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**NEWSPAPER IMAGES OF NATIVE AMERICANS: MICHIGAN  
NEWSPAPER COVERAGE OF TREATIES AND COMPACTS AFFECTING  
INDIANS IN THE TERRITORY AND STATE OF MICHIGAN**

**By**

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**A DISSERTATION**

**Submitted to  
Michigan State University  
in partial fulfillment of the requirements  
for the degree of**

**DOCTOR OF PHILOSOPHY**

**Communication Arts and Sciences - Mass Media**

**1998**

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## **ABSTRACT**

### **NEWSPAPER IMAGES OF NATIVE AMERICANS: MICHIGAN NEWSPAPER COVERAGE OF TREATIES AND COMPACTS AFFECTING INDIANS IN THE TERRITORY AND STATE OF MICHIGAN**

**By**

**Scott G. Sochay**

**This study uses an ethnohistoric approach to explore how Indians were portrayed in Michigan newspapers of the nineteenth and twentieth centuries with regards to coverage of the major treaties (1836 and 1842) and compacts (1993) that affected Indians in the Territory and State of Michigan. It seeks to answer the questions "How were Indians portrayed in Michigan newspaper coverage of treaties between whites and Indians in the Territory and State of Michigan?" and "What has changed in this coverage from the nineteenth century to today?"**

**Chapter two looks at attempts to answer this question in the context of newspaper coverage of Indians in general. Chapter three examines treaties from both white and Indian perspectives to provide the proper context for understanding treaty making. Chapter four explores the specific treaty processes within Michigan to refine the treaty making context.**

**Chapter five looks at newspaper coverage of Native Americans in general in the United States in the nineteenth century, followed by a more detailed look at Michigan newspaper coverage of Indians in Chapter six. Chapter seven looks at specific Michigan newspaper coverage of the Treaty of 1836 with a brief follow-up look at the treaty of 1842 in Chapter eight. A summary of Michigan newspaper coverage of the nineteenth century treaties follows in Chapter nine.**

Chapter ten is a follow-up study looking at Michigan newspaper coverage of gaming compacts signed in 1993 by Gov. John Engler and seven of Michigan's Indian tribes. These compacts were the first agreements signed between state officials and Indian tribes since the end of the treaty-making period.

This study reaches the conclusion that while Native Americans received less than objective or balanced coverage in nineteenth century Michigan newspapers, the coverage they did receive was about as good as could be expected. Coverage from the present, taken as a whole, provided more thorough and balanced coverage of Indians, but taken city by city showed parallels to nineteenth century coverage suggesting that Indians still have not receive balanced coverage from Michigan newspapers with respect to treaties and compacts.

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## **DEDICATION**

**This dissertation is dedicated to my mom. I look forward to that day in heaven when I can thank her face to face for all she has done for me.**

## **ACKNOWLEDGMENTS**

I would like to thank my dissertation committee for all their input, patience and assistance in helping me complete my doctoral program. Thank you Dr. Thomas Baldwin, Dr. Bonnie Reece and Dr. Kent Creswell. Special thanks to Dr. Barry Litman for his role as my advisor and mentor.

I would also like to thank my Savior Jesus Christ, my dad, my wife, my family and my friends for all their support and encouragement. Without them I am nothing. To God be the glory!

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## **I. Introduction**

In a postmodern world, the relationship between Native Americans and whites has been re-analyzed and filtered through a variety of twentieth century viewpoints and paradigms. For example, such analyses have given us Christopher Columbus, not as heroic discoverer of the New World, but as rapist and pillager of the land, with no motive other than profit. This revisionist history examines Columbus in the light of twentieth century biases, with little consideration given to the context of his times and the views on cultural relationships prevalent then. On the other hand, this same style of scholarship tends to view Native Americans as enlightened New Age sages; one with nature, with a cosmic spiritual wisdom that transcends the materialism of the West.

In either case, imposing values and paradigms from the twentieth century onto the past leads to a distorted view of the past. In order to properly examine cultural relationships such as those of Native Americans and whites, it is important to examine this relationship within its cultural context, asking such questions as, "What was the white view of the Indian in the nineteenth century?" "What was the Indian view of whites?" etc. Only then can a proper framework be developed to explore these cultural relationships.

This view has been summarized by Cleland (1992) when he says:

In truth, I believe the histories of the Ojibwa, Ottawa and Potawatomi peoples ... are vastly misunderstood by the public. Like all historical accounts, the history of Indian groups is the product of the historian who selects and interprets the facts to conform to some preconceived theory or perspective. Too often, Indian history or the role of Indians in American history has been written to either glorify or to vilify Indian participants rather than to gain a perspective on their special place in historical events.

... I believe the ethnohistorical approach, which centers interpretation on the contemporary cultural context in which events are best understood, transcends my own bias (sympathy toward the Indians and their trials).

One such aspect of the relationship between Indians and whites that has received only moderate attention is how the press of the nineteenth century viewed Native Americans. As the major media vehicle of the day (along with magazines) for disseminating news, nineteenth century American newspapers had the opportunity to present Indians in positive, negative or neutral lights. This study will seek to explore how Indians were portrayed; specifically in the Michigan newspapers of the nineteenth century, and even more specifically, with regards to coverage of the major treaties that affected the Territory and State of Michigan.

With the end of the treatymaking period between Indians and the federal government in 1871, the opportunity to study Michigan newspaper coverage of treaties ground to a halt. However, in 1993 the State of Michigan and the various tribes of Indians in the State of Michigan entered into compacts concerning Indian gaming. These compacts are similar to treaties in that they both deal with the issue of Indian land and how it is used. These compacts then, allow for comparisons to be made between Michigan newspaper coverage of nineteenth century treaties and the compacts of 1993. The additional question can then be asked, how has Michigan newspaper coverage changed? Are Indians portrayed similarly or differently in the present day as compared to the nineteenth century?

In following this line of inquiry, this study will begin in chapter two with a look at scholarly attempts to answer this question in the broader context of newspaper coverage of Indians in general. This will provide the framework necessary to answer the more specific research question. Next,

in order to properly understand the treaty process, chapter three will engage in a general discussion of treaties from both the white and Indian perspectives in order to provide the proper context for understanding the specifics of treaty making. In conjunction with this, chapter four will explore the specific treaty processes within the Territory and State of Michigan to refine the treaty making context.

Once the treaty making background has been established, chapter five will look at newspaper coverage of Native Americans in general in the United States in the nineteenth century, followed by a more detailed look at Michigan newspaper coverage of Indians in chapter six. This will provide the background for looking at specific Michigan newspaper coverage of the Treaty of 1836 in chapter seven with a brief follow-up look at the treaty of 1842 in chapter eight. A summary of Michigan newspaper coverage of the nineteenth century treaties will be presented in chapter nine. Finally, chapter ten will serve as a follow-up study by looking at gaming compacts signed in 1993 by Gov. John Engler and seven of Michigan's Indian tribes. These compacts were the first agreements signed between state officials and Indian tribes since the end of the treaty-making period. This recent development provides the opportunity to see how journalistic coverage of Indian treaties in the State of Michigan has changed (if at all) in the present day.

This process will allow for a complete look at all relevant aspects of the cultural relationships found in Michigan newspaper coverage of treaties between Indians and whites in the Territory and State of Michigan. Conclusions, hopefully, can then be drawn that can answer the question, "How were Indians portrayed in Michigan newspaper coverage of treaties

between whites and Indians in the Territory and State of Michigan?" and "What has changed in this coverage from the nineteenth century to today?"

Some further elaboration is necessary here to define the parameters of this study. In the history of Michigan, there were seven important treaties that ceded Indian lands to the United States government.

They are:

Treaty of Greenville	1795
Treaty of Detroit	1807
Treaty of Saginaw	1819
Treaty of Sault Ste. Marie	1820
Treaty of Chicago	1821
Treaty of Washington	1836
Treaty of La Pointe	1842

The first newspaper in Michigan was not established until 1809, ruling out coverage of the Treaties at Greenville and Detroit. This leaves five treaties that could have been covered by Michigan newspapers. As we will see, there exists no coverage of the 1819, 1820 or 1821 treaties. This leaves the Treaties of Washington and La Pointe as the basis for this study. Copies of the Treaty of Washington and the Treaty of La Pointe can be found in Appendices A and C. Most of the attention of this study will focus on the Treaty of Washington (also referred to as the Treaty of 1836 or the Treaty with the Ottawa and Chippewa). First, because it was the larger and more important of the two, and second, because extensive documentation of the treaty negotiation process exists that will allow greater analysis of the actual events to the newspaper coverage of those events. Primary



documents such as memoirs, letters and government papers were analyzed to understand the events surrounding the treaty.

There was also a series of treaties from 1837 through 1839 and then again from 1855 through 1856, and finally in 1864/1866 between the United States government and the Indian populations in Michigan. However, these treaties did not involve the cession of land. Most were over annuities, trade agreements and modifications to existing treaties. As such they were ignored by Michigan newspapers. No mention of any of these treaties could be found in Michigan newspaper coverage. Why this was so will be addressed later in the study.

Note: There are two points that the author of this study must share with the reader. First, in a politically correct environment, what is the proper name for the indigenous peoples of North America? As best as possible, the author will use the terminology used by the sources. When the author has digression, terms such as Native Americans and Indians will be used interchangeably for variety's sake.

Second, the author is of Indian and white descent. On the Indian side, the author is one-quarter Chippewa. The author's tribe was directly affected by the Treaty at Washington in 1836. The author himself has experienced both positive and negative ramifications as the result of this and other treaties. On the negative side, the author's tribe is not recognized by the federal government (but is recognized by the State of Michigan) due to its refusal to migrate West. As a result, the author is not entitled to Federal benefits that other tribes receive. On the positive side, the State of Michigan has offered the Chippewa certain benefits in an attempt to make up for the fact that the Federal government reneged on its responsibilities under the

**1836 Treaty. As a result, the author has enjoyed the privilege of attending Michigan State University tuition free.**

## **II. Research on newspaper coverage of Indians**

Research on newspaper coverage of Indians in the nineteenth century is sparse. It is also highly concentrated on the later half of the century, especially from the Civil War on. There is scant mention of Indian coverage in research on the content of the penny press; the popular news medium of the East Coast and the major cities. No research could be found that dealt specifically with newspaper coverage of Indian treaties. While some information exists on coverage of Indian wars and massacres, that is beyond the scope of this study.

### **A. Images**

Murphy (1979) summarizes this general coverage in stating:

The mass media of the United States have largely followed a policy of not-so-benign neglect of the native peoples in this country. The history of American media coverage of Indians is likewise marked by a fair amount of cynicism about Indians, a prime manifestation of which has been the stereotypical portrayal of Indians by all media.

Long before television and films, the print media of the 19th Century did their part to foster inaccurate images of Indians. In fact, much of news reporting about Indians was done in advocacy fashion, encouraging or at least condoning the savage treatment of Indians.

Rankin (1995) recognizes this conventional wisdom when he states:

Like many of the travel writers and newspaper correspondents who wrote on the West in the nineteenth century ... The image we have of what such writers said about Indians is not a pretty one. Typically, their approach to Indian affairs has seemed careless and insensitive at best. Western journalists especially have appeared as unsympathetic, even hateful, and their reports marked by an absence of theoretical speculation on a just and appropriate Indian policy. Instead, such writers, especially western newspaper correspondents, have been thought opportunistic, racist, arrogant, and culturally imperialistic, subscribing more often than not to what Roy Harvey Pearce has identified as "savagism," an intellectual construct that reduced native peoples to symbols, thereby making them non-human.

However, Rankin goes on to point out two exceptions to this general trend in Indian newspaper coverage in the persons of Frederic E. Lockley and John Hanson Beadle. These two reported on conditions in the Indian Territory in the early 1870s (note the post-Civil War dating). He states that their reporting found a middle ground "in which newspapermen could work as disinterested professionals and write of Native Americans with fairness and even sympathy." Further, Rankin suspects, but does not offer proof, that there are other examples of western journalists who "were more sensitive to equitable treatment of native peoples than we have come to believe." Rankin challenges historians to dig deeper and find them.

In the examples of these two men, it must be remembered that until the late 1860s, public opinion was of the notion that separation of the races was the best approach toward Indian-white relations. Thus, when Lockley criticized "the invasion of Indian lands by 'rough frontiersmen'" it does not necessarily mean that he thought it wrong to force the Indians off their land, but merely that he found "federal administration of Indian affairs frequently incompetent." One thing however, that Lockley could not tolerate was what he considered to be unfair criticism of Indians. He wrote:

"Can we find nothing but vice and degradation to taunt our red brother with? ... There is a natural repugnancy between races, but all the virtues are not on our side."

Lockley wrote in an episodic style typical of newspaper coverage of the West in the 1870s. His columns were written as letters and began with descriptions of his travels and the people he met, before moving on "to serious, even spirited arguments on behalf of one perspective or another on Indian affairs." Rankin found that Lockley's writing was

Articulate and effective, he mixed criticism and praise as freely as he did facts and rhetoric. Lockley did not carry all his arguments successfully, and his forensic constructs foundered occasionally on his predispositions toward white cultural superiority and on his bias toward nineteenth-century notions of progress. Yet his sympathies were genuine, and he delighted in his friendships with native leaders.

Beadle traveled throughout the Indian Territory in the late 1860s and early 1870s. His writings on the West were vast enough to be compiled into several published books. At first, Beadle made quick judgments and easy stereotypes of Indians, but later came to see the Indians in a more dignified manner.

In these two reporters then, we see coverage of Native Americans in a somewhat positive light, but still reflecting a white point of view, that while sympathetic to Indians, was still one of cultural superiority.

## **B. Coverage**

Watson (1940) summarized the techniques of newspaper correspondents and writers during the nineteenth century in the West.

The kind of news from the "Wild West" which the newspapers east of the Mississippi began publishing in 1866 reflects little credit upon American journalism. Depending mainly upon volunteer correspondents more gifted in imaginative writing than in accurate reporting, they spread before their readers the kind of highly-colored accounts of Indian raids and 'massacres' that the most sensational yellow journal of a later period might have envied.

Who were these correspondents? In many cases they were army officers. It would seem unreasonable to expect these officers to present unbiased accounts of the Indians. Given that they were at war with the Indian, and often were outfought by the Indian, a slanted account to make the Army and the officer look good appeared the norm. The officer's report wasn't open to dispute by the editors back East who had no way of contradicting the correspondent's report.

In addition, weeklies and small dailies in frontier towns offered reports on the Indians. Given that these newspapers depended upon local subscriptions to stay in business, the written accounts were tailored to be congruent with local opinion and sentiment. Watson (1940) notes that many such accounts included "the frontiersman's traditional hostility toward the red man and his determination to possess the Indian's lands, by fair means or foul."

Editors then, with the types of stories they received from correspondents or wrote themselves could by no means be called "objective" or Indian friendly.

In terms of content, Western correspondents often sent alarming stories about Indian outbreaks to the presses in the East. Often these stories were designed as propaganda to encourage the federal government to send more troops and more aid to the West.

As one Eastern editor noted:

We had become perfectly accustomed to and hardened to correspondents from the plains, whose warped and false representations discredited every good thing. At least three disappointed aspirants for civil berths became newspaper correspondents and traducers, but the sting of their falsehoods was innocuous, as their inducement was understood.

Aware then of some of the motivations of these correspondents, could editors be forgiven for running biased accounts of Indians? Watson puts that idea to rest in stating:

But even when a lack of dispatches from such correspondents as these resulted in a dearth of Indian war news, the editors of some of the Eastern newspapers were never at a loss. On their staffs were writers who could take the merest rumor and expand it into a thrilling "eye-witness account" of some Indian atrocity and, in the case of the illustrated weeklies, such yarns were properly embellished with drawings by their "special artists."

### **C. Theory**

This section will first look at a general theory of majority-minority relations. It will then look at specific theories that address newspaper coverage of White-Indian relations.

Sociologists have derived a variety of theories to understand the aims or objectives of both the majority culture and the minority culture as they interact with one another. Two relatively early theories concerning these relations were developed by Rose (1964) and Simpson and Yinger (1972). Subsequent theories have essentially been variations on the themes that will be described by these two theories.

Rose (1964) explores three possible interactions: assimilation, amalgamation and cultural pluralism. Assimilation is when the minority culture adapts to the majority. They accommodate to accept the character and morality of the dominant group. Assimilation on the western frontier in the early to mid-nineteenth century was not merely an Indian concern. As Rose notes, Germans in Wisconsin, Missouri and Texas established settlements where the German language was the vernacular and the German culture presided. As the Germans spread out however, assimilation began. Rose also cites the case of the Irish, who mainly settled in urban areas. In such settings, exposed to other cultures, it was much more difficult to avoid assimilation. Thus, the German example is more likely to apply to the Indian populations along the frontier. More rural and isolated, resisting assimilation was a plausible aim of the Indian tribes as long as they could remain together on their land.

The second theme, amalgamation, is a fusion of the best traditions from both cultures blended into a dynamic unity. This was never a practical option for White-Indian relations. Often viewing Indians as

savages, Whites saw little that was good in Indian culture. Further, Christian missionaries of various agencies tried to avoid syncretistic approaches to evangelizing the natives.

The third approach is cultural pluralism. The key idea here is that culture is strengthened by diversity rather than fusion. It has often been described as a symphony, with each instrument distinct, but blending into a harmony of sound. This approach was also not practical in the early to mid-nineteenth century given the strength of the view of the Indian as "savage."

Of the three interactions, assimilation was most likely to prevail during the early to mid-nineteenth century. The ideas of amalgamation and cultural pluralism would have to wait as possibilities for White-Indian relations and will be picked up again in chapter ten.

Simpson and Yinger (1972) expanded on the ideas of Rose. They proposed that majority cultures and minority cultures have different objectives for their interactions. For the majority culture, Simpson and Yinger postulated six aims: assimilation, pluralism, legal protection of minorities, population transfer, continued subjugation and/or extermination.

Assimilation seeks to eliminate the minority as a minority by either permitting the minority to accommodate to the majority culture or forcing them to assimilate. Pluralism permits some cultural variability, but only so long as it is consonant with national unity. Legal protection of minorities is essentially "official pluralism." Population transfer can be peaceful or forced. Typically it is separationist in nature, delaying the implementation of one of the other options. Continued subjugation seeks to keep minorities in their place as secondary citizens (if citizens at all). Finally,



extermination looks for the physical destruction and elimination of the minority population and culture.

Just as the majority culture has objectives in their interactions with the minority culture, so too does the minority culture have objectives. Simpson and Yinger see four aims of the minority culture: pluralism, assimilation, secession and militancy. Pluralism desires peaceful co-existence side by side with the majority culture. Assimilation means the minority culture desires absorption into the larger culture and simply wants its members to be respected as individuals. Secession is when a minority seeks both cultural and political independence. Militancy is when a minority goes beyond a desire for equality to a desire for domination.

Nobles (1997) addresses the historical nature of White -Indian relations and shows that a variety of the objectives that Simpson and Yinger propose for majority-minority interactions were present in reality. In reference to the early 1800s, Noble notes that government policy didn't call for extermination. Rather, Indians would be pressured to abandon their way of life and their land in order to peacefully exist in the United States. Thomas Jefferson and other federal leaders were of the opinion that such a policy was in the Indians' best interests and the simplest way to "civilize" them. Still, as the federal government attempted assimilation, they always had the option of using force if the Indians resisted.

Some Indians did attempt to accommodate to the White culture. The Cherokees (from the Southern Appalachia region) are an example. By 1810 the Cherokees had ceded over half their lands. Faced with diminished territory and declining population, many Cherokee leaders argued "that accommodation, if not assimilation, was the only way to survive the inevitable expansion of white society." (Nobles, p. 121)

Other Indians however, took a quite different approach. The Shawnees (from the Ohio Valley and south) serve as an example. The Shawnees felt that giving up land was going too far toward accommodation and they reaffirmed their commitment to traditional ways. If this approach led to war, so be it.

In these two examples, a multitude of the objectives postulated by Simpson and Yinger are evident for both Whites and Indians. It was these very same choices that Michigan Indians were facing in the 1830s and 1840s.

Would newspapers express the aims of White society in ways similar to those delineated here? For that we turn to specific theories of newspaper coverage of Indian-White relations.

Nichols (1971) in looking at newspaper images of Indians and journalistic techniques used during the nineteenth century developed a descriptive theory summarizing the types of coverage one could expect to see. He postulated four possible viewpoints or attitudes toward Indians prevalent in newspaper coverage:

- 1) demands for immediate extermination of the Indians;
- 2) calls for defeat and punishment of the Indians by the Army;
- 3) admonishments for the removal of Indians to reservations, preferably far away; and
- 4) proposals for assimilation of the Indians into the majority culture and economy.

For the purposes of this study, we will call these the extermination, defeat and punishment, removal and assimilation views, respectively. Notice how these views line up relatively closely with broader sociological theories of Indian-White relations. One can see from these four

possibilities, a continuum ranging from the harshest view toward the Indians to the most peaceful. None however, explicitly recognizes an Indian point of view. All are from a white (majority) perspective with little or no attempt to understand the Indian point of view toward Indian-white relationships.

Nichols states that these four views prevailed "regardless of decade, location, peace or war." In exploring these four attitudes in more detail, Nichols notes that there were more basic ideas behind these four broad views that have to be examined to understand western attitudes toward the Indians

Proponents of the first view, total extermination, often developed this attitude as a result of a sense of frustration or impatience with the "Indian situation." As the Indians remained a constant threat to stability and peace, tensions grew and attitudes hardened. One of the more persistent ideas behind the extermination viewpoint was the idea that the Indians were innately inferior to the whites and could never change. In the pre-Civil War days, Indians in the Southwest were often labeled as "a beastly, rapacious, cunning imitation of humanity." In addition, the differentness of the Indian culture was strange and foreign to whites, and different in white eyes meant inferior.

Finally, in addition to racial and cultural biases, there was an economic motive behind the extermination view. Indians possessed land rich in resources that whites coveted. Extermination would solve the problem of sharing or buying the land from the Indians. This view then, of the Indian as an unchangeable savage, a threat to peace and a possessor of resources the whites wanted, led many to logically conclude that extermination of the Indian was the only solution.

Those in favor of the second viewpoint, defeat and punishment of the Indians, held many of the same biases as proponents of the first view. The major difference was that those in favor of defeat and punishment felt that the Indians were capable of changing their savage ways, and that once defeated the Indians would learn to co-exist with white intrusion onto their land. As Nichols says:

On the other hand, some western newspapers did not depict the Indian as a hopeless savage or call for his extermination. Expressing less extreme though still anti-Indian attitudes, their prose included stock phrases calling the Indians animal-like, bloodthirsty, cunning, treacherous, savage, and red devils. Yet their thinking shows a clean break with their counterparts who wanted annihilation. In place of that, they substituted a cry for the overwhelming military defeat of aggressive Indian bands. This approach to achieving peace differed from that proposed by the exterminators in that it accepted the red men as human beings, capable of distinguishing right from wrong and of learning from experience. To these writers the problem stemmed, not from racial inferiority, but from the savagery within Indian society. Thus the whole issue became one of enforced cultural change through punishment rather than genocide.

Still, even under this more humane view, military defeat and massacre of the Indian was favored and applauded by the western press.

The third view, removal (moving the Indians to reservations), was championed by a variety of individuals but none more so than the Mormons. The Mormons too had been forcibly removed from their "promised land" and had greater empathy for the plight of the Indian. Nichols points out:

Mormon editors, however, took a more moderate view than did most frontier newsmen when it came time to determine responsibility for the intermittent warfare. Suggesting that the aborigines may have been dealt with unfairly by the whites, one Mormon journalist wrote that the Indian should be "treated according to his desserts, with no mistaken kindness, nor undeserved brutality." A St. Louis paper, far from the scene of conflict, took a more pro-Indian stand. "We can hardly blame them for being savages. Our government and our people have certainly taken very little pains to make them anything else." Such statements expressed what was clearly a minority view. In fact, the correctness

of chastising Indian wrongdoers became fixed in public opinion so firmly that it acquired a sort of religious aura.

Other proponents of this third view, still considering the Indian a savage, thought that once the Indians had accepted their defeat, and that the only way to peace was to capitulate, they would willingly be removed from contested regions and relocate on designated reservations.

In fact, this third viewpoint, with its rationale for moving the tribes, had been the cornerstone of Federal Indian policy since 1825 when President James Monroe had enacted an Indian removal policy.

Those who held to the fourth view, assimilation, were a definite minority among journalists. Most started with the idea of the reservation system; that it offered a long-range opportunity to assimilate the Indians into the body of American society. Proponents of this view were less likely to cite racial reasons as the foundation for their viewpoint, often taking a more pragmatic approach that recognized that the Indian could not resist the irrepressible forces of Manifest Destiny. Many felt that the Indians could switch to an agricultural mode of life (which eventually proved to be a mistaken notion). Many borrowed this idea from federal policies and the policies of religious and philanthropic groups who desired to work toward those ends. Credence was given to this position by the fact that religious groups had been working among the Indians for almost a century and advocated this position based on their experiences.

In summary, Nichols said this:

Western newsmen suggested numerous and often conflicting solutions for the Indian problem. Although it is possible to group their proposals into four broad categories, clearly they advocated many approaches to solving this problem. Most of the journalists viewed the aborigines through glasses tinted by attitudes of racial or cultural superiority. As a result, harsh and violent action received open support. On the other hand, westerners who disagreed with the adage the only good Indian is a dead one demanded that the

tribesmen be far away working to become red Anglo-Saxon farmers as rapidly as possible. It is not entirely possible to determine whether newspaper rhetoric molded or followed existing public opinion, but editors who differed markedly with the majority of their customers in small western communities soon went out of business. Therefore, it seems reasonable to infer that the views expressed by these editors and writers usually followed the majority opinion held by their frontier readers.

Once again, then, we can note the economic relationship between a newspaper and its readers. Regardless of whether a paper's stance toward the Indians molded or followed existing opinion, it ultimately had to pay heed to public perceptions of the Indians if it hoped to retain its subscribers. In western settings where subscriber counts were small, this public influence could potentially loom large.

#### **D. Summary**

A survey of the literature on the images of Indians in nineteenth century newspapers shows that existing research is somewhat limited in its breadth and depth. However, by delving into the context of the images held and the techniques of newspaper journalists, the following observations can be made:

- 1) None of the research done on newspaper coverage of Indians or attitudes toward Indians specifically cited newspaper coverage of Indian treaties or the treaty making process. This suggests that coverage of Indian treaties was relatively scarce in nineteenth century American newspapers and that coverage of Indian treaties was relatively unimportant to the editors of frontier newspapers and by extension, their subscribers. Findings then, of treaty coverage in nineteenth century Michigan newspapers will essentially be breaking new ground in understanding how Indians were portrayed.

2) Research findings indicate that portrayals of Indians in nineteenth century newspapers were cynical, stereotypical, insensitive, racist, arrogant, and highly-colored. These portrayals were also pragmatic; advocating a white sense of cultural imperialism amidst an "absence of theoretical speculation on a just and appropriate Indian policy."

Amidst all this negative coverage, there was a hint however, of some positive portrayals of, and attitudes toward, Native Americans. These though, were a significant minority with respect to overall coverage of Indians.

These findings suggest that coverage of the Treaties of 1836 and 1842 will be mostly negative toward the Native American culture and perspective. It does hold out the possibility though, of some favorable coverage appearing.

3) Four attitudes or views toward the Indian were derived from a study of Indian newspaper coverage in the nineteenth century. These views are the extermination, defeat and punishment, removal and assimilation views. These then, are the views or attitudes most likely to be represented in any coverage found of the Treaties of 1836 and 1842. However, without additional context, it is premature to suggest which of these views will appear in nineteenth century Michigan newspapers.

Now that these issues have been explored, the next chapter will broaden the historical context of the newspaper coverage of Indian treaty making by looking at the treaty making process itself.

### **III. The Treaty Making Process**

In this chapter, the rationale for making treaties with Native Americans will be examined. Following this, a look at how treaty negotiations were conducted and how treaties were ratified will be explored. After completing this analysis, a better understanding of the treaty making process should be evident and will help the study develop the context of newspaper coverage of United States - Indian treaties. This in turn, may help shed light on the content of the newspaper articles found concerning the Treaties of 1836 and 1842 to better analyze these articles in light of the images and findings of chapter two, and especially the framework of views developed by Nichols.

#### **A. Rationale**

Prucha (1994) identifies three reasons as to why the United States government entered into treaties with the Indians. First, the U.S. wanted the land. As more and more whites moved west, the demand for land and its resources increased. Second, was the desire of the United States to turn the Indian from hunter to farmer in the hopes of civilizing them. And third, was the United States' perceived view of the needs of the Indian. Indians were becoming increasingly indebted to traders and white encroachment on Indian land was drying up the hunting grounds. As a result, Indians were seen as more willing to accept the goods and annuities that the U.S. government could offer in exchange for land. The basis for each of these reasons can be traced as far back as Jefferson and made more explicit by Monroe and others.

As a result of the treaty making process, the U.S. received the land it desperately needed. Not only was this land necessary for new settlement,



but also to secure the borders of the expanding country. And, over time, the U.S. established the dominant position in negotiating with the Indians as tribes were often forced by circumstances and past white encroachment to acknowledge the friendship and protection of the federal government. The Indians in turn received a measure of political recognition that still exists today, with the U. S. government treating the various tribes as "Sovereign Nations."

After the War of 1812, the dominant position of the U.S. in treaty making was well established. Treaty procedures remained similar to what they had been, but the treaty councils became less and less a situation of sovereign nations negotiating on equal footing. Treaties were mainly viewed by the United States' government as the easiest way of meeting its constitutional duty to manage Indian affairs. This duty is found in Article 1, Section 8 of the Constitution and is commonly called the "Commerce Clause." This clause gives the federal government the power to "regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

## **B. Negotiations**

### **1) The United States side**

The executive branch was primarily responsible for the treaty negotiations. The Senate monitored the process and was ultimately responsible for ratifying treaties. The President was rarely directly involved in the negotiations, although he could and did meet with Indian delegations that came to Washington to negotiate there rather than in the territory being ceded. Various cabinet members oversaw the negotiation process. At first, this was the secretary of war and then later, the secretary of the interior. Others in the "Indian Department" also participated, as well as

prominent military officers, territorial governors, and those skilled in political affairs or who had earned the trust and respect of the Indians. Negotiations could only be undertaken with Congressional approval. The President, Congress or other interested parties could petition the Congress to authorize the process and the related expenses.

As the Indian agency system developed, these negotiators were known as "Indian agents" and were supervised by the commissioners of Indian affairs.

Prucha notes that the commissioners,

by and large, were men of experience and integrity and sometimes of deep sympathy for the Indians, although almost universally they were convinced that the drive to move the Indians from their aboriginal culture toward the patterns of white society was proper and necessary.

For example, Lewis Cass, governor of the Michigan Territory from 1813 to 1831 and the principal government negotiator for the Treaties of 1819 and 1820 said this about his negotiations with the Chippewa:

Although I am firmly persuaded that it would be better for us and for these Indians that they should migrate to the country west of the Mississippi, or, at any rate, west of Lake Michigan, yet it was impossible to give effect to that part of your instructions which relates to this subject, without hazarding the success of the negotiation.

As also evidenced in this quote, negotiators were given a good deal of discretion in coming to terms with the Indians. As this study will show however, their discretion could be overruled by Congress.

## **2) The Indian side**

The federal government was faced with a problem in negotiating with the Indians. Who were the proper authorities or chiefs to speak to? The tribes did not have formally organized governments, nor did they often agree on who should represent them. The federal government often forced

the situation by designating or making chiefs in order to have someone to negotiate with. This put a premium on a tribe getting to the table first to talk with the whites, or to have enough power to muscle their way into the negotiations. Those bands of a tribe that were poorly organized or didn't want to negotiate in the first place were often left out not only of the negotiations, but also the annuities and goods that were agreed upon.

Part of the problem also sprang out of the United States' inability to understand the Indian form of government. Often times, rival delegations claimed to speak for the Indian and rather than let the Indians settle the matter, the U. S. would negotiate with that delegation perceived to be the easiest to work with or the one that would settle for less. In other instances, the government chose to negotiate with a specific band as if they spoke for an entire tribe. This was often the case in negotiations with the Chippewa. Also, in other cases, the government went the other direction and lumped several tribes together for negotiating purposes if more than one tribe inhabited the land under negotiation. Little regard was given to the relationships between these tribes and whether or not these tribes were culturally related.

Prucha had this to say about the situation:

"Tribe," however, was an inadequate term, for it was in large part an Anglo-American concept increasingly imposed upon Indian groups for convenience in dealing with them. Not only was there confusion and uncertainty about the proper political unit with which to deal - village, band, tribelet, or tribe - but the govt. structures within the units were imprecise. How much power or authority did a village chief have, for how long, and how was it passed on? How much power did a "tribal" chief have ...

In general, a clan or tribelet was a gathering of three to four generations of Indians living together who were descended from a matriarch. Clans often consisted of up to one hundred people. Tribes were

a collection of several clans, and a confederacy or band was a collection of several tribes. At this level, the tribes often united to maintain peaceful relations within the member tribes and to pose a united front in the face of danger from other tribes or whites. The structures of power within each social/political unit varied among the Indians of North America.

Once an official delegation was approved by the government, it was often the case that the entire delegation gathered at the council site and many of that delegation would speak on the treaty proposals. Lewis Cass made this observation:

We assemble the Indians in council, propose the subject to them, and discuss the various propositions made, modified and acted on. The whole matter is fully considered and openly conducted in the presence of all the Indians of the tribes, who choose to attend, and the result is embodied in the form of a treaty ...

When they assemble to deliberate upon their public affairs, they are pure democracies, in which every one claims an equal right to speak and vote. The public deliberations, however, are usually conducted by the elderly men, but the young men or warriors exercise the real controlling influence. No measure can be safely adopted, without their concurrence ...

Experience has demonstrated the utility of permitting as many of the young men as are willing, to sign the treaty. They thus become committed, and no change of opinion, to which few people are more subject than Indians, will then lead them to upbraid others for an act in which they themselves participated. And this is the true reason why so many signatures are usually appended to our Indian treaties. He who signs first, incurs a heavy responsibility; and it requires no ordinary degree of resolution in the man, who this, in the presence of his countrymen, leads the way in sanctioning a measure which many may regret after the presents are expended and the excitement of the moment has subsided.

On occasion, an authorized delegation would insist that the treaty could only take effect if the tribe in full council approved. Unfortunately, when Congress took up the ratification issue, approval by a full tribal council was usually ignored.

In addition to these issues, the Indians were faced with another problem. Very few Indians were well versed in the English language.

Although treaties were often recorded in English and in the native language, only the English version was considered official. The Indians then, needed someone to translate for them. Not only someone who could understand the language, but also who could convey the meaning of the language to a culture that viewed land ownership in a way radically different than the Indian. These cultural differences made the understanding of treaty items different for each side.

At times, the interpreters were tribal members, at other times the Indians looked to traders or others who had dealt with the tribe and whom the tribe respected. But even this often wasn't enough to bridge the cultural and language gap. Some critics of federal Indian policy have claimed that the U. S. government, through these interpreters, could easily deceive the Indians about the terms or implications of the treaty. Prucha sees that as unlikely:

... such accusations do less than justice to the American commissioners, who, for the most part, sought earnestly to convey the treaties' terms to the Indians. It is true that often enough the Indians were displeased with the treaty provisions, but the US had overwhelming power compared to that of the tribes and could ultimately compel agreement to its terms. It did not need to resort to deceit as a major tool of Indian diplomacy.

Even if deceit is ruled out, the superior bargaining position of the federal government and the inability of the Indian to counteract that power, virtually guaranteed that any treaty signed would be to the advantage of the United States, even if the Indians thought at the time that the treaty was fair.

### **3) Provisions**

Prucha summarizes both the consequences of the treaty making process and its typical provisions when he says:

The history of many of the tribes involved in removal from the Old Northwest fitted a general pattern: a succession of treaties of cession following the War of 1812, increasing pressure on the remaining lands by white settlers supported by the state and federal governments, new cessions with reserved lands for chiefs and other individuals or bands that refused to migrate beyond the Mississippi, degradation and deterioration of the tribes because of drunkenness and indolence (often a result of the annuities on which many of the Indians depended for existence), and finally, as conditions worsened and pressures increased, acquiescence in treaties that stipulated removal from the states to reservations laid out in the Indian country of the West.

This passage points out the provisions that the federal government sought: acquisition of Indian land and often, the removal of Indians to reservations in the West. For the Indian, one of the first benefits were annuities and presents. Cass noted:

The Indians always arrive at our treaty grounds poor and naked. They expect to receive some part of the consideration at the moment of the signing of the treaty. This expectation, in fact, furnishes the only motive for their attendance, and much the most powerful motive for their assent to the measures proposed to them.

These annuities could be in the form of cash payments, goods and services, education and educational facilities, and medical aid among others. Tribal chiefs also expected presents just for showing up. Any attempt by negotiators to avoid this part of the process often imperiled the success of the treaty council.

Were these presents and annuities fair compensation for the land? Historical evidence suggests that the U. S. negotiators paid as little as possible. They had some digression in terms of dollar amounts, but rarely took into consideration the actual present or future value of the land. For example, in the early 1800s, negotiators were paying Indians somewhere on the order of one to two cents an acre. Compare this with the Congressionally enacted land law of 1800 which set a price of two dollars an acre for sale of the public domain to white settlers.

Wishart (1990) studied the deliberations of the Indian Claims Commission to evaluate payments made to the Indians in the nineteenth century. Using the central and northern Great Plains as a case study, Wishart concluded that the United States paid the Indians \$29,977,015 for 290 million acres of land in that region, or an average compensation of about ten cents an acre. So the trend noted for the first decade or so of the 1800s was not much improved upon in subsequent negotiations.

The Indian Claims Commission itself decided that the sums paid to the Indians, whether in cash annuities or provisions of goods and services, "did not equal the fair market value of the land at date of cession." In one contemporary study done in 1841, Keller (1978) notes:

... the US Indian agent at LaPointe, Wisconsin sat at his desk and calculated how much the people of his agency had lost in a treaty which they signed the previous autumn. Alfred Brunson counted furs, sugar, birch bark, rice, fish, and game. He assigned each a cash value, added the total, and compared it with the treaty settlement. The agent concluded that his tribe had been underpaid by at least 30 percent. Such an analysis of the true economic value of Indian land was rare and incomprehensible to most 19th century Americans, as were Indian agents who openly complained about injustice in treaties. By October 1843, the Commissioner of Indian Affairs had asked Brunson to resign.

Further, Keller (1978) states:

The BIA [Bureau of Indian Affairs], like American society in general, did not try to understand how to fairly compensate native Americans for the loss of their material resources. Seldom farsighted, always dependent upon and answerable to Congress, the BIA acted on the business assumption that one bought land at the lowest possible price - that maximizing profit for the individual maximizes the social good. Seldom were there suggestions that these reckonings might be unjust and that there might be better methods of compensation.

The BIA first of all viewed itself as an ally in the conquest of a continent. If that meant promoting Indian land cessions in areas rich in minerals and ores, then the Bureau eagerly promoted land cessions. If, in order to build a ship canal through an ancient fishing site, it meant abrogating a long-standing treaty, then the Bureau repealed the treaty - at the least cost.

It should be noted that with regards to government provisions, the Chippewa and Ottawa of Michigan were fairly unique in that they avoided the removal clauses so often implemented by the federal government. Although pressured by the government and by white encroachment, the two tribes were relatively successful in acquiring reservation land within their old territories. In addition, the two tribes also maintained hunting and fishing rights.

#### **4) Witnesses and Signatories**

In addition to both negotiating parties, many other people were often present at the treaty making councils. Foremost among these witnesses was the United States Army. A detachment of troops was often considered necessary to keep the peace. Not only did the government fear that the Indians might turn hostile against the whites, they were also concerned about Indian on Indian violence when tribes with a history of animosity toward each other were lumped together for treaty making purposes. While this served an often times legitimate purpose, in many cases a military presence served mainly to impress the Indians with the military might of the government and serve as an inducement to reach an agreement quickly.

Traders were another familiar presence. Indians were often indebted to traders and the traders wanted to make sure that if immediate cash payments were made to the Indians that they would be able to collect on their debts. Other traders hung around to sell goods to the Indians who were flush with cash and eager to spend it quickly once the treaty was signed and advances on the annuities paid.

Finally, on occasion, newspaper editors and reporters were present. These witnesses however, were not typical until the 1860s.



Once the treaty was agreed to, the signatures of the U. S. negotiators and commissioners appeared first, followed by the names of the Indian delegates. To reinforce the language difficulties, most Indians signed an "X" mark to the document or merely "touched the Pen" as the government secretary wrote his name. The above mentioned witnesses often signed as well at the very bottom of the treaty.

### **C. Ratification**

After the treaty had been negotiated and signed, the treaty was sent to the relevant administrative body such as the secretary of war or the interior or the commissioner of Indian affairs (the office was established in 1832). The treaty, along with a report on the negotiations and any other explanatory materials was included. Often, journals, with verbatim or near verbatim accounts of the negotiations were included. Once the commissioner had reviewed the documents, the commissioner would send his recommendations on to the secretary of the interior. The secretary could make his own recommendations or send the commissioner's report as is to the President. The President then engaged in his own review process and submitted the treaty and its documents to Congress for its ratification. Congress could approve the treaty, approve it with amendments, or reject it. Having taken formal action, Congress returned the treaty to the President. The President in turn, proclaimed the treaty.

The ratification process was more complicated when the Congress (the Senate) decided to amend a treaty. Amendments could be proposed by the senators or the Committee on Indian Affairs. Often times however, they were submitted in the accompanying documents by the commissioner of Indian Affairs or by the secretary of the interior. The president rarely suggested changes to the treaty documents, leaving this to the discretion of

his administrative agents. The Senate rarely turned down amendments proposed by the commissioner or secretary.

An amended treaty raised problems. Resubmitting the treaty to the Indians was often difficult. First, in locating the signatories, second in getting their approval to the amendments. The Indians, having already typically received the expected presents and first annuity payments were reluctant to agree to new terms unless new presents were offered. In several instances, Congress ratified treaties without attempting to get the Indians' approval. In other instances, Congress settled for a few of the original signatories' approval, rather than unanimous consent.

On rare occasions, Congress protected the rights of Indians to approve Senate amendments by adding provisions to the treaty that required Indian consent before the treaty went into effect. In fact, this procedure was used in the Treaty of Washington of 1836. Congress added a provision which stated:

That no part of the above appropriations for carrying into effect the treaty with the Chippewas and Ottawas, shall be drawn from the Treasury except what may be necessary for the expenses of collecting and subsisting the Indians, and for the expenses of concluding the treaty, heretofore incurred ... until the assent of the said Indians shall be given to the changes proposed by the resolution of the Senate.

In those instances where the Indians refused to assent to the changes, Congress had two options. It could either approve the amended treaty without the Indians' consent, or it could approve the treaty without amendments.

Finally, Congress passed a law in 1818 that directed the State Department "to cause the laws and treaties of the United States to be published in newspapers in the District of Columbia and in the states and territories." An amendment to the act in 1820 made clear that Indian

treaties were a part of this law and that Indian treaties "shall be published only in one newspaper and that to be within the limits of the state, or territory, to which the subject matter of such treaty shall belong."

It can be noted here that in the course of this study, no evidence was found that the Treaties of 1836 or 1842 were ever published in a Michigan newspaper. The Treaty of 1836 may have been published in an Indiana newspaper as Michigan was still a territory in 1836 (Statehood coming in 1837) and the territorial government was located in Indiana. However, by 1842, one would have expected to find at least one example of a treaty being printed in a Michigan newspaper. Why none could be found will be explored later when Michigan newspaper coverage of Indian treaties is analyzed in a later chapter.

In conclusion, Prucha states:

Whatever the treaty commissions finally agreed to in the treaties was monitored carefully in many cases by the Senate, which at times refused to ratify treaties in which it thought there were extravagant costs.

The Senate often amended treaties to cut down the size or duration of the payments. More damaging and unconscionable was the failure of the federal government at times to pay the full sums promised in the treaties and to make sure that the goods and services stipulated were of high quality.

#### **D. Summary**

This chapter has outlined the rationale for the treaty making process; namely, the United States' need for title to Indian land. In order to acquire that land, the federal government entered into negotiations with the various Indian tribes. The Indian agents appointed by the federal government to represent the United States in these negotiations were in general, strongly in favor of removal and assimilation. This suggests that these two viewpoints might be prevalent in any newspaper coverage of the Treaties of 1836 and 1842.

The federal government's understanding of Indian government and culture was woefully inadequate; illustrated by its willingness to appoint chiefs for negotiating purposes simply because the ones appointed would be the easiest to conclude an agreement with. In addition, language barriers and the presence of traders, made it difficult for the Indians to fully understand the implications of the treaties and to receive fair compensation for their land. It must be remembered also, that these negotiations took place with the United States having a tremendous negotiating advantage given the circumstances of the times.

The question of fair compensation was explored and research and indicated that Native Americans did not receive just compensation for their ceded land. However, white attitudes at the time were little concerned with this issue. This suggests that any articles dealing with the Treaties of 1836 and 1842, and this specific issue of fair compensation, will more likely reflect the white view that land had been acquired to the benefit of the United States, with little regard for what the Indians received in return.

Finally, the process of ratification was described. It was seen that Congress could (and often did) change the terms of a negotiated and signed treaty. Attempts to justify this by seeking Indian approval after the fact was noted. This had a bearing on the signatories of the ratified treaty, who may not have been the same signatories of the negotiated treaty. The general procedures used by the United States in the treaty making process suggests that articles found concerning the Treaties of 1836 and 1842 will be likely to avoid the issue of the legitimacy of the negotiated and ratified treaties.

Now, that the treaty making process in general has been documented, the next chapter will look at the specific details of treaties negotiated in the territory and state of Michigan.

## **IV. The Treaty Making Process in Michigan**

### **A. Overview**

After the defeat of Pontiac, an Ottawa chief, in 1763, Indian-white relations in the territory of Michigan were relatively peaceful compared to the battles that were prevalent in the Southeast and West. Beginning at Fort McIntosh in 1785 and ending at Washington DC in 1867, the United States negotiated and ratified over forty treaties with the Ottawa and Chippewa. These agreements were often made with separate bands of Ottawa and Chippewa and not either nation or confederation. In part, this was due to the vast area of land that the two tribes inhabited; from Minnesota into Wisconsin and Michigan.

These treaties had strong economic origins and effects. Most involved either the transfer of land or settled jurisdictional questions such as hunting and fishing rights. Certainly, these treaties were also political in nature, offering the United States territorial expansion and secured borders.

These treaties also were beset by the same cultural and language problems noted in the previous chapter. Keller (1978) elaborated on some of these cultural differences:

One may understand the formal conditions and consequences of an Indian treaty by reading the treaty text, by reading the proceedings of the council, by studying a resource map of the area ceded, and by following the subsequent implementation of the compact. Less apparent are the assumptions of both sides, assumptions which always influenced what was accomplished by a treaty. Usually these assumptions were unstated; sometimes they were made very explicit.

Early in the treaty period the tribes believed that their existing ways of life could be preserved with relatively little adjustment, and that this would depend upon access to their traditional lands, resources, and wildlife. At the same time, they

often assumed that white use of such resources as timber and minerals would not lead to permanent white occupation.

... toward the end of the treaty period ... Indian leaders ... came to realize that their people depended directly upon white culture for education, for trade and tools, and for cash.

American officials perceived growth and expansion as good, as a national destiny which made resource utilization inevitable and which established a moral obligation to rapidly consume these resources.

Another important viewpoint is that of Henry Schoolcraft, chief U.S. negotiator on the Treaty of 1836 and others. Schoolcraft:

... assumed the inevitability of white expansion; he considered Indians incapable of effective use of natural resources; and he ignored the relationship between these resources and personal survival.

As mentioned above, Chippewa and Ottawa land cessions were unusually peaceful compared to treaty negotiations in other parts of the country. However, the peacefulness of the negotiations should not be used to assume that the Indians willingly ceded their land or were happy with the treaties. As Keller observed:

Evidence indicates that the Indians thought that they were only selling the right to mine or cut timber, with the tribe retaining occupancy rights. In other cases, chiefs opposed all concessions to whites because they felt these could open the door for further settlement.

Their resistance was so strong and their attachment to a particular land so intense that the Chippewa and Ottawa, by sheer perseverance, finally forced the government to reverse its 50 year policy of removing all eastern Indians to the Far West.

## **B. The Treaty of Saginaw, 1819**

Before moving on to the Treaty of 1836, a brief examination of the Treaty of 1819 will help set the context for the latter treaty and serve as a baseline to analyze any differences or anomalies in the negotiation process. Dustin (1920) has provided a comprehensive look at the 1819 Treaty and his findings will be summarized here.

Dustin begins by briefly summarizing the Treaty of 1807.

At this time (1807), the restless spirit of the whites was greatly augmented by that hunger for land which during the first three-quarters of the last century appeared to be insatiable, and when war did not suffice, other means were employed to persuade the Indian to part with his patrimony, and it is not to the credit of our race that we were not above fraud in far too many of our transactions of this kind.

By the treaty of 1807 the United States had obligated itself to pay to the Chippewas "one thousand six hundred sixty six dollars, sixty six cents and six mills." It would appear that the Government had not, as has been very frequently the case, kept faith with the Chippewas, and we find General Cass writing to the Secretary of War, Calhoun, under date of Sept. 1819 as follows:

... It would be hopeless to expect a favorable result to the proposed treaty, unless the annuities previously due are discharged." (It can be noted that Cass raised the money himself, then asked the govt. to reimburse him)

The treaty was negotiated in Detroit which was not unusual. It was common practice for the Chippewa to make journeys to Detroit to visit friends and relatives and to meet with government representatives. In this case, the primary government representative was Lewis Cass. Cass opened the treaty negotiations by stating the desires of the United States government. He spoke

... in the usual language of such occasions, speaking of the desire of the Great Father for their welfare, and of the beauties of a life of agriculture, which it is hoped that they would follow, of how game was growing scarce, of how much better off they would be by confining themselves to reservations, of how civilization was advancing to overwhelm them, closing with the promise of beads, blankets, rum and silver, provided they would agree to the terms set forth.

