

The background of the entire page is a photograph of a misty forest. In the foreground, the head and neck of a dark horse are visible, looking towards the left. The background is filled with tall, thin trees, likely pines or firs, shrouded in a light mist or fog. The overall tone is somber and atmospheric.

The Right to Hunt and Fish Therein

**Understanding Chippewa Treaty
Rights in Minnesota's 1854 Ceded Territory**

“Misty Moose”, cover photo by Andrew Edwards

1854 Treaty Authority

is an inter-tribal natural resource management organization that implements the off-reservation hunting, fishing and gathering rights of the Grand Portage Band of Lake Superior Chippewa and the Bois Forte Band of Chippewa in the territory ceded under the Treaty of 1854.

1854 Treaty Authority

© 2017

Written by Douglas P. Thompson, JD, LLM

The Bois Forte Band of Chippewa and Grand Portage Band of Lake Superior Chippewa maintain strong cultural connections to the natural resources found in present day Minnesota. This results from the fact that they fought to remain on their ancestral lands during colonization, while successfully negotiating the retention of their hunting, fishing and gathering rights on the lands that were ceded during treaty making.

The 1854 Treaty with the Chippewa can be found on page 23.

The 1854 Treaty Authority

Since the 1970s, tribes have been successfully reasserting hunting, fishing and gathering rights in the *ceded territories* of Minnesota, Wisconsin and Michigan in both federal and state courts. These efforts, which corresponded with a similar line of favorable court rulings in the Pacific Northwest, have led to the creation of five inter-tribal treaty commissions in the two regions, that serve 41 tribes. These inter-tribal commissions assist their member tribes in the implementation of off-reservation treaty rights.

One of these commissions, the 1854 Treaty Authority, implements the off-reservation hunting, fishing and gathering rights of the Bois Forte Band of Chippewa and the Grand Portage Band of Lake Superior Chippewa in the five and a half million acres of ceded lands under the Treaty of 1854.

The treaty-reserved rights to harvest natural resources on the 1854 ceded lands are protected property rights under the United States Constitution. In this regard, the 1854 Treaty Authority plays a critical role in ensuring that the federal government, as a treaty signatory, upholds its treaty obligations, which includes an obligation to protect the natural resources on which the 1854 Treaty agreement is based.

With a central office in Duluth, Minnesota, the 1854 Treaty Authority employs a team of professional staff and is governed by the Tribal Councils of the Bois Forte Band of Chippewa and the Grand Portage Band of Lake Superior Chippewa.

Introduction to Treaties

Intense polarization and conflict are often associated with the assertion of treaty rights. The public's general



Other inter-tribal treaty commissions include the *Great Lakes Indian Fish & Wildlife Commission* and the *Chippewa Ottawa Resource Authority* in the Great Lakes region, the *Columbia River Inter-Tribal Fish Commission* in Oregon, and the *Northwest Indian Fisheries Commission* in Washington State.

lack of understanding of treaties and treaty rights is at the core of this unfortunate conflict. It is important to understand why treaties exist and why they remain in effect today.

Ceded Territory:

lands transferred from tribes to the federal government by way of a treaty agreement.

In the earliest encounters, formal dealings between the United States government and tribal nations were conducted almost exclusively by treaty making. Between 1778 and 1868, approximately 370 treaties were ratified between the United States and tribes. The earliest treaties were designed to develop political alliances. As the United States expanded its military strength, it used the treaty making process to remove tribes from their homelands and to create reservations in an effort to make room for the growing population of settlers.

From the perspective of the United States government, these agreements were drafted with multiple goals: to avoid conflict, to encourage colonial settlement, and to facilitate access to the region's significant wealth of natural resources, like minerals and timber.

In exchange for these land cessions, tribes in the Great Lakes region were guaranteed continued harvest rights, along with assurances of small cash payments and provisions of goods and supplies for a limited term of years.

It is important to understand that these treaties were signed between the United States and tribal nations as sovereign governments. The self-governance and self-determination associated with sovereignty was a foundational expectation of both the United States and the tribal signatories.

Today, the Bois Forte and Grand Portage bands continue to exercise sovereignty in the 1854 Ceded Territory by regulating off-reservation treaty harvest activities through the 1854 Treaty Authority. The Ceded Territory Conservation Codes of the 1854 Treaty Authority governs off-reservation fishing, hunting, trapping and gathering of resources by band members and is enforced by tribal and state conservation officers.

The Legal Meaning of Treaties

A common misconception is that treaty rights to hunt, fish, and gather are “special” Indian rights. However, these rights are special only in the sense that they are senior rights, pre-dating European contact, the establishment of the

United States, and the U.S. Constitution itself.

These rights are known as *usufructuary* rights, which are property rights. In the context of the Chippewa in the 1854 Ceded Territory, usufructuary rights are the legally-retained rights of the tribes to continue to sustain themselves by harvesting natural resources on treaty-ceded lands in northeastern Minnesota.

Usufructuary Rights:

the right to use and enjoy a portion of the property vested in another. One example is the common practice of retaining rights to extract minerals or to harvest timber even after a property is sold.

The United States recognizes its legal duty to honor the treaties it made with Indian nations.

The Constitution declares treaties to be “the supreme law of the land”, and as such they are not controlled by state law. Indian treaties have the same force and effect as federal statutes; therefore a violation of an Indian treaty is a violation of federal law.

Rules of Treaty Interpretation

An established set of principles governs how treaties with Indian nations should be interpreted. These principles, called the *canons of treaty construction*, have been refined by almost 200 years of decisions by federal appellate courts.

Canons of Treaty Construction: *the established set of principles that governs interpretation of treaties with Indian nations. The three basic canons are:*

- (1) Ambiguities in treaties must be decided in favor of tribes*
- (2) Treaties must be interpreted as Indians would have understood them*
- (3) Treaties must be construed liberally in favor of tribes*

The Supreme Court fashioned these canons of construction in numerous decisions to account for the great disadvantage at which treaty-making processes placed the tribes. Application of the canons of construction requires courts to approach treaty interpretation from the traditional tribal perspective to understand what the affected tribe would have expected to retain or gain from entering into the treaty. This often requires an examination of the historical record with testimony provided by tribal members knowledgeable about tribal history and from anthropologists and historians.

By using this approach, courts recognize that tribes were often placed in a “take it or leave it” position when signing the treaties, which were based on coercion,

misinformation, and unequal bargaining power. The canons of construction allow courts to evaluate Indian treaty rights in a more fair and unbiased fashion that preserves the rights tribes intended to reserve. For example, even though the 1854 Treaty uses only the words “hunt and fish”, the courts have uniformly applied the canons of construction to find that the reserved right was more broad and includes all activities associated with life at the time, including trapping and gathering.

This stems from what is known as the *reserved rights doctrine*. Utilizing historical and traditional context, the reserved rights doctrine mandates that treaties be interpreted from the perspective of what rights the Indians intended to cede, not what the United States may have intended to take away. In other words, what is not explicitly taken away, remains.

The reserved rights doctrine was established by the Supreme Court in *United States v. Winans*, an influential 1905 fishing rights case interpreting the 1855 Treaty with the Yakima Nation. In the *Winans* case, the Court upheld fishing rights under the 1855 Treaty, reasoning that Indian treaty provisions are to be interpreted as reserving to the Indians any rights not expressly granted by them.

In delivering the Supreme Court’s opinion, Justice McKenna noted the historical and traditional importance of fishing and hunting to the Yakima Nation, and viewed those rights as part of a larger bundle of rights preserved under the treaty.

