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## *Introduction*

The high school level of this unit is designed to be taught in grades ten, eleven, or twelve and builds upon information learned by the students in the elementary and middle school levels. It is the most complex of the three unit levels and builds on concepts established in the other levels. The book offers its most developed concepts to high school students. Teachers should expect high school students to read and analyze historical documents and complex ideas, to some extent. Yet, as on all levels, teachers are encouraged to modify and expand the time allotted for each activity to facilitate students' most complete understanding of the material.

Activity 1 provides an understanding of the traditional Anishinabe's (Chippewas') reliance on the land and natural resources for subsistence and livelihood. The students will understand how the family-clan-band structure of Anishinabe society effectively established a seasonal cycle of harvest activity that sustained the Indians and did not damage the resources.

The federal policy of treaty making is the focus of Activity 2, in which the students will take part in a role-playing exercise intended to simulate the federal-Indian treaty negotiation process. In the exercise, the students will experience the difficulties created by language barriers and relate those difficulties to the negotiation of the treaty of 1837.

Once an understanding of the negotiation process is established, the students will learn in Activity 3 that the legality of treaty making and the implications of Indian treaties are rooted in the Constitution of the United States. Using the Northwest Ordinance, the Constitution, and an overview of important Supreme Court cases regarding Indians and Indian treaties, students will identify the process by which treaties are made and enforced.

Activity 4 introduces students to the formation of federal-Indian policy between 1789 and the 1830s. Students will identify the reasons for the adoption of treaty making as federal policy as well as the motives behind the factory system and the removal policy. The students will understand the basic ideas upon which the U.S. government based its early Indian policy and recognize key individuals active in establishing policy.

The Chippewa land cession treaties of 1837 and 1842 are the focus of Activity 5. In this lesson the students will understand how the treaty negotiation process illustrates many of the difficulties inherent in the early nineteenth-century federal-Indian relationship.

Activity 6 will help students understand the political climate of the establishment of Chippewa reservations. Students will also understand how those reservations affected the traditional subsistence culture and lifestyle of Wisconsin's Chippewas. The seasonal cycle and the land base reduction of reservations are key components in understanding the impact of reservations on the Chippewas' traditional lifestyle and culture.

The legal climate of the late nineteenth and twentieth centuries is the focus of Activity 7. Students will identify the impact of federal legislation on treaty making and Indian citizenship as that legislation relates to reserved treaty rights. The students will also identify in this activity how various laws affected the state-Indian relationship in the regulation of on-reservation Indian resource harvest.

Activity 8 studies the recent federal court rulings reaffirming the reserved rights of Wisconsin's Chippewa Indians and gives students an understanding of how federal



courts applied the judicial canons of interpretation of Indian treaties to the Chippewa treaties of 1837 and 1842. The students will themselves apply the canons to the treaties and the record of the treaty negotiations and identify how the federal courts arrived at its decision which upheld the reserved rights of the Chippewas. This lesson will also help students understand the importance of respecting federal court rulings.

The final activity of the unit has the students compare the ways Indians and non-Indians are regulated in fishing and extend that comparison to an analysis of the impact of the Chippewa off-reservation treaty harvest with the non-Indian impact on Wisconsin's natural resources. The activity uses data collected by the Wisconsin Department of Natural Resources (DNR) and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). Emphasis is placed on the ways in which the DNR, the six Chippewa bands living in Wisconsin, and GLIFWC work to manage the natural resources in Wisconsin for the use and enjoyment of Indians and non-Indians alike.

A tenth activity, or perhaps an extracurricular project, could be created by an individual student or group of students with the purpose of developing statements and policies for both the state of Wisconsin and Chippewa tribal leaders. Although not discussed as an activity, this kind of project is certainly a positive reinforcement of the learning and understanding this book promotes.





## The Anishinabe People

### *Necessary Background Information*

- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, pp. xi-xiii and ch. 1.

### *Objectives*

By the end of this lesson the student will

- understand some important aspects of the social, cultural, and political background of the Anishinabe people.
- be able to identify the basis of the Anishinabe's treaty relations with the United States.

### *Concepts*

- The Anishinabe people made their living from the land by harvesting a wide variety of plants and hunting or trapping various animals for their survival.
- As the Anishinabe people came into contact with French fur traders, the French began to call them Ojibwa, and when the French lost prominence in the area and the British moved in, the British pronounced Ojibwa as Chippewa.
- The center of Anishinabe social and political life is the family, which includes members of the extended as well as the nuclear family.
- All members of the family work together in hunting, fishing, and gathering and survive traditionally in a subsistence culture, living off the land from year to year.
- While hunting, fishing, and gathering, the Indians followed a pattern of seasonal migration moving from one location to another so as not to damage the natural resources upon which they relied while efficiently harvesting food and other products for shelter.
- Spearing in the spring and fall is an efficient way of harvesting fish and, if care is taken to not over-harvest, the resource maintains the ability to reproduce itself. The Anishinabe have speared fish for hundreds of years.
- In maintaining their subsistence lifestyle, the Anishinabe were careful to practice strict conservation measures to protect the resources upon which they relied.
- The Anishinabe people are socially organized into groups called clans that were usually comprised of several families claiming a common ancestor known for certain special characteristics.
- The Anishinabe had an allocation system by which the products of their hunting, fishing, and gathering were distributed equitably among all members of the family and band.
- The Indian idea of land ownership stressed that the land upon which they lived is owned communally by all members of the band and all have equal rights to that land.

