concluded at the Font du Lac of Lake Superior, this fifth day of August, in the year of our Lord one thousand eight hundred and twenty-six, between Lewis Cass and Thomas L. McKenney, Commissioners on the part of the United States, and the Chippewa Tribe of Indians.

Preamble.

WHEREAS a Treaty was concluded at Prairie du Chien in August last, by which the war, which has been so long carried on, to their mutual distress, between the Chippewas and Sioux, was happily terminated by the intervention of the United States; and whereas, owing to the remote and dispersed situation of the Chippewas, full deputations of their different bands did not attend at Prairie du Chien, which circumstance, from the loose nature of the Indian government, would render the Treaty of doubtful obligation, with respect to the bands not represented; and whereas, at the request of the Chippewa Chiefs, a stipulation was inserted in the Treaty of Prairie du Chien, by which the United States agreed to assemble the Chippewa Tribe upon Lake Superior during the present year, in order to give full effect to the said Treaty, to explain its stipulations and to call upon the whole Chippewa tribe, assembled at their general council fire, to give their formal assent thereto, that the peace which has been concluded may be rendered permanent, therefore—

ARTICLE 1.

Indians agree to the treaty of Prairie du Chien.

The Chiefs and Warriors of the Chippewa Tribe of Indians hereby fully assent to the Treaty concluded in August last at Prairie du Chien, and engage to observe and fulfil the stipulations thereof.

ARTICLE 2.

A deputation to be sent to Green Bay.

A deputation shall be sent by the Chippewas to the Treaty to be held in 1827, at Green Bay, with full power to arrange and fix the boundary line between the Chippewas and the Winnebagoes and Menomonees, which was left incomplete by the treaty of Prairie du Chien, in consequence of the non-attendance of some of the principal Menomonee Chiefs.

ARTICLE 3.

Metals or minerals.

The Chippewa tribe grant to the government of the United States 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.

ARTICLE 4.

Location for the use of the half-breeds.

It being deemed important that the half-breeds, scattered through this extensive country, should be stimulated to exertion and improvement by the possession of permanent property and fixed residences, the Chippewa tribe, in consideration of the affection they bear to these persons, and of the interest which they feel in their welfare, grant to each of the persons described in the schedule hereunto annexed, being half-breeds and Chippewas by descent, and it being understood that the schedule includes all of this description who are attached to the Government of the United States, six hundred and forty acres of land, to be located, under the direction of the President of the United States, upon the islands and shore of the St. Mary's river, wherever good land enough for this purpose can be found; and as soon as such locations are made, the jurisdiction and soil thereof are hereby ceded. It is the intention of the parties, that, where circumstances will permit, the grants be surveyed in the ancient French manner, bounding not less than six arpens, nor more than ten, upon the river, and running back for quantity; and that where this cannot be done, such grants be surveyed in any manner the President may direct. The locations for Oshauguscodaywayqua and her descendents shall be

adjoining the lower part of the military reservation, and upon the head of Sugar Island. The persons to whom grants are made shall not have the privilege of conveying the same, without the permission of the President.

ARTICLE 5.

Annuity of $2,000 in money or goods to be paid them.

In consideration of the poverty of the Chippewas, and of the sterile nature of the country they inhabit, unfit for cultivation, and almost destitute of game, and as a proof of regard on the part of the United States, it is agreed that an annuity of two thousand dollars, in money or goods, as the President may direct, shall be paid to the tribe, at the Sault St. Marie. But this annuity shall continue only during the pleasure of the Congress of the United States.

ARTICLE 6.

Annual payment for the improvement of their children.

With a view to the improvement of the Indian youths, it is also agreed, that an annual sum of one thousand dollars shall be appropriated to the support of an establishment for their education, to be located upon some part of the St. Mary's river, and the money to be expended under the direction of the President; and for the accommodation of such school, a section of land is hereby granted. But the payment of the one thousand dollars stipulated for in this article, is subject to the same limitation described in the preceding article.

ARTICLE 7.

Rejection of certain articles not to affect the validity of the others.

The necessity for the stipulations in the fourth, fifth and sixth articles of this treaty could be fully apparent, only from personal observation of the condition, prospects, and wishes of the Chippewas, and the Commissioners were therefore not specifically instructed upon the subjects therein referred to; but seeing the extreme poverty of these wretched people, finding them almost naked and starving, and ascertaining that many perished during the last winter, from hunger and cold, they were induced to insert these articles. But it is expressly understood and agreed, that the fourth, fifth and sixth articles, or either of them, may be rejected by the President and Senate, without affecting the validity of the other articles of the treaty.

ARTICLE 8.

Authority of United States acknowledged.

The Chippewa tribe of Indians fully acknowledge the authority and jurisdiction of the United States, and disclaim all connection with any foreign power, solemnly promising to reject any messages, speeches, or councils, incompatible with the interest of the United States, and to communicate information thereof to the proper agent, should any such be delivered or sent to them.

ARTICLE 9.

Ratification.

This treaty, after the same shall be ratified by the President and Senate of the United States, shall be obligatory on the contracting parties.

Done at the Fond du Lac of lake Superior, in the territory of Michigan, the day and year above written, and of the independence of the United States the fifty-first.

Lewis Cass,
Thos. L. McKenney,
St. Marys:
Shingauba Wassin, his x mark,
Shewaubeketoan, his x mark,
Wayishkee, his x mark,
Sheegud, his x mark.
River St. Croix:
Peezhickee, his x mark,
Sheeweetaugun, his x mark.
La Pointe:
Peexhickee, his x mark,
Keemeewun, his x mark,
Kaubuzoway, his x mark,
Noden, his x mark,
Nagwunabee, his x mark,
Kaubemappa, his x mark,
Chaucopee, his x mark,
Jaubeance, his x mark,
Ultauwau, his x mark,
Myeengunsheens, his x mark,
Moasomonee, his x mark,
Muckuday peenaas, his x mark,
Gitshee Waymirteegoost, his x mark.
Paashuninleel, his x mark,
Wauzhuskokok, his x mark,
Nitumogaubowee, his x mark,
Wattap, his x mark.

Wyauweenind, his x mark,
Peekwaukwotoansekay, his x mark.
Ottoway L:
Paybaumikoway, his x mark.
Lac de Flambeau:
Gitshee Waubeeshaans, his x mark,
Moazonee, his x mark,
Gitshee Migeezee, his x mark,
Mizhauquot, his x mark.
Ontonagon:
Keeshkeetowug, his x mark,
Peenaysee, his x mark,
Mautaugumee, his x mark,
Kweeweezaisish, his x mark.
Vermilion Lake:
Attickoans, his x mark,
Gyutsheeininee, his x mark,
Jaukway, his x mark,
Madwagkunageezhigwaab, his x mark,
Jaukogeezhigwaishkun, his x mark,
Neezboday, his x mark,
Nundocheeais, his x mark,
Ogeemaugeegid, his x mark,
Anneemeekees, his x mark.
Ontonagon:
Kauwaishkung, his x mark,
Mautaugumee, his x mark.
Snake River:
Waymittegoash, his x mark,
Iskquagwunaabee, his x mark,
Meegwunaus, his x mark.
Lac de Flambeau:
Pamoossay, his x mark,
Maytaukooseegay, his x mark.
Rainy Lake:
Aanubkumigishkunk, his x mark.
Sandy Lake:
Osaumemikee, his x mark,

Fond du Lac:
Shingoop, his x mark,
Monetogeezisoans, his x mark,
Mongazid, his x mark.
Manetogeezhig, his x mark,
Ojauneemauson, his x mark,
Miskwautais, his x mark,
Naubunaygerzhig, his x mark,
Unnauwaubundaun, his x mark,
Pautaubay, his x mark,
Migeesee, his x mark.
Ontonagon:
Waubishkeepeenaas, his x mark,
Tweeshtweeshkeeway, his x mark,
Kundekund, his x mark,
Oguhbayaunuhquotwaybee, his x mark,
Paybaumausing, his x mark,
Keeshkeemun, his x mark.
River de Corbeau:
Maugugaubowie, his x mark,
Pudud, his x mark,
Naugdunosh, his x mark,
Ozhuskuckoen, his x mark,
Waubogee, his x mark,
Sawbanosh, his x mark,
Keewayden, his x mark,
Gitsheemeewininee, his x mark,
Wynunee, his x mark,
Obumaugeezhig, his x mark,
Payboumidgeewung, his x mark,
Maugeegaubou, his x mark,
Paybaumogeezhig, his x mark,
Kaubemappa, his x mark,
Waymittegoazhu, his x mark,
Oujupenaas, his x mark,
Madwayossin, his x mark.

In presence of—

A. Edwards, secretary to the commission,
E. Boardman, captain commanding detachment,
Henry R. Schoolcraft, United States Indian agent.
Z. Pitcher, assistant surgeon,
J. B. Kingsbury, lieutenant, Second Infantry,
E. A. Brush,
Daniel Dingley,
A. Morrison,
B. Champman,
Henry Connor,
W. A. Levake,
J. O. Lewis.

SUPPLEMENTARY ARTICLE.

As the Chippewas who committed the murder upon four American citizens, in June, 1824, upon the shores of Lake Pepin, are not present at this council, but are far in the interior of the country, so that they cannot be apprehended and delivered to the proper authority before the commencement of the next Summer; and, as the Commissioners have been specially instructed to demand the surrender of these persons, and to state to the Chippewa tribe the consequence of suffering such a flagitious outrage to go unpunished, it is agreed, that the persons guilty of the beforementioned murder shall be brought in, either to the Sault St. Marie, or Green Bay, as early next summer as practicable, and surrendered to the proper authority; and that, in the mean time, all further measures on the part of the United States, in relation to this subject, shall be suspended.

Lewis Cass,
Thomas L. McKenney.

Representing the bands to whom the persons guilty of the murder belong, for themselves and the Chippewa tribe:

Gitshee Meegeesee, his x mark,
Metaukoosegay, his x mark,
Ouskunzheema, his x mark,
Keenesteno, his x mark.

Witnesses:
A. Edwards, secretary to the commission,
E. Boardman, captain commanding detachment,
Henry R. Schoolcraft, United States Indian agent.
Henry Connor, interpreter.

Schedule referred to in the preceding Treaty.

To Oshauguscodaywagqua, wife of John Johnston, Esq., to each of her children, and to each of her grand children, one section.

To Saugemauqua, widow of the late John Baptiste Cadotte, and to her children, Louison, Sophia, Archangel, Edward, and Polly, one section each.

To Keneesequa, wife of Samuel Ashman, and to each of her children, one section.

To Teegaushau, wife of Charles H. Oakes, and to each of her children, one section.

To Thomas Shaw, son of Obimetunoqua, and to his wife Mary, being also of Indian descent, each one section.

To Fanny Levake, daughter of Meeshwauqua, and to each of her children, one section.

To Obayshaunoquotoqua, wife of Francis Goolay, Jr. one section.

To Omuckackeence, wife of John Holiday, and to each of her children, one section.

To Obimegeezhigoqua, wife of Joseph Due Chene, Jr. and to each of her children, one section

To Monedoqua, wife of Charles Cloutier, one section.

To Susan Yarns, daughter of Odanbitogeezhigoqua, one section.

To Henry Sayer and John Sayer, sons of Obemau unoqua, each one section.

To each of the children of John Tanner, being of Chippewa descent, one section.

To Wassidjeewunoqua, and to each of her children, by George Johnston, one section.

To Michael Cadotte, senior, son of Equawaice, one section.

To Equaysayway, wife of Michael Cadotte, senior, and to each of her children living within the United States, one section.

To each of the children of Charlotte Warren, widow of the late Truman A. Warren, one section.

To Mary Chapman, daughter of Equameeg, and wife of Bela Chapman, and to each of her children, one section.

To Saganoshequa, wife of John H. Fairbanks, and to each of her children, one section.

To Shaughunomonee, wife of William Morrison, and to each of her children, one section.

To each of the children of the late Ingwaysuh, wife of Joseph Coté, one section.

To each of the children of Angelique Coté, late wife of Pierre Coté, one section.

To Pazhikwutoqua, wife of William Aitken, and to each of her children, one section.

To Susan Davenport, grand daughter of Misquabunoqua, and wife of Ambrose Davenport, and to each of her children, one section.

To Waubunequa, wife of Augustin Belanger, and to each of her children, one section.

To Charlotte Louisa Morrison, wife of Allan Morrison, and daughter of Manitowidjewung, and to each of her children, one section.

To each of the children of Eustace Roussain, by Shauwunaubunoqua, Wauwaussumoqua, and Payshaubunoqua, one section.

To Isabella Dingley, wife of Daniel Dingley and daughter of Pimegeezhigoqua, and to each of her children, one section.

To George Birkhead, being a Chippewa by descent, one section.

To Susan Conner, wife of Thomas Conner, and daughter of Pimegeezhigoqua, and to each of her children, one section.

To the children of George Ermatinger, being of Shawnee extraction, two sections collectively.

To Ossinahjeeunoqua, wife of Michael Cadotte, Jr. and each of her children, one section.

To Minedemoeyah, wife of Pierre Duvernay, one section.

To Ogeemaugeezhigoqua, wife of Basil Boileau, one section.

To Wauneaussequa, wife of Paul Boileau, one section.

To Kaukaubesheequa, wife of John Baptiste Corbeau, one section.

To John Baptiste Du Chene, son of Pimegeizhigoqua, one section.

To each of the children of Ugwudaushee, by the late Truman A. Warren, one section.

To William Warren, son of Lyman M. Warren, and Mary Cadotte, one section.

To Antoine, Joseph, Louis, Chalot, and Margaret Charette, children of Equameeg, one section.

To the children of Francois Boutcher, by Waussequa, each one section.

To Angelique Brabent, daughter of Waussegundum, and wife of Alexis Brabent, one section.

To Odishqua, of Sault St. Marie, a Chippewa, of unmixed blood, one section.

To Pamidjeewung, of Sault St. Marie, a Chippewa, of unmixed blood, one section.

To Waybossinoqua, and John J. Wayishkee, children of Wayishkee, each one section.

Lewis Cass,
Thos. L. McKenney.

TREATY WITH THE CHIPPEWA, 1837.

July 29, 1837.
7 Stat., 536.
Proclamation, June 15, 1838.

Articles of a treaty made and concluded at St. Peters (the confluence of the St. Peters and Mississippi rivers) in the Territory of Wisconsin, between the United States of America, by their commissioner, Henry Dodge, Governor of said Territory, and the Chippewa nation of Indians, by their chiefs and headmen.

Land ceded to the United States.

ARTICLE 1. The said Chippewa nation cede to the United States all that tract of country included within the following boundaries:

Boundaries.

Beginning at the junction of the Crow Wing and Mississippi rivers, between twenty and thirty miles above where the Mississippi is crossed by the forty-sixth parallel of north latitude, and running thence to the north point of Lake St. Croix, one of the sources of the St. Croix river; thence to and along the dividing ridge between the waters of Lake Superior and those of the Mississippi, to the sources of the Ocha-sua-sepe a tributary of the Chippewa river; thence to a point on the Chippewa river, twenty miles below the outlet of Lake De Flambeau; thence to the junction of the Wisconsin and Pelican rivers; thence on an east course twenty-five miles; thence southerly, on a course parallel with that of the Wisconsin river, to the line dividing the territories of the Chippewas and Menomonies; thence to the Plover Portage; thence along the southern boundary of the Chippewa country, to the commencement of the boundary line dividing it from that of the Sioux, half a days march below the falls on the Chippewa river; thence with said boundary line to the mouth of Wah-tap river, at its junction with the Mississippi; and thence up the Mississippi to the place of beginning.

United States to make the following payments annually for twenty years.

ARTICLE 2. In consideration of the cession aforesaid, the United States agree to make to the Chippewa nation, annually, for the term of twenty years, from the date of the ratification of this treaty, the following payments.

1. Nine thousand five hundred dollars, to be paid in money.
2. Nineteen thousand dollars, to be delivered in goods.
3. Three thousand dollars for establishing three blacksmiths shops, supporting the blacksmiths, and furnishing them with iron and steel.
4. One thousand dollars for farmers, and for supplying them and the Indians, with implements of labor, with grain or seed; and whatever else may be necessary to enable them to carry on their agricultural pursuits.
5. Two thousand dollars in provisions.
6. Five hundred dollars in tobacco.

The provisions and tobacco to be delivered at the same time with the goods, and the money to be paid; which time or times, as well as the place or places where they are to be delivered, shall be fixed upon under the direction of the President of the United States.

The blacksmiths shops to be placed at such points in the Chippewa country as shall be designated by the Superintendent of Indian Affairs, or under his direction.

If at the expiration of one or more years the Indians should prefer to receive goods, instead of the nine thousand dollars agreed to be paid to them in money, they shall be at liberty to do so. Or, should they conclude to appropriate a portion of that annuity to the establishment and support of a school or schools among them, this shall be granted them.

Payment to half-breeds.

ARTICLE 3. The sum of one hundred thousand dollars shall be paid by the United States, to the half-breeds of the Chippewa nation, under the direction of the President. It is the wish of the Indians that their two sub-agents Daniel P. Bushnell, and Miles M. Vineyard, superintend the distribution of this money among their half-breed relations.

Payment of claims against Indians.

ARTICLE 4. The sum of seventy thousand dollars shall be applied to the payment, by the United States, of certain claims against the Indians; of which amount twenty-eight thousand dollars shall, at their request, be paid to William A. Aitkin, twenty-five thousand to Lyman M. Warren, and the balance applied to the liquidation of other just demands against them—which they acknowledge to be the case with regard to that presented by Hercules L. Dousman, for the sum of five thousand dollars; and they request that it be paid.

ARTICLE 5. The privilege of hunting, fishing, and gathering the wild rice, upon the lands, the rivers and the lakes included in the territory ceded, is guarantied to the Indians, during the pleasure of the President of the United States. Hunting ground.

ARTICLE 6. This treaty shall be obligatory from and after its ratification by the President and Senate of the United States. Treaty binding when ratified.

Done at St. Peters in the Territory of Wisconsin the twenty-ninth day of July eighteen hundred and thirty-seven.

Henry Dodge, Commissioner.

From Leech lake:
Aish-ke-bo-ge-koshe, or Flat Mouth,
R-che-o-sau-ya, or the Elder Brother.
Chiefs.

Pe-zhe-kins, the Young Buffalo,
Ma-ghe-ga-bo, or La Trappe,
O-be-gwa-dans, the Chief of the Earth,
Wa-bose, or the Rabbit,
Che-a-na-quod, or the Big Cloud.
Warriors.

From Gull lake and Swan river:
Pa-goo-na-kee-zhig, or the Hole in the Day,

From Lake Courteoville:
Pa-qua-a-mo, or the Wood Pecker.
Chief.

From Lac De Flambeau:
Pish-ka-ga-ghe, or the White Crow,
Na-wa-ge-wa, or the Knee,
O-ge-ma-ga, or the Dandy,
Pa-se-quam-jis, or the Commissioner,
Wa-be-ne-me, or the White Thunder.
Chiefs.

From La Pointe, (on Lake Superior):
Pe-zhe-ke, or the Buffalo,
Ta-qua-ga-na, or Two Lodges Meeting,
Cha-che-que-o.
Chiefs.

From Mille Lac:
Wa-shask-ko-kone, or Rats Liver,
Wen-ghe-ge-she-guk, or the First Day.
Chiefs.
Ada-we-ge-shik, or Both Ends of the Sky,
Ka-ka-quap, or the Sparrow.
Warriors.

From Sandy Lake:
Ka-nan-da-wa-win-zo, or Le Brocheux,
We-we-shan-shis, the Bad Boy, or Big Mouth,
Ke-che-wa-me-te-go, or the Big Frenchman.
Chiefs.

Songa-ko-mig, or the Strong Ground.
Chiefs.
Wa-boo-jig, or the White Fisher,
Ma-cou-da, or the Bear's Heart.
Warriors.

From St. Croix river:
Pe-zhe-ke, or the Buffalo,
Ka-be-ma-be, or the Wet Month.
Chiefs.
Pa-ga-we-we-wetung, Coming Home Hollowing,
Ya-banse, or the Young Buck,
Kis-ke-ta-wak, or the Cut Ear.
Warriors.
Na-ta-me-ga-bo, the Man that stands First,
Sa-ga-ta-gun, or Spunk.
Warriors.

From Snake river:
Naudin, or the Wind,
Sha-go-bai, or the Little Six,
Pay-ajik, or the Lone Man,
Na-qua-na-bie, or the Feather.
Chiefs.
Ha-tau-wa,
Wa-me-te-go-zhins, the Little Frenchman,
Sho-ne-a, or Silver.
Warriors.

From Fond du Lac, (on Lake Superior):
Mang-go-sit, or the Loons Foot,
Shing-go-be, or the Spruce.
Chiefs.

From Red Cedar lake:
Mont-so-mo, or the Murdering Yell.
From Red lake:
Francois Goumean (a half breed).
From Leech lake:
Sha-wa-ghe-zhig, or the Sounding Sky,
Wa-zau-ko-ni-a, or Yellow Robe.
Warriors.

Signed in presence of—

Verplanck Van Antwerp, Secretary to the Commissioner.
M. M. Vineyard, U. S. Sub-Indian Agent.
Daniel P. Bushnell.
Law. Taliaferro, Indian Agent at St. Peters.
Martin Scott, Captain, Fifth Regiment Infantry.
J. Emerson, Assistant Surgeon, U. S. Army.
H. H. Sibley.
H. L. Dousman.
S. C. Stambaugh.
E. Lockwood.
Lyman M. Warren.
J. N. Nicollet.
Harmen Van Antwerp.
Wm. H. Forbes.
Jean Baptiste Dubay, Interpreter.
Peter Quinn, Interpreter.
S. Campbell, U. S. Interpreter.
Stephen Bonga, Interpreter.
Wm. W Coriell.

(To the Indian names are subjoined a mark and seal.)

TREATY WITH THE CHIPPEWA OF THE MISSISSIPPI AND LAKE SUPERIOR, 1847.

Aug. 2, 1847.

9 Stat., 904.
Ratified Apr. 3, 1848.
Proclaimed, Apr. 7, 1848.

Articles of a treaty made and concluded at the Fond du Lac of Lake Superior, on the second day of August, in the year one thousand eight hundred and forty-seven, between the United States, by their commissioners, Isaac A. Verplank and Henry M. Rice, and the Chippewa Indians of the Mississippi and Lake Superior, by their chiefs and head-men.

Peace and friendship to be perpetual.

ARTICLE 1. It is agreed that the peace and friendship which exists between the people of the United States and the Chippewa Indians shall be perpetual.

Cession of lands by the Chippewa of the Mississippi and Lake Superior to the United States.

ARTICLE 2. The Chippewa Indians of the Mississippi and Lake Superior cede and sell to the United States all the land within the following boundaries, viz: Beginning at the junction of the Crow Wing and Mississippi Rivers, thence up the Crow Wing River to the junction of that river with the Long Prairie River, thence up the Long Prairie River to the boundary-line between the Sioux and Chippewa Indians, thence southerly along the said boundary-line to a lake at the head of Long Prairie River, thence in a direct line to the sources of the Watab River, thence down the Watab to the Mississippi River, thence up the Mississippi to the place of beginning; and also all the interest and claim which the Indians, parties to this treaty, have in a tract of land lying upon and north of Long Prairie River, and called One-day's Hunt; but, as the boundary-line between the Indians, parties to this treaty, and the Chippewa Indians, commonly called "Pillagers," is indefinite, it is agreed that before the United States use or occupy the said tract of land north of Long Prairie River, the boundary-line between the said tract and the Pillager lands shall be defined and settled to the satisfaction of the Pillagers.

Boundary between the Indians, parties to this treaty, and the "Pillager" band, to be settled to the satisfaction of the latter.

In consideration of the foregoing cession, the United States to pay the Chippewa $17,000.

ARTICLE 3. In consideration of the foregoing cession, the United States agree to pay to the Chippewas of Lake Superior seventeen thousand dollars in specie, and to the Chippewas of the Mississippi seventeen thousand dollars in specie; the above sums to be paid at such place or places, and in such manner, as the President shall direct, and to be paid within six months after this treaty shall be ratified by the President and Senate of the United States; and the United States further agree to pay to the Mississippi Indians the sum of one thousand dollars annually for forty-six years; but it is agreed that whenever the Chippewas of the Mississippi shall agree as to the schools to be established, and the places at which they shall be located, the number of blacksmiths and laborers to be employed for them, and shall request the United States to expend, from year to year, the annual payments remaining unpaid, in the support of schools, blacksmiths, and laborers, the same shall be expended by the United States for such purposes; and that Chippewas of full or mixed blood shall be employed as teachers, blacksmiths, and laborers, when such persons can be employed who are competent to perform the duties required of them under this and all former treaties.

And further to pay to the Mississippi Indians the sum of $1,000 for 46 years.

How to be expended.

Half or mixed blood of the Chippewa to be considered as Chippewa.

ARTICLE 4. 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.

ARTICLE 5. [Stricken out.]

ARTICLE 6. This treaty shall be obligatory upon the contracting parties when ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac A. Verplank and Henry M. Rice, commissioners as aforesaid, and the chiefs, headmen and warriors of the Chippewas of the Mississippi and Lake Superior, have hereunto set their hands, at the Fond du Lac of Lake Superior, this second day of August, in the year one thousand eight hundred and forty-seven.

Isaac A. Verplank.
Henry M. Rice.

Kai-ah-want-eda, 2d chief, his x mark, Crow-wing.
Waub-o-jceg, 1st chief, his x mark, Gull Lake.
Uttom-auh, 1st warrior, his x mark, Crow-wing.
Shen-goob, 1st warrior, his x mark, Crow-wing.
Que-wish-an-sish, 1st warrior, his x mark, Gull Lake.
Maj-c-gah-bon, 2d warrior, his x mark, Crow-wing.
Kag-gag-c-we guon, warrior, his x mark, Crow-wing.
Mab uk-um-ig, warrior, his x mark, Crow-wing.
Nag aun cg-a bon, 2d chief, his x mark, Sandy Lake.
Wan jc-ke-shig-uk, chief, his x mark, Sandy Lake.
Kow-az-rum-ig-ish-kung. warrior, his x mark, Sandy Lake.
Ke-che-wask keenk, 1st chief, his x mark, Lapointe.
Gab im ub-be, chief, his x mark, St. Croix Lake.
Kee che-waub-ish-ash, 1st chief, his x mark, Pelican Lakes.
Nig-gig, 2d chief, his x mark, Pelican Lakes.
Ud-c-kum-ag, 2d chief, his x mark, Lac flambeau.
Ta-che-go-onk, 3d chief, his x mark, Lapointe.
Muk-no-a-wuk-und, warrior, his x mark, Lapointe.
O-sho-gaz, warrior, his x mark, St. Croix.
A-dow-c-re-shig, warrior, his x mark, Lapointe.
Ud-ik-ons, 2d chief, his x mark, Grand Portage.
Me-zye, 4th chief, his x mark, Lapointe.
David King, 1st chief, his x mark, Ance.
Ma-tak-o-se-ga, 1st warrior, his x mark, Ance.
Assurcens, 2d warrior, his x mark, Ance.
Peter Marksman, chief.
Alexander Corbin, chief.
William W. W. Warren, 1st chief.
Jno. Pta. Rellenger, his x mark.
Keesh-ri-tow-ng, 1st warrior, his x mark, Lapointe.
I-anb-ans, chief, his x mark. Rice Lake.
Tug-wany-am-az, 2d chief, his x mark, Lapointe.
O-rum-de-kun, chief, his x mark, Ontonagin.
Keesh-re-tow-no, 2d chief, his x mark, Ontonagin.
Maj-c-wo-we-clung, 2d chief, his x mark, Puckaguno.
Ke-che-wa-mibco-osk, 1st chief, his x mark, Puckaguno.
Mongo-o-sit, 3d chief, his x mark, Fond-du-lac.
Mug-un-ub, 2d chief, his x mark, Fond-du-lac.
An-im-as-ung, 1st warrior, his x mark, Fond-du-lac.
Waub-ish-ashe, 1st chief, his x mark, Chippeway River.
Make-cen-gun, 2d chief, his x mark, Chippeway River.
Kee-wan-see, chief. his x mark, Lac Contereille.
Ten-as-see, chief, his x mark, Puk-wa-wun.
Nag-an-is, 2d chief, his x mark, Lac Contereille.
Ke-chi-in-in-e, 1st warrior, his x mark, Puk-wa-wun.
Ke-che-now-uj-c-nim, chief, his x mark, Turtle Portage.
Bus-e-guin-jis, warrior, his x mark, Lac flambeau.
Shin-goob, 1st chief, his x mark, Fond-du-lac.
Shay-u-ash-cens, 1st chief, his x mark, Grand Portage.
Charles Charlo, his x mark.
Chief, Battiste Gauthier, his x mark.

Half-breeds—Lapointe Band:

Chief, Vincent Roy, his x mark.
Warrior, John Btse. Cadotte, his x mark.
Second Chief, Lemo Sayer, his x mark.
Warrior, Jhn. Btse. Roy, his x mark.
Michel Bas-he-na, his x mark.
Lueson Godin, his x mark.
John Sayer, his x mark.
Chief, Lueson Corbin, his x mark.

Witnesses—

Wm. W. Warren, interpreter.
Chas. H. Oakes, Lapointe.
Roswell Hart, Rochester, New York.
Henry Evans, Batavia, New York.
A. Morrison.
S. Hovers.
Mamoci M. Samuel.
Henry Blatchford, interpreter.
William A. Aitken.
Julius Ombrian.

The following signatures are those of chiefs and headmen parties to this treaty:

Ke-nesh-te-no, chief, Trout Lake, his x mark.
Mah-shah, 1st warrior, his x mark, Lac flambeau.
I-oush-ou-c-ke-shik, chief, his x mark, Red Cedar Lake.
Mah-ko-dah, 1st warrior, his x mark, Mille Lac.
Pe-tud, 1st chief, his x mark, Mille Lac.
Aunch-e-be-nas, 2d warrior, his x mark, Mille Lac.
Mish-in-nack-in-ugo, warrior, his x mark, Red Cedar Lake.
Gah-nin-dum-a-win-so, 1st chief, his x mark, Sandy Lake.
Mis-quod-ase, warrior, his x mark, Sandy Lake.
Na-tum-e-gaw-bow, 2d chief, his x mark, Sandy Lake.
I-ah-be-dua-we-dung, warrior, his x mark, Sandy Lake.
Bi-a-jig, 1st chief, his x mark, Pukaguno.
Joseph Montre, 1st chief, Mississippi half-breeds.

Witnesses—
Wm. W. Warren,
Peter Marksman,
Interpreters.

Smith Hovers.

The signature of No-din, or The Wind, written by his request on the 3d day of August, 1847, and with the consent of the commissioners—

No-din, or The Wind, his x mark.

In presence of—
William A. Aitkin,
R. B. Carlton.

I approve of this treaty, and consent to the same, August 3d, 1847.
Fond-du-lac.

Po-go-ne-gi-shik, or Hole-in-the-day, his x mark.

Witness—
William Aitkin,
D. T. Sloan.

TREATY WITH THE PILLAGER BAND OF CHIPPEWA INDIANS, 1847.

Aug. 21, 1847.
9 Stat., 908.
Proclamation Apr. 7, 1848.

Articles of a treaty made and concluded at Leech Lake on the twenty-first day of August, in the year one thousand eight hundred and forty-seven, between the United States, by their commissioners, Isaac A. Verplank and Henry M. Rice, and the Pillager Band of Chippewa Indians, by their chiefs, head-men, and warriors.

Peace and friendship to be perpetual.

ARTICLE 1. It is agreed that the peace and friendship which exists between the United States and the Indians, parties to this treaty, shall be perpetual.

Cession of lands to the United States.

ARTICLE 2. The Pillager band of Chippewa Indians hereby sell and cede to the United States all the country within the following boundaries, viz: Beginning at the south end of Otter-Tail Lake; thence southerly on the boundary-line between the Sioux and Chippeway Indians to Long Prairie River; thence up said river to Crow Wing River; thence up Crow Wing River to Leaf River; thence up Leaf River to the head of said river; and from thence in a direct line to the place of beginning.

Country ceded to be held as Indian land until otherwise ordered.

ARTICLE 3. It is stipulated that the country hereby ceded shall be held by the United States as Indian land, until otherwise ordered by the President.

Annuity in goods for five years, in consideration of the foregoing cession.

ARTICLE 4. In consideration of the foregoing cession, the United States agree to furnish to the Pillager band of Chippewa Indians annually, for five years, the following articles: Fifty three-point Mackinaw blankets, three hundred two and a half point Mackinaw blankets, fifty one and a half point Mackinaw blankets, three hundred and forty yards of gray list-cloth, four hundred and fifty yards of white list scarlet cloth, eighteen hundred yards of strong dark prints, assorted colors, one hundred and fifty pounds three-thread gray gilling-twine, seventy-five pounds turtle-twine, fifty bunches sturgeon-twine, twenty-five pounds of linen thread, two hundred combs, five thousand assorted needles, one hundred and fifty medal looking-glasses, ten pounds of vermilion, thirty nests (fourteen each) heavy tin kettles, five hundred pounds of tobacco, and five barrels of salt. And the United States further agree that at the first payment made under this treaty, the Indians, parties to this treaty, shall receive as a present two hundred warranted beaver-traps and seventy-five northwest guns.

Treaty to be obligatory when ratified by the President.

ARTICLE 5. This treaty shall be obligatory upon the parties thereto when ratified by the President and Senate of the United States.

In testimony whereof, the said Isaac A. Verplank and Henry M. Rice, commissioners, as aforesaid, and the chiefs, headmen, and warriors of the Pillager band of Chippewa Indians, have hereunto set their hands at Leech Lake, this twenty-first day of August, one thousand eight hundred and forty-seven.

Isaac A. Verplank.
Henry M. Rice.
George Bonja, Interpreter.

Aish-ke-bo-ge-Koshe, or Flat Mouth, first chief, his x mark.
Ca-pe-ma-be, or Elder Brother's Son, second chief, his x mark.
Nia-je-ga-boi, or La Trappe, head warrior, his x mark.
Ca-gouse, or Small Porcupine, headman, his x mark.
Pe-ji-ke, or the Buffalo, second warrior, his x mark.
Ca-ken-ji-wi-nine, or Charcoal, third warrior, his x mark.
Na-bi-ne-ashe, or the Bird that flies on one side, second headman, his x mark.
Ne-ba-coim, or Night Thunder, warrior, his x mark.
Chang-a-so-ning, or Nine Fingers, third headman, his x mark.

Witness: George Bonja, Interpreter.
A. Morrison,
A. R. McLeod,
J. W. Lynde.

TREATY WITH THE CHIPPEWA, 1854.

Sept. 30, 1854.

10 Stats., 1109.
Ratified Jan. 10, 1855.
Proclaimed Jan. 29, 1856.

Articles of a treaty made and concluded at La Pointe, in the State of Wisconsin, between Henry C. Gilbert and David B. Herriman, commissioners on the part of the United States, and the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and head-men.

Cession to the United States by the Chippewa of Lake Superior.

ARTICLE 1. The Chippewas of Lake Superior hereby cede to the United States all the lands heretofore owned by them in common with the Chippewas of the Mississippi, lying east of the following boundary-line, to wit: Beginning at a point, where the east branch of Snake River crosses the southern boundary-line of the Chippewa country, running thence up the said branch to its source, thence nearly north, in a straight line, to the mouth of East Savannah River, thence up the St. Louis River to the mouth of East Swan River, thence up the East Swan River to its source, thence in a straight line to the most westerly bend of Vermillion River, and thence down the Vermillion River to its mouth.

Relinquishment to Chippewa of Mississippi by Chippewa of Lake Superior.

The Chippewas of the Mississippi hereby assent and agree to the foregoing cession, and consent that the whole amount of the consideration money for the country ceded above, shall be paid to the Chippewas of Lake Superior, and in consideration thereof the Chippewas of Lake Superior hereby relinquish to the Chippewas of the Mississippi, all their interest in and claim to the lands heretofore owned by them in common, lying west of the above boundry-line.

Reservation for Chippewa of Lake Superior.

ARTICLE 2. The United States agree to set apart and withhold from sale, for the use of the Chippewas of Lake Superior, the following-described tracts of land, viz:

1st. For the L'Anse and Vieux De Sert bands, all the unsold lands in the following townships in the State of Michigan: Township fifty-one north range thirty-three west; township fifty-one north range thirty-two west; the east half of township fifty north range thirty-three west; the west half of township fifty north range thirty-two west, and all of township fifty-one north range thirty-one west, lying west of Huron Bay.

2d. For the La Pointe band, and such other Indians as may see fit to settle with them, a tract of land bounded as follows: Beginning on the south shore of Lake Superior, a few miles west of Montreal River, at the mouth of a creek called by the Indians Ke-che-se-be-we-she, running thence south to a line drawn east and west through the centre of township forty-seven north, thence west to the west line of said township, thence south to the southeast corner of township forty-six north, range thirty-two west, thence west the width of two townships, thence north the width of two townships, thence west one mile, thence north to the lake shore, and thence along the lake shore, crossing Shag-waw-me-quon Point, to the place of beginning. Also two hundred acres on the northern extremity of Madeline Island, for a fishing ground.

3d. For the other Wisconsin bands, a tract of land lying about Lac De Flambeau, and another tract on Lac Court Orielles, each equal in extent to three townships, the boundaries of which shall be hereafter agreed upon or fixed under the direction of the President.

4th. For the Fond Du Lac bands, a tract of land bounded as follows: Beginning at an island in the St. Louis River, above Knife Portage, called by the Indians Paw-paw-sco-me-me-tig, running thence west to the boundary-line heretofore described, thence north along said boundary-line to the mouth of Savannah River, thence down the St. Louis River to the place of beginning. And if said tract shall contain less than one hundred thousand acres, a strip of land shall be added on the south side thereof, large enough to equal such deficiency.

5th. For the Grand Portage band, a tract of land bounded as follows: Beginning at a rock a little east of the eastern extremity of Grand Portage Bay, running thence along the lake shore to the mouth of a small stream called by the Indians Maw-ske-gwaw-caw-maw-se-be, or Cranberry Marsh River, thence up said stream, across the point to Pigeon River, thence down Pigeon River to a point opposite the starting-point, and thence across to the place of beginning.

6th. The Ontonagon band and that subdivision of the La Pointe band of which Buffalo is chief, may each select, on or near the lake shore, four sections of land, under the direction of the President, the boundaries of which shall be defined hereafter. And being desirous to provide for some of his connections who have rendered his people important services, it is agreed that the chief Buffalo may select one section of land, at such place in the ceded territory as he may see fit, which shall be reserved for that purpose, and conveyed by the United States to such person or persons as he may direct.

7th. Each head of a family, or single person over twenty-one years of age at the present time of the mixed bloods, belonging to the Chippewas of Lake Superior, shall be entitled to eighty acres of land, to be selected by them under the direction of the President, and which shall be secured to them by patent in the usual form.

Survey and patents of reservation.

ARTICLE 3. The United States will define the boundaries of the reserved tracts, whenever it may be necessary, by actual survey, and the President may, from time to time, at his discretion, cause the whole to be surveyed, and may assign to each head of a family or single person over twenty-one years of age, eighty acres of land for his or their separate use; and he may, at his discretion, as fast as the occupants become capable of transacting their own affairs, issue patents therefor to such occupants, with such restrictions of the power of alienation as he may see fit to impose. And he may also, at his discretion, make rules and regulations, respecting the disposition of the lands in case of the death of the head of a family, or single person occupying the same, or in case of its abandonment by them. And he may also assign other lands in exchange for mineral lands, if any such are found in the tracts herein set apart. And he may also make such changes in the boundaries of such reserved tracts or otherwise, as shall be necessary to prevent interference with any vested rights. All necessary roads, highways, and railroads, the lines of which may run through any of the reserved tracts, shall have the right of way through the same, compensation being made therefor as in other cases.

Payments for said cession.

ARTICLE 4. In consideration of and payment for the country hereby ceded, the United States agree to pay to the Chippewas of Lake Superior, annually, for the term of twenty years, the following sums, to wit: five thousand dollars in coin; eight thousand dollars in goods, household furniture and cooking utensils; three thousand dollars in agricultural implements and cattle, carpenter's and other tools and building materials, and three thousand dollars for moral and educational purposes, of which last sum, three hundred dollars per annum shall be paid to the Grand Portage band, to enable them to maintain a school at their village. The United States will also pay the further sum of ninety thousand dollars, as the chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of six thousand dollars, in agricultural implements, household furniture, and cooking utensils, to be distributed at the next annuity payment, among the mixed bloods of said nation. The United States will also furnish two hundred guns, one hundred rifles, five hundred beaver-traps, three hundred dollars' worth of ammunition, and one thousand dollars' worth of ready-made clothing, to be distributed among the young men of the nation, at the next annuity payment.

Blacksmiths and assistants.

ARTICLE 5. The United States will also furnish a blacksmith and assistant, with the usual amount of stock, during the continuance of the annuity payments, and as much longer as the President may think proper, at each of the points herein set apart for the residence of the Indians, the same to be in lieu of all the employees to which the Chippewas of Lake Superior may be entitled under previous existing treaties.

Annuities not to be withheld for debt, but may be for depredations.

ARTICLE 6. The annuities of the Indians shall not be taken to pay the debts of individuals, but satisfaction for depredations committed by them shall be made by them in such manner as the President may direct.

Spirituous liquors.

ARTICLE 7. 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.

ARTICLE 8. It is agreed, between the Chippewas of Lake Superior and the Chippewas of the Mississippi, that the former shall be entitled to two-thirds, and the latter to one-third, of all benefits to be derived from former treaties existing prior to the year 1847. Division between Chippewa of Mississippi and of Lake Superior of benefits of former treaties.

ARTICLE 9. The United States agree that an examination shall be made, and all sums that may be found equitably due to the Indians, for arrearages of annuity or other thing, under the provisions of former treaties, shall be paid as the chiefs may direct. Arrearages.

ARTICLE 10. All missionaries, and teachers, and other persons of full age, residing in the territory hereby ceded, or upon any of the reservations hereby made by authority of law, shall be allowed to enter the land occupied by them at the minimum price whenever the surveys shall be completed to the amount of one quarter-section each. Preemption.

ARTICLE 11. All annuity payments to the Chippewas of Lake Superior, shall hereafter be made at L'Anse, La Pointe, Grand Portage, and on the St. Louis River; and the Indians shall not be required to remove from the homes hereby set apart for them. And such of them as reside in the territory hereby ceded, shall have the right to hunt and fish therein, until otherwise ordered by the President. Annuities, how paid.

ARTICLE 12. In consideration of the poverty of the Bois Forte Indians who are parties to this treaty, they having never received any annuity payments, and of the great extent of that part of the ceded country owned exclusively by them, the following additional stipulations are made for their benefit. The United States will pay the sum of ten thousand dollars, as their chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of ten thousand dollars, in five equal annual payments, in blankets, cloth, nets, guns, ammunition, and such other articles of necessity as they may require. Stipulations for Bois Forte Indians.

They shall have the right to select their reservation at any time hereafter, under the direction of the President; and the same may be equal in extent, in proportion to their numbers, to those allowed the other bands, and be subject to the same provisions.

They shall be allowed a blacksmith, and the usual smithshop supplies, and also two persons to instruct them in farming, whenever in the opinion of the President it shall be proper, and for such length of time as he shall direct.

It is understood that all Indians who are parties to this treaty, except the Chippewas of the Mississippi, shall hereafter be known as the Chippewas of Lake Superior. *Provided*, That the stipulation by which the Chippewas of Lake Superior relinquishing their right to land west of the boundary-line shall not apply to the Bois Forte band who are parties to this treaty.

ARTICLE 13. This treaty shall be obligatory on the contracting parties, as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Henry C. Gilbert, and the said David B. Herriman, commissioners as aforesaid, and the undersigned chiefs and headmen of the Chippewas of Lake Superior and the Mississippi, have hereunto set their hands and seals, at the place aforesaid, this thirtieth day of September, one thousand eight hundred and fifty-four.

Henry C. Gilbert,
David B. Herriman,
Commissioners.

Richard M. Smith, Secretary.

La Pointe Band:

Ke-che-waish-ke, or the Buffalo, 1st chief, his x mark. [L. S.]

Chay-che-que-oh, 2d chief, his x mark. [L. S.]

A-daw-we-ge-zhick, or Each Side of the sky, 2d chief, his x mark. [L. S.]

O-ske-naw-way, or the Youth, 2d chief, his x mark. [L. S.]

Maw-caw-day-pe-nay-se, or the Black Bird, 2d chief, his x mark. [L. S.]

Naw-waw-naw-quot, headman, his x mark. [L. S.]

May-mosh-caw-wosh, headman, his x mark. [L. S.]

Aw-de-konse, or the Little Reindeer, 2d chief, his x mark. [L. S.]

Way-we-ge-wam, headman, his x mark. [L. S.]

Fond Du Lac Band:

Shing-goope, or the Balsom, 1st chief, his x mark. [L. S.]

Mawn-go-sit, or the Loon's Foot, 2d chief, his x mark. [L. S.]

May-quaw-me-we-ge-zhick, headman, his x mark. [L. S.]

Keesh-kawk, headman, his x mark. [L. S.]

Ke-wain-zeence, headman, his x mark. [L. S.]
Waw-baw-ne-me-ke, or the White Thunder, 2d chief, his x mark. [L. S.]
Pay-baw-me-say, or the Soarer, 2d chief, his x mark. [L. S.]
Naw-waw-ge-waw-nose, or the Little Current, 2d chief, his x mark. [L. S.]
Maw-caw-day-waw-quot, or the Black Cloud, 2d chief, his x mark. [L. S.]
Me-she-naw-way, or the Disciple, 2d chief, his x mark. [L. S.]
Key-me-waw-naw-um, headman, his x mark. [L. S.]
She-gog headman, his x mark. [L. S.]

Ontonagon Band:

O-cun-de-cun, or the Buoy 1st chief, his x mark. [L. S.]
Waw-say-ge-zhick, or the Clear Sky, 2d chief, his x mark. [L. S.]
Keesh-ke-taw-wug, headman, his x mark. [L. S.]

L'Anse Band:

David King, 1st chief, his x mark. [L. S.]
John Southwind, headman, his x mark. [L. S.]
Peter Marksman, headman, his x mark. [L. S.]
Naw-taw-me-ge-zhick, or the First Sky, 2d chief, his x mark. [L. S.]
Aw-se-neece, headman, his x mark. [L. S.]

Vieux De Sert Band:

May-dway-aw-she, 1st chief, his x mark. [L. S.]
Posh-quay-gin, or the Leather, 2d chief, his x mark. [L. S.]

Grand Portage Band:

Shaw-gaw-naw-sheence, or the Little Englishman, 1st chief, his x mark. [L. S.]
Ke-che-e-nin-ne, headman, his x mark. [L. S.]
Haw-daw-gaw-me, headman, his x mark. [L. S.]
Way-me-te-go-she, headman, his x mark. [L. S.]
Pay-me-ge-wung, headman, his x mark. [L. S.]

Lac Du Flambeau Band:

Aw-mo-se, or the Wasp, 1st chief, his x mark. [L. S.]
Ke-nish-te-no, 2d chief, his x mark. [L. S.]
Me-gee-see, or the Eagle, 2d chief, his x mark. [L. S.]
Kay-kay-co-gwaw-nay-aw-she, headman, his x mark. [L. S.]
O-che-chog, headman, his x mark. [L. S.]
Nay-she-kay-gwaw-nay-be, headman, his x mark. [L. S.]
O-scaw-bay-wis, or the Waiter, 1st chief, his x mark. [L. S.]
Que-we-zance, or the White Fish, 2d chief, his x mark. [L. S.]
Ne-gig, or the Otter, 2d chief, his x mark. [L. S.]
Nay-waw-che-ge-ghick-may-be, headman, his x mark. [L. S.]
Quay-quay-ke-cah, headman, his x mark. [L. S.]

Bois Forte Band:

Kay-baish-caw-daw-way, or Clear Round the Prairie, 1st chief, his x mark. [L. S.]
Way-zaw-we-ge-zhick-way-sking, headman, his x mark. [L. S.]
O-saw-we-pe-nay-she, headman, his x mark. [L. S.]
Caw-taw-waw-be-day, headman, his x mark. [L. S.]
O-saw-gee, headman, his x mark. [L. S.]
Ke-che-aw-ke-wain-ze, headman, his x mark. [L. S.]
Naw-gaw-nub, or the Foremost Sitter, 2d chief, his x mark. [L. S.]
Ain-ne-maw-sung, 2d chief, his x mark. [L. S.]
Naw-aw-bun-way, headman, his x mark. [L. S.]
Wain-ge-maw-tub, headman, his x mark. [L. S.]
Aw-ke-wain-zeence, headman, his x mark. [L. S.]
Shay-way-be-nay-se, headman, his x mark. [L. S.]
Paw-pe-oh, headman, his x mark. [L. S.]

