



ISSUE SEVENTEEN : FALL 2020  
OPEN RIVERS :  
RETHINKING WATER, PLACE & COMMUNITY

# RELATIONALITY

<http://openrivers.umn.edu>

An interdisciplinary online journal rethinking the Mississippi  
from multiple perspectives within and beyond the academy.

ISSN 2471-190X

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*Open Rivers: Rethinking Water, Place & Community* is produced by the [University of Minnesota Libraries Publishing](https://www.libraries.umn.edu/) and the [University of Minnesota Institute for Advanced Study](https://www.ica.umn.edu/).

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ISSN 2471-190X

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TEACHING AND PRACTICE

# ON TEACHING *THE RELENTLESS BUSINESS OF TREATIES*

By Becca Gercken and Kevin Whalen

*In spring 2020, two faculty members from the University of Minnesota Morris each incorporated a book called The Relentless Business of Treaties: How Indigenous Land Became U.S. Property by Martin Case into their course curricula. The book focuses on demystifying the stories and interconnectedness of the white male*

*treaty-signers responsible for dispossessing Indigenous peoples of their land. The following article shares their perspectives and reflections on teaching this text.*

*In addition, the Institute on the Environment and Institute for Advanced Study (U of M Twin*



*Tettegouche State Park, Silver Bay, Minnesota. Image courtesy of Josh Hild.*

Cities) collaborated to coordinate a series of reading groups focused on the text. If you are interested in learning more about the *The Relentless Business of Treaties*, please check out

the [video introductions](#) Case put together for each chapter of the book.

– Laurie Moberg, Managing Editor

## Disrupting the Relentless Business of American Mythmaking, Becca Gercken

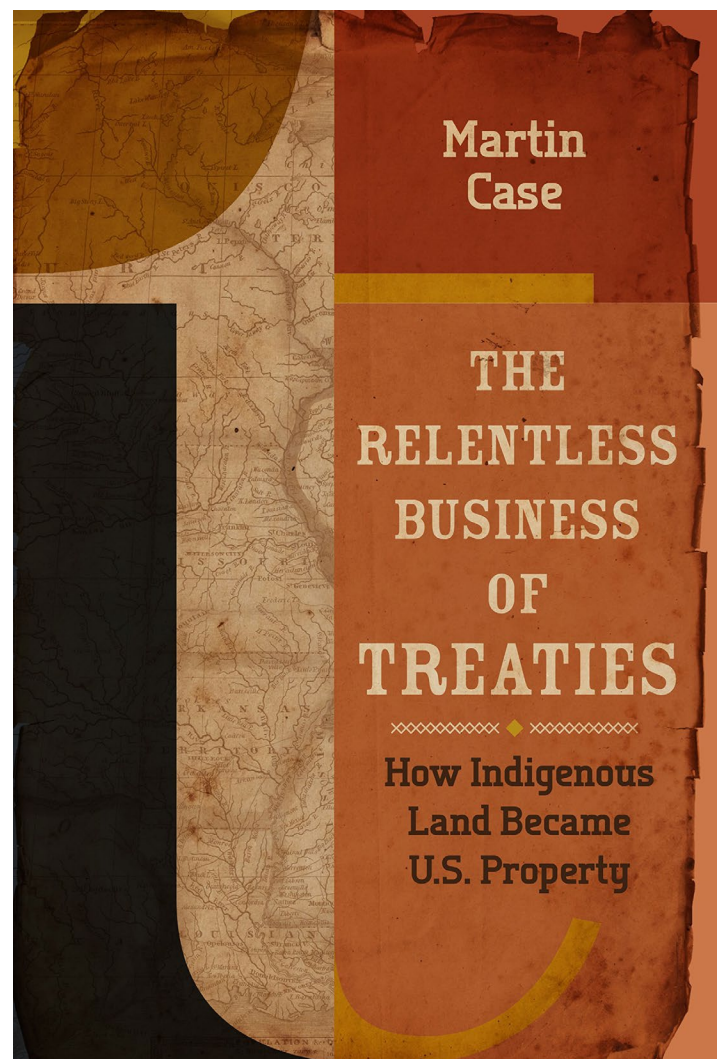
In the spring of 2020, I taught a class at the University of Minnesota Morris called Honoring Native Treaties: Human Rights and Civic Responsibilities. While a few of my students were Native American and Indigenous Studies (NAIS) majors or minors, most of my students had no academic background in NAIS. The course description reads as follows:

