

# Why Treaties Matter

Self-Government  
in the Dakota and  
Ojibwe Nations



Educator Guide for Grades 6-12

## Treaty Economy

A partnership of the Minnesota Indian Affairs Council and the Minnesota Humanities Center

Suggested for use with *Why Treaties Matter: Self Government in the Dakota and Ojibwe Nations*

**BANNER TITLE****BANNER #**

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*Why Treaties Matter* educator guides are intended as supplementary resources for your curriculum or stand-alone as lessons. This guide contains estimates of preparation and instructional time, a materials list, background information, preview strategies, assessment options, extension activities, a vocabulary list, web resources, bibliography, and related reading.

**PREPARATION TIME**

Two hours depending on previous familiarity with the subject

**INSTRUCTIONAL TIME**

Two or three class periods depending on the number of activities selected

**MATERIALS**

- *The Sandy Lake Tragedy* video (<http://www.youtube.com/watch?v=u6VaiLfy3CE>, or order the DVD at <http://glifwc.org/publications/index.html>)
- *Sandy Lake Tragedy* study questions ([Appendix A](#)) and suggested answers ([Appendix B](#))
- Student Reading: “Treaty Economy” ([Appendix C](#))
- Study Questions: “Treaty Economy” ([Appendix D](#)) and suggested answers ([Appendix E](#))
- Student Activity: Minnesota Indian Nations Websites ([Appendix F](#))
- Vocabulary List ([Appendix G](#))
- Paper, pencils, markers

## TEACHER BACKGROUND

The *Treaty Economy* lesson begins where the Traditional Anishinaabe Economy ended. The lesson covers two periods in Ojibwe history: the Treaty Period (1837-1868 in Minnesota) and the economy in modern times (1975-present). The traditional economy did not end abruptly, and some modern Ojibwe in Minnesota continue to practice trapping for furs, fishing, hunting, gathering, and harvesting on limited tribal lands. The Treaty Period, however, made it impossible for the Ojibwe to subsist on the traditional economic round because treaties with the United States government limited their land base drastically. This is because the resources they depended on could not necessarily be found in a small land area.

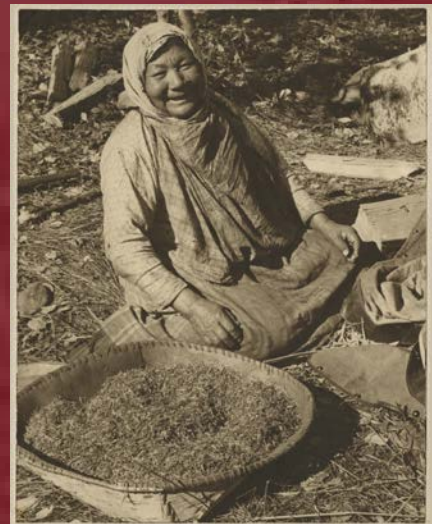
The first phase of the treaty economy began shortly after the end of the fur trade era in the Great Lakes region. By this time, the number of fur bearing animals, the key trade item, had diminished. To receive the trade goods such as blankets, processed cloth, guns, steel traps, the Ojibwe had to acquire these items on credit. This means that they had to promise the traders they would deliver so many furs in the future. By the time the first land cession treaties were signed with the federal government, the traders claimed the Indians owed them considerable sums of money for furs not yet delivered. The government took the side of the traders' claims over the word of the Ojibwe. Thus, treaties stated that the traders would receive their money out of the federal payment for the land. The traders became very rich from these treaties, and the Ojibwe received very little for the lands they ceded.

The Ojibwe living to the south and west of the Great Lakes thrived by planting and harvesting corn, pumpkins, squash, and potatoes in their lakeshore gardens. They were used to sharing any surplus. Giving faint recognition to a greatly reduced land base as a result of the treaties, the Ojibwe would need further economic assistance to survive. The treaties promised the services of blacksmiths, teachers and farmers, and goods intended to make the Ojibwe people farm in the style of the settlers. European farming methods required the use of horses, mules, plows, and food production for profit. This was a foreign concept for the Ojibwe, as food was something that was always freely shared. The Ojibwe had insisted that they retain the right to hunt, fish, and gather resources on the lands they ceded. This right, also recognized in local and federal courts, is called a usufructuary right. This right was later challenged by state governments in Minnesota and Wisconsin, but the Supreme Court upheld this right.

