

## Keep an Open Mind

By

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I encourage the decision makers on art in the State Capitol to keep an open mind on the relocation of some existing art. Be open to letting your thinking evolve. You may reaffirm your original thinking or you may change your mind, as I did. Keeping an open mind as you decide this issue is critical to ultimately doing the right thing. To illustrate my point, I review the evolution of my thinking with respect to two paintings in the Governor's Reception Room – *"The Treaty of Traverse des Sioux"* and *"Father Hennepin at the Falls of St. Anthony."*

I have a significant connection the 1851 Dakota treaty. My presence in Minnesota is the result of this treaty. My Scots-Irish ancestors came to Minnesota in 1855 from Northern Ireland by way of Galena, Illinois. Most the good land around Galena had been claimed by 1855: but there was plenty of new land available in the Minnesota Territory as a result of this Indian treaty. The "opportunity" created by this treaty is why of my ancestors came to settle in Eden Prairie. They staked a claim on what was formerly Dakota land, tilled the soil, paid the U.S. Government \$2 per acre for 160 acres, interacted with Dakota people who returned to their native land, donated land for the "Anderson School" and established a house of worship. As they say, the rest is history.

When Governor Arne Carlson announced my appointment as Chief Judge of the Court of Appeals, he did so in front of the *"The Treaty of Traverse des Sioux"* painting. I proudly pointed out to family and friends how important this 1851 event was to our family history. I have attended well over 100 announcements, press conferences, judicial appointments, negotiation sessions and diplomatic receptions with this painting as the dominant background feature. I have looked at, studied, and pondered the content and significance of this painting many times.

The painting is historically significant. Francis Davis Millet, an internationally famous painter, sculptor and writer painted it. Millet was decorations director for the 1893 Columbia Exposition in Chicago. As the director, he coordinated the work of our country's best artists and chose much of the artwork for the Exposition. He invented the type of paint that allowed most of the buildings at the Exposition to be spray painted white. Thus, it became known as the *White City*.

Cass Gilbert commissioned the painting to fit in the prime space at the West end of the Governor's Reception Room—a space that it has occupied for more than 100 years. Millet made an effort to make the painting “accurate and realistic.” He obtained eyewitness commentary, consulted an earlier rendering by an artist present at the signing, and built a green, bough-covered canopy at his home in Worchester, England and let it age for three weeks in order to get the colors just right. Henry H. Sibley and Alexander Ramsey, Minnesota's first two governors, are depicted in the painting. Millet was last seen alive on April 15, 1912 in mid-Atlantic ocean assisting women and children into lifeboats as the *RMS Titanic* sank. His artwork is significant and valuable, it must be preserved and it should continue to be displayed in the Capitol.

But, there is a dark side to this painting that must be acknowledged. Despite Millet's goal of historic accuracy, the painting falls short of being an accurate rendering of the event. It is a third or fourth generation “romanticized” and “cleansed” version of the actual treaty signing. The harmony shown in the painting is not fact, as is evident from eyewitness commentary, an earlier rendering of the treaty signing, and the Dakota peoples' history of the event. The treaty was very one-sided—it was unfair to the Dakota. There were at least three different versions of the treaty signed that day. An abridged version presented to the Dakota people (drafted and translated by government representatives), another used by the U.S. Government and a third version for Indian traders, including Henry H. Sibley. The latter version of the treaty is sometimes referred as the “whiskey barrel treaty,” given that it was signed on a whiskey barrel set slightly to the side of the main platform.

The attire of the Dakota is not accurate for the time or place, more reflecting the dress of the Plains Indians of the late 19<sup>th</sup> century. The United States government did not honor the terms of the Treaty. This breach led to the uprising of 1862 and the subsequent deportation from Minnesota of the Dakota people. For the Dakota and other American Indians, the painting is a stark reminder of a painful event and reminds them of the loss of their land and a significant part of their religious heritage given that American Indians revere the land in a spiritual way.

It is not only the Dakota who feel the pain of this event. A cousin recently brought water and sage to the riders participating in the trek from the Dakota reservation to Mankato as a way of acknowledging their ancestors loss and our ancestors gain. My cousin wanted to show her understanding and empathy for the plight suffered by the Dakota as a result of this treaty. Some may label her actions as being “politically correct.” Trust me they were not. They were a sincere expression of her feelings. Many persons other than American Indians share her view.