Reserved Rights Doctrine:

Indian treaty provisions are to be interpreted as reserving to the Indians any rights not expressly granted by them to the United States. Application of the reserved rights doctrine to treaty interpretation derives from the understanding that while treaties may have ceded land and resources to the United States, they also reserved the rights necessary to protect the pre-existing inherent sovereignty of Indian nations.

“ . . . the Treaty was not a grant of rights to the Indians, but a grant of rights from them – a reservation of those not granted.”

U.S. v. Winans (1905)

A Historical Perspective

Subsistence hunting, fishing, trapping and gathering form the foundation of Chippewa culture. The importance of the Anishinaabe *izhitwaawin* (Ojibwe language for “traditional beliefs and lifestyle”) was recognized and affirmed in a series of treaties with the United States dating as far back as the late 1700s. The lands subject to the treaties, and rights addressed in the treaties between the Chippewa and the U.S. government, also form Minnesota’s foundation, defining its ongoing obligations to the tribal sovereigns that share the landscape.

Upon securing victory over Great Britain in the Revolutionary War in 1787, the United States incorporated the Northwest Territory stretching from the Ohio Valley to present day Northern Minnesota. The United States declared its intention with respect to the Anishinaabe residing in the newly-gained territory by enacting the Northwest Ordinance, which provided that the policy toward Indians to be in the “. . . **utmost good faith,**” and that “. . . **their land and property shall never be taken away from them without their consent.**” This commitment preceded not only Minnesota’s existence, but also the United States Constitution, which was not ratified until almost a year later.

Ojibwe/Chippewa - (or “Chippeway”) both terms refer to a specific cultural set of people native to the western Great Lakes area, and the language they speak. *Chippewa* and *Chippwey* are possible variations of *Ojibwe*. Some dialects of the Ojibwe language leave off or barely pronounce beginning vowels. For instance: *Ojibwe- jibwe- chippeway- jibwa- Chippewa*. Historically, authors and translators stated that when listening to *Chippeway* speakers they had a difficult time understanding the consonants, especially the beginning sounds. The Ojibwe language is a very vowel stressed language rather than consonants and there are consonant changes that happen when forming phrases.

Anishinaabe - is a term from the Ojibwe language. Traditionally it is what natives referred to themselves as, and translates to “*good humans*” or those *living in a good way*. The term applies to more than just people of the Ojibwe language group, as other tribes that are related in culture, such as the Odawa and the Cree, use variations of the term.

-Michele Hakala-Beekma, Grand Portage band member

What is a Treaty?

Treaties are contracts between sovereign nations. The United States Constitution declares treaties to be “the supreme law of the land” (Article VI), as such; they are superior to state laws and state constitutions. Most treaties with tribes were used to transfer tribal territories to the United States (Cession Treaties), while other treaties were used solely to establish peace – peace between tribes, and peace and alliance with the United States (Peace Treaties).

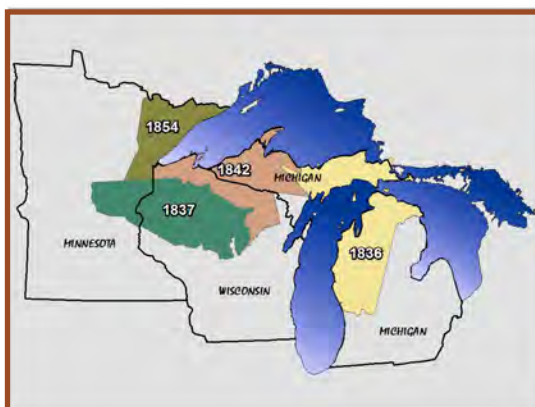
The first treaty agreement involving the United States and the Chippewa occurred several years later in the 1795 Treaty of Greenville. This treaty did not address land title, but rather served as a peace treaty, establishing boundaries between the U.S. and several Indian nations in the territory claimed in the Northwest Ordinance. As with the Northwest Ordinance, the Treaty of Greenville clearly referenced tribal rights to property, which were not to be disturbed, including hunting.

Three decades later, the Chippewa negotiated another set of treaties with the United States, again with the goal of defining boundaries of tribal homelands. In the 1825 Treaty with the Sioux, and the 1826 Treaty with the Chippewa, tribal representatives were called together to delineate the boundaries among tribal nations in an effort to stop inter-tribal warring and facilitate accelerated settlement of the region. Though these two treaties were drafted for the same purpose, they were signed in separate years, in two different locations – Prairie du Chien in present day Wisconsin, and Fond du Lac in present day Minnesota – to accommodate the widely-disbursed populations of the tribes. These two treaties not only acknowledged that the Chippewa occupied vast acreages of what are now Minnesota, Wisconsin and Michigan, but again affirmed Chippewa ownership of these lands, with the unquestioned right to hunt, fish and gather therein.

Land Cession Treaties

Among the beneficial outcomes of the treaties of 1795, 1825 and 1826 was the preservation of existing tribal hunting, fishing and gathering rights. While the Chippewa ceded no land in these earlier treaties, land cessions followed shortly through treaties signed with the Chippewa of Lake Superior in the coming years.

The 1836, 1837 and 1842 treaties ceded millions of acres of land in portions of present day Minnesota, Wisconsin and Michigan, while explicitly retaining tribal rights to hunt, fish and gather.



During the mid 1800s, there were four treaties signed between the Chippewa and the U.S. Government that ceded lands within the western Great Lakes area and reserved usufructuary rights to the Anishinaabe.

In the Treaty of 1854, the Chippewa of Lake Superior ceded ownership of their lands in the northeastern portion of what is now commonly referred to as Minnesota's Arrowhead Region, to the United States. At approximately five and a half million acres, the 1854 Ceded Territory covers all, or portions of, six counties. While reserving usufructuary rights, the 1854 Treaty also established several reservations in Minnesota, Wisconsin and Michigan. This was in direct response to demands by the Lake Superior Chippewa that amends be made for a disastrous 1850 attempt by President Zachary Taylor to remove Chippewa Indians living East of the Mississippi River to unceded lands in the Minnesota Territory. Hundreds died during this failed removal, which became known as the *Sandy Lake Tragedy*.

Sandy Lake Tragedy: *President Taylor issued a removal order in 1850, in an attempt to accommodate the demands of traders in the Minnesota Territory who wished to profit from a larger group of Indians. However, the Chippewa living in Wisconsin refused to move. Attempting to lure the Lake Superior bands westward, authorities announced that annuities under the Treaty of 1842 would be paid on October 15th at Sandy Lake, Minnesota, rather than at the accustomed treaty annuity distribution site at La Pointe, Wisconsin. Many journeyed to Sandy Lake for the promised supplies. The Indian agent, unable to obtain the supplies on time, did not arrive at Sandy Lake until late November, and came with only a meager amount of poor-quality supplies. By then, sickness had decimated the malnourished Chippewa, and winter had already set in. Facing certain death if they remained, the tribal members returned home to their villages on foot through ice and heavy snow. In the end, hundreds died tragically during the ordeal.*

Two of the reservations created by the Treaty of 1854, Fond du Lac and Grand Portage, are in present-day Minnesota. The treaty also provided for an undefined region around Lake Vermilion to establish a reservation for the Bois Forte band, another 1854 signatory. The Bois Fort Reservation is now laid out in three sections – Nett Lake, Vermilion and Deer Creek. Nett Lake was set aside in an 1866 Treaty and Vermilion and Deer Creek were created by Executive Orders in 1881 and 1883.

“...and such of them as reside in the territory hereby ceded, shall have the right to hunt and fish therein, until otherwise ordered by the President.”

