

Mille Lacs Treaty and Relevant Events Time Line

Pre-European America

Before the French arrived in America, the Chippewa lived primarily on both the north and south sides of Lake Huron. Their decision to migrate west to the Sault Ste Marie area, where they were located when the French arrived, was evidently dictated by pressure brought upon the Chippewa by Iroquois Confederation raiders whose homeland was in present day upstate New York.

1679

Mille Lacs Lake is the center of the Sioux culture. At the time all of the Sioux, including the ancestors of the later middle and western divisions lived in the forested areas of Minnesota and Wisconsin. By this time the Chippewa have migrated from the east to the Madeline Island area of Lake Superior. The French begin to trade with the Chippewa for fur.

1740

In an effort to dominate the fur trade with Europeans, the Chippewa have expelled the Sioux from Northwestern Wisconsin.

1750

A decisive battle was fought on the shores of Lake Mille Lacs. The Chippewa were victorious and subsequently drove the Sioux from their villages at Big Sandy, Cass Lake, Winnibigoshish, Leech and Red Lakes.

1760s

The Sioux launched a major counter offensive at the juncture of the Crow Wing and Mississippi rivers. Their attempts to regain their land were unsuccessful.

1780s

The Sioux no longer have any settlements left east of the Mississippi.

1783

Great Britain surrenders the region of Minnesota to the United States at the completion of the Revolutionary War. The British, however, refuse to vacate the region, and continue to intensify the fur trade with the Chippewa.

1815

Americans finally force the British out in the war of 1812.

1820

Fort Snelling is built by the United States in an effort to secure the region and prevent continued warfare between the Sioux and Chippewa, which was seen as detrimental to future purchase of Indian title of the land and impending settlement.

1825

In article 5 of the Treaty of Prairie Du Chien, the Chippewa and Sioux agree to a specific boundary between the two tribes in order to regulate where each could hunt and fish without conflict.

1837

Treaties negotiated with both the Chippewa and Sioux by the United States to purchase title for large tracts of land in Northern Wisconsin and East-central Minnesota. After days of negotiations between the Chippewa and United States, with proposals by the U.S and counter proposals by the Chippewa, a purchase price was agreed on. Although the U.S. was purchasing complete title and claim to the area sold by the Chippewa, the U S did agree to allow the Chippewa to remain in the area to hunt fish and gather "during the pleasure of the President" This "privilege" as it is referred to in the treaty, was not in consideration for the land being purchased, but rather a gesture of good will by the U S to please the Chippewa as the United State's immediate concerns were the large stands of pine timber in the region and not settlement which was thought to follow years later. At this point in history the Chippewa had occupied the region for a mere 100 years and had been trading and negotiating with whites for about 150.

1850

U.S. President Zachary Taylor exercises his authority under article 5 of the 1837 treaty stating the privileges granted temporarily to the Chippewa were revoked and that the Chippewa would be required to remove to their unsold lands This Presidential Order has never been rescinded by a subsequent President

1851

The Secretary of the Interior temporarily suspends the removal portion of the 1850 Presidential Order (which required Wisconsin Chippewa to relocate to Minnesota) as a result of pressure from non-Indian merchants, traders, and missionaries

1852

Chief Buffalo (La Pointe Band of Chippewa) travels to Washington to ask President Fillmore to rescind Taylor's removal order. The Chief never meets with Fillmore and the President leaves the decision with Alexander Ramsey, Governor of the Minnesota Territory. Ramsey continues to enforce Taylor's order.

1855

Several Chippewa Bands including the Mille Lacs Band negotiate the treaty of 1855. In this treaty the Chippewa agree to relinquish "all right, title and interest in and to" all lands outside their reservations. This language included any special hunting and fishing privileges.

1858

Minnesota enters the Union. The State begins to enact laws including fish and game regulations.

1864

Mille Lacs and other Bands negotiate a treaty in which they agree to give up the Mille Lacs reservation and 5 other reservations in exchange for cash, goods, and lands in the Leech Lake area. Mille Lacs Band members retain the right of occupancy on their previous reservation as long as they do not interfere with or molest the person or property of non-Indians.

