The School-Prison Trust

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1. Jakes’ Refusal, Squanto’s Revenge

Refusal holds on to a truth, structures this truth as stance through time, as its own structure and commingling with the force of presumed and inevitable disappearance and operates as the revenge of consent—the consent to these conditions, to the interpretation that this was fair, and the ongoing sense that this is all over with. When I deploy the term revenge, I am hailing historical consciousness. As such it is a manifestation of deep awareness of the past, of, for example, theft, in raw form . . . As such this consciousness avenges the prior.

—Audra Simpson, “Consent’s Revenge”

Conquest institutions actualized through modes of perpetual discovery predetermine refusal as insubordination. This can take on the descriptive frame of disrespect or disobedience or deficit or disorder and has been the object of entire imperial carceral administrations—such as special education or classroom management—replete with colonial surveillance knowledge bases and university degrees. So refusal not only describes “both a stance and a theory of the political”¹ but also rejects refusal as a diagnosis or conduct. It is a sovereignty. And as we will tease out, it resists the imbricate forces of the school-prison trust. As Vine Deloria Jr. notes, “inherent” in what he describes as the “peculiar experi-

1. Harney and Moten, Undercommons, 166; Grande and McCarty, “Indigenous Elsewheres.”
The school–prison trust “of racialized peoples in north america “is hidden the basic recognition of their power and sovereignty.” This basic recognition draws a straight line to the heart of conquest’s apprehension and repression. The state’s fundamental recognition of Native power helps map the deliberate, counterinsurgent nature of the school–prison trust. Refusal brings both Native sovereignty and conquest state apparatal reaction into relief.

One vital component of that refusal of the school–prison trust is rooted in Simpson’s framing of memory and remembering. It is a memory of the prior, a manifestation of deep awareness of the past; a memory extricated from fictive consensus or evidence; a remembering inaccessible to the conqueror; a knowing that taps into experiences of the structures that created the current conditions—warfare institutions (like schools)—of the contemporary conditions created by these structures and institutions that make it possible for Jakes, when asked if things might have been different, to respond “Shoot. Naw.”

Survivance and Sovereignty

“It had been a long time since he thought about having a name,” writes Leslie Marmon Silko in Ceremony.3

“Shoot. Naw,” Jakes said. And he laughed. “School is school.”

I looked at him with feigned puzzlement, for elaboration. But Jakes knew me enough by then to just be exasperated with me. So he stayed leaned back in his green office chair and offered a nonchalant response.

“You know, school bein’ just a bunch a people—I don’t know—they just tryin’ to fuck with kids.” Coffee mug stains on the table formed a dirty map of overlapping, faded enclosures.

“OK.” I smiled. And, as I was about to go on to something less obvious and less annoying, Jakes leaned his sharp elbows onto the

2. Deloria, We Talk, 115.
3. Silko, Ceremony, 16.
wood tabletop for a moment, in a gesture of sudden interest or renewed sincerity.

“Like they think they trying and everything.”

“How, really?” I asked, a little circumspect.

“Yeah. Like they got this idea once to do this circle. This lady, Linda, she knew all us kids ‘cause she was like the top counselor or something, you know what I mean?” Jakes noticed me noticing him rubbing his knuckles. He had large hands and long fingers with protruding knuckles—pretty and knobby. But they were dry from the unruly coldness of this winter, and the large knuckle on his right index finger was cracked and bleeding slightly.

“You got lotion?” he asked.

“Yeah, but it smells,” I warned. Cocking his head to the left, he gave me a pouty smile with rolled eyes, as if to say, of course it does!

“Like patchouli,” I followed grinning. And we both laughed hard at that.

Before it was designated contraband, I had learned to bring lotion into the prison, because it was one of those both essential and rare commodities. But I had run out of unscented or mild-smelling lotions, and that morning all I had left was patchouli. Though a favorite of mine, it was not popular among the young men.

I pulled the tube of lotion out of my bag and handed it to Jakes, who squirted a generous portion onto his fingertips and began applying it to his knuckles in funny, small circles.

“So, Linda,” I prompted him, hoping to return us to this nascent discussion of school on the Outside.

“Yeah. So, Linda’s like callin’ us into this room like it’s all special ‘cause she has chairs in a circle and we—man, it was like the Spanish classroom or something stupid. Sittin’ in a circle, like they always think they doin’ some ‘Native peace’ thing but they don’t know nothin’ bout bein’ no Indian. So, anyways, yeah, we sit there and she’s like, ‘Let’s go around and say who we are.’ We all know who we are! It’s Linda and a bunch a us dudes.”

Jakes took a second portion of lotion, capped the tube, and handed it back to me. He busied himself again with his small circles.
“Thanks,” he said when he was done and sniffed his hands in the exaggerated gesture of smelling a flower.

For a moment, Jakes sat back, his hands spread out to dry on the top of the wood table as if laid out to warm in the sun. But it was winter and prison. It was cold, and there was no sun.

