

TOPIC: The Treaty of 1837 and Removal Struggle

(Source Notes: Much of the following information is derived from an unpublished Thesis by Lawrence W. Onsager (September 1985) titled, The Removal of the Winnebago Indians From Wisconsin in 1873-74, used with the author's permission) and research done by Adam King. I am also utilizing information from Wisconsin Indian Literature: Anthology of Native Voices (2006), edited by Kathleen Tigerman).

INTRODUCTION

The 1828 election of Andrew Jackson as 7th President of the United States and the subsequent passage of the Indian Removal Act in 1830, meant dramatic changes for First Nations People residing east of the Mississippi River. **The Winnebago (Red Bird) War of 1827** and the **Black Hawk War of 1832** both prompted land cessions from the Ho-Chunk people. In the period following the Treaty of 1832, the Ho-chunk were to move to an area known as the Neutral Ground west of the Mississippi River in Iowa by June 1, 1833. The **Neutral Ground** was roughly 40 miles wide and 200 miles long and was formed to prevent fighting between the Sioux and the Sauk and Fox Tribes. Beginning in January of 1833, most of the Ho-chunk people were unwilling to travel to the Neutral Ground and thus began a long period of struggle over removal policies. The period from 1837-1874 is an incredibly difficult phase of Ho-Chunk history.

FINAL LAND CESSION: THE TREATY OF 1837

Because of the continued disputes over land and removal agitation, Henry Dodge, Governor of the Wisconsin Territory, invited the Ho-Chunk to send a delegation to Washington, D.C. for the purpose of negotiating a deal to cede the remaining Ho-chunk territory in Wisconsin. After much persuasion, a 20-man delegation was sent to D.C., although they were not authorized to sign a treaty with the US Government. The delegation arrived in Washington in October of 1837 and Commissioner of Indian Affairs Carey A. Harris immediately offered to buy all remaining Ho-Chunk lands east of the Mississippi. The delegation refused to sell, saying they lacked authority to make such a treaty. Over a period of several weeks, Government officials pressured the Ho-Chunk to sell, and fearing they would either be held over the winter or even harmed, the delegation finally agreed. They agreed to remove to the Neutral Ground and were promised that eventually that land would be exchanged for more desirable land, and that removal would occur in 8 years. The Treaty, however, read "8 months," a fact the interpreter later admitted was deliberate deception during the negotiations.

Chief Dandy (nickname for Wakanjazeriga) who was born in 1810, had been an opponent of the Washington trip of 1837, later spoke of the Treaty in a meeting with Henry Dodge and his words provide an important commentary on the negotiations: "I learned from Little Soldier that he alone spoke against the treaty at Washington, all others of the delegation being in favor . . . that their agent, on the way, kept company only with the Blind Dekori, and that he (Decora) and

their agent made all the arrangements about the treaty . . . that their agent told them at Washington if they did not sign the treaty, he would put them into a house, or on board a boat, and kill them.”

THE GREAT DIVIDE: THE ABIDING vs. NON-ABIDING FACTIONS

The Wisconsin Ho-Chunk people, from 1837 onward, were ultimately divided by the Treaty of 1837. **Yellow Thunder (Wakanjaziga)** and Dandy were the principle leaders of the treaty-resistance faction. Yellow Thunder eventually purchased land in Sauk County near Wisconsin Dells, an action that legalized his presence in Wisconsin and served as a refuge for a large band of Ho-Chunk until Yellow Thunder’s death in 1874. Dandy and his followers essentially became fugitives and resided in the northernmost parts of the land cession area of 1837 – what eventually became Jackson, Juneau, and Monroe Counties in west central Wisconsin. He simply refused to acknowledge the Treaty of 1837 as valid. It was in the context of the division that the Ho-Chunk people faced a series of removals, though renegade bands eluded capture and removal for 37 years. One other important point: realize that it was in 1838 that **Jacob Spaulding** and others entered the Black River Valley, thus beginning the era of white settlement. Eventually this led to the establishment of a village known as Black River Falls.

Note: The following excerpt takes this history further and my source for it is a lecture that was given in 1968 in Black River Falls by Ethno-historian Nancy Lurie of Milwaukee. My purpose is including here is that she does an excellent job of summarizing some rather complicated history. She gave me permission to use the transcript of the lecture. Note that she used the term “Winnebago” when naming the Ho-Chunk people, which was conventional in 1968.