1889

The Nelson Act, an agreement between the Minnesota Chippewa and the United States, consolidated twelve reservations, including Mille Lacs, into two: one at Red Lake and the other at White Earth. The reservations were sold and the money put in interest bearing accounts for the benefit of Band members. The Mule Lacs Band relinquished the right of occupancy on the reservation at Mille Lacs Lake, and Band members were given the option of receiving individual

land allotments on their former reservation, or relocating to White Earth This agreement also contains broad language extinguishing all right, title, and interest including special treaty privileges. At this time the Bands are informed that they could hunt and fish outside their reservations but they must follow State laws

1896

U.S Supreme Court rules in Ward v. Racehorse that when a State enters the Union, preexisting treaty rights are subject to state law.

1898

Congressional Resolution No.40 declares that all public lands formerly within the Mille Laos reservation be opened to entry by any qualified settler under U S public land laws

1924

All American Indians granted citizenship

1934

Indian Reorganization Act is passed by Congress. Various tracts of former reservation land that had not been settled were restored to tribal ownership through land purchases the United States Governments made on behalf of the Bands. The current Mule Laos "reservation" was established this way.

1938

President Franklin Roosevelt affirms Taylor's 1850 Presidential Order in a letter to the Chippewa

1946

Congress creates a tribunal, the Indian Claims Commission (ICC), to hear and resolve all types of Indian claims, including treaty rights claims by Indians against the United States.

1965

ICC awards the Chippewa, including the Mille Laos Band, \$3.93 million for insufficient payment under the 1855 Treaty. As with all ICC oases, the Chippewa, by accepting payment, were forever barred from future claims under the 1855 Treaty.

1973

ICC awards the Chippewa, Including the Mille Lacs Band, \$9.02 million for claims under the 1837 treaty, including claims for lost hunting and fishing rights The ICC payments were bases on the maximum value of the land which was the timber, and acquired "recognized title," the most complete form of ownership

1980

U S District Court rules in a Red Lake case that clear language like that in the 1855 Treaty extinguishes all off reservation hunting and fishing claims. This ruling is later upheld by the 8th Circuit Court of Appeals.

1983

Wisconsin Chippewa win court case base on the 1837 treaty. Important defenses like the ICC proceedings were never introduced. Other testimony surrounding the 1850 Presidential Order has since been proven to be false. The final decision on hunting and fishing was never appealed to the 7th Circuit Court of Appeals.

1985

U.S. Supreme Court rules in a Klamath Indian case in Oregon that similar language to that in the 1855 Treaty as well as ICC payments, extinguish any hunting and fishing rights.

1985

The Mule Laos Band of Chippewa publishes its own historical book (author, Robert Buffalohead), and no references are made to historic 1837 Treaty "rights" to hunt and fish.

1990

Mille Lacs Band files suit against the State of Minnesota for hunting, fishing and gathering rights under the 1837 Treaty.

1991

U S 9th Circuit Court of Appeals rules in Shoshone v Mo/in, that ICC payments extinguish any remaining off-reservation hunting and fishing rights.

1993

After being denied intervention by the District Court, the 8th Circuit Court of Appeals reverses the lower court and Landowners are allowed to intervene in the lawsuit to protect the interests of private citizens.

1994

U.S. District Court of Minnesota rules that 1837 Treaty privilege still exists.

1996

U.S. Supreme Court rules in Seminole v. Florida that State's rights guaranteed under the 11th Amendment to the U.S. Constitution can prevent Indian tribes from suing States in some cases. This defense has been brought by the defendants in the Mule Lacs Case.

1996

U.S. Supreme Court refuses to hear treaty rights case from Wyoming, Crow v. Reppis, thereby letting a ruling by the 10th Circuit Court stand. The 10th Circuit concluded that Ward v. Racehorse still stands and that when Wyoming became a state in 1890, treaty rights became subject to state law.

1996

U.S. District Court for Wisconsin, the same court that previously ruled for the Chippewa in Wisconsin, rules against the Menominee in their claims for hunting and fishing rights in a large portion of Eastern Wisconsin and Lake Michigan. The court cites ICC payments as well as the court's duty to honor the plain language of the treaty regardless of what the Indians may have understood at the time

1,997

District Court rules that treaty harvest can begin and refuses to put the privilege on hold until after appeal:

1997

Once again the 8th Circuit Court reverses the District Court, and puts the treaty privilege on hold until after the higher court has had a chance to rule on the whole case.