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Lesson Format—Middle School

2

Introduction
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Common Attributes of Nations and Indian Tribes
The Constitutional Framework of Treaty Making
Early Federal-Indian Policy, 1789-1830s
Chippewa Land Cession Treaties of 1837 and 1842
Reservations, Not Removal
Denial of Treaty Rights
Reaffirmation of Treaty Rights
Chippewa Treaty Rights and Resource Management
Resources



Introduction

The middle-school level of this unit is designed to be taught in grades seven, eight, or nine and builds upon information learned by the students in the elementary level. This level addresses many of the same topics dealt with at the elementary level, but in a more complex nature. Activities at this level also introduce new concepts. Teachers may find it helpful to review and even use material from the elementary level. As always, less sophisticated material would be used only to assist the teaching of ideas on the middle-school level. Documents in the fundamentals are often complex and lengthy. Although access to the entire fundamental is crucial, teachers must judge what they can realistically expect to discuss with their classes. Teachers are encouraged to expand the amount of time used for each activity if possible. An alternative to the journal portion of this unit is to have the students identify the important historical, legal, or environmental aspects of each day's lesson and write one or two paragraphs summarizing each lesson. At the end of the section have the students combine all nine entries into a "book" that they bind themselves. These books could then be placed on display in the library or another appropriate location in the school.

Activity 1 stresses how the seasonal activities of the Anishinabe (Chippewa) people illustrate their reliance on and closeness to the land. The family-band-clan structure of Anishinabe society is of the utmost importance in the Indians' traditional work cycle.

The second activity describes the concept of sovereignty and relates to students the similarities between nations and Indian tribes. Activity 3 builds on students' understanding of these two concepts and establishes the constitutional framework of treaty making and stresses the importance of treaties for both the federal government and the Indians. The Constitution of the United States provides the legal basis for treaty making, and the activity centers on such concepts as "good faith" and "consent".

The nature of U.S. federal-Indian relations between 1789 and the 1830s is the focus of Activity 4. The establishment and demise of the government-run system of trading posts and the trade relationship established by the system are emphasized in this lesson. Students will take part in a role-playing exercise about the fur trade relationship, in which the Indians were at an economic disadvantage. Students will be able to identify how the framers of federal-Indian policy used the factory system to acquire Indian lands during this time.

Specifically on the Chippewa land cession treaties of 1837 and 1842, Activity 5 gives the students an understanding of the treaty negotiation process, through which the Chippewas ceded much of their land from present-day Wisconsin to the federal government. The activity stresses again the concept of the varying ideas of land ownership. It also helps students understand the comparative bargaining position of the U.S. treaty commissioners and the Indians in the negotiation process.

From maps provided in the fundamentals and those supplied by the teacher, the students will identify in Activity 6 how the establishment of reservations changed the land base of Chippewas in Wisconsin. This activity helps students understand the impact of Chippewa reservations on Indian culture, lifestyle, and subsistence.

Federal-Indian policy after the establishment of Chippewa reservations in Wisconsin is the focus of Activity 7. During the late nineteenth century and continuing until the 1980s, the federal and state governments infringed upon the Chippewas' reserved rights recognized by the treaties of 1837, 1842, and 1854. An explanation of how the boarding school experience affected traditional Indian culture, language, and lifestyle

illustrates how the reserved rights were denied. In this activity, students will read from a Commissioner of Indian Affairs report regarding the boarding school experience and identify the ways the boarding school experience affected Indian identity and self-esteem. Students will also understand how twentieth-century federal legislation, such as Public Law 280, and increasing state regulation of Chippewa on-reservation subsistence activities created conflicts over treaty rights issues.

Activity 8 focuses on the reaffirmation of the Chippewas' reserved treaty rights. The students will learn how the judicial canons of interpretation affected recent court rulings in reaffirming the rights recognized by the Chippewa treaties.

The final activity closes the unit by stressing the role played by the state, the six bands of Chippewa Indians living in Wisconsin, and the Great Lakes Indian Fish and Wildlife Commission, in managing Wisconsin's natural resources for the enjoyment and use of Indian and non-Indian users. Using statistical data provided by the Wisconsin Department of Natural Resources and the Great Lakes Indian Fish and Wildlife Commission, the students will identify the comparative impact of off-reservation treaty harvests and non-Indian harvests of Wisconsin's natural resources.



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, ch. 1.

