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2. **Wounded Knee:** White officials became alarmed at the religious fervor and in December 1890 banned the Ghost Dance on Lakota reservations. When the rites continued, officials called in troops to Pine Ridge and Rosebud reservations in South Dakota. The military, led by veteran General Nelson Miles, geared itself for another campaign. The presence of the troops exacerbated the situation. Short Bull and Kicking Bear led their followers to the northwest corner of the Pine Ridge reservation, to a sheltered escarpment known as the Stronghold. The dancers sent word to Sitting Bull of the Hunkpapas to join them. Before he could set out from the Standing Rock reservation in North Dakota, however, he was arrested by Indian police. A scuffle ensued in which Sitting Bull and seven of his warriors were slain. Six of the policemen were killed. General Miles had also ordered the arrest of Big Foot, who had been known to live along the Cheyenne River in South Dakota. But, Big Foot and his followers had already departed south to Pine Ridge, asked there by Red Cloud and other supporters of the whites, in an effort to bring tranquility. Miles sent out the infamous Seventh Cavalry led by Major Whitside to locate the renegades. They scoured the Badlands and finally found the Miniconjou dancers on Porcupine Creek, 30 miles east of Pine Ridge. The Indians offered no resistance. Big Foot, ill with pneumonia, rode in a wagon. The soldiers ordered the Indians to set up camp five miles westward, at Wounded Knee Creek. Colonel James Forsyth arrived to take command and ordered his guards to place four Hotchkiss cannons in position around the camp. The soldiers now numbered around 500; the Indians 350, all but 120 of these women and children. The following morning, December 29, 1890, the soldiers entered the camp demanding the all Indian firearms be relinquished. A medicine man named Yellow Bird advocated resistance, claiming the Ghost Shirts would protect them. One of the soldiers tried to disarm a deaf Indian named Black Coyote. A scuffle ensued and the firearm discharged. The silence of the morning was broken and soon other guns echoed in the river bed. At first, the struggle was fought at close quarters, but when the Indians ran to take cover, the Hotchkiss artillery opened up on them, cutting down men, women, children alike, the sick Big Foot among them. By the end of this brutal, unnecessary violence, which lasted less than an hour, at least 150 Indians had been killed and 50 wounded. In comparison, army casualties were 25 killed and 39 wounded. Forsyth was later charged with killing the innocents, but exonerated.
3. **Little Big Horn:** On this day in 1876, Native American forces led by Chiefs Crazy Horse and Sitting Bull defeat the U.S. Army troops of Lieutenant Colonel George Armstrong Custer in a bloody battle near southern Montana's Little Bighorn River. Crazy Horse and Sitting Bull, leaders of the Sioux tribe on the Great Plains, strongly resisted the mid-19th-century efforts of the U.S. government to confine their people to reservations. In 1875, after gold was discovered in South Dakota's Black Hills, the U.S. Army ignored previous treaty agreements and invaded the region. This betrayal led many Sioux and Cheyenne tribesmen to leave their reservations and join Sitting Bull and Crazy Horse in Montana. By the late spring of 1876, more than 10,000 Native Americans had gathered in a camp along the Little Bighorn River--which they called the Greasy Grass--in defiance of a U.S. War Department order to return to their reservations or risk being attacked. In mid-June, three columns of U.S. soldiers lined up against the camp and prepared to march. A force of 1,200 Native Americans turned back the first column on June 17. Five days later, General Alfred Terry ordered Custer's 7th Cavalry to scout ahead for enemy troops. On the morning of June 25, Custer drew near the camp and decided to press on ahead rather than wait for reinforcements. At mid-day, Custer's 600 men entered the Little Bighorn Valley. Among the Native Americans, word quickly spread of the impending attack. The older Sitting Bull rallied the warriors and saw to the safety of the women and children, while Crazy Horse set off with a large force to meet the attackers head on. Despite Custer's desperate attempts to regroup his men, they were quickly overwhelmed. Custer and some 200 men in his battalion were attacked by as many as 3,000 Native Americans; within an hour, Custer and

every last one of his soldier were dead. The Battle of Little Bighorn--also called Custer's Last Stand--marked the most decisive Native American victory and the worst U.S. Army defeat in the long Plains Indian War. The gruesome fate of Custer and his men outraged many white Americans and confirmed their image of the Indians as wild and bloodthirsty. Meanwhile, the U.S. government increased its efforts to subdue the tribes. Within five years, almost all of the Sioux and Cheyenne would be confined to reservations.

4. **Sand Creek Massacre:** Sand Creek was a village of approximately 800 Cheyenne Indians in southeast Colorado. Black Kettle, the local chief, had approached a United States Army fort seeking protection for his people. On November 28, 1864, he was assured that his people would not be disturbed at Sand Creek, for the territory had been promised to the Cheyennes by an 1851 treaty. The next day would reveal that promise as a bald-faced lie. On the morning of November 29, a group called the Colorado Volunteers surrounded Sand Creek. In hope of defusing the situation, Black Kettle raised an American flag as a sign of friendship. The Volunteers' commander, Colonel John Chivington, ignored the gesture. "Kill and scalp all, big and little," he told his troops. With that, the regiment descended upon the village, killing about 400 people, most of whom were women and children. The brutality was extreme. Chivington's troops committed mass scalplings and disembowelments. Some Cheyennes were shot while trying to escape, while others were shot pleading for mercy. Reports indicated that the troops even emptied their rifles on distant infants for sport. Later, Chivington displayed his scalp collection to the public as a badge of pride. When word spread to other Indian communities, it was agreed that the whites must be met by force. Most instrumental in the retaliation were Sioux troops under the leadership of Red Cloud. In 1866, Sioux warriors ambushed the command of William J. Fetterman, whose troops were trying to complete the construction of the Bozeman Trail in Montana. Of Fetterman's 81 soldiers and settlers, there was not a single survivor. The bodies were grotesquely mutilated. Faced with a stalemate, Red Cloud and the United States agreed to the 1868 Treaty of Fort Laramie, which brought a temporary end to the hostilities. Large tracts of land were reaffirmed as Sioux and Cheyenne Territory by the United States Government. Unfortunately, the peace was short-lived.
5. **Bureau of Indian Affairs:** Since its inception in 1824, the Bureau of Indian Affairs has been both a witness to and a principal player in the relationship between the Federal Government and Indian tribes and Alaska Native villages. The BIA has changed dramatically over the past 185 years, evolving as Federal policies designed to subjugate and assimilate American Indians and Alaska Natives have changed to policies that promote Indian self-determination. For almost 200 years, dating back to the role it played in negotiating treaty agreements between the United States and tribes in the late 18th and 19th centuries, the BIA has embodied the trust and government-to-government relationships between the U.S. and the Federally recognized tribes. Over the years, the BIA has been involved in the implementation of Federal laws that have directly affected all Americans. The General Allotment Act of 1887 opened tribal lands west of the Mississippi to non-Indian settlers, the Indian Citizenship Act of 1924 granted American Indians and Alaska Natives U.S. citizenship and the right to vote, and the New Deal and the Indian Reorganization Act of 1934 established modern tribal governments. The World War II period of relocation and the post-War termination era of the 1950s led to the activism of the 1960s and 1970s that saw the takeover of the BIA's headquarters and resulted in the creation of the Indian Self-Determination and Education Assistance Act of 1975. The Tribal Self-Governance Act of 1994 along with the Self-Determination and Education Assistance Act have fundamentally changed how the Federal Government and the tribes conduct business with each other. In the early years of the United States, Indian affairs were governed by the Continental Congress, which in 1775 created a Committee on Indian Affairs headed by Benjamin Franklin. Article I, Section 8, of the U.S. Constitution describes Congress's powers over Indian affairs: "To regulate



commerce with foreign nations, and among the several States, and with the Indian tribes." The BIA, one of the oldest bureaus in the Federal government, was administratively established by Secretary of War John C. Calhoun on March 11, 1824, to oversee and carry out the Federal government's trade and treaty relations with the tribes. Congress gave the BIA statutory authority by the act of July 9, 1832 (4 Stat. 564, chap. 174). In 1849, the BIA was transferred to the newly created U.S. Department of the Interior. For years thereafter, the Bureau was known variously as the Indian office, the Indian bureau, the Indian department, and the Indian Service. The Interior Department formally adopted the name "Bureau of Indian Affairs" for the agency on September 17, 1947.

6. Dawes General Allotment Act: U.S. law providing for the distribution of Indian reservation land among individual tribesmen, with the aim of creating responsible farmers in the white man's image. It was sponsored in several sessions of Congress by Sen. Henry L. Dawes of Massachusetts and finally was enacted in February 1887. Under its terms, the president determined the suitability of the recipients and issued the grants, usually by a formula of 160 acres to each head of household and 80 acres to each unmarried adult, with the stipulation that no grantee could alienate his land for 25 years. The Indians who thus received land became U.S. citizens, subject to federal, state, and local laws. The original supporters of the act were genuinely interested in the welfare of the Indians, but there were not enough votes in Congress to pass it until it was amended to provide that any land remaining after the allotment to the Indians would be available for public sale. The combined influence of friends of the Indians and land speculators assured passage of the act. Under the Dawes Act, Indian life deteriorated in a manner not anticipated by its sponsors. The social structure of the tribe was weakened; many nomadic Indians were unable to adjust to an agricultural existence; others were swindled out of their property; and life on the reservation came to be characterized by disease, filth, poverty, and despondency. The act also provided that any "surplus" land be made available to whites, who by 1932 had acquired two-thirds of the 138,000,000 acres the Indians had held in 1887.
7. Reservation: A tract of land set apart by the federal government for a special purpose, especially one for the use of a Native American people.
8. Sioux Uprising: Minnesota erupts in violence as desperate Dakota Indians attack white settlements along the Minnesota River. The Dakota were eventually overwhelmed by the U.S. military six weeks later. The Dakota Indians were more commonly referred to as the Sioux, a derogatory name derived from part of a French word meaning "little snake." They were composed of four bands, and lived on temporary reservations in southwestern Minnesota. For two decades, the Dakota were poorly treated by the Federal government, local traders, and settlers. They saw their hunting lands whittled down, and provisions promised by the government rarely arrived. Worse yet, a wave of white settlers surrounded them. The summer of 1862 was particularly hard on the Dakota. Cutworms destroyed much of their corn crops, and many families faced starvation. Dakota leaders were frustrated by attempts to convince traders to extend credit to tribal members and alleviate the suffering. On August 17, four young Dakota warriors were returning from an unsuccessful hunt when they stopped to steal some eggs from a white settlement. The youths soon picked a quarrel with the hen's owner, and the encounter turned tragic when the Dakotas killed five members of the family. Sensing that they would be attacked, Dakota leaders determined that war was at hand and seized the initiative. Led by Taoyateduta (also known as Little Crow), the Dakota attacked local agencies and the settlement of New Ulm. Over 500 white settlers lost their lives along with about 150 Dakota warriors. President Abraham Lincoln dispatched General John Pope, fresh from his defeat at the Second Battle of Bull Run, Virginia, to organize the Military Department of the Northwest. Some Dakota fled to North Dakota, but more than 2,000 were rounded up and over 300 warriors were sentenced to death. President Lincoln commuted most of their sentences, but on

December 26, 1862, 38 Dakota men were executed at Mankato, Minnesota. It was the largest mass execution in American history.

9. Cultural Assimilation: a process by which members of an ethnic minority group lose cultural characteristics that distinguish them from the dominant cultural group or take on the cultural characteristics of another group.
10. Carlisle Indian Industrial School: Beginning in 1887, the federal government attempted to “Americanize” Native Americans, largely through the education of Native youth. By 1900 thousands of Native Americans were studying at almost 150 boarding schools around the United States. The U.S. Training and Industrial School founded in 1879 at Carlisle Barracks, Pennsylvania, was the model for most of these schools. Boarding schools like Carlisle provided vocational and manual training and sought to systematically strip away tribal culture. They insisted that students drop their Indian names, forbade the speaking of native languages, and cut off their long hair. Not surprisingly, such schools often met fierce resistance from Native American parents and youth. But some Indian young people responded positively, or at least ambivalently, to the boarding schools, and the schools also fostered a sense of shared Indian identity that transcended tribal boundaries. The following excerpt (from a paper read by Carlisle founder Capt. Richard H. Pratt at an 1892 convention) spotlights Pratt’s pragmatic and frequently brutal methods for “civilizing” the “savages,” including his analogies to the education and “civilizing” of African Americans.

Day 1: Project introduction – students will be given the outline for their final project for the unit, a book of visuals for each of the 20 people and vocabulary. **Objective: To have students receive the outline for the upcoming project. This way they can be working on it as the unit progresses.** Essential Question Addressed: None, supportive information.

