

The Story of the 1836 Treaty of Washington

Throughout the nineteenth century Anishinaabeg leaders from the Great Lakes, wearing eagle feather headdresses and elegantly beaded bandolier bags, met in treaty councils with U.S. commissioners. Trained for years as astute listeners and eloquent speakers, these diplomats put their skills to the test as they negotiated with their non-Indian counterparts, whose primary responsibility was to serve the interests of the federal government. The stakes were high, for Native territories and lifeways were often at risk.¹

The Grand Traverse Band of Ottawa and Chippewa Indians is one of several Indian tribes who are signatories to the 1836 Treaty of Washington. These treaties brought together as a formal legal and political body the loose confederation of Indian communities or bands living in the Grand Traverse Bay region.² In both treaties, the Grand Traverse Band people, represented by its leaders or *ogemuk*, sought to preserve a permanent tribal land base; reserve lake and inland hunting, fishing, and gathering rights; establish

a government-to-government relationship with the United States; and acquire needed funds, materials, and services from the federal government.

The Three Fires Anishinaabek

Anishinaabek had lived in the Great Lakes area for hundreds of years before the arrival of Europeans. The old stories say that the Anishinaabek came from the eastern seaboard, migrating upriver until they reached the massive inland seas.³ Vine Deloria Jr. recounted scholarship about four major groups of ancient people from the north and east—the Anishinaabek, the Dakota, the Salish, and pale-skinned people—and how they fought over many, many years until the pale-skinned people left the continent, perhaps as a result of an ice age.⁴ Andrew Blackbird wrote that spirits (*Manitouwog*) stole an Ottawa woman's baby and terrorized the Ottawas on the eastern seaboard, so that they moved away from the rising sun, toward the setting sun, and settled on Manitoulin Island.⁵

The Three Fires—the Odawa (or Ottawa), the Ojibwe (or Chippewa or Ojibway), and the Bodewadmi (or Potawatomi)—had been linked together for

centuries in Michigan and the western Great Lakes. Later, as they settled the Great Lakes area between 600 and 900 years ago, the Anishinaabek split into three major groups—the Odawa, the Ojibwe, and the Bodewadmi.⁶ Consistent with the importance of family to the Anishinaabek, the Ojibwe are often referred to as the “Elder Brother” in the confederacy, with the Odawa known as the “Next Elder Brother,” and the Bodewadmi as the “Younger Brother.”⁷ The Ottawa name likely derives from the word for “trader,” and the Chippewa name from the kind of moccasins that Chippewa hunters wore; Potawatomi means “Keepers of the Fire.”⁸ A nineteenth-century *ogema* (Anishinaabe leader or headman), Chamblee, explained their relationship in Michigan: “We Three nations—Chippewas, Pottawatomis, and Odawas—have but one council fire.”⁹ These three nations are commonly referred to as the Three Fires.¹⁰

The community now known collectively as the Grand Traverse Band of Ottawa and Chippewa Indians has occupied the Grand Traverse Bay region since as early as 1675,¹¹ but Anishinaabe people and others have been living and hunting in Michigan for perhaps as long as 11,000 years. Back then, these Indian people appear to have hunted giant mammals, and fished the lakes and river using nets. Rock paintings recently discovered in the Grand Traverse Bay area demonstrate that Indian hunters armed with spears hunted the Michigan mastodon.¹² These people may have been known by later Michigan indigenous peoples as the “Mammoth People.”¹³ Other peoples included the Adena and Hopewell cultures.¹⁴

Before the Treaties: Politics and Economics

Indian people in the Great Lakes region in the decades before the 1836 Treaty of Washington had already undergone centuries of change and conflict as a result of the European arrival in North America. Likely the first people that the Europeans encountered in the western Great Lakes region were the Ottawa, then living on and near Manitoulin Island and the Georgian Bay archipelago.¹⁵ Samuel de Champlain wrote the first European journal entry about his encounters with the Manitoulin Island Ottawas, who claimed to be picking blueberries, in 1615 or 1616.¹⁶ By this time, the Ottawas living on and around Manitoulin Island had been hunting seasonally in northern lower Michigan for hundreds of years.¹⁷

In the seventeenth century, when the center of Ottawa culture was Manitoulin Island between Lake Huron and the Georgian Bay, the Five Nations of the

Haudenosaunee Confederacy based in New York began military excursions into the western Great Lakes region, fighting the Huron Confederacy, Ottawas, Chippewas, Potawatomis, and dozens of other small Indian tribes in the region for a sixty-year period.¹⁸ In 1650, many Anishinaabe bands abandoned their homelands and relocated to the west, often around Green Bay, before they could return safely.¹⁹ In 1653, the Ottawas and Chippewas united to defeat the Haudenosaunees at Iroquois Point in the Upper Peninsula, allowing the Anishinaabek to reestablish their presence in the region.²⁰ The conflicts with the Haudenosaunees did not conclude until the 1660s or 1670s.²¹ The reassertion of Anishinaabek authority in Michigan quickly followed this period.²² By 1671, the Odawak had formed a major trading center at Michilimackinac.²³

The end of the wars with the Haudenosaunees brought the arrival of the French fur traders and missionaries, creating major changes in the focus of the Anishinaabe economy. St. Ignace (Michilimackinac) and Sault Ste. Marie formed the major trading centers of the region.²⁴ Anishinaabek traders also forged trading routes to the east as far as Montreal and other towns.²⁵ According to Andrew Blackbird, Ottawa traders likely encountered French traders at Montreal, where they exchanged gifts, with the Ottawas bringing back to Mackinac firearms and axes.²⁶ Since the Ottawas held the strongest remaining trade ties to the French, and since the Ottawas controlled the Straits of Mackinac, the Ottawas retained “a virtual monopoly over the profitable fur trade.”²⁷ In the late seventeenth century and eighteenth century, the French and the Ottawas became even closer trading partners, with many Frenchmen marrying into Ottawa families, learning to speak Anishinaabemowin, and adopting the custom of gift-giving.²⁸ From 1671 to 1812, the Anishinaabek were wealthy and powerful.²⁹ However, because the French government desired greater control over the fur trade, and because the population of French traders increased so greatly, the Ottawa monopoly over the fur trade eventually disappeared.³⁰

By the first part of the eighteenth century, a major cluster of Ottawa villages had formed near the Straits of Mackinac and, later, L'Arbre Croche and southward.³¹ In 1742, approximately 1,500 to 3,000 Ottawas lived there.³² It was in this period that Ottawa people settled on lands all down the coast of Lake Michigan, including the Grand Traverse Bay region.³³ The French commander at Fort Michilimackinac wrote in 1741 of the “savages” at the Grand Traverse Bay who had made clearings for villages.³⁴ These villages consisted of parallel rows of longhouses, called *ktiganigamik*, sixteen to twenty feet long and twelve to fourteen feet wide.³⁵

The Grand Traverse and Little Traverse communities have always been interconnected: the name in Anishinaabemowin for Little Traverse Bay is Wikwedongsing, and the name for Grand Traverse Bay is Kitchiwikwedongsing.³⁶ Later, as the Christian missionaries entered the region, a split between the Catholic Indians and the traditional Indians formed, which also may have tracked the Catholic-Protestant divide between Little Traverse and Grand Traverse Anishinaabe communities.³⁷ This split may have contributed to the decision of some families to choose to settle in Grand Traverse as opposed to Little Traverse, and vice versa.