Objectives

By the end of this lesson the student will

- understand some of the important historical, cultural, and social aspects of the relationship between the Anishinabe people and the land on which they live.
- be able to identify the ways in which the Anishinabe culture is based on land.
- gain an appreciation for the family, clan, and band structure of the Anishinabe culture.

Concepts

- The Anishinabe (Chippewa) people made their living from the land by harvesting a wide variety of plants and hunting and trapping various animals for their survival.
- The Anishinabe people are organized into separate bands that serve as the basis of their economic support as well as political organization.
- The Anishinabe were also organized into groups called clans comprised of families claiming a common ancestor who was known for certain characteristics.
- All members of the Anishinabe family took part in the seasonal hunting, fishing, and gathering activities from which they maintained their lifestyle and culture.
- The various seasonal activities that the Anishinabe performed to maintain themselves on their land relied on the labor of all members of the family and band and together comprised a complete work cycle repeated annually for their subsistence.
- The Indian concept of land ownership stressed the land use by all members of the tribe rather than the concept of private property.

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
- Blank map of Wisconsin (teacher generated)
- Student journal

Procedures

- Give the students the pretest (Fundamental 1). The question's topics in this test will be addressed in the following nine lessons.
- Have the students locate the historical and modern residences of the Anishinabe on a map of Wisconsin. Make copies of the blank map of Wisconsin and distribute it to the students. The students first may work in pencil on their reproduced map. Later, show them the actual location of the ceded territory and the current reservations (Fundamental 24) and discuss whether their perceptions were correct.



- Have students list various resources with which the Indians might sustain their lifestyle. Make sure they include white tail deer, fish, maple sugar, and wild rice.
- Ask the students to name the different seasons when these activities might take place to maximize productivity.
- Have students draw a chart showing the seasons when various subsistence activities of the Anishinabe might take place. Some activities may fit into more than one season.
- Distribute Fundamental 3. As a class or in small groups, discuss how the family's work roles reflected the seasonal work cycle.
- Have the students begin a journal in which they answer the identified questions following each lesson.
- Journal questions:
 - How do the Anishinabe rely on the land for their subsistence?
 - Do you have a work cycle?
 - How is the work cycle of the traditional Anishinabe like your own?
 - How is the work cycle of the traditional Anishinabe unlike your own?



Common Attributes of Nations and Indian Tribes

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 some of the important attributes that define a sovereign nation.
- be able to identify the attributes of a sovereign nation that relate both to the United States and the Anishinabe bands in Wisconsin.

Concepts

- The ability to govern, make and enforce laws, and direct internal political and social affairs are important aspects of sovereignty enjoyed by Indian tribes within their respective borders.
- Property rights enjoyed by the Chippewas include the right to hunt, fish, and gather in ceded territory.
- The United States and Indian tribes are similar in that they have separate governing bodies and separate legal systems, and thus both are politically sovereign nations.
- 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

- 3, Traditional Family and Clan Structure of the Anishinabe
- Cards with the names of different nations written on them.
- Student journal

Procedures

- Divide the class into small groups and distribute to each group one card with the name of a country on it.
- Ask the groups to list the characteristics that identify the country listed on their card as a nation. You may suggest possible attributes such as common language, political structure, physical boundaries, and so on.
- When all groups have completed their lists, reproduce on the chalkboard or overhead a master list of the most common or basic attributes listed by the students.
- Have the students identify from the master list those attributes that also apply to the family-clan-band structure of the Chippewas. Review Fundamental 3 with students, focusing on clan structure as an outgrowth of family structure. You may want to identify for the students the nature of the family-clan-band structure, using the glossary as a resource.
- Have students locate in newspaper and magazine articles that reflect major concerns and issues that affect nations and focus upon the issue of property rights.



- Ask students to identify attributes that make a nation a sovereign entity. You may want to define sovereignty for the students, using the glossary as a resource.
- Journal questions:
 - How could the concerns identified in the media be similar to those which affect Indian tribes?
 - How is tribal sovereignty similar to the sovereignty of the United States or other nations?
 - How did the United States weaken tribal sovereignty?



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, ch. 1-3, appendixes 2, 4.

Objectives

By the end of this lesson the student will

- be able to identify some of the important aspects that define the historical and legal basis of treaty-making between the United States and Indian tribes.
- understand the impact of treaty-making on the Chippewas in Wisconsin.

