

Lead, Land, and Cranberries:

The Ho-Chunk Experience in the 19th Century

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Abstract:

This paper will examine how and why the Ho-Chunk people of Wisconsin lost their estate in Wisconsin. The paper will focus on the desire for natural resources that drove white settlers to push for the removal of the Ho-Chunk people from Wisconsin. The paper will build on the work of other historians to tell a more complete story of the Ho-Chunk experience. Specifically the paper will closely examine a long overlooked part of Ho-Chunk history, the removal of 1873. By telling this story in more detail I hope to complete the history of the Ho-Chunk in the 19th century.

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Introduction:

The survival of the Ho-Chunk nation in Wisconsin is a remarkable story. Disposed of all their land in the state in 1837 and ordered to remove west of the Mississippi River, somehow small bands of Ho-Chunk were able to evade capture and removal in the 1840s and eventually began to establish themselves as a viable part of the white community in central Wisconsin. Despite their efforts to create a safe and reasonable relationship with the white community, the Ho-Chunk were again ordered to remove in 1873, almost thirty years after the last removal order. Removed to a reservation in Nebraska the Ho-Chunk, showing much courage, defied the wishes of the government and returned on their own to Wisconsin, reestablishing their presence in Wisconsin.

The story of the Ho-Chunk in Wisconsin during the 1800s was intertwined with the story of Federal Indian Policy, especially the movement to remove Indians west of the Mississippi River, the new policy implemented by President Andrew Jackson in 1830. However, the story goes deeper than just Federal Policy. For the Ho-Chunk, and all other tribes, the story revolved not only around Federal Policy, but also around the reason such policy was needed; the control of land. As Francis Paul Prucha wrote in his book, *American Indian Policy in the Formative Years: the Indian Trade and Intercourse Acts 1790-1834*, “The conflict between whites and Indians that marked American Indian relations was basically a conflict over land. Who was to own and control the land?—this was the elemental question. Land was of supreme importance, outweighing all other considerations in the matter of white-Indian relations.”¹ This need to

¹ Francis Paul Prucha, *American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts 1790-1834*, (Cambridge: Harvard University Press, 1962,) 139.

control land was the ultimate motive for white expansion into Native American lands. The goal for whites was to not only control the land, but also control the resources in the land.

For the Ho-Chunk this idea of land and resources defined their relationship with white America and the United States government in the 1800s. The tribe had little interaction with large numbers of settlers until the 1820s. From that moment on, the Ho-Chunk and their lands would be changed forever. As more and more white settlers came into contact with Ho-Chunk lands, the value of that land grew in the eyes of white America. Once that value grew, that the Ho-Chunk would lose the majority of their land in Wisconsin was inevitable. White settler's desire for the riches of Ho-Chunk land, namely lead, farmland, and cranberries, eventually led to the dispossession of the Ho-Chunk estate in Wisconsin and efforts to remove them out of the state.

This paper will look at three periods of dispossession and removal of the Ho-Chunk people and the relationship between the Ho-Chunk and the United States government during the nineteenth century. Each period is defined by the resource which caused either land cessions, removal, or both. In the 1820s the desire for lead ore defined the Ho-chunk dealing with the government. In the 1830s under the new Federal Policy of Removal, farmland became the resource that defined the treaties of the 1830s. Finally, in the 1870s cranberries defined the last attempt to remove the Ho-Chunk from the state. In essence, the Ho-Chunk experience of the nineteenth century was defined by the land and resources and the lengths that white settlers and the United States government would go to acquire the Ho-Chunk territory.

The goal of this paper is to expand on the works of other authors, notably Nancy Lurie and Jason Tetzloff who have already done excellent work on the early nineteenth century history

of the Ho-Chunk. Lurie's work, a doctoral dissertation entitled "The Winnebago Indians: A Study in Cultural Change," explored the culture of the Ho-Chunk tribe. Her cultural work, however, was based on the history of the tribe, especially how the Ho-Chunk tribe split into two separate factions in Nebraska and Wisconsin. Tetzloff's work, a master's thesis entitled "The Diminishing Winnebago Estate in Wisconsin: From White Contact to Removal," studied how the Ho-Chunk tribe ceded all of its land in Wisconsin. A purely historical work Tetzloff focused his work on the experience of the Ho-Chunk in the early 1800s. However, their works do not complete the history with a full telling of the last removal in 1873. I hope by adding a more complete telling of that story and utilizing their previous work into a new context, a better understanding of the Ho-Chunk history of dispossession, removal, and the courage to resist removal can be gained. The author will use Ho-Chunk as much as possible during this paper as that term is more acceptable to the tribe than Winnebago, a European construct.

Background:

Three important events took place in the 1820s that directly affected the Ho-Chunk nation and its dealings with the United States government, the decision in *Johnson vs. McIntosh*, the Prairie du Chein treaty of 1825, and the Red Bird or Winnebago War. Each of these events had a direct impact on how the United States government would handle Ho-Chunk land cessions in the coming two decades.

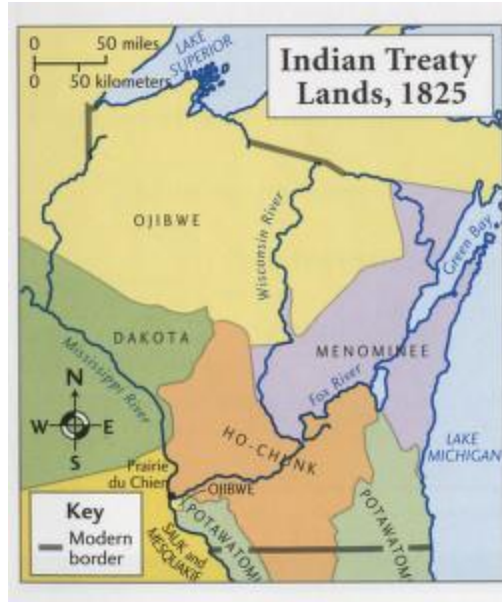
In 1823, the Supreme Court ruled, in *Johnson vs. McIntosh*, that Native tribes held the legal title to their lands and that only the United States government could extinguish that title through treaties or land cessions. In the case, the plaintiffs argued that they held the title to certain lands because they had bought the land directly from the tribe. The court ruled that

individuals could not purchase land directly from the tribes, only the United States government held the right to negotiate and purchase land from Indian tribes. In its decision, written by Chief Justice John Marshall, the court said that Indian land title was a firmly established principle. Marshall cited that all European colonizers had negotiated directly with tribes, on a nation to nation basis, a policy that the United States government continued. This policy was based on the idea that Indians owned the land they lived on, or as Marshall said in his decision, “Their right of possession has never been questioned.”² With this decision all future land cessions or treaties would only be between the United States government and Native American tribes, including the Ho-Chunk.

Shortly after this decision, the United States government began negotiations with all the tribes in Wisconsin to establish clear land boundaries between the tribes. The negotiations were held in Prairie du Chein in 1825. The stated purpose of the treaty was to establish firm boundaries between the tribes, in order stop inter-tribal violence. However, the bonus for the United States government was with established boundaries, negotiations with individual tribes for land cessions could begin. The government now knew with what tribe to negotiate for what land.³ The Prairie du Chein Treaty of 1825, along with the decision in *Johnson vs. McIntosh*, allowed for the purchase of Ho-Chunk lands in Wisconsin to begin. The third event of the 1820s gave the United States government a reason to acquire Ho-Chunk lands.

² Prucha, *American Indian Policy*. 186.

³ Jason Tetzloff, “The Diminishing Winnebago Estate in Wisconsin: From White Contact to Removal” (Master’s Thesis, University of Wisconsin-Eau Claire, 1991), 36.



The Red Bird or Winnebago War erupted in 1827. Red Bird was a respected Ho-Chunk leader. As more whites came into the lead district, conflict between the whites and Ho-Chunk were inevitable. The Ho-Chunk falsely believed that the United States government had given up two Ho-Chunk men to their enemies, who it was believed by the Ho-Chunk, promptly executed the two men. While these accusations were not true, the Ho-Chunk sought revenge and chose Red Bird to retaliate. In June, Red Bird entered a homestead and killed two men and scalped a young girl. Also at this time two boats on the Mississippi river were attacked by the Ho-Chunk killing four people on board. The white community responded by calling out a large militia force, which combined with regular army troops, sent out to find Red Bird. Seeing the risks of resisting such a large force, Red Bird turned himself in to authorities, and other Ho-Chunk leaders distanced themselves from Red Bird's actions. With Red Bird's capture the "war" quickly ended. Red Bird died in prison in Prairie du Chein. Two other Ho-Chunk were also convicted, but were pardoned by President John Quincy Adams, who in his pardon requested that

the Ho-Chunk cede their lands in the lead district.⁴ The fear that resulted from the Red Bird War influenced the government to try to separate the Ho-Chunk people from the growing white population in southwestern Wisconsin. These three events influenced the actions that the United States government would take in its dealings with the Ho-Chunk in the coming years. However, there was an even more important reason that influenced the negotiations between the government and the Ho-Chunk at the end of the 1820s, lead.

Lead: The Treaties of 1828 and 1829

The Ho-Chunk of Wisconsin were involved in two treaty negotiations in the decade after the passage of the Indian Removal Act. However the Ho-Chunk were well aware of the motives of the Americans. In the late 1820s the Ho-Chunk were involved with negotiations over the cessation of the lead district in southwestern Wisconsin and northwestern Illinois. The treaty of 1829 ceded all Ho-Chunk land in the lead district south of the Wisconsin River. This was the first treaty the Ho-Chunk signed that ceded land to the United States, but the Ho-Chunk leaders were well aware of the American's reputation. Mark Diedrich has compiled speeches from many Ho-Chunk leaders in his book, *Winnebago Oratory: great Moments in the Recorded Speech of the Hochungra, 1742-1887*. Included in this book is this long passage by Little Elk from the treaty negotiations, which shows that the Ho-Chunk knew the motives of the Americans.