Because of their close relationship with the French, these Odawa communities eventually took greater control of most of the Lower Peninsula, including the Grand River Valley and areas near and south of Detroit.³⁸ Some Chippewa people moved toward the northeastern coast of the Lower Peninsula, with the Mackinac region acting as the dividing point.³⁹

At least two stories account for the presence of the Ojibwe bands in the Grand Traverse Bay area. One story, propounded by Andrew Blackbird, the famed Odawa historian, holds that the Grand Traverse Ottawas granted hunting rights to the Chippewas in compensation for the murder of a young Chippewa by an Ottawa during a fishing dispute at Mackinac.⁴⁰ The other dates to an older period, when the Ottawas, with assistance from the Chippewas, drove the Mascouten people from the L'Arbre Croche region prior to settling there—the Ottawas then granting their Chippewa allies the right to live in the region.⁴¹ Regardless, the people of the two tribes (Ottawa and Chippewa) to this day retain their separateness, despite significant intermarriage. Richard White noted that the key element of difference between the two tribes in the region until the mid-nineteenth century was the greater emphasis by the Ottawas on agriculture.⁴² White also argued that the intermarriage between Ottawas and Chippewas at Grand Traverse Bay created a smooth assimilation of the Chippewas into the Ottawa community.⁴³

The latter half of the eighteenth century brought the arrival of the British and the Americans,⁴⁴ with the French and Indian War driving out the French,⁴⁵ Pontiac's War,⁴⁶ and the American Revolutionary War.⁴⁷ Despite these disruptions, the Michigan Anishinaabek economy, led by the northern Michigan Ottawas, diversified and even prospered.⁴⁸

Each European nation in the region—the French, followed by the British and then the Americans—had a different policy of dealing with Indian tribes

in Michigan. It is fair to say that each one was progressively worse than the one before it. While the French often treated the Ottawas as equals, the British treated them as conquered peoples, even though the Ottawas had not been defeated in battle during the French and Indian War.⁴⁹ After Pontiac's War, which involved a nearly successful confederacy of dozens of Indian military units, the British became more conciliatory toward the Indians.⁵⁰ But the Americans, who pushed the British out of Michigan after the War of 1812 and took control of Michilimackinac in 1815, simply wanted all Indian lands.⁵¹ Moreover, any Indians or traders who sided with the British in the War of 1812 suffered the wrath and retribution of the Americans.⁵² In 1837, the State of Michigan became the final sovereign entity that entered Indian affairs.⁵³

Throughout all of this disruption, the Ottawa people were the most effective traders in the region.⁵⁴ Michigan Ottawas engaged in trade over incredibly long distances, perhaps as far as 1,500 miles.⁵⁵ For example, Henry Schoolcraft noticed an Indian pouch belonging to an Indian at Sault Ste. Marie that he recognized as originating at the mouth of the Columbia River on the Pacific Ocean.⁵⁶ In 1836, Baptist missionary Abel Bingham was surprised to see Michigan Anishinaabek relying upon wheat flour, tea, coffee, and sugar in the middle of winter, all goods imported from overseas.⁵⁷

The canoes built by the Michigan Anishinaabek were said to be "some of the best in America."⁵⁸ These were the finest canoes in the northern hemisphere, capable of carrying over a ton of people and equipment for two-year treks, creating an ability to travel over all of the Great Lakes and their major tributaries.⁵⁹ According to Gregory Dowd:

Men and women made them. The lighter, more elegant, and larger birch-bark canoes took two skilled people a full week to make; elm-bark canoes could be fashioned by two people in half a day. They contained in their making not only the birch or elm bark, collected late in the winter, but also white or red cedar or ash for the frame, sewn together with basswood fiber, elm root, spruce root, cedar root, pine root, or tamarack root, and sealed with a pitch of spruce, white pine, or balsam. Ottawas and Chippewas decorated their canoes with paint and dyes. By the nineteenth century, the canoes could be very large and carry more than a ton.⁶⁰

Contemporary European writers were astounded by the engineering of Anishinaabe canoes, and especially their carrying capacities:

Its length is thirty feet, and its breadth across the widest part, about four feet. It is about two and a half feet deep in the centre, but only about two feet near the bow and stern. Its bottom is rounded, and has no keel.

The materials of which this canoe is built, are birch bark, and red cedar, the whole fastened together with wattap and gum, without a nail, or bit of iron of any sort to confine the parts. The entire outside is bark—the bark of the birch tree—and where the edges join at the bottom, or along the sides, they are sewn with this wattap, and then along the line of the seam, it is gummed. Next to the bark are pieces of cedar, shaven thin, not thicker than the blade of a knife—these run horizontally, and are pressed against the bark by means of these ribs of cedar, which fit the shape of the canoe, bottom and sides, and coming up to the edges, are pointed, and let into a rim of cedar of about an inch and a half wide, and an inch thick, that forms the gunwale of the canoe, and to which, by means of the wattap, the bark and the ribs are all sewed; the wattap being wrapped over the gunwale, and passed through the bark and ribs. Across the canoe are bars, some five or six, that keep the canoe in shape. . . .

But so light is it, and so easily damaged, that precautions are necessary to be taken in loading it, and these are attended to by placing round poles along the bottom. These, resting on the ribs, equally, for the whole length, cause the burden to press equally from one end to the other. Upon these the baggage rests, and also the crew and the passengers. . . .

Our baggage and stores, and the provisions for the voyageurs, and our tents, &c., are estimated to weigh at least five hundred weight; and then there will be eleven of us . . . who will not weigh short of fifteen hundred weight—so this canoe of bark is destined to carry not less than two thousand pounds! The paddles are of red cedar, and are very light. The blade is not over three inches wide, except the steersman's, that is, perhaps, five.⁶¹

Henry Schoolcraft, who had become a powerful proponent of removal by the late 1830s, lamented that the ability of the Anishinaabek to construct canoes would all but guarantee that no federal plan to remove the Indians to the west would succeed.⁶²

And there are trails that Ottawa people from the Grand Traverse and Little Traverse Bays walked to trading centers in Saginaw, Detroit, Toledo, and Chicago.⁶³ The Michigan Ottawas were situated between the Ojibwe communities in Canada and the Upper Peninsula, who had easy access to the Lake Superior fishery, with the Anishinaabe people in the Grand River and St.

Joseph River Valleys, where Indians grew enormous quantities of corn, fruit, and other edibles.⁶⁴ Ottawa people used their superior traveling capabilities and geographic advantages to act as the trading go-between for these nations.⁶⁵ According to James McClurken, Ottawa families owned their own trade routes, which could be land-based or water-based.⁶⁶ Families intermarried, on occasion, for the purposes of joining or expanding trade routes.⁶⁷

The Ottawa people in the northern Lower Peninsula also enjoyed a strong fishery both on the Great Lakes and inland, a plentiful berry harvest, and a significant crop of corn, beans, and squash—the Three Sisters.⁶⁸ Andrew Blackbird wrote in the 1870s about his childhood: “Then I never knew my people to want for anything to eat or to wear, as we always had plenty of wild meat and plenty of fish, corn, vegetables, and wild fruits. I thought (and yet I may be mistaken) that my people were very happy in those days.”⁶⁹ Grand Traverse Bay area Anishinaabek also grew large gardens, sufficient to feed entire villages—even north, in shorter growing seasons than in the Grand River and St. Joseph River Valleys.⁷⁰ On the importance of corn and agriculture, James McClurken wrote:

The Ottawa way of life was based on growing crops, fishing, and, to a lesser extent, gathering wild foods and hunting. . . . Most years, a successful corn crop yielded a surplus to be stored for leaner times ahead. The pattern of corn growing and method of land use were so central to their lives that when the Ottawa moved to Michigan’s lower peninsula in the 1700s, they again sought lakeshore lands, settling in areas where the warmth of Lake Michigan’s waters would aid them in the raising of their crops.⁷¹

According to McClurken, corn was a critical element in the survival of the Michigan Odawak through lean years, but the Odawak relied upon a variety of foods and food sources as a means of avoiding overreliance on a single food—and the concomitant threat of starvation:

By relying on a variety of foods, Ottawa society would not be threatened as severely if one food source failed. When the corn crop was damaged by bad weather, they could rely on fishing and hunting. When those sources failed, the Ottawa had reserves of corn. It was this stability which the Ottawa sought to preserve and enhance throughout their history.⁷²

As more and more non-Indians arrived in the northern Anishinaabe lands, corn and potatoes become more and more important to the Anishinaabe economy.⁷³ By the late eighteenth century, the Ottawas at Waganikising grew enough corn to sell their surplus at the trading center in Michilimackinac.⁷⁴

The Anishinaabek lived according to the seasons, and moved to different areas depending on the season.⁷⁵ Each month (moon) in the Anishinaabe calendar is delineated by the seasonal activities of the Anishinaabek, helping to maintain their understanding of the culture.⁷⁶ According to James McClurken:

The seasonal cycle that had been established in the eighteenth century continued into the opening decades of the American period. Throughout the British regime, the Ottawa continued to maintain large villages on major waterways where the climate was suitable for corn production and where there was seasonal abundance of fish. The year began with the collection and processing of maple sap for sugar which was used for food and exchange. For this activity, a number of extended families left large villages to occupy their regular territories. Fishing and gathering spring plants were predominant activities until the threat of frost ended. At this point, the Ottawa extended families who had left the major village once again rejoined those who had remained behind; planting took place in the late spring. During the summer months, small groups of related males left the large villages for local hunts, visiting and trading in other regions, and for war. Women, children, and those not able to travel remained at the home village to tend crops. Following fall harvest of crops and fishing, small parties—sometimes entire extended families—once again left the larger villages for winter hunts.⁷⁷

In the winters, the Grand Traverse Anishinaabek retired to their hunting and trapping grounds inland and usually southward, often as far as the Grand River Valley and even Illinois.⁷⁸ However, many Grand Traverse people remained relatively close to the bay area, with many Anishinaabek retiring for the winters to the Boardman River area near what is now Traverse City.⁷⁹

The swampy regions near the Grand Traverse Bay, especially those closer to Elk Lake and Torch Lake, offered maple sugar in the spring. Maple-sugar season began in mid-March and went through the end of April. Even before sugar became an important trade good in the 1850s, Grand Traverse Anishinaabek always moved from their inland wintering grounds to the sugaring camps in the spring, when food was at its scarcest.⁸⁰

From the sugar camps, the Odawak moved to their larger summer villages.

