

# THE RHETORIC OF RESERVOIRS

David R. Treuer

*The Spring 1990 issue of this journal contained an article, "Dams and Damages: The Ojibway, the United States, and the Mississippi Headwaters Reservoirs," by Jane Lamm Carroll, a historian for the U.S. Army Corps of Engineers. Carroll's article chronicles more than a century's worth of commissions, reports, haggling, bungling, and bad faith involved in compensating the Ojibway for the land and resources that were lost when the federal government built a series of dams on the Mississippi River to benefit industry downstream. One major outcome of this construction was to advance the government's policy of removing Indian people from their small, scattered reservations to a few larger reserves. Although the people of Leech Lake managed to resist removal, many Ojibway were forced to relocate to White Earth Reservation.<sup>1</sup>*

*The following commentary by David R. Treuer, a resident of Leech Lake Reservation and a graduate student in anthropology at the University of Michigan, is part of his research into the history of his tribe. It is also an exploration of the implications of written history—not the maxim that the victor writes history, but a look at what kinds of accounts are so constituted. Although not intended as a response to "Dams and Damages," his work adds perspective to the story, drawn from archival documents and tribal oral history.*

<sup>1</sup>Indian policy, including removals, is a huge and complex topic. For a brief summary, see Mitchell E. Rubinstein and Alan R. Woolworth, "The Dakota and Ojibway," in *They Chose Minnesota: A Survey of the State's Ethnic Groups*, ed. June D. Holmquist (St. Paul: Minnesota Historical Society [MHS] Press, 1981), 23–26.





**A**mong the vast holdings of the National Archives is a collection of documents labeled Special Case File #42 (SC #42). This file was compiled to shed light on any outstanding questions concerning the building of the headwater dams on the Mississippi River, beginning in 1881, and the Indians' attempts to get a proper settlement from the federal government. All of the letters placed in the file represent official correspondence.<sup>2</sup>

Yet little of what *really* went on was communicated explicitly through official channels. Interpersonal conflicts, power struggles, the scams of Indian agents such as C. A. Ruffee at Leech Lake, the undercurrents, the deeper motivations—all existed only outside the scope of official language and in between the lines of policy as stated in political text.<sup>3</sup> Consequently, many levels of ambiguity pervade the documents in SC #42. As the history of Indian law generally demonstrates, the government's failure to settle on damages stemmed from problems that reached beyond the Indians themselves.

<sup>2</sup>Records of the Bureau of Indian Affairs, Record Group 75, Special Case File #42, National Archives and Records Service, Washington, D.C. (hereafter cited as SC #42, NARG 75).

<sup>3</sup>Among other claims against him, Ruffee was suspected of pocketing annuity payments due the people at Leech Lake; see C. A. Ruffee to Hon. H. Price, July 27, 1881, and Charles J. Allen to Brig. General H. G. Wright, Dec. 25, 1881, both SC #42, NARG 75.

<sup>4</sup>For example, Lucius F. Hubbard, state senator (1872–75) and governor (1882–87) “had been engaged chiefly in railroad enterprises after his discharge from military service”; William Watts Folwell, *A History of Minnesota*, rev. ed. (St. Paul: MHS, 1969), 3:144. William R. Marshall, a governor who later served on the second commission to determine damages to the Indians, was a state railroad commissioner from 1875 to 1876; Folwell, *History of Minnesota*, 3:52–53. Charles McIlrath, who as state auditor (1861–73) functioned as land commissioner, connived with lumber companies to stifle competitive bidding for standing timber; took notes instead of cash payment for cut timber and “before any payment was made the logs would have been disposed of”; owned part of a firm that was contracting with the state for timber-cutting rights; and more. Lester B. Shippee, “Social and Economic Effects of the Civil War with Special Reference to Minnesota,” *Minnesota History Bulletin* 2 (May 1918): 408–9. David Marston Clough “established one of the most successful lumber enterprises in the state” before becoming state senator (1886–90), lieutenant governor (1893–95), and governor (1895–99); Warren Upham and Rose B. Dunlap, comps., *Minnesota Biographies*, Collections of the Minnesota Historical Society, vol. 14 (St. Paul: MHS, 1912), 130.