Lac Court Oreille Band:

Aw-ke-wain-ze, or the Old Man, 1st chief, his x mark. [L. S.]
Key-no-zhance, or the Little Jack Fish, 1st chief, his x mark. [L. S.]
Key-che-pe-nay-se, or the Big Bird, 2d chief, his x mark. [L. S.]
Ke-che-waw-be-shay-she, or the Big Martin, 2d chief, his x mark. [L. S.]
Waw-be-shay-sheence, headman, his x mark. [L. S.]
Quay-quay-cub, headman, his x mark. [L. S.]
Shaw-waw-no-me-tay, headman, his x mark. [L. S.]
Nay-naw-ong-gay-be, or the Dressing Bird, 1st chief, his x mark. [L. S.]
O-zhaw-waw-sco-ge-zhick, or the Blue Sky, 2d chief, his x mark. [L. S.]
I-yaw-banse, or the Little Buck, 2d chief, his x mark. [L. S.]

The Mississippi Bands:

Que-we-san-se, or Hole in the Day, head chief, his x mark. [L. S.]
Caw-nawn-daw-waw-win-zo, or the Berry Hunter, 1st chief, his x mark. [L. S.]
Waw-bow-jieg, or the White Fisher, 2d chief, his x mark. [L. S.]
Ot-taw-waw, 2d chief, his x mark. [L. S.]
Que-we-zhan-cis, or the Bad Boy, 2d chief, his x mark. [L. S.]
Bye-a-jick, or the Lone Man, 2d chief, his x mark. [L. S.]
I-yaw-shaw-way-ge-zhick, or the Crossing Sky, 2d chief, his x mark. [L. S.]
Maw-caw-day, or the Bear's Heart, 2d chief, his x mark. [L. S.]
Ke-way-de-no-go-nay-be, or the Northern Feather, 2d chief, his x mark. [L. S.]
Me-squaw-dace, headman, his x mark. [L. S.]
Naw-gaw-ne-gaw-bo, headman, his x mark. [L. S.]
Wawm-be-de-yea, headman, his x mark. [L. S.]
Waish-key, headman, his x mark. [L. S.]
Caw-way-caw-me-ge-skung, headman, his x mark. [L. S.]
My-yaw-ge-way-we-dunk, or the One who carries the Voice, 2d chief, his x mark. [L. S.]

John F. Godfroy,
Geo. Johnston,
S. A. Marvin,
Louis Codot,
Paul H. Beaulieu,
Henry Blatchford,
Peter Floy,
} Interpreters.

Executed in the presence of—

Henry M. Rice,
J. W. Lynde,
G. D. Williams,
B. H. Connor,
E. W. Muldough,
Richard Godfroy,
D. S. Cash,
H. H. McCullough,
E. Smith Lee,
Wm. E. Vantassel,
L. H. Wheeler.

TREATY WITH THE CHIPPEWA, 1855.

Feb. 22, 1855.
10 Stat., 1165.
Ratified Mar. 3, 1855.
Proclaimed Apr. 7, 1855.

Articles of agreement and convention made and concluded at the city of Washington, this twenty-second day of February, one thousand eight hundred and fifty-five, by George W. Manypenny, commissioner, on the part of the United States, and the following-named chiefs and delegates, representing the Mississippi bands of Chippewa Indians, viz: Pug-o-na-ke-shick, or Hole-in-the-day; Que-we-sans-ish, or Bad Boy; Wand-e-kaw, or Little Hill; I-awe-showe-we-ke-shig, or Crossing Sky; Petud-dunce, or Rat's Liver; Mun-o-min-e-kay-shein, or Rice-Maker; Mah-yah-ge-way-we-durg, or the Chorister; Kay-gwa-daush, or the Attempter; Caw-caug-e-we-goon, or Crow Feather; and Show-baush-king, or He that passes under Everything, and the following-named chiefs and delegates representing the Pillager and Lake Winnibigoshish bands of Chippewa Indians, viz: Aish-ke-bug-e-koshe, or Flat Mouth; Be-sheck-kee, or Buffalo; Nay-bun-a-caush, or Young Man's Son; Maug-e-gaw-bow, or Stepping Ahead; Mi-gi-si, or Eagle, and Kaw-be-mub-bee, or North Star, they being thereto duly authorized by the said bands of Indians respectively.

Cession to the United States.

ARTICLE 1. The Mississippi, Pillager, and Lake Winnibigoshish bands of Chippewa Indians hereby cede, sell, and convey to the United States all their right, title, and interest in, and to, the lands now owned and claimed by them; in the Territory of Minnesota, and included within the following boundaries, viz: Beginning at a point where the east branch of Snake River crosses the southern boundary-line of the Chippewa country, east of the Mississippi River, as established by the treaty of July twenty-ninth, one thousand eight hundred and thirty-seven, running thence, up the said branch, to its source; thence, nearly north in a straight line, to the mouth of East Savannah River; thence, up the St. Louis River, to the mouth of East Swan River; thence, up said river, to its source; thence, in a straight line, to the most westwardly bend of Vermillion River; thence, northwestwardly, in a straight line, to the first and most considerable bend in the Big Fork River; thence, down said river, to its mouth; thence, down Rainy Lake River, to the mouth of Black River; thence, up that river, to its source; thence, in a straight line, to the northern extremity of Turtle Lake; thence, in a straight line, to the mouth of Wild Rice River; thence, up Red River of the North, to the mouth of Buffalo River; thence, in a straight line, to the southwestern extremity of Otter-Tail Lake; thence, through said lake, to the source of Leaf River; thence down said river, to its junction with Crow Wing River; thence down Crow Wing River, to its junction with the Mississippi River; thence to the commencement on said river of the southern boundary-line of the Chippewa country, as established by the treaty of July twenty-ninth, one thousand eight hundred and thirty-seven; and thence, along said line, to the place of beginning. And the said Indians do further fully and entirely relinquish and convey to the United States, any and all right, title, and interest, of whatsoever nature the same may be, which they may now have in, and to any other lands in the Territory of Minnesota or elsewhere.

Reservations for permanent homes.

ARTICLE 2. There shall be, and hereby is, reserved and set apart, a sufficient quantity of land for the permanent homes of the said Indians; the lands so reserved and set apart, to be in separate tracts, as follows, viz:

For the Mississippi bands of Chippewa.

For the Mississippi bands of Chippewa Indians: The first to embrace the following fractional townships, viz: forty-two north, of range twenty-five west; forty-two north, of range twenty-six west; and forty-two and forty-three north, of range twenty-seven west; and, also, the three islands in the southern part of Mille Lac. Second, beginning at a point half a mile east of Rabbit Lake; thence south three miles; thence westwardly, in a straight line, to a point three miles south of the mouth of Rabbit River; thence north to the mouth of said river; thence up the Mississippi River to a point directly north of the place of beginning; thence south to the place of beginning. Third, begin-

ning at a point half a mile southwest from the most southwestwardly point of Gull Lake; thence due south to Crow Wing River; thence down said river, to the Mississippi River; thence up said river to Long Lake Portage; thence, in a straight line, to the head of Gull Lake; thence in a southwestwardly direction, as nearly in a direct line as practicable, but at no point thereof, at a less distance than half a mile from said lake, to the place of beginning. Fourth, the boundaries to be, as nearly as practicable, at right angles, and so as to embrace within them Pokagomon Lake; but nowhere to approach nearer said lake than half a mile therefrom. Fifth, beginning at the mouth of Sandy Lake River; thence south, to a point on an east and west line, two miles south of the most southern point of Sandy Lake; thence east, to a point due south from the mouth of West Savannah River; thence north, to the mouth of said river; thence north to a point on an east and west line, one mile north of the most northern point of Sandy Lake; thence west, to Little Rice River; thence down said river to Sandy Lake River; and thence down said river to the place of beginning. Sixth, to include all the islands in Rice Lake, and also half a section of land on said lake, to include the present gardens of the Indians. Seventh, one section of land for Pug-o-na-ke-shick, or Hole-in-the-day, to include his house and farm; and for which he shall receive a patent in fee-simple.

For the Pillager and Lake Winnibigoshish bands.

For the Pillager and Lake Winnibigoshish bands, to be in three tracts, to be located and bounded as follows, viz: First, beginning at mouth of Little Boy River; thence up said river to Lake Hassler; thence through the center of said lake to its western extremity; thence in a direct line to the most southern point of Leech Lake; and thence through said lake, so as to include all the islands therein, to the place of beginning. Second, beginning at the point where the Mississippi River leaves Lake Winnibigoshish; thence north, to the head of the first river; thence west, by the head of the next river, to the head of the third river, emptying into said lake; thence down the latter to said lake; and thence in a direct line to the place of beginning. Third, beginning at the mouth of Turtle River; thence up said river to the first lake; thence east, four miles; thence southwardly, in a line parallel with Turtle River, to Cass Lake; and thence, so as to include all the islands in said lake, to the place of beginning; all of which said tracts shall be distinctly designated on the plats of the public surveys.

Reservations may be surveyed and allotted.

And at such time or times as the President may deem it advisable for the interests and welfare of said Indians, or any of them, he shall cause the said reservation, or such portion or portions thereof as may be necessary, to be surveyed; and assign to each head of a family, or single person over twenty-one years of age, a reasonable quantity of land, in one body, not to exceed eighty acres in any case, for his or their separate use; and he may, at his discretion, as the occupants thereof become capable of managing their business and affairs, issue patents to them for the tracts so assigned to them, respectively; said tracts to be exempt from taxation, levy, sale, or feiture; and not to be aliened or leased for a longer period than two years, at one time, until otherwise provided by the legislature of the State in which they may be situate, with the assent of Congress. They shall not be sold, or alienated, in fee, for a period of five years after the date of the patents; and not then without the assent of the President of the United States being first obtained. Prior to the issue of the patents, the President shall make such rules and regulations as he may deem necessary and expedient, respecting the disposition of any of said tracts in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased person; and should any of the Indians to whom tracts may be assigned thereafter abandon them, the President may make such rules and regulations, in relation to such abandoned tracts, as in his judgment may be necessary and proper.

Payment to the Mississippi band for the above cessions.

ARTICLE 3. In consideration of, and in full compensation for, the cessions made by the said Mississippi, Pillager, and Lake Winnibigoshish bands of Chippewa Indians, in the first article of this agreement, the United States hereby agree and stipulate to pay, expend, and make provision for, the said bands of Indians, as follows, viz: For the Mississippi bands:

Ten thousand dollars ($10,000) in goods, and other useful articles, as soon as practicable after the ratification of this instrument, and after an appropriation shall be made by Congress therefor, to be turned over to the delegates and chiefs for distribution among their people.

Fifty thousand dollars ($50,000) to enable them to adjust and settle their present engagements, so far as the same, on an examination thereof, may be found and decided to be valid and just by the chiefs, subject to the approval of the Secretary of the Interior: and any balance remaining of said sum not required for the above-mentioned purpose shall be paid over to said Indians in the same manner as their annuity money, and in such instalments as the said Secretary may determine; *Provided*, That an amount not exceeding ten thousand dollars ($10,000) of the above sum shall be paid to such full and mixed bloods as the chiefs may direct, for services rendered heretofore to their bands.

Twenty thousand dollars ($20,000) per annum, in money, for twenty years, provided, that two thousand dollars ($2,000) per annum of that sum, shall be paid or expended, as the chiefs may request, for purposes of utility connected with the improvement and welfare of said Indians, subject to the approval of the Secretary of the Interior.

Five thousand dollars ($5,000) for the construction of a road from the mouth of Rum River to Mille Lac, to be expended under the direction of the Commissioner of Indian Affairs.

A reasonable quantity of land, to be determined by the Commissioner of Indian Affairs, to be ploughed and prepared for cultivation in suitable fields, at each of the reservations of the said bands, not exceeding, in the aggregate, three hundred acres for all the reservations, the Indians to make the rails and inclose the fields themselves.

Payment to the Pillager and Lake Winnibigoshish bands for said cessions.

For the Pillager and Lake Winnibigoshish bands:

Ten thousand dollars ($10,000) in goods, and other useful articles, as soon as practicable, after the ratification of this agreement, and an appropriation shall be made by Congress therefor; to be turned over to the chiefs and delegates for distribution among their people.

Forty thousand dollars ($40,000) to enable them to adjust and settle their present engagements, so far as the same, on an examination thereof, may be found and decided to be valid and just by the chiefs, subject to the approval of the Secretary of the Interior; and any balance remaining of said sum, not required for that purpose, shall be paid over to said Indians, in the same manner as their annuity money, and in such instalments as the said Secretary may determine; provided that an amount, not exceeding ten thousand dollars ($10,000) of the above sum, shall be paid to such mixed-bloods as the chiefs may direct, for services heretofore rendered to their bands.

Ten thousand six hundred and sixty-six dollars and sixty-six cents ($10,666.66) per annum, in money, for thirty years.

Eight thousand dollars ($8,000) per annum, for thirty years, in such goods as may be requested by the chiefs, and as may be suitable for the Indians, according to their condition and circumstances.

Four thousand dollars ($4,000) per annum, for thirty years, to be paid or expended, as the chiefs may request, for purposes of utility connected with the improvement and welfare of said Indians; subject to the approval of the Secretary of the Interior: *Provided*, That an amount not exceeding two thousand dollars thereof, shall, for a limited number of years, be expended under the direction of the Commissioner of Indian Affairs, for provisions, seeds, and such other articles or things as may be useful in agricultural pursuits.

Such sum as can be usefully and beneficially applied by the United States, annually, for twenty years, and not to exceed three thousand dollars, in any one year, for purposes of education; to be expended under the direction of the Secretary of the Interior.

Three hundred dollars' ($300) worth of powder, per annum, for five years.

One hundred dollars' ($100) worth shot and lead, per annum, for five years.

One hundred dollars' ($100) worth of gilling twine, per annum, for five years.

One hundred dollars' ($100) worth of tobacco, per annum, for five years.

Hire of three laborers at Leech Lake, of two at Lake Winnibigoshish, and of one at Cass Lake, for five years.

Expense of two blacksmiths, with the necessary shop, iron, steel, and tools, for fifteen years.

Two hundred dollars ($200) in grubbing-hoes and tools, the present year.

Fifteen thousand dollars ($15,000) for opening a road from Crow Wing to Leech Lake; to be expended under the direction of the Commissioner of Indian Affairs.

To have ploughed and prepared for cultivation, two hundred acres of land, in ten or more lots, within the reservation at Leech Lake; fifty acres, in four or more lots, within the reservation at Lake Winnibigoshish; and twenty-five acres, in two or more lots within the reservation at Cass Lake: *Provided*, That the Indians shall make the rails and inclose the lots themselves.

A saw-mill, with a portable grist-mill attached thereto, to be established whenever the same shall be deemed necessary and advisable by the Commissioner of Indian Affairs, at such point as he shall think best; and which, together, with the expense of a proper person to take charge of and operate them, shall be continued during ten years: *Provided*, That the cost of all the requisite repairs of the said mills shall be paid by the Indians, out of their own funds.

Payment to the Mississippi bands under former treaties may be made in cash.

ARTICLE 4. The Mississippi bands have expressed a desire to be permitted to employ their own farmers, mechanics, and teachers; and it is therefore agreed that the amounts to which they are now entitled, under former treaties, for purposes of education, for blacksmiths and assistants, shops, tools, iron and steel, and for the employment of farmers and carpenters, shall be paid over to them as their annuities are paid: *Provided, however*, That whenever, in the opinion of the Commissioner of Indian Affairs, they fail to make proper provision for the above-named purposes, he may retain said amounts, and appropriate them according to his discretion, for their education and improvement.

How the above annuities shall be paid.

ARTICLE 5. The foregoing annuities, in money and goods, shall be paid and distributed as follows: Those due the Mississippi bands, at one of their reservations; and those due the Pillager and Lake Winnibigoshish bands, at Leech Lake; and no part of the said annuities shall ever be taken or applied, in any manner, to or for the payment of the debts or obligations of Indians contracted in their private dealings, as individuals, whether to traders or other persons. And should any of said Indians become intemperate or abandoned, and waste their property, the President may withhold any moneys or goods, due and payable to such, and cause the same to be expended, applied, or distributed, so as to insure the benefit thereof to their families. If, at any time, before the said annuities in money and goods of either of the Indian parties to this convention shall expire, the interests and welfare of said Indians shall, in the opinion of the President, require a different arrangement, he shall have the power to cause the said annuities, instead of being paid over and distributed to the Indians, to be expended or applied to such purposes or objects as may be best calculated to promote their improvement and civilization.

Preemption rights in said cession.

ARTICLE 6. The missionaries and such other persons as are now, by authority of law, residing in the country ceded by the first article of this agreement, shall each have the privilege of entering one hundred and sixty acres of the said ceded lands, at one dollar and twenty-five cents per acre; said entries not to be made so as to interfere, in any manner, with the laying off of the several reservations herein provided for.

Grants of land to mixed bloods.

And such of the mixed bloods as are heads of families, and now have actual residences and improvements in the ceded country, shall have granted to them, in fee, eighty acres of land, to include their respective improvements.

Laws extended to said reservations.

ARTICLE 7. The laws which have been or may be enacted by Congress, regulating trade and intercourse with the Indian tribes, to continue and be in force within the several reservations provided for herein; and those portions of said laws which prohibit the introduction, manufacture, use of, and traffic in, ardent spirits, wines, or other liquors, in the Indian country, shall continue and be in force, within the entire boundaries of the country herein ceded to the United States, until otherwise provided by Congress.

ARTICLE 8. All roads and highways, authorized by law, the lines of which shall be laid through any of the reservations provided for in this convention, shall have the right of way through the same; the fair and just value of such right being paid to the Indians therefor; to be assessed and determined according to the laws in force for the appropriation of lands for such purposes. Roads may be constructed.

ARTICLE 9. The said bands of Indians, jointly and severally, obligate and bind themselves not to commit any depredations or wrong upon other Indians, or upon citizens of the United States; to conduct themselves at all times in a peaceable and orderly manner; to submit all difficulties between them and other Indians to the President, and to abide by his decision in regard to the same, and to respect and observe the laws of the United States, so far as the same are to them applicable. And they also stipulate that they will settle down in the peaceful pursuits of life, commence the cultivation of the soil, and appropriate their means to the erection of houses, opening farms, the education of their children, and such other objects of improvement and convenience, as are incident to well-regulated society; and that they will abstain from the use of intoxicating drinks and other vices to which they have been addicted. Stipulations as to conduct of the Indians.

ARTICLE 10. This instrument shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said George W. Manypenny, commissioner as aforesaid, and the said chiefs and delegates of the Mississippi, Pillager and Lake Winnibigoshish bands of Chippewa Indians have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

George W. Manypenny, commissioner. [L. S.]

Tug-o-na-ke-shick, or Hole in the the Day, his x mark. [L. S.]
Que-we-sans-ish, or Bad Boy, his x mark. [L. S.]
Wand-e-kaw, or Little Hill, his x mark. [L. S.]
I-awe-showe-we-ke-shig, or Crossing Sky, his x mark. [L. S.]
Petud-dunce, or Rat's Liver, his x mark. [L. S.]
Mun-o-min-e-kay-shein, or Rice Maker, his x mark. [L. S.]

Mah-yah-ge-way-we-durg, or The Chorister, his x mark. [L. S.]
Kay-gwa-dansh, or The Attempter, his x mark. [L. S.]
Caw-cang-e-we-gwan, or Crow Feather, his x mark. [L. S.]
Show-baush-king, or He that Passeth Under Everything, his x mark. [L. S.]

Chief delegates of the Mississippi bands.

Aish-ke-bug-e-koshe, or Flat Mouth, his x mark. [L. S.]
Be-sheck-kee, or Buffalo, his x mark. [L. S.]
Nay-bun-a-caush, or Young Man's Son, his x mark. [L. S.]

Maug-e-gaw-bow, or Stepping Ahead, his x mark. [L. S.]
Mi-gi-si, or Eagle, his x mark. [L. S.]
Kaw-be-mub-bee, or North Star, his x mark. [L. S.]

Chiefs and delegates of the Pillager and Lake Winnibigoshish bands.

Executed in the presence of—

Henry M. Rice.
Geo. Culver.
D. B. Herriman, Indian agent.
J. E. Fletcher.
John Dowling.
T. A. Warren, United States interpreter.
Paul H. Beaulieu, interpreter.
Edward Ashman, interpreter.
C. H. Beaulieu, interpreter.
Peter Roy, interpreter.
Will P. Ross, Cherokee Nation.
Riley Keys.

TREATY WITH THE CHIPPEWA, MISSISSIPPI, AND PILLAGER AND LAKE WINNIBIGOSHISH BANDS, 1864.

May 7, 1864.

13 Stat., 693.
Ratified Feb. 9, 1865.
Proclaimed Mar. 20, 1865.

Articles of agreement and convention made and concluded at the city of Washington this seventh day of May, A. D. 1864, between William P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, superintendent of Indian affairs for the northern superintendency, on the part of the United States, and the Chippewa chief Hole-in-the-day, and Mis-qua-dace, for and on behalf of the Chippewas of the Mississippi, and Pillager and Lake Winnebagoshish bands of Chippewa Indians in Minnesota.

Gull Lake and other reservations ceded to the United States, except, etc.

ARTICLE 1. The reservations known as Gull Lake, Mille Lac, Sandy Lake, Rabbit Lake, Pokagomin Lake, and Rice Lake, as described in the second clause of the second article of the treaty with the Chippewas of the twenty-second of February, 1855, are hereby ceded to the United States, excepting one half section of land, including the mission buildings at Gull Lake, which is hereby granted in fee simple to the Reverend John Johnson, missionary, and one section of land, to be located by the Secretary of the Interior on the southeast side of Gull Lake, and which is hereby granted in fee simple to the chief Hole-in-the-day, and a section to chief Mis-qua-dace, at Sandy Lake, in like manner, and one section to chief Shaw-vosh-kung, at Mille Lac, in like manner.

Hole-in-the-day. Mis-qua-dace. Shaw-vosh-kung.

Reservation for the Chippewa of the Mississippi.

ARTICLE 2. In consideration of the foregoing cession, the United States agree to set apart, for the future home of the Chippewas of the Mississippi, all the lands embraced within the following-described boundaries, excepting the reservations made and described in the third clause of the second article of the said treaty of February 22d, 1855, for the Pillager and Lake Winnebagoshish bands; that is to say, beginning at a point one mile south of the most southerly point of Leach Lake, and running thence in an easterly course to a point one mile south of the most southerly point of Goose Lake, thence due east to a point due south from the intersection of the Pokagomin reservation and the Mississippi River, thence on the dividing-line between Deer River and lakes and Mashkordens River and lakes, until a point is reached north of the first-named river and lakes; thence in a direct line northwesterly to the outlet of Two Routs Lake, then in a southwesterly direction to Turtle Lake, thence southwesterly to the headwater of Rice River, thence northwesterly along the line of the Red Lake reservation to the mouth of Thief River, thence down the centre of the main channel of Red Lake River to a point opposite the mouth of Black River, thence southeasterly in a direct line with the outlet of Rice Lake to a point due west from the place of beginning, thence to the place of beginning.

Boundaries.

Annuities to be extended for ten years.

ARTICLE 3. In consideration of the foregoing cession to the United States, and the valuable improvements thereon, the United States further agree, first, to extend the present annuities of the Indians, parties to this treaty, for ten years beyond the periods respectively named in existing treaties; second, and to pay towards the settlement of the claims for depredations committed by said Indians in 1862, the sum of twenty thousand dollars; third, to the chiefs of the Chippewas of the Mississippi, ten thousand dollars, to be paid upon the ratification of this treaty; and five thousand dollars to the chief Hole-in-the-day, for depredations committed in burning his house and furniture in 1862.

Payment toward settlement for depredations, and to the chiefs.

Payments for clearing, etc., lots in reservation. See art. 14.

ARTICLE 4. The United States further agree to pay seven thousand five hundred ($7,500) dollars for clearing, stumping, grubbing, breaking, and planting, on the reservation hereby set apart for the Chippewas of the Mississippi, in lots of not less than ten acres each, at such point or points as the Secretary of the Interior may select, as follows, viz: For the Gull Lake band, seventy (70) acres: for the Mille Lac band, seventy (70) acres; for the Sandy Lake band, fifty (50) acres; for the Pokagomin band, fifty (50) acres; for the Rabbit Lake band, forty (40) acres; for the Rice Lake band, twenty (20) acres; and to expend five thousand dollars ($5,000) in building for the chiefs of said bands one house each, under the direction of the Secretary of the Interior.

Houses for chiefs.

ARTICLE 5. The United States agree to furnish to said Indians, parties to this treaty, ten (10) yoke of good steady work oxen, and twenty log-chains annually for ten years, provided the Indians shall take proper care of and make proper use of the same; also for the same period annually two hundred (200) grubbing-hoes, ten (10) ploughs, ten (10) grindstones, one hundred (100) axes, handled, not to exceed in weight three and one-half pounds each, twenty (20) spades, and other farming implements, provided it shall not amount to more than fifteen hundred dollars in one year; also two carpenters, and two blacksmiths, and four farm-laborers, and one physician.

Oxen, plows, and agricultural implements to be furnished.

Carpenters, blacksmiths, laborers, and physician.

ARTICLE 6. The United States further agree to pay annually one thousand dollars ($1,000) towards the support of a sawmill to be built for the common use of the Chippewas of the Mississippi and the Red Lake and Pembina bands of Chippewa Indians, so long as the President of the United States may deem it necessary; and to expend in building a road, bridges, &c., to their new agency seven thousand five hundred dollars ($7,500;) and to expend for new agency buildings, to be located by the Secretary of the Interior for the common use of the Chippewas of the Mississippi, Red Lake, and Pembina, and Pillager and Lake Winnebagoshish bands of Chippewa Indians, twenty-five thousand dollars ($25,000.)

Sawmill.

Road, bridges, etc

Buildings.

ARTICLE 7. There shall be a board of visitors, to consist of not less than two nor more than five persons, to be selected from such Christian denomination or denominations as the chiefs in council may designate, whose duty it shall be to be present at all annuity payments to the Indians, whether of goods, moneys, provisions, or other articles, and to inspect the fields, buildings, mills, and other improvements made or to be made, and to report annually thereon, on or before the first day of November; and also as to the qualifications and moral deportment of all persons residing upon the reservation under the sanction of law or regulation, and they shall receive for their services five dollars per day for the time actually employed, and ten cents per mile for travelling expenses; *Provided*, That no one shall be paid in any one year for more than twenty days' service, or for more than three hundred miles' travel.

Board of visitors to be present at annuity payment, make inspection, and report annually.

Pay.

ARTICLE 8. No person shall be recognized as a chief whose band numbers less than fifty persons; and to encourage and aid the said chiefs in preserving order, and inducing by their example and advice, the members of their respective bands to adopt the pursuits of civilized life, there shall be paid to each of said chiefs annually out of the annuities of said bands, a sum not exceeding one hundred and fifty dollars, ($150,) to be determined by their agent according to their respective merits.

Chiefs with bands of less than fifty not to be recognized.

Gratuities.

ARTICLE 9. To improve the morals and industrial habits of said Indians, it is agreed that no agent, teacher, interpreter, trader, or other employees shall be employed, appointed, licensed, or permitted to reside within the reservations belonging to the Indians, parties to this treaty, missionaries excepted, who shall not have a family residing with them at their respective places of employment or trade within the agency, whose moral habits and fitness shall be reported upon annually by the board of visitors; and no person of full or mixed blood, educated or partially educated, whose fitness, morally or otherwise, is not conducive to the welfare of said Indians, shall receive any benefit from this or any former treaties, and may be expelled from the reservation.

Agent, teachers, etc., to have families.

Improper persons not to have benefits of treaties.

ARTICLE 10. All annuities under this or former treaties shall be paid as the chiefs in council may request, with the approval of the Secretary of the Interior, until otherwise altered or amended, which shall be done whenever the board of visitors, by the requests of the chiefs, may recommend it: *Provided* That no change shall take place oftener than once in two years.

Payment of annuities.

ARTICLE 11. Whenever the services of laborers are required upon the reservation, preference shall be given to full or mixed bloods, if they shall be found competent to perform them.

Preference given to full or mixed bloods as laborers.

ARTICLE 12. It shall not be obligatory upon the Indians, parties to this treaty, to remove from their present reservations until the United States shall have first complied with the stipulations of Articles IV and VI of this treaty, when the United States shall furnish them with

Indians not to remove from present reservations until, etc.

all necessary transportation and subsistence to their new homes and subsistence for six months thereafter: *Provided*, That, owing to the heretofore good conduct of the Mille Lac Indians, they shall not be compelled to remove so long as they shall not in any way interfere with or in any manner molest the persons or property of the whites: *Provided*, That those of the tribe residing on the Sandy Lake reservation shall not be removed until the President shall so direct.

Certain females may be paid as teachers.

ARTICLE 13. Female members of the family of any government employe[e] residing on the reservation, who shall teach Indian girls domestic economy, shall be allowed and paid a sum not exceeding ten dollars per month while so engaged: *Provided*, That not more than one thousand dollars shall be so expended during any one year, and that the President of the United States may suspend or annul this article whenever he may deem it expedient to do so.

Proviso.

Provisions for clearing, etc., lands to be in lieu of former provisions.

ARTICLE 14. It is distinctly understood and agreed that the clearing and breaking of land for the Chippewas of the Mississippi, as provided for in the fourth article of this treaty, shall be in lieu of all former engagements of the United States as to the breaking of lands for those bands, and that this treaty is in lieu of the treaty made by the same tribes, approved March 11th, 1863.

In testimony whereof the said Wm. P. Dole and Clark W. Thompson, on behalf of the United States, and Chippewa chiefs, Hole-in-the-day and Mis-qua-dace, on behalf of Indians parties to this treaty, have hereunto set their hands and affixed their seals this seventh day of May, A. D. one thousand eight hundred and sixty-four.

W. P. Dole, Commissioner Indian Affairs. [SEAL.]
Clark W. Thompson, Superintendent Indian Affairs. [SEAL.]
Que-ze-zance, or Hole-in-the-day, his x mark. [SEAL.]
Mis-qua-dace, or Turtle, his x mark. [SEAL.]

Signed in presence of
Peter Roy, special interpreter.
Benjn. Thompson.

TREATY WITH THE CHIPPEWA—BOIS FORT BAND, 1866.

Apr. 7, 1866.

14 Stats., 765.
Ratified Apr. 26, 1866.
Proclaimed May 5, 1866.

Articles of a treaty made and concluded at Washington, District of Columbia, this seventh day of April, in the year of our Lord one thousand eight hundred and sixty-six, by and between the United States, party of the first part, by their commissioners, D. N. Cooley, Commissioner of Indian Affairs, and E. E. L. Taylor, thereunto duly authorized, and the Bois Forte band of Chippewa Indians, parties of the second part, by the undersigned chiefs, head-men, and warriors of said bands, thereunto duly authorized.

Peace and friendship.

ARTICLE 1. The peace and friendship now existing between the United States and said Bois Forte bands of Indians shall be perpetual.

Cession of lands to the United States.

ARTICLE 2. In consideration of the agreements, stipulations, and undertakings to be performed by the United States, and hereinafter expressed, the Bois Forte bands of Chippewas have agreed to, and do hereby, cede and forever relinquish and surrender to the United States all their right, title, claim, and interest in and to all lands and territory heretofore claimed, held, or possessed by them, and lying east of the

Boundaries.

boundary line mentioned and established in and by the first article of the treaty made and concluded by and between the United States of the one part, and the Chippewas of Lake Superior and the Mississippi of the other part, on the 30th day of September, A. D. 1854, and more especially in and to all that portion of said territory heretofore claimed and occupied by them at and near Lake Vermillion as a reservation. The Bois Forte band of Chippewas in like manner cede and relinquish forever to the United States all their claim, right, title, and interest in and to all lands and territory lying westerly of said boundary line, or elsewhere within the limits of the United States.

The United States to set apart a reservation.

ARTICLE 3. In consideration of the foregoing cession and relinquishment, the United States agree to and will perform the stipulations, undertakings, and agreements following, that is to say:—

1st. There shall be set apart within one year after the date of the ratification of this treaty, under the direction of the President of the United States, within the Chippewa country, for the perpetual use and occupancy of said Bois Forte band of Chippewas, a tract of land of not less than one hundred thousand acres, the said location to include a lake known by the name of Netor As-sab-a-co-na, if, upon examination of the country by the agent sent by the President of the United States to select the said reservation, it is found practicable to include the said lake therein, and also one township of land on the Grand Fork River, at the mouth of Deer Creek, if such location shall be found practicable.

The United States to erect shop, schoolhouse, houses for chiefs, and other buildings.

2d. The United States will, as soon as practicable after the setting apart of the tract of country first above mentioned, erect thereon, without expense to said Indians, one blacksmith's shop, to cost not exceeding five hundred dollars; one school-house, to cost not exceeding five hundred dollars; and eight houses for their chiefs, to cost not exceeding four hundred dollars each; and a building for an agency house and storehouse for the storage of goods and provisions, to cost not exceeding two thousand dollars.

To pay annuity for twenty years.

3d. The United States will expend annually for and in behalf of said Bois Forte band of Chippewas, for and during the term of twenty years from and after the ratification of this treaty, the several sums and for the purposes following, to wit: For the support of one blacksmith and assistant, and for tools, iron, and steel, and other articles necessary for the blacksmith's shop, fifteen hundred dollars; for one school-teacher, and the necessary books and stationery for the school, eight hundred dollars, the chiefs in council to have the privilege of selecting, with the approval of the Secretary of the Interior, the religious denomination to which the said teacher shall belong; for instructions of the said Indians in farming, and the purchase of seeds, tools, &c., for that purpose, eight hundred dollars; and for annuity payments, the sum of eleven thousand dollars, three thousand five hundred dollars of which shall be paid to them in money per capita, one thousand dollars in provisions, ammunition, and tobacco, and six thousand five hundred dollars to be distributed to them in goods and other articles suited to their wants and condition.

Objects of annuities.

ARTICLE 4. To enable the chiefs, head-men, and warriors now present to establish their people upon the new reservation, and to purchase useful articles and presents for their people, the United States agree to pay them, upon the ratification of this treaty, the sum of thirty thousand dollars, to be expended under the direction of the Secretary of the Interior. Payment of $30,000 to Indians.

ARTICLE 5. In consideration of the services heretofore rendered to the said Indians by Francis Roussaire, senior, Francis Roussaire, jr., and Peter E. Bradshaw, it is hereby agreed that the said persons shall each have the right to select one hundred and sixty acres of land, not mineral lands, and to receive patents therefor from the United States; and for the like services to the Indians, the following named persons, to wit: Peter Roy, Joseph Gurnoe, Francis Roy, Vincent Roy, Eustace Roussaire, and D. George Morrison shall each have the right to select eighty acres of land, not mineral lands, and to receive from the United States patents therefor. Grant of lands to certain persons for services.

ARTICLE 6. It is further agreed that all payments of annuities to the Bois Forte band of Chippewas shall be made upon their reservation if, upon examination, it shall be found practicable to do so. Annuities to be paid upon the reservation, etc.

ARTICLE 7. It is agreed by and between the parties hereto that, upon the ratification of this treaty, all former treaties existing between them inconsistent herewith shall be, and the same are hereby, abrogated and made void to all intents and purposes; and the said Indians hereby relinquish any and all claims for arrears of payments claimed to be due under such treaties, or that are hereafter to fall due under the provisions of the same; except that as to the third clause of the twelfth article of the treaty of September 30, 1854, providing for a blacksmith, smith-shop, supplies, and instructions in farming, the same shall continue in full force and effect, but the benefits thereof shall be transferred to the Chippewas of Lake Superior. Inconsistent provisions of former treaties abrogated. Part of treaty of Sept. 30, 1854, to remain in full force.

ARTICLE 8. The United States also agree to pay the necessary expenses of transportation and subsistence of the delegates who have visited Washington for the purpose of negotiating this treaty, not exceeding the sum of ten thousand dollars. Payment of expenses of delegation to Washington.

In testimony whereof, the undersigned, Commissioners on behalf of the United States, and the delegates on behalf of the Bois Forte band of Chippewas, have hereunto set their hands and seals the day and year first above written.

D. N. Cooley, Commissioner of Indian Affairs. [L. S.]
E. F. L. Taylor, Special Commissioner. [L. S.]
Gabeshcodaway, or Going through the Prairie, his x mark. [L. S.]
Babawmadjeweshcang, or Mountain Traveller, his x mark. [L. S.]
Adawawnequabenace, or Twin-baired Bird, his x mark. [L. S.]
Sagwadacamegishcang, or He who Tries the Earth, his x mark. [L. S.]
Neoning, or The Four Fingers, his x mark. [L. S.]
Wabawgamawgau, or The Tomahawk, his x mark. [L. S.]
Ganawawbamina, or He who is Looked at, his x mark. [L. S.]
Gawnandawawinzo, or Berry Hunter, his x mark. [L. S.]
Abetang, or He who Inhabits, his x mark. [L. S.]

In presence of—

Luther E. Webb, [L. S.]
United States Indian agent for Chippewas, Lake Superior.
Joseph D. Gurnoe, [L. S.]
United States interpreter, Lake Superior.
J. C. Ramsey.
Benj'n Thompson.
Peter Roy.
D. Geo. Morrison. [L. S.]
Vincent Roy, jr.
W. H. Watson.

TREATY WITH THE CHIPPEWA OF THE MISSISSIPPI, 1867.

Mar. 19, 1867.
16 Stats., 719.
Ratified Apr. 8, 1867.
Proclaimed Apr. 18, 1867.

Articles of agreement made and concluded at Washington, D. C., this 19th day of March, A. D. 1867, between the United States represented by Louis V. Bogy, special commissioner thereto appointed, William H. Watson, and Joel B. Bassett, United States agent, and the Chippewas of the Mississippi, represented by Que-we-zance, or Hole-in-the-Day, Qui-we-shen-shish, Wau-bon-a-quot, Min-e-do-wob, Mijaw-ke-ke-shik, Shob-osk-kunk, Ka-gway-dosh, Me-no-ke-shick, Way-nance, and O-gub-ay-gwun-ay-aush.

Whereas, by a certain treaty ratified March 20, 1865, between the parties aforesaid, a certain tract of land was, by the second article thereof, reserved and set apart for a home for the said bands of Indians, and by other articles thereof provisions were made for certain moneys to be expended for agricultural improvements for the benefit of said bands; and whereas it has been found that the said reservation is not adapted for agricultural purposes for the use of such of the Indians as desire to devote themselves to such pursuits, while a portion of the bands desire to remain and occupy a part of the aforementioned reservation, and to sell the remainder thereof to the United States: Now, therefore, it is agreed—

Cession of lands.

ARTICLE 1. The Chippewas of the Mississippi hereby cede to the United States all their lands in the State of Minnesota, secured to them by the second article of their treaty of March 20, 1865,* excepting and reserving therefrom the tract bounded and described as follows, to wit: Commencing at a point on the Mississippi River, opposite the mouth of Wanoman River, as laid down on Sewall's map of Minnesota; thence due north to a point two miles further north than the most northerly point of Lake Winnebagoshish; thence due west to a point two miles west of the most westerly point of Cass Lake; thence south to Kabekona River; thence down said river to Leech Lake; thence along the north shore of Leech Lake to its outlet in Leech Lake River; thence down the main channel of said river to its junction with the Mississippi River, and thence down the Mississippi to the place of beginning.

Reservation. Boundaries.

Further reservation.

And there is further reserved for the said Chippewas out of the land now owned by them such portion of their western outlet as may upon location and survey be found to be within the reservation provided for in the next succeeding section.

Land for farming.

ARTICLE 2. In order to provide a suitable farming region for the said bands there is hereby set apart for their use a tract of land, to be located in a square form as nearly as possible, with lines corresponding to the Government surveys; which reservation shall include White Earth Lake and Rice Lake, and contain thirty-six townships of land: and such portions of the tract herein provided for as shall be found upon actual survey to lie outside of the reservation set apart for the Chippewas of the Mississippi by the second article of the treaty of March 20, 1865, shall be received by them in part consideration for the cession of lands made by this agreement.

Payments for lands ceded.

ARTICLE 3. In further consideration for the lands herein ceded, estimated to contain about two million of acres, the United States agree to pay the following sums, to wit: Five thousand dollars for the erection of school buildings upon the reservation provided for in the second article; four thousand dollars each year for ten years, and as long as the President may deem necessary after the ratification of this treaty, for the support of a school or schools upon said reservation; ten thousand dollars for the erection of a saw-mill, with grist-mill attached, on said reservation; five thousand dollars to be expended in assisting in the erection of houses for such of the Indians as shall remove to said reservation.

Schools.

Mills.

Houses.

Five thousand dollars to be expended, with the advice of the chiefs, in the purchase of cattle, horses, and farming utensils, and in making such improvements as are necessary for opening farms upon said reservation.

Cattle, etc.

*This refers to the treaty of May 7, 1864, proclaimed March 20, 1865, ante p. 862.

Six thousand dollars each year for ten years, and as long thereafter as the President may deem proper, to be expended in promoting the progress of the people in agriculture, and assisting them to become self-sustaining by giving aid to those who will labor. Agriculture, etc.

Twelve hundred dollars each year for ten years for the support of a physician, and three hundred each year for ten years for necessary medicines. Physician, etc.

Ten thousand dollars to pay for provisions, clothing, or such other articles as the President may determine, to be paid to them immediately on their removal to their new reservation. Provisions and clothing.

ARTICLE 4. No part of the annuities provided for in this or any former treaty with the Chippewas of the Mississippi bands shall be paid to any half-breed or mixed-blood, except those who actually live with their people upon one of the reservations belonging to the Chippewa Indians. No part to any half-breed, etc., except, etc.

ARTICLE 5. It is further agreed that the annuity of $1,000 a year which shall hereafter become due under the provisions of the third article of the treaty with the Chippewas of the Mississippi bands, of August 2, 1847, shall be paid to the chief, Hole-in-the-Day, and to his heirs; and there shall be set apart, by selections to be made in their behalf and reported to the Interior Department by the agent, one half section of land each, upon the Gulf Lake reservation, for Min-a-ge-shig and Truman A. Warren, who shall be entitled to patents for the same upon such selections being reported to the Department. Annuities. Hole-in-the-Day and his heirs. Land to Min-a-ge-shig and Truman A. Warren.

ARTICLE 6. Upon the ratification of this treaty, the Secretary of the Interior shall designate one or more persons who shall, in connection with the agent for the Chippewas in Minnesota, and such of their chiefs, parties to this agreement, as he may deem sufficient, proceed to locate, as near as may be, the reservation set apart by the second article hereof, and designate the places where improvements shall be made, and such portion of the improvements provided for in the fourth article of the Chippewa treaty of May 7, 1864, as the agent may deem necessary and proper, with the approval of the Commissioner of Indian Affairs, may be made upon the new reservation, and the United States will pay the expenses of negotiating this treaty, not to exceed ten thousand dollars. Reservation to be located.

ARTICLE 7. As soon as the location of the reservation set apart by the second article hereof shall have been approximately ascertained, and reported to the office of Indian Affairs, the Secretary of the Interior shall cause the same to be surveyed in conformity to the system of Government surveys, and whenever, after such survey, any Indian of the bands parties hereto, either male or female, shall have ten acres of land under cultivation, such Indian shall be entitled to receive a certificate, showing him to be entitled to the forty acres of land, according to legal subdivision, containing the said ten acres or the greater part thereof, and whenever such Indian shall have an additional ten acres under cultivation, he or she shall be entitled to a certificate for additional forty acres, and so on, until the full amount of one hundred and sixty acres may have been certified to any one Indian; and the land so held by any Indian shall be exempt from taxation and sale for debt, and shall not be alienated except with the approval of the Secretary of the Interior, and in no case to any person not a member of the Chippewa tribe. Survey. Indians having ten acres under cultivation to be entitled to receive a certificate for 40 acres, etc. Land exempt from taxation and not to be alienated, except, etc.

ARTICLE 8. For the purpose of protecting and encouraging the Indians, parties to this treaty, in their efforts to become self-sustaining by means of agriculture, and the adoption of the habits of civilized life, it is hereby agreed that, in case of the commission by any of the said Indians of crimes against life or property, the person charged with such crimes may be arrested, upon the demand of the agent, by the sheriff of the county of Minnesota in which said reservation may be located, and when so arrested may be tried, and if convicted, punished in the same manner as if he were not a member of an Indian tribe. Arrest and punishment of Indians for crimes.

In testimony whereof, the parties aforementioned, respectively representing the United States and the said Chippewas of the Mississippi, have hereunto set their hands and seals the day and year first above written.

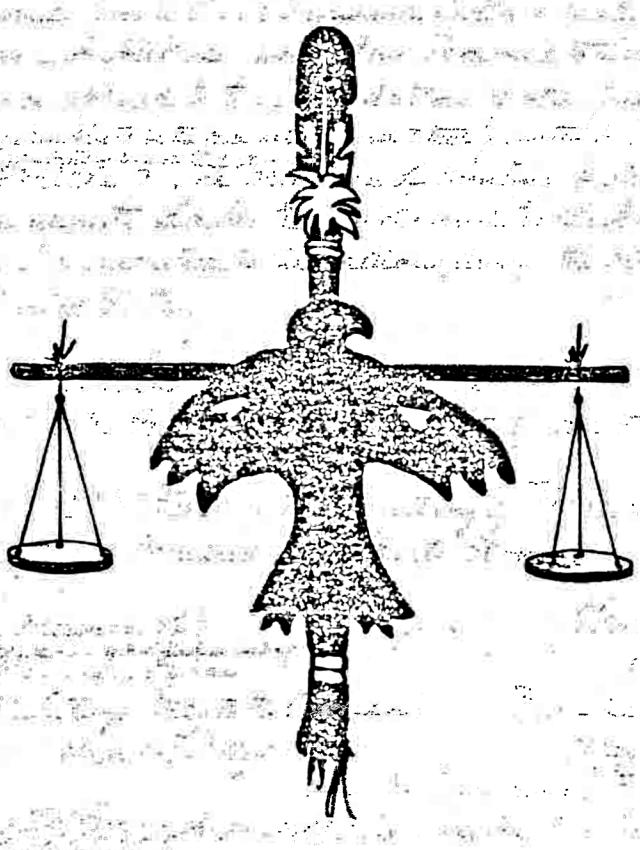
Lewis V. Bogy, special commissioner.	[SEAL.]
W. H. Watson.	[SEAL.]
Joel B. Bassett, U. S. Indian agent.	[SEAL.]
Que-we-zance, or Hole-in-the-Day, his x mark.	[SEAL.]
Qui-we-shen-shish, his x mark.	[SEAL.]
Wau-bon-a-quot, his x mark.	[SEAL.]
Min-e-do-wob, his x mark.	[SEAL.]
Mi-jaw-ke-ke-shik, his x mark.	[SEAL.]
Shob-osh-kunk, his x mark.	[SEAL.]
Ka-gway-dosh, his x mark.	[SEAL.]
Me-no-ke-shick, his x mark.	[SEAL.]
Way-na-mee, his x mark.	[SEAL.]
O-gub-ay-gwan-ay-aush, his x mark.	[SEAL.]

In presence of—

T. A. Warren, United States interpreter.
Charles E. Mix.
Lewis S. Hayden.
George B. Jonas.
Thos. E. McGraw.
John Johnson.
George Bonga.

CHAPTER THREE

The Indian Reorganization Act



THE INDIAN REORGANIZATION ACT OF 1934, AND THE ESTABLISHMENT OF THE MINNESOTA CHIPPEWA TRIBE

Prior to the Wheeler-Howard Act, the relationship between the United States government and the Indian Tribes was one which was bound by treaty laws based on the agreements signed between representatives of the government and Indian tribes. In many cases, since the reservation period, agents stationed on the reservations by the Federal government insisted upon total authoritarian control of their Indian wards. In this manner, the agent became an autonomous governing body and administered a form of justice according to his philosophy of law enforcement. Occasionally the agent was acting on behalf of his Indian ward. The Wheeler-Howard Act, also known as the Indian Reorganization Act of 1934, was an attempt to correct the years of bad policy which had placed the Indian in a worse condition than ever before.

Following the treaty period, which began the policy of breaking up communal living among Indians by parceling their lands, the Dawes Act, and more specifically in Minnesota, the Nelson Act, opened reservation land to white settlement through pressure by white people. A formula would allow for each Indian to acquire an allotted piece of land upon which to establish his future livelihood. After the allotting was completed, the remaining land would be sold as surplus to anyone wishing to acquire homesteads. Less than ten percent of the male population signed the agreement, and they did so under the threat of extermination. Congress received the legislation under the impression that the allotting of reservation land would serve as a source of strength to Indian families who would then become self-sufficient. The lands left after the allotting, became the property of white settlers and were incorporated into the state of Minnesota. It should be noted that the policy of allotment affected reservations other than those of the Chippewa.

The Federal government estimated that certain acreages of land tilled by an Indian male could produce enough income for him and his family. The government over estimated the acceptance of this method by using the land base as a stepping stone to the white way of life. Many Indian men refused to farm for years. Those who earnestly attempted farming generally lost their crops to drought and grass hoppers, and lost their social prestige as an adult male.