They lived in longhouses that could comfortably sleep nine families at a time.⁸¹ The children and women populated the villages, gathering food and materials for the winter months and watching over crops, which included corn, pumpkins, beans, potatoes, apples, and many other fruits and vegetables.⁸² The Odawak used this period to travel long distances to hunt and trade.⁸³ Long before the main group of Ottawas moved into Michigan, Ottawa hunters came through the Lower Peninsula on their hunting expeditions.⁸⁴

Many Anishinaabek moved to the lake shores in October to engage in fishing while the trout and other fish were spawning.⁸⁵ Charles Cleland wrote that Indians in the Grand Traverse Bay region and at other Great Lakes shores had used gill-net technology to sustain their lakeshore fisheries for over 1,000 years before treaty times.⁸⁶ According to Robert Keller, Henry Schoolcraft wrote:

The fish and game around Saginaw Bay . . . could entirely support the Indians there. At Michilimackinac we found Indians taking trout, black and white bass, herring, sturgeon, pike, perch, catfish, and muskie. At Sault Ste. Marie 40 lodges of Chippewa seemed to eat only whitefish; their method of dipnetting in the rapids allowed them to catch as many as 500 fish in two hours; afterwards they smoked and stored the fish for winter.⁸⁷

Michigan Anishinaabek fishers used spears as long as 40 or 50 feet to fish for sturgeon on the lakes, even during the winter when the surface froze.⁸⁸

The Grand Traverse Anishinaabek also fished inland. Torch Lake and Torch River derive their names from the Anishinaabe practice of fishing at night with torches,⁸⁹ called “flambeauing” by some.⁹⁰ The river and inland lake fisheries were extensive, producing sturgeon, brook trout, catfish, and many other species of fish.⁹¹ The Anishinaabe tools of fishing were comprehensive, including the use of seines, gill nets, dip nets, hooks, spears and harpoons, and torches.⁹² Great Lakes gill-net technology dates at least as far back as the eighth century, and could be as old as 7,000 years.⁹³ Indian fishing technology changed little after the arrival of the Europeans,⁹⁴ perhaps demonstrating their advanced understanding and abilities compared to the newcomers. As to fishing techniques, the Anishinaabe language—Anishinaabemowin—was detailed:

“I fish,” generically is, “Nin gigoike: (literally the word [s]ignifies, “I make fish”); “Nin pagidawa” means: “I catch fish with nets”; “Nin Pagibadi”: “I catch fish with a line on which there are many hooks.” “Nin akwawa” means: “I fish

with a spear.” We could certainly convey this idea in English with one word, “I spear,” still it would not be so comprehensive as the Indian word, in which it is explained that fish are speared.

They have also a separate term for spearing fish by torchlight; they call it “wasswewin” (fishing with a spear in the light).

“Nin wewebanabi” signifies: “I fish with a hook”; it is the only term of the whole category which we can render in one English word, “I angle.”⁹⁵

By the time of the 1836 treaty negotiations, the tribal economies had changed again and again. The French, who first interacted with the Ottawas in 1615,⁹⁶ brought the demand for fur, which contributed to the near-extinction of many forms of fur-bearing animals in the Great Lakes region by the end of the eighteenth century,⁹⁷ though the fur trade endured many cycles as the fur-bearing animal population waxed and waned over the decades.⁹⁸ The Ottawas from Grand Traverse had been some of the leading middlemen in the fur trade, and continued trapping as part of this market through the 1860s.⁹⁹ By 1836, the Anishinaabek economy had fully integrated with the British and American societies.¹⁰⁰ In fact, the Anishinaabek imported much of their clothing and household items.¹⁰¹ Indians sold and traded maple sugar, berries (and berry flour), wild rice, and other foodstuff to non-Indians and other Indians.¹⁰²

The Michigan Anishinaabek continued to rely on hunting and fishing as the primary source of sustenance in the 1830s. However, after the 1830s, caribou, elk, and moose populations were in steep decline in Michigan.¹⁰³ The American Fur Company, owned by magnate John Jacob Astor, penetrated into the fishing market just as it had the fur trade.¹⁰⁴ But the fur trade, as well as the fishery, was cyclical, with overhunting and overfishing leading to the destruction of the commercial hunting and fishing business, followed by resurgences in game and fish populations a few years or decades later.¹⁰⁵ Astor’s American Fur Company, which made him his millions, dissolved in 1834 as a result of these cycles.¹⁰⁶ “By the 1850s, Little Traverse Bay’s most accessible fishing grounds became so depleted that many Ottawa farmed for their complete subsistence. . . .”¹⁰⁷ In general, over time, the fish and game could not withstand the repeated overharvesting of the resource. By 1900, for example, there was a mass extinction of the fur-bearing species in the Great Lakes region.¹⁰⁸

Grand Traverse Villages (Eighteenth Century to 1830s)

The villages surrounding the Grand Traverse Bay prior to the nineteenth century were not entirely permanent, with the Indians summering in the bay area, and wintering inland and southward. The Grand Traverse Anishinaabek lived in bark lodges (usually called wigwams) consistent with their lifeways, until the 1830s, when many of them built more permanent log homes and stick houses.¹⁰⁹ Even before this time, many Grand Traverse Anishinaabek maintained year-round residency in the area.¹¹⁰

During this time period, there were two Ojibwe villages in the region and at least four Odawa villages.¹¹¹ At the area near Eastport, the Ojibwe *ogema* Aishquagonabe kept his village. The Ojibwe *ogema* Aghosa's village was located at the tip of what is now called Old Mission Peninsula in the Grand Traverse Bay, where Peter Dougherty founded his mission in 1839. The leading Ottawa village, at Leland, was called Chemogobing. Shabwasson's band lived at Suttons Bay. This was the oldest village on the Grand Traverse Bay, featuring an Indian orchard and garden dating back to the sixteenth century.¹¹²

Ruth Craker recounts that the group that would later move to Peshawbestown in 1852 may have been in existence prior to the 1850s. Craker cites Father Frederic Baraga as establishing the first Catholic mission on Old Mission Peninsula in 1832, for the "Peshaba band of Indians."¹¹³

Indian Treaty Negotiators: The Ogemuk

The Grand Traverse Band's people lived in different villages around the bay, organized mostly by family groups and clans since time immemorial. The social organization of the Grand Traverse Bay communities followed the family and clan system.¹¹⁴ The primary political unit was the family, with a head of household serving to speak for and represent the rest of the family. According to Gregory Dowd:

Organization was, at the arrival of the first colonists, based on the village or band. Nonetheless, on the eve of contact, Chippewas, and probably Ottawas, each possessed their own clan structures that transcended the bands, uniting different bands under structures of kinship, that is, under the understanding of family, an understanding that reinforced the sense of what it meant to be an Ottawa or a Chippewa.¹¹⁵

It would be hard to say that these communities had chiefs, headmen, or other forms of autocratic or hierarchical leadership, but the heads of large households and villages tended to be called *ogema* (singular) or *ogemuk* (plural), commonly defined as “headman” or “headmen.”¹¹⁶ The family itself would have occupied an entire village, more or less, so that the leading family member would be seen to outsiders to be the leader of the village:

Each family in the village was represented by a leader who was chosen by consent of all of his family members. Responsible for expressing the opinions and protecting the interests of the families, leaders were chosen for their ability to deal with outsiders and for their generosity to family members and friends. When several families lived in a village, the leaders appointed a head speaker to represent them in dealings with other outside groups. . . .

