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from multiple perspectives within and beyond the academy.

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FEATURE

WHERE WE STAND: THE UNIVERSITY OF MINNESOTA AND DAKHÓTA TREATY LANDS

By Čhaŋtémaza (Neil McKay) and Monica Siems McKay

Makhóche kiŋ de Dakhóta Makhóche héčha ye/do.[1]

This land is Dakhóta land.

We begin with a land acknowledgement—an increasingly frequent practice, especially in higher education settings and academic conferences. Land acknowledgements call much-needed

attention to the Indigenous history of the places on which we stand. Despite the centuries-long and ongoing erasure of Indigenous peoples from American history textbooks and classrooms, and the chronic consignment of Indigenous peoples to the past in mainstream American



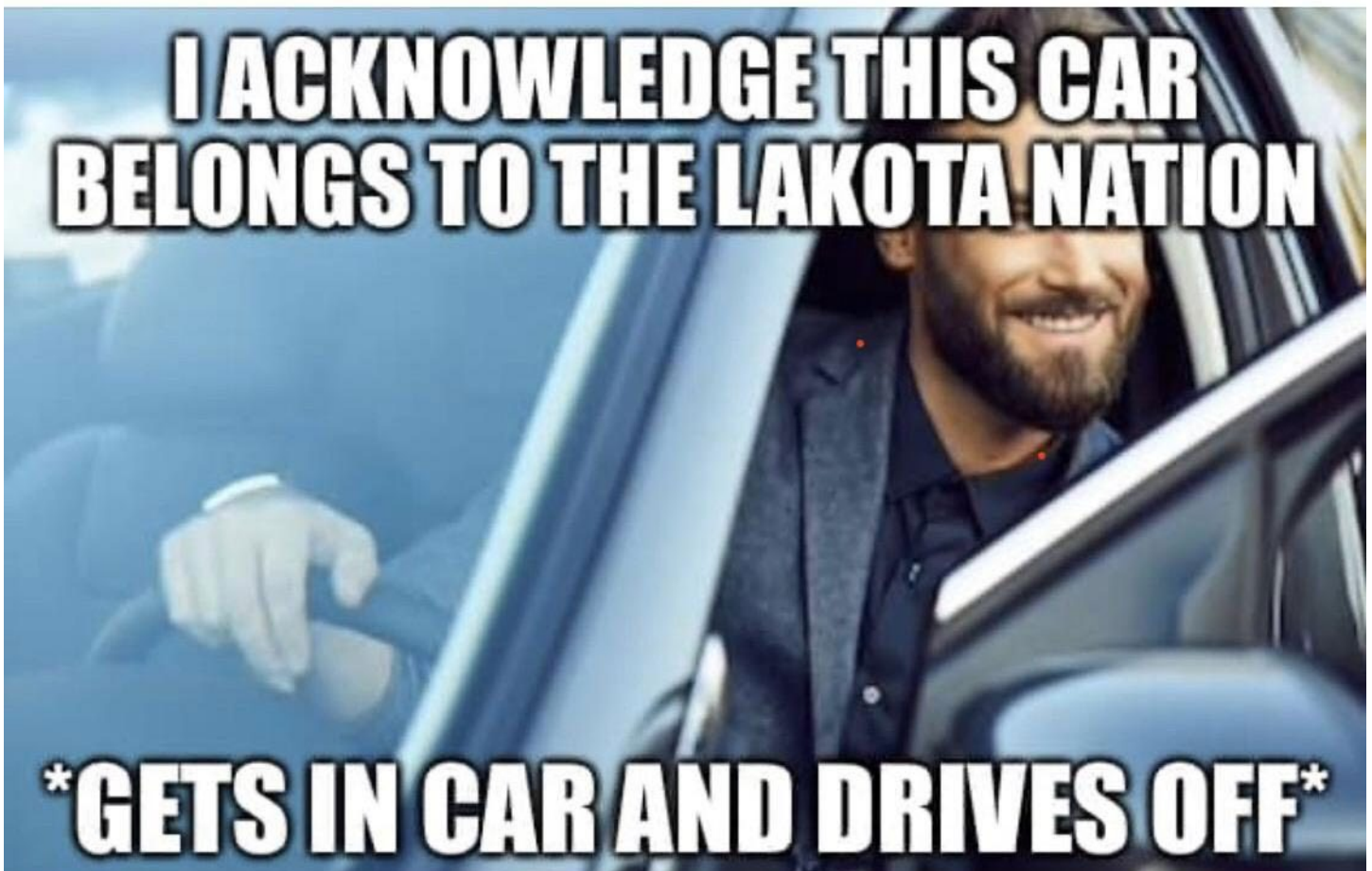
Northern Minnesota. Image courtesy of Lee Vue..

consciousness, it remains a fact that every inch of what is now the United States is land to which one or more Indigenous nations has a deep and abiding connection, and of which, at some point, the U.S. government at least tacitly acknowledged Indigenous ownership.