This course introduces students to North American Indigenous treaties with the United States and Canada, the human rights concerns these treaties bring into focus, and the civic responsibilities the treaties entail. We will consider both historical treaty issues, such as the 1868 Treaty of Fort Laramie and its implications for the ownership of the Black Hills, as well as contemporary movements tied to treaty obligations.

Our texts included government policies from the United States and Canada such as [The Marshall Trilogy](#) and [The Indian Act](#), the foundational Indian policy documents in the United States and Canada respectively, [The Universal Declaration of Human Rights](#) and [The United Nations Declaration on the Rights of Indigenous Peoples](#) as well as *Nation to Nation: Treaties Between the United States and American Indian Nations* (Harjo et al. 2014), *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (Miller 2009), and [The Relentless Business of Treaties: How Indigenous Land Became U.S. Property](#) by Martin Case (2018).

One of the key goals of the class was to disrupt dominant culture narratives about treaties through Indigenous viewpoints and texts and also

to challenge American myths—often perpetuated in western-centric American history classes—of the settlement of this country, in particular land acquired after the American Revolution. Case’s *The Relentless Business of Treaties* was



*The Relentless Business of Treaties: How Indigenous Land Became U.S. Property, by Martin Case.*

invaluable to this work in the ways that it challenges existing historical narratives.

*See an interactive map of [Indian Land Cessions in Minnesota](#) by the Red Lake Band of Chippewa Indians.*

For decades now there has been a shift in the way the story of America's westward expansion is told, from the first steps of acknowledging that there were well-established nations in place here when European explorers arrived to more recent work emphasizing the complex relationship of the United States to Indigenous nations.

Less work has been done to disrupt the "American Settler" myth of hardy capitalists populating, taming, and commercializing the West. *The Relentless Business of Treaties* changes that. Traditional history narratives foster a tendency to think of treaties as an end to fighting—as

"peace treaties"—but what Case's book shows again and again is that treaties between Indian nations and the United States are about land acquisition and resources in a much narrower and focused way than has been previously understood.

One of the things that most interested me about *The Relentless Business of Treaties* is that its focus on kinship shows that the Ameripean approach to treaty-making was similar to the Indigenous approach, which emphasized the relationships of the treaty-making partners. [1] Case's clarity that the story he is telling is of Ameripean families was also much appreciated: even though the kinship strategies exist among both Euro-American and Native treaty negotiators and signers, Case, unlike many scholars, makes no effort to speak for or to encourage readers to extrapolate to Indigenous experiences of treaty making.



*Signs in front of Oceti Sakowin Camp, Camp Red Fawn, Standing Rock, Dakota Access Pipeline protests, 2016. CC BY 2.0. Image by Becker1999 (Paul and Cathy), Flickr.*

Case's book was useful on its own, but it was profoundly helpful to have a text like *The Relentless Business of Treaties* in conversation with texts like *Nation to Nation: Treaties Between the United States and American Indian Nations* and *Contract, Compact, Covenant: Aboriginal Treaty-Making in Canada* because the books together challenge the persistent myth of white North American progress and work to address gaps in people's education about Western expansion. My students talked extensively in class about what an eye opener Case's book was for them, often starting by expressing their frustration with their K–12 education about the settlement of America.

And while Case's book is vital in helping us understand the historical context of treaties

in the United States, its value is not limited to history. Treaties between Indigenous peoples and the United States and Canada remain relevant today. In fact, treaties rights are at the heart of many—if not most—contemporary stories about Indigenous communities and their relationships to national governments. Standing Rock, Mauna Kea, Line 3, Wetsuweten Territory in Canada—all of these conflicts have treaty rights at their center. The media coverage of these conflicts tells us that treaty rights too often remain misunderstood by the public and ignored by the government. But it also tells us that treaty rights are alive and well and that Indigenous peoples will continue to fight for them. Those who read Martin Case's *The Relentless Business of Treaties* will have a better understanding of how and why these fights continue.