After 1889, life for the Indian became a process of reluctant surrendering to agency dictatorship. Living on their reservation lands, the Indian had little to expect in the way of rations. Education was forced upon the Indians and children were made to attend schools built by the Federal government. To assure this, the agent was authorized to prevent issuing rations or any other sustenance to families who attempted to keep their children out of school. There were land disputes which developed because of deaths in a family and included children of inter-marriage between whites and Indians.

Eventually, an amendment to the Dawes Allotment Act was passed (May 27, 1902) establishing an heirship system which would allow for adult heirs of a deceased allottee to receive lands by approval of the Secretary of the Interior. Land was still under trust status, as before, under the Dawes Act; however, "patent" fees were conveyed upon eligible Indians by the agent as an indication of their severance from tribal life and laws. The government felt sure that the patent fee was another step toward full American life.

There were two types of patents issued by the government which are defined below, the patent being merely the instrument by which the government conveyed an interest in the land:

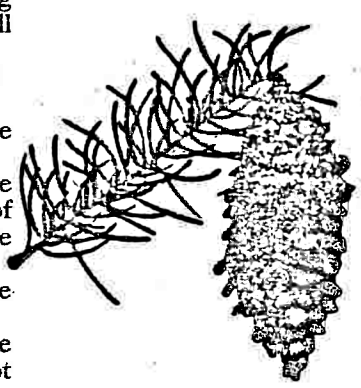
1. **Trust Patent:** Contained restrictive language and also specified that the patent fee was to be held in trust for a period of 25 years.
2. **Fee Patent:** Gave the allottee full title to the land and permitted him to sell or otherwise use or dispose of the land without approval from the Secretary of the Interior.

This matter was further complicated in 1917 when the new commissioner of Indian Affairs set forth his goals to separate full bloods and mixed bloods, to discontinue federal supervision of competent Indians, and to make the incompetent become competent. Debates occurred which still provide precedents in determining a competent Indian from an incompetent Indian.

According to this policy, all competent Indians of less than one-half blood were to be given Patent Fees and, therby, control of their own lives. Between 1906 and 1920 there were 20,850 patent fees distributed to the Indians across the United States. This procedure became another governmental policy disaster.The competent Indians selected by the agency immediately sold or lost, through fraud, their land holdings, and as a result they had to continue living on the reservation with relatives.

Without lingering upon the citizenship of Indians too long, students should review a ceremony that actually existed which conferred citizenship upon Indians receiving patent fees. This written ceremony, performed by the Agent, is included in "**Of Utmost Good Faith**" by Vine Deloria, Jr. and is quoted here:

Representative of Department speaking:
The President of the United States has sent me to speak a solemn and serious word to you, a word that means more to some of you than any other that you have ever heard. He has been told that there are some among you who should no longer be controlled by the Bureau of Indian Affairs, but should be given their patents in fee and thus become free American citizens. It is his decision that this shall be done, and that those so honored by the people of the United States shall have the meaning of this new and great privilege pointed out by symbol and by word, so that no man or women shall not know its meaning. The President has sent me papers naming those men and women, and I shall call out their names, one by one, and they will come before me.
For men: (Read name).————(white name). What was your Indian name? (Gives name).
————(Indian name). I hand you a bow and arrow. Take this bow and shoot the arrow. (He shoots).
————(Indian name). You have shot your last arrow. That means that your are no longer to live the life of an Indian. You are from this day forward to live the life of the white man. But you may keep the arrow, it will be to you a symbol of your noble race and of the pride you feel that you come from the first of all Americans.
————(White name). Take in your hand this plow. (He takes the handles of the plow).
This act means that you have chosen to live the life of the white man--and the white man lives by work. From the earth we all must get our living, and the earth will not yield unless man pours upon it the sweat of his brow. Only by work do we gain a right to the land or to the enjoyment of life.
————(White name). I give you a purse. This purse will always say to you that the money you gain so that when the sun does not smile and the grass does not grow, he will not starve.
I give into your hands the flag of your country. This is the only flag you have ever had or ever will have. It is the flag of freedom, the flag of free men, the flag of a hundred million free men and women of whom you are now one. That flag has a request to make of you,————(white name); that you take it into your hands and repeat these words:
"For as much as the President has said that I am worthy to be a citizen of the United States, I now promise to this flag that I will give my hands, my head, and my heart to the doing of all that will make me a true American citizen."



> For women: Allie Fox Duncan (white name). Take you hand this work bag and purse. (She takes the work bag and purse).
> This means that you have chosen the life of the white women--and the white woman loves her home. The family and the home are the foundation of our civilization. Upon the character and industry of the mother and homemaker and largely depends on the future of our Nation. The purse will always say to you that the money you gain from your labor must be wisely kept. The wise woman saves her money, so that when the sun does not smile and the grass does not grow, she and her children will not starve.
> I give into your hand sthe flag of your country. This is the only flag you have ever had or will ever hae. It is the flag of freedom, the flag of free men, a hundred million men and women of whom you are now one. That flag has a request to make of you,————(white name), that you take it into your hands and repeat these words:
> "For as much as the President has said that I am worthy to be a citizen of the United States, I now promise to this flag that I will give my hands, my head, and my heart to the doing of all that will make me a true american citizen."
> And now beneath this flag I place upon your breast the emblem of your citizenship. Wear this badge of honor always; and may the eagle that is upon it never see you do aught of which the flag will not be proud.
> (The audience rises and shouts: "Allie Fox Duncan (white name) is an American Citizen)."

It was after World War I that the Congress realized Indians were not really citizens of the United States. They had signed treaties and agreements, but no special legislation conveyed equal rights to Indian citizens. This situation was important in terms of administering justice and setting land disputes. There were also problems with railroads, right of ways, mineral oil. gas leases and still lingering patent fees problems. Instead of resolving the issue by giving Indians a greater voice in Indian affairs, the government passed another amendment allowing for increased authority for the agent, with approval of the Secretary of the Interior, over all matters. Indians who had previously been accorded citizenship through patent fees or by leaving the reservation and living apart from their own people were now given full citizenship without any special criteria.[1]

Indians were brought to the attention of the American public by the late 1920's. They were labeled a problem because the policy of assimilation, or civilizing the Indian, had not worker. The original reservation allotments, beginning with the Dawes Act in 1887, had been approximately 140 million acres. By 1934, there were only 48 million acres left in Indian ownership. The patent fee policy, land-hungry white settlers, state tax agents, banks, and/or county assessors had done away with the majority of Indian lands. Indians were also experiencing ill health and poverty; employment was almost non-existent on the reservation.

The total situation revealed to Congress that is had paid attention to the Indian only once in the thirty-years since the Dawes Act, was not adequate to alleviate the vast number of land and judicial problems that the agent had to resolve. The attempt to take away Indian lands and place them within white ownership was recurring. This was best exemplified in 1922 when a bill submitted by Senator Bursum attempted to give non-Indians land holdings within the Indian Pueblos.

Protest against this bill came from combined eastern Indian rights organizations which saw a future in Indian reform movement and would sweep across all Indian reservations. These groups would require the Agents and their staffs to protect the Indians against local poliiticians, bankers, businessmen, judges, and other land grabbers.

As a result of pressure, the Secretary of the Interior ordered an investigation into Indian affaris and control over Indian reservation. **The Problem of Indian Administration,** by W.F. Willoughby, was the result of this investigation in which public attention was focused on the life of an Indian under an agent and his person. Edited by Lewis Meriam, this report became known as the "Meriam Report" and gained much public support.

[1] Indian Citizenship Act, June 2, 1924

After the Meriam Report, [2] a petition was written and signed by more than 600 of the country's leading citizens. It was given to Franklin D. Roosevelt on January 28, 1933. The petition stated:

> "In justification of our request, we point out that the Indians are dependent on the United States government and are at its mercy in ways and to an extent true of no other elements of our population. They depend upon the Federal government for nearly all services-economic, educational, social, and human, which other populations receive through many Federal departments, through the State and county governments, through the private welfare agencies, and through their independent actions of organized self-help. The government, as trustee, has not been thrifty with the Indians estate. . the system of property administration, not yet organized, isures in its very structure the continued shrinkage of Indian lands, with the complete ultimate disinheritance of more than two-thirds of the Indians still holding property under government trust. A comparable dissipation has taken place, and is continuing with respect to Indian-owned natural resources and the funds derived from their exploitation. So great is the Indians distress in many tribes, and so rapid is the shrinkage of Indian property held in trust by the government, that we do not believe that we are exaggerating when we suggest, not only an Indian Administration of extra-ordinary determination and technical ability but a reorganization of the governments system of Indian Affaris, including extensive reconstrucrion of Indian Law."

This petition was recited in full in a speech by Honorable William H. King to the 72nd Congress, second session, in 1933. Senator King of Utah also presented a resolution to investigate the conditions of Indians. It was passed, along with several others, until the 78th Congress in 1944. Hearings were held among the reservation people across the United States in order to establish the condition among Indians.

The Indian reform movement did not end with public pressure or congressional hearings. Several active members also became top government officials.

A new era was beginning with the new policy of making the Indian a self-sustaining American citizen as rapidly as possible. The new policy makers were so confident of success, as 25 year period was set to accomplish their task, beyond which time the Indian Office would no longer exist.

John Collier, the Commissioner of Indian Affairs in 1933, was also an Indian Reform Movement member. He advocated that Indian children be sent to schools closer to their homes and that Indian customs, religions, and forms of art be allowed to exist without interference. He brought Indians into the Indian Office as civil servants. During the depression, the Indian Civilian Conservation Corps was organized, and Indians became involved in building roads, dams, and houses on their reservations. From these successes, Collier and others informed Congress of the need for programs to insure greater self-sufficiency among Indians.

THE PERIOD IMMEDIATELY FOLLOWING THE MERIAM SURVEY

On June 18, 1934, Congress passed new criteria in the Wheeler-Howard Act, also know as the Indian Reorganization Act. Indians would be allowed to vote on various legislation before it would be put into the original draft of the bill. This included previously unheard of authority for Indian communities to fill positions in local field offices, take over and operate functions and services, and to vote on whether to discontinue certain services. The Secretary of the Interior would make a legal transfer of funds for lands, buildings, and equipment to the local communities; and, in turn, the communities would make an annual request to the Secretary of the Interior to secure funds for continued operation.

[2] Francis Paul Prucha, **Documents of United States Indian Policy.**

Sections were deleted, revised, or amended during the various Indian Congresses held ot consider this legislation. The recommendations from these Indian Congresses shaped the emphasis of the bill. When discussions ended, the tribes voted on acceptance or rejection of the Indian Reorganization Act. A total of 263 tribes voted. 192 tribes voted to accept the Indian Reorganization Act, 71 tribes rejected to bill.

The results of elections in Minnesota to accept or reject the I.R.A. Charter is as follows: [3]

November 15, 1937

VOTES BY RESERVATION	YES	NO	TOTALS
White Earth	802	202	1004
Leech Lake	236	178	414
Fond du Lac	74	120	191
Nett Lake	171	24	195
Grand Portage	57	23	80
Mille Lacs	140	63	203
TOTALS	1480	610	2087

In addition to voting for the Minnesota Chippewa Tribe Charter, reservations were also responsible for holding public elections to adopt such charters on each of the six reservations. These sub-charters are what are known as Reservation Business Committees. (see unit number IV, Minnesota Chippewa Tribe, Structure and Powers.)

The response of the Indians to the Indian Reorganization Act is relayed through the interviews of many South Dakotan is **To be an Indian, An oral history,** by Joseph Cash and Herbert T. Hoover. Their views show the manipulation of Federal officials regarding the passage of the Act, as well as the consitutions governing the Indian Tribes. Another source of discussion concerning the Indian Reorganization Act is in the transcripts of the Indian Congresses which were held on a regional basis in Rapid City, South Dakota; Santo Domingo, New Mexico; Fort Defiance, Arizona; Salem, Oregon; Phoenix, Arizona; and Riverside, California.

There were nineteen sections of the Indian Reorganization Act covering the implementation of various policies. Section 18 of the Act restricted the benefits of this legislation from any reservation which voted to reject it. Tribes who rejected the Indian Reorganization Act could never adopt a constitution under its provsions. It should be pointed out that many of the tribes and reservations (such as the Navajos of Arizona and the Chippewa Indians of Red Lake) rejecting the Indian Reorganization Act so in order to retain their own traditional self-government.

In Minnesota, there was a considerable amount of opposition at the local reservation level to the I.R.A. and sub-charters as designed by the bureau employees. Indian office bureaucrat Jacob Munnell and Cass County Attorney Edward Rogers were accused of tailoring the constitution to the needs of the local Indian office and giving too much authority of the Tribal Executive Committee. During the September, 1938 meeting in Naytahwaush, Joe Morrison, tribal delegate, stated:

> "You (Mr. Broker) know as well as I do that the constitutions and by-laws have tied the Indians hand and foot in such a way that we can hardly wiggle, of course, naturally since the Indian office made this charter we are kind of afraid that it will give the government employees more authority than it should. We did not have our attorney explain these things to us, but we can construct the words to suit the government office and if this is the case, we do not want the charter." [4]

[3] Statistics from the United States Archives.

[4] M. Burris, Minnesota Chippewa Tribe government history.

Morrison also charged that the delegates were ill-informed because they did not have the benefit of an attorney to tell them of the consequences of organizing as they did. In **The American Indian Journal**, published in Duluth, the editor charged the Indian office of rushing the Indians into forming the organization as they did.

> "Considering the fact that Minnesota Indians were inveighed to accept the Act, to "adopt" and "ordain" the constitution drawn up for them under Indian office direction, and to accept the Tribal corporate charter by frenzied campaigns which smacked of ward boss tactics, those Indians who blindly accepted the conduct for the Indian Bureau officials heaped vituperation and abuse upon Indians who questioned the sincerity of the much heralded home rule extended to them and to Indians who otherwise hold divergent views from the Bureau."
>
> Volume 1, no. 1, May 1938

There existed considerable confusion over the need for sub-charters on the reservations. In a meeting held September 17, 1938 at Naytahwaush, Minnesota, Frank Broker, first TEC President, told the group assembled that the charters were to be tailored to fit the reservation.

> "The charters will be just a little different on each reservation to meet their modes of living. White Earth is considered an agricultural country. Grand Portage a summer resort country, and Nett Lake about the same, so I believe that there will be no two charters alike."

Another statement Frank Broker was responsible for making at this same meeting was that the charters will give . . . "you the chance to organize, you can appoint your own land committee to take care of your land and make rules and regualtions for your own reservations."

This second statement made by Broker was very misleading. Under the Minnesota Chippewa tribal constitution the lands of the reservation were to be managed by the Tribal Executive Committee. During these times there was considerable opposition and confusion regarding local autonomy of bands. Later local land committees were established, but their decisions had to be approved by the TEC. The relationship between the "bands" and the "tribe" was much the same as that between the tribe and the Secretary of Interior and not all in line with giving local reservation groups greater local control as had been promised.

One of the primary issues during this period was land and the need to control land at the local level rather than to have the governing body control band lands. It is not surpising that, at least three reservations wanted to leave the central government in 1945 because of this issure of local control.

Indian Office Field Agent Archie Phinney was responsible for finally settling this problem through negotiations with commisioner Collier.

> "As I see it, if there is to be an adequate measure of self determination locally as opposed to tribal government almost all the right and powers now vested in the tribe must be vested in the band by the tribe. I strongly recommend that, in the granting of local charters now, an agreement between the local body and the six bands be effected and put in form of an act of the TEC to assign tribal lands to the various bands by units corresponding to the reservations they occupy."

The above correspondence was just part of the communication between Collier and Phinney which finally resulted in a revised constitution that favored the various bands in local control of band land.

After the I.R.A. had been accepted, there existed some controversy over methods used in promoting the act as indicated in the 78th Congress, third session, 1940, during the hearings on S. 21030 before the committee on Indian Affairs. These points are as follows.

> "Witnesses supporting the bills for repeal of the act were unanimous in their statements that. . . Indians were high pressured into accepting the act and adopting the consitution and charters under authority of the act: that all local agency officials and Indians employed on work relief projects were ordered to campaign actively for the act under threat of losing their positions, they did so campaign; that officials of the Washington office of the Indian Bureau and Indians from other reservations were brought into local areas to campaign and that Indians both from outside and within the local areas to campaign and that Indians both from outside and within the lcoal area were paid a salary and traveling expenses for campaigning; that the Civil Service Commission has held that it cannot take action against Bureau employees who campaigned in these various elections because of authority conferred upon the Secretary of Interior under the so-called Wheeler-Howard Act; that meetings were held with the Indians and they were promised practically unlimited credit to borrow money for industrial and agricultural purposes, for home, education, and other purposed; that Indians were promised self-government and lands which were to be purchased by the U.S. government; that the elections had not been carried out by secret ballot as provided for in the act; and that in all the campaigns and the conduct of elections, the press, the radio, government cars, gas and oil, publications, and other governmental facilities were used."

For those tribes which accepted the Indian Reorganization Act the following policies were to be implemented upon their reservations:

1. To stop alienation, through action by the federal government or the present Indian, of such lands belonging to ward Indians as are needed for the present and future support of these Indians.
2. To provide for the acquisition through purchase of lands for Indians, now landless, who were anxious and fitted to make a living on such lands.
3. To stabilize the tribal organizations of the Indian tribes by vesting such tribal organizations with real, though limited authority, and be prescribing conditions which must be met by such tribal organizations.
4. To permit Indian tribes to equip themselves with the devices of modern business organizations through forming themselves into business corporations.
5. To establish a system of financial credit for Indians.
6. To supply Indians with means for collegiate and technical training in the best schools.
7. To open the way for qualified Indians to hold positions in the Federal Indian Service.

The following is briefly what each section of the Indian Reorganization Act provided:

Section 1 - Prohibits further allotment of Indian lands.

Section 2 - Extends, until otherwise directed by Congress, existing periods of trust and restrictions on alienation placed on Indian lands.

Section 3 - Authorizes the Secretary of Interior to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal.

Section 4 - Prohibits transfers of restricted Indian land except to an Indian tribe and limits testamentary dispositions of such land to the heirs of the devisee, to members of the tribe having jurisdiction over the land, or the tribe itself.

Section 5 - Authorizes the acquisition of lands for Indians and declares that such land shall be tax exempt.

Section 6 - Directs the promulgation of various conservation regulations.

Section 7 - Gives the Secretary authority to add newly acquired land to existing reservations and extends federal jurisdication over such lands.

Section 8 - Leaves scattered Indian homesteads on the public domain out of the scope of this measure.

Section 9 - Authorizes an appropriation for the expenses of organizing Indian chartered corporating and other organizations created under the Act.

Section 10 - Authorizes the establishment of a $10,000,000 revolving credit fund from which loans can be made from incorporated Tribes.

Section 11 - Authorized "loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools," and, "loans to Indian students in high schools and colleges."

Section 12 - Direct the Secretary of the Interior to establish standards for appointment without regard to civil service laws, to the various positions maintained by the Indian Office, in the administration of functions of services affecting any Indian tribe, and provided that, "Indians meeting such non-civil-service standards shall hereafter, have the preference to appointment to vacancies in any such positions."

Section 13, 14, & 15 - Dealth with the exemption of various tribes from all or some of the provisions of the act, and put forth a promise:

..."That no expenditures for the benefit of Indians made out of appropriations authorized by this act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States."

Section 16 & 17 - Deal with the problems of tribal organization and tribal incorporation. (See Felix Cohens, **Handbook of Indian Law** - Chapter 7, Section 3; Chapter 14, Section 4).

Section 18 - Provided that the act as a whole should not apply to any reservation wherin a majority of Indians voted against its application.

Section 19 - Includes definitions of "Indians," "tribes," and "Adult Indians."

For a detailed and accurate research for interpretation of each section of the Indian Reorganization Act, one should review Felix S. Cohen's **Handbook of Federal Indian Law**, published by the University of New Mexico Press, Albuquerque, New Mexico.

Students should become familiar with the provisions of the Indian Reorganization Act listed above. A complete copy of the Indian Reorganization Act can be found in Vine Deloria'a **Of Utmost Good Faith.**

The provisions for extending financial credit allowed low interest loans to residents of the reservation. Of the $10,000,000 which was loaned to Indians nationally through this program, only $3,627.00 was uncollectable by 1948. This program helped many Indians get started in cattle and farming businesses.

The provisions for consolidation of lands was intended to stop the sale of Indian lands to outsiders. This allowed tribes to borrow money to buy land from individual members wishing to sell their land. Such lands were known as tribal lands, and could be leased or exchanged, but never sold.

Perhaps the most outstanding portion of the Indian Reorganization Act was that regarding the Indian tribes' ability to become self-governing. Autonomy over their own affairs was within their power, unless circumscribed by Congress. By setting up a constitution and by laws which the majority of the people accepted by ballot vote, they attained the right to govern themselves and to hold tribal elections. Although under this form of government the Indian people could vote for tribal officers and council members who would pass legislation in the form of resolutions and ordinances for the welfare of the people on the reservation. The Bureau of Indian Affairs and the Secretary of the Interior retained veto power. A ten-day veto power was held by the agent, and a ninety-day veto period was held by the Secretary of the Interior.

After a tribe adopted a form of government, it was incorporated as a business body with powers to own, manage, or dispose of property within legal limitations. Such a tribal government could further apply for a charter, which authorized the tribe to make business loans as a chatered corporation. Under the Indian Reorganization Act the Minnesota Chippewa Tribe was formed through a referendum vote by the majority of the voting members.

The Minnesota Chippewa Tribe, then known as the Consolidated Chippewa of Minnesota, became an umbrella organization comprised of its six present member reservation under the IRA. In 1938, the consolidated tribe chartered each of the member reservations, with residents of each member reservation approving charters in 1939. These local charters provided that two delegates be selected annually from each of the 32 reservation precincts. These delegates in turn were responsible for selecting two persons from each reservation to serve on the Tribal Executive Committee.

Since the Bureau of Indian Affairs strongly influenced formal tribal organization and leadership during its first three decades of operation, the original structure of the constitution followed a pattern proposed by the Bureau. The tribe did not exercise its constitutional authority until 1936 when, through referendum, it adopted a new constitution which abolished the delegate system of electing members to theTribal Executive Committee, thus providing for more direct representation. Under the new constitution, each reservation established its own Reservation Business Committee which replaced the earlier councils. That change allowed the RBC's more local automony and as a result allowed them to conduct more business at the local level and improve goverance of local affairs.

The following is a synopsis of events leading to the present form of tribal organizations within the Minnesota Chippewa Tribe:

APRIL 1933

Questionnaire sent to superintendents surveying conditions on the reservations in Minnesota.

JANUARY 1934

Local meetings to inform populace of the coming election to accept or reject the Indian Reorganization Act for the Indians in the Jurisdiction. The first meeting for the Great Lakes region was held in Hayward, Wisconsin.

OCTOBER 29, 1933

Notice to elect delegates for the purpose of forming a Chippewa general council.

JUNE 27

62 delegates meet in Cass Lake for the first time.

NOVEMBER 6

J.J. Munnell, Indian office employee and delegate, authors constitutional draft submitted to the Indian office.

MAY 23, 1936

Collier signs order calling for election on the constitution and by-laws.

JUNE 20

Constitution and by-laws ratified.

JULY 24

constitution and by-laws approved by the Secretary of Interior.

OCTOBER 10

First official delegate's meeting held in Cass Lake.

NOVEMBER 1937

Corporate charter election for the Minnesota Chippewa Tribe.

FEBRUARY 1939

Election of six reservations for or against sub-charters.

The first responsibility of the Interior Department after the act became law was to call an election to give the tribes an opportunity to vote to exclude themselves from its operations. Under the supervision of the Secretary of the Interior, the elections started in August, 1934. But June 17, 1035, 245 elections had been held, with 62 percent of the adult Indians voting. One hundred and seventy-two tribes, or 132,426 Indians, voted to accept it. On seventy-three reservations, totaling 63,467 Indians, a majority voted to reject it. By 1936, the number of tribes that came under the I.R.A. by a failure to vote against it reached 180. An excellent example of this failure to vote against the I.R.A. was expressed by the Indians of the Fond du Lac Reservation in Minnesota in 1934, when out of 723 eligible voters less than 30 percent of this number actually voted. It was determined that this light vote was due to the opposition to the I.R.A. by the Fond du Lac Indians. Nevertheless, the B.I.A. accepted their less than 30 percent vote, which was illegal, and put Fond du Lac on record as voting in favor of the I.R.A. The Bureau stated that, "since in the case of the Indians herein, a majority of the votes cast was in favor of the act, this office shall hold officially that they have not voted to exclude themselves."

Collier claimed that the 73 tribes who had voted to exclude themselves from the act had been influenced by "energetic campaigns of misrepresentation carried on by special interest which feared that they would lose positions of advantage through the application of the act." These groups included cattlemen who feared that, as a result of I.R.A., Indians would graze their own stock on land previously leased to whites; traders who feared a loss of business through competition of consumer cooperatives organized under I.R.A.; and lumber interest who did not want to see Indian tribes use their own timber resources. These groups spread myths about the effects of the act such as Indians would be segregated behind wire charged with electricity, or certain reservations in the Southwest would be given to Mexico.

Although the results of the vote seem to show that Indian people overwhelmingly favored the act, there is some evidence that the votes was not an accurate measure of Indian sentiment.

Section 18 of the act provided that it could not apply to a reservation where a majority of the Indians voted against it. Under this section, the act applied automatically unless a majority actually voted to exclude themselves. In tallying the votes, the Bureau of Indian Affairs counted those eligible voters who didn't vote as affirmative votes. Many Indians who didn't vote thought they were expressing their opposition, but they had not been told that by refusing to vote they were actually voting in favor. In some cases, the bureau's interpretation changed the outcome of an election. For example, the Coeru D' Alene Tribe voted on December 12, 1934, to reject the act by a count of 78 against and 76 in favor, but 49 eligible voters had not voted, and the bureau counted these as affirmative votes. Therefore, even though a majority of those actually voting rejected the act, it was made applicable to them. The Nez Perce voted 252-214 to reject the act on Novemeber 17, 1934. But the bureau ruled that the tribe had voted to accept the act after counting 142 people who didn't vote as affirmative votes. An amendment to I.R.A., which was passed June 15, 1935, attempted to make future votes representative of the will of the tribe by stipulating that the outcome would be determined by a majority of Indians who actually voted. But this amendment came after many tribes had already voted. This amendment also applied to elections for adopting a constitution and ratifying a charter.

Because the act was passed before the end of a session of Congress, there was no time for Congress to appropriate money to carry out the act in 1934. In fact, appropriations for the revolving loan fund, educational scholarships, land purchased and organizing the tribes into governments and corporations were not made available by Congress until May, 1935. At that time one-half of the amount authorized for the purchase of land, or one million, was appropriated. For the revolving loan fund only $1.5 million was appropriated. And $175,000.00 was appropriated for meeting the cost of organizing governments for Indian tribes.

Congress was never fully committed to the ideas embodied in the Indian Reorganization Act. In the years immediately following the passage of the act. Congress tended to reduce the amount of money appropriated for the I.R.A. By 1940, less than four million had been made available to Indian corporations under the revolving loan fund of 1938. With the start of World War II, the amounts appropriated for I.R.A. were cut back even more.

Despite the meager appropriations provided by Congress, the landholdings of Indian tribes increased as a result of I.R.A. By 1938, 168,654 acres had been purchased for Indian tribes and individuals. In 1941, Collier reported that four and one-half million had been added to the Indian land base under the authority of the I.R.A., but he added that this amount was only one-sixth of that needed to meet the needs of Indian tribes. Of this amount, over 500,000 acres were surplus lands that had been restored to tribal ownership. However, the Secretary of the Interior has seldom used his authority to establish new reservations.

The I.R.A. would have been more effective if the bureau had abided by all of its provisions. For example, Indian tribes still have difficulty learning about the Bureau's process of allocating federal dollars, despite section 16, which requires the Secretary of the Interior to inform the tribes about estimates of federal expenditures for their benefit. The policy of self-government was delayed by the refusal of the Bureau to implement quickly Indian preference in hiring for bureau postions. Section 12 of the I.R.A. directed the Secretary of the Interior to establish standards for hiring Indians without regard to the civil service law. But by 1950, standards had been set for only 10 percent of all bureau jobs. From 1934 to 1972, the percentage of Indians employed in the bureau increased by only 25 percent.

The effect of I.R.A. on tribal political organization and authority varied from tribe to tribe. Generally, it is given credit for reviving tribal governments that were non-existent, or not functioning, before 1934, although the act has been criticized for imposing upon Indian people non-Indian governments with very limited powers. By 1934, many Indian governments had become merely debating societies or social clubs with practically no real power or authority over Indian people and territory. Other Indian governments had, in effect, disappeared as a result of the allotment policy. The I.R.A. provided an opportunity for many of these tribes to organize functioning governments again.

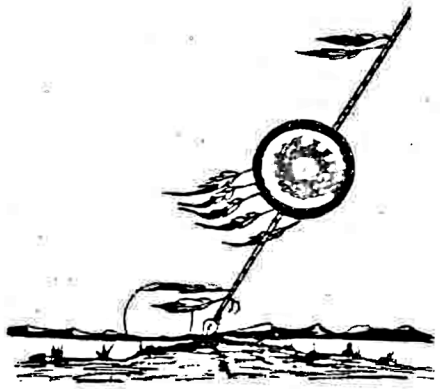
The concept of self-government was not uniformly endorsed by all Indian tribes during the I.R.A. period. On some reservations the control of the bureau on tribal life was so tight that the idea of Indian self-government was preposterous to many members of the tribe. Those groups who had grown accustomed to bureau rule sometimes wished to continue under the old system. For these tribes, I.R.A. at first merely stimulated discussion about politics and government. In some cases, however, the tribes later adopted the I.R.A. consitution.

But many tribes welcomes the chance to organize and make their own decisions. By 1943, 88 tribes had adopted constitution under the I.R.A. and 68 had received charter incorporation.

It should be noted that tribal consitutions were written primarily to protect the land base of the reservation, and they contained specific articles maintaining this view. Unlike town or city municipalities which are able to govern themselves regarding utilities, education, zoning, welfare services, etc., many tribal constitutions lacked the language to implement programs written under provisions of the Indian Reorganization Act, and provided many of the services usually reserved to municipality powers.

On April 28, 1934, President D. Roosevelt strongly supported passage of the Wheeler-Howard Act as indicated below. 5

> "The Wheeler-Howard Bill embodies the basic and broad priniciples of the administration for a new standard of dealing between the federal government and its Indian wards.
> It is, in the main, a measure of justice that is long overdue.
> We can and should, without further delay, extend to the Indian the fundamental rights of political liberty and local self-government and the opportunities of education and economic assistance that they require in order to attain a wholesome American life. This is but the obligation of honor of a powerful nation toward a people living among us and dependent upon our protection.
>
> Certainly, the continueance of autocratic rule, by a federal department, over the lives of more than 200,000 citizens of this nation is incompatible with american ideals of liberty. It also is destructive of the character and self-respect of a great race.
> The continued application of the allotments laws, under which Indian wards have lost more than two-thirds of their reservation lands, while the costs of federal administration of these lands have steadily mounted, must be terminated.
>
> Indians throughout the country have been stirred to a new hope. They say they stand at the end of the old trail. Certainly, the figures of impoverishment and disease point of their impending extinction, as a race, unless basic changes in their conditions of life are affected.
>
> I do not think such changes can be devised and carried out without the active cooperation of the Indians themselves.
>
> The Wheeler-Howard Bill offers the basis for such cooperation. It allows the Indian people to take an active and responsible part in the solution of their own problems."



5
Handbook of Federal Indian Law, Forward

EFFORTS TO REPEAL THE INDIAN REORGANIZATION ACT

The opposition to the Indian Reorganization Act expressed by members of Congress and special interest groups during the legislative process did not subside with the bill's enactment into law. After passage, the opponents concentrated on reducing the effectiveness of the Act by cutting off or limiting appropriations for its provisions. This attack, which gained the sympathy of a number of the members of the House Committee on Indian Affairs, was partially successful, because Congress seldom appropriated the full amounts authorized.

On January 14, 1937, Senator Murray of Montana followed Senator McCarran's lead and introduced a bill to repeal the Indian Reorganization Act for Montana Indians. One day later, Senator Chavez of Arizona attempted to exclude the Navajo Nation from the benefits of the act with another repeal bill. In the House of Representative, a bill that would have repealed the act for California was introduced by Representative McGroaty on January 22, 1937. And on February 11, Representative O'Malley introduced a bill to repeal the Indian preference section of the Indian Reorganization Act because he felt that many of the features taken out of the original bill during the legislative process were being included in the Indian Reorganization Act Constitution. Senator Wheeler's dismay is understandable because he was strongly critical of the original bill for going to far in its effect.

According to Collier, the effort to repeal the Indian Reorganization Act was led by two groups. Much Indian land was leased to white cattlemen on terms favorable to cattlemen. They objected to the act's provisions which would enable Indians to begin using their lands with their own cattle and farming equipment. The other group included those people who believed Indian interests were best served by the tribe's total absorption into western civilization. This group objected to the act's self-government policy and treatment of Indians as groups

Some tribes had difficutly maintaining interest in self-government after the initial novelty and excitement had worn off. Many tribal members became disillusioned with the self-government program when it became apparent that their elected officials could not fulfill the extravagant promises made during the election campaigns. Also many tribes were not familiar with the new constitutional form of government and often had difficutly with the variety of problems they had to solve. Collier knew that progress in strengthening tribal governments would be slow, so he was not surpised by the opposition which came from those individuals who expected the act to solve the problems of Indian administration overnight.

The efforts to repeal the Indian Reorganization Act in 1937 failed, but the act continued to inspire opposition during the 1940's. In 1940, the Senate held hearing to determine whether the Indian Reorganization Act should be repealed because Indians had been forced to support the act by the local bureau agents and because the policy of self-government retards assimilation into white society. In 1943, Representative Karl Mundt of South Dakota introduced a resolution to determine whether or not the Indians had received any benefits under the Act All efforts to repeal the Indian Reorganization Act ultimately failed, but in 1944, one repeal bill reached the Senate floor for debate.

POINTS TO REMEMBER ABOUT THE INDIAN REORGANIZATION ACT.

The Indian Reorganization Act evokes both criticism and praise from individuals and groups concerned about Indian rights. The act was certainly not a remedy for the difficult problems facing Indian tribes in 1934. It has been criticized for not going far enough in its recognition of and respect for the inherent sovereignty of Indian tribes. Adocates of complete sovereignty see in the Indian Reorganization Act continued federal domination of Indian tribes through Bureau-approved governments established under the act. Others object to the apparent imposition of an Anglo-American consitutional government on Indian tribes who accepted the act. These critics suggest that the disadvantages of the Indian Reorganization Act outweighted its benefits, because many tribes have had to place their governments under the control of the Secretary of the Interior in order to receive the economic benefits provided by the Act.

The Indian Reorganization Act has been praised for finally reversing the destructive allotment policy, halting the loss of Indian land, reviving tribal governments, and increasing the landholding of Indian tribes and individuals. Some have even said that if the Indian Reorganization Act had not stopped the allotment process and started tribes on the road to economic recovery, Indian tribes may have lost their separate political and cultural identity. Vine Deloria Jr., calls the Indian Reorganization Act, "perhaps the most fundamental and far-reaching piece of legislation passed by the Congress in this centry."

One of the areas in which the Indian Reorganization Act has inspired debate is the status of Indian government's validity and legitimacy of the right to self-government. In the Indian Reorganization Act, Congress gave Indian tribes a special status as governments under United States law. However, the status of an Indian tribe as a governmental entity does not depend on an acceptance of or organization under the Indian Reoganization Act. The act merely provided a framework under United States law within Indian tribes and could begin exercising their inherent powers and sovereignty. Students may discuss, after review of chapter #IV, advantages and disadvantages of forming a more beneficial form of tribal government. For the Minnesota Chippewa Tribe, what kind of problems would be experienced if this were attempted?

In this view, the Indian Reorganization Act, was not a grant of powers to Indian tribes who had no rights of sovereignty, but rather a definition of the scpope of inherent powers the United States would respect under its own law. John Collier took this position.

"The powers of self-government possessed by Indian tribes are not derived from the Indian Reorganization Act. This act is largely a recognition of the inherent powers of self-government which the tribes have always possessed and is the means of helping such tribal governments effectively to function."

Although the inherent powers of tribes recognized by the Indian Reorganization Act may be fewer in number than those recognized under the laws of Indian nations, the tribers organized under the I.R.A exercise real power over their affairs. Based upon these inherent rights, would tribes be able to exercise more powers under a different form of government?

Most tribal governments organized under the Indian Reorganization Act have not been developed to meet the needs of fully soverign nations. Many were designed to enable Indian tribes to function like a local city or county government. The governmental powers recognized by the Indian Reorganization Act include many powers usually exercised by local governments in the United States. On several occasions, the Department of the Interior has adopted the view that tribes who formed corporations under the Indian Reorganization Act have

become "federal agencies," trading aboriginal sovereignty for limited powers as an arm of the federal government. As part of the federal government, incorporated tribes, according to the bureau, could never hope to be free of some degree of control by the United States.

But the B.I.A.'s interpretation does not mean the Indian Reorganization Act diminished the rights of sovereign Indian nations. Indian governments have powers that may not have been recognized by Congress or the Indian Reorganization Act; these governmental powers exist, even though the United States has not recognized or respected them.

It is clear that the Indian Reorganization Act recognized that Indian people have special rights that separated them from the citizens of the United States. Yet there is evidence that suggest that one goal of the Indian Reorganization Act was to bring Indian people to a level of economic, educational, and political achievement that would enable them to join white society on an equal basis. In this view, which was strongly voiced during the debates in Congress, the primary purpose of the Indian Reorganization Act was to equip Indian people with the requisite experience and skills for assuming the responsibilities of full United states citizenship. Congress may have allowed tribes to organize local governments in order to give them experience in civic affairs and the democratic process of government in the United States. Representative Howard echoed this theme during the House debate:

> "The program of self-support and of business and civic experience in the management of their own affairs, combined with the program of education, will permit increasing numbers of Indians to enter the white world on a footing of equal competition."

Congress may have felt that the Indian Reorganization Act was different from the Allotment Act only in that it encourages assimilation, whereas the Allotment Act forced assimilation. Does assimilation of Indians into the mainstream of society seem to be the answe? If assimilation is the goal, what then happends to Indian land, and Indian culture?

Whatever the intent of Congress, the Indian Reorganization Act enabled many tribes to maintain separate governments and preserve and develop their tribal culture. Collier apparently wanted to create a legal framework which allowed Indian tribes to determine their own future with a minimum of federal administrative interference. Those who wanted to become like their white neighbors, he thought, should be allowed to do so on a basis of equality. And those who wanted to maintain a separate government and culture should be given the freedom and power to do so.

A third view is that the Indian Reorganization Act performs a "caretaker" function. Under this view, the act was designed to establish governments that would function only until the tribes were ready to adopt a government more suited to their needs and desires. In this view, the Indian Reorganization Act government should be replaced by governments more truly representative of the will of Indian people when the tribes' economic and political health had been restored. The existence of provision for revoking the Indian Reorganization Act Constitutions lends credibility to this view. Collier did not believe that a constitutional form of government would necessarily be suitable for every tribe, but that form was recommended because it was consistent with concepts of political organization in United States law. Would it be advantageous to design a new governing system that would be more truly representative, where all members of the governing body were elected by popular vote? Do you think it is time to adopt a constitution for the Minnesota Chippewa Tribe that is more suited to contemporary needs and desires, or would amending the constitution be suitable enough?

The Indian Reorganization Act was an attempt to find a place for Indian governments within the United States legal system. The original bill went much further than most reformers of the time thought wise, but the act itself accomplished less than Collier had hoped for. The power of the Secretary of the Interior was not greatly diminished by the Indian Reorganization Act. Perhaps the significance of the act lies in the fact that Congress finally agreed to respect certain inherent self-government rights of Indian nations and to provide one means by which those rights could be exercised.

CULTURAL STUDIES TRIBAL GOVERNMENT

STUDENT WORKSHEET

UNIT III PART I

1. Why was the policy of allotments initiated?
2. Describe the main features of the Nelson Act of 1889?
3. Which two Act symbolized the change of lifestyly? (see Citizenship Oath).
4. **When** and **Why** were Indians given United States Citizenship?
5. What was the major theme of United States Indian policy up to 1934?

UNIT III PART II

1. In the 35 years up to 1924 how much of Indian land had been lost?
2. How did the Meriam Report come into being?
3. What were the aims of the Indian Reform Movement?
4. When was the Wheeler-Howard Act passed, and what is another name for it?
5. Which were the most important reforms contained in legislation? (Your opinion).

UNIT III PART III

1. Which reservation business got starts from low interest loans?
2. How was the sale of tribal lands stopped?
3. How did reservations get the righjt to govern themselves?
4. What was the object of writing constitutions?
5. Describe the arguments Roosevelt used to support the Wheeler-Howard Act.

CHAPTER FOUR

Minnesota Chippewa Tribe Structure and Powers

The Structure and Powers of Contemporary Minnesota Chippewa Tribal Government

This chapter is a study of the structure of the present day tribal government of The Minnesota Chippewa Tribe. The Minnesota Chippewa Tribe is a confederation of six reservations whose governing body is the Tribal Executive Committee hereafter referred to as the TEC. Each reservation has its own governing body known as the Reservation Business Committee, RBC. The TEC is composed of twelve members: the Chairman and Secretary/Treasurer of each of the six RBC's. They in turn elect officers within the group which are the President, Vice-President, Secretary and Treasurer.

The RBC of each reservation is composed of a Chairman, a Secretary/Treasurer and from one to three committeemen all elected for four year terms. The Chairman and Secretary/Treasurer are elected at large while district representatives are elected from the three reservation districts.

This structure of present day tribal government of The Minnesota Chippewa Tribe is that of a representative democracy. This means that the leader and committeemen, or representative, are elected by the people in regular elections. The chief leaders that are elected, as stated above, are Chairman and Secretary of each of the six member reservations and the district representatives on each reservation of which total 30 elected from within the six reservations.

The requirements to run for office are as follows:

1. At least 21 years old
2. A candidate for Chairman, Secretary Treasurer and committeemen must be an enrolled member of the tribe and reside on the reservation of his/her enrollment
3. Residency for at least one year immediately preceding the election in the community from which you want to run

All enrolled members of The Minnesota Chippewa Tribe, 18 years and older shall have the right to vote at all elections held within the reservation of their enrollment. (Read Article IV, Section I, of The Minnesota Chippewa Tribe Constitution for a full review of the requirements.)

The Minnesota Chippewa Tribe is organized under the Indian Reorganization Act of 1934, also known as the Wheeler Howard Act of June 18, 1934. (For a detailed study on this Act, see Unit number Three.) The constitution and by-laws for The Minnesota Chippewa Tribe were ratified by the Tribe on June 20, 1936, approved by the Secretary of the Interior on July 24, 1936, and later amended and revised on March 3, 1964.

Additional graphs and information regarding composition of the TEC and RBC, past presidents of The Minnesota Chippewa Tribe, and present members and officers of the TEC are attached at the end of this chapter. Students should understand that composition of the TEC changes quite often due to staggered terms in office and newly elected members.

The goals and powers of The Minnesota Chippewa Tribe are set forth in the constitutional document. The specific goals of the Tribe are set forth in the Preamble to The Minnesota Chippewa Tribe Constitution. These goals include;

1. To form a representative Chippewa tribal organization
2. Maintain and establish justice for our tribe
3. To conserve and develop our tribal resources and common property
4. To promote the general welfare of ourselves and descendents

These are important and difficult goals to achieve and it is up to each generation to continue the work of the previous generation and contribute to the further realization of these goals. These, we must remember, are also the goals of the people and can only be achieved by working to have the most dedicated and strongest tribal government possible.

Since the goals of the tribe have been discussed, what are the powers tribal government possesses in order to achieve these goals? The first area of major power of the tribe is to regulate membership in the tribe itself. The requirements for membership are set out in Article II of the Constitution and fall into three different categories depending on when you were born:

1. the first class includes all persons of Indian blood whose names appeared on the official census role of the tribe as of April 14, 1941.
2. the second group involves individuals born after April 14, 1941 to July 3, 1961. Any person born during this time, in order to become an enrolled member of the tribe, must have at least one parent who was already a member of the tribe and application for enrollment was filed one year after the date of birth of such children.
3. the third group includes all individuals born after July 3, 1961. The requirements are that such individuals must be at least one-fourth (1/4) or more degree of Minnesota Chippewa Indian blood.

Tribal membership is only available to individuals who meet the proper requirements for the chronological group to which they belong. The TEC has the power to make ordinances concerning requirements for future membership, if they so desire, although they cannot change the existing constitutional requirements of Article II without a referendum vote of the people to amend the constitution, itself.

The other specific powers to be exercised by the Tribal Executive Committee are set out in Article V of the constitution. The most important of these powers include, but are not limited to the following:

1. To employ legal council for the protection and advancement of the rights of the tribe.
2. To acquire land or other property for or on behalf of the tribe and prevent the sale of already existing tribal land.
3. To advise regarding estimates for appropriation of federal projects for the benefit of the Minnesota Chippewa.
4. To regulate economic affairs of the tribe.
5. Enter into contracts on behalf of the tribe.
6. Manage, lease, permit, or otherwise deal with tribal lands, to engage in any business that will further the economic well being of members of the tribe.
7. Levy license or fees on non-members doing business on two or more reservations.
8. To delegate to committees any of the foregoing authorities.

These powers are more explicit within the constitution itself. Also, powers of the RBC are listed in Article VI, of the constitution. Students should review these sections for a better understanding of TEC and RBC powers. Some of the powers are more fully exercised than others while a few have not been exercised at all. Students

should realize that there is much authority available to tribal government to exercise if it so chooses.

Certain of the above named powers specifically require approval of the Secretary of Interior before such acts of the Tribal Executive Committee may become effective. Review Article XV, Section I of the Constitution to identify which of the named powers do require approval of the Secretary of Interior.

It is quite clear why the Secretary of Interior was given this power. During the period immediately following the passage of the Indian Reorganization Act, the Department of Interior was given the responsibility of assisting tribes in drawing up constitutions. Although the tribes were encouraged to look at several different forms of government, they were undoubtedly influenced by the model constitutions and lists of subjects drawn up by the Interior Department. It is no accident that most IRA governments are similar to the form recommended by the Department of Interior.

Perhaps the most obvious effect of the Interior Department's participation is the presence of certain clauses in constitutions which gave the Secretary of Interior authority to approve certain ordinances passed by a Tribal government organized under the act. A survey of IRA constitutions reveals that the Secretary of the Interior's powers over tribal governments are quite extensive. In some constitutions, he is given authority to approve all tribal ordinances in half of the area included within the tribe's jurisdiction. Only in a few constitutions was he given authority to veto all acts of a tribal governing council. In general, the tribe retained absolute control over subjects such as administrative operations; development of tribal culture; purchasing land and taxations. The Secretary of Interior was after given approval or supervising power over matters such as management of the tribe's economic affairs; taxation of non-members; regulation of domestic relations of the members; the hiring of legal council. In theory at least, the Interior Department continued its supervisory role to insure that the tribes did not infringe upon the rights of individuals. Of course, that judgement was usually made according to Anglo-American legal principles.

The I.R.A. itself does not authorize the Secretary of Interior to veto the acts of a tribal government. Only in the area of hiring legal counsel was the Secretary given specific approval authority. No other federal law gives him authority to control tribal governments in this way. Many I.R.A. constitutions are directly contrary to the spirit of the Act, which was clearly intended to reduce the authority of the Interior Department over Indian people. But since the act stipulated that the Secretary of the Interior must approve all constitutions, he could demand and get very broad authority.

Another source of limitation of tribal powers, and one which is not an outside limitation or review authority, is the tribal constitution itself. No action or ordinance of the TEC may do or exceed what the tribal constitution itself may prohibit or limit. For example, Article X addresses vacancies and removal from office. The constitution states that the Reservation Business Committee may, by 2/3 vote, remove any member for malfeasance in handling of tribal affairs, neglect of duty or gross misconduct after due notice of charges and opportunity to be heard. The TEC and RBC could not on their own decide to change the 2/3 requirement to 1/3 or whatever. The only way to change constitutional requirements is to change or amend the constitution itself. The TEC or RBC alone do not have this power. The amendment powers is very important and will be discussed in greater detail later.

The powers of the TEC are not strictly limited to the enumerated powers of Article V, Section 1. Many tribal

constitutions contained RESERVED POWERS or FUTURE POWERS sections which allowed tribes to exercise certain powers not specifically mentioned in their constitutions. These sections were not included in The Minnesota Chippewa Tribe constitution, however, additional powers may be exercised under Article 1, Section 3, or within the preamble itself which are both written in very broad terms. As the tribe continues to develop and grow, it may decide that it is necessary to exercise, in a legitimate way, certain powers not specifically mentioned in the present constitution.

