

TREATIES ARE MORE THAN A PIECE OF PAPER: WHY WORDS MATTER

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“Minnesota is a Dakota place.”

“The Dakota people’s place in Minnesota.”

Is there a difference between those two statements? The first is a simple declarative sentence that identifies Minnesota. The second is a dependent phrase that locates the people in the place but is lacking context. This transformation of syntax also transforms the meaning. In October 2012, I was asked to make a presentation in Minneapolis. I sent the title for my lecture: “Minnesota Is a Dakota Place.” I still do not understand the motivations for changing the title without my knowledge or consent to “The Dakota People’s Place in Minnesota,” but the Communications Department did just that. When I arrived at the venue and saw the error, the host said they thought the change “wouldn’t make any difference.” Word choice is important as it conveys intent and meaning. Control of words equals power.

This article will provide a brief background of Dakota history in Minnesota, the development of literacy in the Dakota language, and the impact of word choices in the Dakota language version of the 1851 Treaty of Traverse des Sioux and its legacy. The deliberate control of word choices continues to be an issue in interactions between Native Americans and American society today.

I. A BRIEF HISTORY OF THE DAKOTA IN MINNESOTA

The historiography of the Dakota people, and especially the U.S.-Dakota War, has undergone several shifts as interpretations

of the causes of cultural change and clash have been more closely examined.¹ Historians in the late nineteenth century viewed the Dakota as wild savages, defeated by the U.S. Army, illiterate, ignorant, and unable to be civilized. Some of those attitudes softened when children's stories and memoirs such as those written by Charles Eastman, great-grandson of Dakota chief Maḡpiya Wicaḡta (Cloud Man), began to appear in the early twentieth century and romanticized the vanishing lifestyles of the "red man."² By 1956, when William Folwell published the revised first volume of *A History of Minnesota*, the Dakota people were relegated to a relatively insignificant role in the state's development, and their oral histories and traditions viewed as folk tales and fantastical myths.³

In the past fifty years, numerous books have been written about the Dakota people and their culture, such as Roy W. Meyer's *History of the Santee Sioux*, and Gary Clayton Anderson's *Kinsmen of Another Kind: Dakota-White Relations in the Upper Mississippi Valley, 1650-1862*. With the sesquicentennial commemoration in 2012 of the U.S.-Dakota War, many titles appeared, including a new state history written by Mary Wingerd, *North Country: The Making of Minnesota*, which covers the events that shaped the region from 1650 to the onset of the U.S.-Dakota War. The process of Minnesota statehood begun in 1858 was devastating for the Dakota people and others; as Wingerd explains, "In just twelve short years, the onslaught of settlers and speculators had transformed the region: the rich multicultural world of the borderland was eradicated; and history, as written by the winners, began."⁴ Despite the regenerated interest in Dakota and Minnesota history in 2012, few of the new books and articles used primary Dakota sources, and almost none have had access to primary Dakota language materials written between 1838 and 1878.

¹ Numerous books have been written about the "Dakota Conflict" or "Sioux Uprising." For more information about Dakota history and events leading up to the U.S.-Dakota War of 1862, See MARY LETHERT WINGERD, *NORTH COUNTRY: THE MAKING OF MINNESOTA*, (2010); ROY W. MEYER, *HISTORY OF THE SANTEE SIOUX: UNITED STATES INDIAN POLICY ON TRIAL* (1993); and GWEN WESTERMAN & BRUCE WHITE, *MNI SOTA MAKOCE: THE LAND OF THE DAKOTA* (2012).

² See generally Among Charles Eastman's many works are: *INDIAN BOYHOOD* (1902), *WIGWAM EVENINGS* (1909), and *FROM THE DEEP WOODS TO CIVILIZATION* (1916).

³ WILLIAM WATTS FOLWELL, *A HISTORY OF MINNESOTA 1* (1956).

⁴ MARY LETHERT WINGERD, *NORTH COUNTRY: THE MAKING OF MINNESOTA* xvi-xvii (2010).

The Dakota people's history is an integral part the land and the landscape of the state of Minnesota and the surrounding region. The task is to find that history wherever and however it is recorded—and then to understand it. Many historians begin their description of the Dakota people in Minnesota with the arrival of the French in the seventeenth century and the written records they produced. However, our Dakota people say that this is the place where we became Dakota—a belief recorded in both oral tradition and in the land itself. Archeological evidence indicates significant human movement through this region at least 7,000 years ago,⁵ and more than 12,000 burial mounds of Dakota origin dating 2,500 to 600 years ago.⁶ Our oral history is the primary source of our historical record. Interviews with our elders, conducted in Dakota language and in English, established a Dakota presence in this region for centuries, and provide indigenous points of view that help us “read between the lines” of the written interactions with explorers, traders, government agents, and missionaries.

French descriptions of Dakota settlements, culture, and way of life were unsystematic, though conflicts between the Dakota and other groups were often detailed and sometimes embellished. Those sources illustrate the tenuous nature of the information that often does not include the traditional history and knowledge of our peoples.⁷ Still, European sources show the Dakota people living throughout the present-day regions of Minnesota, Wisconsin, Iowa, North and South Dakota, Manitoba, Saskatchewan, and beyond in the seventeenth and eighteenth centuries, including areas near the Red, James, Mississippi, and Minnesota rivers. Mni Sota Makoce was a Dakota place when the French first arrived in 1659.⁸

The French and British written sources contain clues to a parallel but largely unwritten narrative documenting the long cultural tradition of the Dakota in the region that would become

⁵ A prime example is the Jeffers Petroglyphs in southwestern Minnesota, one of the oldest continuously used sacred sites in the world.

⁶ CONSTANCE M. ARZIGIAN AND KATHERINE P. STEVENSON, MINNESOTA'S INDIAN MOUNDS AND BURIAL SITES: A SYNTHESIS OF PREHISTORIC AND EARLY HISTORIC ARCHEOLOGICAL DATA (Minn. Office of the State Archeologist, Publication No. 1, 2003). Archeologists estimate that approximately 80 percent of the mounds have been destroyed through agricultural and commercial land development and looting.

⁷ WESTERMAN & WHITE, *supra* note 1, at 31.

⁸ *Id.* at 60.