To correct the erasure and to honor those Indigenous nations, land acknowledgements typically identify whose “homeland” the speaker and listeners are situated in. At the University of Minnesota Twin Cities, many land acknowledgements state that our campus sits

on Dakhóta homeland. This is certainly true; in fact, the Dakhóta are the only people who are truly indigenous to this place, as their history begins with their emergence from the earth near the confluence of the Mississippi and Minnesota Rivers. But it is also a problematic statement, since it can easily be interpreted as meaning that Dakhóta people *used to* live here and that they have primarily a spiritual, as opposed to physical and legal, connection to this place. Indeed, the authors of a March 2020 *High Country News* article described many land acknowledgements in higher education settings as “formal statements

Woke settler colonialism: land acknowledgments



In recent years, many memes about the emptiness of land acknowledgements have circulated online, bringing a welcome note of humor while still sending a powerful message about continuing injustice.

that recognize the Indigenous people who *formerly possessed* the lands those colleges now stand on” (emphasis added).[2] When formulated in this way, land acknowledgements can be seen as a gesture of both good will and respect, but in fact they become little more than virtue signaling or checking a box for diversity and inclusion. Recognizing and verbally honoring Indigenous

peoples in no way obligates us and our institutions to look critically at how possession of our campus lands shifted to non-Indigenous hands. Worse yet, land acknowledgements can actually do harm to Indigenous people, who are frequently asked by schools, churches, colleges, universities, professional associations, and others to give such acknowledgements. For an Indigenous person



It is important to remember that Indigenous territories do not match settler colonial boundaries. While the Dakhóta treaties involved land cessions in what is now Minnesota, this map shows how far the Ochéthi Šakówinj (the Seven Council Fires of the Dakhóta/Lakhóta/Nakhóta nation, historically referred to as the “Great Sioux Nation”) ranged in their travels and settlements. The core area of what can be considered “Dakhóta homeland” would include all of Minnesota, parts of Wisconsin, Iowa, and Nebraska, all of North and South Dakota, part of Montana, and southern Canada above those states.. Map courtesy of usdakotawar.org CC BY-NC-SA after “Aboriginal Map of North America denoting the Boundaries and Locations of various Indian Tribes”. The House of Commons. Britain: 1857.

to get up and say, “This is Dakhóta land,” when there is no reciprocity from the institution can be insulting. To Indigenous people, this could come off as, “Hey you, Indian! Could you tell everyone that they’re on the land of your people, but we still get to keep everything here and will continue to benefit from what is not rightly ours? Thanks!” To actually contribute to restorative justice for Indigenous peoples, land acknowledgements need to address the legal status of the land in question, which entails knowing the treaty history. In mainstream American consciousness—shaped by dominant historical narratives and K-12 education—treaties provide a veneer of legitimacy for the dispossession of Indigenous peoples. Treaties are generally viewed as documenting real estate transactions whereby Indigenous peoples “sold” their lands to the United States government in exchange for money and other considerations. While not a perfect description of a treaty, this suggests a useful analogy. Suppose we made a purchase agreement with you for your home, agreeing to pay a specific price for it, but then we moved into your home and never paid you for it. Would we have any legal right to live in your house? What would you call what we had done? And if we willed the house to our children and they to theirs, even though our grandchildren weren’t the ones who stole the house, would they have a right to live there?

Thus, when we say the University of Minnesota’s Twin Cities campus illegally occupies Dakhóta land or sits on land stolen from the Dakhóta people, we’re not being dramatic or hyperbolic. And since the U.S. government failed to uphold its obligations under every one of the 375 or so treaties it made with Indigenous nations across the continent that were then ratified and proclaimed—in other words, every treaty is a broken treaty—most land acknowledgements should lead to the same conclusion.