Day 2: Reservations - The idea of reservations and a separate nation will be introduced through a small group discussion analyzing prior knowledge. **Objective: Students will continue to work on their small group discussion skills while being exposed to the idea of a Indian Nations as being separate from the Federal Government.** Essential Question Addressed: 2

Day 3: Indian Removal Act – Students will read about Andrew Jackson’s role in the Indian Removal Act and how it impacted Indian Nations in the East. **Objective: Students will be able to make the connection between the removal process and the direct role that President Jackson played.** Essential Question Addressed: 2

Day 4: Trail of Tears – Students will read about the Cherokee Trail of Tears as well as analyze a map of the march. They will also be given a thinking prompt and reflection time to analyze how they would react right now if their families were forced to undergo similar hardships. **Objective: Students should be able to emphasize with the Cherokee and what they were forced to endure while reflecting on their own families.** Essential Question Addressed: 2, 8

Day 5: Trail of Tears – Students will read about the Ho-Chunk removal from Wisconsin through its neighboring states and back again through readings and a map of their removals. They will also create a removal compare and contrast chart. **Objective: Continued from the previous day except that the focus is on the descendants of a nation that exists right in the community.** Essential Question Addressed: 2, 8

Day 6: Sioux Uprising of 1862 – an analysis of the uprising in Minnesota. Students will read excerpts from the book on the Sioux uprising and collect facts on the event. **Objective: Students will be given the opportunity to read about Government vs. Indian violence and its proximity to Wisconsin. Students will continue to demonstrate their note taking skills as well as their small group discussion skills.** Essential Question Addressed: 3, 2, 1, 4

Day 7: Sioux Uprising Right or Wrong – an analysis of the choices that were made by the Sioux People and the Government of Minnesota. **Objective: Students will practice their critical thinking skills as well as their ability to debate a serious topic.** Essential Question Addressed: 3, 2, 1, 4

Day 8: A Civil War perspective – students will discuss multiple perspectives of an event by reflect on the Civil War through the eyes of a Northern Solider, a Southern Soldier, and a Native Person. **Objective: Students will be able to recognize that a single event or a series of events, can be perceived in multiple ways.** Essential Question Addressed: 1

Day 9: Controversial Incidents – the events of Wounded Knee, Little Big Horn, and Sand Creek will be analyzed through readings in small groups. **Objective: Students will understand that there are examples of violent acts by the government on American Soil as well as violent acts by Native People. Students will also be able to recognize the long term effects of these events.** Essential Question Addressed: 7, 5, 4

Day 10: Controversial Incidents – the events of Wounded Knee and Sand Creek will be analyzed through artwork. **Objective: Students will be able to see the impact of events on the artwork that is produced. Through other, current examples, students will recognize that current events impact things such as music.** Essential Question Addressed: 7, 5, 4

Day 11: Little Big Horn – Students will analyze the decision of General Custer to pursue his quarry by reading accounts of the battle. Students will also complete a writing activity on Custer as an American hero or a leader who made a bad choice. **Objective: Students will continue to use the skill of looking through an even from multiple perspectives. For this lesson, students will have to make a decision on how they will choose to remember this event.** Essential Question Addressed:

Day 12: Dawes Act – Students will read through the original act in pairs. **Objective: Students will investigate how the act impacted families differently. Students will also talk about the significance or lack thereof, when it comes to owning land in modern times.** Essential Question Addressed: 6

Day 13: Dawes Act – through the use of the Jackson County GIS program online, students will be shown aerial photos of Jackson County and the remnants of the allotment system. **Objective: Students will be able to visualize the impact that the act had on Jackson County as well as its continued impact on the families in our community.** Essential Question Addressed: 6

Day 14: Work day

Day 15: Final work day

Day 16: Presentation Day

Day 17: Presentation Day



## TOPIC: NATIVE AMERICAN CITIZENSHIP

## INTRODUCTION

The topic of American Indian citizenship is complex. Vine Deloria, Jr. and Clifford Lytle provide the following perspective in their book, American Indians, American Justice (1983):

*“Today all American Indians are regarded as citizens of the United States. Some traditional Indians do not regard themselves as American citizens, preferring to view themselves as citizens only of their own tribe. But the federal government, extending its claim on the basis of statutes and treaties, insists that all Indians born within the continental United States are its citizens. During the embryonic years of American national existence, when Indian tribes had an option to give their support to either Great Britain or the United States, Indians were not viewed as potential citizens. Rather, people conceived them as members of small nations who would forever remain outside the formal political institutions of the United States. Exactly what legal status this exclusion would entail did not concern people at that time since it was believed that the interior of the continent could not be inhabited by ‘civilized’ people and that there would always be a wilderness populated by tribes of Indians some distance from the centers of civilization” (pp. 217-18).*

The following lesson is designed to help students understand the Indian Citizenship Act of 1924 from a variety of perspectives.

## LESSON FORMAT AND PROCEDURES

1. This lesson should be infused as part of an understanding of post-WW1 America, and particularly in the context of the notion of Native American assimilation policies of the latter 19<sup>th</sup> and early 20<sup>th</sup> centuries.
2. Start by providing direct instruction related to the concept of assimilation (provide a solid definition of that) and the following background information related to the Citizenship Act of 1924. Distribute the Student Handout provided with these materials so that students have those for reference during direct instruction. Encourage them to take notes throughout the process.
3. Have students complete the questions from the handout. This can be a discussion exercise done in the larger group or small groups, or a written assignment that students complete on their own.

## BACKGROUND/CONTEXT FOR UNDERSTANDING THE 1924 ACT

During World War I, about 9,000 American Indians served in the armed services. They fought and died in defense of a nation that still denied most of them the right to participate in the political process. Congress, as a result, enacted legislation on November 6, 1919, granting citizenship to Indian veterans of World War I who were not yet citizens.

*“BE IT ENACTED . . . that every American Indian who served in the Military or Naval Establishments of the United States during the war against the Imperial German Government, and who has received or who shall hereafter receive an honorable discharge, if not now a citizen and if he so desires, shall, on proof of such discharge and after proper identification before a court of competent jurisdiction, and without other examination except as prescribed by said court, be granted full citizenship with all the*

*privileges pertaining thereto, without in any manner impairing or otherwise affecting the property rights, individuals or tribal, of any such Indian or his interest in tribal or other Indian property."*

The 1919 American Indian Citizenship Act did not grant automatic citizenship to American Indian veterans who received an honorable discharge. The Act merely authorized those American Indian veterans who wanted to become American citizens to apply for and be granted citizenship. Few Indians actually followed through on the process, but it was another step towards citizenship.

#### THE 1924 CITIZENSHIP ACT

Until the Indian Citizenship Act of 1924, Indians occupied an unusual status under federal law. Some had acquired citizenship by marrying white men. Others received citizenship through military service, by receipt of allotments, or through special treaties or special statutes. But many were still not citizens, and they were barred from the ordinary processes of naturalization open to foreigners. Congress took what some saw as the final step on June 2, 1924 and granted citizenship to all Native Americans born in the United States.

The granting of citizenship was not a response to some universal petition by American Indian groups. Rather, it was a move by the federal government to absorb Indians into the mainstream of American life. No doubt Indian participation in World War I accelerated the granting of citizenship to all Indians, but it seems more likely to have been the logical extension and culmination of the assimilation policy. After all, Native Americans had demonstrated their ability to assimilate into the general military society. There were no segregated Indian units as there were for African Americans. Some members of the white society declared that the Indians had successfully passed the assimilation test during wartime, and thus they deserved the rewards of citizenship. Dr. Joseph K. Dixon, an active proponent of assimilating the "vanishing race" into white society (note Exhibit A).

#### WHAT CITIZENSHIP ACTUALLY MEANT (Note Exhibit B: The Text of the 1924 Law)

Not all Native Americans viewed citizenship as something wonderful. Their experiences in dealing with Washington and the states did not give them much confidence in the government or desire to participate in it. Some tribes feared they would have to give up their own sovereignty and the federal government would deny its treaty obligations (Note Exhibit C). On the other hand, there were Native Americans who saw voting as a right that had been denied to them too long. Maine was one of the last states to overturn state legal barriers to Indian voting (Note Exhibit D).

Did the 1924 Act really mean the end of the journey in the Native American's march to equality or was it merely a rest stop? By the time the 1924 Citizenship Act was passed, two-thirds of all Indians had already gained citizenship. And while all Native Americans were now citizens, not all states were prepared to allow them to vote. Western states, in particular, engaged in all sorts of legal ruses to deny Indians the ballot. It was not until almost the middle of the 20<sup>th</sup> century that the last three states, Maine, Arizona and New Mexico, finally granted the right to vote to Indians in their states. And the policies of the federal government towards American Indians continued to change and evolve.

#### SOURCES FOR REFERENCE

Deloria, Vine, and Clifford M. Lytle. American Indians, American Justice. 1983.  
Prucha, Francis Paul (editor). Documents of United States Indian Policy. 1990.

A comprehensive website that provides a number of resources related to this particular topic and American Indian studies in general is found at [NebraskaStudies.org](http://NebraskaStudies.org).

Infusion Applications



find this and additional resources at  
**WISCONSIN FIRSTNATIONS.ORG**

## STUDENT HANDOUT: INDIAN CITIZENSHIP

### EXHIBIT A: Dr. Joseph Dixon Comments on Native Role in World War I

"The Indian, though a man without a country, the Indian who has suffered a thousand wrongs considered the white man's burden and from mountains, plains and divides, the Indian threw himself into the struggle to help throttle the unthinkable tyranny of the Hun. The Indian helped to free Belgium, helped to free all the small nations, helped to give victory to the Stars and Stripes. The Indian went to France to help avenge the ravages of autocracy. Now, shall we not redeem ourselves by redeeming all the tribes?"

### EXHIBIT B: INDIAN CITIZENSHIP ACT OF 1924

By the act of June 2, 1924 (43 Stat. 253, ante, 420), Congress conferred citizenship upon all noncitizen Indians born within the territorial limits of the United States. Here is a portion of the actual law:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all noncitizen 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.*

*Indians who are otherwise eligible to vote may not be denied that right because of their race. Their right in this respect is protected by the fifteenth amendment to the Constitution of the United States, which says:*

*The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.*

*In order to exercise the right of suffrage, Indians must of course comply with the conditions equally required of other voters, and may be denied the privilege of voting if they fail to comply with the requirements of the law as to registration, payment of poll tax, or do not meet the educational or other qualifications for electors, etc., as provided by the State laws.*

*It will be observed that the act provides 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. Therefore, the restrictions upon the trust property—real or personal—of Indians are not removed by the passage of this act. Questions relative to the control or management of trust property are, therefore, not changed by the act but are to be handled on their own merits as heretofore.*





**EXHIBIT C: Native American Commentary on the 1924 Citizenship Act:**

"United States citizenship was just another way of absorbing us and destroying our customs and our government. How could these Europeans come over and tell us we were citizens in our country? We had our own citizenship. By its [the Citizenship Act of 1924] provisions all Indians were automatically made United States citizens whether they wanted to be so or not. This was a violation of our sovereignty. Our citizenship was in our nations."

**EXHIBIT D: Henry Mitchell (Native American from Maine)**

"The Indians aren't allowed to have a voice in state affairs because they aren't voters. All they [the politicians] have to do out there is to look out for the interests of the Indians. Just why the Indians shouldn't vote is something I can't understand. One of the Indians went over to Old Town once to see some official in the city hall about voting. I don't know just what position that official had over there, but he said to the Indian, 'We don't want you people over here. You have your own elections over on the island, and if you want to vote, go over there.'"

**QUESTIONS FOR DISCUSSION (or written response):**

1. Refer to Exhibit A and notes from the background you received from your instructor to respond to the following. Why did Native American involvement in World War I motivate US government leaders to grant citizenship to Indian people? Argue that this was the fair and honorable thing for US leaders to do. On the other hand, argue that this was nothing more than a "reward" for assimilating (becoming like) to white culture.
2. Refer to Exhibit C (commentary on the Act): Why would some American Indians view the granting of citizenship by the US Government in a negative way, as voiced in this Exhibit? Why would they perhaps be suspicious of the US Government, based on their history?
3. Refer to Exhibit B (the Citizenship Act) and Exhibit D (Henry Mitchell): What concern is Mitchell talking about in Exhibit D? Look back at the Indian Citizenship Act and focus on the 4<sup>th</sup> paragraph. Would it be possible for the government to deny Indian people the right to vote based on the language of this law? What is the problem in our political system, if people do not have the right to vote, or if they are kept from voting?

**TOPIC: THE MERIAM REPORT (1928) AND THE WHEELER-HOWARD ACT (1934)**

The following lesson is designed to help students understand the impact of a federal study that was done in the late 1920s and how the study led to the reorganization of tribal governments.

**LESSON FORMAT AND PROCEDURES**

1. This lesson should be infused as part of an understanding of the period of the Great Depression (and beyond) and how the relationship between the federal government and tribal nations continued to evolve. It follows a lesson related to:
  - The idea of **ASSIMILATION** of native people as the guiding philosophy of the federal government in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries;
  - The Indian Citizenship Act of 1924
2. **NOTE EXHIBIT A.** Start by providing direct instruction on what is meant by the term “federal Indian policy” and provide some refresher on what has been previously covered. In addition, utilize information from the text that deals with American Indians during the New Deal era. The exhibit could be copied and distributed, or utilized for your own background if you are going with some direct instruction on that.
3. **DIRECT STUDENTS TO THE DOCUMENT EXCERPTS: B and C.** You may want to do these as a “round-table” reading, or you may want to read aloud yourself, or they can be instructed to read and study the documents individually.
4. Have students complete the questions from the end handout. This can be a discussion exercise done in the larger group or small groups, or a written assignment that students complete on their own.
5. The assignment could be easily culminated by a more directed writing exercise for students either as a stand-alone question or part of a unit test.



UNDERSTANDING AMERICAN HISTORY  
BRIEF REVIEW OF FEDERAL POLICY TOWARD NATIVE AMERICANS

**INTRODUCTION**

Native American tribes existed as sovereign governments long before European settlers arrived in North America. Treaties signed with European nations and later the United States in exchange for land guaranteed the tribes continued recognition and treatment as sovereigns. The US Supreme Court has repeatedly recognized tribal sovereignty in court decisions for more than 160 years. The history of federal Indian policy is complex and, in many respects, a disaster from the viewpoint of the Native people. What follows is a brief overview.

**COLONIAL PERIOD (LATE 18TH CENTURY):** After the American colonists won their independence from Great Britain, the US government continued the British practice of treating the tribes as sovereign nations. Between 1778 and 1871 nearly 400 treaties were signed and ratified between the US government and the various tribes. Most of these treaties were relentlessly broken in the 19th century as large numbers of white settlers moved into Indian land.

**EARLY TO MID-NINETEENTH CENTURY:** Beginning about 1815, federal policy supported the forced removal of Native Americans from their traditional territories to isolated reserved areas that were administered as trusts by the US government. The Indian Removal Act of 1830 (during the Jackson administration) paved the way for the great removals of the period. The most dramatic removal took place between 1830 and 1840 when more than 70,000 people (primarily including members of southeastern tribes from the region of Georgia) were forced to the "Indian Territory" (present day Oklahoma). The journey came to be known as the "Trail of Tears" because such a high number of native people died en route.

The notion of sovereignty, however, was upheld by the Supreme Court in a famous case called *Cherokee Nation v. Georgia* (1831) in which John Marshall argued that Indian Nations (as they were called in the US Constitution) had the full legal right to manage their own affairs, govern themselves internally, and engage in legal and political relationships with the federal government and its subdivisions. While this suggests that Marshall underscored the continuing elements of sovereignty, it should also be noted that he initiated the concept of the tribes being viewed as "domestic dependent nations."

While the US government was essentially pursuing a contradictory set of policies, many native people fought bitterly against their forced resettlement on reservations. By the 1840s the doctrine of "Manifest Destiny" was in full swing and white settlement continued across the plains and into the far western reaches of the continent.

