

## The Relentless Business of Treaties: How Indigenous Land Became U.S. Property

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## Book Reviews and Notices

*The Relentless Business of Treaties: How Indigenous Land Became U.S. Property*, by Martin Case. Saint Paul: Minnesota Historical Society Press, 2018. 215 pp. Sidebars, notes, bibliography, index. \$17.95 paperback.

Reviewer David A. Nichols is professor of history at Indiana State University. He is the author of *Peoples of the Inland Sea: Native Americans and Newcomers in the Great Lakes Region, 1600–1870* (2018) and *Engines of Diplomacy: Indian Trading Factories and the Negotiation of American Empire* (2016).

Francis Paul Prucha, the dean of U.S. Indian policy historians, once referred to American Indian treaties as “a political anomaly.” When one looks at these agreements in an international context, it becomes clear that he had a point. From the eighteenth century to the twentieth, European settler societies rarely used this formal legal device to extract land cessions from indigenous peoples. Colonial officials in Australia signed no treaties with Aboriginal nations, New Zealanders made only one with the Maoris, Boers in South Africa concluded about half a dozen treaty-like agreements with their African neighbors, and officials in Canada negotiated a couple of dozen accords with First Nations there. The United States was the great exception: its officials signed nearly 400 treaties with American Indians between 1778 and 1871. The sheer scope of American treaty making, at a time when other empires considered indigenous treaties obsolescent, demands some explanation, some answer to the question, “Why?”

Martin Case thinks that the best way to explain the *why* of treaties is to start with the *who* of them. He has spent the past decade pursuing what he calls the Treaty Signers Project, an effort to identify and classify all of the 2,300 men who signed treaties with American Indians on behalf of the United States. Those signatories did not make laws or write high-level policy directives, but they did directly negotiate with, cajole, bribe, and threaten the Indian chiefs and councilors who signed treaties on their nations’ behalf. They also drafted or significantly modified the documents that the U.S. Senate eventually ratified. They effectively served as the foot soldiers of federal policy and American Indian dispossession. Some were actual soldiers, or rather U.S. Army officers who had once fought alongside or against their indigenous counterparts. The majority of commissioners (75 percent) were private traders, men who had both business and family relationships with the Native peoples whose lands the United States sought. They themselves frequently benefited from treaty clauses that gave them individual land grants or set aside annuity money to pay Indians’ commercial debts. Traders and

army officers also exploited their personal knowledge of the territories that Native Americans ceded, using that knowledge and their own capital to speculate in newly ceded lands or market their resources: timber, mines, mill seats, railroad thoroughfares. Henry Dodge, for example, a militia officer who negotiated Sauk and Meskwaki land cessions (including eastern Iowa), made part of his fortune as a lead miner in those nations' old homeland.

Land cession treaties thus had almost magical properties: they helped transform fur traders and down-at-the-heels officers into wealthy real-estate tycoons, mining barons, bankers, and financiers. With wealth came a desire for respectability, which some treaty signatories manufactured by founding state historical societies and writing histories. They cast themselves as heroic champions of Manifest Destiny and described the Native Americans they impoverished and displaced as atavisms, doomed to retreat before the advancing fire of white civilization. Their self-serving narrative of American land acquisition became the dominant one in the United States until the late twentieth century.

Case's database on this giant pack of land pirates remains a work in progress, but within the pages of *Relentless Business* the author gives us more than enough names, professions, and personal details to support his conclusions. Like all good craftworkers, Case defines and justifies his book as much by what he leaves out as by what he includes. Preferring to start a conversation rather than join a pre-existing one, he does not engage much with prior scholarship on American Indian treaties, resting his study's significance instead on the scholarly spadework that went into it. He also moves to the background the 8,300 American Indian men who signed or marked treaties on their peoples' behalf. That is a justifiable position, since those signatories belonged to dozens of different nations with different agendas, whereas the American cohort represented a single nation-state and a coherent set of interests and were, despite their numbers, a group with strong interpersonal connections. Indeed, as the author notes, "at least one-third" of the U.S. signatories "were related by blood or marriage to other treaty signers" (102). That some of these marital and blood alliances actually ran through American Indian families, a point Case mentions briefly (109), suggests one path that later scholars might follow if they choose to analyze the larger and more diffuse group of American Indian treaty signatories—namely, they can look at the family connections that treaty commissioners used to win their Indian counterparts' trust and that those counterparts used to share resistance strategies with leaders in other nations, or (as the Meskwakis did in Iowa) recruit white allies to their struggle to retain their homelands.