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Fish in the Lakes, Wild Rice, and Game in Abundance: Testimony on Behalf of Mille Lacs Ojibwe Hunting and Fishing Rights. Compiled by James M. McClurken, with Charles E. Cleland, Thomas Lund, John D. Nichols, Helen Tanner, and Bruce White.

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To learn Creek as a second language, more visual representations and sounds would be helpful to promote accurate pronunciation. Interactive formats such as a computerized program or CD-ROMS with aural and visual representations of the language would greatly enhance the retention of Native languages in Indian communities. Further endeavors should be funded to encourage and support the arduous research needed for language retention.

Although this work is a little pricey for reduced library budgets, it is a valuable contribution to the fields of linguistics, anthropology, and Native scholarship. I would highly recommend *A Dictionary of Creek/Muskogee* for any Native American or ethnic studies collection in a college or university, tribal library, or linguistics collection of Native American languages.

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Independent Indian Librarian, Northern California
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Fish in the Lakes, Wild Rice, and Game in Abundance: Testimony on Behalf of Mille Lacs Ojibwe Hunting and Fishing Rights. Compiled by James M. McClurken, with Charles E. Cleland, Thomas Lund, John D. Nichols, Helen Tanner, and Bruce White. East Lansing: Michigan State University Press, 2000. 546 pages. \$34.95 cloth.

In August 1990, the Mille Lacs Band of Ojibwe filed suit in federal district court against the state of Minnesota to stop state interference with the hunting, fishing, and gathering rights that they and several other Ojibwe communities had reserved for themselves under the 1837 Treaty of St. Peters. Minnesota argued that Ojibwe treaty rights had been annulled by several federal legislative acts in the 1850s, leaving Ojibwes subject to state regulatory laws regarding hunting and fishing. Over the next nine years, the suit made its way through the courts, with both the district court and the Eighth Circuit Court of Appeals finding in favor of the Ojibwes. In March 1999 the Supreme Court upheld the Eighth Circuit Court's decision, determining that the Mille Lacs Ojibwes had retained usufructuary rights under the 1837 treaty to hunt, fish, and gather both on and off the reservation and that no subsequent act of government had extinguished those rights. For the Mille Lacs Ojibwes, who had quietly but persistently insisted on their treaty rights through decades of poverty, federal neglect, and state efforts at illegal regulation, the affirmation was welcome indeed.

Both the Ojibwes and the state of Minnesota based their legal arguments on historical events, but they interpreted those events very differently. Thus historical questions of interpretation and, more importantly, of the historical context of events as a means of ascertaining intent, were of paramount significance. The Ojibwes argued that they retained rights under treaties they had negotiated with the United States. Minnesota argued that the Mille Lacs Ojibwes had lost their treaty rights by means of three different legislative acts: a presidential Executive Order in 1850, the 1855 Treaty of Washington, and the admission of Minnesota to the Union in 1858. Six expert witnesses testi-

fied for the Ojibwes. They wrote the detailed reports contained in this volume with each report covering an aspect of nineteenth-century Mille Lacs history. Taken singly or together, these reports demonstrate that the several federal acts cited by the state of Minnesota, when placed in proper historical context, do not support the state's contentions that the Mille Lacs Ojibwe had relinquished their treaty-guaranteed usufructuary rights.

Anthropologists James M. McClurken, the volume's compiler, and Charles E. Cleland and historian Bruce White prepared the majority of the expert testimony. The first, Cleland's "Preliminary Report on the Ethnohistorical Basis of the Hunting, Fishing, and Gathering Rights of the Mille Lacs Chippewa [a variant of Ojibwe]" discusses Ojibwe social and economic organization, paying considerable attention to Ojibwe resource use in its historic context. Cleland outlines Ojibwe political relations with the United States and details the various treaty negotiations, placing each treaty in the context in which the Ojibwes most likely understood it. The second report, Bruce M. White's "The Regional Context of the Removal Order of 1850," is a superb historical reconstruction of the schemes of regional political figures who sought to remove Ojibwe people living in Wisconsin (already a state in 1848) to Minnesota (yet a territory) in order to tap into the flow of federal dollars that providing Indian annuity payments, goods, and services would bring. In meticulous detail White recreates the political environments in territorial Minnesota and faraway Washington, D.C., where overburdened Indian Office personnel were only too glad to turn over local affairs to local politicians, even when this created obvious conflicts of interest. Closely examining the correspondence of several officials, White determines that the Minnesota politicians who connived to bring federal dollars into their territory by forcing Wisconsin Ojibwes into Minnesota, never intended the 1850 Removal Order to apply to Ojibwes already living in the Minnesota Territory. This finding is particularly important in refuting the state of Minnesota's claims that the Mille Lacs Ojibwes lost their usufructuary rights by virtue of the 1850 Removal Order. The third major report, James M. McClurken's "The 1837 Treaty of St. Peters Preserving the Rights of the Mille Lacs Ojibwa [another spelling variant] to Hunt, Fish, and Gather; The Effects of Treaties and Agreements since 1855," examines the history of the Mille Lacs community from the 1850s into the 1920s. McClurken focuses on the continuing efforts of the Mille Lacs community to exercise their treaty rights, stressing that such an exercise was always a matter of daily survival, not an illicit leisure-time sports activity, as it was often portrayed by Euro-Americans. He shows conclusively that the Mille Lacs Ojibwes continued to rely on the land-based resources of fish, game, and wild foods for the major portion of their livelihood well into the twentieth century. They did so under very trying circumstances; the state of Minnesota continued efforts to extend its game laws over the Mille Lacs people and to exploit the reservation's bountiful natural resources, while giving little thought to the welfare of the Ojibwes themselves. The federal government sometimes protected Mille Lacs rights in the seventy years under review, but more often sought to impose its own policies stressing cultural assimilation and the adoption of market-driven agriculture.