Jakes cocked his head to the side again, as was his way, and took us back to that long-ago, faraway classroom on the Outside where Linda was the keeper of absurdity and power. “So, me bein’ the only Indian fars I could see in that room, I say, when it come to me, I say, ‘Hello, I’m Squanto.’” He grinned, the brilliance of his irony curving up in satisfied wrinkles at the corners of his eyes.

Squanto figures centrally in the myth of pilgrim and Native interactions, including the childish white story of fantastical thanksgiving feasts—the story that cleverly blankets the lived white fantasy of thanksgiving massacres. But Squanto was also a Pawtuxet prisoner of whites whose captivity marks one origin in the stories of north american conquest. He was a world traveler, a traitor, a double agent, an entrepreneur, a linguist. Squanto is a mystery and what many would call a trickster. A trope and a man.

“I’m dyin’ you know, laughin’ so hard, but Linda writin’ something on her notepad. And later the officer and this guy they brought in to help us take responsibility or whatever, they say, ‘You know, Linda says you’re “noncooperative” and you’re not taking this seriously.’” Schools, like prisons and prison schools, are sites of dynamic statecraft, where a young person’s crime is being an Indian. Cooperation is meant to bludgeon young people into being acquiescent and tractable. But being an Indigenous person with an untameable sense of humor, one that rebuts the absurdity of conquest power and its keepers, even while seemingly at their mercy, is a seditious ideological threat. Jakes’ pushback against one of countless performances of colonial democracy (a flawless oxymoron, obviously)—one that was a predictable, proverbial theft of what the state imagines and then charades as Native—was of the worst kind of conduct for a Native boy: noncooperative. This is the circuitry and circus of carcerality in the school–prison trust: chaotic surveillance of the spirit.
Jakes’ Refusal, Squanto’s Revenge

Jakes laced his fingers together, rested his interlocked fists on the table, and cocked his head to the other side, shaking it slightly and looking me dead in the eye, as if to say, *now ain’t that somethin’*. To punctuate, he unlaced his fingers and threw his hands up. But when he brought his arms back down, setting elbows in opposite hands, he noticed his left elbow. He brought it forward toward his face, rubbed it with his right hand while looking down at it in bewilderment, and then looked up at me, shaking his head: “Dang.” I was already reaching back into my bag for the patchouli lotion.

“Here. You’ll smell great now,” I said, to which he gave a surly face. Jakes gingerly began his funny small circles of lotion on his dry elbow.

“You gonna check the other one before you give it back to me?” I asked, leaning back and giving an up-flicker of my eyebrows.

He started to say something but then just gave me a look.

“You think you funny,” he smiled.

“No. I think *you’re* funny,” I said, honestly. He smiled bigger, and then gave me a teenage smirk.

Gerald Vizenor tells us the features of survivance stories include that they *refuse* the singular colonial story of war and death. He writes, “Native survivance stories are renunciations of dominance, tragedy, and victimry.” They are an “active sense of presence.” And they are present memories, wounds of conquest that often live in humor hiding in plain sight, as sign and symbol, as unconquerable joy. They might be sacred, private, secret, and they might also be secular, public, known. They are wry and incisive analysis. They are individual narrative. And they are collective intellectual balm.

Writing of Jamaica and particular violent state incursions into a community, Deborah Thomas shares,

I am interested in what these wounds and memories tell us. . . . How might we consider them an archive, not merely of the material traces of the performance of sovereignty, but also of the immaterial and affective dimensions of its experience, of what sovereignty feels like?  

4. Vizenor, *Fugitive Poses*, i.  
We treat Jakes’ survivance stories as one archive of his life in the school–prison trust and his collective contemporary and ancestral knowings. For us, they help illuminate the *inmaterial and affective dimensions* of *what sovereignty feels like* in the binding contradiction of Trust. They are interwoven threads of time and feeling. They are a refusal.

In Jakes’ stories, refusal is marked by an invocation of an archival past, an adept and cutting merger of past and present, and the assumption of a future untenable to conquest paradigms. Without question, his invocation of Squanto was met with carceral reply. And we get the material, psychic harm of that future, as well as its killing intentions. But those extreme intentions are also a state precautionary response to will and to the existence of Jakes’ will in a future known through past. His will compels us to consider refusal beyond the response to state reply.

Sovereignty in the U.S. context is the more static and abstract description of what should be inherent rights of nations to self-govern (rights that, ideally, shouldn’t and can’t be given or taken away as colonial rights are). In this conquest context, sovereignty is sometimes an assertion and an assignation ensnared in recognition. It is the forced necessity of receiving or requesting the nation-state naming what should be a given for peoples; and so is, by naming it, not. Tethered, it is the imposed naming of peoples, imbued with the god-power to unname, and so is, by naming them, not. True sovereignty is the inherent, independent power of peoples. \(^6\) Sovereignty in action is in part self-determination free of permission and its threats. If self-determination is what sovereignty feels like—experiences that supersede the coercive authority to assign or declare a status—survivance stories are refusal and revenge: knowing, memory, and creation. They both address conquest and

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live boldly outside it. They turn away from parsing out rubrics of agency and toward life-giving acts of resurgence.