Other parts of the constitution deal with specific powers of the Reservation Business Committee, elections, land issues, tribal elections, and duties of officers. These sections should be read and examined closely. What does each of these sections say?

The last important issue about The Minnesota Chippewa Tribe constitution concerns amendments. In what way, if any, may the constitution be changed or amended? The answer is in the way the constitution itself states that it may be changed. This is set forth in Article XIV, Section 1 of the constitution. The following steps may be followed:

1. First, there must be a written resolution or ordinance signed by at least 8 or 3/4 of the membership of the TEC.
2. Secondly, the TEC must order a special election for the eligible voters of The Minnesota Chippewa Tribe to vote on the proposed changes. A simple majority determines whether the changes are to be accepted or not. However, at least 30 percent of those eligible to vote must vote in the election before it becomes official. This is required in order to insure that on such an important issue as changing the constitution that a substantial number of people participate in the election.
3. The results of the election must be certified and approved by the Secretary of Interior.

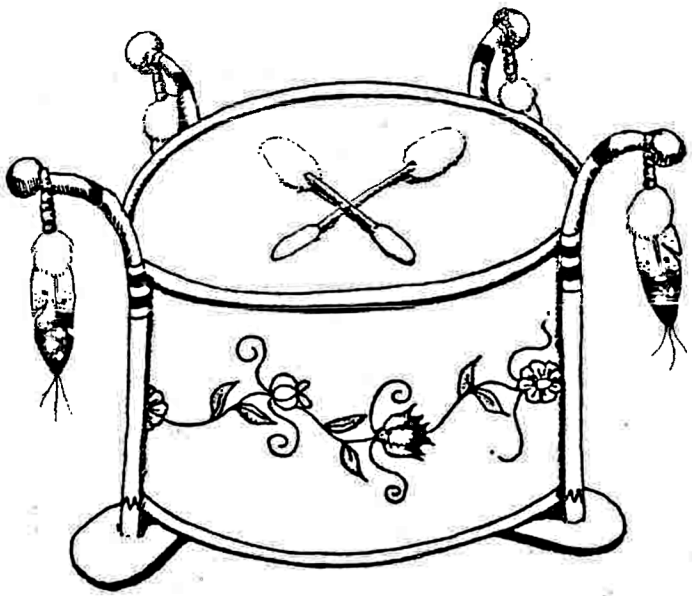
The amendment process remains available to the tribe to make any desired changes in the future. An important aspect of the amendment process to remember is that, ultimately, it is only the members of the tribe who can change or modify the constitution. The Tribal Executive Committee or the individual Reservation Business Committees do not alone have this power. Amending the constitution does not always have to mean adding something new to the constitution. It can also mean removing something or changing that is already in there. Students should try to research where The Minnesota Chippewa Tribe has revised the constitution and find out the reasons why. Can you think of any amendments that you would like to see incorporated into the constitution? What do you think of removing the Secretary of Interior's power of review over tribal governments?

Felix Cohen, an attorney, conducted a study of powers of Indian tribes and his work stands as an authority of tribal powers. He reasons that powers of a tribe were inherent, and, because they have been conquered, their laws were limited or changed by the conquerer through limitations set by treaties and statutes. In the **Handbook of Federal Indian Law,** Cohen summarizes that Indian tribes have inherent powers because of three basic principles; an Indian tribe possesses all the powers of any sovereign state; conquest renders the tribe subject to the legislative power of the United States and terminates the external powers of sovereignty of nations but does not affect its internal sovereignty, which contains the power of self-government; and, tribal powers are subject to qualification by treaties and legislation of Congress, but a tribe is allowed to retain full power for internal self-government by its duly constituted organs of government.

In order to exercise internal powers, an Indian tribe should have a duly constituted government. In the establishment of the Minnesota Chippewa Tribal Government under the Indian Reorganization Act, the tribe wrote its powers into its constitution. Many tribes rejected the Indian Reorganization Act, such as the Red Lake Chippewa, but eventually wrote their own constitutions.

In the **Handbook of Federal Indian Law,** Cohen examines the powers of the tribal government quite thoroughly in Chapter 7. Students should become more familiar with his reasoning presented in sections of Chapter 7 since the research is condensed from a variety of excellent sources, many of which are court decisions.

A case law which supported the right of a tribe to exercise its own sovereignty as long as it was consistent with federal law was, **Worcester vs. Georgia,** 1932. The state of Georgia, was, therefore, unable to interfere with a tribal problem. This famous case extablished the precedent that Indian nations are to be considered distinct, independent political communities.



THE GEOGRAPHICAL AND STATISTICAL DATA OF THE MINNESOTA CHIPPEWA TRIBE

The six member reservations for The Minnesota Chippewa Tribe are the White Earth Reservation, Mille Lacs Reservation, Leech Lake Reservation, Nett Lake Reservation, Grand Portage Reservation and the Fond du Lac Reservation.

The White Earth Reservation is located in northwestern Minnesota in Becker, Mahnomen and Clearwater counties. The reservation is approximately 60 miles southwest of Bemidji, Minnesota. The White Earth Reservation was established in 1867 by a treaty with the United States Government. Much of the land was passed from Indian ownership until today there remains 25,561 acres of Indian land. Of this amount, 25,568 acres are tribal land and 1,993 acres are individual Indian allotted land. There are approximately 2,546 Indian people residing within the reservation boundaries. The main Indian communities are Ponsford, White Earth, Naytahwaush and Rice Lake. Timber work, construction and seasonal farm labor are the main sources of employment. The United States Indian Health Service operates an Indian Center in the community of White Earth. There is also an active Office of Economic Opportunity; Community Action Program which provides many needed services. The Reservation Business Committee is very active in attempting to develop industry on the reservation.

The Leech Lake Reservation is located in north central Minnesota in the heart of the lake country. It is located largely in Beltrami, Cass and Itasca counties. The Leech Lake Reservation was established in 1855 by a treaty with the United States Government. Within the reservation boundaries there remains today a total of 26,773 acres of Indian land. Of this amount, 14,069 acres represent tribal land and 12,664 acres represent individual Indian allotments. Most of the balance of the land within the reservation boundaries is within the Chippewa National Forest. There are many lakes throughout the reservation, the largest of which are Leech Lake, Cass Lake and Lake Winnibigoshish. Timber work and construction make up the major part of the livelihood for the area residents. The Indian people also derive some income from the harvest of wild rice, blueberries and maple sap. The Indian population within the reservation is estimated at 2,846. The major Indian communities are Cass Lake, Squaw Lake, Bena, Ball Club, Inger, Deer River, Federal Dam and Onigum. The United States Indian Health Service operates an Indian Hospital at Cass Lake. There is also an active Office of Economic Opportunity; Community Action Program which offers needed services to the reservation. The Reservation Business Committee is continually striving for development of industry and has completed a large modern camping ground and marina complex at Onigum Point in Leech Lake. They have also built a Community Center, which houses The Minnesota Chippewa Tribe's main offices, and a combined bowling alley and laundromat at Cass Lake. They have developed a 200 acres wild rice paddy and are seeking additional suitable sites for further development of this product. Through their efforts they have established a Tribally owned Mini-Market also called "Che-wa-ka-e-gon" meaning "Big House" that is owned and operated by the Indian people of the community.

The Mille Lacs Reservation is located in east central Minnesota, in Aitken, Mille Lacs and Pine counties. The Mille Lacs Reservation was established in 1855 by a treaty with the United States Government. Most of the Indian land has passed from Indian ownership. There remains today a total of 3,660 acres of Indian land of which 3,592 acres are tribal land and 68 acres are individual Indian allotments. The estimated population of the

reservation is 748. The major Indian community is at Vineland where most of the Indian people are in the low income bracket because of chronic unemployment. Some of the members do supplement their income in woods work and gathering of wild rice and maple sap. A few of the members also sell their native arts and crafts such as birchbark canoes, drums, bird houses, etc. There is a very active Office of Economic Opportunity; Community Action Program which provides many needed services. One of the finest Indian museums in the state is located there and is available for visitation during the summer months.

The Nett Lake Reservation is located in northeast Minnesota, approximately 40 miles south of the Canadian Border in Koochiching and St. Louis counties. The Nett Lake Reservation was established in 1866 by a treaty with the United States Government. Some of the land has passed from Indian ownership. There remains today a total of 41,778 acres of Indian land within the reservation boundaries. Of this amount, 30,114 acres are tribal land and 11,664 acres are individual Indian allotments. Included in the tribal land is 1,060 acres at Vermilion Lake, about ten miles southwest of Tower. The reservation is located in sparsely populated regions. There are approximately 662 members of the reservation living on or around the village of Nett Lake and about 80 on the Indian land at Vermilion Lake near Tower. The 1,060 acres at Vermilion Lake was set aside as the Vermilion Lake Reservation by Executive Order on December 20, 1881. This small tract is part of the Nett Lake Reservation. Because of the lack of employment on the reservation, many of the Indians must seek employment elsewhere. The Nett Lake Reservation is famous for wild rice which is reserved for the reservation members. There is an Office of Economic Opportunity; Community Action Program which is quite active on the reservation and offers many needed services. The Reservation Business Committee is developing an 80 acre tract for a commercial rice paddy that will be expanded if their efforts are productive. The band also developed the Forest Products Enterprise which they hope to enlarge into an overall reservation program that will utilize all forest products under one cooperative.

The Grand Portage Reservation is located in the extreme northeast corner of Minnesota, approximately 150 miles northeast of Duluth, in Cook County. The reservation is located in one of the most scenic settings on the Lake Superior shoreline. The Grand Portage Reservation was established, in 1854, by a treaty with the United States Government. Some of the land has passed from Indian ownership. There are today 44,752 acres of land belonging to the Grand Portage Reservation, 37,427 acres of tribal land and 7,246 acres of individual allotments, and 25,353 acres of band land. The estimated population of the reservation, which is concentrated in and near the Village of Grand Portage, is 189. The people receive their income from timber work, trapping and construction work in other areas. Also, some of them obtain part of their income by hunting and fishing, and through guide work. The Grand Portage members also operate a new general store known as the Grand Portage Trading Post. The Grand Portage National Monument was established by Congress and is in the process of development. There is an Office of Economic Opportunity; Community Action Program which is quite active and offers much needed services. The Reservation Business Committee has set up a Fisheries Commission to handle fisheries management programs on the reservation. The Committee was instrumental in the planning and development of expanded sport fishing programs, including the construction of a marina. camp and picnic grounds for fishermen. They have also constructed a Radisson Inn motel and restaurant complex.

The Fond du Lac Reservation is located in northeastern Minnesota in St. Louis and Carlton counties near the city of Duluth. The Fond du Lac Reservation was established in 1854 by a treaty with the United States Government. Much of the land was passed from Indian ownership until today there remains 21,366 acres of

Indian land. Of this amount, 4,253 acres are tribal land and 17,113 acres are individual Indian allotted land. The estimated population of the reservation is 680. The major Indian communities are at Brookston, Sawyer and Cloquet. There is also an active Community Action Program which provides many needed services. The Reservation Business Committee is continually striving for development of industry; it has completed a manufacturing plant of wood-oil combination furnaces, and has nearly completed a camping ground and marina complex.

In 1971, the total acreage of the six member reservations was 195,514 acres, including tribal land, individual allotments, and land purchased by the United States for Indian use but not held in trust.

Table of acreage of The Minnesota Chippewa Tribal Reservations, 1971.

RESERVATION	TRIBAL	ALLOTTED	TOTAL	PERCENT OF ORIGINAL RESERVATION
Fond du Lac	4,253	17,113	21,336	51 percent
Grand Portage	37,427	7,246	44,673	82 percent
Leech Lake	14,069	12,664	26,733	5 percent
Mille Lacs	3,592	68	3,660	(no boundaries)
Nett Lake	30,114	11,664	41,778	41 percent
White Earth	54,123	1,993	56,116	8 percent

As of January, 1975, there were 29,014 enrolled members of the tribe, 7,671 living on the reservation, 12,175 service population (those eligible for Bureau of Indian Affairs/Tribal services, living on or "near" reservations.) Table of reservation population statistics based on Bureau of Indian Affairs and Tribal records shows:

RESERVATION	RESERVATION POPULATION	SERVICE POPULATION	ENROLLED MEMBERS
Fond du Lac	680	2,200	2,162
Grand Portage	189	308	657
Leech Lake	2,846	4,217	4,880
Mille Lacs	748	980	1,750
Nett Lake	662	1,120	1,394
White Earth	2,546	4,250	18,151

As of April 1977, the enrolled population of The Minnesota Chippewa Tribe had increased in two years by two thousand to 31,105, according to information supplied by the Minnesota Agency, Bureau of Indian Affairs.

MINNESOTA CHIPPEWA TRIBAL GOVERNMENT & THE FUTURE

The passage of the "Indian Self-Determination Act" has added tremendously to the scope of tribal government. In addition, many recent court decisions relating to Indian issues, both nationally and within the State of Minnesota, have a very direct bearing on the definition of the legal status of Indian tribes and their governing powers. These court decisions constitute an atmosphere of change and challenge for Indian tribal governments. In many respects the problems confronting Indian tribal leaders are not very different from those which burden the leaders on non-Indian communities across the country as they struggle to meet the demands of modern society. That is, Tribal Executive Committee members, as the embodiment of the communities governing structure are in a position comparable to that of their counterpart on city or municipal councils.

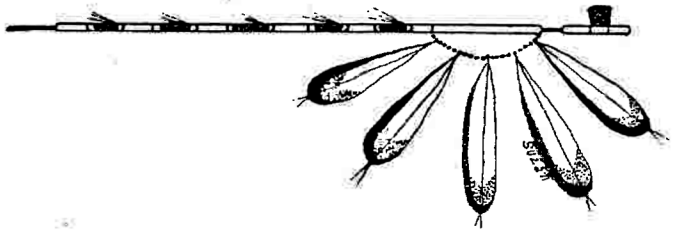
However, there are significant differences between the roles of tribal and city councils and it is the process of gaining an understanding of these differences that one can gain an appreciation for the unique needs a tribal governing body has for service and support which are distinct from those which may be required by a municipal court. The most basic difference lies in the fact that the tribe, historically, legally and socially, compromise a self-governing unit which is outside of the federalist system. The source of Indian tribes authority to govern itself flows from its status as a sovereign entity (i.e., as a sovereign, a tribe possesses "inherent" powers of self-government which pre-date the United States government) just as the mode in which it exercises this power is dictated by the kind of society the tribe historically and presently is, i.e., a "tribal" society. In contrast, any other local government unit in this country exists only because it has received its power or "charter" from the state, which in turn must be created by the federal government. The lines and extent of authority are defined clearly by the federalist system while membership within the community are defined politically on the basis of residence, property ownership, etc. In contrast, tribal membership closely follows cultural and racial lines.

In order to function wisely and effectively, tribal leaders must be aware of the ramifications of the tribes unique historical and legal status. For example, the complex jurisdictional relationship between the tribe, the state and the federal government must be understood by the Tribal Executive Committee before it can effectively define its jurisdiction to impose a taxation scheme, a comprehensive land zoning ordinance, or any other ordinance relating to its inherent rights.

Historically, those considerations flowing from the tribe's unique legal status, in correlation with the limited role of state governmental authority on the reservations, have always added complexity for federal and state officials and tribal attorneys who are assisting and advising The Minnesota Chippewa Tribe. Since the tribe is becoming more involved with tribal affairs by attempting to exercise its inherent rights the situation tends to become even more complex. The need for council and technical assistance is the greatest in the area of exercising tribal powers. In addition, students must be made aware of political agitations by anti-Indian groups where the main goal is an attempt to restrict or eliminate tribal self-government. There are currently two organizations that exist in Minnesota for that purpose. They are the White Earth Equal Rights Committee, Mahnomen, and the Leech Lake Citizens Committee, Leech Lake. Aside from these there are several more organizations throughout the United States. In 1975 these new coalitions of upset citizens formed a national organization: The Interstate Congress for Equal Rights and Responsibilities (I.C.E.R.R.) Through vigorous lobbying efforts this group has been making its views felt with congressional delegations from member states. These efforts include the abolition of Indian hunting and fishing rights, the abrogation of all Indian treaties, the extinguishment of Indian title to all reservation lands, etc. Other organizations with the same goals in mind are: Indian Affairs Task Force of the National Association of Counties, National Wildlife Federation, Trout Unlimited, and the International Association of Fish and Wildlife Agencies.

The Tribal Executive Committee, concerned Indian people, and the legal counsel of The Minnesota Chippewa Tribe have a special responsibility to meet these growing challenges. Necessary steps must be taken to assure that treaties remain the supreme law of the land.

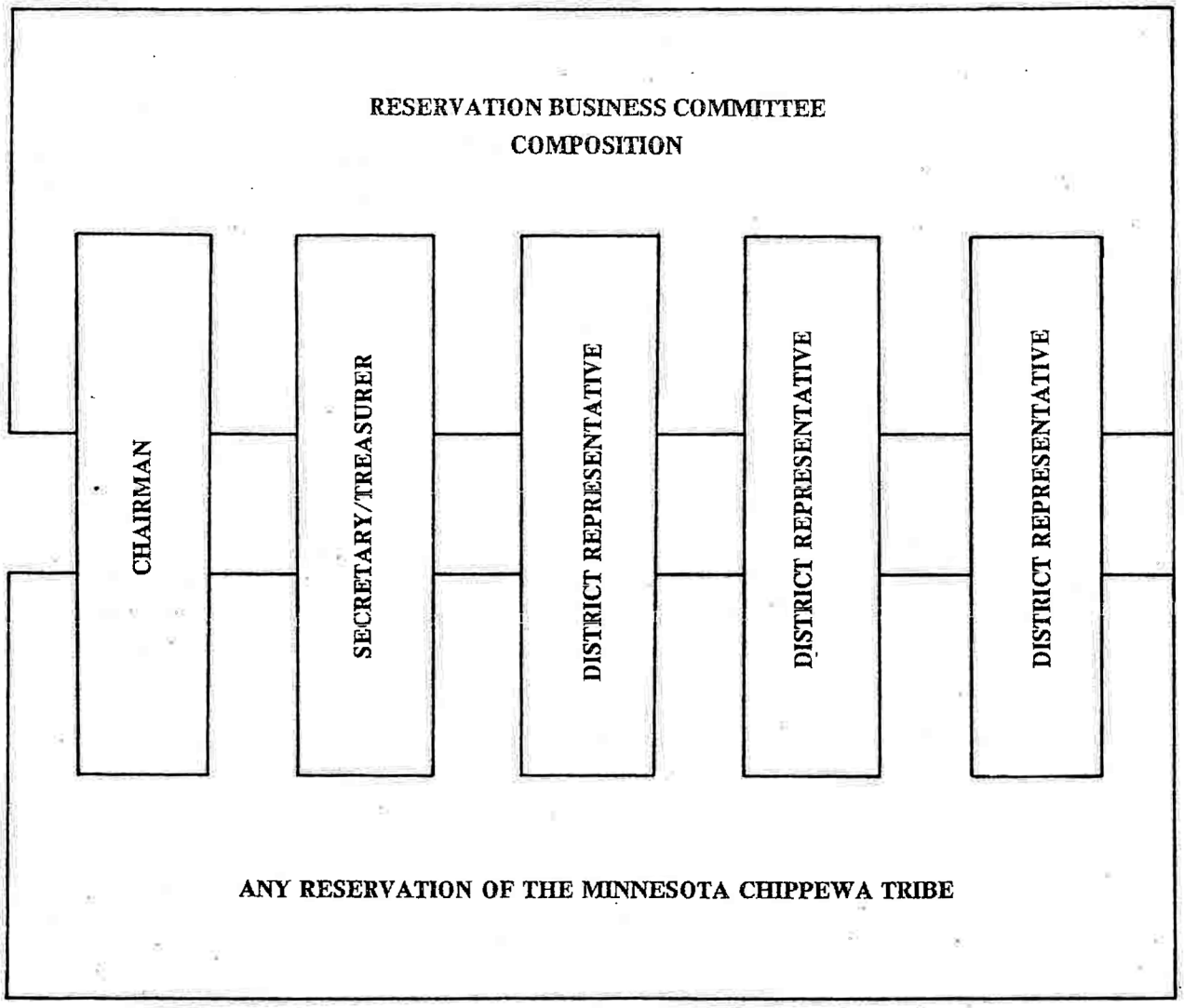
In order to guarantee the most effective form of self-government, a comprehensive study of the governing structure used by the tribe must be done to determine how it is working, if it is not working well and why?, and if not, why not? As of this writing, initial steps have been taken to review the present constitution and to meet the growing demand of exercising tribal inherent and negotiated powers to the fullest extent.



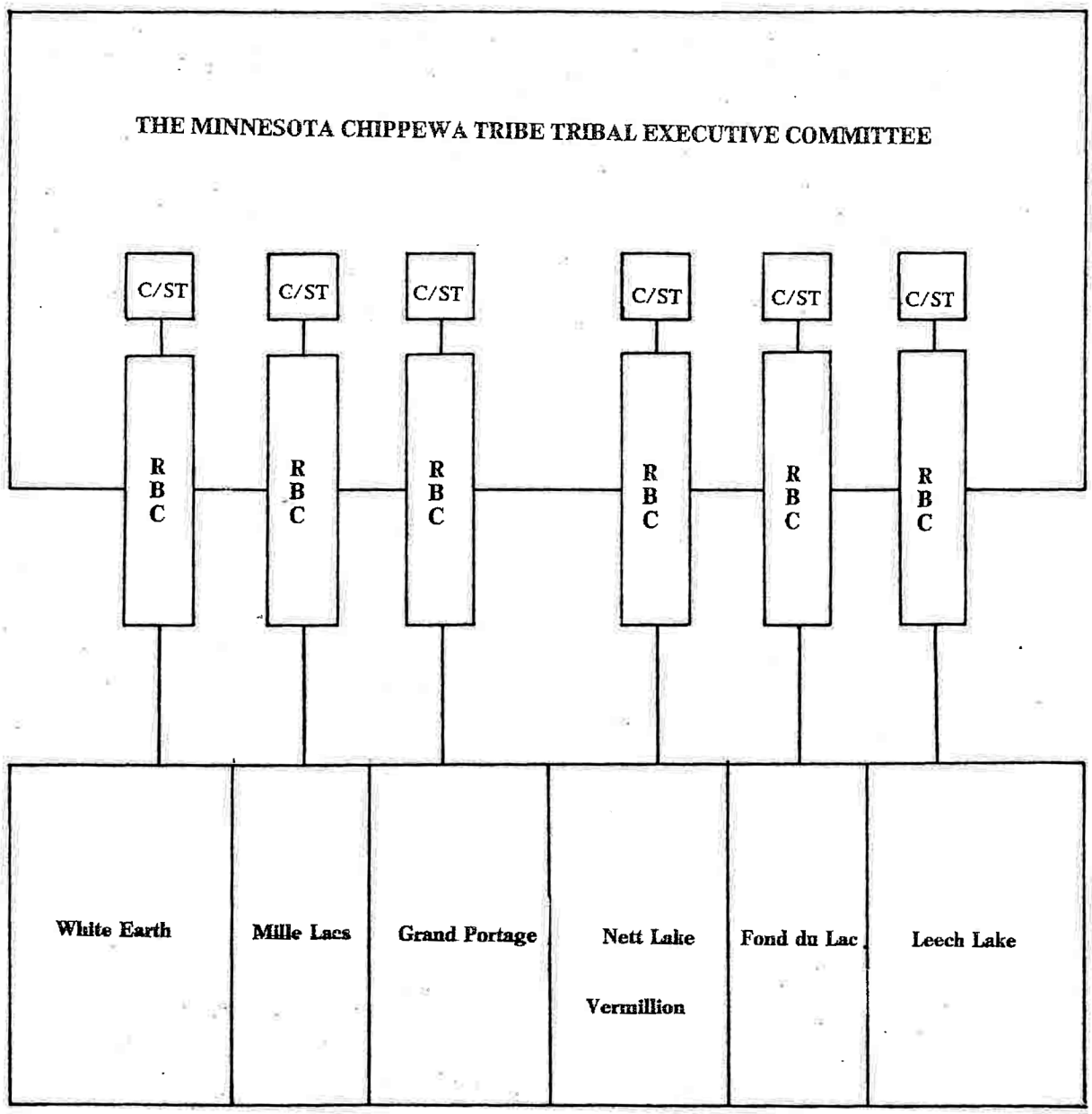
PRESIDENTS FOR THE MINNESOTA CHIPPEWA TRIBE

SINCE THE INDIAN REORGANIZATION ACT

1936	John Broker
1937	John L. Pemberton
1938	Ed M. Wilson
1939 - 1940	Frank Broker
1941 - 1942	Ed M. Wilson
1943 - 1944	William Anawaush
1945 - 1946	Frank Broker
1947 - 1948	Sam Zimmerman
1949	Lawrence Connor
1950 - 1954	Ed M. Wilson
1955	W.J. Hanks
1956 - 1957	Lyzeme Savage
1958 - 1959	Simon Howard
1960	John Buckanaga
1961 - 1963	Allen Wilson
1964 - 1970	Peter Dufault
1971 - 1973	Simon Howard
1974	Harry Boness, Sr.
1975 to present	Arthur Gahbow



Each Reservation Business Committee has up to five members: three district representatives, a chairman and a secretary/treasurer. District representatives are elected from their respective districts whereas the chairman and secretary/treasurer are elected at large.

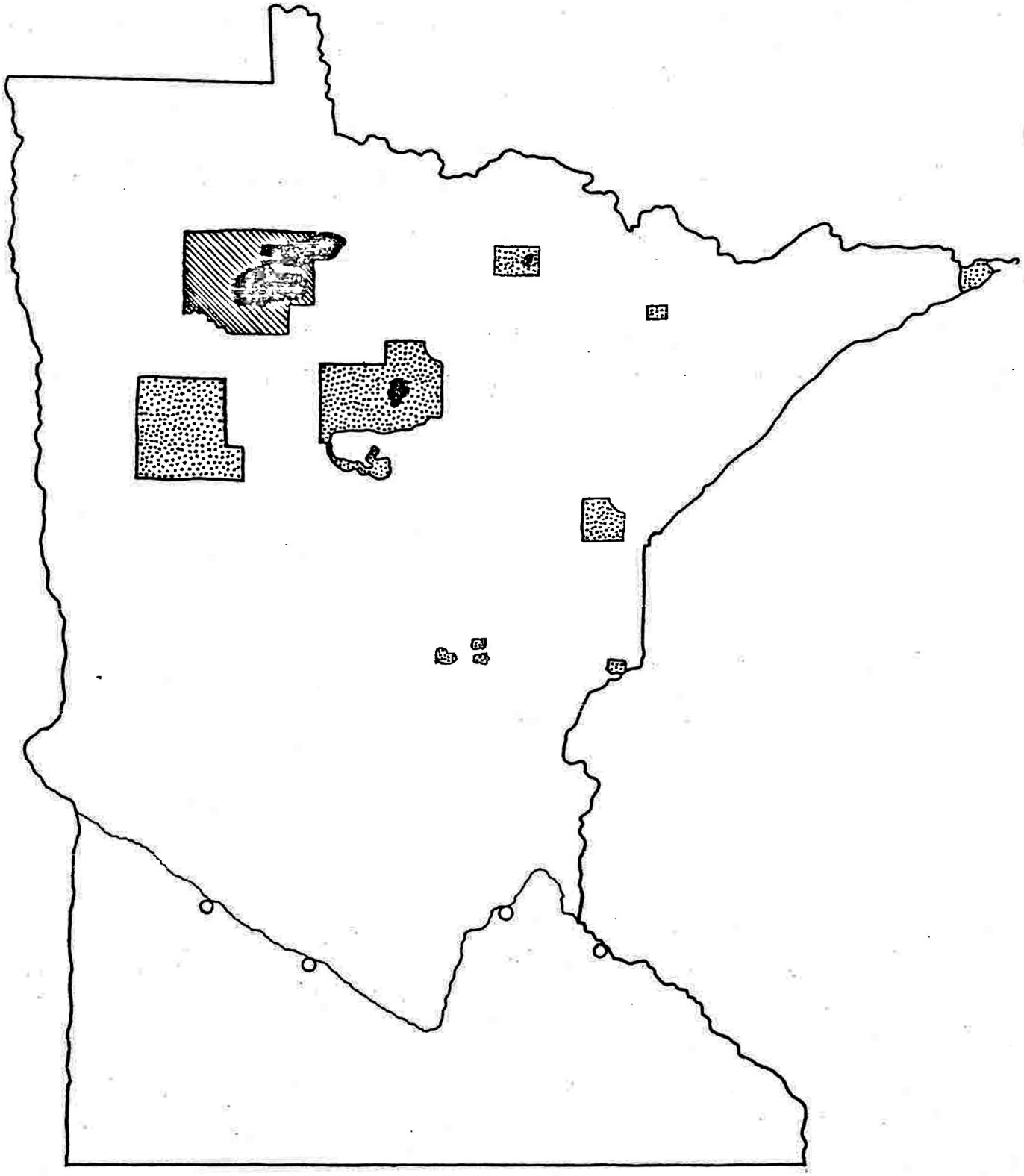


The composition of The Minnesota Chippewa Tribe Tribal Executive Committee [TEC] represents each reservation by their elected chairman and secretary/treasurer, totalling twelve members. Officers of the Tribal Executive Committee are elected from this group.

KEY: C - CHAIRMAN
S/T - SECRETARY/TREASURER

RBC - RESERVATION BUSINESS COMMITTEE

*Vermillion is part of the Nett Lake Reservation



MINNESOTA CHIPPEWA TRIBE RESERVATIONS

RED LAKE CHIPPEWA

NON-MINNESOTA CHIPPEWA TRIBE RESERVATIONS

THE MINNESOTA CHIPPEWA TRIBE OFFICERS [1978]*

*The election of new officers is due during 1978, therefore, the list below is subject to change.

Arthur Gahbow	President
Darrell Wadena	Vice-President
Daniel Morrison, Sr.	Secretary
Hartley White	Treasurer

Tribal Executive Committee

Fond du Lac
William Houle, Chairman
Bernard Loons, Sr., Secretary-Treasurer

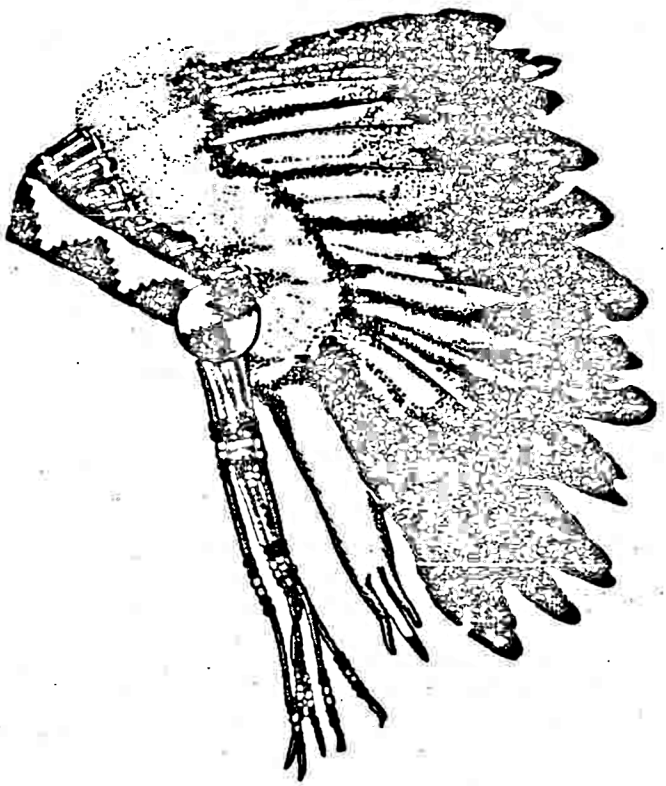
Grand Portage
James Hendrickson, Chairman
Norman Deschampe, Secretary-Treasurer

Leech Lake
Hartley White, Chairman
Alfred Pemberton, Secretary-Treasurer

Mille Lacs
Arthur Gahbow, Chairman
Maggie Sam, Secretary-Treasurer

Nett Lake
Gary Donald, Chairman
Daniel Morrison, Sr., Secretary-Treasurer

White Earth
Darrell Wadena, Chairman
Vernon Bellecourt, Secretary-Treasurer



REVISED CONSTITUTION AND BYLAWS OF THE MINNESOTA CHIPPEWA TRIBE

PREAMBLE

We, the Minnesota Chippewa Tribe, consisting of the Chippewa Indians of the White Earth, Leech Lake, Fond Du Lac, Bois Forte (Nett Lake), and Grand Portage Reservations and the Nonremoval Mille Lac Band of Chippewa Indians, in order to form a representative Chippewa Tribal organization, maintain and establish justice for our Tribe, and to conserve and develop our tribal resources and common property; to promote the general welfare of ourselves and descendents, to establish accordance with such privilege granted the Indians by the United States under existing law.

ARTICLE I - ORGANIZATION AND PURPOSE

Section 1. The Minnesota Chippewa Tribe hereby organized under Section 16 or the Act of June 18, 1934 (48 Stat. 984), as amended.

Section 2. The name of this tribal organization shall be the "Minnesota Chippewa Tribe."

Section 3. The purpose and function of this organization shall be to conserve and develop tribal resources and to promote the conservation and development of individual Indian trust property; to promote the general welfare of the members of the Tribe; to preserve and maintain justice for its members and otherwise all powers granted and provided the Indians, and take advantage of the privileges afforded by the Act of June 18, 1934 (48 Stat. 984) and acts amendatory thereof or supplemental thereto, and all the purposes expressed in the preamble hereof.

Section 4. The Tribe shall cooperate with the United States in its program of economic and social development of the Tribe or in any matters tending to promote the welfare of the Minnesota Chippewa Tribe of Indians.

ARTICLE II - MEMBERSHIP

Section 1. The membership of the Minnesota Chippewa Tribe shall consist of the following:

(a) Basic Membership Roll. All persons of Minnesota Chippewa Indian blood whose names appear on the annuity roll of April 14, 1941, prepared pursuant to the Treaty with said Indians as enacted by Congress in the Act of January 14, 1889 (25 Stat. 642) and Acts amendatory thereof, and as corrected by the Tribal Executive Committee and ratified by the Tribal Delegates, which roll shall be known as the basic membership roll of the Tribe.

(b) All children of Minnesota Chippewa Indian blood born between April 14, 1941, the date of the annuity roll, and July 3, 1961, the date of approval of the membership ordinance by the Area Director, to a parent or parents, either or both of whose names appear on the basic membership roll, provided an application for enrollment was filed with the Secretary of the Tribal Delegates by July 4, 1962, one year after the date of birth of such children.

(c) All children of at least one quarter (1/4) degree of Minnesota Chippewa Indian blood born after July 3, 1961, to a member, provided that an application for enrollment was or is filed with the Secretary of the Tribal Delegates or the Tribal Executive Committee within one year after the date of birth of such children.

Section 2. No person born after July 3, 1961, shall be eligible for enrollment if enrolled as a member of another tribe, or if not an American citizen.

Section 3. Any person of Minnesota Chippewa Indian blood who meets the membership requirements of the Tribe, but who because of an error has not been enrolled, may be admitted to membership in the Minnesota Chippewa Tribe by adoption, if such adoption is approved by the Tribal Executive Committee, and shall have full membership privileges from the date the adoption is approved.

Section 4. Any person who has been rejected for enrollment as a member of the Minnesota Chippewa Tribe shall have the right of appeal within sixty days from the date of written notice of rejection to the Secretary of the Interior from the decision of the Tribal Executive Committee and the decision of the Secretary of the Interior shall be final.

Section 5. Nothing contained in this article shall be construed to deprive any descendent of a Minnesota Chippewa Indian of the right to participate in any benefits derived from claims against the United States Government when awards are made for and on behalf and for the benefit of descendents of members of said tribe.

ARTICLE III - GOVERNING BODY

The governing bodies of the Minnesota Chippewa Tribe shall be the Tribal Executive Committee and the Reservation Business Committees of the White Earth, Leech Lake, Fond Du Lac, Boise Forte (Nett Lake), and Grand Portage Reservations, and the Nonremoval Mille Lacs Band of Chippewa Indians, hereinafter referred to as the six (6) Reservations.

Section 1. Tribal Executive Committee. The Tribal Executive Committee shall be composed of the Chairman and Secretary-Treasurer of each of the six (6) Reservation Business Committees elected in accordance with Article IV. The Tribal Executive Committee shall, at its first meeting, select from within the group a President, a Vice-President, a Secretary, and a Treasurer who shall continue in office for a period of two (2) years or until their successors are elected and seated.

Section 2. Reservation Business Committee. Each of the six (6) reservations shall elect a Reservation Business Committee composed of not more than five (5) members nor less than three (3) members. The Reservation Business Committee shall be composed of a Chairman, Secretary-Treasurer, and one (1), Two (2), or three (3) Committeemen. The candidates shall file for their respective offices and shall hold their office during the term for which they were elected or until their successors are elected and seated.

ARTICLE IV - TRIBAL ELECTIONS

Section 1. Right to Vote. All elections held on the six (6) reservations shall be held in accordance with a uniform election ordinance to be adopted by the Tribal Executive Committee which shall provide that:

(a) All members of the Tribe, eighteen (18) years of age or over, shall have the right to vote at all elections held within the reservation of their enrollment. 1/

(b) All elections shall provide for absentee ballots and secret ballot voting.

(c) Each Reservation Business Committee shall be the sole judge of the qualification of its voters.

(d) The precincts, polling places, election boards, time for opening and closing the polls, canvassing the vote and all pertinent details shall be clearly described in the ordinance.

Section 2. Candidates. A candidate for Chairman, Secretary-Treasurer and committeeman must be an enrolled member of the tribe and reside on the reservation of his enrollment. No member of the tribe shall be eligible to hold office either as a committeeman or officer, until he or she shall have reached his or her twenty-first (21) birthday on or before the date of election. 2/

1/ As amended per Amendment I, approved by Secretary of Interior 11/6/72.

2/ As amended per Amendment II, approved by Secretary of Interior 11/6/72.

Section 3. Term of Office.

(a) To employ legal counsel for the protection and advancement of the rights of the Minnesota Chippewa Tribe; the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, or his authorized representative.

(b) To prevent any sale, disposition, lease or encumbrance of tribal lands, interest in lands, or other assets including minerals, gas and oil.

(c) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Minnesota Chippewa Tribe, except where such appropriation estimates or projects are for the benefit of individual Reservations.

(d) To administer any funds within the control of the Tribe; to make expenditures from tribal funds for salaries, expenses of tribal officials, employment or other tribal purposes. The Tribal Executive Committee shall apportion all funds within its control to the various Reservations excepting funds necessary to support the authorized costs of the Tribal Executive Committee. All expenditures of tribal funds, under control of the Tribal Executive Committee shall be in accordance with a budget, duly approved by resolution in legal session, and the amounts so expended shall be a matter of public record at all reasonable times. The Tribal Executive Committee shall prepare annual budgets, requesting advancements to the control of the Tribe of any money deposited to the credit of the Tribe in the United States Treasury, subject to the approval of the Secretary of the Interior or his authorized representative.

(e) To consult, negotiate, contract and conclude agreements on behalf of the Minnesota Chippewa Tribe with Federal, State and local governments or private persons or organizations on all matters within the powers of the Tribal Executive Committee, except as provided in the powers of the Reservation Business Committee.

(f) Except for those powers hereinafter granted to the Reservation Business Committees, the Tribal Executive Committee shall be authorized to manage, lease, permit, or otherwise deal with tribal lands, interest in lands or other tribal assets; to engage in any business that will furthur the economic well being of members of the Tribe; to borrow money from the Federal Government or other sources and to direct the use of such funds for productive purposes, or to loan the money thus borrowed to Business Committees of the Reservations and to pledge or assign chattel or income, due or to become due, subject only to the approval of the Secretary of the Interior or his authorized representative, when required by Federal Law or regulations.

(g) The Tribal Executive Committee may be ordinance, subject to the reviews of the Secretary of the Interior, levy licenses or fees on non-members or non-tribal organizations doing business on two or more reservations.

(h) To recognize any community organizations, associations or committees open to members of the several reservations and to approve such organizations, subject to the provision that no such organizations, associations, or committees may assume any authority granted to the Tribal Executive Committee or the Reservation Business Committees.

(i) To delegate to committees, officers, employees or cooperative associations any of the foregoing authorities, reserving the right to review any action taken by virtue of such delegated authorities.

ARTICLE IV - AUTHORITIES OF THE RESERVATION BUSINESS COMMITTEES

Section 1. Each of the Reservation Business Committees shall, in accordance with applicable laws or regulations of the Department of the Interior, have the following powers;

(a) To advise with the Secretary of the Interior with regard to all appropriation estimates on Federal projects for the benefit of its reservations.

(b) To administer any funds within the control of the Reservation; to make expenditures from Reservation funds for salaries, expenses of Reservation officials, employment or other Reservation purposes. All expenditures of Reservation funds under the control of the Reservation Business Committees shall be in accordance with a budget, duly approved by resolution in legal session, and the amounts so expended shall be a matter of public record at all reasonable times. The Business Committees shall prepare annual budgets requesting advancements tc the control of the Reservation of tribal funds under the control of the Tribal Executive Committee.

(c) To consult, negotiate, and contract and conclude agreements on behalf of its respective reservation with Federal, State and local governments or private persons or organizations on all matters within the power of the Reservation Business Committee, provided that no such agreements or contracts shall directly affect any other Reservation or the Tribal Executive Committee without their consent. The Business Committee shall be authorized to manage, lease, permit or otherwise deal with tribal lands, interests in lands or other tribal assets, when authorized to do so by the Tribal Executive Committee but no such authorization shall be necessary in the case of lands or assets owned exclusively by the Reservation. To engage in any business that will further the economic well being of members of the Reservation; to borrow money from the Federal Government or other sources and to direct the use of such funds for productive purposes or to loan the money thus borrowed to members of the Reservation and to pledge or assign Reservation chattel or income due or to become due, subject only to the approval of the Secretary of the Interior or his authorized representative when required by Federal law and regulations. The Reservation Business Committee may also, with the consent of the Tribal Executive Committee, pledge or assign tribal chattel or income.

(d) The Reservation Business Committee may by ordinance, subject to the review of the Secretary of the Interior, levy licences or fees on non-members or non-tribal organizations doing business solely within their respective reservations. A Reservation Business Committee may recognize any community organization, association or committee open to members of the reservation or located within the reservation and approve such organization, subject to the provision that no such organization, association or committee may assume any authority granted to the Reservation Business Committee or to the Tribal Executive Committee.

(e) To delegate to committees, officers, employees or cooperative associations any of the foregoing authorities, reserving the right to review any action taken by virtue of such delegated authorities.

(f) The powers theretofore granted to the bands by the charters issued by the Tribal Executive Committee are hereby superseded by this Article and said charters will no longer be recognized for any purposes.

ARTICLE VII - DURATION OF TRIBAL CONSTITUTION

Section 1. The period of duration of this tribal constitution shall be perpetual or until revoked by lawful means as provided in the Act of June 18, 1934 (48 Stat. 984), as amended.

ARTICLE VIII - MAJORITY VOTE

Section 1. At all elections held under this constitution, the majority of eligible votes cast shall rule, unless otherwise provided by an Act of Congress.

ARTICLE IX - BONDING OF TRIBAL OFFICIALS

Section 1. The Tribal Executive Committee and the Reservation Business Committees, respectively, shall require all persons, charged by the Tribe or Reservation with responsibility for the custody of any of its funds or property, to give bond for the faithful performance of his official duties. Such bond shall be furnished by a responsible bonding company and shall be acceptable to the beneficiary thereof and the Secretary of the Interior or his authorized representative, and the cost thereof shall be paid by the beneficiary.

ARTICLE X - VACANCIES AND REMOVAL

Section 1. Any vacancy in the Tribal Executive Committee shall be filled by the Indians from the reservation on which the vacancy occurs by election under rules prescribed by the Tribal Executive Committee. During the interim, the Reservation Business Committee shall be empowered to select a temporary Tribal Executive Committee member to represent the Reservation until such a time as the election herein provided for has been held and the successful candidate elected and seated.

Section 2. The Reservation Business Committee by a two-thirds (2/3) vote of its members shall remove any officer or member of the Committee for the following causes:

a. Malfeasance in the handling of tribal affairs.
b. Dereliction or neglect of duty.
c. Unexcused failure to attend two regular meetings in succession.
d. Conviction of a felony in any county, state, or federal court while serving on the Reservation Business Committee.
e. Refusal to comply with any provisions of the Constitution and Bylaws of the Tribe.

The removal shall be in accordance with the procedures set forth in Section 3 of this Article.

Section 3. Any member of the Reservation from which the Reservation Business Committee member is elected may prefer charges by written notice supported by the signatures of no less than 20 percent of the resident eligible voters of said Reservation, stating any of the causes for removal set forth in Section 2 of this Article, against any member or members of the respective Reservation Business Committee. The notice must be submitted to the Business Committee. The Reservation Business Committee shall consider such notice and take the following action:

(a) The Reservation Business Committee within fifteen (15) days after receipt of the notice or charges shall in writing notify the accused of the charges brought against him and set a date for a hearing. If the Reservation Business Committee deems the accused has failed to answer charges to its satisfaction or fails to appear at the appointed time, the Reservation Business Committee may remove as provided in Section 2 or it may schedule a recall election which shall be held within thirty (30) days after the date set for the hearing. In either event, the action of the Reservation Business Committee or the outcome of the recall election shall be final.

b. All such hearings of the Reservation Business Committee shall be held in accordance with the provisions of this Article and shall be open to the members of the Reservation. Notices of such hearings shall be duly posted at least five (5) days prior to the hearing.

(c) The accused shall be given opportunity to call witnesses and present evidence in his behalf.

Section 4. When the Tribal Executive Committee finds any of its members guilty of any of the causes for removal from office as listed in Section 2 of this Article, it shall be in writing censor the Tribal Executive Committee member. The Tribal Executive Committee shall present its written censure to the Reservation Business Committee from which the Tribal Executive Committee member is elected. The Reservation Business Committee shall thereupon consider such censure in the manner prescribed in Section 3 of this Article.

Section 5. In the event the Reservation Business Committee fails to act as provided in Section 3 and 4 of this Article, the Reservation membership may, by petition supported by the signatures of no less than 20 percent of the eligible resident voters, appeal to the Secretary of the Interior. If the Secretary deems the charges substantial, he shall call an election for the purpose of placing the matter before the Reservation electorate for their final decision.

ARTICLE XI - RATIFICATION

Section 1. This constitution and the by-laws shall not become operative until ratified at a special election by a majority vote of the adult members of the Minnesota Chippewa Tribe, voting at a special election called by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote, and until it has been approved by the Secretary of the Interior.

ARTICLE XII - AMENDMENT

Section 1. This constitution may be revoked by Act of Congress or amended or revoked by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior. It shall be the duty of the Secretary to call an election when requested by two-thirds of the Tribal Executive Committee.

ARTICLE XIII - RIGHTS OF MEMBERS

All members of the Minnesota Chippewa Tribe shall be accorded by the governing body equal rights, equal protection, and equal opportunities to participate in the economic resources and activities of the Tribe, and no member shall be denied any of the constitutional rights or guarantees enjoyed by other citizens of the United States, including but not limited to freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action of the redress of grievances, and due process of law.

ARTICLE XIV - REFERENDUM

Section 1. The Tribal Executive Committee, upon receipt of a petition signed by 20 percent of the resident voters of the Minnesota Chippewa Tribe, or by an affirmative vote of eight (8) members of the Tribal Executive Committee, shall submit any enacted or proposed resolution or ordinance of the Tribal Executive Committee to a referendum of the eligible voters of the Minnesota Chippewa Tribe. The majority of the votes cast in such referendum shall be conclusive and binding on the Tribal Executive Committee. The Tribal Executive Committee shall call such referendum and prescribe the manner of conducting the vote.

Section 2. The Reservation Business Committee, upon receipt of a petition signed by 20 percent of the resident voters of the Reservation, or by an affirmative vote of a majority of the members of the Reservation Business Committee, shall submit any enacted or proposed resolution or ordinance of the Reservation Business Committee to a referendum of the eligible voters of the Reservation. The majority of the votes cast in such referendum shall be conclusive and binding on the Reservation Business Committee. They shall call such referendum and prescribe the manner of conducting the vote.

ARTICLE X - MANNER OF REVIEW

Section 1. Any resolution or ordinance enacted by the Tribal Executive Committee, which by the terms of this Constitution and Bylaws is subject to review by the Secretary of the Interior, or his authorized representative, shall be presented to the Superintendent or officer in charge of the Reservation who shall within ten (10) days after its receipt by him approve or disapprove the resolution or ordinance.

If the Superintendent or officer in charge shall approve any ordinance or resolution it shall thereupon become effective, but the Superintendent or officer in charge shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety (90) days from the Date of approval, rescind the ordinance or resolution for any cause by notifying the Tribal Executive Committee.