And Dustin observes;

His speech was not, of course, original, for it was the stereotyped address of all white negotiators running back to the Pilgrim Fathers and down to 1919. The worst of it all is, that not a single important treaty of the government, from the Delaware Treaty of 1778 to the last treaty previous to 1890 has been faithfully kept by its white signatories.

The Indians responded with a speech of their own, given by chief O-ge-maw-ke-ke-to.

You do not know our wishes. Our people wonder what has brought you so far from your homes. (Cass had not told the Indians what the Council would be about beforehand) Your young men have invited us to come and light the Council fire. We are here to smoke the pipe of peace, but not to sell our lands. Our American Father wants them. Our English Father treats us better. He has never asked for them. Your people trespass upon our hunting grounds. You flock to our shores. Our waters grow warm. Our land melts like a cake of ice. Our possessions grow smaller and smaller. The warm wave of the white man rolls in upon us and melts us away. Our women reproach us. Our children want homes. Shall we sell from under them the spot where they spread their blankets? We have not called you here. We smoke with you the pipe of peace.

Finding the Chippewas ill-disposed to ceding their lands, Cass brought in an Indian trader to speak daily with the Indians. Dustin states:

The negotiations had continued for about ten days or more, during which time three formal councils had been held, the first being preparatory. At the second the principal discussions were held ... there was much angry feeling on the part of the Indians, that they threatened Gen. Cass and the other white negotiators; the Govt. had proposed in substance that the Indians entirely abandon Michigan and retire west of the Mississippi and it was only, by receding from these demands that Cass was able to secure any treaty at all.

Even with a treaty secured, the signatory evidence suggests that the Chippewa were not pleased with the agreement. Many of the Indian names were misspelled, some so much that they were hardly recognizable. It is possible that many of the "signers" never agreed to the document and it is even less likely that they understood what had been traded away.

Further evidence that this treaty was not favored by the Indians yet pushed through by Cass and other government officials is the fact that a supplemental article had been attached to the treaty at the insistence of the Chippewa. This supplement was intended to reward several white traders who had been friendly toward the Chippewa. When the treaty came up for ratification, this supplemental article was cut out of the treaty by the Senate.



The amended treaty was never submitted to the Chippewa for approval, nor did the white men noted in the supplemental article receive the negotiated funds.

Dustin comments on the treaty:

A perusal of this supplemental article throws an interesting sidelight upon our dealings with the Indians. In it we see the gratitude of the red man to those who had befriended him, we see the liking for those with whom he has associated, and we also see how easy it has been for our Government to forget that first principle of honesty, namely, good faith.

In summary, the negotiating history of the Treaty of 1819 demonstrates many of the treaty making processes described in chapter three. The United States received what it sought, the Indians did not. It remains to be seen if this type of outcome would continue in the next major treaty negotiation (the Treaty of 1836) or if any of the injustices were rectified.

### **C. The Treaty of Washington, 1836**

By 1830, the population of Michigan had reached 31,639. By 1840, growth had pushed that figure up to 212,267. In contrast, the Indian population numbered about 5,000 in 1836. For the Indians, times were becoming difficult. During the summers, Indians had ample supplies of whitefish, herring and trout taken from Michigan's lakes with gill nets and spears but the winters were a different story. The insatiable demand traders had for furs led Indians to overkill the land, depleting the bear, deer, and other large game populations. As this resource dwindled, there were fewer furs each spring with which to buy necessities. As a result, Indians racked up large debts with traders and were rapidly losing the ability to pay their debts and survive economically.

In addition, a virtual army of land speculators descended on Michigan in the middle 1830s convinced that public lands were a lucrative investment. Henry Schoolcraft, principal negotiator of the Treaty of 1836 noted:

The rage for investment in lands was now manifest in every visitor that came from the East to the West. Everybody, more or less yielded to it. I saw that friends, in whose prudence and judgment I had confided for years, were engaged in it.

Even Schoolcraft was not immune from these pressures. Keller noted:

In Henry Schoolcraft, the Chippewa, during their most crucial relationships with the federal govt., had a superintendent who was a geologist committed to American Manifest Destiny and who actively promoted mineral development. Never did Schoolcraft write or act as if Chippewa mineral wealth should be protected. Instead he promoted its expropriation and exploitation by his own civilization. So did the Commissioner of Indian Affairs.

Settlers were also beginning to encroach on the Indian lands in the southern part of the lower peninsula. Their land was highly valued by farmers for its richness and long growing season. This tension often led to conflicts between Indians and whites which was only exacerbated by the U.S. Army's unwillingness to enforce Indian sovereignty over its lands. Rather, the Army often attempted to carry out U.S. policy that stemmed from the Indian Removal Act of 1830.

This policy of removal was promoted by President Andrew Jackson and other influential men who believed that there was no other way to save the Indian from extermination. The act was an outcome of earlier policies that appeared to have failed.

During the 1820s the United States had pursued two major policies with respect to the Indian. The first was a plan to civilize the Indian by turning them into farmers. In this way the Indians could develop a stable economic system. More importantly, it would reduce the need to hunt and

thus possess large tracts of land. This would open up a vast surplus of land to American settlement, transferred by treaty to the U.S. government for later sale to settlers and speculators.

This plan was not without its critics. They supported a second policy that felt that it was in the best interests of the Indians to remove them to an area away from the whites, west of the Mississippi. This would serve to isolate the Indians from the corrupting influence of whites (i.e. alcohol and disease). Others supported removal because they were convinced that it was impossible for the Indians to become farmers.

The Indian removal policy was hotly debated in Congress. Proponents of the policy felt that it was the only way of preserving the Indians and allowing them to move toward civilization at their own rate. Opponents argued that justice demanded that Indian rights guaranteed by treaty be upheld. Proponents consisted mainly of southern and western congressmen and land speculators. Opponents consisted of church groups, eastern congressmen and traders whose income depended on having Indians nearby.

Regardless of philosophy, the Indian Removal Act intensified the pressure on Indians to cede their lands. That it was a factor in the 1836 negotiations cannot be disputed.

How did the Indians feel about the situation? Land concepts of Indians differed markedly from the U.S. government's view. To Indians, land, as well as water and air, were available to all on the basis of need. Personal ownership was limited to such things as crops harvested, crafts and tools, and monies earned. Tribal groups exercised stewardship over the area they hunted on. For example, Indians cleared much of the underbrush to make hunting easier and to minimize fire damage. Only

gradually did Indians realize that cession could mean removal from the land.

The comments of Metea, a Potawatomi chief, are typical of the Indian position:

Our country was given to us by the Great Spirit, to hunt upon, to make cornfields, to live on, and, when life is over, to spread down our beds and lie down. That Spirit would never forgive us if we sold it. When you first spoke to us ... we said we had a little land and sold you a piece. But we told you we could spare no more; now you ask again. You are never satisfied.

Still, conditions were beginning to leave the Indians no option but to consider selling some of their land. In December 1835, the united Ottawa and Chippewa sent a letter to Lewis Cass, then Secretary of War, explaining their willingness to sell some of their land: "It is a heartrending thought to our simple feelings to think of leaving our native country forever, the land where our forefathers lay thick in the earth." Early in 1836, another petition was sent, this time to President Jackson from the Ottawa on the Grand River. They were more emphatic: "You know we obtained our land from the Great Spirit. He made it for us who are Indians. When we die, we expect to rest in this land ... we have not a mind to remove to a distant land."

These petitions sprang out of Indian councils which met to consider the selling of their land. They were tempted to do so to raise cash to purchase needed food and clothing. The Indians began by offering to sell Drummond Island to the U.S. government, and with that offer the Treaty of 1836 was begun in earnest.

Blackbird (an Ottawa) recalled that he watched his people:

... as they were about going off in a long bark canoe, and as we understood, they were going to Washington to see the Great Father, the President of the United States to tell him to have mercy on the Ottawa and Chippewa Indians in Michigan, not to take all the land away from them. I saw some of our old Indian women weeping as

they watched our principal men going off in the canoe. I suppose they were feeling bad on account of not knowing their future destinies respecting their possession of the land.

In response, President Jackson directed Schoolcraft to inquire how much of their land the Indians would sell and the price they demanded for it. This Schoolcraft proceeded to do by communicating with Indians at Mackinac and sending word to remote locations. He directed Indians to refer all future offers to him.

Henry Schoolcraft was appointed an "agent for Indian affairs on the Northwest Frontiers" for the United States at Sault Ste. Marie in 1822. He continued in this position until 1841. Some of his duties included:

- residing among the Indians
- supplying the Indians with animals and agricultural implements with the instructions to civilize the Indians by teaching them agriculture and the domestic arts.
- reporting to the War Department and the Office of Indian Affairs
- recording the events and activities of the Agency
- noting the conditions of the Indians
- depicting the natural history of the region
- and - describing the Indians' progress in civilization.

Cleland observes that Schoolcraft's role in the treaty negotiations was not completely objective:

This was a significant treaty for Henry Schoolcraft personally. Since his own relatives were involved on both sides, he had little to lose. The Sault Ste. Marie band (Chippewa) was represented by his wife's uncle Waishkee [sic] and his son Waubojeeg, while his brothers-in-law George and William Johnston eventually collected substantial trade debts on behalf of the estate of Schoolcraft's deceased father-in-law, John Johnston. This pattern of vested interest and conflicting responsibilities was not unique. In fact, the delegations of chiefs were each conducted to Washington by traders such as Rix Robinson, John Holiday, Henry Levake, Louis Moran,

and John Drew, all of whom profited by the treaty by virtue of their status as traders or through their Indian wives and children.

(Note: all five of the traders mentioned were signatories to the Treaty of 1836. Interestingly, neither Whaiskee or Waubojeege were signatories)

In early December of 1835, a deputation of Ottawa chiefs responded by increasing the land offer to include the lands on the north side of the straits. Their reasoning was similar to the original offer; to raise money to pay off debts to traders and to procure assistance in agriculture and education.

A key concern at this point was to ascertain whether the Indians offering to sell the land had the proper authority to do so. This is an issue that was to plague the treaty process. The lack of tribal organization and unity meant that the task of identifying the proper Indian chiefs was troublesome. For purposes of negotiations, agents often created "treaty chiefs." In many cases, their actions would later be rejected by the tribes.

By this time, Schoolcraft concluded that negotiations were best held in Washington. This was standard U.S. policy. The object was to impress the tribes with white society's strength. The Indians would tour the city, attend social functions and meet government officials. The Indians were usually given clothes and presented with gifts.

In order to carry out this policy, Schoolcraft left for Detroit on December 9, 1835, and arrived in Washington on December 20 or 21. The Ottawa delegation of chiefs from the lower peninsula had preceded Schoolcraft by a few days. The delegation met with Lewis Cass and then were placed under Schoolcraft's authority to negotiate a treaty.

At this point, Cass was aware that the two tribes (the Ottawa and Chippewa) were intermingled and held some of their lands in common. He thus directed that Chippewa chiefs be present at the councils. This was

easier said than done; many Indians were reluctant to leave their homes in the middle of winter.

Schoolcraft noticed that Ottawa from the Valley of Grand River (an important section of land) were unrepresented as were the Chippewa of the upper peninsula. Schoolcraft wrote back to Michigan authorizing deputations to be sent from each of the unrepresented groups and transmitted funds for this purpose. Formal negotiations were delayed until this situation could be rectified, and did not resume until March 18, 1836.

Evidence that all was not well on the homefront concerning tribal representation is recorded in a letter dated March 9, 1836, to Schoolcraft from his brother James in Sault Ste. Marie: "Since Whaiskee's departure, the whole Sault has been troubled; I mean the "busy bodies" of the Saul [sic], and this, by the way, composes nearly the whole population.

James continued by conveying a speech made by an upset chief:

Father! Why and for what purpose has the man Whaiskee gone to the home of our great Father? Why did he leave without notifying me and the other men of influence of my table, of the nature of his mission? Why should he, whose totem fathers live about Shaugawaumekong [LaPointe, Wisconsin] be, at his own will, made the representative of the ancient band of the red men whose totem is the lofty crane? Say Father? Father, we ask you to tell, why this strange man has so strangely gone to smoke with the great chief of the "long knives."

Not only does this convey the Indian sentiment back in Michigan, it also illustrates a fundamental lack of understanding on the United States' part as to how tribal government operated. Clinton et. al. (1986) explain:

According to the Ottawa version of the creation, the earth was once covered by the Great Water. Nanabozho created the land from a grain of sand brought by Otter from the bottom of the Great Water to make room for the animals to multiply and spread. When the first animals died, Nanabozho created human beings from their bodies.

Human groups who claimed descent from the same animal were seen as being related by kinship, and they demonstrated their

sharing relationship through use of a common 'Ododem," an Ottawa word which means 'I have him for my family mark.' The Ododem (totem mark) was a representation of the animal from which each Ottawa group was descended. There were five clans - the great fish, loon, marten, crane and bear.

Schoolcraft erred in thinking he needed chiefs from various regions, the more important distinction was having leaders from each of the totems represented.

Despite these simmerings in Michigan, everything in Washington was now in place. Schoolcraft submitted a proposition to the delegation on March 15 to cede all held lands from the Grand River to the Chocolate River. A diagram of the land to be ceded is found in Figure 1.

This was a proposal far in excess of what the Indians intended to sell. He requested that the delegation specify the time for their answer. The Indians gave March 18 as the day they would respond.

On the appointed day the Indians gave their reply:

When we look at the map of our country it appears very small and we conclude not to part with any of our lands ... Our reason why we do not wish to dispose of our lands, is this, 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 land, it will be our wish that some of our white friends have lands among us and be associated with us.

Another chief noted, "they had never before refused to listen to the call of their great Father, but at this time they must."

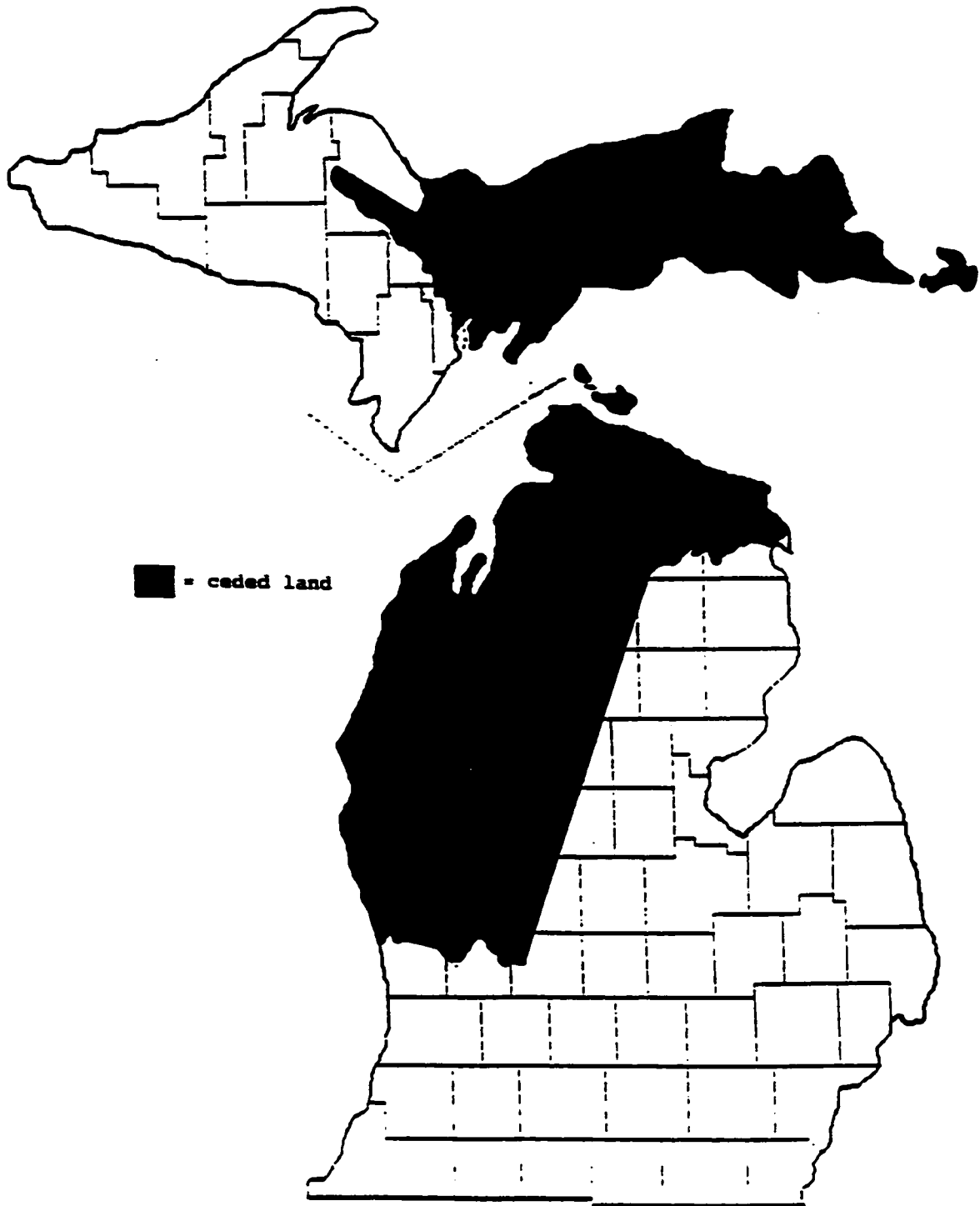
Schoolcraft responded that "he was very sorry that the Ottawas should object to the treaty that had been proposed to them which would result in so great, and lasting benefit to them as a people."

Schoolcraft had seen that the Chippewa had expressed an interest in selling their land (and remember that Schoolcraft had some measure of



**Figure 1**

Land ceded under the Treaty at Washington, 1836.



control over the Chippewa by virtue of his Indian in-laws) but had been "overruled" by the Ottawa sentiments. Rather than losing the deal, Schoolcraft applied pressure:

Your great Father has thought of you, he knows your situation, that you are poor, and destitute, he is aware also that your lands are poor, that but very little game is to be found, and, that you obtain less every year, notwithstanding your country is, of little value, yet feeling a desire to benefit you, he thinks your lands may be of some value to him, on this accounts a proposition will be made to the Chippewa's [sic] on Tuesday next at this place to purchase their lands in the North Peninsular.

Schoolcraft was using divide and conquer techniques and gave the Ottawa time to change their minds . The Ottawa had some understanding of past government agreements in which many tribes were left out when it came time to collect on government promises. Only those who had actually made the agreement, even if the land was shared in common with other tribes (or not even theirs to begin with) benefited.

It might also be pointed out that:

Much of the negotiation seems to have been done by non-Indians, as is evident by the complaint of Augustin Hamlin or Kanapima (He Who Is Talked About), an educated Métis who had the trust of the Ottawa.

"The words the Commissioners had just heard from the chiefs were not their words, not the feelings of their hearts but the words of white men who wanted reservations, and have dictated to them what to say. These men care not for the Indian but they wish to benefit themselves.

The next council was set for March 22 but postponed until March 23. This was an indication that the Ottawa delegation was divided on what to do.

On March 23, the council assembled. The delegates had folded under the pressure and were giving in. One by one they agreed to sell their lands. They had only one proviso, that certain lands be set aside for permanent reservations.

Schoolcraft agreed and on Monday March 28, 1836, the council signed the Treaty of Washington. A copy of the treaty can be found in Appendix A. As Blackbird would later note, the treaty was signed "not with the free will of the Indians but by compulsion." Further, only twenty-five of the more than one hundred recognized Ottawa and Chippewa chiefs signed the treaty.

The treaty process was not concluded with the signing. It still had to be ratified by the U.S. Senate. The Senate did not approve the treaty until a provision was added stipulating that the Ottawa and Chippewa could remain on the reservations only for a five year period. At the end of five years, the reservations were to be sold to the United States. The only allowance made was that the government could give the Indians permission to stay for a longer period of time. The Senate also added a proviso calling for the Ottawa and Chippewa to be removed to west of the Mississippi when they were ready to go.

Keller made this observation on the new proviso:

In the Washington Treaty which Schoolcraft negotiated in 1836, removal provisions bootlegged into the document brought quick protests from Indians. They constantly petitioned against removal, obtained aid from whites who benefited from the Indian trade and sent delegations to Washington. In 1854 an Indian agent wrote to the BIA that the Lake Superior bands preferred extermination to removal.

The Ottawa were not pleased about the ratified treaty. As Cleland notes:

In July, Schoolcraft summoned the original delegations to Mackinac Island to ratify these changes. No payment of goods, services, or money was to be made unless the Indians gave assent to the new version. Finally and reluctantly they did so, but only after Schoolcraft's assurances that the United States would not need their land for many years to come. According to Schoolcraft, the signing brought "universal joy and satisfaction" to the four thousand Ojibwa and Ottawa and their creditors assembled on Mackinac Island. (Note

that the July date seeking Indian approval was well after the May date when the President proclaimed the treaty as official)

Because their reservation land was not readily suitable for farming, they anticipated that they would be able to stay on the land indefinitely. The removal clause said that an area to be moved to would be selected for them "as soon as the said Indians desired it." Since they did not desire it, they did not plan to move. Further, the treaty solved their immediate problems by providing needed cash and supplies.

Although technically the Indians were due to move west by 1841, very few chose to do so. They continued to hold firmly to their reservation land even though "the uncertainty about their future status hung like a pall over the Indians." Cleland observes:

Unsure of their ultimate fate, many Indians were unwilling to invest labor and scarce cash in clearing land and building log homes as the missionaries and agents suggested, because they knew they could well be forced to abandon such improvements if they had to leave Michigan when the five-year provision lapsed.

Their tenacity is exhibited by the fact that to this day, Indians are still on several non-federally recognized reservations in Michigan.

The state of Michigan on the other hand, was certain in their intent. As early as January of 1837, the Michigan legislature petitioned Congress to move the Ottawa and Chippewa westward. Schoolcraft also was in favor of removal despite what he had originally negotiated with the Ottawa and Chippewa. Cleland points out:

As the removal deadline neared, Schoolcraft showed his true colors by opting for removal over the prospect of civilizing Michigan Indians on their home territory. To support this position, he cited their propensities to savagery and their innate inferiority as a race to be insurmountable barriers to civilization.

How is this treaty to be viewed?

As one Indian historian put it:

Although "treaty" seems to imply an equal bargaining position, the Indians were often at a clear disadvantage when negotiating such arrangements. The actual document was always written in English and was generally interpreted by people who had a stake in a successful outcome of the proceedings so the Indians were not always told the truth during these sessions. Toward the end of the treaty-making period, when extensive debate on ratification became tedious, the Senate would often amend the treaties to change their meaning completely ... The amended form of the treaty would then be taken back to the tribe and a few chiefs would be found to "touch the pen," in effect ratifying the amended wording.

Contrast this with Schoolcraft's reaction:

Fourteen years before, I had taken the management of these tribes in hand, to conduct their intercourse and to mould and guide their feelings, on the part of the government. They were then poor, in a region denuded of game and without one dollar in annuities ... They were now at the acme of Indian hunter prosperity, with every want supplied, and a futurity of pleasing anticipation. They were friends of the American government. I had allied myself to the race. I was earnest and sincere in desiring and advancing their welfare. I was gratified with a result so auspicious to every humane and exalted wish.

As soon as the treaty was acted on by the Senate, Schoolcraft headed back to Michigan. He arrived in Mackinac on June 15. Upon his return, and having had a chance to see local reactions, he recorded these observations:

A new era had now dawned in the upper lake country, and joy and gladness set in every face I met. The Indians rejoiced, because they had accomplished their end and provided for their wants. The class of merchants and inland traders rejoiced because they would now be paid ... the citizens generally participated in these feelings, because the effect of the treaties would be to elicit new means and sources of prosperity.

Dustin (1920) was far less optimistic when reflecting on this treaty as compared to the Treaty of 1819:

Eighteen years later Schoolcraft, acting as Commissioner for the Govt., negotiated a treaty with the Chippewas at Detroit, in which they ceded all these lands (tribal) to the United States for an

absolutely worthless consideration. This gross injustice was in part at least ameliorated by the Treaty of 1855 at Detroit, but it is signed by only twenty-two Indians.

#### **D. Summary**

A look at the treaty making process in Michigan has shown that the treaties had economic as well as political effects. From the viewpoint of the United States in general, and Henry Schoolcraft in particular, the attitude toward the Indians was noted. Schoolcraft exhibited an attitude of cultural imperialism and a commitment to American Manifest Destiny. He had a vested interest in the outcome of the treaty, making him a less than objective negotiator. And, his view of Native Americans rejected assimilation and supported removal. Schoolcraft was convinced that he had done well for the United States and for the Indian with the completed treaty. This suggests that Michigan newspaper coverage of the Treaty of 1836 is most likely to reflect the views of Schoolcraft; especially if he or someone in Indian Affairs was a news source for any articles.

The Indians on the other hand, had a different view of land cession; a sharing of the land and not removal. They saw themselves as stewards, allowing whites access to the land. Given the suggestion above that newspaper articles will most likely reflect Schoolcraft's views, it is unlikely that this Indian view will be reported.

This chapter also looked at the Treaty of 1819 and observed that the treaty was instigated by the federal government. The Indians agreed to a treaty but resisted removal and were dissatisfied with the outcome. Also, the Senate amended the treaty without Indian approval. The similarities of the Treaty of 1819 with the Treaty of 1836, gave Michigan newspapers an historical precedent and a base of comparison to analyze the Treaty of 1836.

It remains to be seen if they took advantage of this prior history in their coverage of the Treaty of 1836.

Finally, this chapter looked at the Treaty of 1836 and saw that the federal government's Indian policy at the time favored removal, after seeing the failure of assimilation. This policy, combined with Schoolcraft's views strongly suggest that any Michigan newspaper coverage will favor the removal view.

The Ottawa and Chippewa were facing severe economic pressures, putting them at a negotiating disadvantage. The federal government influenced negotiations through Schoolcraft's blood relations with the Chippewa and through the appointing of chiefs for negotiating purposes.

The Indians initially offered a small portion of their land, which the United States government rejected. The United States wanted all the Indian land, which the Indians rejected. Schoolcraft used his Chippewa ties to reach an agreement with the Chippewa which literally forced the Ottawa to accede to the terms of the treaty.

Further, Schoolcraft agreed to permanent reservations for the Ottawa and the Chippewa, but the Senate overruled this provision, amending the treaty to reflect only temporary reservations. Schoolcraft assured the Indians that this didn't mean much, but later called for their removal from Michigan.

That Schoolcraft appeared to deceive the Indians by saying one thing and doing another in relationship to removal seems a reasonable perception. Given the arguments cited above for removal as the potentially dominant viewpoint of any potential Michigan newspaper coverage, it seems unlikely that any hint of this deception would be included in any article concerning the treaty.

With the analysis of the 1836 treaty negotiations complete, this study will turn now to a look at newspapers in America in the nineteenth century and then later at newspapers in Michigan. From there an analysis of newspaper coverage in Michigan concerning the Treaty of 1836 can be undertaken.



## **V. American Newspapers in the First Half of the Nineteenth Century**

### **A. Introduction**

The history of the American newspaper in the first half of the nineteenth century is limited and sketchy. Much of the focus of general newspaper history for this time period has concentrated on the development and impact of the penny press (beginning in 1833) in the major metropolitan areas of the East Coast. In Michigan, as in most of the western frontier, this impact had not been felt in any substantial way by 1842; the end of the time frame for this study. While more specific detail will be explored in chapter six by looking at local histories of Michigan newspapers, this chapter will sketch out, in general, some of the content and newsgathering trends of the times. This will form a background for the more detailed account to follow in the next chapter.

### **B. Development**

#### **1) General Trends**

Several factors contributed to the development of American newspapers in the United States during the early nineteenth century. Kobre (1969) identified five key internal conditions that contributed to the production of popular newspapers. They are:

- 1) the potential market of readers
- 2) the current newspaper situation
- 3) the printing technology available for mass production of dailies
- 4) the English precedents which paved the way for the American popular paper, and
- 5) the earlier U.S. attempts at cheap newspaper production.

Kobre also noted several external conditions in the social environment that also led to the development of the American newspaper including:

- 1) improved communication systems
- 2) a growing and expanding economy
- 3) migration westward
- 4) improved transportation and distribution systems

Because this is not a history of American newspapers in general, this chapter will not seek to explore all of these changing conditions, but only those that impacted on the study at hand.

As the American newspaper developed, Emery (1996) noted that:

Successful publishers learned to adapt themselves and their papers to the new times ... The secret was in presenting news instead of the glut of opinion. The successful penny papers concentrated on presenting straight news, while rivals, once rich and powerful, died from circulation starvation on a diet of editorial comment.

As noted previously, the impact of the penny press on frontier newspapers such as those in Michigan was limited in the 1830s and early 1840s, leading to the expectation that Michigan newspapers would be more like the latter papers Emery describes; those rich in editorial comment and opinion.

In fact, Emery observed that "the small city newspapers changed much less radically than did their big city rivals, but even in the hinterland the press was experiencing the impact of the communications revolution." Changing even more slowly were the frontier newspapers. Both Emery and Kobre described their early development. Kobre noted:

Any western hamlet or town which looked economically promising beckoned the printer to set up his shop. In addition to printers, some lawyers, finding little need for their professional

services, turned to newspapering. Frequently politicians became editors to control public opinion and to get elected to office.

And Emery:

... usually one of the first to set up shop in such communities was the frontier printer-editor. But most of all he was the man who, more than anyone else, knit the community into an organization that could begin to bring civilization to the remote areas.

These frontier newspapers were most likely to spring up on key waterways that served as markets and social centers. They also formed in towns that served as county seats with courts, law enforcement agencies, and land offices. With the Great Lakes serving as one of the key transportation and communication routes between the West and the East, we will later see how the first newspaper in Michigan was founded in the key commercial center in the Michigan Territory: Detroit.

## **2) Audience and Content**

In the early days of the nineteenth century, established newspapers attracted only the upper business and professional classes. As late as the 1820s, for many communities, especially those inland from the East Coast, newspapers were the only literature commonly available for the majority of citizens. Not only did newspapers deliver news items, but also served as the "main educational device until other cultural institutions could take up the slack caused by rapid migrations." As universities, colleges and elementary schools were established, the newspaper audience increased accordingly. "College-bred readers wanted news, not only news of political and commercial developments, but news of literary and theatrical worlds. By the 1830s, new businessmen, lawyers, farmers and doctors were ready to subscribe to weeklies. Semi-weeklies, tri-weeklies and the dailies would follow shortly after.

As newspapers expanded their audience beyond the upper classes, changes in content began to occur. Kobre describes the content of the two prevalent styles, the traditional upper class paper and the new penny press paper. With regards to the traditional paper:

These papers were serious, sober publications carrying economic and mercantile news, shipping information and political events. City news, if it appeared at all, was reduced in size. The writing style was heavy, and laborious.

And for the new style paper:

To appeal to the worker, the popular paper had to be low in cost, easily available and aimed at a tired, non-serious employee seeking entertainment rather than information. This type of news was not emphasized or featured by standard papers. The new journals succeeded because they published news dealing with small happenings and problems of the average man. These papers featured crime or sex news in the metropolis, now shedding its small town intimacy and conventionality. Amusing news which drew a laugh made the front page. Sports news received constant coverage. Political news, presented brightly and concisely, interested the newly enfranchised voters. The worker in the city was more concerned with local events happening all around him than with affairs in far-off places. Consequently, local news was stressed in the new dailies.

Given that the traditional style newspaper was more likely to be found in Michigan in the 1830s and 1840s, more attention will be given to the content of the traditional paper. However elements of the popular press should be kept in mind as they may potentially be found when specific coverage in Michigan newspapers concerning the Treaties of 1836 and 1842 is examined.

Content of frontier American newspapers was heavily weighted toward political news, especially that of one party in particular; the one establishing the newspaper. These highly partisan papers were long on editorial content, often dedicating whole pages to party policies, speeches, letters to the editor and condemnations of opposing viewpoints. Other

common features included shipping news, cultural news and reviews, serialized fiction, and news from Europe. Local news was little stressed.

News of the period between 1830 and 1850 has been classified by Emery into five categories:

- 1) interesting national and world events with community experience
- 2) reports of crime, violence, and the activities of the famous or infamous - news that plays on the chord of universal passions
- 3) local events, often presented in the form of a crusade
- 4) human interest - stories with appeal based on writing skill, rather than upon news value
- and 5) news of economic and political significance that could be made popular by emphasis upon speed of transmission and exclusiveness

Mott (1962) observed:

Politics were paramount in most newspapers; they dominated the news, furnished the subject matter of the essays and letters to the editor, and pointed the editorial paragraphs.

The editorial column, placed under the local heading on the second or third page, had become a fixture on many papers by the thirties. Yet this column was rarely given over wholly to editorial opinion; it was as likely to contain any news of first-rate importance. Editorials were commonly short, and limited to a single paragraph. The custom of appropriating other papers' news stories, upon which the system of editing and news gathering had so long been founded, led to abuses in "pilfering paragraphs" of an editorial nature; and the complaints against this practice are common throughout the period.

These political papers soon established the position of editor-publisher; a person who both directed policy and wrote editorials. Of course, not all frontier papers were established as political organs. Emery summarizes what a non-politically founded frontier paper typically looked like:

The flimsy little weeklies of the isolated villages and booming river towns had much to do in the crystallization of public opinion that made the West a new factor in American politics. What were they like, these newspapers that exerted such an influence in the West? They were small, hand-set, scrubby publications, on the whole. It is apparent that there was no place on them for large staffs, regular correspondents, or columnists furnishing opinions for readers too busy to form their own. There was plenty of opinion, of course, but most of it was contributed by readers. Usually there was a column or two of local news, printed sometimes as scattered items, without benefit of headlines. There might be half a column of exchanges, or news gleaned from other newspapers arrived by the last post. The remaining material, exclusive of the notices, or advertisements, was very likely submitted by readers. Every subscriber who could wield a pen sooner or later appeared in the columns. All the aggrieved wrote out their pet complaints for the pages of the local mercury. Even government officials participated in this exchange, not always openly, true, but with sufficient identity to warrant spirited replies. Often this material was strident and in bad taste. "Straight news" tended toward distortion, flamboyance, and vindictiveness. But whatever its faults, it was a robust, colorful press.

As can be seen, matters of local interest other than political opinions, contributed little to the content of the frontier newspaper. Coverage of Indian related news was even more scarce. An occasional story about an Indian massacre or the Army's defeat of Indian forces might merit a paragraph or two. Typically, these stories were not local in origin, but rather were accounts of activities taking place in distant locations. Kobre observed that the Kentucky Gazette was unique in terms of Indian news coverage in that it carried a regular narrative feature of Indian atrocities for a period of several years.

Most of these early frontier papers were four page sheets at their longest and two pages was fairly typical. The pages were about half the size of present day standards. Large headlines were rare and news was written in short segments. The news items themselves were often weeks or months old by the time they were published.

This time gap in the publication of news in frontier newspapers leads into the next section of this chapter dealing with the speed and techniques of newsgathering.

### **C. News Coverage**

#### **1) Speed of coverage**

As news grew in importance and settlers on the new frontier demanded news from "back home," the speed of the transmission of news became increasingly important. Early developments such as express posts and riders helped but it would not be until 1844 and the years following, with the development of the telegraph, that news transmission could be sent and received the same day from the east coast to the midwest.

During the 1800s, newspapers sought ways of speeding up the arrival of news. It was not uncommon for publishers to send boats out to sea to greet incoming ships and hence get the news from Europe faster than waiting for the ship to dock. Still, it wasn't until the penny press days that newspapers began seriously thinking about generating its own news reports by using its correspondents and reporting staff.

After 1833, newspapers began to go out and seek the news. The majority of stories still came from outside sources of information, but the practice of exclusives allowed newspapers to distinguish themselves from cross town rivals. From this period forward, newspapers began working out systematic means of gathering and organizing the news.

On the frontier however, timeliness hadn't improved much by 1842. Days, week, even months were the norm between news events happening and their reporting in the local paper. The time factor was even greater for European news. Two to three months was typical. For the most part, editors were content to publish the news when they received it.

Other factors made it difficult for the frontier newspapers to get news out in timely fashion. As Kobre states, there are three key factors in getting the news out quickly:

- 1) facilities to transmit news rapidly
- 2) presses and other mechanical devices to print news in a hurry
- and 3) facilities to distribute the finished product quickly.

Frontier newspapers had no means of hastening the transmitting of news. They would have to wait for the telegraph and the railroad to come to them. The quality of the printing presses in the west were not as high as those in the east. These bulky machines were difficult to transport long distances and broke down easily. With spare parts hard to come by, it was not uncommon for a newspaper to shut down for days or weeks until its one and only press could be fixed. The third factor was not much of an issue for its city subscribers. Since most frontier towns were relatively small, local delivery was a simple task, getting the paper to its rural customers however, was often a different story. With incomplete road systems and rugged terrain, many newspapers required its rural subscribers to pick up their subscriptions at the newspaper office. Even if the news could be printed closer to its actual happening, this did little for the rural subscriber who may only have come into town every couple weeks.

## **2) Modes of coverage**

Several news gathering techniques have been mentioned in previous sections such as express posts and riders, boats meeting ships as they neared port, and simply waiting for news to come to the newspaper office. One of the most important sources of news for the frontier newspaper was the practice of free exchange of copies of newspapers between publishers. Frontier papers in essence received free news from the East and oftentimes



simply copied stories verbatim from Eastern papers and published them as their own. On occasion, the frontier editor would acknowledge the origins of the news report by naming the source newspaper in the lead of the story or at its conclusion.

Frontier newspapers also were very much interested in receiving news from Washington DC. At first, many were content to use the free exchange method by perusing copies of the National Intelligencer, the Washington Telegraph or the Congressional (later Washington) Globe. Eventually, frontier newspapers developed relationships with people who traveled to Washington frequently such as local congressmen and other government officials. Whenever, these persons returned to their frontier towns, they were encouraged to stop by the local newspaper office immediately upon their arrival and relate all the news from Washington. Correspondence, first through letters, and then by telegram in the 1850s, was used to obtain information between visits. Some papers also tried a more reliable method. They would station a correspondent of their own in Washington and have them engage in frequent and regular correspondence with the home front.

For news abroad, most publishers continued to rely upon foreign news published in the free exchange papers, discussions with local people who were returning from trips overseas, and the occasional foreign newspaper that crossed their path. In the first half of the nineteenth century, there was little pressure or incentive to speed up coverage of foreign news.

## **D. Outlook**

The mission statements of frontier newspapers will be explored in more detail in the next chapter in looking at Michigan newspapers. In this section, a few general observations will be noted.

First, regarding the philosophy of the typical frontier newspaper subscriber. Emery states:

There was a tendency, then, for the westerner to demand local and state autonomy to work out the destiny he believed to be peculiar to his region, but he was less touchy about state sovereignty because of his need of strong, centralized government. He insisted upon solid representation in the administration of that government., as indicated by the impatience of territories for statehood. But he visualized that government as a kind of public service corporation, not a dispenser of privileges for the wealthy and powerful.

As we've seen earlier, newspaper publishers went against the attitudes and opinions of its subscribers at great economic risk.

Second, frontier editors typically shared a common outlook. Kobre summarizes:

Pioneer newspaper publishers had a sublime faith in their sections. Such a belief was necessary to survive. They expected the area to grow, and they believed in its agricultural and commercial future. Newspapers played an important role in territorial and later state development and advancement. In their newspapers, publishers pictured their settlements as something of a paradise. Sometimes the purpose for establishing the paper was to advance the area and to lure settlers to it. Pioneer papers were advocates of internal improvements and usually were Democratic and Jacksonian in politics.

Thus, when it came time to report on Indian land cessions, one would expect newspaper publishers to tie in this news to the growth and advancement of the territory or state.

Finally, some frontier newspaper editors went beyond merely reporting on Indian affairs, they had a hand in developing federal policy.

Ward comments:

Editors apparently played a hand in the developing policy [Pres. Jackson's Indian Removal Act of 1830], a combination of racial containment and land-grabbing Manifest Destiny mentality. One such supporter was Amos Kendall, editor of the *Argus of Western America*, in Frankfort, KY. Kendall, who became the influential member of Jackson's powerful, informal kitchen cabinet, editorialized on Indian containment.

In the *Argus*, Kendall appeared on the one hand to be supporting the welfare of Indians, noting that Indian policy often had ignored the welfare of the Indians, and on the other hand to be giving reasons for containment. He expounded on a rationale for the reservation because otherwise "tribes could be so surrounded with white settlements as to cut off their game and make agriculture necessary to their subsistence," thus making the savage hunting ways passé.

The newspapers shaped their own versions of internal Manifest Destiny and "civilizing" efforts to bring the savage into the honored temple of the nation. Newspapers, reflecting a general pursuit of expansionism with a philosophy of containment and educating the "savage," were catalysts of federal policies on internal Indian and other matters.

Note that several of the attitudes proposed by Nichols are present in this section.

### **E. Summary**

This chapter began by looking at some of the internal and external conditions that contributed to American newspaper development in the nineteenth century. Though the penny press was developing in parts of the United States in the 1830s and 1840s, the traditional newspaper format was more likely to prevail in the frontier regions of the country.

As the frontier regions grew, the audience for frontier papers grew as well. Editors, in effect, became advocates for the growth of the region. Their philosophy was typically toward expansionism. If this came at the expense of the Indian culture, so be it. Editors presented a mixed bag of views toward Native Americans including removal and assimilation. This suggests that frontier newspapers would be most likely to subsume any

attitudes toward Indians under the more weighty matter of promoting the growth of the territory or state.

The content of the frontier newspaper was heavily influenced by politics. Other articles covered such material as economic and mercantile news. Local news was not a strong content feature. Editorials were typically short; often only a single paragraph in length. This suggests that any editorial content found concerning the Treaties of 1836 and 1842 will also be short in length.

Frontier newspapers rarely had regular correspondents. For the most part, editors were content to wait for the news to come to them. The majority of stories came from outside sources such as exchange papers (especially from Washington, DC), reader contributions and writings from government officials (who often wrote without attribution). This suggests that any articles found dealing with the Treaties of 1836 or 1842 will most likely be contributed by outside sources as well. It would not be surprising to find exchange copy from Washington, DC newspapers, or letters from readers or government officials concerning the treaties.

Finally, Indian news was scarce, and news was often weeks old by the time it reached the frontier. This suggests that coverage of the treaties will likely be scarce also, and, several weeks old when it was finally published in Michigan newspapers.

Having now looked at the development of the American newspaper in the first half of the nineteenth century, with special attention to the development of the frontier newspaper, the next chapter will look at the more specific development of newspapers within the territory and state of Michigan.

## **VI. Michigan Newspapers in the First Half of the Nineteenth Century**

### **A. Introduction**

This chapter will look at the newspaper climate in Michigan in the first half of the nineteenth century. It will do so by exploring the founding of Michigan's first newspapers and tracing their development in Detroit and Ann Arbor as well as in other communities.

Brown (1952) in a brief sketch of six of Michigan's pioneer newspapers spells out some of the background information necessary to lay hold of the big picture of newspaper development in Michigan. Note what she has to say about Michigan newspaper content:

consider a few of the characteristics of the pioneer papers: First, politics was a vital issue to most early editors. Occasionally an editor would bravely announce that his paper was going to be neutral. Then within a few months the paper would change its name and editorial policy. It would take a definite stand for one party or the other. Frequently, a writer in commenting on such a change in policy, would attribute the growing strength of the paper to this action. So it was apparently a difficult matter for pioneer editors to maintain an independent policy and still have a successful newspaper.

Most of the papers were weeklies. At least they began as such; then later the more prosperous ones added semi-weekly, tri-weekly and daily editions.

She further adds that local news was of "small importance," instead issues typically contained:

... the Constitution, Messages of the President, Minutes of the Territorial Assembly, Proceedings of the Court, excerpts of news from foreign and domestic papers as well as many advertisements. ...the domestic news had appeared four or five weeks earlier in some eastern paper.

... Papers included poems, literary selections and stories in addition to news, in order to satisfy the families who could afford only one paper.

This description of the content of the pioneer newspapers in Michigan fits in very well with the descriptions of content noted earlier for the frontier papers in general.

Michigan newspapers also suffered frequently from the problems of keeping printing presses running, Brown observes that it would typically take several weeks for publication to resume once the machinery broke down.

In the Detroit section we will look in more detail at the founding of Michigan's first newspaper, but before we do we can cite some background information. First, between 1809 (when the first newspaper was founded) and 1837 (when Michigan became a state) newspapers were established in Detroit, Monroe, Washtenaw, Oakland, St. Joseph, Kalamazoo, Lenawee, Berrien, Saginaw, Calhoun, Kent, Jackson, Branch and Ann Arbor. Although counts vary, it is estimated that over fifty newspapers had made an appearance, however brief some may have been, by 1837. Lee (1973) states that there were six daily newspapers operating in Michigan at some point during the 1840s, three in the 1850s, eight in the 1860s and sixteen in the 1870s.

One of the factors that helped the earliest of these papers was an 1814 Congressional Act that stated that all federal laws must be printed in two, and later three, newspapers in each state and territory. As Emery observed:

This was a logical way of letting electors know what their representatives were doing, but it also encouraged the founding of pioneer papers in communities not quite ready to support such ventures. By the end of the first decade of the nineteenth century, the western press was lusty and influential. Editors began to depend less on "exchanges" and to speak out for themselves on matters pertinent to readers. ...still, [these territories still exhibited] dependence on the federal government for defense against the Indian threat.

One of the papers that took advantage of this 1814 law was the Detroit Gazette, founded in 1817. But before we look at the Gazette, we need to look at the first newspaper founded in Michigan, as well as its successors and competition.

### **B. Detroit newspapers**

At the beginning of the nineteenth century, Detroit was under the authority of the Indiana territorial government located in Vincennes, Indiana. Detroit started as a lakeport and was known as a thriving commercial center for trading on the Great Lakes. The people of Detroit were mainly of French lineage and Catholicism was the dominant faith.

Amidst this background, Father Gabriel Richard, a Catholic missionary, saw the need for some form of news communication. He began with a "spoken newspaper;" by appointing a crier to stand on the church steps to tell the public about "news as was fit to speak." As the spoken newspaper became popular, citizens inquired about obtaining written copies of the news. Father Richard, seeing the wisdom of publishing the news in printed form for the convenience of his listeners, enlisted the aid of two of his parishioners, Theopolis Metz (who would later publish his own paper) and James Miller. The first edition of the Michigan Essay, or Impartial Observer was published on August 31, 1809. Rather than being printed in multiple copies and on a subscription basis, the first and only copy printed was posted publicly near the church. Purcell (1924) states that the paper continued for only two months. However, only the first edition survives to this day.

This first edition was written in both English and French. About one-tenth of its contents were in French and Father Richard was responsible for

writing the French copy. One item of importance is that the first edition contained a statement of policy which follows:

The public are respectfully informed, that the ESSAY will be conducted with the utmost impartiality; that it will not espouse any political party; but fairly and candidly communicate whatever may be deemed worthy of insertion...whether Foreign, Domestic, or local ...Gentlemen of talents are invited to contribute to our columns whatever they suppose will be acceptable and beneficial to the public. Yet always remembering that nothing of a corrosive nature will be admissible.

After the demise of the short lived Essay, the next paper established in Michigan was the Detroit Gazette in 1817. As noted in the last section, the Gazette had as one of its purposes, to be the paper in Detroit to publish federal laws. With its first edition published on July 25, 1817, the Gazette served both the English and the French populations. The average issue contained three pages of English to one of French. The Gazette was without competition until 1825, when the short lived Michigan Herald was founded. The Gazette lasted for only thirteen years, publishing its last issue in 1830. Like many frontier newspapers it was not a lack of business that brought about the end of the Gazette. Rather, it was destroyed by fire and not rebuilt.

During this period, the Northwestern Journal was founded on November 20, 1829 and one year later changed its name to the Detroit Journal and Michigan Advertiser. About the same time, the Detroit Courier was established. By 1835 the two papers had merged into the Detroit Journal and Courier. The Journal continued to print a separate tri-weekly that became the Detroit Daily Advertiser in 1836.

Detroit of 1830 was in the words of Frank Angelo:

... a time when one could walk into the wilderness that surrounded the village on the banks of the Detroit River and "bag a deer or several partridges in a morning's tramp."

... It was a time when men of ambition and optimism attacked the wilderness to build homesteads and great cities and states. They



vigorously expressed opinions on how all this should be done by creating political parties - and newspapers to serve them.

Detroit was also described by an Eastern newspaper correspondent in 1831:

The society of Detroit is kind, hospitable, and excellent. A strong sense of equality and independence prevails in it. A citizen whose conduct is ... decorous is respected by all ... A genuine friendliness and cordiality are evident

In the 1830 census, Detroit had a population of 2,222 people. The territory of Michigan 32,000. As Michigan was moving closer to statehood, the desire was felt for a newspaper that would serve its growing political needs. Not wanting Detroit to be without a political newspaper (or at least one that agreed with their political philosophy), Joseph Compaur and John R. Williams (Detroit's first mayor) traveled to Pontiac, Michigan to buy the type and equipment of a struggling weekly paper located there. Bringing the newspaper equipment to Detroit, they appointed Sheldon McKnight as the editor of the Detroit Free Press and Michigan Intelligence. Its first issue was published on May 5, 1831. The first front page was filled with reports of the public meetings of the Democratic Republicans (the modern day Democrats) and nothing else.

Initially, the paper was a weekly publication. Four years later, in July of 1835, the paper went to semi-weekly, and in September of that same year, McKnight turned it into a daily. As Angelo (1981) notes:

In truth, that first Free Press was little more than a political sheet, filled with bits and pieces of information about the world beyond but mostly with fervent opinion about the prospects of the Democratic party closer to home. ... That first edition ... contained four week old Washington correspondence, foreign news (some of which was three months old), the text of resolutions just adopted by the Democratic Republican Party, three local items and a few advertisements.

It is reported that 38,000 copies of the Free Press were printed that first year.

It can also be noted that the weekly Democratic Free Press "had much more

news and commentary than advertising and was geared for mailing to farmers and other newspapers around the country."