**LATE NINETEENTH CENTURY CHANGES:** In 1887 the Dawes Act, also called the General Allotment Act, authorized the breaking up of tribal lands into small property units (40-160 acres) to be given to individual native people. This action, supposedly aimed at encouraging the Indians to become farmers, led instead to the widespread sale of tribal lands to whites.

EVOLUTION OF THE RELATIONSHIP BETWEEN THE NATIVE AMERICAN TRIBES AND THE UNITED STATES  
GOVERNMENT DURING THE PAST CENTURY

**1920s:** A grateful Congress in 1924 extended citizenship to American Indians, in large part due to the numbers who served during World War I. The law provided for a type of "dual citizenship" which was essentially a continuation of the unique relationship that had developed early in our history. Even though this should have extended the vote to all adult Indians, many states (including Wisconsin) resisted the federal action.

**1930s:** The Wheeler-Howard Indian Reorganization Act was passed in 1934. This overturned the Dawes Act and restored tribal ownership of reservation lands (much of which by that time had been sold to whites). Under this legislation, the US government encouraged tribes to establish elected forms of government and to establish formal constitutions. The law also provided reservation Indians with a partnership with the Bureau of Indian Affairs (BIA) in the development of land and resource management, as well as other programs.

**1940s:** In 1946 the Indian Claims Commission was established to settle claims of Indian groups that could prove loss of lands due to past governmental malfeasance.

**1950s:** In a major policy shift during this period, the Congress called for the termination of special federal programs and trust relationships with Indians. The intention was, once again, to assimilate the native people into the larger white society. A policy of "relocation" was also pursued, the intention being to move Indian people from the reservations to the cities (hence, for example, in Wisconsin the large number of Indian people living in Milwaukee).

**1960s:** By the mid-1960s, the US government essentially abandoned the termination policy and the issue of the unique relationship once again gained national attention. In the context of the general upheaval of the period with greater focus being given to the plight of America's minority groups, Indian policy was once again questioned.

**1970s:** The US government put greater emphasis on "Indian self-determination" during this period, partly in response to the militancy of the American Indian Movement (AIM) and the writings of Vine Deloria and others. The Indian Education Act of 1972, for example, provided financial support to meet the unique educational needs of Indian students. In Wisconsin, this led to the development of positions like "home-school coordinators" and provided schools and tribes with resources to develop programs based on their own innovations, including the preservation of native languages. In 1975, the Indian Self-Determination and Education Assistance Act set the stage for the contracting of BIA services and led ultimately to the development of tribal schools in states such as Wisconsin.

**1980s:** The 1983 case of *Lac Courte Oreilles v. Wisconsin* (also known as the "Voigt" decision) caused a great public outcry in Wisconsin. The US Court of Appeals for the 7th Circuit decided that the Lake Superior Chippewa, in fact, had spearing rights based on treaties which dated to the 19th century. This decision acknowledged the government to government relationship by validating the treaties. In another major decision of this period called *California v. Cabazon* (1987), the Supreme Court upheld the right of tribes as sovereign nations to conduct gaming on Indian lands free of state control when similar gaming is permitted by the state outside the reservation for any purpose. In 1988, Congress passed the Indian Gaming Regulatory Act which affirms that tribes have the power to conduct gaming on Indian lands but it gives states the ability to negotiate gaming regulation and games played through the signing of tribal/state compacts.

## EXHIBIT B

### EXCERPTS FROM THE MERRIAM REPORT OF 1928:

#### BACKGROUND AND CONTEXT

In 1926, the Institute for Government Research (IGR, also known as the Brookings Institute) authorized the Meriam Report, a survey on Indian Affairs in the United States. Lewis Meriam was the director of the survey team that compiled information regarding the conditions of American Indians. He submitted the 847 page report to the Secretary of the Interior, Hubert Work, on February 21, 1928, as “The Problem of Indian Administration.” The report was very critical of the Dawes Act as well as conditions on reservations and in boarding schools. The Meriam Commission was the first general study of Indian conditions since the 1850s. This report provided much of the evidence used by critics to reform American Indian legislation six years later, with its strongest impact affecting land allotment, education, and health care. The general findings of the report were that the federal government was failing miserably at its goal of protecting Native Americans, their land, and their resources. Most significantly, the report formed the basis for the Indian Reorganization Act of 1934, also known as the Wheeler-Howard Act. The excerpts here relate to economic conditions and education.

#### **The Conditions Among the Indians.**

An overwhelming majority of the Indians are poor, even extremely poor, and they are not adjusted to the economic and social system of the dominant white civilization. The poverty of the Indians and their lack of adjustment to the dominant economic and social systems produce the vicious circle ordinarily found among any people under such circumstances . . .

*Economic Conditions.* The income of the typical Indian family is low and the earned income extremely low. From the standpoint of the white man, the typical Indian is not industrious, nor is he an effective worker when he does work . . . In justice to the Indians, it should be said that many of them are living on lands from which a trained and experienced white man could scarcely wrest a reasonable living. In some instances the land originally set apart for the Indians was of little value for agricultural operations other than grazing . . .

*The Causes of Poverty.* The economic basis of the primitive culture of the Indians has been largely destroyed by the encroachment of white civilization. The Indians can no longer make a living as they did in the past by hunting, fishing, gathering wild products, and the extremely limited practice of primitive agriculture. The social system that evolved from their past economic life is ill-suited to the conditions that now confront them, notably in the matter of the division of labor between the men and the women. They are by no means yet adjusted to the new economic and social conditions that confront them.

*School System.* The first and foremost need in Indian education is a change in point of view. Whatever may have been the official governmental attitude, education for the Indian in the past has proceeded largely on the theory that it is necessary to remove the Indian child as far as possible from his home environment; whereas the modern point of view in education and social work lays stress on upbringing in the natural setting of home and family life. The Indian educational enterprise is



peculiarly in need of the kind of approach that recognizes this principle; that is less concerned with a conventional school system and more with the understanding of human beings.

The methods must be adapted to individual abilities, interests, and needs. Indian tribes and individual Indians within the tribes vary so greatly that a standard content and method of education, no matter how carefully they might be prepared, would be worse than futile.

The present policy of placing Indian children in public schools near their homes instead of in boarding schools or even in Indian Service day schools is, on the whole, to be commended. It is a movement in the direction of the normal transition; it results as a rule in good race contacts, and the Indians like it. The fact must be recognized, however, that often Indian children and Indian families need more service than is ordinarily rendered by public schools, as has just been elaborated in the discussion of boarding schools. The Indian Service must, therefore, supplement the public school work by giving special attention to health, industrial and social training, and the relationship between home and school. The transition must not be pushed too fast. The public schools must be really ready to receive the Indians, and for some years the government must exercise some supervision to see that the Indian children are really getting the advantage offered by the public school system. The policy of having a federal employee perform the duties of attendance officer is sound, but more emphasis should be placed on work with families in this connection, in an effort not so much to force attendance as to remove the causes of non-attendance.

**Citizenship.** All Indians born in the United States are now citizens. The Supreme Court of the United States has held that citizenship is not incompatible with continued guardianship or special protective legislation for Indians. The soundness of this decision is not open to question. It is good law and sound economic and social policy. In handling property, most of the restricted Indians are still children. True friends of the Indians should urge retention of restrictions until the Indian is economically on his feet and able to support himself by his own efforts according to a minimum standard of health and decency in the presence of white civilization.

## EXHIBIT C

### EXCERPTS FROM THE WHEELER-HOWARD ACT OF 1934

Wheeler-Howard was an attempt to secure new rights for Native American people. Its main provisions were to restore to American Indians management of their assets (mostly land); to prevent further depletion of reservation resources; to build a sound economic foundation for the people of the reservations; and to return to the NA people local self-government on a tribal basis. It still reflected the idea of ASSIMILATION, but is often considered a step toward the restoration of tribal sovereignty. The following excerpts relate specifically to tribal lands and the establishment of tribal governments.

--An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes . . .



**Sec. 3. The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public land laws of the United States . . .**

**Sec. 16. Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws when ratified as aforesaid and approved by the Secretary of the Interior shall be revocable by an election open to the same voters and conducted in the same manner as herein above provided . . .**

### **QUESTIONS FOR DISCUSSION**

- 1. The Meriam Report from 1928 is a strange mixture of harsh statements about Indian people AND criticism of the “white” government of the United States. Find examples of both.**
- 2. Some of the harshest criticism in the Meriam Report centered on the government’s approach to the education of Indian children. Point out several things that were WRONG, according to the Report, with the approaches the government had been taking. Discuss those.**
- 3. How did the Dawes Act lead to the loss of land by Indian people (review). Note Section 3 of the Wheeler-Howard Act and how the loss of land is addressed there.**
- 4. Section 16 of the Wheeler-Howard Act addresses the issue of tribal governments and sovereignty. Why is this an important section of the law, based on the history of the native people?**
- 5. Based on what you are learning about the experience of American Indian people from our history, HOW DO YOU EXPLAIN the Meriam Report and the Wheeler-Howard Act? Would you describe them as big changes, or simply a small step?**

**(This provides a good opportunity to show students a copy of the HoChunk Constitution of 1994 and a further discussion of tribal sovereignty).**

**TOPIC: SELF-DETERMINATION, CIVIL RIGHTS, AND THE AMERICAN INDIAN MOVEMENT (A.I.M.)**

The following lesson is designed to help students explore the emergence of the American Indian Movement (c. 1968 and beyond) in the context of the push for self-determination by native people, and within the broader movement for Civil Rights in American society. It follows logically from the previous two lessons for grade 9 and is a link for a more detailed understanding of sovereignty as explored in the American Politics curriculum.

The self-determination movement followed the era of termination and relocation and indicated a new direction in federal policy. The documents included with this lesson relate specifically to self-determination as articulated by Richard Nixon in a 1970 speech and the demands made by A.I.M. members in 1972. Information is also provided concerning the Indian Education Act of 1972, in some respects a logical consequence of the events of the late 60s and early 70s. An understanding of that seminal law provides good background for all our students on the unique challenges related to Native American education.

**LESSON FORMAT AND PROCEDURES**

1. This lesson should be infused as part of an understanding of the Civil Rights Movement of the 1950s-1970s. Read through the **TEACHER BACKGROUND INFORMATION** provided here and do further research on this period of time, particularly with regard to the rising awareness among American Indian people.
2. Provide background and discussion on the concept of **SELF-DETERMINATION** as it applies to basic principles of the American political system, especially as it applies to the history of the American Indian people.
3. Start by providing **DIRECT INSTRUCTION** related to the American Indian Movement. Note the **TEACHER BACKGROUND** information included with the lesson.
4. Go through an **APPARTS ANALYSIS** of the documents that follow. In each case, emphasize the “main idea” and “significance” of the documents.
5. Conclude the activity with a discussion of the questions posed at the end of the documents. Again, this can be offered primarily as a discussion activity or can be combined with writing exercises.

**TEACHER BACKGROUND: THE FEDERAL POLICY OF “TERMINATION” FROM THE 1940s and 50s**

Termination, a mid-twentieth-century U.S. government policy toward American Indians, was enacted to facilitate the long-standing goals of assimilation and self-determination and to end government programs supporting tribes. Termination emerged full force during the post-John Collier (commissioner of Indian Affairs, 1933-45), post-New Deal era of the 1950s and 1960s. Among the long-envisioned essential tenets of termination was closing tribal rolls, then liquidating and distributing tribal assets by single per capita payments to each tribe's current membership. Of paramount importance was the termination of all federal supervision of Indians and ending protected trust status of all Indian-owned lands. Introduced by Utah Senator Arthur Watkins, House Concurrent Resolution 108 was supported, for the most part, by conservative bureaucrats and politicians. From the measure's passage until its ultimate renunciation by Pres. Richard M. Nixon in 1970, Congress initiated sixty separate termination proceedings impacting numerous Indian tribes, including the Ottawa,





Peoria, and Wyandotte tribes of Oklahoma; ultimately, more than three million acres of tribal lands were relinquished nationwide as a result of termination.

An adjunct policy of termination was the relocation of Indians from their rural reservations and allotted lands to metropolitan centers like Chicago, Denver, Los Angeles, Oklahoma City, Seattle, and Tulsa. Like termination, relocation efforts and incentives were operational prior to 1953 in legislative sessions, through Works Progress Administration and Civilian Conservation Corps programs and war-related employment. As a consequence, Indians living in Oklahoma and elsewhere voluntarily migrated to urban centers in the 1940s and 1950s. Many prospered. (As a child, former Cherokee chief Wilma Mankiller relocated with her family from Oklahoma to California.) However, while some Indian families did adjust to their new urban settings, the net effect of relocation for many American Indians manifested as loss of access to traditional cultural supports, economic hardship, social disenfranchisement, overt discrimination, and unemployment. Despite the overly positive declarations made by its supporters, in reality, termination and relocation policy wrought social havoc for Indians generally, and explicit, negative consequences for terminated tribes.

**SOURCE:**

Encyclopedia of Oklahoma History and Culture. Retrieved 6.22.11:

<http://digital.library.okstate.edu/encyclopedia/entries/T/TE014.html>

**TEACHER BACKGROUND INFORMATION ON A.I.M.**

The following information is from:

American Indian Movement. (n.d.) *West's Encyclopedia of American Law, edition 2.* (2008). Retrieved June 21 2011 from <http://legal-dictionary.thefreedictionary.com/American+Indian+Movement>

Founded in 1968, the American Indian Movement (AIM) is an organization dedicated to the Native American civil rights movement. Its main objectives are the sovereignty of Native American lands and peoples; preservation of their culture and traditions; and enforcement of all treaties with the United States. Despite the straightforwardness of its stated objectives, AIM's reputation had been seriously harmed by well-publicized and controversial incidents of law-breaking, vandalism, and violence, resulting in the organization's peak and decline within a few years. Significant historical events include AIM's hostile occupation of Alcatraz Island (1969); the "Trail of Broken Treaties" march on Washington, D.C. (1971); occupation of Wounded Knee (1973); and the Pine Ridge shootout of 1975, which resulted in the controversial arrest and imprisonment of the most famous AIM member, Leonard Peltier. Following these events, the organization's visibility and viability as a political force greatly declined.