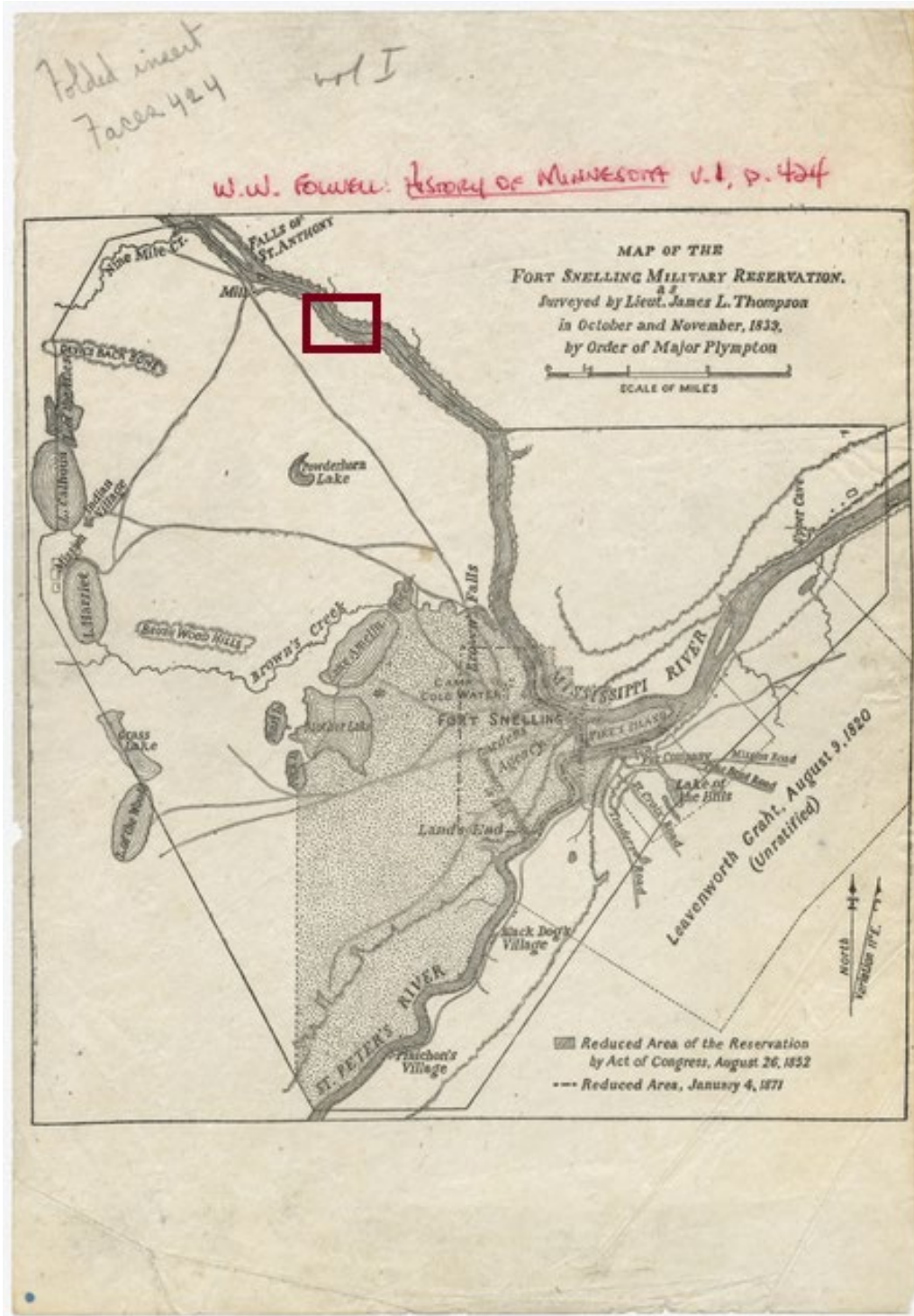
To further clarify the terms of this discussion, it’s important to note that we are asserting that in its dealings with Indigenous peoples, the U.S.

government failed to follow its own domestic laws and the international law frameworks it subscribes to. Some historical narratives acknowledge that massive injustices resulted from treaties, but suggest that Indigenous peoples were easily taken advantage of because they didn’t share the European-American concept of land ownership. This is both absolutely true and absolutely irrelevant to this discussion (and it plays into a romanticized stereotype of Indigenous peoples as simple or unsophisticated, as children of nature, etc.). Through treaty-making, the United States brought its legal system to bear on Indigenous peoples, and then broke its own laws. They set the rules of the game, then cheated.

Other popular conceptions—or misconceptions—about Indian treaties include that they are just “old pieces of paper” by which we don’t need to consider ourselves bound today, and/or that they were simply formalities or niceties provided to Indigenous peoples to benefit them as they naturally, inevitably lost their land bases as the U.S. lived out its Manifest Destiny. But if a treaty is just an old piece of paper, the same could be said of the United States Constitution—which, as it happens, assigns a much higher status to treaties. Treaty scholars often mention the “supremacy clause,” Clause 2 of Article VI of the Constitution, which states, “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; *and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the land*; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding” (emphasis added). Legally, then, treaties are absolutely on a par with the Constitution.[3]

See an interactive map of Indian Land Cessions (Treaties) in Minnesota.

Treaties are also, by definition, agreements between sovereign nations. By making treaties with Indigenous nations, the U.S. government



It is uncertain whether a map of the land ceded in the 1805 treaty exists. This map of the “Fort Snelling Military Reservation” was made in 1839. The treaty defined the ceded lands as “from below the confluence of the Mississippi and St. Peters, up the Mississippi, to include the falls of St. Anthony, extending nine miles on each side of the river.” St. Anthony Falls is shown at the top of this map of the military reservation. The East and West Bank campuses of the University of Minnesota Twin Cities sit on either side of the Mississippi (indicated in maroon) just south of the falls and thus lie within the 1805 treaty lands. After map of the Fort Snelling Military Reservation as surveyed by Lieutenant James L. Thompson in 1839.

was approaching Indigenous peoples on a nation-to-nation basis. By virtue of living independently on the North American continent for millennia before the arrival of Europeans, Indigenous nations have inherent sovereignty; importantly, in treaty-making the U.S. government merely recognized that sovereignty, rather than somehow granting sovereignty to other nations. Likewise, the U.S. government can't do and hasn't done anything to take away Indigenous sovereignty, despite the best efforts of early Supreme Court Chief Justice John Marshall. In a notorious series of decisions now known as the Marshall Trilogy issued between 1823 and 1832, the Court attempted to define Indigenous sovereignty out of existence by inventing out of whole cloth the concept of "domestic dependent nations." Massive confusion and inconsistency in the U.S. government's view of Indigenous sovereignty ensued and continues until the present, as illustrated by the fact that despite the Marshall Trilogy, the government continued to make treaties with Indigenous nations until 1874, when it arbitrarily discontinued the practice.