Article 11 of the Treaty with the Chippewa, 1854

It is important to note that modern society often thinks of Indian tribes and native people as residents of reservations, however, in addition to the language in the 1854 Treaty explicitly retaining tribal hunting and fishing rights in the ceded territory, the treaty provided for guns, ammunition and beaver traps. This clearly confirms the mutual expectation that tribes would continue to use the entire ceded territory to sustain themselves by exercising their reserved rights to harvest fish and game from the land.

Erosion of Treaty Rights in the 20th Century

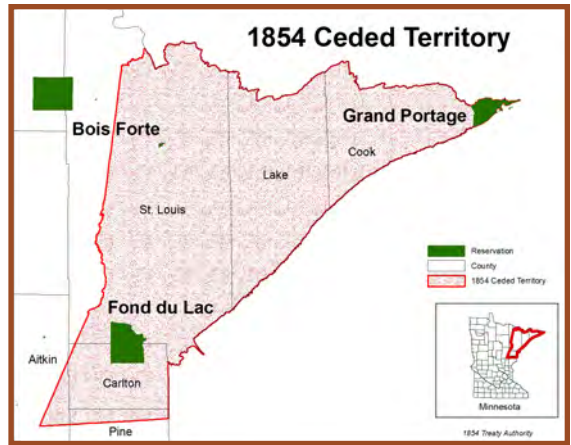
Between the establishment of the reservations provided for in the Treaty of 1854 and the end of the 19th century, the Chippewa continued to lead traditional ways of life and live off of the land both on their reservations and off, all the while coexisting with non-Indians in the region. However, the late 19th century and early 20th century marked a period in which there was a movement to force Indian people to abandon their identities and cultures through assimilation.

Malevolent policies designed to force assimilation by encouraging dispossession of communally-held tribal lands and establishing tribal boarding and mission schools were put into place. Though these programs were ultimately deemed failures and discontinued, lasting damage had been done to tribal culture and connections to traditional ways of life.

To compound an already difficult situation for the Anishinaabe, this period of cultural termination and assimilation coincided with a growing realization by state officials, of the economic value of tourism associated with hunting and fishing in the north woods of the Lake Superior basin, throughout ceded lands. This led to a general trend favoring the illegal extension of state jurisdiction over Indians and their rights to hunt, fish and gather. Ironically, as license fees filled state coffers and businesses associated with tourism flourished, the Chippewa of the region, struggling with the lingering trauma of the failed assimilation policies, confronted deteriorating living conditions, and suffered from an inadequate diet and declining health due to the increasingly limited access to the off-reservation natural resources they had relied upon traditionally. Although the exercise of treaty rights may have been temporarily driven into a period of dormancy, it soon became clear through a courageous display of tribal resilience, that treaty rights did in fact continue to exist.

Treaty Rights Reawaken

The civil rights era of the 1960s and 1970s ushered in a wave of tribal activism throughout the country. This led to broad economic and social reform, and a period of renaissance that brought renewed tribal pride, power and sovereignty. Intense, highly-publicized battles involving tribal assertions of



treaty- guaranteed hunting, fishing and gathering rights occurred during this time. The states vigorously resisted the assertion of these rights, labeling them as lapsed privileges, assuming that state jurisdiction should be absolute.

Much of the conflict surrounding treaty rights was the result of a perception by some non-Indians that tribes were requesting handouts of “special” rights, while in reality tribes were fighting for inherent rights that were reserved through negotiation during the treaty making process. To the surprise of treaty rights cynics, the numerous court rulings that followed overwhelmingly affirmed treaty rights, finding that the mere passage of time or lack of use of their property rights does not mean they were lost. These rulings established the inconvenient truth that state denial of these rights was, in fact, illegal.

The earliest court cases affirming treaty rights involved prosecutions of individual tribal members by states in which these members bore the burden of demonstrating the existence of their tribes’ treaty-reserved rights to hunt, fish and gather in their ceded territories. As individual tribal members experienced success in the courts, tribal governments also began to proactively assert their usufructuary rights. Through litigation, tribes established that effective tribal self-regulation regarding natural resources in their ceded territories precludes state regulation of tribal harvest activities.

The “Fish Wars” of the Pacific Northwest

The earliest successful legal efforts to re-affirm tribal treaty rights occurred in the Pacific Northwest, where tribes asserted their rights to harvest salmon and steelhead trout in traditional fishing areas. These cases clearly established

that treaties take precedence over state law, and that any state interference with treaty rights must be based on valid conservation objectives. Arguably most importantly, for the first time tribes were recognized as having co-management authority over natural resources in their ceded territories.

The first decision of this era was handed down by the U. S. Supreme Court in a 1942 case (*Tulee v. the State of Washington*). The *Tulee* Court found that individual tribal members with tribal treaty rights could not be required to purchase state fishing licenses to exercise their right to fish, holding that treaties take precedence over state law. *Tulee* also set a threshold for state interference with tribal treaty rights, ruling that requiring individual tribal members to pay a license fee was not essential for “effective conservation,” and was therefore invalid.

Almost thirty years later, Judge Robert Belloni of the U. S. District Court in Oregon State provided meaning to what counts as “effective conservation” in a conflict between tribal and non-tribal fishermen on the Columbia River (*U.S. v. Oregon*). There, the State of Oregon limited harvest on a portion of the river to hook-and-line fishing, disallowing net fishing traditionally employed by tribes, reasoning that treaty fishing rights give tribes only the same rights as other citizens.

In his 1969 decision, Judge Belloni invalidated Oregon’s regulation, finding that the state’s intent was to conserve fish for non-Indian harvests rather than for the benefit of the species, and held that “effective conservation” is limited to measures reasonable and necessary for conservation of a species. From a practical perspective, the Belloni decision not only established that tribal fishermen are entitled to a “fair share” of the resource, but also elevated tribal rights to off-reservation resource management to a “coequal” status, requiring tribal participation in the development of harvest regulations for the fishery.



Activist and tribal member Alison Bridges Gottfriedson, (18) is arrested by Washington State game authorities at the Puyallup River fish encampment, 1970.

-photo courtesy of Northwest Indian Fisheries Commission

Because Judge Belloni's decision applied only in Oregon, tribal members continued to be prosecuted in Washington for violating state harvest regulations similar to those that had been applied to tribal fishermen in Oregon. This led to a major conflict on September 9, 1970, when the Washington State Police and Conservation Officials used tear gas and clubs to break up a group of Indians at a major fishing camp on the Puyallup River. This violent conflict resulted in the arrest of 60 tribal members, including children, prompting a decision by the United States to intervene by suing the State of Washington to ensure compliance with treaty obligations.

In the ensuing case, Judge Hugo Boldt of the U. S. District Court for the Western District of Washington, applied the rationale of Belloni's Oregon decision, finding that the "fair share" standard meant that tribes were entitled to one-half the harvest of salmon destined to pass through their historic fishing grounds (*United States v. Washington, 1974*). The State of Washington and anti-tribal activists resisted implementation of Boldt's decision with widespread noncompliance, including shooting threats. Judge Boldt, who was a serious sports fisherman himself, was even hanged in effigy in front of the federal courthouse.

The unrest and non-compliance forced Judge Boldt to enter numerous orders giving effect to his ruling. These included engaging the United States Coast Guard and the National Marine Fisheries Service to enforce the ruling by confronting anti-tribal activists and Judge Boldt stepping directly into the role of regulator of the state fishery in the place of the Washington Fish and Wildlife Department.



Protests by commercial and sport fishermen followed the Boldt decision. Here, a U.S. Marshal removes an effigy of the judge hung with fishing nets.