The first white man we knew was a Frenchman—he lived among us as we did. He painted himself, he smoked his pipe with us, sang and danced with us, and married one of our squaws, but he wanted to buy no land of us.

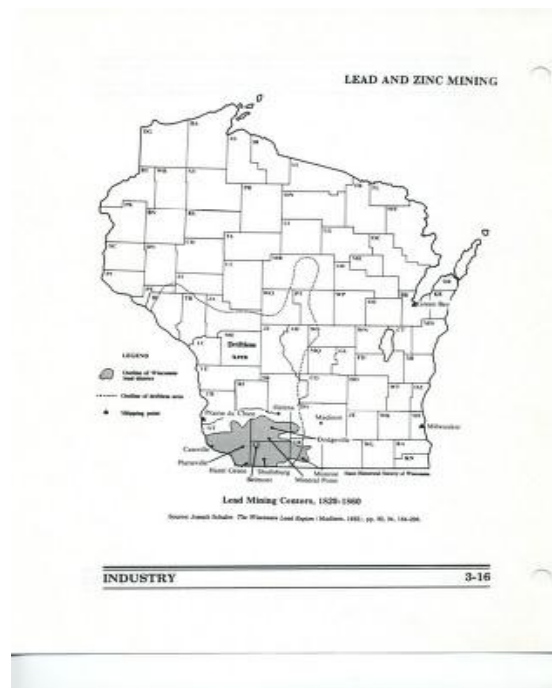
The redcoat came next. He gave us fine coats, knives, and guns and traps, blankets and jewels. He seated our chiefs and warriors

⁴ Mark Wyman, *The Wisconsin Frontier*, (Bloomington: Indiana University Press, 1998.) 142-146.

at his table with himself; fixed epaulets on their shoulders, put commissions in their pockets, and suspended medals on their breasts, but never asked us to sell our country to him.

Next came the bluecoat, and no sooner had he seen a small portion of our country than he wished to see a map of the whole of it; and having seen it, he wished us to sell it all to him. Governor Cass, last year, at Green Bay, urged us to sell all our country to him, and now you fathers, repeat the request. Why do you wish to add our small country to yours, already so large?⁵

The Ho-Chunk understood the motives of the Americans; they wanted Ho-Chunk land. The land in question was the lead district of Wisconsin. The rush of white Americans into the lead district led to direct conflict with the Ho-Chunk who still owned the lands. The conflict between the Ho-Chunk and the Americans over this land was brewing since the mid 1820s.



⁵ Mark Diedrich, *Winnebago Oratory Great Moments in the Recorded Speech of the Hochungra, 1742-1887*. (Rochester: Coyote Books, 1991,) 34.

The rush of Americans into the lead district was staggering. In just three years the number of miners in the lead region increased from 200 to over 10,000.⁶ Many, if not most, of these miners were illegally mining on Ho-Chunk lands, including one future governor of Wisconsin.

Henry Dodge, during the Winnebago War of 1827, came into contact with the Winnebago lands in the lead region. Soon after the “war” ended he established a mine east of Prairie du Chein, which included a fort and over 100 armed miners. Clearly Dodge was illegally mining on Ho-Chunk land, over thirty miles inside Ho-Chunk territory. After the Ho-Chunk complained about Dodge’s operation, Dodge was ordered to remove from the territory. Dodge ignored the order: he knew the government could not force him out and he was also aware that treaty negotiations were to start soon between the government and the Ho-Chunk. All Dodge needed to do was wait until those negotiations were completed. Dodge’s success in avoiding the order led many other miners in the area to enter Ho-Chunk territory and begin mining.⁷ This rush of miners into the territory of the Ho-Chunk was a prime example of the failure of the Federal Government to respect treaty boundaries and rights, leading to the government purchasing the lands encroached upon. Unfortunately this type of scheme was commonplace in the history of removal. Time and again the United States government ignored or gave in to white settlers who encroached on Indian land. Often times the government would acquire the land through treaties to appease the white settlers.⁸ The Ho-Chunk’s first contact with large numbers of white settlers had ended as it had for so many other tribes, with the United States purchasing land to “cover up” the encroachments of its citizens.

⁶ Jason Tetzloff, “The Diminishing Winnebago Estate,” 44.

⁷ Ibid, 47-48.

⁸ Prucha, *American Indian Policy*, 180.

Although Dodge was certainly waiting for the government to purchase the lead district in the treaty of 1828, the government was unable to get the Ho-Chunk to sell. During the treaty negotiations Governor Cass, as acting negotiator, opened with a somewhat ironic statement. “Our people are spread over your country, they are digging mineral upon it. It is more valuable to us than to you. There is no game upon it. We are willing to pay you for it. We should be willing to purchase a part of it and to run a plain line and build a wall between us so that our young men could not get over it.”⁹ Cass called for a boundary to separate the miners from the Ho-Chunk. This was a boundary that he, as acting governor, had already ignored by allowing the miners to cross the previous boundary. The statement was ironic for another reason; the land was valuable to the Ho-Chunk, and not because of the game, but because the Ho-Chunk mined the lead as well.

Indians in the region had been mining lead for at least two centuries. Lucy Murphy discusses the extent of the native mining operation in her book, *A Gathering of Rivers: Indians, Métis, and Mining in the Western Great Lakes, 1737-1832*. The Indians used mining to their economic advantage. Mining became an important economic tool for the Ho-Chunk as the demand for furs diminished in the 1800s. Lead mining allowed the Ho-chunk to purchase items they needed, weapons and clothing for example.¹⁰ If the Ho-Chunk could replace their dependence on the fur trade with the now more profitable lead mining they might never be coerced into selling the lead district to the government.¹¹

⁹ Treaty Commissioner Cass to the Winnebagoes, Aug 18, 1828, treaty Journal, 1828, ROIA, T494 roll 2.

¹⁰ Lucy Murphy, *A Gathering of Rivers: Indians, Métis, and Mining in the Western Great Lakes, 1737-1832*, (Lincoln: University of Nebraska Press, 2000,) 80.

¹¹ Tetzloff, “The Diminishing Winnebago Estate,” 42.

Although this negotiation happened before the implementation of Federal Removal Policy, many of the same tactics, which will be so successful in the next decade, were used in 1828. Referring back to Cass's opening statement, we can see how he devalued the Ho-Chunk land, saying it was of no use to them because the game is gone. Cass also talked about the danger of staying near the white population by suggesting that a new boundary was needed to keep the whites away. In this way the negotiations of 1828 fit nicely into the new Federal Indian Policy under Jackson.

However, while the tactics were similar to removal negotiation tactics, the outcome was different. The Ho-Chunk leaders understood the value of the land and would not sell the land in 1828. The Ho-Chunk were able to hold onto their land and received some concessions from the government, including payment for past damages and protection from whites. In return the government received access for white miners into the lead district and another treaty session in 1829 where the government would again try to buy the lead district. This would be the last treaty the Ho-Chunk signed with the United States that did not contain some sort of land concession.

In the year between the treaty of 1828 and the treaty of 1829 the United States again failed to live up to its end of the treaty. Although whites were granted some access to tribal areas they again crossed boundary lines, this time to cut timber off Ho-Chunk lands. The Indian agent at Prairie du Chein did arrest some of the perpetrators, but the violators sued the agent for confiscating their property. The judge ruled in favor of the trespassers stating that the government could not protect Indian country from intrusion.¹²

¹² Ibid, 52.

The treaty of 1829 began where the treaty of 1828 left off, with the government forcing the Ho-Chunk to sell their lands in the lead district. The government believed that the Ho-Chunk had promised to sell the land during the negotiations of the previous year. The Ho-Chunk leaders were still determined to get the government to pay for the damages to their lands caused by trespassing whites. Waukon Decora spoke for the tribe on the matter. “Before we left Green Bay[in 1828] our father told us his young men should not work over the line between us in the mineral country. We gave them nine months to smelt up the mineral they had dug. We have heard...that we were to be paid for the damages done on our land the other side of the line. We think we ought to be paid for the damages committed by you.”¹³ Unfortunately their words fell on deaf ears. The treaty was signed with no mention of reparations to the Ho-Chunk. The treaty stipulated the Ho-Chunk relinquish all rights to the lead district. In return the United States agreed to pay the Ho-Chunk \$18,000 a year for thirty years. Also the government was to supply the tribe with oxen and blacksmiths in the first attempt to bring farming to the Ho-Chunk. The treaty would be the last to not contain a removal order.¹⁴ By the end of the 1820s the Ho-Chunk had ceded their land holdings in the lead district, by the end of the 1830s the Ho-Chunk would cede all their land holdings in Wisconsin and face the new Indian policy of the United States government, removal.

Removal Policy:

With the election of Andrew Jackson in 1830, Federal Indian Policy underwent massive change. While most administrations had previously wished to move the Native people west of the Mississippi River, not until Jackson’s election did that goal become public policy. According

¹³ Diedrich, *Winnebago Oratory*, 33.

¹⁴ Charles Kappler, *Indian Affairs: Laws and Treaties* (Washington: Government Printing Office, 1904) vol 2, 297-300.

to Ronald Satz, in his book *American Indian Policy in the Jacksonian Era*, Jackson believed “...that the Indians had only a “possessory right” to the land they lived on and were thereby subject to American sovereignty. American “national security” demanded the removal of the Indians outside the nation’s geographical limits.”¹⁵ For Jackson, Indian tribes could no longer delay the spread of American civilization by their ownership of land, especially within the borders of the United States. The Indians must be removed and their lands given to whites who would naturally bring cultivation and civilization to the area.