By 1835, Detroit had grown to more than 5,000 people (and 9,102 by 1840) and the lust for land was taking hold in the Michigan Territory. Sales of public lands:

totaled 37,865 acres in 1818 when the first land office was opened in the territory. Sales soared to 147,062 acres in 1830; 498,423 acres in 1834; 1,817,248 in 1835, and, just before the boom burst, 4,189,823 acres in 1836. The 1836 total exceeded sales in any other state or territory that year.

Of course, the boom in 1836 can be directly attributable to the lands ceded by the Indians in the 1836 Treaty.

Royce Howes, editor of the Free Press in the 1950s had this to say about the newspaper atmosphere of the early and mid-1830s:

It was a publishing condition expected and accepted by the reader. Political passions burned fiercely. Doctrinaire dogmatism hopelessly outran sweet reason. What the reader wanted was reiteration of his own partisan sentiments with no space wasted on anyone in disagreement unless it was employed for cantankerous chastisement. A subscription, in fact, was often considered to be virtually a contribution to the party; a duty to support its voice.

By the time the Free Press became a daily in 1835, it was well established as the most influential paper in Detroit. As such, it's important to know something about the paper's philosophy. In the inaugural edition in 1831, editor McKnight had this to say on page two:

The democratic citizens of this territory having found the two newspapers (the Journal and the Courier) already established in Detroit completely under the control of the city aristocracy have been compelled to set up an independent press. Forming as they do a large majority of the electors of the Territory, they have found no medium with which to communicate to the public.

This dilemma was presented to them, either tamely to suffer a knot of politicians, in whose patriotism they have no confidence ... or to establish a press which should be guided by the wishes of the majority. They have adopted the latter alternative, and fearlessly

appeal to their fellow citizens to sustain an establishment intended to support principles rather than men.

Our appeal is made to the people of the outer counties, and by their verdict we "sink or swim." We know the opposition we must encounter here in Detroit, and have made our calculations accordingly. We depend entirely on the country influence.

We shall endeavor to merit the favor of our fellow citizens of the interior, by giving them a newspaper conducted on true democratic principles, and with such industry and judgment in the selection and arrangement of foreign and domestic news and the usual variety of miscellaneous matter, as we can command. We hope to be able to present them weekly, with an agreeable and instructive sheet.

By 1832-33, McKnight spelled out some of his goals for the Free Press:

"to make the paper useful, to make its columns the medium of correct political principles, and the support of sound constitutional doctrine," to treat "political subjects with that truth, candor and fearlessness, which the simplicity and liberal character of our free institution demands from all their sincere supporters.

Aside from politics, McKnight also said the Free Press would "not lessen our solicitude for the advancement of other interests of a less general nature; and the farmer, the merchant and mechanic (worker) will often find our columns containing valuable selections and essays intended to promote the welfare of their several callings."

And by 1835, McKnight had this to say as the Free Press became a daily:

"Our city is now full of prosperity; her population, her business, her wealth and corresponding advancements in public improvements, present the most encouraging and animating considerations for the employment of individual effort and exertion to promote the general welfare. We would not in our humble department remain behind the spirit of the enterprise of the day ..."

Amidst all this prosperity, the newspaper publishing atmosphere was somewhat chaotic. Rapid turnover and quick changes in personnel was commonplace. Equipment broke down frequently. In fact, Angelo noted that the papers were particularly candid about letting their readers know about delays in publication. They were also candid about publishing news from other publications. Lifting news from other papers was accepted

practice, whether from exchange papers or from the competition. Editors, in fact, anticipated that their material would be used by others.

News service was terribly slow. Detroit began receiving daily mail service from the East on January 9, 1831. It typically took correspondence three days to get to Detroit from Pittsburgh and Buffalo, seven from Philadelphia and New York and eleven days from Washington DC. It was not until 1847 that the first telegraph line was opened and that only went as far as Ypsilanti. By 1848, that connection was extended to New York. It was typical then of Detroit papers in 1836 to be "filled with material clipped from weeklies from around the country, as well as long letters and official reports of meetings and legislative actions, most of which had taken place weeks ago."

On February 1, 1836, McKnight sold the Free Press to John S. Bagg and L. LeGrand Morse. Bagg was the primary voice of the Free Press until 1853. He was an Easterner, a native of Massachusetts and was only twenty seven when he took over. General opinion found him to be "a keen and sarcastic writer [who] edited the Free Press with great ability, although the criticism of political opponents sometimes degenerated into abuse." Nothing however is recorded about his attitude toward Native Americans.

### **C. Ann Arbor**

By 1830, Ann Arbor was a settlement of 965 people. This included not only the town of Ann Arbor, but also the surrounding township. Even a town of this size was ripe for a newspaper.

On Wednesday, November 18, 1829, Ann Arbor had its first newspaper; the Western Emigrant. As Doll (1959) notes:

Characteristic of the "paste and scissors" journalism of that period is the rest of the material on the first page and on most of the other three. Under the terms of subscription was a complete copy of

the Declaration of Independence; there followed a long article on hemp copied from the Western Tiller and another on tobacco from Niles Weekly Register, and a short filler on how to make cement for mending broken glass. The rest of the paper was made up of the laws of Michigan, a proclamation of Gov. Cass, foreign and domestic news, all clipped from Eastern papers, a number of preachments under the heading "Moral and Religious," about three columns of material praising Ann Arbor and Michigan to the skies, and slightly over a column of advertising.

On page two could be found the editor's statement of policy:

It shall be the constant aim of the Editor to promote correct principles, and exhibit impartial information relative to the merit and qualifications for candidates for important public offices. Whenever the public good requires it, public men and measures shall be freely and fearlessly canvassed. He will espouse constitutional principles - advocate and enforce a plain system of common sense.

The Western Emigrant had a Washington correspondent almost from the beginning. How this came to be is unknown. By 1830, Ebenezer Reed:

sent the Washington gossip to Allen by letter, and the Emigrant would use the information as it saw fit under such phrases as "our Washington correspondent says," "we are informed on reliable authority that," and so on.

And as Doll observes:

These letters from Washington are full of national affairs and gossip and are pretty much the same type of thing done by syndicated columnists today, although much less restrained. Also, they were openly partisan instead of trying to make their prejudices palatable under the guise of a lofty impartiality.

The Western Emigrant grew quickly. In 1830 it changed its name to the Emigrant and somewhere towards the end of 1832 and the beginning of 1833 it changed its name to the Michigan Emigrant. By the end of 1830 it covered a wide territory including Plymouth, Farmington, Oakland, Bloomfield, Tecumseh and Adrian. Later, it expanded into Monroe and Ypsilanti.

That the Emigrant was a center for news and information can be seen in the following notice inserted into the February 15, 1832 issue: "Our friends are informed that we are busy on Fridays. They are requested not to call on that day unless on business absolutely necessary."

By 1834, the Emigrant underwent another name change to the Michigan Whig, a move designed to more closely align the paper with that political party. Soon afterwards, on January 29, 1835, the Michigan Whig had its first competitor; the Michigan Argus. In response, the Michigan Whig changed its name once again to the Michigan Whig and Washtenaw Democrat and shortly thereafter to the State Journal.

The Argus put out its first edition shortly after its founding, on February 5, 1835. The Argus:

reported the activities of the Democratic Party and made definite bids for the Irish Catholic vote by occasional friendly articles and by exposing Whig attempts to capture this vote in spite of their basic hostility to the immigrant. It also lost little time after the state government was set up in the fall of 1835, in going after the federal government's legal printing, especially since control of the state fell entirely into Democratic hands.

The State Journal, now in fierce competition with the Argus, began to more explicitly state its political views. One of these had to do with immigration. Doll states:

About this time a tone of hostility to the Irish began to appear in the paper. In this respect the Whigs were the direct heirs of the Federalist attitude toward alien immigrants. They favored lengthening the period of residence required before granting citizenship; they feared the importation of "undesirable people" and the contemporary "isms" and "ists" of Europe.

While this policy does not explicitly refer to Indians, it does indicate that there was some hostility toward other cultures and races present in Ann Arbor in the mid-1830s.

About this time (1836), a traveler passing through Ann Arbor made this observation:

At Ypsilanti, I picked up an Ann Arbor newspaper. It was badly printed; but its contents were pretty good; and it could happen nowhere out of America, that so raw a settlement as Ann Arbor, where there is difficulty in procuring decent accommodations, should have a newspaper.

Whether the traveler was referring to the State Journal or the Argus is not known. Picking up on this idea of a "raw settlement," in 1836, Doll reports that twice that year the Argus was unable to obtain timely supplies of paper and it caused considerable irregularity in its printing schedule.

#### **D. Other areas**

Details of Michigan newspapers outside of Detroit and Ann Arbor are very sketchy. Ellis (1991) provides some information on newspapers in Lapeer County and Brown (1952) presents some data on papers in Monroe and Kalamazoo.

Ellis records information on three newspapers established in Lapeer County by the early 1840s. The Lapeer Plain Dealer was founded in 1839, and in 1842 changed its name to The Plain Dealer and Lapeer County Democrat. Little is known about this paper other than that by 1842 it was little more than a sideline for a businessman "who also sold fish, dried apples, lime, shingles, contracted for threshing, and ran a cash store in the lower village." The two other papers mentioned were the Lapeer County Democrat, founded in 1840 and the Lapeer Sentinel, a Whig paper started shortly after the Plain Dealer. Nothing much else is known about these papers, but what they do indicate is the fierce political nature of the newspapers in Michigan during the early 1840s. While none of these papers are candidates for the Treaty of 1836, they are potential sources of coverage for the 1842 Treaty.

The Michigan Sentinel was founded in Monroe on June 24, 1825. Its editorial policy was stated in that first issue:

The editor will endeavor to give the passing intelligence of the day with a strict regard to truth; without substituting individual opinion for matter of fact. Altho [sic] he is not one of those who withholds his sentiments upon important public questions, he can never consent to confine himself to the course pursued by partisans of whatever name or description. He has determined upon lending his personal aid to elevate no man of whatever denomination or party whom he believes undeserving of confidence. When men are to be selected for office the editor, when possessed of adequate information, will never fear to express his preference.

But while he claims the control of his own sentiments, he wishes not to dictate to his readers the course they are to pursue. He is willing they, in common with himself, should enjoy their own opinions, when couched in terms devoid of personal invective, should be exposed through the columns of this paper, deeming the public press an organ through which its patrons ought truly to express their sentiments on all proper occasions.

In 1836, the name was changed to the Monroe Advocate.

In the early 1830's, the Michigan Statesman and St. Joseph Chronicle was started in White Pigeon. By January 23, 1837, it had changed its name to the Michigan Statesman. Later that year it changed its name once again to the Kalamazoo Gazette and relocated to Kalamazoo. In the process of moving and expanding the paper's printing capacity, no paper was printed from January 23, 1836 to June 4, 1836. Brown does note one curious fact. On February 11, 1837, the editor gave only brief mention of a very important event. Buried way down in the local news was an item announcing that Michigan had become the twenty sixth state in the Union. No other commentary was attached. If an event as significant as this received scant mention, the possibilities for the Treaty of 1836 getting coverage diminish greatly.



## **E. Summary**

In looking at the development of Michigan newspapers in the first half of the nineteenth century, this chapter found that Michigan newspapers generally reflected much of the material covered in chapter five. Thus, many of the suggestions made in chapter five also apply here.

The history of Michigan newspapers began by looking at the Michigan Essay and then moving on to the development of other Detroit newspapers. Detroit newspapers were found to be highly political in nature, suggesting that political concerns and philosophies might outweigh any cultural or attitudinal views regarding Indians in relation to treaty coverage.

Next, the history of newspapers in Ann Arbor was studied. It was found that the Western Emigrant (the Michigan State Journal by 1836) had a Washington DC correspondent who offered regular editorial commentary. This makes the Michigan State Journal a strong candidate to have coverage of the Treaty at Washington. It was also found that an attitude of hostility toward different cultures was present in Ann Arbor newspapers in the 1830s. Whether this extended to Native Americans however, was unclear. It does suggest however, the potential for racial bias in Indian treaty coverage.

Finally, the chapter looked at newspaper development in other Michigan locales such as Lapeer, Monroe and Kalamazoo.

Having now looked at the treaty making process, American frontier newspapers in general and Michigan newspapers in specific, we can now properly analyze Michigan newspaper coverage of the Treaty of 1836.

## **VII. Michigan Newspaper Coverage of the Treaty of 1836**

### **A. Introduction**

In 1836, there were at least a dozen newspapers operating in the Michigan Territory. They include:

- Adrian Watchtower
- Calhoun County Patriot (Marshall)
- Democratic Free Press (Detroit)
- Detroit Daily Advertiser
- Detroit Journal and Courier
- Michigan Argus (Ann Arbor)
- Michigan Sentinel (Monroe)
- Michigan State Journal (Ann Arbor)
- Michigan Statesman (Kalamazoo)
- Monroe Gazette
- National Democrat (Cassopolis)
- Niles Gazette and Advertiser
- Paw Paw Free Press
- Pontiac Courier

Of these papers, only five (Michigan Sentinel, Niles Gazetter and Advertiser, Pontiac Courier, Michigan Statesman and Democratic Free Press) have copies surviving from the time frame of interest (September 1835 - July 1836). Every issue was analyzed for any articles related to the Treaty of 1836. This time frame was chosen to cover the whole treaty process. On September 12, 1835, Henry Schoolcraft took the first official steps toward a treaty. The treaty was signed on March 28, 1836, and ratified by the Senate on May 20, 1836. Schoolcraft returned to Michigan on June 15, 1836. The July ending date allows newspapers throughout Michigan to receive news from Washington and Detroit.

Two newspapers, the Michigan Sentinel and the Niles Gazette and Advertiser had no articles on the treaty. Of the remaining three newspapers, the Pontiac Courier had two articles, both dated April 18, 1836; the Michigan Statesman had two articles, both dated June 4, 1836; and the

Democratic Free Press had five articles, two dated April 6, 1836, one dated April 13, 1836, one dated April 20, 1836, and one dated May 25, 1836. Copies of these articles are found in Appendix B.

## **B. Review**

Before an analysis of these five articles is undertaken, a brief review of the expectations of what might be found in terms of Michigan newspaper coverage is in order. Based on research in the preceding chapters, the following suggestions were made with respect to any articles found on the Treaty of 1836. It is expected:

- 1) that coverage of the Treaty of 1836 will be scarce. Research in chapter two made no mention of treaty coverage in its analysis of newspaper attitudes toward Native Americans.
- 2) that coverage will be mostly negative toward the Native American culture and perspective. There is the possibility of some favorable coverage appearing.
- 3) of Nichol's framework of the four newspaper views towards Indians, that the removal view will most likely prevail. To a lesser extent, some evidence of the assimilation view may appear.
- 4) that coverage of the issue of fair and just compensation for lands ceded will most likely focus on the broader white political philosophy of expansionism and the growth and development of the territory or state. The impact on the Indians and the justness of the compensation they received will be of secondary (if of any) importance.
- 5) that coverage of the legitimacy of the treaty making process will either avoid the issue or reflect the federal government's point of view (and that no mention of Schoolcraft's deception will be noted).

6) that even though the treaty making process of 1819 gave Michigan newspapers an historical precedent and a basis for comparison for analyzing the Treaty of 1836, Michigan newspapers will be unlikely to make these comparisons given the newsgathering techniques and editorial content of the day.

7) that editorial content will be short, perhaps only one paragraph in length.

8) that the bulk of content will probably come from outside sources such as exchange copy, letters from readers and writings from government officials (who might remain unattributed).

9) that coverage will typically be several weeks behind the occurrence of the actual events.

10) that the Michigan State Journal will be likely to have coverage of the Treaty given that it had a Washington DC correspondent. And, that this coverage may be racially biased.

Finally, the Democratic Free Press and the Michigan Statesman were Democratic Republican papers and thus would be expected to favor President Jackson's Indian removal policy. The Pontiac Courier was a Whig paper. Whigs in general were opposed to Jackson's policies. This does not mean however that Whigs were against the removal of Indians. As we have seen previously, Whigs were not fond of immigrants. Because, no specific stand on the Indian removal issue has been noted, no predisposition to favor or oppose removal can be assumed.

### **C. Democratic Free Press articles**

The first reports on the treaty were in the April 6, 1836, Democratic Free Press. This is not unexpected. As the foremost and largest newspaper in Detroit, the Democratic Free Press could be expected to be first with news

stories out of Washington. This first story chronicles the beginning of formal negotiations (March 18) in Washington. The only commentary (by the Washington Globe) offered is that the land which might be ceded is of high value and that the treaty may be advantageous to both the Indians and the United States. It offers no opinions as to Indian policy, nor do the editors of the Democratic Free Press comment on the proceedings. This article also illustrates the nature of the free exchange paper. Editors of the Democratic Free Press must have been receiving a subscription to the Washington Globe and felt free to lift articles from the Globe and publish them in their paper. The article was also roughly three weeks behind the occurrence of the event covered in the article.

The second article is a letter to the editor that covers much of the same material but adds the interesting comment:

Some difficulties are experienced by the progress of the negotiation, more, however, as usual, from interested white men, than from the chiefs. They will it is believed, be overcome, and a treaty completed.

Judging by the tone of the letter, it appears to be written by an insider to the treaty making process. There is no record of a Democratic Free Press correspondent in Washington at this date, therefore, it was probably written by a government official. Perhaps, the writer was the chief negotiator himself, Henry Schoolcraft. However, as we will later see, this is unlikely given the competition from the Detroit Journal.

The letter also seems to show a favorable disposition toward the Ottawa and the Chippewa in that it doesn't attribute problems with negotiations to them. As we have seen from our analysis of the treaty making process, the Ottawa and the Chippewa had major objections to the treaty and didn't always see eye to eye with one another. This caused some bumps in the road before the treaty was signed. If Schoolcraft is indeed the

letter writer, the favorable disposition of the letter may be merely his optimistic attitude concerning a successful negotiation.

The second report was in the April 13, 1836 edition. This story was from the Metropolitan newspaper in Washington. It is written as an eyewitness account to the treaty making proceedings. It is dated, Washington City, March 28. Note that this is the date that the treaty was signed. Note also that it took approximately two weeks for this news to be printed in a Michigan paper.

This article is insightful for the commentary it offers. In the first paragraph the writer stresses that the Indians "have brought, however full delegated power, to make a treaty with the United States for the sale of their land" as if to reassure the reader that all is proper in the negotiations. We know from previous analysis, that the delegated power of the Indians to cede the land in question was dubious. The writer must be receiving his information from a government source and not from anyone in the Indian delegation. Or, at the very least choosing to accept the government interpretation on the story and not the Indian side. A check of the delegation by the reporter might have revealed the discontent of the Indians concerning who was and wasn't there to negotiate. The first paragraph also points out that the Indians relied upon three men, two whites and a half breed to interpret and negotiate the best deal. As the reporter identified these gentlemen by name, the reporter at least knew who to talk to to include an Indian perspective in the story.

The second paragraph acknowledges that the Indians "came to the Council with a great diversity of views among themselves; all of which were brought forward and discussed." It attributes "selfish motives" to the Indian's proposals indicating a potential bias against the Indian position.

Note that these selfish motives are linked to how much land the Indians were willing to cede. The Indians at first only wanted to cede Drummond Island, the U.S. government wanted all the Indian lands. The reporter then, indicates that it was "selfish" of the Indians to desire to hold on to large pieces of their homelands. This fits in with the expansionist philosophy.

The second paragraph presents a realistic viewpoint on why the Indians felt the "necessity" to cede most of their lands; the implied threat of forced expulsion or destruction. With this threat looming, could the Indians have hoped to receive fair compensation for their lands?

The writer also attributes a sense of uneasiness to the Indians concerning future actions of whites encroaching on their territory. The implication is that holding onto large areas of land would only cause the Indians more problems in the future. While undoubtedly true, it certainly isn't a full analysis of the point. It fails to consider the ethical or moral implications of white encroachment.

The paragraph also mentions the Indian desire to retain small reservations for themselves. This is consistent with the Ottawa and Chippewa desire to stay on their lands. No mention is made about the possibility of the reservations being temporary in nature or of the certainty of removal. The last sentence, "Within these reservations they are to attempt to civilize themselves" indicates that the writer has an understanding of (and maybe sympathy for) the attitude of attempting to civilize the Indians without removing them to other lands. This viewpoint falls somewhere between the third and fourth attitudes described by Nichols. Remembering that only a small minority of journalists held the fourth view, to see indications of it here amongst examples of less than

sympathetic attitudes towards Indians discussed above, indicates that perhaps Michigan newspaper coverage although flawed in some respects may have been as favorable toward Indians as could be expected at the time.

The third paragraph reiterates the belief that the Indian delegation had the proper authority to cede their lands. Perhaps the government officials interviewed for this story felt the need for the reporter to be clear that this was a legitimate treaty making body. If so, it's easy to see why this point was made twice in the article. Further, the April 6 article says ninety-seven chiefs were present. This article says that there were "about twenty-five" chiefs present (and twenty-five chiefs eventually signed the treaty). The figure of ninety-seven chiefs present is probably the correct figure (which is given credibility by the fact that Whaiskee and Waubojeeg were present but didn't sign the treaty). If these two were present and didn't sign others may have been in a similar situation, indicating that only approximately one quarter of the chiefs were willing to sign the treaty. Alternatively, it is possible that many of the delegation were not empowered to sign. They could have been "chiefs" only in the eyes of the federal government and not in the eyes of their fellow Indians. In any event, it seems that having twenty-five chiefs sign the treaty settled the matter to the satisfaction of the federal government.

The fourth paragraph demonstrates that the Indians may not be getting fair compensation for their lands. The writer states "the Indians will be fortunate if they can get for them one-tenth of that value" while noting that the government will very quickly recoup the cost of purchasing the lands. This is a remarkable observation in the light of material analyzed in Chapters two and three. We saw there that little thought at the time was given to whether or not the Indians were receiving fair value for



their land, and that reporters sympathetic to the Indian cause such as Lockley, were few and far between. Perhaps the reporter, in talking with government officials for this story, heard them make derogatory remarks about the Indians or about how they were about to "take" the Indians by using their superior negotiating skills.

The final paragraph makes the observation that the Indians are poor orators; but understand the severity of their position. The question could be raised, poor orators by whose standards? The Indian way of speechmaking and story telling was different than that of the white culture. Here, perhaps unwittingly, cultural bias is evident. The article concludes by saying that "nothing indeed, less than this consciousness would induce them to give up their lands." This last quote shows a genuine sympathy for the Indians' plight.

In sum, although this article is at times somewhat ignorant of the Indian culture and bargaining position, it is remarkable in its sympathy for the Indians and their condition. We can note however, that this article originated in Washington, in a Washington paper, presumably by a Washington writer. It remains to be seen if direct coverage by a Michigan paper and writer will be as sympathetic.

It should also be pointed out that this article ran in a Democratic Republican newspaper. The party, headed by President Jackson, was not sympathetic in the least to the Indians, but was more along the lines of Nichols first view; that of extermination, or at the very least the second, that of punishment. Surprising then, is the lack of editorial comment from the editors of the Democratic Free Press. It seemed to offer an opportunity to state their views on the treaty and their attitudes toward Indians.

The next mention of the Treaty appears in the April 20, 1836 edition. This is an uncredited letter dated "Washington, March 31, 1836." Again, around three weeks after the event. The letter details the fine points of the treaty. After these details, the writer goes on to say, "This treaty so just to the Indians, so favorable in its terms for the United States, and so important to the best interests and prosperity of Michigan has been effected by Mr. Schoolcraft ..." It then goes on to describe how fine the land to be purchased is.

Even though the writer seems to imply that the government got the better end of the treaty, the article is important for a different reason. This is the first mention, however brief, that Michigan specifically will benefit from this treaty. The writer probably foresaw the treaty as clearing the way for Michigan's statehood. The description of the land is clearly written from a white expansionist point of view. No mention is made, or even implied, of how the Indians might benefit from the treaty. Clearly this writer was far less disposed toward than the Indians then was the writer for the Metropolitan.

One last observation here; the letter was addressed to Messrs. Morse and Bagg. As we've seen, they had only recently taken over the newspaper. This article then, presented the new editors with the opportunity to add any commentary they might have about the treaty. As it is, there is none.

The last mention of the Treaty in the Democratic Free Press dates from the May 25, 1836 issue. The gap of only a week and a half makes this article the closest published to the time of the actual event. The article is an extract of a letter to the editor dated "Washington, May 16, 1836 and announces that the treaty had been ratified and amended. Given that the treaty was signed on March 28, the author of this letter has had time to

analyze and reflect on the fine points of the treaty. It offers the opinion that, "This treaty is said to be the best ever made with the Indian tribes." Note that it did not say "best ever made for the Indian tribes," but best with. The writer leaves the reader with the implication that the United States got its best deal yet on Indian land cessions.

In noting the amendments, the letter reports on the amendment to require the Indians to sell their reservations within five years to the United States. As we've seen, the Indians would not have agreed to this provision had it been in the original treaty. By adding this later, and getting some of the negotiating chiefs to agree to the amendment, one of the key provisions of the treaty was radically altered. This letter makes no attempt to consider the ramifications for the Indians from this amendment. It seems to accept without question, the removal view.

In looking at the five articles published in the Democratic Free Press concerning the Treaty of 1836, we see that none of them were written by the Democratic Free Press editors or staff. Not one word can be directly attributed to their hand. Instead we have two articles taken from Washington papers and three letters to the editor (at least one of which was probably from an unattributed government official). This highlights the frontier practice of the time of publishing material from free exchange papers and waiting for news to come to the paper.

This makes it all the more difficult to understand what the editors of the Democratic Free Press thought about the treaty. Without their commentary, the analysis of the treaty was left to others. And in these cases, to people outside of Michigan.

#### **D. Pontiac Courier articles**

The Pontiac Courier published two articles concerning the Treaty of 1836. The first was an excerpt from the Detroit Journal and the second was a letter to the editor also taken from the Detroit Journal.

Both articles were published in the April 18, 1836 edition, twelve days after the first report in the Democratic Free Press. As mentioned, one of the articles was excerpted from the Detroit Journal. Attempts to find the original article in the Detroit Journal proved fruitless as no copies of the paper exist from this time frame. This illustrates one of the difficulties of doing research on Michigan newspapers in the first half of the nineteenth century; the records are far from complete. What this article does tell us however, is that there were at least four Michigan newspapers reporting on the Treaty even though only records exist from three of them.

The first article contains the comments of the Detroit Journal editors on a letter from Henry Schoolcraft. The Journal mentions Schoolcraft specifically by name, unlike the anonymous letter published by the Democratic Free Press that could be a letter from Schoolcraft. Perhaps the Detroit Journal took the opportunity to subtly let its readers know that it had information directly from the chief negotiator and that the Democratic Free Press could not say the same. The article expresses elation at the prospects of new lands being opened to emigrants. It also makes the comment that, "and ere many years, no traces will be left to tell that the peninsula was once the home of numerous powerful tribes of red men." This mixture of joy over economic opportunities and possible regret over the demise of the Indian can be interpreted several different ways. On the one hand, it could express the extermination point of view, on another, the removal. Though this can be interpreted several ways, the comments are important in that

they represent the first editorial comment on the Treaty written specifically by a Michigan newspaper, and, they were short, only a paragraph in length.

The second article is the "hasty" letter dated March 20, 1836 that Schoolcraft wrote to the Detroit Journal. The date is troubling as the letter states that "a treaty was signed this day." The treaty was not signed until March 28. So, either in haste, Schoolcraft wrote the date down incorrectly, or, the Courier misread the date and published an erroneous one. The later is more likely given that zeros and eights can look similar when handwritten, and, that the Detroit Journal had the date correctly identified in the first article published in that edition. So, what we have is a typographical error.

The letter is straightforward and is unremarkable. It does speak of provisions to "further the condition of these Indians" indicating at least some sympathy for the Indians. This is in keeping with Schoolcraft's attitude toward Indians observed previously. That the letter offers no specific analysis from Schoolcraft is not unusual given the haste of the letter.

It is not surprising that the Detroit Journal was the first to report information from Schoolcraft. In 1829, Schoolcraft had praised the paper (then the Northwest Journal) saying, "This sheet exhibits a marked advance in editorial ability, maturity of thought and critical acumen."

In summary, the Pontiac Courier merely reprinted articles it took from the Detroit Journal and offered no editorial comment of its own. The Detroit Journal articles however, given us a letter from Schoolcraft himself, and more importantly, the first editorial commentary from a Michigan newspaper.

## **E. Michigan Statesman articles**

The final articles come from the June 4, 1836 edition of the Michigan Statesman (Kalamazoo). At first glance, one might make the observation that it took about ten days for an article printed in a Detroit newspaper to be printed in a newspaper in the Western part of Michigan. However, as discussed previously, no issues of the Michigan Statesman were printed from January 23, 1836 to June 4, 1836 due to the relocation and enlarging of the newspaper facilities. Could this article have been published earlier than the fourth had the Michigan Statesman been in full operation? It is uncertain. What is certain is that the treaty was considered important enough by the Michigan Statesman to be included in the first issue of the newspaper to be published in half a year. Given the backlog of stories the Michigan Statesman surely had to print, the coverage given to the treaty indicates something of the importance of the story in the eyes of the editor.

The first article is simply a repeat of the May 25, 1836 Democratic Free Press article. The second is an extract of a letter to the editors dated "Washington, May 20, 1836," and acknowledges the sending of a copy of the treaty to the newspaper. It again offers the comment that "This treaty is the best ever made with any of the Indian tribes by this government." What is surprising is that the Michigan Statesman did not publish its copy of the Treaty in this edition or any immediately subsequent one. Not much new is added by these articles other than the perceived importance of the treaty to western Michigan. In these two articles, an exchange article and a letter to the editor, once again, we see that no editorial comment is offered by the editors of the Michigan Statesman, making the Detroit Journal unique in this respect.

One final article merits attention. While not specifically dealing with the Treaty of 1836, it does present pertinent information on Indian policy. This article appeared in the Michigan State Journal (Ann Arbor) on December 21, 1837. The article is part of a speech from then President Martin Van Buren to Congress. The speech confirms the policy of moving Indians to the west. As we have seen, this was not what was negotiated in the treaty making process of 1836, but was added in as an amendment by Congress. The philosophy portrayed in this speech may also be what motivated Schoolcraft to opt for removal of the Ottawa and Chippewa as the five year grace period was nearing its end. Note especially the next to last paragraph which states:

... The resistance which has been opposed to their removal by some of the tribes, even after treaties have been made with them to that effect, has arisen from various causes, operating differently on each of them.

The next paragraph attempts to lay the opposition to removal in the laps of traders. What Van Buren fails to mention is that with regard to the Treaty of 1836, the resistance of the Ottawa and Chippewa to removal was due squarely to the fact that Congress inserted and ratified a removal amendment into the Treaty of 1836 that the Indians never really accepted.

#### **F. Summary**

This chapter has analyzed every article still in existence from Michigan newspapers concerning the Treaty of 1836. In the review section, ten suggestions were made about the type of content that might be expected in that coverage. A review of the analysis is offered here to see how these suggestions held up.

1) Coverage of the treaty was expected to be scarce. While this was true in terms of raw numbers, there being only nine articles from three

papers (and a fourth from an exchange article), it did mean that of the five papers that were available for analysis, three covered the treaty. If we include the Detroit Journal to make it four of six, that two-thirds of the available newspapers covered the treaty and those that did so had several articles each, the treaty can be considered well covered in terms of Michigan newspapers. Perhaps this amount of coverage can be explained by the importance of the treaty, paving as it did, the way to Michigan's statehood.

2) Coverage of the treaty was expected to be negative towards Native American culture and perspective, with the possibility of some favorable coverage. This expectation was pretty well met. Negative attitudes toward Indian culture were seen in comments such as the ones about the Indians oratory style. A lack of Indian perspective was seen in that most of the coverage focused on expansionist themes.

3) Coverage was expected to follow the views of removal and to a lesser extent assimilation. This expectation was met. The removal view was seen in several articles and there was at least one hint of the assimilation view.

4) The question of fair compensation for lands ceded was expected to be of lesser importance than that of white expansionism and the development of the territory. This was certainly evident. What was interesting is that one article implied that the Indians wouldn't be able to negotiate a fair price. This was somewhat unexpected.

5) Coverage was expected to either avoid the question of the legitimacy of the treaty making process or at most reflect the federal government's point of view. This also was supported. However, by comparing articles, one could see that discrepancies existed in the number of chiefs at the



negotiations and it may be possible to infer from these discrepancies that only a minority of the Indian chiefs signed the treaty, thus calling into question the legitimacy of the treaty. However, this was not a conscious decision on the part of editors to expose this potential weakness of the legitimacy of the treaty making process.

6) Michigan newspapers were not expected to make comparisons between the Treaties of 1819 and 1836 even though they had many similarities. No trace of any such comparison was found other than several references to the 1836 treaty being the best ever for the United States.

7) Editorial content was expected to be short. As it was, there was only one editorial piece written by Michigan newspaper editors. and it was indeed, only one paragraph long.

8) It was expected that the bulk of the content concerning the treaty would be from outside sources. This was clearly supported. Of the nine articles analyzed, eight were from outside sources. They included exchange articles, letters from readers and possibly letters from government officials.

9) It was expected that coverage would be several weeks behind the actual events. The range in the delay in publishing ran anywhere from roughly one and a half weeks to a month.

10) Finally, it was expected that the Michigan State Journal would be likely to cover the Treaties of 1836 and 1842. Unfortunately, no copies of the Michigan State Journal exist from the time frame surrounding the Treaty of 1836. This expectation remains to be tested then, in a look at articles covering the Treaty of 1842.

The analysis of Michigan newspaper coverage of the Treaty of 1836 now complete, the next chapter will look at Michigan newspaper coverage of the Treaty of 1842.

## **VIII. Michigan Newspaper Coverage of the Treaty of 1842 and Other Treaties**

### **A. Introduction**

In this chapter, we will look at Michigan newspaper coverage of the Treaty of 1842. This treatment will be exhaustive in terms of newspaper articles but not as in-depth when it comes to narrating the details of the treaty making process. The Treaty of 1842 was negotiated by Robert Stuart, the successor to Henry Schoolcraft. Cleland (1992) observes that by 1842, official government policy was beginning to move away from the Jacksonian ideal of Indian removal. Cleland notes:

It was also now apparent that western removal of the Indians was making less and less sense; American settlement was proceeding at a faster pace in the western lands to which the Indians would be removed than it was on the northern lands on which they already resided. Robert Stuart, as well as many Michigan politicians and citizens, began to side with the Indians against efforts to move them west.

Stuart was not alone, as Cleland again points out:

The new Indian policy that emerged during the middle of the nineteenth century was led by progressives such as ...George Manypenny. These men rejected not only removal but also the racism and paternalism of Lewis Cass and Henry Schoolcraft, which laid the failures in Indian policy to what they saw as inherent flaws in Indians themselves.

In the Treaty of 1842, negotiated at La Pointe, Wisconsin, the Chippewas ceded all the land remaining under Indian title in the Upper Peninsula. In keeping with the new Indian policy, no provisions were made for removal of the Indians to the west. This was the last treaty to be conducted in which land was ceded in the State of Michigan. A copy of the Treaty of 1842 can be found in Appendix C.

As in the approach taken to look for Michigan newspaper articles concerning the Treaty of 1836, a time frame was chosen to allow ample time for Michigan newspapers to receive word of the treaty and publish news related to its signing and proclamation. Stuart left Detroit in September of 1842 to journey to La Pointe, Wisconsin and enter into negotiations with the Chippewa. The treaty was signed October 4, 1842 and proclaimed on May 23, 1843. Newspapers were analyzed between September, 1842 and July 1, 1843 to allow coverage of the treaty. Although roughly two dozen newspapers were in existence during some or all of this period, copies only survive from nine of these papers. The newspapers then, that could be surveyed for possible coverage of the 1842 Treaty are:

- Michigan State Journal (Ann Arbor)
- Coldwater Sentinel
- Democratic Free Press (Detroit)
- Grand Rapids Enquirer
- Jonesville Expositor
- Kalamazoo Gazette
- Western Statesman (Marshall)
- Pontiac Courier
- Pontiac Jacksonian

The same ten expectations listed in chapter seven apply to Michigan newspaper coverage of the Treaty of 1842. As noted earlier in this chapter, expectation number three should be modified to expect a stronger assimilation view and a lessening of the removal stance. Also, expectation number six can be modified to include the Treaty of 1836 as a possible basis for comparison. Finally, expectation number ten concerning the Michigan State Journal can now be tested.

As it turns out, one article apiece was found in the Michigan State Journal, the Western Statesman and the Pontiac Courier. These articles can be found in Appendix D.

At first glance, it seems odd that no Detroit paper, especially the Free Press, covered the treaty. As we will see however, one of the Detroit papers did indeed cover the treaty, we simply don't have the original anymore to refer to directly. It could also be pointed out that the October 26th edition of the Jonesville Expositor (from the Burlington Advertiser) and the October 28th edition of the Democratic Free Press (from the St. Louis Republican) reported on the Sac and Fox treaty recently concluded in the Midwest. Why these papers didn't cover the 1842 Treaty is a mystery. The aforementioned problem of interruptions in publishing combined with the survivability of newspaper issues to the present day cannot be discounted as possible explanations.

Before looking at the three articles mentioned above, one other article is of note. The October 14, 1842 edition of the Grand Rapids Enquirer ran this story:

"Indian Payment. - This interesting anniversary comes off, we believe, next week. The 'natives' have already come in in large numbers, and their accompaniments, the 'traders', are not behind hand. We should hope the influence of our 'Washingtonian Society' might mitigate the degrading scenes that have heretofore transpired on the occasion. - We shall see.

The first thing that stands out in this story is the fact that this is editorial commentary by the editors of the Grand Rapids Enquirer. Analysis of the 1836 treaty coverage evidenced a lack of this material. Perhaps if a brief article dealing with Indian annuities and not land cessions merited commentary, perhaps we will see more of this in the articles covering the 1842 treaty. The commentary itself is not kind in its attitude toward the Indians (or the traders). It seems the editors are not pleased to have a large contingent of Indians in town. What the "degrading scenes" are is not specified. It could refer to the Indian lifestyle, their

clothing, their habits, or the perception that annuities were handouts only. In any case, we see in this instance that newspaper commentary is not neutral or favorable to the natives.

#### **B. Michigan State Journal (Ann Arbor), November 2, 1842**

The first article for analysis is from the Michigan State Journal. Thus, expectation number ten has been met. This suggests that had copies of the Michigan State Journal been available from the 1836 Treaty period it is more probable that an article covering the Treaty of 1836 would have been found. If a less important treaty was covered by using an exchange article, it follows that a more important treaty with a correspondent on location would have been covered also.

The first item that can be noted is that this article is taken from the Detroit Advertiser and is approximately one month behind the event. This is another example of the free exchange practice common in frontier newspapers. It also allows for the survival of articles from a newspaper when the original did not survive to the present day. No copies of the Detroit Advertiser remain from this period.

So, it seems that at least one Detroit newspaper covered the Treaty of 1842. It would have been hard to imagine otherwise given that Robert Stuart left from Detroit to begin negotiations and returned to Detroit after the treaty was signed. Just as Schoolcraft maintained a relationship with a Detroit paper, it would have seemed odd if Stuart hadn't continued the practice.

This article also gives notice of the practice of newspapers of the day to wait for news to come to it. Whether Stuart came into the Detroit Advertiser offices or a reporter met him at the docks is unknown. In either

event, the Advertiser did not send a reporter to go to La Pointe with Stuart, nor does it seem that any other newspaper did.

There is some editorial comment from the Detroit Advertiser when it states that this treaty was on "terms favorable to the United States. Michigan will be particularly benefited by it." It is not clear if this is the Advertiser's opinion or merely an echoing of Stuart's views. In either event, the editorial commentary is short, being only one paragraph long.

From the second paragraph on, the article sounds more like a letter prepared by Mr. Stuart. It reads somewhat formally at first and offers commentary on the Indians toward the end. The first part strongly expresses the benefits to the state of Michigan to the exclusion of the Indian perspective. The second part has commentary to offer on the Indians' situation. Take note of this commentary:

It is said that by this treaty, some provisions have been made for ameliorating the condition of the Indians; and it is gratifying also, that those wretched people begin to appreciate the value of civilization, and manifest desire to have their children educated: and from the known benevolence of the President and Secretary of War, and the head of the Indian bureau have we not good reason to hope that their lives to this end shall not be wanting? We owe the poor Indian much in every respect, and it is gratifying to witness that very many of our most respected fellow citizens seem resolved to redeem the obligations.

The tone of this commentary is condescending, but it is also different in tone than what we saw from Schoolcraft. There is no mention of removing the Indians from the land. Indeed, the treaty made no such provisions. Rather, the focus is on civilizing the Indian, very much in keeping with the assimilation view.

**C. Pontiac Courier, November 23, 1842 and The Western Statesman  
(Marshall), December 1, 1842**

Both of these articles are merely reprints of the bulk of the Detroit Advertiser story. Each newspaper put its own stamp on the beginning of the story and then repeated verbatim what another paper had already written. As we've seen, frontier newspaper editors saw this as standard practice. In addition, these articles were published roughly two months after the events had occurred.

**D. Coverage of the 1819-1821, 1837-1839 and 1855-56 Treaties**

No record could be found of any newspaper existing between 1819 and 1821 besides the Michigan Gazette (Detroit). As no copies of the Michigan Gazette exist from this period, no analysis could be offered on potential Michigan newspaper coverage of the Treaties of 1819, 1820 or 1821.

Between 1837 and 1839, four treaties were entered into with the Chippewa of Michigan. These treaties were as follows:

- 1) Chippewa (Saginaw Band) negotiated at Detroit by Henry Schoolcraft, signed January 14, 1837 and proclaimed July 2, 1838.
- 2) Chippewa (Saginaw Band) negotiated at Flint River by Henry Schoolcraft, signed December 20, 1837 and proclaimed July 2, 1838.
- 3) Chippewa (Saginaw Bands) negotiated at Saginaw by Henry Schoolcraft, signed January 23, 1838 and proclaimed July 2, 1838.
- and 4) Chippewa (Saginaw Band) negotiated at Lower Saginaw by John Hulbert, signed February 7, 1839 and proclaimed March 2, 1839.

However, a search of Michigan newspapers failed to turn up any newspaper article referring to these treaties. There were approximately twenty newspapers in existence in Michigan during this period and copies survive from the following eight papers:



Michigan State Journal (Ann Arbor)  
Democratic Free Press (Detroit)  
Detroit Free Press  
Grand Rapids Mirror  
Kalamazoo Gazette  
Pontiac Jacksonian  
Pontiac Courier

Aside from the fact that these treaties were relatively benign in nature, no explanation is offered to explain this omission (within the existing record) by Michigan newspapers. As three of the four treaties were negotiated by Schoolcraft, one could expect that Schoolcraft would have continued to write letters to Michigan newspapers detailing his successes. However, remember that his strongest newspaper relationship was with the Detroit Journal, of which no copies survive. Had Schoolcraft notified the Detroit Journal or any other Detroit newspaper, it would seem likely that his notice would have found its way via free exchange to publication in another Michigan newspaper.

A similar story exists for coverage of the treaties of 1855-56. Three treaties were entered into with Michigan Indians:

- 1) Ottawa and Chippewa, negotiated at Detroit by George C. Manypenny and Henry C. Gilbert, signed July 31, 1855 and proclaimed September 10, 1856.
- 2) Chippewa of Sault Ste. Marie, negotiated at Detroit by George C. Manypenny and Henry C. Gilbert, signed August 2, 1855 and proclaimed April 24, 1856.
- and 3) Chippewa of Saginaw and other bands, negotiated at Detroit by George C. Manypenny and Henry C. Gilbert, signed August 2, 1855 and proclaimed June 21, 1856.

As George Manypenny becomes prominent in the treaties with the Indians of Michigan, Cleland makes this observation:

...Manypenny, believed that Indians had to be concentrated on small reservations within their own territories, where they could be protected from undesirable influences and effectively exposed to education, Christianity, the domestic arts, and agriculture. These ends were to be achieved under a new administrative arrangement created in March 1849, when Congress formed the Department of the Interior.

Approximately 50 newspapers were in business in Michigan during this period of which 35 still have surviving copies. No listing will be provided here but cities having a newspaper include Adrian, Ann Arbor, Battle Creek, Brighton, Centreville, Coldwater, Copper Harbor, Detroit, Fenton, Flint, Grand Rapids, Hillsdale, Jackson, Jonesville, Kalamazoo, Lansing, Marshall, Monroe, Oakland, Paw Paw, Pontiac, Port Huron, Saginaw, and Tecumseh. Had there been coverage, given Manypenny's Indian philosophy, one could have expected a softer attitude toward Indians in any articles that may have been published.

Given this trend of a lack of coverage, no attempt was made to extend the analysis to look at the last treaty negotiated with Michigan Indians. This treaty was with the Chippewa, Saginaw, Swan Creek and Black River, negotiated at the Isabella Reservation by H.J. Alford, and D.C. Leach, signed October 18, 1864 and proclaimed August 16, 1866. This period was dominated by Civil War coverage and if a non-land cession treaty wasn't going to merit coverage in 1855-56, it was unlikely it would merit coverage in 1864-66. One could also note that the federal government officially put an end to the treaty making period in 1871. By 1864-66, the number of treaties that were being negotiated were tailing off and diminishing in relative importance.

## **E. Summary**

In summary, coverage of the Treaty of 1842 was done to a lesser extent than that of the Treaty of 1836. That is not surprising however, given the relative importance of the two treaties to the State of Michigan. What is evident is that by the time we move into the 1840s, federal Indian policy was changing; moving away from extermination and punishment and removal to distant reservations to civilizing the Indian on reservations in their own native areas. What little commentary is offered on the Treaty of 1842 seems to be in agreement with this shift in policy.

In reference to the ten expectations cited previously, the following was noted:

1) Three Michigan newspapers out of nine had one article each covering the Treaty of 1842. However, as in analysis of the Treaty of 1836, an additional newspaper was found (the Detroit Advertiser) to have covered the treaty. This information was found only through the practice of exchange copy. This means that four out of ten newspapers covered the treaty, certainly close to scarce in terms of raw numbers.

2) Some evidence of condescension toward Indians was found, which some might call negative coverage.

3) The assimilation view was noted.

4) Mention of compensation was subservient to expressions of expansionism and benefits to white society for growth and development.

5) There was no questioning of the legitimacy of the negotiations (Although this was not documented to have occurred as it did in Schoolcraft's case).

6) No material was found to suggest comparisons were made to the Treaties of 1819 or 1836.

7) The one piece that may have been editorial commentary written by a Michigan editor was only one paragraph long.

8) All three of the articles were from an outside source; an exchange article.

9) The articles were anywhere from one to two months behind the occurrence of the event.

10) The Michigan State Journal did cover the Treaty of 1842.

Finally, it was seen that non-land cession treaties with Michigan Indians were either not newsworthy enough to merit coverage in Michigan newspapers, or the negotiators failed to continue the types of relationships Schoolcraft and Stuart developed with newspaper editors (specifically those in Detroit).

The final chapter will summarize this study and offer concluding remarks.

## **IX. Summary of the Analysis of Michigan Newspaper Coverage of Nineteenth Century Treaties**

The first eight chapters of this study have attempted to analyze Michigan newspaper coverage of the nineteenth century treaties between the United States and Indians involving the territory and state of Michigan. It has taken an ethnohistorical approach to develop a framework for analysis. This approach seeks to analyze events within the context of their times rather than viewing events through modern filters. In order to carry out this study, chapter two looked at research on newspaper portrayals and images of Native Americans. Chapters three and four continued this approach by looking at the treaty making process in the United States and then in Michigan. And, chapters five and six looked at newspaper development and coverage in the United States and Michigan. These five chapters provided the framework for analysis of Michigan newspaper coverage of Indian treaties. The development of this framework led to ten suggestions, or expectations, concerning what would most likely be found in any articles dealing with these treaties and their portrayal of Indians.

Chapters seven and eight consisted of an analysis of all existing articles relating to the treaties of 1836 and 1842. It was found that, by and large, the ten expectations were met. This indicates that portrayals of Native Americans in Michigan newspapers with respect to treaties was very much in line with the existing attitudes towards Indians, and newspaper coverage and techniques of the first half of the nineteenth century. Viewing these articles through the lens of modern day notions about Native Americans and their culture may have led to drastically different conclusions about how they were depicted. Set within their

historical context however, it appears that the Ottawa and Chippewa were portrayed as well as could be expected given attitudes and views of the day. This in no way condones the way Indians were portrayed in Michigan newspaper coverage. Rather, it merely points out that the coverage was in line with other research concerning Indian newspaper portrayals. Perhaps Schoolcraft said it best: "The Indians having produced no historian, have never had the advantage of stating their side of the question."

Now that Michigan newspaper coverage of nineteenth century treaties has been analyzed, chapter ten will use the ethnohistorical approach to look at the 1993 compacts between the State of Michigan and several of the Indian tribes residing in the State. Not only will that provide the basis for analysis of 1993 newspaper coverage, it will also allow comparisons to be made between nineteenth century Michigan newspaper coverage and present day Michigan newspaper coverage.

## **X. The 1993 Compacts between the State of Michigan and the Various Indian Tribes**

### **A. Introduction**

In order to assess Michigan newspaper coverage of treaties, chapter ten will explore how Michigan newspaper coverage of a recent Indian-white negotiation was covered. This will allow for comparison to see how and if Michigan newspapers have changed since the treatymaking period. It will begin by briefly noting changes in newspapers between the treatymaking period and today. It will then look at changes in Federal policy towards Native Americans and then discuss the 1993 compacts between the State of Michigan and several Michigan tribes. Finally, Michigan newspaper coverage of these compacts will be analyzed with specific attention being paid to how coverage has changed from the preceding study.