-photo by Peter Liddell,
Staff Photographer.

Courtesy of The Seattle Times

The U.S. Supreme Court quickly put to rest any legal debate as to tribal rights to the fishery in the Pacific Northwest. In 1979, the Court confirmed that treaties in the region guaranteed tribes the right of "taking fish" at customary stations off-reservation "in common with all citizens of the Territory" (*Washington v. Washington State Commercial Passenger Fishing Vessel Association*). Further, as in the Boldt decision, the Court ruled that the tribes were guaranteed up to half of the harvestable fish.

The central questions in all of these cases concerned tribal fishing rights in the Pacific Northwest but the decisions sent ripple effects nationally. Prior to Judge Boldt's ruling, Indians collected less than 5% of the harvest, but by 1984 they were collecting 49%. Tribal members became successful commercial fishermen and tribes became co-managers of the fisheries along with the states, hiring fish biologists and staff to set up management programs.

No region outside of the Pacific Northwest was impacted more profoundly by these decisions than the Upper Midwest, where the Chippewa had begun to test their treaty rights to not only fish the waters of the Great Lakes, but to assert their usufructuary rights more broadly to hunt, fish and gather throughout their ceded territories.

Treaty Rights in the Great Lakes

As in the Pacific Northwest, the first modern-era treaty rights challenges in the Great Lakes region involved fisheries. State and federal court decisions in Michigan and Wisconsin not only affirmed tribal rights to fish the waters of the upper Great Lakes, but also ruled that modern technologies could be used so long as the Indians obeyed tribal and federal regulations.

In 1974, two Lac Courte Oreilles band members initiated a test case in northern Wisconsin by spearfishing out of state season on an inland lake, off-reservation. Following their arrest by state game wardens, the band filed a federal suit against the Wisconsin Department of Natural Resources and Lester Voigt, the Secretary of the Wisconsin Department of Natural Resources.

The Federal District Court initially determined that the treaty rights of the Lac Courte Oreilles band on its ceded lands in the 1837 and 1842 Ceded Territories had been extinguished by the 1854 Treaty reserving lands for the Chippewa in Wisconsin. Five other Chippewa (or Ojibwe) bands in Wisconsin who were signatories to the 1837 and 1842 treaties joined with Lac Courte Oreilles in the action. In 1983 the Seventh Circuit Court of Appeals reversed the decision in *Lac Courte Oreilles Band v. Voigt*, holding that the treaty rights of the Wisconsin Chippewa had not been extinguished. The United States Supreme Court refused to hear the appeal by the State of Wisconsin, affirming the ruling.

As with the treaty affirmation cases in the Pacific Northwest, the decision sent shock waves through the local tourism and sporting communities. Opposition

quickly mounted taking the form of protests. Anti-treaty groups blamed Indians for the decline of the tourist industry and encouraged their members to disrupt tribal spearing seasons, while distributing racist materials such as bumper stickers proclaiming, “Save a Walleye, Spear an Indian.”

In the face of escalating protests, the federal court established a process to determine the nature and scope of Chippewa treaty rights, and the permissible extent to which Wisconsin could regulate Chippewa treaty rights. Hearings continued in phases until 1991, ultimately resulting in a final judgment incorporating the nearly twenty years of rulings on the case. In the *Lac Courte Oreille* case, the courts determined that the bands possess the authority to regulate their members in the exercise of treaty rights and that effective tribal self-regulation precludes state regulation. Further, the court held that the state may only impose regulations if they are reasonable and necessary for the conservation of a species or resource, and are the least restrictive alternative available.



From 1986 until 1991, protests were held at boat landings throughout Northern Wisconsin, during traditional spring spearing seasons.

-photo by James Linehan.
Courtesy of Wisconsin Historical Society.

Recognizing Treaty Rights in Minnesota

While the *Lac Courte Oreilles* case proceeded through its phases, and conflicts continued to flare at Wisconsin’s boat landings, similar tensions began to rise in Minnesota. As in Wisconsin, the Minnesota Department of Natural Resources was attempting to enforce state hunting and fishing regulations on tribal members.

In the early 1990s, the Mille Lacs Band of Ojibwe, followed by the Fond du Lac Band of Lake Superior Chippewa, each filed separate lawsuits seeking affirmation of their 1837 Treaty rights in Minnesota as had been done successfully in the Wisconsin portion of the 1837 Ceded Territory. In addition, the Fond du Lac lawsuit involved the band’s 1854 Treaty claims. As with the *Lac Courte Oreilles* case, both bands sought judgments declaring that their rights to hunt, fish and gather continued to exist in their treaty-ceded territories, and each asked the court to delineate the nature and scope of these rights while defining the permissible

extent, if any, of state regulation of the treaty harvest. In terms of timing, the *Mille Lacs* case proceeded first, drawing the majority of public attention, and in 1993 the Eighth Circuit Court of Appeals allowed nine Minnesota counties and six individuals to join in the case against the band.

In 1994, an attempt to resolve the *Mille Lacs* case through an out-of-court settlement failed. The Minnesota State legislature, driven by local, non-tribal interests, rejected the proposed agreement and the litigation proceeded.

As with the *Lac Courte Oreilles* litigation, the court divided the ensuing case into phases. The first phase determined whether the rights continued to exist and the general nature of the rights, while the second phase addressed issues of resource allocation between treaty and non-treaty harvests and the validity of state measures affecting the exercise of the rights.

A 1994 ruling in Phase I of the case affirmed the existence of 1837 Treaty rights. The court found that Mille Lacs' rights included the taking of resources for commercial purposes and were not limited to any particular methods, techniques or gear. Consistent with the federal rulings that preceded it, the court found that the band was subject to state regulation only to the extent reasonable and necessary for conservation, public health or public safety purposes.

Before entering into Phase II of the proceedings, the court ruled that the Fond du Lac band's rights in the 1837 Ceded Territory were the same as those that were found to exist for the Mille Lacs band in the 1994 ruling. The court then joined the 1837 Treaty issues of the two cases for Phase II purposes and the cases proceeded on a consolidated basis. The six Wisconsin Ojibwe bands whose treaty rights were affirmed in the *Lac Courte Oreilles* case for the Wisconsin portion of the 1837 Ceded Territory were also allowed to join the case to determine their rights in the Minnesota portion of the 1837 territory.

This allowed the Mille Lacs, Fond du Lac and the six Wisconsin bands to cooperatively develop a model code for the Minnesota ceded territory that was eventually approved by the court. Ultimately, the court approved a stipulation between the bands that set forth the agreed upon tribal regulations, ruling that if these regulations were enacted into tribal law and enforced, state laws would not apply to tribal members in the 1837 Ceded Territory.

The court also ruled that an allocation of natural resources between treaty and non-treaty harvests was unnecessary at the time, and approved a dispute resolution process developed by the parties. This process, memorialized in a series of protocols, called for the establishment of committees comprised of tribal representatives and staff from the Minnesota Department of Natural Resources, and other state agencies. These committees were to facilitate the exchange of information, to work together to make appropriate regulatory changes related to resource management and to resolve issues that might arise.

The State of Minnesota appealed, and in 1998 the United States Supreme Court agreed to review the case. In 1999, the Supreme court affirmed the lower court rulings in favor of the bands that retained treaty rights in Minnesota's 1837 Treaty Ceded Territory. This included the Fond du Lac and Mille Lacs bands in Minnesota, and the Bad River, Lac Courte Oreilles, Lac du Flambeau, Mole Lake, Red Cliff and St. Croix bands in Wisconsin. The Supreme Court ruling came after nine long years of litigation, and effectively ended all debate over the existence of the band's 1837 treaty rights in Minnesota.