Minnesota. Place names mentioned by French explorers Radisson, Perrot, Dulhut, Le Sueur, and others describe the knowledge of a people who had lived in that area for a long time. In 1700, Le Sueur reported a location on the Minnesota River where the Dakota had ceremonies to mark the discovery of that place by their ancestors. This account of traditional knowledge contradicts many historians' assumptions that the Dakota did not reach the Minnesota River until the eighteenth century.⁹ Across the Dakota landscape are the remnants of French impact of overwriting traditional place names: Traverse des Sioux, Lac qui Parle, Mille Lacs. By the end of the century, the names of the people themselves—Renville, Faribault, Campbell, Dickson—reflected a strong kinship bond that reinforced French and British trade relationships with the Dakota through marriage. The complex interconnected trade network was a place where “without kin or allies, one could neither govern nor trade.”¹⁰

As the Ojibwe began migrating into the northern areas of Mni Sota Makoce, the Dakota were drawn closer together on the lands south and west of the Mississippi River. They continued to trade with the British after the 1794 Jay's Treaty and the 1803 Louisiana Purchase made their homelands an American possession. Encouraged by the possibility of a post-war Indian territory that would exclude settlers, Dakota leaders and their men supported the British during the War of 1812, helping capture Fort Michilimackinac and Fort Dearborn at Detroit. That alliance was irreparably damaged after news of the Treaty of Ghent reached Dakota country in 1815, as no boundaries had been changed and therefore their victories were inconsequential. British authorities tried to restore trust with gifts, but the Dakota were not convinced. Wakinyan Tanka (Little Crow III) is reported to have replied to the betrayal:

After we fought for you, endured many hardships,
lost some of our people, and awakened the
vengeance of our powerful neighbors, you make a
peace for yourselves and leave us to obtain such
terms as we can! You no longer need our services,

⁹ *Id.* at 51.

¹⁰ SUSAN SLEEPER-SMITH, INDIAN WOMEN AND FRENCH MEN: RETHINKING CULTURAL ENCOUNTER IN THE WESTERN GREAT LAKES IN NATIVE AMERICANS OF THE NORTHEAST CULTURE, HISTORY AND THE CONTEMPORARY 1, 44 (Colin G. Calloway & Barry O'Connell eds. 2001).

and offer us these goods as a compensation for having deserted us. But no! We will not take them; we hold them and yourselves in equal contempt!¹¹

Three years later at Prairie du Chien, the Dakota “ceremoniously handed over their British flags and medals, cheered the American president, and denounced the British king, making the best of a bad situation.”¹² However, when the Americans built a fort at the confluence of the Minnesota and Mississippi Rivers in 1819, they set off an influx of immigrants and settlers that would drastically change the Dakota way of life over the next forty-five years. Twelve treaties and a war with the United States would result in the ultimate removal of the Dakota from their homelands in Minnesota.

A people’s connection to place is often an integral aspect of their identity, and in *North Country: The Making of Minnesota*, Wingerd provides a documented chronological narrative of how Mni Sota Makoce was transformed to become a state in 1858. She also exposes general misconceptions about Dakota and Ojibwe presence in the upper Midwest as well as the deliberate constructions of a historical past and popular recollection that erased the stories of native contributions: “it is tragic as well to have forgotten such a vibrant part of our past and the lessons of coexistence it reveals.” That said, her history of Minnesota more fully illuminates the dynamics that shaped its past and reminds us all that the world as we know it has never been and never will be fully or accurately described from a single point of view.¹³

II. THE DEVELOPMENT OF DAKOTA LITERACY

We can hear multiple perspectives, if we take the time to learn to listen. If we will take the time to learn to listen, we can hear the voices of our ancestors. In 1995, my auntie, Carolyn Cavender Schommer, told me that whenever I stood up to speak to use the Dakota language so that people will hear our words and know that our language is still alive. That same year I began a research project on Julia Ann La Framboise, often referred to as the “the first Christian-educated Dakota woman to return to her people as

¹¹ MEYER, *supra* note 1, at 30.

¹² WINGERD, *supra* note 1, at 82.

¹³ WINGERD, *supra* note 1, at xvii.

a teacher.”¹⁴ Julia was the granddaughter of I□ta□ba (known as Chief Sleepy Eye in English), and served as an interpreter during the US-Dakota war of 1862. She was educated at female seminaries in Illinois and Ohio, and then went to Santee, Nebraska, to work among her Dakota relatives as a teacher. Julia was the sister of my great-great grandfather Joseph LaFramboise the Younger.

At the Minnesota Historical Society, I conducted research on Julia’s life among the papers of the early missionaries to the Dakota, including Stephen R. Riggs. Within the boxes of Riggs’s correspondence were a large number of letters and documents written in Dakota language during the 19th century. At that time, with only the most basic Dakota language skills, I was only able to decipher a few of the words written there, but knew they contained an important story. Someday, I told myself, I want to be able to read them and understand what they say.

Writing was not a new concept to Dakota people in the nineteenth century. Before explorers and missionaries came to this area, Dakota people were recording information on “bark, skin, tabular pieces of wood, or smooth faces of standing rock,” and other materials with pictographs and other symbols.¹⁵ A French writer recorded around 1720 that Dakota leaders marked their names with what he called “animal signs.” In 1754, Dakota chiefs showed French diplomat Joseph Marin a map of this region marking their territories from “the mouth of the Wisconsin River [south of Prairie du Chien] to the Leech Lake” with symbols for their villages and burial mounds.¹⁶ Missionary Samuel Pond reported when he arrived in 1834 that the Dakota “occasionally made use of picture-writing, drawing figures on bark or on a tree that had been peeled, and could in this way convey to others considerable information.”¹⁷ In his 1851 book *The American Indians: Their History, Condition and Prospects*, Henry Rowe Schoolcraft described this method of recording as “not words, but concrete ideas,” and included a birch bark scroll with a Dakota hunting song.¹⁸

¹⁴ JULIA LA FRAMBOISE, IAPI OAYE 1.7, 2 (Jan. 1872).

¹⁵ 2 HENRY R. SCHOOLCRAFT, INFORMATION RESPECTING THE HISTORY, CONDITION AND PROSPECTS OF THE INDIAN TRIBES OF THE UNITED STATES, 277 (1853).

¹⁶ WESTERMAN & WHITE, *supra* note 1, at 3.

¹⁷ SAMUEL W. POND AND GARY C. ANDERSON, DAKOTA LIFE IN THE UPPER MIDWEST 78 (Minnesota Historical Society Press, 1988).

¹⁸ SCHOOLCRAFT, *supra* note 15, at 227.

When missionaries Samuel and Gideon Pond came to Minnesota, the Dakota were familiar not only with their own forms of writing, but also with French language and documents. The Ponds were eager to learn the Dakota language and adapted the English alphabet for recording it by the summer of 1834, their goal to be able to preach to and convert the Dakota to Christianity using their own language. Samuel Pond remarked, “When our alphabet was completed, each letter had one uniform sound and no two letters could be used to denote the same sound; so there is but one way of spelling any given word in Dakota, and if one knows how to pronounce a word, he knows what letters to use in spelling it. No time is consumed in learning the orthography of the language except the little that is required to learn the alphabet, and this accounts for the facility with which the Dakotas learned to read and write.” This alphabet, though incomplete in representing all the nuanced sounds of the language, was then known as the Pond Alphabet. Pond stated that “the alphabet will be used as long as Dakota is written.”¹⁹ It is the basis of some of the current orthographies used today.