(After the treaty signing in 1837) . . . “The delegation when back home and shortly the government began bothering the Winnebago to move to Turkey River. The men who had signed the treaty had acted in good faith and had reported what had been done and why, as they understood the situation. However, the government’s insistence that everyone knew the tribe was given only eight months to move readily raised the suspicion of bribery. After all, it was customary for treaty delegates to be entertained and given gifts while in Washington. Such calculated efforts to create dissention and sew mistrust within Indian groups were standard operation procedures in dealing with Indians to make unified opposition difficult for them. The fears and suspicions of ‘sell-outs’ implanted in the treaty period still haunt Indian groups and breed distrust, often unwarranted, of Indian leaders when plans are slow to materialize despite their best efforts. This is a generalization which applies to tribes across the country. Given the experience of 1837 and later frauds perpetrated on the tribe in the payment of treaty monies, I can only be impressed by the amount of unity of which the tribe has shown itself capable compared to many other tribes whose treaty experiences were marked by less evidence of chicanery on the part of the government.

Because they considered the treaty illegal, the people who lived in the area allegedly ceded in 1837 simply refused to move. In 1840 they were forced out at gunpoint by soldiers, the first of several efforts to move them by means of arms. Somehow, they always returned. The bands in the

northern area had an advantage in that there were fewer settlers than in the southern and eastern portions of their homelands and better hiding places. The bands whose villages were in the lead region and the “Four Lakes Country” found there were too many settlers for the tactics that worked further north. They had no choice but to move to whatever land the government designated for them because the northern area could not support the entire tribe living a fugitive existence.

These southerly bands, soon distinguished as the “Treaty-Abiding Faction” in distinction to the “Disaffected Bands” (also called “Renegades” or “Non-Abiding Faction”) to the north, were moved to a succession of reservations, each one smaller than the last. Each one was sold by treaty to pay for the next one, and to pay the costs of their moving and the salary of an agent and other personnel to administer them. They were moved from Turkey River in 1846 to northern Minnesota. This proved to be valuable lumber country so in 1855 they were moved to a much smaller area in southern Minnesota. Although half of that land was sold in 1859, in the brief period from 1855 to 1862, these Winnebago people became the pride of the Indian Bureau. They made remarkable and determined efforts to adapt and adjust to new circumstances, taking to farming and schooling and white customs more readily than other tribes at the time . . .

Forced to join the treaty-abiding faction at gun point in Turkey River and northern Minnesota and always retuning to Wisconsin from these forced marches, some of the Wisconsin people voluntarily joined the Blue Earth community, convinced that the government was finally working to help the tribe prosper. By 1861 there were no more wigwams at Blue Earth and every family had a substantial home. The government was tremendously proud that the Winnebago had cleared the land and improved it. It was now desirable land. The Sioux Uprising in Minnesota in 1862 was used as an excuse to remove any Indians as dangerous to the settlers in the state. The Winnebago were gathered up and hustled out. In fairness, it must be noted that their agent protested strenuously but unsuccessfully against this injustice. The Minnesota reservation was sold to pay for a new one in South Dakota, but one small concession was made to the tribe. It happened that several Winnebago in Minnesota had volunteered to fight for the Union forces in the Civil War. The government apparently decided that the decent thing to do would be to save a few little farmsteads for these veterans when they came home. The rest of the tribe, however, was hurried to Crow Creek, South Dakota. They were terrified as they were dropped right next door to their old, traditional enemy the Santee Sioux . . . This was, furthermore, dreadful country for forest people; barren plain country which could sustain a crop only once in five years. Forced to leave many of their belongings behind, they faced annihilation if they stayed in South Dakota.

The people cut down large cottonwood trees, made dug-out canoes, and pushed off into Crow Creek to make their way down to the Missouri River and on south. Although warned they would be fired upon from any forts along the way, their plight was so touching that commandants in some forts let them winter there and protected them until they could move on in the spring. Although some found their way back to Wisconsin or dispersed among tribes along the way, the bulk of these people eventually landed among the Omaha who by then had a reservation in northeastern Nebraska. The Omaha greeted them cordially. The tradition, as I had heard and

read it, was that the Omaha graciously granted the Winnebago part of their reservation solely because they took pity on them. As a matter of fact, the Omaha themselves had long experienced trouble with enemy Sioux groups to the north and so were very happy to sell a strip of their reservation where the Winnebago could settle as a buffer between themselves and the Sioux.

The “disaffected bands” of Winnebago were again holding out in Wisconsin and making the settlers exceedingly nervous in view of the recent outbreak of Indian hostilities in neighboring Minnesota.”

POST-SCRIPT: THE SITUATION OF THE HO-CHUNK BY 1870

The removal stories are a central and tragic chapter in the history of the Ho-Chunk people. In my experiences interviewing Ho-Chunk elders and scholars, the memory of the removal and resistance is a powerful part of Ho-Chunk identity in the modern period.

By 1865 the “Treaty-Abiding Faction” of the Ho-chunk people signed a treaty with the Omaha and purchased a portion of their reservation in Nebraska. This part of the tribe is politically distinct from the Ho-Chunk of Wisconsin and retains the name “Winnebago” today. By 1870, five years after the end of the Civil War, the Ho-Chunk resisters – those that remained in Wisconsin – still faced one final removal attempt at the hands of the US Government. Much of this history intersects dramatically with the early development of Black River Falls.