Leaders did not rule the village. They could not command anyone to do their will.¹¹⁷

These were families—and the leader of such families was known as an *ogema*, a person who could care for a larger number of people. There may have been separate clan or *dodem* leaders in each village as well, which may account for academics and outsiders assuming that the title of *ogema* was hereditary.¹¹⁸ Villages in a particular region, such as the Grand Traverse Bay region or Little Traverse Bay region, often cooperated in the form of confederacy, allying for particular purposes such as war or treaty-making.¹¹⁹ These *ogemuk* had little or no authority over particular villages, except perhaps their own. They could not order a village to take a particular action, but instead they used persuasion, both rhetorical and economic. Individuals and families that chose not to follow the majority had the option simply to leave, and they often would. On rarer occasions, the regional confederations could join with the larger cultural group now referred to as a tribe, as in the Ottawa tribe or Ojibwe tribe, linked by similar customs and language. Again, the regional confederacies could appoint *ogemuk*, or, as in the case of the 1855 treaty negotiations, individuals who were outstanding speakers but did not have the authority or duties of the *ogemuk*.¹²⁰

Benjamin Ramirez-shkwegnaabi, a member of the Saginaw Chippewa Indian Tribe and a professor at Central Michigan University, described in great detail the character and importance of the *ogemuk* during treaty times:

Anishinaabeg *ogimaag* (leaders) were men and women who excelled in areas such as warfare, medicine, hunting, or singing. They did not lead by force or authority (in the European sense), but rather secured their power through service to their communities. War chiefs were typically young warriors, of lower rank than civil chiefs, who had proved their leadership in war. Ideally they supported the civil *ogimaag* and asserted their authority only in times of conflict. Civil leaders (by the nineteenth century this was often a hereditary rank) had a responsibility to provide for the welfare of their people, much as parents had responsibility for their children. “He was a father to his people; they looked on him as children do to a parent; and his lightest wish was immediately performed,” said a principal warrior of Curly Head, a Mississippi Ojibwe civil chief whose relationship with his people was based on ensuring their well-being: “His lodge was ever full of meat, to which the hungry and destitute were ever welcome. The traders vied with one another who should treat him best, and the presents which he received at their hands he always distributed to his people without reserve. When he had plenty, his people wanted not.”¹²¹

Professor Ramirez-shkwegnaabi also explained the careful ceremony and protocol of an Anishinaabe Indian treaty council. Treaty councils began with a speech by the party responsible for calling the treaty council, calling on the negotiators to participate in good faith and, perhaps, to explain the purpose of the meeting. Treaty councils could last for weeks at a time. And gift exchange was perhaps the most important element to many treaty councils.¹²² The rhetorical strategy of Anishinaabek speakers bears mention:

During councils, Anishinaabeg diplomats drew on a number of tactics ranging from rhetorical devices of kinship and supplication to demands for more time and invocation of leadership responsibilities. Many of these tactics were highly ritualized, again rising from time-honored procedures. Anishinaabeg had a long-established diplomatic rhetoric based on kinship and fictive kinship terminology.¹²³

The lack of authoritarian legal authority possessed by the *ogemuk* was a source of frustration for American treaty negotiators, who desired Indian leaders who were willing to make broad decisions without tribal consensus:

This informal structure of leadership frequently frustrated Americans who sought one or two leaders with whom they could make political and economic deals. The American way of doing business required negotiation with someone who commanded the obedience of the people and could agree to terms without consulting them. Between 1779 and 1855 when Americans made treaties with the Odawa, the *Ogemuk* from all villages had to be present, which slowed negotiations. From the American perspective, the inability of the *Ogemuk* to make decisions contrary to the will of their people sometimes impeded negotiations.¹²⁴

Without the will of the people backing them, *ogemuk* could quickly fall from power and from favor.¹²⁵ For example, an *ogema* from the Grand River Ottawa community who signed the 1821 Treaty of Chicago against the wishes of his community lost all his authority (and his life) as soon as he returned home with the news of the treaty.¹²⁶ American treaty negotiators did not want to acknowledge this limitation on the *ogemuk*, and so they ignored it.

Regardless, Great Lakes Anishinaabe leaders understood very well the geopolitics of the European and, later, the American imperative—the land meant absolutely everything. As one Ojibwe *ogema* on Mackinac Island stated in the years following the French and Indian War:

Englishman! Although you have conquered the French you have not yet conquered us! We are not your slaves. These lakes and these woods and mountains were left to us by our ancestors. They are our inheritance, and we will part with them to none. Your nation supposes that we, like the white people, cannot live without bread and pork and beef. But you ought to know that he—the Great Spirit and master of life—has provided food for us in these broad lakes and upon these mountains.¹²⁷

Later, after the British evacuated Michigan following the War of 1812, an Ottawa *ogema* named Ocaita harshly chastised the British for giving up Indian lands in the Treaty of Ghent without Indian consent.¹²⁸

The experiences of other Anishinaabek communities in the 1795 Treaty of Greenville and in the 1833 Treaty of Chicago, for example, influenced the strategy of the Anishinaabe *ogemuk* leading up to the critical treaty negotiations of 1836. The *ogemuk* knew that the American treaty commissioners were planning to buy lands outright as a means of clearing all claims to Indian title in Michigan's

Lower Peninsula. Leading American treaty commissioners, such as Lewis Cass, secretary of war during the 1836 treaty negotiations and land speculator,¹²⁹ spoke of Great Lakes treaty lands entirely in terms of price, repeatedly assuring his superiors that “any price paid [for Indian lands] would be much less than the lands were worth.”¹³⁰

Conversely, Indian negotiators came to the table with a different conception of land sales or cessions. According to Helen Tanner, these negotiators were willing to part with many sticks in the bundle of property rights, but not all:

Land concepts of Indian people differed markedly from the views motivating the British and American officials with whom they were dealing. In the belief system of Indian people, land, like air and water, was available to all on the basis of need. Personal ownership was limited to things individually crafted, crops raised, or proceeds of hunting and fishing activities. Tribal groups exercised stewardship over particular activities under their control.¹³¹

In other words, Indian people would continue to use the ceded lands and waters as they always had, excepting perhaps some areas set aside for mining or timber cutting,¹³² until and if American “settlement” precluded those activities. The notion that the American government could “purchase” lands for exclusive “ownership,” even if they were not being used for any valuable purpose, was not one Indians completely understood, and so it never became part of the treaty language. For the Indian negotiators, one expects that the American notion of property ownership prior to actual use was equivalent to pointless hoarding of lands.

The Negotiation of the Treaty of Washington (1836)

It may have been the Ottawa group living on Manitoulin Island in 1835 that started the process leading to the March 28, 1836, Treaty of Washington,¹³³ though the L'Arbre Croche Ottawas had suggested a land-sale treaty around that time as well.¹³⁴ They contacted Henry Schoolcraft at the Mackinac Indian Agency with an offer to sell Drummond Island.¹³⁵ Schoolcraft, an ardent land speculator,¹³⁶ prone to fits of deep ethnocentrism,¹³⁷ had been looking for an opportunity to exploit “the possibility of an extensive land cession and sent out inquiries about lands that regional Indians might be willing to sell.”¹³⁸ The southern portion of the Michigan territory, as far north as the Grand River

Valley, home of the Grand River Ottawas, had been the subject of intense land speculation during the time leading up to the 1836 Treaty.¹³⁹ North of mid-Michigan, however, the growing season was too short to support much large-scale farming,¹⁴⁰ but the Grand Traverse Anishinaabek were still concerned about the influx of non-Indians into southern Michigan, where many of them asserted territorial hunting rights.¹⁴¹

Schoolcraft would find that the Michigan Anishinaabek only had willingness, at that time, “to sell the Manitou Islands, off the Leelanau Peninsula in Lake Michigan, and a tract north of the Straits that they claimed by the right of conquest.”¹⁴² A delegation of Odawak from L’Arbre Croche, led by Augustin Hamelin Jr., had left for Washington, D.C., to discuss a treaty in September 1835 under these terms,¹⁴³ and to head off a likely attempt by Schoolcraft to convince Secretary of War Lewis Cass that Michigan Indians were ready for a major land cession.¹⁴⁴ Hamelin’s delegation instead wanted to raise money to be used to purchase lands in and around Indian villages, to create a buffer from the non-Indians that would eventually permeate the region.¹⁴⁵ The L’Arbre Croche community had previously asked Henry Schoolcraft permission to discuss land cessions in 1833 and 1834, but he had denied their request to travel with federal funds on the grounds that the federal government did not yet “require” their lands.¹⁴⁶