### **B. Changes in newspapers**

Much has changed in newspapers and newspaper coverage since the mid-nineteenth century. First, the introduction of the telegraph and the subsequent founding of the wire services (which essentially replaced the free exchange method) greatly increased the speed at which stories could be transmitted from one region of the country to another. The speed at which news could be sent from Washington has gradually increased to the point today where news can be disseminated virtually instantaneously through satellites and other transmission technologies. In addition, improvements in distribution technologies and transportation methods meant that even rural areas can receive news quickly. Therefore, we would not expect the

long delays in printing news stories as was often the case in the preceding study.

The founding of the wire services had another impact. When the Associated Press was formed in 1848, it was born in an environment of partisan newspapers. As Schudson (1978) states:

Since the Associated Press gathered news for publication in a variety of papers with widely different political allegiances, it could only succeed by making its reporting "objective" enough to be acceptable to all its members and clients. By the late nineteenth century, the Associated Press dispatches were markedly more free from editorial comment than most reporting for single newspapers.

Schudson goes on to point out that the Associated Press has continued this tradition of "objectivity" to the present and thus AP articles concerning the 1993 compacts should be more factually focused and less editorial in nature than articles written by single newspaper staff writers.

In addition, as Michigan grew into its statehood, so did the daily newspaper. The small number of papers from the frontier days expanded into the dailies that virtually every Michigan city has now. Although there are fewer newspapers in Michigan today than two decades ago, there is now the strong possibility that many more Michigan newspapers will cover Indian-white relationships than in the mid-nineteenth century.

As newspapers evolved from partisan party papers to yellow journalism to the "objective" professional news organizations of today, much has changed in the way newspapers cover news events. Commentary and straight news tend to be separated, with a specific page set aside (the op-ed page) for the expression of opinion on matters of public concern. We would expect to find more balanced coverage in the newspapers of today than we found in the mid-nineteenth century newspapers. And, we might also expect to find specific editorial



commentary. As Schudson (1978) comments, all (critics and defenders of the press) agree that the idea of objectivity is at the heart of what journalism in America means.

Certainly, access to Indian spokespersons is much easier than it was in the mid-nineteenth century. For one, the language barrier doesn't pose the same problems as it did during the treatymaking period. Further, Native Americans have grown much more savvy about dealing with the press; hiring their own lawyers and public relations people to make sure that their side of the story is heard. This leads to the expectation that articles written about Indian-white dealings would likely contain quotes and feedback from both parties rather than just the white side. This is not to say however, that journalists of 1993 had a grasp of the Indian culture or viewpoint on the compact, only that access to the Indian culture and viewpoint was available.

### **C. Federal Policy toward Indians: 1860s to 1993**

As we pick up a description of Federal policies towards Indians, it can be noted that just as there were a variety of philosophies concerning what to do about Native Americans preceding and during the treatymaking period, the same can be said for the time period in question. By the early 1860s (the tail-end of the treatymaking period) the tone of Indian policy for the rest of the century toward Indians had been established. As Whites continued to press for land, the Indians were to be negotiated with to cede their lands and move to reservations. These reservations would be closed to Whites to protect the Indians from corruption and demoralization that typically occurred when the two peoples were allowed to intermingle.

In the hostile West, things were a little bit more difficult. Hostile Indians, fighting to protect their lands, were a thorn in the side of White

communities and the Federal government. In 1865, Secretary of the Interior John P. Usher recommended that no further treaties should be negotiated and that the Indians should be dealt with by force (Hagan 1988, p. 52). Those tribes that chose to fight would be punished. Those tribes that chose peace would come under the protection of the Interior Department to be relocated on reservations without the burden of a treaty. It was mainly in the West then, that the philosophy of extinction still had a following.

There was an imbalance in these philosophies. As far as the Federal government was concerned, the Indians were bound by the treaties as soon as they were signed. The Federal government however, was not bound by the treaties until they were ratified. The preceding study pointed out some of the implications of changes to signed treaties that benefited whites at the expense of the tribes.

By 1871, Usher's proposal had been accepted in part by the Federal government as the treatymaking period came to a formal end. From this point on, the federal government would enter into agreements with various Indian tribes, but treaties were now a thing of the past. Indian Commissioners still negotiated the acquisition of land, and the existing treaties were not invalidated under this change. One significant change was that territorial governors would no longer serve as negotiators. Their presence as both territorial governors and as ex officio superintendents of Indian affairs had often created a conflict of interest between what was best for the territory and what was best for federal policy.

After the end of the treatymaking period, the federal government was still committed to reducing the land holdings of the tribes in order to make more land available for white settlers. The federal government was also

still interested in turning the Indians into farmers and assimilating them into the white culture.

This policy had the effect of exploiting the Indians in that land that was valued by whites (often land rich in timber and minerals) had its value estimated in terms of agricultural worth, which was often much lower. The Indians thus receiving far less monetarily than was proper.

Also during this time, the Supreme Court was affirming the jurisdiction of the federal government over Indian policy. As the midwestern and western states developed, they were faced with the practical implications of federal Indian policy. Wanting greater authority over Indian affairs, the states pressed for expanded policymaking rights but were rebuffed by the federal government and the courts.

As the nineteenth century neared its end, Commissioner Thomas J. Morgan restated the federal policy toward Indians by saying "The Indians must conform to 'the white man's ways,' peaceably if they will, forcibly if they must" (Hagan 1988, p. 61). The peaceable means continued to be assimilation promoted mainly through education.

In evaluating Indian policy from the 1860s to the end of the nineteenth century, Hagan (1988) stated:

As the nineteenth century drew to a close the government was pursuing an Indian policy that had been remarkably consistent since the Civil War. Originally conceived as a peaceful way of facilitating American expansion into the areas controlled by the 1860s by the nomadic tribes, it had stressed negotiation for rights-of-way and gradual reduction of Indian land holdings. In parallel developments the Indian was to be led to abandon hunting for farming and grazing while his children were educated in preparation for citizenship and integration into American society. Negotiation had to be supplemented by force, and Congress had been unwilling to adequately ration the Indians in the critical transition period or support at the level necessary the Indian school system. The Indians themselves tenaciously resisted efforts to absorb them into the larger

society. In only one respect, the acquisition of Indian land, had the government's policy achieved its goals.

There was some room at the end of the nineteenth century for input from non-governmental entities. During the 1880s and 90s, Indian reform groups exercised moral and legislative influence over Indian policy. These reform groups were largely Protestant and desired to aid in the assimilation of Indians into white society and remove Indians from federal supervision. The height of their influence came with the passage of the Dawes Severalty Act in 1887 which was characterized by a forced assimilation philosophy. After 1900 however, the federal government increasingly ignored the input of outside groups such as these.

As Indian policy moved into the early twentieth century, Carlson (1994) notes:

... the federal government, through the Office of Indian Affairs, touched virtually every aspect of the lives of reservation Indians. The federal government's main concerns were: 1) to control and regulate the use of tribal and allotted Indian land; 2) to provide health care for Indians; and 3) to provide education for Indian children, most of whom were under federal (not state), supervision.

Federal policy was shaped by legislation, court decisions and the day-to-day decisions made by officials of the Office of Indian Affairs, a part of the Department of the Interior. Congress passed the basic legislation that defined the role of the federal government in supervising Indian affairs. The federal courts were important in specifying the rights of Indians. The Office of Indian Affairs had the responsibility of day-to-day administration of federal programs for Indians, and its agents had great power over the lives and property of Indians. Notable by its absence was a direct role for Native Americans, either individually or through tribal governments. Indians were given so little input into the policies shaping their own lives, because the federal government was committed to a policy of assimilation of Indians into white society, and policy makers were not ready to allow Indians to choose to resist these changes.

By 1906, Congress began moving away from solving the "Indian problem" through legislation. Instead it began increasing the authority of the secretary of the Interior and the commissioner of Indian affairs. Each

of these offices were firmly committed to the idea of forced assimilation. No efforts were made during this period to halt the growing disintegration of Native culture. Instead, education programs were accelerated for Indian children under the idea that they "would assimilate faster and learn more if they attended public schools."

In fact, some commissioners were so sure that this policy would be successful that they predicted the "gradual fading away of the Office of Indian Affairs."

Beginning in 1921, the federal government was forced to reexamine the philosophy of forced assimilation. Widespread poverty and demoralization had become the norm on reservations as the goal of making Indians self-sufficient through agricultural endeavors proved to be a failure. New groups of reformers also began to raise their voices and attacked the government for failing to "respect Indian traditions or to safeguard Indian interests." Under these pressures, the federal government gradually changed its policy of forced assimilation and began forming a philosophy of cultural pluralism. This philosophy would emphasize "the preservation and intensification of the Indian heritage" (Kelly 1988, p.66).

During the New Deal era, legislation was passed to solidify the idea of cultural pluralism. From this era onward into the late 1960s, the rival philosophies of forced assimilation and cultural pluralism would vie for supremacy.

The Indian New Deal was highlighted by the passage of the Indian Reorganization Act (IRA) in 1934. This Act was not without its controversies. Originally proposed with four titles, not all would make it into the final bill. Kelly (1994) describes the proposed bill:

... Title I proposed that Indians be granted "freedom to organize for purposes of local self-government and economic enterprise, to the end that civil liberty, political responsibility and economic independence shall be achieved."

... Title II declared it to be "the purpose and policy of Congress to promote the study of Indian civilization, including Indian arts, crafts, skills and traditions," and provided modest appropriations for Indian education.

Title III ... provided for the restoration to tribal ownership of previously allotted lands and lands withdrawn from Indian reservations but never patented to non-Indians. Title III also declared that the policy of the United States would henceforth be to "undertake a constructive program of Indian land use and economic development."

... Title IV proposed the creation of a court of Indian affairs having original jurisdiction in all cases involving Indians organized under Title I.

In the final bill, Congress rejected most of Title II and all of Title IV. Instead, the final bill retained Title I in that the creation of tribal governments was approved with limited powers. Each tribe had the option to accept or reject the IRA.

The final bill then was a compromise. Those espousing the philosophy of forced assimilation and those favoring cultural pluralism each found something to like and to hate in the Act.

A variety of federal actions designed to promote cultural pluralism were implemented to encourage the revival of Indian cultures, chief of which was a new federal school system for Indian children with a curriculum that "encouraged the teaching of Indian languages, Indian history and culture, and Indian religious beliefs."

By 1941, the Indian New Deal essentially ended. Halted by World War II, it would face resistance following the war. The implications of the Indian New Deal would however, have a profound effect on the future of Indian-white relations. As Kelly (1994) explains:

... the Indian tribal land base, so crucial to the preservation of Indian cultures, has been maintained and, in some cases enlarged.

Tribal governments have become a major source for the assertion of tribal and individual Indian rights and for the protection of Indian natural resources. Throughout Indian country, Indian tribes are successfully exerting their authority against encroachments from state and federal authorities, and they have managed to sustain their claim to being a third force in the governmental structure of the United States. The assimilationist goal of prior Indian policy, while not extinct, is definitely subordinated to a policy that permits, and sometimes encourages, Indian tribes and smaller groups to preserve their religious and cultural heritage in ways determined by the Indians themselves.

The planting of the seed of tribal sovereignty would never again go away.

After World War II, the federal government tried to reestablish the assimilation philosophy in a policy known as "termination." It proposed an end to tribal government and tribal sovereignty, treaty rights, and federal services. This was keeping in step with the times. As America became more conservative (as opposed to the liberal ideals of the New Deal), and entered the cold war, the idea of one American culture predominated. The Indian communal style of living was seen as being too much like Communist systems and was to be shunned. The proponents of this plan saw termination as:

"liberating" Indians from obstacles, like the Bureau of Indian Affairs (BIA), the trust status of land, and tribalism, that prevented their competing individually within a political and economic system based on personal property rights and private enterprise. (Burt, 1994)

In 1949, the Hoover Commission (studying government efficiency) recommended "complete Indian integration" and the "phasing out of all federal Indian programs." In 1953, Congress considered House Concurrent Resolution 108 which called for the termination of federal control over Indian tribes in several states. In its place, the states would have discretionary power over Indian tribes to extend their laws to Indians living within their boundaries.

Burt (1994) notes that President Dwight Eisenhower "expressed misgiving [in signing the bill] that the bill did not provide for consultation with the Indians and urged Congress to amend the bill to provide for such consultation at the next session." Congress never acted on this suggestion.

By 1962, Congress had passed fourteen bills terminating 109 tribes and bands. This number represented about three percent of all federally-recognized Indians and trust lands. The termination policy also was reflected in programs designed to assimilate Native Americans into the white cultural mainstream. Indian students were again enrolled in public schools and the educational function was transferred in large part to the states.

As the 60s progressed, Civil Rights and other movements within the United States raised the awareness of the treatment of minority groups. Pan-Indian organizations began demanding greater control over programs that affected Indian communities. Lyndon Johnson's Great Society program poured millions of new dollars into federal expenditures for Indian needs (Johnson's move away from termination policy began with the Kennedy administration's movement toward self-determination). At the same time, the Bureau of Indian Affairs began a relocation program to encourage Indians to move to large urban areas in order to find industrial jobs.

Tribal leaders, building on the sovereignty ideals forged under the Indian New Deal began protesting the termination policies as socially unjust. State governments began to recognize that the cost of taking over the administration of reservations was far in excess of the benefits of taxing Indian lands. Increasingly, termination began to be viewed as "a violation



of Native tribal and sovereign rights rather than as an extension of United States citizenship."

Movements such as the Red Power movement developed in the late sixties and aggressively emphasized tribal sovereignty, Indian culture and self-determination. As a result, many tribes began to seek a reversal of termination and a restoration of tribal status. In 1970, President Nixon affirmed this movement when he rejected termination and "stated policy goals of self-determination very similar to those championed by Red Power Indian activists." Danziger (1994) records Nixon's words: the time has come to "break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions."

Congress, taking Nixon's lead, would restore the federally recognized status of many Indian tribes. However, some tribes did not receive a full restoration of tribal rights. With the repudiation of termination, assimilation was virtually extinguished as a force in federal policy.

In 1975 Congress passed the Indian Self-Determination and Education Assistance Act which stated: "prolonged Federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people." To ensure that tribes would be able to participate in federal service programs as partners, the Act instructed federal Departments to enter into contracts (upon the request of Indian tribes) to carry out and evaluate programs and services aimed at the tribe. As the language of the Act noted:

Indians were to have "an effective voice in the planning and implementation" of education, health, economic development, housing, law enforcement, and other programs "for the benefit of Indians which are responsive to the true needs of Indian communities."

This Act reinforced what various studies, committees, task forces and commissions had been saying and as Danziger (1994) states: the "objective which should undergird all Indian policy," ... was that "the Indian individual, the Indian family, and the Indian community be motivated to participate in solving their own problems."

During this time frame, the courts also weighed in on the matter of Indian policy. A series of Supreme Court decisions reinforced the idea of Indian sovereignty. As Danziger (1994) explains: "... these decisions made it unmistakably clear that American Indians, in their tribal capacity, possessed powers of self-government that could not be abridged by states, municipalities, companies, or by the federal government."

Tribes, strengthened by this newfound power moved aggressively to assert tribal sovereignty and tribal rights by pursuing these rights through the court system. Indians fought for "land claims, jurisdiction within reservation boundaries, hunting and fishing rights, and for fair access to crucial water resources." Court decisions tended to affirm tribal sovereignty and tribal rights. Congress in turn, held fast to the idea of supporting Indian self-determination.

Consistent with his philosophy of government, President Reagan declared in 1983:

Excessive regulation and self-perpetuating bureaucracy have stifled local decisionmaking, thwarted Indian control of Indian resources, and promoted dependence rather than self-sufficiency ... Despite the Indian Self-Determination Act, major tribal government functions ... are frequently still carried out by Federal employees.

The policy endorsed by Reagan was based on the concept of a "government-to-government relationship among the states, the federal government, and the Indian tribes." As Kelly (1988) observes:

Thus, in the late 1980s the national policy of the United States had changed completely from that of the 1880s, moving from a virtual denial of tribal sovereignty to almost full recognition.

The existing climate in the late eighties and extended into the early nineties, provides the context for the 1993 compacts signed between the State of Michigan and several Indian tribes. The impact of this climate has been to create an atmosphere where Indian tribes and the states have sought to clarify their relationship. Sometimes this relationship has been cooperative, at other time contentious. Newspaper coverage of the 1993 compacts would be expected to show the tension in this relationship.

#### **D. The 1993 Compacts**

Consistent with the philosophy espoused by President Reagan, the Indian Gaming Regulatory Act (IGRA) was passed in 1987. The IGRA was designed to help develop the "government-to-government relationship among the states, the federal government, and the Indian tribes" by balancing the rights of Indian tribes to govern their own people and lands and the rights of the states. The IGRA was designed to assist the tribes and the states negotiate gaming (gambling) compacts that specify tribal and state oversight of Indian gaming. Since the passage of IGRA at least 100 compacts have been negotiated between tribes and states for Class III gaming. Typically, tribes are given the authority to conduct and oversee gaming on Indian lands. In return, monies generated by gaming must be used for "the good of the tribe." Programs that meet this ideal include schools, law enforcement, tribal courts and economic development.

Not unlike the time of treaty-making then, gaming compacts under IGRA are still concerned with the one asset that most Indian tribes have: land and how that land is used.

Indian tribes in Michigan entered into negotiations with the State of Michigan in 1988 to reach agreement on Indian gaming within the state. These negotiations proved to be adversarial rather than amicable. The state was adamantly opposed to video gaming (given that video gaming seems to be of a more addictive nature than other forms of gaming) on Indian lands and the tribes were forced to take the state to court. In April, 1993, the State Court of Appeals ruled that the State of Michigan had little choice but to accept the fact of Indian gaming and to negotiate the terms of that gaming.

Once these legal hurdles were cleared, the state and the various tribes were quick to reach agreement on compacts. On August 20, 1993, the leaders of seven of Michigan's Indian tribes (Hannahville Indian Community, Bay Mills Indian Community, Grand Traverse Band of Ottawa and Chippewa Indians, Keweenaw Bay Indian Community, Lac Vieux Desert Indian Community, The Saginaw Chippewa Indian Tribe of Michigan, and Sault Ste. Marie Tribe of Chippewa Indians) along with Governor John Engler met at Hannahville to sign compacts "providing for the conduct of tribal Class III gaming" as specified under the IGRA.

Once signed, the compacts needed to be ratified by the Michigan House and Senate. House approval came on September 21, 1993 and Senate approval on September 30, 1993. They also needed to be approved by the Department of the Interior, which was completed on November 19, 1993 (and published in the Federal Register on November 30, 1993).

The compact itself is a fourteen page document which spells out the rights and responsibilities of the State of Michigan and each Indian tribe with respect to Indian gaming. Each tribe had its own compact. The compacts are identical with only the name of the tribe changed for each agreement. A copy of one of these compacts can be found in Appendix E.

The compact begins by reciting the information presented above about the sovereignty of each party and the need to fulfill IGRA. The Compact is then divided into fifteen sections. Section 1 spells out the purposes and objectives of both tribe and state. Section 2 provides definitions. Section 3 details what games are authorized. Section 4 delineates the regulation of the gaming. The tribe is authorized to "license, operate, and regulate all Class III gaming activities." Some of this authority is restricted by state law (such as hiring practices) or federal law (dictates of IGRA). The tribes are responsible for all record keeping, while the state has the right to inspect gaming facilities and tribal records related to gaming. In addition, the tribes are required to "reimburse the State for the actual costs the State incurs in carrying out any functions authorized by the terms of this Compact, in an amount not to exceed twenty-five thousand dollars (\$25,000) per annum." Section 5 discusses employee benefits and Section 6 concerns providers of Class III Gaming Equipment. Section 7 outlines the procedures either party can invoke if they believe the other party is not living up to the compact. Section 8 contains a provision that tribes must post notice in gaming facilities that the facility is regulated by the tribe and not by the state. Section 9 talks about off-reservation gaming. This is the most contentious section in the document. Section 9 reads:

An application to take land in trust for gaming purposes pursuant to Section 20 of IGRA (25 U.S.C. Section 2719) shall not be submitted to the Secretary of the Interior in the absence of a prior written agreement between the Tribe and the State's other federally recognized Indian Tribes that provides for each of the other Tribes to share in the revenue of the off-reservation gaming facility that is subject of the Section 20 application.

The State of Michigan was very concerned that Indian gaming could spread off the reservation to "land in trust." Land in trust simply means

that any property in the state could be deeded over to an Indian tribe in trust and thus become land eligible for Class III gaming. At the time of the signing of the compacts, one tribe (The Sault Ste. Marie Tribe of Chippewa Indians) had expressed a desire to open a casino in Detroit on land in trust.

The state negotiated a provision (Section 9 above) that stated that all the recognized tribes must agree on how revenues from off-reservation gaming would be divided. The state was banking on the idea that the tribes would be unable to reach such an agreement and thus off-reservation gaming would wither on the vine.

The possibility of off-reservation gaming on land in trust meant that every municipality and county in Michigan theoretically faced the prospect of Indian casinos within its jurisdiction. Needless to say, this raised concerns throughout the state and made off-reservation gaming a highly controversial and volatile issue. The compact neither endorsed or denied the prospects of off-reservation gaming. Rather it spelled out the procedure by which off-reservation gaming could meet approval.

Section 10 dealt with alcoholic beverages. Section 11 indicated the effective date of the compact which was contingent upon approval by each Tribal Council, the State Legislature and the Federal Government (dates of approval are noted above).

Section 12 indicates that this compact would be binding for a twenty year period. It could be renegotiated or extended or terminated by written agreement. Section 13 specifies that notice of the agreement be sent to involved parties and Section 14 notes that this agreement supersedes all previous agreements related to gaming. Finally, Section 15 requires that a copy of the Compact be filed with the Secretary of the State of Michigan.

The compact concludes with the signatures of the Chairperson of the individual tribe and Michigan Governor John Engler.

Approval from the Department of the Interior was a given. Approval from the Michigan Legislature was not. When the compact was presented to the House for approval (Resolution No. 439) it met with some opposition. Representative Joe Young Jr. (D-Detroit) offered an amendment that there be "no casino gambling without the approval of that city or township by means of a referendum, beyond the boundaries of Indian lands." If such an amendment were approved, it would significantly alter Section 9. Further, it would draw parallels to the treatymaking days when the Federal legislature would amend treaties at its discretion without input from the Native tribes. Young's amendment however, was not approved.

Additionally, Representative Alan Cropsey (R-DeWitt) offered a series of amendments that objected to any mention of positive impacts or impacts of gaming for the tribes, citing moral objections to the practice. This also stirs up images of the treatymaking period where whites knew what was in the best interests of Indians. Given that Cropsey's proposal did not change the nature of the compact itself, only some extraneous wording, the House passed these amendments. Cropsey also offered an amendment to bar off-reservation gaming. Like Young's proposal, this too failed.

After deliberation, Resolution No. 439 was adopted by voice vote and the compact had gained House approval. Immediately after the affirmative vote, Concurrent Resolution No. 459 was offered. This Resolution urged the Secretary of the Interior and the Governor to consider local referenda before approving off-reservation gaming. This resolution was approved. Finally, Representative Nelson Saunders (D-Detroit) made a motion to reconsider Resolution No. 439. This motion was not approved.

The tone of the debate in the House was one of caution and one of frustration. The majority seemed to be dissatisfied voting for a compact that could bring gaming into their own districts if off-reservation gaming became a reality. Voting to approve such a compact could be difficult to explain to their constituencies. On the other hand, the federal government through IGRA, and the Michigan State Court had given the State of Michigan little choice. It had to negotiate a compact with the Indian tribes. To amend a signed compact could very easily throw the matter into court since there was no mechanism for renegotiation through legislative amendments. To approve any amendment that would change the nature of the compact would be to step into political territory that had no precedent. This was the first compact of this stature reached with the Indian tribes since the treaty-making days. No one was quite sure what the legal ramifications were if the compact were to be amended or rejected. Rather than risk this politically or legally (in which case the courts or the federal government could draft a new treaty more to the Indians favor) the House decided to pass the treaty as is with only a few minor grammatical corrections.

The House could however, voice its concern with a resolution attached to the compact that urged caution in proceeding with off-reservation gaming. This then is the rationale behind Resolution No. 459. Note how politically the power in enacting signed agreements between Indians and the government had shifted from the treaty-making days. Then, the Legislature had no qualms about materially changing the nature of a treaty without tribal approval. In the current day however, the threat of treading on new political ground that could lead to a compact less favorable to the state, kept the legislature from amending the compact.



With House approval, the compact moved to the Michigan State Senate for approval. The debate in the House was tame compared to the storm that raged in the Senate. Spearheaded by the rhetoric of Senator John Kelly (D-Grosse Pointe Woods), the debate became heated. First, Senator Kelly made a statement arguing that the compact violated Michigan's Constitution. This brought in to play the historical forces that President Reagan spoke of in trying to find a balance between the sovereignty of the federal government, the states and the Indian tribes. Kelly argued that the compact upset that balance by overstepping the boundaries of Michigan's sovereignty and its right to regulate activities within its boundaries. Several senators then spoke, some agreeing with Kelly, some vehemently attacking his statements. After this debate, Resolution No. 439 passed by a vote of 23-13.

After passage, Senators Kelly, Jack Faxon (D-Farmington Hills), Lana Pollack (D-Ann Arbor), John Welborn (R-Kalamazoo), George Hart (D-Dearborn) and Vernon Ehlers (R-Grand Rapids) protested the passing of the resolution. Part of Senator Kelly's protest is telling:

"The entire process has been disgraceful to say the best. There is no local control, even though the people of the City of Detroit, the people in Senator DeGrow's district, the people in Port Huron, have turned down casino gambling. We have now created a legal mechanism where the seven Indian tribes, on their own, can create the preconditions for land to be transferred in trust to introduce gaming into those communities against the wishes of those people. And what did we get back in exchange? Beads and trinkets in the form of an 8 percent gratuitous payment to the Michigan Strategic Fund that may not exist, and if we modify the conditions, they wouldn't even have to pay. Maybe in that sense there is some reciprocal justice for what people did to the Indian tribes. Maybe that same illusion back is the last laugh, and I hope so, since someone should be getting some satisfaction from this."

Following these statements, Concurrent Resolution No. 459 was offered just as it was in the House. The resolution was approved. Senator

Kelly again protested, and Senator Phillip Arthurs (R-Whitehall) made a motion to reconsider approval of Resolution No. 439. His motion was not approved.

The same concerns raised in the House were clearly evident in the Senate proceedings as well, only at a more intense level. Michigan newspapers in covering the compact certainly didn't have to look far to find a legislator vehemently opposed to the compacts. Senator Kelly stands out as a person to quote in any story about the legislative approval of the compacts.

#### **E. Newspaper coverage of the 1993 Compacts**

Before moving on to a look at Michigan newspaper coverage of the 1993 Compacts, it should be pointed out that the changing nature of the Indian-White relationship does not guarantee that coverage will be objective or that it will present the Indian perspective on gaming issues. Bird (1996) observes that in the 1880s those Indians that were no longer perceived to be a threat to Whites became "colorful and quaint" in popular culture depictions. On the other hand, those Indians that resisted Whites were depicted as bloodthirsty savages. Bird draws a similar analogy for the present:

In the 1990s, although it is clear that the Noble Savage has gained ascendancy in mass culture, we must be careful not to assume that the negative imagery has disappeared. It becomes clear that as long as Indians are powerless (or safely dead), it is easy to portray them as noble. But at least in some parts of the country, Indians are very much alive and are asserting their rights to identity... Now that Indians have gained some real economic power, through their operation of gaming casinos, negative imagery continues to grow. Even as casinos have come to rely almost exclusively on white customers, these same customers are often resentful of the fact that their habit is enriching Indians. In Minnesota, which has several highly successful Indian gaming establishments, it is common to hear comments that Indians "do not deserve" their riches and that they "can't manage" their money.

This amounts to an ironic reversal of power - in the past, Whites sold alcohol to Indians, exploiting a potential weakness, whereas today, Indians sell slot machines to Whites, exploiting their weakness for gambling. It remains to be seen how this new situation will ultimately affect White imagery of Indians.

Bird is not alone in this assessment. Nobles (1997) expresses similar thoughts:

...but the image of Indians as "foreigners" - as land-hungry invaders who threaten to damage the environment and disrupt a simple, stable way of life - certainly puts a whole new twist on an old story.

Bird and Nobles' comments suggest that there might be some backlash against Indians for their perceived "invasion" of White land, especially land in trust. This would imply that papers such as those in Detroit where the land in trust question is very real will be more likely to portray negative images of Indians. It remains to be seen if Indians will be depicted in a negative light for their perceived encroachment on White land and culture. With this insight, this study will proceed to analyze the compact coverage of Michigan newspapers.

As in the preceding study, the newspaper collection at the State of Michigan Library was used to generate the articles for analysis. The collection is considered to be exhaustive. For the compact signing date (August 19, 1993) every Michigan newspaper on file was searched for articles relating to the compact. A several day span was checked to see if there were articles preceding or following the actual signing date. Articles were found dated from August 18 to August 22. Of the 52 Michigan newspapers searched, 28 covered the compact signing while 24 did not. Of the 28 that covered the signing, a total of 51 articles were generated. Of those that did not cover the signing, most were weekly or bi-weekly publications. Notable exceptions were the Kalamazoo Gazette and the Saginaw News.

Four newspapers were selected for follow-up coverage of the compact. The Detroit Free Press, The Detroit News, The Escanaba Daily Press and The Lansing State Journal were examined for articles concerning House and Senate Ratification and Federal approval. These papers were selected for their importance related to the compacts. Detroit is not only Michigan's largest city, it was the focal point for potential off-reservation gaming as thus the compact would have particular interest for its residents. The Escanaba Daily Press was the paper closest to Hannahville and represents the Upper Peninsula, home of several of the tribes involved in the compact. Lansing is the capital city of Michigan and home of the state legislature. It normally provides in-depth coverage of legislative actions. Michigan newspaper articles surveyed for coverage of the 1993 compacts are found in Tables 1 and 2.

Concerning coverage of the approval process, two of the newspapers, The Escanaba Daily Press and The Lansing State Journal had articles relating to each of the three approvals of the compacts. The Detroit Free Press did not cover House or Federal approval and only briefly mentioned Senate approval, while the Detroit News covered House and Federal approval.

The analysis of these articles will begin with a look at those articles dealing with the signing of the compacts. Of the 51 articles found, 39 of them are Associated Press stories. These are split roughly fifty-fifty between one story about the intended signing and one covering the signing ceremony. Of the remaining 13 articles, five focused on pre-signing coverage while eight focused on the signing ceremony and its implications.

Even though the content of these fourteen articles contained information that was different than the AP stories, only three articles could

**Table 1****Michigan Newspapers Coverage of the 1993 Compacts**

<b>Newspaper</b>	<b>Signing Aug. 18-22,1993</b>
Adrian Daily Telegram	8/20,21
Alpena News	8/19
Ann Arbor News	8/19,21
Battle Creek Enquirer	8/21
Bay City Times	8/19,21
Benton Harbor Herald-Palladium	8/19,21
Big Rapids Pioneer	NO
Charlevoix Courier	NO
Chelsea Standard	NO
Clio Messenger	NO
Davison Index	NO
Detroit Free Press	8/21*
Detroit News	8/18,21*
Michigan Chronicle (Detroit)	NO
Dowagiac Daily News	NO
Escanaba Daily Press	8/19,20,21
Flint Journal	8/19,21
Flushing Observer	NO
Grand Haven Tribune	NO
Grand Rapids Press	8/19,21
Greenville Daily News	NO
Hillsdale Daily News	8/20
Holland Sentinel	NO
Houghton Daily Mining Gazette	8/19,20,21
Iron Mountain Daily News	8/19,20,21
Ironwood Daily Globe	8/19,20
Jackson Citizen Patriot	8/21
Kalamazoo Gazette	NO
Lakeview Enterprise	NO
Lansing State Journal	8/19,21,22
County Press (Lapeer)	NO
Macomb Daily	NO
Manistee Advocate	8/19
Marquette Mining Journal	8/19,20
Menominee Herald Leader	8/19,20
Monroe Evening News	NO
Genessee County Herald (Mt. Morris)	NO
Muskegon Chronicle	8/19,20
Niles Daily Star	NO
Oakland Press	8/19,21

Michigan Newspapers and Coverage of the 1993 Compacts (cont.)

<b>Newspaper</b>	<b>Signing Aug. 18-22,1993</b>
Argus Press (Owosso)	NO
Petoskey News Review	8/19
Port Huron Times Herald	8/19,21
Reed City Herald-News	NO
Royal Oak Daily Tribune	NO
Saginaw News	NO
Sault Ste. Marie Evening News	8/19,20,22
Sturgis Journal	8/21
West Valley News (Swartz Creek)	NO
Three Rivers Commercial News	8/19
Traverse City Record Eagle	8/19,20
Wyandotte News-Herald	NO

Totals: 28 with coverage, 24 with no coverage.  
(total of 52 articles)

\* The Detroit Free Press and the Detroit News were published as a joint edition on 8/21/93.

**Table 2**

**Michigan Newspapers Follow-up Coverage of the 1993 Compacts**

<b>Newspaper</b>	<b>State House Ratification n (Sept. 21)</b>	<b>State Senate Ratification n (Sept. 30)</b>	<b>Federal Approval (Nov. 19) (Nov. 30)</b>
Detroit Free Press	NO	10/1	NO
Detroit News	9/20,22	NO	11/19
Escanaba Daily Press	9/20,21,22	9/29, 10/1	11/20
Lansing State Journal	9/21,22	10/1	11/20

be considered editorial or feature in nature. These stories were the one in The Lansing State Journal, written by Tony Scotta and published on August 22, 1993; an article written by Christine Pepin and Dave Andrews published August 21, 1993 in the Escanaba Daily Press; and a Sault Ste. Marie Evening News piece dated August 22, and written by Roger Price. From this we can conclude that Michigan newspaper coverage focused mainly on straight reporting of the events themselves, rather than focusing on editorializing the compacts. It remains to be seen how the approval process was covered. Perhaps at that point the story was better suited for commentary.

### **1. Pre-signing articles**

Analysis of the articles will begin by looking at each of the two main AP stories and then move to the individual pieces to see how they differ from AP accounts. The first AP story begins "Gov. John Engler intends..." and nineteen Michigan newspapers ran this story in full or in part. Copies of these articles can be found in Appendix F.

The first observation that can be made is that the story begins from the Michigan government perspective. Since both parties are equal partners in the compacts and has a vested interest in its future, one might ask why the State's perspective was chosen to lead the story.

Second, putting the State's interests first is also demonstrated by the quotes used in the story. Lucille Taylor, the state's legal counsel and Mike Gadola, Engler's lead negotiator are quoted for the bulk of the story. Only one Indian representative is quoted at the end, Joseph Raphael, and his addition to the story doesn't shed any positive light on the Indian perspective. Rather, it seems to cast a negative light on the compact (especially in contrast to Taylor's quote that "Everybody is quite satisfied with the outcome.")



Third, the article does mention some of the historical developments that led up to this compact. The mention of Gov. Lewis Cass and nineteenth century treaties states the nature of the historical context but makes no attempt to analyze the significance of the nature of those treaties as discussed in the previous chapters. A person with little background on Indian-white relations would have little indication here that treaties signed in the past were not on equal terms.

Fourth, Gadola recounts that the state didn't really want to enter into these compacts when he notes that the state had "little choice but to accept video games on reservations." This seems to imply that the Indian tribes are the bad guys in the compact, forcing their way on the state through court actions. No mention is made that these "sporadic efforts" were due in large part to the state's unwillingness to come to the negotiating table. This also seems to lend credence to the observations made by Bird and Nobles at the beginning of this section. The potentially negative inference is not made by the newspaper itself however, but by one of the persons quoted in the article.

Fifth, off-reservation gaming is raised as an issue. As was pointed out earlier, the compact in Section 9 spelled out the procedure for future off-reservation gaming but neither endorsed nor condemned those possibilities. The article reflects that understanding and if anything hints that the tribes are still divided on the issue.

Sixth, the article does mention that the signing of the compacts is not the end of the story. Both the Michigan Legislature and the Interior Department need to concur with the compacts. Astute readers might note this and might reasonably expect further coverage of the compacts as they make their way through the approval process.

Finally, an important cultural preference can be documented. The AP states that the signing ceremony will take place at the "Hannahville Indian Ceremony," a typographical error. The correct location was the "Hannahville Indian Community." Only one newspaper, the Menominee Herald-Leader recognized and corrected this obvious error. Does this indicate an ignorance of Indian place names in the state? Probably not, but a second piece of evidence may lead to that conclusion. In the August 19 article in the Escanaba Daily Press, the newspaper notes that the ceremony will take place at "Nah Tah Wahsh school in Hannahville." In this instance, the Escanaba paper identifies the signing location by its Indian name. In the second AP article which we shall examine shortly, of the thirteen newspapers that mention the school, all thirteen identify it as the "Soaring Eagle School," its white name. One would expect that the Escanaba newspaper, being the newspaper that serves the Hannahville community, would know best how to identify the school. Why then did the AP and thirteen Michigan newspapers chose to use the secondary appellation?

One answer to the preceding question is that the newspapers were merely printing the AP article word for word (or editing it down for size) and weren't necessarily concerned with verifying or adding to the story. The variations in this article speak against that conclusion. For example, the Flint Journal (August 19) specifically mentions "AutoWorld" in Flint as one of the potential sites for off-reservation gaming, thus adding to the story. In addition, the Flint Journal also uses an additional quote from an Engler spokesperson that doesn't appear in any other AP variation, possibly indicating that the Journal sought out the quote. If the Flint Journal could

seek out additional information, other Michigan newspapers could have chosen to do so if they thought the story was important enough.

One newspaper, the Traverse City Record-Eagle (August 19) was the only one to seek out more of an Indian perspective. Their article includes additional quotes from Joseph Raphael (quoted in the AP source story) who is Tribal Chairman of the Grand Traverse Bay Band of Ottawa and Chippewa Indians (whose territory falls within the distribution area of the Traverse City Record-Eagle). It is here that it is pointed out that the state's unwillingness to negotiate has had a negative impact on tribal economics. With the uncertainty of tribal gaming without compacts hanging over their heads, tribes had found the opportunities for business expansion limited as potential investors were kept at bay. This Indian perspective is nowhere mentioned in the AP article that would have gone out to the majority of the state's newspaper readers.

The last observations on this first AP article come from the Escanaba Daily Press (August 19). This article is a combination of material from the AP story and staff reports. Its main variation is that it mentions the participation of Ken Meshigaud, chairman of the Hannahville Indian Community. This bit of information in conjunction with the other variations noted above suggests that the only newspapers that sought additional sources were those that had a direct stake in the outcome of the compacts. In the case of the Flint Journal, it was concerned about the impact on whites and thus sought out another white perspective. In the cases of Traverse City and Escanaba, their newspapers, home to Indian tribes party to the compacts, sought out additional Indian perspective.

Those newspapers that chose to run the AP article without additional perspective left readers with much more of the white perspective of the

compacts than the Indian view. It remains to be seen if the second AP article will continue that imbalance or offer more of the Indian side. This is critical in that readers of nineteenth century Michigan newspapers had no reason to expect stories to reflect an objective view of Indian-white relations. Readers of current day newspapers however, typically have expectations of an impartial and objective press and assume that what they read is balanced, fair and accurate.

The non-AP stories that dealt with pre-signing coverage include articles in The Detroit News, Escanaba Daily Press, The Houghton Daily Mining Gazette, The Port Huron Times Herald and the Sault Ste. Marie Evening News. Some of these stories provide additional details or insight that the AP article does not.

The Houghton Daily Mining Gazette article contains parts of an interview with Fred Dakota, tribal chairman of the Keweenaw Bay Indian Community. This article gives a clear presentation of an Indian viewpoint on the compacts. Dakota is blunt when he says: "This is our land to do with what we want without interference from the government. We are the original people. Do you know what that means? We've given up just about everything, but now have something that is our own." The article also contains the thoughts of Jeff Parker, tribal chair of the Bay Mills Indian Community. Parker remarks that the hardest part of the negotiating process was getting the state to come to the table. This remark takes us behind the scenes of the negotiating process to give some rationale for why the negotiations took so long to complete.

Finally, the article notes both the Indian and the white name for the school where the signing ceremony will occur. Thus, papers outside of Escanaba could have found out the proper designation had they desired to.

In sum, this article clearly favors the Indian side of the negotiations and the compact and provides a clear contrast to the pro-state AP article.

The only other non-AP pre-signing article that adds new information is the article from the Sault Ste. Marie Evening News. This article provides quotes from Sault Mayor Bill Lynn and Sault Tribal Chairman Bernard Bouschor and is another example of a newspaper adding a local flavor to its coverage of the state event. These non-AP articles also show that single newspaper coverage was more likely to delve into editorial material than was the AP article.

## **2. Signing articles**

The second AP article typically begins with the phrase "Sealing the deal..." or "Gov. John Engler and leaders of Michigan's seven federally recognized Indian tribes..." Copies of these articles can be found in Appendix G.

Despite the different leads, the bodies of these articles duplicate much of the same material. There are a total of eighteen articles of this variety. Within these articles, seven observations can be made:

First, the articles mention a peace pipe ceremony but do not give an explanation or detail the specifics of the ceremony. This will have significance when a later article is discussed.

Second, these articles use the name "Soaring Eagle School," it remains to be seen how (or if) the Escanaba paper referred to the school in its signing coverage. We have already seen that only the Escanaba and Houghton papers referred to the school by its Indian name in the pre-signing coverage.

Third, an historical reference is made to these being the first treaties signed by a Michigan governor (territorial) and tribal leaders since the 19th

century. This would refer back to the Treaty of Saginaw (1819) described in an earlier chapter.

Fourth, Jeff Parker, chairman of the Committee for Reservation Economic Development was quoted as saying "This agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes." This statement is eerily similar to a statement Henry Schoolcraft made about the treaty of 1836 which was quoted in chapter four. He stated (in part): "A new era had now dawned ... The Indians rejoiced, because they had accomplished their end and provided for their wants ... the effect of the treaties would be to illicit new means and sources of prosperity."

It is fascinating to see that the roles have now reversed, yet the interpretation is the same. Schoolcraft negotiated treaties that strongly favored the federal government and saw a new era of prosperity for the Indians. Parker negotiated treaties that favored the tribes and sees the same outcomes!

Fifth, other quotes and attributions provide a balance to the article. Ken Meshigaud, Governor Engler and Mike Gadola each state their thoughts on aspects of the treaty. Meshigaud sees the treaty in purely economic terms and Engler hopes that the agreements would lead to a better relationship between the state and the tribes in the future. Both then, are relatively positive about the compacts and their implications. Gadola however, is attributed in a statement that notes that the Indians had been violating the law by operating casinos without a compact but that the federal government hadn't taken action against the tribes. This statement is left at face value. Previously in this chapter, it was seen that one of the primary reasons for this situation was that the state of Michigan had

dragged its feet in the negotiating process. The federal government refused to prosecute the Indians for this very reason. The inference that the reader might draw from this is that the Indians were violating the law and that the state had no role in this violation. Certainly this does not square with the facts and leaves the AP article open to criticism for slanted or incomplete coverage, and again supports the observations of Bird and Nobles.

Sixth, most of the articles give some details on the economic impacts of the compacts and highlight several of the compact provisions. Some note specifically that off-reservation gaming was not part of the compact directly.

Seventh, several articles have quotes and material from Attorney General Frank Kelley. Kelley is very much opposed to the compacts, both as an opponent of gambling and as a matter of state sovereignty. We will see the sovereignty issue raised again when the Michigan Legislature considered ratifying the compacts.

In addition to the AP article, there were also signing ceremony stories written by the Detroit News and Free Press, The Lansing State Journal, The Sault Ste. Marie Evening News, The Houghton Daily Mining Gazette, The Port Huron Times Herald and the Escanaba Daily Press. These stories provide additional details not mentioned in the AP article. They include:

The Detroit News and Free Press article mentions that the compacts permit Indian-run casinos outside reservation borders. The article then specifically mentions the Sault Ste. Marie Greentown site. The article then clarifies this mention by noting that all seven of the state's tribes must agree on how to share profits first. Without this clarification, the article would have been misleading. With it, it properly states the nature of the

compact and off-reservation gaming. The article follows up this thread with a comment from Engler spokesman John Truscott who says that there are several hurdles to clear before off-reservation gaming becomes a reality; mainly state ratification and federal and state approval of any off-reservation gaming proposal. Finally, an attorney representing the Sault tribe is quoted as saying that there are indeed hurdles but that the Sault are intent on resolving these issues. This article is another example of local follow-up by a paper in a part of Michigan that could be directly affected by the compacts. This was seen in the pre-signing coverage, it continues on in the signing coverage.

The Houghton Daily Mining Gazette article again uses the Indian name for the school. This is in keeping with its use from the pre-signing article. The article also brings in other negotiation tactics. This is the first article to mention that Gov. Engler's insistence that tribal hunting and fishing rights be re-negotiated at the same time as the gaming compacts was a stumbling block to completion of the compacts. This is further evidence that the remark by Mike Gadola about the illegality of Indian gaming needed follow-up by the AP and by Michigan newspapers.

Another piece of new information quotes an unnamed source as saying that the compact isn't in agreement with an existing arrangement between the Sault tribe and the city of Detroit over distribution of off-reservation gaming profits for the proposed Greektown casino. It speculates that a lawsuit may be necessary to resolve this issue. This seems like especially relevant information for Detroit readers, yet the News and Free Press make no mention of this material. One might speculate that either the source is unreliable, or that the News and Free Press have yet to analyze in depth the implications of the compacts for Detroit.



As noted in the pre-signing articles, The Sault Ste. Marie Evening News once again solicited responses from the Sault Mayor and the Sault Tribal Chairman as well as other city/state officials. Clearly the Sault paper was active in pursuing the story, not only from the State-Indian perspective, but also from the perspective of the impact on the city of Sault Ste. Marie. Further, the Sault Ste. Marie Evening News was one of three papers to contain editorial material on the compacts. The Evening News commentary (part of a weekly roundup of events) noted that this agreement was good for all and highlighted some of the economic impacts.

The Lansing State Journal also had additional information in its news article and a second piece that was editorial in nature. The news article was the only one to even hint that there were Indians upset over the peace pipe ceremony. The Journal quotes Chippewa Indian Tom Allard as saying that he found Gov. Engler's role in the ceremony insulting and blasphemous, and planned to launch a recall of tribal council members. While not going into any more detail on the historical/cultural nature of the peace pipe ceremony, the article was the only one to recognize that the peace pipe ceremony had more than a simple ceremonial meaning.

The editorial piece was a major article that took a first hand look at the economic conditions at several of Michigan's Indian reservations. Blending in quotes from tribal representatives with economic facts, the article paints a bleak picture of pre-gaming economic life. Post-gaming life is a different matter. The tribes have used gaming money to revitalize reservation life and make investments for the future. Completing the portrait, the article explores some of the cultural implications of gaming and looks at the positive and the negative side. No other Michigan

newspaper article came close to matching the depth of this editorial piece in exploring all facets of gaming for the Indian tribes.

Finally, the Escanaba Daily Press again added new information with two articles. As noted before, the Daily Press continued to name the school by its Indian name. The August 20 article also mentions that the tribes had to file a lawsuit in 1990 against the governor's office claiming that the governor had negotiated in bad faith. This is another piece of information that needs to be taken into account when considering Mike Gadola's remark that Indian gaming had been illegal until the compacts were signed.

The articles also contains quotes and information from Ken Meshigaud, tribal chairman of the Hannahville Indian community and Bernard Bouschard, tribal chairman of the Sault Ste. Marie tribe concerning the economic impacts of the compacts. Just as other newspapers have demonstrated, the Escanaba Daily Press was one of the few Michigan newspapers to focus in on local implications.

Lastly, the August 21 article gives some information about the peace pipe ceremony. It notes that Joseph Migwanabe opened the ceremony with a prayer in his native Pottawatomi tongue, indicating that this ceremony had a religious import to it. This is the first evidence that goes directly to the allegations made by Tom Allard in the Lansing State Journal article. Further, the article is the only one to mention a lighter side to the signing ceremony that occurred when a fire alarm was set off by mistake.

### **3. House approval**

As noted above, the Detroit Free Press did not carry any mention of the compacts as they were up for and received House approval. As mentioned in a previous section, House approval came cautiously as House

members were treading on uncertain ground. Concerned with the ramifications of amending the treaty, the House made a few grammatical changes that had no impact on the operative parts of the compacts. To show their concern, the House adopted a separate resolution urging caution in proceeding with off-reservation gaming.

A total of seven articles were found in the four newspapers surveyed for follow-up coverage. These articles can be found in Appendix H.

The two articles in the Detroit News (September 20 and 22) addressed the approval process both before and after House approval which came on September 21. The September 20 article (from the AP) notes that the Indian gaming compact is a controversial issue and that it would face tougher opposition in the State Senate. The article notes that a House committee had approved the compact but had failed to add an amendment to consider local referenda when considering off-reservation gaming. This foreshadows the attempt, also unsuccessful, that was made to amend the compacts when they came up in the House. Mention is made that off-reservation gaming is an issue for Detroit and the tone of the article expresses little or no concern with the issue of on-reservation gaming. Hence, the perspective is on how the compact could affect non-Indian communities through off-reservation gaming and not how the compact will affect the tribes themselves.

The second Detroit News article (September 22) reports that the compacts received House approval. The major focus is again concerned with the implications of off-reservation gaming. The other aspect of the compacts that is mentioned is whether or not the compacts could be amended without bringing in federal mediation, thus touching on the sovereignty issue.

The Escanaba Daily Press carried the same AP article on September 20 as the Detroit News. On September 21, the Daily Press carried a brief blurb under its "Michigan Capitol Highlights" column noting that the House will be taking up the compacts. The September 22 article is similar to the Detroit News article in that it reports that the House approved the compacts. Its tone however, is much more focused on the strong opposition to off-reservation gaming.

The coverage in the Lansing State Journal was brief. It also covered the issue before and after approval. The September 21 article spells out the basics of what the House is considering, yet it only includes a section on those who are against the plan, not those who are for it. It would seem to present a balanced approach, the article would include both sides of the debate. The September 22 article is very brief and notes House approval and the attempt to amend the compact.