“Today the United States kept a promise, a promise that agreements are to be honored, not broken”.

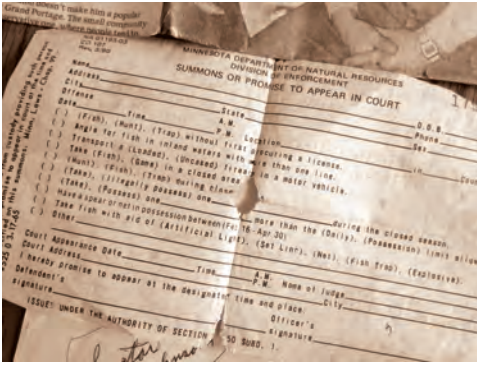
*-Mille Lacs Chief Executive, Marge Anderson, at a press conference following the United States Supreme Court ruling, March 24th, 1999.
Courtesy of the Mille Lacs Messenger, March 31st, 1999.*

The exercise of the 1837 Treaty rights is now governed by a number of documents and systems. These include: (1) the bands' natural resource management plans; (2) the Minnesota 1837 Ceded Territory Conservation Code; (3) federal court decisions; and (4) stipulations and protocols that were made between the parties to set ground rules for communication, information exchange, the development of management plans and the handling of future disputes.

Affirmation of Treaty Rights in the 1854 Ceded Territory

The affirmation of off-reservation hunting, fishing and gathering rights in the 1854 Ceded Territory in Minnesota occurred through a different process – an agreement with the State of Minnesota.

Prior to the filing of the *Mille Lacs* lawsuit, the Fond du Lac, Bois Forte and Grand Portage bands asserted their collective rights to hunt, fish and gather



The Minnesota Department of Natural Resources citation that led to the Grand Portage band's suit seeking the affirmation of treaty rights on ceded lands in northeastern Minnesota.

-Photo by Dan Kraker / Minnesota Public Radio News. © 2016 Minnesota Public Radio®. Used with permission. All rights reserved. www.mpr.org

in the 1854 Ceded Territory. The effort began in 1984 when a Grand Portage band member shot a moose near the edge of the Grand Portage Reservation boundary. He ultimately lost the moose and was given a citation from a Minnesota State game warden for illegally hunting moose outside of season.

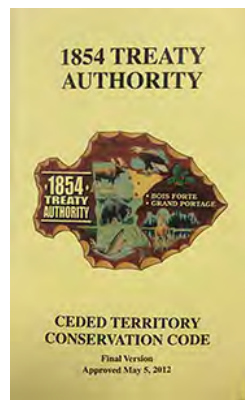
As a result, the Grand Portage band filed suit in U. S. District Court for the District of Minnesota in 1985 seeking a declaratory judgement that the 1854 Treaty reserved the band's right to hunt and fish on ceded lands free of state regulation. The other signatory bands to the 1854 Treaty, Fond du Lac and Bois Forte, subsequently joined the lawsuit.

Unlike the ongoing *Lac Courte Oreilles* litigation and the subsequent *Mille Lacs* litigation, the three bands entered into discussions with the State of Minnesota regarding tribal usufructuary rights. This resulted in the three bands resolving the dispute through a *memorandum of agreement* in 1988, confirming treaty rights in an out-of-court settlement. In order to enforce the regulations outlined in the agreement, the *Tri-Band Authority*, now named the *1854 Treaty Authority*, was established. The Fond du Lac band withdrew from the agreement the next year. However, the memorandum of agreement with the state and the Bois Forte and Grand Portage bands remains in place today, and provides a framework for exercise and management of off-reservation hunting, fishing and gathering activities.

Although these rights were never litigated, treaty rights in the 1854 Ceded Territory were explicitly validated by the federal court before Phase II of the *Mille Lacs* litigation, which followed several years later. The memorandum of agreement is clear by its terms that it does not waive or extinguish treaty-guaranteed rights. What it does do is provide for a process to resolve any disputes that may arise between the state and the bands regarding management and regulation of the exercise of usufructuary rights in the ceded territory.

Also, the agreement is written such that both the Bois Forte and Grand Portage Bands can withdraw from the agreement with one year's notice.

The 1988 agreement contains provisions regulating commercial harvest, fishing, hunting, trapping, and wild rice gathering, while providing for enforcement issues and negotiation of disputes, and has been incorporated into Minnesota State law – “97A.157 1854 TREATY AREA AGREEMENT”. The 1854 Treaty Authority manages the exercise of these rights. To implement this agreement, the 1854 Treaty Authority has developed a Ceded Territory Conservation Code that regulates the hunting, fishing and gathering activities of Bois Forte and Grand Portage band members in the 1854 Ceded Territory. The most notable restrictions in the 1854 Ceded Territory Conservation Code relate to harvest methods and commercial harvest by Bois Forte and Grand Portage band members. In general, harvest techniques and commercial take is limited to the same opportunities as those provided to state-licensed users.



1854 Treaty Authority Programs and Services

The Grand Portage and Bois Forte Reservation Tribal Councils jointly govern the 1854 Treaty Authority, exercising powers under the revised Constitution of the *Minnesota Chippewa Tribe*. Consistent with the terms of the *Grand Portage v. Minnesota* settlement agreement, the 1854 Treaty Authority actively manages ceded territory shared natural resources with the federal government, the State of Minnesota, and the Fond du Lac band, while enabling and protecting the exercise of treaty-reserved hunting, fishing and gathering rights of the Grand Portage and Bois Forte bands in the 1854 Ceded Territory.

Minnesota Chippewa Tribe: *The Minnesota Chippewa Tribe is the centralized governmental authority for six Chippewa (also known as Ojibwe) bands in Minnesota, which include: the Bois Forte Band of Chippewa, the Fond du Lac Band of Lake Superior Chippewa, the Grand Portage Band of Lake Superior Chippewa, the Leech Lake Band of Ojibwe, the Mille Lacs Band of Ojibwe and the White Earth Band of Ojibwe. Governmental powers are divided between the tribe, which provides administrative services to the bands, and the individual bands, which directly operate their reservations.*

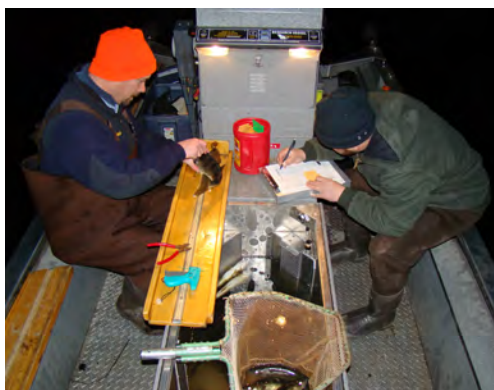


The 1854 Treaty Authority administers programs and services through four divisions – an Administrative Division, a Resource Management Division, an Education and Outreach Division and a Conservation Enforcement Division.

Administrative Division: The Administrative Division manages the everyday operations of the 1854 Treaty Authority, including finances, human resources, conservation court and public engagement at its central office in Duluth, Minnesota.