Three smaller reports offer testimony directed at the state's arguments that by signing the Treaty of 1855 the Mille Lacs Ojibwe lost their hunting and fishing rights. Helen Tanner's "The Mille Lacs Band and the Treaty of 1855" questions just how much input the Mille Lacs leadership actually had on the controversial treaty. They were left behind when the Ojibwe delegation departed for Washington in late January 1855, arriving only in time for the last two days of the negotiating sessions. By that point the treaty's articles, including the all-important land cessions, were almost completely finalized. Thomas Lund's "The 1837 and 1855 Chippewa Treaties in the Context of Early American Wildlife Law" outlines nineteenth-century Euro-American legal understandings of the hunting of wild game. Lund clarifies "the likely understanding of an American lawyer of the day" to show what the men who negotiated treaties on behalf of the United States would have known about wildlife law (quite a bit, apparently) and how American negotiators would have understood such key treaty phrases as the distinction between a legal "right" and a legal "privilege" (p. 487). The final report, by linguist John D. Nichols, discusses the problems of translating between the Ojibwe and English languages. Focusing on terms and concepts central to the treaty, such as "guaranteed," and "relinquish and convey," Nichols argues persuasively for the enormous difficulty of arriving at satisfactory translations into Ojibwe of the treaty's basic concepts.

The final section of this large volume is the Supreme Court's opinion in the case that reached them as *Minnesota et al., Petitioners v. Mille Lacs Band of Chippewa Indians et al.* Written by Justice Sandra Day O'Connor, this section of the book will certainly be of interest to legal scholars, practitioners of Indian law, and Native nations contemplating treaty rights litigation. Other readers, too, should find it highly informative to see how the testimony of expert witnesses in matters of history or anthropology is incorporated and utilized by the legal system. The significance of historical context and historical intention becomes newly salient here, since the Supreme Court has ruled that treaties must be interpreted as the Native peoples negotiating them would have understood them. On yet a second level the Mille Lacs case underscores the significance of placing human actions and ideas in historical context. The understandings of Native treaty negotiators were assuredly enmeshed in particular cultural and historical circumstances. The intentions of Euro-American politicians and policymakers were equally embedded in distinct historical moments, their ideas and actions unique to specific places and circumstances. And, as Justice O'Connor's opinion makes clear, the Supreme Court considered intent to be of great significance.

The authors' emphasis on land use issues and treaty negotiations reflects the reports' origins as evidence in a legal dispute. Yet the reports are rich with information on a host of other historical topics and suggest a number of fruitful avenues for scholarly exploration. For instance, they contain ample information on several talented Mille Lacs leaders, including the chief for some thirty years, Sha-bosh-kung. How Mille Lacs leaders managed to hold their small community together and resist the powerful political interests that continually sought to remove them from their reservation is worthy of fuller study in its own right. In a related vein, another study might consider the value of

oral history. The recollections of Ojibwe leaders, though often dismissed by Euro-Americans as merely hearsay because they were not written down, in fact compare very well with the written records of Euro-Americans. It is to be hoped that the authors of these fine reports, and other scholars, will continue to study Mille Lacs history. It has much to say, both on the level of local small-scale history and in terms of larger, overreaching questions.

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Fluid Arguments: Five Centuries of Western Water Conflict. Edited by Char Miller. University of Arizona Press, 2001. 354 pages. \$45.00 cloth.

While water covers more than 75 percent of the world's surface the amount of fresh water used by human beings for cleaning, refreshment, irrigation, toilet flushing, mining, other industrial uses, and recreation constitutes less than .08 percent of the total. Yet without this relatively tiny proportion in the form of fresh water human life could not be sustained. Competition between different human interests is intense, and it is mainly concerned with who shall have the primary right to use this .08 percent of the world's fresh water. Players include commercial interests, cities, agricultural interests, and industrial operations including mining, oil, and precious metal extract. At the macro level players include states, trans-state corporations, and Fourth World nations. Water is so precious that its value economically has skyrocketed in the last thirty years so that one gallon may now be purchased in four separate bottles for \$4. *Fluid Arguments*, published by the University of Arizona Press, is a collection of essays that takes what is in fact a global issue of grave concern and focuses on the history, economics, and politics of water mainly (but not exclusively) in the southwestern part of the United States. At the core of arguments over water is the first right of Fourth World peoples, indigenous nations, to the use of water.

William Veeder, that revered jurist of water rights, often said that there is a substantial body of law supporting Native nations' claims to water, and that Natives should do whatever necessary to guarantee the water required for their continued prosperity. In his heated moments, often frustrated and angry about the devious methods he believed the United States government and various state governments used to take water from Indian nations, Mr. Veeder (as he was known by everyone) would charge into the federal court room and demand that the justices seated at the bench hold in favor of one of his client Indian nations "as a matter of simple justice." As he wrote eloquently in his article "Life or Death for the American Indian" (*The Historian* 5, number 2: 4-21): "Seize and take from the Indian people, by whatever means, their life-sustaining Winters doctrine rights to water and you take from them the basis for their continued existence as a separate people."

Water and the original right to access and use water is an inherent right of Indian nations that predates the existence of any of the various states and