<sup>5</sup>See Bruce M. White, “Indian Visits: Stereotypes of Minnesota's Native People,” *Minnesota History* 53 (Fall 1992): 99–111.

Much of the controversy in assessing and awarding damages came from the growing need to define federal, state, and judicial roles in making and enforcing Indian policy. The officials from these different levels of government were operating simultaneously in a national and local context and with several, oftentimes contradictory agendas. In addition, many of these men had vested interests in either the state's lumber companies or the railroads. They stood to benefit from the construction of the dams and the commerce that would follow.<sup>4</sup>

There was a large distance—both geographic and socioeconomic—between the agents in the field and the men who directed them. Federal officials and policy-makers involved in the dams project—the senators, congressmen, and war and interior department personnel, such as Minnesotan Alexander Ramsey, secretary of war from 1879 to 1881—were affluent and powerful. While they acted on a national level, they also had specific, local interests. The elected officials among them had to answer to their home constituencies.

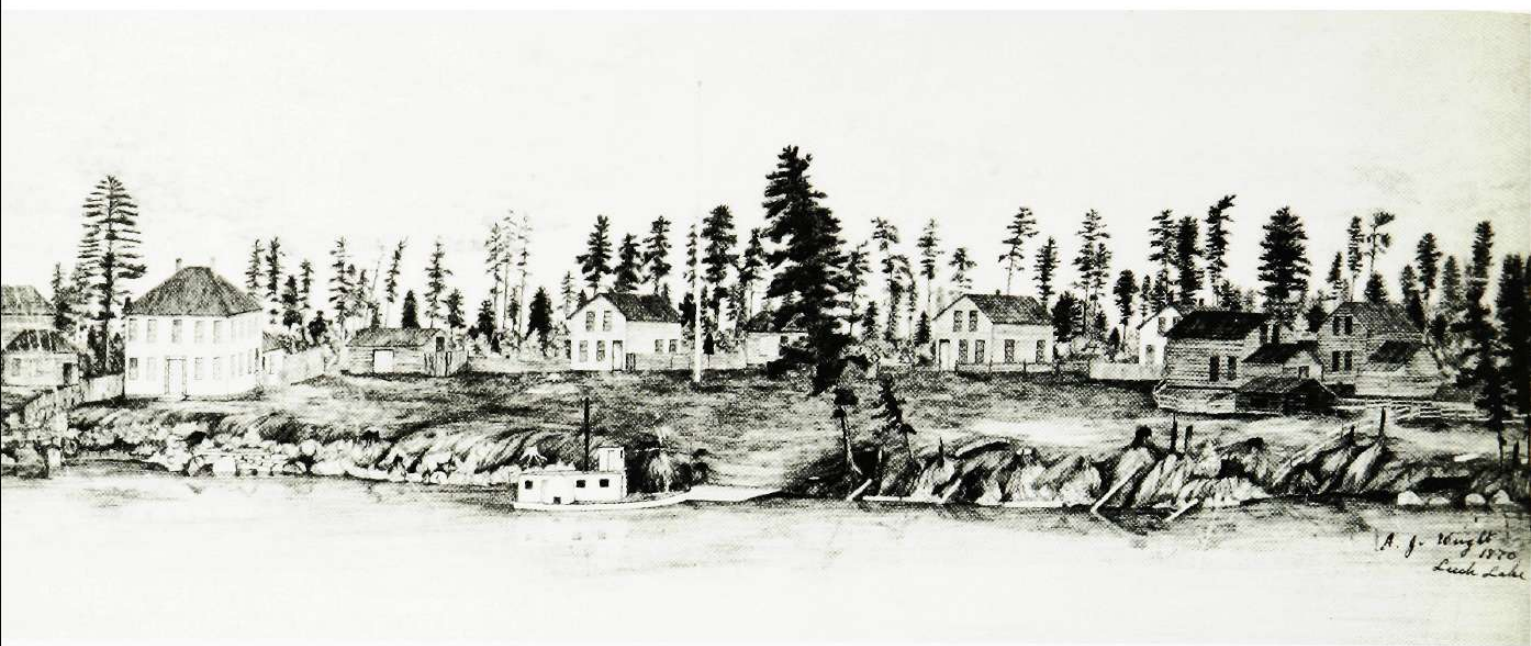
State officials, on the other hand, were expected to enforce federal policies. But they too were trying to advance their own interests, as well as those of their state and constituents. They, along with most of the public, believed in the American ideals of “getting ahead” and manifest destiny.

