CENTERING ANISHINAABEG STUDIES
Understanding the World through Stories

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HEIDI KIIWETINEPINESIJK STARK

Stories are wondrous things. And they are dangerous.
—THOMAS KING, THE TRUTH ABOUT STORIES

King reminds us that stories have power. They are both wondrous and dangerous. Federal Indian law contains many of the creation stories of the nation-state. These stories have proven dangerous, having the power to (re)imagine the legal universe, (re)create the nation-state, and (re)structure Indigenous-state relations. The creation stories of the state have transformed the legal landscape and left Indigenous peoples in a constant state of flux as they seek to challenge and reconfigure the law to make space for themselves. But what happens when creation stories of the state, codified in federal Indian law, encounter stories of Anishinaabe diplomacy?

Stories are transformative and have the power to either heal or injure, to create or destroy. This power is perhaps most clearly elucidated in federal Indian law, where the trickster has been diligently at work reconfiguring the legal landscape. This is evident in the recent Supreme Court rendering of the trust doctrine in *U.S. v. Jicarilla Apache Nation* (2011). Justice Alito continues a long tradition of legal magic that began with the original creation stories of the state espoused in the Marshall trilogy. After an analysis of the courts, I turn my attention to the critical question raised above: what would the trust relationship look like, what kinds of alternative relationships
would be unearthed if the creation stories of the state were met with stories of Anishinaabe diplomacy?

David Wilkins and K. Tsiianina Lomawaima find that “common to many, but not all, definitions of ‘trust’ is the notion of federal responsibility to protect or enhance tribal assets (including fiscal, natural, human, and cultural resources) through policy decisions and management actions” (emphasis original). This trust relationship was initially born out of treaty pledges to live in peace and act in good faith, memorialized explicitly in treaty articles of protection. Thus, I look to the 1846 treaty negotiations between the United Nation of Potawatomi, Odaawa, and Ojibwe with the United States to illustrate the myriad ways in which the trust relationship was expressed by Anishinaabe leaders. This story of Anishinaabe diplomacy demonstrates that the real power of stories is in their ability to transform relationships. Stories lie in wait, ready to not only serve as the center for the field of Anishinaabeg Studies but also to guide us in our interactions with one another.

THE TRANSFORMATIVE POWER OF STORIES

Stories shape how we see and interact with the world. They lend insight into the ways in which we see our communities, as well as how we see ourselves within these communities. The power of stories is found in their ability to outline and clarify the connections people have to their place, their people, and their history. Indigenous stories outline relationships—the relationships we have to one another, and the relationship we have to self. N. Bruce Duthu has said:

Our oral tradition encompasses diverse stories, but within them are recurrent themes, chief among them the idea of relationships. Stories carry us through time and reveal our relationships to our historical selves, to others around us, and to the natural and supernatural world. The meanings attached to these stories, like the relationships they explore, are dynamic, increasingly complex, and often surprising.

Stories are how we make sense of the world. It is chiefly for this reason that stories can so aptly serve as the center for the field of Anishinaabeg Studies. They function as road maps, guiding us towards exploration, discovery, and meaning. As Anishinaabe scholar Gerald Vizenor reminds us, “You can't understand the world without telling a story.”

There are a multitude of stories among the Anishinaabeg, contained in various forms, that all work toward to same end: to provide meaning to the world we live in, teach us how to relate to one another, and help us understand our place in creation. Lessard et al. remind us that “we come into existence . . . as embodied beings, processing the partial fragments of sensory experience (sounds, images, smells, touches), sorting them into patterns of consequence, patterns of meaning. Narrative—or ‘story’—is one of the primary vehicles through which we sort, arrange, and produce those patterns.” It is through lived experiences, through interaction with all of creation that we come to produce the stories that serve to aid us in making sense of the world.

For the Anishinaabeg, some of our earliest interactions with creation are contained in narratives about Nenabozho. His interactions with the various places and peoples of creation contain a variety of lessons for the listener, who is required to expand his or her perceptions when confronted with stories of a main character whose motivations are inherently contradictory—sometimes selfless and sometimes self-interested. Nenabozho’s seemingly contradictory behaviors promote underlying values and principles, yet each listener is encouraged to make sense of the story for himself and to infer meaning that will be applicable to his own behaviors, actions, and relationships with creation.