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.
- Negotiations between the United States and Indian tribes were carried out before treaties were signed, but the Indians who signed treaties were frequently not representative of the larger group for whom they were negotiating, and, as a result, the Indians often felt slighted by the resulting treaty.
- 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.
- 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.

Fundamentals

- 16, Treaty with the Chippewa, July 29, 1837
- 17, Treaty with the Chippewa, 1842
- Complete copy of the United States Constitution (teacher supplied)
- Student journal

Procedures

- Reproduce or make an overhead of the applicable sections of the Constitution regarding the formation of treaties and their relationship to law.

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." [Act I, 2:3 was changed by Section 2 of the 14th Amendment.]



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 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 pp. 627-632.)

- Reproduce or make an overhead of the 1837 treaty (Fundamental 16).
- As part of a class discussion or as group work ask the students to identify and list the sections of the Constitution that apply to treaties and Indians.
- Reproduce and distribute to the students the treaty found in Fundamental 17.
- Ask the students to identify the parts of these treaties that relate to the reserved rights and privileges.
- Other than treaties with Indians, ask the students to identify other treaties into which the United States has entered. Good examples of such treaties include the Webster-Ashburton Treaty of 1842 (concluded the same year as the Chippewa treaty) which helped establish the northern U.S. border with Canada and the Treaty of Guadalupe-Hidalgo of 1848 which established the U.S. border with Mexico.
- Ask the students to identify the length of time or conditions that would make the 1837 and 1842 treaties invalid.
- Ask the students to speculate on why there is no date of expiration listed within these treaties.
- Journal questions:
 - How many years does it take to make a treaty invalid?
 - How does the United States Constitution protect the rights identified by treaties?
 - What benefits did the treaties of 1837 and 1842 provide for the United States? For the Chippewas?

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.



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 some of the ways in which the United States dealt with Chippewas.
- be able to understand the ways in which the United States went about the business of acquiring Indian land.

Concepts

- According to the Northwest Ordinance, the United States hoped to promote "peace and friendship" in government relations with the Indians.
- 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.
- 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.

Fundamentals

- 34, Resource Management Decision Makers, 1991
- Cards representing various trade goods and beaver skins (teacher generated)
- Student journal

Procedures

- Divide the class into two sections, one will play the role of "Indians" desiring trade goods and the other side will be the "traders" desiring animal pelts.
- Distribute the chart to the students and explain that the "Indians" may trade only with the "traders" present to acquire the desired trade goods listed. For the actual trade, use cards representing individual trade goods and beaver skins. The chart shows the cost of several items that were important, often crucial to the Indians involved in the fur trade.



Table 1

Trade Relations Chart

Cost of Various Items Important to Indians Involved in the Fur Trade.
(Danziger, 1979)

Trade Goods Sold on Credit	Indians Must Pay in Beaver Skins
Gun	20
Knife	1
One Pound Axe	2
Pound of Powder	2
Pound of Shot or Ball	1
Stroud Blanket	10
White Blanket	8

- Provide the following instructions in writing to each group separately. Do not let each group know the instructions given to the other one.
 - Instruct the "traders" that they may change the price of any of the goods but that they must acquire 500 beaver skins or promises of beaver skins during the trading session. If the "Indians" do not have enough skins, the "traders" can extend credit to the "Indians."
 - Instruct the "Indians" that they must acquire five each of the items listed in the chart and that the price charged for each item is up to the "traders." Each "Indian" only has ten skins and the trapping season is over.
- Note:** You may manipulate the numbers of goods or skins to fit the class size or Indian trade deficit. At the end of the trading session, however, the "Indians" should be in debt to the "traders."
- Following the "trading session" ask the students to explain how they felt about the other side in the exchange.
 - Explain to the students the nature of the factory system and read to them or distribute Jefferson's comments, below.

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 necessities, which we have to spare and they want, we shall push our trading [houses], 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)

- Journal questions:
 - Which side in the trade relationship was at a disadvantage? Which side had an advantage? Why?
 - How could the traders have manipulated the trade relationship if they wanted to acquire Indian land but were unwilling to pay the going price for it?
 - Identify the ways in which the students' trade relationship resembled that described by Jefferson.
 - Identify the ways in which Jefferson's ideas resemble the factory system.

References

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman: University of Oklahoma Press, 1979, ch. 4.
- 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, p. 14.
- 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. 1-3, appendixes 2-4.

Objectives

By the end of this lesson the student will

- be able to identify the political structure of the Chippewas and how that political structure was represented in the treaties of 1837 and 1842.
- be able to identify the different concepts of land ownership held by the Anishinabe people and the U.S. government.