The Ponds were not the first to attempt to learn Dakota language and to write it. Dakota language dictionaries had been compiled by traders, Indian agents, Army officers, and other missionaries, including Father Hennepin in the seventeenth century. Lieutenant Edmund A. Ogden was stationed at Fort Snelling in 1834–1835 with other young officers, and hired the fort’s Dakota interpreter Scott Campbell “to go through the English dictionary with them, they writing down definitions in Dakota as dictated.” Ogden gave this manuscript to Pond, although he found “we could not depend upon Campbell’s definitions.”²⁰ The reliance on Dakota interpreters was not without risk, as Pond described Campbell’s inconsistencies:

For those who were ignorant of the language he sometimes used his own discretion in the choice of what to say. The words of the speaker, whether Dakota or English, lost all their asperity and often much of their meaning, in passing through his interpretation. He told what he thought the speaker

¹⁹ GIDEON H. POND & SAMUEL W, JR., *TWO VOLUNTEER MISSIONARIES AMONG THE DAKOTA: OR, THE STORY OF THE LABORS OF SAMUEL W. AND GIDEON H. POND* 51 (Congregational Sunday-School and Publishing Society, 1893).

²⁰ *Id.* at 53.

should have said rather than what he did say.²¹

This approach to interpreting was not uncommon.

Also in 1835, H.N. Dillon, who was the brother-in-law of Indian Agent Lawrence Taliaferro stationed at Fort Snelling, assembled a hand-written *Dictionary of the Sioux Language* with about 1,300 words. The format includes English, French, and Dakota entries for commonly-used words. Dillon logs “treaty” as “Wee tah wo hun dah kah” (witaya wouḡhdaka / many people talk together). He has no listing for “sell,” but includes “lend” as “O koo pee” (ok’upi / they lend), and “trade” as “Oh pay tugn” (opetuḡ / to trade, to buy). There are also interesting marginal entries for other phrases evidently critical for a trader such as “Where is your wigwam,” “You tell too many lies,” and “Do you love me.”²²

By 1836, the missionaries developed a spelling book, followed by “Bible passages,” a catechism, a reader, and a hymnal. Once they had books in the Dakota language, it was much easier to teach the people to read and write. One key to their success was Joseph Renville, Sr. of Lac qui Parle, a Dakota and French trader. Educated in Canada, he spoke Dakota, French, and English. Williamson read aloud passages from a French Catholic Bible, and after some negotiation of French dialects, Renville dictated the Dakota translation, with Riggs and the others attempting to write it down. A full translation of the Bible took the missionaries forty years to complete.

From the outset, the missionaries saw the use of Dakota as a temporary means to an end. Riggs particularly thought that its days as a living language were numbered. In the introduction to *Dakota Grammar with Texts and Ethnography*, he defended the work on the grounds that “the work might prove useful to future philologists after the language itself died out.”²³ Sixteen years after the mission started, the men had completed a grammar and a dictionary containing 15,000 words. However, in 1851, Samuel Pond remarked on what he considered the inferiority of Indian languages: “all missionaries who have acquired sufficient knowledge of an Indian language to know what it is and is not fit for, are convinced that the Indians can never have either science

²¹ POND & ANDERSON. *supra* note 17, at 25.

²² DILLON, H.N., *DICTIONARY OF THE SIOUX LANGUAGE* M35 (Minnesota Historical Society Collections 1835). <http://collections.mnhs.org/cms/display.php?irn=10613471>.

²³ MEYER, *supra* note 1, at 53–54.

or literature in their own language, and can never be a civilized and enlightened people until they adopt the English language.”²⁴ Dr. Thomas Williamson questioned the capacity of the language to express complex ideas writing, “The Dakotas are ignorant of all that pertains to civilized life. Of a king, government, and whatsoever relates to courts of justice, they have no knowledge, and of course, no words to express such things. They have no nouns corresponding to our words *time*, *space*, *color*, and very few expressive of what we term abstract ideas.”²⁵ However, this attitude may be more a reflection on his inexperience with the language than on the language itself. The language is descriptive and nuanced, capable of expressing complex notions of seasonal change and astronomy. Riggs’s son, Alfred, who grew up among the Dakota, worked for many years at the Santee Normal Training School and published the Dakota language newspaper *Iapi Oaye*, would respond in 1896 in this way:

Contrary to the assertion of many, the language has not only a large vocabulary in use, over 15,000 words have now been collected, but it is also flexible and capable of adapting new forms to new ideas. A language that . . . can express the technical terms of Grammar, Geography, and Geometry is surely not a meager language.²⁶

III. TELLING THEIR HISTORY IN THEIR OWN WORDS

In 2009, I began working with Glenn Wasicuna, a fluent first-language speaker from Sioux Valley Dakota Nation in Manitoba, to translate those letters written by Dakota people more than 150 years ago. We methodically worked through the manuscript collections at the Minnesota History Center and cataloging the letters as we found them in the files. The primary sources were in the collections of some of major figures in Minnesota history: the missionaries Stephen R. Riggs, Thomas Williamson, Gideon and

²⁴ Letter from Samuel W. Pond to Gideon H. Pond (Jan. 5, 1851) *in* Minnesota Historical Society Collections P437.

²⁵ STEPHEN R. RIGGS, *TAH-KOO WAH-KAN, OR THE GOSPEL AMONG THE DAKOTAS* 10–11 (Congregational Sabbath-School & Publishing Society, 1869).

²⁶ Alfred Lawrence Riggs, *LANGUAGE OF THE DAKOTAS AND COGNATE TRIBES* 3 (Nat’l Anthropological Archives, 1389).

Samuel Pond, and Bishop Henry Whipple; Indian agents Moses Adams and Henry Baird; traders Alexis Bailly and James Lynd; and Captain John Jones and Henry Sibley. We looked at every piece of paper in every file searching for letters written in Dakota—a labor-intensive task. We began to recognize handwriting and stationary preferences. Selah B. Treat, a Presbyterian minister who was acquainted with Riggs and Williamson, used blue stationary and even included Dakota phrases in his letters to the missionaries. The correspondence of these men contains many lists, genealogies, birth and marriage records, and commentaries on Dakota life at the time. An interesting reflection on conditions at the missions was revealed in the paper itself: letters written from supporters and superiors back East were on fine stationary, sometimes written on only one half of a folded sheet, while the missionaries in Minnesota were writing on blank pages torn out of books or ledgers, or on both sides and all margins of a sheet of paper, and even in between lines.