The trickster is a transformative figure. Nenabozho, in his interactions with creation, transformed the landscape, and his actions had varied impacts on those he encountered. Nenabozho narratives often contain insights into how animals came to attain certain physical attributes or markers. For example, when Nenabozho took the form of a rabbit to steal fire, he was marked by this action. Nenabozho’s actions affected all beings—animals, plants, and earth’s beings came to be, reinforcing an understanding of how our own actions and engagements create lasting impact.

Stories detail relationships. They teach us how to conduct ourselves and how to make sense of our actions vis-à-vis one another. Julie Cruikshank found that “such narratives depict humans, animals, and other nonhuman beings engaged in an astonishing variety of activities and committed to mutually sustaining relationships that ensure the continuing well-being of the world.”

Stories, in teaching us how to relate to one another, can also be understood as law. Law, of course, is an important organizing force within virtually all societies. “However,” Anishinaabe legal scholar John Borrows
notes, "there are many definitions and disagreements about what constitutes law. . . . Its effect can simultaneously produce peace and chaos, depending in whose name it is administered and from whose perspective it is processed."14 And yet law plays an important role in each person's life, as it seeks to guide how we should relate to and interact with one another. Stories are emphatically a source of law, as they lay out critical principles for how Anishinaabeg order their world.

In addition, stories are alive—in regard to both the spirit within stories and the ongoing creation and recreation of story.15 The creation of story did not cease at a particular moment for Anishinaabeg. Our ongoing interaction with creation—in all her forms—continues to generate stories that teach us how to be in the world. This cannot only be seen in contemporary oral storytelling, but also in the prolific writings of Anishinaabeg. From Drawing Out Law, where Borrows is informed by dream and personal relationships, to Gerald Vizenor's litany of work demonstrating that the trickster is alive and well, stories continue to work on and within the people. Indeed, I am telling you a story now—a story about how story encounters story.

What constitutes story, however, evades definition and containment. As Leslie Marmon Silko reminds us, "Many individual words have their own stories. So when one is telling a story and one is using words to tell the story, each word that one is speaking has a story of its own too."16 As a single word is capable of carrying many stories, once it is uttered into the air or onto the page, it is imbued with a life force—just as Anishinaabeg were when the Creator blew the breath of life into the first human.17 Because words have power, and thus stories—as a collection of words—have power, we are cautioned about how we may use them. As Thomas King writes, "A story told one way could cure, that same story told another way could injure."18 The wondrous and dangerous character of stories, their ability to injure or to heal, is perhaps most clearly seen in the legal narratives that constitute federal Indian law in the United States.

LAW AS STORY: CREATION STORIES OF THE NATION-STATE

There is a rich body of scholarship that calls for us to seriously consider how narratives, whether encoded in law or circulated throughout dominant society and embedded in the national consciousness, shape and inform how we understand ourselves and relate to others. Just as creation stories provide the Anishinaabeg with a sense of belonging and outline their relationships to their place, citizenry, and nation, U.S. law and the national narratives that inform law and policy function as the creation stories of the nation-state.19 Patricia Tuitt notes:

No sovereign entity exists without an accompanying set of narratives surrounding its emergence. It is through stories of settlement, conquest, exploration, and discovery that distinctive nations, peoples, and communities are constructed. Although such narratives are embedded in a variety of cultural forms, few of these are equal in weight to the narration of the processes in which an entity acquires legal shape and status.20

Stories, of course, may be "real" or "imagined" in the Western understanding. They are always open to contestation and represent a particular view. These stories (often thought of as histories) transcend time, as the state pulls on real and imagined narratives of the past to inform and legitimate the present.21 Bain Attwood echoes this sentiment:

In the case of settler societies, colonizers have found it necessary to persuade others as well as themselves that the land they have appropriated as their basis is rightfully theirs. This is done in large part through the formulation of legal stories of one kind or another, since the law plays a crucial role in creating boundaries between what is deemed to be legitimate and what is not.22

Yet, as Lumbee legal scholar Robert Williams Jr. reminds us, these creation stories of the state, which discount or utterly deny Indigenous narratives and are contingent on the erasure or absorption of Indigenous peoples into the state, have rendered law a loaded weapon. He contends that seminal nineteenth-century federal Indian law decisions remain ready for the hand of current justices who continue to employ these narratives as a means to deny Native peoples their political rights.23 The danger of law in narrating the creation stories of the state is echoed by Jacinta Ruru. Though focusing on New Zealand, her findings also fit in the United States. She argues, "Law was used as a tool to endorse a new narrative of nationhood—a country founded and settled by the British." She goes on to say that "Europeans consciously used law as a means to create and define themselves in relation to the new realm they had entered, imposing their world view and legitimating their existence on these lands."24