Concepts

- While American settlers sought private ownership of land, the Chippewas practiced communal land ownership.
- When negotiating early treaties with the Chippewa Indians, the United States incorrectly referred to the Chippewas as a unified Chippewa Nation and did not recognize their politically independent band organization.
- When the Chippewas sold their land in Wisconsin to the United States, they were told they could remain on it, hunting, fishing, and gathering during the "pleasure of the president" or for as long as they did not harm the advancing non-Indian population.
- When the Chippewas sold their land to the federal government, they retained privileges of occupancy or customary rights associated with, land ownership that allowed them to hunt, fish, and gather on the ceded lands.

Fundamentals

- 5, Pictures and Drawings Regarding Chippewa Culture
- 15, Journal of the Proceedings of . . . 1837
- 16, Treaty with the Chippewa, 1837
- 17, Treaty with the Chippewa, 1842
- 21, Land Cessions
- Blank map of Wisconsin (teacher supplied)
- Student journal

Procedures

- Distribute copies of the blank map of Wisconsin to the students.
- Display the map from Fundamental 21 on an overhead projector and ask the students to locate the following areas or points on their blank map:
 - the cession line of the 1837 treaty
 - the cession line of the 1842 treaty
 - the student's hometown or area



- Read or distribute to students excerpts from the 1837 treaty journal regarding Governor Henry Dodge's requests of the Indians, and Chippewa Chief Flat Mouth's response (Fundamental 15).
- For a graphic illustration of the treaty negotiation process, show the students the drawing relating to the negotiations of the Treaty of Prairie du Chien, 1825 as found in Fundamentals 5G-K. They should identify the Indians massed around the treaty commissioner and interpreter on the left and the large military contingent on the right.
- Divide the class into two parts. Have one part of the class analyze Governor Dodge's wishes and have the other part analyze Flat Mouth's response.
- Ask the students to make two separate lists, one containing the desires of the United States and the other containing the desires of the Chippewas regarding the land the United States wanted to buy.
- From this list, ask students to write in their own words what each side in the negotiations wanted.
- Distribute to the students copies of the 1837 and 1842 treaties (Fundamentals 16 and 17) and have them list the provisions in the treaties that relate to the desires of each side in the negotiations.
- Journal questions:
 - How accurately did the treaty reflect the negotiations?
 - What do you think explains any differences between the printed treaty and the desires expressed in the negotiations?
 - What role do you think language played in the differences you noted above?



Reservations, Not Removal

Necessary Background Information

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights*. Oshkosh, WI: GLFIFWC, 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, ch. 4-5, appendixes 5-6.

Objectives

By the end of this lesson the student will

- be able to identify how the reservation system in Wisconsin affected the Chippewas' traditional lifestyle.
- be able to identify the pressures by various outside forces on the Chippewas living on reservations.
- understand that reservations could not support the Chippewas subsistence needs.
- be able to identify reasons why Chippewas look outside the reservations for their subsistence needs.

Concepts

- An Indian reservation, such as any one of the current Chippewa reservations, has carefully surveyed boundaries and is a small piece of land compared to that on which the Indians lived prior to ceding their land to the federal government.
- The seasonal cycle by which the Chippewas supported themselves became very difficult to maintain after they were confined to reservations due to their reduced land base.
- The United States planned for the removal of many Indian tribes from their aboriginal lands east of the Mississippi to organized lands west of the Mississippi, but the Chippewas remained in Wisconsin and secured reservations within the state.

Fundamentals

- 2, Seasonal Activities of the Anishinabe People
- 3, Traditional Family and Clan Structure of the Anishinabe
- 20, Treaty with the Chippewa, 1854
- 21, Land Cessions
- 24, Reservations in Wisconsin
- Blank map of Wisconsin (teacher supplied)
- Student journal

Procedures

- Distribute copies of the treaty of 1854 to the students and ask them to locate the provision relating to the establishment of reservations in Wisconsin.
- Have the students draw in the cession lines of the 1837 and 1842 treaties and also locate the modern reservations on their map.



- Ask the students to identify how the seasonal activities described in Activity 1 and depicted in the seasonal activity chart would be affected by the formation of reservations.
- Ask the students how the traditional family structure and work roles would be affected by reservations.
- Ask the students to identify how Chippewa culture would be affected by the formation of reservations.
- Ask the students to identify how the exercise of off-reservation treaty rights would affect the seasonal subsistence activity of the Chippewas.
- Journal questions:
 - What effect did reservations have upon the subsistence activity of the Chippewas?
 - Why did the Chippewas look outside the reservation boundaries for their subsistence needs?

