

Productive Dissensus: A Theory of Deliberative Rhetoric for Intersovereign Cooperative  
Management Relationships

By

John Edward Koban

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The dissertation is approved by the following members of the Final Oral Committee:

Caroline Gottschalk Druschke, Associate Professor, English

Michael Bernard-Donals, Professor, English

Ralph Cintron, Professor, English, University of Illinois-Chicago

Larry Nesper, Professor, Anthropology

Christa Olson, Professor, English



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*Abstract*

This dissertation, *Productive Dissensus: A Theory of Deliberative Rhetoric for Intersovereign Collaborative Management Relationships*, contributes to theories of deliberative rhetoric by investigating the productive value of dissensus. It does this by detailing three case studies of environmental conflict and cooperation in the Upper Midwest, conflicts all about Indigenous lands, namely the territories of the Ho-Chunk Nation, the six Ojibwe tribes of Wisconsin, and the Dakota. The case studies detail the rhetorical and political implications of intersovereign cooperative management between Indigenous and settler governments. These government-to-government relationships are important because they bolster Indigenous sovereignty, an important part of undoing settler colonial systems. *Productive Dissensus* argues that intersovereign cooperative environmental management relationships function through productive dissensus, a coalitional set of rhetorical strategies that work across political and ontological difference.

*Productive Dissensus* uses archival methods to develop three case studies. The first case study (Chapter Two), "Productive Dissensus: The Case of the Kickapoo Valley Reserve," details the 1997 negotiation process between the Ho-Chunk Nation and State of Wisconsin concerning the Kickapoo Valley Reserve (KVR), an ecological reserve in Southwestern Wisconsin. This case details strategic work Ho-Chunk Nation tribal leadership took in leveraging U.S. archaeological preservation law to reacquire a

portion of the KVR, land part of their historical territory. Because of this work, the Ho-Chunk Nation took control of a portion of the KVR property in collaboration with the State of Wisconsin. This case study shows that the process that led to the Memorandum of Understanding and Joint Management Plan between the Ho-Chunk Nation and State of Wisconsin, though often tense, yet came to fruition because of productive dissensus.

The second case study (Chapter Three), “The Walleye War and Pedagogical Management: Cooperative Rhetorics of Responsibility in Response to Settler Colonialism,” details work the Great Lakes Indian Fish & Wildlife Commission (GLIFWC) took up in response to what is known as the “walleye war” of the 1980s and early 1990s. In response to settler violence, GLIFWC responded with public information campaigns that directly challenged misinformation about spearfishing and Ojibwe approaches to environmental stewardship while directly challenging the ineptitude of state-settler environmental governance. This case shows how GLIFWC took up a version of productive dissensus informed by Anishinaabe political theory to both assert sovereignty and heal the violence wrought by the walleye war.

The final case study (Chapter Four), “Ecological Restoration or Healing? Conflicting Ontologies and Missed Opportunities in Public Debate Surrounding Mississippi River Gorge Restoration,” stands as a cautionary tale. It shows the harm that can be done to ecosystems and Indigenous nations when settler states refuse processes of productive dissensus in environmental decision-making processes. With

this case I show that liberal-settler modes of public comment in exclusionary locations can advance a consensus-based mode of public decision-making that systematically excludes Indigenous concerns about ecosystem restoration. However, this case includes examples of ways Indigenous activists enact productive dissensus by advancing alternative, more inclusive, modes of public comment.

In short, *Productive Dissensus* questions the liberal-settler tendency toward hegemonic consensus, and it posits the value of intentional postponement of consensus in cooperative, coalitional, and intersectional environmental decision-making processes that can generate mutually beneficial and sustainable stewardship and management relationships. Importantly, the concept “productive dissensus” extends theories of deliberative rhetoric away from liberal-settler modes of rhetoric and governance, and in this way, it is broadly inclusive of non-western and Indigenous ontologies, rhetorics, and political economies.

## Chapter One

### Introduction

With this dissertation, I<sup>1</sup> contribute to theories of deliberative rhetoric by investigating the productive role of dissensus in processes of political change. I do this by detailing case studies of environmental management conflict and cooperation in the historical territories of the Ho-Chunk Nation, the six Ojibwe tribes of Wisconsin, and the Dakota. The cases I detail below theorize the rhetorical and political implications of intersovereign cooperative management relationships between Indigenous nations and settler governments at the federal and state level. These relationships are important because they can advance Indigenous sovereignty<sup>2</sup>, an important part of changing settler colonial systems that imagine Indigenous people as gone or assimilated.<sup>3</sup> That is,

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<sup>1</sup> Note: the author is a white settler living on Arapahoe, Ute, and Northern Cheyenne land. Much of this dissertation was researched and written on Ho-Chunk Nation land.

<sup>2</sup> “Sovereignty...denotes the rights of a people to conduct its own affairs, in its own place, in its own way” (Lyons 450).

<sup>3</sup> This dissertation likely resonates with other work in rhetorical studies that self-identifies as “decolonial” (e.g., Kelly and Black; Wanzer-Serrano, “Decolonial”; McCue-Enser). Though this dissertation is sympathetic to the goals of decolonial political activity (coalitional political work that restores land and land use to Indigenous people), it does not claim to be a decolonial project (Tuck and Yang; Itchuaqiyaq and Matheson). The purpose of this dissertation is to develop a theory of deliberative rhetoric that can help rhetorical scholars understand how countersettler political activity works rhetorically. The theory I develop here is only a starting point for those who may want to engage in decolonial work.

in the settler colonial imaginary, Indigenous people and nations are no longer extant, but intersovereign relationships between settler and Indigenous political entities have the rhetorical effect of unsettling and changing settler colonial systems. Specifically, I argue that intersovereign cooperative management relationships function through productive dissensus, a set of rhetorical strategies that work across political and ontological difference for mutually beneficial ends. Productive dissensus challenges the liberal-settler rush toward hegemonic consensus, and this postponement of consensus in cooperative management decision-making processes, I argue, can generate mutually beneficial policy and political relationships.<sup>4</sup> Importantly, my notion of productive dissensus extends theories of deliberative rhetoric away from liberal-settler modes of identity-based rhetoric and governance; this means that it resists hegemonic assimilation of non-western and Indigenous ontologies, rhetorics, and theories of governance while working in tension with them on their own terms.

This dissertation's geographic focus is on what now called the Upper Midwest, a milieu that generates significant dissensus. It is a political amalgamation with three layers of sovereignty (or what Singer calls "parallel universes"), the U.S., the states of Wisconsin, Minnesota, and Michigan, and the respective Indigenous nations, each with different stories, ontologies, and politics, and modes of governance (Nadasdy, "The

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<sup>4</sup> Productive dissensus implies the existence of a dissensus that is not productive. Such a non-productive dissensus would generate political change, but it would be political change with authoritarian or totalitarian tendencies.

Gift;" Blaser, "Political Ontology"; Singer).<sup>5</sup> These parallel universes exist in tension, and this tension generates political dissensus. By "political" I follow Jacques Rancière's definition of the concept as a "particular ordering of the sensual world." Crucially, this notion of politics is aesthetic; that is, politics is a set of material practices that are primarily sensory. A "sensory order" is a power-laden arrangement of a place. A place's order dictates (but does not overdetermine) what can be felt, seen, heard, smelled, comprehended, remembered. Political change happens when people and collectives of people use sensory orders in ways incommensurate with a sensory order's ordering (e.g., protesters blocking traffic on a freeway, people sleeping on park benches, etc.). The anti-political police (Rancière uses the term "police" in a general sense to represent state forces) have a tendency toward hegemonic consensus while politics, which Rancière equates with a radical non-liberal democracy, is grounded in dissensus (Rancière, *Dis-agreement*). For Rancière, politics is aesthetic and ontological (i.e., sensory, affective).<sup>6</sup> He explains, "this 'aesthetic' nature of politics. . . [sets] politics not as a

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<sup>5</sup> This layered sovereignty that produces dissensus, I suggest, is a common feature of settler colonial states in general, particularly ones where Indigenous populations actively exist in tension with settler society (Mackey; Povinelli, "Rhetorics"; Veracini).

<sup>6</sup> I find Rancière's thinking about the aesthetic nature of politics helpful for understanding rhetoric in general. I understand rhetoric to be the study and practice of affect; affect refers to the ways that material bodies relate to and with each other. This theory of affect is informed by Deleuze and Guattari's conception of artistic practice as the creation of "affects and percepts" (24). These affects and percepts are blocs of space-time -- new realities in ongoing states of becoming. Some refer to these states of becoming as "assemblages" (Nicotra). Assemblages come to be because of (affective)

specific single world but as a conflictive world: not a world of competing interests or values but a world of competing worlds" ("Thinking," 7). In the context of this dissertation, this aesthetic theory of politics is important for understanding rhetorical activity in contested places organized by settler colonial forces, especially when competing worlds exist in tension in singular shared places.

In developing my argument, I do not take an orthodox reading of Rancière's theory. I de-center his Humanistic focus on democratic political change, yet I build from his notions of dissensus and politics to better understand how sensory orders can change in settler colonial contexts. I take this analytical move from Anna Boswell, a critic of settler colonialism who extends Rancière's "sensory order" concept of politics to show the ways that non-human animals like eels also participate in unsettling settler colonial sensory orders. For Boswell, in a move past Rancière's polis-model of politics, sensory orders also contain extrahuman forces that exceed the human-built sensory orders that humans construct. This holistic understanding of sensory orders, then, reveals the broader ways that settler colonial sensory orders can be undermined by humans, non-human animals, plants, fungi, and elements like water and soil, and deities. Importantly, this broader understanding of sensory orders better accounts for many Indigenous approaches to social and political orders with its explicit attention to

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rhetorical activity. Assemblages are not inevitable, and they are always changing, sometimes slowly, sometimes quickly, with tendencies toward stasis or tendencies toward change.

non-human political agency.

Extending Rancière's and Boswell's theories of politics and dissensus, I posit that settler colonialism is an anti-political sensory order that aims to police and erase Indigenous life. In particular, the sensory orders that exist across the U.S. have genocidal tendencies that aim to "eliminate the Native" physically and symbolically so that settlers may *exclusively* use and exploit the occupied land for their own use in perpetuity (Wolfe; Veracini; Svirsky). This all-encompassing sensory order has never fully been realized, but it has wrought serious damage to Indigenous people and the land (Svirsky). In settler states, multiple sovereignties interact, often with asymmetrical power imbalances, resulting in dissensus, but a dissensus that can productively unsettle settler supremacy. Settler colonialism is not an all-encompassing force; settler colonialism and counter-settler colonialism<sup>7</sup> are both structures in tension with each other (Svirsky). In other words, settler colonialism is a structure that is enacted in sets of policies and practices, but counter-settler colonialism is also enacted in sets of policies and practices. As critics of settler colonialism like Eva Mackey have shown, these two structures continually affect each other, and, importantly, when Indigenous nations and activists assert sovereignty, anti-political settler structures are unsettled. Crucially, unsettling refers to political activity that challenges the settler expectation that they will

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<sup>7</sup> Political activity that challenges the certainty in the settler imaginary that they will occupy colonized lands in perpetuity (Mackey).

occupy Indigenous lands in perpetuity.

As I show in this dissertation, an unsettled politics emerges with the cooperative management of land and water among Indigenous and settler nations. Cooperative management refers to political relationships between or among sovereign nations with a shared goal to manage land, water, and natural resources in a shared space. The political rhetoric that emerges from these relationships are significant for understanding the ways that settler societies are changed and unsettled when they work in nation-to-nation partnerships with Indigenous nations.

The set of assertions above generates a few key questions, ones that will guide this dissertation's inquiry: *in what ways do processes of cooperative management affect, change, or unsettle settler colonial society, particularly with its environmental management policies? And what lessons about deliberative rhetoric can be learned from studying these relationships?* In answering these questions, I argue that intersovereign collaborative management relationships, ones often grounded in dissensus, among Indigenous nations, the U.S., and state governments unsettle settler society. This works when Indigenous nations assert sovereignty in relation with U.S. and state forces to collaboratively protect land and water. Settler colonialism is organized around the elimination of Indigenous people and nations, but it is challenged when Indigenous sovereignty is enacted in nation-to-nation relationships. These relationships are inherently agonistic because of ontological difference and asymmetrical power

imbalance, and I show that these types of cooperative management relationships are often grounded in productive dissensus, a mode of deliberative rhetoric that arises from political ontologies-in-tension. Productive dissensus, as a mode of deliberative rhetoric, is crucial because it can unsettle the settler-liberal drive toward consensus, a state of affairs that can perpetuate systems of oppression.

In making my argument I develop three case studies that show how intersovereign collaborative management grounded in productive dissensus among Indigenous nations, the U.S., and state and city governments work in tension to affect political change in the context of environmental management policy. One details the work the Great Lakes Indian Fish & Wildlife Commission (GLIFWC) took up in response to what is called the “walleye war.” With this case I show how GLIFWC took up a version of productive dissensus informed by Anishinaabe political theory to both assert sovereignty and to heal the violence wrought by the walleye war. The next case is also located in Wisconsin, and it details a management and property negotiation process between the Ho-Chunk Nation and State of Wisconsin concerning the Kickapoo Valley Reserve (KVR), an ecological preserve in the state’s Driftless region. This case details strategic work Ho-Chunk Nation tribal leadership took in leveraging U.S. archaeological preservation law to reacquire control of land historically theirs. This case study shows that the process that led to the management agreement plan between the Ho-Chunk Nation and State of Wisconsin, though often tense, yet came to fruition

because of productive dissensus. The KVR and GLIFWC cases above advance positive arguments for the value of productive dissensus in intersovereign cooperative management relationships between Indigenous nations and settler states. The final case, however, stands as a cautionary tale. It shows the harm that can be done to ecosystems and Indigenous communities when settler states refuse processes of productive dissensus in environmental decision-making processes. This case shows that the liberal-settler modes of public comment in exclusionary locations advance a problematic consensus-based mode of public decision-making.

The case studies have a regional focus, resulting in a composite of how a deliberative rhetoric grounded in productive dissensus works, or not, in countersettler colonial politics. The first two are valuable examples about how collaborative management relationships grounded in productive dissensus affect the identities and policy outcomes of intersovereign management bodies. The GLIFWC and KVR cases show how collaborative management across sovereignty and ontological difference can 1) unsettle settler colonial systems, and 2) work to produce land and water management that is ethical and sustainable. The first two cases detail management relationships borne of productive dissensus, but the third case details an aspirational instance of productive dissensus that settler forces resist. The purpose of the third case is to describe what is a missed opportunity for collaborative management across sovereignties. This negative case, then, can highlight the ways that a deliberative

rhetoric informed by productive dissensus works to create intersovereign management relationships that unsettle settler systems of environmental governance.

In short, with this dissertation, I argue that a deliberative rhetoric grounded in productive dissensus, one that challenges liberalism's supremacy in the context of environmental governance, can productively address questions of sovereignty, collaborative management, stewardship, and rhetoric in the Upper Midwest. To situate this argument, the following section engages work in rhetorical and political theory to show the crucial role dissensus plays in processes of deliberative rhetoric and political change, primarily in liberal-democratic settings. My purpose is to build from this thinking to develop a theory of "productive dissensus," a concept built for understanding deliberative rhetoric's role with political change in settler colonial contexts. My goal with the following section is to extend theories of dissensus and deliberative rhetoric from liberal-democratic traditions to account for political changes that do not take liberal-democracy for granted as an inherent good. This is important because processes that unsettle settler colonialism may include moves away from liberal-democratic modes of governance, especially ones imbricated with capitalism (Estes, *Native Liberation*).

### **Extending Deliberative Rhetoric: Productive Dissensus**

This dissertation complicates rhetorical studies' long-standing thinking about

deliberative rhetoric by advancing a theory of dissensus that unsettles the liberal settler drives toward consensus in the context of intersovereign management relationships. I am suggesting that settler colonialism is a radical form of hegemonic consensus that uses the tools of liberalism, in this case, consensus building, to radically assimilate Indigenous people under a single political umbrella. I argue that sovereignties-in-relation generates a dissensus that challenges the assimilative qualities of consensus-based liberalism, and for the dissensus that emerges to remain (or be) productive (what's produced is political change that unsettles settler certainty), rhetorical studies need a deliberative rhetoric that explicitly accounts for dissensus. I am not suggesting that all liberal democratic deliberative rhetoric is necessarily consensus-based, assimilative, hegemonic, and/or settler colonial, but I do claim that consensus is often a central feature of many theories of deliberative rhetoric, particularly theories in deliberative democratic traditions informed by Habermas. I also do not claim that consensus is necessarily problematic; consensus can be a valuable coalition-building enterprise. The kind of consensus I critique is one that is hegemonic and assimilative. I see this kind of consensus as a central feature of settler colonial societies.

In developing my argument about productive modes of dissensus that create political change, I learn from rhetoricians from liberal-democratic traditions like Arabella Lyon who develop important thinking about how deliberative rhetoric works performatively, particularly in the contentious realm of human rights. Lyon shows how

deliberative rhetoric understood as collective performance is crucial for understanding the liberal phenomenon of rights beyond individualism alone. In this case Lyon shows ways that deliberative rhetoric can work beyond the confines of liberalism by moving past liberalism's assumptions about individual human subjectivity. In other words, deliberative rhetoric is more than a collection of individuals gathering to discuss matters concerning the polis. This is key for understanding non-liberal counter-settler colonial approaches to deliberative rhetoric where individual human agents cannot be taken for granted as the locus of rhetorical agency (see Boswell above).

In developing my theory of productive dissensus, I also learn from argumentation theorists like Christian Kock who show the practical value of dissensus in public deliberative rhetoric. Kock de-centers consensus-based models espoused by Habermasian deliberative democracy, arguing that in deliberative, practical rhetorical situations where a course of action is being determined that "dissensus is not an anomaly to be corrected" (141). Kock's dissensus-based approach, "constructive controversy," is an important deliberative process because it necessitates continued dialogue and argument from dissenting parties. Constructive controversy can be a helpful practice in settler colonial rhetorical situations because it refuses the settler tendency toward consensus; it has the capacity to enact the dissensual drive of deliberative rhetoric to unsettle a settler system that refuses intersovereign cooperation across ontological difference. In the KVR and walleye war cases below, I show ways

that controversies can be sites of constructive political change.

Given the emotional and affective nature of the case studies I develop in this dissertation, I learn from those who theorize the ways people interact in ordinary rhetorical situations committed to local governance. Karen Tracy's approach to dissensual deliberative rhetoric in contexts of "ordinary democracy" (vernacular talk in local settings about practical matters of governance), a concept she deems "reasonable hostility," is a holistic model for approaching the productive value of dissensus in local governance, an important nuance when thinking through the place-based governance issues I take up. Tracy defines "reasonable hostility" as "a norm of communication conduct that honors the importance of respectful talk as it simultaneously legitimizes the expression of outrage and criticism." She explains that in "making 'hostility' the term that is modified... [she seeks] to challenge the taken-for-granted cultural tilt that equates good communication with niceness." Tracy notes that "Passionate, angry talk can be a sign that ordinary democracy is working" (203). For Tracy (and I agree), it is important to cultivate deliberative rhetorics that are attentive to the ways that people actually talk and interact with each other (this includes things like personal attacks and critical politeness), for such an approach has a higher degree of equality built in. And in politically tense rhetorical situations, ones where land use and control policies are being deliberated, for example, anger and hostility are important emotions that might be utilized to unsettle the consensus-based niceness that settler colonialism requires. In the

KVR case, I show the ways that negotiators from the Ho-Chunk Nation use anger and hostility in productive ways to generate political change.

Rhetoricians in liberal-democratic traditions have long been interested in the productive role of dissent in political movements, and their work can be informative when developing a theory of productive dissensus for settler colonial contexts. For example, Michael K. Middleton has shown how activist groups for those experiencing homelessness have productively enacted dissensual rhetoric to call into question norms about personhood in sensory orders that do not accommodate people camping in urban environments. They do this by shifting public framing about the issue of housing insecurity from individual failure to systemic failure. And in quasi-liberal international contexts, Liu and Goodnight have shown the productive value of dissensus in constituting online publics around climate activism in China. Composition (Trimbur; Harris; West) and professional and technical writing scholars (Greenwood et al; Burnett; Knievel), too, have demonstrated the productive value of dissensus in workplace and academic writing situations committed to challenging racism and creating public policy change.

More abstractly, Kendall Phillips has theorized with Foucault how dissent becomes possible with discursive “spaces of dissension,” breaks in discourse that can be understood as “Events.” An Event “is not just a cunning violation of the rules towards some end but a moment in which the arbitrariness of those rules is revealed. . .”

("Event" 65). For Phillips, understanding Events in a dissensual key is important for a public sphere scholarship that can fetishize consensus. He argues that consensus ought to be de-centered as a goal, suggesting dissent's important political role in public spheres to act as "obstacle, heuristic, and corrective" ("Spaces" 233). Phillips has liberal-democratic public spheres in mind in developing his thinking, but his genealogical method in understanding the productive role of dissensus in political change for the settler colonial contexts I describe is informative. That is, settler colonialism has a genealogy that must be laid bare when understanding how dissent can become possible in a settler colonial context, and when dissent does emerge to unsettle settler society, it is important to postpone settler-liberalism's drive toward consensus that would allow settler colonialism to persist.

This does not mean that consensus can never happen, however. Dissent is enacted as a mode of invention to create political change across difference. States of consensus and dissensus can work in productive tension. Here I follow Doxtader's emergent method of dissensual rhetorical analysis. He explains that in "the middle of public life, we may discover that the simultaneous appearance of dissent and consensus inaugurates a dynamic in which the negativity of transgression rhetorically constitutes a motive for intersubjective dialogue" (339). Doxtader takes a settler liberal-democratic mode of public life for granted, but his method is helpful for this dissertation's purpose in learning how dissensus can be productive in "intersubjective" relationships across

sovereign and ontological difference that can unsettle settler colonialism.

Many of those developing thinking about dissent and dissensus from within the liberal-democratic tradition are aware of liberalism's consensus problem, especially when that consensus leads to authoritarianism. Much of this thinking is informed by Chantal Mouffe's theorization of "agonistic pluralism," a political theory that rejects liberalism's desire toward total hegemonic control across states and public spheres. Mouffe remixes liberalism's critics from the right, those like Carl Schmitt, Michael Oakeshott, and Isaiah Berlin among others, to argue for a leftist agonistic pluralism that refuses hegemonic domination of any one tradition, nation, or political ideology. Put positively, Mouffe argues for the agonistic co-existence of multiple hegemonies within nation-states (the only caveat is that no one hegemony can undermine the existence of all the others); such agonistic co-existence has the add-on effect of strengthening a radical non-liberal mode of democracy while affirming the traditional values of each hegemony. As Mouffe argues, this mode of democracy has greater capacity to generate political change because it requires significant intersubjective struggle across difference. On this point of struggle Mouffe explains, ". . .we could say that pluralist politics should be envisaged as a 'mixed-game,' i.e., in part collaborative and in part conflictual and not as a wholly co-operative game as most liberal pluralists would have it" (756). In short, consensus-based liberal politics creates conditions for exclusion and demonization, conditions that lead to polarization and authoritarianism, conditions that

ultimately weaken liberal-democratic states. An “agonistic pluralism,” however, overcomes liberalism’s fatal flaws by postponing consensus and encouraging political struggle across difference.

Within rhetorical studies, Robert Ivie has extended Mouffe’s theories of democratic agonism to demonstrate the heuristic and political value of dissent and dissensus, particularly in the context of anti-war protest during the George W. Bush years, an era marked by imperial wars to hegemonically spread liberal democracy across the globe. During the Bush years, Ivie argues, though anti-war protest was common, dissenters were often rhetorically dehumanized and demonized, framed as anti-American and potentially dangerous. This rhetoric, grounded in nationalistic liberal U.S.-American imperialism, dramatizes the authoritarian hegemonic forces Mouffe warns against. Ivie’s “peacebuilding” and “humanizing” solution to this existential problem is one he deems “constructive dissent.” It is a mode of “nonconforming solidarity” that “transcends competing attributions of evil by redirecting our attention to the human realm of error, imperfection, limited perspective, and the greater need for tolerance and reconciliation.” (5). Of course, Ivie’s intervention takes democratic practice for granted as an inherent good (as do Mouffe and Rancière), even if his method is critical of the hegemonic forces of imperial liberalism. For this reason, his intervention is imperfect for settler colonial contexts. Ivie’s method of “constructive dissent,” however, remains an insightful analytical tool in understanding

the ways that dissent can work to unsettle the hegemonic forces of a liberal-settler colonialism with its disdain for democracy.

In summary, in developing a theory of productive dissensus I learn from and extend the above rhetoricians and political theorists, those who theorize emergent, performative, affective, and dissensual modes of liberal deliberative rhetoric to understand how rhetoric works across modes of thought and governance beyond liberalism alone. This is an important analytical move because liberalism and the consensus it requires can undermine settler state-Indigenous collaborative management relationships while perpetuating settler colonialism. Indeed, as political philosopher Helena Rosenblatt argues, liberalism and settler colonialism work symbiotically: settler colonialism is the urge to liberalize “barbaric” subjects (252). The process of unsettling settler colonialism, then, is also one that unsettles liberal governance, thinking, and rhetoric.