**History**

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Prior to the formation of AIM, issues involving U.S. Indian–non-Indian relations had largely faded away. Starting in the 1950s, the U.S. government had embarked on a serious policy plan to terminate its responsibilities to Native Americans pursuant to extant treaties and agreements. This action included the relocation of thousands of reservation Indians to urban areas and the termination of federal duties to two major tribes, the Menominee of Wisconsin and the Klamath of Oregon. (Federal

rights were restored to both a few years later.) However, by the 1970s, relocation as well as termination policies were all but abandoned.

A number of problems arose when Native Americans left the reservations and intermingled with local towns, where Native Americans allegedly caused and/or became parties to local disturbances or crimes. Moreover, after World War II and the Korean War, many Native Americans who had served in the armed forces no longer wanted to return to stereotypical Indian lifestyles. As more intermingling and merging occurred, other Native Americans became increasingly intent on searching for their cultural roots and maintaining their ethnic identities. They vowed not to be assimilated and thus their views paralleled the ideals of other CIVIL RIGHTS MOVEMENTS of the era. The most radical elements to emerge from these militant Native American groups ultimately formed the AIM, which was intended as an indigenous version of the Black Panther Party.

During the summer of 1968, about 200 members of the Native American community in urban Minneapolis, Minnesota, met to discuss various issues, including slum housing, alleged police brutality, unemployment, and alleged discriminatory policies involving the local county's Welfare system. The group had been impressed with media coverage of the Black Panther policy of monitoring routine police interrogations or arrests and adopted similar tactics.

From the beginning, the group stirred controversy in seeking attention. Mobilizing in different cities and gaining momentum, it employed increasingly negative tactics such as holding an "anti-birthday party" for the United States atop Mt. Rushmore on the Fourth of July, painting Plymouth Rock bright red on Thanksgiving Day 1970, and seizing the Mayflower replica. All of these actions served to alienate many would-be sympathizers. However, AIM did get the media attention it desired, which seemed only to spawn further controversy. When the group organized a hostile occupation of Alcatraz Island off the coast of California, AIM finally became a force to be reckoned with, however so briefly.

## Alcatraz

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On November 9, 1969, a group of Native American supporters, led by Mohawk Richard Oakes, chartered a boat and set out to symbolically claim the island of Alcatraz for "Indians of all tribes." By November 20, the gesture had turned into a full-scale occupation that ultimately became the longest prolonged occupation by Native Americans of a federal facility or federal property.

Early use of Alcatraz Island by indigenous peoples is difficult to reconstruct. Ancient oral histories seem to support the view that at one time Alcatraz was used as a place of isolation for tribal members who had violated some tribal law or taboo and were exiled or ostracized for punishment. Earlier or concurrently, the island changed hands several times during Spanish and Portuguese explorations, but ultimately it became federal property and in time became the site of the infamous federal prison once operated there.

Many of the Indian occupiers of November 1969 were students recruited by Oakes from UCLA, who returned with Oakes to Alcatraz and began to live on the island in old federal buildings. They ran a school and daycare center, and began delivering local radio broadcasts that could be heard in the San Francisco Bay area.



Initially, the federal government placed an effective barricade around the island and insisted that the group leave; it did, however, agree to an Indian demand for formal negotiations. The talks accomplished nothing, however, as the Indian group insisted on a deed and clear title to the island. The group continued occupation and the federal government insisted they depart but took no aggressive action to remove them. Officially, the government adopted a position of non-interference and hoped that support for the occupation would fade. The FBI and Coast Guard were under strict orders to remain clear of the island and media attention began to dwindle.

The occupation continued all through 1970, but by this time, internal problems among the indigenous group caused the occupation to lose momentum. Student recruits left to return to classes at UCLA and were replaced by urban recruits, many of whom had been part of the San Francisco drug and hippie culture of the time. Several rose in opposition to Oakes's leadership on the island, and Oakes ultimately left after his teenaged stepdaughter fell to her death in a building stairwell.

After several months of hostile occupation, the federal government shut off electric power to the island and removed the water barge that had been supplying fresh water to the occupiers. A fire broke out, and both sides blamed the other for the loss of several historic buildings. Splintered leadership on the island resulted in the loss of a common voice with which to negotiate with the government. When the occupiers began stripping the remaining buildings of copper wiring and tubing, the press turned on them and began publishing stories of assaults, drugs, violence, and the trial of three Indians found guilty of selling 600 pounds of copper.

With government patience growing thin, then-president RICHARD NIXON finally approved a peaceful removal plan, to be conducted with as little force as possible and when the least number of people were on the island. On June 10, 1971, FBA agents, armed federal marshals, and special forces police removed five women, four children, and six unarmed men from the island.

### Trail of Broken Treaties

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In November 1971, AIM organized what it called the Trail of Broken Treaties, a march on Washington, D.C., involving approximately 1,000 angry Native Americans. It ended with the occupation of the Bureau of Indian Affairs (BIA) headquarters. After taking over the offices, AIM protesters seized large numbers of files from the BIA offices and caused over \$2 million in damages to the trashed building. They also presented President Nixon with 20 demands for immediate action. The Nixon administration provided \$66,000 in transportation monies in return for a peaceful end to the takeover. It also agreed to appoint a Native American to a BIA post. Again, the real success for AIM was in getting some media attention and in heightening public awareness of unresolved Indian issues.

### Wounded Knee

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The tiny village of Wounded Knee, South Dakota, is the historic site of an infamous 1890 massacre of Native Americans (the last) by the U.S. Cavalry. The original site and burial ground became part of the Pine Ridge Indian reservation in that state.

In 1973, about 200 members of the local Oglala Lakota Indians, led by AIM members, seized the village of Wounded Knee (a Catholic church, trading post, and post office) and declared it to be an

independent nation. Their single demand was the return of the Great Sioux Nation (a sovereign parcel of real estate comprising the entire western half of South Dakota) allegedly promised to them by the United States in the Fort Laramie Treaty of 1868.

Just prior to this development, on the nearby Pine Ridge reservation, tribal council president Dick Wilson (a Native American) had secured a tribal council order prohibiting AIM members from attending or speaking at reservation meetings or public gatherings. He considered AIM members to be lawless misfits bent on agitating the populace. AIM members, in return, accused Wilson of nepotism, corruption, and mismanagement of tribal monies. A group of Wilson supporters, locally referred to as the "goon squad," began harassing and threatening AIM members. The Lakota Indians invited AIM to meet with their group, and both decided to take a stand at Wounded Knee. At this point, the federal government, including the BIA, remained neutral, claiming the stand-off was an internal tribal dispute.

However, when AIM occupiers built fortifications and took up arms and munitions, both Wilson and the federal government (FBI, U.S. MARSHALS, and BIA police) moved in. In the well-publicized 71-day occupation that followed, two AIM members were killed. Ultimately, AIM leaders negotiated a "peace pact" with the government stipulating that the activists would be treated fairly and that the federal government would conduct a fair review of several treaties.

Although the immediate stand-off was defused, tensions between Wilson's goon squad and AIM members continued over the next several years. Dozens of AIM members, including early founding members Russell Means and DENNIS BANKS, were indicted on dozens of charges related to the Wounded Knee standoff, but the charges were ultimately dropped when a federal judge acknowledged spurious activity and involvement by the FBI.

### Pine Ridge

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Wilson's tribal leadership at the Pine Ridge reservation was reportedly federally sanctioned and supported. Allegations arose at the trials of AIM members that goon squad members were paid with BIA monies and that many of the members were in fact off-duty BIA police. Several murders occurred on the reservation and were never fully investigated. For its part, the FBI maintained that it was an investigatory rather than enforcement agency, a position that further exacerbated the regional tension and fear.

In June 1975, two FBI agents in an unmarked car and clad in civilian clothes chased a pickup truck into an isolated area near an AIM encampment. During the resulting shootout, the two FBI

agents were shot and killed, along with one Indian activist. Over the next several days, over 300 FBI agents swarmed the reservation, followed by officers making dozens of arrests and prosecutions. Ultimately, AIM activist Leonard Peltier was tried and convicted for his role in the FBI killings, receiving two life sentences. His trial and conviction remained shrouded with allegations of suppressed evidence, coerced witnesses, and a fabricated murder weapon.

## Later Years

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Following the Pine Knee incident, AIM declined rapidly in both leadership and momentum. It held its last national unified event in 1978 and the following year dismantled as a national organization, in favor of independent regional chapters. Russell Means and Dennis Banks were in and out of court for years defending their leadership roles in the 1973 and 1975 shootouts. Eventually, both were acquitted of all significant charges. Dennis Banks went on to found another Indian organization, the Sacred Run, devoted to spiritual renewal and environmental issues. As of 2003, Russell Means was campaigning for governor of New Mexico on an independent party ticket. Leonard Peltier remained in prison; his next Parole review was scheduled for 2008. The FBI still refused to release nearly 6,000 pages of documents on Peltier, being withheld on grounds of "national security."

In 1978, Congress passed the American Indian Religious Freedom Act (AIRFA)(42 U.S. C.A. § 1996), designed to review and update federal policies regarding such matters as Native Americans' right to access sacred grounds and legal rights to practice their traditional religions. Reviews and recommendations were made. Pursuant to this action, Congress in 1990 passed the NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT, Public L. No. 101-601, 104 Stat. 3048, but in that same year, the U.S. Supreme Court reiterated its 1988 ruling that AIRFA was a policy statement and not law, and as such, there was no legal right to the protection of sacred sites or the religious use of peyote in the Native American religion. *Lyng v. Northwest Indian Cemetery Protection Association*, 483 U.S. 439, 107 S. Ct. 2924, 97 L. Ed. 2d 364 (1988). New sacred land protection legislation was again introduced in 2002 and was still pending in early 2003.

### Further readings

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### TEACHER INFORMATION: INDIAN EDUCATION ACT: 23 JUNE 1972

The severe criticism of Indian education in the 1969 report of the Senate Subcommittee on Indian Education elicited a substantial response from Congress. In the Education Amendments Act of 1972, a

special title provided extensive support for the education of Indians and established new administrative structures in the Department of Health, Education, and Welfare to carry out the work.

The following excerpt comes from a graduate paper written by Ari Glogower in 2005 as part of the Mississippi Teacher Corps project. Glogower provides context for understanding the law and a summary of its basic provisions.

The dire situation necessitated a dramatic reorientation of Native American education policy. The Senate Committee Report (ominously titled “Indian Education – A National Tragedy, A National Challenge”) resulted in the drafting of the Indian Education Act, which would soon introduce sweeping reforms to the structure of Native American education. Once again, the Native Americans’ dual nature as both citizens and a unique people influenced the nature of the reforms. An informational publication printed by the Department of Education highlighted the fact that while the Elementary and Secondary Education Act of 1965 provided important services to Native Americans as well as all other American citizens, “more specific legislation was needed to focus on the special educational needs of Indian students.” (DOE, 1980, p.2). The general goal of the Indian Education Act “was to give all Native American students equal educational opportunity.” (DHEW, 1976, p.5). The Act consisted of five distinct parts designed to achieve this end. Part A provided grants to both Local Education Authorities and tribal schools on a per-pupil basis in order to provide for “developing curriculums dealing with tribal culture ... making available teaching aides ... hiring tutors and sponsoring special activities such as field trips.” (DOE, 1980, p.2). These grants represented special, additional funding beyond the standard allotments to all school districts. Part B provided discretionary grants for special projects by tribal authorities, organizations and state and local education agencies. These more broad-based projects included teacher training, early childhood programs and a wide array of education-oriented services. (DHEW, 1976, p.6). Part C provided for adult education programs, while Part D established the Office of Indian Education, to be overseen by the U.S. Office of Education.

**FOR FURTHER INFORMATION:**

The following document provides a 1973 analysis of the Indian Education Act of 1972:

<http://www.eric.ed.gov/PDFS/ED111553.pdf>

The following link will take you to the full text of the Glogower paper (excerpt above):

<http://www.untahbasintah.org/papers/indianeducationact.pdf>

## DOCUMENT 1:

### PRESIDENT NIXON: SPECIAL MESSAGE ON INDIAN AFFAIRS: 8 JULY 1970

*The new direction of Indian policy which aimed at Indian self-determination was set forth by President Nixon in a special message to Congress in July 1970. Nixon condemned forced termination and proposed recommendations for specific action. His introduction and conclusion are printed here.*

***To the Congress of the United States:***

**The first Americans - the Indians - are the most deprived and most isolated minority group in our nation. On virtually every scale of measurement - employment, income, education, health - the condition of the Indian people ranks at the bottom.**

**This condition is the heritage of centuries of injustice. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to control their own destiny. Even the Federal programs which are intended to meet their needs have frequently proved to be ineffective and demeaning.**

**But the story of the Indian in America is something more than the record of the white man's frequent aggression, broken agreements, intermittent remorse and prolonged failure. It is a record of enormous contributions to this country - to its art and culture, to its strength and spirit, to its sense of history and its sense of purpose.**

**It is long past time that the Indian policies of the Federal government began to recognize and build upon the capacities and insights of the Indian people. Both as a matter of justice and as a matter of enlightened social policy, we must begin to act on the basis of what the Indian themselves have long been telling us. The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions.**

**DOCUMENTS FOR ANALYSIS:  
TRAIL OF BROKEN TREATIES MARCH:  
NOVEMBER 1972**

The Trail of Broken Treaties was the November 1972 march on Washington by the American Indian Movement and other Indian rights activists. The caravan went directly to the Department of the Interior to present their Twenty Point Indian Manifesto, claims they put directly before the President Nixon. For six days, the group occupied the Bureau of Indian Affairs demanding recognition of their plight.