If the Superintendent or officer in charge shall refuse to approve any resolution or ordinance subject to review within ten (10) days after its receipt by him he shall advise the Tribal Executive Committee of his reasons thereof in writing. If these reasons are deemed by the Tribal Executive Committee to be insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its referral, approve or reject the same in writing, whereupon the said ordinance or resolution shall be in effect or rejected accordingly.

Section 2. Any resolution or ordinance enacted by the Reservation Business Committee, which by the terms of this Constitution and Bylaws is subject to review by the Secretary of the Interior or his authorized representative, shall be governed by the procedures set forth in Section 1 of this Article.

Section 3. Any resolution or ordinance enacted by the Reservation Business Committee, which by the terms in this Constitution and Bylaws is subject to approval by the Tribal Executive Committee, shall within ten (10) days of its enactment be presented to the Tribal Executive Committee. The Tribal Executive Committee shall at its next regular or special meeting, approve or disapprove such resolution or ordinance.

Upon approval or disapproval by the Tribal Executive Committee of any resolution or ordinance submitted by a Reservation Business Committee, it shall advise the Reservation Business Committee within ten (10) days, in writing, of the action taken. In the event of disapproval the Tribal Executive Committee shall advise the Reservation Business Committee, at the time, of its reasons thereof.

BYLAWS

ARTICLE I - DUTIES OF THE OFFICERS OF THE TRIBAL EXECUTIVE COMMITTEE

Section 1. The President of the Tribal Executive Committee shall:

(a) Preside at all regular and special meetings of the Tribal Executive Committee and at any meeting of the Minnesota Chippewa Tribe in general council.

(b) Assume responsibility for the implementation of all resolutions and ordinances of the Tribal Executive Committee.

(c) Sign, with the Secretary of the Tribal Executive Committee, on behalf of the Tribe all official papers when authorized to do so.

(d) Assume general supervision of all officers, employees and committees of the Tribal Executive Committee and, as delegated, take direct responsibility for the satisfactory performance of such officers, employees, and committees.

(e) Prepare a report of negotiations, important communications and other activities of the Tribal Executive Committee and shall make this report at each regular meeting of the Tribal Executive Committee. He shall include in this report all matters of importance to the Tribe, and in no way shall he act for the Tribe unless specifically authorized to do so.

(f) Have general management of the business activities of the Tribal Executive Committee. He shall not act on matters binding the Tribe until the Tribal Executive Committee has deliverated and enacted appropriate resolution, or unless written delegation of authority has been granted.

(g) Not vote in meetings of the Tribal Executive Committee except in the case of a tie.

Section 2. In the absence or disability of the President, the Vice-President shall preside. When so presiding, he shall have all rights, privileges and duties as set forth above under duties of the President, as well as the responsibility of the President.

Section 3. The Secretary of the Tribal Executive Committee shall:

(a) Keep a complete record of the meetings of the Tribal Executive Committee and shall maintain such records at the headquarters of the Tribe.

(b) Sign, with the President of the Tribal Executive Committee, all official papers as provided in Section 1 (c) of this Article.

(c) Be the custodian of all property of the Tribe.

(d) Keep a complete record of all business of the Tribal Executive Committee. Make and submit a complete and detailed report of the current year's business and shall submit such other reports as shall be required by the Tribal Executive Committee.

(e) Serve all notices required for meetings and elections.

(f) Perform such other duties as may be required of him by the Tribal Executive Committee.

Section 4. The Treasurer of the Tribal Executive Committee shall:

(a) Receive all funds of the Tribe entrusted to it, deposit same in a depository selected by the Tribal Executive Committee, and disburses such tribal funds only on vouchers signed by the President and Secretary.

(b) Keep and maintain, open to inspection by members of the Tribe or representatives of the Secretary of the Interior, at all reasonable times, adequate and correct accounts of the properties and business transactions of the Tribe.

(c) Make a monthly report and account for all transactions involving the disbursement, collection or obligation of tribal funds. He shall present such financial reports to the Tribal Executive Committee at each of its regular meetings.

Section 5. Duties and functions of all appointive committees, officers, and employees of the Tribal Executive Committee shall be clearly defined by resolution of the Tribal Executive Committee.

ARTICLE II - TRIBAL EXECUTIVE COMMITTEE MEETINGS

Section 1. Regular meetings of the Tribal Executive Committee shall be held once in every 3 months beginning on the second Monday in July of each year and on such other days of any month as may be designated for that purpose.

Section 2. Notice shall be given by the Secretary of the Tribal Executive Committee of the date and place of all meetings by mailing a notice thereof to the members of the Tribal Executive Committee not less than 15 days preceding the date of the meeting.

Section 3. The President shall call a special meeting of the Tribal Executive Committee upon the written request of at least one-third of the Tribal Executive Committee. The President shall also call a special meeting of the Tribal Executive Committee when matters of special importance pertaining to the Tribe arise for which he deems advisable the said committee should meet.

Section 4. In case of special meetings designated for emergency matters pertaining to the Tribe, or those of special importance warranting immediate action of said Tribe, the President of the Tribal Executive Committee may waive the 15-day clause provided in Section 2 of this Article.

Section 5. Seven members of the Tribal Executive Committee shall constitute a quorum and Robert's Rules shall govern its meetings. Except as provided in said Rules, no business shall be transacted unless a quorum is present.

Section 6. The order of business at any meeting so far as possible shall be:

(a) Call to order by the presiding officer.
(b) Invocation.
(c) Roll Call.
(d) Reading and disposal of the minutes of the last meeting.
(e) Unfinished business.
(f) New business.
(g) Adjournment.

ARTICLE III
INSTALLATION OF TRIBAL EXECUTIVE COMMITTEE MEMBERS

Section 1. New members of the Tribal Executive Committee who have been duly elected by the respective Reservations shall be installed at the first regular meeting of the Tribal Executive Committee following election of the committee members, upon subscribing to the following oath:

"I,————————, do hereby solemnly swear (or affirm) that I Shall preserve, support and protect the Constitution of the United States and the Constitution of the Minnesota Chippewa Tribe, and execute my duties as a member of the Tribal Executive Committee to the best of my ability, so help me God."

ARTICLE IV - AMENDMENTS

Section 1. These bylaws may be amended in the same manner as the Constitution.

ARTICLE V - MISCELLANEOUS

Section 1. The fiscal year of the Minnesota Chippewa Tribe shall begin on July 1 of each year.

Section 2. The books and records of the Minnesota Chippewa Tribe shall be audited at least once each year by a competent auditor employed by the Tribal Executive Committee, and at such times as the Tribal Executive Committee or the Secretary of the Interior or his authorized representative may direct. Copies of audit reports shall be furnished the Bureau of Indian Affairs.

ARTICLE VI - RESERVATION BUSINESS COMMITTEE BYLAWS

Section 1. The Reservation Business Committee shall by ordinance adopt bylaws to govern the duties of its officers and Committee members and its meetings.

Section 2. Duties and functions of all appointive committees, officers, and employees of the Reservation Business Committee shall be clearly defined by resolution of the Reservation Business Committee.

CERTIFICATION OF ADOPTION

Pursuant to an order approved September 12, 1963, by the Assistant Secretary of the Interior, the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe was submitted for ratification to the qualified voters of the reservations, and was on November 23, 1963, duly adopted by a vote of 1,761 for, and 1,295 against, in an election in which at least 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

(sgd) Allen Wilson
President, Tribal
Executive Committee

(sgd) Peter DeFault
Secretary, Tribal
Executive Committee

(sgd) H.P. Mittleholtz
Superintendent, Minnesota Agency

APPROVAL

I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Revised Constitution and Bylaws of the Minnesota Chippewa Tribe, Minnesota.

(sgd) John A. Carver, Jr.
Assistant Secretary of the Interior

(SEAL)

Washington, D.C.

Date: March 3, 1964

CHAPTER XVI - AMENDMENTS

Section 1601. No amendment, alteration or modification, or supplement to these laws shall be made without the consent and approval of the Tribal Executive Committee and of the Secretary of the Interior or his authorized representative.

CERTIFICATION

We do hereby certify that the foregoing Ordinance was duly adopted by a vote of 8 for, and 1 opposed, at a regular meeting of the Tribal Executive Committee, a quorum being present, held on April 14-15, 1969, at Bemidji, Minnesota.

Peter DeFault - President
Minnesota Chippewa Tribe

Pearl Fabre - Secretary
Minnesota Chippewa Tribe

Approved:

_____

Area Director

CULTURAL STUDIES TRIBAL GOVERNMENT

STUDENT WORKSHEET QUESTIONS

UNIT IV PART I

1. How did the Indian Reorganization Act affect tribal government?
2. What important powers do tribal constitutions provide?
3. Explain how tribal sovereignty protects Indians from outside interference.
4. On the back of this sheet draw a diagram of the structure of the Minnesota Chippewa Tribes government.
5. How can the constitution be changed?
6. What can the Tribal Executive Committee do to protect tribal lands?
7. What Appropriation or money power does the Tribal Executive Committee have?

UNIT IV PART II

1. What is the difference between Reservations and Service Population?
2. Compute the percentage of enrolled members who live on or near reservations. (divide column 3 into column 2.) Do it for each reservation and rank them.

   1._____ _____ 4._____ _____

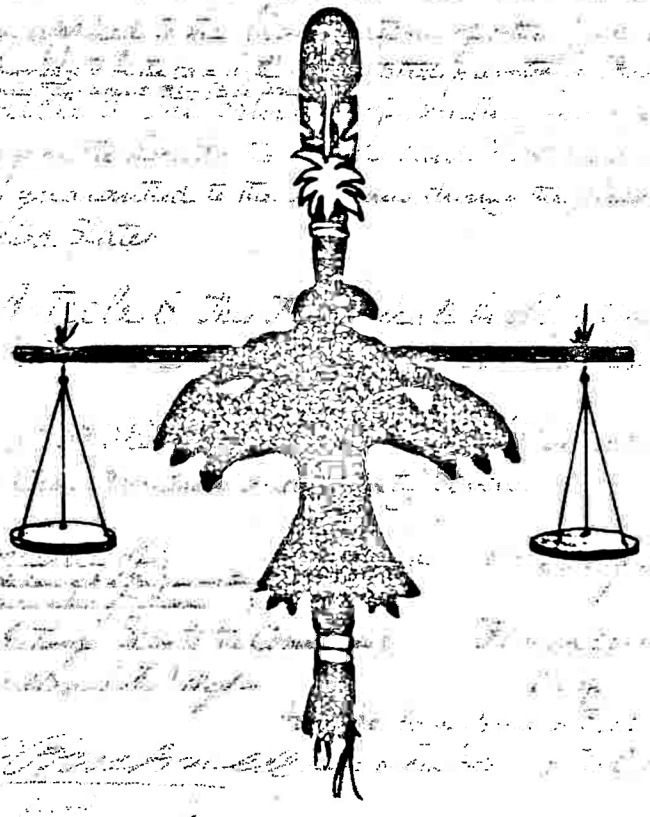
   2._____ _____ 5._____ _____

   3._____ _____ 6._____ _____
3. What are the functions of the Tribal Executive Committee?
4. List some issues that might be dealt with by any two Sub-committees.

UNIT IV PART III

1. When was the Minnesota Chippewa Tribe organized?
2. Why is the Red Lake Band not included?
3. For what reasons was the constitution written?
4. What qualifications must a new-born child meet to be an enrolled member?
5. What are the age requirements for voting and office-holding?
6. List three duties or powers of the Reservation Business Committees.
7. How can the reservation Business Committees be removed? (Give two reasons)
8. Explain the difference between the roles of the Tribal Executive Committee and a city council.
9. Who represents the six reservations on the Tribal Executive Committee?
10. Name three members of the Reservation Business Committee nearest you.

CHAPTER FIVE
Federal Legislation and Policy



FEDERAL LEGISLATION AND POLICY

There have been numerous types of legislation passed which affect the Chippewa of Minnesota and other Indian tribes. Usually, the type of legislation ratified portrays a clear picture of the Federal governments policy toward Indians during a certain time frame in Indian History. This policy is constantly changing in favor of and back again, like a pendulum, to a policy detrimental to Indians and their existence.

During the treaty signing period, legislative action could be found in almost all departments of the Federal government as appropriations for the Indian department. This legislative activity allowed funds for carrying out various activities guaranteed to Indians in treaty-making, or meeting obligations of the Federal government. Students should realize that appropriations Acts are very difficult and complicated documents because they are last minute pressure points in which various items are cut or not included. It can be said that appropriations Acts of Congress have been made vehicles of **covert legislation.** An example of this is briefly brought to light by Commissioner Collier below.

The appropriation sub committees, especially in the House of Representatives, are all but autonomous, which nullify and reverse the policies established by the Congress. Examples of this anomaly of the United States Congressional system are as follows as quoted by Commissioner Collier:

"Specifically, in the Indian field, land acquisition for Indians, authorized by Congress, is blocked through the appropriation bills; the situation is similar with respect to the expansion of the Indian co-operative credit systems. Congress legislated that Indian tribes and corporations should be given technical advice and assistance in their operations, and then the appropriation Act nullified the legislation. In general, the appropriation Acts have handicapped the Indian Service and the Indians in the realization of every democratic, libertarian policy that Congress has established as the law of the land." [1]

When studying Indian legislation students should first understand a little of the history in Indian policy because Indian policy by the Federal government has not always been consistant.

During the century from the 1860's to the 1960's there were two peaks in congressional action based on the view that the special governmental relationship should be terminated. There were also two peaks based on the opposing view that it should continue. Reaction against the effects of the Dawes Act of 1889 (see chapter three) led to the first important legislation favoring the continuing special federal relationship. In 1910 the Congress recognized the chaos in Indian Affairs which had been brought about by the allotment system or the Dawes Act. This Act was totally contrary to the principles of the Allotment Act, that citizenship for Indians should be contingent on individual ownership of land; being born in the United States was now sufficient and conformity to anglo customs was irrelevant.

The reversal of National Indian Policy came to the fore front in the Indian Reorganization Act of 1934. This not only prohibited further individual allotment and provided for acquisition of more tribal land, but also authorized the right of Indian to local self-government. It sought to correct the destructive effects on Indian community life and the blind spots in federal policy.

Within a decade a reaction set in against the newly defined relationship between Indian communities and the United States government. The numbers of both houses of Congress by 1944 had reached about the same basic conclusions.

[1] John Collier; **Indians of the Americas**, 1947

1. They did not want the special status for Indians to be unduly prolonged. They apparently felt the Bureau under Collier had been "dragging its feet." They seemed to wonder why more of the tribes hadn't advanced further with self-government and managing their own business affairs as their constitutions and charters would allow.

2. They were concerned with the cost of administering Indian affairs under the Indian Reorganization Act and the possibility that they might be building up in the Bureau an expensive machine that would tend to perpetuate itself indefinitely. Slogans such as "Set the Indian Free" began to be heard in Congress and in popular writings. In 1946 the Congress created the Indian Claims Commission which was designed to provide a means for eliminating once and for all the claims of Indians against the United States for losses of land. If carried through, it was felt, this would finally fulfill a basic obligation of the government to the Indians. By 1953 the termination of special administrative relationships and the severance of governmental supervision in Indian affairs was a priority in Congressional considerations.

The result was the affirmation of a policy of withdrawal by the federal government.

This was expressed in House concurrent resolution 108 which stated that Indians should be made subject to the same laws as other citizens of the United States as rapidly as possible. It also declared that nine specifically designated groups of Indians and their individual members should be "freed" at the earliest possible time from federal supervision and control and called on the Secretary of Interior to submit recommendations for bringing this about. The same Congress in 1953 passed a Public Law 280 which authorizes states to assume responsibility for law and order in Indian areas. None of these two congressional acts mentioned any need for securing Indian consent. The mood of Congress was like that of the 1890's. A new policy was being authorized which was directly opposed to that which had guided the legislation of the Indian Reorganization Act. Public Law 280 was hailed as one of the major developments contributing to the reduction of federal responsibility in Indian affairs. Aside from a few other states, this law brought Indian lands in Minnesota (except for the Red Lake Reservation) under the criminal and civil jurisdiction of the state and largly relieved the Bureau of further law enforcement duties. While this unique pattern has worked fairly well in some areas, in other places it has led to a great many complicated legal problems. The jurisdiction given to the state of Minnesota was subject to a number of important limitations designed to preserve the trust protections which now surrounds Indian property such as maintaining for the Indians treaty rights they have such as hunting and fishing. Also, federal trust lands were tax exempt lands meaning that states could not enforce taxation schemes. Legal problems have surfaced in Minnesota regarding these treaty rights because the state unilaterally assumed jurisdiction over these rights. These cases have been settled in the Minnesota Supreme Court in favor of the Indians as will be discussed later.

Indians experienced another trend again in Federal Indian policy from termination to self-determination during the early 1960's. In his special message on "The Forgotten American" delivered to Congress March 6, 1968, President Lyndon B. Johnson called for an end to discussion of tribal termination and proposed a "new goal" for the governments Indian programs:

"Our goal must be"

- a standard of living for the Indian equal to that of the country as a whole.

- freedom of choice: An opportunity to remain in their homesteads, if they choose, without surrendering their dignity; an opportunity to move to the towns and cities of America, if they choose, equipped with the skills toi live with equality and dignity.

- full participation in the life of modern America, with a full share of economic opportunity and social justice.

"I propose, in short, a policy of maximum choice for the American Indian: a policy expressed in programs of self-help, self-development, self-determination." [2]

In his special message to Congress 1970, President Richard Nixon stated, "the time has come to break decisively with the past and to create conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions." [3]

This along with specific proposals for legislation, affirmed the historic relationship's between the Federal government and Indian tribes. This same message also proposed that Indian communities be allowed to choose to take over control and operation of federally funded Indian programs.

The paternalistic attitude of the BIA was to be done away with and an "Indianization" of Indian affairs was to occur that would give Indian people the responsibility for their own lives. This policy was another upward swing of the pendulum similar to that of the 1934 period, that would result in, besides other responsibilities, the contracting of services and functions formerly provided through the Bureau of Indian Affairs to Indian tribes themselves. A major piece of legislation reflecting this policy is the Indian Self-Determination and Education Assistance Act of 1975 discussed in this unit.

As of this writing, "the U.S. Congress appears to be at the apex at which the downward swing of the pendulum is back to an era of anti-Indian policy. That downward swing is being referred to in National Indian Circles as the "White Backlash."

The backlash manifests itself in the form of growing anti-tribal organizations in various states that comprise the Interstate Congress for Equal Rights and Responsibilities. Resentment by non-Indian people on or near reservations to what they feel is unlimited funds going to Indian reservations from the Federal government; major Indian victories in land claims, hunting and fishing rights, taxation powers, are all major issues being won in court and are primary contributing factors to this backlash. [4]

Several peices of legislation have been introduced by various congressmen and representatives that are directed toward the abrogation of all Indian treaties, termination of all tribes and dissolution of all hunting and fishing rights of Indian tribes. These are just a few of the major pieces of legislation being introduced that are detrimental to Indian tribes. There remains many more that, if passed, would severely prohibit tribal self-government as well as to insult the integrity of Congress itself. Students should obtain copies of all the anti-Indian legislation that is being proposed for classroom discussion. What can be done to counteract this "White Backlash?"

2 Special message on "The Forgotten American" by President Johnson to the Senate on March 6, 1968.

3 Special message of the President of the U.S. Richard M. Nixon to the Congress, July 8, 1970.

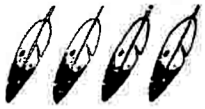
4 A report on Indian Legislation, Charles E. Trimble, Executive Director, NCAI, 1977

The following pages will touch briefly upon the various Congressional Acts which altered tribal life in Minnesota one way or another. Those acts which meet the interests of most students should be selected for indepth research and discussion purposes.

Students and teachers may refer to **A History of Indian Policy,** by S. Lyman Tyler, for research into important aspects that surround any specific piece of legislation covered in this unit as well as to research government policy as it relates to Indian affairs. **Documents of United States Indian Policy,** Francis Paul Prucha, University of Nebraska Press, contains copies of several pieces of legislation and most of those covered in this unit. In addition, a listing of several books and publications is attached to the Teachers Guide. These references are very good and should be utilized for any research purpose.

The following legislation is covered briefly in this unit on how they affect the Chippewa of Minnesota:

1. The Nelson Act of 1889
2. The Clapp Act of 1906
3. The Snyder Act of 1921
4. The Indian Citizenship Act of 1924
5. The Johnson O'Malley Act of 1934
6. The Indian Reorganization Act of 1934
7. House Concurrent Resolution 108
8. Public Law 280
9. Public Law 93-638



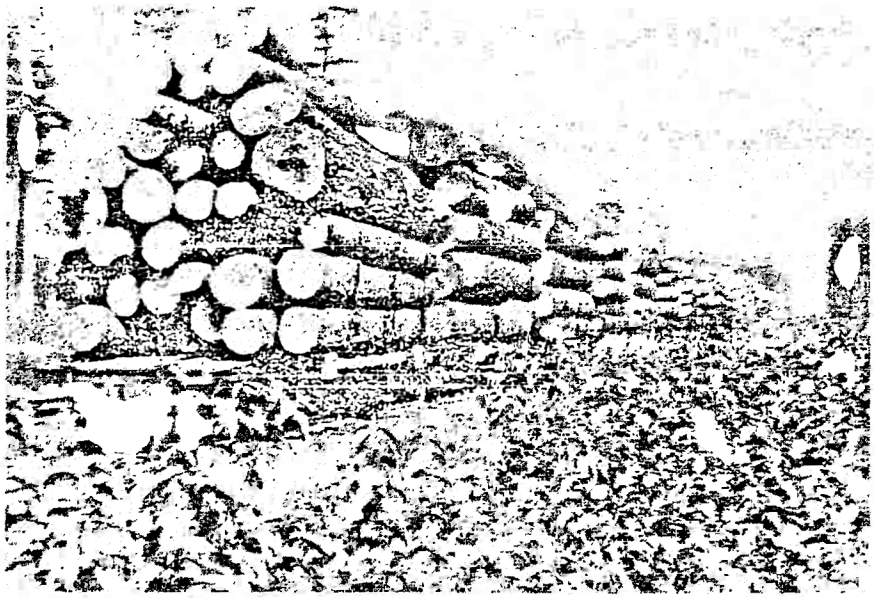
The Nelson Act of 1889

The Nelson Act was yet another attempt of the United States Government to strip the Minnesota Chippewas of their land and to move them onto reservations, where they could attain the civilized life of farmers. The Congress, at this time, felt the land owned by the Indians was of little or no use to them. Whereas, the thrifty, energetic white settlers needed the land and timber.

In 1886 a bill was introduced to Congress calling for the relief and civilization of all the Chippewas of Minnesota. This would later become known as **The Nelson Act.** The main provisions of this bill included: (1) The Chippewa of Minnesota were to cede to the United States all the reservations in the state except Red Lake and White Earth. (2) All the Chippewas of Minnesota except the Red Lake bands were to be moved onto the White Earth Reservation and given allotments of land. The lands remaining on both reservations after allotments were made were to be ceded. (3) No land sales or cessions were to be made without the consent of two thirds of all male adults of the reservation, it then had to be approved by the president. The bill also called for a census to be taken of all the bands. (4) To obtain cessions of land from the Indians, to take the census and vote, to make allotments and payments, and to supervise the removal of the Indians, the Secretary of the Interior was directed to appoint three commissioners, one of them to be a citizen of Minnesota. (5) The lands ceded were to be surveyed and classified as pine and agricultural lands. The agricultural land was to be sold at one dollar an acre. The pine lands were to be appraised, and not to be sold for under three dollars an acre. It also provided for the sale of all acquired pine lands in forty acre lots at public auction to the highest bidder for cash; not more than one-tenth of the pine lands should be offered for sale in any year. (6) All monies received from the sales of lands on both kinds, after deductions were made for the cost of the census, of the cessions, of the removals and allotments, and of the surveys and appraisals, were to be deposited to the credit of the

Chippewa of Minnesota in the Treasury of the United States, to remain there as a permanent fund for fifty years and to draw interest at three per cent annually. One half of the interest was to be paid in equal shares in cash to heads of families and orphan minors; one fourth was to be paid in equal shares to all other classes of Indians; the remaining fourth was to be used for establishing and maintaining Indian schools. At the end of the term the principle sum was to be divided equally among "all of the said Chippewa Indians and their issue then living."[5]

The Bill passed through the House on March 8, 1888, with one amendment. It provided that individual Indians need not move to White Earth, but might remain on their old reservations and take up allotments thereon. The bill then went to the Senate Committee on Indian Affairs, whose main concern was the deposition of the pine lands. The committee added the provision that pine lands be sold not at three dollars an acre, but at three dollars per thousand feet of lumber. Also that agricultural lands be sold for a dollar and a quarter per acre instead of a dollar. On January 4, 1889, the "Nelson Bill" was approved by the president and became a law.



These railway cars full of timber are a good example of the enourmous amount of timber resources logged from the White Earth Reservation during the early 1900's.

The United States Chippewa Commission was made responsible for seeing that all provisions of the Act were carried out. The commission convinced the Indians to give up timber lands, by leading them to believe that the land would be a source of endless trouble because of thievery and fires, and eventually they would get nothing for it. By selling the land they would be relieved of the troubles and it would provide funds to assist them in farming. Another task of the commission was the removal of the Indians to White Earth. The Indians had the choice of staying on their old land, but the commission decided to pressure as many as possible into moving. On June 7, 1894, out of 4,000 subject to removal, only 775 Indians had moved from their old reservations to White Earth. The commission began making allotments on White Earth on December 9, 1891, but the Indians refused to accept them, because the promised one hundred and sixty acres was cut to eighty acres by a Dawes Act amendment. Later many individuals consented, probably advised by the commission, to take the eighty acre allotments on the condition that the additional eighties be patented to them.

[5] William Watts Folwell, A History of Minnesota, p. 220-222

On April 24, 1896, after the ceded pine land had been surveyed and appraised by a corps of examiners, 115,342.78 acres, containing 225,977,000 feet of pine, on the Red Lake cession was put up for sale. 65,038.33 acres were sold. There remained 50,304.45 acres unsold and subject to private entry. On August 24, 1896, David R. Francis replaced Hode Smith as Secretary of Interior. Francis found such an accumulation of charges against the pine land examiners he discharged all of them. Francis found gross miscalculations of timber lands, for example, eighty five quarter sections reported as containing 9,635,000 feet actually contained 17,271,000 feet, one section reported containing 11,000 when actually it contained 295,000 feet. The cost of the examinations to date had been $151,290, whereas they should have cost not more than $52,000. As a result, all the unsold pine lands were temporarily withdrawn from sale. Another survey was taken and some twenty one thousand acres more was sold at the price of $173,000.

In 1902, the Indian Affairs Committee brought the Nelson Act Bill before the House. In reporting the bill, the Committee stated that the Act of 1889, was an unsatisfactory plan with great frauds in estimating timber. Nearly three million acres of timber has been ceded; one hundred and sixty thousand acres of timber had been sold and five hundred thousand acres of land had been homesteaded.

Since the Bureau of Indian Affairs and the Department of Interior are in charge of protecting the Indian Trusts and property, and in light of this act, it is possible that other outside interests may device schemes to take the remaining lands and tribal resources? What can be done today that Indians were not able to do during the late 1800's?

The Clapp Act

From the time of the establishment of the White Earth reservation in 1867, it was the expectation of the government that the Indians living there would become prosperous and orderly citizens. Their allotted lands were to be **free from taxation and inalienable** except to members of the Chippewa Tribe. The virtual destruction of the White Earth reservation has been affected by means of a series of legislative and administrative acts.

The Clapp Rider of 1904, authorized the Chippewa of Minnesota, with the consent of the Secretary of the Interior, to sell the timber on their allotments. The timber an the allotments of minors might be sold by their fathers, mothers, Indian agents, or officers in charge. Four days after the passage of the Clapp Act, the Steenerson Bill became law which guaranteed the Indians of White Earth Reservation full 160 acre allotments.

The Clapp Rider and the Steenerson Bill so contemptuously filled into each other as if they had been matched for a purpose. The Clapp Rider of 1904, provided for the sale of allotment pine and the Steenerson Act furnished the pine. No one concerned could have been ignorant of the fact that to supply to each allottee on White Earth his full 160 acres and to supply allotments to anyone who had neglected to select them (also a part of the Steenerson Bill), would exhaust the whole area of the reservation.

During this period there were still standing on the White Earth reservation, some three hundred million feet of pine which lumber companies were aware. The Clapp Rider also allowed lumbermen to negotiate with individual Indians for their pine. This timber was put up for sale at a public auction under the direction of the federal government acting as **trustee** for the Indians. Senator Clapp who had been legal counsel for some of the great lumber companies had advised the commissioner of Indian Affairs that the final result of all lumber bids

were too low. The commissioner, therefore, recommended that all should be rejected. This procedure was not satisfactory to the interested parties and it was not difficult to devise another plan for **"the relief and civilization of the Chippewa,"** one that would permit the disposal of land as well as timber and would relieve the transactions from the supervision of the Indian officer.

A typical land allotment hearing at White Earth Reservation. Today, court cases are currently being litigated as a direct result of land allotment policies of the past.

A plan was worked out for which Representative Steenerson was willing to father the necessary legislation. It was, therefore, arranged that Senator Clapp, who forwarded the plan, should see to it that when the Indian appropriation bill came in regular course to him as chairman of the Senate Committee on Indian Affairs, a suitable paragraph would be inserted as an amendment. The House had a rule forbidding the introduction of new legislation into appropriation bills; hence the amendment had to originate from the Senate. The scheme worked as planned and the "Clapp Rider of 1906" became law on June 21, 1906. It provided that; "All restrictions as to sale, incumberance, or taxation for allotments within the White Earth reservation, now or hereafter held by adult mixed-blood Indians, are hereby removed...and as to full bloods, said restriction shall be removed when the Secretary of Interior is satisfied that such adult full blood Indians are competent to handle their own affairs." As a result, whites began by, obtaining from Indians, mortgages running from ten years, with interest at ten per cent collected in advance, in consideration of a small amount of cash, ordinarily $25, and a promise to pay $273 when the Clapp Rider should become law. In the course of three weeks, some 250 mortgages were recorded in Becker County alone.

The main purpose of the Clapp Rider of 1906, was not to enable certain persons to lend money to Indians at high interest; these persons were out for "Indians" land. Their next proceeding was to convert the mortgages taken into deeds, thus acquiring the lands at prices ridiculously low, averaging $5 an acre, according to the superintendent of the White Earth Indian Agency, for land worth $25 per acre. Purchases from adult-mixed-bloods might be strictly legal, but full-bloods and minors were not legally competent to sell. In utter violation of the law, land sharks from near and far brought allotments of full-bloods and took their deeds and had them recorded. Such deeds were accompanied by an affidavit that the allottee was an adult-mixed-blood Indian. Similar affidavits were used to obtain minors deeds.

The celebration was over in a few months, but land speculation continued long afterwards. A report was finally published from a study done by a scientist named Warren King Moorehead, who was interested in Indian Ethnology. It disclosed that ninety percent of the allotments to full-bloods had been sold or mortgaged and the eighty percent of the whole acreage of the reservation had passed into private hands. Full-bloods had received not more than ten percent of the value of their land and timber. Mortgages had been placed to run as long as ten years, interest had been paid in advance out of the loans, and foreclosures had been prompt. In a seperate section of the report it stated that, although the sale of liquor on the reservation was expressly forbidden by treaty, saloons were in full swing in the railroad villages on the reservation as well as many places just outside the boundaries, and that, according to interpreters, "nearly all of the Indians who sold were under the influence of liquor," and "frequently the interpreters and land buyers pursuaded them to drink."[6] Another section gave the names of bankers and others who had been acquiring farming lands of full-bloods and minors by "every scheme that human ingenuity could devise." [7]

In summary, the Clapp Act allowed any mixed-blood White Earth Chippewa to transform his trust patent (see Unit III for definition) into a patent fee and freed him from government supervision. The individual Indians could then dispose of their allotments as they saw fit. As a result pine timber lands held by White Earth Indians were sold to lumber interests at unfair and inadequate prices. This was considered one of the most blatant violations of the protection of Indian trust property in the administration of Indian affairs as pointed out by S. Lyman Tyler. [8]

This action referred to as the "White Earth Scandal" is one of the few cases where Congress intervened in the activities of the Department of Interior and took supervision of Indian property with the result that Indian title was soon lost. The loss of this valuable property which followed the Congressional action is one of the **Black Spots** in the administration of Indian affairs.

There was much litigation that followed the passage of the Clapp Act and its amendments in years to come. To this day there are legal issues involved and some Indian descendants of those robbed of their lands have been successful in obtaining their rights to land. The B.I.A., Tupper, Smith & Seck, Ltd., attorneys for The Minnesota Chippewa Tribe, have been doing a study to ascertain how many Indians lost their lands because of tax forfeiture in the White Earth Reservation. A final tabulation of these cases should be complete in the near future with results that at least some of the lands will be returned to the rightful owners.

The Snyder Act

A Bill for Service Delivery

As the 20th Century began, services were delivered to Indian tribes by one single agency, the Bureau of Indian Affairs, but were authorized by scores of treaties and subsequent acts of Congress. The Bureau of Indian Affairs thus dealt with hundreds of confusing authorized acts and treaties. To further complicate matters, each Indian agency received its own appropriations bill, as would also the Navajo or Sioux. The chaos in administration and management was very evident. Additionally, each reservation could easily be subjected to political pressure since the Bureau of Indian Affairs could vigorously push for a tribal budget, or it could be passive in it's support.

[6] Folwell. Ibid p. 283

[7] Folwell, Op cit., P. 283

[8] Lyman Tyler, **A History of Indian Policy**, Allotments to individual Indians, pp. 105.

In 1921, Congress decided to put all federal services under one authorizing act. The Snyder Act of 1921 authorizes expenditures for health, education (of all kinds), social services, law enforcement, engineering services (for irrigation), and for the administration of the Bureau of Indian Affairs. This list of services represents the sum total of those services a community might need, and the Bureau of Indian Affairs is authorized to provide all of them. The Snyder Act is still an important piece of legislation because; (a) it is comprehensive, it covers everything; (b) there is no limit on the amount Congress can appropriate and; (c) the Bureau of Indian Affairs does not have to obtain a yearly authorization from Congress. Thus, Congress cannot effectively dismantle the Bureau of Indian Affairs by simply not authorizing funds for its operation. Congress presently makes a spending limit as part of appropriations acts such as the poverty and unemployment programs of today. The Snyder Act contains no such limitation.

Under the Snyder Act, the Bureau of Indian Affairs is authorized to expend congressionally appropriated money for the benefit, care and assistance of Indians throughout the United States for purposes such as: general support and civilization-including education, relief of distress, and conservation of health, industrial development, employment of supervisors, police, judges, etc. The Act also establishes the Bureau of Indian Affairs and Indian Health Services as agencies that have permanent financial authorization and, therefore, require only annual appropriations as stated above.

It should be understood by students that these services are delivered because of **federal obligations** toward Indians, not as **acts of charity.** The services remain the primary responsibility of the Bureau of Indian Affairs which was formed in 1824 within the War Department. While assimilation of Indian people and dissolution of tribal governments were part of federal policy, the services delivered reflected that policy. At times the service itself, such as education, actively sought the destruction of Indian culture. In addition, other problems included disagreements with the delivery and management of services which led to an uneven and uniform distribution of services. As an alternative, many tribes voiced a strong desire to manage and control their own affairs through direct contracting methods. Eventually self-determination became the motto and as a result, the Indian Self-Determination Act and the Indian Education Assistance Act became law in 1975, and allowed tribes to manage federal programs for Indians.

The Indian Citizenship Act of June 30, 1924

Before 1924, the Dawes Act was one method of acquiring citizenship. A Chippewa person who obtained a fee patent (left land in trust by the United States Government and individuals given title after 25 years), on his land became a citizen of the United States and was no longer a tribal member (see unit three). Another method after 1888 was that Indian women could marry white men and gain citizenship.

Although generations of Indians had been born on American soil, they were not to have full citizenship until 1924. While all Americans became citizens with the creation of the constitution of the United States, it took 172 years for this right to include Indians. Since Indians did not have citizenship, they had few or no rights as did other people. No one really cared, for Indians were usually on Indian reservations far removed from everyone

As citizens, Indians were residents of States and entitled to vote in the State and National elections. This was not true immediately because several states refused to let Indians vote. Only after Indians began to protest this violation did the law say that all States must let Indians vote in elections. The following is the statement of the federal government about citizenship.

"That all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States; provided, that the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property." [9]

It should be further pointed out to students that this same act made Indians eligible for services as United States citizens and did not terminate services derived from treaties. Indians enjoy a double system of entitlement. For example, an Indian is eligible for Bureau of Indian Affairs educational scholarships by virtue of being Indian.

If he is also poor, he may be eligible for poverty funds. Indians may thus receive services as members of their tribe and as citizens of the United States.

The duel system of rights often confuses and angers non-Indians. "Why," they ask, "should anyone have a different class of citizenship?" These same people are often sympathetic to Indian problems, yet they still reject the idea that Indians enjoy a dual citizenship. In fact, Indians do not enjoy a dual citizenship in the same way a Hungarian born in the United States does. In one instance, a child born of Hungarian parents is a citizen of Hungary by virtue of his ancestry. Such a dual citizenship may be questioned when the child reaches the age 21 since one or the other country may force a choice as to which country he wishes to belong. Indians are not vulnerable to any such conflict, and the dual citizenship is actually access to two systems of service, not citizenship as it is known in international law.

Johnson O'Malley Act of 1934

The Johnson O'Malley Act came into being on April 15th, 1934. This act is one of the most unique Acts affecting Indian people, as it provides federal funds to States to enable them to educate eligible Indian children in their public school system.

The purpose of the original Act is three-fold; 1) to get the Federal government out of the business of the education of Indian children; 2) through financial inducement, to further the long established practice of turning over the responsibility of Indian education to the States and local districts; and 3) to "civilize" Indians, the primary historical goal of all Federal Indian Legislation. At the time of the composition of the Act, it was generally the frame of mind that "daily contact with white children would facilitate their civilization and through them, contribute to the enlightenment of adult Indian parents."

The language of the Johnson O'Malley Act is often vague and ambiguous, for it authorizes the Secretary of the Interior to enter into contracts with States or Territories "for the education, medical attention, agricultural assistance and social welfare of Indians." The only minimum criteria that is stated in the Act, is that "minimum standards of service are not less than the highest maintained by the States..."

On June 4, 1936, an amendment was ratified that added authority to the Secretary of the Interior as to who contracts could be made with. The amendment made it possible for contracts to be made, not only with any "State or Territory," but now included "with any State university, college or school, or with any appropriate State or private corporation, agency, or institution.."

[9] Indian Citizenship Act, 1924

The "Indian Self-Determination and Education Assistance Act" of 1975, "public Law 93-638," further amends the Johnson O'Malley Act. Public Law 93-638 is "an Act to promote maximum Indian participation in the government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for Indian tribes in programs and services conducted by the Federal Government for Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; to train professionals in Indian education; to establish Indian Youth Intern Programs; and for other purposes."

The initial efforts to transfer the responsibility of Indian education from the Bureau of Indian Affairs to the States began in 1937. Prior to this time, the Bureau of Indian Affairs and various religious denominations shared the role of Indian educators, while the States disregarded congressional mandates that dictated otherwise, and also ignored the fact, that Indians were citizens and entitled to free public education. Nevertheless, the Bureau of Indian Affairs continued to provide tuition payments covering instructional costs, noon meals, and transportation.

In 1936, the State of Minnesota contracted for the administration of Johnson O'Malley funds and created an Indian Division within the Department of Education. The main purpose of this new division was to negotiate with school districts and to act as fiscal agent regarding the expenditures of Johnson O'Malley funds, thereby, relieving the Bureau of Indian Affairs of this task. The federal regulations, in this period, read: "to accomodate unmet financial needs of school districts having large tracts of non-taxable Indian land." The major criterion for assistance is the financial need of the school district for supplemental funds. Johnson O'Malley is designed in most instances, to balance the school districts operating budget. The amount of Johnson O'Malley funds that a school district may get is supposed to be that sum of money which the district needs to operate an "adequate school" for Indian children, after all other sources of local, state, and federal money have been counted. Therefore, Johnson O'Malley is a program whose allocations are based on the school districts financial need, and **not** on the education needs of the Indian students.

The proceeding years brought more change and assumption of additional authority and duties to the newly realigned Indian Education Division of the State of Minnesota. Through the years, very little cooperative working relationships existed between the Indian Education Division and The Minnesota Chippewa Tribe. For the most part, the Tribe felt it was being disregarded and ignored concerning the educational needs of members of The Minnesota Chippewa Tribe, a conglomerate of six of the seven Chippewa reservations in Minnesota. They were also concerned that the Minnesota Indian Education Committee (a Committee established in 1969 by authority of Minnesota Public Law 714, their main responsibility being, to advise the State Department of Human Relations, the State Board of Education, and the State Commissioner of Education, with their primary task being "the authority to develop guidelines to be followed by school districts") was not representative of The Minnesota Chippewa Tribe and its members. The members if The Minnesota Indian Education Committee were usually selected by the staff of the Indian Education Division or by Minnesota Indian Education Committee members. Tribal members did not participate fully in the Committee. It was also felt, by some members, that the Tribal Education Committee of The Minnesota Chippewa Tribe should have played a much larger role in this committee, considering how many Indian people that they represented. There was further concern that the Committee was controlled by urban groups and that this group was not sympathetic and familiar enough with the reservations to make good judgements concerning programs that would affect the reservations. The largest concern was that of the reservation members, given the unique status of Indian Tribes, that going to and through a division office would lessen their rights to govern tribal members. Tribal members feel the only ones they can engage in business or governmental transactions with, is the Governor and Department heads.

Within this same period, the State Department of Education employed a few individuals who had anti-tribal feelings; this alienated some members of the committee to the point where they refused to participate in the Minnesota Indian Education Committee.

For the next two years, the ties between tribal groups, and the State Department, remained relatively uneventful. The Minnesota Indian Education Committee, because of its composition, was mainly involved in urban problems and had little concern for the reservation areas.

In late 1972, and early 1973, many things began to happen that expressed the Tribe's discontent with the State administration and operation of Indian programs. The Tribal Executive Committee unanimously decided to contract, themselves, for Johnson O'Malley funds. The major reasoning behind the policy to contract for these funds was based on the working concept of The Minnesota Chippewa Tribe: "Self-Determination, Governmental, and Political Sovereignty." The Tribe felt that it could better represent the needs of Indian people on the reservations, than could a state agency located in St. Paul, that had little contact with Indian communities. The Tribe also wanted to implement local autonomy in individual Indian communities in education, for they look upon "local control of education as a right, not as a privilege."

The decision to contract for the administration of Johnson O'Malley funds brought about much criticism by Indian people throughout the state and many educators, including school superintendents. The movement to oppose tribal take-over was led by employees of the State Department of Education. Their opposition was an active campaign with accusations that accused tribal leaders of being dictatorial, thwarting citizen input, destroying programs and "ripping off programs." These employees lobbied Bureau of Indian Affairs officials, Local Indian Education Committees and Congressmen. They circulated petitions to Indian groups, Local Indian Education Committees and others. Letters were sent out of the central office in St. Paul to school superintendents, requesting their opinion on the matter, and not surprisingly, the opinions were very negative regarding Tribal take-over of the Johnson O'Malley contracts.

The beginning of the fiscal year in 1973, brought the award of Johnson O'Malley contracts to The Minnesota Chippewa Tribe. This meant that school districts, tribal organizations, or Indian corporations, including tribally or Indian controlled schools that are eligible, must apply for a contract from The Minnesota Chippewa Tribe for supplemental or operational support programs, provided, that such school districts, tribal organizations, Indian corporations, or Indian controlled schools serve eligible Indian students who are members of The Minnesota Chippewa Tribe and comprise a majority of the total eligible Indian students on or near the Nett Lake, Grand Portage, Fond du Lac, Leech Lake, White Earth, or the Mille Lacs Reservations.

The eligible contractor must have a duly authorized and elected Indian Education Committee which will participate fully in the planning, development, implementation, and evaluation of all programs, including both supplemental and operational support programs. The contractor must also formulate and submit an educational plan to The Minnesota Chippewa Tribe. The plan must be approved by the local Indian Education Committee and contain educational goals and objectives which adequately address the educational needs of the Indian students served.

The Johnson O'Malley Program, as administered by The Minnesota Chippewa Tribe, operates under the philosophy of self-determination, that is, the Local Indian Education Committees have the freedom to plan, implement and evaluate programs on the local level, which fit into their individual needs.

Attached is the Johnson O'Malley Act approved April 16, 1934 and Johnson O'Malley Act amended, June 4, 1936.

JOHNSON O'MALLEY ACT

Authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, to enter into a contract or contracts with any State or Territory having legal authority so to do, for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory, through the qualified agencies of such State or Territory, and to expend under such contract or contracts monies appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State.

Sec. 2. That the Secretary of the Interior, in making any contract herein authorized with any State or Territory, may permit such State or Territory to utilize for the purpose of this Act, existing school buildings, hospitals, and other facilities, and all equipment therein or appertaining therto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

Sec. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations, including minimum standards of service, as may be necessary and proper for the purpose of carrying the provisions of the Act into effect: Provided, That such minimum standards of service are not less than the highest maintained by the States or Territories with which said contract or contracts, as herein provided, are executed.

Sec. 4. That the Secretary of the Interior shall report annually to the Congress any contract or contracts made under the provisions of this Act, and the monies expended thereunder.

Sec. 5. That the provisions of this Act shall not apply to the State of Oklahoma.

Approved, April 16, 1934.

JOHNSON O'MALLEY ACT AMENDED, JUNE 4, 1936

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"That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to enter into a contract or contracts with any State or Territory, or political subdivision thereof, or with any State university, college or school, or with any appropriate State or **Private corporation,** agency, or institution, for the education, medical (1459) attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory, through the agencies of the State or Territory or of the corporations and organizations hereinbefore named, and to expand under such contract or contracts, moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory."

"Sec. 2. That the Secretary of the Interior, in making any contract herein authorized, may permit such contracting party to utilize, for the purposes of this Act, existing school buildings, hospitals, and other facilities, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

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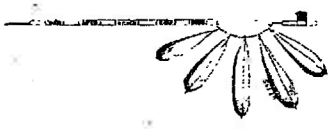
The Indian Reorganization Act of 1934

At the beginning of the Franklin Roosevelt administration, Congress passed the Wheeler-Howard Act of 1934, called the Indian Reorganization Act (I.R.A.). In order to have effect on a reservation, it had to be approved by a majority vote of the tribal members. It tried to repair the damage of the allotment period by ending the alloting of tribal land to individual Indians. The government realized that there was not enough reservation land for the growing Indian population, so it set aside two million dollars a year for the purpose of buying land for reservations. This new land could include land purchased from whites on the reservation, and also land which was outside the existing reservations. During the next ten years, over four million acres of land were returned to Indian tribes.

The Indian Reorganization Act set up a ten million dollar Indian loan fund, which enabled many Indians to borrow money for agricultural, livestock, and fishing purposes. To help out Indian students $250,000 a year was set aside for educational loans. Only $50,000, however, could be used for college. The remaining funds were to be used for vocational training. Finally, the Indian Reorganization Act made it possible for any tribe to organize and establish a constitution and by-laws for the management of its own local affairs.

A more detailed study of the History and content of the Indian Reorganization Act can be found in unit number three of this course.



House Concurrent Resolution 108 and Public Law 280

After World War II the mood of Congress changed from that of 1934. Congress began to dismantle the programs passed in the 1930's. In 1947 legislation was introduced to place tribal lands on state tax rolls, and to require Indians, who live on the reservations where land was allotted to individuals to give up federal services and assistance. The bill did not pass immediately, but, in 1953, the House of Representatives passed a RESOLUTION (different from a law in that a resolution is an expression of policy) called HOUSE CONCURRENT RESOLUTION 108. This resolution called for the federal government to TERMINATE (end) its special relationship to Indian tribes. This resolution, if implemented, would have been the final example of congressional power-solving the problem by simply legislating the tribes out of existence. Fortunately, only a few tribes were terminated, none in Minnesota, and, just recently, the Menominees of Wisconsin have had their termination reversed.

Termination means that the federal government no longer supervises or protects the land of an Indian tribe. The land is turned over to the individual members of that tribe. It means the historical relationship between the federal government and the tribe is ended. The tribe no longer has the right to deal directly with the federal government, without going through the state. Unique Indian relationships are ended and the state takes over. When this happens, all criminal and civil laws of the state apply to all those living on the reservation. In the end, the reservation simply ceases to be a reservation.

Another attempt to limit tribal sovereignty happened in 1953 when Congress passed PUBLIC LAW 280 which allowed the states to extend their jurisdiction over tribes in areas of criminal law and civil suits. Aside from the open threat of termination, the implementation of Public Law 280 was the most damaging since it gave the states the right to enact legislation on Indians, pre-empting the roll of tribal government. All the Chippewa reservations, with the exception of the Red Lake Reservation, were included under Public Law 280.