In the 1970s, one of the major demands put forward by the American Indian Movement (AIM) was for the U.S. government to resume treaty-making—to come back to the negotiating table with Indigenous nations on the basis of mutual sovereignty. In this way AIM can be seen as a sovereign rights, rather than a civil rights, organization. While civil rights movements aim for full participation in civil society and enjoyment of the rights guaranteed to all U.S. citizens, the Indigenous struggle for sovereign rights asserts, in effect, the right of Indigenous

nations to stand apart and self-govern; it pushes the U.S. government to honor its existing treaty obligations or, if it is unable or unwilling to do so, to renegotiate those agreements.

During his presidency, George W. Bush perfectly illustrated the confusion about Indigenous sovereignty that has pervaded federal Indian policy since the early 1800s. See video [here](#).

One final important concept to note for this discussion is that of usufructuary rights. In many treaties between the U.S. government and Indigenous nations, the Indigenous nation would cede land but retain the right to utilize the ceded lands in a variety of ways, most often for hunting, fishing, and gathering foods. During the 1990s, Ojibwe tribes in Minnesota and Wisconsin asserted their treaty-defined usufructuary rights by fishing for walleye at times and in ways that violated the two states' regulations, as enforced by their respective Departments of Natural Resources. When cited for violations, Ojibwe anglers mounted legal challenges based on the treaties, and the Supreme Court ultimately affirmed those rights. White anglers and other citizens expressed outrage that the Ojibwe were being "given special rights," but the Supreme Court decisions confirmed the Indigenous claim that through the treaties, they had simply retained rights they had always had in and on their own lands.[4] One might have hoped that these landmark cases would have permanently put to rest the "old pieces of paper" argument, but the temptation to ignore treaties whose provisions inconvenience the U.S. government and its Euro-American citizenry remains strong.

Land Grant or Land Grab?

To apply all of the foregoing to the institution by which we are both employed, we state that the University of Minnesota's Twin Cities campus was built on and stands on land that is both Dakhóta homeland and (legally, rightfully) Dakhóta land that the institution illegally

occupies. This is true both physically, with regard to the land on which this three-part campus sits, and philosophically, as at least some of the lands the federal government granted to the territory and then the state of Minnesota to endow a public university, were included in treaties the United

States government made with the Dakhóta Oyáte (nation) in 1805, 1837, and 1851.

The aforementioned March 2020 *High Country News* article created a major splash in the world of higher education as soon as it was published under the title “Land-grab universities” with the subtitle, “Expropriated Indigenous land is the foundation of the land-grant university system.” The article presents highlights of an extensive research project *High Country News* staff conducted over two years, tracing the processes through which the U.S. government acquired the lands it in turn granted to state governments to endow public universities. The bulk of federal land grants to state universities took place under the Morrill Act, signed by President Abraham Lincoln in 1862. The lands so granted were in the “public domain,” which sounds benign, but masks the fact that this simply means they had been expropriated from Indigenous nations but not opened up to private White settlement.[5] As longtime employees of Minnesota’s land-grant university, prior to beginning this exploration of treaty history we both subscribed to the common misconception that the federal government provided the state with land on which to (physically) build a higher education institution. In fact, the purpose of the Morrill Act and other federal land grants was to provide “seed money” for these institutions—to furnish states with endowments for their universities in the form of assets of land.

The University of Minnesota takes significant pride in predating Minnesota’s statehood. The “University of the Territory of Minnesota” was established in 1851, supported by a grant of two townships (46,080 acres of land) for its “use and support.” A grant of an additional two townships came in 1857; Minnesota became a state in 1858; and then the Morrill Act brought a windfall of 120,000 acres. The fledgling territorial university almost closed within a few years of opening; having accrued massive debts, it was only saved by the sale of much of the granted lands. The university’s first building, Old Main, was built on

a parcel of land on a bluff above the Mississippi River on its East Bank near St. Anthony Falls, a parcel gifted to the institution by a founding Regent of the University. In 1854, the sale of some of the original land grants allowed the university to purchase 27 acres surrounding this parcel, forming the nucleus of the original campus, now known as the East Bank campus of the University of Minnesota Twin Cities.[6]

This university would clearly not exist today had the federal government not provided these lands to the territorial and state governments. But the story of those grants doesn’t end in the 1860s. As *High Country News* discovered, “at least 12 states are still in possession of unsold Morrill acres as well as associated mineral rights, which continue to produce revenue for their designated institutions,” and Minnesota is one of them, with the State still holding 25,840 acres of Morrill Act lands and an additional 22,028 acres of mineral rights in its “permanent university fund.” The Department of Natural Resources manages these lands, which generate revenue in a variety of ways, particularly through timber and mining leases, and transfers that income to the university.[7] These realities place our vaunted land-grant university system squarely within the U.S. government’s colonial enterprise, more benignly known as westward expansion. As David Chang, University of Minnesota Professor of History and Chair of American Indian Studies, noted in his opening remarks for a 2018 campus symposium on Reparations, Repatriation, and Redress, the transfer of federal lands to states as endowments to support the establishment and operation of universities was “public land policy for white settlement, capitalist transformation, and the development of the state.” By endowing institutions whose primary purposes were to provide low-cost instruction in agriculture and other practical arts, the federal government furthered the establishment of an American society based on individually owned homesteads. As *High Country News* noted, the government accomplished this using “dubiously acquired Indigenous land.” To

state the matter more plainly, much of the land the federal government doled out to states was, quite literally, stolen from Indigenous peoples. This raises the question of what institutions like

our own are obligated to do to rectify the fact that they received stolen property and are built “not just on, but with” Indigenous land.