The Grand River Ottawas strongly, even violently, opposed Hamelin’s L’Arbre Croche community in these dealings.¹⁴⁷ Father Frederic Baraga described what must have been a tense meeting between the L’Arbre Croche and Grand River Anishinaabek communities in the spring of 1834, when the Grand River *ogemuk* communicated their displeasure with even the limited land cessions proposed by the L’Arbre Croche community.¹⁴⁸ The Grand River Ottawas sent their own delegation in 1835 to stop the Hamelin delegation from agreeing to sell land, and to inform the federal government that the Hamelin delegation did not speak for the rest of the Ottawas.¹⁴⁹ Of all the Indian communities in Michigan, the Grand River Ottawas especially did not want to cede their lands, having suffered from poor treaty terms in 1821.¹⁵⁰ The presence of two Anishinaabek delegations, even though they had neither authority nor willingness to sell much land, helped Schoolcraft persuade Secretary Cass that the Michigan Indian lands were ripe for cession.¹⁵¹ The commissioner of Indian Affairs formally asked Schoolcraft if the Michigan Indians were willing to enter into a large land-cession treaty, and although he knew it not to be the case, Schoolcraft said yes.¹⁵²

Henry Schoolcraft had been the Michigan Indian agent since 1822, based first at Sault Ste. Marie, and then moving to Mackinac in 1834 after a federal

Indian Office reorganization.¹⁵³ According to Helen Tanner, “His wife, Jane, was the daughter of an Irish trader at Sault Ste. Marie [John Johnston] who had married the daughter of an influential Ojibwe leader at La Pointe [Oshawguscodaywaykwe]. Jane’s three brothers were among the eight Schoolcraft relatives who held posts on the staff of Schoolcraft’s Indian agency.”¹⁵⁴ Jane’s name was “*Baamewaawaagizhigokwe*, literally, ‘a woman who moves, making sound in the heavens.’”¹⁵⁵ One of Jane’s brothers, George Johnston, would figure heavily in the histories of the northern Michigan Indians, and especially the Grand Traverse Band.¹⁵⁶

Schoolcraft left for Washington, D.C., in November 1835, a month after the Hamelin delegation departed.¹⁵⁷ His companions and actions during his trip demonstrated the larger political and economic powers that held sway in the treaty negotiations.¹⁵⁸ He visited the American Fur Company’s headquarters in New York. Many Michigan Anishinaabek owed debts to the company’s traders, money that likely would not be paid back as the fur trade declined. In fact, American Fur Trading Company representatives Rix Robinson and John Drew escorted Michigan *ogemuk* to Washington, with Robinson bringing the Grand Traverse Band representatives.¹⁵⁹ These traders pressured the Michigan Anishinaabek to appear at the treaty negotiations.¹⁶⁰ Rix Robinson claimed that Indians owed him \$48,000, a huge sum at the time.¹⁶¹ Robinson would later collect almost \$23,000 under the 1836 Treaty terms.¹⁶² Their presence, and the money paid directly to them in the 1836 Treaty, demonstrated that Indian debt played a significant role in convincing the *ogemuk* to sign the treaty.¹⁶³

The strategy of encouraging Indian people to sign treaties ceding lands to the United States government as a means of paying off personal and family debts actually originated with President Thomas Jefferson, who hoped for the decline of the fur trade decades earlier.¹⁶⁴ He suggested that American traders extend credit to Indian people with full intention of using debt to extort Indian land cessions, and for other purposes.¹⁶⁵ Because much of the Great Lakes economy, from the point of view of whites, relied so heavily on this extension of credit to Indians and the resulting economic benefits to non-Indians who collected on this debt, it is no surprise that American traders did not press for the removal of the Anishinaabek.¹⁶⁶

Another factor persuading the Michigan Anishinaabek that it was time for a treaty was the fact that President Andrew Jackson’s administration had slashed the federal Indian Office budget, which meant that the blacksmiths at Michilimackinac and Grand Traverse, important for everything from fishing

hooks, to maintaining guns for hunting, and farming equipment, would no longer be available.¹⁶⁷ President Jackson had been the famous “Indian fighter” as a military leader and had been urging the removal of all Indians to the west of the Mississippi River.¹⁶⁸ But the Jackson administration stopped short in 1836 and in later periods of pressing for the ultimate removal of the northern Michigan Indians, because the American government worried that the Indians would escape to Canada and become allies of the British.¹⁶⁹ Schoolcraft and others were aware that Michigan Indians continued to travel to Canada, especially Manitoulin Island, to receive gifts from the English.¹⁷⁰ Moreover, the American military was wary of engaging yet another large group of Indian people willing to fight back if required to remove. Ongoing during the 1836 treaty negotiations was the Second Seminole War, in which thousands of Americans and Seminoles fought and died over land that was not needed for American agriculture.¹⁷¹

In general, there were numerous factors leading the Americans and the Anishinaabek to enter into a treaty. There was the southern Michigan land rush, the Jackson administration’s push to remove Indians, the reduction in the federal Indian Office budget, and heavy Indian debt. Furthermore, the Michigan Anishinaabek complained that American steamers were pirating timber off of Indian-owned islands in the Great Lakes, and that American commercial fishers were destroying the fishing economy.¹⁷²

The *ogemuk* who attended the 1836 treaty council in Washington, D.C., on behalf of the people of the Grand Traverse Bay region included three primary individuals: Aishquagonabe (“Last Feather”),¹⁷³ Aghosa (“Flying Hawk”),¹⁷⁴ and Oshawun Epenaysee, or Chawaneeneese. Aishquagonabe came from and represented the people of the eastern shore of the Grand Traverse Bay, near Elk Rapids, Kewadin, and Torch Lake. Aishquagonabe had been well-known for taking scalps on behalf of the British during the War of 1812.¹⁷⁵ Aghosa represented a group living on what is now known as Old Mission Peninsula. Aishquagonabe and Aghosa were both Ojibwe. The third group, represented by Oshawun Epenaysee, lived on Leelanau Peninsula.¹⁷⁶ There were several smaller Ottawa villages on that peninsula, likely all represented at the 1836 treaty council by Oshawun Epenaysee. These three individuals signed the 1836 Treaty of Washington on behalf of their respective communities.¹⁷⁷

The 1836 Treaty, from the point of view of the Grand Traverse Anishinaabek, was intended to be an Ottawa treaty, involving the Lower Peninsula Anishinaabek.

There was a clear line between the primarily Ottawa Lower Peninsula territories and the Upper Peninsula Chippewa territories. And yet it was Schoolcraft and Cass who envisioned a much larger treaty cession that would involve half of the Upper Peninsula as well. Gregory Dowd reports that the 1836 treaty delegation consisted primarily of Lower Peninsula Ottawas and Chippewas.¹⁷⁸ The Upper Peninsula Chippewas were only sparsely represented, and then only by individuals with dubious authority at best.¹⁷⁹ The Grand River Ottawa delegation, many of whom opposed land cessions, was badly divided.¹⁸⁰ Moreover, the L'Arbre Croche bands rarely agreed on anything with the Grand River bands.¹⁸¹ Schoolcraft, as the lead American treaty negotiator, used the very presence of the Upper Peninsula Chippewas as leverage against the Lower Peninsula Ottawas and Chippewas. At any moment, all parties knew, if the Ottawas objected to a large land cession or any other treaty term, Schoolcraft could easily acquire the signatures of the Upper Peninsula Chippewa contingent, regardless of their authority to sign away lands that they did not own. From the American point of view, and especially in the Senate, an Indian mark was an Indian mark. No one in Washington would question the signatories' authority.

On March 14, 1836, in what must have been a surreal experience for the Indians, the Anishinaabek met President Andrew Jackson, Indian fighter and supporter of Indian removal to the west.¹⁸² It should be noted that the Great Lakes Anishinaabek people often brought their entire communities to major treaty negotiations, and that it was relatively rare for treaties to be negotiated in the heart of the United States capital.¹⁸³ But for this treaty, a mere twenty-four *ogemuk* attended the treaty council, far from their homelands,¹⁸⁴ out of at least one hundred recognized Anishinaabe *ogemuk* in the treaty cession area.¹⁸⁵ One could interpret this factor in different ways. Surely, the American treaty commissioners wanted to limit the presence of people who could influence the Indian negotiators, and to place the Indians in an uncomfortable position, but the presence of so few Anishinaabe leaders demonstrates the lack of consensus—and consent—from the Anishinaabek as a whole to the large land cession. And yet the Michigan Anishinaabek who attended the 1836 treaty councils were cosmopolitan leaders, with some experience in American political and social machinations, some of whom had undergone the experience of treaty-making with the Americans before.¹⁸⁶ The agreement these Indian negotiators made with the Americans was a powerful document that preserved much of what the Indians hoped for, demonstrating their relative comfort and strength as a

group.¹⁸⁷ Of course, after the negotiations concluded, the United States Senate unilaterally abrogated many of the key provisions of the treaty, though a large portion of the Michigan *ogemuk* later ratified those changes.

