

# Surviving Invasion

*American Indians and Settler Colonialism*

By

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# **Surviving Invasion: American Indians and Settler Colonialism**

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# Introduction

These chapters focus primarily on American Indians' experiences as they dealt with the invading Anglo-American population and its government from early colonial times to the near present. A few of the chapters also consider similar issues in Canada. The papers show that the white populations and their governments saw the indigenous people as obstacles to successful nation-building. As a result, the invaders did everything they could to erase Indian communities from the landscape. That process has come to be known as settler colonialism. It included one-sided diplomacy during which government negotiators brow-beat, threatened, or bribed Native community leaders to accept American demands for land cessions or physical removal.

When that failed, military force came into play as repeated conflict took place during the eighteenth and nineteenth centuries. Not satisfied with taking tribal lands, federal authorities sought to end tribal cultures by placing children and young people in government or church operated schools that sought to acculturate them. Other actions included banning religious and cultural ceremonies that stood at the center of native community life. During the nineteenth and twentieth centuries government seizures of religious sites continued the planned destruction of tribal communities, particularly in the West, and continues to the present.

Throughout American history tribal leaders recognized the ways the advancing white population threatened their societies. Some tried diplomacy, formed multi-tribal diplomatic and military alliances, and joined the British and Spanish hoping to slow American expansion.

Others fought the advancing pioneers in repeated local wars. When those tactics failed a few groups became US allies and economic trading partners, or flight across international borders to escape. In recent decades well-organized pan-tribal groups such as the Congress of American Indians, and the American Indian Movement led national protests against repressive federal policies, or to demand equal treatment. Repeatedly they turned to successful lawsuits to protect their rights guaranteed in nineteenth century treaties. Their legal battles and well-publicized protests have brought much public sympathy and support as they seek to repair their battered cultures and improve their economic situations in contemporary American society.

This collection of readings includes a mixture of papers given at professional academic conferences, public and invited university lectures, and essays written over some decades. As such they may include repetitious material or address similar topics from different vantage points. Originally some of them were meant for oral presentation rather than publication, so they lack annotations that would be difficult to produce years later. With or without annotations, these chapters relate Indians' experiences as they faced the growing American nation throughout its history. They show both the variety and continuity of Indian efforts to retain their cultures and their degree of success in achieving that goal.

# Chapter 1

## Attacking Indians: Past and Present

In the earliest days of American colonial history, the invading Europeans feared being attacked by their indigenous neighbors. Even before he got off the *Mayflower*, Pilgrim leader William Bradford described the Indians as a “savage people, who are cruel, barbarous and most treacherous.” He admitted that their savage nature and customs made “the very bowels of men to grate within them and made the weak to quake and tremble.” To the newcomers the nearby villagers had all the advantages. They outnumbered the colonists, had superior skills needed for successful military operations in the local wilderness environment, and often responded angrily to the invaders’ presence and actions. Within a few years these fears led the whites to destroy Indian villages through aggressive military actions from Roanoke Island in Carolina north to Mystic Village in Connecticut.

Early victories, such as those, convinced the invading Europeans that even though the tribal people were dangerous, they would triumph. As a result, from then to the present, the colonists and their descendants attacked the indigenous people repeatedly. For many of us the word attack suggests violent or military actions. The most obvious assaults came through military action. In the colonial era every adult man had to serve as a member of the militia, a citizens’ army. Even after the United States achieved its independence the militia continued to launch raids against the villagers. However, at that point the U.S. Army took over the central responsibility for military attacks against the Indians. That task remained central down to the end of the nineteenth century.

While it is easy to focus on warfare and military actions, attacks on indigenous people and groups came in other ways too. In the 1790s, shortly after Independence, the U.S. Government began to attack tribal societies through political action rather than warfare. To do this the War Department established an Indian office and began the task of “civilizing the savages.” Federal agents, teachers, and missionaries moved into Indian communities to establish model farms and introduce schools and churches. They would weaken or disrupt family and village life and economies. Designed to replace Indian customs, beliefs, and even languages eventually they created gulfs between the children and their elders. Introducing churches further disrupted village beliefs and ceremonies adding to the erosion of tribal strength. This three-pronged attack was just another way to weaken the Native societies’ ability to resist continuing white domination. Once they became enmeshed in the growing white economy and saw their language and religious beliefs weakened, Indians’ ability to threaten American society faded quickly.