### *Fundamentals*

- 1, Pretest on Chippewa Reserved Treaty Rights
- 2, Seasonal Activities of the Anishinabe People
- 3, Traditional Family and Clan Structure of the Anishinabe
- 24, Reservations in Wisconsin



## *Procedures*

- Give the students the pretest (Fundamental 1). The questions in this test will be addressed in the following nine lessons.
- Ask students to identify the activities that support a subsistence culture such as that of the Anishinabe.
- Ask the students to suggest reasons why different activities are important during different seasons and how those activities might best be split among work groups and seasons.
- Using the map of Wisconsin, have the students locate the areas and seasons in which the various activities previously described might take place.
- Have the students also identify how the described activities might also be split among people so as to maximize productivity among those hunting and gathering.
- Distribute Fundamental 3. Have students discuss the allocation of work in the context of the family unit.
- Have the students explain how the resources used by the Anishinabe might be distributed and how this relates to their communal ideas of land ownership.
- Conclude the lesson by asking the students to either write a paragraph or discuss as a class the importance of hunting and gathering for the Anishinabe and how they might rely on the land and available resources for their livelihood.



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## Treaties and Treaty Making

### *Necessary Background Information*

- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, chs. 1-2.

### *Objectives*

By the end of this lesson the student will

- be able to identify the historical functions of treaty-making.
- understand how treaty-making is used in political relations.
- understand some problems encountered by Indians in treaty negotiations with the United States.

### *Concepts*

- The various European colonial powers and later the United States recognized the sovereignty of Indian tribes and lands by entering into treaties with them.
- In theory, the treaty negotiation process between the Chippewa Indians and the United States took place as government-to-government relations with both sides having an equal part in the process.
- In reality, the treaty negotiation process favored the more powerful United States which used Chippewa indebtedness to traders as leverage in the negotiation process.
- Chippewa Indians signed land cession treaties in 1837 and 1842 that sold the northern third of what is now Wisconsin to the federal government.
- The United States and Indian tribes share certain attributes of nations including that of sovereignty; through treaties the tribes gave up certain aspects of sovereignty while retaining others.
- Negotiations between the United States and Indian tribes were carried out before treaties were signed, but the Indian participants were frequently not representative of the larger group for whom they were supposedly negotiating, and, as a result, the Indians often felt slighted by the resulting treaties.
- When the Chippewa Indians ceded lands in Wisconsin to the federal government in 1837 and 1842, they insisted on including in the treaty several reserved rights, including the right to continue to hunt, fish, and gather in the ceded territory.
- A treaty is a formal and binding agreement between two nations and, according to the Constitution of the United States, treaties entered into by the United States are part of "the supreme Law of the Land."

### *Fundamentals*

- 5, G-K, Drawings and Pictures Regarding Chippewa Culture
- 14, Blank Treaty
- 16, Treaty with the Chippewa, 1837





## *Procedures*

- During this exercise the students will be divided into two groups for the purpose of negotiating an agreement between them. You may want to divide the class into two groups of *unequal* size.
  - The first group, perhaps two-thirds of the class, wants to buy land from the second group. The second group, the remaining one-third of the class, is uncertain about the sale and would like to reserve the right to use the land in the future. The group buying the land is willing to allow the seller to use the land for a few years but not forever. The sellers will not sell if they feel their children will be deprived of that which they themselves enjoyed as children, but an agreement must be reached.
  - The two groups should not negotiate as a whole, but rather must select one or two negotiators each.
- Divide the class into two sections.
  - Provide each group with a brief list of instructions for their side only, and do not tell each group the intentions of the other.
  - Bring the negotiators together in the center of the class and give them a brief period of time to negotiate the agreement. Have one student write the agreement down and when it is complete, ask each of the negotiators to sign it.
  - Have each negotiator present the agreement to the rest of their group and ask them to determine if their group is satisfied.
  - Reproduce an example of a treaty for the students. Give them a definition of the word “treaty.”
- Ask the students to answer the following questions:
    - How is the agreement they negotiated similar to the treaty?
    - How is it different from the treaty?
    - What problems did the students have in negotiating the treaty?
    - How might their problems be similar to those experienced in the nineteenth century?
    - Compared to the negotiation that took place in class, ask the students to explain what advantages and disadvantages the United States and Indian treaty negotiators might have had in the negotiation process.

**Note:** The disparate size of the groups used in the exercise may not sufficiently underscore the unequal bargaining position that the Chippewas held in dealing with the United States. Look to Fundamental 5G as an example of the imbalance.