Finally, the Indian agents also played dual roles. As federal employees, their actions were dictated by policy set in Washington. Yet they were also pivotal parts of local business circles, such as trading and dispensing goods and annuity payments to the Indians. And, as federal appointees, they were much less vulnerable to public opinion than elected officials.

All of these government employees—as well as those to whom they answered—were engaged in many different levels of rhetoric concerning Indian people. They all operated within the framework of the federal judiciary's focus on the guardian-ward relationship between the government and Indian people. Deep-rooted misconceptions about Indians pervaded the discourse and, to a large degree, informed the results. These misconceptions were drawn from accounts of the first Euro-American settlers, later fiction, and popular convention. In the end, the *way* in which Indian people were talked and written about appears to have determined how they were accepted in reality.<sup>5</sup>

Critical analysis of the language and communication style of these nineteenth-century letters and reports yields new insight into motivations for damming





*Peaceful pencil drawing of Leech Lake before the dams controversy by A. J. Wright, twenty-year-old daughter of missionaries, 1870*

the river and moving the Indian population. However, the different trails of inference found in the correspondence in SC #42 and the multiple agendas of each government representative are just the tip of the iceberg, the visible workings of a larger nineteenth-century American consciousness. As with an iceberg, we can only see one-tenth of this slice of history. Time has submerged the rest from view—a tremendous collection of books, stories, perceptions, and conventions about Indians and the policies that set action for them. What is still visible today is the wake of that iceberg. The wake of this giant movement of text and policy is *language*. I believe that within that language is the key to unlock what was really going on. I believe, as the Navajo are said to believe, that “language does not merely describe reality, it creates it.”<sup>6</sup>

IN DOCUMENT after document, I found references to the issue of damages to the Indians, in particular to the need to determine what damages would be occasioned if the dams were built. It was common knowledge, even before the first commission was appointed in 1881, what raising the water level would do to the land base and support systems of our tribe. It seems clear to me that the “damages” would have to be devastating and all-encompassing.<sup>7</sup>

After the Indians rejected as far too low the commission’s assessment of \$15,466.90, the debate about the nature and extent of damages went on, even after the land had been inundated and the Indians began to

starve and freeze to death. Disease soon spread among my tribe, and still people wondered about damages to “friendly Indians.”

In analyzing the language of the documents, it seems that the whole concept of damages was informed and mediated by misconceptions—and what is now considered overt racism—about what it is to be Indian. In the late nineteenth century, the “advancement” of the races was a major component of theories regarding Indians as well as other non-European people around the world. Social Darwinism, supported by Victorian-

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<sup>6</sup>Barre Tolkien, in *Recovering the Word: Essays on Native American Literature*, ed. Brian Swann and Arnold Krupat (Berkeley: University of California Press, 1987), 390.

<sup>7</sup>Here and below: The 1881 commission was appointed to determine the extent of damages at Leech Lake and Lake Winnibigoshish. Commissioners Albion Barnard of Minneapolis, Thomas Simpson of Winona, and Louis Morell of the Office of Indian Affairs determined that the Winnibigoshish band would sustain \$8,393 worth of “injury” to individual and tribal property, including maple-sugar trees, cranberry marshes, wild rice fields, hay meadows, timber, and graves. Many observers, including Episcopal Bishop Henry B. Whipple, disputed these estimates as being by far too low.

