Project Title: **Native Land Dispossessions and the “Vanishing Indian”: Mohegan Land Struggle, 1704-1773 and The Blackfeet Agreement of 1895**

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**Overview of Project:**
From the time Europeans first made contact and established relationships with Native Americans, throughout the next three centuries and up to the present day, Natives have been engaged in a struggle to maintain and preserve their rights to traditional lands. Challenges to colonial conquest and control as well as to government regulation of Native lands has taken many forms. The history of Native land dispossession runs deep and is complicated by the numerous layers of the legal system that serve as impediments to Native efforts to reclaim their land.

One theme that is ubiquitous through the cases regarding Native land dispossession is the notion that Native tribes will inevitably be a people of the past, i.e., “The Vanishing Indian”. This myth of inevitable extinction served to legitimize much of the land takings from Native peoples. As time has passed, Native peoples, time and again demonstrate they are not “vanishing”. Indeed they have demonstrated a great tenacity in resisting land dispossession which reflects significant connection between their land and their tribal identity.

This lesson will consider the relationship between land and tribal existence in the context of Native Land dispossession. It will examine the ways in which existing power structures and underlying assumptions about Native people determine outcomes. The lesson will center around two specific land dispossession disputes – one involving the Mohegan Indians beginning in 1704 and the other case concerning the Blackfeet Indians land use rights under the treaty of 1895. Students will examine the series of events leading up to the cases, understand the circumstances surrounding the disputes from multiple perspectives, examine the maps associated with the land disputes, research the key players and possible agendas and in each case. Students will use primary and secondary sources to draw conclusions and comparisons from the two cases concerning underlying power struggles, assumptions about the survival of Native tribes, and the relationship between land and survival.

**Essential Questions:**

1. What is the relationship between land and the existence of a culture?
2. By what standards is “extinction” determined?

**Primary Sources:**

Bibliography of Primary Sources

<http://jake.library.yale.edu>.

<http://digital.library.okstate.edu/kappler/vol1/images/v1p0605.jpg>. 
Historical Background Information: Following the conquest of Native tribes in the east in the seventeenth and early eighteenth centuries, traditional lands considered Native lands were severely reduced in size. The experiences of Native tribes in the west follow a similar pattern but take place at a later period, that is, land dispossession on western Native lands were aggressively pursued in the mid to later part of the nineteenth century. One of the underlying themes in Native land dispossession is the implicit and explicit assumption that Native people will inevitably cease to exist as a people. Examining cases of Native land disposition assists in understanding the concepts of the “Vanishing Indian” and the relationships between tribal identity and land. Two cases of historical significance, are the Mohegan land struggle (1704-1773) and the Blackfeet dispute over reserved rights in the land ceded to the U.S. government by the 1895 treaty. In both cases the tribes were “legally” dispossessed of the contested lands. In the case of the Mohegans, the lost land became incorporated into the town of New London, Connecticut and in the Blackfeet case, the ceded strip became the eastern portion of Glacier National Park along the Continental Divide with the usufruct rights under the 1895 unmentioned. Although these cases are separated by over 100 years of history, they are tied together by the underlying assumption of the inevitable extinction of these tribes. The lesson is designed for students to carefully read and examine the source materials associated with the two cases and consider if evidence supports this viewpoint as well as other perspectives.

In the early to late eighteenth century, the Mohegan Indians embarked on a long struggle to define the extent of their lands in the Connecticut colony. In 1705 as a result of Mohegan disputes with colonists over the boundaries of their lands, a survey of Mohegan lands was ordered by Queen Anne. The Sachem of the Mohegans, Owaneco, had petitioned the English crown directly for redress of their grievances against Connecticut government. The lands in question were traditional planting and hunting lands. The case is complicated by the existence of
a number of deeds made by Owaneco to colonists between 1659 and 1710. Although the commission found in favor of the Mohegans, and recognized Mohegans as a tribe in their own right, unjustly dispossessed of their reserved lands, further appeals by the colony and various legal proceedings over the course of the next 33 years ended in overturning of the 1705 decision. In 1769 a report on Mohegan lands, ratified and confirmed by the Connecticut General Assembly, declared that only the eastern part of the Mohegan lands from the 1705 survey would remain Mohegan lands. The language in the order of 1769 has been suggested by scholars to enshrine the ‘anticipated “extinction” of the reservation in colonial law.’ (Den Ouden, 117).