From these collections at the Minnesota History Center more than 300 letters written in Dakota language between 1848 and 1872 were cataloged, many from some of the most recognizable names in Dakota history. They speak of their families and their relatives, their living conditions, their desires to be good people, and their concerns about their future in their homeland. It is critical to keep in mind when considering the content and tone of these letters that many of them were written to missionaries and government officials during imprisonment and exile. Missionary John P. Williamson reported in 1864 that he was sending weekly packets between the reservation at Crow Creek, Dakota Territory, and the prison in Davenport, Iowa, containing 100 to 200 letters in each packet.²⁷ There may be many more letters from this time period elsewhere—in family possessions, other libraries, and various historical societies in Nebraska, Iowa, North and South Dakota, Montana, and in Canada.

These letters document that by the mid-1830s, Dakota people were writing and reading their own language. Among those early Dakota writers whose letters is Wambdi Okiya, who was a cousin to Joseph Renville. He wrote to Williamson about Dakota history and culture in Maga Okada Wi (April) 1837:

²⁷ John P. Williamson to Thomas Williamson, M155 (Aug. 27, 1863), in Thomas S. Williamson Papers, Minnesota Historical Society.

But really in earnest this time . . . for my part I shall teach myself writing very hard. . . . I plan to go after buffalo but it is likely that the Chippewas will fight us, that is why I say this. From the beginning when the Dakotas grew, the present Chippewa country belonged to the Dakotas, they say . . . My fathers told it thus. What is called Knife Lake was the Mdewakantons (Lake-dwellers) planting ground, they say; and Wazina Ha Wakpa (Pine Bark River) used to be the land of the Wahpetons (Leaf Shooters), they say. They planted there, they say . . . but for some unknown reason, they came here and remained, because there was much buffalo on the open prairie, and the Chippewas came and took up their home there, it is said. Because all the wise men are now dead, nobody mentions these things, and so it is.²⁸

As was the custom, the missionaries were given Dakota names. Gideon Pond was Mato Hota, or Grey Bear. Wambdi Okiya addresses an August 1837 letter to Mato Hota, Mita koda, and explains some of the Dakota traditions.

This is what we believe as Dakotas: be generous; and think not on evil; give feasts for others; scout actively during a war and be diligent about carrying away whoever is wounded in battle; do not hurt the feelings of anyone; feed whoever comes to your home; and be kindly disposed toward all your relatives.²⁹

In an undated letter to Ta Maza Onarun Waste, he mentions the impact of interactions with traders and mounting debt:

I can write Dakota but not English. I used to stay toward your direction, but now more than ever money is going to be scarce, and the people are in a

²⁸ WESTERMAN & WHITE, *supra* note 1, at 29; Wambdi Okiya to Thomas Williamson, APS 497.3 (Apr. 1837), *in* Franz Boas Papers, American Philosophical Society.

²⁹ Wambdi Okiya to Mato Hota APS 497.3 (Aug. 1837), *in* Franz Boas Papers, American Philosophical Society.

great panic over that, but we have nothing to rely on . . . only garden products, but on account of debts we can count on nothing.³⁰

By spring of 1838, one of Wambdi Okiya's wives was murdered by the Chippewa. When he wanted to take revenge, the missionaries would not support him and said they would pray for his failure. Lay missionary Amos Huggins refused to grind corn for their expedition. Wambdi Okiya could not understand such a breach of Dakota kinship responsibilities. He wrote to the missionaries:

When you first settled here and taught us writing, and you said you were going to teach us everything, at that time, I alone listened to all you said, and you in no way help those who listened to what you had to say. . . . I suppose that because you taught me writing . . . I am even worse off. As for me, I know why you are living here. . . . but you keep it hidden. When we sell this land, then money will be given to you. . . . that is why you came . . . that is how it is, but you say you pity us, therein you are false.³¹

To Wambdi Okiya, the missionaries' intentions were suspect. Regardless of his suspicions, he had made such good progress in learning to read and write, that in 1839 Thomas Williamson encouraged him to serve as an itinerant teacher among the Sissetons and Wahpetons at Lake Traverse.

Controlling the information in letters in an effort to control the people was part of the transmittal process conducted by the missionaries. After the U.S.-Dakota War, husband and wife Icarapi and Tatepiyawin were separated in the spring of 1863 when the men were sent to Davenport prison and the women and children to Crow Creek. They wrote letters to each other promising to see one another again soon. During that time, John Williamson was sending packets of letters from Crow Creek to Davenport on a

³⁰ Wambdi Okiya to Ta Maza Onarun Waste APS 497.3 (n.d.), in Franz Boas Papers, American Philosophical Society.

³¹ Wambdi Okiya to Huggins, Riggs, Thomas Williamson, Gideon Pond, and Samuel Pond APS 497.3 (May 1838), in Franz Boas Papers, American Philosophical Society.

weekly basis. However, Williamson was evidently reading what was being sent. He wrote to his father that

There was a letter came here from Icarapi for his wife by the last mail but none from you. Icarapi says to his wife that he will see her either in the harvest or in the fall. I couldn't make anything else out of it but that he intended to run off. So I wish you would see to this matter. I scratched it off as I thought it would cause talk among the Indians.³²

From these letters it is evident that the Dakota people held to their strong kinship beliefs and their established relationships to the missionaries they had come to know. Letters written to Riggs, Williamson, and Pond addressed them by their Dakota names, and added Mita Koda, my friend, as well as Mihunkawanji, my older brother. They spoke of caring for their relatives and the anguish of loss. They sent money to the missionaries to care for their imprisoned husbands, fathers, and brothers. They wrote of their deep ties to this homeland and their traditions. They wrote about their conversions to Christianity and their Dakota names change to English as they sign their letters. Their letters follow the forms of Dakota speech beginning with greeting their relatives, using kinship terms throughout, and signing off with “Henana epe kte. That’s all I will say.” And then identifying themselves: “Iyojanjan he miye do.” “Wambdi okiya he miye do.”

These letters are a testament to their ability to adapt and survive. They were treaty signers and interpreters. They were mothers and wives and daughters. Their names are in the historical record: Caskedan also known as Robert Hopkins; Simon Anawagmani; He□aka Maza or Iron Elk; Wambdi Tanjka or Big Eagle; Uņktomi Ska or White Spider; Paul Mazakutemani. Their letters survived to tell us more of their experience than contained in that historical record.