## Works Cited

Case, Martin. 2018. *The Relentless Business of Treaties: How Indigenous Land Became U.S. Property*. St. Paul, MN: Minnesota Historical Society Press.

Harjo, Suzan Shown, editor. 2014. *Nation to Nation: Treaties between the United States and American Indian Nations*. Washington, D.C.: Smithsonian Books.

Miller, J.R. 2009. *Contract, Compact, Covenant: Aboriginal Treaty-Making in Canada*. Toronto: University of Toronto Press.

## Kevin Whalen

In the Spring of 2020, I taught a course on Ethnography and Ethnohistory at the University of Minnesota Morris. This was an upper-level, seminar-style course; we read anthropological and historical works written by, for, and sometimes about Indigenous communities in North America, and we thought about the methods and the ethical choices made by authors. Most of these books combined methods from history, including the close and contextual reading of documents and oral histories, and the cultural and linguistic analysis of anthropology. In the first weeks of March 2020, just before the Covid-19 epidemic drove us out of the classroom

and onto Zoom, we met in person for the final time. We talked about Martin Case's book, *The Relentless Business of Treaties: How Indigenous Land Became US Property* (2018), which dives deep into the lives and cultures of those who engineered treaties between the federal government and Native nations. Case demonstrated clearly and concisely how a relatively small group of businesspeople, many of them related to one another, engineered these massive land transfers; in the process, they used these newly privatized lands to enrich themselves and their families. By the end of the book, Case had torn a new hole in the fabric of our American myth about the

CA  
1851  
July 23

Millard Fillmore,  
President of the United States of America:

To all and singular to whom these presents  
shall come, Greeting,

Whereas a treaty was made and concluded  
at Traverse des Sioux, in the Territory of  
Minnesota, on the twenty third day of July,  
one thousand eight hundred and fifty one,  
between the United States of America, by  
Luke Lea, Commissioner of Indian Affairs,  
and Alexander Ramsey, Governor and  
ex-officio Superintendent of Indian Af-  
fairs in said Territory, acting as Com-  
missioners, and the See-see-toan and  
Wah-pay-toan bands of Dakota or  
Sioux Indians, which treaty is in the  
words following, to wit:

6813  
1879

4258

Page one of Treaty of Traverse des Sioux, 1851.



westward movement and so-called settlement of Indigenous lands. This was not a story about enterprising immigrants building new wealth from the sweat of their brow; it was a story about

treaty signers enriching themselves and their families, setting up vast, intergenerational business enterprises from lands they had swindled for pennies on the dollar.

## Do we have to talk about old white men? (Yes.)

In the months to come, the Covid-19 pandemic, the murder of George Floyd and police violence toward black America would bring to light new conversations about race, class, and inequality in the United States, both in the past and the present. In more ways than one, Martin Case's book showed us how the enrichment of those who negotiated treaties laid a foundation for inequality in America, one built on the bedrock of the dispossession of Indigenous lands. But even as I passed out complimentary copies of the book, more than a few students raised an eyebrow.

Up to that point, the course on ethnography and ethnohistory had focused on authors and methodologies that centered Indigenous voices: relationships between language and knowing among the Cibecue Apache; Chickasaw language revitalization; Hopi running and modernity; and gaming and economic revitalization among the Florida Seminole.<sup>[2]</sup> At first glance, then, Case's book did not look like the others. A student offered a muted objection: "Do we really need to read a book about white people?"

## Nuts and Bolts of Dispossession

As Case meticulously uncovered the backgrounds and biographies of treaty signers, a pattern emerged: the small, often interrelated group of men who negotiated treaties between tribes and the United States were the very same people who reaped immense wealth from newly secured lands: land speculators; owners of timber and trading and mining companies; future bureaucrats and administrators who would pull the strings of territorial government. Case's story ran contrary to the myths of American expansion that form the backbone of History Channel documentaries and high school textbooks—the idea that America was settled by hardworking pioneers, people who tilled the land and made something from nothing. There were settlers, sure—but they didn't just stumble into unoccupied lands;

instead, these newcomers purchased their lands from companies founded by treaty signers turned land speculators, men who had secured hundreds of thousands of acres of Indigenous lands and then turned around and made themselves rich. As students wrote and talked about *The Relentless Business of Treaties*, they circled around a central idea: the westward movement of non-Native people was not natural or inevitable, but the result of a careful and deliberate treaty-making process that often centered on the business interests of the non-Native signers. The effects of the treaties ripple down to the present and they continue to influence who has wealth and who lives in poverty, who has land and who doesn't. They set up inequalities that reach beyond the boundaries of reservations, that touch all of society.