Like the stories that give it meaning, law is neither fixed nor static. It is always transforming. Law, like the trickster, can have an altering impact on those it interacts with. As Greg Sarris remind us, stories "can work to oppress
or to liberate, to confuse or to enlighten.” Law as story, in the United States, has frequently worked to oppress Indigenous peoples and transform Indigenous narratives by subjugating their stories within the nation-state, sometimes to the point of defining Indigenous rights out of existence. This can be seen in the litany of U.S. Supreme Court decisions that manipulate and reconfigure the meaning of “protection,” which is interpreted often as the trust relationship, in order to contain and limit tribal sovereignty.26

In June 2011 the high court took on the trickster persona, stretching and contorting the trust doctrine in U.S. v. Jicarilla Apache Nation to a degree that practically drained it of any vitality.27 The case centered on whether the federal government could claim attorney-client privilege in withholding information from a tribe involving the government’s management of money that it holds in trust. In a 7–1 decision, the majority contorted the origins and definitions of trust. Justice Alito, writing for the majority, said, “When the tribe cannot identify a specific, applicable, trust-creating statute or regulation that the Government violated, . . . neither the Government’s control over Indian assets nor common-law trust principles matter. The Government assumes Indian trust responsibilities only to the extent it expressly accepts those responsibilities by statute.”28

Alito contended that “while one purpose of the Indian trust relationship is to benefit the tribe, the Government has its own independent interest in the implementation of federal Indian policy.”29 Indeed, the Court acknowledged unapologetically that “the Government has often structured the trust relationship to pursue its own policy goals.”30 But perhaps the ultimate sleight of hand, in true trickster fashion, occurred when the justices dramatically repositioned the origins of the trust relationship—not as emerging from the diplomatic accord where the United States jointly agreed to be protective allies of Native nations, but instead claiming it was a direct byproduct of congressional plenary power.31 This is the ultimate trickster narrative, with the United States wielding virtually absolute power over all things Indigenous. Indeed, the twin doctrine of discovery and plenary power are comparable to flood narratives.32 They are incredibly pernicious and can destroy existing worlds. But they also contain unlimited abilities for the nation-state to imagine and create itself anew. In its re-creation through legal doctrines, the United States grants itself the power to drown out any memory of its diplomatic arrangements and commitments to Native nations. These creation stories allow the state to disregard earlier recognitions of Native sovereignty and political authority in favor of narratives that posit that tribal sovereignty is limited when Native nations accept the “protection” of the state. In fact, the Court relies on this narrative frequently to subjugate earlier stories of “trust.”

Alito cited one narrative after another to demonstrate the Court’s continued ability to manipulate and reconfigure trust, tribal sovereignty, and plenary authority. The Court first gestured toward Merrion v. Jicarilla Apache Tribe, where the Court had previously argued that “The United States retains plenary authority to divest the tribes of any attributes of sovereignty.”33 The Court then looked to U.S. v. Wheeler to determine that “Congress has plenary authority to legislate for the Indian tribes in all matters, including their form of government.”34 Resorting to one of the original creation stories of plenary power, Lone Wolf v. Hitchcock, to assert supreme authority, the Court then wrote, “Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one, not subject to be controlled by the judicial department of the government.”35 In Jicarilla we see clearly how the creation stories of the state, as articulated by the judicial branch, are most dangerous. They oppress and injure.

Like the trickster, stories can distract just as much as they can enlighten. The federal courts have been particularly successful in distorting us from our own stories by instead putting on a magic show, full of fancy tricks that distract the audience by posing endless riddles so they will be unable to see the sleight of hand that enables the justices to pull a quarter out from behind one’s ear. Like magic, the courts have used narratives to enable the state to slip between the real and the imagined, to legitimate their claims by saying they are so. As one scholar puts it, “Law is one of the many narrative forms that generate material truth out of discursive fictions.”36 These stories of the state disorientate and misguide the listener as they traverse the legal landscape.37

The state has found itself caught in its own riddle, lost in a maze that purports to administer justice and act with morality while imagining its sovereign authority is contingent on the suppression of Indigenous sovereignty. Chief Justice John Marshall first posed the national riddle in 1823 when he utilized his legal imagination to reduce Indigenous land title to “a mere right of occupancy.”38 In 1831 he again performed the trick of transforming Native nations from self-governing and independent nations to “domestic-dependent” nations.39 In both cases, the chief justice carried out unnecessary tricks that sought to disguise the larger questions of federation that the Court had to contend with.