Resource Management Division:

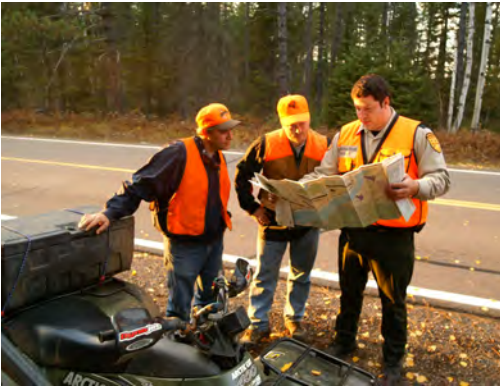
The Resource Management Division administers management and research programs in the 1854 Ceded Territory for culturally significant fish and wildlife species and traditionally harvested plants. Through these programs, the 1854 Treaty Authority sets harvest seasons, performs monitoring assessments, conducts research and engages in habitat management. The Resource Management Division also oversees the 1854 Treaty Authority’s involvement in environmental review of activities on ceded lands that have the potential to impact the quality of air and water, and develops and implements strategies to address impacts of global threats such as climate change and invasive species.



*As **ogaa** (walleye) are a culturally significant species to the Grand Portage and Bois Forte bands, much of 1854 Treaty Authority’s fisheries work focuses on walleye management.*

Education and Outreach Division: The Education and Outreach Division raises the general public’s awareness of Chippewa treaty-reserved rights and ceded territory resource management, and engages the 1854 Treaty Authority’s tribal constituents on traditional and adapted practices integral to tribal subsistence culture.

Conservation Enforcement Division: Through a 2005 Joint Powers Agreement with the State of Minnesota, 1854 Treaty Authority Conservation Officers are fully licensed Peace Officers with the primary responsibility of enforcing band member treaty rights harvest. 1854 Treaty Authority Conservation Officers also have the authority to enforce state game, fish and natural resource laws



1854 Treaty Authority's enforcement staff not only provide protection to fish and game, but also assist band members by sharing knowledge of the landscape and harvest skills - a key component of maintaining culture and community through traditional ways of life.

constituents. Northeastern Minnesota is unique in that over 60 percent of the landscape is in some form of public ownership. By virtue of the 1854 Treaty and the treaties that preceded it, the Fond du Lac, Bois Forte, and Grand Portage bands have legally retained usufructuary rights on all of these lands. The reservation of these rights demonstrates that the tribal leaders at the time of the treaty knew what was important. That is, they literally could not eat the paper title to the lands, but by preserving the right to sustain current and future generations through the harvest of fish, game, wild rice and other resources, they benefitted their generation and the generations that would follow. Still holding that cultural value, today the bands direct efforts to protect, preserve, enhance and restore natural resources in the ceded territory, and prevent their diminishment. As these are shared resources, it is imperative that the 1854 Treaty Authority collaborate with partners across the landscape to fulfill shared conservation and resource management objectives, and to collectively address landscape level threats to habitat, fish and wildlife populations, and air and water quality.

and regulations with respect to non-band members within the 1854 Ceded Territory, as agreed upon in the 2005 agreement. Likewise, all State of Minnesota conservation officers within the ceded territory are cross-deputized to enforce the 1854 Treaty Authority Ceded Territory Conservation Code upon band members. All violations of the Code are heard in the court created by the Authority and are punishable by civil monetary penalties, forfeitures and suspension of privileges.

Through services provided by these programs, the 1854 Treaty Authority delivers benefits beyond its tribal

Conclusion

The right to hunt, fish, and gather has always been, and continues to be, of great social, economic and cultural importance to the Anishinaabe. However, states increasingly suppressed these rights through the illegal imposition of state laws on tribal members as

natural resource based tourism interests grew through the 19th and 20th centuries. Although the bands ultimately prevailed in federal court challenges to reaffirm their usufructuary rights, conflicts persist to this day.

Some anti-treaty advocates have argued that treaties between the United States and tribal nations should have lapsed with the passage of time. However, the United States Constitution states that “treaties are the supreme law of the land,” and this remains so today. This fact is foundational to the existence of the United States as a nation, and continued respect for treaties with Indian nations is a fundamental matter of ethics and legitimacy.

The court decisions affirming treaty guaranteed rights to hunt, fish and gather in the ceded territories did not grant these rights, but instead affirmed them – rights that were never relinquished. These decisions constitute an expression of respect for tribal sovereignty, and have led to the establishment of several inter-tribal treaty commissions, including the 1854 Treaty Authority.

The 1854 Treaty Authority provides a structure of sovereign governance, which facilitates the reserved rights of the Bois Forte Band of Chippewa and Grand Portage Band of Lake Superior Chippewa in the 1854 Ceded Territory in northeastern Minnesota.

In addition to administering a tribally adopted conservation code and delivering services to its tribal constituents, the 1854 Treaty Authority also works with county, state and federal agencies to manage and protect the shared natural resources found in the 1854 Ceded Territory. In partnership with these agencies, the 1854 Treaty Authority provides important opportunities that extend beyond tribal communities. Collaboration enables working partnerships to maximize limited resources, and deliver conservation and natural resource management outcomes that no one entity could accomplish alone, benefiting current and future generations of tribal and non-tribal communities alike.

“Treaty rights give us the right to hunt, fish and gather in the ceded areas as an inherent right of Ojibwe people; to sustain our way of life and to guarantee our future as Indian people to continue to live off of the land as we did in centuries past.”

-Curtis Gagnon, Grand Portage band member

TREATY WITH THE CHIPPEWA, 1854.

Sept. 30, 1854. | 10 Stats., 1109. | Ratified Jan. 10, 1855. | Proclaimed Jan. 29, 1855.

Articles of a treaty made and concluded at La Pointe, in the State of Wisconsin, between Henry C. Gilbert and David B. Herriman, commissioners on the part of the United States, and the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and head-men.

ARTICLE 1.

The Chippewas of Lake Superior hereby cede to the United States all the lands heretofore owned by them in common with the Chippewas of the Mississippi, lying east of the following boundary-line, to wit: Beginning at a point, where the east branch of Snake River crosses the southern boundary-line of the Chippewa country, running thence up the said branch to its source, thence nearly north, in a straight line, to the mouth of East Savannah River, thence up the St. Louis River to the mouth of East Swan River, thence up the East Swan River to its source, thence in a straight line to the most westerly bend of Vermillion River, and thence down the Vermillion River to its mouth.

The Chippewas of the Mississippi hereby assent and agree to the foregoing cession, and consent that the whole amount of the consideration money for the country ceded above, shall be paid to the Chippewas of Lake Superior, and in consideration thereof the Chippewas of Lake Superior hereby relinquish to the Chippewas of the Mississippi, all their interest in and claim to the lands heretofore owned by them in common, lying west of the above boundary-line.

ARTICLE 2.

The United States agree to set apart and withhold from sale, for the use of the Chippewas of Lake Superior, the following-described tracts of land, viz:

1st. For the L'Anse and Vieux De Sert bands, all the unsold lands in the following townships in the State of Michigan: Township fifty-one north range thirty-three west; township fifty-one north range thirty-two west; the east half of township fifty north range thirty-three west; the west half of township fifty north range thirty-two west, and all of township fifty-one north range thirty-one west, lying west of Huron Bay.

2nd. For the La Pointe band, and such other Indians as may see fit to settle with them, a tract of land bounded as follows: Beginning on the south shore of Lake Superior, a few miles west of Montreal River, at the mouth of a creek called by the Indians Ke-che-se-be-we-she, running thence south to a line drawn east and west through the centre of township forty-seven north, thence west to the west line of said township, thence south to the southeast corner of township forty-six north, range thirty-two west, thence west the width of two townships, thence north the width of two townships, thence west one mile, thence north to the lake shore, and thence along the lake shore, crossing Shag-waw-me-quon Point, to the place of beginning. Also two hundred acres on the northern extremity of Madeline Island, for a fishing ground.