Earlier, it was noted that very little editorial material was written concerning the compacts and it was speculated that the approval process might lend itself to more in-depth analysis and commentary. So far, that does not appear to be the case. In fact, the major focus has been on the impacts of off-reservation gaming on non-Indian communities. While it is true that off-reservation gaming would be a hot potato political issue and garner most of the journalistic attention, the major focus of the compacts themselves had little to do with off-reservation gaming. It seems the perspective of what on-reservation gaming means to the tribes has been swept away by the current of off-reservation concerns. It remains to be seen how coverage of the Senate proceedings might change that balance.

#### **4. Senate approval**

Approval in the Senate followed much the same grounds as approval in the House; only at a much more intense level. A concurrent resolution was also passed urging consideration of local wishes when considering the approval of off-reservation gaming. The concern over local needs and the issue of state sovereignty made for heated debate as the compacts were approved.

A total of four articles were found in the four newspapers surveyed for follow-up coverage. These articles can be found in Appendix I.

This time it was the Detroit News that failed to cover the compacts as they went before the State Senate. The lack of coverage in Detroit papers is particularly puzzling given the potential impacts of off-reservation gaming. To say that the Detroit Free Press covered this segment of the compact approval process is stretching the definition of "covered." In a two sentence summary in a "Briefly" column, the Free Press states that the compacts were approved by the Senate and now go to the Secretary of the Interior for final approval. No mention is made of the issues raised in the Senate debate or what the ramifications of approval are for Indian or non-Indian communities.

The Lansing State Journal article is almost as brief. It notes the same things the Free Press article noted then adds the fact that there were some worries about the effects of the compact and that the Senate passed a resolution that urged consideration of local wishes when considering the approval of off-reservation gaming.

This leaves the Escanaba Daily Press as the only one of the four newspapers to go into any depth on the issues raised in the Senate. The first article on September 29 discusses some of the concerns that faced

lawmakers as they considered passage of the resolution approving the compact. While the major focus of the article was on a spending bill, part of that bill sought funds to oversee Michigan's oversight of Indian gaming. Senator Kelly is quoted as raising the two issues that would indeed become paramount on the floor of the Senate debate; the issues of local voices in approving or disproving off-reservation gaming and state sovereignty.

The second article on October 1, details the approval by the Senate. The article contains feedback from Jeff Parker, the first time in the House or Senate approval material that an Indian reaction was sought. The major focus of the article highlights the concerns of those opposed to the compacts and again raises the same two issues mentioned previously.

An analysis of the Senate approval articles fails little better in showing the Indian side of the compact issue. Only the one article in the Escanaba Daily Press mentions Indian perspectives on the compacts while the major focus is on opposition to off-reservation gaming. While some acknowledgment is made of the economic benefits of the compact, these are far outweighed by the gaming concerns.

### **5. Federal approval**

Only one step remained before the compacts were made legal. After Senate approval, the compacts went to the Secretary of the Interior for final authorization. This would present the last opportunity for Michigan newspapers to discuss the compacts directly.

A total of three articles were found in the four newspapers surveyed for follow-up coverage. These articles can be found in Appendix J.

Once again, the Detroit Free Press did not cover a step in the approval process. The Lansing State Journal did little better. It briefly mentioned

that the compacts had received federal approval and that this was the last step in the approval process.

The Detroit News recaps what the compacts entail, including the economic impacts for the state. New information is added when the perspective of the Interior Department on off-reservation gaming is given for the first time. The Interior Department seems wary of any off-reservation proposal. Certainly, the opinion of the Interior Department is important given that they must approve any off-reservation gaming proposal. It might be said that this opinion could have easily been sought out and included in articles that dealt with the signing of the compacts or at any other pre-Interior Department approval stage and taken some of the wind out of the concerns over off-reservation gaming. In terms of quotes, all come from government officials or opponents of the compact. No Indian spokesperson is quoted.

The News article also articulates plans for the Sault tribe to move ahead on its off-reservation casino plans without revenue approval from the other tribes. If the Sault tribe can do this, it makes moot one of the provisions of Section 9 of the compacts. In tone then, this article is fairly negative with respect to the impact of the compact and focuses more on white concerns.

Finally, the Escanaba Daily Press presents a relatively straightforward article on the Interior Department approval. Its major focus is on the positive economic impact that the compact will have for the Indian tribes. The only quote in the article comes from an Indian spokesperson. In comparing the Daily Press article with the Detroit News article one could hardly imagine a more complete contrast in focus; the News focus's on white concerns, the Daily Press on Indian concerns. While

this might be explained in terms of meeting the needs of subscribers, it does point to the conclusion that coverage of Indian issues in Michigan newspapers is still far from objective and balanced.

#### **F. Conclusion**

As expected, given advances in newspapers from the nineteenth century to 1993, there were no long delays in newspaper coverage of the 1993 compacts. Coverage was also extensive, touching a large number of communities through their local newspapers. What is puzzling is the lack of coverage in two major Michigan communities, Kalamazoo and Saginaw for the signing of the compacts, and, in Detroit for the approval process. As seen in coverage of the nineteenth century treaties, The Michigan Statesman (Kalamazoo) reported on the 1836 treaty and the Detroit papers were leaders in the coverage of the 1836 treaty and had material covering the 1842 treaty. When it comes to the 1993 compacts, Detroit newspapers ceded this leadership, particularly to Upper Peninsula newspapers which wrote far more extensively on the issue.

Objective or balanced coverage of the compacts was harder than expected to find, especially in the pre-signing AP article and later coverage of the approval process. As noted, balanced coverage wasn't to be expected in nineteenth century Michigan newspaper coverage, but was expected in Michigan newspapers of 1993.

Further, one might have expected far more editorial commentary on what was (and is) a very volatile issue. With few exceptions however, Michigan newspapers stayed with straight news coverage articles.

Michigan newspapers typically stayed with quotes and/or feedback supplied by the AP. For the most part, only those newspapers in areas directly affected by the compacts sought out additional quotes and/or



feedback. In most cases, it was the Upper Peninsula newspapers seeking out additional Indian perspective to balance out the coverage.

The tension over the relationship between the state and the Indian tribes was clearly evident in the approval articles and the issue of sovereignty. Little attention however, was paid to placing this relationship within its historical context.

Finally, the approval articles focused much more on off-reservation issues affecting non-Indian communities, than on the on-reservation issues affecting Indian communities. There were also hints of the negative images suggested by Bird and Nobles, not necessarily by the media but by people the media quote. As off-reservation Indian gaming becomes a reality in Michigan and Indians become more of a perceived threat to White society, the potential return of negative imagery of Native Americans in the media bears watching.

Taken as a whole, Michigan newspapers presented well-rounded coverage of the 1993 compacts. Taken city by city however, especially in the Lower Peninsula, much of the coverage was less than thorough and balanced. This suggests that there are parallels to nineteenth century Michigan newspaper coverage. These parallels in terms of content may be more subtle than overt, however, many Michigan cities received newspaper coverage that was little better in terms of Native Americans than what nineteenth century Michigan cities received. And, as was also the case in the nineteenth century, present day newspaper readers in several major Michigan cities received no coverage at all. In sum, Michigan newspaper coverage of the 1993 compacts was relatively extensive but less than thorough and balanced and presented some interesting parallels to nineteenth century Michigan newspaper coverage.

## **G. Thoughts for the future**

A look back at Simpson and Yinger (1972) suggests how Indians might respond to white media coverage of Indian-White relations. Simpson and Yinger state that one key to minority response is, do minority individuals/groups believe that change is possible within the system? If so, do minority groups have the access to the avenues necessary to implement change? The answer to these questions is critical to determining the ability and willingness of Indians to try to take control over how they are portrayed. At this point in time, Indians have been focusing more on improving their resources within the field of law. Believing that the courts are currently the strongest avenue for retaining their culture most of the focus of Indian resources has gone toward training future generations for legal careers. Training Indians for media careers draws scant attention.

As Bird (1996) points out:

Gambling revenue, among other things, has offered American Indians the chance to begin taking back ownership of the imagery that has defined them for the white world. The ability to define imagery is a consequence of power... And, as American Indians gain both cultural and economic power, they can wield that power to fight back.

How can Indians begin to counter the stereotypical images of White popular culture? There is no one unified solution. Long distrustful of traditional media, hopes seem to be moving in the direction of using new media outlets to express Indian culture. In 1995, the Office of Technology Assessment under the auspices of the United States Congress examined how telecommunications might be used to help Native Americans maintain their cultures and exercise control over their portrayal. Called "Telecommunications Technology and Native Americans: Opportunities and Challenges," this was the first federal report issued concerning Native

Americans and telecommunications. It provides a framework for tribal and government cooperation to use computer networking, videoconferencing, multi-media and digital and wireless technologies as well as traditional media technologies such as cable, over the air broadcast television, radio and newspapers.

The report notes:

*Absent some kind of policy interventions, Native Americans are unlikely to catch up with, and probably will fall further behind, the majority society with respect to telecommunications.* (Telecom Tech, p.7)  
(Italics in the original)

While noting that there are Native American radio and television stations, as well as cable television programming, the main thrust of the report aims at developing on-line services and Internet access for tribal communities. A look at Native American sites on the Internet shows a variety of content centered around Native American culture from a Native American perspective. Content development such as this, along with access to distribution, may very well represent the future for Native Americans in their attempt to present their culture to the majority culture and to take back the imagery that is used to portray their heritage and their lifestyle.

In closing, it is hoped that this study has contributed to the literature concerning mass media portrayal of Native Americans. It is certainly the first study to delve deeply into newspaper coverage of the treaty making process.

## Appendix A

### Treaty at Washington, 1836.

#### TREATY WITH THE OTTAWA, ETC., 1836.

Mar. 26, 1836.  
7 Stat. 691.  
Proclamation, May  
27, 1836.

*Articles of a treaty made and concluded at the city of Washington in the District of Columbia, between Henry R. Schoolcraft, commissioner on the part of the United States, and the Ottawa and Chippewa nations of Indians, by their chiefs and delegates.*

Cession of land to  
the United States.

ARTICLE FIRST. The Ottawa and Chippewa nations of Indians cede to the United States all the tract of country within the following boundaries: Beginning at the mouth of Grand river of Lake Michigan on the north bank thereof, and following up the same to the line called for, in the first article of the treaty of Chicago of the 29th of August 1821, thence, in a direct line, to the head of Thunder-bay river, thence with the line established by the treaty of Sagawaw of the 24th of September 1819, to the mouth of said river, thence northeast to the boundary line in Lake Huron between the United States and the British province of Upper Canada, thence northwestwardly, following the said line, as established by the commissioners acting under the treaty of Ghent,

through the straits, and river St. Mary's, to a point in Lake Superior north of the mouth of *Gitchy Sebing*, or Chocolate river, thence south to the mouth of said river and up its channel to the source thereof, thence, in a direct line to the head of the *Skonsaboa* river of Green bay, thence down the south bank of said river to its mouth, thence, in a direct line, through the ship channel into Green bay, to the outer part thereof, thence south to a point in Lake Michigan west of the north cape, or entrance of Grand river, and thence east to the place of beginning, at the cape aforesaid, comprehending all the lands and islands, within these limits, not hereinafter reserved.

ARTICLE SECOND. From the cession aforesaid the tribes reserve for their own use, to be held in common the following tracts for the term of five years from the date of the ratification of this treaty, and no longer; unless the United States shall grant them permission to remain on said lands for a longer period, namely: One tract of fifty thousand acres to be located on Little Traverse bay: one tract of twenty thousand acres to be located on the north shore of Grand Traverse bay, one tract of seventy thousand acres to be located on, or, north of the *Pierre Marquette* river, one tract of one thousand acres to be located by Chingassanoo,—or the Big Sail, on the Cheboigan. One tract of one thousand acres, to be located by Mujseekewia, on Thunder-bay river.

Reservations in common.

ARTICLE THIRD. There shall also be reserved for the use of the Chippewas living north of the straits of Michilimackinac, the following tracts for the term of five years from the date of the ratification of this treaty, and no longer, unless the United States shall grant them permission to remain on said lands for a longer period; that is to say: Two tracts of three miles square each, on the north shores of the said straits, between *Point-au-Barbe* and *Mille Coquis* river, including the fishing grounds in front of such reservations, to be located by a council of the chiefs. The Beaver islands of Lake Michigan for the use of the Beaver-island Indians. Round island, opposite Michilimackinac, as a place of encampment for the Indians, to be under the charge of the Indian department. The islands of the *Cheneas*, with a part of the adjacent north coast of Lake Huron, corresponding in length, and one mile in depth. Sugar island, with its islets, in the river of St. Mary's. Six hundred and forty acres, at the mission of the Little Rapids. A tract commencing at the mouth of the *Pississowining* river, south of Point Iroquois, thence running up said stream to its forks, thence westward, in a direct line to the Red water lakes, thence across the portage to the Tacquimenon river, and down the same to its mouth, including the small islands and fishing grounds, in front of this reservation. Six hundred and forty acres, on Grand island, and two thousand acres, on the main land south of it. Two sections, on the northern extremity of Green bay, to be located by a council of the chiefs. All the locations, left indefinite by this, and the preceding articles, shall be made by the proper chiefs, under the direction of the President. It is understood that the reservation for a place of fishing and encampment, made under the treaty of St. Mary's of the 16th of June 1820, remains unaffected by this treaty.

Reservations for Chippewas.

ARTICLE FOURTH. In consideration of the foregoing cessions, the United States engage to pay to the Ottawa and Chippewa nations, the following sums, namely. 1st. An annuity of thirty thousand dollars per annum, in specie, for twenty years; eighteen thousand dollars, to be paid to the Indians between Grand River and the Cheboigan; three thousand six hundred dollars, to the Indians on the Huron shore, between the Cheboigan and Thunder-bay river; and seven thousand four hundred dollars, to the Chippewas north of the straits, as far as the cession extends; the remaining one thousand dollars, to be invested in stock by the Treasury Department and to remain incapable of being

Payments to be made to the Indians.

TREATY WITH THE OTTAWA, ETC., 1836.

sold, without the consent of the President and Senate, which may, however, be given, after the expiration of twenty-one years. 2nd. Five thousand dollars per annum, for the purpose of education, teachers, school-houses, and books in their own language, to be continued twenty years, and as long thereafter as Congress may appropriate for the object. 3rd. Three thousand dollars for missions, subject to the conditions mentioned in the second clause of this article. 4th. Ten thousand dollars for agricultural implements, cattle, mechanics' tools, and such other objects as the President may deem proper. 5th. Three hundred dollars per annum for vaccine matter, medicines, and the services of physicians, to be continued while the Indians remain on their reservations. 6th. Provisions to the amount of two thousand dollars; six thousand five hundred pounds of tobacco; one hundred barrels of salt, and five hundred fish barrels, annually, for twenty years. 7th. One hundred and fifty thousand dollars, in goods and provisions, on the ratification of this treaty, to be delivered at Michilimackinac, and also the sum of two hundred thousand dollars, in consideration of changing the permanent reservations in article two and three to reservations for five years only, to be paid whenever their reservations shall be surrendered, and until that time the interest on said two hundred thousand dollars shall be annually paid to the said Indians.

Payment of claims  
against the Indians.

ARTICLE FIFTH. The sum of three hundred thousand dollars shall be paid to said Indians to enable them, with the aid and assistance of their agent, to adjust and pay such debts as they may justly owe, and the overplus, if any, to apply to such other use as they may think proper.

Provision for half-  
breeds, etc.

ARTICLE SIXTH. The said Indians being desirous of making provision for their half-breed relatives, and the President having determined, that individual reservations shall not be granted, it is agreed, that in lieu thereof, the sum of one hundred and fifty thousand dollars shall be set apart as a fund for said half-breeds. No person shall be entitled to any part of said fund, unless he is of Indian descent and actually resident within the boundaries described in the first article of this treaty, nor shall any thing be allowed to any such person, who may have received any allowance at any previous Indian treaty. The following principles, shall regulate the distribution. A census shall be taken of all the men, women, and children, coming within this article. As the Indians hold in higher consideration, some of their half-breeds than others, and as there is much difference in their capacity to use and take care of property, and, consequently, in their power to aid their Indian connexions, which furnishes a strong ground for this claim, it is, therefore, agreed, that at the council to be held upon this subject, the commissioner shall call upon the Indian chiefs to designate, if they require it, three classes of these claimants, the first of which, shall receive one-half more than the second, and the second, double the third. Each man woman and child shall be enumerated, and an equal share, in the respective classes, shall be allowed to each. If the father is living with the family, he shall receive the shares of himself, his wife and children. If the father is dead, or separated from the family, and the mother is living with the family, she shall have her own share, and that of the children. If the father and mother are neither living with the family, or if the children are orphans, their share shall be retained till they are twenty-one years of age; provided, that such portions of it as may be necessary may, under the direction of the President, be from time to time applied for their support. All other persons at the age of twenty-one years, shall receive their shares agreeably to the proper class. Out of the said fund of one hundred and fifty thousand dollars, the sum of five thousand dollars shall be reserved to be applied, under the direction of the President, to the support of such of the poor half breeds, as may require

TREATY WITH THE OTTAWA, ETC., 1836.

assistance, to be expended in annual instalments for the term of ten years, commencing with the second year. Such of the half-breeds, as may be judged incapable of making a proper use of the money, allowed them by the commissioner, shall receive the same in instalments, as the President may direct.

ARTICLE SEVENTH. In consideration of the cessions above made, and as a further earnest of the disposition felt to do full justice to the Indians, and to further their well being, the United States engage to keep two additional blacksmith-shops, one of which, shall be located on the reservation north of Grand river, and the other at the *Sault Ste. Marie*. A permanent interpreter will be provided at each of these locations. It is stipulated to renew the present dilapidated shop at Michilimackinac, and to maintain a gunsmith, in addition to the present smith's establishment, and to build a dormitory for the Indians visiting the post, and appoint a person to keep it, and supply it with fire-wood. It is also agreed, to support two farmers and assistants, and two mechanics, as the President may designate, to teach and aid the Indians, in agriculture, and in the mechanic arts. The farmers and mechanics, and the dormitory, will be continued for ten years, and as long thereafter, as the President may deem this arrangement useful and necessary; but the benefits of the other stipulations of this article, shall be continued beyond the expiration of the annuities, and it is understood that the whole of this article shall stand in force, and inure to the benefit of the Indians, as long after the expiration of the twenty years as Congress may appropriate for the objects.

Two additional blacksmiths, etc.

ARTICLE EIGHTH. It is agreed, that as soon as the said Indians desire it, a deputation shall be sent to the southwest of the Missouri River, there to select a suitable place for the final settlement of said Indians, which country, so selected and of reasonable extent, the United States will forever guaranty and secure to said Indians. Such improvements as add value to the land, hereby ceded, shall be appraised, and the amount paid to the proper Indian. But such payment shall, in no case, be assigned to, or paid to, a white man. If the church on the Cheboigan, should fall within this cession, the value shall be paid to the band owning it. The net proceeds of the sale of the one hundred and sixty acres of land, upon the Grand River upon which the missionary society have erected their buildings, shall be paid to the said society, in lieu of the value of their said improvements. When the Indians wish it, the United States will remove them, at their expence, provide them a year's subsistence in the country to which they go, and furnish the same articles and equipments to each person as are stipulated to be given to the Pottowatomies in the final treaty of cession concluded at Chicago.

Locations to be sought for: payment for improvements, etc.

ARTICLE NINTH. Whereas the Ottawas and Chippewas, feeling a strong consideration for aid rendered by certain of their half-breeds on Grand river, and other parts of the country ceded, and wishing to testify their gratitude on the present occasion, have assigned such individuals certain locations of land, and united in a strong appeal for the allowance of the same in this treaty; and whereas no such reservations can be permitted in carrying out the special directions of the President on this subject, it is agreed, that, in addition to the general fund set apart for half-breed claims, in the sixth article, the sum of forty-eight thousand one hundred and forty-eight dollars shall be paid for the extinguishment of this class of claims, to be divided in the following manner: To Rix Robinson, in lieu of a section of land, granted to his Indian family, on the Grand river rapids, (estimated by good judges to be worth half a million,) at the rate of thirty-six dollars an acre: To Leonard Slater, in trust for Chiminonoquat, for a section of land above said rapids, at the rate of ten dollars an acre: To John A. Drew, for a tract of one section and three quarters, to his Indian

Payment to half-breeds in lieu of reservations.

TREATY WITH THE OTTAWA, ETC., 1836.

family, at Cheboigan rapids, at the rate of four dollars; to Edward Biddle, for one section to his Indian family at the fishing grounds, at the rate of three dollars: To John Holiday, for five sections of land to five persons of his Indian family, at the rate of one dollar and twenty-five cents; to Eliza Cook, Sophia Biddle, and Mary Holiday, one section of land each, at two dollars and fifty cents: To Augustin Hamelin junr, being of Indian descent, two sections, at one dollar and twenty-five cents; to William Lasley, Joseph Daily, Joseph Trotier, Henry A. Levake, for two sections each, for their Indian families, at one dollar and twenty-five cents: To Luther Rice, Joseph Lafrombois, Charles Butterfield, being of Indian descent, and to George Moran, Louis Moran, G. D. Williams, for half-breed children under their care, and to Daniel Marnac, for his Indian child, one section each, at one dollar and twenty-five cents.

Payment to chiefs.

ARTICLE TENTH. The sum of thirty thousand dollars shall be paid to the chiefs, on the ratification of this treaty, to be divided agreeably to a schedule hereunto annexed.

Annuities to two aged chiefs.

ARTICLE ELEVENTH. The Ottawas having consideration for one of their aged chiefs, who is reduced to poverty, and it being known that he was a firm friend of the American Government, in that quarter, during the late war, and suffered much in consequence of his sentiments, it is agreed, that an annuity of one hundred dollars per annum shall be paid to Ningweegon or the Wing, during his natural life, in money or goods, as he may choose. Another of the chiefs of said nation, who attended the treaty of Greenville in 1793, and is now, at a very advanced age, reduced to extreme want, together with his wife, and the Government being apprized that he has pleaded a promise of Gen. Wayne, in his behalf, it is agreed that Chusco of Michilimackinac shall receive an annuity of fifty dollars per annum during his natural life.

Expenses of this treaty to be paid by United States.

ARTICLE TWELFTH. All expenses attending the journeys of the Indians from, and to their homes, and their visit at the seat of Government, together with the expenses of the treaty, including a proper quantity of clothing to be given them, will be paid by the United States.

Right of hunting on lands ceded.

ARTICLE THIRTEENTH. The Indians stipulate for the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement.

In testimony whereof, the said Henry R. Schoolcraft, commissioner on the part of the United States, and the chiefs and delegates of the Ottawa and Chippewa nation of Indians, have hereunto set their hands, at Washington the seat of Government, this twenty-eighth day of March, in the year one thousand eight hundred and thirty-six.

Henry R. Schoolcraft.

John Hulbert, secretary.

Oroun Aishkum, of Maskigo, his x mark,

Wamangase, of Maskigo, his x mark,

Oawya, of Maskigo, his x mark,

Wabi Windago, of Grand river, his x mark,

Magies Ininee, of Grand river, his x mark,

Nabun Ageezhig, of Grand river, his x mark,

Winnimissagee, of Grand river, his x mark,

Mukutaysee, of Grand river, his x mark,

Wawaw Bequm, of Grand river, his x mark,

Ainse, of Michilimackinac, his x mark,

Chabowaywa, of Michilimackinac, his x mark,

Jawba Wadie, of Sault Ste. Marie, his x mark,

Waub Oreeg, of Sault Ste. Marie, his x mark,

Kawgayosh, of Sault Ste. Marie, by Maid-

yage, his x mark,

Apawkoigun, of L'Arbre Croche, his x mark,

Keminitchagun, of L'Arbre Croche, his x mark,

Tawagane, of L'Arbre Croche, his x mark,

Kinochamaig, of L'Arbre Croche, his x mark,

Naganigobowa, of L'Arbre Croche, his x mark,

Onaisino, of L'Arbre Croche, his x mark,

Mukuday Bemais, of L'Arbre Croche, his x mark,

Chingamamo, of L'Arbre Croche, his x mark,

Aishquagonabee, of Grand Travers, his x mark,

Akosa, of Grand Travers, his x mark,

Oshawun Epanaysee, of Grand Travers, his x mark,

his x mark.



TREATY WITH THE OTTAWA, ETC., 1836.

Lucius Lyon,  
R. P. Parrott, captain, U. S. Army.  
W. P. Zantinger, purser, U. S. Navy,  
Josiah F. Polk,  
John Holiday,  
John A. Drew,  
Rix Robinson,

Leonard Slater,  
Louis Moran,  
Augustin Hamelin, jr.,  
Henry A. Lenak,  
William Lasley,  
George W. Woodward,  
C. O. Ermatinger.

*Schedule referred to, in the tenth article.*

1. The following chiefs constitute the first class, and are entitled to receive five hundred dollars each, namely: On Grand river, Muccutay Osha, Namatippy, Nawequa. Geezhig or Noon Day, Nabun Egeezhig son of Kewayguabowequa, Wabi Windego or the White Giant, Cawpe-mosay or the Walker, Mukutay Oquot or Black Cloud, Megis Ininee or Wampum-man, Winnimissagee: on the Maskigo, Osawya, and Owun Aishcum; at L'Arbre Croche, Apawkozigun, or Smoking Weed, Nisowakeout, Keminechawgun; at Grand Travers, Aishquagonabee, or the Feather of Honor, Chabwosun, Mikenok: on the Cheboigan, Chingasamo, or the Big Sail; at Thunder-bay, Mujeekiwiss; on the Manistic North, Mukons Ewyan; at Oak Point on the straits, Ains: at the Cheneos, Chabowaywa: at Sault Ste. Marie, Iawba Wadick and Kewayzi Shawano; at Tacquimenon, Kawgayosh; at Grand Island, Oshawun Epenaysee, or the South Bird. Chiefs entitled to \$500 each.
2. The following chiefs constitute the second class, and are entitled to receive two hundred dollars each, namely: On Grand river, Keesahowash, Nugogikaybee, Kewaytowaby, Wapooos or the Rabbit, Wabitoanguayay, Kewatondo, Zhaquinaw, Nawiqua Geezhig of Flat river, Kenaytinunk, Weenonga, Pabawboco, Windecowiss, Muccutay Penay or Black Patridge, Kaynotin Aishcum, Boynashing, Shagwabeno son of White Giant, Tushetowun, Keway Gooashcum the former head chief, Pamosarga; at L'Arbre Croche, Sagitondowa, Ogiman Wininee, Megisawba, Mukuday Benais; at the Cross, Nishcajiniinee, Nawamushcota, Pahamitabi, Kimmewun, Gitchy Mocoman; at Grand Traverse, Akosa, Nebanquaum, Kabibonocca; at Little Traverse, Miscomamaingwa or Red Butterfly, Keeshigo Benais, Pamanikinong, Paimossegay; on the Cheboigan, Chonees, or Little John, Shaweenossegay; on Thunder bay, Suganikwato; on Maskigo, Wassangazo; on Osegomico or Platte river, Kaigwaidoway; at Manistee, Keway Gooashcum: on river Pierre Markette, Saugima: at Sault Ste. Marie, Neegaubayun, Mukuday-wacquot, Cheegud; at Carp river west of Grand island, Kang Wyanais: at Mille Cocquin on the straits, Aubunway: at Michilimackinac, Missutigo, Saganosh, Akkukogeesh, Chebyawboas. Chiefs entitled to \$200 each.
3. The following persons constitute the third class, and are entitled to one hundred dollars each, namely: Kayshewa, Penasee or Gun lake, Kenisoway, Keenabie of Grand river: Wasso, Moaniko, Unwatin Oashcum, Nayogirna, Itawachkochi, Nanaw Ogomoo, Gitchy, Peendowan or Scabbard, Mukona, Kinochimaig, Tekamosimo, Pewaywitum, Mudji Keguabi, Kewayaum, Panshkizigun or Big Gun, Onaasino, Aashquabaywiss, Negaunigabowi, Petossegay, of L'Arbre Croche: Poiees or Dwarf and Pamosay of Cheboigan: Gitchy Ganocquot and Pamossegay of Thunder Bay: Tabushy Geeshick and Mikenok, of Carp river south of Grand Traverse; Wapooos, Kaubinan, and Mudjeekee of river Pierre Markette: Pubokway, Manitowaba, and Mshewatig, of White river: Shawun Epenaysee and Agaussee of Grand Traverse: Micquimisut, Chusco of Mackinac; Keeshkidiwum, Waub Ojeeg, Aukudo, Winikis, Janbeens, Maidosagee, Autya, Ishquagnaby, Shaniwaygwunabi son of Kakakee, Nittum Egabowi, Magmanikway, Ketekewegauboway, of Sault Ste. Marie: Chegaushe and Waubudo of Grand island: Aahegons, Kinuwais, Misquonaby and Chiefs entitled to \$100 each.

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Mongons of Carp and Chocolate rivers; Gitchy Pennaisson of Grosse Tete, and Waubissaig of Bay de Nocquet: Kainwaybekis and Pazhikwaywitum of Beaver islands: Neezhick Epenais of the Ance: Ahdanimia of Manistic: Mukwyon, Wahzahkoon, Oshawun, Oneshannocquot of the north shore of Lake Michigan: Nagauniby and Keway Gooshkum of the Chenos.

Henry R. Schoolcraft,  
Commissioner.

SUPPLEMENTAL ARTICLE.

Now certain provisions in preceding articles are to be construed.

To guard against misconstruction in some of the foregoing provisions, and to secure, by further limitations, the just rights of the Indians, it is hereby agreed: that no claims under the fifth article shall be allowed for any debts contracted previous to the late war with Great Britain, or for goods supplied by foreigners to said Indians, or by citizens, who did not withdraw from the country, during its temporary occupancy by foreign troops, for any trade carried on by such persons during the said period. And it is also agreed: that no person receiving any commutation for a reservation, or any portion of the fund provided by the sixth article of this treaty, shall be entitled to the benefit of any part of the annuities herein stipulated. Nor shall any of the half-breeds, or blood relatives of the said tribes, commuted with, under the provisions of the ninth article, have any further claim on the general commutation fund, set apart to satisfy reservation claims, in the said sixth article. It is also understood, that the personal annuities, stipulated in the eleventh article, shall be paid in specie, in the same manner that other annuities are paid. Any excess of the funds set apart in the fifth and sixth articles, shall, in lieu of being paid to the Indians, be retained and vested by the Government in stock under the conditions mentioned in the fourth article of this treaty.

In testimony whereof, the parties above recited, have hereunto set their hands, at Washington the seat of Government, this thirty-first day of March, in the year one thousand eight hundred and thirty-six.

Henry R. Schoolcraft,  
John Hulbert, Secretary.

Owun Aashkum, of Maskigo, his x mark,	Apawkonigun, of L'Arbre Croche, his x mark,
Wamungazo, of Maskigo, his x mark,	Keminitchagun, of L'Arbre Croche, his x mark,
Oowya, of Maskigo, his x mark,	Tawagone, of L'Arbre Croche, his x mark,
Wabi Widego, of Grand river, his x mark,	Kinoshemaig, of L'Arbre Croche, his x mark,
Megies Ininee, of Grand river, his x mark,	Naganimbawi, of L'Arbre Croche, his x mark,
Nabun Ageezhig, of Grand river, his x mark,	Oniasino, of L'Arbre Croche, his x mark,
Ainee, of Michilimackinac, his x mark,	Mukaday Benais, of L'Arbre Croche, his x mark,
Chabowaywa, of Michilimackinac, his x mark,	Chingamamoo, of Cheboigan, his x mark,
Jauba Wadic, of Sault Ste. Marie, his x mark,	Aishquagonabee, of Grand Traverse, his x mark,
Waub Ogeeg, of Sault Ste. Marie, his x mark,	Akoma, of Grand Traverse, his x mark,
Kawgyosh, of Sault Ste. Marie, by Maidonagee, his x mark,	Oshawun Epenaysee, of Grand Traverse, his x mark,

Robert Stewart,  
Wm. Mitchell,  
John A. Drew,

Augustin Hamelin, jr.  
Riz Robinson,  
C. O. Ermatinger.

## **Appendix B**

Articles from Michigan Newspapers concerning the Treaty of 1836.

### **Democratic Free Press, April 6, 1836**

1. The Globe of the 19th, states that a deputation of 97 Ottawa [sic] and Chippewa chiefs and delegates were in the city for the purpose of treating for the cession of their lands within the State limits of Michigan. They have been kindly received by the President, who has referred the subject of their business to the Secretary of War. The Globe states that it is understood, that the portion of the country which it is proposed to purchase is of high value; and that it is possible a cession of it may be obtained on terms advantageous to them and to the United States.

2. A delegation of the Ottowas [sic] and Chippewas from the Grand River and Lake Superior are now in Washington. HENRY R. SCHOOLCRAFT Esq. is negotiating with them, in behalf of the government, for the purchase of the lands in the Peninsula, and on the southern shore of Lake Superior, as high up as the Chocolate River, to which Indian titles have not heretofore been extinguished. Some difficulties are experienced on the progress of the negotiation, more, however, as usual, from interested white men, than from the chiefs. They will, it is believed, be overcome, and a treaty be completed.

## **Democratic Free Press, April 13, 1836**

### **1. WASHINGTON CITY, March 28**

An interesting scene was witnessed in this city, at the Masonic Hall, on Wednesday last. It was a council of the Ottawa and Chippewa chiefs, now in the city, with Mr. Schoolcraft, acting as Commissioner on the part of the Government, in relation to the sale of their lands, within the peninsula of Michigan. There were about twenty-five Indian chiefs, a few of them old, but the greater part of them young men, the length of the journey having, in general, deterred most of the old chiefs from coming in person. They have brought, however full delegated power, to make a treaty with the United States, for the sale of their lands. The conference was not concluded on Wednesday, and was renewed on the following day, when they assented to the sale, and delegated the negotiation of the terms and details on their part, to three gentlemen, in whose integrity, and kind zeal in their behalf, they justly repose implicit confidence Mr. Robinson, Mr. Robert Stewart, both of Michigan, and whites, and Mr. Hymlin, an educated half breed and their interpreter. To these gentlemen, they entrusted the charge of making the best terms possible with the Government; and they are to hold another council today or tomorrow to consider and sign the treaty, as arranged between them and the Commissioners, if they are satisfied with the terms.

The Indians came to the Council with a great diversity of views among themselves; all of which were brought forward and discussed. They related chiefly to what portion of their lands should be sold and what reserved. Selfish motives seemed in most cases, to prompt the different proposals which they brought forward. At last however, all came round to the first offer of the Commissioner, which was that they should agree to sell the whole, with the exception of certain small reservations for their own occupation. The great argument to which they felt themselves compelled to yield was necessity. They knew that they must yield, or submit eventually to a forced expulsion, or else destruction. They saw also, the impolicy of retaining very huge reservations, which would tempt the future cupidity of the whites. They concluded, therefore, to retain, the Ottawas two, and the Chippewas three small reservations, making but a few hundred thousand acres in the whole, with a guarantee of a future retreat in country south of Lake Superior if they should ever desire it. Within these reservations they are to attempt to civilize themselves.

The Ottawa delegation represents all the tribes of that nation within the peninsula, comprising about 5,000 souls; that of the Chippewas [sic] represents only a few small bands who own, however, a tract of land almost equal in extent to that owned by the former.

The whole amount of the lands in question, is from twenty to twenty-five millions of acres; for which the Government will certainly realize very quickly at least that number of dollars. It is considered,

that the Indians will be fortunate if they can get for them one tenth of that value.

The Indians are disposed to be terrible proserers, and require to be constantly called to order, and kept to the immediate point. They wander to endless tales of their wars, their ancestors etc. They understand, and generally pretty correctly, their own unhappy position in the country; nothing, indeed, less than this consciousness would induce them to give up their lands. - Metropolitan

**Democratic Free Press, April 20, 1836**

1. Copy of a letter dated "Washington, March 31, 1836" MESSRS. MORSE & BAGG:

On the 28th, inst. a treaty was concluded here by Henry R. Schoolcraft Esq., commissioner on the part of the United States, with the Chiefs of the Ottawa and Chippewa nations of Indians, by which they cede to the United States, the country lying within the following described boundaries, to wit: Beginning at the mouth of the Grand River of Lake Michigan on the north bank thereof, and following up the same to the line called for, in the first article of the Treaty of Chicago of the 29th of August of 1821; thence, in a direct line, to the head of Thunder Bay river; thence, with a line established by the treaty of Saginaw on the 24th of September, 1819, to the mouth of said river; thence north east, to the boundary line in Lake Huron, between the United States and British provinces of Upper Canada; thence northwestwardly, following the said line as established by the commissioners acting under the treaty of Ghent, through the straits & river St. Mary's to a point in Lake Superior north of the mouth of Gitchy Seebing, or Chocolate River; thence, south to the mouth of said river, and up its channel to the source thereof; thence, in a direct line, to the head of the Sanowabe River of Green Bay; [near the Menominie River] thence, down the south bank of said river to its mouth; thence, in a direct line, through the ship channel into Green Bay to the outer part thereof; thence south, to a point in Lake Michigan, west of the north cape entrance of Grand River; and thence east to the place of beginning, comprehending all the lands and islands not reserved. The principal reservations are the Beaver Islands of Lake Michigan, and five different tracts in the peninsula between Lake Michigan and Huron, viz: one tract of fifty thousand acres to be located on Little Traverse Bay, one tract of twenty thousand acres to be located on the north shore of Grand Traverse Bay, one tract of seventy thousand acres to be located on, or north of Pierre Marquette River, one tract of one thousand acres to be located by Chingassauso, or the Big Sail, on the Cheyboigan [sic] River, and one tract of one thousand acres to be located by Majeekewis on Thunder Bay River. These are all the reservations made in the lower peninsula.

The purchase is estimated to amount to sixteen million acres, ten millions on the lower peninsula, and six millions on the upper peninsula, and the government pays for it, in the whole, one million six hundred and one thousand, six hundred dollars, as follows, viz:

Cash annuities, \$30,000 for 20 years,	\$600,000.
For education, teachers, school houses etc.	100,000.
" missionary purposes, \$3,000 per year for twenty years,	60,000
" agriculture,	10,000
" vaccine matter, medicines etc.,	6,000
" provisions, salt, tobacco, etc.,	14,000
" blacksmiths, farmers mechanics, shops,	93,600
" commutation of claims of individuals for lands,	48,000

" goods and provisions to be delivered by the quarter master some time next summer,	150,000
" payments due to Chiefs,	30,000
" value of the improvements on land bought, and expenses of holding the treaty, about,	40,000
" commutation of reservations of land for half-breeds,	150,000
" payments of just debts of the two nations, not exceeding	300,000
Whole cost of purchase,	1,601,600.

This treaty so just to the Indians, so favorable in its terms for the United States, and so important to the best interests and prosperity of Michigan, has been effected by Mr. Schoolcraft, with the approbation and aid of the Secretery [sic] of War, and in the face of difficulties and embarrassments which no person of less superior qualifications could have overcome.

Michigan ought to be grateful for their services.

Of the country purchased, about four millions of acres, extending from the Grand River north, is known to be fine land for settlement, and within very few years we shall, no doubt, see towns springing up at the mouths of all its rivers, flowing into Lake Michigan for a hundred miles north of Grand River, if not all around the lower peninsula. The upper peninsula is known to contain vast forests of the very best pine, which is even now, much wanted in Ohio, Indiana, Illinois, and the southern part of Michigan and Wisconsin, and must shortly furnish the material of a highly valuable trade.

**Democratic Free Press, May 25, 1836**

1. Extract of a letter to the Editors, dated WASHINGTON, May 16, 1836

The treaty lately negotiated with the Ottawa and Chippewa tribes of Indians, in this city, by Mr. SCHOOLCRAFT, by which the title to ten millions of acres of land in the Peninsula of Michigan, and six millions on the southern shore of Lake Superior, within the territory of that quarter proposed to be annexed to the state of Michigan, have been extinguished, has been this day ratified by the Senate, with two alterations. One of these requires the Indians to sell their reservations within five years to the United States at one dollar and a quarter an acre. The other dispenses with a commissioner to decide on claims which may be made on the Indians for money alleged to be due from them, and leave it to the chiefs themselves to settle and pay these claims. This treaty is said to be the best ever made with the Indian tribes. The Saginaw Indians have arrived with a view to sell their reservations in the northern part of the peninsula; and a treaty is now before the Senate, by which the Indians on the St. Clair have agreed to sell their reservations in that quarter.



**Pontiac Courier, April 18, 1836**

**1. From the Detroit Journal**

**IMPORTANT FOR MICHIGAN** - We have been favored with the following extract of a letter from H.R. Schoolcraft, Esq. dated Washington, March 28, 1836. In addition to the lands already in market, and now rapidly filling up with enterprising settlers, we shall have a very large accession in the valuable tract north of the Grand River, which as soon as it can be surveyed, will no doubt present as strong inducement to emigrants, as have other portions of the peninsula. But a very small part of Michigan proper is now owned by the Indians, and ere many years, no traces will be left to tell that this peninsula was once the home of numerous and powerful tribes of red men.

**2. WASHINGTON, March 20 [sic], 1836**

**MY DEAR SIR:** - A treaty was signed this day by the Ottowas [sic] and Chippewas, for the sale of all their lands in the Peninsula, together with the Upper Peninsula, as far as Chocolate River on Lake Superior, running thence to Green Bay. About ten millions of acres is comprehended south of the straits of Michilimackinac, and about seven millions north of them. The Ottowas [sic] retain some small reservations, not exceeding 640,000 acres, altogether. Not a foot of land is retained in private reservations. All claims of this kind are commuted in money, and the whole country cleared of those objectionable rights. All the just debts of the Indians are provided for, and numerous provisions made to further the condition of these Indians, besides which, they receive near a million and a half. This is something like an outline, but necessarily a hasty one.

**Michigan Statesman (Kalamazoo), June 4, 1836.**

1. Extract of a letter to the Editors of the Free Press. Washington, May 16, 1836.

see the May 25, 1836 article in the Democratic Free Press for the full text of this article.

2. Extract of a letter to the Editors, dated Washington, may 20, 1836.

Enclosed I send you the treaty with the Ottawa and Chippewa Indians, ratified by the senate, by which sixteen millions of acres of land within the limits of the state of Michigan have been ceded to the United States, the whole price and expense of which amount to only one million six hundred thousand dollars. This treaty is the best ever made with any of the Indian tribes by this government.

The Senate have also ratified the treaty with the Cherokees, which extinguishes their titles to all their lands in Georgia, at an expense of upwards of five millions of dollars.

**Michigan State Journal (Ann Arbor), December 21, 1837**

**President of the US to Congress**

The system of our removing the Indians west of the Mississippi, commenced by Mr. Jefferson in 1804, has been steadily persevered in by every succeeding President, and may be considered the settled policy of the country. - Unconnected at first with any well designed system for their improvement, the inducements held out to the Indians were confined to the greater abundance of game to be found in the West; but when the beneficial effects of their removal were made apparent, a more philanthropic and enlightened policy was adopted, in purchasing their lands east of the Mississippi. Liberal prices were given, and provisions inserted in all the treaties with them for the application of the funds they received in exchange, to such purposes as were best calculated to promote their present welfare, and advance their future civilization. These measures have been attended thus far with the happiest results.

It will be seen, by referring to the report of the Commissioner of Indian Affairs, that the most sanguine expectations of the friends and promoters of this system have been realized - The Choctaws, Cherokees, and other tribes that first emigrated beyond the Mississippi have, for the most part, abandoned the hunter state, and become cultivators of the soil. The improvement in their condition has been rapid, and it is believed that they are now fitted to enjoy the advantage of a simple form of government, which has been submitted to them and received their sanction and I cannot too strongly urge this subject upon the attention of Congress.

... The resistance which has been opposed to their removal by some of the tribes, even after treaties have been made with them to that effect, has arisen from various causes, operating differently on each of them.

In most instances they have been instigated to resistance by those to whom the trade within them and the acquisition of their annuities were important.

Martin Van Buren

Washington D.C.

12/5/1837

## Appendix C

Treaty at La Pointe, 1842.

### TREATY WITH THE CHIPPEWA, 1842.

Oct. 4, 1842.  
7 Stat., 681.  
Proclamation, Mar.  
22, 1843.

*Articles of a treaty made and concluded at La Pointe of Lake Superior, in the Territory of Wisconsin, between Robert Stuart commissioner on the part of the United States, and the Chippewa Indians of the Mississippi, and Lake Superior, by their chiefs and headmen.*

#### ARTICLE I.

Land ceded to the  
United States.

THE Chippewa Indians of the Mississippi and Lake Superior, cede to the United States all the country within the following boundaries; viz: beginning at the mouth of Chocolate river of Lake Superior; thence northwardly across said lake to intersect the boundary line between the United States and the Province of Canada; thence up said Lake Superior, to the mouth of the St. Louis, or Fond du Lac river (including all the islands in said lake); thence up said river to the American Fur Company's trading post, at the southwardly bend thereof, about 22 miles from its mouth; thence south to intersect the line of the treaty of 29th July 1837, with the Chippewas of the Mississippi; thence along said line to its southeastwardly extremity, near the Plover portage on the Wisconsin river; thence northeastwardly, along the boundary line, between the Chippewas and Menomonees, to its eastern termination, (established by the treaty held with the Chippewas, Menomonees, and Winnebagoes, at Butte des Morts, August 11th 1837) on the Skonawby river of Green Bay; thence northwardly to the source of Chocolate river; thence down said river to its mouth, the place of beginning; it being the intension of the parties to this treaty, to include in this cession, all the Chippewa lands eastwardly of the aforesaid line running from the American Fur Company's trading post on the Fond du Lac river to the intersection of the line of the treaty made with the Chippewas of the Mississippi July 29th 1837.

#### ARTICLE II.

Hunting ground.

The Indians stipulate for the right of hunting on the ceded territory, with the other usual privileges of occupancy, until required to remove by the President of the United States, and that the laws of the United

TREATY WITH THE CHIPPEWA, 1842.

States shall be continued in force, in respect to their trade and inter course with the whites, until otherwise ordered by Congress.

ARTICLE III.

It is agreed by the parties to this treaty, that whenever the Indians shall be required to remove from the ceded district, all the unceded lands belonging to the Indians of Fond du Lac, Sandy Lake, and Mississippi bands, shall be the common property and home of all the Indians, party to this treaty.

Unceded lands to be common property of the Indians.

ARTICLE IV.

In consideration of the foregoing cession, the United States, engage to pay to the Chippewa Indians of the Mississippi, and Lake Superior, annually, for twenty-five years, twelve thousand five hundred (12,500) dollars, in specie, ten thousand five hundred (10,500) dollars in goods, two thousand (2,000) dollars in provisions and tobacco, two thousand (2,000) dollars for the support of two blacksmiths shops, (including pay of smiths and assistants, and iron steel &c.) one thousand (1,000) dollars for pay of two farmers, twelve hundred (1,200) for pay of two carpenters, and two thousand (2,000) dollars for the support of schools for the Indians party to this treaty; and further the United States engage to pay the sum of five thousand (5,000) dollars as an agricultural fund, to be expended under the direction of the Secretary of War. And also the sum of seventy-five thousand (75,000) dollars, shall be allowed for the full satisfaction of their debts within the ceded district, which shall be examined by the commissioner to this treaty, and the amount to be allowed decided upon by him, which shall appear in a schedule hereunto annexed. The United States shall pay the amount so allowed within three years.

Sum to be paid by United States for cession.

Indian debts to be paid by United States.

Whereas the Indians have expressed a strong desire to have some provision made for their half breed relatives, therefore it is agreed, that fifteen thousand (15,000) dollars shall be paid to said Indians, next year, as a present, to be disposed of, as they, together with their agent, shall determine in council.

Provision for half breeds.

ARTICLE V.

Whereas the whole country between Lake Superior and the Mississippi, has always been understood as belonging in common to the Chippewas, party to this treaty; and whereas the bands bordering on Lake Superior, have not been allowed to participate in the annuity payments of the treaty made with the Chippewas of the Mississippi, at St. Peters July 29th 1837, and whereas all the unceded lands belonging to the aforesaid Indians, are hereafter to be held in common, therefore, to remove all occasion for jealousy and discontent, it is agreed that all the annuity due by the said treaty, as also the annuity due by the present treaty, shall henceforth be equally divided among the Chippewas of the Mississippi and Lake Superior, party to this treaty, so that every person shall receive an equal share.

Division of annuity.

ARTICLE VI.

The Indians residing on the Mineral district, shall be subject to removal therefrom at the pleasure of the President of the United States.

Indians on mineral districts subject to removal.

ARTICLE VII.

This treaty shall be obligatory upon the contracting parties when ratified by the President and Senate of the United States.

Obligatory when ratified.

TREATY WITH THE CHIPPEWA, 1842.

In testimony whereof the said Robert Stuart commissioner, on the part of the United States, and the chiefs and headmen of the Chippewa Indians of the Mississippi and Lake Superior, have hereunto set their hands, at La Pointe of Lake Superior, Wisconsin Territory this fourth day of October in the year of our Lord one thousand eight hundred and forty-two.

Robert Stuart, Commissioner.  
Jno. Hulbert, Secretary.

Crow wing River,	Po go ne gi shik,	1st chief
Do.	Son go com ick,	2d do.
Sandy Lake,	Ka non do ur uin so,	1st do.
Do.	Na tum e gaw bon,	2d do.
Gull Lake,	Ua bo jig,	1st do.
Do.	Pay pe at gon de bay,	2d do.
Red Cedar Lake,	Kui ui sen shis,	1st do.
Do.	Ott taw wance,	2d do.
Po ke gon maw,	Bai is jig,	1st do.
Do.	Show ne aw,	2d do.
Wisconsin River,	Ki nan si,	1st do.
Do.	Wi aw bin ka kut te way,	2d do.
Lac de Flambeau,	A pish ka go gi,	1st do.
Do.	May tock cus e quay,	2d do.
Do.	She maw gon e,	2d do.
Lake Bands,	Ki ji na be she shi,	1st do.
Do.	Ke kon o tum,	2d do.
Fon du Lac,	Shin goob,	1st do.
Do.	Na gon nah,	2d do.
Do.	Mong o sot,	2d do.
La Pointe,	Gitchi waisky,	1st do.
Do.	Mi si,	2d do.
Do.	Ta qua gone e,	2d do.
Ontonagon,	O kon di kan,	1st do.
Do.	Kis ka taw wac,	2d do.
Ance,	Pe na shi,	1st do.
Do.	Guck we san siah,	2d do.
Vieux Desert,	Ka she osh e,	1st do.
Do.	Madje waw gwaw wot,	2d do.
Mille Lac,	Ne qua ne be,	1st do.
Do.	Ua shash ko kum,	2d do.
Do.	No dia,	2d do.
St. Croix,	Be shi ki,	1st do.
Do.	Ka bi na be,	2d do.
Do.	Ai aw bema,	2d do.
Snake River,	Sha go bi,	1st do.
Chippewa River,	Ua be she shi,	1st do.
Lac Courtalle,	Que way shan sin,	2d do.
Do.	Ne na nang eb,	1st do.
Do.	Be bo kon wen,	2d do.
	Ki nan si,	2d do.