Dakhóta Treaties

As noted above, the three major treaties between the U.S. government and the Dakhóta Oyáte that included land cessions were signed in 1805, 1837, and 1851. These three treaties exhibit a wide range of tactics the U.S. government frequently employed while negotiating, enacting, and following through on Indian treaties; these are tactics which render the treaties and, with them, the U.S. government’s claims to the ceded lands, invalid. [8]

In 1805, explorer Zebulon Pike, who now has a mountain in Colorado named after him, came up the Mississippi River looking for sites for U.S. military forts. With the help of interpreters, he negotiated a treaty ultimately signed by the leaders of two Dakhóta villages. This very short document states that “the Sioux Nation” granted the U.S. government “full sovereignty and power” over an area including nine miles on either side of the Mississippi River from below the confluence of the Mississippi and Minnesota Rivers to St. Anthony Falls. In exchange for this land, “the United States shall, prior to taking possession thereof, pay to the Sioux”—and here Pike left a blank, so as signed, the treaty did not specify a price. Under the treaty’s third article, the Dakhóta retained usufructuary rights to the ceded lands.

Despite being so slim, the 1805 treaty took a convoluted journey through the ratification process. First it simply languished; President Thomas Jefferson finally submitted it to the Senate in 1808. Before ratifying it, the Senate needed to determine the payment amount, and although Pike had noted in his journal that the 100,000 acres the government was receiving through the treaty was “equal to \$200,000,” the Senate filled in the

blank in Article 2 with “two thousand dollars, or... the value thereof in such goods and merchandise as they shall choose.”[9] Even this meager payment, one percent of the land’s appraised value, was not even attempted until 1819, when “a quantity of goods worth two thousand dollars” was sent up the Mississippi to settle the treaty obligation. Along the way, some of the goods were diverted to settle a claim by members of the Sac and Fox nations for the murder of one of their own by a White man the previous year, but the U.S. government still considered the treaty paid in full when the remaining goods reached Fort Snelling for disbursement to the Dakhóta. The Dakhóta, unsurprisingly, disagreed, and the next time the government came to negotiate a land cession treaty, they didn’t hesitate to raise the issue of nonpayment for the last one.

Two other issues with the validity of the 1805 treaty encompass both ends of a spectrum from legalistic technicalities to fundamental intent. With regard to the former, after the Senate ratified the treaty, President Jefferson appears not to have formally proclaimed it, a necessary final step for it to take effect. As to the latter, the ambiguity of the language of “granting” land to the government for military posts opens up a possible interpretation that this agreement was never intended to constitute a land sale by the Dakhóta. Lawrence Taliaferro, the Indian Agent at Fort Snelling for nearly twenty years, subscribed to this view, noting in his journal that he viewed the “convention with Pike” as “nothing more than a perpetual lease” of land that was still “taken and deemed to be the Indian country.”[10]

In theory, subsequent land cession treaties could have clarified the status of the land included

in the 1805 agreement. For instance, in 1837 Bdewákhən̄thuŋwaŋ Dakhóta leaders gave up any claim to land east of the Mississippi River in exchange for \$1,000,000, but with payments structured in highly convoluted ways, including \$15,500 per year to be paid in the form of goods and provisions selected by the government and \$8,250 per year to be spent on “medicines, agricultural implements, and stock, and for the support of a physician, farmers, and blacksmiths,” which allowed the government to pay the salaries of White missionaries and other so-called agents of civilization. Another \$15,000 per year would come in the form of cash interest payments of 5 percent on \$300,000 that the government would invest in state stocks for this purpose, but the treaty cryptically specified “a

portion of said interest, not exceeding one third, to be applied in such manner as the President may direct.” One historian has noted that “all involved parties” agreed that this clause meant “the government was required to spend \$5,000 per year for the benefit of the Mdewakanton people.” The Dakhóta leaders who negotiated and signed the treaty consistently maintained that government representatives had assured them they would receive these funds directly, but the government later claimed they had informed the Dakhóta that the president intended to use these funds for the education of Dakhóta children. In fact, the government gave some of this money to White missionaries to support their schools, but ultimately most of these funds were simply never distributed.[11]



Artist Francis Millet’s depiction of the signing of the Treaty of Traverse des Sioux in 1851 gives an air of nobility to what were, in fact, shady dealings by the United States government. The painting still hangs in the Minnesota State Capitol.

Again, when the U.S. government next attempted to negotiate a land cession treaty in 1851, the Dakhóta balked and raised the issue of why they hadn't received what was promised to them in 1837. Thaóyateduta (His Red Nation, better known in English as Little Crow, who would go on to lead Dakhóta soldiers in the 1862 U.S.–Dakhóta War) told the government's treaty negotiators that the Dakhóta “would talk of nothing else” until the question of these education funds was resolved.