My notion of productive dissensus extends the thinking of those like Mouffe and Ivie who theorize liberal-lite forms of democratic practice, but it is specifically attuned to the positive value of dissensus in settler colonial contexts in particular. As Ralph Cintron reminds us, (progressive) liberal modes of democracy tend to be fetishized within the fields of rhetoric and political theory, and such fetishization can result in ironic political dead ends that reinforce liberal-democratic hegemony (while excluding “outsiders” like undocumented immigrants). My goal, however, is to sever the

productive democratic practice of dissent from liberalism; this is because liberalism (with its settler tendencies and drive toward consensus) can undermine systemic political change. If settler colonialism is to be undermined, systemic change can follow. That is, for example, a redress or restoration of land to an Indigenous nation would fundamentally unsettle a settler society organized around perpetual and exclusive use of Indigenous land. Such land redress would constitute political change in Rancière's sense in that a sensory order would be reordered from exclusive settler space to Indigenous space. Given that political change in settler colonial contexts requires land redress, the next section details thinking about land politics from perspectives (cultural rhetoric and political ecology) that often decenter liberal values. The purpose of the following section is to develop a case for the value of productive dissensus in countersettler colonial rhetorical situations.

### **Countersettler Colonial Politics and the Role of Dissensus**

Rhetoricians have written much about countersettler colonial land and water politics, and this is particularly true among scholars concerned with Indigenous rhetorics, literacies, and pedagogies. Scott Lyons, for instance, enacted important conversations about "rhetorical sovereignty," a concept with implications for Indigenous students' "survivance" on colonized lands (Stromberg; Powell). Powell and Lyons challenged rhetoric to face its erasure of Indigenous rhetorics and literacies, and

this remains an important project, both for Indigenous students and for rhetoric and composition writ large. Their work inspired pedagogies that value Indigenous rhetorics grounded in land, stories, and survivance (King et al.; Powell, et al.), in Indigenous languages and maker practices (Driskill), critical regional rhetorics (Jackson), and in digital archival methods (Cushman). All these pedagogies share a commitment to promote understanding of sovereignty, and they work tactically from within colonial educational systems to unsettle settler colonialism. These pedagogies are primarily about language-based concerns, but language remains directly tied to land and place (LaDuke), especially in storytelling modes (Allen; Blaeser; Womack; King), so the concept, rhetorical sovereignty, remains useful in understanding land's significance in settler colonial contexts. This dissertation is informed by this tradition by attending to the importance of story, memory, and history in countersettler colonial politics.

Rhetorical enactments of sovereignty also extend past language and attending to this phenomenon is key to countersettler colonial politics. David Grant, for example, learned from his Lakota interlocutors that the use of tobacco and ceremonial pipes constitute proper relationships, understandings, and orientations toward the earth with its fellow persons, human and nonhuman. In this Lakota context, sovereignty is grounded in a set of constellating practices that are informed by story and animacy (69). These stories and objects emerge in place and they affirm Lakota sovereignty. Indigenous thinkers have long understood land and the rhetorics that follow as

inherently relational with the natural world (Carbaugh; Salvador and Clarke). The lesson here is that deliberative processes with environmental concerns might attend to Indigenous ontologies and rhetorics, especially when there is dissensus around land access, usage, and management. Such an attention to non-western ontology and rhetoric across difference enacts a productive dissensus in that it unsettles singular modes of rhetorical analysis that allow settler colonialism to persist.

Addressing environmental dissensus is challenging, particularly when managing delicate ecosystems (Cooren and Taylor). For instance, when the Makah Tribe renewed the practice of whale hunts, they were met with significant resistance from environmentalists who framed the practice as a barbaric relic of the past (Brigham). The environmentalist response is cultivated in a sensory order that experiences human-non-human animal social relationships in ways that are incommensurate with the Makah's. In controversies about such issues, however, environmentalists might instead engage dissensus across ontological differences by learning about Makah approaches to ecological stewardship, for with this case, environmentalist concerns about depletion of whale populations were misplaced.

Deliberative approaches to environmental controversies, ones that account for the dissensus arising from ontologies-in-tension, might engage dissensus when deliberating, especially when the issue implicates land and water usage. For example, productive dissensus in this case might require the environmentalists' liberal

universalizing drive toward consensus to be postponed or abandoned considering the Makah's place-based knowledge informed by thousands of years of experience. Liberal activists in this case need not feel happy about the whale hunt, but they might come to recognize the ways they habitually extend liberal rights to animals and ecosystems not their own. This understanding might then lead to relationships that are mutually beneficial for settlers and Native nations. Such a postponement of settler consensus, one that sits with ontological incommensurability, in raising questions about the nature of fundamental things like land, water, and politics, is an example of productive dissensus. When such a process happens, it will take time to listen, and it will attend to the myriad ways that realities and asymmetrical power imbalances affect management and stewardship relationships.

In developing a theory of productive dissensus, then, it is crucial to attend to ruptures among incommensurate political ontologies. I take this lesson from political ecologists Mario Blaser and Paul Nadasdy, scholars who show how Indigenous ontologies remain distinct from western ontologies in important ways. So, for those who take on deliberative approaches to rhetoric that attend to ontological dissensus, it is important to avoid the settler move of taking a single ontological reality for granted. As Danielle Endres shows, for example, federal technocrats encounter land in the Nevada desert as "lacking in human habitation and meaningful life" while ignoring the ways that the desert space itself sustains the lifeways of Southern Paiute and Western

Shoshone people. Because Indigenous presence on the land has been erased by nuclear colonialism, Endres argues, the nonhuman animal life that benefits from Indigenous presence becomes another casualty. This settler colonial ecological casualty, therefore, is the result of a settler system that imposes singular ontological reality.

The productive dissensus concept builds from rhetorical studies' engagement with countersettler colonial land politics by including thinking from political ecology, a field that is broadly inclusive of a wide range of knowledge and experience, particularly about climate change, ecological restoration, scientific knowledge and expertise, and land usage. I do this because political ecology is intentional in its de-centering of liberal and western approaches to science and politics. As I have been arguing, this is crucial for developing a countersettler colonial deliberative rhetoric. Political ecology frameworks that inquire into cooperative management relationships and environmental controversy resonate with foundational work in environmental rhetoric (e.g., Herndl and Brown; Peterson and Horton), but it is more attentive to power and political economy. This approach can supplement rhetorical studies' understanding of countersettler colonial politics, especially with controversies emerging from the breakdown of liberal governance in settler states.

Indeed, as Nadasdy has found, state (settler) knowledge of the natural and nonhuman world can fundamentally change or challenge Indigenous knowledge, identity, and practice. The mere fact of a collective of Indigenous people being required

to organize as a liberal nation or government has serious effects on some communities' way of life (*Hunters*, 9). Settler natural resources departments, too, subtly assert their own ontologies in disrespectful and harmful ways. For instance, the metaphors state managers impose, ones like "harvest," are an affront to Kluane social relationships. For Kluane people, there is a critical difference between "harvesting" animals and "killing" them: animals are killed because the Kluane are hunters, not farmers, and to suggest that animals can be harvested implies that humans own the animals, an improper orientation to the animals that can harm ecosystems ("Gift," 137). Nadasdy argues that this is a failed co-management relationship between Indigenous people and the settler state because of incommensurability between parties about what non-human animals *are* (*Hunters*, 25). The lesson here is that, at least in some cases, deliberative processes between settler states and Indigenous stakeholders cannot be achieved unless there is an engagement with the dissensus emerging from ontologies-in-tension, a process that results in collaborative management relationships that are mutually beneficial and sustainable.

A modest cooperative management change in the short term might include settler wildlife managers critically examining their own ontologies, adjusting their language about wildlife and land "from the political economy of resource extraction." This is one start toward unsettling settler management practices, but this is only a start ("Gift," 141). Nadasdy ultimately recommends that the land should simply be fully

managed by Indigenous nations. State managers are not fully expelled, but they can help if communities ask for it. Nadasdy's recommendation might be understood as productive dissensus; in this case the settler state's managers resist the urge toward consensus, but their western science and expertise are kept as a resource as needed. Here the incommensurate ontologies toward the land, water, and animals are left unresolved, and this generates conditions of mutual respect that might lead to sustainable management and stewardship.

In summary, rhetoric scholars and those using political ecology frameworks, both Indigenous and non-Indigenous, who are concerned with land politics, political ontology, and deliberative rhetoric offer many tools for understanding controversies arising from cooperative management relationships in settler colonial contexts. They do this by attending to the ways that discourse functions to perpetuate inequitable systems, and they do this by attending to the material ways that human flourishing is inextricably associated with nonhuman worlds. One of the central goals of this dissertation is to follow and extend those above who have theorized countersettler colonial politics to develop a theory of productive dissensus, a theory that de-centers consensus-based modes of deliberative rhetoric while aiming to understand how political change can happen in settler contexts. In the following section, I detail my methods and introduce the materials used to make my argument across this dissertation's three case studies.

## Methods and Materials

This project contributes to ongoing conversations in rhetorical theory and environmental rhetoric while engaging with a political ecology framework.<sup>8</sup> Political ecology is not a formal method; it is a framework guiding researchers in interdisciplinary settings toward a set of research principles, principles that include attention to local knowledge, multiple ontologies, expertise, and social justice, among others, while using a wide variety of data (Turner and Robbins). To that end, I build an archive; I use archival documents like meeting minutes, letters, and policy documents, local and regional newspapers from Wisconsin and Minnesota, gray literature, public meeting minutes, social media, fishery status reports and public policy documents released by GLIFWC, and web pages. Much of the archival data comes from the Wisconsin State Historical Society, the Kickapoo Valley Reserve archives, and GLIFWC's website.

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<sup>8</sup> I want to emphasize again that though this dissertation details political work that Indigenous nations take up in collaboration with settler states, it does not claim to be a decolonial project. My method and analytic are not clearly drawing from Indigenous ones, and my research findings do not directly work to support land redress processes for Indigenous nations, the key requirement for decolonial work (Tuck and Yang; Itchuaqiyaq and Matheson). This admission does not absolve me, however, and I recognize that this dissertation is likely problematic in that I accumulate human capital by describing and analyzing the efforts of those doing on-the-ground countersettler colonial political work. Of course, this is a major limitation of this project. I do hope, though, that this project provides readers with new understanding about (1) how Indigenous sovereignty is important and (2) how coalitional countersettler colonial rhetorical activity can work.

In developing my argument about deliberative rhetoric and productive dissensus, this dissertation highlights data that demonstrates productive, or not, dissensus in the context of intersovereign collaborative management. For instance, I analyze scenes of dissensus in situations where productive or effective collaborative management decisions occur. From a disciplinary perspective, my approach is informed by David Zarefsky's fourth sense of doing rhetorical history: "the study of historical events from a rhetorical perspective." This mode of doing rhetorical history "begins with the assumption that the rhetorical historical has the same subject matter as any other historian: 'human life in all its totality and multiplicity'" (30). The case studies developed within this dissertation, therefore, describe the rhetorical histories of rhetorical events in the context of intersovereign cooperative land management in the Upper Midwest. My hope is that the case studies contained herein will teach readers something new about the function of deliberative rhetoric in countersettler colonial politics.

### **Chapter Previews**

The three chapters that follow are case studies that show how intersovereign collaborative management grounded in productive dissensus among Indigenous nations, the U.S., and state and city governments work in tension to affect political change in the context of environmental management policy.

*Productive Dissensus: The Case of the Kickapoo Valley Reserve*

The first case (Chapter 2) details the history of the creation of the Kickapoo Valley Reserve's (KVR) Memorandum of Understanding (MOU) between the Ho-Chunk Nation and State of Wisconsin between 1994 and 1997. The KVR, both presently and in its creation, evokes strong feelings and controversy in the area about ownership and stewardship among competing stakeholders, particularly because the land comprising the KVR has been subject to a series of displacements, first with the Ho-Chunk Nation, and then later when settler farmers were removed to construct a never-to-be completed dam and lake. The KVR is a valuable site of inquiry because it is emblematic of a political nexus of productive dissensus where multiple stakeholders and publics work in tension across difference with a shared goal of sustained care for the land and water. It is additionally valuable because it is a rare example of how land redress processes can unfold, which is of course the central political element of decolonization (Tuck and Yang). In short, the KVR case is a significant site for those interested in the rhetorical implications of decolonization qua land redress.

*The Walleye War and Pedagogical Management: Cooperative Rhetorics of Responsibility in Response to Settler Colonialism*

The second case (Chapter 3) details a history of environmental violence in Wisconsin, showing the ways that the Great Lakes Indian Fish & Wildlife Commission (GLIFWC) responded to settler violence during the walleye war of the 1980s and early

1990s. With this chapter I show that resentment-laden settler colonialism was productively engaged by an Ojibwe rhetoric of collaboration, a response that pedagogically emphasizes mutual respect and responsibility across difference on a shared landscape. In ongoing relationships with non-Native Wisconsin publics, GLIFWC practiced a rhetoric that works counter to the consensus-based, assimilationist logics of settler colonialism. This chapter ultimately shows how GLIFWC's public outreach during the walleye war unsettled a settler colonial violence grounded in ignorance and resentment. This approach to collaborative relationships enacts a pedagogy grounded in treaty rights between the U.S. and Ojibwe tribes, all the while asserting sovereignty.

*Ecological Restoration or Healing? Conflicting Ontologies and Missed Opportunities in Public Debates Surrounding Mississippi River Gorge Restoration*

The third case (Chapter 4) describes an instance of failed (or non-existent) cooperative management: public comment surrounding the future of the Mississippi River Gorge in Minneapolis, Minnesota. The purpose of this case is to critically analyze how controversy about potential Mississippi River restoration has played out in settler publics and in Indigenous publics, paying attention to who gets heard and valued in public debate about river restoration, also paying attention to incommensurability between Indigenous and non-Indigenous publics. Attending to sites of incommensurability are important because they are opportunities for environmental

collaboration across difference (Whyte, “On the Role”), but in this case, those opportunities for collaboration across difference (i.e., productive dissensus) have been rejected from the start. I ultimately show that in this settler colonial context, Indigenous ontologies (predominantly Dakota and Ojibwe) in relation with the river cannot be heard by settler colonial publics because they fundamentally challenge settlers’ exclusivist ontological claims to land and water as a *resource* for extraction; these claims are rooted in settler violence, and they result in the continued destruction of waterways. Moreover, in public debate about river restoration, Indigenous concerns were not adequately addressed, in part, because the mode and place of public comment were not inviting of Indigenous speakers (or speakers critical of settler governance generally). In this case, the method of a public comment session advances a singular mode of citizenship, debate, and deliberation that excludes from the outset.

The dissertation is bookended with a conclusion section detailing this project’s limitations, unanswered questions, and future directions, along with commentary about the broader implications of dissensus-based deliberative rhetoric for coalitional, intersectional, anti-oppressive political movements moving forward.

## Chapter Two

### **Productive Dissensus: The Case of the Kickapoo Valley Reserve**

Southwestern Wisconsin's Kickapoo Valley Reserve (KVR) is a unique example of intersovereign collaborative management with a governance structure that cuts across local, State of Wisconsin, and Ho-Chunk Nation control. This unique arrangement among governments was not inevitable. In early 1997 the State of Wisconsin and the Ho-Chunk Nation were given a deadline of October 31, 1997 to arrive at a joint management plan and Memorandum of Understanding (MOU) detailing how the 8,600-acre site would be governed; otherwise, per the Water Resources Development Act (WRDA) of 1996, the land could not be transferred from the federal government at all. Negotiations between the Ho-Chunk Nation and state of Wisconsin were often tense, but they did engage in a process of productive dissensus to arrive at a working management plan across significant difference.

The full story of the productive dissensus that led to the creation of the KVR is expansive and cannot be fully addressed in this chapter; the focus of this chapter, therefore, is the 1997 negotiation process between the State of Wisconsin and the Ho-Chunk Nation leading to the management plans that still govern the KVR (as of this writing). Attending to this negotiation process is important because it demonstrates the ways that a deliberative rhetoric grounded in productive dissensus can work to create governance arrangements that can unsettle, even in modest ways, settler colonial states'

assimilationist tendency toward a consensus that aims to erase Indigenous people from the landscape, in both symbolic and material ways.

In this case, the Ho-Chunk Nation negotiators strategically invoked state and U.S. laws protecting archaeological and cultural sites to reacquire land and to assert some measure of sovereign control across the State's section of property. (Such strategies were used as leverage points in the negotiation; today the tourist value of archaeological sites is not actively promoted.) In this case the Ho-Chunk Nation negotiators mobilized a dissensus grounded in resentment, a feeling that Dene scholar Glen Coulthard argues can undermine liberal politics of recognition while creating decolonizing politics of healing. He writes that "under certain conditions Indigenous peoples' individual and collective expressions of anger and resentment can help prompt the very forms of self-affirmative praxis that generate rehabilitated Indigenous subjectivities and decolonized forms of life..." (109). In this chapter I show that the KVR negotiation process was one of these conditions. Ho-Chunk negotiators were able to show that the entire property was significant for cultural and archaeological reasons, though it is likely significant for many other important reasons, and in so doing they assert their sovereignty in a political landscape that has been ordered to eliminate their presence. Before the creation of the KVR, the Kickapoo Valley was ordered as a settler place where Indigenous people were largely understood to have been eliminated, but

when the Ho-Chunk Nation asserted their physical presence “out of nowhere”<sup>9</sup> in demanding the return of land that has long been theirs, they reordered the ways that the political landscape is ordered and experienced. In short, the dissensual politics the Ho-Chunk enacted, though it was often on the terms of State and federal policy, unsettled a settler colonial sensible order that had imagined the “end of the Native” (Wolfe).

For all the parties in this case, there was and is significant agreement about the importance of conserving the property for future generations. As historian Lynne Heasley shows in her history of property rights in the Kickapoo Valley, there was never any question between State and Ho-Chunk negotiators that the property would be set aside as anything other than a natural and educational reserve. That commonplace is upheld by a productive dissensus that engages political difference about sovereignty, cultural value, and public memory. I take this lesson from scholars across writing studies, rhetoric, and communication who show the value of engaging dissensus to create responsive public policy (Knieval; Liu and Goodnight; McGreavy et al.; Tracy) and pragmatic environmental activism across difference (Spoel). Here I also follow

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<sup>9</sup> In Lynne Heasley’s history of property rights in the Kickapoo Valley, she argues that state of Wisconsin officials and many Kickapoo Valley residents understood the Ho-Chunk Nation’s request for the KVR property as coming out of nowhere. In other words, these parties did not understand why the Ho-Chunk Nation would want the land, and they did not understand how the Ho-Chunk Nation would be legally entitled to the land.

Potawatomi philosopher Kyle Whyte who shows how traditional ecological knowledge (TEK) can be taken up as a cross-cultural invitation to collaborate across difference while avoiding the asymmetrical power imbalances that can follow consensus-based politics (“On the role”).

With the KVR case, there were and remain crucial differences between Ho-Chunk and non-Ho-Chunk parties concerning the land’s history and importance. These differences are not likely to resolve, nor should they. The parties in this case seem to agree, however, that the land is intrinsically valuable and worthy of conservation for many generations to come without resolving incommensurate ontological dissensus about what the land *is* (Blaser, “Political Ontology”; Yates et al.; Nadasdy, “Gift”).

The following section, therefore, details some of the ways that Ho-Chunk Nation negotiators and tribal leaders strategically described and framed the land that is now the Kickapoo Valley Reserve. In doing this, they both expose U.S. settler colonial violence while invoking federal archeological preservation laws that would allow the Nation to reacquire the property. The section begins with brief background about the KVR and the negotiation process between the State and Ho-Chunk Nation to provide context for the Nation’s historical arguments. These arguments work to unsettle settler history of the place while exposing federal wrongdoing in their dealings with the Nation in the past.

## **History as Dissensus: Unsettling Settler Ignorance**

The 1996 Water Resources Development Act (WRDA) mandated that the U.S. Army Corps of Engineers transfer surplus property (infrastructure that has outlived its congressionally mandated purposes) to appropriate federal agencies or non-federal entities like states. One of these properties was the failed LaFarge Dam project in southwestern Wisconsin's Kickapoo Valley. The Kickapoo River Valley is part of the larger Driftless Area, an area untouched by the most recent glaciation approximately 11,000 years ago. It is distinct in the Upper Midwest with its Appalachian-like hills, endemic flora and fauna, and significant scenic beauty. This area also holds a complex cultural landscape; ancestral Ho-Chunk people were the first to live in this area, and many other Indigenous peoples, like the Kickapoo, Dakota, and Sac and Fox also lived in the area. In the nineteenth century, during the U.S.'s colonial expansion, Euro-American settlers moved into the area, establishing farms, digging mines, and felling trees. With a series of treaties beginning in 1825, the U.S. formally displaced Ho-Chunk people from the land, and though many were permanently removed to Nebraska or temporarily removed to Minnesota, many Ho-Chunk people remained or returned to their ancestral homelands in what is now called Wisconsin. After settlers arrived en masse in the area after the 1840s, however, the area became predominantly occupied by people of European ancestry.

One of the key surplus properties of the 1996 WRDA was the ill-fated LaFarge Dam and Lake Project. The project was initiated in the 1960s as a flood-control measure meant to contain the flood-prone Kickapoo River, but it was halted by the Corps of Engineers because of the Clean Water Act of 1972 which mandated environmental impact reviews for all new water infrastructure projects. The environmental impact review found that a lake in the Kickapoo valley would result in poor water quality as well as a loss of rare endemic flora and fauna. This review process also contributed to the dam and lake project getting national attention by national environmentalist groups like the Sierra Club, resulting in a shift in (national) public opinion about the project's value. 140 families -- many of them farmers who had lived on the land for several generations -- were permanently removed from their land to prepare for the dam-building process, a process that came to an end in 1975. Until the WRDA of 1996, the land lay fallow, becoming an unmanaged place for outlaw motorsports and dumping.<sup>10</sup> The displacement, an incomplete dam, and a series of devastating floods in 1935, 1951, and 1956 created a political situation in the Valley whereby many residents, in addition to the ones already skeptical of government regulation, came to resent state and federal authorities for policy they understood to be anti-democratic, needlessly bureaucratic,

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<sup>10</sup> See Heasley's 2005 book, *A Thousand Pieces of Paradise*, for a more detailed history of this controversy.

and subject to the whims of outsiders like academics and environmentalists. This scene of political resentment is part of the backdrop of the MOU negotiation process in 1997.

After the Corps' transfer of the 8,600-acre parcel to the State of Wisconsin (State hereafter), it was the State's plan was to convert the area to a reserve for recreational and educational use. Before the transfer was complete, however, the Ho-Chunk Nation wrote letters to then President Clinton and U.S. Senator Russ Feingold, citing Ho-Chunk treaties made with the U.S., describing their presence on the land for thousands of years before settlers arrived, and requesting the property they understood to be rightly theirs. They argued that in addition to their historical connection to the land, and the hundreds of archaeological sites on and around the property, these treaties entitled them to ownership of the property. This came as a shock to State authorities and Valley residents, many of whom experienced the Ho-Chunk request for the land as coming out of nowhere (Heasley 173). Nevertheless, the Ho-Chunk Nation, working with Senator Feingold and State officials, was ultimately allotted a section of 1,200 acres to be held in trust, the remaining 7,400 being granted to the State. The entire property, however, was to be cooperatively managed between the Ho-Chunk Nation and the State's Department of Tourism to ensure consistent protection of the property's ecosystem resources and archaeological sites. As I detail below, though this arrangement was reached, resentment lingered within the Ho-Chunk Nation because of the limited acreage they received. Resentment also lingered with non-Native Valley

residents who feel they have been wronged, disrespected, and ignored by State and federal governments (Heasley 193).

The negotiations that took place between the State and Ho-Chunk Nation in 1997 focused on how the KVR would be divided, managed, and protected as a conservation area. The significant areas of dissent were with questions of cultural significance, including the protection of archaeological sites and culturally significant ecological areas. Between parties there was dissent about what counts as sacred and worthy of cultural preservation; the Ho-Chunk Nation made broad arguments about the cultural significance of the entire property. State negotiators were concerned about these arguments because of the jurisdictional implications for managing the large property. State negotiators were also concerned with provisions in the MOU that would allow the Ho-Chunk Nation to acquire more land if any of it was deemed (according to federal archaeological preservation standards) culturally significant (Heasley 189). The State fought this provision, but eventually gave it up to meet the October 31, 1997 deadline.<sup>11</sup> During the entire process the Ho-Chunk Nation developed historical arguments to make a case for their commitments to archaeological protection. The historical arguments work to unsettle State and U.S. ignorance. The archaeological arguments carry force because of federal laws protecting Native American archaeological sites. For

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<sup>11</sup> As of this writing, the Ho-Chunk Nation has not, however, been not able to acquire additional acreage under this policy.

State negotiators, at least early in the process, they were confused about why the Ho-Chunk Nation was interested in the property (early in the process they seemed to have no idea that the Ho-Chunk Nation had any connection with the KVR property), but they did come to recognize, on some level, that the Nation's concerns were plausible, even if they remained skeptical of the Nation's broader claims about the cultural significance of the entire site beyond its archaeological sites.

During the negotiation process in 1997, the Ho-Chunk Nation provided hundreds of pages of documents to the State that outlined the Nation's long history and interest in the Kickapoo Valley. Some of these documents include books like Nancy Lurie's *Wisconsin Indians* with a comprehensive historical review drafted by the Ho-Chunk Nation's legal team at Reynolds & Associates. These histories also detail the recent past, outlining the many wrongs committed by the U.S. and State against the Ho-Chunk Nation. This extra documentation was a shock to State negotiators in that it challenged the State's memory about the Valley's history. This documentary mode of doing history, however, though it might be understood as a liberal imposition opposed to Ho-Chunk modes of history and memory grounded in oral storytelling<sup>12</sup> (Chambers;

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<sup>12</sup> "The Nation's oral history, which is still very alive among its members, contains numerous stories relating directly to sites in this area, which is very sacred to the Ho-Chunk people. You will appreciate that this sacred oral history cannot under the Nation's religion be reduced to writing" (Chambers); "Please understand our oral tradition states 'we have always been here' and more than likely, we always be here. Our history is not told in history books, but spans back beyond possibly three ice ages" (Chambers).