IV. WORD CHOICES IN THE 1851 TRAVERSE DES SIOUX TREATY

Understanding the literacy of the Dakota in the nineteenth century provides context for a better interpretation of the treaties

³² John P. Williamson to Thomas Williamson, M155 (n.d.), *in* Thomas Williamson Papers, Minnesota Historical Society Collections.

as they were negotiated and written in July 1851. According to the treaty journal, at a key moment during the negotiations at Traverse des Sioux, Commissioner Luke Lea ordered the treaty read aloud in Dakota by missionary Stephen Riggs, who along with the trader Alexander Faribault was an interpreter during the negotiations. The result was a written record of the Dakota version preserved forever in the official treaty record. For many years, we had heard that there was a hand-written Dakota language version of the 1851 Treaty of Traverse des Sioux, held by one of the Dakota families in Minnesota. During the third year of our work on *Mni Sota Makoce: The Land of the Dakota*, we located the 1851 Treaty journal in the online collections of the Wisconsin University System libraries. There at the very end was the Dakota language version of the Treaty, in Riggs's handwriting.

Riggs and the other missionaries transformed the Dakota language as they developed the dictionary to encompass their own goals of converting the people. The dictionary, Riggs later wrote, "was incidental to our missionary work, and in the line of it . . . and our definitions were measurably correct."³³ Even though he had been summoned to be a translator, his only mention of the process in his memoir is "It gave me an opportunity of seeing the inside of Indian treaties."³⁴ I mentioned previously Pond's observations about what he considered the "limitations" of the language. A simple word, like "article" in reference to a section of the treaty, posed some difficulties. The term Riggs chose, *oehde*, is associated with the physical action of "setting down" an object, from the verb *ehde*. In his dictionary, Riggs translated the noun as "a setting down; a saying, a verse, a sentence," though here as with other words, he may have tried to add meaning to a Dakota word which did not have the nuances of the English words he wished to attach to it. In other cases he dealt with these challenges by simply leaving out important passages. The language in Article 4 of the Treaty stating that \$1,360,000 would "remain in trust with the United States, and five percent interest thereon to be paid, annually, to said Indians for the period of fifty years . . . which shall be in full payment of said balance," which meant in effect that the principal would never be paid to the them, was simply omitted in the Dakota-language version.³⁵

³³ STEPHEN R. RIGGS, MARY AND I: FORTY YEARS WITH THE SIOUX, 117, 118 (Corner House Publishers, 1971).

³⁴ *Id.* at 116.

³⁵ WESTERMAN & WHITE, *supra* note 1, at 178.

Obligations of reciprocal kinship are added to the treaty language that do not exist in the legal English-language version. Article 1 begins with “It is stipulated and solemnly agreed that the peace and friendship now so happily existing between the United States and the aforesaid band of Indians, shall be perpetual.” Riggs translated that passage as “The people of the US and the Wahpeton and Sisseton Dakota people, those named, help each other and are allied with each other; earlier this day they purposefully resolved and concluded forever from this time to hold each other’s hearts.”³⁶ Riggs had lived among the Dakota people long enough to know the kinship obligations implicit in “holding each other’s hearts.”³⁷

For the noun “sale,” Riggs used *wiyopekiya*, which has the same meaning in the dictionary, but in use implies someone as *object of the action* in the inserted pronoun “ki.” The noun is derived from the verb form *iyopeya*, which Riggs translated as meaning “to give in exchange for, barter” or in contemporary use “to pay for.” The use here by Riggs, intended or not, communicates a full range of reciprocal exchanges the Dakota engaged in with traders for almost two centuries, including kinship obligations. Such exchanges would apply to material items, trade goods, vernacular elements of daily life, but not the land.

Indeed, in the treaty documents Luke Lea records the hesitation of the Dakota on July 18: “It was soon perceived that although there was a vague and indefinable idea on the part of these people, that it was necessary for them to sell at least a portion of their Country . . . they appeared to shrink with undisguised reluctance.”³⁸

However, among the Dakota delegation were men who had learned to read and write in their language. At the beginning of business on July 21, Oo-pee-yahed-ay or Curly Head made this statement: “The Chiefs and people desire that you will make out for us in writing the particulars of your offer for our lands and when we have this paper fully made out we will sit on the hill above us, consult among

³⁶ *Id.* at 176.

³⁷ *Id.* at 173.

³⁸ Ratified Treaty No. 258, Documents Relating to the Negotiation of the Treaty of July 23, 1851, with the Sisseton and Wahpeton Sioux Indians, 97, July 23, 1851.

ourselves, come to a conclusion about it and inform you what it is.”³⁹

The next day E-yang-ma-nee or “He whose walk is like running,” head chief of the Wahpetons, arose, stepped forward to the Commissioner and placed in the hands of Col. Lea a paper containing the terms upon which they would agree to sell. He said: “I desire that those young men around may live long to tell what I now say. We wish you to do as written in this paper and therefore I have spoken.”⁴⁰ The treaty journal does not include nor does it record the contents of that paper given to Lea, who promises to “look it over and as soon as we can draw up the necessary documents.”⁴¹ The leaders of the Sisseton and Wahpeton people signed the treaty on July 23, 1851.⁴² Although he was not directly involved in the negotiations at Traverse des Sioux, Ta Oyate Duta (Little Crow IV) was present and signed his name to the treaty document, evidence that he too could write.

The misinterpretation of the Dakota language for selling and ceding land is underscored in 1864 by Tatan̄ka Nazin̄han (Standing Buffalo), who was the son of 1851 treaty signer Wican̄hpi Ite (Star Face). Recorded by a Catholic priest in 1864, Tatan̄ka Nazin̄han said:

I loved my lands, it was on them that I had been raised and fed, it was the land of my fathers. I therefore had reason to love it. In the meantime, the Americans came and demanded my lands[.] I at once acceded for I loved the Americans[.] I sold my lands for fifty years.⁴³

Fifty years was not the term of the treaty, but the length of the annuity payments. Given the misapplication of the language by Riggs in an attempt to convey the idea of selling the land, the understanding that the “exchange” was the equivalent of a fifty-year lease is reasonable.

A look at Riggs’s translation of the treaty into Dakota raises the question of whether the Dakota, hearing the treaty read out loud

³⁹ *Id.* at 25–26.

⁴⁰ *Id.* at 28.

⁴¹ *Id.*

⁴² Treaty with the Sioux, See-see-toan-U.S.-Wah-pay-toan, July 23, 1851.

⁴³ WESTERMAN & WHITE, *supra* note 1, at 175 (Omissions in original).

at Traverse des Sioux, could have fully understood that they would be forced from the land of their creation, given the expression of deep kinship with the land found in our language. The words mattered then. Do they matter now?