## *Optional Procedures*

- Transcribe the written agreement into a foreign language and distribute it to the class.
- Ask the negotiators to explain the terms of the agreement while referring to the new document.
- Ask the class to identify the various points of their agreement in the foreign language.
- Have the students identify how this exercise simulated the troubles experienced in the treaty negotiation process.
- Relate to the students the difficulty of negotiating treaties in different languages through the following exercise:



- Ask the students to take out a coin.
- From what they can gather from only the symbols on the coin, have them explain everything they can about a society that would use such symbols. They may not use any written words on the coin.
- Discuss the ways in which one nation's knowledge of the language used in the negotiations could affect the process and outcome of negotiations.



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## The Constitutional Framework of Treaty Making

### *Necessary Background Information*

- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, chs. 1 and 2.

### *Objectives*

By the end of this lesson the student will

- be able to identify the legal basis of federal-Indian relations.
- be able to identify the alternatives to treaty-making considered by the federal government.
- understand the role treaties play in relations between nations.

### *Concepts*

- For negotiations to take place fairly, both parties must give their consent to the agreement at hand and should fully understand all aspects of the agreement.
- Treaty negotiations between the United States and Indian tribes were, according to the Northwest Ordinance, supposed to take place in "good faith" with both parties acting truthfully and honestly.
- The Northwest Ordinance proclaimed that the only reason the United States should fight Indian tribes was in the event of a "just and lawful war" such as a defensive action or an act of retribution.
- According to the Constitution, treaties signed by the United States are to be acknowledged as "the supreme Law of the Land" and courts and judges at every level in every state must treat them as such.
- The term "Indians not taxed" in the Constitution refers to Indians not counted as citizens before the passage of the Indian Citizenship Act in 1924; all Indians who are now citizens pay federal income taxes and property taxes on private property they own.
- In the 1830s Supreme Court Chief Justice John Marshall referred to Indian tribes as "domestic dependent nations" since, although they existed *within* states and territories of the United States, they possessed the powers of self-government under federal wardship.
- The federal government's role in Indian-U.S. relations is that of a guardian charged with protecting its Indian wards.
- Indian tribes are like foreign nations within the United States in that they retain some measure of sovereignty while having given up others as a result of treaties with the federal government.

### *Fundamentals*

- 10, The Marshall Trilogy of Supreme Court Cases Regarding Indians
- 13, A Treaty from Negotiation to Litigation
- Complete copy of the U.S. Constitution (teacher supplied)



## *Procedures*

- Discuss with students the ways in which the Northwest Ordinance and the Constitution provided a framework for Indian-white relations.

**Northwest Ordinance of July 13, 1787.** “The utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them . . . .” (Prucha, 1990, pp. 9-10.)

**References to Indians in the United States Constitution.** Article I, Section 2, Clause 3—Indians not taxed. “Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years and excluding Indians not taxed, three fifths of all other Persons.”

Article I, Section 8, Clause 3—Commerce Clause. “[The Congress shall have Power] . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.”

Article II, Section 2, Clause 2—Treaty Clause. “[The President] . . . shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur . . .”

Article VI, Clause 2—Supremacy Clause. “This Constitution and the Laws of the United States . . . and all Treaties made, or which shall be made, . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution of Laws or any State to the Contrary notwithstanding.” (Dollar, et al. 1984, p. 627-637)

— Reproduce the excerpt from the Northwest Ordinance on an overhead or chalkboard or distribute it to students.

— Have the students define in their own words the terms: “good faith,” “consent,” and “just and lawful war.”

— Have students study the U.S. Constitution and locate specific references in the document regarding Indians. They should find the references listed above.

— Discuss the meaning of the terms contained in the two documents.

— Discuss the role of the three branches of the federal government in the treaty-making process.

Executive: Treaty negotiations and presidential authority.

Legislative: Senate consultation and the ratification of treaties.

Judicial: Litigation involving treaties. (For additional information see Fundamentals 10 and 13.)

• Have the students create a chart of the treaty negotiation and ratification process. Follow the example set out in Fundamental 13.

• Have the students identify treaties being currently negotiated by the federal government. Use newspapers and magazines if necessary. Examples of such treaties might be arms control or trade agreements.



## *References*

Dollar, Charles, Joan Gunderson, Ronald N. Satz, H. Viscount Nelson, Jr., and Gary W. Reichard. *America Changing Times: A Brief History*, 2nd ed. New York: John Wiley & Sons, Inc., 1984.

Prucha, Francis Paul, ed. *Documents of United States Indian Policy*. 2nd ed. Lincoln: University of Nebraska Press, 1990. pp. 9-10.



## Early Federal-Indian Policy, 1789-1830s

### *Necessary Background Information*

- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, ch. 1.

### *Objectives*

By the end of this lesson the student will

- be able to identify key elements of early American Indian policy.
- understand the ideas and values on which early American Indian policy was based.