This variety of attacks on Indians resulted from and were a part of a process scholars call “settler colonialism.” It included a series of policies and actions by the federal government to speed territorial expansion, take the land and its resources from the indigenous people, while encouraging rapid settlement. The process began even before national leaders had written the constitution when they established two systems to expand the nation. In 1785 Congress passed the Land Ordinance, an act aimed at speeding settlement on newly acquired Indian lands. It surveyed and sold the land to the pioneers at bargain prices. Just two years later, to bring government to the new settlements Congress passed the Northwest Ordinance. It established a system to create territories that eventually became the states of Ohio, Indiana, Illinois, and Wisconsin. Both these laws were meant to encourage people to move west into regions where often the Indians

still held title to much of the land, and to provide the new settlements legal stability. Non-military attacks continued throughout the nineteenth century, because using the army was messy and expensive. In 1819 Congress created the Indian Civilization Fund meant to pay the costs of providing schools, churches, and farming equipment to speed the process of “civilizing the Indians. By the 1830s the government introduced the removal policy. Its stated goal was to force Indians to move beyond the Mississippi River where they had to establish new communities in areas that often became reservations. Then the US began an aggressive assault on tribal languages, religious practices, family management, child rearing practices, and economic activities. Federal Indian agents on each reservation coerced many families to send their children to live at off-reservation boarding schools. Once there the children had their hair cut, lost their indigenous clothing, and had to learn English. Meanwhile Christian missionaries ridiculed native religious ceremonies and eventually prohibited traditional rites such as the Sun Dance, the Shaker religious practices, and later the Ghost Dance. Field matrons entered Indian homes to ensure that the women used proper methods of cooking, cleaning, and child rearing, all to transform the “savage and ignorant” reservation dwellers into copies of white Americans.

Indians did everything they could to avoid accepting white efforts to destroy their cultures. They held prohibited dances on distant corners of their reservations, ignored the agents’ demands whenever possible, and did whatever they could to retain their languages and cultures. That frustrated and infuriated their agents who supervised the reservation programs. So-called model farmers tried to persuade men in the hunting-based societies on the Plains that they should plant crops rather than hunt buffalo. Many of the men refused to exchange the excitement of hunting to spend their time behind the plow. Often when they left the reservation to hunt, they met wagon trains of



pioneers moving west on the Oregon Trail or as part of the 1849 gold rush to California. Some of those encounters led to sporadic violence. Even though whites caused many of the incidents, they blamed the Indians and demanded that the government use the army protect the growing western population from Indian attacks.

That proved difficult, because the army was small, having only a few companies of men stationed at Forts Leavenworth in Kansas, Kearney in Nebraska, and Laramie in Wyoming along the Oregon Trail. By 1850 these tiny outposts rarely had 100 infantrymen each. Clearly as foot soldiers, they could not chase the mounted Indians of the West and so proved almost entirely useless in keeping the peace. In fact, they were more likely to start hostilities than prevent or end them. That occurred after the U.S. signed the 1851 Treaty of Ft. Laramie with the major tribes of the Plains. The government promised an annual payment of \$50,000 for the next twenty years because of the damage the pioneers did to the land and wildlife. Because the payments came as food, clothing, and utensils American negotiators hoped that Indian raids on the wagon trains would end.

Despite that, violent incidents continued, leading to a series of massacres of Indians during the last half of the nineteenth century. If you asked the average American today who won an event called an "Indian Massacre" nearly all of them would reply, "of course the Indians." Anyone with any knowledge of US history knows that when Americans defeated Indians they achieved "victories." At the same time when Indians won, they committed "massacres!" Between the 1850s and 1890 the US Army committed a series of bloody Indian massacres in the West.

One of the more famous of these occurred during 1856 at a place in eastern Nebraska called Ash Hollow. Like so many events in white-Indian relations, this one resulted from America's ineffective dealings

with the tribes. The Office of Indian Affairs in the Interior Department oversaw treaty negotiations and fulfilling the promises made to the tribes in those agreements. At the same time the War Department used the Army to enforce agreements and respond to violent incidents. The two departments disagreed about how to treat the Indians and rarely cooperated while they competed for funding and influence. Another complication grew out of the system used for providing the goods promised in the treaties. The government called for suppliers to submit bids usually awarding the contracts to those with the lowest prices. Often that resulted in low quality goods and erratic deliveries.

The latter created events that led directly to the massacre at Ash Hollow. Provisions of the 1851 Treaty of Ft Laramie called for the government to supply the Lakota Sioux, and during the summer of 1854 nearly 5,000 Oglala, Brulé, and Miniconjou people gathered near Fort Laramie to get the promised food. The Missouri River was low that summer so the boats bringing the treaty goods arrived weeks later than expected. Meanwhile as they waited several weeks for their annuities, the Indians depleted the nearby game and water as well as the grass for their horses. At that point a wagon train of Scandinavian immigrants heading west stopped at the fort, and a cow belonging to one of the travelers ran into the Sioux camp. When the hungry Indians killed and ate the cow immediately, the immigrant demanded that they pay for it. The chiefs agreed and offered the man a horse, while a local trader offered cash, but the immigrant demanded more.

In this circumstance the local Indian agent had authority to settle disputes of this kind, but he was not expected for several days, so Lt. Hugh Fleming in command of Ft. Laramie intervened. He demanded that Chief Conquering Bear bring the man who had killed the cow to the fort. The chief replied that the cow killer was only a guest in the village and that he had no authority over him. At that point Lt.

Fleming ordered Lt. John Grattan and a detachment of twenty-nine soldiers to go to the Indian camp and demand the guilty man. Grattan, a young inexperienced officer, ordered his men to attack the Sioux who quickly killed all but one of the soldiers. This Indian victory gained while defending their homes and families quickly became known as the Grattan Massacre to white Americans. Local investigations brought differing results. Indian Agent John Whitfield criticized the officers for trying to arrest the hungry Indian, even though the tribe had offered to pay for the cow. The army rejected any blame for the incident going so far as to claim that the Indians had begun the shooting.