Nevertheless, the painting depicts a significant event and has acquired a certain gravitas as a result of its history and placement in the Capitol. I do not believe it should be removed from the Capitol. But, because of the complex views it engenders and the pain associated with the event it depicts, it should be relocated and placed elsewhere in the Capitol where it can still be viewed and appreciated, but be properly explained and interpreted. It should no longer have the “privilege of place” behind the Governor and other state officials when they conduct our state’s most important business.

Alternatives to relocation of the painting have been proposed, but I have found most to be deficient. For example, one suggestion was that the painting stay where it is but install curtain that could be pulled over the painting when the Governor conducts state business in the Reception Room. My answer to this proposal is simple--two wrongs do not make a right. To have the painting remain in place but cover it during gubernatorial business is hypocritical and lacks integrity. If the painting remains, in the Reception Room it should not be hidden from public view. If the painting is to stay, it is far better to move it to the other end of the Reception Room rather than to periodically “cover it up” when the Governor and others act on behalf of the State.

As previously noted, there was a time when I pointed with pride to this painting and had few problems with it being displayed in the Governors Reception Room, but my thinking has evolved. I now have a more nuanced and complex view. Therefore, I join without reservation in the recommendation of the Art Subcommittee that the painting be relocated within the Capitol and be accompanied with better and more robust interpretation

I have a different reaction to "*Father Hennepin at the Falls of St. Anthony.*" Unlike many others who say that it does not reflect history, I believe that it does so, but from a particular point of view. It is a painting that reflects a certain time, style and type. This painting accurately shows that Father Hennepin was one of the first Europeans to see the Falls; but, he did not "discover" the falls even though the artist originally entitled the painting "*Father Hennepin Discovering the Falls of St. Anthony.*" American Indians knew the Falls was there for thousands of years before Father Hennepin arrive on the scene.

A native woman in the painting is nude above the waist. Some persons say this is not an accurate representation; but Father Hennepin's journals reflect that some native women were nude above the waist and did carry packs. But here is the problem—this depiction is more the exception than the rule (think mosquitos and cold weather). Objections to this depiction are valid. It is as though we natives of the British Isles were to prominently display paintings of Queen Elizabeth I with her breasts exposed because wearing clothing that exposed a woman's breasts was the style during part of her reign as Queen. The journal of a French Ambassador to her Court notes with curiosity this style of dress. A painting of Queen Elizabeth I so attired would be accurate, but I doubt a painting like this is on display in the Queen's Reception Room at Buckingham Palace. A suggestion has been made that the painting be rendered more acceptable by painting clothes on the native woman. Such a "cover up" would be a hypocritical act that would, in my opinion, diminish the original work of art.

My main objections to the *Father Hennepin* painting go beyond claims of inaccuracy. They run directly to what the painting accurately reflects or omits. The painting can be viewed as depicting the discovery

doctrine espoused by European explorers. This doctrine justifies the right to claim all “newly discovered” land in the name of the explorers, their King and the Christian religion. European explorers would claim a river, like the Mississippi, and all lands that drain into the river. For some, this doctrine incorporated an obligation to convert all native inhabitants of this newly discovered land to Christianity and if they did not convert, then to kill or enslave them. Settlement of the New World was based on this doctrine and evolved into the notion of “Manifest Destiny”, a doctrine that any land coveted by Euro-Americans was by providence rightfully theirs for the taking. This doctrine has even been enshrined in early opinions of the U. S. Supreme Court. Under this doctrine millions of American Indians were enslaved and/or killed.

Further, the omission of Spirit Island from the painting is problematic. The island was there when Father Hennepin saw the Falls. Spirit Island was a place of significant religious importance for indigenous peoples, but it is not shown in the painting. From a particular perspective, depicting this spiritual place for indigenous peoples might be viewed as inconsistent with European religious thought personified by Father Hennepin. For this reason and the others noted, I can understand why the event depicted, while historic, is offensive to American Indians. I believe it is not a good reflection of 21st Century thinking.

*“Father Hennepin at the Falls of St. Anthony”* should not have the “privilege of place” in the Governor’s Reception Room. Nevertheless, the painting has historical significant and the gravitas of having been on display in the Capitol for over 100 years. I believe that this painting should remain in the Capitol; but be relocated with better and more robust interpretation. It might be a good idea to give some context to the painting with other artwork that depicts accurate scenes of American Indian life in Minnesota before and at the time Father Hennepin first came here.

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