### *Concepts*

- The United States developed a system of government-run trading houses in the late eighteenth century called the "factory system," designed to run the Indians into debt and use the debt to acquire lands cheaply, in trade.
- According to the Northwest Ordinance, the United States hoped to promote "peace and friendship" in government relations with the Indians.
- The payments made to Indians for land they sold to the federal government were called annuities; the annuity system provided the framework for the distribution of payments to the Indians on an annual basis for a set period of years.
- The Bureau of Indian Affairs was established in 1824 within the War Department for the purpose of managing and facilitating the administration of Indian affairs.
- Believing that Indians were "savages," the United States instituted a "civilization" policy which tried to destroy Indian culture and replace it with that of mainstream America's.
- A treaty is a formal and binding agreement between two nations and, according to the Constitution of the United States, treaties entered into by the United States are part of "the supreme Law of the Land."
- The Chippewa Indians signed land cession treaties in 1837 and 1842 by which they sold much of what is now the northern third of Wisconsin to the federal government.
- The United States planned for the removal of many Indian tribes from their aboriginal lands east of the Mississippi to lands west of the Mississippi, but the Chippewas stayed in Wisconsin on reservations.

### *Fundamentals*

- 4, Report of Secretary of War Henry Knox to President George Washington
- 6, President Andrew Jackson on Indian Removal
- 8, The Western Frontier in 1830

### *Procedures*

- Have the students read the report of the Secretary of War found in Fundamental 4.





- Ask the students to identify why he recommended treaty-making as a way of dealing with Indians. What alternative was also mentioned? Why was it rejected?
- Have the students read President Thomas Jefferson's comments.

**President Thomas Jefferson to William Henry Harrison, February 27, 1803.**

"To promote this disposition to exchange lands, which they [Indians] have to spare and we want, for necessaries which we have to spare and they want, we shall push our trading [ho]uses, and be glad to see the good and influential individuals among them run in[to] debt, because we observe that when these debts get beyond what the individuals can pay, they become willing to lop them off by a cession of lands." (Lipscomb, 1903, pp. 368-373.)

- Ask the students to identify what Jefferson wanted to do with the government trading houses.
- Have students write their responses to the following question: What are the possible reasons why the leaders of the United States opted for treaty-making rather than a policy of open warfare with the Indian tribes?
- Ask the students to read the Andrew Jackson quote and look at the map of the United States in Fundamental 8.
- Ask the students to identify possible reasons for Jackson's removal policy.

**Note:** Although annuity payments ended long ago, many non-Indians believe tribal members continue to receive checks from the government each month. It is important to distinguish between annuities paid long ago to the Indians as compensation for their land and social services and other benefits provided to all citizens today. In this regard it is also important to discuss the concept of dual citizenship defined in the glossary in the Appendix B. Information on social services provided to Indians and non-Indians in Wisconsin may be found in "Treaty Crisis: Cultures in Conflict," published in the *Wisconsin State Journal* as a special edition in 1990 featuring a reprinting of articles published between December 10, 1989, and April 8, 1990, pp. 1-56.

### *References*

Lipscomb, Andrew A., ed. Vol. 10 of *The Writings of Thomas Jefferson*. 20 Vols. Washington, DC: Thomas Jefferson Memorial Association, 1903.

## Chippewa Land Cession Treaties of 1837 and 1842

### *Necessary Background Information*

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights*. Odanah, WI: GFIFWC, 1991.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, pp. xi-xiii and chs. 1-5.

### *Objectives*

By the end of this lesson the student will

- be able to identify the reasons for the United States' interest in Chippewa lands.
- be able to identify the methods used in negotiating treaties.
- understand the long-lasting results of the treaties of 1837, 1842, and 1854.

### *Concepts*

- When negotiating the first treaties with the Chippewa Indians, the United States incorrectly referred to the Chippewas as a unified Chippewa Nation in order to simplify the process of buying as much Chippewa land as possible often from bands that did not actually live on the land they were being asked to cede.
- Federal treaty negotiators told the Chippewas that they could continue to hunt, fish, and gather on ceded lands during the "pleasure of the president," which the Indians were told meant as long as they did not harm the advancing white population.
- When the Chippewas sold their land to the federal government, they retained privileges of occupancy such as hunting, fishing, and gathering rights.
- The Chippewa Indians stressed in the treaties of 1837 and 1842 that they wanted the United States to recognize certain reserved rights: to continue to hunt, fish, and gather in the ceded territory.
- In the Chippewa treaties of 1837 and 1842, the Indians retained certain usufructuary rights to continue to hunt, fish, and gather on the land they ceded.

### *Fundamentals*

- 3, Traditional Family and Clan Structure of the Anishinabe
- 15, Journal of the Proceedings of . . . 1837
- 16, Treaty with the Chippewa, 1837
- 17, Treaty with the Chippewa, 1842
- 20, Treaty with the Chippewa, 1854
- 21, Land Cessions

### *Procedures*

- Have the students make a list of what the Indians were to give up by the 1837 and 1842 treaties by using Fundamentals 16 and 17.
- Have the students make a list of what the Indians retained under the treaties of 1837 and 1842. The reserved rights should not be included in this list. Reserved rights were *retained* by the Indians, not *granted* to them by the United States.