On the first day of the formal treaty council, March 15, 1836, newly appointed treaty commissioner Henry Schoolcraft addressed the Indian treaty negotiators with his expectations for the final treaty product. He expected the *ogemuk* to agree to cede three-eighths of what would become the State of Michigan—the lands between the Grand River in the Lower Peninsula to the eastern half of the Upper Peninsula as far as Marquette. He did note that he was willing to negotiate for permanent Indian reservations for the bands assembled:

No objection will be made, if you deem it imperative, to your fixing on proper and limited reservations to be held in common; but the President judges it best that no reservations should be made to individuals. . . . The usual privilege of residing and hunting on the lands sold till they are wanted will be granted.¹⁸⁸

After this speech, the Anishinaabek retreated to private councils to deliberate over the speech from Schoolcraft. After three days of deliberation, the Anishinaabek responded negatively to Schoolcraft's plan. Gregory Dowd writes:

When the parties reassembled in the Masonic Hall on March 18, the formalities of the calumet ceremony preceded the discussions. Then the "chief speaker" arose to reject Schoolcraft's offer. It is not clear from the record who this is, and after his objections no individual is referred to in [the treaty journal] as the "chief speaker." Probably it was Aishquagonabee, the first name listed on the treaty, a "Chippewa Chief of Grand Traverse." He lodged two specific objections: the first obvious, the second more obscure. It was obvious that the Indians simply did not wish to sell their rights to most of their lands. Less obvious was their objection to the provisions that would prevent their friends and relations from obtaining private reservations. The Ottawas and Chippewas were considering giving their intermarried relatives among the American citizens small reservations to encourage them to remain near at hand, where they could mediate dealings with other American citizens: "We fear that the whites who will not be our friends will come into our country and trouble us, and that we shall not be able to know where our possessions are, if we do sell our lands, it will be our wish that some of our white friends have lands among us and be associated with us."¹⁸⁹

Schoolcraft, the crafty treaty negotiator, had a ready response. He threatened to execute a treaty with the Upper Peninsula Chippewa communities, leaving the Lower Peninsula Anishinaabek, mostly Ottawa communities, with nothing.¹⁹⁰ Schoolcraft knew the Upper Peninsula representatives well—they had little authority, but they were individuals who would sign anything he offered them—and he knew how to use intertribal politics to divide and conquer. Eventually, over strident opposition from several Lower Peninsula *ogemuk*, Schoolcraft got his concessions and his large land cession.¹⁹¹ Again, Dowd writes:

Schoolcraft then threatened to treat separately with the Chippewas of the Upper Peninsula unless the Ottawas and Chippewas of the Lower Peninsula changed their minds before the following Tuesday. Since Upper Peninsular peoples had even less to fear from white settlement than did Ottawas, and since the dubiously representative Chippewa delegation from the Sault Ste. Marie region had been practically handpicked by the agent (and was related by marriage to him), it is not surprising that the Chippewas present were more willing to make a deal.

At that point, Augustin Hamelin [spelled Emlin in the treaty journal], Jr., intervened. He declared in English that the Ottawas had spoken, not from their hearts, but after having been, he claimed, manipulated by “white men who wanted [private] reservations.” Hamelin reassured the commissioner that “if the Indians were left alone they would sell, with some Reservations for themselves, he was confident it was their wish to dispose of their lands and derive present benefit.” Schoolcraft arranged for a private room in which the Indians could counsel among themselves, and that no one else be allowed to “disturb them.” [Rix] Robinson, meanwhile, wrote to Crooks that he and Robert Stuart had fought hard “to get such terms respecting our claims,” as Crooks had ordered. Although the Grand River Indians were still holding out for Robinson, Crooks, and others who sought private reserves, Robinson was ready to concede defeat on this point and to “fall into their ranks upon the best terms that I can get.”

By the eve of the resumption of formal discussions, it was clear that most of the treating Indians would mark the agreement. Mary Holiday wrote that, while the preceding Friday “most of the Ottawas refused to sell,” they had since “called on Mr. Schoolcraft, telling him they would sell, if they would be allowed to make large, permanent reservations for themselves.” Holiday understood that Indian reservations [these are not private reservations] would be established. This

was critical to the Indian acceptance of the treaty: they would have good-sized, permanent reservations in Michigan.¹⁹²

Before the treaty negotiations, Schoolcraft anticipated that two reservations would be created by the treaty, totaling 100,000 acres. Instead, the treaty created five separate reservations on the Lower Peninsula mainland, including a 20,000-acre reservation for the Grand Traverse Band on the “north shore” of the bay, the Beaver Islands, and a dozen reservations on the Upper Peninsula.¹⁹³ According to Helen Tanner, the “north shore” placement of the Grand Traverse Reservation “not only reveals the contemporary geographical perceptions of the terrain but also indicates that Schoolcraft was aware of the location of Aishquagonabe’s village in that area.”¹⁹⁴ Tanner explained the perception that the east shore of the Grand Traverse Bay appeared to travelers in the 1800s to be the north shore as such:

[Peter] Dougherty’s description of the village location notes that it was on the “north bank” of the bay. Similarly, Schoolcraft’s description of the proposed location of a reservation for the Grand Traverse Indians in the 1836 treaty specified the “north shore” of the bay. The terminology in both cases comes from the experience of canoeing southward toward the Grand River from Mackinac Island. On that route, the big open-water crossing is the broad mouth of the Grand Traverse Bay, where the geographic perception is that the route south heads up to the tip of the Leelanau Peninsula. Therefore, the Charlevoix side of the mouth of the Grand Traverse Bay was identified as the *north* side.¹⁹⁵

The 1836 Treaty created over a dozen reservations in the Upper and Lower Peninsulas. Lewis Cass, the secretary of war and Henry Schoolcraft’s immediate supervisor, was willing to tolerate the creation of permanent reservations for the Michigan Anishinaabek, but only barely.¹⁹⁶ In addition to the creation of the reservations, the treaty settled the debts of the Anishinaabek, meaning that the fur traders who traveled with the *ogemuk* and Schoolcraft to Washington received thousands and thousands of dollars from the United States government.¹⁹⁷ Henry Schoolcraft and his family members also received over \$56,000 out of the \$221,000 allocated within the treaty.¹⁹⁸ The *ogemuk* who attended the treaty negotiations also received large cash awards for the purpose of purchasing lands in fee to supplement the reservation land base.¹⁹⁹

Schoolcraft also knew that the *ogemuk* had not gone to Washington solely to negotiate a land cession and reservation treaty. In the words of Dr. Susan Gray of Arizona State University, “He was convinced that without [Article 13 of the Treaty] the Ottawa and Chippewa delegates would neither have signed the treaty in March nor have accepted several months later the Senate’s elimination of permanent reserves.”²⁰⁰ And so Article 13 reserved tribal hunting, fishing, gathering, and other rights “until the land was required for settlement”—language that had never been used before in any Indian treaty.²⁰¹ Susan Gray demonstrated in 2004 that a large portion of the 1836 cession area has never been “required for settlement,” as the treaty negotiators would have understood that term.²⁰² “Settlement is equated with occupation with, in the case of whites, good land. ‘Good’ in this context undoubtedly means agricultural land.”²⁰³

On the day the 1836 Treaty was signed, Schoolcraft wrote a letter to his wife, Jane Johnston Schoolcraft, that likely was intended to reassure her that the Michigan Anishinaabek—many of whom were her close relatives—would not be forced to leave Michigan or otherwise be forced to give up what had been their way of living for many years:

Particularly well insulated in this reckoning were Indians at the northern edge of the cession like his wife Jane’s family. When Schoolcraft wrote to Jane on March 28, the day that the negotiations came to a successful close, he enjoined her to, “Rejoice with me, the day of their [the Indians’] prosperity has long been delayed, but has finally reached them, in their lowest state of poverty, when their game is almost gone, and the country is shorn of all its advantage for the hunter state.” He surely meant these words to encourage Jane to consider how his treaty would benefit her family, and it is hard to believe that he would have used such language if he were not himself convinced that white settlement, at least in the Upper-Peninsula portion of the cession, lay far in the future.²⁰⁴