In presence of—

Henry Blanchford, interpreter.  
Samuel Ashmun, interpreter.  
Justin Rice.  
Charles H. Oakes.  
William A. Atkin.  
William Brewster.  
Charles M. Borup.

Z. Platt.  
C. H. Beaulieu.  
L. T. Jamison.  
James P. Scott.  
Cyrus Mandenhall.  
L. M. Warren.

(To the Indian names are subjoined marks.)

# TREATY WITH THE CHIPPEWA, 1842.

*Schedule of claims examined and allowed by Robert Stuart, commissioner, under the treaty with the Chippewa Indians of the Mississippi and Lake Superior, concluded at La Pointe, October 4th 1842, setting forth the names of claimants, and their proportion of allowance of the seventy-five thousand dollars provided in the fourth article of the aforesaid treaty, for the full satisfaction of their debts, as follows:*

*Schedule of debts of Indians to be paid.*

No. of claim.	Name of claimant.	Proportion of \$75,000. set apart in 4th article of treaty.
1	Edward F. Ely.....	85 00
2	Z. Platt, esq., attorney for George Berkett.....	484 67
3	Cleveland North Lake Co.....	1,485 67
4	Abraham W. Williams.....	75 00
5	William Brewster.....	2,682 67
	This claim to be paid as follows, viz:	
	William Brewster, or order.....	\$1,989 77
	Charles W. Burup, or order.....	122 60
		\$2,112 37
6	George Copway.....	61 67
7	John Kahlege.....	67 66
8	Alfred Carpenter.....	25 00
9	John W. Bell.....	285 16
10	Antoine Piquet.....	6 66
11	Michael Cadotte.....	122 42
12	Francis Dejean.....	391 46
13	Francis C. Deverney.....	1,181 00
14	John Ben. Baskett.....	385 46
15	John Hattery.....	60 00
16	Francis Charotin.....	394 02
17	Clement H. Bannion, agent for the estate of Basil Bannion, dec'd.....	685 84
18	Francis St. Jean and George Monge.....	385 84
19	Louis Leduc.....	682 00
20	Peter Gribbaum.....	400 27
21	R. T. Kavanagh.....	216 22
22	Augustin Gault.....	149 00
23	American Fur Company.....	12,385 20
	This claim to be paid as follows, viz:	
	American Fur Company.....	12,385 20
	Charles W. Burup.....	200 20
		\$12,585 40
24	William A. Atkins.....	985 67
25	James F. Smith.....	75 41
26	Augustin Bellingaw.....	122 26
27	Louis Cochin.....	12 67
28	Alexis Corbin.....	686 00
29	George Johnson.....	25 24
30	Z. Platt, esq., attorney for Sam'l Ashman.....	1,771 00
31	Z. Platt, esq., attorney for Wm. Johnson.....	389 27
32	Z. Platt, esq., attorney for estate of Dan'l Dingley.....	1,921 00
33	Lyman M. Warren.....	1,886 00
34	Estate of Michael Cadotte, deceased.....	
35	Z. Platt, esq., attorney for estate of E. Roussin.....	989 12
36	Joseph Dubault.....	144 22
37	Z. Platt, esq., attorney for Antoine Mass.....	170 26
38	Michael Cadotte.....	385 00
39	Z. Platt, esq., att'y for Francis Gauthier.....	167 00
40	Z. Platt, esq., att'y for Joseph Gauthier.....	614 20
41	Z. Platt, esq., attorney for J. R. Uonile.....	64 78
42	John Ben. Corbin.....	681 60
43	John Hulbert.....	289 12
44	John Ben. Corvettian.....	12 00
45	Elisaine Du Costeau, withdrawn.....	
46	Francis Corbin.....	722 00
47	W. H. Breakway and Henry Holt, executors to the estate of John Hattery, dec'd.....	2,127 10
48	John Jacob Astor.....	27,904 00
	This claim to be paid as follows, viz:	
	Charles W. Burup.....	1,676 00
	Z. Platt, esq.....	2,621 00
	John Jacob Astor.....	25,606 25
		\$27,904 00
49	Z. Platt, esq., attorney for Thom. Connor.....	1,118 00
50	Charles H. Oakes.....	4,889 21
51	Z. Platt, esq., attorney for Wm. Morrison.....	1,674 70
52	Z. Platt, esq., att'y for Isaac Butterfield.....	1,276 88
53	J. B. Van Kessel.....	62 00
54	William Brewster and James W. Abbott.....	2,067 10
	The parties to this claim request no payment be made to either without their joint consent, or until a decision of the case be had, in a court of justice.	
55	William Bell.....	17 62
		\$75,000 00

Robert Stuart, Commissioner.  
Jno. Hulbert, Secretary.

## Appendix D

Articles from Michigan Newspapers concerning the Treaty of 1842.

**Michigan State Journal (Ann Arbor), November 2, 1842**

1. "It is with pleasure we announce the safe arrival of Mr. Stuart the Superintendent of Indian affairs, who left this city two months since to hold a treaty with the Chippewa Indians of Lake Superior. And we are happy in being able to announce the fact that this important treaty has been consummated on terms highly favorable to the United States. Michigan will be particularly benefited by it. All the Indian lands within the boundaries of our state are ceded to the United States.

By this treaty, about 15 millions of acres are ceded; about 8 millions of which lie in Michigan, and 7 millions in Wisconsin. - There will now be opened up to the enterprise of our citizens, the extensive and valuable mineral region on Lake Superior, containing the purest copper ore anywhere known, and besides in the Vieux Deserts district, where minerals were not supposed to exist, silver ore has been discovered; but as no thorough examination has yet been made as to its quality or abundance, we are authorized only to say that the indications are thought favorable. The inexhaustible fisheries of Lake Superior will now also be in the control of our people; and we hazard little in saying that a vast and lucrative business will soon be established both in mining and in fisheries between us and that hitherto but partially known region of country. It is said that much of the soil between Lake Superior and Green Bay is of excellent quality - that it is all well watered and its lakes and rivers abound with fish. All the country between Lake Superior and the Mississippi for some distance above Fort Snelling is now purchased by the United States, except a small and valuable district yet owned by the Menomonies, between Green Bay and Fort Winnebago. It is said that by this treaty, some provisions have been made for ameliorating the condition of the Indians; and it is gratifying also, that those wretched people begin to appreciate the value of civilization, and manifest desire to have their children educated: and from the known benevolence of the President and Secretary of War, and the head of the Indian bureau have we not good reason to hope that their lives to this end shall not be wanting? We owe the poor Indian much in every respect, and it is gratifying to witness that very many of our most respected fellow citizens seem resolved to redeem the obligations. -[ Advertiser.



**Pontiac Courier, November 23, 1842**

**"More Land - The Detroit Advertiser announces the return of Mr. Stuart the Superintendent of Indian Affairs, who left that city two months since to hold a treaty with the Chippewa Indians of Lake Superior. He succeeded in consummating a treaty with them, by which the United States obtained a large accession to the public domain. All the Indian lands within the boundaries of the State of Michigan are now ceded to the United States. The Advertiser says:**

**By this treaty, about 15 millions of acres are ceded; about 8 millions of which lie in Michigan, and 7 millions in Wisconsin. - There will now be opened up to the enterprise of our citizens, the extensive and valuable mineral region on Lake Superior, containing the purest copper ore anywhere known, and besides in the Vieux Deserts district, where minerals were not supposed to exist, silver ore has been discovered; but as no thorough examination has yet been made as to its quality or abundance, we are authorized only to say that the indications are thought favorable. The inexhaustible fisheries of Lake Superior will now also be in the control of our people; and we hazard little in saying that a vast and lucrative business will soon be established both in mining and in fisheries between us and that hitherto but partially known region of country. It is said that much of the soil between Lake Superior and Green Bay is of excellent quality - that it is all well watered and its lakes and rivers abound with fish. All the country between Lake Superior and the Mississippi for some distance above Fort Snelling is now purchased by the United States, except a small and valuable district yet owned by the Menomonies, between Green Bay and Fort Winnebago. It is said that by this treaty, some provisions have been made for ameliorating the condition of the Indians; and it is gratifying also, that those wretched people begin to appreciate the value of civilization, and manifest desire to have their children educated: and from the known benevolence of the President and Secretary of War, and the head of the Indian bureau have we not good reason to hope that their lives to this end shall not be wanting? We owe the poor Indian much in every respect, and it is gratifying to witness that very many of our most respected fellow citizens seem resolved to redeem the obligations.**

**The Western Statesman (Marshall), December 1, 1842**

1. Treaty with the Chippewas. - A treaty has been entered into with the Chippewas, by which all the Indian lands in this state have been ceded to the United States. The Detroit Advertiser gives the following particulars in relation to it:

By this treaty, about 15 millions of acres are ceded; about 8 millions of which lie in Michigan, and 7 millions in Wisconsin. - There will now be opened up to the enterprise of our citizens, the extensive and valuable mineral region on Lake Superior, containing the purest copper ore anywhere known, and besides in the Vieux Deserts district, where minerals were not supposed to exist, silver ore has been discovered; but as no thorough examination has yet been made as to its quality or abundance, we are authorized only to say that the indications are thought favorable. The inexhaustible fisheries of Lake Superior will now also be in the control of our people; and we hazard little in saying that a vast and lucrative business will soon be established both in mining and in fisheries between us and that hitherto but partially known region of country. It is said that much of the soil between Lake Superior and Green Bay is of excellent quality - that it is all well watered and its lakes and rivers abound with fish. All the country between Lake Superior and the Mississippi for some distance above Fort Snelling is now purchased by the United States, except a small and valuable district yet owned by the Menomonies, between Green Bay and Fort Winnebago. It is said that by this treaty, some provisions have been made for ameliorating the condition of the Indians; and it is gratifying also, that those wretched people begin to appreciate the value of civilization, and manifest desire to have their children educated: and from the known benevolence of the President and Secretary of War, and the head of the Indian bureau have we not good reason to hope that their lives to this end shall not be wanting? We owe the poor Indian much in every respect, and it is gratifying to witness that very many of our most respected fellow citizens seem resolved to redeem the obligations.

## Appendix E

1993 Compact between the Grand Traverse Band of Ottawa and Chippewa Indians and the State of Michigan.



### **The Grand Traverse Band of Ottawa and Chippewa Indians**

Route 1, Box 135 Suttons Bay, Michigan 49682 616-271-3538

#### **A COMPACT BETWEEN THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS AND THE STATE OF MICHIGAN PROVIDING FOR THE CONDUCT OF TRIBAL CLASS III GAMING BY THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS**

THIS COMPACT is made and entered into this 20<sup>th</sup> day of August, 1993, by and between the GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS (hereinafter referred to as "Tribe") and the STATE OF MICHIGAN (hereinafter referred to as "State").

#### **RECITALS**

WHEREAS, the State of Michigan is a sovereign State of the United States of America, having been admitted to the Union pursuant to the Act of January 26, ch. 6, 1837, 5 Stat. 144 and is authorized by its constitution to enter into contracts and agreements, including this agreement with the Tribe; and

WHEREAS, the Tribe is a federally recognized Indian Tribe (reorganized under Section 16 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 984; 25 U.S.C. § 476) and its governing body, the Tribal Council, is authorized by the tribal constitution to enter into contracts and agreements of every description, including this agreement with the State; and

WHEREAS, the Congress of the United States has enacted the Indian Gaming Regulatory Act of 1988 (25 U.S.C. § 2701 et seq.) (hereinafter "IGRA"), which permits Indian tribes to operate Class III gaming activities on Indian reservations pursuant to a tribal-state compact entered into for that purpose; and

WHEREAS, the Tribe presently operates gaming establishments on Indian lands in the State of Michigan, and by Tribal Council Resolution and Tribal Ordinance has adopted rules and regulations governing the games played and related activities at said establishments; and

WHEREAS, the State presently permits and regulates various types of gaming within the State (but outside Indian lands), including casino style charitable gaming such as craps, roulette, and banking card games, as well as a lottery operating instant scratch games, and "pick number" games, most of which would be Class III games if conducted by the Tribe; and

WHEREAS, the Michigan Supreme Court in Automatic Music & Vending Corp. v. Liquor Control Comm., 426 Mich. 452, 396 N.W. 2d 204 (1986), appeal dismissed, 481 U.S. 1009 (1987), and the Michigan Court of Appeals in Primages Int'l of Michigan v. Michigan, No. 136017, slip op., 1993 WL 99733 (Mich. Ap. Apr. 6, 1993), appeal denied, No. 96368 (Mich. May 25, 1993), have held that the statutory exception found at MCL 750.303(2) allows for the play of electronic gaming devices, which includes computerized or electronic games of chance, albeit subject to specified restrictions regarding the mode of play; and

WHEREAS, said casino style table games and electronic gaming devices are, therefore, permitted "for any purpose by any person, organization or entity," within the meaning of IGRA, 25 U.S.C. § 2710(d)(1)(B); and

WHEREAS, a compact between the Tribe and the State for the conduct of Class III gaming satisfies the prerequisite, imposed by the United States Congress by enactment of IGRA, for the operation of lawful Class III gaming by the Tribe on Indian lands in Michigan; and

WHEREAS, the State and the Tribe, in recognition of the sovereign rights of each party and in a spirit of cooperation in the interests of the citizens of the State and the members of the Tribe, have engaged in good faith negotiations recognizing and respecting the interests of each party and have agreed to this Compact.

NOW, THEREFORE, the Tribe and the State agree as follows:

**SECTION 1.      Purpose and Objectives.**

The purpose and objectives of the Tribe and State in making this Compact are as follows:

- (A) To evidence the good will and cooperative spirit between the State and the Tribe;
- (B) To continue the development of effective working relationships between the State and tribal governments;
- (C) To compact for Class III gaming on Indian lands of the Tribe in Michigan as authorized by IGRA;
- (D) To fulfill the purpose and intent of IGRA by providing for tribal gaming as a means of generating tribal revenues, thereby promoting tribal economic development, tribal self-sufficiency and strong tribal government;

(E) To provide tribal revenues to fund tribal government operations or programs, to provide for the general welfare of the Tribe and its members and for other purposes allowed under IGRA;

(F) To provide for the operation of Class III gaming in which, except as provided in 25 U.S.C. §§ 2710(b)(4) and (d)(2)(A) of IGRA, the Tribe shall have the sole proprietary interest and be the primary beneficiary of the Tribe's gaming enterprise;

(G) To recognize the State's interest in the establishment by the Tribe of rules for the regulation of Class III gaming operated by the Tribe on Indian lands;

(H) To recognize the State's interest in the establishment by the Tribe of rules and procedures for ensuring that Class III gaming is conducted fairly and honestly by the owners, operators, and employees and by the patrons of any Class III gaming enterprise of the Tribe; and

(I) To establish procedures to notify the patrons of the Tribe's Class III gaming establishment(s) that the establishment(s) are not regulated by the State of Michigan and that patrons must look to the tribal government or to the federal government to resolve any issues or disputes with respect to the operations of the establishment(s).

## **SECTION 2.        Definitions.**

For purposes of this Compact, the following definitions pertain:

(A) "Class III gaming" means all forms of gaming authorized by this Compact, which are neither Class I nor Class II gaming, as such terms are defined in §§ 2703(6) and (7) of IGRA. Only those Class III games authorized by this Compact may be played by the Tribe.

(B) "Indian lands" means:

- (1) all lands currently within the limits of the Tribe's Reservation;
- (2) any lands contiguous to the boundaries of the reservation of the Indian tribe on October 17, 1988; and
- (3) any lands title to which is either held in trust by the United States for the benefit of the Tribe or individual or held by the Tribe or individual subject to restriction by the United States against alienation and over which the Tribe exercises governmental power.

(C) Notwithstanding subsection 2(B) above, any lands which the Tribe proposes to be taken into trust by the United States for purposes of locating a gaming establishment thereon shall be subject to the Governor's concurrence power, pursuant to 25 U.S.C. § 2719 or any successor provision of law.

(D) "Tribal Chairperson" means the duly elected Chairperson of the Board of Directors or Tribal Council of the Tribe.

**SECTION 3. Authorized Class III Games.**

(A) The Tribe may lawfully conduct the following Class III games on Indian lands:

- (1) Craps and related dice games;
- (2) Wheel games, including "Big Wheel" and related games;
- (3) Roulette;
- (4) Banking card games that are not otherwise treated as Class II gaming in Michigan pursuant to 25 U.S.C. § 2703(7)(C), and non-banking card games played by any Michigan tribe on or before May 1, 1988;
- (5) Electronic games of chance featuring coin drop and payout as well as printed tabulations, whereby the software of the device predetermines the presence or lack of a winning combination and payout. Electronic games of chance are defined as a microprocessor-controlled electronic device which allows a player to play games of chance, which may be affected by an element of skill, activated by the insertion of a coin or currency, or by the use of a credit, and awards game credits, cash, tokens, or replays, or a written statement of the player's accumulated credits, which written statements are redeemable for cash; and
- (6) Keno.

This Compact shall apply to card games that are considered to be Class II games pursuant to 25 U.S.C. § 2703(7)(C) only if those games are expanded beyond their "nature and scope" as it existed before May 1, 1988, and only to the extent of such expansion. The term "nature and scope" shall be interpreted consistent with IGRA, the legislative history of IGRA, any applicable decisions of the courts of the United States and any applicable regulations of the National Indian Gaming Commission.

Any limitations on the number of games operated or played, their location within Indian lands as defined under this Compact, hours or period of operation, limits on wagers or pot size, or other such limitations shall be determined by duly enacted tribal law or regulation. Any state law restrictions, limitations or regulation of such gaming shall not apply to Class III games conducted by the Tribe pursuant to this Compact.

(B) Additional Class III games may be lawfully conducted by mutual agreement of the Tribe and the State as follows:

- (1) The Tribe shall request additional games by letter from the tribal Chairperson on behalf of the Tribe to the Governor on behalf of the State. The request shall identify the additional proposed gaming activities with specificity and any proposed amendments to the Tribe's regulatory ordinance.
- (2) The State acting through the Governor shall take action on the Tribe's request within ninety (90) days after receipt. The Governor's action shall be based on:
  - (a) Whether the proposed gaming activities are permitted in the State of Michigan for any purpose by any person, organization or entity; and
  - (b) Whether the provisions of this Compact are adequate to fulfill the policies and purposes set forth in the IGRA with respect to such additional games.

#### **SECTION 4. Regulation of Class III Gaming.**

(A) The Tribe has enacted a comprehensive gaming regulatory ordinance governing all aspects of the Tribe's gaming enterprise. This Section 4 is intended to supplement, rather than conflict with the provisions of the Tribe's ordinance. To the extent any regulatory requirement of this Compact is more stringent or restrictive than a parallel provision of the Tribe's ordinance, as now or hereafter amended, this Compact shall control.

(B) The regulatory requirements of this Section 4 shall apply to the conduct of all Class III gaming authorized by the Compact. At all times in which it conducts any Class III gaming under this Compact, the Tribe shall maintain, as part of its lawfully enacted ordinances, requirements at least as restrictive as those set forth herein.

(C) The Tribe shall license, operate, and regulate all Class III gaming activities pursuant to this Compact, tribal law, IGRA, and all other applicable federal law. This shall include but not be limited to the licensing of consultants (except legal counsel with a contract approved under 25 U.S.C. §§ 81 and/or 476), primary management officials, and key officials of each Class III gaming activity or operation. Any violation of this Compact, tribal law, IGRA, or other applicable federal law shall be corrected immediately by the Tribe.

(D) The Tribe may not license, hire, or employ as a key employee or primary management official as those terms are defined at 25 CFR 502.14 and 502.19, in connection with Class III gaming, any person who:

- (1) Is under the age of 18; or

- (2) Has been convicted of or entered a plea of guilty or no contest to a gambling-related offense, fraud or misrepresentation; or
- (3) Has been convicted of or entered a plea of guilty or no contest to any offense not specified in subparagraph (2) within the immediately preceding five years; this provision shall not apply if that person has been pardoned by the Governor of the State where the conviction occurred or, if a tribal member, has been determined by the Tribe to be a person who is not likely again to engage in any offensive or criminal course of conduct and the public good does not require that the applicant be denied a license as a key employee or primary management official; or
- (4) Is determined by the Tribe to have participated in organized crime or unlawful gambling or whose prior activities, criminal record, reputation, habits, and/or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of gaming or to the carrying on of the business and financial arrangements incidental to the conduct of gaming.

(E) All management contracts entered into by the Tribe regarding its gaming enterprise operated pursuant to this Compact shall conform to all the requirements of IGRA, including 25 U.S.C. § 2711, and tribal law. If the Tribe enters into a management contract for the operation of any Class III gaming or component thereof, the State shall be given fourteen (14) days prior written notice of such contract.

(F) All accounting records shall be kept on a double entry system of accounting, maintaining detailed, supporting, subsidiary records. The Tribe shall maintain the following records for not less than three (3) years:

- (1) Revenues, expenses, assets, liabilities and equity for each location at which Class III gaming is conducted;
- (2) Daily cash transactions for each Class III game at each location at which gaming is conducted, including but not limited to transactions relating to each gaming table bank, game drop box and gaming room bank;
- (3) All markers, IOUs, returned checks, hold checks or other similar credit instruments;
- (4) Individual and statistical game records (except card games) to reflect statistical drop and statistical win; for electronic, computer, or other technologically assisted games, analytic reports which show the total amount of cash wagered and the total amount of prizes won;



- (5) Contracts, correspondence and other transaction documents relating to all vendors and contractors;
  - (6) Records of all tribal gaming enforcement activities;
  - (7) Audits prepared by or on behalf of the Tribe; and
  - (8) Personnel information on all Class III gaming employees or agents, including rotation sheets, hours worked, employee profiles and background checks.
- (G) No person under the age of 18 may participate in any Class III game.
- (H) The Tribe shall not conduct any Class III gaming outside of Indian lands.
- (I) The rules of each Class III card game shall be posted in a prominent place in each card room and must designate:
- (1) The maximum rake-off percentage, time buy-in or other fee charged;
  - (2) The number of raises allowed;
  - (3) The monetary limit of each raise;
  - (4) The amount of ante; and
  - (5) Other rules as may be necessary.
- (J) Upon written request by the State, the Tribe will provide information on all consultants (except legal counsel with a contract approved under 25 U.S.C. §§ 81 and/or 476), management personnel, suppliers and employees sufficient to allow the State to conduct its own background investigation as it may deem necessary and to make an independent determination as to suitability of these individuals, consistent with the standards set forth in § 4(D) herein.
- (K) The regulatory requirements set forth in this section of this Compact shall be administered and enforced as follows:
- (1) The Tribe shall have responsibility to administer and enforce the regulatory requirements.
  - (2) A representative authorized in writing by the Governor of the State shall have the following right to inspect all tribal Class III gaming facilities and all tribal records related to Class III gaming, including those records set forth in § 4(F) herein, subject to the following conditions:

- (a) With respect to public areas, at any time without prior notice;
  - (b) With respect to private areas not accessible to the public, at any time during normal business hours, with 12 hours prior written notice; and
  - (c) With respect to inspection and copying of all tribal records relating to Class III gaming, with 48 hours prior written notice, not including weekends.
- (3) Except as otherwise provided by law or as also allowed by the exceptions defined below, the State agrees to maintain in confidence and never to disclose to any third party any financial information, proprietary ideas, plans, methods, data, development, inventions or other proprietary information regarding the gambling enterprise of the Tribe, games conducted by the Tribe, or the operation thereof which is provided to the State by the Tribe without the prior written approval of a duly authorized representative of the Tribe, provided that the information is marked as confidential information when received by the State. Nothing contained in this § 4(K)(3) shall be construed to prohibit:
- (a) The furnishing of any information to a law enforcement or regulatory agency of the United States government;
  - (b) The State from making known the names of persons, firms or corporations conducting Class III gaming activities pursuant to the terms of this Compact, locations at which such activities are conducted or the dates on which such activities are conducted;
  - (c) Publishing the terms of this Compact;
  - (d) Disclosing information as necessary to audit, investigate, prosecute, or arbitrate violations of this Compact or other applicable laws or to defend suits against the State;
  - (e) Complying with any law, subpoena or court order.
- (4) The Tribe shall have the right to inspect State records concerning all Class III gaming conducted by the Tribe consistent with Michigan's Freedom of Information Act.
- (5) The Tribe shall reimburse the State for the actual costs the State incurs in carrying out any functions authorized by the terms of this Compact, in an amount not to exceed twenty-five thousand dollars (\$25,000.00) per annum. All calculations of amounts due shall be based upon a fiscal year beginning

October 1, and ending September 30, unless the parties select a different fiscal year. Payments due the State shall be made no later than sixty (60) days after the beginning of each fiscal year. Payments due the State during any partial fiscal year this Compact is in effect shall be adjusted to reflect only that portion of the fiscal year. Within sixty (60) days after each fiscal year in which this Compact is in effect, the State shall submit to the Tribe an accounting of actual costs incurred in carrying out any functions authorized by the terms of this Compact. Any amount of said twenty-five thousand dollars (\$25,000.00) not expended by the State on said actual costs shall be returned to the Tribe by the State within sixty (60) days after the fiscal year or treated as a pre-payment of the Tribe's obligation during the subsequent fiscal year.

- (6) In the event the State believes that the Tribe is not administering and enforcing the regulatory requirements set forth herein, it may invoke the procedures set forth in Section 7 of this Compact.

(L) The Tribe shall comply with all applicable provisions of the Bank Secrecy Act, P.L. 91-508, October 26, 1970, 31 U.S.C. §§ 5311-5314.

#### **SECTION 5.      Employee Benefits.**

The Tribe shall provide to any employee who is employed in conjunction with the operation of any gaming establishment at which Class III gaming activities are operated pursuant to this compact, such benefits to which the employee would be entitled by virtue of Michigan Public Act No. 1 of 1936, as amended (being MCL 421.1 et seq.), and Michigan Public Act No. 317 of 1969, as amended (being MCL 481.101 et seq.) if his or her employment services were provided to an employer engaged in a business enterprise which is subject to, and covered by, the respective Public Acts.

#### **SECTION 6.      Providers of Class III Gaming Equipment or Supplies.**

(A) No Class III games of chance, gaming equipment or supplies may be purchased, leased or otherwise acquired by the Tribe unless the Class III equipment or supplies meet the technical equipment standards of either the State of Nevada or the State of New Jersey.

(B) Prior to entering into any lease or purchase agreement, the Tribe shall obtain sufficient information and identification from the proposed seller or lessor and all persons holding any direct or indirect financial interest in the lessor or the lease/purchase agreement to permit the Tribe to conduct a background check on those persons. The Tribe shall not enter into any lease or purchase agreement for Class III gaming equipment or supplies with any person or entity if the lessor, seller, or any manager or person holding direct or indirect financial interest in the lessor/seller or the proposed lease/purchase agreement, is determined to have

participated in or have involvement with organized crime or has been convicted of or entered a plea of guilty or no contest to a gambling-related offense, fraud or misrepresentation, or has been convicted of or entered a plea of guilty or no contest to any other felony offense within the immediately preceding five years, unless that person has been pardoned.

(C) The seller, lessor, manufacturer, or distributor shall provide, assemble and install all Class III games of chance, gaming equipment, and supplies in a manner approved and licensed by the Tribe.

#### **SECTION 7.      Dispute Resolution.**

(A) In the event either party believes that the other party has failed to comply with or has otherwise breached any provision of this Compact, such party may invoke the following procedure:

- (1) The party asserting noncompliance shall serve written notice on the other party. The notice shall identify the specific Compact provision alleged to have been violated and shall specify the factual and legal basis for the alleged noncompliance. The notice shall specifically identify the type of game or games, their location, and the date and time of the alleged noncompliance. Representatives of the State and Tribe shall thereafter meet within thirty (30) days in an effort to resolve the dispute.
- (2) In the event an allegation by the State is not resolved to the satisfaction of the State within ninety (90) days after service of the notice set forth in Section 7(A)(1), the party may serve upon the office of the tribal Chairperson a notice to cease conduct of the particular game(s) or activities alleged by the State to be in noncompliance. Upon receipt of such notice, the Tribe may elect to stop the game(s) or activities specified in the notice or invoke arbitration and continue the game(s) or activities pending the results of arbitration. The Tribe shall act upon one of the foregoing options within thirty (30) days of receipt of notice from the State. Any arbitration under this authority shall be conducted under the Commercial Arbitration rules of the American Arbitration Association except that the arbitrators shall be attorneys who are licensed members of the State Bar of Michigan, or of the bar of another state, in good standing, and will be selected by the State picking one arbitrator, the Tribe a second arbitrator, and the two so chosen shall pick a third arbitrator. If the third arbitrator is not chosen in this manner within ten (10) days after the second arbitrator is picked, the third arbitrator will be chosen in accordance with the rules of the American Arbitration Association. In the event an allegation by the Tribe is not resolved to the satisfaction of the Tribe within ninety (90) days after service of the notice

set forth in Section 7(A)(1), the Tribe may invoke arbitration as specified above.

(3) All parties shall bear their own costs of arbitration and attorney fees.

(B) Nothing in Section 7(A) shall be construed to waive, limit or restrict any remedy which is otherwise available to either party to enforce or resolve disputes concerning the provisions of this Compact. Nothing in this Compact shall be deemed a waiver of the Tribe's sovereign immunity. Nothing in this Compact shall be deemed a waiver of the State's sovereign immunity.

#### **SECTION 8.      Notice to Patrons.**

In each facility of the Tribe where Class III gaming is conducted the Tribe shall post in a prominent position a Notice to Patrons at least two (2) feet by three (3) feet in dimension with the following language:

#### **NOTICE**

**THIS FACILITY IS REGULATED BY ONE OR MORE OF THE FOLLOWING: THE NATIONAL INDIAN GAMING COMMISSION, BUREAU OF INDIAN AFFAIRS OF THE U.S. DEPARTMENT OF THE INTERIOR AND THE GOVERNMENT OF THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS.**

**THIS FACILITY IS NOT REGULATED BY THE STATE OF MICHIGAN.**

#### **SECTION 9.      Off-Reservation Gaming.**

An application to take land in trust for gaming purposes pursuant to § 20 of IGRA (25 U.S.C. § 2719) shall not be submitted to the Secretary of the Interior in the absence of a prior written agreement between the Tribe and the State's other federally recognized Indian Tribes that provides for each of the other Tribes to share in the revenue of the off-reservation gaming facility that is the subject of the § 20 application.

#### **SECTION 10.     Regulation of the Sale of Alcoholic Beverages.**

(A) The Tribe hereby adopts and applies to its tribal Class III gaming establishment as tribal law those State laws, as amended, relating to the sale and regulation of alcoholic beverages encompassing the following areas: sale to a minor; sale to a visibly intoxicated individual; sale of adulterated or misbranded liquor; hours of operation; and similar substantive

provisions. Said tribal laws, which are defined by reference to the substantive areas of State laws referred to above, shall apply to the tribal Class III gaming establishment in the same manner and to the same extent as such laws apply elsewhere in the State to off-reservation transactions.

(B) The Tribe, for resale at its Class III gaming establishment, shall purchase spirits from the Michigan Liquor Control Commission, and beer and wine from distributors licensed by the Michigan Liquor Control Commission, at the same price and on the same basis that such beverages are purchased by Class C licensees.

**SECTION 11. Effective Date.**

This Compact shall be effective immediately upon:

- (A) Endorsement by the tribal Chairperson after approval by the Tribal Council;
- (B) Endorsement by the Governor of the State and concurrence in that endorsement by resolution of the Michigan Legislature;
- (C) Approval by the Secretary of the Interior of the United States; and
- (D) Publication in the Federal Register.

**SECTION 12. Binding Effect, Duration, and Severability.**

(A) This Compact shall be binding upon the State and the Tribe for a term of twenty (20) years from the date it becomes effective unless modified or terminated by written agreement of both parties.

(B) At least one year prior to the expiration of twenty (20) years after the Compact becomes effective, and thereafter at least one year prior to the expiration of each subsequent five (5) year period, either party may serve written notice on the other of its right to renegotiate this Compact.

(C) In the event that either party gives written notice to the other of its right to renegotiate this Compact pursuant to subsection (B), the Tribe may, pursuant to the procedures of IGRA, request the State to enter into negotiations for a successor compact governing the conduct of Class III gaming activities. If the parties are unable to conclude a successor compact, this Compact shall remain in full force and effect pending exhaustion of the administrative and judicial remedies set forth in IGRA and/or any other applicable federal law.

(D) The Tribe may operate Class III gaming only while this Compact or any renegotiated compact is in effect.

(E) In the event that any section or provision of this Compact is held invalid by any court of competent jurisdiction, it is the intent of the parties that the remaining sections or provisions of this Compact, and any amendments thereto, shall continue in full force and effect.

**SECTION 13.      Notice to Parties.**

Unless otherwise indicated, all notices, payments, requests, reports, information or demand which any party hereto may desire or may be required to give to the other party hereto, shall be in writing and shall be personally delivered or sent by first-class, certified or registered United States Mail, postage prepaid, return receipt requested, and sent to the other party at its address appearing below or such other address as any party shall hereinafter inform the other party hereto by written notice given as aforesaid:

**Notice to the Tribe shall be sent to:**

Chairperson  
Grand Traverse Band of Ottawa  
and Chippewa Indians  
2605 N.W. Bay Shore Drive  
Suttons Bay, MI 49682

**Notice to the State shall be sent to:**

Governor's Office  
State of Michigan  
P.O. Box 30013  
Lansing, MI 48909

Office of Attorney General  
Treasury Building  
First Floor  
Lansing, MI 48922

Every notice, payment, request, report, information or demand so given shall be deemed effective upon receipt, or if mailed, upon receipt or the expiration of the third day following the day of mailing, whichever occurs first, except that any notice of change of address shall be effective only upon receipt by the party to whom said notice is addressed.

**SECTION 14.      Entire Agreement.**

This Compact is the entire agreement between the parties and supersedes all prior agreements, whether written or oral, with respect to the subject matter hereof. Neither this Compact nor any provision herein may be changed, waived, discharged, or terminated orally, but only by an instrument in writing signed by the Tribe and the State.

**SECTION 15. Filing of Compact with Secretary of State.**

Upon the effective date of this Compact, a certified copy shall be filed by the Governor with the Michigan Secretary of State and a copy shall be transmitted to each house of the Michigan State Legislature and the Michigan Attorney General. Any subsequent amendment or modification of this Compact shall be filed with the Michigan Secretary of State.

IN WITNESS WHEREOF, the Tribal Chairperson acting for the Grand Traverse Band of Ottawa and Chippewa Indians and the Governor acting for the State of Michigan have hereunto set their hands and seals.

Dated Aug 20 - 93

Dated August 20, 1993

GRAND TRAVERSE BAND OF  
OTTAWA AND CHIPPEWA  
INDIANS

STATE OF MICHIGAN

By Joseph C. Raphael  
Joseph Raphael, Chairperson

By John Engler  
Governor

**APPROVAL BY THE SECRETARY OF THE INTERIOR**

The foregoing Compact between the Grand Traverse Band of Ottawa and Chippewa Indians and the State of Michigan is hereby approved this 19<sup>th</sup> day of November, 1993, pursuant to authority conferred on me by Section 11 of the Indian Gaming Regulatory Act, 102 Stat. 2472. I direct that it be promptly submitted to the Federal Register for publication.

Ada E. Deer  
Ada E. Deer  
Assistant Secretary - Indian Affairs



## Appendix F

Pre-signing articles.

**Adrian Daily Telegram, Friday, August 20, 1993**  
p. A5

"Indian gaming OK'd"

ESCANABA, Mich. (AP) ---

Gov. John Engler intends to sign compacts that sanction existing gambling operations, including video games, on Indian reservations in Michigan, officials say.

Negotiators were tying up loose ends Wednesday.

"Everybody is quite satisfied with the outcome," said Lucille Taylor, the governor's legal counsel.

Taylor said a signing ceremony, including passing of a peace pipe, was planned for Friday at the Hannahville Indian Ceremony [sic] near Escanaba, The Detroit News reported.

Not since territorial Gov. Lewis Cass signed 19th century treaties has a Michigan governor held formal signing ceremonies with tribal leaders from central and northern Michigan.

Sporadic efforts to reach a deal had been made since 1988, when the federal Indian Gambling Regulatory Act ordered states to make compacts with tribes.

A longstanding hurdle was the state's opposition to video gaming. But a ruling in April by the Michigan Court of Appeals left the state little choice but to accept video games on reservations of Michigan's federally-recognized tribes, said Mike Gadola, Engler's assistant legal adviser.

Gadola was the Engler administration's leading representative in the negotiations.

Federal acknowledgment accords a tribe a complex status as a sovereign "domestic dependent nation" within the federal and state systems of government.

Without compacts, the federal government could close Indian casinos. Once the agreements are signed, new talks could begin to expand gambling operations to off-reservation casinos.

Some of Michigan's tribes have discussed off-reservation casinos in Detroit, Flint, Port Huron and elsewhere. But Engler, whose approval is required by the Interior Department, has refused to consider these proposals until the compacts are completed.

Gadola emphasized that off-reservation gaming was not part of the negotiations on the compacts. But those close to the talks told the News the documents outline a process for applying for off-reservation gaming.

There are differences among the tribes on whether --- and how --- to have off-reservation gaming. The only such application filed so far involves the Sault Ste. Marie Tribe of Chippewa Indians for a casino in Detroit's Greektown area.

One tribal leader, Chairman Joseph "Buddy" Raphael of the Grand Traverse Band of Ottawa and Chippewa Indians, said there were "still a couple areas of concern" to work out before compacts are signed.

**Alpena News, August, 19, 1993**  
**p. 1-A**

**"Gov. Engler and tribal leaders agree on gambling operations"**

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**Once signed, the documents will be submitted to the Michigan Legislature and the Interior Department for concurrence.**

**Ann Arbor News, August 19, 1993**

**p. A11**

**"Briefings" column on state news**

**"Peacepipe ceremony to sanction gambling"**

**ESCANABA — Gov. John Engler intends to sign compacts that sanction existing gambling operations, including video games, on Indian reservations in Michigan, officials say.**

**A signing ceremony, including passing of a peace pipe, was planned for Friday  
(from AP reports)**

**The Bay City Times, August 19, 1993**  
**p. 5A**

**"Engler to sanction gambling"**  
**subhead - "Signing ceremony is first since 19th century"**

ESCANABA (AP) --- Gov. John Engler intends to sign compacts that sanction existing gambling operations, including video games, on Indian reservations in Michigan, officials say.

Negotiators were tying up loose ends Wednesday.

"Everybody is quite satisfied with the outcome," said Lucille Taylor, the governor's legal counsel.

Taylor said a signing ceremony, including passing of a peace pipe, was planned for Friday at the Hannahville Indian Ceremony [sic] near Escanaba, The Detroit News reported.

Not since territorial Gov. Lewis Cass signed 19th century treaties has a Michigan governor held formal signing ceremonies with tribal leaders from central and northern Michigan.

Sporadic efforts to reach a deal had been made since 1988, when the federal Indian Gambling Regulatory Act ordered states to make compacts with tribes.

A longstanding hurdle was the state's opposition to video gaming. But a ruling in April by the Michigan Court of Appeals left the state little choice but to accept video games on reservations of Michigan's federally-recognized tribes, said Mike Gadola, Engler's assistant legal adviser.

Gadola was the Engler administration's leading representative in the negotiations.

Federal acknowledgment accords a tribe a complex status as a sovereign "domestic dependent nation" within the federal and state systems of government.

Without compacts, the federal government could close Indian casinos. Once the agreements are signed, new talks could begin to expand gambling operations to off-reservation casinos.

Some of Michigan's tribes have discussed off-reservation casinos in Detroit, Flint, Port Huron and elsewhere. But Engler, whose approval is required by the Interior Department, has refused to consider these proposals until the compacts are completed.

**Benton Harbor Herald-Palladium, August 19, 1993**  
**p. 8A**

**"Engler, Indians to sign pacts on gambling"**

ESCANABA, Mich. (AP) — Gov. John Engler intends to sign compacts that sanction existing gambling operations, including video games, on Indian reservations in Michigan, officials say.

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"Everybody is quite satisfied with the outcome," said Lucille Taylor, the governor's legal counsel.

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**Detroit News Wednesday, August 18, 1993**  
**p. B1**

**"Engler OK's reservation gambling"**  
**By George Weeks, The Detroit News**

Gov. John Engler Friday plans to sign compacts that sanction current on-reservation gambling, including video games, for seven tribes and clear the way for discussion of off-reservation casinos in Michigan.

"Everybody is quite satisfied with the outcome," Engler Legal Counsel Lucille Taylor said Tuesday night in confirming that a signing ceremony, including passing of a peace pipe, is planned at the Hannahville Indian Community near Escanaba.

Negotiations essentially were completed during a Monday conference call, according to Mike Gadola, Engler's assistant legal adviser.

Gadola was Engler's lead negotiator on Michigan's long delayed compacts that the federal Indian Gambling Regulatory Act of 1988 required the states to complete with the tribes.

A major hurdle was the state's opposition to video gaming. But an April ruling by the Michigan Court of Appeals, according to Gadola, left the state little choice but to agree to video games on reservations of Michigan's federally-recognized tribes.

Federal acknowledgment accords a tribe a complex status as a sovereign "domestic dependent nation" within the federal and state systems of government.

Some of the tribes have been parties to discussions about off-reservation casinos in Detroit, Flint, Port Huron and elsewhere. But Engler, whose approval is required by the Interior Department, has refused to consider these proposals until the compact was completed.

Gadola emphasized that off-reservation gaming in cities was not part of the negotiations on the compact. But those close to the negotiations said the 14-page documents outline a process for applying for off-reservation gaming.

There are differences among the tribes on whether, and how, to have off-reservation gaming. The only application filed so far involves the Sault Ste. Marie Tribe of Chippewa Indians for a casino in Detroit's Greektown.

One tribal leader, Chairman Joseph "Buddy" Raphael [sic] of the Grand Traverse Band of Ottawa and Chippewa Indians, said there are "still a couple areas of concern" to work out before compacts are signed.

Once signed, the compacts will be submitted to the Michigan Legislature and the Interior Department for concurrence.

Not since territorial Gov. Lewis Cass signed 19th century treaties has a Michigan governor had formal signing ceremonies with tribal chiefs from central and northern Michigan.

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■ Detroit News Staff Writer Paige St. John contributed to this report.

**Escanaba Daily Press, Thursday August 19, 1993**  
**p. 1**

**"Gaming compact to be signed Friday"**  
subhead **"Engler, tribal chairmen part of hannahville ceremony"**  
(related story (kicker) on p. 1 - "Seven ready for historic signing")

**By The Associated Press and The Daily Press Staff**

Escanaba — Gov. John Engler intends to sign compacts that sanction existing gambling operations, including video games, on Indian reservations in Michigan, officials say.

Chairmen of seven federally-recognized Native American tribes and bands will join Engler for a signing ceremony at 10 a.m. Friday morning in the gymnasium at Nah Tah Wahsh school at Hannahville.

Ken Meshigaud, chairman of the Hannahville Indian Community which operates the Chip-In Casino near Bark River, is scheduled to participate.

Negotiators were tying up loose ends Wednesday.

"Everybody is quite satisfied with the outcome," said Lucille Taylor, the governor's legal counsel.

Not since territorial Gov. Lewis Cass signed 19th century treaties has a governor held formal signing ceremonies with tribal leaders from central and northern Michigan.

Sporadic efforts to reach a deal over tribal gaming enterprises had been made since 1988, when the Federal Indian Gambling Regulatory Act ordered states to make compacts with tribes.

A longstanding hurdle was the state's opposition to video gaming. But a ruling in April by the Michigan Court of Appeals left the state little choice but to accept video games on reservations of Michigan's federally-recognized tribes, said Mike Gadola, Engler's assistant legal adviser.

Gadola was the Engler administration's leading representative in the negotiations.

Federal acknowledgment accords a tribe a complex status as a sovereign "domestic dependent nation" within the federal and state system of government.

Without compacts, the federal government could close Indian casinos. Once the agreements are signed, new talks could begin to expand gambling operations to off-reservation casinos.

Some of Michigan's tribes have discussed off-reservation casinos in Detroit, Flint, Port Huron and elsewhere. But Engler, whose approval is required by the Interior Department, has refused to consider these proposals until the compacts are completed.

Gadola emphasized that off-reservation gaming was not part of the negotiations on the compacts. But those close to the talks told the Detroit News the documents outline a process for applying for off-reservation gaming.

There are differences among the tribes on whether — and how — to have off-reservation gaming. The only such application filed so far involves



the Sault Ste. Marie Tribe of Chippewa Indians for a casino in Detroit's Greektown area.

One tribal leader, Chairman Joseph "Buddy" Raphael of the Grand Traverse Band of Ottawa and Chippewa Indians, said there were "still a couple areas of concern" to work out before compacts are signed.

Once signed, the documents will be submitted to the Michigan Legislature and the Interior Department for concurrence.

#### **"Seven ready for historic signing"**

Hannahville --- Leaders of seven Native American tribes and bands will join Gov. John Engler in signing a historic document Friday.

Signing of the Indian Gaming Compact marks the first time since statehood that a Michigan governor has participated in a formal signing ceremony with tribal leaders from central and northern Michigan.

The ceremony will take place at 10 a.m. in the gymnasium of the Nah Tah Wahsh School at Hannahville.

Native American leaders who will participate include: Ken Meshigaud, Tribal chairman, Hannahville Indian Community; Jeff Parker, Tribal chairman, Bay Mills Indian Community; Joseph Raphael, Tribal chairman, Grand Traverse Band of Ottawa and Chippewa Indians; Fred Dakota, Tribal chairman, Lac Vieux Desert Indian Community; Ron Falcon, Tribal chief, The Saginaw Chippewa Indian Tribe of Michigan; and Bernard Bouschor, Tribal chairman, Sault Ste. Marie Tribe of Chippewa Indians.

**Flint Journal, August 19, 1993**  
**p. A2**

**"State approval of compacts would benefit casino plans"**

**THE ASSOCIATED PRESS**

ESCANABA --- Gov. John M. Engler intends to sign compacts that sanction existing gambling operations, including video games, on Indian reservations in Michigan, officials say.

Without compacts, the federal government could close Indian casinos.

Once the agreements are signed, talks could begin to expand gambling operations to off-reservation casinos, which could have an impact on casino proposals involving AutoWorld in Flint and elsewhere in the state.

Engler, whose approval of off-reservation casinos is required by the Interior Department, has refused to consider these proposals until the compacts are completed.

Maura Campbell, a spokeswoman for Engler, said the administration has made no decision concerning off-reservation gaming proposals and would not speculate on such proposals until after the compact is signed.

"Any decision to do so would be premature," she said, because such proposals must first be approved by the U.S. Department of Interior. The Interior Department must agree to place land into trust for an Indian tribe and designate its use for gaming purposes.

So far, she said, only one tribe has submitted such an application to the federal government - the Sault Ste. Marie Tribe of Chippewa Indians which wants to build a casino in Detroit's Greektown area.

Mike Gadola, Engler's assistant legal adviser, emphasized off-reservation gaming was not part of the negotiations on the compacts. But those close to the talks said the documents outline a process for applying for off-reservation gaming.

Negotiators were tying up loose ends Wednesday.

A signing ceremony, including passing of a peace pipe, was planned Friday at the Hannahville Indian Ceremony [sic] near Escanaba.

Sporadic efforts to reach a deal had been made since 1988, when the federal Indian Gambling Regulatory Act ordered states to make compacts with tribes.

A longstanding hurdle was the state's opposition to video gaming. But a ruling in April by the Michigan Court of Appeals left the state little choice but to accept video games on reservations of Michigan's federally-recognized tribes, Gadola said.

Federal acknowledgment accords a tribe a complex status as a sovereign "domestic dependent nation" within the federal and state systems of government.