3rd. For the other Wisconsin bands, a tract of land lying about Lac De Flambeau, and another tract on Lac Court Orielles, each equal in extent to three townships, the boundaries of which shall be hereafter agreed upon or fixed under the direction of the President.

4th. For the Fond Du Lac bands, a tract of land bounded as follows: Beginning at an island in the St. Louis River, above Knife Portage, called by the Indians Paw-paw-sco-me-me-tig, running thence west to the boundary-line heretofore described, thence north along said boundary-line to the mouth of Savannah River, thence down the St. Louis River to the place of beginning. And if said tract shall contain less than one hundred thousand acres, a strip of land shall be added on the south side thereof, large enough to equal such deficiency.

5th. For the Grand Portage band, a tract of land bounded as follows: Beginning at a rock a little east of the eastern extremity of Grand Portage Bay, running thence along the lake shore to the mouth of a small stream called by the Indians Maw-ske-gwaw-caw-maw-se-be, or Cranberry Marsh River, thence up said stream, across the point to Pigeon River, thence down Pigeon River to a point opposite the starting-point, and thence across to the place of beginning.

6th. The Ontonagon band and that subdivision of the La Pointe band of which Buffalo is chief, may each select, on or near the lake shore, four sections of land, under the direction of the President, the boundaries of which shall be defined hereafter. And being desirous to provide for some of his connections who have rendered his people important services, it is agreed that the chief Buffalo may select one section of land, at such place in the ceded territory as he may see fit, which shall be reserved for that purpose, and conveyed by the United States to such person or persons as he may direct.

7th. Each head of a family, or single person over twenty-one years of age at the present time of the mixed bloods, belonging to the Chippewas of Lake Superior, shall be entitled to eighty acres of land, to be selected by them under the direction of the President, and which shall be secured to them by patent in the usual form.

ARTICLE 3.

The United States will define the boundaries of the reserved tracts, whenever it may be necessary, by actual survey, and the President may, from time to time, at his discretion, cause the whole to be surveyed, and may assign to each head of a family or single person over twenty-one years of age, eighty acres of land for his or their separate use; and he may, at his discretion, as fast as the occupants become capable of transacting their own affairs, issue patents therefor to such occupants, with such restrictions of the power of alienation as he may see fit to impose. And he may also, at his discretion, make rules and regulations, respecting the disposition of the lands in case of the death of the head of a family, or single person occupying the same, or in case of its abandonment by them. And he may also assign other lands in exchange for mineral lands, if any such are found in the tracts herein set apart. And he may also make such changes in the boundaries of such reserved tracts or otherwise, as shall be necessary to prevent interference with any vested rights. All necessary roads, highways, and railroads, the lines of which may run through any of the reserved tracts, shall have the right of way through the same, compensation being made therefor as in other cases.

ARTICLE 4.

In consideration of and payment for the country hereby ceded, the United States agree to pay to the Chippewas of Lake Superior, annually, for the term of twenty years, the following sums, to wit: five thousand dollars in coin; eight thousand dollars in goods, household furniture and cooking utensils; three thousand dollars in agricultural implements and cattle, carpenter's and other tools and building materials, and three thousand dollars for moral and educational purposes, of which last sum, three hundred dollars per annum shall be paid to the Grand Portage band, to enable them to maintain a school at their village. The United States will also pay the further sum of ninety thousand dollars, as the chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of six thousand dollars, in agricultural

implements, household furniture, and cooking utensils, to be distributed at the next annuity payment, among the mixed bloods of said nation. The United States will also furnish two hundred guns, one hundred rifles, five hundred beaver-traps, three hundred dollars' worth of ammunition, and one thousand dollars' worth of ready-made clothing, to be distributed among the young men of the nation, at the next annuity payment.

ARTICLE 5.

The United States will also furnish a blacksmith and assistant, with the usual amount of stock, during the continuance of the annuity payments, and as much longer as the President may think proper, at each of the points herein set apart for the residence of the Indians, the same to be in lieu of all the employees to which the Chippewas of Lake Superior may be entitled under previous existing treaties.

ARTICLE 6.

The annuities of the Indians shall not be taken to pay the debts of individuals, but satisfaction for depredations committed by them shall be made by them in such manner as the President may direct.

ARTICLE 7.

No spirituous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians, and the sale of the same shall be prohibited in the Territory hereby ceded, until otherwise ordered by the President.

ARTICLE 8.

It is agreed, between the Chippewas of Lake Superior and the Chippewas of the Mississippi, that the former shall be entitled to two-thirds, and the latter to one-third, of all benefits to be derived from former treaties existing prior to the year 1847.

ARTICLE 9.

The United States agree that an examination shall be made, and all sums that may be found equitably due to the Indians, for arrearages of annuity or other thing, under the provisions of former treaties, shall be paid as the chiefs may direct.

ARTICLE 10.

All missionaries, and teachers, and other persons of full age, residing in the territory hereby ceded, or upon any of the reservations hereby made by authority of law, shall be allowed to enter the land occupied by them at the minimum price whenever the surveys shall be completed to the amount of one quarter-section each.

ARTICLE 11.

All annuity payments to the Chippewas of Lake Superior, shall hereafter be made at L'Anse, La Pointe, Grand Portage, and on the St. Louis River; and the Indians shall not be required to remove from the homes hereby set apart for them. And such of them as reside in the territory hereby ceded, shall have the right to hunt and fish therein, until otherwise ordered by the President.

ARTICLE 12.

In consideration of the poverty of the Bois Forte Indians who are parties to this treaty, they having never received any annuity payments, and of the great extent of that part of the ceded country owned exclusively by them, the following additional stipulations are made for their benefit. The United States will pay the sum of ten thousand dollars, as their chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of ten thousand dollars, in five equal annual payments, in blankets, cloth, nets, guns, ammunitions, and such other articles of necessity as they may require.

They shall have the right to select their reservation at any time hereafter, under the direction of the President; and the same may be equal in extent, in proportion to their numbers, to those allowed the other bands, and be subject to the same provisions.

They shall be allowed a blacksmith, and the usual smithshop supplies, and also two persons to instruct them in farming, whenever in the opinion of the President it shall be proper, and for such length of time as he shall direct.

It is understood that all Indians who are parties to this treaty, except the Chippewas of the Mississippi, shall hereafter be known as the Chippewas of Lake Superior. Provided, That the stipulation by which the Chippewas of Lake Superior relinquishing their right to land west of the boundary-line shall not apply to the Bois Forte band who are parties to this treaty.

ARTICLE 13.

This treaty shall be obligatory on the contracting parties, as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said Henry C. Gilbert, and the said David B. Herriman, commissioners as aforesaid, and the undersigned chiefs and headmen of the Chippewas of Lake Superior and the Mississippi, have hereunto set their hands and seals, at the place aforesaid, this thirtieth day of September, one thousand eight hundred and fifty-four.

Henry C. Gilbert,
David B. Herriman,
Commissioners.
Richard M. Smith, Secretary.

La Pointe Band:

Ke-che-waish-ke, or the Buffalo, 1st chief, his x mark. [L. S.]

Chay-che-que-oh, 2d chief, his x mark. [L. S.]

A-daw-we-ge-zhick, or Each Side of the sky, 2d chief, his x mark. [L. S.]

O-ske-naw-way, or the Youth, 2d chief, his x mark. [L. S.]

Maw-caw-day-pe-nay-se, or the Black Bird, 2d chief, his x mark. [L. S.]

Naw-waw-naw-quot, headman, his x mark. [L. S.]

Ke-wain-zeence, headman, his x mark. [L. S.]