Schoolcraft’s representations about the likelihood that much of northern Michigan would remain unsettled were remarkably prescient. In fact, as Susan Gray concluded, much of the 1836 Treaty cession remains unsettled, as both the 1836 American and Anishinaabek treaty negotiators would have understood that term. Following the 1836 Treaty and statehood for Michigan in 1837, the ceded territories underwent a kind of historic and abominable

systematic deforestation [that] not only did not promote settlement in the cession, but proved antithetical to it. Removal of trees did not, as had been the case before 1850 in southern Michigan, prepare the land for further “improvement” in the form of plowed and fenced fields, dwellings, and town sites. Lumbering camps were by definition impermanent affairs. Such economic development as lumbering fostered in the cession was concentrated in lake ports like Muskegon that became centers of timber processing and shipping. Over time, lumbermen in the cession—the largest operators not infrequently joined in interlocking directorates with railroad and mining interests—found themselves owners of tens of thousands of acres of cutover for which they remained liable for taxes.²⁰⁵

In general, efforts to “settle” the 1836 Treaty cession area were failures, with large-scale agriculture all but impossible north of a line across the state near Clare, where the growing season is simply too short. However, the fruit orchards in Leelanau County, for example, proved an exception to this general rule.²⁰⁶ The year 1930 constitutes the year of the greatest extent of agriculture in the ceded territories,²⁰⁷ and perhaps “settlement,” with much land reverting to the public trust (both federal and state) by 1960.²⁰⁸ According to Professor Gray, about 37 percent of the ceded land was used for agricultural purposes by 1930—but that figure declined to 20 percent by the end of the twentieth century, and continues to decline.²⁰⁹

In 1839, Henry Schoolcraft would describe the purpose of the 1836 Treaty from his point of view:

This cession was made by these two leading tribes of the Algonquin Stock, on the principle of making permanent reservations of from 1000 to 70,000 acres, at a few points, reserving at the same time, the usufructuary right of living and hunting upon, and cultivating the ceded portions of the soil until it was actually required for settlement. To provide for their advancement, they set apart, out of the ample sum paid to them by the government, for this large territory, funds, for agriculture, cattle, and implements and mechanics tools, the pay of smiths and artisans, education, books, missions, annual supplies of provisions and salt to enable them to engage in the fisheries, besides a heavy annuity in coin. It was the design of these tribes, in the original sale to have these means applied on their reservations, under the expectation that they would find themselves

so far advanced in agriculture, letters, and the arts, at the termination of the 20 years annuity, as to be able to sustain themselves thenceforward without reliance on the chase.²¹⁰

While seething with ethnocentrism, the general description fits the Indian understanding of the 1836 Treaty as well—permanent reservations, rights to use the ceded territory long past the treaty date, and annuities and other resources for the development of territories on and near the reservations.

The Abrogation of the Original 1836 Treaty by the United States Senate

The March 28 version of the 1836 Treaty included provisions for permanent reservations and excluded the possibility of removal of the Michigan Indians to the west.²¹¹ But no treaty is valid under American law until the Senate ratifies it, and so the Senate rewrote Articles 2 and 3 to limit the reservations to five years, and to provide for the optional removal of Indian communities to areas south of the Missouri River in the west.²¹² The Senate added the carrot of \$200,000 to the bands that chose to remove to these lands in exchange for their reservation lands.²¹³ The President proclaimed the treaty as amended by the Senate on May 27, 1836.

Schoolcraft finally notified the Michigan Anishinaabek of these unilateral changes in July 1836 at Mackinac, when he summoned the leaders back for a second treaty council to discuss these changes. Andrew Blackbird wrote that the reaction of the L'Arbre Croche Odawa community was complete outrage at the loss of permanent reservations, asserting (though likely exaggerating) that fully half of the Ottawas in the region moved to Manitoulin Island in Canada.²¹⁴

At the Michilimackinac treaty council, Schoolcraft made important representations to the *ogemuk*, according to Helen Tanner: "As Schoolcraft explained [in later writings], it was only his emphasis on the continued use of ceded territory specified in Article Thirteenth, which had no time limit and was therefore considered permanent, that brought the Indians' acquiescence to these changes."²¹⁵ The Grand Traverse community had no interest in five-year reservations—they wanted permanent homelands and were willing to try to use their annuities to purchase land for this purpose.²¹⁶ The Grand Traverse *ogemuk* likely acceded to the new terms because they hoped that the community would be able to use annuities to purchase a permanent homeland, which Schoolcraft

threatened, illegally, to take away if the *ogemuk* did not assent.²¹⁷ Moreover, the *ogemuk* predicted that the northern Michigan lands would not be settled for many, many years, if ever, due to the short growing season.²¹⁸

Helen Tanner notes that Henry Schoolcraft sought to bring in surveyors from the south of Michigan to survey the 20,000-acre Grand Traverse Reservation by the spring of 1837; but no surveyor appeared in the region for two years, wasting 40 percent of the proposed time period.²¹⁹ Schoolcraft believed that the costly and arduous process of surveying the 1836 Treaty reservations was a waste of time, given their short five-year duration.²²⁰ By 1839, Schoolcraft argued that the only remaining viable provision in the 1836 Treaty protecting Indian rights on their own reservations was Article 13.²²¹ The operation of the 1836 Treaty in terms of the five-year reservations was a sad joke. It is clear that the American policymakers in Senate and in the White House had no conception of reality in Indian Country or in the Michigan Territory.

Peter Dougherty and the Implementation of the 1836 Treaty at Grand Traverse

The placement of the 1836 Grand Traverse Reservation—one of only two reservations established in the 1836 Treaty that was actually surveyed and declared (the other being the Manistee Reservation)²²²—has a long and complicated history. It starts with the arrival of Protestant missionary Peter Dougherty in 1838.²²³ Much of the history of the Grand Traverse Band after the 1836 Treaty and before the 1855 Treaty is told in Dougherty's diaries.²²⁴

The fourth article of the 1836 Treaty provided funds for the establishment of missions and for the education of Indian children.²²⁵ Schoolcraft, a Presbyterian, responded favorably to contact from the Presbyterian Board of Foreign Missions. The board sent Peter Dougherty to Mackinac Island in 1838.²²⁶ Schoolcraft's brother-in-law, John Johnston, and his wife, Jane Johnston Schoolcraft, greeted Dougherty. At their recommendation, Dougherty traveled to the Grand Traverse Bay. He wrote:

Mr. Johnston informed me that the Grand Traverse Bay, in point of numbers, of character, as well as freedom from Catholic influences, was the most promising place to commence operation. The Indians are beginning to gather on that reservation. The soil on the Bay is the best in that part of Michigan. . . . He advised [me] to visit the village of Aischquagonabe and, if I could, to go as far as the Manistee.²²⁷

Henry Schoolcraft agreed, according to Dougherty's diary:

He think[s] the grand Travers[e] as favourable a point as any to which my attention can be directed. He recommends to go and establish under the patronage of the government which will give recommendation to the Indians, make the mission more independent of the influence from any source against it.²²⁸

Dougherty traveled first to Aghosa's village, but found it temporarily empty,²²⁹ and so he moved on to Aishquagonabe's village, situated at Eastport on what Dougherty called the "north bank." He wrote:

When I came to the principal village on the Grand Traverse, which is situated up the bay about twelve miles, on the north bank; I found the chief [Aishquagonabe] was absent, and could do nothing more than see the situation of the village and the country around it. His absence, however, was not a thing that very much interfered with my object in visiting the place, which was to see, as Mr. Schoolcraft advised not to say much about the object of my visit further than to say that according to their treaty the President had promised them teachers, that it was one of their privileges to which they had a right and I had been sent to select a place and build a school house and wished him to point out to me the best location, and that Mr. S would explain the whole matter when he went to Mackinac. . . .