As amended, Public Law 280 confers civil and criminal jurisdiction on six states with specified exceptions, as follows:

STATE	INDIAN COUNTRY AFFECTED
Alaska	All Indian country, except with respect to criminal jurisdiction there is an exception permitting the Metlakatla Indian community to exercise jurisdiction over offenses committed by Indians on the Annette Islands.
Minnesota	All Indian country except the Red Lake Reservation.
California	All Indian Country
Oregon	All Indian country, except the Warm Springs Reservations.
Wisconsin	All Indian country.
Nebraska	All Indian country.

Public Law 280 was unsatisfactory to both the states and the tribes from the beginning. Many disagreements arose concerning the scope of powers conferred on the states and the methods of assuming power. Two important aspects of the law were highly critical which were: the lack of a requirement of tribal consent to state jurisdiction. As a result of pressure from tribes and Indian organizations, the act was amended in 1968 to add a tribal consent requirement and to authorize states to retrocede jurisdiction to the federal government. This amendment brought Public Law 280 more in line with the federal Indian policy of greater Indian self-determinations, but, did not resolve the controversy and uncertainties concerning the act.

As an example of one of those uncertainties was the **Bryan vs. Itasca County in Minnesota, 1976.** This was a supreme court decision that states Public Law 280 does not constitute a grant of power to the state to tax reservation Indians. Thus, Minnesota could not, under the Public Law 280, impose a personal property tax on a mobile home located on trust property within the Leech Lake Reservation. Further, the court has stated that under Public Law 280, Minnesota does not have the authority to levy state taxes on Indians residing on the reservation. However, the extent of the state authority in areas such as taxation of non-Indians leasehold interest in trust property, is not yet clarified.

The confusion and uncertainties over the full scope of Public Law 280 has not yet been fully clarified. Other reservations of The Minnesota Chippewa Tribe are currently involved in litigation over the state's authority within individual reservations.

It should be pointed out to students that the State of Minnesota had assumed that it had full jurisdiction over hunting, fishing, and wild ricing rights of the Leech Lake Reservation prior to 1972. Public Law 280 specifically states that the law itself does not change any of the rights guaranteed through treaties. The State of Minnesota had attempted to regulate Indian hunting, fishing and wild ricing rights up until 1972, when the **Herbst vs. State of Minnesota,** specifically stated that the state could not extend its jurisdiction to regulate hunting, fishing, and wild ricing rights on the reservation because of rights guaranteed through treaties.

Public Law 280 and House Concurrent Resolution 108 were laws passed during possibly the darkest period in the history of tribal government (the early 1950's). In less than 20 years from the Indian Reorganization Act, which was intended to strengthen and preserve tribal governments, Congress had become dramatically opposed to their continuations. Under the terms of termination, over 400 treaties and 200 years of court decisions, administrative procedures and acts of Congress, could be wiped out. This is surely the most awesome display of congressional plenary power possible.

THE INDIAN SELF-DETERMINATION ACT, 1975

In response to widespread Indian interests and support, Congress enacted Public Law 93-638, The Indian Self-Determination and Education Assistance Act, which became law January 4, 1975. Title I was designated the "Indian Self-Determination Act." Title II amended the Johnson O'Malley Act of 1934 to give the Indian community more control over programs designed to meet educational needs.

Title I of the Act, which is primary emphasis here, gives Indian tribes the opportunity to administer Departments of Interior and Health Education and Welfare Programs, (HEW). Under Sections 102-103 of the Act, Secretaries of Interior and HEW, if requested by any Indian tribe, are directed to contract with any tribal organization to plan, conduct, and to administer programs or program segments which the B.I.A. and Indian Health Service are authorized to administer for the benefit of Indians. These sections also establish a procedure by which the Secretary of the Interior may refuse to enter into proposed contracts when not in the public interest. In such cases, the Secretary must help tribes over come the obstacles which prompted the refusal. In addition, the Secretary must provide the tribes with a hearing and an opportunity to appeal.

This act also authorizes the Secretary to award grants to help tribes develop the capability to operate programs for which they may eventually contract for. These grants, authorized under Section 104, would be used: [10]

1) To undertake orderly planning for the takeover of the more complex Federally-operated programs;
2) To train Indians to assume managerial and technical positions once the tribe has assumed control and management of Federal programs; and

3) To finance a through evaluation of performance following a reasonable period of time in which a former Federally-controlled program has been administered by a tribe under contract.

Many tribal leaders are not convinced that contracting, the congressionally established method for achieving Indian Self-determination, is a workable method. Many tribes are unlikely to utilize the act extensively, until such Indian leaders are convinced that contracting is a workable method. Students should understand, however, in view of the Indian experience with the federal government (as discussed in chapter five, Legislation) there will be a great deal of reluctance on the part of tribal leaders to accept the sincerity of the Indian Self-determination program.

At present, many Indian tribes fear that contracting will lead to termination. This fear has also been expressed by Indian leaders in conferences and in testimony before the Senate Select Committee on Indian Affairs.

Tribal leaders have given many reasons for not contracting to operate more B.I.A. and I.H.S. programs. As long as tribes have serious doubts about requesting Title I contracts, any notable change in federal domination over Indian programs is unlikely.

[10] **Report to the Congress,** by the Comptroller General, pp. 3

Other sections of Title I authorize the assignment of Federal employee's to tribal organizations, provide for the retention of certain Federal benefits for civil service employees who are hired by tribes, and permit contracts and grants for personal services which would otherwise be performed by Federal employees. Title I also states that none of the Self-Determination Act's provisions authorize or require the termination of any existing trust responsibility of the United States with respect to Indian people.

As stated earlier, only those programs administered by the Interior and HEW are contractable under Title I. A brief look at what these two agencies do at the present time is as follows:

"The Bureau of Indian Affairs of the Department of the Interior, has the primary responsibility for administering Federal programs for Indians. Its principal objectives are to encourage and train Indians to manage their own affairs and to fully develop their human and natural resource potentials. The Congress has also vested in the Bureau of Indian Affairs various "trust" responsibilities with respect to tribal lands, moneys, and mineral rights. The Bureau of Indian Affairs operates and helps develop and manage public education systems on the reservations, works with the Indian people to obtain or provide social and community development programs and services, and helps establish and administer economic and natural resource development programs consistent with the principles of resource conservation. The Bureau of Indian Affairs has divided the United States into areas which perform administrative and housekeeping functions, and represent the Bureau of Indian Affairs in its dealings with the Indians, the public, State governments, and other Federal agencies with respect to each area's jurisdiction."

"The IHS of the Indian Health Service Administration HEW, is responsible for providing comprehensive health care to Indians. IHS offers programs for hospitalization, out-patient medical care, public health nursing, school health, maternal and child health, dental and nutrition services, health education, and environmental health services. The mission of the IHS is to raise the level of health of American Indians and Alaskan Natives to the highest possible level. This mission is accomplished in the field through eight area offices and four program offices. Each is responsible for operating the Indian health program within its geographical area. In addition, the area offices perform administrative support functions for the program offices, such as finance and personnel activities, to achieve economics of scale.

Those interested in understanding the complexity, the numerous problems existing with 93-638, and reviewing much of the controversy of the act as well as understanding the feelings of many tribal leaders should review the report to the Congress of the United States, "The Indian Self-Determination Act --- many obstacles remain," March 1, 1978. Copies of G.A.O. reports are available to the general public at a cost of $1.00 a copy. Members of press, college libraries, faculty members, and STUDENTS; non-profit organizations may receive up to two (2) copies free of charge. Requests entitled to reports without charge should address their requests to:

Unites States General Accounting Office
Distribution Section, Room 4522
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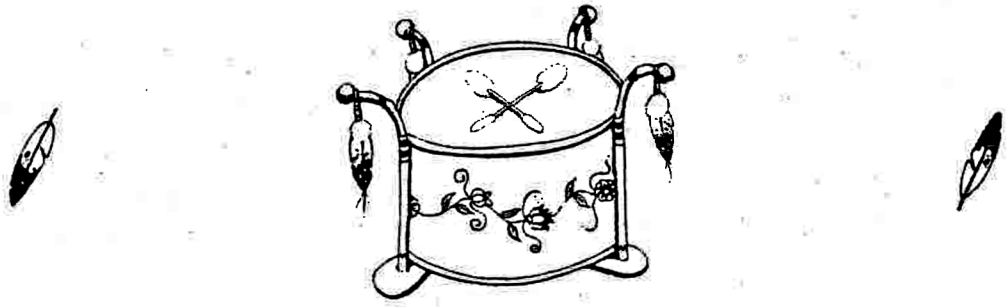
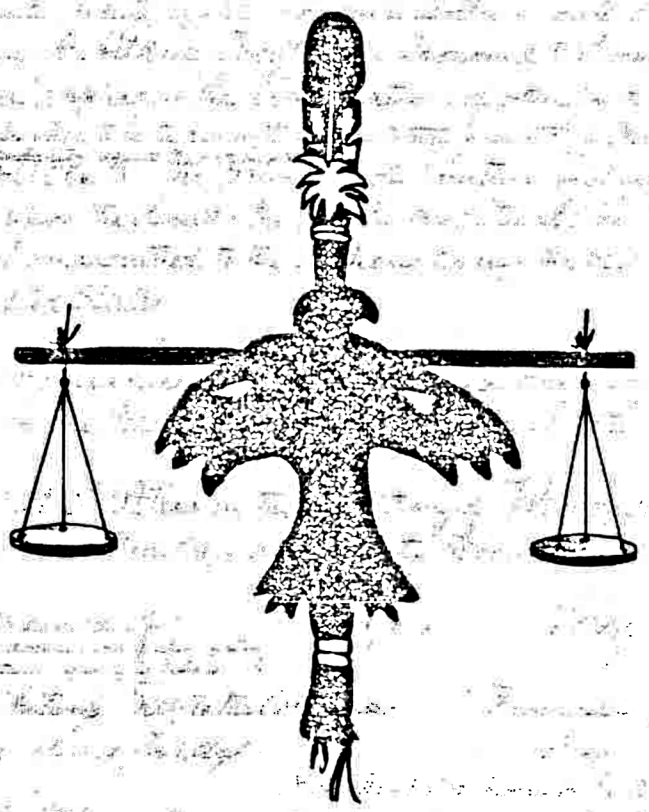


CULTURAL STUDIES ON TRIBAL GOVERNMENT
STUDENT WORKSHEET QUESTIONS
CHAPTER FIVE

1. Indians consider themselves citizens of the United States of America, and what other sovereignty?
2. Indians finally became citizens by an act of Congress, in what year?
3. The Johnson O'Malley Act allows Indians to contract with the Federal government in the field of:
   A. Housing
   B. Hunting and Fishing
   C. Education
   D. Social Services
4. The Clapp Act adversely affected what reservation, and briefly how?
5. Public Law 280 is considered very detrimental to Indian tribes, Why?
6. Are states now able to tax Indians on reservations?
7. The Nelson Act was designed to do what?
8. Who controls Johnson O'Malley moneys?
9. The Dawes Act allocated what to adult Indians?
10. What was another name for the Wheeler-Howard Act, and what did it do?

CHAPTER SIX

Minnesota Chippewa Tribe Programs and Services



PROGRAMS AND SERVICES OF THE MINNESOTA CHIPPEWA TRIBE

After the end of the Federal government's policy of terminating Indian tribes from federal services during the early 1950's, new policies were formulated by the federal government which allowed tribes to re-establish themselves as the primary agent of economic development on their respective reservations. New programs were initiated by the federal government aimed at the economic, housing, health, and educational needs of the reservation. The Federal government was convinced, after many Indian requests, that Indian tribal governments should run these new programs. In the past, many federal programs failed under the administration of non-Indians. As the tribes assumed their new role as the prime community developer, it was only natural that they resume their efforts in community development.

During the 85th Congress, 1956, hearings were held on S 809 "A bill to provide economic assistance to American Indians." Through this bill Indians were asking for technical assistance for Indian communities similar to that being provided for foreign developing nations, and that funds should be made available directly to reservation communities.

This legislation was not enacted immediately; however, in 1961 Dr. Philleo Nash became President Kennedy's choice as commissioner of Indian Affairs. He worked closely with governmental agencies to secure cooperation in the development of the kinds of programs sought by Indian leaders. His most important contribution was the achievement in securing legislative approval to have Indian reservations written into legislation primarily intended to benefit other local communities and depressed areas throughout the United States. In other words, Indian reservations were now eligible to receive federal funds because they were included as part of the legislation heretofore established for specific communities and depressed areas within the United States.

A few examples of the way Indian reservations were specifically included as part of the law and eligible to receive benefits are as follows: The **Area Redevelopment Act** of 1961 (Public Law 87-27) Indian reservations were specifically included in the law. The BIA organized a Division of Economic Development in 1962 in order for Indian tribes to qualify for loans, grants, and other services available under the ARA. This division was formally established to: 1) improve the concentration and development of natural resources; 2) encourage business and industrial development; 3) give technical assistance to tribes and assist with land management practices; and 4) develop a home building and public works construction program.

THE OFFICE OF ECONOMIC OPPORTUNITY (OEO) established in 1964, established Community Action Programs (CAP) on reservations to begin development of human resources. These original CAP programs still exist on the MCT reservations and serve their respective reservations similar to that service provided by the MCT, only that these original CAP programs are autonomous to their reservation. The Indian Desk at OEO, later became **The Office of Native American Programs,** (ONAP) operated by the Department of Health, Education, and Welfare, whose primary goal was to prepare the community and the tribal leadership in managerial and administrative experience needed to deal with private industry.

THE ECONOMIC DEVELOPMENT ADMINISTRATION (EDA), of the Department of Commerce, was started in 1965 to help deal with the material problems of unemployment and low family income. Certainly, both problems are found in abundance on Indian reservations. EDA supplies loans, grants, and technical assistance to tribes seeking to establish industrial parks and resorts.

THE OFFICE OF MINORITY BUSINESS ENTERPRISE (OMBE), began working with individual businessmen in 1969. OMBE has established a series of Business Development Organizations (BDO's) who help Indian businessmen secure the money necessary to go into business.

THE BUREAU OF INDIAN AFFAIRS always subject to the changing winds of the new policy, took a new role in trying to attract outside industry to the reservations. **THE INDIAN FINANCING ACT OF 1974** offered the Bureau its first opportunity to provide money, rather than just technical assistance.

Other federal agencies such as **HOUSING AND URBAN DEVELOPMENT** (HUD) and the **DEPARTMENT OF LABOR** (DOL) helped in housing and manpower training.

During the late 1960's, "Indian Desks" were established in both the Economic Development Administration and Manpower Administration of the Department of Labor. These positions were to be filled by persons of American Indian ancestry with the responsibility of coordinating their relationship with other federal programs. The OEO, BIA, HUD, and SBA have all worked closely with the Economic Development Administration in developing economic and industrial programs on reservations. EDA, with the cooperation of the above agencies, began action plans for several selected reservations to be continued over a period of several years.

EDA felt that the implementation of programs for these selected reservations will provide the necessary momentum to spur the economic growth of all Indian reservations. (see EDA in this unit)

During the early 1960's the policy of the U.S. government was to assist Indian tribes in improving the many inpoverished conditions that existed among many Indian tribes. As a result, the Federal government has spent, and is still spending, millions of dollars for reservation programs. In addition, S. Lyman Tyler, in **A HISTORY OF INDIAN POLICY**, points out the government's policy is to eventually make tribal goverments self-sustaining through federal funding. As has been shown in the past, all federal programs soon came to an end. The programs in operation today are no exception. What will remain when the programs cease operation? Will the MCT become soley self-supportive? Will problems in unemployment and under employment be solved? Many Indians feel that problems as old as reservation poverty cannot and will not be solved quickly, regardless of the amount spent.

A variety of programs and services which provide employment, health care, legal services and educational assistance are offered and sponsored by the Minnesota Chippewa Tribe. These programs serve a population of approximately 34,000 individuals within the six reservations of the Minnesota Chippewa Tribe, as well as several urban areas. (Students should be aware and should not confuse local Reservation Business Committee programs and services that are autonomous from the MCT)

As stated above, most federal programs eventually terminate. Because of this, the listing of programs and services that follows are subject to constant change due to funding cuts. The listing of programs and services that follows is current as of this writing. Students wishing to research any particular program of the MCT should do so by requesting additional information from the administrative offices.

MINNESOTA CHIPPEWA TRIBE CONSTRUCTION COMPANY

Minnesota Chippewa Tribes Construction Company was formed as a state chartered profit making corporation in November of 1972. The origin of this program came about as a result of a need for a skills training program in the construction trades.

The need for this type of training program was realized as a result of the Tribes Indian Action Team design. Indian Action Team was contracted from the Bureau of Indian Affairs in 1972. Its purpose is to train Indian men and women in the construction trades. Training is provided in the areas of heavy equipment operation and maintenance, masonery, rough and finish carpentry, electrical and mechanical installations. The objectives of the Indian Action Team Program is two-fold. During training, the enrollees are engaged in performing worthwhile construction on the reservations. However, the ultimate objective is to develop the enrollee's skill level to a point where he or she is qualified for employment in the construction trade.

Because of the need to assure immediate and future employment opportunities for Indian Action Team trained personnel and the potential construction projects surfacing both within and outside the boundaries of the Minnesota Chippewa Tribe, it was ultimately decided to form the Minnesota Chippewa Tribe Construction Company.

During the Construction Company's initial stages, it was supported, in part, by the Indian Action Team Training Program. An operating loan of $60,000 was made available from the tribe and management was provided by the tribal administration staff.

The Construction Company gained its 8-A contractors status in 1973 and actively began negotiations and performing governmental construction contracts in July of 1973.

During the first year of operation, from July 1973 to June 1974, the Construction Company negotiated and performed work on the following six construction contracts:

PROJECT	WORK	CONTRACTING AGENCY
Ball Club (curb and gutter)	Excavation storm sewer curb and gutter, black top, landscaping.	BIA
Cass Lake (curb and gutter)	Excavation storm sewer curb and gutter, black top, landscaping.	BIA
Mud Lake (forestry road)	six miles of road construction	USDA Forestry Service
Pay-She-Cumming (forestry road)	four and a quarter miles of road construction	USDA Forestry Service
Cass Lake Hospital (modernization)	replace interior doors and general carpentry	U.S. Public Health Service
Cass Lake Pumping (station site)	fencing and landscaping	U.S. Public Health Service

The total contract monies on these six projects totaled $370,220 and were completed within the required time with the normal allowances made for weather and the availability of materials.

The first year of operation of the Construction Company provided many new opportunities to gain knowledge and experience for the administration and staff in areas such as bidding, bonding and general business management.

The second year of the Construction Company's operation, from July 1974 to June 1975, saw the completion of the six contracts started in the previous year with the addition of three new contracts:

PROJECT	WORK	CONTRACTING AGENCY
Leech Lake (sanitation)	installation of 42 septic systems	U.S. Public Health Service
Cass Lake Hospital (water main)	installation of new water main	U.S. Public Health Service
Fond du Lac (sanitation)	installation of 3 septic systems	U.S. Public Health Service

The new contracts generated $66,912.00 for the Construction Company. At the same time, the Construction Company was also in the process of negotiating and bidding on contracts with the Bureau of Indian Affairs, the Department of Defense, as well as other governmental related projects.

During the third year of operation, from July 1975 to June 1976, the company was engaged in the following contracts:

PROJECT	WORK	CONTRACTING AGENCY
Ponsford Village (streets)	storm sewers, grading surfacing, curb and gutter	BIA
White Earth (village streets)	storm sewers, grading surfacing, curb and gutter	BIA
Finland Air Force (base)	curb and gutter	Department of Defense
Grand Portage (road paving)	road construction	BIA
White Earth (water system)	fencing and landscaping	Tribe
Naytahwaush (lagoon improvement)	sealing and draining the field	Tribe

From July of 1976 through Septmeber 1977, the Construction Company gained the following additional contracts:

PROJECT	WORK	CONTRACTING AGENCY
Nett Lake (road)	road building, grading, culverts, gravel, excavation	BIA
Leech Lake (sanitation)	Installation of 29 water systems and 27 septic systems	U.S. Public Health Service
Fond du Lac (sanitation)	installation of 20 water systems and septic systems	U.S. Public Health Service
Mille Lacs (sanitation)	installation of 10 water systems and septic systems	U.S. Public Health Service
Leech Lake (housing project)	construction of 100 housing units, low rent and mutual help	HUD

The additional contracts brought $5,399,009.00 additional to Construction Company.
The Construction Company prepared bids for the installation of 55 new sewer and water systems on the White Earth Reservation, two road jobs for the U.S. Forest Service, and a new contract with HUD for the construction of 82 housing units on the Leech Lake Reservation.

As part of the Tribe's long range development plans, the Construction Company is in the process of expanding. The company has expanded in home building construction and is also in the process of obtaining a dealership for prefabricated homes.

The Company has completed the building of a new shop to expand storage and the mechanical aspect of the program. The electrical department of the Company has added additional personnel to meet the growing needs of the business.

The future of the Company holds many new ventures. One of the possiblities of expansion of the program include the likelihood of obtaining a drilling rig for the water and sewer department of the Company. At present, the drilling is sub-contracted out. An agreement has been made with a well driller to train some Indian people on drilling wells.

As stated before, the Minnesota Chippewa Tribe's Construction Company, serves a dual purpose: it is both a profit making enterprise, and a human service program. It provides needed employment opportunities for Indian people who have skills and training in construction and related trades, and it also offers entry and training opportunities to Minnesota Chippewa Indian people who show an interest in learning and practicing construction trades.

In the Human Service aspect of the Construction Company, the following goals are sought:

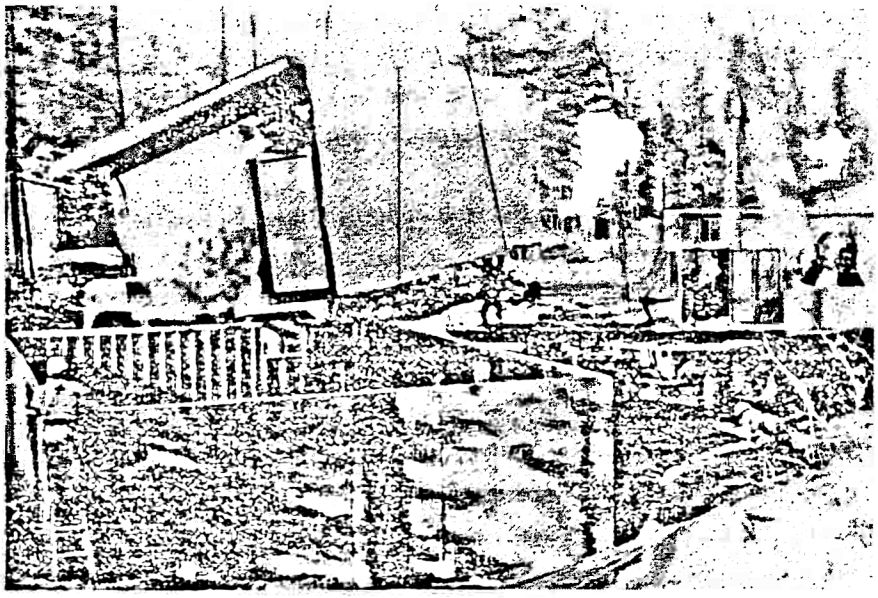
1. Providing the opportunity for Minnesota Chippewa Indian people to gain employment in the construction trades;
2. Providing the opportunity for Minnesota Chippewa Indian people to learn marketable skills of the construction industry;
3. Providing the construction of quality housing for Indian people;
4. Providing the construction of quality housing for Indian people;
4. Providing the construction of quality community water and sanitation facilites on Minnesota Chippewa reservations;
5. Providing the construction of needed improvements on Minnesota Chippewa reservations; and
6. Providing the use of profits from company operations for betterment of Minnesota Chippewa Indian people.

In the Profit-Making aspect of the Construction Company, the following objectives are sought:

1. To conduct an efficient business that will show a profit;
2. To secure contracts for construction projects;
3. To provide quality construction service at a competitive price;
4. To expand construction company business.

The experience gained in contracting has made the Construction Company aware of the problems and benefits associated with federal construction contracts. Actual job experience, with better than average results, has established a track record that guarantees the company's capabilities. The Company is experienced in contracting, sub-contracting, and joint venturing. It has met the requirements of bonding maintenance, of 8-A contracting status and has access to interm financing, technical assistance and management support.

The basic strength of the Minnesota Chippewa Tribe Construction Company, is that it is a tribal venture fully supported by the six member reservations. With this support, the company has come a long way in its few short years of existence and, with the continuing support of the tribe, it can continue to work for the benefit and betterment of its supporters.



Minnesota Chippewa Tribe Construction Program workers at work on a Housing and Urban Development Project at Leech Lake. 100 new homes were built by the Tribal Construction Company beginning 1976 and contracts have been awarded that allow the Tribal Construction Company to build many new homes on The Minnesota Chippewa Tribe reservations.

ECONOMIC DEVELOPMENT DIVISION

The Minnesota Chippewa Tribe receives a grant from the Economic Development Administration of the U.S. Department of Commerce, to initiate and implement an Economic Development Division of the tribe. The Economic Development Administration (EDA) funds the Tribe on a yearly basis.

The Tribe consists of six prime sponsors, which make up The Minnesota Chippewa Tribe. They are: the Leech Lake Reservation Business Committee or RBC, the White Earth RBC, the Bois Forte or Nett Lake RBC, the Grand Portage RBC, the Mille Lacs RBC, and the Fond du Lac RBC.

The Economic Development Division of the Tribe is funded to provide an overall administrative staff at The Minnesota Chippewa Tribe. This consists of a Director, a Land Use Planner, a Coordinator, and a Secretary.
The Director of the Economic Development Division is responsible for fulfilling the contractual obligations to EDA and to insure continuation of funding in subsequent years. The Director is also responsible to provide each Reservation Planner, Tribal Leaders, and Reservation people with current data on every changing federal law which affects the success of the program, and to prepare and submit financial and progress reports to the Minnesota Chippewa Tribe's tribal leaders and to the EDA.

The Economic Development Division is also funded to provide to each Reservation, or prime sponsor, a Reservation Planner. Salaries for all postions of the Economic Development Division Staff and Reservation Planners are paid from the grant monies, as well as travel allowances, office supplies, telephone expenses, occupancy costs, and other miscellaneous costs.

The Reservation Planner is responsible to the RBC at each location, and is charged with the responsibility of implementing goals as prescribed in the Overall Economic Development Plan (OEDP). This includes grant application writing for specific programs, developing budgets, needs assessments, etc. The Reservation Planners, on each of the Reservations, work closely with the Economic Development Administration, the RBC's, Indian Leaders, their people, federal, state, and local governments for the purpose of identifying priorities and developing the OEDP to meet the needs indentified.

The intent and purpose of the program is to expand job opportunities while attempting to develop a stable local economy that will alleviate hardships existent among the residents that are caused by unemployment and underemployment. To accomplish these objectives, resources of each Reservation must be kept in mind, also taking into account that the human resource is the single most wasted resource that we have.

Keeping the purpose of the program in mind, many of the projects taken into consideration for funding and support by The Minnesota Chippewa Tribe and the prime sponsors, must be directed toward community development as it relates to facilities for educational purposes, facilities for human services, and job producing activities. Considering this as the primary goal of each member reservation, the planning department of each reservation must develop channels of communication between the reservation leaders, their people, federal, state, and local governments, for the exchange of ideas which will accomplish these goals.

Initially, long-range development plans must be developed by each reservation, with the assistance of the Reservation Planners and the Economic Development Division. The plans conceived, must be structured in such a way as to allow for Community Development, industry, recreational facilities, environment protection, and housing.

Some of the projects funded by the Economic Development Administration of the U.S. Department of Commerce are as follows:

ON THE LEECH LAKE RESERVATION: 1) Che-wa-ke-e-gon (Long House), this consists of a gas station, garage, mini-market, cafe, and home heating fuel supplier. 2) Chippewa Lanes is owned and operated by the Leech Lake Reservation Business Committee, initially funded by EDA. This is a bowling alley and lounge, and also consists of a laundromat and game room. 3) The Leech Lake Neighborhood Facility Center, this facility houses the major portion of The Minnesota Chippewa Tribal offices, and has facilities for community events. This project is currently undergoing expansion to meet the needs of the Reservation and of the Tribe.

THE MILLE LACS RESERVATION was awarded a grant from the Local Public Works Program for construction of a **medical facility.** The construction of this facility provided new jobs for the community. Aside from the much needed medical and dental services now available, there will be 12 full time positions: one doctor, one dentist, four nurses, and six support personnel. Initially the Indian Health Service provided $250,000.00 for equipment purchase and staffing with a commitment to furnish $150,000 each continuous year for operating costs. The Mille Lacs **Marina/Tourism complex,**consist of a bar, cafe/resteraunt, office space, 12 individual cabins, and channel and boat harbor with individual berths capable of docking 24 boats. The Marina provides employment for 21 reservation personnel. Since becoming operational, the Marina is considered a success.

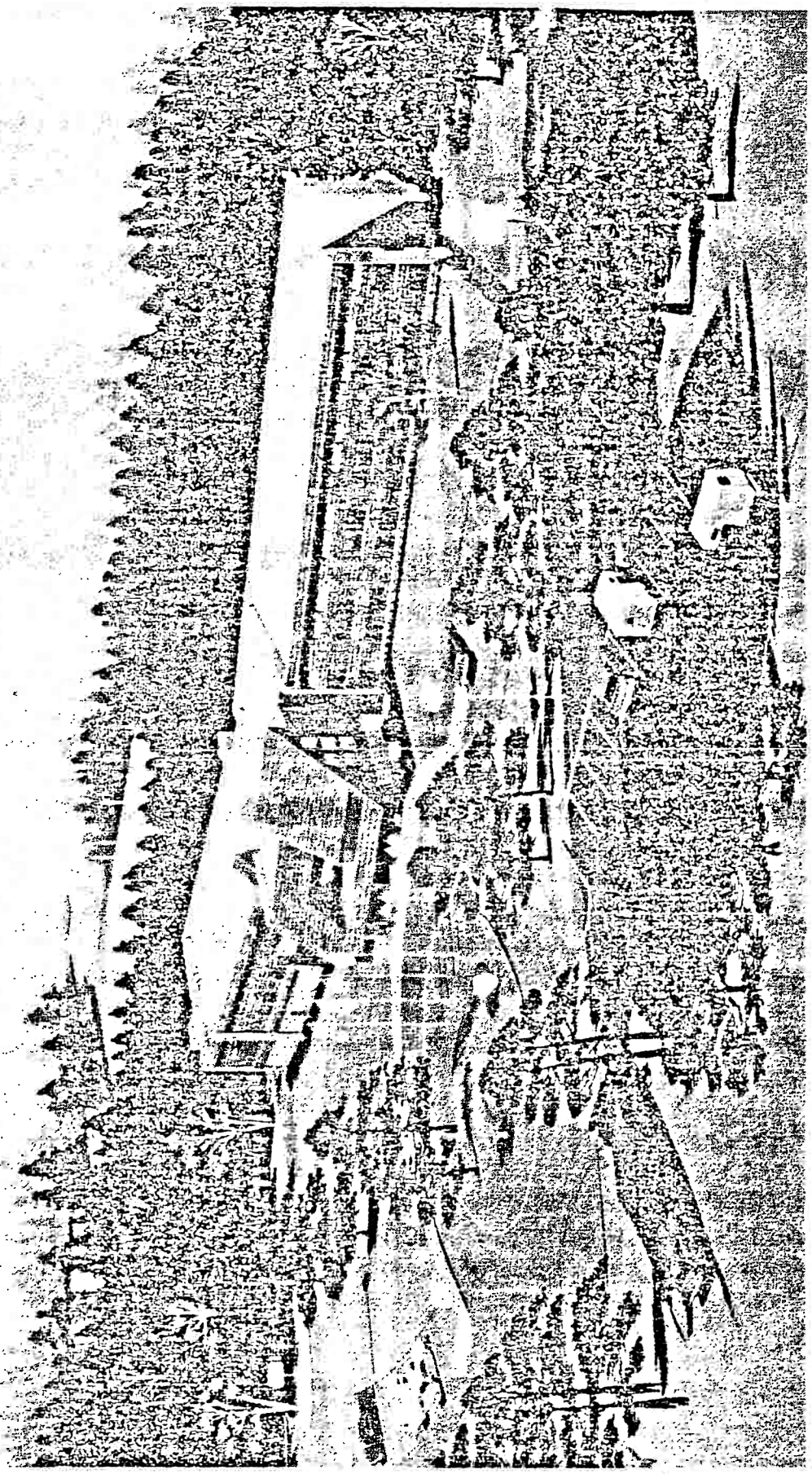
Other types of EDA activities include the construction of a **maintenance garage** and **Electronic Component Factory** which employs 29 people and is also considered a success.

On the **Grand Portage Reservation:** 1) Raddison Inn - Grand Portage, the hotel was completed in 1973 and has 100 units and many other extras that comprise a hotel. 2) A Tourism Information Center. 3) Under Title X, a project was undertaken to beautify the Grand Portage Area, by way of adding ski trails and other work. This project employed fifteen (15) Indian people to complete the project. 4) In July of 1978, a hotel addition will begin that will include housing units for the residents. 5) In 1977, Grand Portage was awarded $1,666,000.00 from HUD to build 25 new homes.

On the **White Earth Reservation:** 1) the Pine Point School and Community Center.

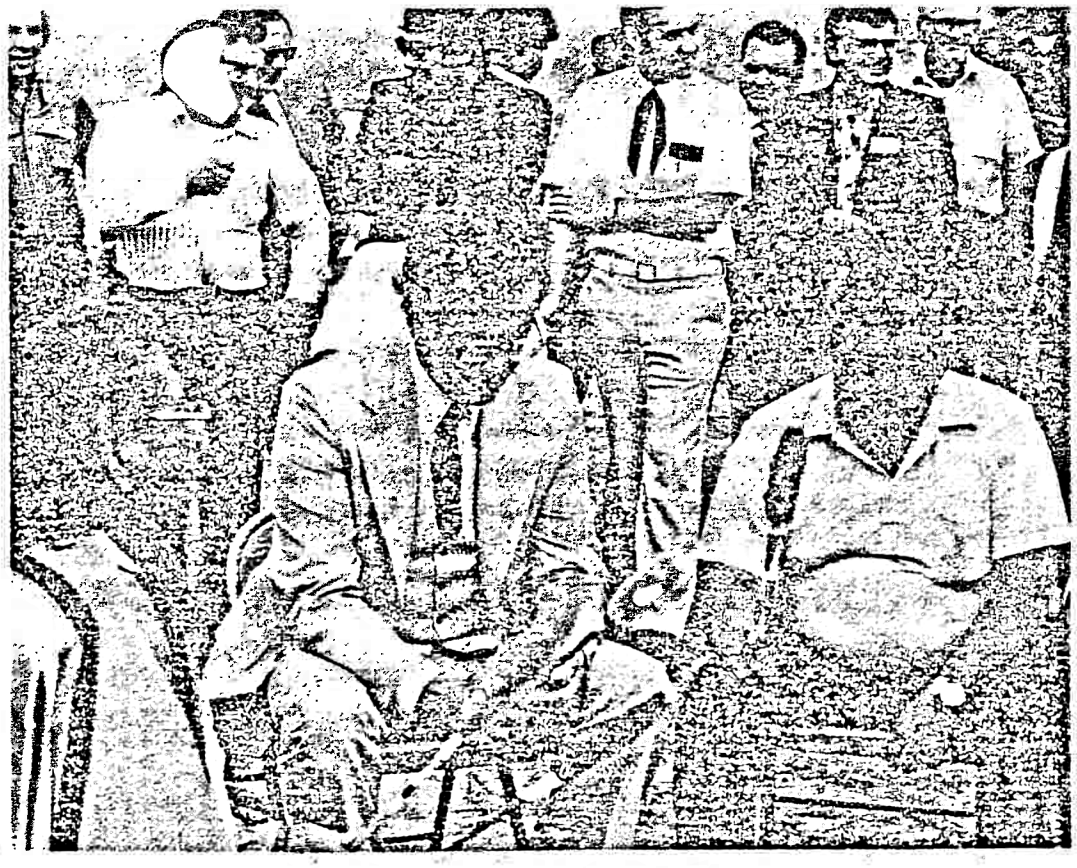
The Nett Lake Reservation received grants and loans from EDA and the BIA for completion of a saw mill; recently phase II of the project was initiated which provided equipment for finishing lumber, as well as a chipper and debarker to enable the mill to use otherwise wasted materials. **The Nett Lake School Addition,** funded at $913,000.00 from Local Public Works Program, provides needed space for a growing all Indian school district.

The Bois Forte HUD Project provides for a 50-unit mutual-help low rent housing project. Included in the project are 46 family dwellings, and a fire hall with fire fighting equipment. The Bois Forte **Tribal Government and Community Center Building** funded by the Local Public Works Program will provide office space and much needed Tribal headquarters space by July 1978.



The Grand Portage Radisson Inn complex shown here, in a natural setting, is located along the shores of beautiful Lake Superior. This complex is owned and operated by the Grand Portage Indian Reservation with funding secured from the Economic Development Administration.

The **Fond du Lac Reservation**: 1) Has completed construction of a wild rice processing plant. 2) The Fond du Lac Furnace Factory was completed during 1977. Since it became operational jobs were provided to 26 full time employees. 3) Funding was secured under the Emergency Drought Assistance Project which was designed primarily to provide fire fighting equipment to the reservation. 4) Additional funding was secured through the Local Public Works Program (LPW) to complete the Furnace Factory with landscaping, a parking lot, and to expand the capacity of the well and septic system.



Pictured here are dignitaries of both the state and tribal levels, with governor Rudy Perpich taking part in a traditional drum ceremony. This ceremony was a tribute to ground breaking for a new facility center on the Leech Lake Reservation which would house the Bureau of Indian Affairs agency office, now located in Bemidji, and provide extra room for MCT administrative offices. Funding of close to $1,000,000 was received by the Leech Lake RBC from the Local Public Works Program [LPW].

THE CHIPPEWA RANCH COMPLEX

In 1973, actions were initiated by The Minnesota Chippewa Tribe, to establish a tribally owned and operated agricultural enterprise on tribally owned lands within the boundaries of the White Earth Reservation.

For thirty years previous to this action, this agricultural land resource had been leased primarily to non-Indian farmers and cattlemen which resulted in extreme minimum income realized by the Tribe from the lease/rental agreements. Additionally, under the lease/rental condition, virtually no employment was provided to enrolled tribal members.

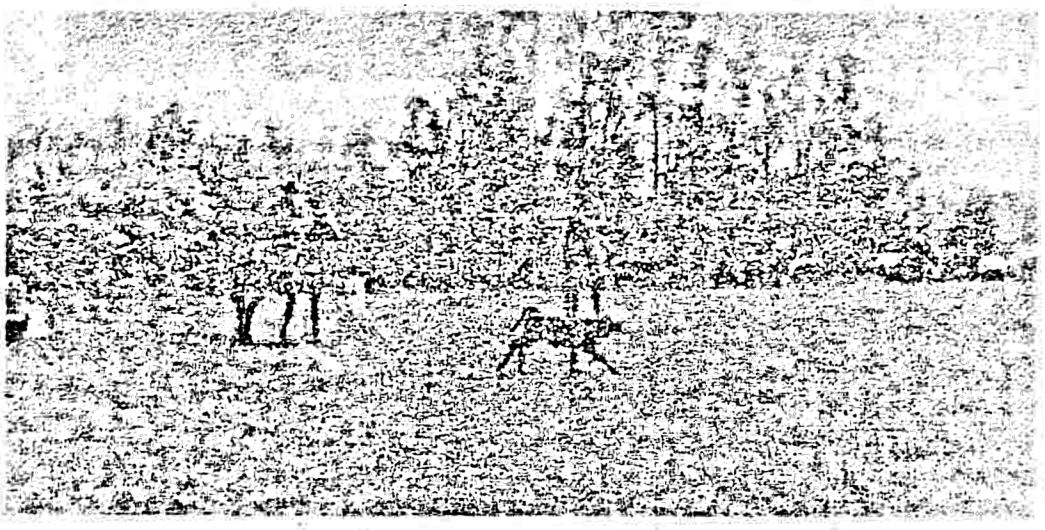
On September 8, 1973, the Minnesota Chippewa Tribe moved to discontinue long-term leasing of range and farm lands and prepared plans for the eventual establishment of a tribally owned ranching enterprise as the leases expired.

Soil surveys were performed initially, through the assistance of the Soil Conservation Service of the U.S. Department of Agriculture, to determine and explore agricultural capabilities. Development planning was initiated with additional assistance of the University of Minnesota and the County Extension Services.

Satisfied with the results of the soil survey, the Tribe's preliminary development plan was prepared based around a cow/calf operation, utilizing existing range lands, and divided into three range development units.

The plan called for the initial development of Range Unit Number 1, approximately 3,400 acres. This range unit was to be used as the Training and Demonstration Unit, with a herd capacity of five hundred cow units. A minimum of five years has been established as the period of time that will be required for the Unit Number 1 development phase and also the break-even point for total ranch development.

In April of 1975, The Minnesota Chippewa Tribe regained Trust—Ownership and control of over 10,200 acres of Land (range and farm) known as the Chippewa Ranch complex, previously under lease to non—Indians.



Chippewa Ranch cowboys cutting out a calf for branding, one of the many chores involved in maintaining the complex.

On October 19, 1975, The Minnesota Chippewa Tribe was restored Trust-Ownership of 28,554.8 acres of land by the U.S. Congress. Previously known as the submarginal lands, these lands were under land use control of the Tribe, but were owned by the U.S. Congress, and the uncertainty of ownership hindered tribal efforts toward proper land use planning.

8,000 acres of the 28,554.8 acres of land, previously known as the submarginal lands, fell neatly into the Ranch Planning Program.

On September 1, 1976, 1,200 acres of land, which was already developed as range and farmland, were restored from lease and once again fell neatly into the Ranch Complex. This land was previously known as the Lee Farm Complex.

Thus, approximately 10,400 acres are included in the Long Range Development Plans of the Minnesota Chippewa Tribal Ranch. The Long Range Plans for the Tribal Ranch include 10-year projections. These projections are done in two segements, cash crops and cattle. In 10-years, it is projected that the Ranch Complex will have approximately 2,000 acres producing cash crops. It is also projected that in 10-years, the Ranch will be running 1,000 head of cattle. Additionally, 800 to 900 acres of land will be hay-producing for the cattle of the ranch. As additional leases expire or are canceled, more land will be available for crops or for land clearing.

With the added acreage, a total of six (6) Range Units now exist where there were previously three (3), this allows for gradual year-to-year development. With this situation, an added incentive has been provided to involve the Tribe more fully in the ranch development by naming each range unit after a particular reservation, this being decided by where the unit is located. For example, Range Unit I, is the north eastern range unit, it has been named the "Grand Portage Range", Range Unit Number II, the Mid-Northern range unit, is the "Bois Forte Range", etc.

Range units II and III have been utilized for hay and grain production during the first year development phase, and will also serve as summer grazing range for Tribal cattle. Range Units IV, V, and VI, will be used for limited contract grazing to provide additional enterprise income.

A Grant was submitted and subsequently funded by the Economic Development Administration of the Department of Commerce, to cover the costs of range land development, fencing, cattle handling facilities, and a full line of farm and ranch equipment. Other Economic Development Administration involvement included equipment, construction costs and some limited technical assistance.

When the Chippewa Ranch Complex began in 1973, it was without funding, but, supporters were optimistic about the potential of such an enterprise. After the initial steps were taken to have the lands available for this undertaking, funds were received from the B.I.A. for operating expenses. Some Indian Action Team funds were used in the past to supplement salaries and for training for the ranch-hands.

More recently, a loan was secured through MMCDC, the Mid-west Minnesota Community Development Corporation. These funds provided for operating capital and salaries for the staff.

The administration is looking for new funding sources to maintain the ranch and to expand its operation. However, it can be safely assumed that the Chippewa Ranch Complex will be a part of The Minnesota Chippewa Tribe, for many years to come.

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT [C.E.T.A.]

The Comprehensive Employment and Training Act of 1973 (C.E.T.A.), of the Minnesota Chippewa Tribe, is funded by two sources; the Governor's Manpower Office (GMO); and the Department of Labor (DOL)

The purpose of funding is to provide Technical Assistance to the eight (8) prime sponsors which are: 1(the Leech Lake Reservation Business Committee; 2) the White Earth Reservation Business Committee; 3) the Fond du Lac Reservation Business Committee; 4) the Bois Forte (Nett Lake) Reservation Business Committee; and 5) the Mille Lacs Reservation Business Committee. All of the above are members of The Minnesota Chippewa Tribe. Additionally, the three other prime sponsors are: 6) the Red Lake Band of Chippewa Indians; 7) the Minneapolis Regional Native American Indian Center; and 8) the American Indian Fellowship Association of Duluth.
The Minneapolis Regional Native American Indian Center serves the urban Indian population and also the four Sioux communities: Upper Sioux, Lower Sioux, Prior Lake, and Prairie Island.

Bois Forte (Nett Lake) does not have the population required by the Department of Labor to operate and contract for C.E.T.A. Programs, however, an exception was made in this particular case due to the remoteness of the reservation. C.E.T.A. or employment services are not easily accessible to the residents.

The Grand Portage Reservation also does not meet the population criteria, however, Grand Portage is served by the American Indian Fellowship Association (AIFA) of Duluth which is a prime sponsor.

A prime sponsor is an agency (in this case, an Indian organization or reservation) operating programs under contract with the Department of Labor. The eligibility criteria of each reservation or organization required by the Department of Labor to allow contracting services are:

1. To have at least a population of 1,000 persons;
2. To have an organized governing body;
3. To have experience in running Manpower Programs; and
4. To have a knowledge of financial management systems.

The Technical Assistance provided by The Minnesota Chippewa Tribe C.E.T.A. Program involved writing contracts, preparing budgets, writing job descriptions, interpreting regulations, training new staff (primarily C.E.T.A. administration), reporting to the Reservation Business Committees new requirments required by the Department of Labor and the Governor's Manpower Office, and general administration.

The prime sponsors are eligible for funds under six major titles of the Comprehensive Employment and Training Act. They are as follows and contain certain specific guidelines for participant eligibility:

TITLE I of C.E.T.A. established a program of financial assistance to state and local government for comprehensive employment and training programs or servies. Some of the comprehensive manpower services available under Title I include recruitment, orientation, counseling, testing, placement, classroom instruction, institutional and on-the-job training in the private sector, allowances for persons in training, supportive services, and transitional public employment jobs. The design and mix of services is up to the prime sponsors.

They may decide to continue the former categorical programs in existence in the area, and they may develop new programs which more effectively meet the needs in the local area. The greater part of the Title I funds (80 percent) is distributed among prime sponsors according to a formula based on each area's manpower allotment in the previous fiscal year, on the number of unemployed persons, and the number of adults from low—income families in the area.

Title II is also locally administered and provides for tansitional public employment programs in areas with an unemployment rate of 6.5 percent or higher for three consecutive months. The Secretary of Labor determines which three consecutive months. The Secretary of Labor determines which three months are to serve as the basis for this eligibility. Title II funds may be used to create jobs in state, county or city governmental agencies, or with other non-profit organizations. The jobs must be in addition to those budgeted by the employing agency. The maximum salary reimbursable through Title II is $10,000 annually, plus fringe benefits. In additon to Title I prime sponsors, Indian reservations are eligible to receive public service employment funds.

TITLE III of C.E.T.A. is federally supervised and provides manpower programs for special target groups such as migrants, Native Americans, youth, offenders, older workers, persons with limited English speaking ability, and others with particular employment problems. All Title III funds are allocated directly by the Secretary of Labor, generally not prime sponsors, to deliver the Title III services, although Title III funds are the primary source of summer youth employment programming in the prime sponsor areas. In addition to the target group uses of the Title III, the funds may also be used for research and demonstration projects.

TITLE IV of the act provides for continuation of the Job Corps, incorporated from the Economic Opportunity Act. Job Corps remains a nationally funded and administered program, with recruitment and placement services provided by the employment service in each state. There are currently no Job Corps programs operating in Minnesota.

TITLE V of C.E.T.A. provides for the establishment of a National Commission for Manpower Policy.

TITLE VI is an amendment to the Act passed in December 1974 for Emergency Jobs and Unemployment Assistance. Similar to Title II, it is locally administered and provides for emergency public employment programs in the areas of high unemployment. Fifty percent of Title VI funds are allocated to all areas of the state on the basis of the neumber of unemployed in any specific area as it compares to the number of unemployed statewide. Twenty—five percent of the funds are allocated to those areas which have as unemployment rate in excess of 4.5 percent and the remaining 25 percent is allocated to areas with greater than 6.5 percent unemployment. the significant difference between Title II and Title VI is the temporary nature of the appropriation, the manner in which it wass allocated, and it does not require an employing agency to provide permanent unsubsidized employment.