- Ask the students identify which bands lost land as a result of this land cession treaty by using Fundamental 16.
- Review Fundamental 3, focusing on clan structure as an outgrowth of family structure. Discuss why the U.S. government's trifling knowledge of clan structure's limited power led to misunderstanding and ignorance.
- Have the students use Fundamental 21 to locate the historic locations of the various bands listed as signers of the 1837 treaty.
- From the Indian signers of the 1837 treaty and the map of Wisconsin depicting land cessions, have the students identify which bands did not lose land as a result of the treaty.
- Ask the students to explain why the United States wanted to negotiate with the Chippewas as a "nation" rather than as individual bands during treaty negotiations.
- Discuss the meaning of Pleasure of the President.

### *Alternative Procedures*

- Distribute copies of the Journal of the Proceedings of the 1837 treaty found in Fundamental 15.
- Have the students engage in a role-playing exercise in which several act out the dialogue of the 1837 treaty proceedings in Fundamental 15.
- Assign the characters of Henry Dodge, Flat Mouth, Hole in the Day, Verplanck Van Antwerp, Lyman Warren, Little Six, etc. as time and the number of students permits.
- Discuss the meaning of the speeches given by each of those who participated in the treaty discussion.
- Discuss the importance of language and usage in these quotations and in treaty making in general.

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## Reservations, Not Removal

### *Necessary Background Information*

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights*. Odanah, WI: GFIFWC, 1991, pp. 1-3, 15-18.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, chs. 4-5, appendixes 5-6.

### *Objectives*

By the end of this lesson the student will

- be able to explain why the Anishinabe remained in Wisconsin rather than being removed west of the Mississippi River as were many other Indian tribes.
- understand why there was limited pressure on the state or federal government to remove the Chippewas from their Wisconsin lands in the mid-nineteenth century.
- understand why the Chippewas remained in Wisconsin despite efforts to remove them.
- understand that the Mole Lake and St. Croix bands remained landless until the mid-1930s.

### *Concepts*

- The payments made to Indians for land they sold to the federal government were called annuities; the annuity system provided the framework for the distribution of payments to the Indians on an annual basis for a set period of years.
- The Chippewas were able to avoid removal from the state due to public interest in keeping them here.
- Four bands of Wisconsin's Chippewa Indians remained in the state on reservations that were established in 1854.
- Reservations have had a disastrous effect on the traditional seasonal cycle of the Indians because of a reduced land base.
- The Mole Lake and St. Croix bands, who were not a part of the 1854 negotiations, lived as squatters on ancestral lands until the U.S. government provided reservations for them in the mid-1930s.

### *Fundamentals*

- 8, The Western Frontier in 1830
- 19, Eyewitness Account of the Wisconsin Death March
- 20, Treaty with the Chippewa, 1854
- 22, Chief Buffalo's Memorial to President Millard Fillmore
- 23, State of Wisconsin Petition Against Chippewa Removal
- 24, Chippewa Reservations in Wisconsin
- Blank map of Wisconsin (teacher generated)



## *Procedures*

- Review the nature of the Anishinabe lifestyle and ask the students to answer the following questions:

— What problems might occur if the Indians were forced to travel to Sandy Lake, Minnesota in October to receive their annuity payment? Using a map of Wisconsin and Minnesota, determine the distance from La Pointe, Wisconsin, to Sandy Lake, Minnesota.

— What did the Indians have to give up if they traveled to Sandy Lake?

— Why would the federal government want them to travel to Sandy Lake?

— What effect did annuity payments have on the seasonal cycle of the Anishinabe?

- Have students draw in the locations of reservations listed in the 1854 treaty on the blank map of Wisconsin.

- Have the students identify the bands (St. Croix and Mole Lake) of Anishinabe that are omitted from the 1854 treaty.

- Have the students make a list of possible reasons why the non-Indian residents of Wisconsin might have wanted the Chippewas to stay in Wisconsin.

- Read Fundamental 23 to the students and discuss with them the reasons Wisconsin residents wanted the Chippewas to remain in Wisconsin.

- After analyzing the map of the United States found in Fundamental 8, ask the students to list possible reasons why the federal government wanted to remove Indians west of the Mississippi River.

- Read Chief Buffalo's comments found in Fundamental 22 to the students and have them write in their own words what he was saying to President Millard Fillmore.

- In small groups, have the students determine what happened to the Chippewas in Wisconsin. Each group is to show their understanding by writing a letter to their "cousin" in another country answering the cousin's question. Their cousin writes:

What happened to the Indians in your state regarding land, treaties, culture, and population? We watch a lot of TV, especially old American cowboy and Indian movies. What are Indians really like? Were they sent off to the West like tribes in other states? What kinds of things do they do today? Please fill us in on all the details.