**The Grand Rapids Press, August 19, 1993**  
**p. B4**

**"Michigan View" column (compiled from press wire services)**

**"Engler, Indian leaders will sign deal allowing gaming operations"**

**ESCANABA --- Gov. John Engler intends to sign compacts that sanction existing gambling operations, including video games, on Indian reservations in Michigan, officials say.**

**"Everybody is quite satisfied with the outcome," said Lucille Taylor, the governor's legal counsel.**

**Taylor said a signing ceremony, including passing of a peace pipe, was planned for Friday at the Hannahville Indian Ceremony [sic] near Escanaba.**

**Not since territorial Gov. Lewis Cass signed 19th century treaties has a Michigan governor held formal signing ceremonies with tribal leaders from central and northern Michigan.**

**Sporadic efforts to reach a deal had been made since 1988, when the federal Indian Gambling Regulatory Act ordered states to make compacts with tribes.**

**Houghton Daily Mining Gazette, August 19, 1993**  
**p. 1, 14**

**"It's a deal"**  
**subhead - "Tribal gaming pact reached"**

**By Doug Sanders**  
**Gazette writer**

**ASSININS — A long-anticipated agreement has been completed that would secure the future of Indian gambling casinos in Michigan, it was announced today. And no one at the formal signing ceremony, set for Friday at the Hannahville Indian Community near Escanaba, will be happier than Fred Dakota.**

**Dakota, tribal chairman of the Keweenaw Bay Indian Community, reacted to the news with a mixture of relief and a tinge of frustration at the length of the process. The tribe operates the Ojibwa Casino and entertainment complex in Baraga.**

**"I'm very happy that it's done," Dakota said. "We've been trying since 1988, since the creation of the Indian Gaming Regulatory Act, to get one and things didn't get really serious until six or eight months ago.**

**"But, we have got the compact. That is like taking away a big cloud from over our heads."**

**Congress passed the Indian Gaming Regulatory Act to provide a legal basis for tribes already operating gambling casinos on reservation land. Provisions of the bill ordered the tribes to negotiate a compact with their respective state governments that would establish what sorts of games would be allowed.**

**The federally mandated compacts were specifically directed at the regulation of so-called Type III gaming enterprises including slot machines, video poker machines, craps and roulette.**

**Dakota, who fathered on-reservation gambling in Michigan when, in 1983, he started a casino in his garage, said the agreement with the governor's negotiators only sanctions what he all along knew to be the tribes' right.**

**"I've always thought gaming was legal," he said. "This is our land to do with what we want without interference from the government. We are the original people. Do you know what that means? We've given up just about everything, but now we have something that is our own."**

**The passage of IGRA, though aimed at smoothing the process for tribes to operate their existing casinos, was just a hindrance to his group, Dakota said.**

**"I suppose it means we are not as sovereign as we like, but, still, I'm very, very happy," he said. "It's been a success and a long, dragged-out ordeal for us."**

**Tribal leaders interviewed today said the details of the compact are pretty straightforward, spelling out the obligations of the tribes and allowing Type III gaming to go forward. In return for backing off on the issue of video poker, which the state wanted to preserve for its own**

development, the tribes agreed to give state auditors and inspectors access to the casinos.

Dakota said slots and video machines account for 80 percent of Ojibwa Casino revenue and, therefore, an important issue for the KBIC.

Jeff Parker, tribal chairman of the Bay Mills Indian Community and head of the Inter-tribal Council of Michigan, said the toughest part of the negotiations was in getting the state to the table. After that was accomplished, he said, things went smoothly.

"There was no long, drawn-out battle," he said. "I think both sides are fairly happy with the outcome. When the administration in Lansing saw the benefits casinos had, particularly their impact on the U.P., they were ready to move. Everywhere there's been a casino, it has had benefits to the immediate community."

Estimates peg annual tribal revenues at about \$42 million from the eight casinos operating in Northern Michigan. The casinos directly employ about 2,000 people and are generally given credit for reducing reservation unemployment by about 60 percent since their inception.

Some anticipated that the issue of off-reservation gaming might prove a stumbling block to negotiations between the tribes and the state. Some tribes, particularly the Sault Ste. Marie Chippewa Tribe, have discussed the placement of casinos in Detroit, Flint, Port Huron and elsewhere. Both Gov. John Engler and many of the tribal chairmen insisted all along that no consideration would be given to off-reservation gaming until the compact was complete.

Dakota and Hannahville Tribal Chairman Ken Meshigaud said it was never an issue and that the ball is in the governor's court on whether cities and tribes will join together on casinos.

"I believe that part of it is not in the hands of the tribes," Dakota said. "The compact only addresses on-reservation gaming."

A signing ceremony is scheduled for Friday morning at the Hannahville Community Nah-tah-wahsh (Soaring Eagle) School near Escanaba. The governor and the tribal chairmen are expected to attend. Meshigaud said a peace pipe ceremony is planned to bless the signing and create harmony between the state and the tribes.

Though considered just a formality, to be official Wednesday's agreement must still pass review by the Michigan Legislature and the U.S. Department of the Interior and be published in the Congressional Record.

**Iron Mountain Daily News, Thursday August 19, 1993**  
**p. 1**

**"Engler to make Indian casino gambling legal"**

ESCANABA (AP) — Gov. John Engler intends to sign compacts that sanction existing gambling operations, including video games, on Indian reservations in Michigan, officials say.

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"Everybody is quite satisfied with the outcome," said Lucille Taylor, the governor's legal counsel.

Taylor said a signing ceremony, including passing of a peace pipe, was planned for Friday at the Hannahville Indian Ceremony [sic] near Escanaba, The Detroit News reported.

Not since territorial Gov. Lewis Cass signed 19th century treaties has a Michigan governor held formal signing ceremonies with tribal leaders from central and northern Michigan.

Sporadic efforts to reach a deal had been made since 1988, when the federal Indian Gambling Regulatory Act ordered states to make compacts with tribes.

**"Gaming accord: Compact with Michigan tribes will allow continued casino gambling"**

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Gadola was the Engler administration's leading representative in the negotiations.

Federal acknowledgment accords a tribe a complex status as a sovereign "domestic dependent nation" within the federal and state systems of government.

Without compacts, the federal government could close Indian casinos. Once the agreements are signed, new talks could begin to expand gambling operations to off-reservation casinos.

Some of Michigan's tribes have discussed off-reservation casinos in Detroit, Flint, Port Huron and elsewhere. But Engler, whose approval is required by the Interior Department, has refused to consider these proposals until the compacts are completed.

Gadola emphasized that off-reservation gaming was not part of the negotiations on the compacts. But those close to the talks told the News the documents outline a process for applying for off-reservation gaming.

There are differences among the tribes on whether — and how — to have off-reservation gaming. The only such application filed so far involves the Sault Ste. Marie Tribe of Chippewa Indians for a casino in Detroit's Greektown area.

One tribal leader, Chairman Joseph "Buddy" Raphael of the Grand Traverse Band of Ottawa and Chippewa Indians said there were "still a couple areas of concern" to work out before compacts are signed.

Once signed, the documents will be submitted to the Michigan Legislature and the Interior Department for concurrence.

**Lansing State Journal, August 19, 1993**  
**p. 3B**

In "State Digest" column  
■ **AT THE CAPITOL**

**"Engler ready to sign OK on gambling deal"**

Gov. John Engler intends to sign compacts that sanction existing gambling operations, including video games, on Indian reservations in Michigan, officials say.

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**Manistee Advocate, August 19, 1993**  
**p. 3A**

**"Engler to sign pact w/Indians"**

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Sporadic efforts to reach a deal over tribal gaming enterprises had been made since 1988, when the Federal Indian Gambling Regulatory Act ordered states to make compacts with tribes.

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**"Report: State, tribes plan to sign compact"**

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**Menominee Herald-Leader, August 19, 1993**  
p. 1,5

**"State, tribal leaders to sign gambling compact"**

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Once signed, the documents will be submitted to the Michigan Legislature and the Interior Department for concurrence.

**The Muskegon Chronicle, August 19, 1993**  
**p. 1B**

**"State, tribes reach gambling accord"**  
subhead - "Once the agreements are signed, talks could begin to expand Indian gambling to off-reservation casinos."

**Associated Press**

Gov. John Engler intends to sign compacts that sanction existing gambling operations, including video games, on Indian reservations in Michigan, officials say.

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There are differences among the tribes on whether --- and how --- to have off-reservation gaming. The only such application filed so far involves the Sault Ste. Marie Tribe of Chippewa Indians for a casino in Detroit's Greektown area.

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**Oakland Press, August 19, 1993**  
**p. A3**

**"Engler backs gambling"**

ESCANABA --- Gov. John Engler intends to sign compacts that sanction existing gambling operations, including video games, on Indian reservations in Michigan, officials say. Negotiators were tying up loose ends Wednesday. "Everybody is quite satisfied with the outcome," said Lucille Taylor, the governor's legal counsel. Taylor said a signing ceremony, including passing of a peace pipe, was planned for Friday at the Hannahville Indian Ceremony [sic] near Escanaba.

**Petoskey News Review, Thursday, August 19, 1993**  
**p. 3**

**"Engler, Indians to sign gambling pact"**

ESCANABA (AP) --- Gov. John Engler intends to sign compacts that sanction existing gambling operations, including video games, on Indian reservations in Michigan, officials say. Lucille Taylor, the governor's legal counsel, said a signing ceremony, including passing of a peace pipe, was planned for Friday at the Hannahville Indian Ceremony [sic] near Escanaba, The Detroit News reported. Not since territorial Gov. Lewis Cass signed 19th century treaties has a Michigan governor held formal signing ceremonies with tribal leaders from central and northern Michigan. Sporadic efforts to reach a deal had been made since 1988, when the federal Indian Gambling Regulatory Act ordered states to make compacts with tribes.

**Port Huron Times Herald, August 19, 1993**  
**p. 3A**

**"7 tribes, Engler ready to pass the peace pipe"**

**By GEORGE WEEKS**  
**Gannett News Service**

Lansing — Gov. John Engler plans Friday to sign compacts that sanction on-reservation gambling for seven tribes.

The move could clear the way for discussion of off-reservation casinos in Michigan.

"Everybody is quite satisfied with the outcome," said Lucille Taylor, the governor's lawyer. He will be participating in a signing ceremony, including passing of a peace pipe, at the Hannahville Indian Community near Escanaba.

Negotiations essentially were completed Monday, said Mike Gadola, who was Gov. Engler's lead negotiator on Michigan's long-delayed compacts that the federal Indian Gambling Regulatory Act of 1988 required the states to complete with the tribes.

A major hurdle was the state's opposition to video gaming. But an April ruling by the Michigan Court of Appeals left the state little choice but to agree to video games on reservations of Michigan's federally recognized tribes.

The law gives each tribe a complex status as a sovereign "domestic dependent nation" within the federal and state systems of government.

Some of the tribes have been parties to discussions about off-reservation casinos in Detroit, Flint and Port Huron. But Gov. Engler, whose approval is required by the Interior Department, has refused to consider these proposals until the compact is completed.

In July, Port Huron voters rejected a proposed casino in an advisory vote.

Mr. Gadola emphasized off-reservation gaming in cities was not part of the negotiations on the compact. But those close to the negotiations said the 14-page documents outline a process for applying for off-reservation gaming.

There are differences among the tribes on whether, and how, to have off-reservation gaming. The only such application filed so far involves the Sault Ste. Marie Tribe of Chippewa Indians for a casino in Detroit's Greektown.

**Sault Ste. Marie Evening News, August 19, 1993**

**p. 1**

**"Michigan tribes, state to ink gaming compact"**

**By ANGELA BRITTON**

**Evening News**

**SAULT STE. MARIE —** While Gov. John Engler's office is making arrangements to sign a gaming compact Friday with Michigan tribal leaders, city officials are keeping the details to themselves by order of the governor.

The compact, the first of its sort in this century, will legalize video gambling operations already in existence in many reservation casinos. Periodic negotiations have been attempted since 1988, when the federal Indian Gambling Regulatory Act ordered the states and tribes to come to an agreement.

Michael Gadola, Engler's assistant legal advisor, said that a ruling by the Michigan Court of Appeals in April left the state little choice but to accept video games on federally recognized reservations. The games had been the last obstacle to the signing.

Meanwhile, Sault Mayor Bill Lynn said the city is included in the compact, although he is unsure to what degree.

"We don't know all the details but we know we are included," Lynn said, referring to speculation that local governments will be cut in for a portion of the revenues. Lynn said it's too early to guess about dollar amounts.

Regardless of the amount, Lynn said he knows how he would like to see the money spent.

"The city manager and myself agreed that our recommendation to the city commission, whatever we get, will be to put the money toward the combined sewer overflow costs and new roads in Sault Ste. Marie. We really want to put it into infrastructure," the mayor said, pointing out that the Sault is unique because the reservation lies within the city limits.

Sault Tribal Chairman Bernard Bouschor said today he could not reveal any of the compact's finer details until the governor's office gave the say so, but did comment "it's an exceptional compact." Bouschor will attend the signing ceremony.

The tribal chair explained that the compact is a 20-year agreement, at which time it can be renegotiated.

Engler is expected to meet in Hannahville with tribal leaders including Jeff Parker, tribal chair of the Bay Mills Indian Community. Officials in the governor's office say the ceremony will include the passing of a peace pipe.

Once the compact is signed, it will be forwarded to the Michigan Legislature and the Interior Department for approval.



**"State, tribal leaders to sign compact"**

ESCANABA, Mich. (AP) — Gov. John Engler intends to sign compacts that sanction existing gambling operations, including video games, on Indian reservations in Michigan, officials say.

Negotiators were tying up loose ends Wednesday.

"Everybody is quite satisfied with the outcome," said Lucille Taylor, the governor's legal counsel.

Taylor said a signing ceremony, including passing of a peace pipe, was planned for Friday at the Hannahville Indian Ceremony [sic] near Escanaba, The Detroit News reported.

Not since territorial Gov. Lewis Cass signed 19th century treaties has a Michigan governor held formal signing ceremonies with tribal leaders from central and northern Michigan.

Sporadic efforts to reach a deal had been made since 1988, when the federal Indian Gambling Regulatory Act ordered states to make compacts with tribes.

A longstanding hurdle was the state's opposition to video gaming. But a ruling in April by the Michigan Court of Appeals left the state little choice but to accept video games on reservations of Michigan's federally-recognized tribes, said Mike Gadola, Engler's assistant legal adviser.

Gadola was the Engler administration's leading representative in the negotiations.

Federal acknowledgment accords a tribe a complex status as a sovereign "domestic dependent nation" within the federal and state systems of government.

Without compacts, the federal government could close Indian casinos. Once the agreements are signed, new talks could begin to expand gambling operations to off-reservation casinos.

Some of Michigan's tribes have discussed off-reservation casinos in Detroit, Flint, Port Huron and elsewhere. But Engler, whose approval is required by the Interior Department, has refused to consider these proposals until the compacts are completed.

Gadola emphasized that off-reservation gaming was not part of the negotiations on the compacts. But those close to the talks told the News the documents outline a process for applying for off-reservation gaming.

There are differences among the tribes on whether — and how — to have off-reservation gaming. The only such application filed so far involves the Sault Ste. Marie Tribe of Chippewa Indians for a casino in Detroit's Greektown area.

One tribal leader, Chairman Joseph "Buddy" Raphael of the Grand Traverse Band of Ottawa and Chippewa Indians, said there were "still a couple areas of concern" to work out before compacts are signed.

Once signed, the documents will be submitted to the Michigan Legislature and the Interior Department for concurrence.

**Traverse City Record-Eagle, August, 19, 1993**  
p. 1A, 3A

**"Engler expected to sign tribal gaming compacts on Friday"**  
p. 3A continued headline - **"...Engler to ink gambling compacts"**  
photo caption - **"Joseph Raphael: Says he is relieved by agreement with state."**

From staff and wire reports

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"Everyone is quite satisfied with the outcome," said Lucille Taylor, the governor's legal counsel.

In Peshawbestown, where the Grand Traverse Band of Ottawa and Chippewa Indians operates a casino and a video gaming hall, Tribal Chairman Joseph "Buddy" Raphael said he's relieved.

"We've operated for nine years with a cloud over what we're doing here," Raphael said.

Even though the band and the state's six other tribes have operated gambling operations without legal compacts for years, Raphael said the lack of an agreement has limited the tribes business expansion.

Without compacts, the federal government could potentially close Indian casinos. When tribes were "out in the battlefield" negotiating for multi-million dollar loans to start businesses or off-reservation gaming ventures, they couldn't guarantee their cash flow, he said.

"This will not only guarantee four or five thousand (gaming) jobs in the state, it will allow expansion to put people to work. We look at what we're doing today will likely double within a year, both gambling and business," he said.

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## Appendix G

Signing Articles.

**Adrian Daily Telegram, Saturday, August 21, 1993**  
p. A3

**"Engler signs gambling compact approving reservation gambling"**

ESCANABA (AP) — Sealing the deal by passing a peace pipe, leaders of Michigan's seven Indian tribes and Gov. John Engler signed papers Friday giving formal state approval to casino gambling on reservations.

About 300 people attended the signing at Soaring Eagle School on the Hannahville Indian Community reservation. The pact, the subject of four years of negotiations, brings the state and tribes into compliance with federal law and sets both sides' regulatory duties.

It was the first such signing involving a Michigan governor and tribal leaders since territorial Gov. Lewis Cass signed 19th-century treaties.

"This agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes," said Jeff Parker, chairman of the Committee for Reservation Economic Development.

Engler praised the tribal leaders and said he hoped it would "live on beyond this agreement to help us resolve other areas of mutual concern."

Tribal gaming in Michigan provides 2,600 jobs, nearly half of which are held by Indians. Tribal leaders say casinos have opened economic opportunity for a people long mired in poverty.

A recent survey showed that 49 percent of casino employees were on welfare or other government assistance before getting their jobs, Parker said in a statement.

"Tribes began operating casinos for one reason: to generate revenues to help the tribal members," said Ken Meshigaud, chairman of the Hannahville Indian Community.

Casinos are the largest private employers in some parts of the state, including Baraga, Chippewa and Leelanau counties, Parker said.

The 1988 Indian Gambling Regulatory Act requires that states enter compacts with tribes that have gaming operations.

By operating casinos without a compact, the Michigan tribes were violating the law although the federal government never took action against them, said Michael Gadola, Engler's deputy legal counsel.

Engler signed separate but nearly identical compacts with each tribe. In addition to describing the kinds of games permitted, the compact also:

- Put the tribes in charge of game regulation. Tribes must post signs at casinos notifying gamblers that the state doesn't regulate them.

- Allow state officials to inspect the casinos and their records. The tribes must pay up to \$25,000 a year to cover oversight costs.

- State that the tribes can apply for permission to operate gambling facilities off the reservation only after agreeing among themselves on a revenue-sharing plan.

**Ann Arbor News, August 21, 1993**  
**p. A6**

**"Indians, Engler sign compact on gambling"**  
**FROM THE ASSOCIATED PRESS**

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**Battle Creek Enquirer, August, 21, 1993**  
p. 3A

**"Engler, tribes sign gambling agreement"**  
subhead - "Indian leaders say casinos provide much-needed jobs"

**The Associated Press**

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The 1988 Indian Gambling Regulatory Act requires that states enter compacts with tribes that have gaming operations. Without them, federal officials could close the casinos.

Sporadic talks have been held in Michigan since the federal law took effect. A key hurdle was cleared in April when a state Court of Appeals ruling forced the state to drop its opposition to video-machine gambling.

Tribes now might look to expand their operations beyond reservation borders. The compact does not deal with off-reservation gambling other than to require that before it can take place, all seven tribes must agree on a revenue-sharing plan.

The compact still must be approved by the state Legislature, then the Secretary of the Interior.

**The Bay City Times, August 21, 1993**  
**p. 1A, 2A**

**"Indian gaming OK'd"**  
**subhead on p. 2A - "Kelley raps video poker"**

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"Tribes began operating casinos for one reason [sic] to generate revenues to help the tribal members," said Ken Meshigaud, chairman of the Hannahville Indian Community.

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The compact still must be approved by the state Legislature, then the Secretary of the Interior.

Attorney General Frank Kelley, a foe of gambling, said he regretted that the compact had been signed but acknowledged the federal law gave Engler little choice.

"In effect, past actions by Congress and federal courts have made a mockery of state sovereignty, taking away our right to prohibit, or even strictly limit, gambling within our own boundaries," Kelley said.

He said he was particularly unhappy that the courts had blocked Michigan from outlawing video poker, which he called "one of the most

insidious forms of gambling, since it relieves money from the player so fast that a paycheck can be lost in a matter of a few minutes."

Signing the compact on behalf of the Indians were Meshigaud: Parker, who also is tribal chairman of the Bay Mills Indian Community; Joseph Raphael, tribal chairman of the Grand Traverse Band of Ottawa and Chippewa Indians; Fred Dakota, tribal chairman of the Keweenaw Bay Indian Community; John McGeshick, tribal chairman of the Lac Vieux Desert Indian Community; Ron Falcon, tribal chief of the Saginaw Chippewa Indian Tribe of Michigan; and Bernard Bouschor, tribal chairman of the Sault Ste. Marie Tribe of Chippewa Indians.



**Benton Harbor Herald-Palladium, August 21, 1993**  
**p. 1A**

**"Gov. Engler, Indians smoke peace pipe on casino pact"**  
**photo - caption: "Gov. John Engler First such pact since 1837"**

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**Detroit News & Free Press, Saturday, August 21, 1993**

**p. A1, A9**

(picture on p. A1 - "Gov. John Engler smokes a peace pipe with tribal leaders Friday, a photo opportunity comparable to Thursday's one-room schoohouse show")

ref. to an Education tax bill Engler signed

(enlarged quote on A9 - "This agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes." -- Jeff Parker, chairman of the Committee for Reservation Economic Development)

"Indian gambling legalized: It may clear path for Detroit casino"  
A9 headline - "Compact legalizes Indian-run casinos"

**By Lori Montgomery, Free Press Lansing Staff**

After puffing a ceremonial peace pipe Friday, Gov. John Engler signed a compact to legalize Indian-run gambling, ending a four-year battle by Michigan tribes to win state approval for eight existing casinos.

The agreement, which still must win legislative approval, also permits Indian-run casinos outside reservation borders -- in Detroit's Greektown, for example, a location coveted by the Sault Ste. Marie Chippewas.

But while the compact theoretically clears the way for a Detroit casino, it also may throw up a roadblock. Under the compact, all seven of the state's federally recognized tribes would have to agree on how to share profits from an off-reservation casino.

"The requirement that all seven tribes agree ... before there can be any off-reservation gaming is in some ways, another hurdle," to a Detroit casino, said David Waymire, of Marketing Resource Group, which represents the other six tribes.

"No matter what kind of revenue-sharing agreement they come up with, it doesn't mean everybody will jump on board," Waymire said.

At a ceremony before about 300 people at the Hannahville Indian Community reservation near Escanaba, Engler signed separate compacts with each of the seven tribal leaders, the first Indian accords signed by a Michigan governor since the 1800s.

"This agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes," said Jeff Parker, chairman of the Committee for Reservation Economic Development, which represents the seven tribes.

Indian tribes in Michigan and across the nation began running gambling operations in the mid-1980s to help relieve desperate poverty. Today, tribal gaming in Michigan is a \$40-million-a-year industry that employs more than 3,000 people -- most of them American Indians -- in areas where unemployment has hit double digits for 20 years or more.

In 1988, a U.S. Supreme Court ruling prompted Congress to pass a law sanctioning Indian gambling. However, the law required tribes to enter compacts with their home states to regulate the casinos.

Sporadic talks have been held in Michigan since the federal law was signed. A key hurdle was cleared in April when a state Court of Appeals ruling forced the state to drop its opposition to video-machine gambling.

If the Legislature approves the compact next month as expected, casinos near Mt. Pleasant and Traverse City and six in the Upper Peninsula will be legal. Then the governor and the tribes can focus on the touchy issue of off-reservation gambling.

Engler spokesman John Truscott said a casino in Detroit or any other off-reservation site won't be examined until the compact is ratified and a proposal for a Greektown casino is cleared by the federal government.

Each off-reservation casinos [sic] must win approval from both the federal government and from Engler, who can veto any proposal.

Detroit voters have rejected casino proposals four times since the early 1980s. But the city has been targeted by two tribes: In addition to the Chippewas' Greektown proposal -- which is pending before the U.S. Bureau of Indian Affairs -- the Bay Mills Indian tribe, also from the Eastern UP, is reportedly considering a casino near Detroit's Fox Theatre.

Lansing attorney Richard McLellan, who represents the Sault Ste. Marie Chippewas in the Greektown plan, agreed that "there are hurdles to getting this done. [sic]

"But we believe that they will be resolved," he said. "The Sault tribe has consistently said they are willing to discuss revenue-sharing. ... We're pretty clear on what the governor wants."

The Associated Press contributed to this report.

(Quote at the end of the article highlighted in a box)

By Daily Press Staff

Hannahville — Gov. John Engler and leaders of seven federally-recognized Native American tribes and bands in Michigan signed a historic gaming compact at the Hannahville Indian Reservation.

Tribal leaders said the compact allows tribes to continue operating their eight existing casinos on Indian land.

The signing ceremony took place in the Nah Tah Wahsh School.

"We talked about it, thought about it, finally we have a compact in Michigan... We can control our own destiny," said Fred Dakota, tribal chairman of the Keweenaw Bay Indian Community.

"This event is truly historic," said Engler. "Not since statehood has Michigan's governor participated in a formal signing ceremony of this importance — to both the Indian community and to the entire state."

Current talks had been ongoing since April, and date back to 1989.

But it wasn't always harmonious. In 1990, the tribes filed a lawsuit in federal court against the governor's office, saying the governor had negotiated in bad faith.

Mike Gadola, deputy legal aide to the governor, said papers to dismiss the suit were filed today. Gadola said the main portion of the suit dealt with exclusion of video poker machines.

One of the stipulations to dismissing the suit is video gambling machines will be allowed, Gadola said. However, tribes will be required to share revenue from the games — 8 percent to the state and 2 percent to local government. The video poker agreement was not part of the compact.

Ken Meshigaud, tribal chairman of the Hannahville Indian Community, said the compact will allow the tribes to operate games currently at their casinos.

The Hannahville Indian Community operates the Chip-In Casino along U.S. 2 near Bark River.

The issue of off-reservation gambling was not a part of the compact, Meshigaud said.

Meshigaud said the compact is a "security blanket" for the tribe. He said the tribe had considered making investments in the community in the past, but were wary about the future of gaming operations in Michigan without an agreement with the governor.

For example, the tribe considered becoming a partner in U.S. Cedar, a furniture manufacturer in Escanaba, last year. Doubts about the future of gaming were a factor in deciding not to invest.

Meshigaud said the tribe can now be more secure in making investments, creating jobs in the process.

"Tribes began operating casinos for one reason, to generate revenues to help the tribal members," Meshigaud said. "With the revenues generated from gaming, we will be able to take care of the education, health, housing and other human service needs of our tribes. This very school

where we're holding today's celebration was possible, thanks in part to the benefits of gaming."

Gadola said the compact puts the state in a oversight role rather than a regulatory role. For example, tribes will regulate casinos. The state, however, will require accounting records and background checks on employees, Gadola said. The state may also inspect casinos and records.

Before signing the pact, Engler joined with the tribal heads in smoking a ceremonial peace pipe.

"This agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes," said Jeff Parker, chairman of the Committee for Reservation Economic Development.

"We thank Gov. Engler for meeting with the tribes and reaching agreement on this gaming compact. This is positive news for Native Americans and non-Native Americans alike. We look forward to quick approval by the Legislature of Gov. Engler's far-reaching compact with the tribes."

The agreement must still be approved by the Legislature and the U.S. Department of Interior.

The agreement brings the tribes and the state into compliance with the federal Indian Gaming Regulatory Act and clearly spells out the duties and obligations of all parties, Engler said.

"I hope that this agreement will help strengthen tribal government and promote self-sufficiency --- goals that we all share." Engler said.

**"Benefits of gaming compact hailed"**

subhead - "Historic agreement helps secure future for Native Americans"

Photos (2) - caption "COMPACT CEREMONY --- Gov. John Engler, above, smokes a peace pipe with leaders of Michigan's seven federally-recognized Native American tribes Friday prior to signing gaming compacts with each of the tribes. He was joined, top foreground, by Joseph Migwenabe, right, and Ken Meshigaud, chairman of the Hannahville Indian Community. At the governor's left are tribal chairmen Fred Dakota, John McGeshick, Ron Falcon and Bernard Bouschor, with Jason Dowd, a member of the Hannahville Community who with Regina Shawano led the entrance march. At left, Ken Meshigaud and Gov. Engler sign the gaming compact documents. (Daily Press photos by Doug Brooks)

By **CHRISTINE PEPIN and DAVE ANDREWS**, Daily Press Staff

**HANNAHVILLE** --- The economic future of thousands of Native Americans in Michigan became more secure Friday, tribal leaders said.

Gov. John Engler and chairmen of the state's seven federally-recognized Native American tribes and bands signed gaming compacts during ceremonies at Hannahville's Nah Tah Wahsh School.

The compacts, which are subject to approval by the Legislature and the U.S. Secretary of the Interior, were negotiated under provisions of the federal Indian Gaming Regulatory Act of 1988.

The compacts provide for the continuation of gaming enterprises --- and the thousands of jobs those enterprises have created --- in eight Michigan locations.

All seven of the tribes which signed compacts currently operate gaming facilities, including the Chip-In Casino at Hannahville.

Total employment of those casinos and bingo halls is currently 2,681, according to a study done for the tribes by University Associates of Lansing and Norway. Of those employees, 52 percent were Native Americans.

The seven tribes reported combined receipts of \$70,738,091 in 1992. Gaming payrolls totaled \$19,677,070, the University Associates study reported.

Signing of the gaming compact with each of the tribes resolves an uncertainty about gaming operations that had lingered in Michigan, said Engler.

The agreements "will strengthen tribal governments and promote self-sufficiency," he said.

Ken Meshigaud, chairman of the Hannahville Indian Community who was master of ceremonies, said the compact heralds the start of a new era for Native Americans and offers the promise of better health, housing, education and social services.

Engler joined the Native American leaders in smoking a ceremonial peace pipe in celebration of the signing.

The peace pipe was passed by Joseph Migwanabe of Hannahville, who opened the ceremony with a prayer in his native Pottawatomie tongue.

The ceremony was interrupted briefly when a fire alarm sounded, startling several hundred people who assembled in the gymnasium of the new school.

Meshigaud joked that the alarm had been activated by smoke from the peace pipe. It was actually set off by a youngster in the hall outside the gym.

Meshigaud was more serious when asked about the possibility of casino expansion and investment in the Escanaba area.

"We've had a lot of opportunities we've had to pass up because of the uncertainty of gaming," Meshigaud said.

"We're definitely going to be doing something," he said. "There have been several discussions regarding expansion... the magnitude, we don't know."

He said more plans will be made once the Secretary of the Interior signs the agreement.

Although the compact makes no provision for expansion of gaming beyond reservation boundaries, the compact specifies "any lands which the Tribe proposes to be taken into trust by the United States for purposes of locating a gambling establishment thereon shall be subject to the Governor's concurrence..."

Bernard Bouschor, chairman of the Sault Ste. Marie Tribe of Chippewa Indians, said the compact will mean independence and employment for members of his tribe.

He said the tribe would concentrate on home ownership, rather than subsidized housing. He added they will be working with financial institutions and in some cases actually overseeing mortgages for tribal members, through the tribe. With their gaming revenue intact, he said, it's a more realistic goal.

"You've got to have resources to afford it," Bouschor said.

Unrelated to the compact but on the agenda for the Sault Tribe is additional housing in the Escanaba area.

Currently, the tribe has housing units along Willow Creek Road in Escanaba. Tribal Vice Chairman and Housing Commission Chairman George Nolan said the tribe has received approval for 45 new units of housing, with some of them slated for Escanaba.

"The land we have in Escanaba can take 10 more units and we're going to put them there," he said. "It has nothing to do with the compact... it is a continuance of plans for housing."

Other tribal chairmen who participated in the signing ceremony included Jeff Parker, Bay Mills Indian Community; Joseph Raphael, Grand Traverse Band of Ottawa and Chippewa Indians; Fred Dakota, Keweenaw Bay Indian Community; John McGeshick, Lac Vieux Desert Indian Community; and Ron Falcon, Saginaw Chippewa Indian Tribe of Michigan.

**Flint Journal, August 21, 1993**  
**p. A3**

**"Peace pipe seals casino deal"**

**subhead - "Engler signs pact authorizing gambling on Indian land"**

**photo - Caption: "Gov. John M. Engler smokes a peace pipe with leaders of seven Indian tribes before signing an Indian Gambling Compact in Hannahville."**

#### **THE ASSOCIATED PRESS**

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**Engler praised the tribal leaders and said he hoped it would "live on beyond this agreement to help us resolve other areas of mutual concern."**

**The administration had no plans to meet with tribes to discuss off-reservation gaming proposals, such as the one in Flint for AutoWorld.**

**Tribal gaming in Michigan provides 2,600 jobs, nearly half of which are held by Indians. Tribal leaders say casinos have opened economic opportunity for a people long mired in poverty.**

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**Casinos are the largest private employers in some parts of the state, including Baraga, Chippewa and Leelanau counties, Parker said.**

**The 1988 Indian Gambling Regulatory Act requires that states enter compacts with tribes that have gaming operations.**

**The tribes and state government held sporadic talks since the law took effect. But they were stalemated until April, when a state Court of Appeals ruling forced the state to drop its opposition to video-machine gambling.**



**The Grand Rapids Press, August 21, 1993**

**p. A4**

**"Engler, tribes ink deal formalizing OK for gambling on reservations"**

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A recent survey showed that 49 percent of casino employees were on welfare or other government assistance before getting their jobs, Parker said in a statement.

"Tribes began operating casinos for one reason: to generate revenues to help the tribal members," said Ken Meshigaud, chairman of the Hannahville Indian Community.

Casinos are the largest private employers in some parts of the state, including Baraga, Chippewa and Leelanau counties, Parker said.

The 1988 Indian Gambling Regulatory Act requires that states enter compacts with tribes that have gaming operations.

By operating casinos without a compact, the Michigan tribes were violating the law although the federal government never took action against them, said Michael Gadola, Engler's deputy legal counsel.

The tribes and state government held sporadic talks since the law took effect. But they were stalemated until April, when a state Court of Appeals ruling forced the state to drop its opposition to video-machine gambling.

Engler signed separate but nearly identical compacts with each tribe. In addition to describing the kinds of games permitted, the compacts also:

- Put the tribes in charge of game regulation. Tribes must post signs at casinos notifying gamblers that the state doesn't regulate them.
- Allow state officials to inspect the casinos and their records. The tribes must pay up to \$25,000 a year to cover oversight costs.
- States that the tribes can apply for permission to operate gambling facilities off the reservation only after agreeing among themselves on a revenue-sharing plan.

The tribes also agreed to drop a lawsuit they filed against the state in 1990 after talks stalled.

As part of the settlement, the tribes agreed to pay the state 8 percent of their "gross win" -- the total amount wagered less customer payout. Also, they will pay 2 percent of the gross win to local governments. The compact still must be approved by the state Legislature, then the U.S. Secretary of the Interior.

State Attorney General Frank Kelley, a foe of gambling, said he regretted that the compact had been signed but acknowledged the federal law gave Engler little choice.

"In effect, past actions by Congress and federal courts have made a mockery of state sovereignty, taking away our right to prohibit, or even strictly limit, gambling within our own boundaries," Kelley said.

He said he was particularly unhappy that the courts had blocked Michigan from outlawing video poker, which he called "one of the most insidious forms of gambling, since it relieves money from the player so fast that a paycheck can be lost in a matter of a few minutes."

Signing the compact on behalf of the Indians were Meshigaud: Parker, who also is tribal chairman of the Bay Mills Indian Community; Joseph Raphael, tribal chairman of the Grand Traverse Band of Ottawa and Chippewa Indians; Fred Dakota, tribal chairman of the Keweenaw Bay Indian Community; John McGeshick, tribal chairman of the Lac Vieux Desert Indian Community; Ron Falcon, tribal chief of the Saginaw Chippewa Indian Tribe of Michigan; and Bernard Bouschor, tribal chairman of the Sault Ste. Marie Tribe of Chippewa Indians.

**Hillsdale Daily News, Friday, August 20, 1993**  
**p. 3A**

**"Engler, tribal leaders unite"**

**ESCANABA, Mich. (AP) — Gov. John Engler and leaders of Michigan's seven federally recognized Indian tribes today signed a compact allowing continued gambling operations at reservation casinos.**

**The ceremony marked the first such signing involving a Michigan governor and tribal leaders since territorial Gov. Lewis Cass signed 19th-century treaties. About 300 people watched as Engler joined the tribal leaders in the traditional smoking of a peace pipe.**

**The event at Soaring Eagle School on the Hannahville Indian Community reservation ended four years of negotiations between the tribes and state officials.**

**"This agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes," said Jeff Parker, chairman of the Committee for Reservation Economic Development. "This is positive news for Native Americans and non-Native Americans alike.**

**"We look forward to quick approval by the Legislature."**

**Tribal gaming in Michigan provides 2,600 jobs, nearly half of which are held by Indians. Tribal leaders say casinos have opened economic opportunity for a people long mired in poverty.**

**A recent survey showed that 49 percent of casino employees were on welfare or other government assistance before getting their jobs, Parker said in a statement.**

**"Tribes began operating casinos for one reason: to generate revenues to help the tribal members," said Ken Meshigaud, chairman of the Hannahville Indian Community.**

**Casinos are the largest private employers in some parts of the state, including Baraga, Chippewa and Leelanau counties, Parker said.**

**Houghton Daily Mining Gazette, August 20, 1993**  
p. 1, 10

**"State, tribes sign, seal gambling pact"**  
subhead - "Peace pipe to be passed at formal ceremonies today in  
Hannahville"

**By DOUG SANDERS**  
Gazette writer

**HANNAHVILLE** --- Indian leaders from across the Upper Peninsula hailed today's signing of the gaming compact as the beginning of a new era in state-tribal relations.

Tribal leaders from across the state were expected to appear here with Gov. John Engler at a morning ceremony at the Hannahville Indian Community's Nah-tah-wahsh School near Escanaba. Plans for the event included the passing of a ceremonial peace pipe among Engler and the tribal representatives.

Jeff Parker, chairman of the Bay Mills Indian Community in Brimley as well as chairman of the Committee for Reservation Economic Development, said the agreement between the state and the tribes over the operation of gambling casinos is the best news possible.

"The agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes," Parker stated in a prepared statement. "We thank Gov. Engler for meeting with the tribes and reaching agreement on the gaming compact.

"This is positive news for Native Americans and non-Native Americans alike. We look forward to quick approval by the Legislature of Gov. Engler's far-reaching compact with the tribes."

The compact, which was tentatively agreed upon Wednesday, is the result of years of on-again, off-again negotiations between two Michigan governors and leaders from the seven federally recognized tribes.

In prepared remarks, Engler hailed the compact as "historic" and said he hoped that it would both "strengthen tribal government and promote self-sufficiency."

In addition, Engler's remarks included a reference to resolving "other areas of mutual concern" between the tribes and the state. One of the early stumbling blocks to reaching an accord was Engler's insistence that tribal hunting and fishing rights be re-negotiated at the same time. Engler also hoped to keep video gaming devices strictly under Lansing's control.

The heart of the compact is an agreement that gives the state the right to audit and inspect the casinos in exchange for allowing slot machines and the like. According to sources close to the negotiations, the agreement also deals somewhat with the contentious issue of off-reservation gambling.

The sources said the compact demands that all seven tribes agree on establishing off-reservation enterprises and share equally the profits. The Sault Ste. Marie Tribe of Chippewa Indians had previously worked out an

informal deal with Detroit developers to bring gambling to the Greektown section of that city.

One source said the compact prohibition may prompt a court challenge from the Sault tribe if it wishes to keep its earlier agreement with Detroit for a 60-percent stake in the profits. After protests from other tribes, the Sault Chippewas had previously offered them a 5-percent share. As attention turned to unity in the compact negotiations, the matter was never resolved.

Engler spokesman John Truscott said some form of revenue sharing between the tribes and local units of government will also result from the completed negotiations. Truscott said details of the plan, which is included in the settlement of outstanding lawsuits stemming from the stalled compact negotiations, are not yet available.

After today's signing, the compact will move to the State Legislature and to the U.S. Department of the Interior, where acceptance is expected to be swift.

**Houghton Daily Mining Gazette, August 21, 1993**  
**p. 1, 10**

**"Pomp and circumstance"**

**subhead - "Traditional ceremony marks signing of treaty"**

**Photo caption - "Flanked by Michigan Gov. John Engler, Keweenaw Bay Indian Community Tribal Chairman Fred Dakota signs the compact on Indian gaming. The agreement allows tribes to continue operating casinos and to offer slot machines, video poker machines, roulette and keno games."**

**By DOUG SANDERS**  
**Gazette writer**

**HANNAHVILLE --- Michigan Gov. John Engler reached back to the dawn of statehood to mark the historical significance of Friday's compact-signing ceremony at the Hannahville Indian Community near Escanaba.**

**In remarks that both praised the cooperation that led to the agreement and hinted at future state-tribal negotiations, Engler invoked the name of Michigan Territorial Gov. Lewis Cass, whose treaty-making prowess opened vast acreage to the state's earliest white settlers.**

**The ceremony, held at Hannahville's Nah-tah-wahsh School, just down the road from the tribe's Chip-In Casino, was a rare mix of sacred ritual, solemn promises and barely restrained jubilation. Tribal council members from across the state, area Native Americans, politicians, bureaucrats, the press and the merely curious packed the sparkling new gymnasium, built in part with casino revenue.**

**Engler and leaders representing the seven federally recognized tribes lined up across the brightly decorated stage, flanked by two young people in full traditional regalia. The ceremony opened with a prayer in the Algonquian tongue of the Potawatami people and an "Honor Song" sung to the accompaniment of drums.**

**Engler and the seven leaders then spent the rest of the morning swapping congratulatory speeches, hailing the "new era of tribal self-sufficiency" flowing from the agreement and affixing their signatures to the historic, 14-page document.**

**Before the speeches began, Hannahville spiritual elder Joe Migwanabe lit a peace pipe, presented it in the traditional way to the four directions and shared it with those on the dais, including Engler. The sweet smell of tobacco smoke filled the gym as Migwanabe kept the ancient instrument lit throughout the ceremony, even briefly setting off fire alarms in the school.**

**Tribal public relations spokesman David Waymire of Lansing said Engler's staff contacted experts at Michigan State University and Hannahville to learn the correct form for handling the sacred pipe, which is traditionally used to bless important events and seal relationships between participants.**

**One-by-one, the tribal chairmen stepped forward to the table, took their seat alongside Engler and to the cheers of their respective delegations**

made the compact official. All that remains now is for the State Legislature and the U.S. Department of the Interior to give approval.

Following the conclusion of the official proceedings, Engler followed his usual custom and briefly answered questions from the press.

Asked about the "areas of mutual concern" he hinted might be addressed now that the compact is completed, Engler first brought up an ongoing court battle with the Mt. Pleasant tribe over reservation boundaries. He then mentioned lingering disputes over Indian hunting and fishing rights that he believes have yet to be settled.

"We hope to deal with all of these issues," Engler said. "The compact, we think, gives us a framework for future dealings with the tribes. Hopefully, a good relationship has been established."

Engler deflected a question about so-called off-reservation casinos, an issue that revolves around the possibility of a tribe-operated complex in Detroit.

After the ceremony, Engler posed for group photographs with tribal leaders, their respective elected delegations and state officials involved in the compact negotiations.

After the ceremony, Keweenaw Bay Indian Community Tribal Chairman Fred Dakota smiled and jokingly said it was difficult Friday for him to distinguish between Christmas and the ceremony marking the securing of the compact. As he signed a souvenir copy of the ceremony program, he told those within earshot that he had been "carrying this pen around for six months," ready to sign.

"It's been litigated, talked about, thought about and, finally, we have a compact here in Michigan," he said. "When I look back on all the things that have happened here in Michigan since we started (negotiating), it's very inspiring."

University Associates, a Lansing market research firm hired by the tribes, estimates that Indian gaming in Michigan is now a \$71 million industry that directly employs nearly 2,700 people at eight locations. The Ojibwa Casino, the study said, is now the largest employer in Baraga County.

**Iron Mountain Daily News, Friday August 20, 1993**  
**p. 1**

**"Engler, tribes unite"**

ESCANABA, Mich. (AP) — Gov. John Engler and leaders of Michigan's seven federally recognized Indian tribes today signed a compact allowing continued gambling operations at reservation casinos.

The ceremony marked the first such signing involving a Michigan governor and tribal leaders since territorial Gov. Lewis Cass signed 19th-century treaties.

The ceremony at the Hannahville Indian Community reservation ends four years of negotiations between the tribes and state officials.

"This agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes," said Jeff Parker, chairman of the Committee for Reservation Economic Development. "This is positive news for Native Americans and non-Native Americans alike.

"We look forward to quick approval by the Legislature."

Tribal gaming in Michigan provides 2,600 jobs, nearly half of which are held by Indians.

Signing the compact on behalf of the Indians were Meshigaud: Parker, who also is tribal chairman of the Bay Mills Indian Community; Joseph Raphael, tribal chairman of the Grand Traverse Band of Ottawa and Chippewa Indians; Fred Dakota, tribal chairman of the Keweenaw Bay Indian Community; John McGeshick, tribal chairman of the Lac Vieux Desert Indian Community; Ron Falcon, tribal chief of the Saginaw Chippewa Indian Tribe of Michigan; and Bernard Bouschor, tribal chairman of the Sault Ste. Marie Tribe of Chippewa Indians.



**"Tribes are in charge of game regulations"**  
**subhead - "New casino pact spells out duties"**

ESCANABA (AP) — Sealing the deal by passing a peace pipe, leaders of Michigan's seven Indian tribes and Gov. John Engler signed papers Friday giving formal state approval to casino gambling on reservations.

About 300 people attended the signing at Soaring Eagle School on the Hannahville Indian Community reservation. The pact, the subject of four years of negotiations, brings the state and tribes into compliance with federal law and sets both sides' regulatory duties.

It was the first such signing involving a Michigan governor and tribal leaders since territorial Gov. Lewis Cass signed 19th-century treaties.

Tribal gaming in Michigan provides 2,600 jobs, nearly half of which are held by Indians. Tribal leaders say casinos have opened economic opportunity for a people long mired in poverty.

A recent survey showed that 49 percent of casino employees were on welfare or other government assistance before getting their jobs.

"Tribes began operating casinos for one reason: to generate revenues to help the tribal members," said Ken Meshigaud, chairman of the Hannahville Indian Community.

The 1988 Indian Gambling Regulatory Act requires that states enter compacts with tribes that have gaming operations.

By operating casinos without a compact, the Michigan tribes were violating the law although the federal government never took action against them, said Michael Gadola, Engler's deputy legal counsel.

The tribes and state government held sporadic talks since the law took effect. But they were stalemated until April, when a state Court of Appeals ruling forced the state to drop its opposition to video-machine gaming.

Engler signed separate but nearly identical compacts with each tribe. In addition to describing the kinds of games permitted, the compact also:

- Put the tribes in charge of game regulation. Tribes must post signs at casinos notifying gamblers that the state doesn't regulate them.
- Allow state officials to inspect the casinos and their records. The tribes must pay up to \$25,000 a year to cover oversight costs.
- State that the tribes can apply for permission to operate gambling facilities off the reservation only after agreeing among themselves on a revenue-sharing plan.

The tribes also agreed to drop a lawsuit they filed against the state in 1990 after talks stalled. As part of the settlement, the tribes agreed to pay the state 8 percent of their "gross win" — the total amount wagered less customer payout. Also, they will pay 2 percent of the gross win to local governments.

The compact still must be approved by the state Legislature, then the U.S. Secretary of the Interior.

State Attorney General Frank Kelley, a foe of gambling, said he regretted that the compact had been signed but acknowledged the federal law gave Engler little choice.

Kelly [sic] said he was particularly unhappy that the courts had blocked Michigan from outlawing video poker, which he called "one of the most insidious forms of gambling, since it relieves money from the player so fast that a paycheck can be lost in a matter of a few minutes."

**Ironwood Daily Globe, August 20, 1993**

**p. 1**

**"Engler, tribes sign compact"**

**subhead - "Action solidifies casinos' positions within Michigan"**

ESCANABA, Mich. (AP) — Gov. John Engler and leaders of Michigan's seven federally recognized Indian tribes were united in a plan to allow continued gambling operations at reservation casinos.

A ceremony today was to be the first such signing involving a Michigan governor and tribal leaders since territorial Gov. Lewis Cass signed 19th-century treaties.

The ceremony at the Hannahville Indian Community reservation ends four years of negotiations between the tribes and state officials.

"This agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes," said Jeff Parker, chairman of the Committee for Reservation Economic Development. "This is positive news for Native Americans and non-Native Americans alike."

"We look forward to quick approval by the Legislature."

Tribal gaming in Michigan provides 2,600 jobs, nearly half of which are held by Indians. Tribal leaders say casinos have opened economic opportunity for a people long mired in poverty.

A recent survey showed that 49 percent of casino employees were on welfare or other government assistance before getting their jobs, Parker said in a statement.

"Tribes began operating casinos for one reason [sic] to generate revenues to help the tribal members," said Ken Meshigaud, chairman of the Hannahville Indian Community.

Casinos are the largest private employers in some parts of the state, including Baraga, Chippewa and Leelanau counties, Parker said.

The 1988 Indian Gambling Regulatory Act requires that states enter compacts with tribes that have gaming operations. Without them, federal officials could close the casinos.

Sporadic talks have been held in Michigan since the federal law was signed. A key hurdle was cleared in April when a state Court of Appeals ruling forced the state to drop its opposition to video-machine gambling.

**Jackson Citizen Patriot, August 21, 1993**

**p. A-6**

**"Engler signs compact on casino gambling"**

**ESCANABA (AP) —** Sealing the deal by passing a peace pipe, leaders of Michigan's seven Indian tribes and Gov. John Engler signed papers Friday giving formal state approval of casino gambling on reservations.

About 300 people attended the signing at Soaring Eagle School on the Hannahville Indian Community reservation. The pact, the subject of four years of negotiations, brings the state and tribes into compliance with federal law and sets both sides' regulatory duties.

It was the first such signing involving a Michigan governor and tribal leaders since territorial Gov. Lewis Cass signed 19th-century treaties.

"This agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes," said Jeff Parker, chairman of the Committee for Reservation Economic Development.

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The tribes and state government held sporadic talks since the law took effect. But they were stalemated until April, when a state Court of Appeals ruling forced the state to drop its opposition to video-machine gambling.

Engler signed separate but nearly identical compacts with each tribe.

The compact still must be approved by the state Legislature, then the U.S. Secretary of the Interior.

**Lansing State Journal, August 21, 1993**  
**p. 1A**

**"Engler, Indians sign gambling agreement"**  
subhead - " In Escanaba, Gov. John Engler and Michigan Indian tribal leaders signed a compact allowing gambling operations to remain on reservations."

picture caption - "Gov. John Engler smokes a peace pipe Friday with leaders of seven American Indian tribes before he signed the Indian Gambling Compact."

sidebar with bullet points:

**"The compact**

- It's the first time a Michigan governor and tribal leaders signed an agreement since territorial Gov. Lewis Cass signed 19th-century treaties.
- About 300 people watched Engler in the traditional smoking of a peace pipe at Soaring Eagle School on the Hannahville Indian Community reservation.
- Chippewa Indian Tom Allard, 54, of the Sault Ste. Marie tribe considered Engler's role in the smoking ritual insulting.
- "To me that's blasphemy," Allard said. "We used to smoke the peace pipe to the great spirit. We never smoked it over money."
- Allard said he plans to launch a recall of tribal council members for what he considers poor leadership."