Like any story, once it was told, there was no way to recall it. As Leslie Marmon Silko reminds us in Ceremony, recounting a contest among witches that escalates out of control and threatens destruction and despair for all, stories cannot be undone. The witches plead, “Take it back. Call that story
back. But the witch just shook its head... It's already turned loose. It's already coming. It can't be called back.”

Marshall, like the other witches, sought in a later ruling to call back this creation of “discovery” and “conquest” that had subjugated Indigenous rights and lands within the supreme authority of the state. In his 1832 decision *Worcester v. Georgia*, he denied that discovery stripped Native peoples of their land title, and instead sought to recognize Indigenous sovereignty and trust responsibilities outlined in their treaty relations. He recognized that the Cherokees' national character had not been diminished by having placed themselves under the protection of the United States. Rather, he said that “the very fact of repeated treaties with them recognizes it; and the settled doctrine of the law of nations is, that a weaker power does not surrender its independence—its rights to self government by associating with a stronger, and taking its protection.” But these competing and overlapping opinions, collectively referred to as the Marshall trilogy, swirled around a legal universe, allowing the courts to gaze in any direction necessary to support their particular desires.

Subsequent Court decisions have been able to utilize the Marshall trilogy to narrate countless stories that, though sometimes upholding it, frequently legitimate the denial or erasure of tribal sovereignty. While *Johnson v. McIntosh* (1823) allowed for the territorial subordination of Native peoples through narratives of “discovery,” other creation stories of the state came to legitimate the jurisdictional absorption of Native peoples. In *U.S. v. Kagama* (1886) the Court asserted that Native nations “are communities dependent on the United States.” Congress, therefore, had the plenary authority to pass legislation that would position Native peoples as subjects of the state because “the power of the General Government over these remnants of a race once powerful, now weak and diminished in numbers, is necessary to their protection, as well as to the safety of those among whom they dwell.”

In order to “lawfully” abrogate treaties, the courts reconfigured “protection” as “dependency” and declared that Congress had authority, “in respect to the care and protection of the Indians,” to dispose of tribal lands.

Indeed, when states' rights had been sufficiently subsumed under federal power, the courts would sometimes dismiss their earlier, more historically grounded stories, such as *Worcester*, that expressly precluded states from exercising their laws over Indigenous peoples, to instead allow for a rise in states' rights in their dealings with Native nations. Protection became a national narrative the courts could utilize to erode tribal sovereignty. For example, the courts denied tribal jurisdiction over non-Indians in *Oliphant v. Suquamish* (1978) because, the Court argued, that would have been “inconsistent with their status” as dependent nations. Rehnquist declared:

"Indian tribes do retain elements of "quasi-sovereign" authority after ceding their lands to the United States and announcing their dependence on the Federal Government. But the tribe's retained powers are not such that they are limited only by specific restrictions in treaties or congressional enactments. As the Court of Appeals recognized, Indian tribes are prohibited from exercising both those powers of autonomous status that are expressly terminated by Congress and those powers "inconsistent with their status.""

The courts have frequently reconfigured their trust responsibility to tribes, conflating protection with dependency, and dependency with limited or “quasi” sovereignty. In the same way *Nenabozho* stories demonstrate the impacts our actions have on creation—detailing how the land came to take its current shape, or outlining particular encounters that explain animal features—Supreme Court justices' engagement and interaction with the trust doctrine in general, and notions of protection in particular, continue to reshape the legal landscape that Native nations must contend with. The courts have erected theoretical mountains that often prove difficult to pass, and have carved great divides between the legal world espoused in *Worcester* and the one most recently outlined in *Jicarilla*.

Yet, the legal landscape breathed into life in *Worcester* was no less dangerous and full of obstacles than the legal landscape we now find ourselves contained within. While *Worcester* recognized that a nation's sovereignty was in no way diminished or limited by bringing itself under the protection of another, it was still a world that had to contend with narratives that were incapable of reconciling Indigenous nations as separate sovereigns, connected through alliance and treaty, while retaining political autonomy and self-determination. Previous stories of discovery and conquest, circumscribed in dominant discourse and given legal force in *Johnson*, were contingent on the subjugation of Indigenous peoples and their lands. These stories were alive and could not be called back.