The Grattan Massacre attracted national attention as the investigating officer demanded a campaign against the Sioux. He called for a military response. Newspapers across the country carried sensationalized accounts of the massacre, all blaming the Indians for what had happened, and calling for a campaign to punish the Sioux. This uproar convinced the president, the secretary of war, and the commanding general of the army Winfield Scott that they should organize an expedition to punish the Lakota.

During late 1854 while planning began for the campaign Sioux raiders attacked a US Mail party headed west on the Oregon Trail. Miners returning east after the goldrush reported that the raiders had told them that immigrants were safe, but they “intended to kill every U.S. office or soldier they met.” This news came while Secretary of War Jefferson Davis planned for a major expedition against the Sioux. Determined to end raiding by the mounted Plains tribes, he took a hard line, calling for total war against any hostile groups. To implement this Davis chose an old friend, Gen. William S. Harney, to command the troops. Harney had campaigned against Indians in the

Missouri Valley, Wisconsin, and Florida as well as playing a major role in the war with Mexico.

He agreed with the secretary of war that the only way to end the raids on pioneers traveling west responding to his orders he wrote that "the savages must be crushed." With only vague orders to "strike an effective blow" against the Indians, Harney went to work. He chose units of infantry, artillery, and cavalry, organizing a force of 600 men for the campaign. Meanwhile, Indian Office leaders opposed army efforts to punish the Indians publicly. The Commissioner of Indian affairs blamed the soldiers for their reckless actions that led to the destruction of Lt. Grattan's command. The new Sioux agent Thomas Twiss, a former army officer, reported that as far as he could tell the Sioux posed no threat and the difficulties with the Indians has been "magnified by false and malicious" rumors. As far as he could tell "there is not ... a single hostile Indian" here. Clearly the civilian authorities disagreed with the War Department about the local situation.

Nevertheless, General Harney continued his preparations. He waited for his scattered troops to arrive, and worked to gather the weapons, horses, and supplies needed for the campaign. Then he ordered several companies of mounted dragoons to patrol the Overland Trail from Nebraska to Wyoming. Seeking the soldiers ride past or near their villages gave the Sioux a false sense of security. When their agents urged them to move south of the Platte River to show that they were at peace many did so. Chief Little Thunder chose to remain north of the Platte because his people had killed many buffalo and that meant they had large amounts of meat to dry and prepare for winter. As the villagers had not attacked any travelers headed west, they assumed that they were at peace with the US, so when Harney's force attacked them, his assault caught them by surprise.

On September 2, 1856, his force halted within sight of Chief Little Thunder's village. The Indians seemed unafraid of the soldiers because they made no effort to move the women and children to safety. Early the next morning mounted troops moved behind the Indians to prevent their escaping while the infantry advanced. When the Sioux realized that Harney seemed ready to attack Little Thunder hurried to meet him. The chief said that his people wanted peace, but Harney demanded that he surrender those who had killed Lt. Grattan's men and raided immigrants along the overland trail. Harney knew that Little Thunder could not "deliver up all the butchers of our people, however willing he might have been," and the troops continued their advance. When the chief rode back to the village the soldiers began firing. Leaving their food still cooking over the camp-fires the Indians fled right into the dragoons waiting behind the village. One observer reported that "we poured a heavy fire upon them ...knocking them out of their saddles right and left." Another witnessed soldiers "galloping after groups of old men, women and children who were running for their lives."

The attack lasted only a half hour and brought a one-sided victory for the army. The troops rounded up 70 prisoners, all of them women and children, and reported to have killed 86 of the men. Harney's force had 4 men dead, another 4 wounded, and one man missing. Clearly this wasn't a battle, but an attack on an unprepared foe. The figures for Sioux casualties clearly underestimated Indian losses, because it failed to include wounded men who died while fleeing and the bodies the escapees carried away during the battle. One of the officers recalled the sounds of "wounded women and children crying and moaning, horribly mangled by the bullets." Army medical officers treated the wounded captives, but the victorious troops left the Indian corpses for the wolves.

That reflected Harney's attitude. He gave no thought to the slaughter of women and children and ignored any atrocities that may have occurred. Instead, he boasted that the Indians got what they deserved. "The result [of the battle] was what I anticipated and hoped for." The Indians "were retaliated upon fully for their hostile acts toward our people" he boasted. Later at a meeting with Little Thunder he told the chief that "Yours was the first band of Sioux I met when I came to fight, but if I had met any other band, it would have been the same." In other words, he thought that his assignment was to kill Sioux, whether they had been at the Grattan Massacre or not. Harney's 1856 campaign gave American military planners a clear example of how to fight the mounted people of the Plains. Rather than depending on small units of infantry at scattered forts in the West, they needed self-contained, mobile forces to strike Indians in their villages. For the next three and a half decades the army used this tactic leading to a series of massacres during which the attackers committed frequent atrocities.