This belief in the inevitable movement of white civilization west defined the support for Indian Removal. Lewis Cass, governor of Michigan Territory which included Wisconsin at the time, and future Secretary of War, wrote in 1828: “It would be miserable affection to regret the progress of civilization and improvement, the triumph of industry and art, by which these regions (eastern America) have been reclaimed, and over which freedom, religion, and science are extending their sway.”¹⁶ This belief in the rolling tide of white civilization led Jackson and his supporters to call for a change in Federal Indian Policy. The Indian Removal Act of 1830 became law on May 28, 1830.

The law called for all eastern tribes to be moved west of the Mississippi River. The law was vigorously debated and was unpopular in parts of the country, mainly in New England. However, the majority of the white public accepted and supported the bill.¹⁷ Support of the bill was based on two issues. First, and most important to the public, was the bill would eventually open up land for development. This idea was especially important in the South as the Cherokee

¹⁵ Ronald Satz, *American Indian Policy in the Jacksonian Era*, (Lincoln: University of Nebraska Press, 1975.) 10.

¹⁶ Lewis Cass, *Consideration on the Present State of the Indians and Their Removal to the West of the Mississippi*, (Original print, Boston: Gray and Bowen, 1828, Reprint, New York: Arno Press, 1975.) 4.

¹⁷ Satz, *American Indian Policy*, 20-56. Satz discusses the debate on the bill on pages 20 through 30 and the response to the bill on 39-56.

and other Southern tribes land holdings halted the advancement of the new cotton economy of the Deep South. Secondly, the Removal Act allowed white America to feel justified in removing the Indians. As Satz states, “By equating removal with the preservation and civilization of the Indians...they could stand on high moral ground while relieving the Indians of their land east of the Mississippi River.”¹⁸ The majority of the American public came to view the Removal Act as not only beneficial to the American economy, but also as a way to “save” the Indian.

In the eight years of Jackson’s Presidency the removal of the Native tribes to the west of the Mississippi River took place at a breathtaking pace. The administration signed over sixty treaties, acquiring over one hundred million acres, and moved over forty-five thousand, of a total of fifty-five thousand, west.¹⁹ The administration accomplished this effort by a methodical manner. Indian treaty negotiations followed a precise form. Tribes were brought to the negotiations. Then the tribes were told how much better the western lands were and how much better they would be living away from the new white settlers. Presents were presented to the tribe and speeches by American negotiators made it clear that the state governments would force their laws on the tribes.²⁰ In this way the government was able to virtually extinguish Indian land titles east of the Mississippi by the end of Jackson’s second term. We will also see this method used in the government’s dealings with the Wisconsin Ho-Chunk.

As we will also see with the Wisconsin Ho-Chunk the efforts of the government to negotiate removal often led to the splintering of the tribe into pro-removal and anti-removal factions. This further increased the negotiating power of the government agents who routinely

¹⁸ Ibid, 54-55.

¹⁹ Ibid, 97.

²⁰ Ibid, 98.

only dealt with the pro-removal faction creating controversy with the anti-removal factions when they were also removed.

Land: The Treaties of 1832 and 1837

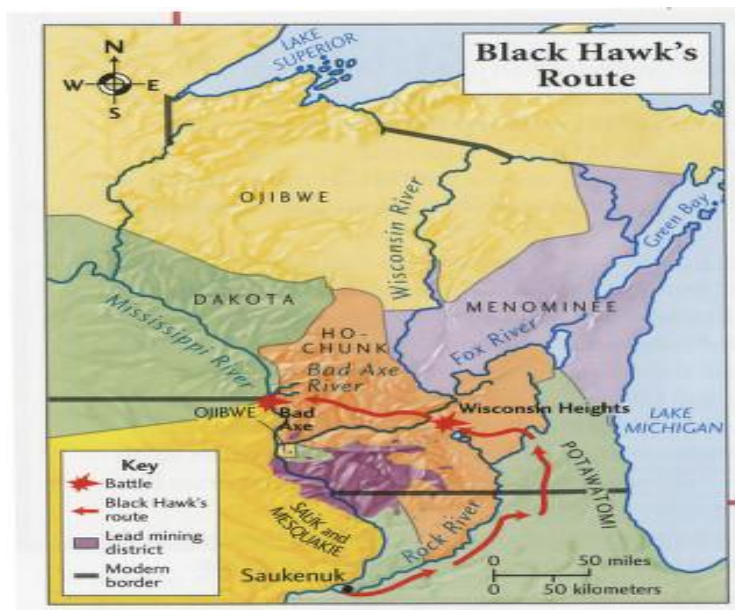
The desire for the lead region ultimately led to the first land cessions by the Ho-Chunk. The rush for the riches available in the lead district brought large numbers of white settlers into contact with the Ho-chunk for the first time. White encroachments and pressure forced the Ho-Chunk to cede their land in the lead district to the United States in 1829. As more and more settlers poured into southern Wisconsin, Ho-chunk lands became more and more desirable. By the end of the 1830s the Ho-chunk would cede their entire land holdings in Wisconsin to the United States. However, it will not be the end of the Ho-Chunk story or presence in Wisconsin.

Much as the Winnebago War of 1827 and the lead rush opened the eyes of white Americans to the value of Ho-Chunk lands, so too did the Black Hawk War of 1832 again allow white settlers to explore Ho-Chunk lands. Black Hawk was a leader of a band of Sac and Fox Indians who crossed the Mississippi River back into Illinois to return to his former land. A small part of the tribe had ceded a large portion of land in 1804. With no white pressure the tribe was able to maintain their daily life on the ceded land. The lead rush of the 1820s eventually brought white pressure on the bands of Sac and Fox in Illinois. This pressure forced the Sac and Fox to abandon the east side of the Mississippi River for the west side.²¹

Black Hawk led his band back across the river in 1831 hoping to return to his original land. Although Black Hawk returned with women and children, a sign that this was not a war

²¹ Tetzloff, "The Diminishing Winnebago Estate," 69-70.

party, the Illinois militia was called out. The militia burned the old Sac village and forced Black Hawk to again move west of the Mississippi. In 1832 Black Hawk again crossed the river into Illinois, this time under the belief that other tribes would join him. Fearing an Indian war the Illinois militia was again called up, but in greater numbers. Over the next four months over 7000 troops would chase Black Hawk and his band into Wisconsin and onto Winnebago lands, exposing the value of the land. Eventually Black Hawk's band was caught and nearly annihilated trying to recross the Mississippi back into Iowa.²²



The Ho-Chunk as a unified tribe did not fully participate in the war. Some acted as guides for the militia forces.²³ However, the Winnebago Prophet, also known as White Cloud or Clear Sky, was a major influence on Black Hawk's decision to cross the Mississippi in 1832. As Diedrich writes, "The Prophet... had led Black Hawk to expect that he would receive help from the Winnebagos and other tribes, and perhaps even the British."²⁴ That the Prophet influenced

²²Ibid, 70-71.

²³Charles Bracken. "Further Strictures on Ford's Black Hawk War," *Collections of the Wisconsin State Historical Society*, (Madison: University of Wisconsin Press, 1856) vol 2, 402-414

²⁴Diedrich, *Winnebago Oratory*, 38.

Black Hawk's goals is evident from this quote from the Prophet taken from Black Hawk's memoirs, quoted in Diedrich: "follow us, and act like braves. We had nothing to fear, but much to gain... We must wait until we ascend Rock River and receive our reinforcements, and we will then be able to withstand any army."²⁵ Black Hawk expected Ho-Chunk help in his quest to return to his homeland. However, most Ho-Chunk remained neutral. For one thing the Ho-Chunk and the Sac were enemies. The Sac had twice threatened war with the Ho-Chunk by sending wampum belts to Portage to challenge the Ho-Chunk.²⁶ Secondly, the Ho-Chunk leaders took exception to the fact that Black Hawk had brought war with the whites into Ho-Chunk territory. As Little Snake, a Ho-Chunk leader, stated in a meeting with General Dodge, "Fathers, the Great Spirit hears me. I feel very sorry that your children have been killed... The bad Sacs have come among us and I know they have come there to extinguish our fire and put us in trouble, and to stain our soil with the blood of whites."²⁷ Little Snake knew that bringing the war to their territory would have dire consequences for the Ho-Chunk and indeed it did.

The Black Hawk War, along with the Winnebago War, five years earlier, heightened Indian-white tensions in the region. Combined with the growing influx of white settlers into Ho-Chunk territory, it should be no surprise that as a result of this war the government requested that the Ho-Chunk sell some of their land. The treaty of 1832 ended Ho-Chunk title to all lands south and east of the Wisconsin River and for the first time called for a removal of Ho-Chunk to the west of the Mississippi.

²⁵ Ibid, 38.

²⁶ Nancy Lurie, "The Winnebago Indians: A Study in Cultural Change," (Master's Thesis, Northwestern University, 1952,) 117.

²⁷ Didrich, *Winnebago Oratory*, 40.