*Kingswan Letter to President Bill Clinton*), it remained the ground on which many Ho-Chunk negotiators' arguments would rely during the whole process. For example, in response to news that the State might receive all the federal land composing the LaFarge Dam and Lake project in the Kickapoo Valley, in a hand-delivered letter to U.S. Senator Feingold (D-Wisconsin), Ho-Chunk Nation lawyers write:

All these lands were recognized as belonging to the Nation (then known as the Winnebago Tribe) by the August 19, 1825 Treaty of Prairie du Chien, 7 Stat. 272 and Treaty of Butte des Morts, August 17, 1827, 7 Stat. 303. In a latter Treaty of November 1, 1837, 7 Stat. 644, the United States forced the Nation to sell this land, which it has possessed since time immemorial. Because these were the Nation's lands for thousands of years, archaeologists from the University of Wisconsin have identified over 200 prehistoric sites in this area. These include 150 campsites, 18 prehistoric villages, 93 rockshelters, the Hanson Petroglyphs and eight burial mounds where the Nation's ancestors repose. . . Some of the burial mounds have been vandalized or destroyed by plowing. The Nation desperately wants these lands and the remaining mounds protected" (Chambers).<sup>13</sup>

This plea reflects a concern for land redress so that the land might in turn be more responsibility cared for. Also note that the author of this letter does not refrain from highlighting U.S. and State violence in the summary of this history; the rhetorical effect here demonstrates a moral responsibility to better protect lands that the State claimed concern for.

Following the above letter to Senator Feingold, before the negotiation process of 1997, the Ho-Chunk Nation tribal chairman, Chloris Lowe Jr., in November of 1995,

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<sup>13</sup> In 1993, the Winnebago Tribe of Wisconsin changed its name to the Ho-Chunk Nation (*Ho-Chunk Nation*).

wrote to Senator Feingold demonstrating an interest in acquiring the KVR property, writing in a tone strongly inviting of a collaborative relationship with the U.S. in government-to-government relationship. Lowe makes a strong case that given the Nation's commitment to archaeological and ecological protection of its homelands that it could work with the U.S. with its archaeological preservation laws (e.g., the Native American Graves Protection and Repatriation Act) to better protect the reserve (*Lowe Letter to Russ Feingold*). One implication here is that the State at that time was unwilling or unable to effectively manage the site. Lowe demanded voting representation on the State's nascent Kickapoo Valley Governing Board (KVGB) so that the State could no longer ignore the Nation's concern to protect the Kickapoo Valley's natural and cultural features. Lowe explains that "From the Nation's perspective the Kickapoo River Valley is part of the historic homeland of our people. The area is rich in natural beauty -- as it was in the days when our people made those lands their home" (*Lowe Letter to Russ Feingold*). The Ho-Chunk Nation in this case, as the argument goes, working in conjunction with the U.S., is in a better position, from both historical and ecological perspectives, to conserve the Kickapoo Valley's cultural and ecosystem services, including recreational activities like canoeing. That is, during settler occupation of the land under destructive State agricultural policy, the area was in poorer condition than it became while sitting fallow for twenty years. Lowe's communication with Senator Feingold has the secondary effect of exerting tribal sovereignty in a place where their

connection with the land had been nearly forgotten in the place's public memory, thus halting the State's settler colonial territorializing of Ho-Chunk lands. Lowe concludes his letter, writing:

I think you will agree that the Nation's position on this issue is eminently reasonable. We seek to protect cultural sites and to participate in the decision making process regarding the management of the lands and to see that the area is not destroyed by undue development. We look forward to discussing these matters with you and trust we can move forward on this in the spirit of cooperation and with understanding (*Lowe Letter to Russ Feingold*).

Lowe's arguments, then, though they are informed by terms of bounded cultural and ecological protection, effectively work to enact dissensus to create political change in the Kickapoo Valley's public memory and natural history.

Lowe was instrumental in early communication with U.S. officials about acquiring the Kickapoo Valley property, but his work was later (during the MOU negotiation process) roundly criticized by the Ho-Chunk Nation negotiators as lacking in transparency. For instance, during a preliminary meeting in spring 1997 one negotiator, Ms. Garvin, "expressed concern that the 1200 acres was not agreed to by members." She explains, "Then - president Lowe - acted in bad judgment and gave bad advice to the Ho-Chunk Attorney law office in Washington. Can't imagine selecting boundaries of 1200 acres when the entire valley is significant to the Ho-Chunk Nation with respect to the ancestors" (*NOTES*). Later in the same meeting another Ho-Chunk Nation negotiator, Mr. Lonetree, the Nation's then-president, raised this concern again

in the context of the Nation's broader historical and cultural interest in the entire property:

. . .the boundaries for the Ho-Chunk Nation only receiving 1200 acres is unacceptable. [Lonetree] Suggests the tribe have jurisdiction over the full 8,600 for true protection of the sites and history. Rightfully theirs in the beginning and removed by the white man three times over the course of treaties and reservations (*NOTES*).

The 1,200-acre concession was a major loss for the Ho-Chunk Nation in this land restoration process, and it remains unclear why then-president Lowe requested and accepted such a small number. He may have been pressured by U.S. officials, or perhaps in trying to appear reasonable, he requested a modest number (this is Heasley's speculation). Nevertheless, during the entire negotiation process after this, Nation negotiators like President Lonetree use Lowe's decision to request only 1,200 acres in a dissensual key to remind State negotiators that the entire property is rightfully theirs and that they would continue to fight for the whole site. This reminder worked to "invoke" State officials to engage in serious "dialogue" about the protection of cultural and archaeological sites across the whole property (*NOTES*).

Building from this background above, in the next section I engage with thinking across rhetorical studies and political ecology, setting the groundwork for an argument that shows how a deliberative rhetoric that engages productive dissensus can work to unsettle the territorializing function of settler colonialism, particularly in the context of cooperative management. I then show, using letters, meeting minutes, and early drafts

of the KVR's governance proposals, how State, federal, and Ho-Chunk negotiators engaged a deliberative rhetoric grounded in productive dissensus to protect a landscape that has long been troubled by colonialism, displacement, and natural disaster. Here I argue that the topoi of historical revision and cultural value qua archaeological preservation -- with all the dissensus that follows -- establishes the grounds for larger concerns of ecological protection and land redress.

### **(Un)Commonplaces: The Role of Dissensus in Decolonization**

Tuck and Yang's now-famous "Decolonization is not a Metaphor" exhorts its readers to avoid the settler strategy outlined in the article's title. Decolonization refers to land redress; describing decolonization as a metaphor is a "settler move toward innocence" that settlers use to ensure their continued occupation on Indigenous lands without guilt. Recent work in rhetorical studies has developed important new thinking about decoloniality (Kelly and Black; Jackson; Cushman et al.; Wanzer-Serrano, *New York; McCue-Enser*), yet few have developed specific cases about land redress with the rhetorical implications that follow.<sup>14</sup> Much of this work describes important decolonial rhetorics qua discursive resistance and survivance. The case of the KVR, therefore, is a

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<sup>14</sup> A modest body of scholarship detailing land redress processes exists across political ecology (Middleton Manning; Stevens, *Indigenous*; Grossman; Carroll). And technical communication scholar Susan Ross has written, in the context of remediation efforts, about a relationship between a Mohawk community in New York and the United States Environmental Protection Agency with implications for the rhetoric and politics of land redress.

rare example of decolonization qua land redress with the dissensus that follows. The KVR case, however, is not a pure instance of decolonial rhetoric; the land redress is not total or without the burdens of liberal governance. That said, any decolonial process will be dissensual given its political nature (i.e., it is a radical reordering of the sensible world), but even partial cases of land redress provide valuable lessons for how decolonization might happen.

As noted above, the Ho-Chunk Nation, during the negotiation process of 1997, was obliged to engage in deliberative negotiation processes, largely on the terms of liberal settler states. This “liberal imposition,” a phenomenon whereby liberal states mandate concepts like sovereignty, nationhood, rights, personhood, citizenship, etc. upon non-liberal Indigenous subjects has long been a burden for Indigenous peoples (Povinelli, “Rhetoric”). And as Endres has found, the positive value of liberal democratic governance practices like listening sessions, ones that might be beneficial for Indigenous people, can be conditional and based on the settler state’s power politics, often resulting in “rhetorical silencing.” Settler states, however, miss valuable opportunities (and perhaps this is the point of settler governance) to heal ecosystems and relationships with Indigenous peoples when they engage in such politics (see Chapter 4 below). Even in relatively non-violent settler state-Indigenous co-management partnerships, if those partnerships are grounded in liberal governance schemes, they oblige Indigenous collectives into political relationships with their

homelands that are not in keeping with traditional governance structures (Nadasdy, *Hunters*).

In cases of protection of sacred Indigenous lands, too, Indigenous stakeholders in relation with settler cultural preservation managers are fraught. In one case in Minnesota about the potential protection of four oaks that were sacred for a Dakota community, Wainwright and Robertson found that state technocrats responded to Dakota protest about a highway expansion project that would destroy the trees by researching and drafting objective “evidence-based” reports showing that the trees were in fact not sacred because they were, in essence, in an area deemed not sacred or archeologically significant according to state guidelines. Of course, state officials misunderstand that for the Dakota stakeholders in this case, liberal notions of bounded sacred/non-sacred spaces do not only apply. This settler state ignorance, grounded in state-making processes of territorialization, ultimately cannot recognize Dakota knowledge of space as anything more than “cultural knowledge,” knowledge that does not bear on scientific matters (i.e., in this case the expansion of a highway). Wainwright and Robertson show, however, that this Dakota “struggle against the reroute of Highway 55 produced a kind of territorial crisis for the state,” one that “shows one of the limits of the nation-state-territoriality linkage: as indigenous nations raise claims about the sacred, political and cultural meanings of space ‘within’ the state, territorialization is interrupted” (213). The implication here is that even though

Indigenous nations are often obliged to engage with settler states on liberal terms, the very fact of dissensual engagement unsettles the settler state's claims to Indigenous lands, thus creating a decolonizing tendency away from a political order that had imagined Indigenous people as having disappeared. Certainly, Indigenous collectives should not be obliged to engage in politics not their own, but when they do, these political relationships can function to assert sovereignty, and in some cases, as with the KVR case, reclaim land.

Of course, reclaiming and restoring land is important for Indigenous people, nations, and communities. Robin Wall Kimmerer argues that restoration of land also contributes to the restoration of Indigenous cultures. Clint Carroll has also shown how tribal national parks have been used by the Cherokee Nation to systemically reclaim "sovereignty and territory through environmental stewardship" (31). Importantly, such nation-building practices have promoted better relationships with non-Indigenous landowners and conservation organizations, a crucial strategy for building long-lasting environmental protection coalitions that are mutually beneficial and sustainable. As Grossman has found, Native/non-Native environmental advocacy partnerships -- when they are community-led and mutually beneficial with equal power-sharing -- can effectively create significant political change and enhance Indigenous sovereignty. Such partnerships, however, are often contentious, but they are crucial "alliances-from-below" that can do the work of decolonization (Grossman).

Within the past thirty years, Indigenous nations like the Ho-Chunk Nation have strategically taken up formal conservation and preservation initiatives to reacquire control of land that is historically theirs. It has long been the case that settler states have used conservation and preservation policies to displace Indigenous populations, but these policies have begun to work for land redress and ecological restoration efforts for Indigenous stakeholders around the world (Stevens, *Indigenous*). Stevens frames such work as a “new model of conservation” that has the potential to decolonize and heal relationships among Native and non-Native stakeholders when conservation efforts are grounded in Indigenous peoples’ leadership in their unique ecological knowledge and practice (Stevens, *Indigenous* 8). In fact, for many Indigenous collectives, what settlers call “conservation” is normal practice anyway (Stevens, *Conservation*). Importantly, this “new model” allows Indigenous peoples to assert sovereignty while protecting ecosystems wherein humans are an active part. Ideally, conservation efforts should be fully led by Indigenous communities for their own purposes; co-management relationships tend to be ones of compromise that settler states use to exert power, yet it “remains a tool that many indigenous nations use to regain some of their sovereign power over their lands” (Stevens, *Conservation* 131). Indigenous conservation efforts can happen in government-to-government relationships as with the KVR case, while others happen in the context of private conservation with land trusts (Middleton Manning). In short, there are many methods Indigenous nations have taken up to reacquire land and

given that settler states do not easily give up land, all methods tend to generate dissensus, a state of affairs that must be engaged with in decolonial processes.

The above examples show that Indigenous nations and peoples, though they are often burdened by settler systems of governance and political concepts, also strategically make use of conservation and preservation efforts within these systems to both assert sovereignty and unsettle settler states' territorializing tendencies. These political relationships are fraught, but when they work, they effectively relate across epistemic and ontological difference to arrive at shared goals like ecological conservation. Perhaps more importantly these dissensual relationships begin the decolonial work of land restoration for Indigenous nations.

In the following section I show the ways that negotiators from the State and Ho-Chunk Nation worked to collectively protect the KVR property in a scene of significant dissensus, a dissensus that sits with competing histories of place with a productive dissensus that worked to begin a decolonial land redress process.

### **Third Spaces<sup>15</sup> of Dissensus: The Kickapoo Valley Reserve**

This section proceeds in three parts. I begin by showing the ways that the Nation's arguments about their connection to the KVR lands are grounded in justified

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<sup>15</sup> Here I refer to Kevin Bruyneel's concept "third space of sovereignty." This "third space" "resides neither inside nor outside the U.S. political system but rather exists on its boundaries, exposing both the practices and limitations of American colonial rule." When there is controversy between colonial states and Indigenous communities and

resentment and delivered in a confrontational style that exposes the violence of State and U.S. policy; this rhetorical strategy exerts sovereignty, and it undermines the authority of settler governance, thus putting Ho-Chunk negotiators in a position of authority in their claims to effectively protect and manage the land. Next, they demonstrate the broad cultural value of the entire site beyond archaeological sites alone. This strategy effectively takes advantage of federal laws protecting archaeological sites. These arguments were forceful, and they surprised State negotiators who understood cultural value in different and/or more limited ways; the focus of the second part is devoted, then, to the State's response to the Ho-Chunk arguments. I conclude by showing how both parties, with their common concern for the preservation of the KVR for future generations, productively engage dissensus across difference to arrive at a working management plan that refuses consensus. Ultimately, I am arguing that the negotiation that resulted in the KVR's MOU enacted a decolonial process that imperfectly unsettled (and continues to unsettle) the territorializing function of settler governance in Wisconsin, and it simultaneously worked to enhance Ho-Chunk Nation sovereignty in its nation-building program.

*Law's Dissensual Function: Unsettling Settler Colonialism with Settler Policy*

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nations, it is often because of struggles over boundaries, both material and symbolic (xv). Third space boundaries are complex topoi of "co-constitutive interaction among groups, governments, nations, and states where competing notions of political time, political space, and political identity shape the U.S. - indigenous relationship" (xix).

Early in the U.S. Congress's debate about the WRDA of 1996 that would lead to the transfer of the lands that would become the KVR, the Ho-Chunk Nation's Historic Preservation Committee's chair (and later a KVR negotiator), Chuck Kingswan, wrote a strongly worded letter to President Clinton detailing the ways that the Nation had been wronged for the past 150 years. In this instance the Nation used the WRDA as an opportunity to unsettle the State-Federal relationship that had systematically left the Nation out of discussions about the future of their historical territory. Kingswan's 1994 letter to President Clinton enacts a dissensus that is political (i.e., unsettling the sensory order) with a confrontational style. Rhetorically this strategy establishes the Ho-Chunk Nation in a position of authority as an aggrieved party that also has sovereign authority to claim and care for the entire property. Such an argument is forceful because it unseats the State as the political entity with the greatest ability to manage the land in sustainable ways.

Kingswan begins his argument with a plea, exhorting President Clinton to help the Nation protect the land from the State:

We write to ask your help in recovering, maintaining, protecting, preserving, perpetuating, and sharing a part of our people's, the Winnebago Tribe of Wisconsin [Ho-Chunk Nation], heritage that lay at grave risk in the recently spared valley of the so called Kickapoo River which runs through the heart of the lands of negotiation for the Winnebago-US Treaty of 1837. . . We hope we did not hear too late for us to speak and make heard our words voicing our interests in those lands, and the historical and sacred secrets of Winnebago history they have held hidden these many years. We are not interested in what is not ours. We want only what is right, equitable, honest, and fair (*Kingswan Letter to President Bill Clinton*).

Detailing these legally binding treaty rights rhetorically supersedes the State-US relationship that had previously left the Nation out of conversations about the future of the Kickapoo Valley, an injustice that the Nation will no longer tolerate. Describing the sacred and secret nature of the land while demonstrating the Nation's goodwill to work honestly and fairly (a goodwill that the U.S. has historically lacked in relation with the Nation), too, establishes the Nation on a moral and historical high ground that exposes both State and U.S. as bad faith actors not capable of properly managing land given their limited historical relationship with the place.

Kingswan then moves past subtlety and directly challenges the U.S.'s and State's unethical relationship with the Nation during this process, particularly with issues of "rhetorical silencing" grounded in settler colonial logics. Kingswan explains,

Undoubtedly, the Corps:State negotiations were in line with the extremely complex federal procedures which impliedly purpose to protect the interests of 'all' potentially interested parties. But were we invited to the game? No. And that is not fair. At a late date one Winnebago attended a State:local planning session. This is what he heard: 'We are going to do more than just show Indian bones to the tourists.' Wow! Is that good? Nope. And that's why we write. For so long the popular, if not the official, policy was to extinguish the Indian or the Indian's title to land and whatnot . . . Now the Engineers and the State want to extinguish us some more. To 'do more than just show Indian bones,' they apparently want to suck money from those bones like it might be marrow . . . The Corps:State plans for the Kickapoo Valley seem to be about the same as large scale looting. And we don't want that (*Kingswan Letter to President Bill Clinton*).

Clearly Kingswan is critical of the U.S.-State relationship in transferring the Kickapoo Valley property, especially with the State's initial plans with its management proposal

for the property -- one that would have left the Ho-Chunk Nation out of the planning process and one that would have been exploitative of sacred Ho-Chunk archaeological sites. Arguments like this are not novel per se for they have been forwarded by Indigenous rhetors for hundreds of years (Estes, *Our History*; Whyte, "Settler"), but they are important to air nonetheless in the service of reminding the U.S. of its ongoing history of settler colonial violence.

What's most interesting here in Kingswan's letter is a stylistic approach that enacts caustic criticism of State and U.S. policy -- in a letter to the President of the United States -- in a diplomatic genre where one might not expect it. A similar rhetorical strategy is common throughout the KVR negotiation process; it effectively enacts a dissensus that exerts a unique "rhetorical sovereignty" in relation with the U.S. (Lyons). That is, Kingswan's biting irony and wit unsettles and challenges settler rhetorical strategies that impose certain modes of liberal decorum, a kind of decorum that is both parodied early in the letter while directly challenged in his critiques of "State:local" listening sessions that are fundamentally exclusionary. This dramatized Ho-Chunk rhetorical sovereignty in relation with the U.S.'s rhetorical sovereignty, for Kingswan, has a larger point: the U.S., instead of working with weaker political entities like states, ought to prioritize more important relationships with Native American governments:

Looty is what's gained by looting. And booty is what's gained by war. We are not at war. We are all of one nation with one set of laws. But -- here's a rub -- the relationship between the United States and the State of Wisconsin is crudely like sovereign to constituent; that between the Winnebago and Wisconsin is ill-

defined; while that between the Winnebago and the US is (with dependent qualifications) sovereign to sovereign. Why were the Winnebago left out of the 'disposal of excess and surplus federal real estate' equation? (*Kingswan Letter to President Bill Clinton*).

It is not clear what President Clinton's response to Kingswan's letter was. What is known, however, is that Kingswan's letter was provided to State negotiators late in the negotiation process, on October 10th, 1997. State negotiators appear to have not known about it, and it looks to have been provided late in the process to demonstrate the Nation's long interest in the Kickapoo Valley property from early in the WRDA deliberation. The contents of the letter, too, may communicate to State negotiators the Nation's special political relationship with the U.S., one that the State does not share, thus exerting some ethos in the negotiation process.

Kingswan's correspondence with President Clinton was not his only work of dissensual rhetoric in the KVR negotiation process. Later in the process, in September of 1997, he again intervened to dispel a notion by some State negotiators that the Ho-Chunk Nation was engaged in a "land-grab" (*Kingswan Letter to Tommy Thompson*). In a letter to Wisconsin Governor Tommy Thompson, he enacts a dissensual mode of rhetorical sovereignty that unsettles a settler colonial historical narrative that understood Indigenous people to have disappeared from the land long before colonization. After relating the Ho-Chunk's long connection with a large swath of land "from the Red Banks to near present-day Chicago to the Mississippi" from "the beginning of HoChunK time," Kingswan challenges the settler history that seems to

have informed the State's "land-grab" concerns, demonstrating the absurdity of those concerns using the imagery of an extraterrestrial invasion:

Early church men would write such stupidities as, 'This year the Winnebago live here. Last year they lived there.' The stupidity of this can be seen by analogy. Let us say visitors from outer space landed near Madison, visited nowhere else, saw no other human beings but you and your neighbors, then on returning home they reported, 'At the time of our visit to that small planet all the Earthlings, with a Tommy Thompson as their leader, were living in one spot where there are four lakes close to one another. Otherwise the planet is uninhabited.' Dumb isn't it? But that's what we've had to live with for some hundreds of years. We've been deceived, misconceived, misrepresented, and misreported from the beginning of European visitations (*Kingswan Letter to Tommy Thompson*).

Kingswan then corrects the record about the true nature of the "land-grab" question, showing who is really at fault in this issue in the context of U.S.-Ho-Chunk Nation treaty relationships:

the Kickapoo Valley sits smack dab in the center of the HoChunK lands lost to the United States via that fraudulent treaty [of 1837]. A land grab by the United States of America. A land grab by displaced European farmers. A land grab by the United States Army Corps of Engineers. A land grab by the State of Wisconsin. A land grab, pure and simple, first by deceit, then by receipt. That in the proverbial 5-line nutshell is the 160 year history of the La Farge Dam project area from 1837 to today (*Kingswan Letter to Tommy Thompson*).

Again, Kingswan here enacts a confrontational style that productively undermines reductive settler narratives about how they came to occupy Indigenous lands with his own use of the reductive trope. This dissensual mode has the add-on effect of enacting political dissensus by reordering the historical sensible political order, if only in the minds of Governor Thompson and the State negotiators. Kingswan's writing, too, inverts the settler moral hierarchy, placing the Nation as the ones most justified in

controlling and managing the KVR property. He concludes with an invitation to Governor Thompson to respond rightly in a genre-bending diplomatic mode that enacts rhetorical sovereignty: "Being an old time pugilist who does politics, you know that bobbing and weaving, feints and jabs, cannot take the place of good faith negotiating. Trusting to your judgment to do what is right, yours truly. . ." (*Kingswan Letter to Tommy Thompson*).

Before and during the KVR negotiation process, Ho-Chunk Nation officials like Chuck Kingswan had to work hard to unsettle settler colonial histories that had undermined Ho-Chunk efforts to reacquire the Kickapoo Valley property. These efforts, however, could not be totally conventional according to settler standards. To create the real political change that creates land redress, a dissensual rhetoric had to be enacted to position Ho-Chunk Nation negotiators in a stronger position of moral authority in virtue of their historical authority. Historical authority was asserted in this case with dissensual historical retellings that expose the U.S.'s and State's histories as incomplete and unethical. Unsettling settler history in a dissensual key, however, is only one of the many strategies Ho-Chunk negotiations took up in their work with State negotiators in 1997. They also took steps to show the broad cultural value of the KVR property, both inside and out of it, to demonstrate their broader concerns for the holistic protection of all aspects of the site. These concerns operate both alongside and in opposition to U.S.

and State ontologies of ecological and cultural value, resulting in political dissensus; this is the focus of the next section.

### *Unsettling Settler Ontologies of Cultural Value*

As Wainwright and Robertson remind us, the question of what counts as culturally significant and the question about places of cultural significance are highly political. The answers to these questions, too, can differ across ontologies (Blaser, “Political Ontology”; Nadasdy, “Gift”; Yates et al.; Chapter 4). During the KVR negotiation process, much of the dissent revolved around these very questions. For example, dissent arose because of the management implications that might follow broad claims of cultural and archeological value. These broad claims of cultural value supported the Ho-Chunk Nation’s strategy to acquire control and protection of as much of the property as possible, and naturally those broad claims were met with confusion and resistance by the State. Such arguments about broad cultural value work to unsettle the settler colonial political order that was the KVR property in a larger effort to decolonize the property with land redress. As we know, the Ho-Chunk Nation did not come to acquire the entire property, but they did successfully unsettle the settler ordering of the place that had imagined them as disappeared, and importantly, the final KVR management plans did guarantee some degree of cultural resources protection across the entire property.

To address the complicated jurisdictional issues surrounding protection of archaeological and culturally significant sites in the KVR's boundaries, negotiators eventually agreed to a conservation easement that would protect all culturally valuable sites across the property equally. The conservation easement was a compromise, but the negotiation process that led to the easement did communicate to the U.S. and State the broader cultural value for the Ho-Chunk, a concern that had not been taken as seriously by the State early in process. Many of these broad arguments, in the spirit of Lonetree's and Kingswan's above, were a common occurrence during the KVR negotiation process. One line from a negotiation meeting best summarizes the Ho-Chunk Nation's argument: "It did not matter whether a site had one flake or a variety of cultural resources. All the sites were significant; the whole valley was sacred. [The Ho-Chunk] may, therefore, ask for all the sites, regardless of which are significant from a National Register Perspective" (qtd. Heasley 188-189).