**DOCUMENT 2: PRESS RELEASE: 31 OCTOBER 1972**

**We need not give another recitation of past complaints nor engage in redundant dialogue of discontent. Our conditions and their cause for being should perhaps be best known by those who have written the record of America 's action against Indian people. In 1832, Black Hawk correctly observed: You know the cause of our making war. It is known to all white men. They ought to be ashamed of it.**

**The government of the United States knows the reasons for our going to its capital city. Unfortunately, they don't know how to greet us. We go because America has been only too ready to express shame, and suffer none from the expression - while remaining wholly unwilling to change to allow life for Indian people.**

**We seek a new American majority - a majority that is not content merely to confirm itself by superiority in numbers, but which by conscience is committed toward prevailing upon the public will in ceasing wrongs and in doing right. For our part, in words and deeds of coming days, we propose to produce a rational, reasoned manifesto for construction of an Indian future in America . If America has maintained faith with its original spirit, or may recognize it now, we should not be denied.**

### DOCUMENT 3: "20 Point Manifesto"

The following demands were made by the protesters in November Of 1972:

1. Restoration of treaty making (ended by Congress in 1871).
2. Establishment of a treaty commission to make new treaties (with sovereign Native Nations).
3. Indian leaders to address Congress.
4. Review of treaty commitments and violations.
5. Un-ratified treaties to go before the Senate.
6. All Indians to be governed by treaty relations.
7. Relief for Native Nations for treaty rights violations.
8. Recognition of the right of Indians to interpret treaties.
9. Joint Congressional Committee to be formed on reconstruction of Indian relations.
10. Restoration of 110 million acres of land taken away from Native Nations by the United States .
11. Restoration of terminated rights.
12. Repeal of state jurisdiction on Native Nations.
13. Federal protection for offenses against Indians.
14. Abolishment of the Bureau of Indian Affairs.
15. Creation of a new office of Federal Indian Relations.
16. New office to remedy breakdown in the constitutionally prescribed relationships between the United States and Native Nations.
17. Native Nations to be immune to commerce regulation, taxes, trade restrictions of states.
18. Indian religious freedom and cultural integrity protected.
19. Establishment of national Indian voting with local options; free national Indian organizations from governmental controls.
20. Reclaim and affirm health, housing, employment, economic development, and education for all Indian people

## QUESTIONS FOR DISCUSSION OR WRITTEN REACTIONS RELATED TO THE DOCUMENTS

1. How is President Nixon articulating the idea of SELF-DETERMINATION in his speech from July of 1970? Do you find his words surprising? Or, do they seem consistent with what was happening in our country during that period related to civil rights?
2. Why did American Indian activists “march on Washington” in November of 1972? Do you agree with their tactics? Why or why not?
3. If you had been a member of Congress in 1972, how would you have reacted to the 20 Point Manifesto presented by the Indian activists? Select 5 of the points that seem logical and reasonable, based on what you have learned about American Indian history. Select 5 of the points that you believe would create the most conflict? Explain.
4. What is the importance of DISSENT in the American political system? Do you get angry at people who protest against the government? Or, do you support that type of thing? Why or why not?



# TRIBAL GAMING AND THE POLITICAL ENVIRONMENT

Paul S Rykken/ BRFS

## INTRODUCTION AND OVERVIEW

We live in a state and county where Indian gaming is a very powerful economic and political reality. There are 11 tribal nations within the state of Wisconsin and we live in a county that has a substantial number of Native American people, primarily members of the Ho-Chunk Tribe (roughly 5% of the county's 20,000 residents are Ho-Chunk). 15-20% of the students in our high school are members of the Ho-Chunk Nation. Black River Falls, as you may or may not know, is the seat of Ho-Chunk government in the state of Wisconsin. The Executive Office building which houses the various governmental departments is located 2 miles east of town in the industrial park. Since the 1990s the Ho-Chunk Nation has become an economic force within our area and the state via its gaming operations.

Throughout this course I have periodically introduced you to various aspects of the Ho-Chunk government. As we examine the third branch of our government – the judiciary – it is instructive to use the story of gaming as a vehicle for understanding several things: the relationship between the Federal Government and Tribal Nations, the relationship between the State Governments and Tribal Nations, and the impact that Supreme Court decisions can have in our society, and the all-important concept of tribal sovereignty. Furthermore, by examining the legal background to gaming we may be able to clear up some of the myths that surround the issue. Issues related to tribal sovereignty and gaming are complex. The following quote by Charles F. Wilkinson illustrates this point:

“One barrier that American Indians have long faced . . . is that public understanding of their core issues comes slowly. . . In every instance, the Indian position is fragile because it finally depends on the willingness of opinion leaders in the majority society to learn about the experience of another people . . . The historical search I suggest is not done out of guilt or romance; it is not a sentimental exercise. Rather, an understanding of a people and their social, legal, and economic experience ought to be reached because it is the essential basis for judging what wise policy ought to be and for assessing how the rule of law ought to operate.”

**NOTE THE REFERENCES  
TO THE EXHIBITS  
INCLUDED AT THE END  
OF THE OUTLINE.**

## 1. UNDERSTANDING THE BIG PICTURE: SOVEREIGNTY OF TRIBAL GOVERNMENTS

### A. SOVEREIGNTY DEFINED:

*The supreme, absolute, and uncontrollable power by which any independent state is governed; paramount control of the Constitution and frame of government and its administration.*

### B. THE UNIQUE RELATIONSHIP BETWEEN NATIVE AMERICANS AND US GOVERNMENT

- Although the evidence is mixed on how the framers of our government actually viewed native

people, the Commerce Clause (ARTICLE I, SECTION 8, CLAUSE 3) illustrates the fact that the tribes were actually viewed as separate nations. NOTE THE TIMELINE AND SUMMARY OF FEDERAL POLICIES INCLUDED WITH THE EXHIBITS.

- That view was played out in many of the interactions between the Federal Government and the tribes. In many instances, however, realize that native people were simply viewed as nations to be conquered or exploited.
- Focus on Treaties
  - Between 1778 and 1871 nearly 400 treaties were signed between the US
  - The Ho-Chunk people, for example, signed 11 treaties with the US Government during this period – the Treaty of 1837 proved to be especially controversial – A SUMMARY OF THE TREATIES IS INCLUDED WITH THE EXHIBITS.
- ARTICLE VI, SECTION 2 (look this up) indicates that the Constitution of the US, the laws which are made in accordance with the Constitution and the TREATIES WHICH THE NATION SIGNS shall be considered the SUPREME LAW OF THE LAND. This is what is known as the SUPREMACY CLAUSE of the US Constitution.
- MANY DISPUTES, of course, took place over land ownership. Ultimately we know that the US Government forced a number of REMOVALS of the Native people -- in violation of the treaties that had been signed (true of the Ho-Chunk people, for example, who faced several removals in the 19<sup>th</sup> century). MAPS OF THE VARIOUS HOCHUNK REMOVALS ARE INCLUDED WITH THE EXHIBITS.

*(Note the attached diagram illustrating the relationship between the three governments)*

#### C. THE CHEROKEE CASES OF THE 1830S

- A series of cases from the 1830s (known as the “Marshall Trilogy”) had a lot to do with defining the concept of tribal sovereignty and the relationship between the national government and the tribes.
- Cherokee Nation v. Georgia (1831) and Worcester v. Georgia (1832) dealt with disputes between the State of Georgia and the Cherokee Nation
- In both instances the Supreme Court of the US REAFFIRMED the notion of TRIBAL SOVEREIGNTY and the idea of tribes as “DOMESTIC DEPENDENT NATIONS” (John Marshall was the Chief Justice at the time). The “domestic dependent nations” concept ultimately led to the idea of the “trust” relationship between the federal government and the tribal governments.
- A third case, Johnson v. McIntosh suggested that tribal governments, in fact, had diminished sovereignty due to the conquest of lands by Europeans and the establishment of the US government. Essentially this means that tribal nations do not have complete sovereignty – it has been diminished by historical events and legal circumstances. The point is that sovereignty is a dynamic thing (meaning that it is evolving and will continue to change).

What did all of this mean?

- Marshall said that sovereignty existed as per the Constitution of the US. He also initiated what has come to be a UNIQUE RELATIONSHIP
- This was the basis for what we call the TRUST RESPONSIBILITY between the US Government and the various tribes (564 federally recognized tribes). For example, as tribes lost land and were pushed off of their land, there were agreements made between the US Government and the tribes in which the Government promised to provide various things for the people in

exchange for the land. This, of course, remains highly controversial and has led to great misunderstandings.

**SIDEBAR: FROM THE MARSHALL DECISIONS WE CAN IDENTIFY THREE PRINCIPLES:**

- 1/ By virtue of Native political and territorial status, Indian tribes possessed certain incidents of pre-existing sovereignty;
- 2/ Such sovereignty was subject to diminution (lessening) or elimination by the United States Government, but not by the individual states;
- 3/ The tribes limited inherent sovereignty and their corresponding dependency on the US for protection imposed on the US Government a “trust” responsibility

**D. What is the status of this relationship today?**

- Beginning in the 1930s there is a change in Federal Policy
- We are living now in an era of greater SELF-DETERMINATION for Native people
- Much of this goes back to the period of the 1960s and 70s when “Civil Rights” for non-white people became a much bigger issue in our nation. It is in this context that “gaming” must be viewed to have a clear perception.
- The INDIAN TRIBAL JUSTICE ACT OF 1993, for example, gives us a succinct definition of sovereignty as defined by the US Government

**2. TRACING THE HISTORY OF TRIBAL/ INDIAN GAMING**

**A. EARLY YEARS OF GAMING**

Large-scale gaming sponsored by tribal governments started in the early 1980s and was especially big in Florida and California. This came at a time when many states were getting into the lottery business. Several tribes in Florida and California began to raise significant amounts of revenue by offering larger prize money than states were offering. In California, the state government threatened to close down tribal operations and the tribes sued the state in federal court.

**B. CALIFORNIA v. CABAZON AND MORONGO BAND OF MISSION INDIANS: 1987**

In a landmark decision in 1987 called “California v. Cabazon and Morongo Bands of Mission Indians” (better known as the Cabazon case), the Supreme Court of the US upheld the right of tribes as sovereign nations to conduct gaming on Indian lands free of state control when similar gaming is permitted by the state outside the reservations (or trust lands) for any purpose. In essence, the Court was formally recognizing the right of Indian people to conduct gaming operations on their own land. The Court was attaching a great deal of weight to the concept of self-determination in their decision and gaming was viewed as a way for Native people to gain economic power.

**C. THE INDIAN GAMING REGULATORY ACT (IGRA): 1988**

The Cabazon decision led to several attempts to restrict tribal gaming. Due to the unique relationship that the Federal Government has with the tribes, the National Congress attempted to provide guidelines through the passage of IGRA. The law remains controversial, in some respects, because Native people have seen it as too restrictive. Nevertheless, it still stands.

IGRA was signed into law by President Reagan in October of 1988 with three key purposes:

- To provide a statutory foundation for Indian Gaming operations as a means of promoting economic development, self-sufficiency, and strong tribal government



- To prevent the infiltration of organized crime into the industry or other corrupting influences
- To establish federal regulatory authority, federal standards, and the National Indian Gaming Commission

**Note:** IGRA also established three categories (for legal definition) of gaming: Class I includes traditional Indian social gaming; Class II includes bingo, similar games, and/or card games lawful within the state; Class III includes all other forms of gaming (casino style). Majestic Pines, for example, is a Class III facility.

**SIDEBAR:** IGRA has had several practical effects that are worth noting.

**#1:** Congress formally recognized, but also limited the right of Indian people to conduct gaming operations through this law.

**#2:** In a compromise with the states, the Federal Government gave limited jurisdiction to the states through a Treaty/Compacting Process that involves negotiation, mediation, and litigation within the states.

**#3:** The effect of the compacting process is that the tribes have to negotiate with the Governors concerning the games to be played and the regulation of those games, while ensuring that the tribal governments are the sole owners and primary beneficiaries of gaming.

**#4:** Good faith negotiations are required of states, meaning the state is not able to unduly hamper the compacting process. “Good faith” is a legal concept meaning that neither side is acting in such a way as to defraud the other side in the process – that negotiations are honest and sincere.

**#5:** IGRA requires that all revenues from tribal gaming are used for governmental or charitable purposes. Tribal governments, therefore, determine how proceeds are to be spent (within IGRA guidelines). Indian tribes are using gaming revenues to pay tribal employees, build houses, schools, roads, sewer and water systems, to fund health care and education, and to develop a strong and diverse economic base for the future.

#### **D. ONGOING DEVELOPMENTS: SEMINOLE TRIBE OF FLORIDA v. FLORIDA (1996)**

In the middle 90s the Seminole Case was an important moment in this story. The Seminoles were attempting to sue the state of Florida under IGRA provisions claiming that the state had not negotiated “in good faith” during the compacting process. The state of Florida raised a somewhat peculiar defense – the so-called 11<sup>th</sup> Amendment Defense (not the wording below). States cannot be sued unless they waive their “sovereign immunity.”

The Supreme Court ruled in favor of the state of Florida in this instance. The practical effect of the Seminole case is that it is difficult for Native people to challenge the compacting process.

#### AMENDMENT 11

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

FOR FURTHER READING, I SUGGEST THE FOLLOWING SOURCES:

Deloria, Vine and Clifford Lytle. The Nations Within: The Past and Future of American Indian Sovereignty. New York: Pantheon Books (1984).