The treaty of 1832 traded Ho-chunk land in Wisconsin for land called the neutral ground in Iowa. The land was so called because it had been a buffer zone between the Sioux and the Sac and Fox. The treaty also contained provisions for a school to be built and annuities to be paid to the tribe. These annuities were held back until the tribe handed over nine members accused of murdering whites during the war. In return the government opened up excellent farmland in east-central Wisconsin that was immediately settled by many of the soldiers of the Black Hawk War.²⁸

The signing of this treaty also led to the first official removal in Ho-Chunk history. The bands that resided in the ceded area were forced to move to the neutral ground. The removal was a disaster for the Ho-Chunk. First the war had prevented the Ho-Chunk from planting their full crop, then the chase of Black Hawk led the militia to destroy crops that were planted, leaving the Ho-Chunk in a dire situation. They asked for another season to harvest their crops and hunt the ceded area, but were denied by Henry Dodge, who we know thought little of Ho-Chunk rights or problems.²⁹ Secondly, smallpox and other diseases were at that time attacking the tribe. By 1834 almost 25 percent of the tribe had died.³⁰ Lastly, the Ho-Chunk that did move to the Neutral ground were attacked by the Sac and Foxes. One whole band that removed to the neutral ground was almost totally destroyed by the attacks.³¹

The treaty of 1832 was also important because it started a precedent that would become all too familiar in the coming years of treaties and removal. The United States government did not or would not fulfill its promises made in treaties. The goal of Jacksonian Indian policy was

²⁸ Tetzloff, "The Diminishing Winnebago Estate," 73-74.

²⁹ Ibid 78-79.

³⁰ Lurie, "Cultural Change," 118.

³¹ Ibid, 118.

first to remove Indians west of the Mississippi, but also to do it cheaply. As Satz states, “Old Hickory [President Jackson] wanted to accomplish Indian removal quickly, cheaply, and humanely, but his emphasis on speed and economy often undermined efforts to provide adequate care for Indian emigrants.”³² This emphasis on fast and cheap led to many of the promises made to Native tribes to be unfulfilled or delayed. In the treaty of 1832, the Ho-Chunk were promised a school and agricultural instruction. The school was not in operation until 1834 and the farm was not in operation until 1835.³³

The treaty of 1832 introduced the Ho-Chunk to the new Federal Policy of Removal. Their first experiences were hardly encouraging. Disease and hunger spread in the tribe. Members that did remove to the west of the Mississippi were attacked. More members were now forced into a smaller area in Wisconsin, north and west of the Wisconsin River. With their land cession more and more white settlers and farmers were moving into Wisconsin and they would not be satisfied until they had all the Ho-Chunk land.

Unlike the treaty of 1829 or 1832 there was no major event that brought about the treaty of 1837. While the United States had succeeded in placing a barrier between the Ho-Chunk and whites, the government knew that it was only a matter of time before the Ho-Chunk lands north of the Wisconsin River would be desired by the onrushing settlers. Of importance to the settlers were the pine trees in the north and the farmland in the south and eastern part of the remaining Ho-Chunk lands. Almost immediately after the treaty of 1832 was settled, the government began to inquire about purchasing the rest of the Ho-Chunk lands in Wisconsin. The fact that Henry Dodge was appointed governor of the Territory of Wisconsin was definitely not in the Ho-

³² Satz, *American Indian Policy*, 64.

³³ Lurie, “Cultural Change,” 119.

Chunk's favor. Dodge's desire to remove the Ho-Chunk was evident in this passage quoted by Tetzloff; "Dodge wanted the Winnebagoes removed to "where they could have no intercourse with the whites...to save this miserable and degraded race of Indians from the ruin and destruction which appears to await them."³⁴ It was apparent that removing the Ho-Chunk from Wisconsin was a major goal for the new governor as well as for Federal Indian Policy.

The treaty negotiations in 1837 differed from the common negotiation routine that was established in the 1830s. Most importantly, there would be no treaty ground or treaty council with the entire tribe. The negotiations took place in Washington D.C. where a group of Ho-Chunk representatives were sent. The transcripts of these proceedings do not exist. We need to rely on other sources to understand the suspicious proceedings in Washington. Perhaps the best source we have is Henry Merrill's account. Merrill was assigned to Fort Winnebago as postmaster in 1834.

According to Merrill, in 1836 Governor Dodge attempted to negotiate with the Ho-Chunk for the rest of their land in Wisconsin. The Ho-Chunk leaders refused this first request. After his initial request was rejected, Dodge returned in 1837 and requested that a delegation be sent to Washington. Once in Washington the Ho-Chunk delegation was pressured into signing a treaty, but they refused because they had no authority to sign away their lands. Finally with the onset of winter the delegation did sign a treaty under the belief that removal would not happen immediately. As Merrill states, "The treaty, as they were informed, permitted them to remain in the peaceful occupancy of the ceded lands eight years, when in fact it was only that number of

³⁴ Tetzloff, "The Diminishing Winnebago Estate," 83.

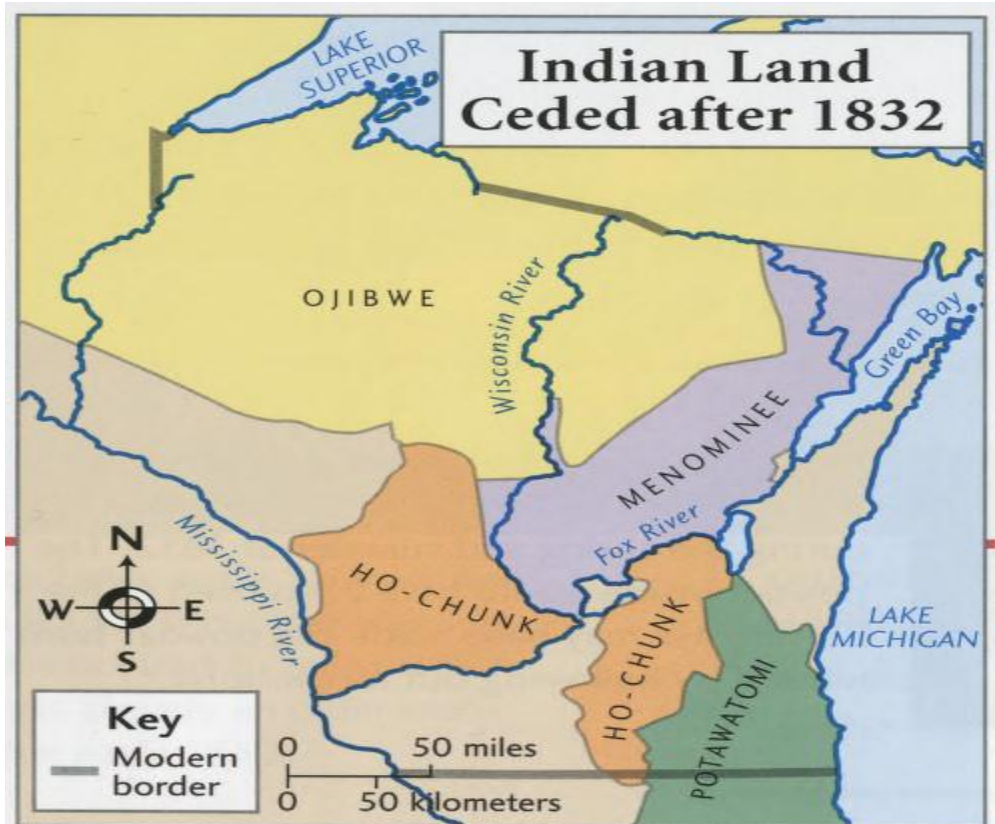
months.”³⁵ That the treaty negotiations were questionable is evident. However, Merrill may have been mistaken in the amount of time requested for removal.

In speeches made the next year by Ho-Chunk members protesting the removal, they reference the fact that a four year stay was granted to the Ho-Chunk. First Dandy accused the government of coercion. He says, “their agent told them at Washington if they did not sign the treaty, he would put them in a house, or on board a boat and kill them...to induce [Little] Soldier to sign he was told their annuity should be paid to them for four years at the Portage.”³⁶ This is from Snake, “Little Soldier and myself were the first to touch the pen. Father I heard Waukonkah, who was the last to sign the treaty, when he took up the paper, ask that four years should be given to remove in.”³⁷ Regardless of eight or four years, the treaty was stained in the minds of the Ho-Chunk. This stain would lead to resistance when the order for removal came in minds of the Ho-Chunk. This stain would lead to resistance when the order for removal came in 1840.

³⁵ Henry Merrill, “Pioneer Life in Wisconsin,” *Collections of the Wisconsin State Historical Society*. (Madison: University of Wisconsin Press, 1908) vol 7 367-402.

³⁶ Diedrich, *Winnebago Oratory*, 58.

³⁷ *Ibid*, 59.



The two leaders of the resistance to removal were Yellow Thunder and Dandy. They took different actions of resistance. Yellow Thunder eventually bought land and was able to avoid removal because he had legal title to land in Wisconsin. Dandy moved into the woods in the northern part of the ceded Ho-Chunk lands with his band and avoided capture by living as a fugitive. Their stories reveal the efforts of the Ho-Chink to stay in Wisconsin.

When troops arrived in 1840 to remove the Ho-Chunk, Yellow Thunder was brought to Portage under the impression he was to gather provisions for the removal of his band. When he arrived in the fort the gates were shut behind him and he was chained. Yellow Thunder was then escorted across the Mississippi to the neutral ground; however after being released by his captures, Yellow Thunder immediately returned to Wisconsin, beating his captures back to

Portage. Yellow Thunder then went to Mineral Point and purchased forty acres of land near Portage securing his right to stay in Wisconsin.³⁸

Dandy also resisted and escaped capture. In 1844 troops again descended on the ceded Ho-Chunk lands in order to remove the bands that had evaded capture in the first removal. Dandy was captured, chained to a horse, and taken to Mineral Point. Meeting with Governor Dodge, Dandy grabbed a bible and asked if men were supposed to live according to that book, where did it say in the book that Dandy was to leave his home. Dodge promptly chained him again and sent him to Prairie du Chein. Because of blisters that developed due to the chains Dandy was unable to walk for two or three weeks. When the order to send Dandy across the Mississippi arrived, a buggy was provided to take him there. The corporal in charge of Dandy, believing that Dandy was no threat to run, left him in the buggy to retrieve his whip, and Dandy ran into the bluffs at full speed, avoiding capture and living as a fugitive for the rest of his life.³⁹

Dandy and Yellow Thunder were the leaders of the Wisconsin Ho-Chunk who remained and defied the removal orders of the 1840s. They led 700 to 900 people who remained in Wisconsin. The remaining Ho-Chunk experienced degrees of cultural change as they adapted to a life in an area they did not own or control. According to Nancy Lurie, the Ho-chunk bands centered around Black River Falls and the surrounding counties, moving frequently⁴⁰. Fear of removal limited their dealings with whites in the early years after the 1840s removal. This led the bands to rely more on old patterns of existence. For instance for clothing, as Lurie states, ‘Buckskins were used to a greater extent because of the lack of cash to provide the great amount

³⁸ Merrill, “Pioneer Life” 393-394

³⁹ John De La Ronde, “Personal Narrative,” *Collections of the Wisconsin State Historical Society*, (Madison: University of Wisconsin Press, 1908) vol 7, 364.