In 2008, Chief Justice John Roberts delivered the Vickers Memorial Lecture at the University of Kansas. His topic was focused on the business and management aspects of the Louisiana Purchase, as well as later Supreme Court's decisions that upheld President Thomas Jefferson's vast land deal with France.⁴⁴ About its relevance today, he said, "[t]here are parts of the Constitution that don't come up a lot, but I resist the notion that there are parts of the Constitution that no longer have meaning."⁴⁵ That makes Article VI, clause 2 of the Constitution especially relevant to this discussion: "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."⁴⁶ After that lecture, a student asked Roberts about Justice Antonin Scalia's comment in an interview that the Constitution is "dead."⁴⁷ Roberts responded that "[l]egal documents don't live or die. It's a piece of paper. It's the most important piece of paper in our nation's history, but it's not helpful to think of it as living or dead."⁴⁸ These are the realities of the situation regarding our treaties: it is a piece of paper. However, the treaty is not the piece of paper, but the words—the concepts and agreements—exchanged between the Dakota people and the representatives of the Federal government. It is through those words, and resulting actions, that our relationships with and obligations to each other are established.

V. THE LEGACY OF THE TREATY OF TRAVERSE DES SIOUX

With their land base drastically reduced through the terms of the 1851 Treaty, life was inalterably changed for the Dakota people in Minnesota through mandated acculturation and the influence of ever-present missionaries. It should not have been a surprise that

⁴⁴ *Chief Justice Speaks at KU*, LAWRENCE JOURNAL WORLD (Apr. 30, 2008), <http://www2.ljworld.com/videos/2008/apr/30/18317/>

⁴⁵ *Id.*

⁴⁶ U.S. Const. art. VI, cl. 2.

⁴⁷ *Chief Justice Speaks at KU*, *supra* note 47.

⁴⁸ Chris Lazzarino, *Hail to the Chief*, KANSAS ALUMNI MAGAZINE 4, 2008, at 13; *Chief justice comes in strong off bench*, LJWORLD.COM (May 1, 2008), http://www2.ljworld.com/news/2008/may/01/chief_justice_comes_strong_bench/?print.

dire circumstances would lead to conflict with the United States.

There are dates, names, maps, documents, books, letters, photographs, images, definitions, speakers series, history series, journal articles, exhibits, brochures, and even more about Dakota history and Minnesota history and the events of 1862—so much information that it may be too much information to fully process. Perhaps it is the distant past to many, with unrecognizable and unpronounceable words and names, and no connection to what is happening in the world today—but these were real people, these are our ancestors whose words are still with us. How is it that Dakota accounts and histories of the events leading to the war in 1862 are disregarded or discredited, or worse, put into competition with settler narratives as if there can be only one “true” history? Often, the response is because they are not written down.

The years leading up to the US-Dakota War were difficult for many people. When Minnesota was admitted to the Union on May 11, 1858, its economy was unstable, its budgets depleted, and its debts mounting.⁴⁹ A financial crash in 1857 led to a country-wide depression that devastated Minnesota.⁵⁰ Land speculations were inflated and unreal, business was paralyzed.⁵¹ This financial crash exacerbated the situation in rural counties. Hordes of grasshoppers and locusts in the summers of 1856 and 1857 devoured almost everything.⁵² Livestock died from starvation. Then the state invested in bonds for four new railroads, but all four went bankrupt before any track was put down.⁵³ By 1861, Henry Rice said, “[o]ne thing I do see is that *all* of the Old settlers in Minnesota are *ruined* hopelessly. . . . Hard times have only just commenced.”⁵⁴ Hard times fuel resentment and prejudice. The legislature was considering a bill to encourage killing gophers and blackbirds to help protect the crops, and one senator offered an amendment to include the extermination of the Dakotas as well.⁵⁵

With statehood achieved in 1858, Minnesota Superintendent William Cullen notified his superiors in Washington that Indians had far more land than they needed.⁵⁶ With the fur trade almost obsolete due to decimated animal populations, Indian agents and

⁴⁹ WINGARD *supra* note 1, at 255.

⁵⁰ *Id.* at 254.

⁵¹ *Id.*

⁵² *Id.* at 254–55.

⁵³ *Id.* at 255

⁵⁴ *Id.* (emphasis in original).

⁵⁵ WINGARD, *supra* note 1, at 255.

⁵⁶ *Id.* at 274.

traders made their living off of the Dakota annuities guaranteed by the treaties—which may be why some considered the Upper and Lower Agency sites as “centers of commerce”—but the general public wanted them moved as far away as possible.⁵⁷ Despite the hard financial times, the crop losses and foreclosed farm sites, the state of Minnesota encouraged more settlers to come. By 1860, immigration increased the population to near 170,000, and the state had a “surplus trade in timber and agricultural products at an estimated value of nearly \$4 million.”⁵⁸

It was, however, a difficult time for many by August 1862, when more than 4,000 Dakota along the Minnesota River Valley were hungry, angry, and frustrated with the mistreatment they received and the promised annuities and supplies they did not. Many accounts of the war have been written—the battles, the sieges, the skirmishes—all from a purported “objective” point of view. Some point to a single cause of the U.S.-Dakota War, a “flashpoint” that does not accurately reflect the complexities of the situation. In 1862, the Dakota in Minnesota were starving due to repeated drought, encroachment on their lands by settlers, overuse of natural resources, and undelivered government annuities and rations.⁵⁹ The difficult relationship between the Dakota people and the United States of America was compounded by the government’s attentions to the Civil War. Store houses at the Lower Sioux and Upper Sioux agencies held rations for the Dakota, but the agents refused to release them until the arrival of annuity payments. The payments were held up by Congress because of ongoing arguments on whether to send the Indians paper money or gold.⁶⁰ By August, they settled on a gold payment, but it was too late. Many of the Dakota bands—Christian and traditional—responded by making a stand for what was rightfully theirs, and declared war on the United States.⁶¹

The war lasted six weeks. After suffering an embarrassing defeat at the Battle of Birch Coulee, the United States overwhelmed the Dakota warriors at Wood Lake on September 2, where Mazamani was hit by a cannon ball under a white flag of truce. He died of his wounds. On September 9, 1862, Governor Ramsey of Minnesota declared that “the Sioux Indians of

⁵⁷ *Id.* at 273, 275.

⁵⁸ *Id.* at 282.

⁵⁹ *See id.* at 259.

⁶⁰ *Id.* at 302.

⁶¹ WINGARD, *supra* note 1, at 305.

