Indian Nations, Tribal Sovereignty, and Tribal Government
WI has...

- 11 Reservations
- 6 Tribes
- More than any other state east of Mississippi River

Courtesy of WI DPI
Sovereignty and the Concept of Trust

- Laid down by Constitution and treaties
- **Northwest Ordinance (1787)** - Creation of Northwest Territory
- **Supreme Court Ruling**
  - *Johnson v. McIntosh (1823)* - Private citizens couldn’t purchase land from Native Americans
Sovereignty and the Concept of Trust (Terms)

- **Sovereignty** – the right to rule/govern oneself

- **Trust** – The ownership of land in trust was in the hands of a person with responsibility to manage it for the benefit of another person
Sovereignty

The Constitution

- Federal Government
- State Government

- Tribal Government
  - PL 83-280
Citizenship

Citizenship wasn’t granted to American Indians until 1924

Greatly due to service in WWI

Is this considered dual-citizenship?
Land Ownership

1820s- Indians still owned all of WI
- Except white settlements at Green Bay, Milwaukee, Portage, Prairie du Chien

1827- Lead discovered in SW WI, Winnebagoes murdered settlers who encroached on their land
- Gave gov’t excuse to act
- 1829- some Indians persuaded to sell land, also forced cessions
- Set stage for last Indian conflict: Black Hawk War
Major Treaties in WI
(600+ signed in U.S.)

- **Treaty of 1825, Prairie du Chien** - form boundary lines in WI between tribal groups, to “stop” feuds
- **The Pine Tree Treaty, 1837** - ceded territory for access to lumber resources
- **The Copper Treaty, 1842** - ceded territory for access to copper
- **Treaty of 1854** - ceded Lake Superior Ojibwe lands to U.S. in exchange for reservations (Bad River, Lac du Flambeau, Lac Courte Oreilles, Red Cliff)
Treaties in WI
Map of the Ceded Territory and some current Ojibwe Reservations

From GLIFWC
Removal to Sandy Lake

*The Wisconsin Death March* – Removal to Sandy Lake, MN
350-380 Ojibwe died (mostly men, 12% of tribe)
“A Message from the President*”

“Great nations like great men must keep their word. When America says something, America means it, whether a treaty or an agreement or a vow made on marble steps.”

- Inaugural Address, George Bush January 20, 1989

*Not the current President
Congressional Acts Dealing with American Indian Politics

**Major Crimes Act (1885)**- places seven major crimes under Federal jurisdiction

**Dawes Act/Allotment Act (1887)**- authorized President to survey & divide land for Native Americans

**Wheeler – Howard Act/Indian Reorganization Act (1934)**- secured certain rights to Native Americans, self-gov’t
### Examples of Effects - 1854 Treaty & Allotments

<table>
<thead>
<tr>
<th>Reservation</th>
<th>Original Size (in acres)</th>
<th>Estimated Size in 1935 (in acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Red Cliff</td>
<td>7,321</td>
<td>5,176</td>
</tr>
<tr>
<td>Bad River</td>
<td>124,332</td>
<td>90,855</td>
</tr>
<tr>
<td>Lac Courte Oreilles</td>
<td>70,000</td>
<td>43,416</td>
</tr>
<tr>
<td>Lac du Flambeau</td>
<td>70,000</td>
<td>54,673</td>
</tr>
<tr>
<td>St. Croix</td>
<td>not established until 1934</td>
<td>1,200</td>
</tr>
<tr>
<td>Mole Lake</td>
<td>not established until 1934</td>
<td>1,700</td>
</tr>
</tbody>
</table>
The IRA
Indian Reorganization Act (1934)

**Title I**: est. tribal governments [patterned much like American Gov’t. with constitutions], tribal laws, chartered tribal businesses

**Title II**: education, Indian preference in the BIA (Bureau of Indian Affairs)

**Title III**: repeals allotment system, money for new trust lands

**Title IV**: est. tribal court system
American Indian Movement (AIM)

• After WWII and with urbanization there is a major shift

• 1960s, Civil Rights Movement in full swing, American Indians start up civil rights organizations
American Indian Movement
In Wisconsin

1970 – AIM helps members of LCO take over the NSP Dam in Winter, WI

Flooded most of their land

This eventually leads to government support and settlement

25,000 acres of land returned - money and business to tribe
Treaties and Rights in WI

- 1974 – The Tribble Brothers arrested for ice fishing on an off-reservation lake w/o proper docs for shanty
- 1978 – Fed. Court Rules against LCO
- 1983 – Appeals court reverses ruling
- Supreme Court turns back States Appeal
- **PARR** (Protect Americans’ Rights & Resources) and **STA** (Stop Treaty Rights Abuse) interfere
Treaties and Rights in WI

The Opposition
SPECIAL RIGHTS

"150" YR. OLD TREATY'S

SPEARING SUCKS
SPEAR...

...THIS !!!
SAVE OUR FISH

SPEAR

Pregnant

SQUAW
Great Lakes Indian Fish & Wildlife Commission

- With spearing rights GLIFWC was formed
- Helps regulate reserved rights
- Works with and cross-deputized with state DNR
Common Myths

“We gave them their Reservations”
“Treaties are old pieces of paper and are no longer valid”
Indians receive “special” rights
“They [American Indians] lost their land fighting against the U.S. Government”
“They don’t pay any taxes”