⁴⁰ Lurie, “Cultural Change,” 170.

of fabrics utilized during the time of the fur trade.”⁴¹ The Indians eventually would come back into contact with whites as settlers continued to move north through Wisconsin. But according to Lurie’s research it seems the Ho-Chunk did their best to avoid creating a dependent relationship with the white settlers. The Ho-Chunk maintained their culture. White were viewed as trading partners, people who could help the Ho-Chunk maintain their life in Wisconsin, but only in a prescribed trading partnership.⁴² This is an important fact; by creating distance from the white settlers and “accepted trading relationships,” the Ho-Chunk were able to create an environment where they were not perceived as a threat to the white community. By helping to create a safe environment the Ho-Chunk were able to defer removal.

In fact one of the few attempts to remove the Wisconsin Ho-Chunk occurred in 1863, when this safe environment was threatened. It was not the Ho-Chunk who threatened the safety of the whites, but the Sioux uprising in Minnesota. This uprising frightened the entire upper Midwest. It affected the Wisconsin Ho-Chunk when the Ho-Chunk who had been removed in the 1840s were again moved in response to the Sioux uprising. It was mistakenly believed, at first, that some of these Ho-Chunk escaped and returned to Wisconsin. This idea was quickly disproved. Agent Charles Mix explained the mix up, “No Winnebagoes escaped in their transit to their new homes; that the Indians you are pursuing are old residents of Wisconsin, and that this office has neither the agent nor money to take care of these Indians, and that if you arrest then they will be on your hands.”⁴³ It is then clear in the correspondence that the governor of Wisconsin and General John Pope had little idea that these Ho-Chunk existed before this incident. It is also clear from the back and forth correspondence that most officials supported the

⁴¹ Ibid, 171.

⁴² Ibid, 171.

⁴³ U.S. Department of the Interior, *Report of the Office of the Commissioner of Indian Affairs for the year 1863*, 357.

removal of the Ho-Chunk, but few had the means or the desire to undertake the responsibility without orders from above.⁴⁴

The dispersion of the Ho-Chunk lands was completed in 1837. White desire for farmland led to the land cessions in 1832 and 1837, along with the forced removal of the Ho-Chunk nation. Although the majority of the tribe did remove west of the Mississippi River, a small but significant number of Ho-Chunk people resisted removal, changed parts of their culture, and created unthreatening relationships with white settlers in order to remain in Wisconsin.

Cranberries: The Removal of 1873 and 1874

The last official removal of the Ho-chunk occurred in 1844; over thirty years later the government again took on the effort to remove the remaining Ho-Chunk to Nebraska where the previous faction now resided. This section of the paper will utilize primary documents to give a more comprehensive understanding of the events in the mid 1870s in central Wisconsin. The primary source material consists of articles from *The Badger State Banner*, the Black River Falls newspaper from 1870-1876, and documents from the Winnebago Indian Agency. Using these documents I will explain the reasons behind this new removal, the events of the removal, the conditions in Nebraska, the return of the Ho-Chunk, and Native and white efforts to ensure the Ho-Chunk's residence in Wisconsin.

⁴⁴ Ibid, 354-365.

In both Tetzloff and Lurie's examinations of the Ho-Chunk history in 19th century Wisconsin, this short, but important event is vastly underreported. Tetzloff only grants three paragraphs to the final removal attempt. Lurie devotes only two pages to the entire story of removal and return. The most informative writing on the subject is done by Mark Wyman in his book *The Wisconsin Frontier*, which dedicates five pages to this episode. While this passage does a fine job connecting the story of this removal to national trends, including a new movement of white defense of Native rights, all three authors treat this removal as just another attempt to fulfill the removal article in the treaty of 1837. There is no discussion about why after thirty years did the government want to remove the Ho-Chunk from Wisconsin. In prior removals we had a clear idea of the desires of the government; first lead and then land led the government to purchase land and remove the Ho-Chunk. So what was the motivation here?

In a letter dated October 23, 1870 E. F. Ring wrote to the Commissioner of Indian Affairs asking for the removal of the Ho-Chunk people. In the letter he listed six reasons for removal. His list did not include crimes committed or safety concerns of the whites; rather Ring relied on old reasons for removal. Land used by Indians could be settled by whites. The whites who would fight removal are only looking out for their best interests according to Ring.⁴⁵ At no point does Ring concern himself with the wishes of the Ho-Chunk themselves. Ring gives no concrete reason that the Indians should be removed, no specific charge or incident was behind the letter, only a desire for the removal of the Ho-Chunk.

Looking at the issues of the *Badger State Banner* in the years prior to removal we see Indians mentioned only four total times in 1870. Only on May 5 did the article deal with

⁴⁵ Letter of E.F.Ring to Commissioner of Indian Affairs, October 23, 1870. Records of the Office of Indian Affairs, Winnebago Agency, Reel 944.

drunkenness. The editor, Frank Cooper, blamed not the Indian, but the white man who furnished the Indian with liquor.⁴⁶ This reaction did not mean that the editor of the paper was a supporter of the Ho-Chunk. In fact Cooper's true colors are revealed in the next mention of the Ho-Chunk in the June 25, 1870 issue:

We noticed quite a squad of those noble (?) red men of the forest in our streets last Tuesday with blueberries for sale. Their little ponies were literally covered with boxes and bags. We prefer our berries picked by the pale faces. Indian blueberries are too much of a good thing for our nerves. The dirty, lazy, sneaking rascals; we wish we could have the pleasure of seeing them transported to the salubrious clime of the polar Sea, and there, with their wigwams pitched on the coldest corner of a floating iceberg, sit shivering with their feet froze fast to keep them from falling into the sea.⁴⁷

Now knowing what Cooper really believed about Indians, his support of removal should come as no surprise. From February 24, 1872 in an article describing the bill being introduced by the area's state representative, E.L. Brockway, to remove the Ho-Chunk, "The Indians are a source of much trouble and vexation by their acts of thieving and trespass, and should be removed at once."⁴⁸ It can be safe to assume that with Cooper's views on Native Americans and removal that any sort of disturbance or nuisance provided by the Ho-Chunk would be reported in the newspaper. Anything that could enhance the opinion supporting removal should have found its way into the Black River paper, especially "acts of thieving and trespass" which Cooper believed caused the most trouble.

However, in reviewing the issues of the *Badger State Banner* in the years between 1870-1872, there are only twelve articles that mention Indians in that three year period. Of those twelve, two deal directly with the removal, including the article from February 24, 1872 quoted

⁴⁶ *Badger State Banner*, (Black River Falls) May 5, 1870, 3.

⁴⁷ *Ibid*, June, 25, 1870, 3.

⁴⁸ *Ibid*, February, 24, 1872, 3.

above. The next mention of Indians in the paper is not until August 24, 1872, when “Whitebear, a Winnebago Indian has lost a pony...read the description of the pony, and if you find it return the same to this village, and he will pay you for the trouble.”⁴⁹ This is not exactly the description of a ‘thieving Indian.’” Among the other articles, including the previous article with the racist description, are three mentions of the Indians coming to town to sell berries. From the April 1, 1871 issue, “The Indians have brought a large quantity of cranberries to market within the past week or ten days, and our buyers paid two dollars per bushel.”⁵⁰ These are not the descriptions one would expect of a people that are about to be removed, especially from an avid supporter of removal.

Even in the three mentions of drunk Indians in this three year period, Cooper went out of his way not to blame the Indian solely, but took his harshest criticism out on the men who sold the liquor. In two instances did Cooper accuse the Ho-Chunk of malfeasance. On July 21, 1870, Cooper claimed that the Ho-Chunk, upset at berry prices in town, returned to the woods and started fires. Where he got his information is unknown; however two weeks prior, on July 9, the paper reported forest fires due to the extreme drought, which brings Cooper’s account into question.⁵¹ Examining the newspaper of a anti-Indian, pro-removal editor reveals no evidence to support either Ring’s or Cooper’s reasons for removal. The Ho-Chunk were not a threat to the white community, in fact according to the paper they were a functioning member of that community and economy, providing a source of food in the form of berries.

⁴⁹ Ibid, August 24, 1872, 3.

⁵⁰ Ibid, April 1, 1871, 3.

⁵¹ Ibid, July 9 and July 21, 1870, 3.