The commission also determined that the area covered would be about 74,080 acres at Lake Winnibigoshish and 27,860 acres at Leech Lake and that the land was generally useless for farming. It was priced at one cent per acre so that a maximum of \$740.80 would be paid out to the Indians at Winnibigoshish and \$278.60 to those at Leech Lake. 48th Cong., 1st sess., 1884, *House Executive Documents*, no. 76, “Damages to Chippewa Indians,” 1, 12–13 (serial 2200).



era scholars such as Herbert Spencer in England and William Graham Sumner in the U.S., was gaining strength. Advocates deemed it possible to advance the Indians out of the barbarous state in which, it was believed, they existed. Their state of civilization was a moral burden—an impediment to expansion, an affront to Christian society, and an economic burden on a devoutly capitalist culture.<sup>8</sup>

Culture was seen as being linear. That is, scientific people of the era believed that there could be established, through observation and ethnography, a hierarchy of cultures, in which my culture was on the bottom. In the early twentieth century, sociologist Emile Durkheim wrote about “primitive” societies, claiming that some cultures “can be called superior to others, in the sense that they call into play higher mental functions, that they are richer in ideas and sentiments, that they contain more concepts with fewer sensations and images, and that their arrangement is wiser.”<sup>9</sup>

There was a duality of outlook in the establishment’s conception of Indians. They were seen as being inherently inferior, on the bottom rung of the ladder of cultural evolution. At the same time, government officials, missionaries, scholars, and many of the general public believed that it was not only possible to “civilize” them, it was the moral mission of American citizens to do so.

It was in this light that the concept of damages was framed. For the government representatives and others involved in constructing the reservoirs on the Mississippi, damages did not mean damages to the health, well-being, culture, and traditions of the Ojibway. Damages were any occurrences or effects that prohibited or limited attempts to civilize them. Officials such as Episcopal missionary Joseph A. Gilfillan at White Earth felt that the “progress” they had been making was slow and difficult. The building of the dams posed an obstacle to civilization. The Indians’ anger and dismay at being removed from their homes and at the destruction of their resources could “dam” efforts for their “advancement.” On the other hand, men like



*Joseph A. Gilfillan*

Gilfillan also saw the reservoirs as a way to hasten their work, while at the same time opening the north country to civilization. Gathering the scattered Ojibway onto a consolidated reservation at White Earth would make their job much easier.<sup>10</sup>

In an undated letter (probably 1883) to the Commissioner of Indian Affairs, Mrs. Walker, the wife of a doctor at Leech Lake Reservation, claimed that the present situation of Indians made civilizing them impossible. “During Winter they do nothing except dance and gamble. . . . Any person who will go to Leech Lake and look over the ground thoroughly will say that it is impossible to civilize and make self supporting any class of people white, red or black in such a country.”<sup>11</sup> Her use of the word *ground* conceptualizes a person’s status or class in relation not only to their occupation but also to their locale.

William R. Marshall, governor of Minnesota from 1866 to 1870 and a member of the second commission, appointed in 1882, to assess damages, stated, “The possessions of the Indians—the fishing privileges, rice marshes, sugar making, and canoe making grounds, etc., have not a marketable and commercial value such as the possessions and privileges of white men—by which they make a living—have.”<sup>12</sup> It would seem,

<sup>8</sup>For a brief overview of the theory, see *Encyclopaedia Britannica, Micropaedia*, 15th ed., s.v. “Social Darwinism.”

<sup>9</sup>Emile Durkheim, *The Elementary Forms of the Religious Life: A Study in Religious Sociology* (New York: Macmillan, 1915), 15.

<sup>10</sup>See, for example, Gilfillan to Hon. Commissioner of Indian Affairs, Sept. 28, 1892, SC #42, NARG 75.

<sup>11</sup>Walker to D. C. Atkins, Commissioner of Indian Affairs, no date, SC #42, NARG 75.

<sup>12</sup>Here and below, see Marshall to Hiram Price, Commissioner of Indian Affairs, Aug. 15, 1883, SC #42, NARG 75. Joseph Gilfillan and Henry H. Sibley were the other commissioners; Jane Lamm Carroll, “Dams and Damages: The Ojibway, the United States, and the Mississippi Headwaters Reservoirs,” *Minnesota History* 52 (Spring 1990): 9.





*Ojibway men lining up for their land allotments, White Earth Indian Agency, 1890*

then, that the works of a culture were only deemed worthwhile if they were marketable. Surviving or feeding one's family was not sufficient; rather, making a living was seen as advancing oneself along class lines through occupation.