In 1861 the American Civil War began, but while the situation changed attacks on Indians continued. Nearly all the regular army troops moved east to fight the Confederacy, so the government created new units of volunteers to keep peace in the West. Most of these men were former pioneers and carried strong anti-Indian views with them into the military. Their hatred of the indigenous people led directly to one of the worst massacres in American history at Sand Creek in Colorado. The outbreak of the Civil War and new reports of gold and silver discoveries brought thousands of pioneers west, many of them settling in the newly created Colorado Territory. In 1861, that same year, Indian agents negotiated a new treaty with the Cheyenne then living in central Colorado. That agreement, the Treaty of Fort Wise, reduced the tribal territory by 90%, and more importantly, to an area without any buffalo, the Indians' chief food supply. Cheyenne hunters

ignored the treaty boundary to feed their families often meeting wagon trains of pioneers headed west.

Frequent minor incidents between the Indians and the pioneers led to increasing violence along the overland trail and for calls to punish the Indians. Col. Governor John Evans decided that the Indians had to stop hunting and return to their new reservation. What the Governor failed to recognize was that most of the chiefs had not signed the treaty and so they refused to follow its provisions. At a meeting with a few of the peace chiefs he and Col. John Chivington the territorial military commander threatened to attack unless they cooperated. The Gov. traveled east to get more federal troops but failed. Meanwhile the starving Indians stole horses and cattle for food which increased tensions. In April 1864 Cheyenne hunters found some of a government horse herd and drove the animals to their village hoping for a reward for capturing the strays. A Colorado militia unit charged into the village, and the Indians fled. The troops looted the deserted lodges taking all the food, clothing, and other property before burning everything else to the ground.

A few weeks later the same commander led his men to another Cheyenne village. This time the chief rode out to meet him holding the peace medal President Lincoln had given him just a few months earlier. Instead of stopping to parley the troops riddled the chief and the enraged warriors attacked. They outnumbered the militiamen and only the efforts of the peace chiefs to halt the fighting allowed the whites to retreat safely. Col. Chivington had ordered his officers to punish any Indians they met so the troops often attacked innocent villagers rather than those who had been raiding. The militiamen operated with limited knowledge, uncertain evidence, and often with no interpreters. Cheyenne chiefs complained that the whites attacked

only peaceful villages, punished the Indians when they returned escaped livestock, and seized their rifles needed to feed their families.

Matters came to a head in late June 1864 when Arapahoe raiders killed and mutilated the Ward Hungate family near Denver. The Gov. demanded that all then Indians out hunting return to their reservation, but groups out on the Plains never heard his proclamation. On Sept 28 Black Kettle and a delegation of peace chiefs met the Gov. and he told them peace they had to deal with the soldiers to get peace. Col. Chivington told them that his "rule of fighting white men or Indians is to fight them until they lay down their arms and submit to military authority." Then he told them to settle near Ft. Lyon an army post nearby.

Major Edward Wynkoop at the fort had been trying to arrange peace and urged Black Kettle's people to move their village to a site on nearby Sand Creek. Which the Indians did. Late on November 28 Col. Chivington arrived with 675 men of the Third Colorado Cavalry. These men, one of the volunteer units established during the Civil War, all came from Denver and nearby settlements. They brought with them the general pioneers' fear and hatred of Indians, and at dawn on Nov 29 surrounded Black Kettles' village and began a murderous artillery attack. The chief flew a US flag as a sign of peace. But the volunteers ignored it and firing their cannons at anyone or anything they saw they blasted the lodges into smoking heaps. As the villagers defended themselves the volunteers pushed through their camp killing, scalping, butchering and raping the wounded and dying. They took ears, fingers, strips of skin from their victims while they tracked and killed the wounded trying to escape. After the shooting stopped and the survivors fled, they burned everything left in the village. About 100 of the 600 Cheyenne in the camp survived. N of the massacre swept across the country bringing investigations by



both houses of Congress and the War Department. All three agreed that the event was a massacre, but by then Col. Chivington had resigned his commission and could not be punished for his actions.

These events represented the 19th century military attacks on Indians. The situation changed in the 20<sup>th</sup> century as the army played no role in the continuing assaults on the indigenous people. By then people no longer saw Indians as physically dangerous just as unwelcome neighbors. In fact, few ever saw an Indian except in the movies. Still, many living near reservations despised their indigenous neighbors, and stories of lazy, drunken, and ignorant Indians circulated widely. After the passage of the 1924 Indian Citizenship Act many Westerners were outraged by the idea of Indians voting. States in the region, such as Montana, passed laws aimed at weakening the impact of reservation voters. There when residents on the Crow reservation won a federal lawsuit ending the local laws, a local official complained that "things were fine around here .... Now, the Indians want to vote. What next" he asked.

