

## Native American Land Loss

Native Americans lost most of their land through wars and forced and broken treaties. Indian territories and reservations were established only to be overrun by white settlers. It would take volumes to recount this history, but here are a few key pieces of state and national history you should know.

**The Dakota U.S. War (1862)** The Dakota people gave up most of their lands in Minnesota under the terms of the 1851 Treaty of Traverse des Sioux. They retained a small land base on the banks of the Minnesota River, and promises of future distributions of food and money. In 1862, the Dakota people faced starvation because the federal government failed to live up to the terms of the treaty. Ultimately, it triggered the Dakota-U.S. War. As a result, the Dakota lost their last remaining pieces of land. The federal government exiled them from the state. That law remains on the books today.



**The Winnebago Expulsion Act (1863)** Less well known is the story of the Winnebago Expulsion Act, passed just before the Dakota Expulsion Act of 1863. The Winnebago (also called Ho Chunk) had nothing to do with the Dakota-U.S. War. According to historian William Lass, they were recent arrivals to southern Minnesota: “Forced out of their native Wisconsin, [the Winnebagos] were relocated several times in Iowa and Minnesota before being moved in 1855 from the Crow Wing area onto some of the choicest land in Blue Earth County.” Settlers wanted access to that farmland, and even created a secret society called Knights of the Forest whose goal was to remove the Winnebago from Minnesota. Fear generated by the Dakota-U.S. War provided the pretext to pass the Winnebago Expulsion Act.

**The Dawes Act (1887)** Also known as the General Allotment Act, this federal law sought to promote Indian assimilation by forcing individual land ownership. Tribal lands were surveyed and divided into separate parcels for families, undermining traditional communal lifeways. The Dawes Act also created “blood quantum” rules to define tribal membership. By 1933, federal records showed that the Indian lands had shrunk from 113 million acres when the land-allotment law was passed to 47 million acres.

**The Nelson Act (1889)** A federal law titled “An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,” was no such thing. Authored by Minnesota congressmen Knute Nelson, its goal was to relocate all the Ojibwe/Chippewa in Minnesota onto the White Earth Indian Reservation. Like the Dawes Act, it mandated allotting communally held Ojibwe lands to individual households. After each family received its allotted acreage, any remaining reservation land was declared “excess” and sold to European Americans. These actions were illegal and violated treaties. (A number of Ojibwe did not comply with relocation orders and stayed on their home reservations.)

**The Morris Act (1902)** According to a Leech Lake Tribe history, the League of Women Voters petitioned Congress in 1990 to protect forestlands surrounding the Leech, Cass, and Winnibigoshish Lakes on the Leech Lake Indian Reservation. The Morris Act did that by taking Leech Lake lands and creating what is now known as the Chippewa National Forest (CNF). Approximately 75% of the CNF lands are within the

treaty boundaries of the Leech Lake Indian Reservation.” The law also opened up 25,000 acres of Ojibwe lands for settlement and agriculture, and provided for the sale of 200,000 acres of pine forest, with proceeds to be paid “to the benefit of the Indians.”

**Steenerson Act and the Clapp Rider** (1904): White Earth members complained about the small size of their individual allotments. Minnesota Congressman Halvor Steenerson and Sen. Moses Clapp worked to pass the Steenerson Act, which seemed to address those concerns. The Act gave an additional 80 acres of land to White Earth members, bringing their total to 160 acres per family. However, the Clapp Rider passed almost unnoticed the next day. This Rider authorized tribal members to sell valuable timber resources from their allotments. This was a huge benefit to timber companies. The Steenerson Act put additional lands in the hands of poor Ojibwe families and the Clapp Rider provided for its sale.

**Tee-Hit-Ton Indians v. United States** (1954) The Tee-Hit-Tom of Alaska sued the federal government for the taking of timber from their lands. Following the Doctrine of Discovery, the U.S. Supreme Court ruled the Tee-Hit-Ton didn't own the land, but were merely granted the right of occupancy; therefore, they had no right to compensation. The ruling was filled with language of Christian domination: “It is to be presumed that in this matter the United States would be governed by such considerations of justice as would control a Christian people in their treatment of an ignorant and dependent race. ... The American people have compassion for the descendants of those Indians who were deprived of their homes and hunting grounds by the drive of civilization. They seek to have the Indians share the benefits of our society as citizens of this Nation. Generous provision has been willingly made to allow tribes to recover for wrongs, as a matter of grace, not because of legal liability.”

**Termination Policies:** As recently as January, 1955 there was **an effort to terminate the Sioux (Dakota) tribes in Minnesota**. U.S. Senator Edward Thye of Minnesota introduced a bill (S704) to terminate the tribes. (It was part of a broader federal effort to terminate tribes. Congress passed the Menominee Termination Act in 1954, ending the special relationship between the Menominee tribe and the federal government. The tribe was officially terminated in 1961, then restored in 1973.) In the case of Thye's bill, it faced opposition and it died in committee.

**Black Hills Land Dispute:** The **1868 Treaty of Fort Laramie** “recognized the Black Hills as part of the Great Sioux Reservation, set aside for exclusive use by the Sioux people.” The Black Hills Gold Rush ended that, as white miners flooded the area. The U.S. government quietly decided not to enforce any treaty protections. This issue went to court more than a century later. In 1980, the U.S. Supreme Court voted 8-1 in **United States vs. Sioux Nation of Indians** that the Sioux were due compensation for the loss of the Black Hills and other treaty violations. Compensation of \$88 million at the time, but the Sioux have not taken the money and still want the Black Hills returned.

**Pipeline Disputes:** Native nations have tried to oppose the routing of crude oil pipelines near their boundaries. In Minnesota's case, the Ojibwe signed a number of treaties ceding land to the U.S. government, but the Ojibwe retained the right to hunt, fish and gather on the ceded land. They have tried to argue that a proposed tar sands crude oil pipeline running through northern Minnesota – Enbridge Line 3 – violates those rights, and so far that argument has fallen on deaf ears.