The C.E.T.A. Program has available different program components. The terminology of the components and definition of each are as follows:

CLASSROOM TRAINING is any training conducted in an institutional setting designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs.

ON-THE-JOB-TRAINING is training conducted in a work environment in the private sector, designed to enable individuals to learn a bonafide skill and/or qualify for a particular occupation through demonstration and practice.

PUBLIC SERVICE EMPLOYMENT is subsidized employment with public employers and non-profit employers who provide public services.

WORK EXPERIENCE is a short-term work assignment with a public employer or private non-profit employer to enhance the future employability of youth or to increase the potential of adults in obtaining a planned occupational goal.

Other Activities are activities not described in the above categories designed to expand job opportunities and enhance the participation of individuals who are eligible to participate in programs funded under the act.

Service to Participants is designed to provide supportive health care, medical, child care, residential support assistance in securing bonds, family planning, and manpower intake and assessment, orientation, counseling, job development, job placement, transportation, outreach, services which are needed to enable an individual to obtain or retain employment.

Median Hourly Wages compare the "before" C.E.T.A. participation and the "after" C.E.T.A. participation earning power of those persons who terminated into employment.

When a participant leaves the service of a C.E.T.A. programs, it is defined as a termination. The termination of a C.E.T.A. participant must fall into one of the following categories.

Direct Placement are those people placed in unsubsidized employment after receiving only assessment and job referral services.

Indirect Placement are those people placed in unsubsidized employment after participating in C.E.T.A. funded training, employment, or supportive services.

Self-Placement are those people placed in unsubsidized employment after receiving only assessment and job referral services.

Other Positive Terminations are participants who left C.E.T.A. funded activities to enroll in full-time academic or vacational schools, enter a branch of the Armed Forces, or to enroll in other manpower programs.

Non-Positive Terminations are particapants who left C.E.T.A. funded activities for any reason other than those specified in the above categories.

Eligibility for participation in C.E.T.A. programs are numerous; following is a brief summary of eligibility criteria on a few of the major programs:

Title II, any person that is unemployed or underemployed for 30 days. The underemployed are those working full—time but making less than poverty income.

Title III, economically disadvantaged, unemployed, or underemployed.

Title VI, the economically disadvantaged, and unemployed for fifteen (15) weeks or a family receiving AFDC assistance.

All of the C.E.T.A. programs, described previously, are not available at all of the prime sponsors areas. Following are the C.E.T.A. Programs contracted to each prime sponsor:

1. **Leech Lake Reservation Business Committee:** Title I-Sub-contract from the Concentrated Employment Program (CEP), Title II, Title III, Title VI, Title III Summer Youth, Youth Community Conservation Improvement Program (YCCIP), Youth Employment Training Program (YETP), plus a separage contract with the Department of Labor for a waste disposal Program, and the Firewood Production Plant.

2. **White Earth Reservation Business Committee:** Title I sub-contracted from the Concentrated Employment Programs (CEP), Title II, Title III, Title VI, Title III Summer Youth, Youth Community Conservation Improvement Program (YCCIP), Youth Employment Training Program (YETP), plus a separate contract with the Department of Labor

3. **Fond du Lac Reservation Business Committee:** Title I slots out of Region III Consortium, Title II, Title III, Title VI, Title III Summer Youth, Youth Community Conservation Improvement Program (YCCIP), Youth Employment Training Program (YETP), plus a Nurses Training Program.

4. **Bois Forte [Nett Lake] Reservation Business Committee:** Title I slots out of Region III Consortium, Title II, Title III, Title VI, Title III Summer Youth, Youth Community Conservation Improvement Program (YCCIP), and Youth Employment Training Program (YETP).

5. **Mille Lacs Reservaton Business Committee:** Title I,Title II, Title III, Title VI, Title III Summer Youth, Youth Community Conservation Improvement Program (YCCIP), Youth Employment Training Program (YETP); additionally they have a contract for a Waste Disposal Program.

6. **The Red Lake Band of Chippewa Indians:** Title I slots from Rural Minnesota Concentrated Employment Program (CEP), Title II, Title III, Title IV, Title III Summer Youth, Youth Community Conservation Improvement Program (YCCIP), Youth Employment Training Program (YETP)

7. **THE MINNEAPOLIS REGIONAL NATIVE AMERICAN INDIAN CENTER:** Title II, Title III, Title VI, Youth Community Conservation Improvement Program (YCCIP), Youth Employment Training Program (YETP), also some funds from the City of Minneapolis. Please note, Title II and Title Vi are specifically to serve the four Sioux Communities, Title III is shared between the Urban and Sioux communities, the other programs are to serve the entire service area.

8. **American Indian Fellowship Association of Duluth:** Title II, Title III, Title VI, Title III Summer Youth, Youth Community Conservation Improvement Program (YCCIP), Youth Employment Training Program (YETP). Some slots are obtained from the City of Duluth, which is a separate prime sponsor. Grand Portage, which falls under the service area of the American Indian Fellowship Association of Duluth receives some Title I monies from the Region III Consortium. All Title II and Title VI monies received by the American Indian Fellowship Association of Duluth has to be spent on Grand Portage. Title III is divided with Duluth taking the larger portion and Grand Portage receiving what it can use. Grand Portage has a CETA program, however, with AIFA being the prime sponsor, all monies and checks for the program comes from them.

The CETA program of The Minnesota Chippewa Tribe offers many types of assistance to the Prime Sponsors. In addition, the CETA program works closely with each prime sponsor by way of staying in contact with Manpower Directors on each of the reservations of The Minnesota Chippewa Tribe, and also the Manpower Directors of the Red Lake Band, Minneapolis Regional Native American Center, and the American Indian Fellowship Association of Duluth. Between the CETA program, the Manpower Directors and the Reservation Planners, needs in the area of employment and training for the recipients of CETA services are identified, and solutions sought.

LOCAL BUSINESS DEVELOPMENT ORGANIZATION

The Local Business Development Organization (L.B.D.O.) was initially funded in 1974 by the Office of Minority Business Enterprises (OMBE), a division of the U.S. Department of Commerce.

Local Business Development is based at the site of the main offices of The Minnesota Chippewa Tribe in Cass Lake, Minnesota, and it operates branch offices in Minneapolis and Duluth.

The purpose of the Program is to assist minority persons, in the State of Minnesota, in establishing businesses, and also, to assist minority persons in maintaining existing businesses.

Any Indian person, who is enrolled with a State, or federally reorganized American Indian Tribe is eligible for services. Since the Local Business Enterprises, services are also available to other minority group members, as well as to the handicapped, Viet Nam Era Veterans, and the economically disadvantaged.

Local Business Development concentrates its resources and energies in the area of developing Indian owned and operated business on the six member Reservation of The Minnesota Chippewa Tribe, the four Sioux communities, and in general the entire State of Minnesota.

The objectives of the Local Business Development Organization is to:

1) Increase the number of minority business enterprise starts;
2) Strengthen existing minority business enterprises;
3) Improve opportunities for socially or economically disadvantaged persons to own successful businesses as regarding executive order No. 11.625;
4) Structure an out—reach effort to make the program services known to as many qualified and qualifiable business candidates as possible;
5) Identify potential business candidates and provide these candidates with a priliminary evaluation of their business opportunities;
6) Establish a capability for collection and disseemination of business information;
7) Establish a capability to offer direct or indirect managment services and technical assistance to business candidates;
8) Establish an office facility accessible to minority groups served;
9) Establish working relationships with other Office of Minority Business Enterprises;
10) Maintain written guides, annuals, policies and procedures regarding program operation and services, and
11) Establish a time—phased plan for setting realistic goals and accomplishment of scope of work.

Local Business Development assists business canididates in many ways. Some of the assistance given is in developing and implementing comprehensive business plans for creating new businesses, or improving existing businesses. This assistance is given by helping clients with their resumes, financial statements, and statements of business objectives.

Upon request, the Program will arrange for sufficient temporary, or continuing, management and technical assistance, in order to encourage eventual profit and self-sufficiency for the business.

Management Services and Technical Assistance include:

1) steps to assure that the business has an adequate accounting and control system, as well as, the capability to maintain and use the system, as well as, the capability to maintain and use the system effectively. This is especially important for timely and accurate information to other businesses, financiers; Governmental related agencies, suppliers, and customers.

2) steps to assure that the business has capabilities in the areas of marketing, personnel management, production processes, legal affairs, purchasing, distribution and financing. And that the business can obtain helpful assistance as needed in these and other technical areas.

The Local Business Development Organization also assists the client in the preparations and submission of the completed business application package to the appropriate financial institutions.

Following is the process involved, after a decision is made to go into business:

1) The description of a Plan of Operation, what the business is going to be and what it is proposed to do, and
   A. What facilities will be required to start the business?
   B. How will cost estimates on equipment, inventory, etc. be obtained?
   C. Will the business be sole proprietorship, partnership, or corporation.
   D. What type of financing is going to be considered.
   E. How much of the clients know money is available to invest into the business.

The following are some of the loans available and a brief summary of what is entailed in obtaining these forms:

I. **SMALL BUSINESS ADMINISTRATION [S.B.A.]**

   A. Direct Loan

1) Loan is applied for directly from the Small Business Administration.
2) Applicant should have at least 15 percent of the total amount requested (in cash or substantial collaterial or a combination of both).
3) The current interest rate on these loans is at 7 percent.
4) Payments are to be made to S.B.A. directly.
5) Direct loans are made available to both Indian and non-Indians.
6) In order for the applicant to qualify, he must have been denied assistance from at least two banks.

B. Participation Loan

1. The Small Business Administration will guarantee up to 90 percent of a loan with a participating bank taking the remaining percentage of liability.
2. The applicant should have at least 15 percent of the total amount requested in cash or substantial collateral, or a combination of both to the satisfaction of both the S.B.A. and the participating bank.
3. The interest rate is subject to bank rates, but, not over S.B.A. recognized limits.
4. Payments are made to the participating bank, who also disperse the money lent.
5. This loan is available to both Indians and non-Indians.

II. BUREAU OF INDIAN AFFAIRS [B.I.A.]

A. Guaranteed Loan

1. The Bureau of Indian Affairs will guarantee up to 90 percent of a loan with a participating lending institution, approved by the B.I.A., taking the remaining percentage of liability.
2. The applicant must secure a committment from a participating lender and also, satisfy B.I.A. guidelines as to loan use.
3. The interest rate is subject to lenders rate, but not in excess of the Commissioners opinions as to a reasonable amount.
4. The payments are made to the participating bank, who will also disperse the money lent.
5. The applicant must be enrolled on a recognized Indian Reservation.
6. The applicant may be "on" or "off" the reservation, but preferably "on."

III. BUREAU OF INDIAN AFFAIRS [B.I.A.]

Grant

1. The B.I.A. will grant up to 40 percent of the total amount proposed for the project. The other 60 percent must be loaned through an approved lender.
2. The applicants must be enrolled on a recognized Indian Reservation.
3. The applicant may be "on" or "off" the reservation, but preferably "on."
4. The Bureau's Grant Program will not be funded during 1978 or until otherwise determined by the Bureau of Indian Affairs.

IV. FARMERS HOME ADMINISTRATION

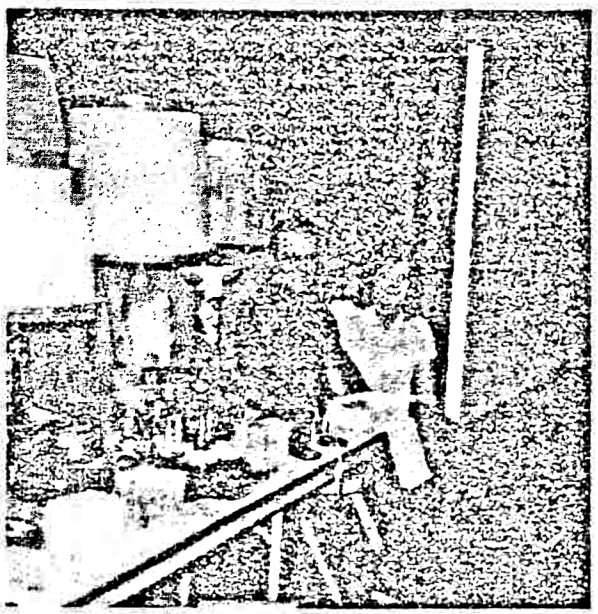
Guaranteed Loan Program

1. The Farmers Home Administration will guarantee 90 percent of a loan with a participating lending institution.
2. The applicant must secure a committment from a participating lender and also satisfy Farmers Home Administration guidelines as to loan use.
3. The interest rate is subject to lenders rate.
4. Payments are made to the participating bank, who will also dispurse the money lent.
5. The applicant must be enrolled as an Indian.
6. The applicant may be "on" or "off" a reservation.

V. STATE AGENCIES

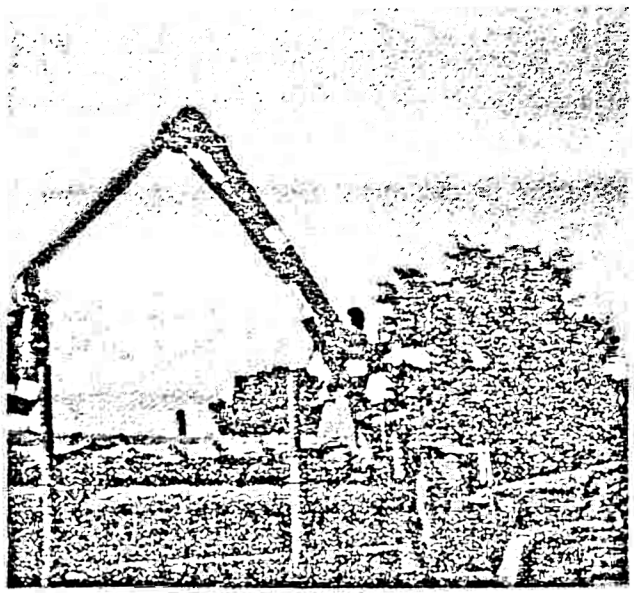
Severed Mineral Rights Act

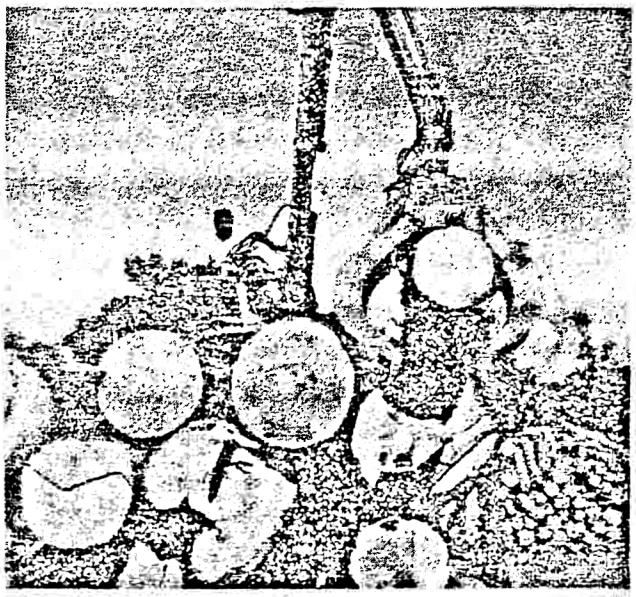
1. $500,000 from the State Department of Economic Development.
2. The applicant must be enrolled on a recognized Indian reservation.
3. The applicants on reservations may take their applications to the State Department of Economic Development.
4. These funds have not been passed yet by the Minnesota State Legislature.



Peggy's Ceramics

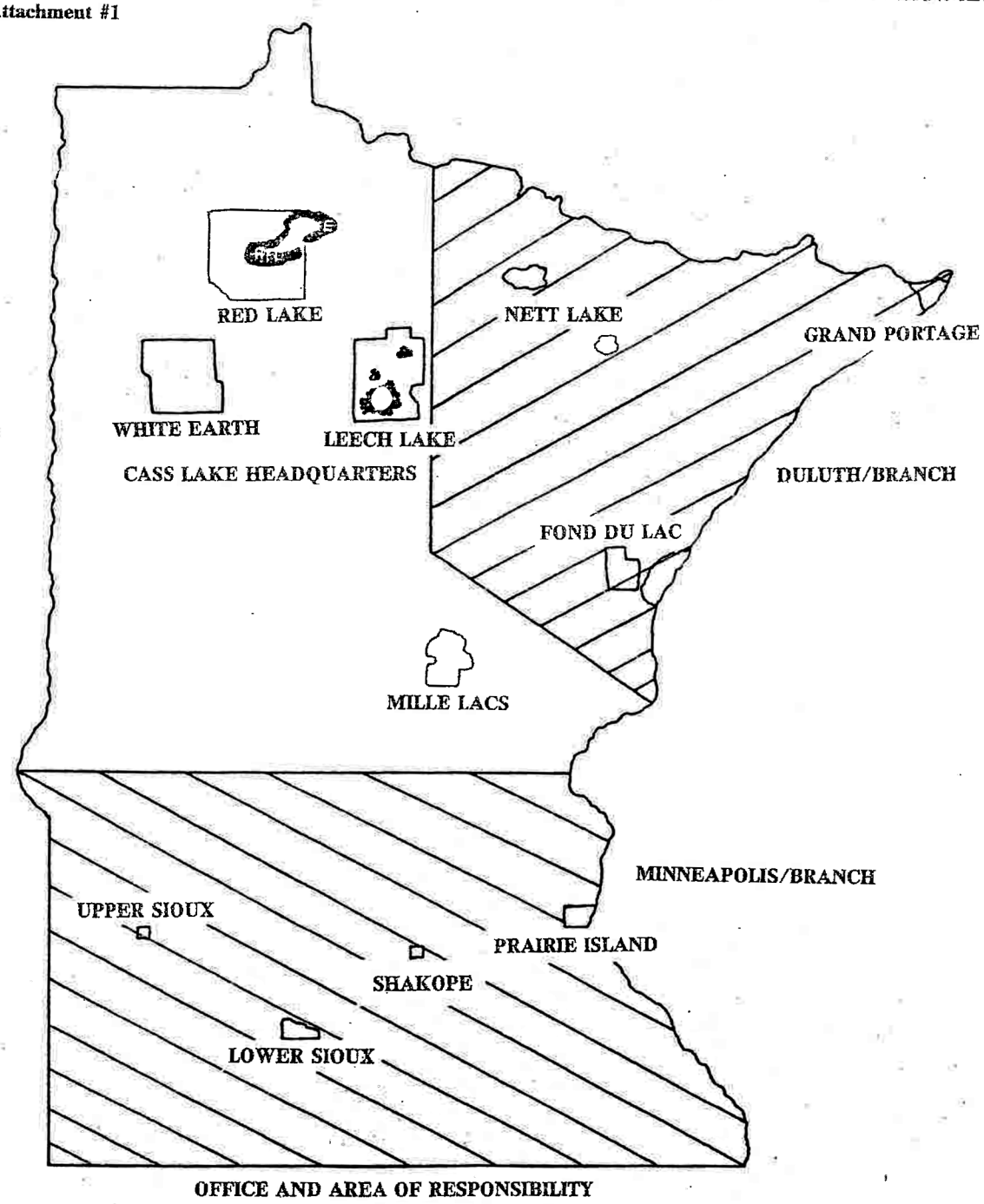
Peggy had been doing ceramics on her own for approximately six years before obtaining her own studio. She makes and sells Indian oriented ceramic pieces to several local gift shops. Now, with her own studio, she is able to make and sell more ceramics and also has initiated teaching ceramics classes a couple times a week. Along with selling greenware, she also has all necessary supplies to work with ceramics.





The LBDO Program assists individuals to start their own businesses. Here, John Wind is at work in his logging business. Wind cuts, skids, and hauls logs from stumpage located on the Red Lake Reservation. He employs several Indian men during the busy season.

Attachment #1



OFFICE AND AREA OF RESPONSIBILITY

Cass Lake - Area

Duluth - Area
[268 mi. round trip to Cass Lake]

Minneapolis - Area
[412 mi. round trip to Cass Lake]

Total: Indian Pop. on Reservation: 14,48

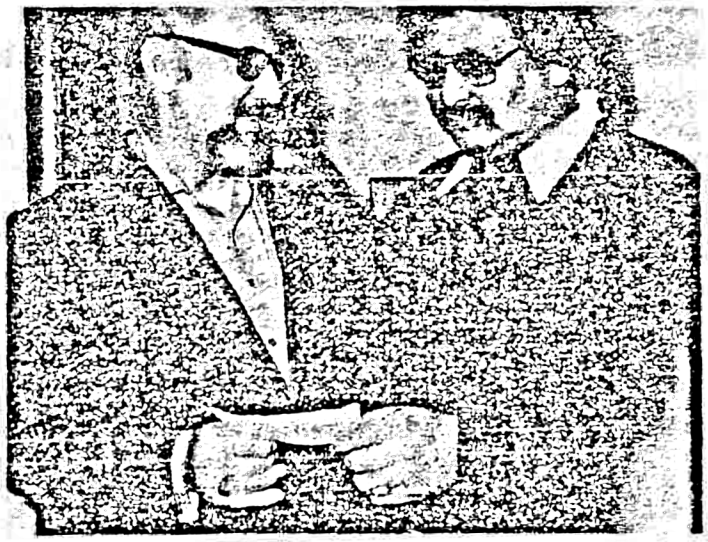
Total: State Indian Pop. 44,56

HIGHER EDUCATION SCHOLARSHIP GRANTS PROGRAM

The Minnesota Chippewa Tribe has had the contract with the Bureau of Indian Affairs since July of 1973, to provide annual scholarship grants to Minnesota Chippewa students. Minnesota Chippewa Tribes Higher Education Scholarship Grants Program works in cooperation with the Minnesota State Indian Scholarship Program and the various financial aid offices in colleges and universities throughout Minnesota and other states. The grants are presently providing assistance to over 600 Indian college students in approximatley 50 different higher education institutions.

The Minnesota Indian Scholarship Program has been in existance since 1955 when three Indian students were given financial assistance to attend college. Since 1955 the program has grown tremendously, in dollars, in number of students, in versatility and in prestige among the Indian groups. The Minnesota Chippewa Tribe Higher Education Scholarship Grants Program has the benefit of working closely with an Indian Scholarship Officer of the Minnesota State Indian Scholarship Program.

With the availability of state funds, BIA funds, BEOG Grants, SEOG Grants, etc., there are now package grants for more than 1,000 students per year for approximatly $2,000 to $3,000 each. Loans, part-time work, veteran's benefits, social security benefits, etc., also assist many Indian students. Counseling and guidance, as well as information and financial assistance are made availalbe for all American Indian persons of The Minnesota Chippewa Tribe.



Bob Villwock, Presbyterian Minister, presents a check to Larry Aitken, right, MCT Higher Education Program Director. The funds are to cover contingency needs of Indian students on a loan basis. The Higher Education Program also provides grants to enrolled members of the tribe to attend college.

The staff of the Higher Education Scholarship Grants Program are considered professionals in the area of assisting Indian Students find the appropriate resources to meet their needs. The staff sees its role primarily as the following:

1. to provide encouragement and opportunities to deserving and capable Indian students to continue their education;
2. to provide guidance and counseling services to students preparing for higher education;
3. to assist students in applying for financial aid; and
4. to meet with high school and college counselors and financial aid officers to keep them informed of the program and provide applications and other related materials.

The following eligibility criteria has been established, and must be met by all Indian students applying for scholarship funds of the Higher Education Grants Program:

I. the applicant must be at least one-quarter blood quontum, (this can be any combination, as long as it adds up to one-quarter Indian Blood);
II. the applicant must be an enrolled member of Minnesota Chippewa Tribe or eligible to be enrolled, (applicant must be enrolled **before** being eligible for services);
III. the applicant must have applied and be accepted to an accredited higher education institution before applying for scholarship funds. The applicant does not need to be working toward any specific degree;
IV. the applicant must have a financial need. The amount of need will be determined by the financial aid office of the school that the student is attending. A student will be funded for up to four and one-half years (4½), after that time, the eligibility for funding will expire.

The conditions for accepting aid and continuing aid eligibility are as follows:

I. The student must be enrolled as a **full-time** student (unless the student's budget and financial aid was otherwise approved by a financial aid counselor as an eligible part-time student).
II. To be eligible for students financial aid funds in any academic period, the student must meet the minimum academic standards of the institution attended.

The following process is required when a candidate applies for financial aid at the institution of higher education. (In most cases, applications and forms for applying will be distributed by the financial aid officer of the institution attended);

I. Apply for admission at the school. (At this time it is advised that the students inquire about postponement of admission fees for Indian students);
II. Apply for financial aid. (Three financial aid applications are to be completed at this time):
    1. The Basic Educational Opportunity Grant Application (BEOG)
    2. The Minnesota State Scholarship and Grant-in-Aid Program Application
    3. The schools' financial aid application. (There are generally two parts to this application, plus, a number of supplemental forms). The programs covered by this application include:
        a. Supplemental Educational Opportunity Grant (SEOG)*
        b. National Direct Student Loan*
        c. Work-Study Program*
        d. Institutional Scholarships*
        (* All programs may not be available at every school)
    4. Minnesota State Indian Scholarship Program application. New applicants should write for data forms to 410 Minnesota Avenue, Bemidji, Minnesota 56601, or call (218) 755-2926). Indian Talent Search Program Counselors are available on each Reservation in Minnesota, as well as in Duluth and in the Twin Cities to assist students. Contact The Minnesota Chippewa Tribe in Cass Lake (218) 335-2255 for the name of the Talent Search Counselor, or call (612) 827-3587 in the Twin Cities.

    5. Tribal Scholarship Applications. Contact should be made with the Tribe or Reservation in which the student is enrolled to obtain the appropriate forms. There are three Minnesota Tribal Scholarship Programs.
        a. Minnesota Chippewa Tribe, Education Division
        b. Red Lake Band of Chippewas
        c. Sioux students should contact the Minneapolis Area Office of the Bureau of Indian Affairs

Much emphasis is placed on education by The Minnesota Chippewa Tribe, as evidenced by the eleven educational programs that they sponsor. The Tribe is aware that not only does higher education create in the individual a sense of self-satisfaction, and open doors for greater career opportunities, but, it is an opportunity to benefit the Tribe as a whole. A large number of Indian People have brought their learning and skills which they achieved through higher education, back to the Tribe, to the benefit of the Tribe, the people of the Tribe, and to themselves.

The following pages will give the prosepctive student some idea as to the type of applicaitons that must be filled out when they apply for various grants in aid. Other forms that assist the Higher Education staff is processing forms both efficiently and expendiently are attached for review.

THE JOHNSON O'MALLEY PROGRAM

The Indian Self-Determination and Education Assistance Act, Public Law 93-638 amends the Act of April 16, 1934, the Johnson O'Malley Act. Public Law 93-638 is "an act to promote maximum Indian participation is the government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government for the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; to train professionals in Indian education; to establish an Indian youth intern program; and for other purposes."

The purpose of the Johnson O'Malley Program is to provide financial and technical assistance to eligible school districts and Local Indian Education Committees (LIEC) for the specialized and unique educational needs of eligible Indian students in public schools, and tribally or Indian controlled schools including programs supplemental to the regular school program and school operational support (basic support) to eligible school districts. Basic Support Grants are provided to school districts to maintain the highest established state educational standards.

The Johnson O'Malley (JOM) operates special education programs in 31 school districts serving approximately 3,500 eligible Indian students. The programs are directed by a democratically elected local Indian education committee ranging from 6 to 10 members serving terms of 1 to 3 years with representatives of the student body serving as full members of the LIEC.

The "special program" funds under JOM provide for home-school coordinators, tutors, drug counselors, and culture and language instructors. The JOM program assists parents with parental costs, supplies and equipment for which they are unable to provide. The program also provides special transportation for extra-curricular activities and non-school related recreation.

The objectives of the Johnson O'Malley Program may be summarized as follows:

- Reducing drop-out rates of students.
- Increasing attendance rate of students.
- Improving grade level of students.
- Providing guidance and counseling to students.
- Easing the transition from elementary to secondary school.
- Improving human relations with school and ocmmunity.
- Improving communication between school and community.
- Improving extra-curricular participation.
- Developing Indian studies curriculum.
- Increasing parental interest and involement in all educational activities.

The Johnson O'Malley Program is administered by the Minnesota Chippewa Tribe and operates under the philosophy of self-determination; that is, the LIEC's have the freedom to plan, implement and evaluate programs on the local level which fit their individual needs.

PURPOSE AND FUCTION OF AN LIEC

Each LIEC has full veto power over all supplemental and basic support programs. In administering the JOM programs, the LIEC's are charged with the following responsibilities and each such committee shall be vested with the authority to: participate fully in the planning, development, implementation, and evaluation of all programs, including both supplemental and operational support, conducted under a contract or contracts pursuant to this subsection. Such participation shall include further authority to:

A. Recommend curricula, including texts, materials, and teaching methods to be used in the contracted program or programs.
B. Approve budget preparation and execution.
C. Recommend criteria for employment in the program.
D. Nominate a reasonable number of qualified prospective educational staff members from which the contractor would be required to select.
E. Evaluate staff performance and program results and recommend appropriate action to the contract.

THE APPLICATION PROCESS OF CONTRACT

School districts, tribal organizations or Indian corporation, including tribally or Indian controlled schools are eligible to apply for a contract from the Minnesota Chippewa Tribe for supplemental or operational suppor programs, provided that such school districts, tribal organization, Indian corporations or Indian controlled schools serve eligible Indian students who are members of the Minnesota Chippewa Tribe and comprise a majority of the total eligible Indian students on or near the Nett Lake, Grand Portage, Fond du Lac, Leech Lake White Earth, or the Mille Lacs Reservations.

The eligible contractor must have duly authorized and elected Indian education committee which will participate fully in the planning, development, inplementation, and evaluation of all programs, including both supplemental and operational support programs. The contractor must also formulate and submit an educationa plan to the Minnesota Chippewa Tribe. The plan must be approved by the local Indian Education Committee (LIEC) and contain educational goals and objectives which adequately address the educational needs of Indian students served.

The eligible students who may participate in the JOM programs are those students who have one-fourth (¼) o more Indian blood quantum, from age 3 to grade 12 enrolled in a public or Indian controlled school.

BOARDING SCHOOL APPLICATION PROCESSING

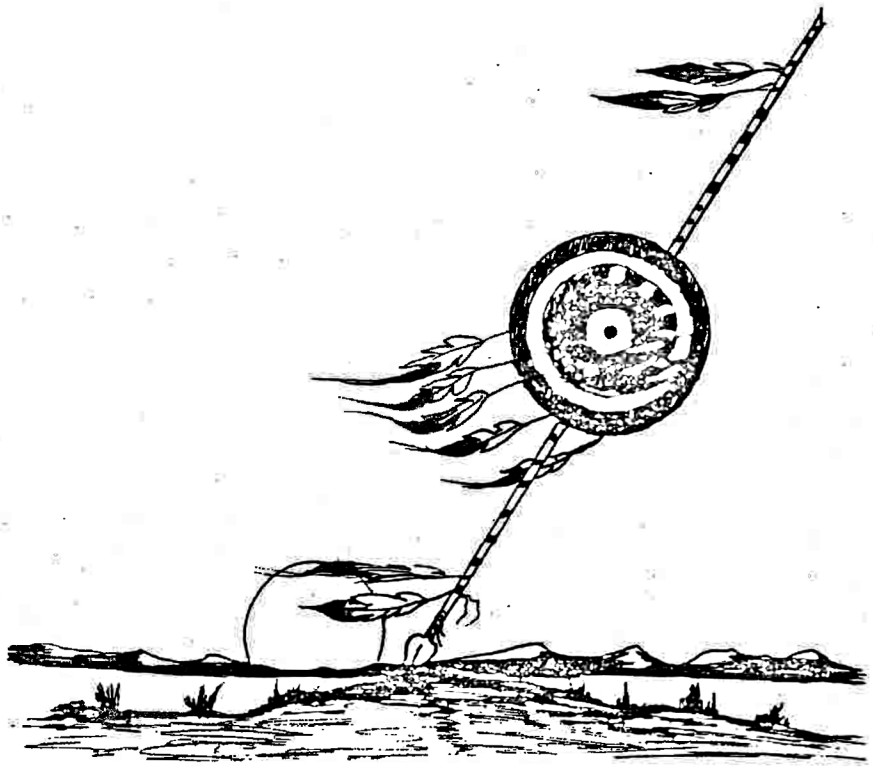
The purpose of the Boarding School Application Processing Program is to process applications for eligible students to attend federal elementary and secondary boarding schools and to provide travel and emergency assistance to parents of such students as needed. This component is administered by the Johnson O'Malley staff. The specific duties are:

A. Process applications for those tribal members who wish to attend federal boarding schools. Applications are received from eligible students, parents, Johnson O'Malley home-school coordinators, and school counselors.

B. Provide counseling when necessary regarding the compatability of the school program with the applicants needs. Efforts are made to match school and students services according to program, academic level, and support services offered and needed by students. With advice from home-school coordinators and school counselors, recommendations are made to the parents and students as to what school will be more beneficial to the students.

C. Provide financial assistance to the eligible students and families by purchasing transportation, emergency clothing and other parental cost items. The staff consults with parents, home-school coordinators, and school counselors as to the need for parental cost items.

The students who are eligible have to possess one-fourth (¼) blood quantum and enrollement under the Minnesota Chippewa Tribe or those who are eligible for enrollment as defined in the tribal consititution under enrollment (see unit IV)



PARENT COMMITTEE TRAINING PROJECT

The Parent Committee Training Project, administered by The Minnesota Chippewa Tribe, is funded by Title IV, Part B of the Indian Education Act of 1972. This project is the only program designed to provide technical assistance and training to Local Indian Education Committees, Indian Education Programs, and to the many Title IV and Johnson O'Malley Projects in the state.

The primary function of the project is to assist Local Indian Education Committees, the Indian communities, and others interested in the education of Indian students, in developing their capabilities to plan and develop, monitor, evaluate, and have an effective voice in education programs affecting Indian students.

Both the regulations and the intent of Title IV, The Indian Education Act, and The Indian Self-Determination and Education Assistance Act, specify that parents are to be involved in the entire development and implementation of programs. Responsibility for being familiar with needs assessments, setting priorites, program development, writing objectives, planning activities, monitoring projects, evaluating projects and preparing reports, is placed upon Indian Parent Committees. Parent Committees have expressed concern that they want to learn the skills necessary to effectively operate programs and continually request information and assistance from the Project and its staff. Often time, Indian parents feel that they don't have the knowledge or the skills necessary to provide adequate input for education programs. However, once they participate in conducting a needs assessment, or a similar activity in their community, it gives them confidence and also encourages continued participation in education programs. The training sessions that are conducted by the staff members are provided at state-wide, regional, and local workshops. After training sessions with the staff, the following results of benefits are expected:

1. Parents of Indian students will have increased their knowledge and understanding of Federal and State laws affecting the education of their children.

2. There will be an increase in the attendance and active involvement of parent committees in school board meetings and other school functions.

3. There will be an increase in the involvement of community people in parent committee meetings and Title IV and Johnson O'Malley Program activities.

4. More parent committees and community people will be aware of, and utilize, the services provided by the State Department of Education, and also by The Minnesota Chippewa Tribe.

5. Parent committees will have acquired and developed basic skills in administering and evaluating special educational programs for Indian students.

6. Parents of Indian children will have increased their knowledge and understanding of the total educational program provided for their children.

7. A cooperative effort between the parent committee and the local educational agency to increase educational opportunities for Indian students will be developed and strengthened.

8. Communication between urban and reservation areas will increase through joint training sessions and combined delivery of services to the parent committees.

The project staff, on a continuing basis, has been involved in developing materials to present to parent committees, Local Education Agencies or school districts representatives, and others involved with the education of Indian students. The materials that have been developed, and which workshops have been conducted on, are of the following topics:

1. Title IV - The Indian Education Act of 1972
2. Application Requirements
3. Grants Management
4. Budget Planning and Development
5. Conducting a Needs Assessment
6. Proposal Writing
7. Basic Evaluation Standards
8. Powers and Duties of Indian Education Committees
9. Power and Authority of School Boards

All materials developed by project staff are introduced at workshops or community training sessions, and are fully explained. Parent Committees and Local Education Agencies are notified by mail when new materials become available, and are encouraged to request that workshops be presented in their areas. Copies of all materials are provided, free of charge, to any person making requests for information and, also, to all Parent Committees and Local Education Agencies. The materials are also available to any other technical assistance or training personnel wishing to make use of the information. Other relevant material required by the Parent Committees and/or the Local Education Agencies will be developed as requests are received.

Title IV parent committee members participate in workshops that are sponsored by The Minnesota Chippewa Tribe Parent Committee Training Project as shown in the above photo. Regional and local workshops are conducted on a regular basis and are designed to provide technical assistance to Minnesota, Iowa and Wisconsin Title IV grantees.

HEADSTART TRAINING AND TECHNICAL ASSISTANCE PROGRAM

Title 11-A of the Economic Opportunity Act of 1964, as amended, provided for the establishment of Project Head Start. Presently (1978) Project Head Start is in the Department of Administration for Children, Youth and Families, Office of Human Development, in the United States Department of Health, Education and Welfare. The Indian and Migrant Division under the National Head Start office is the funding agency and region established to fund all Indian Head Start programs in the United States.

Head Start is a program for pre-school children from 3 to 5 years of age from low-income families. It is based on the philosophy that (1) a child can benefit most from a comprehensive interdisciplinary approach to foste development as expressed in a broad range of services, and that (2) the child's entire family, as well as the community, must be involved. The program should maximize the strengths and unique experiences of eacl child. The family, which is perceived as the principal influence on the child'd development, must be a direc participant in the program.

The primary goal of the program is designed to bring about a greater degree of social competence in children in order that the child may effectively deal with both present environment and later responsibilities in school and life. Social competence takes into account the interrelatedness of cognitive and intellectual development physical and mental health, nutritional needs, and other factors that enable a developmental approach to helping children achieve social competence.

The Minnesota Chippewa Tribe administers the Training and Technical Assistance Program for the Head Start grantees on the Indian reservations in Minnesota.

The Minnesota Chippewa Tribe Head Start office provides training and technical assistance to the local Head Start grantees in achieving compliance with the performance standards of the following mandated componen found in each Head Start program:

EDUCATION

1. Provide children with a learning environment and the varied experiences which will help them develop socially, intellectually, physically, and emotionally in a manner appropriate to their age and stage of development toward the overall goal of social competence.

2. Intergrate the educational aspects of the various Head Start components in the daily program of activities

3. Involve parents in educational activities of the programs to enhance their role as the principal influence on the child's education and development.

4. Assist parents to increase knowledge, understanding, skills, and experience in child growth and development.

5. Identify and reinforce experiences which occur in the home that parents can utilize as educational activities for their children.

HEALTH

1. Provide a comprehensive health services program which includes a broad range of medical, dental, mental health and nutrition services to preschool children, including handicapped children, to assist the child's physical, emotional, cognitive and social development toward the overall goal of social competence.

2. Promote preventive health services and early intervention.

3. Provide the child's family with the necessary skills and insight and otherwise attempt to link the family to an ongoing health care system to ensure that the child continues to receive comprehensive health care even after leaving the Head Start program.

MENTAL HEALTH

1. Provide staff and parents with an understanding of child growth and development, an appreciation of individual differences, and the need for a supportive environment.

2. Develop a positive attitude toward mental health service and a recognition of the contribution of psychology, medicine, social services, education and other disciplines to the mental health program.

3. Provide for prevention, early identification and early intervention in problems that interfere with a child's development.

4. Mobilize community resources to serve children with problems that prevent them from coping with their environment.

NUTRITION

1. To provide every child in the program with one-half to two-thirds of his daily nutritional needs.

2. Provide an environment for nutritional services which will support and promote the use of the feeding situation as an opportunity for learning.

3. Help staff, child and family to understand the relationship of nutrition to health, factors which influence food practices, variety of ways to provide for nutritional needs and to apply this knowledge in the development of sound food habits even after leaving the Head Start program.

4. Demonstrate the interrelationships of nutrition to other activities of the Head Start program and its contribution to the overall child development goals.

5. Involve all staff, parents and other community agencies as appropriate in meeting the child's nutritional needs so that nutritional care provided by Head Start complements and supplements that of the home and community.

SOCIAL SERVICES

1. Establish and maintain outreach and recruitment process which systematically insures enrollment of eligible children.

2. Provide enrollment of eligible children regardless of race, sex, creed, color, national origin, or handicapping condition.

3. Achieve parent participation in the center and home program and related activities.

4. Assist the family in its own efforts to improve the conditions and quality of family life.

5. Make parents aware of community services and resources and facilitate their use.

PARENT INVOLVEMENT

1. Provide a planned program of experiences and activities which support and enhance the parental role as the principal influence in their child's education and development.

2. Provide a program that recognizes the parent as:

a) Responsible guardians of their children's well being.
b) Prime educators of their children.
c) Contributors to the Head Start program and to their communities.

3. Provide the following kinds of opportunities for parent participation.

a) Direct involvement in decision making in the program planning and operations.

b) Participation in classroom and other program activities as paid employees, volunteers or observers.
c) Activities for parents which they have helped to develop.
d) Working with their own children in cooperation with Head Start staff.

ADMINISTRATION

Each Head Start program must have a management system which includes an updated Community Needs Assessment, Procedure for Program Planning, Internal Communication System and an Annual Self-Assessment. Other components of Head Start Administration are Personnel Management, Personnel Policies and Procedure Requirements, Files and Records System and Financial Management.

An important aspect of Head Start is the Handicapped Component. Head Start is mandated to make available 10 percent of their total enrollment to handicapped children, and to include these children in all components of the total Head Start program.

In implementing the Handicapped Mandate, programs must make a special effort to recruit handicapped children in the community. In addition, all children must be screened in the areas of vision, hearing, health, speech and language, and overall development. Children who are identified through the screeing process as possibly having problems in these areas are referred to the appropriate professionals for diagnosis.

In addition to screening and diagnosis, Head Start is also responsible for acquiring necessary treatment or special education services for children who are found to be handicapped. These services are provided in the Head Start classroom whenever possible. Teacher, aides, and others working with the children receive training in how to deal with handicapped children and how best to meet their needs.

In order to assist programs in implementation of the Handicapped Mandate, a new position, Handicapped Service Specialist, was created at the Training and Technical Assistance level. The Handicapped Service Specialist assists the Minnesota Indian Head Start programs in all aspects of the Handicapped Mandate. This includes screeing, diagnosis, provision of special services, and staff training.

CHILD ABUSE MANDATE

The Head Start Child Abuse Mandate requires that all cases of known or suspected child abuse or neglect be reported to the proper medical or social service agencies. All Head Start staff receives training in the identification and reporting of child abuse and neglect. In addition, staff and parents should be provided with orientation for the need to prevent child abuse and neglect and provide protection for abused and neglected children. Such orientation ought to foster a helpful rather than a punitive attitude toward abusing or neglecting parents and other caretakers.

In addition, the Minnesota Chippewa Tribe Head Start program provides assistance and services to local Head Start programs in the following areas:

A. Annual training needs assessment.

B. Yearly training plans to meet the needs of all staff and parents.

C. Coordination of training clusters when all programs are involved.

D. Direct training services.

E. Assistance in implementation of the training plan.

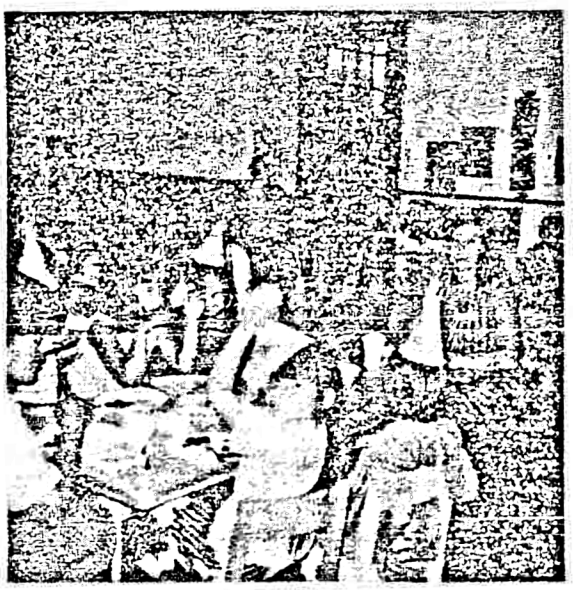
F. Identification and coordination of resources for the reservations to meet training needs.

G. Assistance in meeting the performance standards (education, health, nutrition, social services, and parent involvment) handicapped and child abuse mandates.

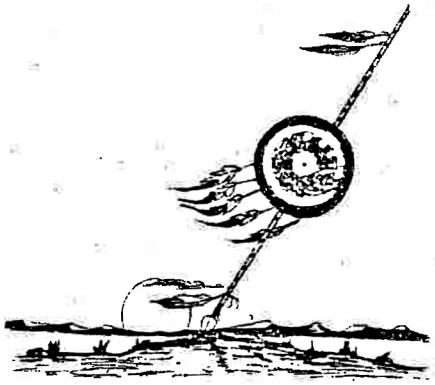
H. Liasion person with Indian Migrant Programs Division (IMPD).

CURRICULUM UNITS DEVELOPED

Ten units on Culture Based Curriculum for 3 to 5 year olds and a cookbook have been developed by the staff of the Indian Head Start Program and were funded through the Department of Health, Education and Welfare. The units are specifically oriented to the Chippewa or Ojibwe culture and were produced to fill the needs for such materials in working with Indian children.



June Frees, right, Head Start Program Director, observes activities taking place at one of the tribal Head Start Centers. June's program provides technical assistance to all tribal Head Start programs.



CURRICULUM DEVELOPMENT PROJECT

The Curriculum Development Project administered by the Minnesota Chippewa Tribe is funded by the Title IV, Part B of the Indian Education Act, 1972.

The Development of authenticated, community relevant curriculum was identified as a major need by the many Indian parent committees and the Minnesota Chippewa Tribe Education Committee. Because many school districts within the proximity of the Minnesota Chippewa Tribe expressed interest in implementing curriculum materials which were authentic and met with local Indian community approval, the Minnesota Chippewa Tribe proceeded to design a program aimed at developing and implementing curriculum materials as part of regular public school curriculum.

One of the overall goals of the project is to make existing education programs more responsive to and reflective of the Chippewa student's culture and heritage through the development of community based curriculum units. Target areas were established where development was to take place and communities decided types of courses, grade levels and constantly reviewed and approved of developed material. This is what community based curriculum development means.

The courses developed are modular courses designed to supplement existing courses, are transportable and can be modified to fit any grade level. A measurement of success is to be conducted at the end of the project to determine if students had better attendances higher achievement, increased interest, and more participation in extra curricular activities.

Modular courses were developed for the Nett Lake Reservation, Fond du Lac Reservation, and the Leech Lake Reservation. A cultural legend course and two elementary Ojibwe Language courses were developed. Each course has separate teachers guides with student activites, teacher directions, games, geographic description's and a bibliography. The two languages courses also have accompanying flash cards with pictures and language tapes of traditional Chippewa speakers, both of which are designed for classroom use. The student booklet on the legend of Nett Lake has pictographs and was also designed for the elementary level.

In addition to the development of curriculum materials, this project was responsible for the following:

1. Organizing and forming curriculum committees in five target areas and meeting with these committees on a regular basis for purpose of prioritizing and developing curriculum.

2. Provide curriculum development training to the five curriculum committees in the processes of curriculum development.

3. Visit each target community school to determine where units developed may be implemented to supplement existing curriculum.

4. Organizing pilot testing of units with the various schools.

5. Providing training to schools planning to implement modular units and to provide follow-up to assure that units are being utilized.

Under another component of this project is the development of a secondary grade level course on Tribal Government of The Minnesota Chippewa Tribal Government, from which this course on tribal government of the Minnesota Chippewa Tribe has been developed.

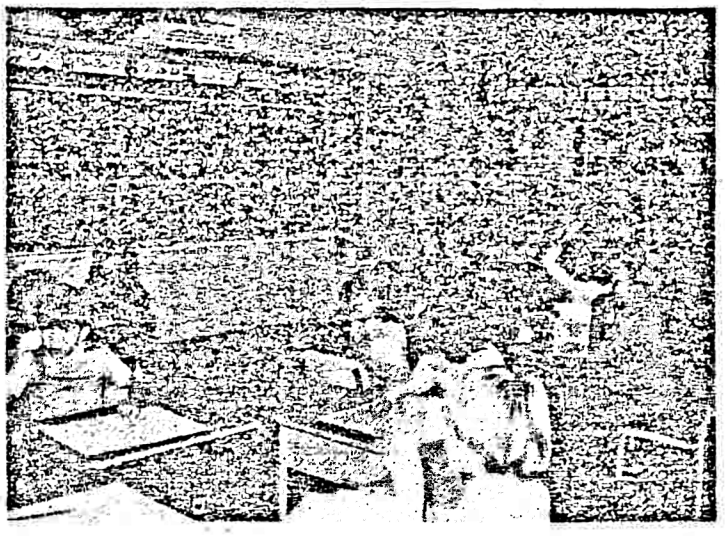
Like the above component, this component was established for two years with the first year designed for development and the second year for implementation of the curriculum material.