Some people went beyond complaining scrawling signs such as "No Indians or dogs allowed here in front of restaurants, or "Whites" and "Indians" on public toilet doors. Others wrote to Congress to complain. In 1979 a county Commissioner from Montana wrote to the U.S. Senate Committee on Indian Affairs to complain that Indians received special treatment from the federal govt. He suggested that the govt should abolish all the reservations because it had been taking care of the RED MEN long enough... by giving them everything." He ended his letter "If it was not for dumb white man paying taxes to take care of them [Indians] what would they do?" Other people, not always living near reservations shared anti-Indian ideas. For example, in 1986 the Mobile Oil Corporation dropped one of its sub-contractors, the Customs Clearing Company, from its list of companies it chose to

work on its projects on the Navajo Reservation in Arizona. This came about because Ronald Vertrees, the company president, had written tribal officials that “we [his company] ... do not recognize the legal existence of the so-called Navajo Preference in Employment Act of 1985 or any other part of the so-called Navajo Tribal Code.” He went on to describe the Indians as “members of the vanquished and inferior race,” and refused to comply with their demand that he hire tribal members for most work on the reservation. The fact that the president of a corporation dared write such things shows how strongly many Americans felt about Indians in their society.

Since the 1960s Indian peoples in the US have demonstrated repeatedly. Those protests focused on gaining access to their traditional land and its resources. The popular media coverage of these actions suggested that Indians did nearly all the protesting. However, that view overlooked the frequent, lengthy, and bitter white anti-Indian demonstrations that occurred at the same time. These targeted actions based on treaty rights or native sovereignty. They occurred mostly across the northern tier of states from Washington east to New York. In each case whites formed or joined vocal anti-Indian groups. Often, they used the rhetoric and tactics of the civil rights activists. They combined marches, civil disobedience, and legal actions to denounced Indian actions and the federal government for unfairly favoring Indians over whites.

Since the 1960s, across the country these groups have formed, changed, and united repeatedly, as many of them spewed hate speech represented as patriotism. The most vocal and long-lasting include the Interstate Congress for Equal Rights and Responsibilities (ICERR); Totally Equal America (TEA); Citizens Equal Rights Alliance (CERA); All Citizens Equal (ACE); and Montanans Opposing Discrimination (MOD) all having begun in that state. But white protestors there had

lots of company. In New York State people living near the Iroquois reservations established Upstate Citizens for Equality (UCE); while the fishing disputes in Wisconsin lead to the rise of Protect America's Rights and Resources (PARR); and chapters of several of the others already mentioned.<sup>1</sup> State agencies overseeing natural resource use and taxes also opposed tribal actions frequently.

The appearance of white protest organizations resulted directly from the 1960s tribal activism and disputes over Native harvesting of salmon in the Pacific Northwest. Just over a century earlier the tribes there had signed treaties with Governor Isaac Stevens. Those agreements gave Indians the right to fish at their traditional sites using their traditional methods. At the same time tribes in Michigan, Minnesota, and Wisconsin signed similar treaties recognizing their rights to use aboriginal methods and to hunt and fish beyond their reservations.<sup>2</sup> During the century that followed state game and fish departments in Washington, Oregon, Wisconsin, and Michigan, became concerned about the shrinking numbers of salmon and lake trout in their regions. Under intense pressure from sport and commercial fishing groups, and resort owners they enacted regulations that limited Indian fishing to using the same equipment and seasons established for others and prohibited their fishing outside their reservations.

For decades tribal leaders objected to the states' enforcement of their game laws, and after its 1961 organization, the National Indian Youth Council reminded tribal chiefs of the 19<sup>th</sup> century treaties. Encouraged by the young activists, the chiefs began to exercise their rights, they extended fishing beyond reservation borders and ignored state regulations. For several years white fishermen's groups lodged minor protests, and state police arrested and fined the Indians repeatedly. Then in 1964 Judge Robert H. Jacques issued an injunction prohibiting

the Indians' new fishing on Puget Sound. Responding to this Nisqually tribesmen began fishing at Frank's Landing on the Puyallup River. That brought widespread arrests by Washington State officials. This time Indian activists alerted national media outlets, as civil rights advocate Dick Gregory and actor Marlon Brando joined the local demonstrators.

The controversy spread to Oregon in 1969 when the US Circuit Court ruled that state limits on Indian fishing there ignored the Indians' special treaty fishing rights. The ruling encouraged the Indians at Frank's Landing in Washington to string their nets across the river near their homes. That brought a heavy-handed response as dozens of Washington state troopers attacked the fishermen behind a curtain of tear gas and arrested 60 of them. Two weeks later the US Justice Department sued the State of Washington on behalf of seven local tribes. That act led to a major Indian victory in the 1974 federal court ruling *United States v. Washington* (the Boldt decision). It upheld Native fishing rights and allowed the tribes to harvest one half of all the salmon taken from Puget Sound each year. Just over 20 years later, in 1995 Judge Edward Rafeedie extended Boldt's ruling to include one half of the shellfish taken from the Sound too. While the Washington dispute and Indian victory there did not help create local anti-Indian organizations as happened elsewhere, Puget Sound commercial fishermen did not sit back idly. After the 1974 ruling they harassed Indian fishing boats, tried to bomb some of them, and shot at Native crews as they gathered fish.