The idea that the Ho-Chunk had become functioning members of the community was supported by the report of D.A. Griffith, Indian agent in charge in Wisconsin, in his report to the Commissioner of Indian Affairs regarding the Ho-Chunk in Wisconsin. He wrote:

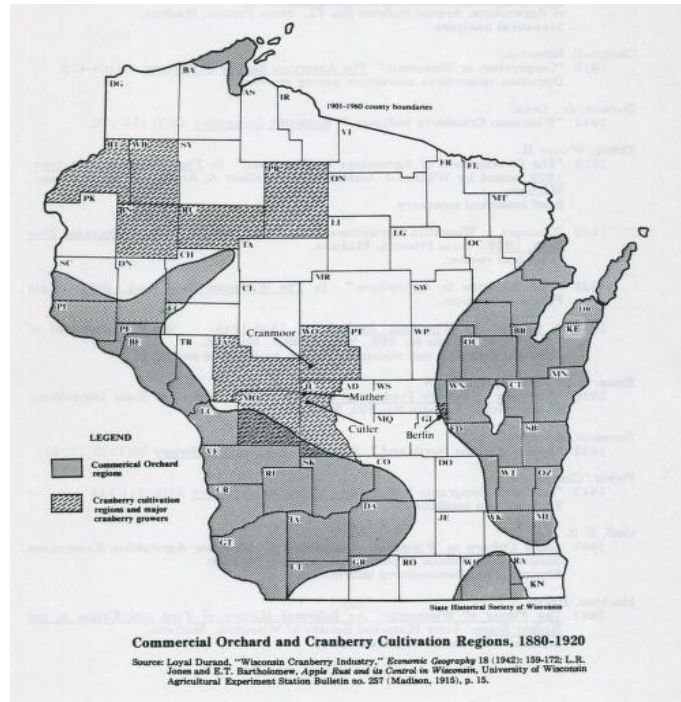
The numerous bands of Indians in this agency, scattered as they are over so large a section of country, and in constant intercourse with the whites, have been remarkably quiet and inoffensive, giving no cause of complaint from the latter; on the contrary, the towns and villages where they trade their berries, maple sugar, &c., are deriving considerable benefit from them; a larger number have also been employed in the past year in lumbering, harvesting, and hop-picking. A number of lumbermen and mill owners have informed me that the Indians they have employed in their business have been steady, good hands, and are showing a greater desire to work than heretofore.⁵²

The Ho-Chunk, while on the periphery of the community, were becoming accepted members of that community. So the question remains why the need for removal in 1873?

Surprisingly, the answer was cranberries. Cranberries, black and blueberries, and huckleberries were becoming a major industry in Jackson County and the surrounding area. The fruits grew wild in the woods and marshes in the area, then harvested and brought to market by the Ho-Chunk. As the market grew the white settlers wanted to eliminate the Ho-Chunk and control the market for themselves. A letter by H.W. Lee, a supporter of the Ho-Chunk blamed the removal on this very issue. Lee stated in his letter dated June 23, 1873, "The primary cause of the desire for their removal is found in the following facts: Northern Wisconsin has a large area of what is known as cranberry marshes...a permanent source of living and income for the Indians. Within the past 2 or 3 years the attention of the whites has been drawn to these marshes as a source of wealth...the Indians...continued to pick the cranberries...and hence the cry raised

⁵² United States. Office of Indian Affairs. *Annual Report of the Commissioner of Indian Affairs, for the year 1870*, 323.

almost exclusively by these cranberry speculators to remove them.”⁵³ Lee blamed the cranberry speculators for the removal of the Ho-Chunk. Other documents supported this statement.



In a New Lisbon petition against removal of the Ho-Chunk, the petitioners referenced the commercial importance of the Indians. One mentioned that “the berries sold by them [Ho-Chunk] annually amount to several thousand dollars in value.”⁵⁴ Jacob Spaulding, another supporter of the tribe wrote in a letter to President Ulysses Grant, “That they are not industrious is a mistake. During the last season alone they have sold from \$25,000 to \$30,000 worth of huckleberries in this vicinity, and they are now busily engaged in picking...cranberries.”⁵⁵ Whether this value was overstated it is not known, but what is apparent is that the berry industry in Jackson County was big business in the 1870s.

⁵³ H.W. Lee Letter, ROIA, Winnebago Agency, roll 944.

⁵⁴ New Lisbon Petition, ROIA, Winnebago Agency, roll 945.

⁵⁵ Jacob Spaulding Letter to President Grant, ROIA, Winnebago Agency roll, 944.

The *Badger State Banner* contains more evidence to support the claim that this removal was driven by cranberry speculators. Articles reporting the sale of berries by the Indians have already been discussed. In H. W. Lee's original letter, he stated that the attention of whites to the cranberry marshes started two or three years prior to his letter, which was dated June 23, 1873. In the July 1, 1871 issue of the *Badger State Banner*, almost two years to the day, was an article entitled "Something New:"

The attention of our readers is called to the advertisement of the Black River Falls Cranberry Company... This company is composed of gentlemen who have had experience in the cultivation of cranberries for several years past, and they intend to make it a permanent business here in Jackson County... they have entered 4,000 acres of land in the cranberry marshes east and northeast of this place... this company is wealthy, and a vast sum of money will be expended the present summer in building and improving the cranberry marshes. A large number of workmen are wanted now, and next fall employment will be given to five hundred cranberry pickers. All persons are warned not to pick cranberries upon the lands purchased by this company.⁵⁶

By the end of July the newspaper reported that between 5,000 and 6,000 acres of cranberry land had been purchased already, and that the lands will be the most valuable in the county in a short time.⁵⁷ This land being bought up was land used by the Ho-Chunk as a summer home and a means of survival and income. With the coming of the cranberry companies the Ho-Chunk's ability to utilize that land was handicapped. From the company's point of view wandering Indians picking berries off its land would be unprofitable. The best solution for the company was removal. Their problem was solved and the government covered the cost. Much like the earlier land cessions and removals of the Ho-Chunk, this removal was based on white

⁵⁶ *Badger State Banner*, (Black River Falls) July 1, 1871, 3.

⁵⁷ *Ibid*, July 29, 1871, 3.

encroachments and desires for natural resources, only this time it was not lead or land, but cranberries.

On May 29, 1872 an Act of Congress was signed that allocated money for the removal of the Ho-Chunk people still living in Wisconsin. In a letter dated January 9, 1873 Captain Charles Hunt was assigned the task of removing the Ho-Chunk at the rate of eight dollars a day plus expenses.⁵⁸ Hunt first held councils with the Ho-Chunk explaining that the government was determined to remove them to Nebraska. Hunt tried to select a delegation of Indians to accompany him to Nebraska in order to choose a “suitable location for a new home for the tribe.”⁵⁹ The Indians selected returned from Nebraska dissatisfied by the land available to them. On June 7, 1873 the *Badger State Banner* reported that Captain Hunt held a council with the Indians where the Indians made their concerns about the new country and expressed their desire to stay in Wisconsin.⁶⁰ The next week the paper again reported that Hunt held another council near Sparta. The Indians asked for a reservation at or near the headwaters of the Black River. However, Governor Washburn of Wisconsin explained that the government was determined to remove the Indians.⁶¹ Winneshiek responded to Washburn, and stated, “We have been moved to other places before. When we move a short distance many of our children die off. If they go a long distance, I expect they will all die off.”⁶² The *Banner* reported on July 26, 1873 that a final council was held in Monroe County the week before, where “Some of the Indians declared they would not go and left the council...about one hundred of them, however, signified they

⁵⁸ Department of the Interior Letter to Captain Hunt, ROIA, Winnebago Agency, roll 944.

⁵⁹ Charles Hunt Report to Department of the Interior, June 23, 1874, ROIA, Winnebago Agency, roll 945.

⁶⁰ *Banner*, June 7, 1873, 3.

⁶¹ *Ibid*, June 14, 1873, 2.

⁶² Article found in ROIA, Winnebago Agency, roll 944.

willingness to remove to the reservation, and Capt. Hunt started with them this week.”⁶³ With this the final removal of the Ho-Chunk from Wisconsin began.

Hunt returned from Nebraska with three Chiefs from the reservation there. Hunt hoped that these Chiefs could implore their “brethren” to return to Nebraska. Hunt reported that these chiefs were “badly received.” Hunt then hoped to use white men of influence to persuade the Ho-Chunk to move from Wisconsin. Still, Hunt reported, “They were determined to remain and resisted every persuasion in behalf of removal...I notified your department of the refusal of the Indians to move unless forced to do so.”⁶⁴ That request was granted in an order dated July 10, 1873 where the Secretary of the Commissioner of Indian Affairs stated, “Failure to comply with the wishes of the government, will compel the government to do by force, what it desires to do only with their voluntary consent.”⁶⁵ With this order the pace of removal picked up considerably in the fall and winter of 1873.

In the Black River newspaper accounts in the fall and winter of that year, the accelerated pace was evident. December 27, one hundred and seventy five Ho-Chunk were reported captured in the last week. January 3, the total increased to over two hundred Indians captured. By April 18, 1874 the paper reported that Hunt “left with fifty Winnebago Indians for the Nebraska reservation. There are only a few more of these pests to be removed from Wisconsin.”⁶⁶ In a little over four months Hunt had removed the majority of the Ho-Chunk from Wisconsin. His means of capture are best described in his own report to his superiors.

In December a detachment of Soldiers under the command of
Capt. Thomas arrived at Sparta. I knew the camping places of the

⁶³ *Banner*, July 26, 1873, 2.

⁶⁴ Hunt Report, June 23, 1874, ROIA, Winnebago Agency, roll 945.

⁶⁵ Order of the Office of the Commissioner of Indian Affairs, ROIA, Winnebago Agency, roll 944.

⁶⁶ *Banner*, December 27, 1873, 3. January 3, 1874, 2. April 18, 1874, 2.

several bands and knowing that, were the Indians apprised of the presence of the soldiers they would scatter, consequently I was compelled to move as speedily and quietly as possible. Therefore, on the 20th December, 1873, I proceeded from Sparta to Portage with a detachment of men, arriving there at 1 o'clock a.m. procured teams and moved on to [the] Baraboo River 7 miles distant where Chief Big Black Hawk and band were holding their annual feast and dance, and at break of day, while the Indians were in the height of savage carnival, we surrounded their camp without discovery and captured 73 in all; great was their surprise and chagrin at being taken.⁶⁷

The Ho-Chunk Indians were forced to remove from their homes at gunpoint. The use of force did in four months what the use of persuasion could not do in the six months prior, remove almost the entire remaining Ho-Chunk from Wisconsin. By the end of April 1874, there only remained scattered remnants of the Ho-Chunk in Wisconsin.