It seems that U.S. and State officials, however, never fully apprehended (intentionally or not) the larger extent of the Nation's broad arguments about what parts of the land were culturally significant outside of the confines of U.S. and State law. As an example, a historical preservation officer for the Corps of Engineers working with the Nation, John Anfinson, in writing to a Ho-Chunk attorney in response to the Nation's broad claims about cultural protection, explains,

What you are asking for is that all sites, regardless of whether they merit inclusion on the National Register or not, be protected. I do not believe that sites

that have not been determined eligible for or have not been listed on the National Register could be protected under federal historic preservation laws and regulations even under the easement (*Anfinson Letter to Marcy West*).

Later he writes, “Not all the 450 sites are ‘important’ under the definitions of the National Register,” and “...you state that ‘all’ cultural resources fall under this easement...not all cultural resources are significant under federal laws and regulations...” (*Anfinson Letter to Marcy West*). In this case, Anfinson is not the antagonist; he is operating according to existing policy in good faith, but the policy itself is not wholly responsive to the larger ontological concerns of the Nation’s arguments about the broad cultural value of the KVR property. Anfinson did later, however, come to understand the Ho-Chunk argument, reflecting that Ho-Chunk negotiators “never gave up the point that there is no 1200 acres -- it’s all sacred” (qtd. Heasley 189.)

The land that became the KVR was and is culturally significant for non-Native Valley residents, too. As I’ve been suggesting throughout, some of the tension that existed between State and Ho-Chunk negotiators reflects competing and power-laden understandings about the land, control of the land, and competing visions about how that land ought to be managed. Before the Ho-Chunk (re)entered the scene, however, the plans that might have organized the KVR were well underway, largely without the consideration of the area’s Native history. Below I describe and analyze some of those

plans to demonstrate the trouble with a settler colonial consensus-based planning and policy that cannot imagine decolonization (or even co-management) as a possibility.

In 1992, long before the KVR negotiation process between the State and Ho-Chunk Nation in 1997, a conservation consultation non-profit was brought in to imagine the possibilities of an ecological and educational reserve for the (settler) Wisconsin public. In a proposal to develop the KVR into an ecotourism site, written by Dr. Robert H. Horwich of Community Conservation Consultants, he frames the political situation in the Kickapoo Valley in a dissensual key, as a rift between urban and rural -- the urban representing technocratic, top-down decision making, and the rural representing local community-controlled democracy. Horwich explains that "it is often the case that rural people are not recognized for their contributions nor are they allowed proper control of those resources. . . This urban/rural separation and the lack of appreciation has been inadequately addressed by conservation planners. . ." (Horwich, *Proposal 2*). Here Horwich is echoing the long-time refrain in the Kickapoo Valley that its residents have been treated unfairly by urban outsiders -- environmentalists, technocrats, and politicians (Heasley). The creation of a community-controlled natural reserve, then, is one way that a process of economic and cultural healing might begin for the Valley's residents.

Why is it so important that the area be community controlled? The implied argument is that the local community simply understands the culture and ecology of

the land best. The Kickapoo Valley of course possesses unmatched ecological beauty, and as Horwich explains it, it is imperative that the land be properly managed for the good of the community; this is one part of the KVR story where consensus reigns.

Horwich's framing of the cultural significance of the proposed KVR is limited, though, in its glorification of the "rural" (settlers of European descent). He identifies the area's Old Order Amish who "are committed to a quiet and peaceful farming life away from the institutions of urban America," people who "are diligent marketers, eager for any business that comes their way" (Horwich, *Proposal* 9). He also notes potential collaboration with Norskedalen, "a small natural area run by the University of Wisconsin-La Crosse whose goals are to educate people on the natural and Norwegian culture heritage of the area" (Horwich, *Proposal* 9). And in a section titled, "Area Cultural Diversity," for a proposed museum, the author notes that the area's "Czech-Bohemian character" might be emphasized "through annual ethnic celebrations such as the Westby Syttende-Mai, the Czech-Bohemian 'Cesky Dan,' and the century old pre-lentin festival 'The Two-day dance'" (Horwich, *Proposal* 11). There is no problem per se with developing places of public memory that describe a place's actual history; European settlers did come to the Kickapoo Valley and their cultural relationships with the place are meaningful.<sup>16</sup> The problem here, of course, is that the place's history

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<sup>16</sup> Heasley notes that the Kickapoo Valley was a place where many African American farmers settled, too, but that historical note is absent from Horwich's proposal.

prioritizes European settlement. Given Horwich's cultural and historical emphasis, then, it is no wonder that non-Native Valley residents and State officials were surprised when the Ho-Chunk Nation sought to reacquire the land that had long been the Ho-Chunk's before European settlement. That is, Horwich is describing the Kickapoo Valley's history on the terms of the rural community, and in the early 1990s, that history was one of European settlement after the departed Native.

Nevertheless, to his credit, Horwich does not fully overlook potential Native concerns with the Kickapoo Valley property. On the proposal's second to last page, in a section titled, "Native American Culture," the author notes that:

Wisconsin has a rich Indian history and the driftless area was the home to a variety of Indian groups which were shifted at the whims of the dominant white culture. . . This project would attempt to begin dialog with Winnebago groups in La Crosse...to explore possibilities that they might be interested in participating in the museum project as a forum for present cultural directions (Horwich, *Proposal 11*).

Dialog can be a valuable procedure in decolonial processes, but it is likely not sufficient for the broader systemic changes (i.e., land redress) that scholars like Tuck and Yang, Sepulveda, and Estes argue for. The framing in this "Native American Culture" section offers a liberal politics of representation in a limited place of public memory, and as State officials and non-Native residents later found, such politics are not enough to heal the land and the relationships among people sharing the land. Horwich, with his proposal for what might have become the KVR, offered a place of (European settler) rural public memory, one that would have given a minor representational role to

Native Americans in the area, but only after a consensus-building dialog had been enacted if the Winnebago were “interested in participating.” Horwich’s proposal, then, might be understood as demonstrative of the problems with consensus in the context of decolonial politics; the proposal calls for a consensus-based politics whereby the only role for Indigenous people is participatory in the settler construction of public memory. The idea of land redress, or even shared planning of the proposed site, in the proposal is unthinkable. In short, I critique Horwich’s proposal to emphasize the limitations of a consensus-based politics of representation, particularly in the contexts of co-management and decolonization, political relationships that are necessarily dissensual.

The dissensus among the State, Ho-Chunk Nation, and their respective citizens as outlined above illustrates Blaser’s point that, in the context of environmental dispute between liberal states and Indigenous collectives, that the conflict is often ontological in addition to the pragmatic environmental management concerns. That is, there is a dissensus between parties about the very nature of what exists and how that reality ought to be experienced. Moreover, it is often the case that such ontological dissensus lie at the root of the conflict. This dissensus need not be overcome, but in ideal circumstances, parties will become aware that ontological dissent exists in the first place, thus resulting in better working relationships and management outcomes. To a certain extent, in the final MOU with its robust attention to protection of cultural resources, it seems that State negotiators came to appreciate on some level the

ontological dissensus that exists between parties. In fact, throughout this negotiation process, the respective parties productively worked across difference to arrive at a set of management plans that are not wholly satisfying for either party but plans that nonetheless remain committed to the important projects of conservation and education for both Ho-Chunk Nation and Wisconsin citizens. The following section therefore details some of the productive dissensus that led to the creation of the KVR's MOU, showing how this productive dissensus works and can work in imperfect decolonial processes.

#### *Productive Dissensus Across Difference*

As I've outlined above, though there was significant disagreement between State and Ho-Chunk negotiators about the policy details that led to the MOU, there was a consensus that the KVR would be set aside as an ecological and educational reserve for Ho-Chunk and Wisconsin citizens (Heasley). This fact remains important to highlight given that the respective parties have unique histories and relationships with the land. Arriving at a mutually beneficial policy outcome, however, was difficult, particularly with negotiations about public memory, archaeological protection, and legal jurisdiction/enforcement. Many of the policy disagreements were never resolved with full consensus, but as I've been arguing, the dissensus that existed between parties was productively engaged with to arrive at policy outcomes that were mutually beneficial, though perhaps unsatisfying. The Ho-Chunk Nation's dissensual rhetoric enacted a

political change that unsettled the settler ordering of the Kickapoo Valley, and this unsettling has been an important part of the Nation's revitalization. The Ho-Chunk Nation, though they might have been an afterthought for State residents and officials before the KVR negotiation, emerged as an important part of Wisconsin's political landscape, and many in the State came to appreciate their work in protecting the shared land.

Early in the negotiation process, however, State negotiators had difficulty in working with the Ho-Chunk Nation on the Nation's terms. In spring of 1997, Ho-Chunk Nation negotiators issued some concerns with the protection of archaeological sites that might have been affected by some seasonal motorized recreational activity. The Kickapoo Reserve Management Board (KRMB) at the time was the permitting such activity, but given the Nation's concerns, those permits could not be issued. The KVR director, Marcy West, was initially quite concerned about this "late in the game" policy change because of concerns about the importance of maintaining positive public relations for a Valley public that was already leery of government regulation (*West Letter to Chuck Crist*). For West and the KRMB board, it was important to include the local community in policy-making processes, and this change in policy, West worried, might negatively affect the overall negotiation process that relied on State citizen support. She explains, writing to a Corps project manager, Charles E. Crist, "Long term preservation can't be by patrolling or fencing it [the Reserve] off like a fortress. It comes

from working with all the interest groups to provide a sense of responsibility and ownership toward this public property and its' inherent features" (*West Letter to Chuck Crist*). To West's credit, she was working hard to manage a political situation where there was significant dissensus among the State's citizenry about the Kickapoo Valley's future while also working to follow the State's legislative mandate to "preserve and enhance" the reserve's "unique environmental, scenic and cultural features" (*West Letter to Chuck Crist*). As I detailed above, however, the task of protecting the place's unique cultural features is not straight-forward given the place's complex and contradictory cultural features. In this case, protection of potential archaeological sites supersedes all-terrain vehicle (ATV) recreation; some stakeholders' interests are in fact more important than others. Again, though there was throughout the negotiation process a consensus about the law's mandate to protect and enhance the KVR's environmental features, it was negotiation about the protection and enhancement of the place's cultural features where dissensus was most acute.

The protection of the KVR's environmental features, however, cannot happen without protection of its cultural features. Protection in general also cannot happen without working directly with the Ho-Chunk Nation, even if that work is bad for public relations. In response to West, Crist explains,

Ho-Chunk participation in the process is necessary. Archaeological sites are a critical issue and will clearly complicate the transfer [from the Corps to the State and Ho-Chunk Nation]; this is unavoidable. The best public relations and the best spirit for the negotiation process are for all the parties to be able to express

their concerns and expect understanding and tolerance, if not agreement (*Crist Letter to Marcy West*).

In this instance, Crist's response to West effectively establishes a framework for how the negotiation process must progress given the layers of law, sovereignty, and cultural value. Considering the dissensus across Wisconsin's already polarized public working in relation with the Ho-Chunk Nation -- a political amalgamation seeking the dissensual goal to reacquire settler land -- the only way forward was a productive dissensus. This productive dissensus refused to totally resolve cultural and ontological dissent so that the land might be protected, but it also worked to begin the process of healing the relationship between the State and Nation, a relationship that, while it certainly remains tense, is better than it was before the KVR negotiation process. Some credit for this healing can be attributed to those like Marcy West, who, during the negotiation process prioritized an equal sharing and respect of history and knowledge about the Kickapoo Valley.<sup>17</sup>

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<sup>17</sup> Some illustrative quotes from West in a letter to the Ho-Chunk team: "I thought the Opening Comments could be a brief presentation to illustrate the Indian and White Man's perspective on why this project is important. Dave Kluesner offered to be our spokesperson as he grew up near the Reserve, worked in the Governor's office when constituents were most upset with the process and now serves on the Kickapoo Reserve Management Board. It would be great if you could identify an individual who could speak on the history and interest in the area. It doesn't need to be formal but, we need to be educated on the Ho-Chunk Nation's perspective" (*West Letter to Byron Thundercloud*).

As a part of the MOU, the WRDA mandated that the State and Ho-Chunk Nation create a joint management plan. Among other things, like detailing land management policy, the joint management plan worked to address the KVR's dissensual state of memory and history when framing the larger policy goals of land protection and productive intersovereign relationships. The process of creating both the MOU and joint management plan were contentious, but both documents ultimately reflect the shared commitment to productive dissensus, both so that the land might be protected and so that political relationships might be healed. For instance, one early draft of the joint management plan reads:

The State of Wisconsin and Ho-Chunk Nation are concerned about the welfare of the 8,600 tract of land known as the Kickapoo Valley Reserve. . . This Management Plan is created to: insure protection of the lands fragile natural properties and numerous archeological sites...and show by example how governments can work together toward a common goal (Kickapoo Reserve Management Board, *Draft: Joint*).

As I've been emphasizing, both parties were actively concerned with the protection of the site's ecosystems and cultural resources, but they were also concerned with ameliorating political relationships; as negotiators saw it, healing political relationships were important for the land to be best protected.

In this case, though, healing did not necessarily mean consensus or the giving up of resentment. In fact, it was a common sense of resentment between parties that contributed to the negotiation's success to protect the KVR property. From the State's perspective, a local resentment led to democratic fervor which led to the project's early

development: “Reacting to a struggling economy in the area, a passion to regain local control, damage to the property by improper use and an impending de-authorization from the Corps, a group of active citizens got together in 1992 to initiate a planning process for the failed [La Farge Dam and Lake] project.” Moving forward, “the land will remain in public ownership with local authority through the . . . (KRMB) and in joint agreement with the Ho-Chunk Nation in recognition of the significant history to their people.” Importantly, the joint management plan corrects the historical oversights of the 1992 proposal (above), noting that the KVR lands “were recognized in the 1825 TREATY OF PRAIRIE DU CHIEN. . .as part of the original homelands of the Ho-Chunk Nation,” and, moreover, that “cultural and archaeological resources located within the reserve contains significant cultural and religious sites sacred to the Ho-Chunk Nation and important to the history of the State and the United States” (Kickapoo Reserve Management Board, *Draft: Proposed*). Such recognition enacted dissensus by unsettling the political order of State and U.S. history and memory that had tried to forget the ongoing Ho-Chunk presence on the land.

Although it is debatable whether there is a moral equivalence between historical and political wrongs suffered by State-Valley and Ho-Chunk citizens, the joint management plan yet frames both parties as politically wounded, thus constituting a political coalition across difference; this might be understood as another feature of how productive dissensus works; it cultivates a sense of shared feeling, which in this case

was resentment, across memories and histories of political injury. And this shared sense of injury, then, results in shared goals of conservation and education: “Perceived as land ‘taken away’ from both sets of people, the joint management plan offers an opportunity to return the land to all people with trust that they will protect, and learn from it while they enjoy it” (Kickapoo Reserve Management Board, *Draft: Joint*). This case of land redress “to all people” might be understood as an imperfect or incomplete decolonization. The Ho-Chunk Nation did not get the kind of redress they sought out, but they did effectively assert their sovereignty with the KVR negotiation to begin a longer-term process of nation-building that might yet result in larger-scale land redress. Importantly, their dissensus-based historical truth-telling had the added benefit of showing settlers and settler states the value of decolonization in protecting lands that are valuable for all across a range of differences. This is important because, for decolonial work to be effective, it needs to be grounded coalitional partnerships between Native and non-Native stakeholders at the grassroots level (Grossman).

The negotiation process that led to a shared management agreement between the State of Wisconsin and the Ho-Chunk Nation worked because of a productive dissensus that refused consensus around important incommensurate issues. Some of these issues include cultural land use policy with recreation and ceremony, while others include public and private history and memory of the place. The final joint management plan shows how this works:

It is acknowledged that the Ho-Chunk Nation and Kickapoo Reserve Management Board may choose to address specific issues on their respective acreage differently. This is accepted by both parties with the understanding that the methods to address those issues do not lose sight of the overriding commitment to protecting the Reserve (Ho-Chunk Nation and State of Wisconsin 1).

This simple acknowledgement illustrates the productive dissensus in this case; protecting the land for educational and recreational use for future generations is the consensus, but the methods and motivations for such protection, areas where consensus is not possible, are left unresolved for the good of the land. It is recognized that each party has its own ontological relationship with the land, and though it is important to recognize and understand those differences, it is also important to allow differences to exist in tension, while utilizing dissensus to enact political change when necessary. In this case, the political change needed was an unsettling of a settler society that had attempted to eliminate the Ho-Chunk presence from a landscape that nonetheless evoked the Nation's deep history on the land.

## **Conclusion**

My purpose in this chapter has been to demonstrate how productive dissensus works in the context of intersovereign collaborative management relationships. To do this, I detailed a brief history of the long and complex negotiation process between the Ho-Chunk Nation and State of Wisconsin that led to the KVR's current co-managed state. Given space constraints, this chapter is limited to a very small wrinkle of the

overall negotiation process. Much more could be written to elucidate the KVR's complex history more fully with its unique rhetorical features, of which dissensus is only one small part. I hope to have described, however, an engaging political story of productive dissensus, one with important implications for the field of rhetoric. To be clear, with this chapter I am not arguing that deliberative processes resulting in consensus have no value or should not be used -- consensus-based decision-making processes can have great value. I am suggesting, though, that in complex rhetorical situations where there exist asymmetrical power imbalances and incommensurate memories, histories, and ontologies between parties, dissensus is the norm and must be engaged with in productive and ethical ways. Learning how to productively engage that dissensus, then, is important for those interested in studying and intervening in political rhetorical situations, especially decolonial ones.

As noted above, this KVR story is informative because it is a rare example of intersovereign cooperative management in a settler state, and it offers important lessons for policymakers and rhetoricians who are interested in engaging with the imperfect and messy processes of decolonization, one of the stated goals of myriad rhetoricians and political ecologists. This case, though it has features of decolonial land redress, is likely disappointing for some readers in that the land redress is not total and without liberal administrative burden for the Ho-Chunk Nation. Unfortunately, there are monumental physical constraints for total land redress given that settler infrastructure

cannot easily be undone or changed. What this KVR case shows, however, is that settler society can be unsettled when Indigenous collectives exert sovereignty over lands that settlers had organized for their own exclusive purposes in perpetuity (Mackey; Shotwell; Svirsky). Such exertions of sovereignty are dissensual in that they reorder settler sensory orders. In cases of partial decolonization like the one described in this chapter, the first step is to undermine a settler society that is organized for its exclusive use, and once this has happened, settlers then are invited to learn how to properly and responsibly live on the shared landscape (Sepulveda, "Our Sacred"). Once settler society is undone, then Indigenous collectives will be able to more fully flourish on lands that are historically theirs. Settlers also benefit in the long run by learning how to sustainably live on the shared land. In fact, this phenomenon has already been borne out in modest ways with the ongoing success of the KVR.

In the next chapter, I build on this KVR story with another instance of productive dissensus in Wisconsin. Chapter three develops a brief case study about the Great Lakes Indian Fish & Wildlife Commission's (GLIFWC) public engagement during the walleye war, showing the ways that they educate Wisconsin's non-Native public about treaty rights and proper relationships with the land and water. This chapter shows further the ways that exertions of Indigenous sovereignty unsettle and reorder a resentful settler society, thus enacting processes of political dissensus. It also shows the ways that GLIFWC productively engaged settler publics with productive dissensus during the

walleye war, effectively communicating across ontological difference the importance of treaties and proper relationships with the natural world.

## Chapter Three

### **The Walleye War and Pedagogical Management: Cooperative Rhetorics of Responsibility in Response to Settler Colonialism**

In the 1980s and early 1990s Wisconsin's Northwoods were rife with controversy and violence. In this region, fishing and hunting are important sources of food and emotion, especially among Ojibwe<sup>18</sup> and settler publics. During this time, violence erupted, and this eruption is referred to as the "walleye war" (Nesper, *Walleye* xvii). This "war" consisted of settler residents in Wisconsin's ceded territory (roughly the northern third of the state) violently protesting the Ojibwe practice of spearfishing walleyed pike on off-reservation lakes. Anti-spearfishing protesters became outraged after a long court battle when the United States agreed to abide by treaties made with Ojibwe tribes in the 1830s, '40s, and '50s. The treaties ceded Ojibwe land (under duress) to the United States with the stipulation that Ojibwe could continue to hunt and gather in the ceded territory. For more than a century, the U.S. did not abide by the treaties, leaving many Ojibwe communities hungry and subject to state violence when essential hunting and fishing occurred. Much of the violence that occurred during the walleye

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<sup>18</sup> "'Ojibwe' and 'Chippewa' refer to the same cultural group of Algonquian-speaking Indians who inhabit Michigan, Wisconsin, Minnesota, South Dakota, Montana, and parts of Canada. The Ojibwe also sometimes refer to themselves as Anishinaabe, members of a historic confederacy that includes the Potawatomi and Odawa or Ottawa" (Loew and Thannum 184).

war was because of public ignorance about treaties and sovereignty (Thannum, 1990 *Chippewa Spearing Season* 10). Some publics wrongly understood that the courts had *given* Ojibwe special rights to hunt and fish, not recognizing that the courts had *affirmed* the Ojibwe right to hunt and fish (Loew and Thannum 165). To address this issue, after much collaboration between several Native American tribes in Wisconsin and state education officials, Act 31 became state law. This law mandated the teaching of Indigenous history and sovereignty in all the state's public schools, and importantly, collaborative management agencies like the Great Lakes Indian Fish & Wildlife Commission (GLIFWC)<sup>19</sup> participated in public outreach to address ignorance about Native sovereignty and treaty rights. The violence that materialized during the walleye war, although it is no longer physically violent, yet remains an issue in the form of resentment (Cramer 85–87; Loew and Thannum 183).

Deliberative rhetoric grounded in dissensus is at the heart of collaborative environmental management, both democratic and otherwise, especially when addressing resentment and communication across and between identities, sovereignties, and epistemologies (Depoe et al.; McGreavy et al.; Whyte, "On the role").

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<sup>19</sup> "GLIFWC strives to infuse Ojibwe culture and values into all aspects of its work . . . [It] is an agency of eleven Ojibwe nations in Minnesota, Wisconsin, and Michigan, who retain off-reservation treaty rights to hunt, fish, and gather in treaty-ceded lands. It exercises powers delegated by its member tribes . . . [and it] provides natural resources management expertise, conservation enforcement, legal and policy analysis, and public information services" (*About*).

This issue, however, is not only about addressing conflict across difference of identity, but also across political and ontological difference (Blaser, "Political Ontology"; Nadasdy, "Gift"). Indigenous nations have a unique relationship with land and water itself, and many also have unique treaty relationships with the U.S., so it is important to attend to this reality too. Moreover, for sustainable, peaceable, and democratic environmental management to exist, it is important that settler colonial systems are undone. When I use the concept "settler colonial" I refer to a mode of colonialism in places like North America, Australia, and Palestine that aim to erase Indigenous land and lifeways (Svirsky; Veracini; Wolfe). Settler colonial societies require land for exclusive settler use in perpetuity, whereas colonial states require land for extractive purposes for a limited period (Svirsky). In settler states, then, Indigenous populations must be removed to ensure settler land use and occupation. This chapter takes for granted that better understanding about Indigenous sovereignty is a countersettler move that unsettles "settler certainty" about its future on colonized land (Mackey).

Moreover, this chapter follows Tuck and Yang's oft-cited argument that decolonial frameworks should work to restore land and land use to Indigenous nations, organizations, and people; this is a process that works counter to a settler system that cultivates resentment with the settler desire for exclusive land and water use. Such a position is inspired by those like Charles Sepulveda and Heidi Stark, scholars who persuasively show that decolonial approaches to political problems are needed to begin

the process of healing among the land, settlers, and Indigenous nations. Decolonial approaches are myriad and contextually bound, and they do not have to be exclusively non-western to count as decolonial. To suggest otherwise is problematic. As Black and Cortez respectively argue, Indigenous, non-western, rhetorics are not wholly Other in the face of western rhetorics, for the two have and continue to influence each other. To understand Indigenous rhetorics as outside the realm of western rhetoric is problematic in that it centers a normalized and pure western ontology (Nadasdy, "Politics").

Indigenous organizations like GLIFWC have enacted public outreach campaigns working against the grain of settler colonialism across the Great Lakes region to change public perception about Indigenous sovereignty (Loew and Thannum 184). The violence that emerged during the walleye war has never resurfaced, and this is largely due to the collaborative public engagement engendered by Act 31 and GLIFWC's public information campaigns (Leary; Loew, "Hidden"). Violence against Indigenous people in northern Wisconsin, especially police violence, however, remains a serious problem (Stanton). Such violence is cultivated by a settler society that demands exclusive use of the land and water in perpetuity (Schick; Sepulveda). The very presence of Indigenous people enflames violence, but continued collaborative efforts led by GLIFWC in engaging publics about sustainable and ethical relationships with land and water undermine settler colonialism with the resentment and violence it engenders.

In developing this study, I begin by narrating a brief history of the tensions

between settler publics and Ojibwe tribes in Wisconsin, describing the ways that GLIFWC responded to the controversy. I show that the resentment enacted by settlers was engaged with a pedagogical response that emphasizes mutual respect, learning, and intersovereign collaborative management. In their ongoing relationships with the state and local settlers, GLIFWC practice a rhetorical-pedagogical relationality that works counter to the logics of settler colonial land and water governance. By “rhetorical pedagogical relationality” I refer to a didactic approach taken in GLIFWC’s public work about treaty rights and fishery management that enacts the ethics of mutual respect and responsibility that Stark emphasizes in her work about Anishinaabe legal theory; that is, GLIFWC enacts a teacherly style that shows readers proper relationships with the earth.