## Denial of Treaty Rights

### *Necessary Background Information*

- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, ch. 6.

### *Objectives*

By the end of this lesson the student will

- be able to identify benefits that accrued to some non-Indians as a result of their infringement upon the Chippewas' reserved rights.
- be able to identify how the Chippewas' usufructuary rights were infringed upon by the state of Wisconsin prior to 1883.
- be able to identify other ways in which Chippewa culture was suppressed in the late nineteenth and early twentieth centuries.
- understand the relationship between acculturation of the Chippewa in non-Indian society and denial of treaty rights.
- understand the impact of federal efforts to acculturate the Chippewas and state efforts to regulate Chippewa hunting, fishing, and gathering.

### *Concepts*

- In the late nineteenth century, the federal government tried to force the acculturation of Indians by denying them their traditional culture, religion, and lifestyle.
- The lands assigned to individual Indians under the Dawes Act were called allotments, but a very small amount of this land remained in Indian possession.
- Efforts to transform the Indian culture by stressing the use of English language and the American way of life did not lead to efforts to fully integrate or assimilate Indians into American society.
- One of the major means by which the government tried to acculturate the Indians was through the use of boarding schools in which Indian children were educated in non-Indian ways and culture.
- The property rights retained by the Chippewas in the treaties of 1837 and 1842 were not affected by the Citizenship Act of 1924, but nonetheless the state increased its efforts to extend jurisdiction over Indians.
- All Indians were granted United States citizenship as a result of federal legislation in 1924 with the provision that this legislation did not interfere with their tribal status or treaty rights.
- Indians, like other United States residents, possess a kind of dual citizenship in that they are citizens of their tribe, the state where they reside, and of the United States just as non-Indians are citizens of the state where they live and of the United States.
- In the 1950s, the federal government instituted a termination policy in dealing with Indians in that it tried to end their status as recognized, sovereign tribes; this termination policy was later replaced by a policy favoring self-determination.

### *Fundamentals*

- 29, Bad River Band's "Declaration of Cold War"
- 30, Summary of Voigt Case Decisions, 1983-1991



## Procedures

- Reviewing the seasonal activities of the Anishinabe discussed in Activity 2, ask the students to list the economic benefits gained by non-Indians as the Chippewas were denied their off-reservation reserved rights.
- Have the students analyze the excerpt from the 1871 legislation and ask them to discuss the impact this act had on reserved rights.

**Legislation Ending Treaty Making, 1871.** *An Act making Appropriations for the current and contingent Expenses of the Indian Department . . . .*

. . . Yankton Tribe of Sioux . . . . For insurance and transportation of goods for the Yanktons, one thousand five hundred dollars: *Provided*, That hereafter 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: *Provided, further*, That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian nation or tribe . . . . (U.S., *Statutes at Large*, 1871.)

- Have the students analyze the excerpt from the Indian Citizenship Act and discuss the impact the act had on reserved rights.

**Indian Citizenship Act, 1924.** In 1924 Congress granted citizenship to all Indians born within the United States who were not yet citizens.

*An Act To authorize the Secretary of the Interior to issue certificates of citizenship to Indians.*

*Be it enacted . . . .*, 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. (U.S., *Statutes at Large*, 1924.)

- Explain to the students that some Americans have dual citizenship. Chippewa Indians are also citizens of their band.
- Have the students analyze the summary of the Voigt Decision found in Fundamental 30.
- Read the Bad River Band's "Declaration of Cold War" in Fundamental 29 and review with the students the circumstances in the 1950s that led the Bad River Band to have written the "Declaration of Cold War."

## References

U.S. Congress. Act of March 3. *Statutes at Large*. Vol. 16. 1871, p. 566.

U.S. Congress. Act of June 2. *Statutes at Large*. Vol. 43. 1924, p. 253.



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## Reaffirmation of Treaty Rights

### *Necessary Background Information*

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights*. Odanah, WI: GFIFWC, 1991, pp. 15-18.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, chs. 7-8, appendixes 7-9.

### *Objectives*

By the end of this lesson the student will

- be able to understand the background of the Voigt Decision.
- be able to identify the effects of such interpretations concerning the reaffirmation of the exercise of Chippewa treaty rights.
- be able to identify the importance of the reserved rights, identified in the treaties of 1837 and 1842, to the Chippewas of Wisconsin.

### *Concepts*

- In seeking to improve the condition of Indians throughout the United States, Indian militancy became prominent in the late 1960s and 1970s. This activism was intended to make the Indians' disadvantaged and impoverished condition visible to the general public and to reassert tribal sovereignty while demanding federal protection of reserved rights.
- Although a 1979 federal court decision regarding the reserved rights of the Chippewas was not in their favor, the case went to the Seventh Circuit Court of Appeals whose appellate jurisdiction forced the lower court to change its ruling.
- In the 1983 Voigt Decision, federal judges upheld the reserved usufructuary rights of Wisconsin's Chippewa Indians to hunt, fish, and gather on the land they had ceded to the United States.
- Federal judges reaffirmed these reserved rights of the Chippewas, recognized in the treaties of 1837 and 1842 because, regardless of the passage of time, those rights still belong to the Indians.
- In upholding the reserved rights of the Chippewas, the federal courts in 1983 applied the judicial canons of interpretation to the treaties and determined what each document meant to those who signed it.