Those Ho-Chunks that remained utilized various methods to elude removal. Some purchased land, much like Yellow Thunder, taking up residence in Wisconsin. Others stayed or moved deeper into the woods. Still others found allies among the whites, like Jacob Spaulding and H. W. Lee, to help them in their quest to remain in Wisconsin. Spaulding and Lee were the leaders of the white community that supported Ho-Chunk efforts to stay in Wisconsin.

Jacob Spaulding was an early settler in Black River Falls. A successful businessman, Spaulding championed the cause of the Ho-Chunk from the beginning. Offered money by Captain Hunt to use his influence and encourage the Ho-Chunk to leave for Nebraska, Spaulding replied, "I am poor, and need money badly; but Captain, you never saw money enough to induce me to be false to my Indian friends."⁶⁸ Spaulding spent countless hours trying to help the Ho-Chunk. He visited Nebraska to inspect the reservation, determining that removal would be a death sentence for the Wisconsin Ho-Chunk. Spaulding also went to Washington D.C. and

⁶⁷ Hunt Report, June 23, 1874, ROIA, Winnebago Agency, roll 945.

⁶⁸ *Banner*, February, 5, 1876, 3.

wrote to President Grant on behalf of the Ho-Chunk.⁶⁹ Spaulding also led efforts to allow Ho-Chunk people to purchase homesteads and become citizens of Wisconsin.⁷⁰ His efforts were greatly appreciated by the Ho-Chunk people, in his obituary it was stated that over forty Ho-Chunk mourners led the funeral procession to his grave.⁷¹

Like Jacob Spaulding, H. W. Lee also supported the Ho-Chunk cause. Lee was a lawyer in Portage. He wrote many letters on the behalf of the Ho-Chunk. Lee also utilized legal means to help the Ho-Chunk. When Captain Hunt captured Big Hawk's band near the Baraboo River, Lee met them at the train station and unsuccessfully tried to get a legal release of the band. Lee's viewed the removal of the Ho-Chunk as a kidnapping, his letters consistently refer to removal as kidnapping.⁷² Lee was also well respected by the Ho-Chunk. Many of them turned to him for advice and help, including Big Hawk who wrote to Lee from Nebraska after his removal. In his first letter Big Hawk thanked Lee for his efforts to help the Ho-Chunk return to Wisconsin, reiterating their desire to return under any circumstances. Big Hawk told Lee that the Ho-Chunk were "willing to become civilized and to take farms and work them and become citizens of the United States."⁷³ In their desire to stay and return to Wisconsin, the Ho-Chunk turned to the legal opportunities that were available to them through Lee.

Ho-Chunk efforts to remain in Wisconsin centered around the idea of citizenship and land ownership. In an undated petition from the members of the Dandy band of Ho-Chunk, the band requested both citizenship and homesteads. The band was willing to go as far as severing their connection to their tribe, "they are desirous of relinquishing all connection and allegiance to

⁶⁹ Ibid.

⁷⁰ Ibid. December 5, 1874, 2.

⁷¹ Ibid. January 29, 1876, 2.

⁷² H.W. Lee letter to President Grant, February, 19, 1874. ROIA, Winnebago Agency, roll 945.

⁷³ Big Hawk letter to H.W. Lee, February, 18, 1874. ROIA, Winnebago Agency, roll 945.

said Winnebago Tribe of Indians, if they ever had any, and become citizens of the United States.”⁷⁴ To this particular band of Ho-chunk residency in Wisconsin became more important than tribal affiliation. Many members of the tribe turned to Yellow Thunder’s example and began buying homesteads, helped by men like Jacob Spaulding, who in June of 1875, “took a large number of Winnebago Indians to La Crosse...for the purpose of taking homesteads at the land office. About fifty Indians became freeholders, and are now citizens of the United States.”⁷⁵ The Ho-Chunk found legal means to resist removal. More Ho-chunk would take advantage of the law, as more Ho-chunk returned to Wisconsin escaping the conditions of the Nebraska reservation.

Conditions on the Nebraska reservation harsh as they were were amplified by the government’s failure to supply the Wisconsin Ho-Chunk on their arrival in Nebraska. The removal to Nebraska had already taken a toll on the Wisconsin Ho-Chunk. Lack of good food and inadequate clothing led to many deaths on the trip to Nebraska.⁷⁶ Once the Ho-Chunk arrived in Nebraska things got progressively worse. A characteristic of removal policy was that the government took special care to keep the cost of removal low. This policy was standard during the more than thirty years of Indian removal. Many of the Indian agents reduced costs by using cheap and substandard rations.⁷⁷ The Wisconsin Ho-Chunk suffered greatly due to the efforts of the agents to reduce costs and the lack of funds available to the Indian agents.

In one of his letters to H. W. Lee Big Hawk described the Ho-Chunk suffering on the Nebraska reservation. He wrote, “Mr. Hunt promise[d] us farms, clothing, and provisions and

⁷⁴ Petition of Dandy band, ROIA, Winnebago Agency, roll 944.

⁷⁵ *Banner*, June 5, 1875, 3.

⁷⁶ Lurie, “Cultural Change,” 168.

⁷⁷ Satz, “*American Indian Policy*,” 80.

fifty dollars in money when we would get here which we never got. We are out here almost starving and dying. There are from two to three deaths every day among us.”⁷⁸ Among the dead was Big Hawk’s son. As more Ho-chunk passed away in Nebraska, the Indian agent complained repeatedly about lack of funds and directions. As early as March 11, 1874 agent Brown reported that “I am afraid there will be trouble with the Indians unless there is something done immediately for them. They do not receive their rations sufficiently to sustain them.”⁷⁹ Under these conditions it was no surprise that the Ho-Chunk would risk returning to Wisconsin rather than face starvation in Nebraska.

As early as July 18, 1874 the *Badger State Banner* was reporting that Ho-Chunk people were returning to the area in larger and larger numbers. By August 8, the paper reported that 75 members had already returned. And on September 26, 1874 the *Banner* reported that “Most of the Winnebago Indians sent to the reservation last winter have returned.”⁸⁰ Hunt needed four months with an armed escort and railway transportation at the cost of over \$40,000 to transport almost the entire Wisconsin Ho-Chunk to Nebraska. A majority of the Ho-Chunk with little or no money, provisions, or transportation had taken from April to September for the majority of them to travel from Nebraska back to Wisconsin. This was a remarkable achievement of determination and defiance.

In reviewing the document provided in the Records of the Office of Indian Affairs, Winnebago Agency, the reports of the Indian agents in Nebraska as the Ho-Chunk began to return to Wisconsin became almost comical. Agent D. B. Brown reported on May 30, 1874, “I have had to use the utmost vigilance to keep them [Ho-Chunk] from returning, to Wisconsin in

⁷⁸ Big Hawk letter to H. W. Lee, February 18, 1874. ROIA, Winnebago Agency, roll 945.

⁷⁹ D.B. Brown letter to Captain Hunt, March 11, 1874, ROIA, Winnebago Agency, roll 945.

⁸⁰ *Banner*, July 18, 1874, 3. August 8, 1874, 3. September 26, 1874 2.

large numbers.”⁸¹ On July 6, 1874, Brown again reported, “within the last ten days fifty to seventy five of them have started for Wisconsin. They can swim the river at any distance of miles.”⁸² Brown, clearly more frustrated wrote on July 13, 1874, first in a letter to his superiors, “I followed about one hundred of them to Sioux City...I used every means in my power to get them to return, without success.”⁸³ Then in a telegraph dated the same day he said, “Have found large numbers of Wisconsin Winnebagoes in Iowa on their way to Wisconsin; am powerless to stop them; what shall I do?”⁸⁴ The Ho-Chunk were determined to return to Wisconsin, ignoring the repeated pleas of the Indian agents to return to the Nebraska reservation. To return from Nebraska to Wisconsin, most likely on foot, was a massive undertaking, and proof of their desire to return to their homeland.

By 1876 the majority of the Ho-Chunk removed to Nebraska had returned to Wisconsin. In the *Badger State Banner* stories on the Ho-Chunk returned to pre-removal levels. In 1875 there were six mentions of the Ho-Chunk. The first, on February 24, 1875 reported that the Ho-Chunk were “destitute” and begging for help.⁸⁵ However, by July 17, 1875 the Ho-Chunk returned to berry selling to again raise money.⁸⁶ Once they returned to their berry endeavors the Ho-Chunk quietly settled back into their role in the community. In 1876 the *Banner* has only two mentions of the Ho-Chunk, one in regards to their selling berries and the other a report on an intoxicated Indian. It should be noted that the tone of this article was markedly different than similar articles written pre-removal. In this article the editor placed the blame directly on the person who provided the liquor. In a remarkable change, the editor stated, “When sober, the

⁸¹ D.B. Brown Letter to Office of Indian Affairs, ROIA, Winnebago Agency, roll 945.

⁸² D. B. Brown letter to Office of Indian Affairs, ROIA, Winnebago agency, roll 945.

⁸³ D. B. Brown letter to Office of Indian Affairs, ROIA, Winnebago agency, roll 945.

⁸⁴ Brown telegraph to Office of Indian Affairs, ROIA, Winnebago Agency, roll 945.

⁸⁵ *Banner*, February 24, 1875, 3.