The Minnesota Chippewa Tribe experienced numerous requests on information dealing with past and present legislation, tribal structure, inherent and negotiated rights and other like subjects. Because of this basic need the Minnesota Chippewa Tribe proceded to develop a plan to alleviate the problem. It was found, often times that teachers and employees of Indian education programs had to develop their won presentations of Indian study topics for classroom use. Additionally, there was considerable conflict between Indian and non-Indian students as a direct result of misunderstanding or lack of understanding of the legal status of the Indian people.

It can be discerned that the purpose of this course is a positive attempt to dispel many of the myths of the federal and legal status of Indian people by educating both Indian and non-Indian of the rights Indian people have as a direct result of negotiations of their ancestor's years ago.

Like many federal programs for Indians this one will soon come to an end. Although there is a real need for Indian curriculum materials at all grade levels, there often times are no funds available either at the State or Federal level to alleviate this need.

In addition, a need for Chippewa cultural curriculum exists especially in school districts where there are large numbers of Indian students. Students should understand that school curriculum is supposed to reflect the characteristics of communities they represent. In some cases many school districts on or near reservations in Minnesota, have an Indian population of over 50 percent, yet, the regular school curriculum does no reflect any culturally relevant curriculum on the Chippewa people of that community. As part of classroom discussion students should study the problems listed above. What can be done to provide funds for curriculum material development? What are the best approaches in attempting to implement Indian cultural curriculum as part of regular school curriculum?



The Curriculum Development Project provides relevant cultural curriculum materials for both the elementary and secondary grade levels. Here at the Grand Portage log-house school both Indian and non-Indian children benefit from Chippewa cultural curriculum offered by the school.

INDIAN EDUCATION TALENT SEARCH PROGRAM

The Educational Talent Search Programs were authorized by the Higher Education Act of 1965, (P.L. 89 - 329) with funds coming from the Department of Health, Education, and Welfare. During its' first few years the Talent Search Programs were funded on a national level of two (2) million dollars a year. The growth of Talent Search Programs nationally is evidenced by the 1978 national funding level of 21 million dollars.

Locally, the Talent Search Program is existence today as part of the Minnesota Chippewa Tribe, Education Division, was initially established in 1973 at Bemidji State College. The program remained in Bemidj until June 30, 1975. That year the administration of the program was transferred to the MCT. Essentialy, the move of the program from Bemidji State College to the MCT was to improve the quality of the Talent Search Program. It was felt that more American Indian students, public schools, and communities could be contacted with the program under the administraiton of the MCT.

The Talent Search Program is primarily a program to serve American Indian students, and is advertised as such, however, if any other minority or low-income students request counseling and information, they will receive all the services provided by the Talent Search program and staff.

The basic services which are provided by the program are career and academic counseling and guidance. Specifically, the objectives of the program are:

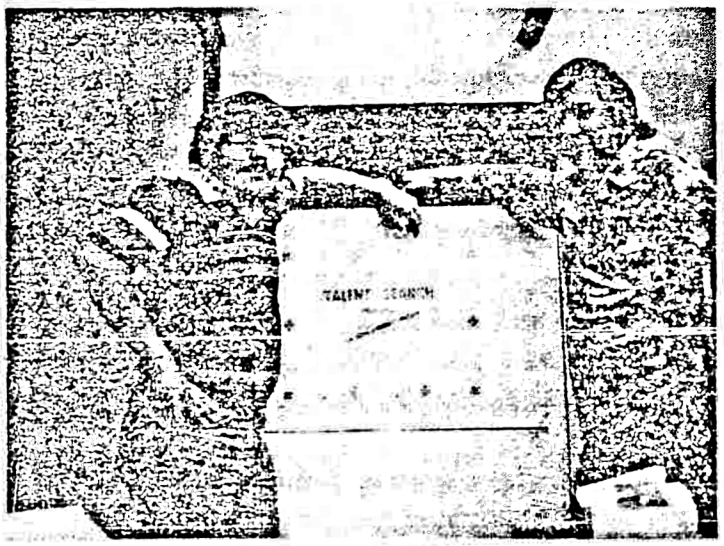
1. To identify American Indians in the school system;
2. To encourage American Indians to complete high school;
3. To encourage American Indians to pursue a field of special interest in post secondary education;
4. To provide information about professional or technical opportunities;
5. To provide assistance with colleges or vocational school admission procedures;
6. To provide assistance in the application process of obtaining financial aid;
7. To assist drop-outs and encourage them to complete their secondary education requirements and to pursue a post-secondary education, and;
8. To maintain a working relationship with school personnel.

The Talent Search staff act as advocates of the Indian students and their interests and serves as a liason between the students and the school administration. It is the policy of the Talent Search program and staff to avail themselves to the local school counselors and personnel, Local Indian Education Committees, tribal groups and Indian youth programs in order that they may keep channels of communication open and assist in any way that their services may be utilized.

Special interest taken in the individual student, by the Talent Search Counselors, has resulted in the students responding positively to efforts made by the counselors to reveal the students career goals and to identify the talents possessed by the students. An increase of student applications to the Higher Education Scholarship Grants Program is a result of Talent Search efforts. Talent Search does not only promote the Higher Education Scholarship Grants Program, but calls upon all other funding sources available, in order to provide a more comprehensive financial aid package to more students.

The staff of the Talent Search Program includes the director and six (6) Indian counselors that serve the six member reservations of The Minnesota Chippewa Tribe, the Red Lake Reservation, the Sioux communities, Minneapolis, St. Paul, and Duluth. Through coordinated efforts of the staff, local school counselors and personnel, Local Indian Education Committees, tribal groups and Indian youth programs, an effective effort is made to recruit and offer the services of the Talent Search Program to Indian youth.

A list of students who meet the guidelines of the Talent Search Program can be obtained from the high school that the Indian student attends, with the consent of school officials. This list usually consists of students who meet the criteria of the Johnson O'Malley and Title IV Programs definition of "Indian." This definition requires that the student be at least one-quarter enrolled Indian, or have a grandparent of American Indian descent.



The Talent Search Program provides career and academic counseling and guidance throughout the state of Minnesota. Pictured here are Richard Robinson, Director, and Jerry Rawley, Counselor from the White Earth Reservation area.

INDIAN ACTION TEAM

The Indian Action Team Program, previously under the aegis of the Bureau of Indian Affairs, was contracted to The Minnesota Chippewa Tribe on April 1, 1973. This program, under the administration of The Minnesota Chippewa Tribe, has grown to be the largest Indian Action Team Program in the United States..

Indian Action Team is a skills training program designed to train Indian people for the construction trades by use of on-the-job training, as well as classroom instruction. Training is provided in the areas of heavy equipment operation and maintenance, plumbing, rough and finish carpentry, electrical and mechanical installation. The Secretarial Training Program is the newest facet, recently added to Indian Action Team Programs, that has been well received.

The Minnesota Chippewa Tribe Construction Company is a valuable resource that is utilized by Indian Action Team for on-the-job training in the construction field. The program has also built up a fleet of heavy equipment machinery which is utilized to maximize the learning experiences of the student by teaching the operation and maintenance of a variety of heavy equipment. The machinery available is an impressive collection which includes a D-6 Caterpillar Dozer, two (2) D-7 Caterpillar Dozers, a TD-18 International Dozer. two (2) 450 John Deere Dozers, two (2) Tandum Lowboy Trailers, a Kenworth Truck/Tractor tandum, two (2) single axle 5-ton truck/tractors, a Michigan Loader 2 1/2 yard bucket, a 430 Case Front-End Loader, and a Tri-Axle Traileasy Trailer.

Trainees of the program receive regular classroom instruction along with on-the-job training, that coincides with the Bureau of Indian Affairs criteria. Training curriculum falls within the suggested guidelines imposed by the Bureau of Indian Affairs. The Indian Action Team Training Programs have also met up to their standards that have proved helpful and valuable to the trainees of the programs. By request of the Veterans Administration, The Minnesota Chippewa Tribe Indian Action Team Programs have been certified by the State Department of Vocational Instructors, by the State Department of Education. Also, in May of 1977, the Indian Action Team Program was evaluated and approved by the State Accreditation Committee, to be certified as a post-secondary school.

Accurate records are estabished and maintained for each trainee enrolled in the program. These records reflect the type of material used and the instruction that he or she has received. Each trainee, upon completion of the program, receives a certificate as a graduate of Staples Vocational Technical Institute.

Of the fourteen Indian Action Team staff positions, one administrator, and three instructors of the program, began as Indian Action Team trainees. Three other former staff members were also originally trainees of the program, and went on to find positions with other programs.

The biggest problem, which is not unique, is the lack of equipment to service all the projects and the project sites. Some of the projects are: new home construction, home repair, road construction and repair, equipment maintenance, construction of campsites, community centers, sanitation projects, water and sewer projects, a clinic, and a marina.

To be eligible for the training program, applicants must be an enrolled member of The Minnesota Chippewa Tribe, unemployed, and 18 to 35 years of age. Applicants are taken at each of the Reservation Business Committee offices, or at the Tribal office in Cass Lake, Minnesota.

DIRECT EMPLOYMENT ASSISTANCE AND ADULT VOCATIONAL TRAINING

Employment Assistance Programs, previously under the auspices of the Bureau of Indian Affairs, have been contracted to The Minnesota Chippewa Tribe under Public Law 93-638, the Indian Self-Determination and Education Assistance Act of 1975, and in accordance with the Snyder Act of November 2, 1921, and also under the rules and regulations of The Minnesota Chippewa Tribe. The two programs under this contract are: 1) the **ADULT VOCATIONAL TRAINING PROGRAM**; and 2) the **DIRECT EMPLOYMENT ASSISTANCE PROGRAM.** The Adult Vocational Training Program commenced operation under the administration of The Minnesota Chippewa Tribe on July 1, 1974, and the Direct Employment Assistance Program followed exactly one year later. These two programs make up the Employment Assistance Programs of The Minnesota Chippewa Tribe and their overall objectives are as follows:

1. To provide counseling and guidance to students attending vocational schools;
2. To establish a system of job development and placement services for Indian clients that are attending vocational schools;
3. To establish an active employer resource file;
4. To establish a system of employment follow-up of Indian vocational school graduates, or, in other words, a "placement control" service;
5. To establish a file of available reservation manpower, and make the information available to prospective employers, and, at the same time, inform prospective employees of jobs that are available in their particular field; and
6. To establish and maintain effective working relationships with related public and private agencies on a continuing basis.

The **ADULT VOCATIONAL TRAINING PROGRAM** (AVT) provides financial assistance to Indian students who are attending vocational schools. Funding from this program is based on the need of the individual student. Students receiving tribal funds must apply for financial aid through the institution which they attend. These funds are considered as a supplement and secondary to other sources of funding. The following services are provided by the Adult Vocational Training Program and its staff:

1. Financial aid counseling and assistance is given to students to determine financial need and budgeting.
2. Counseling services are given to Indian students who are attending, or who will be enrolled, in an institute of higher education. In the counseling services provided, emphasis will be placed on directing and motivating the students to identify and achieve their individual goals.
3. Assistance is provided that addresses special problems, such as: student enrollment, attendance, and achievements.
4. Advocacy for the interest of the Indian student is provided, within various institutions attended.
5. Assistance is given to provide entry, destination, and follow-up counseling services to students who are seeking career development training.
6. Assistance is given in job placement and job resources upon graduation or completion of vocational programs.

Visitors at the Fourth Annual MCT Job Fair included left to right: Dan Trementozzi [Department of Labor - Washington, D.C.], Pat Hanes [consultant], Beverly Sande [MCT Job Development Officer], and Louis Bruce [former Commissioner of Indian Affairs].

To be eligible for services of the Adult Vocational Training Program, the applicant must meet the following criteria:

1. Must be an enrolled member of The Minnesota Chippewa Tribe.
2. Must reside on or near a member reservation of The Minnesota Chippewa Tribe.
3. Preferences will be given those applicants that have had no previous services from the program or the Bureau of Indian Affairs.
4. Applicant must have permanent full-time employment (verification will be required.)

Additionally, all fixed income (AFDC, Social Security, pensions, Unemployment Compensation) will be deducted from funds allowable by the AVT program. The amount allowable is based on a table of income which was developed for this purpose by the government. The amounts allowable are based entirely on need, and cannot be more than the maximum amount allowable according to the table of income. Applicants are not recruited, services are provided only a a voluntary basis.

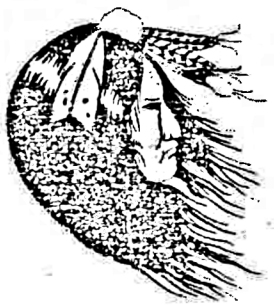
The **DIRECT EMPLOYMENT ASSISTANCE PROGRAM, or JOB DEVELOPMENT PROGRAM,** provides services to Indian Adults who require assistance to secure permanent full-time employment.

Eligibility for services include: being an enrolled member of The Minnesota Chippewa Tribe; being a resident on, or near, one of the member reservation; must have secured permanent, full-time employment; and have a financial need that is not met by other sources of income.

The Direct Employment Assistance Program maintains a close working relationship with a variety of employers, state employment offices, labor unions, apprenticeship councils, and other organizations that serve as resources. The program has also established a continuing relationship with social service agencies and representatives, private, local, state, and federal programs, in an effort to promote and develop jobs and services for the client.

The Direct Employment Assistance Program sees itself with three basic responsibilities, they are:

1. Determining existing reservation manpower, and making available to the manpower, information about prospective jobs.
2. Maintaining an active employer resource file, and encouraging employers to employ American Indians.
3. Providing financial assistance to Indian persons who have acquired full-time, permanent employment, and have a financial need.



HEALTH PLANNING PROGRAM

Prior to 1849, the only Federal Health Care available to Indians was provided by Military physicians. Almost all health care provided, was to fullfill treaty agreements. These services were provided to prevent the spread of smallpox and other diseases, which were unknown to the Indians before the coming of the whiteman. In 1849, the responsibility of Indian Health Care changed from under Military administration to civilian. This change came about when the Bureau of Indian Affairs left the administration of the War Department to go to the Department of the Interior. Although some progress was made in providing health services to Indian tribes under this new arrangement, in 1875, there were only half as many doctors serving Indians as there were Indian Agencies. By 1900, there were only 83 doctors serving all the Indian people of this country. In 1921, congress passed a bill known as the Snyder Act. This bill allowed Congress to provide funds for Federal Health Care to Indians and for the Secretary of the Interior to spend money to meet the health care needs of Indians.

During 1930 through 1949, two studies on Indian Health Care were done. As a result of these studies, congress passed the Transfer Act of 1954. This act resulted in the Bureau of Indian Affairs transferring Indian Health Care to the newly created Division of Indian Health Service (IHS), under the Department of Health, Education, and Welfare. Since 1955, IHS has grown rapidly from a budget of 24.5 million dollars and a staff of 3,574 to an annual budget of 226 million dollars and a staff of about 8,108. There have been major congressional bills or acts that have had a major impact on the total health care of Indian people. The first act was P.L. 93-638, or better known as the Indian Self-Determination and Education Assistance Act, 1975. This act allows for the Indian tribes to contract with Federal agencies to administer and provide services to Indian people of that tribe. The second act is P.L. 94-437, or the Indian Health Care Improvement Act. This is a seven year act which allows congress to appropriate money to improved the health care of Indian people and to upgrade health care services to a level considered equal to that of the other citizens of this nation.

Indian Health Services has a central office in Rockville, Maryland which supervises the twelve area offices cross the nation. The Bemidji Indian Health Service Program Area Office is responsbile for providing Indian Health Services in a three state area; Minnesota, Wisconsin and Michigan.

The Minnesota Chippewa Tribe has sub-contracted from the Bemidji Indian Health Service Office to provide Indian health care services to the six member reservations since June 15, 1974. On June 13, 1974, the Tribal Executive Committee of The Minnesota Chippewa Tribe passed a resoulution to bring the administration and operation of health care services to the tribe, this resolution is Tribal Executive Committee resolution number 203-74.

The Minnesota Chippewa Tribes Health Planning Office has two contracts with Indian Health Service. One of the contracts is to provide technical assistance services and training to the six reservation. The second contract is to monitor a three-state staff consisting of a Community Health Representative, an Assistant Coordinator and a Secretary.

The Minnesota Chippewa Tribe Health Planning Office provides technical assistance, training and consultation to the six member reservations in the areas of resource utilization, long term and short term health planning, evaluation and needs assessment planning.

Technical Assistance is provided to the six member reservations in:

1. The development of a Comprehensive Tribal Reservation Health Plan in a coordinated effort with the Reservation Health Planner;
2. The orientation of the Reservation Business Committees on P.L. 93-638, P.L. 94-437, Federal and State regulations and policies as related to health care;
3. Assistance to reservations on contracting Health Services through the Federal Governments Indian Health Service;
4. Disseminating relevant health information to the six reservations; and
5. Assisting tribes in searching out and utilizing health resources from other Federal, State, County and local Governments.

Training is provided to the six member reservations in:

1. Providing training to Health Planners in health planning process;
2. Developing training workshops and seminars for Tribal Health Planners, Minnesota Chippewa Tribe Health Planners Committee, and the Reservation Health Committees;
3. Developing training contracts and training resources for the Health Planners of the reservations;
4. Developing training materials to assist the Reservation Health Planners in preparing a Comprehensive Reservation Health Plan; and
5. Assisting in coordinating workshops and training seminars sponsored by Federal, State, or other agencies.

Consultation is provided to the six member reservations in:

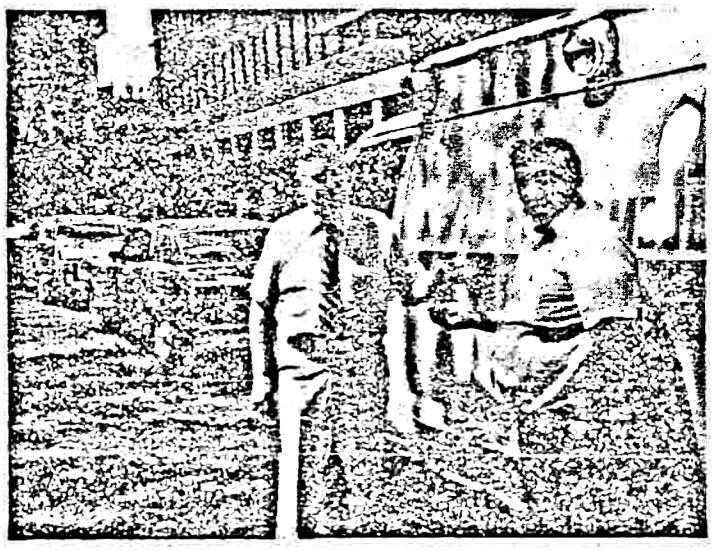
1. Consulting with Reservation Health Planners and the Reservation laws, bills, and acts that affect the health status of tribal members; and
2. Providing consultation on contracting procedures, reporting methods, contract compliance, and other contract related requirements.

As a result of the services provided in Technical Assistance, Training, and Consultation, the following benefits are anticipated:

1. The increased knowledge and skills of health planning;
2. The increased awareness of health programs on the reservations;
3. The increased utilization of health services by members of the reservations;
4. The increased community involvement in reservation health programs;
5. The community will become more knowledgeable to Federal, State and County laws, bills, acts, policies, and regulations that affect the health status of members of the reservations; and
6. The increased participation of Tribal Government in the management and operation of reservation health programs.

Overall, the objectives of The Minnesota Chippewa Tribes Health Planning Program is to develop and increase the capability of the Tribe to plan, implement, and manage Health Programs, which directly affect Indian Health Care delivery. It is also the tribes responsibility to expand health services through the establishment of programs and projects and to develop sources of funding through tribal resources, private foundations, and government agencies. It is also the obligation for The Minnesota Chippewa Tribe to assure adequate health service for all members of The Minnesota Chippewa Tribe through short and long term planning activities, and also, to assist in the training of current and future health care for members of The Minnesota Chippewa Tribe.

Enrolled members of federally recognized tribes residing on or in counties or adjacent to counties that cover all or part of a reservation are eligible for health care services. In the past, the Indian Health Service policy was that non-Indian women married to Indian men, were entitled to Indian Health Services. Non-Indian men married to Indian women were not entitled to Indian Health Services. With the enactment of P.L. 88-352, the Civil Rights Act of 1964, the Indian Health Services may contract Health Care.Policy regulations were recently rewritten to include services to non-Indian males married to Indian women. This action was a result of the Equal Rights Ammendments in P.L. 88-352, covering non-discrimination based on the sex status of individuals. The Indian Health Service has always provided services to non-Indians on an emergency basis at Indian Hospitals and Clinics.



One objective of the MCT Health Planning Program is to develop plans for an Emergency Medical Services Program for each of the six-member reservations. Shown here presenting keys to Mr. Jim Hendrickson, Chairman, Grand Portage, for a brand new ambulance is Bernard Webber, Chief Emergency Medical Services, Minnesota Department of Health, through which the ambulance was obtained.

ELDERLY NUTRITION PROGRAM

Title VII of the Older Americans Act of 1965 as amended, established the Nutrition Program for the Elderly. The beginning of this National Nutrition Program, funded largely by the Federal Government, can be traced to 1968 when the Congress earmarked funds appropriated under Title IV of the Older Americans Act for a research and demonstration program to improve nutritional services for the elderly. The program was developed to aid elderly people in meeting their nutritional needs while at the same time providing socialization. It was recognized that many elderly people may not eat properly because of reduced income, and limited mobility which hinders their ability to shop and cook for themselves. Many elderly also eat alone and lack the incentive necessary to prepare a well-balanced meal. The changes that occur with aging often results in a pattern of living which contributes to malnutrition and further physical and social problems.

The Minnesota Chippewa Tribe has been administering the Elderly Nutrition Program since 1974. Presently, all six reservations are served. Leech Lake has five nutrition sites, Mille Lac's one, Nett Lake two, Fond du Lac two, Grand Portage one and White Earth five. Each project site provides the noon meal in a congregate setting. The majority of sites feed five days per week. Most of the meals are prepared in community centers. In some cases, the meals are catered from local restaurants.

People eligible for the program are those 60 years and older or spouse regardless of age. Of the 380 meals presently served per day, approximately 70 percent are served to Indian people and 30 percent to non-Indian. Home delivered meals are provided when absolutely necessary although the Elderly Nutrition Program can serve no more than ten percent of its total meals to the homebound.

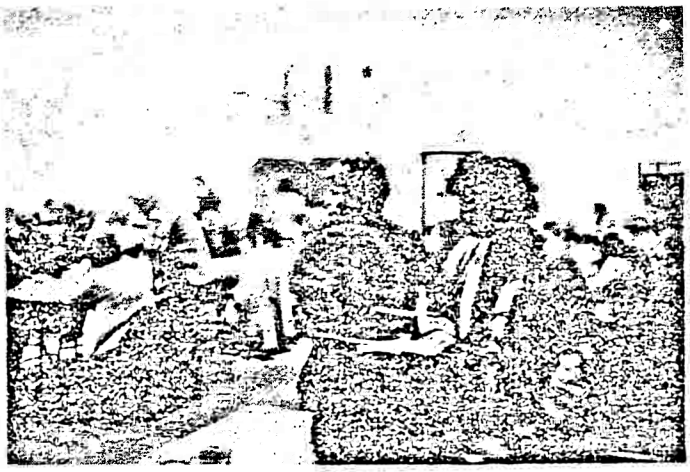
Each meal served must contain at least one-third of the current daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Science-National Research Council. A cycle menu is planned to meet these requirements. Special emphasis is given to those nutrients that are often lacking in elderly diets, i.e. Vitamin A, Thiamine, Riboflavin, Vitamin C, Iron and Calcium. Some provision must also be made for those on special diets. Indian people have a very high incidence of diabetes and all menus have been modified to provide alternative selections to those diabetics who so desire them.

Each recipient of a Title VII grant must also provide for the provision of comprehensive and on-going outreach activities from each congregate meal site to assure that the maximum number of the hard-to-reach individuals participate in the nutrition project. The following supportive social services must be provided to the extent that such services are needed and are not already available and accessible to the individuals participating in the nutrition project:

A. Transportation of individuals and personal escort services to and from the congregate meal sites. Some reservations also have access to vans.
B. Health and welfare counseling services.
C. Nutrition education.
D. Shopping assistance.
E. Recreation activities.

Recreational activities incidental to the project vary from site to site depending on the income raised by the respective site council. Various methods are employed to raise money: bake sales, rummage sales, raffels and bingo. This money then, is free to be used in whatever manner each site council determines. Types of recreational activities include: arts and crafts, bingo, parties, special dinners and trips.

The Elderly Nutrition Program has given elderly people many opportunities for employment in both full time and part time positions. Various funding agencies provide for salaries of workers who take part in the program, e.g. Green Thumb, SCSEP (Senior Community Service Employment Program), CETA (Comprehensive Employment Training Act), and Minicep (Minnesota Concentrated Employment Program). Some of the positions available in the Nutrition Program are: Site managers, coordinators, cooks, kitchen aids, waitresses, hostesses, elderly visitors, and van drivers.



Shown here are participants of the Elderly Nutrition Program noon meal held every week day at the Leech Lake Facility Center. Sometimes movies are shown to provide entertainment as is shown here.

Jerry Fagerstrom, left, Cass Lake Hospital Director, receives a donation of $300 towards the construction of a T.V. and radio tower for the hospital. Wilford Graves, right, Elderly Nutrition Program Director, presents the check from monies raised by his program through raffles, bake sales, etc. Monies raised from these activities are usually donated to assist elderly people in the community.

HOUSING: PLANNING AND DEVELOPMENT PROGRAM; HUD 701

Indians living on reservations have had to rely heavily on federal programs to meet their housing needs because of their generally low incomes, isolated locations, and land ownership problems. Considerable amounts of federal funds have been made available to the public as a result of the **HOUSING ACT of 1949.** This act established, as a national goal, that each American family have a decent, safe, and sanitary home, and established various federally funded housing programs to meet their goals.

One of these programs was the **HOUSING AND URBAN DEVELOPMENT DEPARTMENT [HUD].** HUD programs have been the major source of new housing for Indians in Minnesota as well as nation wide. In 1961 public housing programs administered by HUD were made available to Indians living on reservations through tribal housing authorities which were formed to develop and operate low-rent public housing projects. The two most popular programs utilized under HUD have been the Rental and Mutual Help Opportunity Programs. Under the rental program, the occupants are tenants of housing authorities. Under the mutual help program, the homebuyer agrees to: 1) contribute a minimum of $1,500 in cash labor, materials, land, and/or equipment; 2) make monthly payments; and 3) maintain the home. In return the tenant eventually gains ownership of the home.

The Minnesota Chippewa Tribe applied for and received housing aid shortly after the establishment of the Housing and Urban Development Department. There are currently ten regional HUD offices across the United States. The Minnesota Chippewa Tribe is located in HUD region 5, with the main office located in Chicago, Illinois.

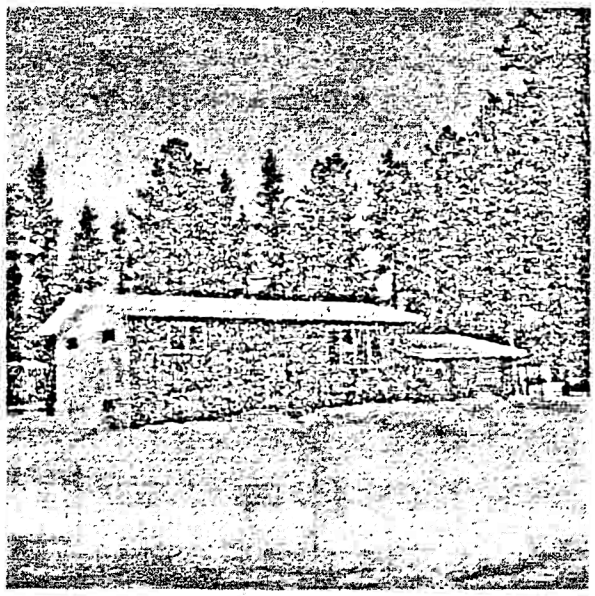
Since 1964, HUD has assisted four of these six reservations of the Minnesota Chippewa Tribe with the provision of 317 housing units. An additional 200 units are presently under development. Beginning 1978, the Minnesota Chippewa Tribe will receive 200 units of housing divided between the six reservations. Although these housing figures may seem extremely high, they are very inadequate in meeting the housing needs of The Minnesota Chippewa Tribe. The following chart shows the estimated housing need of The Minnesota Chippewa Tribe compiled during 1975.

MINNESOTA CHIPPEWA TRIBE [1]

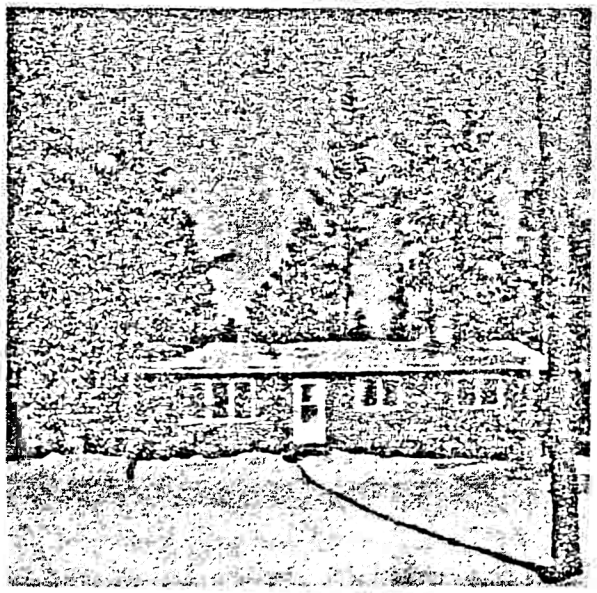
Housing Needs Including Projections for 1980

Reservation	Surveyed Sub-Standard	Projected Population Growth	over-Crowded Condition	Return to Reservation	TOTAL
Leech Lake	331	159	85	55	630
White Earth	294	142	88	55	579
Nett Lake	65	39	20	25	149
Grand Portage	45	14	10	30	99
Fond du Lac	65	40	25	32	162
Mille Lacs	87	44	22	53	206
TOTAL	887	438	250	250	1825

[1] The Minnesota Chippewa Tribe Block Grant, 1977

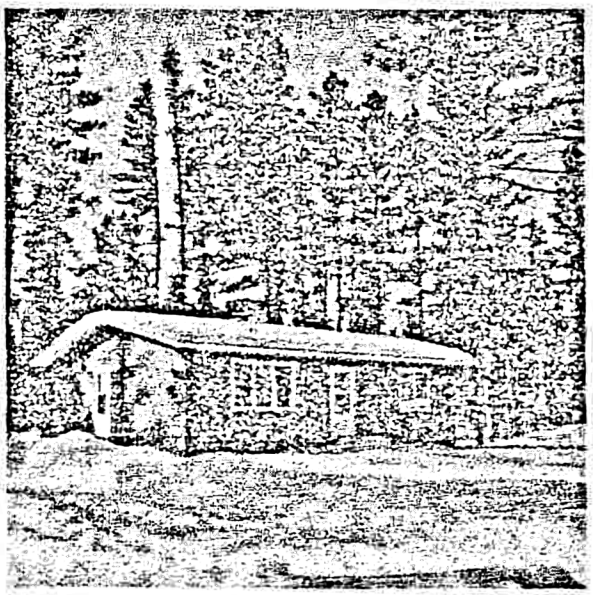


4 BEDROOM - SPLIT LEVEL



3 BEDROOM - RANCH

The homes shown here are examples of split level, Ranch, Rambler, and elderly units that have been built under the HUD program.

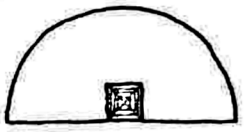
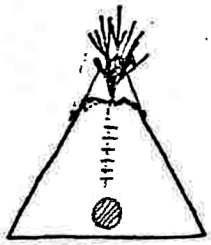


2 BEDROOM - RAMBLER

2 BEDROOM - ELDERLY - DUPLEX

HUD HOUSING

The Minnesota Chippewa Tribe has proved that is does have severely overcrowded housing conditions. Sixteen percent of the tribes housing has one and a half or more persons per room which is usually considered a severely overcrowded situation.[2] Such overcrowding indicates a need for housing which can accomodate larger families and a possible need for additional units. The following graph gives an example of overcrowded conditions with the Minnesota Chippewa Tribe as compared to Indians nationally and with the United States average.

MINNESOTA CHIPPEWA TRIBE	INDIAN NATIONAL*	UNITED STATES AVERAGE*
		
33 percent	25 percent	8.5 percent

*1970 CENSUS

The role of the 701 planning Office of Minnesota Chippewa Tribe is to provide management and technical assistance to the individual reservation housing authorities as requested. Grand Portage, White Earth, Nett Lake, and Leech Lake Reservations have HUD projects underway. The Mille Lacs and Fond du Lacs Reservations do not yet have Housing Authorities established at this time. The programs primary goal is to assist the reservations so that they may develop adequate housing and reservation community facilities.

Aside from the HUD Program of The Minnesota Chippewa Tribe there are other housing sources available to tribal members. Students may research such programs for further information on such programs as the B.I.A. Home Improvement Program (HIP) which provides grants for Indian families living in sub-standard or inadequate housing to 1) repair existing housing that will remain substandard-limited to $2,500; 2) repair housing to bring it up to standard conditions-limited to $13,000; 3) make down payments up to $5,000 which enables the applicant to receive a housing loan from tribal, federal, or other sources of credit; and 4) finance construction of a new house for up to $30,000.

[2] The Minnesota Chippewa Tribe housing needs and programs, 1976

HOUSING: HOME LOAN PROGRAM

The Minnesota Chippewa Tribal Housing Corporation was established by The Minnesota Chippewa Tribe to develop a low-interest, revolving home loan program for low and moderate income Indians of Minnesota, to improve their living environment through the construction, purchase and renovation of housing.

Eligible applicants must be enrolled in a federally recognized tribe, and plan to reside in the home being purchased. The applicant must have an annual adjusted income of not more than $16,000, and must be a reasonable credit risk with the financial ability to repay the mortgage loan.

All home loans shall be made only for the purchase, construction or renovation of single family dwellings. There will be no loans for land only, purchase or renovation of mobile homes, purchase of farmsteads, purchases of furniture or to pay off existing mortgages. Land cost cannot exceed 10 percent of the total loan. Homes can be built or purchased any where within the State of Minnesota. Loans can be made up to $38,500,if the home to be purchased or built is in an urban area. If the home is to be in a rural area, loans up to $36,500 can be obtained.

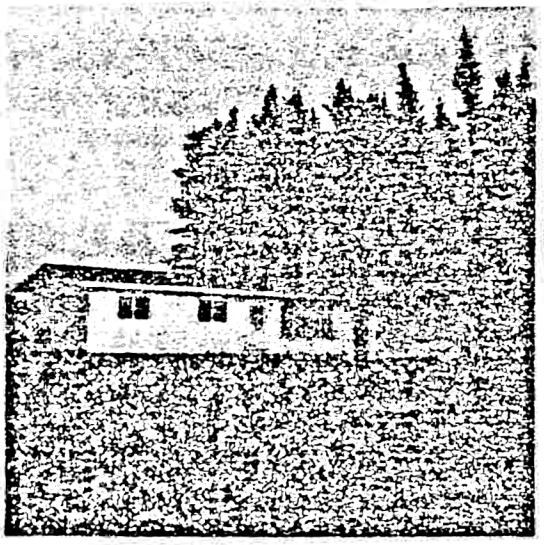
Home loans bear an interest rate of 4 percent per annum. Purchase and new construction loans are made for a period of 30 years of less. Renovation loans are made for a period of 15 years or less. Loan payments are computed on a principal, interest, and escrow basis. Payments are made on a monthly basis and include escrow payments for hazard insurance and taxes if applicable. Escrow payments are 1/12 of the estimated yearly expense.

The first appropriations for Indian housing from the State of Minnesota was for $5 million dollars. Of the $5 million, The Minnesota Chippewa Tribe received $3.2 million dollars, the Sioux communities received $300,000 and the Red Lake Band received $1.5 million dollars. Of the $3.2 million that the Tribe received, 20 percent went to those Indians living in the urban area. Funds received were totally dispursed by the end of 1977. Those funds accounted for the purchase, construction and rehabilitation of 119 homes.

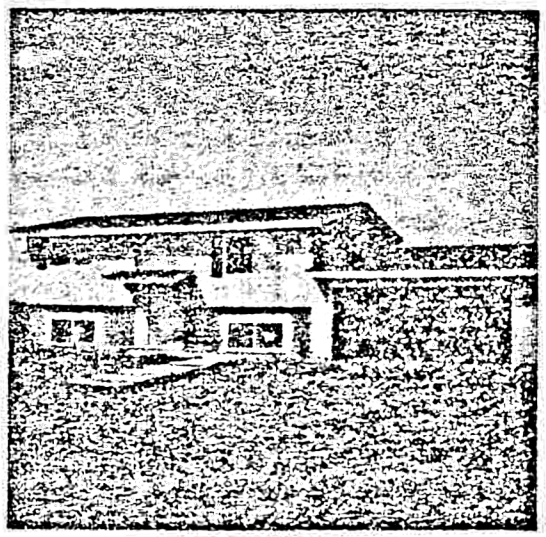
In January of 1978, the Home Loan Program of The Minnesota Chippewa Tribe, began an intensified effort to acquire additional appropriations for the continuation of the program. It can be safely assumed, that on March 17, 1978, Tribal efforts will be rewarded by the passage of a bill that provides for an additional $1.5 million for the urban sector and $1.5 million for The Minnesota Chippewa Tribe reservation sector. The additional appropriation will allow for an additional 110 homes for Minnesota Chippewa Indians.

The future of the Home Loan Program of The Minnesota Chippewa Tribe seems to be very promising. An excellent rapport with the State of Minnesota and the Minnesota Housing Finance Agency has been established. Should the program maintain its excellant track record, there is no reason that it cannot continue indefinitely.

Monies which have been allocated to The Minnesota Chippewa Tribe Home Loan Program will begin to accumulate, and in the near future, the Home Loan Program will become an independent lending institution.



3 BEDROOM - RAMBLER
NEW STRUCTURE



3 BEDROOM - SPLIT LEVEL
NEW STRUCTURE

5 BEDROOM - EXISTING

3 BEDROOM - EXISTING

The homes shown here are examples of existing homes purchased and the type of new dwellings being constructed by individuals who qualify for The Minnesota Chippewa Tribe Home Loan Program.

HOME LOAN PROGRAM

SOCIAL SERVICES

COMPONENT I - AMERICAN INDIAN FOSTER CARE PROJECT

The American Indian Foster Care Project, was initiated in August of 1976 when the Minnesota Department of Public Welfare was awarded a grant from the Department of Health, Education and Welfare (HEW). The National Center for Child Advocacy authorized a demonstration project to initiate a more effective and culturally considerate system for the delivery of foster care services to American Indian Reservations. Cass County and the Leech Lake Reservation were requested to develop a proposal because of their recent history of working together in the area of foster care services. A contract, whereby, the Cass County Welfare Board purchased the services of an Indian foster care worker on the reservation from the Leech Lake Reservation Business Committee was already in place. The administrative offices of the Minnesota Chippewa tribe are also located on this reservaiton, enhancing communication between these three elected governments: the County Welfare Board, the Reservation Business Committee, and the Minnesota Chippewa Tribe. The proposal was developed by county and tribal staff, with Cass County being designated as fiscal agent and the Leech Lake Reservation Business Committee and the Minnesota Chippewa Tribe providing supervision and administration for the project.

The Cass County Welfare Department is responsible for the delivery of social services to all county residents, including approximately 2,280 American Indians living on the Leech Lake Reservation. Although a conscientious effort to effectively deliver services to Leech Lake has been maintained by the Cass County Department of Social Services for several years, the results are disturbing, especially in the area of child welfare services.

An American Indian child in Cass County is 10 times more likely to be removed from his family than a non-Indian child. Not only are too many children being removed from theri families, but most of them are also being separated from their cultural heritage. 80 percent of these American Indian children are placed in non-Indian foster care homes. Upsetting as these figures are, the situation is worse in many places. A survey completed in July of 1976 for the American Indian Policy Review Commision estimated that in Maine, Indian children are placed in foster care at a per capita rate 19 times greater than that for non-Indian children. In New York, 97 percent of Indian foster care placement are with non-Indian families. These are shocking figures that delineate a national disaster which demands reform at all levels of government.

Prior to application for project funds, a study of foster care practices in the State of Minnesota was conducted by Minnesota Chippewa Tribes Division of Social Services. This study revealed that American Indian children are placed in foster care programs at a rate of 500 percent greater than that of white children in Minnesota. Although they constitute less than 1 percent of the states population, American Indian children account for 20 percent of the foster home placements. It was further learned the Cass County Department of Social Services, which is responsible for foster care services on the Leech Lake Reservation, had 72 children in foster homes, 42 (58 percent) of whom were American Indian children. The Indian population of the county is approximately 12 percent. This indicates a rate of placement approximately 10 times greater than that of white children in the county.

Not only are too many American Indian children apparently being removed from their homes, but, they are also frequently being removed from their heritage and culture. Of the 44 foster homes licensed in Cass County, only 11 of these were American Indian homes. Of these 11, 7 were currently in use, caring for eight of the 42 Indian children currently in placement.

A third problem which the project wished to address was the lack of American Indian child welfare workers. Although Cass County was delivering all of the child welfare services to the Leech Lake Reservation, it had no American Indian workers. It was anticipated that cultural differences, communication difficulties, and traditional mutual suspicious differences, have directly contributed to the appallingly high placement rate for American Indian children.

The American Indian Foster Care Project, on the Leech lake Reservation, is an attempt at the local level to attack this tragedy and to alleviate the injustice done to Indian children and their families.

Working under the supposition that American Indian staff, operating under the supervision of Tribal government and within the context of child welfare standards as adopted by the State of Minnesota, can more effectively deliver child welfare services to American Indians, the following objectives were sought:

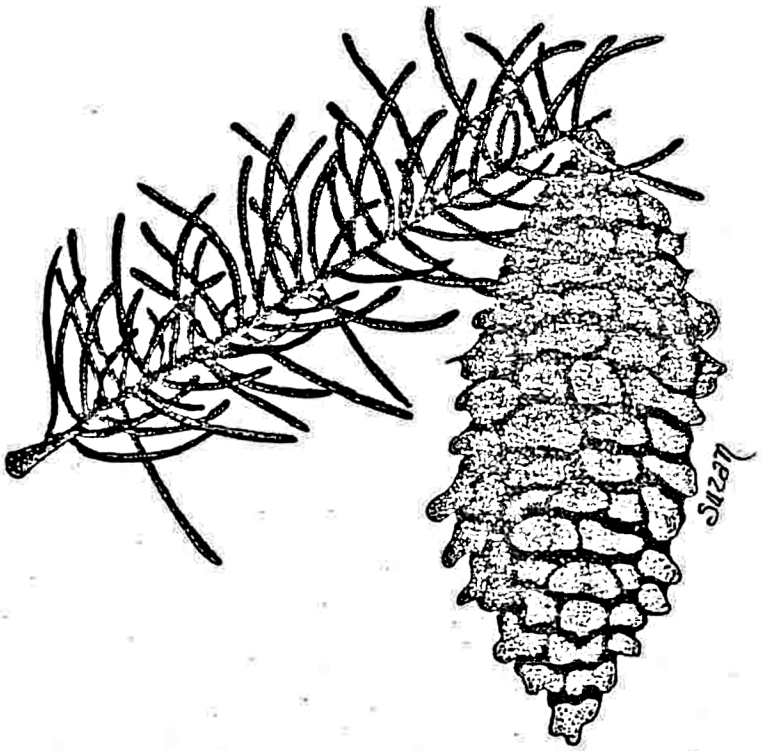
1. To develop better child welfare services;
   a. To reduce the number of children separated from their families;
   b. To place American Indian children with American Indian foster homes if removal is necessary;
   c. To return children to their families as soon as possible;
   d. To develop a permanent plan for those children who cannot be returned to their families;
2. To recruit an adequate number of American Indian foster homes;
3. To develop American Indian staff capacity for child welfare services delivery and increase county welfare staff awareness of them as the principal resource in working with American Indian families; and
4. To develop child welfare resources within the community.

The Leech Lake Reservation, like all reservations represented by The Minnesota Chippewa Tribe, is an "open" reservation and the responsibility for social services on these reservations are vested in the counties by the State of Minnesota. Without statutory change, the willingness of county governments to share authority with Tribal governments to the extent permitted under law is essential to this project, and is working in this case. However, it is already becoming obvious that before any long term cooperative social service delivery systems can be effectively developed, there are matters of State and tribal and county and tribal jurisdiction and authority that must be resolved.
It is generally agreed that the future will grant more self-determination to Tribal government, but presently, Minnesota statutes grant sole responsiblitlity and funding for all social services to Indians on reservations to the county of residence.

The success of the project was based upon mutual sharing and cooperation among the county and Tribal governments and the courts. Under current Minnesota Law, the county welfare board cannot delegate its responsibility to another agency; therefore, county workers and project staff out of necessity share project cases. No precise formula regarding who does what in each case has been developed. Rather, the approach has been to treat each case individually through joint staffing; responsibilities are then assigned depending upon previous relationships, working skills of the staff involved and so forth. By the end of the projects first year, 1977, most responsibilties were being handled by project staff and county staff were acting more as consultants as needed. However, a number of staffing and political problems due to the overlap of services, caused several delays in the project, so that much of the direct child welfare work was done in the projects last four months. Unfortunatley, these problems served to drain resources from the service part of the project, and slowed the projects schedule considerably.

The project had demonstrated the capabilities of American Indian staff to successfully provide services to American Indian families and children. The project showed the results of cooperation between county and staff. Applicability of projects results extends to many areas. The project also demonstrates that in the absence of sufficient direct federal funding to Indian tribes; and without legal mechanisms, a workable relationship between Indian and County governing bodies is indeed possible. This precedent might well be followed by others throughout the state and nation and on other reservations.

A most significant result of this project, is that it aptly demonstrates that the concept of self-determination for Indian People can indeed become a reality. This reality is necessary if Indians are to assume full and rightful control of their daily existence and cultural destiny.



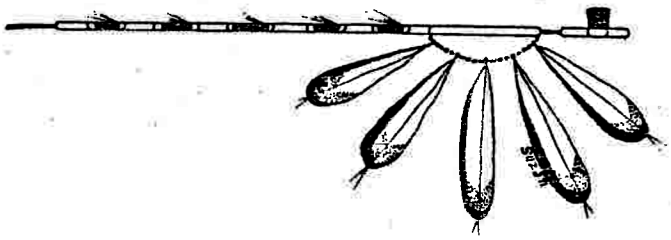
SOCIAL SERVICES

COMPONENT II - SUPPORTIVE SERVICES FOR AMERICAN INDIAN YOUTH

Supportive Services for American Indian Youth is funded by Federal Agency Action, the Law Enforcement Assistance Administration (LEAA), and the State Crime Commission. The program is in its first year of funding with the fiscal year being from August 1, 1977 to July 30, 1978. Supportive Services for American Indian Youth is a combination of programs that serves Northeastern Minnesota. Supportive Services is sponsored by The Minnesota Chippewa Tribe, with the Duluth Indian Council acting as the implementing agency.

The goal of the program is to reduce juvenile delinquency and the recidivism rate among Indian youth through programs designed to meet the needs of Indian youth in areas such as Volunteers in Probation, Big Brother Programs, Big Sister Programs, and the National Youth Projects Using Mini-Bikes. (NYPUM).

To direct and supervise the projects of the Program, a staff, including a full-time Project Manager, is located in Duluth. In addition, four coordinators are located in the areas outside of Duluth that will be serviced by the program, these areas are: Grand Rapids, International Falls, Fond du Lac Reservation and the Mille Lacs Reservation.

During the first year of program activities, the coordinators will work closely, in each area, with the Big Brother, Big Sister, and Volunteers in Probation Programs. The coordinators are responsible for the actual implementation of all programs in their own areas. These responsiblities include: publicity, holding and organizing orientation and in-service training for the volunteers, acting as a liason between courts and the community, writing and distributing a newsletter to those persons involved in the program, identifying and serving the youth in need of program services, follow-up for volunteer/youth matches, making referals when neccesary, insuring that the volunteers are meeting their responbilities to their clients and establishing and directing a mini-bike program for the Big Brother/Big Sister Programs. Coordinators are directly responsible to the Project Manager.

The Project Manager of the Program is located in Duluth, and is responsible for holding monthly meetings alternately at each project site with the coordinators and staff. This provides the Project Manager with the opportunity for on-site visiting and contact with the local communities. In addition, the Project Manager, set policies, writes training pamplets, approves funding sources, and maintains liason with The Minnesota Chippewa Tribe, Duluth Indian Action Council (DIAC) and the North American Indian Friendship Center (NAIFC). This is accomplished through monthly written reports and personal contacts.