Through the 1851 treaties of Mendota and Traverse des Sioux (two treaties with the same terms, negotiated separately with different Dakhóta bands), the Dakhóta ceded their claims to all remaining lands in Minnesota. There are myriad problems with these treaties, starting with the additional coercion tactics government officials employed during the negotiations. Frustrated by Dakhóta leaders' recalcitrance, Commissioner of Indian Affairs Luke Lea told them, “Suppose your Great Father wanted your lands and did not want a treaty for your good, he could come with 100,000 men and drive you off to the Rocky Mountains.”^[12]

To this duress the negotiators added outright fraud with an infamous document known as the “traders' paper.”^[13] As had become customary in Indian treaties, government officials planned to divert funds from the amount they agreed to pay for the land to settle Dakhóta hunters' debts to fur traders. As increasing White settlement in the Territory of Minnesota reduced the availability of game, Dakhóta hunters found it increasingly difficult to procure enough furs to pay for goods the traders had advanced to them on credit. In treaty negotiations, however, White traders could simply state the total amount they were owed; they were not required to provide any documentation to support their claims. A list of traders and the amounts owed to them was drawn up, and during the signing of the Treaty of Traverse des Sioux, Dakhóta leaders were led through a

process of signing two copies of the treaty and this additional document, which they and others present believed to be a third copy of the treaty. Even a White missionary who assisted in translating the terms of the treaty during the negotiations and attended the signing ceremony was unaware of the content of the third document, through which a huge portion of the payment for the land cession was siphoned off to White traders with no accountability. Ramsey was later investigated by Congress for fraud, but his fellow Republicans ultimately dropped the matter with no charges or sanctions.^[14]

Jameson Sweet, who is Dakhóta, received his Ph.D. from the University of Minnesota, and is now Assistant Professor of American Studies at Rutgers University, has reflected, “You can point to every treaty where there's some kind of fraud, where there's some kind of coercion going on, or they're taking advantage of some extreme poverty or something like that so they can purchase the land at rock bottom prices. That kind of coercion and fraud was present in every treaty.”^[15] Interestingly, though, it's not only modern scholars who acknowledge these issues; contemporary critical voices can easily be found as well. For example, when asked to review the 1805 treaty in 1856, the U.S. Senate's Military Affairs Committee ultimately concluded:

“It does appear that General Pike made an arrangement in 1805 with two Sioux Indians for the purchase of the lands of that tribe, including the Faribault island, but there is no evidence that this agreement, to which there is not even a witness, and in which no consideration was named, was ever considered binding upon the Indians, or that they ever yielded up the possession of their lands under it... [I]t was never promulgated, nor can it be now found upon the statute books, like any other treaty—if indeed a treaty it may be called—nor were its stipulations ever complied with on the part of the United States.”^[16]

The *St. Peter Tribune*, the local newspaper of a Minnesota River Valley town, editorialized in 1861 that “It is little else than a farce to call our agreements with the Indians treaties.... They have no power to enforce them, no minister or consul to present their views or defend their rights.”[17] By this time conditions among the Dakhóta, who were now confined to a small reservation along the Minnesota River, were becoming dire; the government’s failure to make treaty payments would culminate in starvation in the summer of 1862, and with no other recourse to compel the government to fulfill its obligations, some Dakhótas saw going to war as the only option available to them.

Canadian scholar Sam Grey once posed the question, “How do you steal a continent?”, and answered with what at first sounds like a quip, but reflects the treaty-making process accurately: “You redefine stealing.”[18] When examined, these “supreme laws of the land” quickly take on the appearance of a thin veneer of legitimacy over wholesale land theft. It’s also clear that White settlers understood this reality at some level. Historian Roy Meyer noted that as soon as

Rent Is Due

So now we have come back to the pressing question of what we do with this information. Knowing the truth of how our institution fits into the history of the dispossession of Dakhóta people and how we have benefitted and continue to benefit from the theft of Dakhóta lands should obligate us to take reparative action (we categorically reject “but that happened a long time ago and we aren’t the ones that did it” as a moral excuse).

At the 18th Annual A.I.S.A. (American Indian Studies Association) conference, held in Albuquerque in 2017, the common theme permeating presentations and discussions was focused on what the colonial educational institutions (colleges and universities) are doing to acknowledge,

the 1851 treaties were signed—prior, that is, to their ratification by the Senate and official enactment—White settlers began “pouring onto the ceded lands... crossing the Mississippi ‘in troops,’ making claims, and building shanties on lands which they as yet had no legal right to intrude upon.”[19] These settlers could rest assured that the government would complete any needed legal maneuvers to allow them to stay.

The legality, or lack thereof, of the Dakhóta treaties took a final turn in the aftermath of the 1862 Dakhóta–U.S. War, when Congress passed an act abrogating all treaties with the Dakhóta. International law allows for unilateral abrogation by any party to a treaty, but such a withdrawal should result in a return to the status quo ante. [20] The U.S. government’s abrogating the Dakhóta treaties but maintaining its claim to all the lands included in those treaties represents perhaps the ultimate legalistic sleight of hand. This brings us back to our earlier analogy of a real estate transaction in which the buyer decides after the closing to stop making the mortgage payments but still occupies and claims to own the house.