In the Midwest similar issues brought similar disputes, and eventually Indian victories there too. There, Native fishermen objected to Michigan regulations limiting where and when they could fish, just a year after the Boldt decision. In 1965 William Jondreau, a member of the L'Anse Chippewa band, initiated a suit against the

State of Michigan. He claimed that the 1854 treaty the Chippewa had signed exempted him from the state's fishing regulations. In 1971 the Michigan Supreme Court ruled in his favor, setting off two decades of bitter disputes between white and Indian fisherman, mostly along the eastern shore of Lake Michigan. At least some of the anger about the ruling came from state fish and game officials who had spent vast amounts of time and money during the preceding twenty years trying to rehabilitate the Great Lakes sport fishing industry. It had suffered an ecological disaster resulting from the lamprey eel and alewife infestations that followed the 1950s opening of the St. Lawrence Seaway.

The rest came from sports fishing groups and supporters in the tourist industry dependent on tourism related to the fisheries. Groups such as Save Our Bay (SOB) and the Grand Traverse Area Sport Fishing Association (GTASFA) opposed tribal fishing rights. Denouncing what they called special treatment for Indians, they organized vigilante groups that attacked Native fishermen, committed repeated acts of violence, and called for congressional action to abrogate the treaties. In 1979 the Grand Traverse Sport Fishing Assn sued seven individual Indian fishermen in a class action suit. Others took more direct action. That same year 150 members of a local Rod and Gun club organized the Stop Gill Netting Association (SGA), to protect the remaining supply of Lake Trout which they claimed the Indians were netting illegally. Publicly, they identified themselves as a peaceful group, but many of the members threatened violence. At one heated public meeting shouts of "somebody's got to take a stand," "One way or another Indians are not to gillnet here," and "It's going to take violence," brought cheers of approval. The group's statements became so anti-Indian that the Traverse City newspaper, the *Record Eagle*, suggested that the SGN members "should cover their bodies with white sheets [and] get a charter from the Ku Klux Klan." In 1982 the

public relations director for the larger Grand Traverse Sport Fishing Assn. told its members that the group “and the state have exhausted all legal options to halt netting and [that] violence appears to be the only recourse left.”

Meanwhile in Wisconsin six Ojibwa bands began to insist on their right to spearfish outside their reservations as promised in an 1854 treaty. In 1973 several men from the Courte Oreilles band went off their reservation and cut holes in the ice on a nearby lake to spear fish. In Wisconsin that was illegal so state officers quickly arrested the men. After a local court convicted them of fishing out of season, the tribe defended them, and in 1987 the Court of Appeals upheld their off-reservation fishing rights. While the case moved through the courts slowly state game and fish officers objected. Sport fishermen and resort owners feared that unrestricted Indian fishing would deplete the stocks and destroy local economies depending on tourism. Wis. Governor Tommy Thompson had campaigned against tribal treaty rights and met with and the protestors. Citizens formed a group named Protect America’s Rights and Resources (PARR), and protestors demonstrated with signs and bumper stickers reading “Spear an Indian, Save a walleye.” Vigilantes blocked boat launching sites, tried to swamp Indian fishing boats, threw rocks and bottles, and even fired warning shots over the heads of Indian fishermen. In 1991 the US District Court banned the protests, and the state announced that Indian fishing had not harmed the local supply of walleyes.

In Montana and New York, the protests focused on tribal sovereignty and reservation taxes. Many whites owned land on the Flathead Reservation in Montana, and, as non-tribal members, they had no say over taxes or tribal fees. In the early 1970s the Salish and Kootenai tribes began charging a \$5.00 recreation fee to non-members using tribal land. White citizens objected and organized Flathead Residents

Earning Equality (FREE) to oppose it. Basically, an anti-sovereignty movement, FREE members rejected tribal sovereignty entirely. They called for an end to Indians' preferential treatment and eventually of the reservation itself. Reacting to charges of racism the group changed its name, joined with other anti-Indian groups, and shifted to "civil Rights" rhetoric. They established Montanans Opposing Discrimination. (MOD) and worked to terminate the reservation. The organization helped lay the groundwork for the broader Interstate Congress for Equal rights and Responsibilities (ICERR) which linked groups in 13 states together.

Similar issues brought a similar white backlash in New York State. There the Upstate Citizens for Equality (UCE) organized to oppose land claims by five nations of the Iroquois Confederacy. The UCE objected to the Oneida tribe using profits from its Turning Stone Casino to buy land that had been part of their reservation. That took it off the local tax rolls while enlarging the tribal land base. The Iroquois also pushed their claims to 270,000 acres of land in west central New York through the courts. In 1975 the US Supreme Court ruled that most of the land had been taken in questionable acts and that the tribe should receive compensation. That issue, the booming Oneida casino, and Indians' ability to sell tobacco, alcohol, and gasoline more cheaply because they pay no New York State taxes created both fear and envy in the surrounding white communities. In 1999 those fears led a new secret group, the United States National Freedom Fighters (USNFF) to issue a chilling threat. They warned that they would kill an Oneida every three days beginning at Thanksgiving. They also threatened to kill any US citizen who supported the casino or bought food or gasoline at the tribe's stores. Both the FBI and state police investigated but failed to identify the vigilantes.