I ground this argument in educational materials released by GLIFWC during the walleye war, highlighting a landmark fisheries assessment called *Casting Light Upon the Waters*, a collaboratively written scientific report informed by Ojibwe ecological knowledge. The report reflects an Ojibwe ontology, but it also engages with western scientific methods to enact collaboration and an ethic of mutual respect across ontological difference. When I use the concept “ontology,” this is what I mean: ontology refers to what exists along with understanding about what and how things come to exist. Accounting for multiple ontologies is an important political and analytical move for it overcomes the pitfalls that follow multiculturalism (i.e., the problem of taking a singular reality for granted as universal while also taking for granted a universe of

essentialist cultural beliefs that preexist action). For example, water may be understood and experienced as a natural resource, and/or it can be experienced as a spiritual and life-giving force (Yates et al.).

GLIFWC's public work in response to the walleye war was to quell concern among uninformed Wisconsin publics about the sustainability of spearfishing (Busiahn et al.; *Seasons of the Chippewa*; Thannum, 1990 *Chippewa Spearing Season*; Thannum, 1991 *Chippewa Spearing Season*), for much of the stated concern from anti-spearfishing protesters about spearfishing was that it would "deplete the resource" (Nesper, *Walleye* 3). Because of climate change, pollution, and shoreline development, walleye populations are under increasing population stress, but there is no evidence that spearfishing has played a role (Bureau of Indian Affairs; Hansen et al.). At the time, *Casting Light* was one of the most comprehensive studies ever completed about a fishery, and it continues as an ongoing project; since its release in 1991, it has been updated several times, most recently in 2019.

With this chapter, then, following Anishinaabe scholar Heidi Stark, I argue that GLIFWC's public outreach, culminating with the fishery assessment, *Casting Light*, unsettles settler colonialism in Wisconsin. Their rhetorical-pedagogical approach to public engagement is grounded in an ethic of respect and responsibility to the land and its inhabitants, including settlers who live on the land. In other words, GLIFWC's public education outreach demonstrates a concern for the well-being of Ojibwe tribes *along*

with settlers who are invited to share the land and water in proper and respectful ways. Given that the treaties between the U.S. and Ojibwe dictate that the land use is shared, GLIFWC enacts their duty to educate the people of the region about how to responsibly live on and with the land and water (Stark, "Changing"). They do this by creating didactic documents that blend western fisheries science with Ojibwe ecological knowledge, building goodwill with audiences concerned with sustainable fishing practices with a plain technical style that remains respectful of user attitudes across difference.

Although GLIFWC aims to build goodwill, it retains a critical orientation that critiques non-Ojibwe angling practices, showing how anglers and the Wisconsin Department of Natural Resources' (WDNR) angling policies are in fact the central threat to the fishery. Such a critique of WDNR, however, is a tactical rhetorical strategy for it enacts a shared resentment of the state agency, thus constituting potential for settler/Native alliances (Grossman 279). More and better education as an intervention to settler colonialism may be insufficient, but the pedagogical rhetoric advanced by GLIFWC represents a novel approach to intersovereign collaborative management in its emphasis on responsibility, respect, and multispecies partnerships<sup>20</sup> across ontological

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<sup>20</sup> Multispecies partnerships refer to political relationships among humans and nonhumans. In Ojibwe legal systems, nonhuman agents possess legal personhood (Nesper and Schlender 290).

difference<sup>21</sup> in a shared place.

### **A History of Resentment: The Walleye War and Settler Colonialism**

Beginning in the mid-1970s, some Ojibwe tribal members in northern Wisconsin asserted their treaty rights to hunt and fish in ceded territory on off-reservation lakes. Famously, in 1974, the Tribble brothers (Mike and Fred) from the Lac Courte Oreilles tribe went fishing on an off-reservation lake, and they were arrested for violating seasonal fishing restrictions. They were glad to be arrested, however, because they knew they were abiding by treaties made by their ancestors with the U.S. in the nineteenth century (Ryan). For more than a hundred years the state of Wisconsin penalized the Ojibwe for hunting and fishing in ceded territory, a violation of the treaties with the United States of 1837, 1842, and 1854. The Tribble brothers' action led to a series of legal battles with the state of Wisconsin culminating with the *Voigt* decision of 1983. With this case the federal government affirmed the Ojibwe treaty rights to hunt and fish in the ceded territory. Importantly, the Ojibwe widely revived the traditional practice of spearfishing, especially walleye, during the spawning season

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<sup>21</sup> In the context of this case, Thannum explains an ontological difference this way: "At the heart of the spearfishing controversy is a difference in ethics between sport and tribal user groups. Anglers hold the view that fish should be taken in a sporting manner and harvesters should 'thrill in the chase.' Most tribal members in comparison hold the view that fish are a food source provided by the creator and harvesting them maintains traditional ties to the earth" (1991 *Chippewa Spearing Season* 3).

after ice-out in early spring. The revival of this practice confirmed the Ojibwe prophecy that a time would come when traditional practices would be renewed after a time of hardship; this time is called the “lighting of the seventh fire” (Loew, *After*; Osawa).

The northern third of Wisconsin is also the home of many non-Indigenous settlers. When the *Voigt* decision was announced, some residents understood the decision to mean that the Ojibwe were granted special privileges by the courts (Loew and Thannum 165). The fishing seasons between 1987 and 1991 were especially tense as antitreaty organizations protested, often violently, at the boat landings where the Ojibwe gathered fish. These protests consisted of physical confrontation, racial slurs, gunfire, the throwing of projectiles, and intimidation. At the time, these locals claimed concern (along with WDNR officials) that the spearfishing would “deplete the resource,” leading to the loss of important tourism dollars for the region (Grossman 213). Such claims about resource depletion and lost tourism because of spearfishing, however, were unfounded (Thannum, *1990 Chippewa Spearing Season* 15).

Many of these protests were led by a few grassroots organizations committed to challenging the treaties, which they saw as outdated. For instance, one antitreaty group called Protect America’s Rights and Resources (PARR) circulated literature using the language of social justice and civil rights (the concept “reverse racism” is one touchstone in this messaging) to advocate for antitreaty policy. Other antitreaty groups included Equal Rights for Everyone, Stop Treaty Abuse, and Proper Economic Resource

Management. PARR was active in “protesting” (read: intimidation) at boat landings where Ojibwe spearfishers were harvesting fish. Many of their protests were violent, both physically with the throwing of projectiles and verbally with chants and signs like “Tommy [Wisconsin’s governor Tommy Thompson], our Timber is for Timber Wolves not Timber N\*\*\*\*\*” and “Spear a Pregnant Squaw, Save Two Walleye” (Busiahn et al. 7). PARR was also active in circulating antitreaty pamphlet-based literature among sportspeople communities in the rural ceded territory. One pamphlet depicts a loaded gun with a caption that reads, “Spear This!!!” (*Moving beyond Argument: Racism and Treaty Rights* 7). It was not until 1991 that the protests at boat landings came to an end because of a federal injunction that showed that the protests were racially motivated and violating Ojibwe civil rights (*A Guide; Thannum, 1990 Chippewa Spearfishing Season* 6).

Although violent public protest in opposition to Ojibwe treaty rights came to an end, some resentment against the Ojibwe has persisted, despite Act 31 legislation (Osawa; Loew, “Hidden”; Loew and Thannum 184). That said, the region has been relatively free from violent conflict over spearfishing for more than twenty-five years. GLIFWC’s public education campaigns, including fisheries assessments like *Casting Light* and educational materials and media about treaty rights have played a significant role in informing concerned publics in Wisconsin about the safety of the state’s fisheries.

The public rhetoric GLIFWC enacts is one model that both resists and engages with settler resentment; importantly, it does this by enacting government-to-government treaty rights relationships while remaining critical of state management policy; these governmental relationships are (or should be) mutually beneficial, for they uphold and promote each nation's respective sovereignty. When Indigenous sovereignty is recognized and respected, it fundamentally challenges settler attempts to erase Indigenous life and lifeways. The following section engages with thinking about politics of resentment and racism, and it considers ways that such thinking can inform rhetorical criticism about settler colonial phenomena like the walleye war.

### **The Function of Resentment in Settler Colonialism**

The raced politics of resentment—especially in the context of natural resources management—is not unusual in settler societies like the U.S. Jeremy Engels argues that some resentment is part of a healthy democracy when the resentment is justified (i.e., the resentment is directed vertically against the actual source of the trauma and not horizontally against fellow wronged citizens) (13). And Indigenous scholars like Glen Coulthard (Yellowknives Dene) also argue that resentment has a role to play in decolonial processes when he argues that “Indigenous peoples’ individual and collective expressions of anger and resentment can help prompt the very forms of self-affirmative praxis that generate rehabilitated Indigenous subjectivities and decolonized

forms of life. . ." (109). Rhetoricians like Jeremy Engels and Sharon Crowley ultimately recommend more and better rhetorical education as one response to unjustified resentment politics grounded racism; this is a laudable goal, and as I show below, GLIFWC takes up resonate work in their public engagement about treaty rights and ethical fisheries management.

Resentment politics grounded in settler colonialism and racism in the U.S. are not new. This form of resentment and victimhood materialized with the violence the Ojibwe were subject to during the walleye wars (Loew and Thannum 165). As historians have recently shown, with Carol Anderson's *White Rage*, Nancy Isenberg's *White Trash*, and Ibram X. Kendi's *Stamped from the Beginning*, white resentment is built into the infrastructure of U.S. life; these histories show that it has long been the case that a class-based white resentment against nonwhite residents has been leveraged by elites to consolidate power, and it is this resentment that also materializes in settler societies like the U.S. and Canada (Schick). As Tuck and Yang argue, however, Indigenous people are not just another racial minority among many others; they possess unique political relationships with the land and with settler states. To racialize Indigenous people, then, even when doing antiracist work, is to participate in a settler colonial process of erasure (23). Settler colonialism is imbricated with white supremacy; it racializes Indigenous people and then leverages racialized violence against Indigenous people and nations to undermine their unique political relationships with the land. In

short, white resentment grounded in racism is not the same as settler colonial resentment, but they do work together symbiotically. This ongoing problem of white resentment has significant consequences for the U.S. political system and Indigenous nations, and although the problem is as old as the U.S. itself, recent rhetorical scholarship has become more attuned to the issue (Carstarphen et al.).

When addressing settler resentment, one must be prepared to deliberately attend to the dynamic, emotional, and nonrational features of resentment, and this is a process that countersettler colonial organizations like GLIFWC have taken up in their public advocacy. As Mark L. McPhail argues, however, racist beliefs and attitudes are adaptive and deeply felt, and he is pessimistic about rhetoric's capacity to change such attitudes (Carstarphen et al. 283). Structural issues like racism and settler colonialism are nonrational social practices and policies not only isolated within individuals, and therefore, traditional argumentation grounded in rationality and consensus-building might not work. For example, this is the sense of GLIFWC's walleye war-era book, *Moving beyond Argument: Racism and Treaty Rights*. As I show below, however, GLIFWC engages this issue by fully considering the emotional features of the shared fishery for multiple user groups. This invitational rhetoric grounded in feeling, shared responsibility, and mutual respect, one that works counter to the resentment cultivated by settler colonialism, dramatizes the hopeful and compassionate rhetoric that David A. Frank describes. He argues that if rhetoric's full capacities are enacted that minds might

yet be changed, especially when rhetorical invention and delivery prioritize compassion (Carstarphen et al. 287). Frank's call for a compassionate rhetoric to challenge structural racism might come across as too simple in a complex settler society like the U.S., but if we were to imagine a compassionate approach to rhetoric, one that takes up deliberative rhetoric's "full capacities," in a political space where compassion, respect, and responsibility can flourish across difference, perhaps there is reason to be optimistic about a political future where settler resentment can be addressed (Carstarphen et al. 287).

We might learn from intersovereign cooperative management agencies like GLIFWC to productively engage with resentment caused by settler colonialism with its racist "habits of being" (Shotwell 38), particularly when they take up place as commonplace to constitute coalitions that unsettle settler orientations toward the land. Rachel C. Jackson takes up such work with "transrhetorical analysis" (302), a method that reveals political ontologies in tension in shared spaces and places, and thinkers and ethicists across the spectrum help to develop this conversation. For instance, Alexis Shotwell's program of historical "unforgetting," one that asks settlers to encounter and redress historical injustice while working toward a new future of possibility and responsibility, is one such option (36). Such a program, building from Iris Marion Young's "social connection model" of political responsibility, offers a program that does not rely on placing new blame or guilt for the injustice of the past, but instead asks

those who benefit from ongoing benefits of historical injustice to work to address those collective issues in a spirit of shared responsibility to create more just worlds (*Responsibility* 179). Shotwell's interventions are contingent and place-based, so specific plans of action need to be developed locally by creating and cultivating new and better relationships among multiple stakeholders across difference, both human and nonhuman. Indeed, this is the kind of place-based work that GLIFWC took up during the walleye war to address settler violence and resentment, and they continue this important work to this day.

Many Ojibwe leaders are also hopeful that settlers will begin to change. Medicine man Eddie Benton-Banai (Lac Courte Oreilles) explains that after the lighting of the Seventh Fire, an eighth and final fire may be lit: "It is at this time that the Light-skinned Race will be given a choice between two roads. . . . If they choose the right road, then the Seventh Fire will light the Eighth and final Fire—an eternal Fire of peace, love, brotherhood and sisterhood" (qtd. in Loew, "Hidden" 725). Patty Loew (Bad River Band of Lake Superior Ojibwe) explains that the "prophecy seems to be saying that our history and our future are inextricably tied to that of white America," and she asks, "Could we make the two roads that today represent two clashing world views come together to form that mighty nation? Could a nation be formed that is guided by respect for living things?" (725). Such a new nation is not the status quo, but elements of such a new nation—one that values mutual respect, shared responsibility, the sacredness of

treaties, the productive coexistence of multiple ontologies, and a multispecies politic—are enacted by Indigenous collaborative management agencies like GLIFWC.

The creation of new decolonized nations is a difficult process, but there are some legal processes that can help. Here one might follow Heidi Stark and Kekek Jason Stark in moving past an exclusive reliance on western legal theory grounded in liberalism toward a “relational paradigm used by the Ojibwe in their treaty-making as a remedy for the damage done by the [U.S.] courts and by Congress” (17). This “relational paradigm foregrounds responsibilities to one another and to creation” and are ultimately more sustainable (17). One way to address the problem of resentment in settler states, then, is to move past interventions based solely in liberal logic toward ones informed by Indigenous knowledge and practice. Such an intervention restores land use to Indigenous people, and it would be beneficial and more sustainable for all, including settlers and ecosystems (Kimmerer). Such a move “shifts our orientations towards a possibly more fruitful exploration of the responsibilities and obligations we have to one another” (Stark, “Changing” 251). Rhetoricians can play a role in enacting and sustaining these processes; Indigenous ways of communicating, knowing, and being with the land might be foregrounded to unsettle the settler drive toward exclusive land use in perpetuity. One key ontological move needed is a rethinking of treaty rights from an Indigenous starting point, and this means asking, “How are we to honor treaties and our obligations to creation?” Shifting rhetorical and legal starting

points to the creation implies a sense of responsibility to the land and all its inhabitants, including settlers (252). In fact, it is this sense of responsibility that informed the Ojibwe concern with educating the public about treaties and the right relationships with the land during and after the walleye war.

### **Teaching Right Relationships in Response to the Walleye War**

Teaching with story is a crucial rhetorical practice that can unsettle settler colonialism, particularly in the context of environmental management and care. These were and continue to be some of the methods used by GLIFWC in their public work, leading to efforts to build alliances across political and ontological difference in northern Wisconsin. For GLIFWC and Ojibwe leadership in the early 1990s, it was important to heal relationships with the settler community by enacting and sharing educational reforms that promoted stories—ones that emphasize respectful and responsible relationships with the land, wildlife, and people in an Ojibwe key (Nesper, *Walleye* 159). For instance, in an educational pamphlet about off-reservation treaty resource management released by GLIFWC titled *Seasons of the Chippewa*, the authors begin by first relating a story about the Ojibwe cosmology and the ethics that follow: “For the Ojibwe people, the path of life is perceived as a circle. From birth to death, man lives the season of his life reflecting Aki’s (Earth) ever-repeating cycle of the seasons” (1). The authors then relate this cosmology to the significance of seasonal harvests,

including spearfishing, demonstrating that it is an ethical act grounded in responsibility, treaties, and proper relations: “Customs related to the seasonal harvests and sharing of foods are woven into the fabric of the Ojibwe culture. For this reason, the off-reservation treaty rights of the Ojibwe, wisely retained for future generations by Ojibwe leaders in treaties with the U.S. government, are so highly valued” (1). Such a pedagogical intervention aims for collective community engagement and for healing (Nesper, *Walleye* 171). Importantly, this method of engagement unsettles settler colonialism by challenging settler society’s territorializing function to control all territory for their exclusive use in perpetuity (Sepulveda; Wainwright and Robertson). That is, this mode of communication reterritorializes Ojibwe people in the place that settler society has attempted to territorialize in its own image (Boswell). The conflict created by settler colonial resentment hurt both communities, but the Ojibwe, recognizing that settlers are an important part of the future, took it on themselves, as caretakers of the land, to show both communities what proper relations with land ought to be (Nesper, *Walleye* 196–97). This engagement with settler communities, as enacted by Ojibwe organizations like the GLIFWC, is a “gesture of peace and friendship” (Nesper, *Walleye* 211). Such gestures reflect some Ojibwe prayers “for non-Indian people to recognize spirituality in life” (Osawa).

Much of the violence that materialized during the walleye war came because of misinformation and ignorance about treaties and sovereignty, and that is one reason

there was and continues to be an emphasis on public information campaigns (Loew, *After*; Loew, "Hidden"; Loew and Thannum). These campaigns are important because one of the structural features of a settler society is the cultivation of public ignorance about Indigenous sovereignty (Cook; Viatori). GLIFWC's campaigns about fishing, treaty rights, and right relationships with the land, therefore, enact a program of "unforgetting" in Shotwell's sense, a program that guides settlers to learn about treaty rights and Ojibwe sovereignty, then coming to terms with past wrongs while reforming relationships for a shared future of flourishing. Misinformation and ignorance, however, were not the sole factors in the violence. There were also simple long-existing racial resentments with related "economic anxieties" used as an excuse for racist behavior and attitudes (Grossman; Loew, *After*; Loew and Thannum). That said, after the walleye war, Ojibwe leadership and organizations like the GLIFWC made it a priority to become more "media savvy," emphasizing the communication of their ecological knowledge as an ethic of responsibility for the land. This ecological knowledge combined with state and federal fisheries management science is developed to build public trust. Such goodwill with the public is cultivated by communicating the importance of care *of* and reciprocity *with* the land and water.

One of the central interventions to come out of the walleye war, one that sought to cultivate goodwill with the public, was a joint assessment of fisheries in the ceded territory called, *Casting Light Upon the Waters*. The assessment was conducted by

scientists from GLIFWC in cooperation with the U.S. Department of the Interior, Bureau of Indian Affairs, the U.S. Fish and Wildlife Service, and the WDNR. The assessment was funded by the U.S. Senate’s Select Committee on Indian Affairs, chaired by Hawaii senator Daniel K. Inouye after Wisconsin’s six Ojibwe member tribes<sup>22</sup> approached the select committee for “assistance in addressing the violence” (*Casting Light* 4). The purpose of *Casting Light* was to quell violence in northern Wisconsin that had been “fueled by a campaign of misinformation regarding the impact of Indian treaty fishing on the fishery resource.” To best appeal to publics concerned with scientific rigor, the study applies “state of the art methods” to “confirm that fish populations are not being overexploited in most cases and that current fish populations meet or exceed agreed-upon population goals” (*Casting Light* 4). The tropes about rigorous science are common in *Casting Light* and across GLIFWC’s educational materials about spearfishing at the time, materials that include *1989 Chippewa Spearing Season – Separating Myth from Fact*, *1990 Chippewa Spearing Season – Conflict and Cooperation: The Two States of Wisconsin*, and *1991 Chippewa Spearing Season: Building Cooperation and Bridging Conflicts*. These arguments about rigorous science emphasize the ways that GLIFWC’s science,

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<sup>22</sup> Bad River Band of Lake Superior Tribe of Chippewa Indians of Wisconsin, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Red Cliff Band of Lake Superior Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, Sokaogon Chippewa Community of Wisconsin (Mole Lake Band).

grounded in traditional ecological knowledge, is superior to the science being done by federal and state management agencies, particularly the WDNR. The rhetoric that is critical of WDNR is tactical in that it builds goodwill with non-Indigenous residents who share an antipathy with state management agencies with their technocrats (Grossman 279). *Casting Light* and GLIFWC's spearfishing reports emphasize the superior nature of Ojibwe science and management by showing the importance of "working together" with the Wisconsin public, all with the hope that "new and more constructive relationships between the governments of the United States, the State of Wisconsin, and the Chippewa tribes" would be forged (*Casting Light* 4).

Importantly, *Casting Light* is styled as a technical "objective" scientific report, but the objectivity delivered within the assessment, given that it is grounded in Ojibwe ecological knowledge, treats objectivity differently from an assessment that would have no space to consider the spiritual and ethical dimensions of a fishery.<sup>23</sup> Indeed, this is one of GLIFWC's stated goals: "GLIFWC strives to infuse Ojibwe culture and values into all aspects of its work" (*About*). *Casting Light* stylistically demonstrates an ethical relationship with the fishery that also shows care for the public's concern with the shared waters and land. Meanwhile, it describes the Ojibwe spiritual relationship with the land and water—a spiritual relationship that is itself presented in a matter-of-fact

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<sup>23</sup> Objectivity is often understood as a philosophical concept, but for the purposes of my analysis, I frame objectivity as a style of writing. I do this because the authors of *Casting Light* use the concept as a trope to cultivate authority.

way (i.e., the Ojibwe traditional ecological knowledge is ontologically real). This trope resonates across GLIFWC's documentary outreach at the time, including in the 1991 *Chippewa Spearing Season* report that relies on the data gathered with the *Casting Light* assessment. The author writes, "Anglers hold the view that fish should be taken in a sporting manner and harvesters should 'thrill in the chase.' Most tribal members in comparison hold the view that fish are a food source provided by the creator and harvesting them maintains traditional ties to the earth" (Thannum 3). The author here demonstrates a concern about ontological and ethical differences among user groups; the purpose is to demonstrate and promote Ojibwe sovereignty in relation to the settler publics in a shared place constituted by treaties.

The building of shared trust and a sense of mutual responsibility across political and ontological difference are key features of both the fishery assessment and educational materials released by GLIFWC during the walleye war. For instance, *Casting Light* cultivates goodwill by emphasizing a wide range of expertise: the team assigned was "a team of competent professionals" who "worked hard" and who used "their best judgement," and importantly, these experts were cooperative and committed to objectivity (7). The 1989 *Chippewa Spearfishing Season* report goes further by showing that the science produced by GLIFWC is far superior to WDNR's. In response to the common criticism at the time that the spearfishers were "depleting the resource," the authors write that "the real problem is a poorly managed recreational fishery where the

. . . WDNR doesn't know how many fish are harvested by sportsmen in most lakes or the current populations of either walleye or muskellunge" (Busiahn et al. 4). The authors support this charge with WDNR's own testimony in federal court about their management failures, and then counter with their own empirical data that demonstrate rigorous and responsible fish counting policy: "In comparison [with WDNR], the Chippewa tribes have *verifiable* harvest figures recording each and every fish taken by spearers from 1985 to 1989 . . ." (Busiahn et al. 6, emphasis in original). In short, the authors argue, the "biological facts illustrate that the Chippewa tribes have minimal impacts upon the ceded territory's walleye and musky fishery resources . . ." (Busiahn et al. 5). These arguments do a few things; first, they exert Ojibwe sovereignty as expert scientists and fishery managers in relation to state managers who also happen to be less competent. This argument unsettles the settler state's imposition of expertise and control over the land and water. Second, these arguments about GLIFWC's science and expertise at the expense of WDNR build a place-based alliance with local settlers skeptical of and hostile toward state management agencies. As Zoltán Grossman shows in his study of the walleye war, this place-based alliance grounded in a shared tension with WDNR among Natives and non-Natives has contributed to a scene of relatively peaceful environmental cooperation (279).

Goodwill with a critical inflection is cultivated across *Casting Light* and GLIFWC's spearfishing reports. Throughout there is an emphasis on cooperation for the

good of the place: “We pledge to use them [report’s findings] to strengthen cooperation and to make sound decisions in managing the resource,” emphasizing further that “this report represents the dawn of a new era of cooperation, rather than an end in itself” (*Casting Light* 7). This goodwill, however, cannot end with the report; it is an ongoing process, and the authors remind readers of the shared responsibility implicated by the treaties between nations: “[W]e urge you to continue your support so that we can build on this effort,” and “We must work together in pooling our resources and in identifying the policy changes that are necessary to support this new era of cooperation” (7). The tone here reflects the emphasis on teaching and responsibility, but importantly, the central agent of responsibility is always in the possession of the Ojibwe; it is the Ojibwe who are granting the U.S. the privilege to take part in a shared responsibility — “treaties between tribes and the federal government involve the granting of certain rights to the United States by the tribes, not the granting of rights or privileges from the United States to the tribes” (18). And the Ojibwe’s offer of goodwill has real material effects: they have the right to one hundred percent of the safe walleye take every season, but out of a sense of goodwill and respect for the land, they only take what they need to sustain themselves. In fact, a few of the Ojibwe tribes (e.g., Lac du Flambeau, Bad River, Lac Courte Oreilles) have robust fish hatchery programs to maintain walleye populations with the understanding that the region relies on the economic and emotional benefits of sport fishing (*Casting Light* 24–25; *Seasons of the Chippewa*). One

GLIFWC report simply states, in an understated way, (with extensive empirical data) that “Tribal stocking programs benefit state and tribal fishermen” (*Seasons of the Chippewa* 14). In short, cultivating a sense of mutual respect and responsibility in a shared place grounded in treaty relationships is crucial for GLIFWC and its member tribes. GLIFWC’s 1991 *Chippewa Spearing Season* report wryly reminds readers:

It is interesting to note that the Chippewa tribes made the decision to forgo an appeal for 300 USD million in damages. . . [T]he Chippewa tribes stated, “*They do this as a gesture of peace and friendship towards the people of Wisconsin, in a spirit they hope may some day be reciprocated on the part of the general citizenry and officials of this state*” (Thannum 22, emphasis in original).