PERHAPS THE MOST detrimental attitudes that pervaded white thought at the time were those that likened the Indians to children. These attitudes complemented the federal judiciary's focus on the guardian-ward relationship between the government and the Indians. The latter were seen as stubborn and closed to change because they were childlike. This belief allowed officials to do as they pleased in the Indians' so-called best interest. The government was reluctant to force the people overtly, preferring to reach agreement first via treaties. This tactic was supposed to allow the Indians the chance to start to make mature choices for themselves, while at the same time lessening the possibility of armed conflict. Marshall's 1883 letter argues, "There is too, a large *sentimental* damage, not *material*, but not less real, involved. Their accustomed haunts are broken up—their paths—roads—submerged. They will feel compelled to relocate their villages—will have to adapt themselves to new surroundings—a thing a white man could do—but not an Indian."

This is a telling attitude. A white man takes pride in his ability to move to different surroundings without much problem. It seems, though, that the white man

never had to step outside the bounds of his culture. He would mold his new surroundings to his present system of analysis and interaction. The Indians were never allowed to do this. A geographical change necessitated a cultural change, because when the traditional land base was altered, the Ojibway were removed to an area where a different cultural system—allotments, farming, Christianity—was forced upon them. So to change, in the terms of white assimilation, was not only to change location, but also to change the self. The whites felt that the alteration of life-style was a part of becoming more civilized. The whole notion of identity was absent from their understanding of Indian people. In the eyes of the whites, the Indians were resistant to change not because they knew that they were being cheated, disregarded, killed, robbed by lumbermen, or lied to—but simply because they were children.

A decade after serving on the second commission, Gilfillan, still at White Earth, reported, "The old people are greatly attached to their lake; know that they can make a living there but do not know that they can on the prairies at White Earth. Many do not wish to be farmers; it is too hard and constant work." Revealing some additional motives behind the efforts to remove the people to White Earth, he went on to say, "Owing to their very scattered state there are no children taught of all these Bands . . . the children are from their very earliest years brought up in every vice and sin. In such circumstances they must grow up criminals and vagabonds; and it will cost the General Government or the State of Minnesota a large sum, by and by, to care for them as such."<sup>13</sup>

Explicitly noting the Indians' reluctance to move, Gilfillan proposed that if being ordered "authoritatively" did not convince them, "a file of soldiers should be sent to sweep them up and bring them here [White Earth]. They should be dealt with as spoiled children who do not know what is good for them. The white people in these localities will heartily co-operate for their removal." His letter to the commissioner of Indian Affairs ends, "Trusting that you can do something for these poor suffering children and their still more wretched parents, by having them removed." As Gilfillan's letter shows, many saw the Indians' condition as a function of their location—to which they sentimentally clung—and not as a result of the ways in which they were treated.

Throughout these accounts of what was perceived to be Indian character, the building of the dams can be seen as a metaphor. Indians needed to be dammed up. They posed the threat of possible flood. They were un-

<sup>13</sup>Here and below, see Gilfillan to Hon. Commissioner of Indian Affairs, Sept. 28, 1892, SC #42, NARG 75.





*Leech Lake dam, about 1902, as documented by a U.S. Army Corps of Engineers photographer*

predictable. The government needed to regulate the flow and action of the Indians for their own advancement and, not incidentally, that of the state.

IN CLOSING I wish to give two accounts of the dramatic reaction of some Indian people to their situation. These actions represent the only avenues open to them at the time. With their political system outlawed along with their religion, with their means of economic and spiritual sustenance under many feet of water, few choices were left. An 1886 letter from Gilfillan to Episcopal Bishop Henry B. Whipple in Faribault details one means of retaliation:

Dear Bishop,

When at Leech Lake last I found the Indians could catch scarcely any fish, owing to the water being raised by dam. . . . At Winnibgoshish [*sic*] I found an enormous ocean, and the Indians very

much irritated by their wanton destruction by white men as they think it. The waters are backed far inland; and up nearly to Cass Lake. The dam there is in charge of only two men, and plenty of drunken Indians always at that point, exasperated by the destruction of their property.