## Treaty Signers in a Time of Falling Statues

By the end of Case's book, student skepticism gave way to enthusiasm. We really *did* need to read about the white treaty signers to get a clearer understanding of how the treaties came to be, and

the changes they left in their wake. For the most part, students agreed that the tools of anthropology and history should be used to listen to voices that have been ignored for too long in the halls

of academia—black and brown and Indigenous, queer and disabled. But those tools can also be used to better understand the motivations of those with power, and to imagine a world that looks different from the one we have.

Three months after our class finished reading *The Relentless Business of Treaties*, much of the country was reassessing how we remember and memorialize our history. Activists from the American Indian Movement brought Christopher Columbus tumbling down in St. Paul, Minnesota, and statues of confederate soldiers and slaveholders have fallen across the American South. I would argue that falling statues help us

to see historical figures and the wakes they left behind them more clearly. Good scholarship does that too. Case's book and his methodology give students new information to rethink the legacies of the traders and businessmen who negotiated treaties in Minnesota and elsewhere and then made themselves richer for it: Ramsey and McCleod, Cass and Olmsted, and others. Most of these men don't have statues, a few do. Whether those statues fall tomorrow or stand for a hundred more years, fifteen young people now understand more clearly the dots that connect the dispossession of Dakota and Ojibwe people to inequalities that still plague us today.

## Footnote

[1] The word Ameripean (sometimes spelled Ameropean) refers to Americans of European descent. Osage Poet and Medieval Scholar Carter Revard, PhD, first coined this term, which is widely used in indigenous studies. When Revard arrived in England as a Rhodes Scholar, he planted the Osage Nation flag and claimed England for the Osage people.

[2] Keith Basso, *Wisdom Sits in Places: Language and Landscape among the Western Apache* (Albuquerque: University of New Mexico Press, 1996); Jenny Davis, *Talking Indian: Identity and Language Revitalization in the Chickasaw Renaissance* (Tucson: University of Arizona Press, 2018); Matthew Sakiestewa Gilbert, *Hopi Runners: Crossing the Terrain between Indian and American* (Lawrence: University Press of Kansas, 2018); Jessica Cattellino, *High Stakes: Florida Seminole Gaming and Sovereignty* (Durham: Duke University Press, 2008).

## Recommended Citation

Gercken, Becca, Kevin Whalen. 2020. "On Teaching *The Relentless Business of Treaties*." *Open Rivers: Rethinking Water, Place & Community*, no. 17. <https://editions.lib.umn.edu/openrivers/indigenizing-environmental-thinking>.

DOI: <https://doi.org/10.24926/2471190X.7667>

## About the Authors

Becca Gercken is an associate professor in English and a founding faculty member of the Native American and Indigenous Studies major at the University of Minnesota Morris. With co-lead Kevin Whalen, Gercken has led the summer "field school" course on Indigenous Education, in which students study contextual literature and archival materials and use that knowledge to craft an understanding of the Morris campus' boarding school history. Gercken received the Horace T. Morse Award for Outstanding Contributions to Undergraduate Education in 2017.

## ISSUE SEVENTEEN : FALL 2020

Kevin Whalen is an associate professor of history and Native American and Indigenous Studies at the University of Minnesota Morris. He is the author of *Native Students at Work: American Indian Labor and Sherman Institute's Outing Program, 1900-1945* (University of Washington Press, 2014), and he is working with students and colleagues to better understand the legacies of the boarding school that once existed where the University of Minnesota Morris now stands. He lives in Morris with his wife and daughter and their yellow lab mix, Walter.