Whatever their local grievances, white protestors all focus on related issues and ideas. They demand “equal rights for whites” and denounce Indians’ special treatment. They used terms like “citizens” as if Indians are not citizens. Repeatedly they demanded equality and civil rights, said they opposed discrimination, supported conserving natural resources—particularly those Indians have access to, and stressed their rights as white property owners. Many of the groups are local and focus on issues related to natural resource use—particularly unrestricted fishing and hunting by Indians. Their claims reflect envy at what they describe as Indians living off the federal government while neither working nor paying taxes. All of them use anti-Indian rhetoric, and many object to tribal sovereignty in any form. Their membership overlaps, and many belong to several of the groups at the same time. They exchange information, cooperate on legal matters, and share efforts to get anti-Indian legislation through state legislatures and Congress. Although their statements claim to reject racism, often they join with or support right wing hate groups and individuals. Their objections to reservation laws and policies, encouraged them to support new anti-Indian legislation and they tried to undermine tribal self-determination and limited sovereignty. Many of their ideas and actions foreshadowed those of hate groups following the 2020 election.



## Chapter 2

# Nineteenth-Century Indian Relations in North America

During the nineteenth century Canada and the United States developed along parallel, yet not always similar, lines. At the broadest level of generalization, the experiences of native peoples in the two countries seem depressingly similar. Disease, military defeat, land loss, and frequent marginalization mark their histories. The events and results appeared so similar that in 1969 Vine DeLoria, Jr., an American Lakota Sioux, and Harold Cardinal, a Canadian Cree, published books that leveled virtually identical charges at each nation.<sup>1</sup> So one could make the argument that the treatment of native people included little variety in either society.

Popular ideas about the issue, however, challenge this conclusion. In Canada one sees the Mounties as having a sort of "Dudley Do Right" or Sgt. Preston image. To the south it was John Wayne, George Armstrong Custer, and the U. S. Army destroying native villages. As the story continued, American officials bribed, browbeat, debauched, or cheated tribal chiefs out of their land. Canadians, at the same time, held peaceable and humane negotiations with the First Nations peoples. In America tens of thousands of rapacious miners tore through the mountains, while depraved hide hunters destroyed the bison and tribal economies dependent on them. By contrast, the story goes, Canada's government supervised western settlement with care, avoiding such messy issues.

While these ideas either oversimplify, obscure, or caricature what happened, they reflect views about the broad outlines of events, at least in a general way. Certainly, Canadian officials liked to contrast American failures with their own self-perceived competence, enlightened policies and their successful implementation. As Alexander Mackenzie reported in 1877, Canadian policy was both inexpensive, and "above all a humane, just and Christian" way to deal with the native groups.<sup>2</sup> Clearly, to him, it was more effective than that being carried out in the United States at the time. This idea runs through many of the late nineteenth century statements of agents and their superiors in the Canadian Indian service too. Whether it represented only national chauvinism or a sincere belief at the time, it illustrated what J. R. Miller has labeled as little more than "Canadians' smugness about their Indian policy."<sup>3</sup>

In truth, for much of the nineteenth century, and even earlier, Indian policies and their implementation by the two governments differed repeatedly in many ways. Although at the time many of the ideas and tactics used on each side of the Medicine Line appeared similar, a careful analysis of tribal experiences in the two societies provides a wealth of examples to illustrate the differences. Even where policies shared the same name and general objectives, officials applied them differently, and at times expected results that bore only a slight resemblance to what their neighbors hoped to achieve. When one considers the entire stretch of Canadian and American dealings with the tribal peoples the broad similarities appear to far outweigh any differences. However, for the century or so following the 1780s, variation and subtle distinctions mark many of the policies and actions of the two North American societies as they dealt with their indigenous neighbors.

From the start the basic approaches in each country built upon ideas stated in the Royal Proclamation of 1763. That document laid down the principle of an "Indian Country." There, while the tribes had no fee simple title to the land, they held a usufructuary title to it. That meant that they had a recognized right to use the land and its resources free from interference by outsiders. British authorities used a line to mark the boundaries of Indian lands, hoping to prohibit or sharply limit incursions by the pioneers.<sup>4</sup> Following this early example, officials in Canada and the United States strove to separate their frontier populations from those of the Indians. Then they moved to "extinguish" native land titles through treaties of sale or as the result of military conflict. Despite these similar beginnings, their practices grew apart quickly. Having a larger and faster-growing population, and facing higher concentrations of native groups than did Canada, the new United States government had more difficulty in establishing a system of frontier controls than did their northern neighbors. As a result frequently they used a wider variety of tactics almost from the start.

This grew from a fundamental, although often overlooked issue. That was the fact that from the earliest days of American independence through the early decades of the 19<sup>th</sup> century the two governments saw tribal groups from vastly different perspectives. To officials in the newly independent republic the Indians represented a continuing military and diplomatic threat. The tribes had fought repeatedly against the American colonists before independence, and against the United States and its citizens afterward. Even worse, few tribal leaders saw any reason to end their close relationships with the British in the north or the Spanish in the south. As a result, to many Americans, Indians represented unwelcome and dangerous competition, as well as an actual physical barrier, delaying or even preventing pioneers from getting lands they wanted beyond the mountains.