### *Fundamentals*

- 11, Judicial canons of interpretation of Indian treaties
- 16, Treaty with the Chippewa, 1837
- 17, Treaty with the Chippewa, 1842
- 30, Summary of Voigt Case Decisions, 1983-1991
- 35, Rights to Fish, 1991

### *Procedures*

**Harvest Rights of State Users, 1991.** The litigation involving treaty rights has focused primarily on the harvest rights of the Chippewa bands. The rights of non-Indian



users were not directly at issue. However, the treaties, like any contract did secure rights for both parties. While the Chippewas retained harvest rights under the treaties of 1837 and 1842, the United States gained ownership of the property in the northern third of Wisconsin.

Among the rights obtained by the United States and transferred to the State of Wisconsin upon statehood in 1848 was the right to manage the fish and game within the ceded territory. Judge Barbara Crabb ruled in 1991 that the management authority lies with the State and not with the tribes. The Court requires the State to manage the ceded territory fishery for the benefit of all current and future users. The tribes may challenge any State action that they believe infringes on their treaty rights.

The State's management responsibility must take into account one very important factor. The tribes are entitled to up to 50 percent of the harvestable resource. State users are entitled to the remaining allowable harvest. The State of Wisconsin must regulate its users to ensure that the state harvest, when combined with the Chippewa harvest, does not result in an over-harvest situation. Furthermore, the Voigt case requires the state to manage the resources of the ceded territory for the benefit of all current and future users, both tribal and non-tribal.

For some wildlife species regulated by quota, the Chippewa harvest has resulted in a lower number of tags or permits available for the non-Indian harvester. For species not regulated by quota but subject to a potential over-harvest (e.g., walleye and muskellunge), lower state bag limits may be necessary. For other species, such as rough fish, bass, and panfish, the resource can support the Chippewa harvest without the need for additional state regulations on non-treaty users. If the Chippewa harvest of a species should increase substantially, additional state regulations would be necessary. (U.S. Department of Interior, 1991.)

- In light of Activity 7, discuss with the students the meaning of the four judicial canons of interpretation found in Fundamental 11.
- Provide to the students the excerpt describing the rationale behind the Voigt Decision found in Fundamental 30 and ask them to explain how they relate to the judicial canons of interpretation.
- Ask students to discuss why the judicial canons of interpretation are important to the Indians and the federal government.
- Ask students to explain what the Chippewas in Wisconsin had to forego prior to 1983.
- Read to the students the excerpt from President George Bush's inaugural address. Ask the students to write in their own words what they think President Bush means in this statement.

**Excerpt from President George Bush's Inaugural Address, January 20, 1989.**  
"Great nations like great men must keep their word. When America says something, America means it, whether a treaty or an agreement or a vow made on marble steps."  
(USGPO, 1989, p. 349)

- Ask the students to identify the economic as well as cultural impact the loss of the Chippewa reserved rights may have had on the Indian lifestyle.

## *References*

U.S. Department of the Interior. *Casting Light Upon the Waters: A Joint Fishery Assessment of the Wisconsin Ceded Territory*. Minneapolis, MN: Bureau of Indian Affairs, 1991.

*Inaugural Addresses of the Presidents of the United States from George Washington 1789 to George Bush 1989* Washington: GPO, 1989, p. 349.



## Chippewa Treaty Rights and Resource Management

### *Necessary Background Information*

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights*. Odanah, WI: GFIFWC, 1991, pp. 1-9.
- Satz, Ronald N. *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective*. Madison: Wisconsin Academy of Science, Arts and Letters, 1991, chs. 8-9, appendixes 7-9.

### *Objectives*

By the end of this lesson the student will

- be able to identify the impact of exercise of Chippewa treaty rights on Wisconsin's natural resources.
- be able to identify the responsibilities of the state of Wisconsin and the Chippewa Indians in managing Wisconsin's natural resources.
- be able to identify the impact of the Voigt Decision on resource management in Wisconsin.

### *Concepts*

- A limit, or an allowable catch, is established for every lake to ensure that not too many fish are taken and that the ability of the remaining fish to repopulate the lake is not damaged.
- The Wisconsin Department of Natural Resources (DNR) actively maintains and protects the valuable natural resources for all state residents and visitors to enjoy and use.
- The Great Lakes Indian Fish and Wildlife Commission acts to protect and preserve the natural resources in the ceded territory in much the same way as the DNR but takes direction from the six bands of Chippewa Indians in the state.
- The Chippewa Indians in Wisconsin maintain productive fish hatcheries from which they stock lakes to replenish the fish resources for the enjoyment of all state residents.
- Effective resource management ensures that the natural resources of the state are protected and preserved for the use and enjoyment of all people.
- Tribal game wardens enforce the many rules and regulations that apply to the Chippewa Indians, on-reservation and off-reservation treaty harvest of many animal and fish resources.