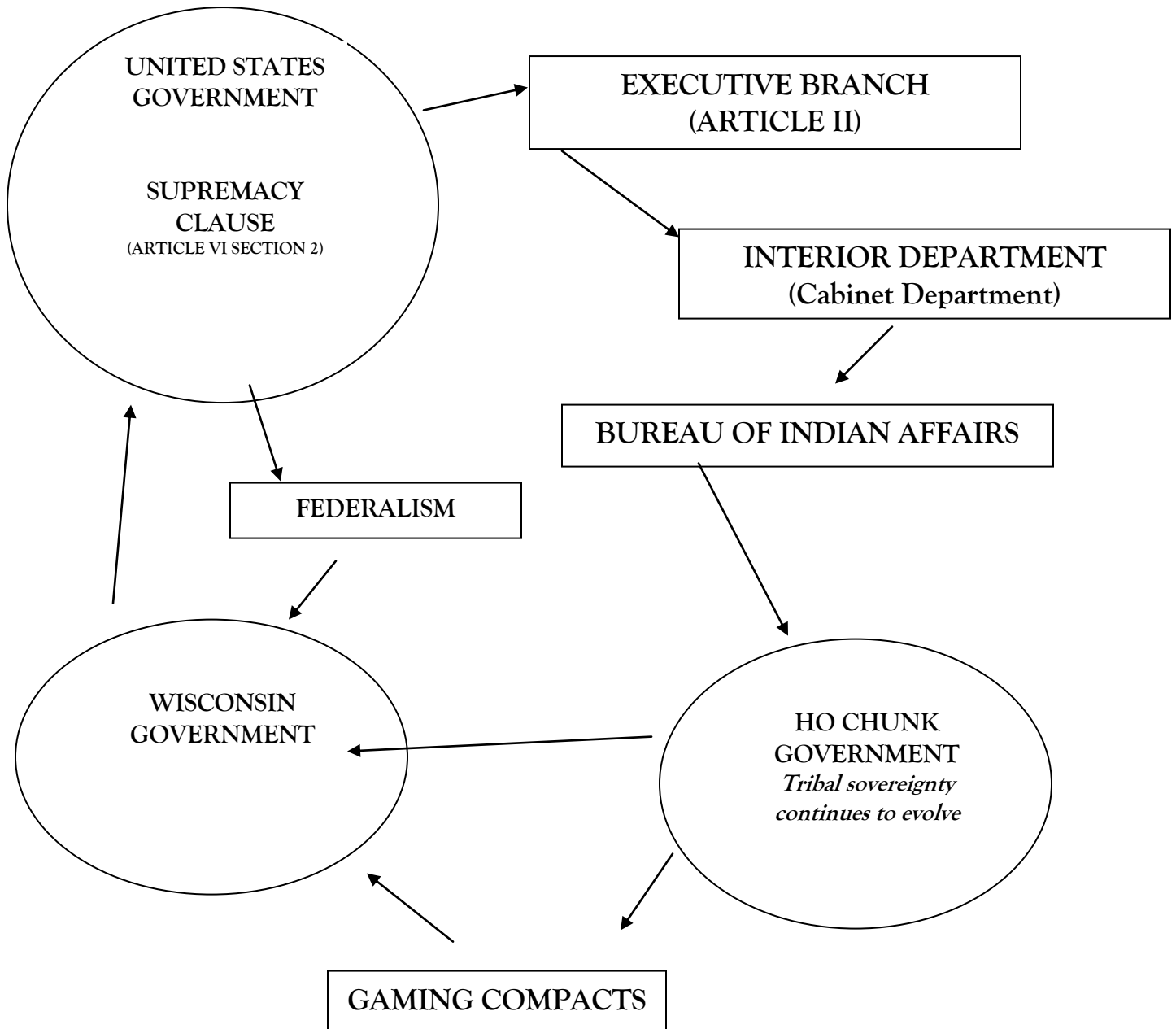
Deloria, Vine and David E. Wilkins. Tribes, Treaties, and Constitutional Tribulations. Austin: University of Texas Press (1999).

Loew, Patty. Indian Nations of Wisconsin: Histories of Endurance and Removal. Madison: Wisconsin Historical Society Press (2001).

Norgren, Jill. The Cherokee Cases: Two Landmark Federal Decisions in the Fight for Sovereignty. University of Oklahoma Press (2004).

Prucha, Francis Paul. Documents of United States Indian Policy. University of Nebraska Press (1990).

## THE THREE GOVERNMENT RELATIONSHIP



**NOTE: FOR A CLEAR STATEMENT CONCERNING THE RELATIONSHIP BETWEEN THE STATE OF WISCONSIN AND TRIBAL GOVERNMENTS, READ THE TEXT OF EXECUTIVE ORDER #39 (FEBRUARY 2004).**

## EXPLORING 19<sup>TH</sup> CENTURY AMERICAN INDIAN REMOVAL AND RELOCATION

### BACKGROUND AND CONTEXT

The removal and relocation of indigenous people was clearly one of the darkest chapters of American history. Viewed from a transnational perspective, the removal saga is part of the larger story of European exploration into distant lands and the imperialistic impulse that accompanied it. Ironically, America itself was born due to the struggle between European powers for the control of the North America continent. Viewed from the vantage point of the 21<sup>st</sup> Century, the 19<sup>th</sup> century removals appear inevitable, based on the approach taken by the US Government from 1789 up to the 1830s. How did a nation predicated on individual liberty – indeed, a people that prompted rebellion within the British Empire based on the notion of liberation from tyranny – how did that nation pursue policies that so clearly denied liberty to others? This remains one of the vexing and complicated questions of our history. The following question prompts you to explore this story in the context of 19<sup>th</sup> Century American expansionism and to hear from some of the voices of opposition that emerged throughout the period. The story of the Ho-Chunk people of Wisconsin is offered as a case study.

### THE HO-CHUNK STORY IN THE BROADER CONTEXT OF INDIAN REMOVAL

The removal and relocation of the Cherokee Indians of Georgia receives a good deal of attention in most US History textbooks (the “trail of tears”). Nevertheless, throughout this period, removals were occurring in many areas of the country and these events receive very little attention. This is certainly the case with the Ho-Chunk, Ojibwe, Potawatomi, and Menominee people. In addition, New York tribal nations – the Oneida, Stockbridge-Munsee, and Brotherton people in particular – were in Wisconsin due to earlier removals out of New York. Each nation faced different circumstances and removals and relocations were complex. The Ho-Chunk story is especially difficult to unravel. The Ho-Chunk people of Wisconsin first signed a treaty of “peace and friendship” with the US Government in 1816. As was often the case, negotiation with the government eventually led to both inter and intra-tribal factionalizing – a very confusing scenario that, in the case of the Ho-Chunk, forever changed their history. Encroachment by white settlers on Ho-Chunk land in Wisconsin began in earnest in the 1820s with the advent of lead-mining south of Prairie du Chien. Land cession treaties signed in 1829 and 1832 ultimately led to the attempt to move some of the Ho-Chunk people to an area west of the Mississippi in Iowa (the so-called “Neutral Ground”). Meanwhile, the government continued to press the Ho-Chunk to cede their remaining lands in Wisconsin, pressure that eventually led to the Treaty of 1837.

According to anthropologist and historian Nancy Lurie, the tribe refused to sell more land and in the summer of 1837 accepted an invitation to send a delegation to Washington to meet with representatives of President Van Buren. Because they were determined to keep their land, the tribe sent twenty men who had no authority to sign a treaty of cession. Upon their arrival in Washington, they were immediately pressured into ceding their remaining Wisconsin land. According to later accounts, they believed they would not be allowed to return home if they did not sign the treaty. Further, they finally signed the document with the assurance that they would have “eight years” before having to leave Wisconsin, when in reality the treaty read “eight months,” a deliberate deception later admitted by the interpreter. The disastrous Treaty of 1837 led to a permanent split in the Ho-Chunk tribe. The “treaty-abiding faction” believed it would be best to move and “make the best of a bad bargain” (Lurie, 699). The “non-abiding faction” led by various leaders, most notably Yellow Thunder (Wa-kun-cha-koo-kah) and Dandy, refused to leave and for the next 27 years fought a series of removals.

## THE SET-UP OF THIS QUESTION

The question you're being challenged with is not a typical document-based question. It is a **FREE-RESPONSE QUESTION** with supporting documents and contextual information. You are not confined to the material presented here and I expect that you will make use of your textbook and any other research you may wish to do. **YOU WILL BE ALLOWED TO HAVE THE DOCUMENTS IN FRONT OF YOU WHEN YOU WRITE THE ESSAY WITH ANY ADDITIONAL NOTES YOU MAY HAVE ADDED TO THEM AHEAD OF TIME.**

### THE QUESTION

The US Government's policy of Indian removal and relocation was both a logical consequence of the popular belief in manifest destiny AND completely contrary to the values of liberty and equality enshrined in its founding documents, notably the Declaration of Independence and US Constitution.

Assess the validity of this statement in light of the documents and secondary evidence presented here, along with your general understanding of the period of 1830-1875 based on secondary reading.

### THE CONTEXT OF INDIAN REMOVAL: RELEVANT DATES

(ADAPTED FROM: Schlesinger, Jr., Arthur M., ed. "The Almanac of American History." Barnes & Nobles Books: Greenwich, CT, 1993.)

The following timeline is designed to help you see this story within the broader context of various removals going on between 1816 and 1890.

DATE	EVENT
1816	A treaty of peace and friendship, concluded at St. Louis, between the Ho-Chunk and the US Government (James Madison, President)
1824	The Bureau of Indian Affairs is established. The US Army establishes outposts in Oklahoma to prepare for the relocation of Cherokee and Choctaw tribes to the new Indian Territory.
1825	The federal government establishes its policy of trading Indian land in the east for territory in the west.
1829	A treaty of land cessions between the Ho-Chunk people and US Government, concluded at Prairie du Chien, Territory of Michigan. Andrew Jackson, President.
1830	The Indian Removal Act is passed.
1832	A treaty of land cessions between the Ho-Chunk people and US Government, concluded at Fort Armstrong, Rock Island, Illinois. Andrew Jackson, President
1833	The Choctaw complete their removal to the west.
1834	Congress reorganizes the Bureau of Indian Affairs into the Department of Indian Affairs with expanded responsibilities.



1835	The Seminoles reject forced removal to the west and begin a seven year war. The Cherokee finally agree to removal to the west.
1836	The removal of the Ho-Chunk people from southern Wisconsin into northeastern Iowa.
1837	A treaty of cessions between the Ho-Chunk people and the US Government, in Washington, D.C. Martin Van Buren, President. Tribal leaders disagreed about the validity of the Treaty.
1838	General Winfield Scott oversees the Cherokee on the 'Trail of Tears'.
1846	A treaty of cessions and intended acquisition of lands west of the Mississippi for a new homeland (between Ho-Chunk people and US Government. James Polk, President.
1851	The Fort Laramie Treaty is signed between the US and several Indian tribes of the plains. It was designed to give land to the tribes and create peace between the Indians and the white settlers. It is a failure because neither side had the power to uphold the agreement.
1855	A treaty of land cessions and provisions for establishment of a homeland in the Territory of Minnesota, concluded in Washington, D.C. between the Ho-Chunk people and US Government Franklin Pierce, President.
1859	Relinquishment of western portion of Blue Earth reserve and land assignments, concluded in Washington, D.C. between the Ho-Chunk people and US Government. James Buchanan, President.
1862	The Five Civilized Tribes are divided over the Civil War, most join the Confederacy. Members of the Ho-Chunk Nation serve in the Union Army during the Civil War.
1864	Colonel Kit Carson leads a campaign against raiding Navajos. After their capture he forces them on the 'Long Walk' across New Mexico. Cheyenne Chief Black Kettle and 200 men, women, and children are massacred by a volunteer force led by John M. Chivington while meeting at Fort Weld to discuss their return to the reservation.
1865	A treaty of land cessions in the Territory of Dakota, with additional land grant in the Territory of Nebraska, concluded in Washington, D.C. between the Ho-Chunk people and US Government. Abraham Lincoln, President. The thinking was that the Nebraska land would become the home of all the Ho-Chunk people, including those who continued to return to Wisconsin throughout the removal period.
1866	General Philip H. Sheridan takes command of forces in the west and vows to bring down the Indian way of life by destroying the buffalo. Chief Red Cloud of the Lakota attacks a supply train heading to Fort Phil Kearney. They then lead Captain William J. Fetterman and his men from the

	fort and massacre them to the last man.
1868	The Medicine Lodge Treaty is signed between the US and the Comanche, Kiowa, Cheyenne, Arapaho and other southern Plains tribes. The treaty restricts them to reservations in Oklahoma. General William Tecumseh Sherman and Chief Red Cloud of the Lakota sign the Fort Laramie Treaty of 1868. Colonel George Armstrong Custer attacks a Cheyenne village on the Washita River and kills Black Kettle and over 100 men, women, and children. He was sent out by General Philip Sheridan.
1871	Congress passes the Indian Appropriations Act which essentially makes all Indian wards of the federal government and dissolves the status of Indian tribes as nations. Cochise, Apache chief ends his decade long guerilla war, only to escape back to his mountain stronghold rather than agreeing to send his people to a reservation.
1872	Cochise, Apache chief surrenders again and agrees to the creation of the Apache reservation in Arizona.
1873	The final attempt at removing the remaining Ho-Chunk people from Wisconsin to Nebraska. Ultimately, the remaining Ho-Chunk were given 40-acre homestead plots and encouraged to farm (and assimilate).
1874	Custer announces the discovery of gold in the Black Hills of Dakota, land given to the Lakota tribe. This creates a massive influx of white settlers into the land guaranteed to the Lakota as part of the Fort Laramie Treaty.
1875	The Lakota War begins over the violation of the Fort Laramie Treaty by the US Government.
1876	Custer's Last Stand or the Battle of Little Big Horn takes place as Lakota Indian massacre his force to the last man.
1877	Crazy Horse surrenders at Fort Robinson. Unfortunately, many believe he will rebel again so he is arrested and killed a few months later. Congress repeals the Fort Laramie Treaty of 1868 and takes back the Black Hills region and millions of additional acres of Lakota land. Chief Joseph of the Nez Perce surrenders and declares he will fight no more.
1881	Sitting Bull surrenders to General Alfred Terry.
1886	Geronimo surrenders at Skeleton Canyon, Arizona and agrees to settle with his people in Florida.
1890	Lakota Chief Big Foot and 350 followers are massacred at Wounded Knee. This is traditionally considered the end of armed conflict in the Indian Wars.

## RELEVANT SUPPLEMENTARY READINGS AND DOCUMENTS

### THE EUROPEAN DOCTRINE OF DISCOVERY APPLIED IN U.S. LAW

According to the United States Supreme Court's decision in *Johnson v. M'Intosh*, this theory of Christian expansion and possession of newly discovered lands, despite native presence, was one by which all colonial powers operated. Chief Justice Marshall, writing the decision, held that the United Kingdom had taken title to the lands which constituted the United States when the British discovered them. Marshall pointed to the exploration charters given to John Cabot as proof that the British had operated under the doctrine. The tribes which occupied the land were, at the moment of discovery, no longer completely sovereign and had no property rights but rather merely held a right of occupancy. Further, only the discovering nation or its successor could take possession of the land from the natives by conquest or purchase. Natives could not sell the land to private citizens but only to the discovering government. The doctrine was used in numerous other cases as well. With *Cherokee Nation v. Georgia*, it supported the concept that tribes were not independent states but "domestic dependent nations."

-- Source: Wikipedia.org: Retrieved 1.13.11

Jefferson's vision of equality as articulated in paragraph 2 of the Declaration of Independence is often cited as the central passage of the one of the foundational documents of our nation.

### FROM THE DECLARATION                      JULY 1776

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. --That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

*Those words need to be juxtaposed with the following DIRECT reference to Indian tribes later in the document. In this passage Jefferson is chiding the British government for inciting the Indians:*

"He (the King) has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions."

