

FAITH IN PAPER
The Ethnohistory and Litigation of
Upper Great Lakes Indian Treaties



Charles E. Cleland

WITH

*Bruce R. Greene, Marc Slonim, Nancy N. Cleland,
Kathryn L. Tierney, Skip Durocher, and Brian Pierson*

THE UNIVERSITY OF MICHIGAN PRESS

Ann Arbor

*To the leaders of the
native people of the
Great Lakes region,
both ancient and modern,
who fought to preserve
the rights and culture
of their people*



Copyright © by the University of Michigan 2011
All rights reserved

This book may not be reproduced, in whole or in part, including illustrations, in any form (beyond that copying permitted by Sections 107 and 108 of the U.S. Copyright Law and except by reviewers for the public press), without written permission from the publisher.

Published in the United States of America by
The University of Michigan Press
Manufactured in the United States of America
Printed on acid-free paper

2014 2013 2012 2011 4 3 2 1

*A CIP catalog record for this book
is available from the British Library.*

Library of Congress Cataloging-in-Publication Data

Cleland, Charles E., 1936–

Faith in paper : the ethnohistory and litigation of
upper Great Lakes Indian treaties / Charles E.
Cleland ; with Bruce R. Greene ... [et al.].

p. cm.

Includes bibliographical references and index.

ISBN 978-0-472-11729-1 (cloth : alk. paper)

1. Indians of North America—Great Lakes Region
(North America)—Treaties—History. 2. Indians of
North America—Legal status, laws, etc.—Great
Lakes Region (North America)—History. 3. Indians
of North America—Land tenure—Great Lakes
Region (North America)—History. I. Greene, Bruce
R. II. Title.

KF8205.C54 2011

346.7704'3208997—dc22

2011007376

ISBN 978-0-472-02849-8 (e-book)

Contents

PART 1. Exploring the Origins of Indian Treaties	I
CHAPTER 1. Introductory Notes	3
CHAPTER 2. The Treaty	12
CHAPTER 3. The Foundations of Treaty Making	19
CHAPTER 4. The Invention of Euro-American and Indian Treaty Making	30
CHAPTER 5. Treaties and American Law	40
 PART 2. Usufructuary Litigation	 45
CHAPTER 6. The Treaties of 1836 and 1855	49
CHAPTER 7. <i>United States v. Michigan</i> , by Bruce R. Greene	88
CHAPTER 8. <i>United States v. Michigan</i> , by Marc Slonim	93
CHAPTER 9. The Treaties of St. Peters (1837) and La Pointe (1842)	100
CHAPTER 10. <i>Lac Courte Oreilles Band v. Wisconsin</i> , by Kathryn L. Tierney	124
CHAPTER 11. <i>Milles Lacs Band of Chippewa Indians et al. v. State of Minnesota et al.</i> , by Marc Slonim	132
CHAPTER 12. The Menominee and the Coming of Europeans	140
CHAPTER 13. <i>Menominee Indian Tribe of Wisconsin v. Thompson</i> , by Bruce R. Greene	192
 PART 3. Reservation Issues	 199
CHAPTER 14. The Boundary of the Keweenaw Bay Reservation	203
CHAPTER 15. <i>Keweenaw Bay Indian Community v. Michigan</i> , by Bruce R. Greene	226
CHAPTER 16. Factionalism and Removal: The Stockbridge and Munsee, 1830–56	230
CHAPTER 17. <i>State of Wisconsin v. Stockbridge-Munsee Community and Robert Chicks</i> , by Brian Pierson	258
CHAPTER 18. The Ethnohistory of the Mille Lacs Reservation Boundary	265
CHAPTER 19. <i>County of Mille Lacs v. Melanie Benjamin et al.</i> , by Marc Slonim	279

CHAPTER 20. The Treaties of Detroit (August 2, 1855) and Saginaw (October 18, 1864)	286
CHAPTER 21. Allotment and Land Loss on the Keweenaw Bay Reservation	308
CHAPTER 22. <i>Keweenaw Bay Indian Community v. Naftaly</i> , by Skip Durocher	329
PART 4. Conclusions	335
CHAPTER 23. The Benefits of Reestablished Treaties	337
Notes	345
Acronyms and Bibliography, compiled by Nancy N. Cleland	379
Index	385