Going forward to the nineteenth century and moving west, the second case centers around Blackfeet Indian reserved usufruct rights to traditional lands in what was part of the 1895 treaty agreement with the United States. Historically, the contested land bounded on the east by the mountains as well as the mountain environs were traditional lands of the Blackfeet. Much of Blackfeet mythology, stories, ceremonies, and spiritual as well as everyday practices have their foundations in this area. For them it is a special place regarded as part of “Mistikis”, the Backbone of the World.

The beauty and grandeur of the eastern border of the Blackfeet reservation did not escape the attention of the outside world, including an early conservationist by the name of George Bird Grinnell. In 1895 the Blackfeet recovering from a series of near starvation winters and being in a debilitated state, made an agreement with the U.S. government ceding a strip of land on the eastern edge of the reservation in which they permanently reserved certain usufruct rights within that land. Grinnell, considered a friend to the Blackfeet was instrumental in securing their agreement to the treaty. In a series of event that followed immediately the 1895 treaty, the National Park Service was created and the ceded land was included in the Glacier National Park Act of 1910, extinguishing all Blackfeet rights to land on the western boundary of the reservation, what is now come to be known as the “ceded strip”. The creation of Glacier National Park made no mention of the reserved usufruct rights of the Blackfeet. The park became the Crown of the Continent, and Blackfeet Indians were hired to promote tourism to the park. Advertisents around 1912 referred to the Blackfeet as “Glacier Park Indians” and Glacier Park as a place where you could see “specimens of a Great Race soon to disappear”(Spence, 83). The Blackfeet were summarily excluded from the ceded strip and what followed in the next several decades were legal challenges to the government’s position. In a 1935 Court of Claims decision, while acknowledging that the U.S. had engaged in previous treaty violations, the court specifically found that the Blackfeet had not sufficiently exercised any reserved rights in the land and thus their rights were terminated by the Glacier Park Act of 1910. From 1935 on the Blackfeet have persisted in a variety of ways to defend their claim to the use of the ceded land. This issue still remains unresolved.

Annotated bibliography of secondary sources:


Ewers, John C. The Blackfeet Raiders on the Northwestern Plains. Norman: University of Oklahoma Press, 1958. Print. The author, John Ewers, was an ethnologist that spent time living among the Blackfeet Indians in the early to mid-20th century and was the first curator of the Museum of the Plains Indian on the Blackfeet Reservation in Montana. The book is a history of the Blackfeet Tribe through the 1950s.


---. *Dispossessing the Wilderness Indian Removal and the Making of the National Parks.* New York: Oxford University Press, 1999. Print. The author examines the link between the preservation of wilderness by the creation of three of our National parks (Yellowstone, Yosemite, and Glacier) and the policies of Indian removal. This work examines the origins of the national parks and the wilderness ideal.


editors’ use of margin notations and a comprehensive index, the information contained in Indian Affairs: Laws and Treaties is in high demand by Native peoples, researchers, journalists, attorneys, legislators, teachers and others of both Native and non-Native origins.

Walters, Mark D. "Mohegan Indians v. Connecticut and The legal Status of Aboriginal Customary Laws And Government in British North America." Osgood Hall Law Journal Archive. Merton College, Oxford University, 1995. Web. 22 July 2013. <http://www.ohlj.ca/archive/articles/33_4_walters.pdf>. This article examines the eighteenth century case of Mohegan Indians v. Connecticut with respect to the legal status of Aboriginal customary law and government in British North America. The article concludes that the Mohegan case confirms that in certain circumstances native nations on reserved lands in British colonies were subject, not to colonial jurisdictions established for settlers, but to their own traditional customs and institutions. The overview of the case on. pages 19-22 are the ones being used for the lesson plan.