The annuity payments that were supposed to be delivered to Ojibwe families, as payment for the lands ceded did not always arrive on time, and often required Ojibwe people to travel miles to receive them. The Ojibwe were even charged for the food they would eat at the annuity payment gathering. In the instance of the Sandy Lake tragedy, Ojibwe families were duped into traveling in winter and, as a result of their inhumane treatment, many died trying to make their way home. The Treaty Period resulted in Ojibwe people living in dire poverty. They did not have enough land to live in a traditional way, and the federal government failed to provide adequate provisions.

It was not until the late 20th century that Ojibwe and Dakota nations began to assert their sovereign right to uphold their usufructuary rights and to create their own enterprises. These enterprises, such as gaming casinos, hotels, schools, and infra-structure projects, ushered in a new era.

Some groups, such as the Shakopee Mdewakanton Dakota Nation, were able to not only create and maintain several enterprises, but to donate 20% of their income to charitable projects with other Indian nations and with the general public. Because Ojibwe reservations are located in rural areas with high unemployment rates, tribal enterprises gave many in the surrounding area a chance at full employment. Thus, tribal enterprises have made a large impact on rural communities throughout Minnesota.





## LESSON

**Preview Strategies:** Use the KWL model – ask students what they already know (K) about treaties and modern Indian reservations, what they want to know (W), and finally, at the end of the session, what they have learned (L). Another strategy is to ask if they know why Dakota and Ojibwe nations in Minnesota have casinos and if they know what these nations do with their profits.

### Activities:

- Students watch the *The Sandy Lake Tragedy* and answer the related study questions.
- Students read “Treaty Economy” and answer the accompanying study questions.
- Students locate one Ojibwe nation (reservation) in Minnesota, recording the government structure, enterprises, and services provided to tribal members.
- Students review the vocabulary list.
- Students write a reflection essay noting what they have learned that they did not already know about historic and modern Treaty Economy in Minnesota.



**Assessment:** Students demonstrate they have understood what is meant by the phrase “treaty economy” for the Ojibwe and Dakota nations by completing the study questions at the conclusion of the video and the student reading, and using words from the vocabulary list. They demonstrate they have understood the treaty rights of the Ojibwe and Dakota nations and modern tribal governments by completing the tribal website exercise and through writing a reflection essay.

## EXTENSION ACTIVITIES

- Students explore one or more websites of the four Dakota nations (communities) in Minnesota and describe its tribal government, enterprises, and services.
- Students research examples of how Indian nations negotiate with the U. S. federal government to establish businesses without state interference, and write an essay about what they have learned.
- Students conduct further research about tribal gaming in Minnesota and the impact gaming has had on the local, state, and national economies.

**Vocabulary:** See the vocabulary list included in this guide ([Appendix G](#)). You may wish to modify the list based on your knowledge of your student’s needs or the subject you are teaching. Pretesting vocabulary individually, or in small groups, or with your entire class can be an effective preview strategy.

### Web Resources:

Indian Affairs: Laws and Treaties (Oklahoma State University Library) <http://digital.library.okstate.edu/kappler/Vol2/Toc.htm>

Treaties Matter Website: Business Interests [www.treatiesmatter.org/relationships/business](http://www.treatiesmatter.org/relationships/business)

The Charters of Freedom – Constitution of the United States <http://www.archives.gov/exhibits/charters/constitution-transcript.html>

Wikipedia – Bryan v. Itasca County [http://en.wikipedia.org/wiki/Bryan\\_v\\_Itasca\\_County](http://en.wikipedia.org/wiki/Bryan_v_Itasca_County)

Wikipedia – Minnesota v. Mille Lacs Band of Chippewa Indians [http://en.wikipedia.org/wiki/Minnesota\\_v.\\_Mille\\_Lacs\\_Band\\_of\\_Chippewa\\_Indians](http://en.wikipedia.org/wiki/Minnesota_v._Mille_Lacs_Band_of_Chippewa_Indians)

Minnesota Indian Gaming Association [www.mnindiangamingassoc.com](http://www.mnindiangamingassoc.com)

White Earth Nation [www.whiteearth.com/programs](http://www.whiteearth.com/programs)

Sandy Lake Band of Mississippi Chippewa [www.sandylakeojibwe.org](http://www.sandylakeojibwe.org)

Chief Buffalo and Benjamin Armstrong – Sandy Lake Tragedy [http://www.chiefbuffalo.com/buffalo/Sandy\\_Lake\\_Tragedy.html](http://www.chiefbuffalo.com/buffalo/Sandy_Lake_Tragedy.html)

## BIBLIOGRAPHY

Buffalohead, Priscilla. *Modern Indian Issues*. Anoka-Hennepin: Indian Education Program, 1993.

