

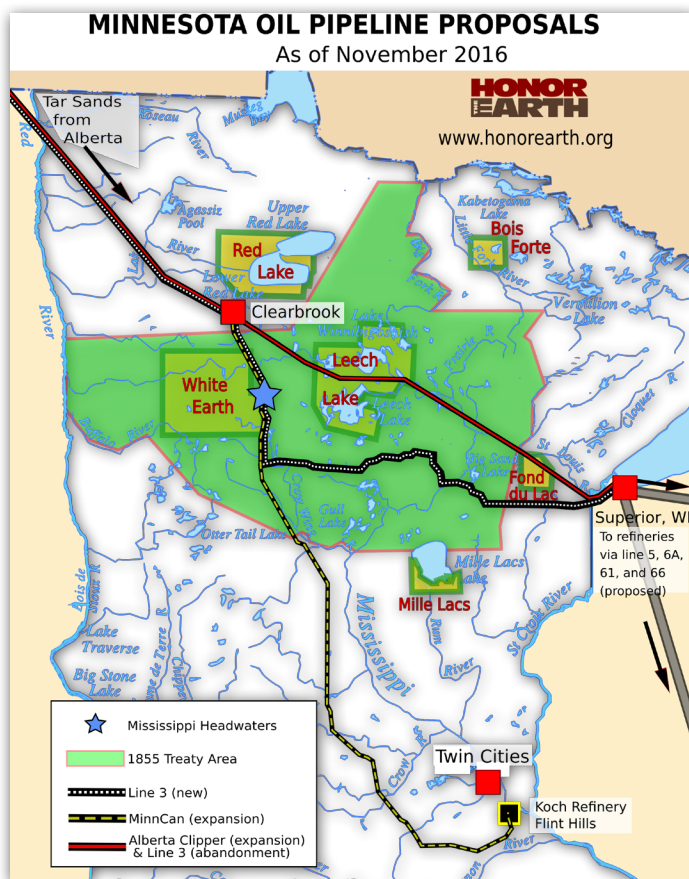


# LINE 3 AND TREATY RIGHTS

Enbridge, Canada's largest pipeline company, is proposing to abandon its old leaky "Line 3" pipeline through northern Minnesota and build a higher capacity pipeline along a new route. It will carry Canadian tar sands oil, an extremely dirty fossil fuel. This project won't improve our energy security. It will threaten Minnesota's waters and wild rice. The state is currently going through Line 3's permit process.

## Q: WHOSE TREATY RIGHTS ARE BEING VIOLATED BY LINE 3?

Line 3 would violate the treaty rights of the Anishinaabe people (also known as Ojibwe and Chippewa). The Anishinaabe people living in the Minnesota Territory made numerous treaties with the U.S. government, making peace and ceding lands in return for money, goods and other considerations. The Anishinaabe and U.S. government signed land treaties in: 1825, 1830, 1837, 1847, 1854, 1855, 1863, 1864, 1866 and 1867.<sup>1</sup>



## Q: REGARDING LINE 3, WHAT IS THE RELEVANT TREATY LANGUAGE?

The Treaty of 1855 ceded a lot of Anishinaabe lands in northern Minnesota to the U.S. government (see map at left). While not explicit in the treaty, the Anishinaabe understood that by ceding the land, they were not giving up their rights to hunt, fish, and gather wild rice there. This understanding comes from the Treaty of 1837 -- the first major land cessation treaty in what is now Minnesota involving the Anishinaabe people (called "Chippewa" in the official treaty language). The 1837 Treaty stated that: "The privilege of hunting, fishing, and gathering the wild rice, upon the lands, the rivers and the lakes included in the territory ceded, is guaranteed [sic.] to the Indians ..."<sup>2</sup> (The 1999 U.S. Supreme Court decision *Minnesota vs. Mille Lacs Band of Chippewa Indians*<sup>3</sup> affirmed that the hunting, fishing and gathering rights also applied to the 1855 Treaty.)

Given these rights, the Anishinaabe have a legitimate stake in Line 3 decisions as it affects their traditional rights to live off the land. Treaty rights are the law of the land. Anishinaabe voices need to have a primary say in pipeline decisions.