Canadian leaders held startlingly different views. There Indians had been long-standing and valuable economic partners in the fur trade. In addition, under both the French and then the English, the tribes had served as long-time military allies defending their settlements from colonial and then American attacks. Unlike most eastern groups in the U. S., many of the Indians in present Quebec and Ontario subsisted on hunting, and fishing rather than agriculture. Being primarily non-farming people, at first they represented no serious hindrance to white land acquisition. So British colonial authorities had little immediate need to call for large land cessions, or to keep would-be settlers from the frontier.

Instead, officials there met village leaders in council repeatedly, giving them presents, and seeking modest land cessions for displaced Indian allies or American Loyalists who had fled from the United States during the Revolution. Although the threat of American military aggression seemed much reduced, Canadian leaders hoped that the native people might help to defend against it if that became necessary. These views changed in a few decades, but at the time seeing the tribal people in positive terms clearly distinguished their early ideas and actions from those of the U.S. These fundamentally different basic perceptions of the native peoples proved central to shaping early policies in each nation and simply cannot be over-emphasized when trying to understand the differing policies that evolved.

The first actions of the newly independent United States illustrated its negative ideas about the tribal people. Within a year of having gained independence it sought to extract land from them through right of conquest. Claiming to have defeated the British, and by implication their tribal allies, American "negotiators" tried to seize large parts of the upper Ohio Valley through the Treaty of Ft Stanwix in 1784 and of

Ft McIntosh the next year. These efforts infuriated many Indians in the region and began almost a decade-long series of wars. The conflict brought military disaster and heavy costs to the infant nation. It took the new republic nearly a decade before it achieved victory at the 1794 Battle of Fallen Timbers.<sup>5</sup> This experience persuaded some of the national leaders to change their basic approach toward the tribes. From that point they sought peaceful negotiations rather than open belligerence. Secretary of War Henry Knox articulated this shift by stressing that the nation had dishonored its heritage when it dealt with the Indians in anything but an honest and peaceable manner.<sup>6</sup>

The situation in Canada at the same time differed markedly. There, when the Mohawk leader Joseph Brant refused to accept the terms of the 1784 Treaty of Fort Stanwix, British authorities invited him and other tribal groups to settle north of the border. As a result, Brant brought a group of at least 1,800 native refugees into Canada, and other groups followed. While authorities there kept a close watch on the Mohawk leader as he negotiated with American tribes in the upper Ohio Valley, they demonstrated both less fear of and animosity toward the tribal people than did the U.S.<sup>7</sup>

There Indian affairs remained worrisome to the new federal leaders. The continuing suspicion that French, British, and Spanish fur traders hurt the American economy and tied the tribesmen too closely to foreign powers remained a central issue. To deal with this issue in 1796 Congress established the Factory System, a series of governed operated fur trading posts. Wanting to attach the Indian hunters to the U. S. economically, under this plan the factors offered them high quality goods at reasonable prices. Theoretically this would keep the trade peaceable and avoid disputes and possible warfare. In fact the active government competition angered American fur trade interests and failed to satisfy the tribesmen. As a result, in 1822 the officials shut

down the factories.<sup>8</sup> In Canada, at the same time, the fur trade played too important an economic role for the government to have considered such action.

Continuing paranoia focused American leaders' attention on Indian affairs even when that proved unnecessary. The decade following the War of 1812 offers several examples of that. Angry that many tribes had fought openly alongside the British in that conflict, in 1815 U.S. peace commissioners demanded that the Indians pledge to remain at peace. Furthermore, they forced the tribes to consider themselves under the protection of the U.S. "and of no other power, nation, or sovereign"<sup>9</sup> Two years later newly appointed Secretary of War John C. Calhoun expressed the fear that continued Indian dealings with British traders "is the great source of danger to our peace, and until that is stopped our frontiers cannot be safe." Putting such fears into action Calhoun began a vigorous extension of army posts along the frontier. Stretching from Ft. Snelling at present St. Paul, Minnesota south to Ft. Smith Arkansas, these tiny garrisons resulted directly from American fears of continuing strife with the Indians.<sup>11</sup>

Canadian authorities exhibited few such concerns. Instead, by welcoming their former allies to settle in eastern Ontario, after American independence, they demonstrated their lack of concern about the same issues. Their early opening of the border to tribal refugees set into motion a process of visits and sporadic migration from the U.S. into Canada that continued for much of the 19<sup>th</sup> century. From the 1780s well into the 1830s, tribes living south of the Great Lakes and in the upper Mississippi Valley traveled north across the border to keep up their contacts with traders and government officials in Canada. Particularly after the War of 1812 groups of Potawatomi, Ottawa, Sauk, Meskwaki, Kickapoos, and Winnebago crossed Wisconsin and Michigan to hold councils at Drummond's Island in