### *Fundamentals*

- 1, Pretest on Chippewa Reserved Treaty Rights
- 31, Tribal and Sport Resource Harvest Graphs
- 32, Tribal Harvest License and Wisconsin Angling License
- 33, Joint Fishery Assessment, 1991
- 34, Resource Management Decision Makers, 1991
- 35, Rights to Fish, 1991
- *Lake Superior Indian Fisheries/Videotape*. (optional) For order information, see the Great Lakes Indian Fish and Wildlife Commission in Appendix B.
- *Voigt Treaty Rights/Videotape*. (optional) For order information see Great Lakes Indian Fish and Wildlife Commission in Appendix B.

- *News From Indian Country*. (optional) For information on ordering this inexpensive newspaper, consult Appendix B.
- *Masinaigan*. (optional) For information on ordering complimentary copies of this GLIFWC newspaper, consult Appendix B.

### *Procedures*

- Make an overhead of, display on the chalkboard, or distribute to students the three charts in Fundamental 31.
  - Ask students to locate in newspapers or magazines material relating to the management of natural resources, and bring to class for discussion.
  - Have the students identify what they see as the tribal impact on the natural resource.
  - Read or distribute and have the students read the excerpts from *Casting Light Upon the Waters* in Fundamentals 33-35.
  - Ask the students to interpret as specifically as possible from the above material the impact of the Chippewas' harvest on the available resources.
  - Display on an overhead or distribute to the students copies of the tribal and angling licenses found in Fundamental 32 and ask them to identify the ways in which the two licenses are the same and ways in which the two licenses are different. Have them also identify the ways in which both licenses address the issue of resource management.
  - Review and discuss with the students the resource management issues raised in the two videotapes produced by the Great Lakes Indian Fish and Wildlife Commission: *Lake Superior Indian Fisheries* and *Voigt Treaty Rights*. (optional)
- Note:** Be sure to identify the ways in which the individual Chippewa bands assist in managing Wisconsin's natural resources.
- Using *Masinaigan* and *News from Indian Country*, have the students locate and summarize articles relating to issues of resource management. (optional)
  - Give students their copies of the pretest in Fundamental 1 and discuss with them the reasons why some of their answers may have changed since they took the pretest.





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## Resources High School

### Activity 1

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 2.
- Great Lakes Indian Fish and Wildlife Commission (GLIFWC). *Manomin, Lake Superior Gourmet Wild Rice*. Brochure. Odanah, WI: GLIFWC.
- GLIFWC, *Wild Rice*. Poster. Odanah, WI: GLIFWC.
- Horsman, Reginald. "United States Indian Policies, 1776-1815." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 29-39.
- Mason, Carol I. *Introduction to Wisconsin Indians*. Salem, WI: Sheffield Publishing Co., 1988, chs. 4, 6.
- Ritzenthaler, Robert E. "Southwestern Chippewa." In *Northeast*. Ed. Bruce G. Trigger. Washington, DC: Smithsonian Institution, 1988, pp. 743-759.

### Activity 2

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 2.
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- Ritzenthaler, Robert E. "Southwestern Chippewa." In *Northeast*. Ed. Bruce G. Trigger. Washington, DC: Smithsonian Institution, 1988, pp. 743-759.
- White, Richard and William Cronon. "Ecological Change and Indian-White Relations." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 714-729.

### Activity 3

- Horsman, Reginald. "United States Indian Policies, 1776-1815." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 29-39.
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- Prucha, Francis Paul. "United States Indian Policies, 1815-1860." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 40-50.



#### Activity 4

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 4.
- Horsman, Reginald. "United States Indian Policies, 1776-1815." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 29-39.
- Kvasnicka, Robert. "United States Indian Treaties and Agreements." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 195-201.
- Lohse, E. S. "Trade Goods." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 396-403.
- Prucha, Francis Paul. "United States Indian Policies, 1815-1860." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 40-50.

#### Activity 5

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 5.
- Hagan, William T. "United States Indian Policies, 1860-1900." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 51-65.
- Kelly, Lawrence C. "United States Indian Policies, 1900-1980." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 66-80.
- Prucha, Francis Paul. "United States Indian Policies, 1815-1860." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 40-50.

#### Activity 6

- Baca, Lawrence. "The Legal Status of American Indians." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 230-237.
- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 6.
- Gibson, Arrell M. "Indian Land Transfers." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 211-229.

#### Activity 7

- Baca, Lawrence. "The Legal Status of American Indians." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 230-237.
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### Activity 8

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### Activity 9

- GLIFWC. *Chippewa Treaty Harvest of Natural Resources: Wisconsin, 1983-1990*. Odanah, WI: GLIFWC, 1990.
- GLIFWC. *Lake Superior Indian Fisheries*. Videotape. Odanah, WI: GLIFWC.
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