Kappler, Charles. J. *Indian Affairs: Laws and Treaties. Volume 2*. Stillwater, OK: Ohio State University, 1999.

Treuer, Anton. *Ojibwe in Minnesota*. St. Paul, MN: Minnesota Historical Society, 2010.

**STUDY QUESTIONS:*****The Sandy Lake Tragedy* video**

1. What is a treaty? Why did the United States make treaties with the Anishinaabe (Ojibwe)?
2. What is an annuity payment?
3. How many Anishinaabe died staying at Sandy Lake and traveling home in 1850?
4. Who do you think was primarily responsible for the deaths of so many Anishinaabe?
5. What did Chief Buffalo do to try and make things right for his people?
6. What are usufructuary rights? Why do you think the Anishinaabe asked for these rights?
7. How did the Treaty of 1854 address the land rights of the Anishinaabe?
8. What possible motive did Agent Watrous and Governor Ramsey have for starving Anishinaabe families and withholding full annuity payments?
9. How did the Anishinaabe memorialize the Sandy Lake tragedy?

### SUGGESTED ANSWERS TO STUDY QUESTIONS:

#### *The Sandy Lake Tragedy* video

1. What is a treaty? Why did the United States make treaties with the Anishinaabe (Ojibwe)?  
**A treaty is a formal agreement between independent nations. Treaty law required the United States to enter into treaty negotiations because they were required to acknowledge Native people as rightful owners of the land. They also wanted additional lands for resources such as lumber and for white settlers.**
2. What is an annuity payment?  
**It is a monetary payment to Indian tribal members for lands ceded. The payment was usually distributed over a number of years.**
3. How many Anishinaabe died staying at Sandy Lake and traveling home in 1850?  
**350-380 people.**
4. Who do you think was primarily responsible for the deaths of so many Anishinaabe?  
**Agent Watrous and territorial governor, Alexander Ramsey.**
5. What did Chief Buffalo do to try and make things right for his people?  
**He traveled from Madeline Island at the age of 92 with four companions and an interpreter to Washington D.C. to speak with President Fillmore about land issues and annuity payments. He traveled by canoe, steamboat, and trains.**
6. What are usufructuary rights? Why do you think the Anishinaabe asked for these rights?  
**Usufructuary rights are rights to hunt, fish, and use resources on the land ceded to the United States. They asked for these rights because the resources they needed to sustain a livelihood were scattered over a larger land area.**
7. How did the Treaty of 1854 address the land rights of the Anishinaabe?  
**The treaty of 1854 ceded lands on the west side of Lake Superior to the United States but the Anishinaabe retained smaller portions of their homelands for themselves. The treaty also resumed annuity payments.**
8. What possible motive did Agent Watrous and Governor Ramsey have for starving Anishinaabe families and withholding full annuity payments?  
**Various answers are possible--They wanted all Anishinaabe groups to move west of the Mississippi River so more land would become available to white settlers and lumber and mining interests.**
9. How did the Anishinaabe memorialize the Sandy Lake tragedy?  
**In 2000, 150 years after the tragedy, they place a large granite boulder at Sandy Lake and another smaller boulder at La Pointe on Madeline Island where Chief Buffalo lived.**

## STUDENT READING: Treaty Economy

Treaties have created a large economic impact on American Indian communities and on the local and state communities that surround reservations. This impact can be seen in two periods:

- The Treaty Period (primarily 1837-1868 in Minnesota), when local economies were shaped by the transfer of American Indian resources to “white” individuals and corporations, and
- Modern times (1975-present) when American Indian-run enterprises benefit both American Indians and their neighbors.

### The Treaty Period Economy

By the time the fur trade began to collapse in the 1830’s in Minnesota, many American Indian people were dependent on “trade goods.” They acquired these goods – clothing, utensils, weapons, even food – by trading animal furs. Eventually local ecosystems neared collapse from over hunting and increased human populations. At this critical point, fur trade companies craftily raised their prices for trade goods, and at the same time offered American Indians unlimited credit to continue buying goods. Eventually Dakota and Ojibwe people owed fur trade companies tens of thousands of dollars (a lot of money in the 1850’s). Then, when the fur trade totally collapsed, the companies cut off the credit. American Indians, unable to continue because of debts, were forced to sell their land.