honor, and give back to the Indigenous peoples whose lands they occupy, legally or illegally. Some of the simplest (in concept, if not in implementation) steps institutions can take include making sure Indigenous people don’t have to pay for their programs and services. Within the University of Minnesota system, which encompasses five campuses across the state, one campus currently has a tuition waiver in place for Native students. The University of Minnesota Morris is built on land formerly occupied by an Indian boarding school where the focus was to eradicate native culture and language. The last managers of the boarding school were a group of nuns who, when they decided to get out of the education business and gift the school’s buildings and grounds to the federal government,

attached a stipulation that as long as the property was used as any sort of school, no Native pupil should be charged to attend. When the federal government gave the property to the state for the establishment of another public university campus, this stipulation went along with it. As currently operationalized, this policy provides for any student who is an enrolled member, or the child or grandchild of an enrolled member, of a federally recognized tribe to receive a full waiver for the cost of tuition. As a result, Native students comprise over 20 percent of U of M Morris's student body, a situation virtually unheard of in a public university.

Here on the Twin Cities campus, the Bell Museum of Natural History, the state's official natural history museum operated in partnership with the University of Minnesota, recently implemented free admissions for Native people. Significantly, the Bell Museum's Board of Directors chose not to require tribal enrollment or ID to claim free admission, thus sidestepping the thorny issues of federal recognition and blood quantum criteria. The Museum has also made it clear that this policy is not an act of charity toward Indigenous people; rather, it is an acknowledgement that the museum occupies Dakhóta land, so Dakhóta and other Indigenous people should not have to pay a fee to tour the facility. An official land acknowledgement, including a recognition that Dakhóta people are the original natural scientists of this land, was literally built into the museum, and four dioramas within the main exhibit halls include commentary on Minnesota habitats, environments, and seasons in Dakhóta and Ojibwe, thus helping to document

and preserve these endangered languages. The Museum's Board has expressed a commitment to continually identifying more steps they can take to honor both Indigenous worldviews and epistemologies and Indigenous people themselves.

As another example, *High Country News* notes that "South Dakota State University has recently redirected income from its remaining Morrill [Act] acres into programming and support for Native students hoping to attend SDSU."^[21] But all these initiatives evade the question of our institutional obligations to Indigenous people who have no interest in participating in any of our programs as students or visitors. We must stretch our conceptions of what is possible to start to consider the question from this angle, but we're not without examples here either. In New Zealand, the government has returned a significant amount of land to the Waikato Maori tribe, the most fundamental and obvious way to right the wrong of illegally seizing the land in the first place. In this case, "land return" means the government recognizes the Waikato tribe as the rightful owners of the land, which includes the city of Hamilton. It doesn't, however, mean that all non-Maori people have been driven from the land, and all their homes and businesses destroyed or taken over. Instead, the Waikato tribe collects rent from non-Maori businesses and institutions, including the University of Waikato. ^[22] A model like this affirms Indigenous sovereignty by directly providing resources to the tribe to do with as they please, rather than allowing the university to decide what it wants to do "for" Indigenous people. Ultimately, we feel strongly that this is where this conversation needs to go.

Hináǎ ded unyákuŋpi ye/do.

We are still here.

Despite the best efforts of the Minnesota state government to ethnically cleanse us/them from Minnesota after the 1862 war, Dakhóta people have always been, and are still, here, still at home, and unfortunately sometimes homeless, within our/their homelands. We/they know our/their history, and have not forgotten the treaties. This is another reason it is critically important for institutions like the University of Minnesota not

to unilaterally decide what amends might look like and what it is willing to (con)cede—to give up—in the pursuit of justice, but rather to approach Dakhóta communities as sovereign entities, including the four federally recognized tribal nations within the present borders of Minnesota, as well as the diaspora of communities in North and South Dakota, Nebraska, Montana, and Canada that represent the Dakhóta exile.

Mní kiŋ wakháŋ ye/do. Mní kiŋ phežúta ye/do.

Water is sacred. Water is medicine.

The East Bank and West Bank portions of the University of Minnesota Twin Cities campus straddle the Mississippi River and lie within the boundaries of a national park, the Mississippi National River and Recreation Area. The university sits on and utilizes this river and other waters that, from a Dakhóta perspective, are also sovereign entities, as are the land itself and the many plant and animal nations that live on the land and in the waters. In this perspective, another major shortcoming of most land acknowledgements is that they don't actually acknowledge the land in this way.

The Dakhóta connection to the land and all that live and exist here is important. The Dakhóta people and other Indigenous peoples have seen for thousands of years that we must be aware that we co-exist with other life. Human beings are not the most important life on earth; in fact, we can't survive without help from our relatives, but they

can manage quite well without us. The Dakhóta philosophy of Mitákuye Owás'iy, "all my relations," or "I am related to all that is," reflects this understanding by acknowledging that all things from water, plants, and animals to the stars are part of our fellow creation and we must maintain a respectful relationship with all of these things we are connected to. This brings us back to the observation that traditionally, the Dakhóta and other Indigenous peoples did not construe their relationship to land in terms of ownership, but rather of belonging and stewardship. Again, we mention this not to romanticize Indigenous people, but rather to suggest that if we can peel back the layers of legal sleight-of-hand through which, as Martin Case puts it, Indigenous land was transformed into U.S. property;^[23] if we can return treaty lands to their rightful owners; then we open up the possibility of paying the lands and waters themselves, as well as the lands' original inhabitants, the respect they are due.