The Northwest Ordinance of 1787 was an act of the Confederation Congress of the United States. The primary effect of the ordinance was the creation of the Northwest Territory as the first organized territory of the United States out of the region south of the Great Lakes, north and west of the Ohio River, and east of the Mississippi River – the states the ultimately came into the Union through provisions of the Ordinance are Indiana, Ohio, Illinois, Michigan, and Wisconsin. The following provisions addressed the status of Indian tribes within the region.

"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 shall never 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." *Note: This section became more of a nominal provision than a real one, as in an earlier section, it assumes that:*

"...the governor shall make proper divisions thereof... to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships." *Note: Many American Indians in Ohio, who were not parties, refused to acknowledge treaties signed after the Revolutionary War that ceded lands north of the Ohio River inhabited by them to the United States.*

SOURCE: Wikipedia.org: Retrieved 1.13.11

Beyond the Declaration and the NW Ordinance, the founders made several references to Indian people in the US Constitution, most notably the mention of regulating commerce with the Indian tribes.

Article I, Section 8, Clause 3:

"[The Congress shall have Power] To regulate Commerce with foreign Nations, and among the several states, and with Indian tribes;"

**EXPLANATION**

*Article I, Section 8, provides that Congress shall have the power to "regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." Delegates to the CONSTITUTIONAL Convention approached this issue against a backdrop of years of hostilities with American Indians on the one hand counterbalanced by a comparably long period of trade and commerce with them on the other. These experiences informed the delegates that uniform regulation, administered by a centralized federal authority, was essential . . . the significance of the commerce clause as it relates to Native Americans advanced far beyond its original parameters of trade and intercourse, for overtime it became a stepping-stone to the development of the tremendous federal power over Indian affairs. Conversely, it has in many respects served to preclude state intrusion into Indian affairs.*

Article II, Section 2

"He [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;"

**EXPLANATION**

*Pursuant to Section 2 of Article II of the U.S. Constitution, the president has the power, with the advice and consent of the Senate, to make treaties. Although this provision makes no specific mention of American Indians, there was in fact a long history of treating with tribes that predated the Constitution. After RATIFICATION of the Constitution, the new and vulnerable United States continued this policy in order to cultivate trade, facilitate the acquisition of land needed for white settlement, and avoid the burdens, economic and otherwise, that would accompany prolonged hostilities with the tribes. For nearly 100 years thereafter, treaties were the preferred national policy in dealing with Native Americans, addressing a range of issues from hunting and fishing rights to removal and relocation, as well as reservations. This prolific treaty-making era ended in 1871 . . . One enduring legacy of this period was that tribes were viewed as separate and sovereign entities.*

**JEREMIAH EVARTS was a Christian missionary from Vermont who was impacted by the Second Great**

**“A Brief View of the Present Relations between the Government and People of the United States and the Indians within Our National Limits”**

In the various discussions, which have attracted public attention within a few months past, several important positions, on the subject of the rights and claims of the Indians, have been clearly and firmly established. At least, this is considered to be the case, by a large portion of the indifferent and reflecting men in the community. Among the positions thus established are the following: which, for the sake of precision and easy reference, are set down in regular numerical order.

- (1) The American Indians, now living upon lands derived from their ancestors, and never alienated nor surrendered, have a perfect right to the continued and undisturbed possession of these lands. (2) Those Indian tribes and nations, which have remained under their own form of government, upon their own soil, and have never submitted themselves to the government of the whites, have a perfect right to retain their original form of government, or to alter it, according to their own views of convenience and propriety. (3) These rights of soil and of sovereignty are inherent in the Indians, till voluntarily surrendered by them; and cannot be taken away by compacts between communities of whites, to which compacts the Indians were not a party . . .

The positions here recited are deemed to be incontrovertible. It follows, therefore, That the removal of any nation of Indians from their country by force would be an instance of gross and cruel oppression: That all attempts to accomplish this removal of the Indians by bribery or fraud, by intimidation and threats, by withholding from them a knowledge of the strength of their cause, by practicing upon their ignorance, and their fears, or by vexatious opportunities, interpreted by them to mean nearly the same thing as a command; —all such attempts are acts of oppression, and therefore entirely unjustifiable.

**The Indian Removal Act was signed into law by President Jackson in May of 1830 after considerable debate in the Congress. The law laid the foundation for the removals of various tribes throughout the country.**

**EXCERPT: THE INDIAN REMOVAL ACT 1830**

**CHAP. CXLVIII.--An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.**

**SEC. 2. And be it further enacted, That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the states or territories, where the land claimed and occupied by the Indians, is owned by the United States, or the United States are bound to the state within which it lies to extinguish the Indian claim thereto.**

Senator Theodore Frelinghuysen of New Jersey was an outspoken opponent of Indian removal, motivated primarily by his religious convictions – his great-grandfather Theodorus Frelinghuysen, was a leader of the First Great Awakening in colonial America. The following is an excerpt of a 6-hour speech he gave on the floor of the Senate in April of 1830.

Senator Frelinghuysen on Indian Removal

April 9, 1830

“God, in his providence, planted these tribes on this Western continent, so far as we know, before Great Britain herself had a political existence. I believe, sir, it is not now seriously denied that the Indians are men, endowed with kindred faculties and powers with ourselves; that they have a place in human sympathy, and are justly entitled to a share in the common bounties of a benignant Providence. And, with this conceded, I ask in what code of the law of nations, or by what process of abstract deduction, their rights have been extinguished?

Our ancestors found these people, far removed from the commotions of Europe, exercising all the rights and enjoying the privileges, of free and independent sovereigns of this new world. They were not a wild and lawless horde of banditti, but lived under the restraints of government, patriarchal in its character, and energetic in its influence. They had chiefs, head men, and councils. The white men, the authors of all their wrongs approached them as friends – they extended the olive branch; and, being then a feeble colony and at the mercy of the native tenants of the soil, by presents and professions, propitiated their good will . . .

Do the obligations of justice change with the color of the skin? Is it one of the prerogatives of the white man, that he may disregard the dictates of moral principles, when an Indian shall be concerned? No, sir. In that severe and impartial scrutiny which futurity will cast over this subject, the righteous award will be, that those very causes which are now pleaded for the relaxed enforcement of the rules of equity, urged upon us not only a rigid execution of the highest justice, to the very letter, but claimed at our hands a generous and magnanimous policy . . .

President Jackson offered the following justification for removal in his Annual Message to Congress 7 months after the law had been passed.

Andrew Jackson's Annual Message 6 December 1830

“It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages . . .

The consequences of a speedy removal will be important to the United States, to individual states, and to the Indians themselves. The pecuniary advantages which it promises to the government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the general and state governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters . . .

It will separate the Indians from immediate contact with settlements of whites; free them from the power of the states; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community. These consequences, some of them so certain and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude. Toward the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits and make them a happy, prosperous people . . .”



When the state of Georgia began forcibly removing Cherokees from their lands, the tribe appealed to the Supreme Court, asking it to enforce its treaty rights. In the 1832 case of *Worcester v. Georgia* the Court ruled in the Cherokees' favor, deciding that the tribe constituted a sovereign nation. Unfortunately, this victory was a hollow one, as President Jackson refused to enforce the verdict, arguing that the Cherokees were not an independent nation but merely inhabitants of the state of Georgia. The following excerpt is taken from the Court's majority opinion, authored by Chief Justice John Marshall.

From the commencement of our government, congress has passed acts to regulate trade and intercourse with the Indians; which treat them as nations, respect their rights, and manifest a firm purpose to afford that protection which treaties stipulate. All these acts, and especially that of 1802, which is still in force, manifestly consider the several Indian nations as distinct political communities, having territorial boundaries, within which their authority is exclusive, and having a right to all the lands within those boundaries, which is not only acknowledged, but guaranteed by the United States . . . The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of congress. The whole intercourse between the United States and this nation, is, by our constitution and laws, vested in the government of the United States.

Source: "*Worcester v. The State of Georgia*," *Reports of Cases Argued and Adjudged in the Supreme Court of the United States. January Term 1832. Vol. VI.* Richard Peters, ed. (Philadelphia: T. Desilver, Jr., 1832), 556-567, 561.

The Ho-Chunk people (earlier known as Winnebago) signed 11 treaties with the US Government from 1816-1865. The following treaty proved to be especially controversial and caused a division within the tribe.

Treaty with the Winnebago (Ho-Chunk), 1837 (excerpt) Martin Van Buren, President of the United States of America

To all and singular to whom these Presents shall come, Greetings.

*Articles of a treaty made at the city of Washington, between Carey A. Harris, thereto specially directed by the President of the United States, and the Winnebago nation of Indians, by their chiefs and delegates.*

Article 1.

THE Winnebago nation of Indians cede to the United States all their land east of the Mississippi river.

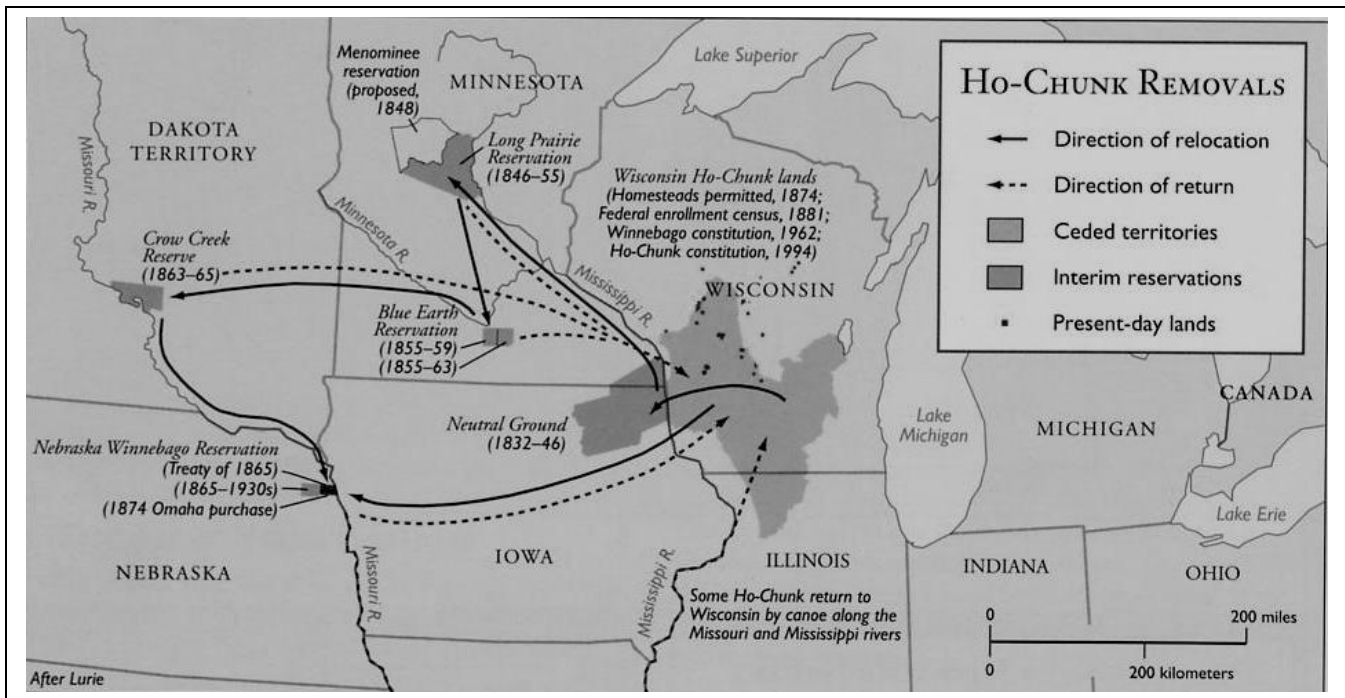
Article 2.

The said Indians further agree to relinquish the right to occupy, except for the purpose of hunting a portion of the land held by them west of the Mississippi, included between that river and a line drawn from a point twenty miles distant therefrom on the southern boundary of the neutral ground to a point, equidistant from the said river, on the northern boundary thereof. But this stipulation shall not be so construed, as to invalidate their title to the said tract.

Article 3.

The said Indians agree to remove within eight months from the ratification of this treaty, to that portion of the neutral ground west of the Mississippi, which was conveyed to them in the second article of the treaty of September 15<sup>th</sup>, [21<sup>st</sup>] 1832, and the United States agree that the said Indians may hunt upon the western part of said neutral ground until they shall procure a permanent settlement.





Beginning in 1832, even prior to the Treaty of 1837, the Ho-chunk people suffered through multiple attempts at removal and relocation from their ancestral lands as illustrated on the accompanying map. After 1837 the tribe experienced a division between the treaty-abiding and non-abiding factions that eventually led to a permanent split between the Nebraska Winnebagoes and Wisconsin Ho-chunk.

The following documents relate to the shared vision among many leaders in the US Government, and indeed, perhaps a majority of the population in the middle 19<sup>th</sup> Century related to the notion of the inevitability of the spread of US influence both in North America and perhaps the world.

John Quincy Adams, sixth president of the United States (1825-1829), wrote in 1811:  
 "The whole continent appears to be destined...to be peopled by one nation. The acquisition of a definite line of boundary to the [Pacific] forms a great epoch in our history."

In 1845, John O'Sullivan, a New Yorker and editor of the *United States Magazine and Democratic Review*, wrote:

"Away, away with all these cobweb tissues of rights of discovery, exploration, settlement, contiguity, etc. The American claim is by the right of our manifest destiny to overspread and to possess the whole of the continent which Providence has given us for the development of the great experiment of liberty and federative self-government entrusted to us. It is a right such as that of the tree to the space of air and earth suitable for the full expansion of its principle and destiny of growth. ...It is in our future far more than in the past history of Spanish exploration or French colonial rights, that our True Title is to be found."



The following excerpt is from James K. Polk's 4<sup>th</sup> Annual Message to Congress in December of 1848, the year of Wisconsin broke from the Michigan Territory and became a State.