Because Dakota and Ojibwe people controlled millions of acres of land in Minnesota into the 1850’s, they easily could have paid their debts by selling a small percentage of their land, even for a dollar per acre (less than the going rate at the time). However, this was not an option. Only the federal government was allowed to buy land from American Indians, and rich fur trade companies had great influence over federal Indian policy. The government, instead of saying to the Dakota, “We will buy ten thousand acres so you can pay off your debts,” offered American Indians a harder deal: sell all your millions of acres of land for pennies per acre, or starve.



The payment that the government offered American Indians was a combination of cash, services, and trade goods. Much of the cash was set aside to pay off debts, which benefited the traders rather than the American Indians. The services – from blacksmiths, teachers, farmers and other people – directed money away from American Indians to non-Indian people. And the trade goods that were delivered to American Indians were purchased by the government from the fur trade companies at highly inflated prices. Now living on relatively small reservations, American Indians were entirely dependent on these payments from the government. Through these treaties, the government acquired vast resources – land for towns and farms, huge tracts of valuable timber, rivers for transportation and power. The fur trade companies and other corporations – through their government influence – purchased these resources cheaply and made fortunes by selling land to settlers and employing them in the lumber, milling, and transportation industries. The entire economy of Minnesota, in effect, became a “treaty economy.”

## Treaty Rights and Today's Economy

In making treaties, American Indian groups kept their sovereignty – the ability to make decisions for themselves, and exercise their traditional rights – on reservation land. Even in some cases when they ceded their land to the United States, Ojibwe people (for instance) kept their right to hunt, fish, and travel freely on the land they sold. Such rights are called *usufructuary rights*.

Two United States Supreme Court cases involving Ojibwe people in Minnesota have had a tremendous impact on the ability of tribal governments to create businesses that benefit their members and their neighbors. These cases involve rights that American Indians kept even when they signed treaties that ceded land to the government. This first is *Bryan v Itasca County*. In the 1970's a Minnesota county tried to impose a property tax on a family who lived on the Leech Lake Reservation – a reservation created by the Treaty of 1855. Because the United States Constitution says that only the federal government – not state or county governments – have jurisdiction over reservations, the Ojibwe family fought their tax bill in court. In 1976, the United States Supreme Court reaffirmed that American Indian reservations and businesses cannot be regulated by anyone but the federal government. As a result, tribes could negotiate with the federal government to establish businesses such as gaming, telecommunications, and other enterprises without state interference. (Tribal governments still negotiate with state governments when it makes sense for both parties, as in wildlife management). Businesses which have grown from this result now employ thousands of people, American Indian and non-Indian alike; produce millions of dollars in federal income tax; and benefit local economies throughout Minnesota and the United States.

The other significant court case is *Minnesota v Mille Lacs Band of Chippewa Indians*. In several of the treaties signed in the 1800's, Ojibwe people kept the right to hunt and fish not only on reservation land, but in some cases on land they had ceded to the United States. For a hundred years, Ojibwe people tried to exercise these rights, but were often arrested or harassed by their neighbors or local governments. In the 1990's, the Ojibwe attempted to negotiate with the State of Minnesota to cooperatively manage natural resources, but the state legislature rejected the agreement made with the Department of Natural Resources, claiming that the Ojibwe had no role in making regulations. After years of court battles, the U.S. Supreme Court ruled that the treaty rights of the Ojibwe were still in force. As a result, fishing, ricing, and other businesses were created that benefit American Indians and supply goods to the general public.

As a result of keeping their rights during difficult treaty negotiations and exercising those rights today, American Indians have the ability to conduct business that has a large economic impact. The most widely noted of these enterprises are modern fishing operations and gaming. But American Indians are conducting and exploring a wide range of options to make a livelihood in ways that update the traditional economy of hunting, fishing, gathering, and harvesting that sustained the people for centuries.