**STORY ENCOUNTERS STORY: IMAGINING AN ALTERNATE RELATIONSHIP**

As the nation-state imagined itself, it did so to the exclusion of Indigenous story. Instead the United States took up the act of creating and controlling stories of Indigenous peoples—stories that contained the limited possibilities of either erasure or absorption into the state. But what would happen if these
creation stories of the state encountered Anishinaabe stories of diplomacy? Gordon Christie, in his study of sovereignty and indigeneity in the Arctic, examines how words and stories function, and suggests a path for how Indigenous peoples "can usefully meet stories with stories, words with words."

Christie argues that "sovereignty" has served to define a state-controlled political agenda in the Arctic. State notions of sovereignty have precluded any consideration of Indigenous stories that unearth alternate ways of relating to one another. Christie cautions Indigenous peoples to reconsider attempts to reshape and transform the stories of the state from within, warning that we may lose sight of another form of resistance available: "resistance that meets story with story." Christie believes that the form of resistance that meets story with story illuminates other possibilities to the sovereignty model—possibilities that imagine other ways of relating to one another. He notes that "Questions about how people might interact with one another and the land and sea around did not trace back to first-order questions about which body had the rightful authority to make decisions in this context. First-order questions would be about how one might act—they were about the appropriateness of the action in question, not who might be appropriately positioned to decide how to act."

Stories transform; they reveal new possibilities. They look to the past to inform our present and provide direction for the future. Stories told by Anishinaabe leaders—their diplomatic speeches in their treaty negotiations with the United States—illuminate alternate ways of being, a path for mutually beneficial partnerships that focus on questions of how one might act, instead of keeping us contained within a narrative that has exclusively centered on the question of who has the authority to act.

**DIPLOMACY AS STORY: ANISHINAABE TREATY EXPRESSIONS OF TRUST**

Throughout their treaties, the Anishinaabeg told stories of nations partnered in trust. It was in these encounters that the trust doctrine was initially imagined and breathed into life. The trust doctrine, or fiduciary relationship, has been foundational to federal Indian law and is possibly the clearest expression of a continued relationship based on mutual respect. The treaty record surrounding the aforementioned 1846 treaty between the United Nation of Ojibwe, Odawa, and Potawatomi, and the United States perhaps best illustrates the myriad ways trust and protection were expressed throughout the treaty era. The United Nation had engaged in five treaties with the United States prior to this 1846 accord. In their 1833 treaty at Chicago with the United States, the United Nation had ceded some five million acres in Illinois and Wisconsin and were removed to lands in Iowa. In November 1845, chiefs from the United Nation delegation went to Washington to meet with the President of the United States. They wanted to learn about the previous treaty annuities they had yet to obtain, as well as receive word from the President regarding a treaty proposed to their people a few months earlier. The President had approached the United Nation, through Major Harvey, to propose their removal to lands west of the Southern Potawatomi. The United Nation had refused this offer and instead sent back a written "talk" regarding the terms under which they would remove.

In order to urge removal, the United States declared that they would provide protection for the United Nation. Treaty commissioners claimed that removal would allow the President to protect the Anishinaabeg from white settlers. In response, the Anishinaabeg expressed their understanding of the trust relationship between themselves and the President, outlined and promised in earlier treaties. Anishinaabeg leaders stated, "You say the whites are crowding on us. This is not our fault. We suppose our Great Father has power to make his white children respect his promises and he has already assured us that we shall not be forced to remove from our lands. Why then should we fear our White neighbors?" The Anishinaabeg understood protection as the President's promise to safeguard them from American citizens—that the President pledged to make American citizens respect the nation's treaty promises.

In addition, the United Nation understood this trust to entail their protection from state interference. The Anishinaabeg asserted, "You say 'the state of Iowa is about extending her laws' over us. We are not alarmed at this. We are told there is no such state, and cannot be, unless our Great Father creates it. Surely he would never do this to break his word with his red children." The Anishinaabeg expressly interpreted state interference as a violation of their treaty. They reminded the commissioner of this, stating, "If any other government be created over us, it will be a violation of our treaty. We protest against this. We want to hold our lands as they were guaranteed to us." Protection was not understood as a diminishment of their national character, but instead as a safeguard against treaty violations and violators.