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 the impact of reservations and boarding schools on Chippewa culture.
- understand the impact of early twentieth-century court decisions on the reserved rights of Wisconsin's Chippewas.
- understand the impact of federal efforts to acculturate the Chippewas.
- understand the connection between these federal efforts and the state of Wisconsin's regulation of Chippewa hunting, fishing, and gathering.

Concepts

- Indian children greatly disliked the boarding schools to which they were sent to learn non-Indian language and culture in part because they were removed from their families and homes for long periods of time.
- 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.
- The property rights retained by the Chippewas in the treaties of 1837 and 1842 were not affected by the Citizenship Act of 1924.
- The federal government sought to reduce Indian communal land holdings by passing the Dawes Act in 1887, which aimed at partitioning reservations and assigning each resident adult Indian males a parcel of land known as an allotment that would become privately owned by the individual.

Fundamentals

- 3, Traditional Family and Clan Structure of the Anishinabe
- 9, Comparison of Indian and Non-Indian Population Change
- 12, An Historical Overview of Chippewa Treaty Rights
- 25, Boarding School Experience
- 26, The English Language in Indian Schools
- 28, Public Law 280, 1953
- 29, Bad River Band's "Declaration of Cold War"
- Student journal

Procedures

- Display the graph from Fundamental 9 on an overhead projector or re-create it on the chalkboard.
- Ask the students to explain its meaning and significance.



- Have students identify what effect the large drop in Indian population in the late 1800s might have on Indian societies, Indian identity, and on fulfillment of treaties.
- Explain to the students that since the early twentieth century the Chippewas have been unable to exercise their off-reservation reserved treaty rights.
- Have the students read the excerpt from the boarding school experience (Fundamentals 25 and 26) and ask them to relate what effect this might have on tribal and individual Indian identities.
- Review Fundamental 3 with the students. Have students draw a list comparing traditional Chippewa ways of educating and training children with the boarding school experience in Fundamentals 25 and 26.
- Read to the students the “Declaration of Cold War” (Fundamental 29) and ask them to discuss the nature of the Chippewas’ response to the state restriction of their hunting, fishing, and gathering rights.
- Using Fundamental 12, trace with the students the history of the federal-Indian relationship up to Public Law 280 as found in Fundamental 28.
- Given the history defined in Fundamental 12, and Public Law 280 in Fundamental 28 ask the students to answer the journal questions.
- Journal questions:
 - Why did the Bad River Band “declare cold war?”
 - What did the “Declaration of Cold War” really mean?



Reaffirmation of Treaty Rights

Necessary Background Information

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights*. Odanah, WI: GFIFWC, 1991, pp. 8-11.
- 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 identify the purpose for judicial canons of interpretation of Indian treaties.
- 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

- Chippewa Indians reaffirmed their reserved rights recognized by the treaties of 1837 and 1842 through the federal courts in 1983 because, regardless of the passage of time, those rights still belong to them.
- In upholding the reserved rights of the Chippewas, the federal courts applied the judicial canons of interpretation to the treaties and determined what each document meant to those who signed it and how that meaning is interpreted today.

Fundamentals

- 11, Judicial canons of interpretation of Indian treaties
- 15, Journal of the Proceedings of . . . 1837
- 16, Treaty with the Chippewa, July 29, 1837
- 30, Summary of Voigt Case Decisions, 1983-1991
- Student journal

Procedures

- Distribute to students the judicial canons of interpretation as found in Fundamental 11.
- Ask the students to explain what is meant by each of the four judicial canons of interpretation.
- Distribute a copy of the 1837 treaty and the 1837 treaty proceedings (Fundamentals 15 and 16) to the students and ask them to apply the judicial canons of interpretation to the treaty.
- Read to students or give them copies of the Voigt Decision summary from Fundamental 30.
- Ask the students to make a list of possible ways in which the courts used the judicial canons of interpretation to arrive at the 1983 Voigt Decision.



- Ask the students to identify the ways in which the judicial canons of interpretation affect the reserved rights listed in the 1837 and 1842 treaties.

- Journal questions:

- Why did the Chippewas in Wisconsin seek to affirm the rights they reserved in the treaties of 1837 and 1842?