**STUDY QUESTIONS:****Treaty Economy**

1. At the end of the fur trade era, how did the traders manage to make money off the Ojibwe people? How did the end of the commercial fur trade affect Ojibwe families?
2. How did the fur companies and the federal government cooperate to gain access to millions of acres of Ojibwe lands?
3. What did the Ojibwe people get out of signing the treaties? What did the government and private individuals get out of these same treaties?
4. What rights did the Ojibwe retain in the treaties and what are these rights called?
5. What two Supreme Court decisions had a great impact on the modern Ojibwe economy? How did these decisions pave the way for tribal enterprises?
6. How have tribal enterprises benefited local, state, and federal economies?

### SUGGESTED ANSWERS TO STUDY QUESTIONS:

#### Treaty Economy

1. At the end of the fur trade era, how did the traders manage to make money off the Ojibwe people? How did the end of the commercial fur trade affect Ojibwe families?

**The traders extended credit to Ojibwe trappers and their families. These families could still have trade goods but they had to promise a number of furs to pay their debt. The end of the commercial trade affected Ojibwe families because the fur bearing animals had become depleted and they had no other way to pay their debts. This arrangement put Ojibwe families in debt to the traders.**

2. How did the fur companies and the federal government cooperate to gain access to millions of acres of Ojibwe lands?

**The fur traders and the federal government agreed that whatever the government paid for the land, a large amount of money would be paid to the traders for supposed Indian debts. With no other way to pay the traders, the Ojibwe were practically forced to sell their lands at whatever price government agents decided upon.**

3. What did the Ojibwe people get out of signing the treaties? What did the government and private individuals get out of these same treaties?

**The Ojibwe people were promised the services of skilled individuals such as blacksmiths, teachers, and farmers. They were also promised money for the ceded lands that would be paid annually for a period of years. The government got millions of acres of land for pennies an acre. Private individuals got or purchased the right to settle on these lands for farming, and to form companies to harvest the lumber or minerals on these lands.**

4. What rights did the Ojibwe retain in the treaties and what are these rights called?

**The Ojibwe retained the right to hunt, fish, gather, and harvest traditional resources on the lands they ceded to the federal government. These rights are called usufructuary rights.**

5. What two Supreme Court decisions had a great impact on the modern Ojibwe economy? How did these decisions pave the way for tribal enterprises?

**The two decisions were *Bryan v Itaska County* and *Minnesota v the Mille Lacs Band of Chippewa Indians*. The first decision reaffirmed that reservation lands are not state lands and tribal members operating on reservation lands cannot be taxed. In the second decision, the usufructuary rights of the Mille Lacs Ojibwe were reaffirmed and band members could form their own natural resources management teams. These decisions paved the way for tribal enterprises because they reaffirmed that state and local governments could not tax or force state laws on tribal lands. This meant that tribal enterprises, such as gaming casinos, could regulate their own enterprises.**

6. How have tribal enterprises benefited local, state, and federal economies?

**Tribal businesses employ thousands of people, American Indian and non-Indian alike. They also generate millions of dollars in federal income tax.**

## STUDENT ACTIVITY

Explore one of the websites of the seven Ojibwe nations (reservations) in Minnesota. Write a paragraph or two about the form of government of this reservation, and the enterprises and services they provide to tribal members. Note if the website discusses how enterprise profits are used.

Mille Lacs Band of Ojibwe [www.millelacsobjibwe.org](http://www.millelacsobjibwe.org)

Fond du Lac Band of Lake Superior Chippewa [www.fdlrez.com](http://www.fdlrez.com)

Red Lake Nation [www.redlakenation.org](http://www.redlakenation.org)

White Earth Nation [www.whiteearth.com](http://www.whiteearth.com)

Bois Forte Band of Chippewa [www.boisforte.com](http://www.boisforte.com)

Leech Lake Band of Ojibwe [www.llojibwe.com](http://www.llojibwe.com)

Grand Portage Chippewa [www.grandportage.com](http://www.grandportage.com)

## VOCABULARY

annuity payments	payments made by the federal government to Indian nations in exchange for land ceded by that nation. Payments were often made every year for 20 years.
cede	to give up something, such as land
credit	ability of a person or persons to obtain goods or services in advance in exchange for goods acquired in the future.
sovereignty	the state of being a politically independent nation
treaty	an agreement between sovereign nations
tribal enterprise	a business or organization operated by an Indian tribe
usufructuary rights	the right to use or enjoy hunting, fishing, gathering, and harvesting on lands ceded to the federal government through treaties.



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