#### **Staff and Wire Reports**

**ESCANABA** — Sealing the deal by passing a peace pipe, leaders of Michigan's seven Indian tribes and Gov. John Engler signed papers Friday giving formal state approval of the state's \$41.8 million-a-year Indian casino industry.

The pact, the subject of four years of negotiations, brings the state and tribes into compliance with federal law and sets regulatory duties for both sides.

They include:

- Putting the tribes in charge of game regulation. Tribes must post signs at casinos telling gamblers that the state doesn't regulate them.
- Allowing state officials to inspect the casinos and their records. The tribes must pay up to \$25,000 a year to cover oversight costs.
- Setting aside 8 percent of casino revenues to the Michigan Strategic Fund and 2 percent of revenues to communities that help police the casinos.

The fund oversees a portfolio which includes loans and grants to state businesses and equity positions in research institutes and investment corporations. Based upon 1992 receipts, tribes would have paid \$3.4 million to the fund and \$838,366 to the communities.

"This agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes," said Jeff Parker, chairman of the Committee for Reservation Economic Development.

Tribal gaming in Michigan provides some 2,000 jobs, nearly half of which are held by Indians, Parker said. Tribal leaders say casinos have also opened economic opportunity for a people long mired in poverty.

The 1988 Indian Gambling Regulatory Act requires that states enter compacts with tribes that have gaming operations.

By operating casinos without a compact, the Michigan tribes were violating the law although the federal government never took action against them, said Michael Gadola, Engler's deputy legal counsel.

The compact now moves to the Legislature, then the U.S. Secretary of the Interior for approval.

State Attorney General Frank Kelley, a foe of gambling, said he regretted that the compact had been signed but acknowledged the federal law gave Engler little choice.

Tom Allard, a 54-year-old member of the Chippewa Indian tribe in Sault Ste. Marie, is also unhappy with the agreement. He said the fact Engler passed a peace pipe with tribes was yet another indication leaders are losing its heritage to gaming.

"To me that's blasphemy," said Allard. "We used to smoke the peace pipe to the great spirit. We never smoked it over money. That's what this is."

Staff writer Tony Scotta contributed to this report.

**superhead - "ON THE RESERVATIONS:"**

**"Indian tribes build on casino cash"**

**subhead - "At same time their culture is questioned"**

**map depicting where the tribes and gambling operations are located.**

**caption - "Indian casinos"**

**"Seven American Indian tribes have eight gambling operations on reservation property in Michigan. Here are the tribes and locations of the gambling operations, which include a mix of casinos, bingo halls, restaurants and hotels."**

**picture of Kequom**

**By TONY SCOTTA**

**Lansing State Journal**

**Before the sounds of shuffling cards and ringing bells, other noises rang clear on reservations throughout Michigan.**

**The sounds of rain water leaking through rooftops. The chatter of teenagers too poor to buy sports equipment. The sighs of frustration from a people worried about the future.**

**Today, tribal members run a \$41.8 million-a-year casino industry — one that some say has saved tribes from devastation. One that others fear jeopardizes culture and risks corruption.**

**"Today, we can use our money to buy the things we need, and diversify into other fields," said Fred Dakota, tribal chairman of the Keweenaw Bay Indian Community at Baraga in the Upper Peninsula.**

**"Before, we had a hard time just paying the light bills."**

### **Where it goes**

**Dakota's tribe has used casino money to build new homes for its people, to buy computers for its schools, and to assure better health care for its elders.**

**Before gambling boomed in the late 1980s, reservation unemployment rates as high as 80 percent were common, as common as rusty trailers on barren reservation land.**

**Until the last few years, no homes lined Oak Street on the reservation near Mount Pleasant, said Tom Kequom, a member of the Saginaw Chippewa Tribal Council.**

**The street was unused for farm land.**

**"There was nothing here," Kequom said, pointing to a blue house, one of about 40 the tribe has purchased and moved to the reservation for its people.**

Prefab houses worth about \$30,000 each, not rusty trailers. Airmen used to own the manufactured homes when they sat at now-abandoned Kinross Air Force Base in the Upper Peninsula. Now the Indians do.

The Indians own other things.

At Kequom's reservation, the tribe bought into the Ojibwa/Greenwald Construction Co., a joint venture with outside parties.

### **Senior center built**

The company last summer built a senior center for the tribe. It also has built a medical center and a Montessori school.

It has also provided people like Kequom an incentive to stay on the reservation.

"I thought I was out of here," admits Kequom, a Central Michigan University graduate who supervises the company.

"I thought I was headed toward a job in engineering somewhere. But then I realized I could work here. And I really wanted to work with my tribe."

On Wednesday, the tribe will open a larger casino that Kequom's company built on what was once swamp land. The land became usable after the tribe spent \$115,000 to have the company pump water from the land.

Soon gamblers will return the favor, pumping coins into roughly 900 slot and video poker machines, triple the number of the old casino.

### **Not a complete answer**

Despite those additions, casino gambling has not solved all of the Saginaw Chippewa tribe's problems.

Already, the senior center and school are at full capacity with elders and children waiting to get in.

Other members wait on a list to have their homes improved, hoping gambling receipts will soon shuffle them to the top.

When they're waiting, the members have time to think, and sometimes they wonder where the casino money is going. And why they have to wait.

Answers to those questions could come when tribes across the nation file financial audits with the National Indian Gaming Commission this year for the first time, said Chairman Anthony Hope.

And the new compact that Gov. Engler signed with the tribes requires greater accountability.

An accountability for a multi-million dollar business that grew out of tribal bingo games starting two decades ago.

### **Looking to the future**

"The issue is how do we continue what we have gotten from gambling during the last 20 years and yet maintain the culture we've built and preserved over the last 500 or so years," said Tom Biron, an American Indian who coordinates the Native American leadership program at Lansing Community College.



"If my family gets stronger and healthier, we're happy. As long as we know who we are," Biron said.

Biron acknowledged gambling is hard to argue against, especially when tribes once faced what seemed to be a bleak future.

"It's hard to say when you have a great pool of water not to drink all you want when you have thirsty people," he said.

Tom Allard, a 54-year-old member of the same tribe, doesn't mind arguing.

He plans to start a recall drive Monday to replace tribal leaders.

"The Soo tribe has lost 90 percent of its culture because of the casinos," Allard said. "The tribal government says it's interested in culture, but it's not."

He said the fact that Engler and tribal members Friday smoked a peace pipe over the signing of a gambling agreement is a sign leaders have already lost touch with their culture.

"To me, that's blasphemy," Allard said. "We used to smoke the peace pipe to the great spirit. We never smoked it over money. That's what this is."

Used to be, leaders once asked their elders for advice, said Mike Wright, a 59-year-old Chippewa Indian of the Sault Ste. Marie tribe. That's changed.

"They never ask us what we think of the casinos," he said. "And they act obnoxious. You should see some of the suits they're wearing and the way they act."

"They had enough power before, but perhaps now they're even worse. The tribe has encouraged people to gamble here and this kind of gambling is not part of our culture."

A white culture throwing its money to the Indian culture.

A once-impoverished American Indian culture.

Tribes growing in wealth. Increasing their risk for corruption.

So some traditional Indians ask, do money and culture mix?

Kequom says yes.

"My ultimate goal is to establish a Great Lakes Native American Research Institute that would be like a museum for our people," he said.

"I see gaming as a short-term solution for long-term economic stability. It provides the means for our people to be guaranteed a quality future."

**"Pact secures tribal casinos"**

Escanaba, Mich. (AP) — Gov. John Engler and leaders of Michigan's seven federally-recognized Native American tribes today signed a compact allowing continued gambling operations at reservation casinos.

The ceremony marked the first such signing involving a Michigan governor and tribal leaders since territorial Gov. Lewis Cass signed 19th-century treaties.

The event at the Hannahville Indian Community reservation ends four years of negotiations between the tribes and state officials.

"This agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes," said Jeff Parker, chairman of the Committee for Reservation Economic Development. "This is positive news for Native Americans and non-Native Americans alike.

"We look forward to quick approval by the Legislature."

Tribal gaming in Michigan provides 2,600 jobs, nearly half of which are held by Indians. Tribal leaders say casinos have opened economic opportunity for a race of people long mired in poverty.

A recent survey showed that 49 percent of casino employees were on welfare or other government assistance before getting their jobs, Parker said in a statement.

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Signing the compact on behalf of the Indians were Meshigaud; Parker, who also is tribal chairman of the Bay Mills Indian Community; Joseph Raphael, tribal chairman of the Grand Traverse Band of Ottawa and Chippewa Indians; Fred Dakota, tribal chairman of the Keweenaw Bay Indian Community; John McGeshick, tribal chairman of the Lac Vieux Desert Indian Community; Ron Falcon, tribal chief of the Saginaw Chippewa Indian Tribe of Michigan; and Bernard Bouschor, tribal chairman of the Sault Ste. Marie Tribe of Chippewa Indians.

**Menominee Herald-Leader, August 20, 1993**

**p. 1,5**

**"Gaming compact signed"**

photo caption - "Gov. John Engler smokes a ceremonial peace pipe offered by Potawatomi tribal elder Joseph Migwanabe, far left, during ceremonies at the Nah Tah Wahsh School in Hannahville this morning. Left of Engler is Ken Meshigaud, chairman of the Potawatomi tribe, who signed a gaming compact along with six other Michigan tribal chairmen today. Keweenaw Bay Indian Community Chairman Fred Dakota is at right."

**Penny Mullins/Herald-Leader**

Escanaba, Mich. (AP) — Gov. John Engler and leaders of Michigan's seven federally-recognized Indian tribes today signed a compact allowing continued gambling operations at reservation casinos.

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"Tribes began operating casinos for one reason, to generate revenues to help the tribal members," said Ken Meshigaud, chairman of the Hannahville Indian Community. "With the revenues generated from gaming, we will be able to take care of the education, health, housing and other human service needs of our tribes. This very school where we're holding today's celebration was possible thanks in part, to the benefits of gaming."

Casinos are the largest private employers in some parts of the state, including Baraga, Chippewa and Leelanau counties, Parker said.

The 1988 Indian Gambling Regulatory Act requires that states enter compacts with tribes that have gaming operations. Without them, federal officials could close the casinos.

Sporadic talks have been held in Michigan since the federal law was signed. A key hurdle was cleared in April when a state Court of Appeals ruling forced the state to drop its opposition to video-machine gambling.

Tribes now might look to expand their operations beyond reservation borders. The compact does not deal with off-reservation gambling other than to require that before it can take place, all seven tribes must agree on a revenue-sharing plan.

Signing the compact on behalf of the Indians were Meshigaud; Parker, who also is tribal chairman of the Bay Mills Indian Community; Joseph Raphael, tribal chairman of the Grand Traverse Band of Ottawa and Chippewa Indians; Fred Dakota, tribal chairman of the Keweenaw Bay Indian Community; John McGeshick, tribal chairman of the Lac Vieux Desert Indian Community; Ron Falcon, tribal chief of the Saginaw Chippewa Indian Tribe of Michigan; and Bernard Bouschor, tribal chairman of the Sault Ste. Marie Tribe of Chippewa Indians.

**The Muskegon Chronicle, August 20, 1993**  
**p. 3B**

**"Engler, tribal leaders to sign accord"**

**Associated Press**

Gov. John Engler and leaders of Michigan's seven federally recognized Indian tribes were united in a plan to allow continued gambling operations at reservation casinos.

A ceremony today was to be the first such signing involving a Michigan governor and tribal leaders since territorial Gov. Lewis Cass signed 19th-century treaties.

The ceremony at the Hannahville Indian Community reservation ends four years of negotiations between the tribes and state officials.

"This agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes," said Jeff Parker, chairman of the Committee for Reservation Economic Development. "This is positive news for Native Americans and non-Native Americans alike."

"We look forward to quick approval by the Legislature."

Tribal gaming in Michigan provides 2,600 jobs, nearly half of which are held by Indians. Tribal leaders say casinos have opened economic opportunity for a people long mired in poverty.

A recent survey showed that 49 percent of casino employees were on welfare or other government assistance before getting their jobs, Parker said in a statement.

"Tribes began operating casinos for one reason: to generate revenues to help the tribal members," said Ken Meshigaud, chairman of the Hannahville Indian Community.

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The 1988 Indian Gambling Regulatory Act requires that states enter compacts with tribes that have gaming operations. Without them, federal officials could close the casinos.

Sporadic talks have been held in Michigan since the federal law was signed. A key hurdle was cleared in April when a state Court of Appeals ruling forced the state to drop its opposition to video-machine gambling.

**Oakland Press, August 21, 1993**

**p. A3**

**"A puff seals Indian gambling pacts"**

**highlighted quote - "Tribes began operating casinos for one reason: ... to help tribal members." Ken Meshigaud**

**photo caption - Michigan Gov. John Engler smokes a peace pipe with leaders of seven Native American tribes before signing compact**

#### **THE ASSOCIATED PRESS**

**ESCANABA — Sealing the deal by passing a peace pipe, leaders of Michigan's seven Indian tribes and Gov. John Engler signed papers Friday giving formal state approval to casino gambling on reservations.**

**About 300 people attended the signing at Soaring Eagle School on the Hannahville Indian Community reservation. The pact, the subject of four years of negotiations, brings the state and tribes into compliance with federal law and sets both sides' regulatory duties.**

**It was the first such signing involving a Michigan governor and tribal leaders since territorial Gov. Lewis Cass signed 19th-century treaties.**

**Tribal gaming in Michigan provides 2,600 jobs, nearly half of which are held by Indians. Tribal leaders say casinos have opened economic opportunity for a people long mired in poverty.**

**A recent survey showed that 49 percent of casino employees were on welfare or other government assistance before getting their jobs, Parker said in a statement.**

**"Tribes began operating casinos for one reason: to generate revenues to help the tribal members," said Ken Meshigaud, chairman of the Hannahville Indian Community.**

**Casinos are the largest private employers in some parts of the state, including Baraga, Chippewa and Leelanau counties, Parker said.**

**The 1988 Indian Gambling Regulatory Act requires that states enter compacts with tribes that have gaming operations.**

**By operating casinos without a compact, the Michigan tribes were violating the law although the federal government never took action against them, said Michael Gadola, Engler's deputy legal counsel.**

**The tribes and state government held sporadic talks since the law took effect. But they were stalemated until April, when a state Court of Appeals ruling forced the state to drop its opposition to video-machine gambling.**

**The tribes also agreed to drop a lawsuit they filed against the state in 1990 after talks stalled. As part of the settlement, the tribes agreed to pay the state 8 percent of their "gross win" — the total amount wagered less customer payout. Also, they will pay 2 percent of the gross win to local governments.**

**State Attorney General Frank Kelley, a foe of gambling, said he regretted that the compact had been signed but acknowledged the federal law gave Engler little choice.**

**Port Huron Times Herald, August 21, 1993**  
**p. 3A**

**"Engler, tribal leaders sign gambling compact"**

■ Escanaba --- Michigan's seven Indian tribes and Gov. John Engler signed papers Friday giving formal state approval to casino gambling on reservations. About 300 people attended the signing at Soaring Eagle School on the Hannahville Indian Community reservation. The pact, the subject of four years of negotiations, brings the state and tribes into compliance with federal law and sets both sides' regulatory duties. In addition to describing the kinds of games permitted, the compact also:

■ Put the tribes in charge of game regulation.

■ Allow state officials to inspect the casinos.

■ State that the tribes can apply for permission to operate gambling facilities off the reservation only after agreeing among themselves on a revenue-sharing plan. The compact still must be approved by the state Legislature, then the U.S. Secretary of the Interior.

**Sault Ste. Marie Evening News, August 20, 1993**  
p. 1, 16

**"Everybody wins: At least tribes, governments hope so after Engler signs gaming pact"**

enlarged quote - "It is important for the casino that some of these issues have been ... settled so that the future of this employment base will be stable ..." -- Spencer Nebel, city manager

**By ANGELA BRITTON**  
**Evening News**

ESCANABA ---The gaming compact signed today by Gov. John Engler and the tribal chairmen of Michigan's seven Indian communities accomplishes something greater than an agreement to allow video gambling in reservation casinos.

Officials agree that the compact has forged a better relationship between state, local and tribal governments -- a financially advantageous liaison for all.

"I hope that this agreement will help strengthen tribal government and promote self-sufficiency, goals that we all share," Engler said at the signing ceremonies held on the Hannahville reservation near Escanaba.

Under the new agreement, goals are not the only shared item, as the casinos must now contribute 8 percent of the net profits on video gambling to the state and 2 percent to the local government, explained Sault Tribe Chairman Bernard Bouschor. In addition to two tribal attorneys, Bouschor was one of the tribe's chief negotiators with the state.

"There was a willingness on the part of the tribe to contribute to the communities," Bouschor said. The chairman confirmed that, even after deducting the 10 percent, video gaming would still be a worthwhile venture for the tribe.

"There is a recognition, by both parties that the native community, as a result of gaming, has had a positive impact on the economies of the community as well as the state," Bouschor said.

Tribal gaming is a \$70.7 million industry in Michigan. The future of video gaming, which includes slot machines, was uncertain at one point since a compact was required by federal law in order to operate the games. Negotiated by the seven tribes and the governor's office, the compact alleviates any uncertainty for its 20 year span.

Locally, city officials have said the compact is good news.

"We are very pleased to hear that the tribes and the governor have agreed that 2 percent of the profits from slot machines and video games will be made available to the local governments," said Sault Mayor Bill Lynn, earmarking the monies for infrastructure work.

Lynn credited the casino, which is the Sault's largest employer, with contributing to the success and growth of the city. "I believe that the potential is great for the future growth of tourism and our commercial businesses with the success of the casino," he said.



City Manager Spencer Nebel agreed. "It is important for the casino that some of these issues have been legally established and settled so that the future base will be stable in our community."

Nebel said that the city had not yet seen the actual compact and has little indication as to what the actual dollar figures will be. No specifics have been discussed as to how the money will be distributed between the various local governments, such as the city and the county.

Although all groups had positive remarks about the pact, all mentioned the one, final hurdle still before the agreement: legislative approval.

"It sounds pretty good for our area. It will certainly help the three eastern Upper Peninsula casinos to continue to grow and flourish," said State Rep. Pat Gagliardi. The Drummond Island Democrat said he will probably support the pact unless some major details have yet to be revealed.

"It is tough to say how the legislature will look at it but I don't see any reason why they would be against it," he added.

Before signing the pact in Hannahville, Engler joined the tribal heads in smoking the ceremonial peace pipe. Each tribe signed its own pact with the state, since each is a separate community.

**Sault Ste. Marie Evening News, August 22, 1993**  
**p. 3**

**"Sault tribe busy on many news fronts"**

**By ROGER PRICE**  
**Evening News**

The Sault Ste Marie Tribe of Chippewa Indians leaped to the top of the front page this week with the tribe celebrating the signing of a new gaming compact with the state, the announcement of an enrollment of up to 135 students at its proposed elementary school and the ongoing protests and pickets by disgruntled casino workers.

The compact, which was cheered by almost everyone involved, legalizes video poker and slot machines in the casinos run on Michigan Indian reservations.

Not only will the tribes benefit from the deal, but state and local governments will receive a portion of the revenues from the machines. Eight percent of the money generated by the video machines will go [sic] the state while 2 percent will be divided up between local governments.

"There was a willingness on the part of the tribe to contribute to the communities," said Sault Tribe Chairman Bernard Bouschor.

City officials in Sault Ste. Marie applauded the deal both for the new money it will send their way and for the security it will give the casino, a major source of tourism for the community.

But news was not all good for the Vegas Kewadin Casino in the Sault as about a dozen casino employees continued their pickets in front of the tribe's shuttle parking lot on the I-75 Business Spur.

The group, led by blackjack dealer Pete McNabb, presented a long list of demands to end their protest, but with only a small percentage of the gaming hall's staff protesting, it was business as usual at the casino.

The group's demands include replacing the casino's current supervisory staff with a professional team of management consultants and a tripling of the current wage paid to blackjack dealers.

Away from the casino, tribal officials said that the parents of 134 Sault area children had expressed an interest in sending their kids to an elementary school run by the tribe during a survey conducted by the tribal education committee.

The school, which officials announced a week earlier, is tentatively set to open in the fall of 1994, provided the operation gets approval of the Tribal Board and there is enough interest among the membership.

□ Roger Price is the Evening News news editor. His roundup of weekly events appears each Sunday.

**Sturgis Journal, Saturday, August 21, 1993**  
**p. A3**

**"Engler, tribal leaders unite"**

ESCANABA, Mich. (AP) — Gov. John Engler and leaders of Michigan's seven federally recognized Indian tribes today signed a compact allowing continued gambling operations at reservation casinos.

The ceremony marked the first such signing involving a Michigan governor and tribal leaders since territorial Gov. Lewis Cass signed 19th-century treaties. About 300 people watched as Engler joined the tribal leaders in the traditional smoking of a peace pipe.

The event at Soaring Eagle School on the Hannahville Indian Community reservation ended four years of negotiations between the tribes and state officials.

"This agreement marks a new era of self-sufficiency, a new level of respect and a new period of prosperity for the tribes," said Jeff Parker, chairman of the Committee for Reservation Economic Development. "This is positive news for Native Americans and non-Native Americans alike.

"We look forward to quick approval by the Legislature."

Tribal gaming in Michigan provides 2,600 jobs, nearly half of which are held by Indians. Tribal leaders say casinos have opened economic opportunity for a people long mired in poverty.

A recent survey showed that 49 percent of casino employees were on welfare or other government assistance before getting their jobs, Parker said in a statement.

"Tribes began operating casinos for one reason: to generate revenues to help the tribal members," said Ken Meshigaud, chairman of the Hannahville Indian Community.

Casinos are the largest private employers in some parts of the state, including Baraga, Chippewa and Leelanau counties, Parker said.

**Traverse City Record-Eagle, August, 20, 1993**  
**p. 4A**

**"Engler and tribal leaders unite in Indian gambling pact"**

ESCANABA (AP) --- Gov. John Engler and leaders of Michigan's seven federally recognized Indian tribes were united in a plan to allow continued gambling operations at reservation casinos.

A ceremony today was to be the first such signing involving a Michigan governor and tribal leaders since territorial Gov. Lewis Cass signed 19th-century treaties.

The ceremony at the Hannahville Indian Community reservation ends four years of negotiations between the tribes and state officials.

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## **Appendix H**

House approval articles.

**Detroit News, September 20, 1993**  
p. 4B

**"Legislature faces gambling issue"**

### **ASSOCIATED PRESS**

The House is poised to tackle the controversial issue of an Indian gambling compact — and opponents and proponents are jockeying for favorable positions.

The gambling compact faces opposition in the Senate, even if it clears the House. But it is unclear how much support Sen. John Kelly, D-Grosse Pointe Woods, will have in the Republican-led Senate for his fight against the agreement.

Both chambers face three days of sessions this week as lawmakers brace for Gov. John Engler's education proposal next month and a long autumn of work on touchy school policy and school finance revisions.

Engler plans to outline his plan before a joint session of the Legislature on Oct. 5.

The House also faces a vote on Senate-passed legislation to sell off the Accident Fund, the state's largest writer of workers' compensation insurance. Engler and other backers of the move contend the private market will provide adequate coverage, but opponents say the Accident Fund is a state asset, that has worked well.

Lawmakers also hope to polish off the \$7.9 billion state budget for the fiscal year starting Oct. 1. Most of the spending plan is in place, but three bills are still in conference committees as members try to reach agreement on final numbers.

A House committee last week passed a resolution approving the Indian gambling compact signed by Engler and Michigan's seven tribes. The House and Senate must approve the compact for it to take effect.

Approval came after one lawmaker unsuccessfully tried to amend the resolution to urge Engler and Interior Secretary Bruce Babbitt to consider local votes on casino gambling when considering requests for off-reservation gambling.

Such a provision would affect Detroit, where voters repeatedly have rejected casino gambling. But backers still are proposing Indian-run gambling in the city.

The compact sets up a system for the state to monitor and regulate gambling on reservations. It also requires all seven tribes to agree on a revenue split from any off-reservation casino before they are set up.

The federal law that required the state to work out a compact with the Indians also sets up ways for the tribes to start off-reservation casinos. The law allows Engler or Babbitt to veto such requests.

Foes of casino gambling said the governor's office should be told to redo it and add wording to stop the tribes from bringing casino gambling to Detroit and other Michigan cities.

Kelly last week urged colleagues to hold public hearings in their districts on the issue.

**Detroit News, September 22, 1993**

**p. 1B**

**"Off-reservation casino gambling pact clears House"**

**subhead - "■ State Senate next: Detroit lawmaker seeks veto for city."**

**By Valarie Basheda**  
**NEWS LANSING BUREAU**

**LANSING —** An agreement between the state and Michigan Indian tribes concerning casinos on their reservations won House approval Tuesday, despite fears from Detroit legislators about off-reservation casinos.

Rep. Joe Young Jr., D-Detroit, is trying to change the agreement — called a compact — to say that communities would have to approve casinos.

As the compact now reads, off-reservation gambling requires the approval only of the governor, the U.S. Secretary of the interior, and an agreement among the state's seven Indian tribes on how to split the profits. It doesn't require any action or feedback from the local communities.

"This speaks to whether or not a community has to swallow a casino when they don't want it," Young said. "That's all we're seeking, is for the people to have an opportunity to say yes or no."

Detroit voters have rejected casino gambling four times. Nevertheless, Detroit developer Ted Gatzaros and the Sault Ste. Marie Chippewa tribe have proposed building a casino in Greektown.

At issue now is whether the compact, which was signed by Gov. John Engler last month, can be changed without jeopardizing the agreement.

Officials have said that if any changes are made to the compact, federal officials will scrap the measure and allow a mediator to set up its guidelines.

Legislators, including Rep. Pat Gagliardi, D-Drummond Island, said the compact should be approved as is because it gives the state some jurisdiction over Indian casinos and sets up roadblocks to off-reservation gambling.

State law forbids casino gambling, but federal courts have ruled state laws don't apply on Indian reservations.

"There are no red herrings here or secret agenda," Gagliardi said. "There are more safeguards (against off-reservation gambling) under this document than we've even had before."

The agreement will also give the state an estimated \$3.4 million in revenues from video gambling games.

But Young said he did not believe the agreement would be scrapped if it were amended.

"I'd like to see whether what they're arguing is actually true," Young said.

The compact, which still requires Senate approval, was expected to be taken up by it today. Young said if a legal opinion says the compact can be changed, he may introduce a bill to require local approval of casinos.

**Escanaba Daily Press, September 20, 1993**

**p. 1**

**"House takes up Indian Gaming Compact"**

**By MALCOLM JOHNSON**

**Associated Press Writer**

**LANSING —** The House is poised to tackle two controversial issues, approval of an Indian gambling compact and legislation to sell off the Accident Fund of Michigan.

But one or both might be delayed this week, as backers and opponents jockey for advantage.

The gambling compact faces opposition in the Senate, even if it clears the House. But it is unclear how much support Sen. John Kelly will have in the Republican-led Senate for his fight against the agreement.

Both chambers face three days of sessions this week as lawmakers brace for Gov. John Engler's education proposal next month and a long autumn of work on touchy school policy and school finance revisions.

Engler plans to outline his plan before a joint session of the Legislature on Oct. 5.

Lawmakers also hope to polish off the \$7.9 billion state budget for the fiscal year starting Oct. 1. Most of the spending plan is in place, but three bills are still in conference committees as members try to reach agreement on final numbers.

A House committee last week passed a resolution approving the Indian gambling compact signed by Engler and Michigan's seven tribes. The House and Senate must approve the compact for it to take effect.

Approval came after one lawmaker unsuccessfully tried to amend the resolution to urge Engler and Interior Secretary Bruce Babbitt to consider local votes on casino gambling when considering requests for off-reservation gambling.

Such a provision would affect Detroit, where voters repeatedly have rejected casino gambling. But backers still are proposing Indian-run gambling in the city.

The compact sets up a system for the state to monitor and regulate gambling on reservations. It also requires all seven tribes to agree on a revenue split from any off-reservation casino before they can ask to set one up.

The federal law that required the state to work out a compact with the Indians also sets up ways for the tribes to start off-reservation casinos. The law allows Engler or Babbitt to veto such requests.

Foes of casino gambling urged lawmakers to reject the pact. They said the governor's office should be told to redo it and add wording to stop the tribes from bringing casino gambling to Detroit and other Michigan cities.

That argument also is expected on the House floor and in the Senate. Kelly, D-Grosse Pointe Woods, last week urged colleagues to hold public hearings in their districts on the issue.



**"Off-reservation gambling could be approved even if the residents of the local unit of government had voted to oppose its establishment," Kelly said. "I think the Legislature should consider whether the state should attempt to limit casinos to only reservation lands as a matter of policy."**

**The House also faces a vote soon on Senate-passed legislation to sell off the Accident Fund, the state's largest writer of workers' compensation insurance. Engler and other backers of the move contend the private market will provide adequate coverage, but opponents say the Accident Fund is a state asset, that has worked well.**

**The Accident Fund was created in 1912 to provide insurance coverage for workers, mainly for small businesses, injured on the job. Critics of the current legislation warn that privatization would send prices up.**

**But even opponents of the legislation conceded that House passage is likely.**

**The legislation would provide for the transfer of the Accident Fund to a private insurer and require the acquiring insurer to comply with state worker's compensation insurance practices. If two bids were within 5 percent of each other to buy the fund, the state would be required to accept the bid of the company that promised to keep 75 percent of the fund's employees for at least five years.**

**E.L. Cox, head of the Accident Fund, said about 200 companies provide worker's compensation insurance in Michigan and state law will help guarantee that insurance will continue to be provide [sic] at reasonable costs.**

**According to a Senate Fiscal Agency analysis, the state would gain more than \$100 million for its Budget Stabilization Fund. To date, \$425,000 has been paid for two contracts to prepare the necessary documentation and legislation leading to the sale of the Accident Fund.**

**However, Democrats warned the state would lose money after the initial sale, as the new private owners would get the business.**

**According to Senate Republicans, the Accident Fund in 1992 had 470 employees; a surplus of \$72.8 million; 30,143 policyholders; and \$179 million in premiums.**

**Lawmakers also face legislation, hammered out last week by a conference committee, to restructure and extend the life o [sic] the Michigan Underground Storage Tank Financial Assurance program.**

**Escanaba Daily Press, September 21, 1993**

**p. 4**

**MICHIGAN CAPITOL HIGHLIGHTS**

**LANSING (AP) --- Highlights of last week's action at the Capitol:**

**...**

**Coming up this week before the full House and Senate:**

--- The House is scheduled to debate the Indian gambling compact signed by Gov. John Engler and Michigan's seven tribes (HCR439).

--- The House is slated to open debate on legislation to sell off the Michigan Accident Fund. (SB345,6).

**"House approves Indian gambling compact"**

**LANSING (AP) —** The Indian gaming compact signed by Gov. John Engler and the state's seven tribes came up a winner Tuesday in the House and now goes to the Senate.

The House approved the compact on a voice vote despite warnings from Detroit lawmakers that it didn't protect their city and others from unwanted casinos.

Rep. Joe Young Jr., D-Detroit, tried to amend the resolution approving the compact to require a public vote in any community that's a candidate for a casino. The tribes couldn't put a casino in a community that voted "no," under his language.

Young said he'd rather see the compact rejected or Engler forced to reopen negotiations with the tribes rather than accepting it as it is. The compact signed Aug. 20 must win approval in the House and Senate to go into effect.

The message the compact sends to Michigan's communities is simple and clear, Young said, describing it as:

"I don't give a damn what you think, you're going to get a casino because you don't have the ability to stop it."

Rep. Nelson Saunders, D-Detroit, said Detroit voters have rejected four casino gambling questions in recent years and that should carry as much weight as the Indians' needs and wants.

Backers of the compact said Young, Saunders, and other foes were mixing two issues. The federal law that requires the state to work out a compact with the tribes also sets up the process for the Indians to set up off-reservation casinos.

Engler and Interior Secretary Bruce Babbitt could veto such requests.

Rep. Pat Gagliardi, D-Drummond Island, said the compact strengthened the state's hand on off-reservation gambling. That's because it requires the seven tribes to agree on a revenue split from such a casino before they can start one, he said.

Gagliardi added that he has two tribes in his northern Michigan district and getting such an agreement among the tribes would be tough.

Rep. Rick Bandstra, R-Grand Rapids, told Young that his move was stupid because if approved, it might be seen as the Legislature rejecting the compact. That would send the whole issue back to federal court, and the state would end up with a compact imposed on it that likely wouldn't be as good, he said.

The Legislature can make its views known but "the question is do we do it in a smart way or a stupid way," he said. He urged his colleagues to reject Young's wording, adopt the original resolution, then approve a companion proposal sponsored by Rep. Bill Martin, R-Battle Creek.

Martin's resolution urges Babbitt and Engler to consider public votes on casino gambling when they decide whether to approve off-reservation gaming.

He tried to add that language to the main resolution last week in the House Oversight and Ethics Committee.

He dropped that effort when the lawyers who negotiated the compact and Gagliardi said it could endanger the compact.

The House approved Martin's resolution on a 102-0 vote.

The compact sets up a system for the state to monitor and regulate gambling on reservations.

It likely will come up for a vote in the Senate sometime next month.

**Lansing State Journal, September 21, 1993**  
**p. 2B**

**"Your voice counts '93" column**

**"Before the Legislature: Indian gaming compact"**

**The plan:** The compact sets up a system for the state to monitor and regulate gambling on Indian reservations. It also requires all seven tribes to agree on a revenue split from any off-reservation casino before they can ask to set one up. Gov. John Engler signed the pact, but the House and Senate must approve it.

**Against:** Some lawmakers, including Sen. John Kelly, D-Grosse Pointe Woods, argue the pact should be redone to add wording to stop the tribes from bringing casino gambling to Detroit and other Michigan cities if residents don't want it.

**Status:** The measure — House Concurrent Resolution 439 — passed the House Oversight and Ethics Committee last week. It is expected to come up this week in the full House.

**Whom to call:** Sen. John Kelly, 373-7346. Your local lawmakers.

**For copies:** To obtain a copy of a bill, write: Legislative Document Room, North Capitol Annex, Post Office Box 30036, Lansing 48909-7536. Or call 373-0169.

**Lansing State Journal, September 22, 1993**  
**p. 1B**

**"House OKs gaming pact"**

The Indian gaming compact signed by Gov. John Engler and the state's seven tribes came up a winner Tuesday in the House and now goes to the Senate.

The House approved the compact on a voice vote despite warnings from Detroit lawmakers that it didn't protect their city and others from unwanted casinos.

Rep. Joe Young Jr., D-Detroit, tried to amend the resolution approving the compact to require a public vote in any community that's a candidate for a casino. The tribes couldn't put a casino in a community that voted "no," under his language.

## **Appendix I**

**Senate approval articles.**

**Detroit Free Press, October 1, 1993**  
**p. 6B**

**"Briefly" column**

**LANSING** — The Indian gaming compact signed by Gov. John Engler and the state's seven tribes won final legislative passage Thursday. The compact, which legalizes slot machines and video gambling on reservations, goes to U.S. Interior Secretary Bruce Babbitt for final approval.

**"State Senate approves budget bill with money for gaming oversight"**

**LANSING (AP) --- Michigan moved a small step closer toward regulating casino gambling run by Indian tribes Tuesday as the Senate approved a budget bill containing money for oversight of the gaming.**

**By a vote of 20-15, the minimum needed in the 38-member chamber, the Senate sent to the House a \$27.1 million general fund measure to fund the Department of Agriculture in the fiscal year starting Friday. That's up from \$26.6 million this year.**

**It's part of a \$7.9 billion state budget for the new year that is mostly complete. The Legislature is still working on three budget bills, including the agriculture measure.**

**Included in the bill's restricted funds are two staff positions and \$200,000 for inspections and auditing of casinos if the Legislature approves an Indian gaming compact.**

**A resolution approving the agreement, signed by Gov. John Engler and seven Indian tribes, is slated to undergo debate in a Senate committee on Wednesday. It has passed the House and needs Senate approval to take effect.**

**Sen. John Kelly, D-Grosse Pointe Woods, said he will file suit to block expanded Indian gaming if the Legislature approves the agreement.**

**"This is totally outside the constitution," he said. "They (state officials) have no regulatory authority."**

**Kelly is worried the agreement would permit Indian tribes to open casinos in Detroit, where residents have repeatedly rejected casino gambling proposals.**

**He called the bill an "assault on the integrity of the people of Michigan and their power to govern themselves."**

**The bill passed after the Senate, 19-18, rejected a parliamentary challenge to the \$200,000. Kelly and others argued that the money, which was inserted by a conference committee, was not a matter of difference between House and Senate versions and thus improperly added.**

**"You are being duped in this appropriation," Kelly told his colleagues, saying it would be impossible to monitor the gambling adequately.**

**But a senator whose district includes some Indian casinos defended the bill.**

**"In many areas they've become the biggest employer in the area in which they are located," said Donald Koivisto, D-Ironwood. "There's been no increase in crime."**

**The bill also includes \$800,000 in restricted money, from horse racing revenue, to the city of Pontiac to help pay for the Pontiac Silverdome.**

**The bill totals \$58.6 million when federal and other restricted money is counted. That's up from this year's total of \$55.2 million.**

**Also approved by the Senate, 26-9, and sent to the House was a \$95.7 million measure to fund the Department of Natural Resources for the next**



fiscal year. Current general fund spending for the DNR is \$94.9 million. The general fund is the state's main checkbook.

Counting federal and restricted funds, the DNR will spend \$325.7 million this year. Next year, that would be \$330.1 million under the bill.

**"State Senate approves Indian gaming compact"**

**LANSING (AP) —** The Indian gaming compact signed by Gov. John Engler and the state's seven tribes won final legislative passage Thursday despite some worries about increased gambling in Michigan.

The compact now goes to U.S. Interior Secretary Bruce Babbitt for final approval. It passed the Senate 23-13. It had passed the House earlier.

"It means the end of a five-year struggle," said Jeff Parker, tribal chairman for the Bay Mills Indian Community.

"You always have worries until the final vote. It was a good compromise."

Supporters were largely silent in the Senate Thursday, but opponents blasted the compact as bad policy.

"I don't think we're doing any favors to Indians with an expansion of gambling," said Sen. Lana Pollack, D-Ann Arbor. "Gambling is addictive and probably more expensive than drugs."

The Senate also, by voice vote, passed a resolution urging Engler and Babbitt to follow the wishes of local residents when a new casino is proposed off of a reservation.

"We have tried to send a clear message that we wouldn't want our governor to support off-reservation gaming unless a referendum has passed," said Sen. Virgil Smith, D-Detroit.

The agreement's strongest opponent was Sen. John Kelly, D-Grosse Pointe Woods. He has argued that it might lead to casino gambling in Detroit.

He didn't raise that argument Thursday, but blasted the pact as unconstitutional and a violation of legislative procedures. He has said he will challenge the compact in court.

"There is no gun to our head," he said. "There are no sanctions." He said it was "totally violative of the Michigan Constitution."

Kelly charged the compact was being considered under a "bastardized process that has brought Las Vegas and Atlantic City-style gaming to Michigan."

"What we have witnessed and been a part of is a travesty," he declared.

With backers warning that any change would kill the agreement, the Senate rejected an amendment to earmark any gambling money the state gets for schools.

While Detroit residents have repeatedly rejected casino gambling proposals, backers of the compact said there was no barrier now to Indians opening casinos in Detroit on reservation-purchased land. And they noted the compact calls for state regulation and oversight of the gambling.

Parker said Thursday it would be very difficult to start casinos in Detroit, since all seven tribes would need to agree on that.

The federal law that requires the state to work out a compact with the tribes also sets up the process for the Indians to start off-reservation casinos. Engler or Babbitt could veto such requests.

Daniel Green, an attorney for the Bay Mills Indians, has said the state would gain financially under the compact. He said 8 percent of the net gain from electronic games like slot machines would go to the state, and 2 percent to local units of government. Each tribe would pay \$25,000 a year to the state to fund the monitoring.

**Lansing State Journal, October 1, 1993**  
**p. 4B**

**"STATE DIGEST" column**

**■ At the Capitol**

**"Indian gaming compact ready for U.S. approval"**

The Indian gaming compact signed by Gov. John Engler and the state's seven tribes won legislative passage Thursday despite some worries about increased gambling.

The compact now goes to Interior Secretary Bruce Babbitt for final approval. It passed the Senate 23-13, and had passed the House earlier.

The Senate also, by voice vote, passed a resolution urging Engler and Babbitt to follow the wishes of local residents when a new casino is proposed off a reservation.

## Appendix J

Federal approval articles.

**Detroit News, November 19, 1993**  
p. 1A

**"New legal treaties improve the odds for Detroit casino"**

enlarged quote - **"It was never our intent to make the state a regulatory agency over gambling." MIKE GADOLA**

**By Paige St. John**  
**THE DETROIT NEWS**

After five years of dealing in the shadow of the law, Michigan's Indian casinos finally are becoming legal improving the odds for a Detroit casino.

Gaming treaties with six Michigan tribes are ready to be signed today by U.S. Interior Secretary Bruce Babbitt. They become final with their publication in the Federal Register. The treaty with a seventh tribe is expected on Monday.

The treaties clear the way for the next step, what to do about Detroit casino proposals, which have languished in Washington D.C. since August.

The Bureau of Indian Affairs is scrutinizing a plan for the Greektown project offered by the Sault Ste. Marie Tribe of Chippewas. A recommendation is not expected soon, and approval is far from guaranteed, said Stephanie Hanna, Interior Department spokeswoman.

"We have looked with a jaundiced eye at off-reservation gaming in any city," Hanna said.

The 1988 national Indian Gaming Act allowed Indian tribes to open gambling casinos but required them first to reach gaming treaties with their home states. The U.S. Justice Department has allowed Michigan casinos to operate while the treaty was being negotiated.

The treaties allow gambling to go off the reservation if all seven of the state's tribes agree. Michigan's six other tribes oppose the Greektown project.

Documents obtained by The News show the Sault tribe is trying to leverage approval of the casino even without the other tribes. In its casino request to the Bureau of Indian Affairs, the tribe promises to split Greektown revenue among all tribes based on their size. The Sault tribe, with 22,000 members, would get more than half the money.

Bureau of Indian Affairs regional director Earl Barlow calls the proposal "fair and reasonable."

The immediate impact of the treaty between the tribes and the state means:

■ Tribes must pay the state 8 percent of their take from video gambling machines. The payments stop the moment Michigan allows non-Indians to begin electronic gambling.

■ Tribes can buy equipment from suppliers previously barred from doing business with them. Several tribes are considering networks of "on-line" slot machines that not only log the payout of each machine, but can track bettors' fortunes as they move around the casino.

Although the treaties are designed to give states a say in how Indian casinos are run, Michigan's compact is brief, 13 pages long. It leaves to the tribes a say over everything from audits to betting limits.

"It is outrageous that this is negotiated away," said Trisha Arndt, a Detroit lawyer who led the failed charge against the Michigan treaties.

Mike Gadola, the state's chief negotiator on the treaties, defended the process.

"It was never our intent to make the state a regulatory agency over gambling," Gadola said.

The Michigan treaties do require tribes to buy their liquor from the state and allow state auditors to inspect casino records after 48 hours notice. They also require the state to keep tribal business secret.

Michigan tribes are writing their own gaming ordinances that have the power of law on Indian land. The Sault tribe's proposed ordinance puts casino management under an economic development commission that includes non-Indian business leaders. Casino regulation and inspection falls to a tribal gaming commission.

The Sault ordinance also closes the door on public information. Matters dealing with casino finances, law enforcement or security are to be discussed only in private.

**"Babbitt OKs tribal-state gaming pact"**

LANSGING, Mich. (AP) --- U.S. Interior Secretary Bruce Babbitt has approved Indian gaming compacts between the state of Michigan and seven federally recognized tribes, the tribes announced Friday evening.

The agreements allow the tribes to continue running eight existing casinos on Indian land. The compacts are required by federal law.

Babbitt's signature was the final step required for approval of the compacts.

The compacts are with the Bay Mills Indian Community, Grand Traverse Band of Ottawa and Chippewa, Hannahville Indian Community, Keweenaw Bay Indian Community, Lac Vieux Desert Indian Community, the Saginaw Chippewa Indian Tribe of Michigan and Sault Ste. Marie Tribe of Chippewa Indians.

"Today's final approval marks a new beginning for our tribes," said Jeff Parker, chairman of the Committee for Reservation Economic Development.

"The compact now provides us the security to invest in our community and the opportunity to become self-sufficient. All this is possible with the revenue from gaming."

Gov. John Engler and the seven tribal leaders signed the compacts on Aug. 20 at a ceremony at the Hannahville Indian Community Reservation near Escanaba. The Legislature approved a resolution ratifying the compacts and they were sent to the Department of Interior.

The governor's office didn't return telephone calls seeking comment Friday evening.

Trial gaming is a \$70.7 million industry in Michigan that draws more than 60,000 customers each week.

The Indian gaming operations provide 2,600 jobs, half filled by Indians. In the counties of Baraga, Chippewa and Leelanau, Indian gaming enterprises are the largest private employer in the county.

According to a survey done for the tribal economic development committee, 49 percent of those working in Indian casinos were on welfare or other government aid programs before they got those jobs.

The tribes had sought to negotiate compacts with the state since 1989.

**Lansing State Journal, November 20, 1993**  
**p. 1B**

**"Babbitt OKs Indian gaming"**

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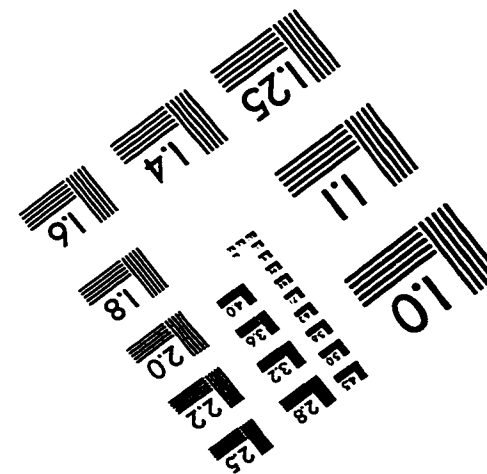
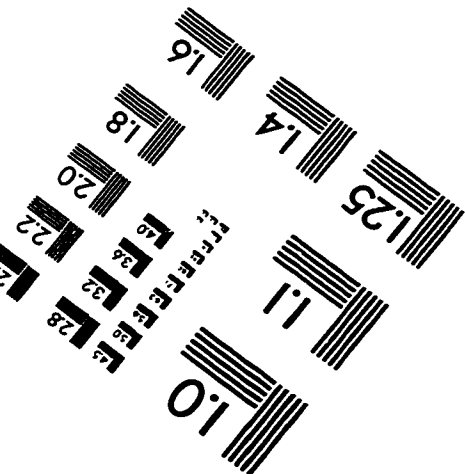
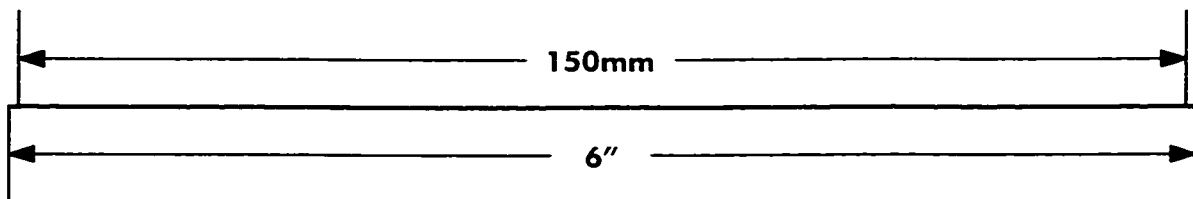
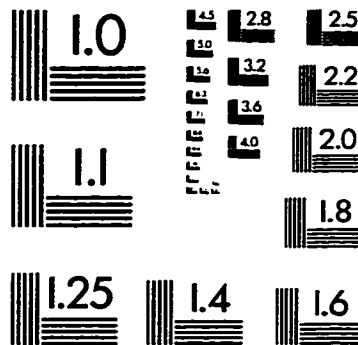
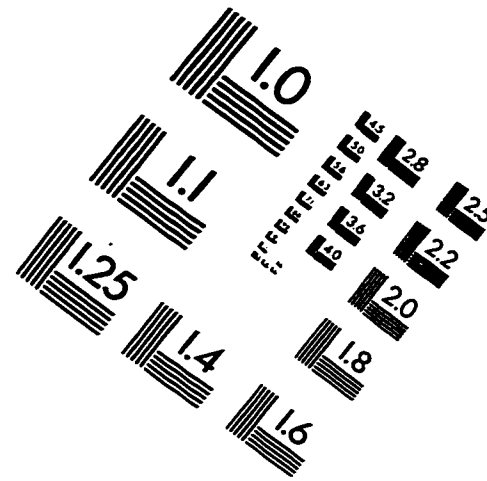
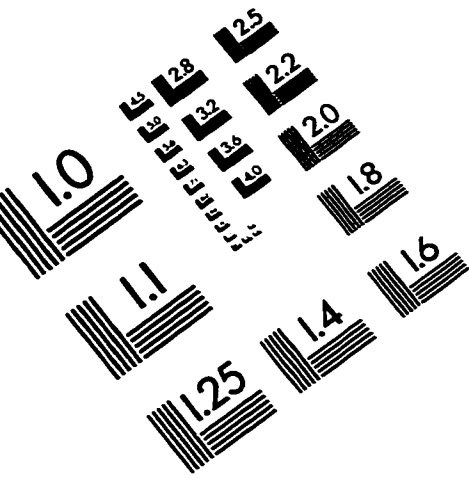
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