Mutual respect and collaboration are cultivated across *Casting Light* and GLIFWC’s educational materials. Namely, one section in *Casting Light* devoted to cultural differences with fish and fishing, a section with the unadorned title, “User Attitudes,” demonstrates the efforts to build mutual respect across difference. The assessment speculates that perhaps it was “historical differences” in attitudes about fishing that led to the “current animosity and misunderstanding among fishery user groups” (35). In building goodwill and mutual understanding, the authors first teach readers the ecological and spiritual importance of the land, water, and fish for the Ojibwe:

Chippewa Indians traditionally believe that plants and animals gave their lives to sustain human life, creating a spiritual bond between the hunter and his prey. Approaching the harvest with a proper attitude, symbolized by a gift of tobacco, was essential to sustaining the bond and ensuring future harvests. Man did not dominate this relationship; the life of the animal was given conditionally and taken with gratitude. Chippewas harvested fish and other resources for

sustenance and with the most efficient technology available to them (35).

This lesson communicates the spiritual significance of fishing for Ojibwe, while also subtly emphasizing their right to use technology of their choosing. This argument is important because some of the public outcry against spearfishing was that the Ojibwe were using battery-powered illumination and other modern technology to overharvest (Nesper, *Walleye* 79). So, in this passage, the authors are asserting their treaty rights while dispelling the settler myth that Natives are or should be people of the past.

The authors of *Casting Light* and GLIFWC's spearfishing reports during the walleye war work to build a place-based sense of shared tradition with settlers concerning fishing practices, an essential strategy in constituting publics around place-based environmental advocacy (Druschke; Grossman; Brulle). They show nineteenth-century primary sources written by early European settlers that describe Chippewas spearing fish "by night and by torchlight, in the same way as many other nations in Northern Europe [such as] the Letts, Finns, and Scandinavians'" (*Casting Light* 35). Yet the comparison is followed by a line of correction for settlers, especially the ones of the past: "The prevailing attitude of many early settlers was that natural resources were placed on earth for humans to use as they desired for their immediate benefit. Fish and other resources seemed inexhaustible, so little heed was given to the needs of future generations" (35). In comparison, then, although the Ojibwe and settlers have some things in common in relation to the land and resources, the Ojibwe relationship with the

land is in fact the one that is proper and sustainable, just as GLIFWC's science and management policies are superior to the state's policies. The tone of this text is without judgment and yet it critically shows how settlers' relations with the resources have been misguided. Importantly, the text does not argue that settlers need to take up Ojibwe spiritual practices themselves, but it does argue that settlers need to be aware of and respectful toward the spiritual dimensions of the land. And, in fact, they grant that some settler fishing practices are more ethical and sustainable than others, especially ones like the "catch-and-release ethic" that enact "greater personal responsibility for the future of their sport" (36). This section in *Casting Light* does significant countersettler colonial work. The section pedagogically builds goodwill with publics concerned for the well-being of the fishery, both Ojibwe and non-Ojibwe, in a critical yet generous way, to establish the groundwork for the objective fishery assessment that makes up the bulk of the report. Without the important work the assessment does to build a shared concern and sense of mutual responsibility for the fishery, the assessment might rhetorically fall flat as a top-down, technocratic report, the kind that WDNR might produce and the kind that stifles effective environmental justice alliances (Brulle). *Casting Light's* "User Attitudes" section reflects the Ojibwe concern with treaty rights responsibilities by teaching the public how to have the right relationship with the land. Right relationships cannot exist under settler colonial management regimes, and this section shows readers practical ways settler colonialism might be undermined.

The Ojibwe concern with responsibility over creation and its inhabitants is reflected in the pedagogical nature of *Casting Light*. The assessment concludes with a series of “Needs & Recommendations,” the most important of which are “Public Involvement” and “Public Education and Information.” These sections communicate a sense of shared responsibility over the created world to respond to public misinformation and ignorance about the state of the fishery — problems that materialize with settler resentment and violence. GLIFWC emphasizes the importance of improving access for better public involvement, but they note that it is not their sole responsibility; they explain that “more tribal participation” in conservation decisions should be encouraged by state, local, and federal stakeholders. In this sense the assessment is invitational in its cultivation of a shared responsibility over the fishery. This invitational rhetoric, however, cannot be limited to assessments like *Casting Light*, and they recommend that more and better “joint positive news releases” are needed to reach wider audiences across the state. Key features of these public educational campaigns are to “Explain cultural similarities and differences in attitude about the use of resources” and to “Develop a public concept of the purpose for which the resource is being managed,” emphasizing “the stewardship of the resources” (97). Such recommendations may not be novel per se, yet they reflect important features of Anishinaabe rhetoric and political theory to pedagogically share knowledge about proper relationships with land guided by mutual understanding and respect (Stark,

“Changing”). For treaty rights to be fully honored, both the land and Indigenous knowledge of the land need to be respected by governments and settlers. This message is communicated by *Casting Light* and by GLIFWC’s contemporaneous spearfishing reports during and after the walleye war.

GLIFWC’s public engagement with work like *Casting Light*, along with place-based cooperative environmental justice activism that followed, have been effective in addressing settler colonial violence in the ceded territory (Grossman 209). There remains some settler resentment across the state and region, but much of this resentment is grounded in a perception that the Ojibwe are in cahoots with “urban elites” in Madison to unfairly tax and regulate rural folks (Bobo and Tuan 37; Cramer 86–87; Loew and Thannum 184). Nonetheless, GLIFWC’s public work since the early 1990s has largely been effective in achieving its goal to inform Wisconsin residents about the responsible cooperative management of the fishery (Loew and Thannum; McRoy and Bichler). In fact, this is what GLIFWC argues in the most recent update of *Casting Light* in 2019: “It provided objective data and analysis that facilitated an historic turning point in quelling violent protests that haunted Wisconsin boat landings each spring,” and they explain further that the “argument that tribal fishing was depleting the fishery resource had been unequivocally refuted” (Bureau of Indian Affairs 2).

Attending to settler colonial violence and resentment, however, although important, is not the only significant feature of GLIFWC’s public work with *Casting*

*Light* and the seasonal spearfishing reports from 1989, 1990, and 1991. The walleye war and the dissensus it engendered contributed to Ojibwe cultural revitalization (Nesper, “Twenty-Five”; Nesper and Schlender). This revitalization constituted the respective Ojibwe tribes’ inherent sovereignty on the land to live, flourish, and engage in treaty relationships with the natural world, the U.S., and the settlers who now live in the ceded territory. Such an exertion of sovereignty works against the grain of a settler society that aims to territorialize Indigenous land; as long as Indigenous people are present and thriving on their land, however, the settler state can never achieve its goals, but vigilance is needed.

GLIFWC’s most recent fishery update finds that the status of the fishery has not changed significantly since the first study, but they remain cautious for there are some “slow-moving trends” — climate change, population growth, shoreline construction, and mercury contamination — that may put the fishery under increased pressure in the future (Bureau of Indian Affairs 20–21). If settler stakeholders remain willing to cooperate and responsibly cooperatively manage the resources of the ceded territory, GLIFWC ultimately remains optimistic that violence will not return to the region.

## **Conclusion**

GLIFWC, with its member tribes’ pedagogical public interventions, both during and after the walleye wars assert Ojibwe “rhetorical sovereignty” in relation with settler

neighbors and with state and federal governments (Lyons 447). The ceded territory is a shared territory, and the six Ojibwe tribes of Wisconsin enact treaty rights by sharing science, resources, knowledge, and rhetoric. This cooperative rhetoric based in treaty rights obligations, one that is not wholly Indigenous or wholly western—one that exists in a “third space of sovereignty” (Bruyneel xvii)—dramatizes Jose Cortez’s assertion that to imagine a wholly Other and unique rhetorical system untouched by colonial forces<sup>24</sup> is a grave error that, ironically, reinforces universalizing and essentializing colonial thinking. Although the Ojibwe tribes of Wisconsin are sovereign, they, as Loew argues, recognize that their future is inextricably linked with the settlers (Loew, *After*). As Stark and Stark remind us, Anishinaabe people have a responsibility to take care of the creation with all its inhabitants, and so for them, to not engage with and teach settlers would be a failure to uphold treaties.

Given GLIFWC’s efforts since the walleye war, some settler colonial resentment and violence remain in Wisconsin (and across North America), and it will likely remain a problem as long as the current political and economic system<sup>25</sup> that cultivates widespread ignorance of Indigenous sovereignty remains in place. Perhaps the best rhetorical interventions, then, are ones that first work to quell violence rooted in resentment and ignorance while promoting and asserting the interests and

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<sup>24</sup> Or a colonial rhetoric unaffected by Indigenous rhetorics (Black).

<sup>25</sup> Those like Nick Estes and Glen Coulthard refer to this system as capitalism.

sovereignties of Indigenous nations. Ojibwe leadership and the GLIFWC took up such an intervention in response to the walleye war. GLIFWC's public work with assessments like *Casting Light* and the 1989, 1990, and 1991 spearfishing season reports work hard to address settler ignorance by teaching the public about the Ojibwe's relationship with and responsibility for the fishery while building goodwill with settler audiences by challenging WDNR supremacy and respecting anglers' relationship with the fishery. Here there is no call for widespread consensus; settlers and Ojibwe folks need not have the same ontological experiences of the world, but parties do need to recognize that fundamental areas of dissent exist across sovereignties. Any attempt to end such dissensus is in fact a settler strategy of coercive assimilation grounded in liberalism's drive toward consensus. Settler colonialism demands exclusive consensus across a singular ontological order; it cannot tolerate multiple sovereignties in tension in a single space. The mere existence of Indigenous sovereigns challenges the settler drive for homogenous land use and exploitation.

The intervention I'm positing here, following those like Heidi Stark, is one that demands a productive dissensus across layered ontologies and sovereignties; this dissensus, however, is grounded in mutual understanding, respect, and an ethic of shared responsibility while refusing the liberal settler urge to overcome dissensus. In short, GLIFWC, in its public engagement with assessments like *Casting Light*, does not demand that the public abandon its dissent or its idiosyncratic experience of the world,

but it does demand that the region's settler publics be informed about Ojibwe sovereignty, rights, and responsibilities before taking political action. Such an orientation to public engagement enacts treaties and asserts sovereignty.

More generally, the concept "productive dissensus" above has important implications for deliberative rhetoric, particularly deliberative rhetorics that aim to unsettle settler colonialism. In this case I have suggested that intersovereign management relationships among incommensurate sovereignties unsettles the settler colonial tendency toward an assimilative consensus, thus creating conditions of dissensus that can result in political change. For example, when antispearfishing protesters call for "equal rights for all," a common refrain during the walleye war, they are serious. They cannot tolerate the fact that the Ojibwe tribes do in fact have a unique political status that settlers do not share, and they therefore argue for the liberal but assimilative and settler colonial value of equality under a singular legal framework. In short, antispearfishing protesters merely enact liberalism's discomfort with the dissensus generated when sovereignties and ontologies are in tension in a singular space.

A deliberative rhetoric, therefore, that productively engages dissensus challenges consensus-driven deliberative rhetoric in general, for although consensus-based deliberative processes can have laudable outcomes, the liberal urge to overcome dissensus can result in oppressive homogenous political orders. Multiple sovereignties-

in-tension in a shared space necessarily generate dissensus, and for that dissensus to remain (or be) productive, a deliberative rhetoric that accounts for multiple ontologies is needed. (This ethic can be witnessed in *Casting Light's* "User Attitudes" section above.) Each sovereignty contains a unique ontology with its own set of stories, so even the answers to basic questions like, "What is land?" (e.g., sacred and life-giving or resource for human extraction) are not obvious across parties. Bringing such important distinctions to light is helpful in avoiding assimilative thinking and politics.<sup>26</sup> More work might be taken up across rhetorical studies that accounts for ontologies and sovereignties-in-tension. Such work might also resist the liberal urge toward consensus and instead engage with the productive political movement that comes with dissensus, particularly when taking up countersettler colonial work—work that is necessarily dissensual in its undermining of liberal-settler society.

In comparison with this and the previous chapter (the KVR case) where productive dissensus was enacted across difference, the next chapter stands as a

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<sup>26</sup> Crucially, this is not the same as liberal multiculturalism where differences are fetishized and then flattened under a singular ontological umbrella. The key difference here is that ontological difference is allowed to exist in tension without resolution. (Flattening happens when two different but related concepts emerging from divergent ontologies are put in relation with each other with an attempt to show that they "are pretty much the same." Such comparison, though laudable, tends to water down both concepts. For example, in the field of comparative religion, it was once common to extrapolate similarities between Christ and Buddha, or between creation narratives from various Indigenous traditions and the ones in the Hebrew Bible, usually with the underlying argument that Christian theology was in fact universal because of the ways it emerges through all world religion and spiritual traditions.)

cautionary tale, showing the ways that liberal-settler natural resources management works to avoid dissensus. It shows the harm that can be done to ecosystems and Indigenous communities when settler states refuse processes of productive dissensus in environmental decision-making processes. The case shows that the liberal-settler modes of public comment in exclusionary locations advance an unethical consensus-based mode of public environmental decision-making. The case shows, however, alternative modes of public comment taken up by Indigenous community organizations and artists, and I suggest that these alternatives reflect some of the principles of productive dissensus that I've been detailing throughout.

## Chapter Four

### **Ecological Restoration or Healing? Conflicting Ontologies and Missed Opportunities in Public Debates Surrounding Mississippi River Gorge Restoration**

In spring of 2014, the U.S. Congress ordered the U.S. Army Corps of Engineers to close the Upper St. Anthony Falls to navigation under order of Section 2010 of the Water Resources Reform and Development act of 2014 (a revision of the Water Resources Development Act of 1986). On 9 June 2015, it was officially closed to navigation (Johnson, *Resolution*). This ended the lock's 52-year service as a navigation aid, but it remains in service for flood mitigation. The Upper St. Anthony Falls Lock and Dam is one of three locks and dams that once allowed the Upper Mississippi Gorge to be navigable for commercial and industrial boat traffic, but in recent years such traffic had been steadily declining. Given the age of the infrastructure and the increasingly high costs to maintain the locks, dams, and hydroelectric plant, Congress ordered the Corps of Engineers to conduct a disposition study to determine whether the infrastructure is still serving its Congressionally mandated purposes. If not, then the infrastructure will be removed, transferred to another federal agency, or sold. The first phase of the study began in 2017 with the Upper Lock and Dam, and it will later (in summer 2021) include the lower two locks and dams (*Corps Makes*).

Possibility of dam and lock removal has excited many in the Twin Cities region, and both state and local governments and local and national non-profits have begun to

engage the public about what ought to happen to the river if the Corps of Engineers deems the infrastructure superfluous. If this is to be the case, then significant public support would be needed to determine how the river ought to be managed, restored, or healed moving forward (*Restore the Gorge, July 2017 Survey*). Since the upper lock has closed, there has already been significant public debate and conflict about the future of the river gorge (Mosedale; Roper; Shaw). Many welcome lock and dam removal because it would restore the river to a state that more closely resembles its pre-industrial state as a rapid (Dorothy; Lenhart). This process would be costly and unpredictable, and it would likely threaten infrastructure along the river, but proponents also argue that a river rapid would bring extra recreational tourism revenue to the city while also restoring the river's marine and plant life, a set of ecosystem services that would arguably pay for themselves in the long run (*Restore the Gorge, July 2017 Survey*). On the other side, a vocal contingent of residents vehemently opposes dam removal because it would make the river impossible for use for club and competitive rowing, and they cite, among other things, uncertainties with toxic sediment management and with spread of invasive species like silver carp (Shaw). City officials, on the other hand, prefer to see the riverfront with its old infrastructure turned into exhibition and event space (Roper). In public debate, these concerns predominate; in all cases they experience the river as a positive natural resource that benefits humans.

However, there is a set of voices in the public conversation about Mississippi River Gorge restoration that is not being widely heard: local Indigenous people, many of whom are Dakota and Ojibwe. In initial public comments about this issue, a handful of respondents argue that more Native voices are needed in this debate because Dakota people have long been stewards of the river and because it is a sacred site for Dakota people (Restore the Gorge, *July 2017 Survey*). Local Indigenous individuals and organizations, like Healing Place Collaborative, among many others, have long hoped to see the *Owamniyomni* (Mississippi River) healed (Carlson; Healing Place Collaborative; Smith; Thomas; “A History of Owamni”). The way the river has been harnessed for industrial and commercial purposes has left it in a diminished state – marine and aquatic life has been decimated, and sacred islands along the river have been destroyed to create shipping lanes (Lenhart). In the context of the larger city-wide debate about river restoration, then, many Indigenous publics are on the side of restoration, but not exactly for the same reasons. The non-Indigenous debate of this issue recognizes the river as a public resource to be used by people, but for many Indigenous residents, the river itself is a spiritual, sacred, and life-giving force that should be respected and treated with care and reverence – the river itself is an “active healing force” (Healing Place Collaborative). This does not mean that Indigenous people also do not experience the river as a good for human use, but they recognize people and the river as being in a reciprocal relationship; in other words, the river and

waterfalls are more than simple resources for human extraction (Smith; “A History of Owamni”).

In public debates about Mississippi River restoration, Indigenous residents have been publicly showing their longstanding relationships with and of knowledge the river with public art and community engagement. Because of settler colonial structures guiding “scientifically” grounded natural resources management and urban development, however, their voices have been silenced, ignored, or framed as merely cultural. The public disconnect in this case dramatizes Iris Marion Young’s concept, “cultural imperialism,” which “consists in a group’s being invisible while it is marked out and stereotyped,” and the dominant group “project their own values, experience, and perspective as normative and universal” (*Justice* 123). As Young explains, “Much of the oppressive experience of cultural imperialism occurs in mundane contexts of interaction,” and with this case – public comment and debate about the potential for Mississippi River restoration. Public comment can be a valuable forum for debate about environmental issues if it is done in democratic ways that meaningfully engage local stakeholders (Brulle; Depoe et al.; Peterson and Horton; Walker, Senecah, and Daniels), but it can also be a site for anti-democratic (Davies; Johnson; Ratliff) and colonial (Endres) state strategy. Attention to public comment is particularly crucial because they can be forums that constitute an engaged citizenry around environmental concerns

(Turnhout, Van Bommel, and Aarts), and in this case, the citizenry being constituted appears to be a settler one.

This chapter extends the above work concerned with public controversy and debate about environmental concerns, and it also questions the legitimacy of the role of public comment in the first place, especially when public comment implicates Indigenous interests. I make this suggestion because (1) public comment may not be a forum that is inclusive of some Indigenous modes of environmental governance and decision-making process (though it certainly can be); (2) the physical locations of public debate may not be geographically accessible to or welcoming of Indigenous people; and (3) public debate in settler states tend to take a singular ontological understanding of the natural world for granted in a political reality with asymmetrical power imbalances. Given power asymmetries, cultural imperialism, and ontological incommensurability, how can public debate about environmental restoration enact productive modes of decision-making while unsettling settler modes of environmental governance?

The purpose of this chapter, then, is to describe how controversy about potential Mississippi River restoration has played out in settler publics and in Indigenous publics, paying attention to who and what gets heard and valued in public debate about potential river restoration, also paying attention to incommensurability that can arise between Indigenous and non-Indigenous publics. Attending to ontological incommensurability (i.e., a feature of productive dissensus) is important because it

creates opportunities for knowledge and management collaboration across difference (Whyte, "On the role"). In this case, however, those opportunities for collaboration have been rejected from the start. I ultimately argue that in this settler context, Indigenous ontologies in relation with the river cannot be heard by settler publics because they fundamentally challenge settlers' exclusivist claims to land and water as resource; such claims are rooted in colonial violence, and they result in the destruction of ecosystems. This is not to suggest that non-Indigenous publics are uninterested in Indigenous concerns with ecological issues, for some of them are concerned, but by and large, in public debate about ecological restoration, especially in this case, Indigenous concerns are largely being ignored. Moreover, the modes and places of conversation are not inviting of Indigenous speakers. In this case, the method of a public comment session advances a singular mode of debate and conversation that excludes Indigenous knowledge and modes of engagement from the outset. This settler non-hearing of Indigenous arguments misses valuable opportunities to address ecosystem restoration concerns across difference in generative and respectful ways (McGreavy et al.). Such opportunities may yet be fraught, but they might be enacted if modes of public engagement are radically rethought to account for difference across ontologies, and this includes radically rethinking and designing appropriate and respectful modes of community engagement; this will include a decentering of public comment forums led by state technocrats and scientists in exclusionary locations.

Given the Dakota's relationship with *Owamniyomni* (Mississippi) since time immemorial, I begin by describing some stories and histories that reflect a unique understanding of the river that is often lost in settler deliberations about ecosystem management and restoration issues. One of the purposes of this section is to dramatize a kind of engagement in environmental controversy that accounts for Indigenous ontologies as the starting point for conversation, a key feature of the productive dissensus concept I have been developing. The first section concludes by showing how Indigenous artists and activists continue to draw inspiration from the river to create unique realities with the story and with public art installations to exert territorial presence in the face of settler attempts of erasure. Story and public forms of visual art here may be understood as ethical and inclusive modes of public comment with greater potential for beginning processes of healing from the trauma that settler colonialism has wrought. I then theorize a decolonial (Schultz; Tuck and Yang) framework grounded in political ontology (Blaser, "Political Ontology"), while extending thinking from environmental communication (Endres) to show how settler colonial processes of community engagement silence or ignore Indigenous concerns with ecological restoration debate because it is (conveniently) unable to, or unwilling to, grasp conceptually an Indigenous ontology – an understanding and experience of the world that would radically unsettle settler-colonial modes of environmental governance. I show, however, that individuals and communities continue to unsettle settler systems

of public comment. This unsettling demonstrates a productive dissensus across ontological difference for the larger health of the Mississippi River. In short, this essay is concerned with developing an understanding of the rhetorical features of ontologies-in-tension in the context of natural resources public decision-making and governance. I suggest that better understandings of multiple ontologies allow for more thorough and ethical engagement when controversies about land and water arise in public debate.

### **Deep Mapping on the Mississippi River Gorge: Dakota Relationship to Place<sup>27</sup>**

Dakota people have had a relationship with *Owamniyomni* (Mississippi River) since the beginning of time; “it has been revered for centuries as a place of tremendous power and inspiration” (“A History of Owamni”). Before the settler destruction of Wita Wanagi (Spirit Island), it was a place “where women gave birth to generations of Dakota children. The people shared the area with a large population of eagles, for whom the waters provided a plentiful source of fish” (“A History of Owamni”). There is a long tradition of stories about the area that is now called St. Anthony falls; one story about the place is told this way:

Legend states that Anputa Sapa Win, commonly known as Clouded Day, was the first and devoted wife of a Dakota warrior. However, in time in accordance with the custom, the husband introduced a second wife within the tipi. One day the band camped near the falls of St. Anthony. Claspig her little son, Clouded day entered a canoe, pushed out into the swift current chanting her death song. The Dakotas say that in the mists of morning, the spirit of the Indian wife with a child

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<sup>27</sup> The stories that appear in this section are all intended for public consumption. To the best of my knowledge, no private or stolen stories are quoted.

clinging around her neck is seen darting in a canoe through the spray, and the sound of her death song is heard again in the winds and roar of the waters. In seeming remembrance, a bear and her cub occasionally appear coming out of the water. ("A History of Owamni").

Historically, this area was a "practical place for people of many nations to gather, meet, rest and trade," and this is one reason that the place is meaningful for the Ojibwe people, too (Carlson).

Under Dakota stewardship, the falls and river were "one of the most impressive and natural sites on the continent," but settler industrialization reduced it to a "concrete waterslide." Even though the river gorge and falls were radically changed for the settler industry, the area itself never lost its identity as a sacred site, and in fact Dakota people predicted that the river would eventually return to its natural state. Lakota Chief Arvol Looking Horse "has noted the tendency of humans to settle and develop societies in powerful places, such as Minneapolis/St. Paul." Places like this are a "spiritual vortex" and should be "left alone." Prairie Island Dakota spiritual leader Chris Leith explains that "In the long run...the places would not be harmed or lose their spiritual power, rather, the nature of the place would harm what was built there" ("A History of Owamni"). These Dakota stories of place are unique, but they are also not completely at odds with the aims of non-Indigenous residents who would also like to see the river restored. One Dakota author writes that

After three centuries of destruction, and the remaking of the Dakota homelands in their own image, it appears efforts are underway by the non-Indian

population to repair at least some of the damage. The closing of the . . . Lock is just one step in that direction (“A History of Owamni”).

The author concludes with a vision:

Just 30 feet beneath the surface of the lethargic Mississippi lie the structure of a whitewater rapids that once roared over immense boulders, around rock islands and through the great river’s only gorge on its way from Owamni Yomni to the Minnesota-Mississippi River Bdote eight miles away. Imagine the healing effects of the rushing waters as they burst from behind their confinements, scouring the long-buried banks and beds of the natural river, cleansing everything in their path, obliterating a long history of malfeasance and disregard for the Dakota, and for the sacred systems upon which they relied (“A History of Owamni”).