"Our Indian relations are presented in a most favorable view in the report from the War Department. The wisdom of our policy in regard to the tribes within our limits is clearly manifested by their improved and rapidly improving condition. A most important treaty with the Menomonies has been recently negotiated by the Commissioner of Indian Affairs in person, by which all their land in the State of Wisconsin--being about 4,000,000 acres--has been ceded to the United States. This treaty will be submitted to the Senate for ratification at an early period of your present session. Within the last four years eight important treaties have been negotiated with different Indian tribes, and at a cost of \$1,842,000; Indian lands to the amount of more than 18,500,000 acres have been ceded to the United States, and provision has been made for settling in the country west of the Mississippi the tribes which occupied this large extent of the public domain. The title to all the Indian lands within the several States of our Union, with the exception of a few small reservations, is now extinguished, and a vast region opened for settlement and cultivation."

Historian Patricia Limerick's comments on how Euro-Americans of 1850 generally viewed Indians:

"Euro-American ways of thinking were dominated by the ideas of civilization and savagery. Carrying associations of both nobility and violence, savagery was mankind's childhood, a starting stage in which society drew its shape and order from nature. Savagery meant hunting and gathering, not agriculture; common ownership, not individual property owning; pagan superstition, not Christianity; spoken language, not literacy; emotion, not reason. Savagery had its charms but was fated to yield before the higher stage of civilization represented by white Americans. Indians possessed the land and...Euro-Americans wanted it. ...[Euro-Americans felt] that...Indians were not using the land properly. Relying on hunting and gathering, savagery neglected the land's true potential and kept out those who could put it to proper use. A sparse Indian population wasted the resources that could support a dense white population."

*The Legacy of Conquest* (a secondary source)

#### THE FINAL REMOVAL ATTEMPT OF THE HO-CHUNK PEOPLE: 1873-74

The final set of documents relate directly to our local history. The story of the Ho-chunk removal and attempted relocation in 1873-74 is a long and complex tale. What you are seeing in the following documents is a series of excerpts from the local paper (the Badger State Banner) related to that episode. They are in chronological order to capture the story line. The ultimate order for the 1873 removal came from William Tecumseh of Civil War fame, who was the Commanding General of the US Army during this period.

"It is probable that the Winnebago Indians will be removed from Wisconsin next spring . . . We bid them good-bye in advance with pleasure – When they are removed it should be so far that they will never come back to trouble us in the future. You might as well try to civilize the pine trees as these same Winnebagoes."  
Editorial: Badger State Banner. 4 January 1873

"Capt. Hunt and F.A. Moore, Indian Commissioners, held a council with the Winnebagoes at Sparta on Friday of last week. There were eighty of the Indians present at the council, and a majority were opposed to being removed to a reservation in the far west. The Indians who have been to examine that country were not satisfied, and think it is too far away from the white settlements, and muskrats too scarce, and other Indians too plenty. Capt. Hunt informed the Indians that the government had determined upon their removal to a reservation, and that whether force would be used or not depended upon their submission or opposition to the policy of the government . . . The people in this region are generally in favor of their removal, and, if necessary, they should be forced to go. They are of no earthly use here except to steal and beg from their white neighbors, and the country would be better off for their removal."

Editorial: Badger State Banner. 7 June 1873

"Last Tuesday Messrs. Moore and Hunt, Commissioners for the removal of the Winnebago Indians to their reservation in the far west, held another council with the Indians on Tuesday of this week six miles east of Sparta. It did not result satisfactorily to the Indians, who are determined not to leave their haunts in this region. They claim that the country is hot and unhealthy where their reservation is located, and will all die off in a short time. This is only an excuse not to go there. The country is said, by those who have been there, to be one of the best and healthiest locations in the Western Territories. Gov. Washburn was present, who made a speech to the Indians, and told them they must go, and that they were mistaken in regard to the country and climate to which the government was going to send them. The Indians asked for more time to consider the matter, which was finally granted them. Two Winnebagoes will go to Washington in a few days to see if the President will not permit them to remain in Wisconsin, and give them a reservation on the headwaters of the Black River. The people in this region will make objections to such a move and will insist upon the speedy removal to the reservation assigned them."

Editorial: Badger State Banner. 14 June 1873

"The removal of the Winnebago Indians is exciting the people of this region considerably of late . . . That they should be removed to a reservation by themselves nearly all agree, but some persons believe that the government has no authority or right to compel them to go . . . At the council held near Sparta on the 10<sup>th</sup>, some remarkable things were said by Gov. Washburn, whose speech was characterized by an unfeeling determination to drive them off. Black Hawk said to the Gov: 'You are not our Great Father but our brother,' then speaking of the delegation which visited Washington last winter to confer with the government about the removal, Black Hawk said: 'The Great Father told them no soldiers would be sent to drive them off, and that they need not leave the State unless they chose to.' Gov. Washburn told them 'the Great Father had said no such thing, and unless he talked differently he did not want to hear him.'

Editorial: Badger State Banner. 5 July 1873

**“At the Council held with the Winnebago Indians in Monroe County last week, E.P. Smith, Indian Commissioner, was present and told the Indians that they must go to their reservation in Nebraska. Some of the Indians declared they would not go, and left the council in a huff. About one hundred of them, however, signified their willingness to remove to the reservation, and Capt. Hunt started with them this week. The balance of the tribe in this region will be looked after in a short time, and those who refuse to leave will probably be compelled to remove with the rest. They are only a nuisance to the whites in this part of the country, and it would be better for them to go where the government can supply their wants and take good care of them.”**

**Editorial: Badger State Banner. 26 July 1873**

**“Capt. C.A. Hunt and F.A. Moore, special Indian Commissioners, have returned from Nebraska, where they recently took about one hundred Winnebago Indians to the reservation assigned them by the government. The Indians already located there are desirous that their Wisconsin relatives should join them in that region. The three leading Chiefs of that tribe – Little Decorah, Gray Wolf and Little Thunder – have returned to this State for the purpose of urging the band of Winnebagoes remaining in Wisconsin to go to the reservation in Nebraska at once, as it will be better for them to remove where they can receive their annuities and the government can supply all their wants. It is expected that another detachment of these Indians will leave for Nebraska some time during the present month, and all will go the coming fall.”**

**Editorial: Badger State Banner. 9 August 1873**

**“It is well known to most of our readers that the Winnebago Indians in this part of the state are to be removed to a reservation prepared for them in Nebraska, and it is also generally understood that the Indians refused to go voluntarily . . . About two weeks ago a small company of United States soldiers commenced picking up the Indians along the line of the Milwaukee & St. Paul Railway, and we learn that these soldiers have already succeeded in securing nearly 200 of these straggling red men . . . Some of our citizens are making an effort to secure the Indians a reservation in this State, and others think it is wrong to hunt the Indians down with soldiers and remove them by force.**

**Editorial: Badger State Banner. 3 January 1874**

**“The United States troops captured seventy-five Winnebago Indians at Leroy, Juneau County, early last Tuesday morning, and they will be sent to Nebraska forthwith. This makes 175 captured since Friday last week. At this rate, the Indians will soon be picked up and removed to their reservation. The Government means business, and it would be better for the Indians to give themselves up at once. Our friend Jacob Spaulding was in Washington last week interceding with the government to give the Winnebagoes a reservation in this and the adjoining counties, but his mission is in vain it appears.”**

**Editorial: Badger State Banner. 27 December 1873.**

**“A petition has been sent to Congress setting forth that the Indians have been greatly wronged under color of the United States by removal, that life has been destroyed, and the tribe deprived of liberty and property . . . These petitions and stories of cruel treatment by removing the Indians where they can be properly cared for and educated are generally circulated by men who desire to have them remain where they can sell whiskey or other articles, and fleece them out of what little money they may happen to have. Nine-tenths of the people in northwestern Wisconsin favor their removal, and we are foolish enough to think the wishes of the majority should prevail in such matters.”**

**Editorial: Badger State Banner. 7 February 1874**

**“The citizens of Necedah, Juneau County, recently held a public meeting, at which a long string of resolutions were passed relating to the Winnebago Indians, a large number of whom have located in that vicinity since their return from Nebraska. To show the nature of this meeting we publish the following resolutions passed at that time . . .**

**Resolved, That the presence of these Indians in our midst is prejudicial in the highest degree to the welfare of the settlers, and detrimental to the improvement and settlement of this part of the State.**

**Resolved, That we will use all lawful and proper means to cause their removal from our midst, and hereby notify all persons concerned that we recognize the right of no man or set of men to encourage these roving vagabonds to trespass upon our rights as citizens, and**

**Resolved, That in our opinion, those who advise and encourage these Indians to remain here, do so from selfish desire to promote their material interests by the sale of whisky at enormous profits and the purchase of their pelts, paying only nominal prices in cheap goods at triple prices, and that these miscreants are the Indians worst enemies.**

**Resolved, That after thirty days from the publication of these resolutions, we will proceed to regulate this matter in the most expeditious manner.”**

**Editorial Commentary: Badger State Banner. 14 November 1874**

**“It will be remembered by our readers that last week we stated that, upon the recommendation of Indian Commissioner E.P. Smith, a move was on foot to make the Winnebago Indians of this State citizens by act of Congress this winter. Jacob Spaulding of this village, is the head of the movement for this part of the State, and a large number of these Indians will meet here on Tuesday of next week for the purpose of taking the preliminary steps to that end. The mode proposed is to memorialize Congress, through our Legislature, to pass a law making them citizens, and also at the same time giving 80 acres of land to be selected in the eastern part of this county or counties east of this. We believe there will be no objections made by citizens of this region, as it is already well known that the plan of keeping them on a reservation has proved a failure. Most of the Indians have expressed a desire to become citizens and say they will cultivate farms for themselves if allowed to obtain land the same as white men.**

**After making sundry recommendations to Congress for the benefit of the Indians, now partially civilized, the Indian Commissioner uses the following language: ‘The third class, composed of Indians who, without violence to the term, may be called civilized, is most numerous. All of them have been greatly assisted in attaining this condition by the direct and long-continued religious teachings and influences of missionaries. They need some form of civil government, and the inauguration of a process through which they may cease to be Indians by becoming American citizens . . . In conclusion, I desire to reiterate my conviction of the entire feasibility of Indian civilization, and that the difficulty of its problem is not so inherent in the race, character, and disposition of the Indian, great as these obstacles are, as in his anomalous relation to the government, and in his surroundings, affected by the influences of white people.’”**

**Editorial and Commentary: Badger State Banner. 5 December 1874**

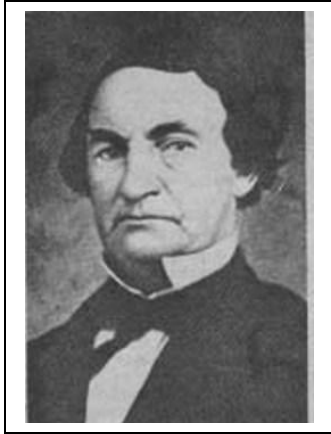
The following excerpt comes from Mark Wyman's book, The Wisconsin Frontier (1998) and provides some illuminating commentary on the role of non-native people in our area who assisted the Ho-chunk in their resistance to removal:

"The Winnebagos' return in 1874 initially angered many whites . . . But during this debate something else happened, something that pointed to a transformation taking place within Wisconsin. Many white persons – and not just clergymen or fur traders – were beginning to defend the Indians, speaking for their right to remain in the state, urging that citizenship be granted; these critics even challenged the government's authority to force removal . . . It was part of a national development, for defenders of the Indians were becoming numerous and outspoken in many areas, sometimes revealing a belief in the 'noble Indian,' at other times seeking to bring Indians within the guarantees of American liberty . . . Reasons for Wisconsin whites' growing defense of the Indians are not entirely clear today, and may well have included (as was charged) an interest in tapping into tribal annuity payments. But it seems likely that less mercenary reasons were involved as well in the Winnebago controversy, when some 1000 citizens of Jackson, Clark, and Columbia counties petitioned the Legislature opposing removal and calling for the return of Winnebagos who had been snared by the Army."

The following accounts of Jacob Spaulding's death come from the Badger State Banner and the Milwaukee Sentinel. Spaulding was born in Massachusetts in 1810 and had come to the Black River Valley in 1839. Initially involved in the lumber business, he eventually became an entrepreneur of sorts who left his mark on the community in a number of ways. He is considered to be the founder of the settlement on the river that ultimately came to be known as Black River Falls. He was 65 years old at the time of his death.

"Last Monday forenoon the citizens of this village were struck with surprise and sorrow at the announcement that Jacob Spaulding, a pioneer settler of this place, and who has resided here for over 35 years, died suddenly of apoplexy, at Worcester, Chippewa County . . . The disease that terminated the life of Mr. Spaulding was probably brought on by over taxing his strength by a journey to Washington, from which he had only returned last week . . . We understand that his object in going to Worcester was to transact some business with the Indians, to whom he was ever a father and a firm friend. Probably there was no man in northwestern Wisconsin who had so many acquaintances and friends as Mr. Spaulding. He was filled with kindness and humanity for all the human family. The body of Mr. Spaulding was brought here from Worcester on Tuesday night, and his funeral was held in Freeman's Hall on Thursday. The funeral was the largest ever held in this village, and the large hall could not hold all the people in attendance. The funeral was conducted under the direction of the officers of the Masonic Lodge of this village, of which the body of the deceased was an old and honored member. Rev. J.M Gatchell, pastor of the Universalist Church, preached an eloquent and very appropriate sermon at the funeral . . . Some forty Winnebago Indians attended the funeral in a body and marched to the grave at the head of the procession." (Badger State Banner. 29 January 1876)

"A very interesting feature of the occasion was the presence of about forty male Winnebago Indians, who occupied a prominent position in the hall . . . outside of the immediate family circle of the deceased, they were probably as sincere mourners as any present, for, in the early settlement days, the life of the deceased was saved by individuals of the tribe, and ever after until death so suddenly overtook him, Mr. Spaulding was their steadfast friend . . . The procession to the cemetery was the most imposing ever witnessed in our village. The village silver cornet band furnished grand music. The Indians were in the advance in two ranks and marched in perfect trim. They were followed by the band, then came the Order of F. & A.M., then followed the hearse, with relatives and friends in the rear, making altogether a procession nearly a half-mile in length." (Milwaukee Sentinel. 28 January 1876)



**Jacob Spaulding (1810-1876) was instrumental in assisting the non-abiding treaty faction of the Ho-Chunk tribe in securing homesteads in Wisconsin prior to his death. Chief Yellow Thunder was removed from Wisconsin in 1840 into Iowa. He and his wife walked nearly 500 miles to return to Sauk County where he settled. He fought removals for 27 years prior to his death.**