- How did your understanding of the provisions of the 1837 treaty change after reading the treaty journal?



Chippewa Treaty Rights and Resource Management

Necessary Background Information

- Great Lakes Indian Fish and Wildlife Commission. *Chippewa Treaty Rights*. Odanah, WI: GLIFWC, 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 the 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.

Concepts

- A limit, or an allowable catch, is established for every lake to ensure that too many fish are not 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.
- Effective resource management insures that the natural resources of the state are protected and preserved for the use and enjoyment of all.
- Tribal game wardens enforce the many rules and regulations that apply to the Chippewa Indians on-reservation and off-reservation treaty harvest of many natural resources.

Fundamentals

- 31, Tribal and Sport Resource Harvest Graphs
- 34, Resource Management Decision Makers, 1991
- *News From Indian Country* (optional). For information on ordering this inexpensive newspaper, consult Appendix B, Selected Bibliography.
- *Masinaigan* (optional). For information on ordering complimentary copies of this GLIFWC newspaper, consult the Great Lakes Indian Fish and Wildlife Commission in Appendix B.
- *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 the Great Lakes Indian Fish and Wildlife Commission in Appendix B.
- Student journal



Procedures

- Take the three charts contained in Fundamental 31, and create an overhead copy, or a chalkboard copy, or distribute to students directly.
 - Ask students to locate newspapers or magazine articles on the management of natural resources and bring those materials to class for discussion.
 - Have the students identify the resources affected by the Chippewas' subsistence harvest as either renewable or non-renewable resources. They should identify all the resources as renewable resources.
 - Have the students identify some possible ways in which renewable resources can be managed.
 - Ask the students to identify how the state of Wisconsin manages these resources for sport harvest. They should identify the Wisconsin Department of Natural Resources (DNR).
 - Explain to the students that in addition to the Wisconsin Department of Natural Resources (DNR), the six bands of Chippewas living in Wisconsin and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) also act to regulate, protect, and preserve these valuable and renewable resources so that there will be enough for subsistence harvesters and non-Indian hunters and anglers as well. For information see Fundamental 34.
 - 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 sustain Wisconsin's natural resources.
- Journal questions:
 - Why is resource management important to both the state and the Indians?
 - How are the Wisconsin Department of Natural Resources and the Great Lakes Indian Fish and Wildlife Commission similar? How are they different?
 - What is the overall effect of the Chippewa treaty harvest on the natural resources in the ceded territory?
 - Using *Masinaigan* and *News from Indian Country* have the students locate and summarize articles relating to issues of resource management. (optional)
 - Hand out the pretests the students completed in the first activity. Discuss with them the reasons why some of their answers may have changed since then.



Resources Middle 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.
- 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, ch. 6.
- Ritzenthaler, Robert E. "Southwestern Chippewa." In *Northeast*. Ed. Bruce G. Trigger. Washington, DC: Smithsonian Institution, 1988, pp. 743-759.
- Strickland, Rennard. "Foreword." In *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians*. Ronald N. Satz. Madison: The Wisconsin Academy of Sciences, Arts, & Letters, 1991, pp. xi-xiii.
- 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.
- 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.
- 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.
- 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.
- 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.
- Gibson, Arrell M. "Indian Land Transfers." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 211-229.
- 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.
- Szasz, Margaret Connell and Carmelita Ryan. "American Indian Education." In *History of Indian-White Relations*. Ed. Wilcomb E. Washburn. Washington, DC: Smithsonian Institution, 1988, pp. 284-300.

Activity 8

- Danziger, Edmund. *The Chippewas of Lake Superior*. Norman, OK: University of Oklahoma Press, 1979, ch. 7-10.



- 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.
- United States 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.
- 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 9

- GLIFWC. *Chippewa Treaty Harvest of Natural Resources: Wisconsin, 1983-1990*. Odanah, WI: GLIFWC, 1990.
- GLIFWC. *Lake Superior Indian Fisheries*. Videotape. Odanah, WI: GLIFWC.
- GLIFWC. *Stop the Invaders of the Great Lakes*. Poster. Odanah, WI: GLIFWC.
- GLIFWC. *Minneapolis Area Tribal Fish Hatcheries*. Chart. Odanah, WI: GLIFWC.
- GLIFWC. *Voigt Treaty Rights*. Videotape. Odanah, WI: GLIFWC.
- United States 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.
- 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.