There remains grief about what has happened to the river since settlers arrived, but as Dakota artist Mona M. Smith argues, “the power of the falls continues. . . [it] is stronger than human power. . . I could see and feel that at the bottom of the smooth slide down the human made part of the falls is the whirling water, the spray, the energy and power of the falls. The falls are manufactured, but the water’s spirit endures” (48).

Smith is hopeful about the possibility of river healing because of the time she has spent with the water: “I feel the possibility of healing. When I spend enough time with the river, I know I will be better able to hear her messages” (49). Smith explains that St.

Anthony Falls is a “teaching place,” and when one listens to the falls, “one learns that humans are a part of *mitakuye owasin* (all my relations) and can manipulate, damage, distort, but *makha ina* (mother earth) has dominion” (49). This place is a source of

learning, and it is also a place of healing. The Indigenous-led artist collective, Healing

Place Collaborative, describes the “River as both a source of healing, and a place in need

of healing” (Healing Place Collaborative). The collective makes it its goal to teach the community how to understand the identity of the river and falls as a place of learning and healing but also as a place that is part of the social world. This is one valuable mode of public engagement that stands in contrast to public comment hearings that can be grounded in disenchanting technocratic or western scientific knowledge. They explain:

Both the River and the society it has engendered need healing. The Healing Place Collaborative is grounding its approach to repairing community, River and relationship in the Dakota concept of “bdote.” This word means a confluence of waters. . . We intend to encourage a confluence of interests among people who recognize that the River is important to creating a healthy community, and that a community-wide effort is needed to heal our River (Healing Place Collaborative).

One of those public engagement projects with the river as a learning place and as a site of healing came from Anishinaabe artist Andrea Carlson. Her method represents an alternative mode of public comment that demonstrates an Indigenous understanding of the river, and it has the additional function of doing the important decolonial work of re-territorializing Indigenous space. On September 29 and 30, 2017 she projected an “animated meditation” on the nearly 50-foot-high walls of Upper St. Anthony Falls Lock to meditate on the history of the demolished Spirit Island. Her purpose with this project was to “bring up and acknowledge that it [Spirit Island] exists, and we have this shared history of losing sacred spaces due to the hand of industrialization, due to just trying to wrangle nature” (Thomas). Importantly, though Spirit Island is no longer physically present, Carlson is careful to say that it still exists, if only with story and with visual projections. This project, Carlson explains, is not a lamentation of the past, but it

is a projection of settler error and violence: “We can use that, and we can chart it to our future” (Thomas). In this case, mapping was used by settler engineers to imagine a river without Spirit Island, and Carlson used art to bring it back: “To viscerally bring back the island, I turned to drawing; the same tool that imagined the island’s destruction could be used to bring it back” (Carlson 68). In short, Carlson’s work “can be understood as a visible statement which recognized Indigenous relationships to this missing place” (Carlson 70), and this is just part of a process that can heal this place for all.

Carlson’s work and the work of the Healing Place Collaborative might be understood and experienced as a unique ontology grounded in an ethic of healing that aims to also change the settler story/ontology (Middleton). The two sets of ontologies can work at cross purposes, but they need to be put in conversation in the first place. Such productive conflict and questioning may then result in healing, while also threatening the territorial legitimacy of settler forces. At least so far, however, settler forces have not been able to confront Dakota ontologies in robust ways for fear of an existential reckoning. In the next section, then, I engage with work from political ecology to show how an analytical attunement to multiple ontologies increases environmental rhetoric’s capacity for more ethical engagement in public controversy about ecological restoration.

### **Political Ontology: Doing Environmental Rhetoric “Other-wise”**

The Dakota stories of and relationships with the Mississippi River have largely gone unheard in public debates about its potential restoration or redevelopment, even though there remains modest public interest in including Indigenous voices in the process. To address this issue, I suggest that frameworks widely used in political ecology offer a valuable entry point (Robbins), especially when questions of ecological healing are posed (Hoover; Middleton). Given that this issue concerns conflicting ontologies involving Indigenous people (Blaser, “Political Ontology”), it is important to attend to frameworks that are additionally sensitive to asymmetrical power imbalances and coloniality (Carroll), and this is something that political ecology does particularly well given its long-standing commitments to social justice (Blaikie). As Deborah Bird Rose argues, when doing history informed by political ecology (history “other-wise”), it is important to attend to and challenge features of western history and ethnography that rely on universal notions of “certitude” and an “attachment to reliable and valid knowledge,” “committed secularism and its related disenchantment of nature” (157). That is, doing history “other-wise” requires a deep attunement to knowledge as it arises from place, and it requires expanding the norms of what counts as historical, scientific, ethical, and worthy of inquiry. Political ecology has the analytical capacity to do such “other-wise” work, particularly when it moves past some of its “colonial underpinnings” to better attend to multiple ontologies, particularly ones where

enchantment, magic, and myth are important features of world-building (Schultz). Such attention to multiple ontologies is crucial for environmental rhetoric work that aims to extend countersettler colonial engagement.

Political ecology is particularly helpful when taking up inquiry about urban sites that cover Indigenous land. Some recent decolonial works in urban political ecology (Simpson and Bagelman), for instance, attends to how settler colonial city planning enacts an alien ontology (e.g., parks, property lines, settler agriculture) on top of existing Indigenous “socioecological systems.” This understanding of ecological trauma is crucial if healing is to take place. Settler impositions of a sensory order for the exclusive use of settlers, ones that materialize through daily acts of landscape management, attempt to erase Indigenous food systems to maintain settler-colonial cities (558). Simpson and Bagelman learn, however, that local Indigenous people – in this case the Lekwungen – continue to “remake the socioecologies of the city by reclaiming ancestral food systems” and this healing process serves “to contest and disrupt the creation of smooth urban geographies of settler power” (559). In this context both Cornthassel and Bryce and Cornthassel show how Indigenous people take up “everyday acts of resurgence” that reject politics of recognition when engaging in traditional agricultural practices in the city. These restorative practices create new worlds in tension with settler worlds, and they remain in tension with ongoing and powerful settler “management” of city space. These cases suggest how ontological politics are in a constant state of

dissensus, particularly in urban settings where differing ontologies and power relations are concentrated. This dissensus is reflected in some of the ontological disconnect emerging in debates surrounding restoration of the Mississippi River.

Accounting for multiple ontologies is an important political and analytical move for it overcomes the pitfalls that follow multiculturalism, i.e., the problem of taking a singular reality for granted while also taking for granted a universe of essentialist cultural beliefs that preexist action (Mol; Povinelli, "Do Rocks Listen"). Such a taking for granted of a singular ontology does harm to Indigenous people in its erasure effect; therefore, in a process of healing, attention to multiple ontologies when discussing ecological restoration is needed. The failure to recognize multiple ontologies at work perpetuates settler colonial violence against Indigenous people in its centering of a western ontology. Attending to multiple ontologies, then, is crucial for intervention in processes of environmental healing and communication. This is what anthropologist and political ecologist Mario Blaser has found with his work with Indigenous communities in Paraguay ("Political Ontology," "Notes," "Ontological," "Ontology"). In his work with Indigenous communities he found that the locus of confusion and conflict between states and Indigenous communities arose not with misunderstandings between communities that could be easily addressed with better communication along a singular ontological plane; rather, the locus of conflict was between differing ontologies, different worlds, and different stories in action (Blaser, "Political Ontology")

883). For these reasons he encourages a move away from western notions of “culture” and “social construction.”

As a replacement for cultural or social constructionist approaches to research, Blaser offers political ontology. This framework attends to ontological “worlding” (Blaser, “Notes” 552). Worlding happens with the telling of stories, and it attends to the ways that stories are used to “enact the pluriverse” (552). Given that stories are emergent and enacted, then, political ontology concerns itself with possibility for action, and in settler contexts, it envisions what a “decolonized life” might be through everyday practices (“Notes” 559). Some of these practices might include the healing processes enacted by collectives like Healing Place and artists like Andrea Carlson. The public work they enact heals by reterritorializing Indigenous space, and it invites a larger public to participate in questions of ecological healing with modes of artistic representation and storytelling. Storytelling is crucial because it enacts an egalitarian mode of engagement (i.e., nearly anyone can relate and understand a story) (Ranciere, “Politics”). In contrast, public comment sessions that take a singular disenchanted mode of governance, debate, and ontology for granted simply reinforce antidemocratic settler colonial worlds that harm Indigenous people and ecosystems.

Given political ontology’s analytic value in questioning reality and creating reality in scenes of dissensus, it can be taken up to better understand the ontological politics at work in the Mississippi River Gorge case. One of the central actors in this

space is the water of the river itself. For many Twin Cities residents, the water is a resource, for that is how it is experienced in relation, but for many Dakota and other Indigenous residents, the water is a spiritual and life-giving force that must be related within proper ways. This conflict might be described as an “ontological disjuncture,” a conflict over “the very essence and being of water” (Yates et al. 799). In contexts of water governance and healing, political ontology has significant capacity to enact political change: “if we recognize that conflict may be partly ontological (rather than just cultural or epistemological), then opportunities arise for reformulating our water governance approaches around the notion of ontological plurality” (807). What is needed for healing, then, is the enactment of dialogue and story among and between differing ontologies in spaces of dissent. When this happens, one might hope that better, more equitable futures will be enacted. One might be skeptical, however about the power of dialogue and recognition of ontological difference in making significant changes, particularly in sensory orders with asymmetrical power imbalances. This is what Paul Nadasdy (*Hunters*) has largely found in his work with the Kluane First Nation as they negotiate “co-management” and attempts at “knowledge integration” with the settler Canadian state. Nevertheless, attending to multiple water ontologies can be a valuable first start in enacting a decolonized future. This happens with everyday acts of worlding and relationship building, and this is something that many Indigenous communities in settler states around the world enact, including ones in the

Twin Cities who seek to restore and heal the Mississippi River (Carlson; Healing Place Collaborative; Smith).

For many Indigenous nations, communities, and individuals beyond the Upper Midwest, water is also an important force and life-giving substance (Blackstock), and it is often central in decolonizing efforts related to ecosystem restoration. For instance, those like Yazzie and Baldy engage questions of healing with a “water view” to create worlds that “challenge and resist the violence enacted through and against water. . .” (1). In their “water view” framework, water is activated as an agent of decolonization, for it is kin, relative, and deserving of respect and care, and they ultimately suggest that the “multi-spatial and multi-scalar constellation of struggles that is forming now [around water politics] could potentially cohere into a broader epistemic shift where the deadly hegemony of capitalist-colonial relationality is met with a fully formed counterhegemony based on a politics and ontology of relational life” (9). If this ontological shift does not happen, then the future is bleak: “We will have no future if we are bad relatives” (16).

Importantly, this ontological shift, this change in story, implicates settlers too; that is, settlers have a role to play in ameliorating the destruction wrought by settler colonialism. Tongva scholar Charles Sepulveda shows that in damaged places, the logic of settler colonialism harms everyone. He offers the concept, *Kuuyam*, as one way to change the future of water and land in damaged places. This concept frames non-

Natives as potential guests (i.e., guests should not act as if they exclusively own what is not theirs to own), and it understands land and water itself as sacred. In a decolonial future, the story needs to change to re-center Indigenous people while settlers learn how to be guests who engage properly and respectfully with the land and water; settler relationships are commonly grounded in racial capitalism, and so moving forward, this settler orientation needs to change. In public conversations about ecological healing, then, there needs to be a radical shift in orientation that moves away from extractive relationships with water and land. Such ontological shifts, ones grounded in story, can be difficult to enact, especially in contexts where incommensurability between ontologies exist, but it is with these areas of incommensurability where ontological shifts become possible (Hunt 30).

In this section, I have briefly engaged thinking about political ontology to show that some of the disconnects between Indigenous and non-Indigenous publics in the debate surrounding potential Mississippi River Gorge restoration is at least partly driven by incommensurable ontologies. I suggest that one reason why Indigenous concerns about the river are not receiving a wider audience is because of settler colonial forces that imagine Dakota relations with the river to have ended in the past. In the next section, I synthesize representative examples of the technocratic rhetorics of settler colonialism, showing some of the strategies that settler management regimes have and continue to use to ignore or subvert Indigenous voices in public debate about land and

water. The purpose of this section is to preview some of the ways that Indigenous publics have been similarly excluded from the official conversation about the Upper Mississippi River Gorge project. I then show some of the ways that public debate that ignores or minimizes Indigenous voices has been enacted in preliminary public hearing and comment sessions. I am ultimately arguing that if healing is to take place, there needs to be a radical shift away from modes of public deliberation that take a singular ontology and consensus-based mode of engagement for granted. Moreover, what is needed are modes of public engagement that enact productive dissensus, modes that dwell with multiple ontologies across multiple modes of public engagement, ones that might include storytelling, visual art, and meaningful decision-making practices with equitable power sharing across sovereignties.

### **Ontological-rhetorical Friction in Public Forums**

Modes of deliberative debate in liberal public spheres, though they have their virtues in including publics in decision-making processes, especially in public debates about natural resource use, have also long participated in settler colonial erasure. For example, this has played out in professional documentary literature from the Public Works Administration (PWA) as early as the 1930s (Griffith). Here PWA literature is used by U.S. natural resource agencies (i.e., the Bureau of Reclamation) to exert an alien sensory order across Indigenous landscapes with professional technocratic modes of

writing and rhetoric. This remains a problem in land use debates in places like Nevada where Southern Paiute and Western Shoshone people have been left out of serious conversations about the Yucca Mountain nuclear waste site (Endres). Endres found that in public meetings (i.e., “listening sessions”) about the issue that Indigenous publics were systematically disempowered from meaningful contribution to public discussion about land use policy. That is, they were invited to provide their input, but the decision to develop the site had already been made. All this is for the purpose of maintaining a veneer of democratic public participation in the development of non-democratic and colonial nuclear waste sites. In this case, however, Indigenous people have not been completely silenced; they retain some agency. Because of strong Indigenous and public opposition to the Yucca Mountain Project, it has never been completed, and it remains to be seen whether the site will ever open. Not all Indigenous publics, however, have been as successful in gaining public support to stop development across sacred land.

In a resonant case, with their study of the Highway 55 expansion in the Twin Cities, Joel Wainwright and Morgan Robertson found that science and science communication “works to produce the effect of state territorialization – or the iterative making of the space of the state – by placing ecological phenomena and indigenous testimony ‘within’ a non-sacred Minnesotan space” (196). In this case, an area containing four sacred oaks was to be developed into a highway, but local Dakota activists protested the project. As a result, state technocrats put together a “study,”

scientifically and historically evaluating the Dakota's claims of sacredness. The report produced found that the Dakota had no legitimate claim to sacredness because it could not be confirmed that the site had any "cultural" or "historical" value for the Dakota. Naturally, this was the only possible outcome for such a report; the authors of the report were assessing Dakota ontologies according to the standards of a settler ontology. This kind of report making is a key feature of settler state-making (i.e., "worlding"), and in this case the report enacted an "imposition of arbitrary and discrete signs on shapeless and continuous matter" – an act to limit what counts as sacred by limiting space – as a strategy to reject Dakota arguments about the sacredness of the site. In other words, the trees do not count as sacred because they are in the wrong place. Even if the trees were in the "right" place, that may not matter because, as Wainwright and Robertson argue, Native arguments in the report are framed as cultural knowledge that do not bear scientifically on matter at hand.

The above cases have significant implications for developing better understandings about settler state-making practices and the ways that those practices are existentially threatened by continued Indigenous presence. Settler state-making practices work along a singular ontological axis and are often at cross-purposes with Indigenous ones, and it is this tension that seems to be at the heart of many public debates about natural resource use and development, including with the debates surrounding the proposed Mississippi River Gorge restoration. Though there are

asymmetrical power imbalances between state and Indigenous ontologies in terms of who gets heard, when Indigenous arguments do get through, they are powerful in that they existentially threaten the legitimacy of the territorializing practices of the settler state. This may explain why Indigenous voices have not been widely heard in public debate about the restoration of the Mississippi River Gorge. The voices of those who would like to see the river restored are being heard, but their arguments tend to be grounded in neoliberal pleas for new ecosystem services and recreational opportunities (Dorothy; Restore the Gorge, *July 2017 Survey*; Roper). It remains to be seen, however, if Indigenous claims to the sacredness of the site will be accounted for.

Thus far I have described resonate cases of settler state-Indigenous interactions surrounding land and water debates to frame my analysis about how the Mississippi River Gorge debate has materialized in public hearings. The following section rhetorically analyzes the outcomes of a public hearing session that occurred 13 July 2017 about the potential Mississippi River Gorge restoration.<sup>28</sup> The session was framed by informational presentations by representatives from the City of Minneapolis, the National Parks Service, the U.S. Army Corps of Engineers, American Rivers, Minnesota Department of Natural Resources, and the Longfellow Community Council. The presentations were followed with a listening session for members of the public. As it

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<sup>28</sup> Full restoration would take the removal of several dams and locks beginning with the Upper St. Anthony Falls Lock and Dam, the focus of the Corps of Engineers' first disposition study that concluded in May 2019.

will become apparent below, this session was largely devoid of engagement with Indigenous concerns about the project, but this problem was addressed by several commenters in written responses to the session. This lack of concern resonates with Wainwright and Robertson's finding that Indigenous arguments about sacredness of land and water, in general, threaten the territorializing legitimacy of the settler state, and thus they cannot be heard without great existential discomfort (i.e., unsettling) for settler publics. Indigenous perspectives about this issue are plentiful, but they have not yet been heard in meaningful ways in settler public debates about river restoration. This oversight represents a significant missed opportunity for a more ethical, sustainable, and restorative public deliberation about ecological and political healing.

### **Who Speaks? "Public" Comment about Mississippi River Restoration**

The initial open house and "visioning session" about the potential Upper St. Anthony Falls Dam and Lock removal occurred 13 July 2017 at St. Peter's Church in Minneapolis. The session happened because "Preliminary review by dam removal experts have not yet revealed any scientific or engineering issues of significance that would prohibit dam removal and river restoration," and, therefore, "project advancement largely depends on public support" (*Restore the Gorge, July 2017 Survey*). After public comments, it was found that "support is divided" in the Twin Cities, and the support is divided along six lines, two of which concern recreational access: (1)

“Identifying other locations for competitive rowing activities;” (2) “Replacing lost hydropower with another renewable energy source;” (3) “Clarifying what natural resources are lost with the dams in place;” (4) “Developing plans to expand/improve recreational access;” (5) “Exploring the needs of minority and low-income peoples in planning;” (6) “Identifying any infrastructure that might be vulnerable to changing river discharge” (*Restore the Gorge, July 2017 Survey*). Perhaps unsurprisingly, the locus of this debate surrounded a framing of the river as a resource, especially as a resource to be used for recreation (cf. river as healing place).

One might note the location of the meeting itself: St. Peter’s Church. Churches can be valuable public meeting places, but in this context, they represent a settler colonial institution with a long history of exerting alien ontologies across Indigenous ones. In fact, much of the limestone quarried from Spirit Island is now part of the Twin Cities’ built landscape, and some of those buildings are churches (Carlson). Simply put, a church may not be an inviting place to hold a public meeting about ecological healing when such institutions have long participated in settler colonial violence. The choice of location in this case, then, is itself prioritizing and inviting a certain (settler) ontological experience of the world. Moreover, though the Twin Cities area is the historical territory of Dakota people, it is also quite distant from many of the current Dakota population centers in the Dakotas and Montana, a big exception being the Shakopee Mdewakanton Sioux Community in the Twin Cities metro area. Such geographical barriers caused by

settler colonial policies will likely limit Indigenous participation in this process, but it also should not eliminate it. Because of related U.S. settler policies, in this case the Indian Relocation Act of 1956 that aimed to urbanize (read: assimilate) Indigenous populations, the Twin Cities has one of the highest Indigenous populations in the U.S., a significant percentage of whom are in poverty (Campbell). This is all to suggest that if this public hearing in the summer of 2017 were committed to healing, sustainability, and ecological restoration, then organizers might have thought more deeply about the meeting's location, its format, and its invited presenters and participants. For instance, speakers from Healing Place and the Shakopee Mdewakanton Sioux Community might have been invited and included among the presenters. Such an oversight represents a missed opportunity for healing, both ecologically and politically.

Given that this public hearing about the future of the Gorge refused official consideration of Indigenous interests, its focus largely concerned the river's ecosystem services, namely recreation and renewable energy. This is not to suggest that Indigenous people have no interest in renewable energy or recreation; I am suggesting, however, that the discussion around recreation and energy reflected the settler concern with their own exclusive use of the water. Specifically, the most vehement public comments came from the rowing community, but the meeting planners found that "the written comments [about 300 in total] showed significant support for dam removal and river restoration" (Restore the Gorge, *July 2017 Survey*). The raw data from the written

comments were then coded by meeting organizers and divided into eight categories. Again, the most robust set of responses was committed to concerns with recreation, both with fishing and aquatic sport. The second-largest set of responses were concerned with renewable energy. Recreation and renewable energy are valuable topics for public discussion, but if those topics are to be responsibly engaged with, the conversation cannot simply revolve around a singular settler ontology. A key problem with settler colonialism is that it demands all the land and water for its exclusive use (Svirsky); this feature of settler colonialism causes harm to people and ecosystems. So, in public hearings about land and water that implicates Indigenous land and water, the logic of exclusivity should not continue if healing is to occur. Settler colonialism, however, is not an all-encompassing force; there is often effective resistance. In fact, at least in the written comment portion of this event, several commenters challenged the singular focus on settler concerns.

One of the sections from the final session report, "Education opportunities," hints at a need to better engage the public about the history of the place, but it remains vague about what that would entail. One telling comment in a section labeled, "Other Comments," offers a useful directive: "Engage indigenous community, other minorities and people of low-income" (*Restore the Gorge, July 2017 Survey*). In their concluding statements about the written and verbal comments, the authors briefly comment on a need to broaden this public discussion, but it is framed in a way that downplays

Indigenous interest in the issue in its qualified construction (this comment also seems to indicate a general ignorance about whether this issue is important for local Indigenous people): “Several comments expressed the need to bring more diverse voices into the discussion about dam removal and river restoration. Particularly, native people [sic], to which the Gorge may be of special significance” (*Restore the Gorge, July 2017 Survey*).

The question about whether Indigenous people might be interested and invested in this issue, too, is downplayed in this report. To be generous, the largest public concerns were not about Indigenous concerns, and perhaps this is understandable given current political realities, but given the large Indigenous population in the city, one still wonders why Dakota community members were also not invited to present at this meeting in the first place.

Based on the final published report, one is led to believe there was not much public concern about Indigenous issues, but in the complete survey responses, there is more public concern about including Indigenous people in this conversation than the final report indicates. For example, in the “Education” section of comments, there were seven comments about the need to properly contextualize the river and falls with Native history. Two respondents write, “Native American geography lessons for students of all ages,” and “Please feature native american [sic] history with whatever comes!” (*Restore the Gorge, Restore 4*). The public comments about including Indigenous people in the “Other/Open Response” section were even more direct:

- “include Native American community members in discussion and planning;”
- “Native American voice;”
- “How about consulting with Dakota people for history, education, spirituality. You need a native [sic] voice in this process;”
- “I would like to see a more representative segment of the community at the table. i.e. non-white participants esp, the native [sic] community, as they are the original stewards, stakeholders and caretakers of our river” (Restore the Gorge, *Restore* 9–10).

Indeed, there are enough public comments about the need for Native input in the data to have warranted deeper engagement with the concern in the final report released to the public after the listening session. Such an oversight may represent a missed opportunity to productively engage with the dissensus that arises from ontologies-in-tension. That is, if Indigenous people had been full participants in conversations from the beginning of this proposed ecological restoration project, in a scene of mutual respect that explicitly accounts for ontological and epistemic difference, then there might have been productive sharing of knowledge across difference that might have resulted in better care of the river for all. Such a process would be a countersettler colonial one for it would unsettle the settler state’s exclusive claims over land and water. The above commenters seem to intuit this political imperative, and their

comments work to unsettle, even in modest ways, the structural forces of settler colonialism in this public setting.

So, what do these data indicate on the part of the session's organizers? I suggest that there is a systemic aversion to engaging with Indigenous concerns because such engagement challenges the legitimacy of the territorializing settler state. At the very least, the inclusion of Indigenous perspectives into this conversation would likely bring unique story and language to the issue that could not easily be integrated into the settler-oriented public debate, and this might lead to a series of impasses. On the other hand, such impasses might lead to more productive collaboration (e.g., sustained relationships grounded in the sharing of knowledge, experience, and power) that would ultimately lead to better relations among the river and respective publics.

## **Conclusion**

This chapter has extended thinking in environmental rhetoric by reflecting on the ways that conflicting ontologies play out (or not) in public controversies about ecological restoration/healing projects. Some ontological relationships with the river, particularly ones grounded in settler thinking, experience the water as a resource to be managed by humans with liberal democratic modes of governance (at best, public comment sessions). Public comment sessions are not problematic per se, but they can work in opposition to Indigenous ontologies where water is related to as a person, as a

spiritual life-giving force (i.e., would it be proper or make sense to have a public comment session about a relative?). For example, public comment sessions about river restoration likely overlook a broader range of relations with the river that can be revealed with story and visual arts. These extended ranges of relations with the river include the work that collectives like Healing Place enact. Here I am not arguing that public comment work ought to end, but I am suggesting that it cannot be the sole mode of public engagement if we are trying to work counter to settler-colonial systems of environmental governance. Even if a public comment session is fully inclusive of Indigenous perspectives, if it is the only outlet for environmental decision-making processes, a singular consensus-based orientation toward knowledge and the natural world is being enforced.