⁸⁶ *Ibid*, July 17, 1875, 3.

Winnebagoes will trouble no one...there is no greater wrong morally than furnishing an Indian with intoxicating liquor.”⁸⁷ It appears that at least for the editor of the *Badger State Banner* the Ho-Chunk became a more accepted member of the community.

The Ho-Chunk capitalized on the emerging belief that the best Indian policy was not removal, but rather “civilization.” The election of Ulysses S. Grant brought major changes to Federal Indian policy. Grant’s “Peace Policy” was based on the idea that Native Americans could be assimilated into white culture.⁸⁸ The Ho-Chunk adopted this new stance by asserting their desire to “civilize” by taking up farming and becoming citizens of the United States. The Ho-Chunk when they returned to Wisconsin began buying small forty to eighty acre homesteads in Central Wisconsin, establishing themselves as citizens of Wisconsin. In 1881 Federal Law made it legal for Native Americans to buy individual homesteads. Also in 1881 the government split the annuity payments for the Winnebago between the Nebraska and Wisconsin factions, for the first time in over thirty years Wisconsin Ho-Chunks would receive the annuities promised them in the treaties of the 1820s and 1830s.⁸⁹

Conclusion:

The Ho-Chunk experience of the nineteenth century saw their homeland in Wisconsin slowly taken away from them by the power of the Federal government and the advancement of white America. This dispossession occurred primarily because of white desire to control the land and resources that the Ho-Chunk possessed in Wisconsin. In the 1820s lead was the driving force behind the white efforts to acquire Ho-Chunk land. As thousands of miners poured into

⁸⁷ Ibid, August 12, 1876, 3.

⁸⁸ Christine Bolt, *American Indian Policy and American Reform: Case Studies of the Campaign to Assimilate the American Indians*, (London: Allen and Unwin Inc, 1987) 71-103.

⁸⁹ Wyman, *Wisconsin Frontier*, 220-221.

Wisconsin, the Ho-Chunk were surrounded by a new culture that desperately wanted to control Ho-Chunk lands. The land cessions of 1828 and 1829 did not quench the white thirst for Ho-Chunk lands.

In the 1830s white pressure for more land cessions again mounted against the Ho-Chunk. Many of the veterans of the Black Hawk War saw how valuable Ho-Chunk lands were as they chased Black Hawk across Ho-Chunk territory. They knew the value of the Ho-Chunk lands as potentially lucrative farmland. Pressured by Governor Dodge, the Ho-Chunk reluctantly agreed to cede their remaining lands in Wisconsin. The new Federal Policy of removal of all Native tribes west of the Mississippi River seemed to doom Ho-Chunk existence in Wisconsin. However, small bands of Ho-Chunk were able to evade capture and continued to live in Wisconsin.

These small bands were again threatened with removal almost thirty years after the majority of the Ho-Chunk were removed. In 1873 Ho-Chunk people were removed to Nebraska. Cranberry speculators and farmers were the driving force behind this removal, trying to eliminate competition as the Ho-Chunk survived on their berry sales. Again, resources played the vital role in removal. Despite the government's efforts the Ho-Chunk definitely returned to Wisconsin within the year. The Ho-Chunk utilized help from white supporters and made their existence in Wisconsin permanent by purchasing homesteads in Wisconsin, becoming citizens of the state.

In spite of the efforts of the government to completely remove them from Wisconsin, the Wisconsin Ho-Chunk continue to exist in this state. Their nineteenth century history may have started with the seemingly inevitable push of white civilization toward their total dispossession

and removal, but it ended with the Ho-Chunk defiantly refusing to submit to total removal and finding a permanent home in Wisconsin.

Bibliography:

Primary Sources:

Badger State Banner, 22 January 1870-12 August 1876.

Perhaps my most important source. The newspaper provided the context of what was happening in Black River Falls during the 1870s. I used the paper to find evidence as to why the Ho-Chunk needed to be removed. The paper also provided a running narrative of events that allowed me to get the events chronologically correct.

Bracken, Charles. "Further Strictures on Ford's Black Hawk War." *Annual report and Collections of the State Historical Society, of Wisconsin, for the year 1903* Madison: The Society, 1903. Vol 2, 402-414.

This source, along with the others I used from the collections of the State Historical Society, was used mainly to provide background information on the historical events during the 1830s. This source was used to provide additional information about the Black Hawk War.

Cass, Lewis. *Considerations on the Present State of the Indians, and Their Removal to The West of the Mississippi*. Boston: Grey and Bowen, 1828.

This source shows the reasoning behind the policy of removal. Cass a supporter of Jackson states the reasons behind removal. I put this in the primary source section because it was written directly by Cass and contains his personal views of removal.

De La Ronde, John. "Personal Narrative." *Annual report and collections of the State Historical Society, of Wisconsin, for the year 1908*. Madison: The Society, 1908. Vol 7, 345-365.

De La Ronde provided the information I used to describe Dandy's escape during the removal of the 1840s. His account was the fullest. His narrative also provided information on the treaty negotiations of 1837.

Merrill, Henry. "Pioneer Life in Wisconsin." *Annual report and collections of the State Historical Society, of Wisconsin, for the year 1908*. Madison: The Society, 1908. Vol 7, 366-402.

Merrill provided information on both Yellow Thunder and Dandy, but the most important information that I used his narrative for was the treaty negotiations of 1837. He had the most complete version, which was very important because the transcripts of those negotiations do not exist. His is the best account of that treaty.

United States. 1826. *Letters received by the Office of Indian Affairs, 1824-81. Winnebago Agency, 1826-1875.* Washington, D.C.: The Bureau.

These two reels of microfilm provided the bulk of my primary documents. The reels contained reports of the Indian agents, the men involved in the removal, as well as many letters and petitions both in support of the Ho-Chunk and against the Ho-Chunk. The sources I found in these two reels allowed me to form my argument on why the Ho-Chunk were removed and allowed me to tell a more complete version of that story.

United States. *Report of the Commissioner of Indian Affairs to the Secretary of the Interior.* Washington: G.P.O., 1863.

This primary source was used to explain the near removal of the Ho-Chunk in 1863. Through the correspondence of the people involved, we can see that many were not aware that the Ho-Chunk were still in Wisconsin.

Secondary Sources:

Bolt, Christine. *American Indian Policy and American Reform: Case Studies of the Campaign to Assimilate the American Indians.* London: Allen & Unwin, 1987.

This book discussed the how the reform movement helped to change American Indian policy. I concentrated on the chapter that discussed the time frame that I was dealing with. It was very helpful in putting the change in white attitudes toward removal. Although many did support removal by the 1870s a strong anti-removal and pro-assimilation movement was evident, which was important to show that white support of the Ho-Chunk was part of a broader movement.

Diedrich, Mark. *Winnebago Oratory: Great Moments in the Recorded Speech of the Hochungra, 1742-1887.* Rochester: Coyote Books, 1991.

Diedrich compiled many of the most important speeches of Ho-Chunk leaders. This was an important resource for me because I wanted to be sure to have some element of the Ho-Chunk voice throughout the paper. Diedrich's book was also a good resource to find other primary sources, including the reels of microfilm from the Winnebago Agency.

Lurie, Nancy Oestreich. "The Winnebago Indians: A Study in Cultural Change." PhD diss., Northwestern University, 1952.

This seminal work on Winnebago culture was immensely important for my research. While Lurie's work is mainly cultural anthropology, she based most of her work here in the history of the Ho-Chunk. Lurie work was important because it provided one of the base works that I used to branch my own research off. This work provides an outstanding history of the early 1800s in Ho-Chunk history.

Murphy, Lucy Eldersveld. *A Gathering of Rivers: Indians, Métis, and Mining in the Western Great Lakes, 1737-1832.* Lincoln: University of Nebraska Press, 2000.

Murphy's study of the lead district contained important information on Ho-Chunk mining and the interactions between the Ho-Chunk and white miners. The work helped provide a basis for my argument that resources were one of the driving forces behind removal and land cessions.

Prucha, Francis Paul. *American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts, 1780-1834*. Cambridge: Harvard University Press, 1962.

This along with the Satz book was where I based my understanding of Federal Indian Policy. This work lead me to my thesis that removal was driven by white desire to control the land and the natural resources of that land. It was also important to understand where Ho-Chunk policy differed or was stereotypical of Federal policy.

Satz, Ronald N. *American Indian Policy in the Jacksonian Era*. Lincoln: University of Nebraska Press, 1976.

Satz provided the base of my understanding of Federal Indian Policy under Jackson. I used this to gain an understanding of the thinking behind the shift to removal policy. The book also provided good examples of how that policy was implemented and where the policy fell short of its goals.

Tetzloff, Jason Michael. "The Diminishing Winnebago Estate in Wisconsin: From White Contact to Removal." Master's Thesis, University of Wisconsin--Eau Claire, 1991.

Tetzloff's work was the most important secondary source I used in my research. His thesis provided the background I needed to understand the events of Ho-Chunk history up to the 1870s. His work is a straight forward history, but is so well done that not much could be added to the events he focused on. I tried to add where he left off and spin his work into a new context by focusing on resources.

United States, and Charles Joseph Kappler. *Indian Affairs. Laws and Treaties*. Washington, D.C.: Govt. Print. Off, 1904.

This source contains all the Indian treaties signed by the government between 1778 and 1887. I work with this source the least. I only used it to make double check the information about treaty rights in the four main treaties I focused on.

Wyman, Mark. *The Wisconsin Frontier*. Bloomington: Indiana University Press, 1998.

This source was the inspiration for my project. Wyman has about five pages dedicated to the Ho-Chunk removal in 1873. However, after reading his account I was left with unanswered questions, which formed the basis of my project. The source contains the most detailed account that I found, plus it also puts the events into a larger national context.