On the bay there are about four hundred living in three or four villages, at different points, but they are gathering Mr. Johnston says on the reservation which will bring them all within the sphere of a missionary stationed at the village of Esquagonabe.²³⁰

After leaving Aishquagonabe's village, Dougherty crossed to the lake side of Leelanau Peninsula and visited what is likely Leland. About that place, he wrote:

About twenty five miles further up the Lake [*i.e.*, going south] there is a village at the mouth of a fine stream of water. It is not quite as large as the one mentioned on the bay [*i.e.*, Aishquagonabe's], but the situation, the appearance of the soil, the aspect of the village, made a very favourable impression. The chief felt favourable toward the establishment of a school and said they were at home all the time except when absent on their hunting excursions or in the sugar bush. This place is more easy of access to vessels going up and down the lake as they

pass directly in sight and the water is deep so that almost any vessel could run close to the shore. . . . There is less probability of white men settling near this village. There are men, several, at Mackinack who are talking of going in to the Bay to take up lands, out of the limits of the reservation, however, most of them are men of good morals. One is a carpenter, and one a blacksmith.²³¹

Because of what he saw at Grand Traverse, and because of the advice of the Schoolcraft and Johnston families in Mackinac, Dougherty chose the Grand Traverse Bay for his mission. He may also have been influenced by the plague of mosquitoes that tormented him in the Grand River Valley, and information from the Manistee Indians that they were unhappy with their reservation and planning to leave.²³² Eventually, the Manistee Reservation, supplied by Henry Schoolcraft, failed.²³³

After wintering in Mackinac, Dougherty traveled to Grand Traverse, where he found that Aishquagonabe had established that summer's village at Elk Rapids, a prime area near a river mouth, with excellent fishing and hunting, and access to sugar groves.²³⁴ Dougherty quickly built a house and a school. However, Henry Schoolcraft, arriving that summer with a government blacksmith, encouraged Dougherty to establish the permanent mission on "the Point," later called Old Mission Peninsula, perhaps at the request of American Fur Company traders, who preferred the friendlier harbor at the Point. Aghosa, the *ogema* there, issued an invitation, and Dougherty moved across the bay.²³⁵ Peter Greensky, Dougherty's interpreter, began teaching classes to Indian children.²³⁶ The new apprentice for the blacksmith Isaac George was Andrew Blackbird, later famed for his history of the Little Traverse Bay Bands of Odawa Indians,²³⁷ who carried the nickname "Jackson."²³⁸ Blackbird would later write of the complaints made by the Ojibwes in the Old Mission community who preferred an Ojibwe blacksmith apprentice rather than an Odawa apprentice—perhaps one of the first demands for tribal preference in employment.²³⁹ Jane Johnston Schoolcraft's brother George Johnston would serve as the carpenter at Grand Traverse in 1839–1840, until relieved of his position after allegations of nepotism were leveled at his brother-in-law.²⁴⁰

A few weeks later, Aishquagonabe arrived with three or four families and announced plans to settle at the Point as well. The Protestant mission became an attraction of sorts to Anishinaabe communities, especially those near L'Arbre Croche, because the teacher taught in not only Anishinaabemowin but also

English. The Austrian priests near Little Traverse Bay spoke little or no English, and the Indians wanted their children to speak English.²⁴¹

As missionary and teacher, Dougherty found the Grand Traverse Indians unwieldy. Their seasonal habits of relocating inland to winter camps, reappearing at the sugar camps in the spring, before returning to the summer camps around Grand Traverse Bay undermined Dougherty's attempts to control them and to convert them. In the fall of 1839, Dougherty succeeded in convincing Aghosa to spend the winter at the Point, but as the Indians depleted wintertime food reserves, they desperately scoured the woods for game.²⁴² Richard White argues that the missionaries generally failed to convert the Grand Traverse Indians to Christian farmers, but "their coming did spur a rather remarkable series of cultural adjustments by the Ottawas which, until they were swamped by White settlers in the 1860s, seemed about to make them a group that, although still distinctly Indian, was yet able to adjust to and profit from the encroaching American economy."²⁴³ One Indian, Ogemawish, told Dougherty he would not go to church because "When I sit down I have to smoke, and I can't smoke in church. That is why I never come."²⁴⁴ Aishquagonabe told Dougherty that the missionary was too young to teach old Indians, compelling Dougherty to write in his journal that Aishquagonabe was "an old snake."²⁴⁵

James McClurken had another point of view on the influence of the missionaries—that the Anishinaabek used them as allies and tools in their attempts to avoid removal:

Ottawa people understood very well the process of making allies for their own benefit. As part of their campaign to remain in Michigan, they made allies of those missionaries who opposed removal and supported Ottawa efforts to purchase land. In the process, they learned that so long as they attended church services, the missionaries would help them build farms and supply them with food, clothing, and medicine. Some Ottawa adults even went to the missionary schools to learn to read and write so they could conduct their own affairs in American society.²⁴⁶

Susan Gray described the importance of white missions near Indian villages: "The Ottawa . . . were far less interested in becoming like white men than in learning to live as Indians in the midst of white settlement. For them, the missions were less cradles of civilization than bases from which to pursue a seasonally

migratory economy.”²⁴⁷ Perhaps this explains Dougherty’s later frustration with the lack of Indian conversions to Protestantism.²⁴⁸

In 1839 and 1840, Dougherty drew the first accurate maps created by non-Indians, showing the shape of the Grand Traverse Bay and the locations of seven Indian villages on the bay: The Point (Aghosa’s village at Old Mission), Eastpoint (Aishquagonabe’s old village), Northport (later Waukazoo’s village), two villages south of Aghosa’s Old Mission village, Omena, and Leland.²⁴⁹ In September 1839, Dougherty issued his first report to Schoolcraft, writing, “In conclusion I would say it be an act of great generosity and kindness on the part of the Government if it would give that little point to those people.”²⁵⁰

Schoolcraft would follow Dougherty’s recommendation. In 1839, the Grand Traverse Bay region surveys were completed, and Schoolcraft wrote to the commissioner of Indian Affairs that the Grand Traverse Band people had chosen Old Mission Peninsula, or “the Point,” as the focus of its reservation:

Sir: The Indians at Grand Traverse Bay have selected their reservation of 20,000 acres under the 2nd Article of the treaty, on the point of land extending North into that bay, being parts of fractional Townships No. 28, 29, 30, in Range 10 West of the principal meridian, which they request to be exempted from sale.²⁵¹

Sadly, Schoolcraft never received word that the national General Land Office in Washington had found that the Point alone did not come to 20,000 acres, and added “a disconnected triangle of land on the southeast shore across the bay from ‘the point’ selected by the Indians.”²⁵² On August 10, 1840, Commissioner J. W. Whitcomb of the General Land Office wrote the commissioner of Indian Affairs:

I have to inform you by order of the President the whole of fractional Townships twenty eight, twenty nine and thirty North of Range ten West of the Michigan Mer[idian] in the Ionia district have been withdrawn from the public sale advertised to take place on the 26th of October next, as reserved for the reservation of 20,000 acres of the Ottawa and Chippewa Treaty of the 28th of March 1836 and that the Register and Receiver have this day been instructed accordingly.²⁵³

The total acreage after this amendment was 20,672.74 acres. And so Schoolcraft apparently never learned of the reservation on the east shore.²⁵⁴ Federal officials decided by 1840, after a complaint from Michigan Indians spearheaded by

William Johnston (Schoolcraft's brother-in-law) and Augustin Hamelin Jr. that Schoolcraft should be removed from his position as Michigan Indian agent.²⁵⁵ The first map published that showed the contours of the 1836 Grand Traverse Reservation did not appear until 1899, when Charles C. Royce published his collection *Indian Land Cessions in the United States*.²⁵⁶

In the 1840s, the Indians that remained at Old Mission began to adapt to the changing circumstances by harvesting larger agricultural plots and adapting European technology for that purpose.²⁵⁷ By 1847, Dougherty congratulated himself on helping to build a large and all-but-permanent Indian mission settlement on Old Mission:

Six years ago the site occupied by the village was a dense thicket. The village now extends nearly a mile in length, containing some twenty log houses and some good log stables belonging to the Indians. During that period they have cleared and cultivated some two hundred acres of new gardens, besides what additions were made to the old ones. They raise for sale several hundred bushels of corn and potatoes.²⁵⁸

By 1849, the surplus in corn and potatoes cultivated at Old Mission exceeded several thousand bushels.²⁵⁹ According to Richard White, "With agricultural surpluses the danger of starvation disappeared, and the destruction of the southern hunting grounds by White settlers gave Indians another incentive to remain at home during the winter."²⁶⁰ The success of the Anishinaabek at Grand Traverse during the 1840s gave the communities a further incentive to use treaty annuity money to buy land in fee, which they did in significant amounts beginning in 1850.²⁶¹

While the 1836 Treaty's abrogation by the Senate forced the Grand Traverse Band Anishinaabek to live under a cloud of uncertainty as to the permanence of their homelands, the 1840s were a relative period of prosperity for the community.