The U.S. treaty commissioners also argued that removal would ensure their protection from the Dakota. The Anishinaabeg recounted their previous treaties to demonstrate the various applications of protection, and
explicitly noted that these agreements with the United States were renewed several times. At the Treaty of Prairie du Chien in 1825, in which the Anishinaabeg and Dakota agreed to maintain peace, the United States had committed to help uphold this treaty by offering protection against anyone who sought to break it. The Anishinaabeg recalled this and later agreements, stating, "Did not our Great Father promise at Chicago to protect us against the Sioux? Did he not send Maj. Cummins to our country four years ago to renew the promises? Did he not send Dragoons for two years? Why then cannot he protect us? He has done it once; why cannot he do it again? Or why did he withdraw that protection if not to force us from our lands?"

The United Nation reminded the commissioner that if the President rescinded his protection, then they would be forced to neglect their treaty responsibility to maintain peace with the Dakota. They warned, "Our Great Father told us not to fight with them, and we did as he told us. But if the Sioux murder our people, we will tell our young men to dig up the hatchet." Thus, protection entailed the commitment to previous treaty promises. The President, throughout numerous treaties, extended protection to the Anishinaabeg: protection from American citizens who often sought to settle within Anishinaabe territories; from state interference as they attempted to extend their laws over Anishinaabeg; as well as protection from any party to the treaty that threatened to disrupt their pledge of peace. Protection, therefore, necessitated a relationship of trust.

The Anishinaabeg, in their recitation of their trust relationship with the President, echoed these principles in concrete terms. Anishinaabe leaders reiterated the words of President James Polk, who had met with the United Nation during their month-long stay in Washington. "He said to our Interpreter '... I am the friend of the red man, and all within our territory shall have full and entire justice done to them so far as I have the power to do so. Tell the [Portawatomie] Chiefs that they must banish all fears of being forced from the lands they now occupy: these lands were made theirs by treaty and they shall be protected in their peaceable possession.'" President Polk, as reiterated by the Anishinaabeg, had also stated:

Tell them, also that every promise made to them by my predecessors shall be carried in effect . . . whatever promise was made to them by their Great Father shall be with good faith and great pleasure redeemed by me now. It is my determination to carry out, in letter and spirit, every treaty stipulation made between our Government and the Indians within our borders. Justice shall be done to them, and I trust to secure the confidence and affection of all our red brethren in such effectual manner as shall forever keep the tomahawk buried between them and our people. Tell them again that we never had any intention of driving them from the lands they now occupy." (emphasis mine)

President Polk nonetheless linked these statements with his promotion for their removal, stating, "If they decide to exchange them for other lands better adapted to their habits and wants, we will gratify them if we can agree upon the terms. But they must be perfectly satisfied with the change: they shall never be forced to it." Regardless of the President's desire to remove the United Nation, this account by the Anishinaabeg illustrates how they understood their trust relationship with the President of the United States. The President promised respect for the United Nation and ensured justice. He declared he would protect their treaty-guaranteed lands and renewed previous treaty promises in good faith.

The treaty record illuminates an Anishinaabe understanding of the trust relationship: protection from U.S. citizens, from state interference, and from parties that seek to disrupt treaty commitments. These pledges were made in good faith, necessitating a relationship of trust.

CONCLUSION: TRANSFORMING TRUST

This story told by Anishinaabeg leaders at their treaty negotiations provides an alternate way of imagining the trust doctrine as a trust relationship. How the Anishinaabeg engaged others in their diplomatic accord was deeply informed by the stories that signified what it meant to be Anishinaabe. These stories outline how we should relate to one another. This alternate way of being neither requires the subjugation of Indigenous peoples and their rights within the state, nor does it threaten an extinction of the nation-state—a fear that often closes off alternative stories. The nation-state will be altered, changed, as the land and the animals have been, because that is the power of story. But like all stories, this one contains the power to heal as much as it threatens to destroy. Indeed, this story poses danger to notions of supreme authority that are currently rooted in state sovereignty. However it can also provide a path for reconciliation.