Minnesota must be exterminated or driven forever beyond the borders of the state.”⁶² Did that constitute a declared policy of genocide? The U.S. defeated the Dakota warriors on September 23. Almost 2,000 Dakota people surrendered, expecting to be treated humanely as prisoners of war and as non-combatant “loyalists,” only to be held in prison camps in Mankato and Fort Snelling near St. Paul. The end of this war culminated in the hanging of 38 Dakota men on December 26, 1862, in Mankato, Minnesota, which remains the largest mass execution in the history of the United States. The remaining prisoners were sent to an Army stockade in Davenport, Iowa, and the noncombatants—women, children, and old people—were removed from Minnesota to Crow Creek, Dakota Territory, and then Santee, Nebraska by 1865.

The Civil War historian Shelby Foote remarked that before the Civil War, it was common to say the United States “are” as states viewed themselves as having individual identities—after the Civil War, a new collective identity was formed and it became the United States “is.”⁶³ So was this a federal policy—to exterminate the Dakota? Perhaps not, but it was declared so by the governor and General John Pope, a career United States Army officer. Historian Gary Clayton Anderson stated in 2012 that he was using the definition of “genocide” as put forward by the Rome statute of the International Criminal Court, and therefore what happened in Minnesota was NOT genocide. There was no genocide in North America, he asserted.⁶⁴ The Rome Statute was approved in July 1998—a twentieth-century declaration that would not have affected Governor Ramsey’s or President Lincoln’s actions. However, here is the Rome statute’s definition of “genocide”:

VI. ARTICLE 6: GENOCIDE

For the purpose of this Statute, “genocide” means any of the following acts committed with intent to destroy, in whole or in part,

⁶² *Alexander Ramsey House*, Historic Sites, MINNESOTA HISTORICAL SOCIETY, <http://sites.mnhs.org/historic-sites/alexander-ramsey-house/history> (last visited Apr. 12, 2017).

⁶³ *Remembering Civil War Historian Shelby Foote*, PBS NEWSHOUR (June 29, 2005, 12:00 AM), http://www.pbs.org/newshour/bb/remember-jan-june05-foote_6-29/.

⁶⁴ Mark Meuwese, Book Review, 9 GENOCIDE STUD. & PREVENTION 127 (2015) (reviewing Gary Clayton Anderson, *ETHNIC CLEANSING AND THE INDIAN: THE CRIME THAT SHOULD HAUNT AMERICA* (2014)).

a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.⁶⁵

Consider those elements of this definition, those words. They all apply to what happened to Dakota people between 1862 and 1890; therefore, was it “genocide”? President Clinton signed the Rome statute in 2000, but Congress did not ratify it.⁶⁶ President George W. Bush unsigned it in 2002. President Obama initiated cooperation with the Court, but as of December 2016, the United States has neither signed nor ratified the statute.⁶⁷ Do the words matter if they were not ratified by our Congress?

In his speech, Anderson suggested that “moral restraint” is the difference between ethnic cleansing and genocide, and that genocide has never happened in the United States. Is “moral restraint” really the difference between genocide and ethnic cleansing? Is it a matter of declared federal policy? Do the words make a difference?

Approximately 2,000 Dakota people gathered at what was later called “Camp Release” in late September and early October 1862. There they waited for Sibley to arrive fully expecting to be treated humanely as prisoners of war. Men were separated from their families under the pretext of being provided with their annuity goods, but their guns were taken and they were shackled. Trials were ordered. On November 8th, the condemned men were removed to a concentration camp at Mankato, Minnesota, where they awaited execution orders. At the order of President Abraham

⁶⁵ Rome Statute of the International Criminal Court, Genocide, art. 6, July 17, 1998.

⁶⁶ See *U.S. Opposition to the International Criminal Court*, GLOBAL POL’Y F., <https://www.globalpolicy.org/us-un-and-international-law-8-24/us-opposition-to-the-icc-8-29.html> (last visited Apr. 12, 2017).

⁶⁷ See *id.*

Lincoln, on December 26, 1862, 38 of those Dakota men were hanged for their “war crimes.” In the spring of 1863, those men with commuted death sentences, including Tacanđuhupa, were transported by barge to Davenport, Iowa, and imprisoned there for up to three years. Makana hotuŋ mani and Ta ŋina ŋapa wiŋ were also imprisoned there, after being captured in Canada with Medicine Bottle and ŋakpe. By the time the Dakota prisoners were released in 1866, only 247 were still alive; 120 died in prison.⁶⁸

The 1,700 women and children were forced marched to Fort Snelling beginning on November 7, 1862, a journey of 150 miles over six days where they were imprisoned over the course of the winter.⁶⁹ In May, the surviving 1,318 prisoners from Fort Snelling boarded boats that brought them down the Mississippi River and then up the Missouri River to St. Louis and then on to St. Joseph, Missouri.⁷⁰ One group of 547 traveled by train across Missouri from St. Louis, sixty to a train car. Once in St. Joseph, both groups boarded a single boat for the rest of the journey to a desolate reservation in Crow Creek, Dakota Territory.⁷¹ Missionary John Williamson described the trip as “nearly as bad as the Middle Passage for slaves.”⁷² Despite the horrific conditions, there was hope. Anpetuwiŋ, later known as Josephine Jones, was born there in 1864. After three years of starvation conditions at Crow Creek, the Dakota were moved again in 1866 to Nebraska.⁷³ There at Santee, Julia LaFramboise was teaching our people to read and write in Dakota first, then in English. The missionaries established a Dakota language newspaper *Dakota Iapi* and literacy increased. Ours is a brutal history. But we survived.

A few Dakota people remained in Minnesota in small communities under the protection of Sibley and Faribault. Others filtered back to our homeland. Between 1886 and 1889, which was the Allotment period for many tribes, “Loyal” Mdewakanton were

⁶⁸ MEYER, *supra* note 1, at 144.

⁶⁹ *Forced Marches & Imprisonment*, THE U.S. DAKOTA WAR OF 1862, <http://usd. akotawar.org/history/aftermath/forced-marches-imprisonment> (last visited Apr. 12, 2017).

⁷⁰ MEYER, *supra* note 1, at 145–146.

⁷¹ *Id.* at 146.

⁷² Waziyatawin Angela Wilson, *Decolonizing the 1862 Death Marches*, 28 AM. INDIAN Q. 185, 195 (2004).

⁷³ Sarah-Eva Ellen Carlson, *They Tell Their Story: the Dakota Internment at Camp McClellan in Davenport, 1862-1866*, 63 THE ANNALS OF IOWA 251, 276 (2004).

“given” land in Minnesota.⁷⁴ Wicahcamaza Benjamin Westman, his wife Anpetuwij Josephine Jones are on this list, with one of the first land assignments at Lower Sioux. Justine LaFramboise, the daughter of Joseph LaFramboise the Younger, was sent to Carlisle Indian Industrial School in Pennsylvania. Her little brother Alexis was the first child to die there. He was only six years old.