Waw-baw-ne-me-ke, or the White Thunder, 2d chief, his x mark. [L. S.]

Pay-baw-me-say, or the Soarer, 2d chief, his x mark. [L. S.]

Naw-waw-ge-waw-nose, or the Little Current, 2d chief, his x mark. [L. S.]
Maw-caw-day-waw-quot, or the Black Cloud, 2d chief, his x mark. [L. S.]
Me-she-naw-way, or the Disciple, 2d chief, his x mark. [L. S.]
Key-me-waw-naw-um, headman, his x mark. [L. S.]
She-gog headman, his x mark. [L. S.]

Ontonagon Band:

O-cun-de-cun, or the Buoy 1st chief, his x mark. [L. S.]
Waw-say-ge-zhick, or the Clear Sky, 2d chief, his x mark. [L. S.]
Keesh-ke-taw-wug, headman, his x mark. [L. S.]

L'Anse Band:

David King, 1st chief, his x mark. [L. S.]
John Southwind, headman, his x mark. [L. S.]
Peter Marksman, headman, his x mark. [L. S.]
Naw-taw-me-ge-zhick, or the First Sky, 2d chief, his x mark. [L. S.]
Aw-se-neece, headman, his x mark. [L. S.]

Vieux De Sert Band:

May-dway-aw-she, 1st chief, his x mark. [L. S.]
Posh-quay-gin, or the Leather, 2d chief, his x mark. [L. S.]

Grand Portage Band:

Shaw-gaw-naw-sheence, or the Little Englishman, 1st chief, his x mark. [L. S.]
May-mosh-caw-wosh, headman, his x mark. [L. S.]
Aw-de-konse, or the Little Reindeer, 2d chief, his x mark. [L. S.]
Way-we-ge-wam, headman, his x mark. [L. S.]

Fond Du Lac Band:

Shing-goope, or the Balsom, 1st chief, his x mark. [L. S.]
Mawn-go-sit, or the Loon's Foot, 2d chief, his x mark. [L. S.]
May-quaw-me-we-ge-zhick, headman, his x mark. [L. S.]
Keesh-kawk, headman, his x mark. [L. S.]
Caw-taw-waw-be-day, headman, his x mark. [L. S.]

O-saw-gee, headman, his x mark. [L. S.]
Ke-che-aw-ke-wain-ze, headman, his x mark. [L. S.]
Naw-gaw-nub, or the Foremost Sitter, 2d chief, his x mark. [L. S.]
Ain-ne-maw-sung, 2d chief, his x mark. [L. S.]
Naw-aw-bun-way, headman, his x mark. [L. S.]
Wain-ge-maw-tub, headman, his x mark. [L. S.]
Aw-ke-wain-zeence, headman, his x mark. [L. S.]
Shay-way-be-nay-se, headman, his x mark. [L. S.]
Paw-pe-oh, headman, his x mark. [L. S.]

Lac Court Oreille Band:

Aw-ke-wain-ze, or the Old Man, 1st chief, his x mark. [L. S.]
Key-no-zhance, or the Little Jack Fish, 1st chief, his x mark. [L. S.]
Key-che-pe-nay-se, or the Big Bird, 2d chief, his x mark. [L. S.]
Ke-che-waw-be-shay-she, or the Big Martin, 2d chief, his x mark. [L. S.]
Waw-be-shay-sheence, headman, his x mark. [L. S.]
Quay-quay-cub, headman, his x mark. [L. S.]
Shaw-waw-no-me-tay, headman, his x mark. [L. S.]
Nay-naw-ong-gay-be, or the Dressing Bird, 1st chief, his x mark. [L. S.]
O-zhaw-waw-sco-ge-zhick, or the Blue Sky, 2d chief, his x mark. [L. S.]
I-yaw-banse, or the Little Buck, 2d chief, his x mark. [L. S.]
Ke-che-e-nin-ne, headman, his x mark. [L. S.]
Haw-daw-gaw-me, headman, his x mark. [L. S.]
Way-me-te-go-she, headman, his x mark. [L. S.]
Pay-me-ge-wung, headman, his x mark. [L. S.]

Lac Du Flambeau Band:

Aw-mo-se, or the Wasp, 1st chief, his x mark. [L. S.]
Ke-nish-te-no, 2d chief, his x mark. [L. S.]
Me-gee-see, or the Eagle, 2d chief, his x mark. [L. S.]
Kay-kay-co-gwaw-nay-aw-she, headman, his x mark. [L. S.]
O-che-chog, headman, his x mark. [L. S.]
Nay-she-kay-gwaw-nay-be, headman, his x mark. [L. S.]
O-scaw-bay-wis, or the Waiter, 1st chief, his x mark. [L. S.]
Que-we-zance, or the White Fish, 2d chief, his x mark. [L. S.]
Ne-gig, or the Otter, 2d chief, his x mark. [L. S.]
Nay-waw-che-ge-ghick-may-be, headman, his x mark. [L. S.]
Quay-quay-ke-cah, headman, his x mark. [L. S.]

Bois Forte Band:

Kay-baish-caw-daw-way, or Clear Round the Prairie, 1st chief, his x mark. [L. S.]
Way-zaw-we-ge-zhick-way-sking, headman, his x mark. [L. S.]
O-saw-we-pe-nay-she, headman, his x mark. [L. S.]

The Mississippi Bands:

Que-we-san-se, or Hole in the Day, head chief, his x mark. [L. S.]
Caw-nawn-daw-waw-win-zo, or the Berry Hunter, 1st chief, his x mark. [L. S.]
Waw-bow-jieg, or the White Fisher, 2d chief, his x mark. [L. S.]
Ot-taw-waw, 2d chief, his x mark. [L. S.]
Que-we-zhan-cis, or the Bad Boy, 2d chief, his x mark. [L. S.]
Bye-a-jick, or the Lone Man, 2d chief, his x mark. [L. S.]
I-yaw-shaw-way-ge-zhick, or the Crossing Sky, 2d chief, his x mark. [L. S.]
Maw-caw-day, or the Bear's Heart, 2d chief, his x mark. [L. S.]
Ke-way-de-no-go-nay-be, or the Northern Feather, 2d chief, his x mark. [L. S.]
Me-squaw-dace, headman, his x mark. [L. S.]
Naw-gaw-ne-gaw-bo, headman, his x mark. [L. S.]
Wawm-be-de-yea, headman, his x mark. [L. S.]
Waish-key, headman, his x mark. [L. S.]
Caw-way-caw-me-ge-skung, headman, his x mark. [L. S.]
My-yaw-ge-way-we-dunk, or the One who carries the Voice, 2d chief, his x mark. [L. S.]

Interpreters—

John F. Godfroy,
Geo. Johnston,
S. A. Marvin,
Louis Codot,
Paul H. Beaulieu,
Henry Blatchford,
Peter Floy,

Executed in the presence of—

Henry M. Rice,
J. W. Lynde,
G. D. Williams,
B. H. Connor,
E. W. Muldough,
Richard Godfroy,
D. S. Cash,
H. H. McCullough,

E. Smith Lee,
Wm. E. Vantassel,
L. H. Wheeler.

Chi miigwech to all who contributed to this work, including Mark Anderson, John Morrin, Andrew Edwards, Joseph Bauerkemper, Philomena Kebec, Michele Hakala-Beeksma, Sonny Myers, Marne Kaeske...and any others not mentioned.

For further information about the 1854 Treaty Authority and its services and activities, visit:

www.1854treatyauthority.org

1854 Treaty Authority
4428 Haines Road
Duluth, MN 55811
Phone: 218-722-8907