Footnotes

[1] There are many different ways of writing the Dakhóta language, which did not have a written form until the arrival of European-American missionaries in the nineteenth century. Throughout this article we use one of a handful of writing systems that consistently represent the language phonetically, to make it easier for learners to pronounce words correctly.

[2] Robert Lee and Tristan Ahtone, “Land-grab universities: Expropriated Indigenous land is the foundation of the land-grant university system,” *High Country News* vol. 52, no. 4 (March 30, 2020). Accessed online at <https://www.hcn.org/issues/52.4/indigenous-affairs-education-land-grab-universities>.

[3] Martin Case, *The Relentless Business of Treaties: How Indigenous Land Became U.S. Property* (St. Paul: Minnesota Historical Society Press, 2018), 4–6.

[4] The Great Lakes Indian Fish and Wildlife Commission (GLIFWC), established as result of the Ojibwe treaty rights court cases, provides excellent educational materials on treaty rights, including “A Guide to Understanding Ojibwe Treaty Rights,” <http://www.glifwc.org/publications/pdf/2018TreatyRights.pdf>.

[5] Lee and Ahtone, “Land-grab universities.”

[6] C.W. Hall, *The University of Minnesota: An Historical Sketch* (Minneapolis, 1896), 12.

(Resource available in the University of Minnesota Libraries’ Digital Conservancy at <https://conservancy.umn.edu/handle/11299/59620>.)

[7] “Minnesota’s Permanent University Land and Fund,” Minnesota Department of Natural Resources Division of Lands and Minerals report, 2017. https://files.dnr.state.mn.us/lands_minerals/permanent_university_handout_fy17.pdf.

[8] The information in this section was compiled from three major sources: Gwen Westerman and Bruce White, *Mni Sota Makoce: The Land of the Dakota* (St. Paul: Minnesota Historical Society Press, 2012); Roy W. Meyer, *History of the Santee Sioux: United States Indian Policy on Trial*, rev. ed. (Lincoln: University of Nebraska Press, 1993); and the *Why Treaties Matter* virtual exhibit developed by the Minnesota Humanities Center in partnership with the Minnesota Indian Affairs Council and the Smithsonian’s National Museum of the American Indian, <http://treatiesmatter.org>.

[9] Westerman and White, *Mni Sota Makoce*, 141.

[10] Westerman and White, *Mni Sota Makoce*, 147.

[11] Linda M. Clemmons, “‘We Will Talk of Nothing Else’: Dakota Interpretations of the Treaty of 1837,” *Great Plains Quarterly* vol. 25 (Summer 2005), 173–85 (see especially pp. 180–1).

[12] William G. LeDuc, *Minnesota Year Book for 1852* (St. Paul: W.G. LeDuc, 1852), 79–82; cited in Meyer, *History of the Santee Sioux*, 83. Meyer explains that the *Minnesota Year Book* contained “a reprint of a day-by-day account of the treaty negotiations, published in the *Minnesota Pioneer* from July 3 through August 14, 1851.”

[13] The traders’ paper slipped in with the Treaty of Traverse des Sioux is widely seen as one of the most egregious instances of fraud in U.S.-Indigenous treaty-making. See Westerman and White, *Mni Sota Makoce*, 180–81 and 190–92.

[14] Ramsey’s investigation and acquittal by the United States Congress are mentioned briefly by Roy Meyer, *History of the Santee Sioux*, 87 and Westerman and White, *Mni Sota Makoce*, 192. Meyer notes that William Watts Folwell’s *History of Minnesota*, vol. I, pp. 462–470, provides a more detailed account of the investigation.

[15] Quoted in Lee and Ahtone, “Land-grab universities.”

[16] The report can be found in the University of Oklahoma College of Law Digital Commons at <https://digitalcommons.law.ou.edu/cgi/viewcontent.cgi?article=2272&context=indianserialset>. The quotation is taken from the *Why Treaties Matter* virtual exhibit, <http://treatiesmatter.org/treaties/land/1805-dakota>.

[17] Quoted in *Little Crow and the Dakota War* (2017 film), which cites the April 3, 1861 *St. Peter Tribune*.

[18] Sam Grey, “The Past as Present: Settler Colonialism and Justice after Indigenous Genocide,” East Side Freedom Library *What’s in A Name?* Speakers Series (St. Paul, MN: March 31, 2016).

[19] Meyer, *History of the Santee Sioux*, 84.

[20] Howard J. Vogel, “Rethinking the Abrogation of the Dakota Treaties and the Authority for the Removal of the Dakota People from their Homeland,” *William Mitchell Law Review* vol. 39, no. 2 (2013), 538-581.

[21] Lee and Ahtone, “Land-grab universities.”

[22] We first learned about the University of Waikato paying rent to the Waikato-Tainui Māori tribe in a conversation with Dr. Sophie Nock, Senior Lecturer in Te Pua Wānanga ki te Ao (Faculty of Māori and Indigenous Studies), during the 2020 Native American and Indigenous Studies Association (NAISA) conference, which was held on that campus. Information on the return of land to the iwi (tribe) can be found at <https://nzhistory.govt.nz/page/waikato-tainui-sign-deed-settlement-crown>. This site includes a link to the Deed of Settlement, which lays out the terms of the university’s lease.

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

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