Between Cass Lake and Red Lake I met a party of Leech Lake Indians out setting the woods on fire. It was very dry and the sound of the burning and falling trees was dreadful. I asked the Indians what it was done for, and they told me it was retaliation, doing to the white people what they had done to them.<sup>14</sup>

Having no other recourse, the Indians acted out violence among themselves, burning down the forest that had once been theirs. However, in 1898 there came an effort at empowerment that illustrates our tribe's feelings about our religion and culture and the attacks against them.

I am going to end with a story. It is a story with no footnotes, told in my way, concurrent with my tradi-

<sup>14</sup>Gilfillan to Dear Bishop [Whipple], June 14, 1886, SC #42, NARG 75.



tions. It is a story, told to me by my father, of the 1898 uprising at Sugar Point on Leech Lake and of Chief Hole-in-the-Day's escape.<sup>15</sup>

"We were at Sugar Point on Leech Lake. We were gathered in the spring and we had built a large teaching lodge. We were having our spring ceremonies and several people were being initiated into the Grand Medicine Society. It was calm and there was no wind. There were lots of flies, they buzzed around our heads, no wind being there to drive them away.

"Chief Hole-in-the-Day was the priest who was leading the ceremonies. He was giving the teachings in our sacred manner, preparing the initiates for the casting off of their old life, to begin life anew as teachers, and healers, as priests.

"He was standing at the head of the lodge and we could see across Leech Lake to Bear Island, the last stopping point of our tribe during its long journey from the East.

"He was standing there and since the lodge was uncovered we could see the whole lake. All of a sudden we could see the steamship that continually crossed the lake swing into view. It was loaded down heavily with soldiers and it bore down on us, straight toward Sugar Point.

"It wasn't very fast because of all the people, and since it was a steamship, it traveled slowly. That gave us all time to empty the lodge. The women and children went into the woods and began dispersing, heading for our homes.

"The men grabbed the guns and bows and hid in the woods, just outside the clearing. The boat landed and we knew they came for Hole-in-the-Day. They thought of him as a threat and wanted to capture him

and bring him in. He was our leader and we were not going to let that happen.

"As soon as they all stood in the clearing and looked into the lodge wondering where we all were, we opened up on them. They didn't know where it was coming from and they fired in all directions. They even killed some of their own men in their fear. Our guns and arrows killed seventeen of them and we knew that since there were about a hundred of them it would be hard to kill them all. We had to get Hole-in-the-Day out of there, otherwise they would hunt us all down.

"Hole-in-the-Day ran around to the other side of the point while we kept on fighting the soldiers. He got into his canoe with a headman of the tribe and took off across the lake. He rounded the point and the soldiers saw him trying to escape so they opened up on him. They took a shot and just at that time a wind came up and a huge wave lifted up between the canoe and the soldiers. They shot into the water—the wave protected him. They waited for the swell to go down and then tried to shoot again but another wave, almost four feet high, hid the canoe and their bullets hit the water again and went skipping over his head.

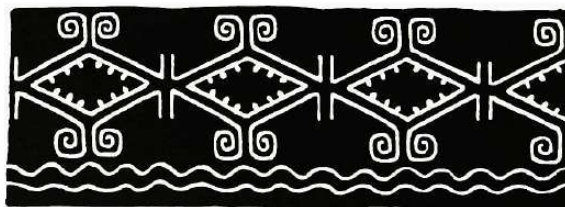
"They tried for a third shot but a third wave sprang from nowhere and they could not get him. Then, with their attention turned, one of us was able to get a shot at the captain, and he was shot in the head.

"The soldiers panicked and ran for the boat. They left and we had killed twenty of them. Not one of us was hurt. The lake carried Hole-in-the-Day away, safely, and the soldiers left our ceremonies."

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<sup>15</sup>There are two other well-known Ojibway named Hole-in-the-Day; the first died in about 1845, and the second was killed in 1868. For more on the Battle of Sugar Point, see Louis H. Roddis, "The Last Indian Uprising in the United States," *Minnesota History Bulletin* 3 (Feb. 1920): 273–90, and William E. Matsen, "The Battle of Sugar Point: A Re-Examination," *Minnesota History* 50 (Fall 1987): 269–75.

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