With the case of the proposed restoration/healing of the (Mississippi) *Owamniyomni* River Gorge, I found that public discussion about the project is not sufficiently in tension; it is not productively engaging the dissensus that arises when incommensurate ontologies come in contact. Productive dissensus is important for it demands long term power-sharing, story-sharing, and collaboration across difference in scenes of mutual responsibility and respect. It may nevertheless be the case that Indigenous/non-Indigenous ontologies are incommensurable with each other, but there can also be acts of healing if these multiple publics with their unique modes of engagement can work together in collaborative ways. Settler colonial systems, however,

play a powerful role in creating conditions wherein Indigenous arguments and modes of engagement are not adequately addressed or considered in public spheres, especially in spheres that are “scientific.” This phenomenon played out clearly in the public presentation and listening session described above where the predictable concerns about river and water usage were privileged (i.e., rowing, renewable energy). Local Indigenous people are not without agency, however; local artists and organizations continually reterritorialize the Upper Mississippi River Gorge when they create alternative modes of public comment about the river’s healing. Such public engagement challenges the legitimacy of the territorializing forces of the settler-colonial state.

### **Postscript**

The U.S. Army Corps of Engineers completed its disposition study in May of 2019 and recommended that no action be taken in the near term on dam and lock removal at the Upper St. Anthony Falls Dam and Lock site. This means that the Corps determined the site to be fulfilling its Congressionally mandated purposes. Per the Water Resources Development Act (WRDA) of 2018, however, the Corps has new plans in summer 2021 to study the potential removal of the Lower St. Anthony Falls Dam and Lock and the nearby Dam and Lock 1 (U.S. Army Corps).<sup>29</sup> In the meantime, there

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<sup>29</sup> Without removal of the Upper St. Anthony Falls Dam and Lock, however, a major ecological restoration (rapids, paddlefish recovery, mussel restoration, etc.) is not possible (Lenhart).

remains significant public controversy in the Twin Cities area about the river's future.

Many continue to be hopeful that the river will be restored/healed, and if such an event does become a reality, there will be significant cost and uncertainty, including economic ones, ecological ones, infrastructural ones, and political ones. Moving forward, then, the multiple publics of the Twin Cities region will need to determine what kinds of reality they hope to create if locks and dams are to be removed: status quo, restoration/healing, or something in between.

## Conclusion

*“We seek to not just challenge power, but to build power. We are not simply a negation of the nightmarish colonial present — colonialism, capitalism, heteropatriarchy, imperialism, and white supremacy — we are the embodiment and affirmation of a coming Indigenous future, a future in which many worlds fit” (Red Nation, 1-2).*

With this dissertation, *Productive Dissensus: Toward a New Theory of Deliberative Rhetoric for Political Change*, I have made an argument about coalitional rhetorics that produce political change, arguing that intersovereign collaborative relationships in the context of land and water management between Indigenous nations and settler colonial states generate political changes that challenge settler colonialism. With three case studies I showed how “productive dissensus” works in the context of the land management negotiations between the Ho-Chunk Nation and State of Wisconsin (Chapter Two), in the context of public information campaigns with the walleye war (Chapter Three), and with public comment sessions concerning a potential dam and lock removal process along the Upper Mississippi River Gorge in Minneapolis (Chapter Four).

Before developing these case studies, I built a theory of deliberative rhetoric that aims to decenter antiintersectional liberal deliberative rhetorics that fetishize representation, multiculturalism, identity politics, and consensus. I developed this theory to show how deliberative rhetoric can work differently when it explicitly engages with and across political and ontological difference, an engagement that

generates dissensus; I understand this intentional engagement with difference without attempting to overcome it as “productive dissensus,” and I understand political change as being necessarily dissensual. The liberal urge to overcome or flatten difference with consensus, I argue, is misguided; I see this liberal urge as one of the structural features of settler colonialism with its tendency toward assimilation of Indigenous people.

Productive dissensus is therefore particularly useful for understanding the rhetorical and political implications of decolonial processes. Following those like Tuck and Yang, Itchuaqiyaq and Matheson, and Charles Sepulveda, I understand decolonization as land redress for Indigenous nations. This kind of land redress is dissensual; it radically reorders sensory orders from hegemonic settler space to Indigenous space. The concept “productive dissensus,” then, helps rhetoricians understand how radical political change (like land redress) happens and can happen.

### **Implications of *Productive Dissensus* for Rhetorical Studies**

*Productive Dissensus* contributes broadly to rhetorical studies in a few ways. First, as noted above, it asks rhetoric scholars to decenter consensus as an inherent good in deliberative rhetorical situations. Scholars like Karen Tracy, Robert Ivie, and Christian Kock have made related arguments, and I contribute a related theory to help the field understand the value of dissent and dissensus in countersettler colonial and decolonial rhetorical situations. *Productive Dissensus* does not argue against consent and consensus,

for they remain important in many deliberative decision-making processes, but it does argue that even when consensus is used as a rhetorical strategy, if that process has the real effect of changing settler society in ways beneficial for Indigenous people, that dissensus is taking place nonetheless in that a change to a sensory order has occurred. This means that dissensus works on two related levels: one at the discursive-rhetorical (language-based dissent) and the other at the material-political (sensory order). Simply put, language-based dissent can create changes in sensory orders, but language-based, consensus-driven, deliberative relationships can also create changes to sensory orders. But any rhetoric that reaffirms the political status quo, regardless of its language-based style and tone, is not dissensual (or “political,” as Rancière would put it).

Second, *Productive Dissensus* shows the importance of coalitional rhetorics that work with and across difference (e.g., identity, sovereignty, class) in processes of political change. On this point, I follow those like V. Jo Hsu, Amy Brandzel, Zoltán Grossman, Charles Sepulveda, Kyle Whyte, and Nick Estes, scholars who emphasize the value of intersectional and coalitional rhetorics and politics in the context of social movements that demand transformational, systemic political change. On this point Hsu explains,

Anti-intersectional politics assume that we can only deliberate and mobilize along one axis of identity at a time, thereby benefiting those with the most privilege—those who do not experience other marginalized identities. Such framings deny or downplay the mutuality of identity-based oppressions and inhibit collaborative transformations [ . . . ] Anti-intersectional discourses remain effective tools for managing dissent—for framing social change as a zero-sum

game in which oppressed groups must fight over a single seat rather than build a new table (271- 272).

In short, I see *Productive Dissensus* as contributing to emerging thinking in rhetorical studies that recognizes the value of coalitional and intersectional rhetorics and politics in processes of social change.

Finally, I see *Productive Dissensus* as a challenge to and contribution to rhetorical studies' recent interest in decoloniality and decolonial rhetorics. As noted above, I understand decolonization as referring primarily to land redress, or activity leading toward land redress, for Indigenous nations. Most scholarship in rhetorical studies that self-identifies as decolonial, however, emphasizes (1) discourses of resistance or protest in opposition to settler colonial society<sup>30</sup> (e.g., Kelly and Black; Stromberg; McCue-Enser) or (2) cultural rhetorics that follow Walter Mignolo's idiosyncratic theory of decoloniality<sup>31</sup> as epistemic "de-linking" from the "colonial matrix of power" (e.g., Wanzer-Serrano, "Decolonial Rhetoric"; Flores). In short, though such self-described decolonial work is valuable, some of it may be miscategorized as "decolonial" in a strict sense. As Itchuaqiyag and Matheson explain regarding decolonial work that they categorize alternatively as "Agency and Emancipation" scholarship,

These approaches provide important tools for highlighting marginalized voices in positive ways that could include the knowledges of Indigenous people.

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<sup>30</sup> I grant that this kind of scholarship could in some way lead toward decolonization.

<sup>31</sup> In previous chapters I have noted rhetorician Jose M. Cortez's related critique of Mignolo's essentialist thinking about indigeneity in the Americas.

However, this approach also has the potential to be overextended beyond the interests of Indigenous peoples and, in fact, may actively overlook the needs of these populations when used to focus on other populations (5).

In summary, though *Productive Dissensus* is sympathetic to the aims of self-described decolonial scholarship in rhetorical studies, it is not a decolonial project; it does, however, aim to positively contribute to new thinking in the field concerned with understanding how, from a rhetorical perspective, settler colonial societies are undermined and/or changed with coalitional and intersectional political organizing.

#### *Implications of the Case Studies*

The case studies contained within *Productive Dissensus* each present several implications for rhetorical studies. Chapter Two, “Productive Dissensus: The Case of The Kickapoo Valley Reserve,” an archival study that details elements of the 1997 negotiation process between the Ho-Chunk Nation and the State of Wisconsin in developing a Memorandum of Understanding (MOU), provides rhetorical studies a rare example of what (arguably)<sup>32</sup> a decolonial process might look like while considering the rhetorical implications of such a process. With this case I first show the ways that any decolonial process necessarily is agonistic and dissensual -- a return of land to an Indigenous nation, even with colonial strings attached, unsettles settler political orders organized around the elimination of Indigenous presence. From a

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<sup>32</sup> Of course, some readers would not consider this story as counting as decolonial given that the land returned is still being held in trust by the U.S. Federal Government. See the “Limitations and Uncertainties” section below for more commentary on this point.

rhetorical perspective, such a radical shift in context and rhetorical situation (or rhetorical ecology) is notable and worth attending to, particularly for those taking up inquiry about decolonial processes. In other words, when an entire rhetorical situation or ecology changes, the kind of available rhetorical inquiry radically changes. These changes then challenge or require rhetoric scholars to find new and/or more ethical methods, analytics, modes of expression, and data in relation to Indigenous sensory orders.

Second, and just as crucially, this case study demonstrates the importance of collaborative and coalitional rhetoric and politics in processes of decolonial land redress specifically and environmental management and stewardship generally. Marxist Indigenous scholars like Nick Estes, Charles Sepulveda, and Glen Coulthard persuasively show the ways that settler colonialism with its economic ideology of capitalism creates anticoalitional and competitive relationships between lands and peoples, thus resulting in the continued oppression of the Indigenous, the racialized, and the poor, while land and water is exploited for short term profit. One way to unsettle this zero-sum, anti-intersectional settler relationship with the land, then, is to collectively organize around ethical land and water management and stewardship. Of course, with this KVR case, it is unclear whether any of the parties would identify as revolutionary Marxists, but I do suggest that the rhetorical effects of their dissensus-based coalitional work achieves some of the anticapitalist, antissettler colonial goals

those like Estes argue for. In short, on this final point, the KVR case reinforces for rhetoric scholars the significance of coalition-building and collaboration in processes of environmental management and stewardship specifically and in processes of political change generally.

The second case study, “The Walleye War and Pedagogical Management: Cooperative Rhetorics of Responsibility in Response to Settler Colonialism,” builds on many of the themes and implications of the above case. It demonstrates the importance of collaborative management, mutual respect and responsibility, and treaties, largely from the perspective of the Ojibwe natural resources management agency, the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). As I’ve noted above, much scholarship concerning Indigenous rhetorics emphasizes Indigenous resistance to oppressive structures like settler colonialism, and though this case might also be understood as contributing to that tradition, it is more centrally about the ways that GLIFWC public communicators, in the tradition of Anishinaabe rhetoric and political theory, prioritize collaboration, mutual respect and responsibility, the sharing of scientific knowledge across ontological difference, and treaties across and between sovereignties.

Moving forward, rhetoric scholars might attend more to collaborative rhetorics across sovereignties and ontologies, particularly ones that are mediated by treaties and that unsettle settler colonialism. On this point, Estes explains that

Treaty-making is one of the oldest international and diplomatic traditions between and among sovereigns. And if we return to the treaties, we see that they are not *just* historical documents. In fact, they are future-oriented documents. They promise in the future Natives would receive healthcare, employment, education, land, and protection for the partial relinquishing of territory — the material basis for our sovereignty. Those promises have yet to be upheld. It should also be noted, those promises are fundamental human rights for all people, not just Natives. So the upholding of treaty law will surely benefit all humanity because we entered into treaties with the U.S. as equals with the belief that we possessed a common humanity (*Native Liberation*).

Crucially, on this point, the unsettling of settler colonial society with treaties is potentially beneficial for all. The upholding of treaty relationships generates dissensus in that it changes settler political orders, and for this reason, this case and the above case might be understood as resistance rhetoric; but, perhaps counterintuitively, this case also shows the productive value of collaborative rhetoric across difference in processes of political change. This implication is not new per se for rhetorical studies, but it is something that might be reemphasized. Perhaps the emphasis in the tradition of resistance rhetoric, therefore, might be shifted toward one of collaboration, coalition-building, mutual benefit, and intersectionality. I find this point important because an overemphasis on resistance may have the rhetorical effect of reinforcing the apocalyptic antiintersectional and anticoalitional politics that capitalism and settler colonialism cultivate.<sup>33</sup>

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<sup>33</sup> I am not saying that there should not be any more work examining resistance rhetoric, but I am suggesting that there is more than one way to generate political changes. Here I am making a distinction between working *against* a hegemonic system for change and working *away* from the logic of a hegemonic system for change; working against a

The third and final case study chapter, “Ecological Restoration or Healing: Conflicting Ontologies and Missed Opportunities in Public Debates Surrounding Mississippi River Gorge Restoration,” offers both rhetoricians and environmental communication scholars a few lessons concerning public environmental decision-making practices, particularly around ecological restoration projects in urban contexts. This case builds on the critical environmental rhetoric and communication literature concerned with the ways that much public environmental decision-making in the U.S. systematically excludes Indigenous concerns about their land and water (e.g., Endres). With this case I showed that indeed the early public conversations about potential river restoration by dam and lock removal systematically advanced a settler ontology while ignoring Dakota concerns about the project. The systematic exclusion of Dakota concerns in this case is perhaps not surprising. There are, however, a few implications from this case that I hope are helpful for those designing public comment events that

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system can stratify the power of that hegemonic system while working away from a system creates new possibilities for political becoming outside the hegemonic system. This point is informed by the philosopher and theologian Catherine Keller who theorizes in her book, *Apocalypse Now and Then*, the productive value of “counter-apocalypse” above the obdurate and self-defeating nature of “anti-apocalypse.” Put simply, Keller theorizes the creative potential of “awayness” above the apocalyptic logics (i.e., destroy and replace in the model of the replaced) of “antiness.” For example, in the context of this dissertation’s theme, I see Glen Coulthard’s thinking about Indigenous “self-recognition” (cf. settler states offering official recognition of Indigenous nations) as a countersettler colonial political act that works *away* from the power and logics of settler states. Overall, I understand this virtue of “awayness” as a key part of the “productive dissensus” concept; this is why I favor the concept “countersettler colonial” to “ant settler colonial.”

implicate Indigenous land and water; first, (perhaps obviously) there is not universal agreement about what exists or a universal understanding about how things come to exist; and, importantly, there is not universal agreement about how public decision-making processes ought to happen and where they ought to happen. Attending to these kinds of ontological differences, therefore, is crucial if ethical and productive environmental decision-making processes are to take place<sup>34</sup> (and at this point it should go without saying that I see an engagement with ontological difference as a feature of productive dissensus).

The second implication for rhetorical studies from this case concerns its urban political ecology framework (Simpson and Bagelman). *Productive Dissensus* is informed by thinking from political ecology throughout, but the final case is more explicitly engaged with the issues grounding such frameworks -- political economy (Robbins), political ontology (Mol, Blaser, Nadasdy), and river ecology<sup>35</sup> (Lenhart), with a social justice flavor (Blaikie). For instance, with this chapter, I noted competing stakeholder

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<sup>34</sup> Here I am informed by Whyte, Brewer, and Johnson's thinking about using Indigenous decision-making protocol in the context of sustainability science.

<sup>35</sup> Though I grant my engagement with per se ecology is limited. More advanced political ecologist-rhetoricians of the future, however, might gain advanced subject knowledge about science to support their cutting-edge rhetorical analysis about scientific topics. In so doing, they move past sophistry (mere rhetoric) about scientific topics toward Knowledge about the natural world, thus producing rhetorical scholarship pleasing for Socrates (who despised rhetoricians who only concerned themselves with persuasion at all costs above truth-seeking and truth-telling).

interests with ecosystem services, power utilities, and urban infrastructure (political economy) while emphasizing the differences concerning the nature of the river itself (political ontology), noting some of the ecological challenges that come with massive river restoration projects (ecology). And I see this analysis as contributing to a knowledge base that can potentially unsettle and change settler colonial societies (social justice). Taken as a whole, I hope this case shows rhetoricians something new about how to understand how settler colonial environmental decision-making works in urban contexts<sup>36</sup> while developing a conceptual set of tools that can work toward better futures (i.e., less oppressive, more equitable, more sustainable).

### **Limitations and Uncertainties**

As with any dissertation, this one has its limitations. First, for some readers, my identity as a white settler, able-bodied, cisgender male will limit my credibility as an author, and for good reason. I write this dissertation from an intersection of privileged

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<sup>36</sup> Glen Coulthard writes persuasively that more settler colonial critique and political organizing is needed around Indigenous resurgence efforts in urban contexts. He argues that “[t]hrough gentrification, Native spaces in the city are now being treated as *urbs nullius*—urban space void of Indigenous sovereign presence,” explaining further that “the efficacy of Indigenous resurgence hinges on its ability to address the interrelated systems of dispossession that shape Indigenous peoples’ experiences in *both* urban and land-based settings” (176). In short, an overemphasis on the rural in countersettler colonial political organizing and activism limits the possibilities for more radical decolonial futures. And in general, the U.S. political system is heavily biased in favor of the political preferences of many (most?) white citizens living in rural places, so a reorientation toward the urban across politics and academia may be beneficial.

identities and from positions of power, and this reality likely leads to oversights in my method, theoretical framing, analysis, and conclusions.

Second, and related to the above point, many of the theorists behind the “productive dissensus” concept come from continental European philosophical traditions (i.e., Mouffe, Rancière, Deleuze and Guattari, Keller, Mol), and this naturally limits the conclusions of the knowledge produced; this is arguably a problem for a dissertation about countersettler colonialism and decoloniality. I did, however, aim to address this issue by integrating thinking from Indigenous scholars, particularly ones from revolutionary Marxist traditions (i.e., Estes, Coulthard, Sepulveda). That said, future research about decoloniality and settler colonialism might build on thinking from rhetoricians like Tiara R. Na’puti who argues for the value and necessity of developing new analytical frameworks that build on Indigenous analytics like place-based storytelling. This does not mean that works like *Productive Dissensus* with fairly conventional western academic authorship, methods, and analysis become obsolete, but it does mean that this idiosyncratic approach to knowledge work might be decentered. That is, if academic spaces across the Americas wish to unsettle issues like settler colonialism and racism (Na’puti; Wanzer-Serrano, “Rhetoric’s”).

Third, and related to the two above points, this dissertation produces human capital for the author by developing abstract rhetorical theory, but it does not clearly support or benefit the subjects of the case studies. It also does not directly participate in

decolonization or the unsettling of settler colonialism, even if it does aim to better understand how such processes can happen. In this sense it may be reproducing settler colonial logics around research and the production of knowledge work. About the kind of research and argument *Productive Dissensus* takes up (rhetorical analysis about social and political movements), rhetorician Michael Lechuga argues that “this is a settler narrative of ethnographic gaze that we as rhetoricians are constantly reproducing by engaging in [...] unethical research practices. It requires a subjection of the ethnographic Other while embedding these practices in a capitalist economy of knowledge production” (382). He explains,

it is not enough to say that rhetoric is “the study” of how settler colonial ideology is communicated. Rather, it is a specific public-facing communication practice that organizes people and materials (especially land) to serve the needs of a settlement through claims of political sovereignty, [and it] produces and circulates narrative forms that foreclose a postsettler future by reproducing the same sets of relationships between bodies, lands, and power both in our research practices [...] and in our pedagogies (380).

In other words, the kind of work that many in rhetorical studies take up, including this work, is likely implicated in reproducing structural settler colonial logics around knowledge work and production. One way to address this issue, Lechuga argues, is “by aligning with activists to cocreate a political future outside and beyond the settler imaginary” (384). To be fair (and precise), *Productive Dissensus* does not centrally have as its focus activists or activism; rather, it is more about relationships between governments and publics across difference. Lechuga’s concerns about one-way settler

relationships between researchers and their research subjects, however, remain relevant, and this is clearly one of the limitations of this study and related studies that use archival and ethnographic methods to develop rhetorical theory.

Next, some readers may justifiably quibble with my claims about the ways that the case studies represent decoloniality and/or the unsettling of settler colonialism, particularly in the first two case studies. I maintain that the walleye war case effectively shows some ways that settler colonialism was unsettled, but of course the collective public communication work of GLIFWC, the Ojibwe tribes in Wisconsin, and allied publics has not fully done away with settler colonial violence and resentment in the ceded territory. There is certainly a long way to go to fully decolonize and/or fully unsettle settler colonialism in Wisconsin, and it remains unclear (to me) how to best address this issue moving forward outside of continued coalitional grass-roots activism around environmental justice and collaborative management issues.

The KVR case, too, has its limits and uncertainties, particularly on the decoloniality point. This case details a brief narrative from a small archive about the ways that the Ho-Chunk Nation came to reacquire some measure of control of a 1,200-acre piece of land held in trust. Some scholars (e.g., Whyte; Estes; Coulthard; Nadasdy) might argue that the land trust system only reinforces the settler colonial status quo, and they may be right about that point. My argument in that case, however, was not that the negotiation process between Wisconsin and the Ho-Chunk Nation represented

decolonization, but I did argue that the process in itself could be understood as an unsettling of a settler colonial sensory order, suggesting further that it might represent a preliminary stage of a messy, imperfect, and slow-moving decolonization. My speculation here nevertheless represents an area of uncertainty. If uncertainties are limitations, then this is a limitation to this case.

Finally, the Upper Mississippi case, has a set limitations and areas of uncertainty, primarily in that it is a rather disappointing narrative, at least from the perspective of river restoration stakeholders. It does clearly show typical ways that much environmental decision-making, especially in urban settings, systematically excludes Indigenous concerns, but the story's ending with the Corps of Engineers taking no action at all on the Upper St. Anthony Dam and Lock perhaps leaves readers with a sense of futility and hopelessness, perhaps not the best way to end an extended argument. I do hope, however, that that case provides readers with some tools about practical things to do and avoid when creating public environmental decision-making events, including coalitional activist events, moving forward. Some of these tools may include centering, or at least including, Indigenous concerns about how their land and water ought to be related with, and this may include creating alternative modes of public comment. Andrea Carlson's digital art installations as noted in the case offer just one good example about what alternative public comment can look like.

## What's Next?

Moving forward I see *Productive Dissensus* as a starting point for emerging work in rhetorical studies in a few interrelated ways. First, it builds on existing work from political theory, political ecology, and rhetorical studies to make an argument about the importance of intersectional coalitional work in the service of decolonization. The lessons learned from this argument can also be applied to related work in the service of anti-oppression generally. Indeed, Indigenous-led organizations like the Red Nation and NDN Collective make the case that decolonization can benefit all those oppressed by white supremacist capitalism-settler colonialism. More work about the rhetorical, political, and pedagogical dimensions of these kinds of movements may be needed, and the thinking developed in *Productive Dissensus* can provide a starting point for such coalitional political work, even if it is not directly related to decoloniality or environmental politics.

Second, *Productive Dissensus* challenges rhetorical scholars to think differently about what decolonization is and how it might be achieved. Again, I'm persuaded by those like Tuck and Yang who emphasize the importance of land redress when writing and talking about decolonization. As I've written above, not much work in rhetorical studies, composition, or literacy addresses instances of land redress or reclamation and the implications that follow. Emerging work in rhetorical studies, however, like Kassia Krzus-Shaw's emerging research about the Ho-Chunk Nation's reacquisition of a

portion of the Badger Army Ammunition Plant property in Sauk County, Wisconsin, represents a valuable line of scholarship about the politics and rhetorics of land redress that this dissertation hopes to follow. In short, *Productive Dissensus* enters nascent conversations about the rhetorical implications of land redress and reclamation processes. More can be written about these things, especially if that writing can benefit or support such processes.<sup>37</sup>

Finally, I see *Productive Dissensus* as imbricated in emerging conversations across disciplines concerning the ongoing climate crisis. Addressing the climate crisis will require radical coalitional action across identities, classes, and sovereignties, and importantly, this action will likely require a move away from liberal and capitalistic political ideologies toward ones that are broadly anti-oppressive, ones that abolish settler colonialism, police, and prisons. All these interrelated oppressive institutions require the benefits that come from exploited Indigenous lands and from exploited labor; it is this interrelated system that has led to the current climate crisis. Effective response to the climate crisis, therefore, as Estes argues in the “A Red Deal,” will require broad interventions into anti-oppressive forms of social justice that benefit all,

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<sup>37</sup> It’s not simply that land redress and reclamation processes are rare. Middleton Manning has documented dozens of cases of Indigenous groups’ reacquisition of lands; the Yurok Tribe in California has recently been able to reacquire thousands of acres of their original territory, paying for it partially through a cap-and-trade program in the state (Cory); and the City of Eureka, California recently returned a 200-acre piece of sacred coastal land to the Wiyot Tribe after years of petitioning from the tribe (Greenson).

including interventions beginning with housing, healthcare, education, and green jobs.

On this point Estes explains that the Red Deal, in building on the policy thinking initiated in the Green New Deal “places anti-capitalism *and* decolonization as central to each social justice struggle as well as climate change. The necessity of such a program is grounded in both the history and future of this land, and it entails the radical transformation of all social relations between humans and the earth” (“A Red Deal”). Put differently, to address the climate crisis, intersectional and coalitional political activity leading toward decolonization is needed. The engine behind that political change -- change that “transforms all social relations,” change that transforms sensory orders -- might (humbly) be described as productive dissensus.

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