## Q: WHAT IS AMERICA'S HISTORY WITH KEEPING TREATY PROMISES?

The U.S. government and Minnesota have a legacy of violating treaties. After the fur trade collapsed in the 1800s, fur company owners switched to making money off of treaties.<sup>4</sup> They did so in unscrupulous ways. For instance, in the case of the Treaty of 1837, the Anishinaabe thought they had retained rights to the forest itself. Instead, influential settlers took advantage of their positions of power and made a lot of money from timber sales.<sup>5</sup>

A little known but very tragic piece of state history is the Nelson Act of 1889. It is named for Minnesota U.S. Congressman Knute Nelson who authored the bill in Congress. The Nelson Act was a gross violation of Anishinaabe treaty rights. Its goal was “to relocate all the Anishinaabe people in Minnesota to the White Earth Indian Reservation in the western part of the state, and to expropriate the vacated reservations for sale to European Americans.”<sup>6</sup> The Nelson Act also pushed assimilation in very damaging ways. It broke up communal Anishinaabe lands into small plots for private ownership, undermining their way of life.



## Q: HOW DOES THIS HISTORY INFORM THE CURRENT DEBATE ABOUT LINE 3?

This is not nineteenth-century history. Native American communities still suffer the effects of historical trauma from broken treaties and other forms of oppression, such as efforts to

eliminate their languages, cultures, and religions. Native Americans have high rates of depression, poverty, alcoholism, and youth suicide.<sup>7</sup>

The Anishinaabe are particularly worried about the disastrous impact oil pipeline leaks would have on wild rice. Honor the Earth puts it this way: “All pipelines leak, and catastrophes like Enbridge’s 1 million gallon spill in 2010 on the Kalamazoo River are not unlikely. The pipelines threaten the culture, way of life, and physical survival of the Ojibwe people. Where there is wild rice, there are Anishinaabe, and where there are Anishinaabeg, there is wild rice. It is our sacred food. Without it we will die. It is that simple.”<sup>8</sup>

Given a long and painful history of broken promises and the stresses still present in the lives of the Anishinaabe and other Native peoples, the state of Minnesota should take extra care to make sure we honor the treaty rights as they apply to Line 3.

### For more information or to get involved:

- See the Sierra Club North Star Chapter website: <http://www.sierraclub.org/mn> and Facebook: SierraClubMN
- Attend one of the monthly “Beyond Oil and Tar Sands” volunteer committee meetings, fourth Tuesday of the month, 6:30 p.m. at the Sierra Club office, 2327 East Franklin Ave., Minneapolis. All are welcome!
- Request a Speaker on Line 3 for your organization or classroom. Contact Committee Coordinator Natalie Cook at [natalie.cook@sierraclub.org](mailto:natalie.cook@sierraclub.org) or 612-259-2445 with this, or for other questions.

<sup>1</sup> Why Treaties Matter website: <http://treatiesmatter.org/treaties>

<sup>2</sup> <http://digital.library.okstate.edu/kappler/Vol2/treaties/chi0491.htm>

<sup>3</sup> [https://en.wikipedia.org/wiki/Minnesota\\_v.\\_Mille\\_Lacs\\_Band\\_of\\_Chippewa\\_Indians](https://en.wikipedia.org/wiki/Minnesota_v._Mille_Lacs_Band_of_Chippewa_Indians)

<sup>4</sup> <http://treatiesmatter.org/relationships/business/fur-trade>

<sup>5</sup> <http://treatiesmatter.org/treaties/land/1837-ojibwe-dakota>

<sup>6</sup> Wikipedia “Nelson Act” Wikipedia: [https://en.wikipedia.org/wiki/Nelson\\_Act\\_of\\_1889](https://en.wikipedia.org/wiki/Nelson_Act_of_1889)

<sup>7</sup> Enbridge Over Troubled Waters, Sierra Club: <http://80feetisenough.org/uploads/documents/Enbridge%20Over%20Troubled%20Water%20Report.pdf>

<sup>8</sup> [http://www.honorearth.org/treaty\\_rights\\_fact\\_sheet](http://www.honorearth.org/treaty_rights_fact_sheet)