Between 1880 and 1934, the “Allotment period,” American Indian people were expected to assimilate to society, without the full rights of citizenship. A drought that lasted nearly a decade in the late 1880s devastated fully two-thirds of the white farms and ranches in the Midwest and led to bankruptcy and foreclosure.⁷⁵ Yet, American Indians on reservations were expected to be successful farmers during that same period, despite conditions that ruined white farmers. Language, culture, ceremony were outlawed.⁷⁶ Indians had to have permission to leave reservations.⁷⁷ Laws are passed that forbade Indians and whites to marry. Day schools, boarding schools, and industrial schools were built and filled with Indian children removed from the influence of their families.⁷⁸ My grandparents and parents went to these schools, away from their communities and their families. Were these the remnants of federal policies of genocide?

The 1956 Indian Relocation Act again moved Indian peoples from their home communities to major cities across the country in another effort to assimilate them and provide vocational training.⁷⁹ They were moved to Chicago, Denver, Minneapolis, and Los Angeles with the promise of jobs and a better life. But many were disappointed when jobs did not materialize, and they were again separated from their families and homes. It is probably no coincidence that the War Relocation Authority had implemented disconcertingly similar actions in its admonitions to those Japanese Americans incarcerated as enemies of the state during

⁷⁴ *Wolfchild v. United States*, 559 F.3d 1228, 1222–23 (2009).

⁷⁵ James I. Stewart, *The Economics of American Farm Unrest, 1865-1900*, ECONOMIC HISTORY SERVICES, <https://eh.net/encyclopedia/the-economics-of-american-farm-unrest-1865-1900/> (last visited Apr. 12, 2017).

⁷⁶ See FRANCIS P. PRUCHA, *THE GREAT FATHER: THE UNITED STATES GOVERNMENT AND THE AMERICAN INDIANS* 110 (abridged ed. 1988).

⁷⁷ See DONALD L. FIXICO, *BUREAU OF INDIAN AFFAIRS* 31, 60 (2002).

⁷⁸ See PRUCHA, *supra* note 76, at 238–39.

⁷⁹ See PRUCHA, *supra* note 76, at 354, 355 (“It was directly related to the movement for better general education, more vocational training, adult education, and economic development plans . . .”).

WWII to “assimilate and forget” their experiences when the prison camps were closed.⁸⁰

Nearly 150 years after Governor Alexander Ramsey called for the extermination or removal of the Dakota people from Minnesota, his modern-day successor on Thursday, August 16, 2012, denounced his words. “I am appalled by Governor Ramsey’s words and by his encouragement of vigilante violence against innocent people; and I repudiate them,” Governor Mark Dayton said in his statement. “The viciousness and violence, which were commonplace 150 years ago in Minnesota, are not accepted or allowed now.”⁸¹ He asked Minnesotans “to remember that dark past; to recognize its continuing harm in the present; and to resolve that we will not let it poison the future.”⁸² As we move forward, Wingerd reminds us in *North Country* that “the task remains to listen to all the voices that have called this land home, to comprehend what was lost as well as what was gained—and at what cost.”⁸³

In spite of all this, we are still here. This land is where our grandmothers’ grandmothers’ grandmothers played as children. Carried in our collective memories are our connections to this place that reach beyond recorded history. In 2011, Waŋbdi Wakita, a Dakota elder, said, “The power of the Dakotas had always dwelt in the land from the great forest to the open prairies. Long before the white man ever dreamed of our existence, the Dakota roamed this land.”⁸⁴ Long after the Treaty of Traverse des Sioux separated us from the land, we have reclaimed our place in Minnesota. The written proof is in the earliest forms of inscription on rocks and in caves, as well as maps drawn on birch bark and wood described by the first European explorers to this region, the French. Their documentation of villages, burial mounds, and names at the beginning of the seventeenth century testify to the importance of this place as the Dakota homeland. In the extended relationships that Dakota people developed with them, the French seemed to

⁸⁰ Kelsey Hammon, *Speaker Shares Years Spent in Japanese Internment Camp*, GREELEY TRIBUNE (Feb. 12, 2015), <http://www.greeleytribune.com/news/local/speaker-shares-years-spent-in-japanese-internment-camp/>.

⁸¹ Governor Mark Dayton, Statement Commemorating the U.S. Dakota War of 1862 (Aug. 16, 2012), <http://mn.gov/governor/newsroom/index.jsp?id=1055-100191>.

⁸² *Id.*

⁸³ WINGERD, *supra* note 1, at 360.

⁸⁴ Waŋbdi Wakita, *Preface* to GWEN WESTERMAN & BRUCE WHITE, MNI SOTA MAKOCE: THE LAND OF THE DAKOTA 13 (2012).

understand how they valued kinship, not only between human beings, but also with the land. The American missionaries also understood when they helped translate the treaty, and inserted terms that carried the obligations of kinship. Those words mattered to the Dakota during the treaty negotiations, and those words matter today.

Scholars of American culture and history, students of Spanish language and Spanish or Mexican history, those who are German, Norwegian, and Swedish—know the languages and use the words correctly. No one would stand for mistranslated German, Norwegian, Swedish, Spanish, or French words or misrepresentations of those cultures in historical texts, legal documents, or works of fiction. Editors would be expected to find language and culture experts to proof and annotate the uses of those languages and to correct blatant errors. Today, we expect no less for Dakota. But books continue to be published—fiction, non-fiction, history, New Age, young adult literature—that misrepresent our history, speculate about our culture, and ignore what we have written in our own words.

Ella C. Deloria, a Dakota anthropologist, observed that kinship is the core of Dakota life. Those words carry cultural values: “[T]he ultimate aim of Dakota life, stripped of accessories, [is] simple . . . one must be a good relative.”⁸⁵ We are still here. We are physicians, farmers, teachers, lawyers, ranchers, engineers, ministers, powwow emcees, inventors, poets, artists, aircraft marshallers, Army soldiers and United States Marines, cashiers at Target, and construction workers. We are your neighbors. We struggle to get by. Some of us speak our language. Many of us do not. We are traditionalists and Christians, on farms and reservations, in city suburbs and inner cities. Our people have been reading and writing in our language for more than 175 years. Word choice is important, as evidenced not only by the impact of treaty negotiations and laws in the history of the Dakota people in Minnesota, but also through the manipulation of meaning in our current struggles to maintain control of our lands and water. But at the end of the day, what matters are the words that remind us we must be good relatives.

⁸⁵ ELLA DELORIA, *SPEAKING OF INDIANS* 25 (1998) (alteration to original).