Reconciliation is a loaded term and contains many stories of continued subjugation under the cloak of liberalism. I am not arguing that this story provides a path for reconciliation between Indigenous peoples and the state. Indeed, that narrative of reconciliation often promises liberation while still operating as oppression. We must be careful of these seemingly progressive
models because, as Johnny Mack notes, they threaten to ultimately absorb "the indigenous story into this larger narrative of imperialism." Instead, this term is appropriate in that this story can aid the state in reconciling its own creation stories, narratives of morality and justice that coalesce and collide with stories of continued imperialism, dangerously slipping away at the legal landscape until there may be nothing left. Tools for liberation, capable of untangling the riddles within national narratives, lie in wait, just as federal Indian law stands about like a loaded weapon. These tools for transformation are stories. It is now up to us to decide whether to utilize them to destroy or to build. As Thomas King reminds us, "Don't say in the years to come that you would have lived your life differently if only you had heard this story. You've heard it now."  

NOTES

1. 131 S. Ct. 2313
5. Laura Coltelli, Winged Words: American Indian Writers Speak, American Indian Lives (Lincoln: University of Nebraska Press, 1990), 156.
7. Nenabozho, often referred to as original man, is the central character (trickster) in many Anishinaabe aadizookaanan (stories or legends). He is also referred to as Wenabozho. These spellings come from John Nichols and Earl Nyholm, A Concise Dictionary of Minnesota Ojibwe (Minneapolis: University of Minnesota Press, 1995), 118.
26. For a detailed analysis of how the U.S. Supreme Court has defined and limited tribal sovereignty, see David E. Wilkins, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice* (Austin: University of Texas Press, 1997).
31. Thank you to David E. Wilkins for sharing this point that the Court in this case positioned trust as coming from plenary power.
32. For detailed explanation of the doctrine of discovery, the trust relationship, and plenary power, see Wilkins and Lomawaima, *Uneven Ground: American Indian Sovereignty and Federal Law*.
37. As Julie Cruikshank reminds us, “The question of which versions are ‘correct’ may be less interesting than what each story reveals about the cultural values of its narrator.” She argues that neither written nor oral history can merely be sifted for facts, and that combining the two does not provide the “real story.” Instead, Cruikshank finds that these sources serve as windows into how the past is constructed and discussed. How, when, and in which context stories are told is as telling of the people as the stories themselves. See Julie Cruikshank, “Discovery of Gold on the Klondike: Perspectives from Oral Tradition,” in *Reading Beyond Words: Contexts for Native History*, ed. Jennifer S. H. Brown and Elizabeth Vibert (Toronto: Broadview Press, 1996), 433. Also see Cruikshank, *The Social Life of Stories: Narrative and Knowledge in the Yukon Territory*. Also see Keith H. Basso, *Wisdom Sits in Places: Landscape and Language among the Western Apache* (Albuquerque: University of New Mexico Press, 1996).
46. Ibid., 338.
47. Ibid., 341.
49. Ibid.
50. Ibid.
52. Ibid.
RESOURCES

Legal Documents

Cherokee Nation v. Georgia, 30 U.S. 1 (1831).


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**Theorizing Resurgence from within Nishnaabeg Thought**

LEANNE BETASAMOSAKE SIMPSON
WITH EDNA MANITOWABI

One of the most crucial tasks presently facing Indigenous nations is the continued creation of individuals and assemblages of people who can think in culturally inherent ways. By this, I mean ways that reflect the diversity of thought within our broader cosmologies, those very ancient ways that are inherently counter to the influences of colonial hegemony. I believe we need intellectuals who can think within the conceptual meanings of the language, who are intrinsically connected to place and territory, who exist in the world as an embodiment of contemporary expressions of our ancient stories and traditions, and who illuminate *mino bimaadiziwin* in all aspects of their lives.

Western theory, whether based in postcolonial, critical, or even liberatory strains of thought, has been exceptional at diagnosing, revealing, and even interrogating colonialism; and many would argue that this body of theory holds the greatest promise for shifting the Canadian politic, because it speaks to that audience in a language they can understand, if not hear. Yet Western theories of liberation have for the most part failed to resonate with the vast majority of Indigenous peoples, scholars, or artists. In particular, Western-based social movement theory has failed to recognize the broader contextualizations of resistance within Indigenous thought, while also ignoring the contestation of colonialism as a starting point. While I believe liberatory theory and politics are always valuable, Indigenous thought has the ability to resonate with Indigenous peoples of all ages.¹ It not only maps a way out of colonial thinking by confirming Indigenous lifeways or alternative ways of being in the world. Ultimately Indigenous theory seeks to