“Yeah, noncooperative Squanto,” said Jakes, now serious. Putting the top back onto the lotion, he looked away into the distance, as if trying to see someone, as if thinking about a name.

All that’s in a name is a puff of sound, a lungful of wind, and yet it is an airy enclosure. How is it that the gist, the spirit, the complicated web of bone, hair, brain, gets stuffed into a syllable or two? How do you shrink the genie of human complexity? How the personality?

Squanto. Two syllables in forced and insurgent transit across the brutal reshaping of a world. Whatever else Squanto was or was not, whatever lore adhered and whatever exquisite details were lost, he was a real and therefore complex human being who survived, among so many things, war-capture and slavery, only to return finally, miraculously, insurgently, home and there find only the ghosts of his entire community. The merciless year was 1619.

The building of empire happens in choruses, not solos. Crushing and unbearable, these grief-filled choruses could not travel across the water from the Massachusetts coast to Point Comfort, Virginia, or back. But their temporal, structural coordination was neither accidental nor incidental, just as the conquest relations of school and prison are both distinct and mimetic across geography, time, and peoples.

**Noncooperative Squanto**

In Jakes’ invocation of Squanto, we heard mournfully analytic, precisely satirical, and brilliant refusal—reaching across geography, time, and peoples. Names come to represent more than a sound.

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7. Simpson, *Always Done*.
They carry the actions of people across time and into communities. They form a pushback across colonial systems intended to remove or annihilate the essence of people. Names become one and many. While Jakes’ story’s structural or legal antecedents can partly be found in the Doctrine of Discovery and racialized, propertied rights as frame and photo of trusteeship, the story’s expression proceeded in schooling and its liberal state war projects. Putting narrative form and cadence, embodiment and name, to Simpson’s analytic, Jakes’ and Squanto’s revenge mobilizes a “historical consciousness,” avenging prior and present, pointing choral adolescent and ghost fingers fiercely at the unbroken link between prior and present, contributing to an archive of what sovereignty feels like in the school–prison trust.

“Education has a transitional function of moving individuals from one status or condition to another,” write Deloria, Jr. and Wildcat. “In the old days we used to mark these transitions by giving the individual a new name, a name that would more accurately summarize his or her achievements.”9 A school-name can mark a transition from avenging a prior to making a sovereign future, even if fugitive in the present.

“When my turn came,” wrote Luther Standing Bear, “I took the pointer and acted as if I were about to touch an enemy.” Oglala Lakota child Plenty Kill was a member of the first class of Pratt’s Carlisle School. Leaving his family and tribe for what he thought was certain death—what else would white people want with Native people?—and with no concept of school (but rather a rich experience with knowledge), Plenty Kill arrived at Carlisle and, among countless other assaults, was told with his classmates one day to select a “white man’s name” off the blackboard. “None of the names were read or explained to us, so of course we did not know the sound or meaning of any of them.” When his turn came, the son of Chief Standing Bear and Pretty Face declined to mark himself with

meaningless chicken scratch. So he made meaning of the compulsory action. He made it his and his people’s. He counted coup on his vacant white name: “I took the pointer,” he recounted, “and acted as if I were about to touch an enemy.”10 In that act and stance of refusal, he transformed his forced-chosen name, Luther, into a symbol of his bravery and his triumph. In that act and stance, he established relations before those dusty white lines flew into the mouth of his teacher and became a puff of sound. All that, in the middle of one hauntingly inaugural moment in the school–prison trust.

Luther and Jakes assert their inherent being through revenge acts of refusal. Under the rule of educational repression, they practice what sovereignty feels like. And what it feels like is in part the doing of it: making an alliance of the philosophical with the active. Jakes and Luther Standing Bear self-determine as refusal revenge against institutional educational efforts to extinguish agency. Notably, their revenge tactics play on the colonial stereotype of traditionalism and so upend both the current context and the framing of past as antiquity in forging an insurgent future. This is temporal sedition.

A name becomes and invokes sovereignties across time.

We’ve described sovereignty as the inherent, independent power of Indigenous peoples. That power manifests, adapts and adjusts to the totality of Indigenous life. Sovereignty has also been mobilized strategically with specificity for protecting against legal and political incursions on Indigenous practices that define community (the philosophical and ephemeral nature of a group’s rights to be, spiritually and cosmologically); repealing dependence on federal government and non-Native grocers’ sickening, ecocidal, and restricted food options toward self-determined farming and distribution; reserving unique linguistic and educational rights; and resisting rhetorical imperialism, among many, many other purposes. These sovereignties gesture toward Indigenous worlds that defy ontological imperialism or the demands of the nation-state to determine the day-to-day

10. Standing Bear, My People, 110.
realities of Indigenous peoples. Other sovereignties are characterized outside direct relation to the colonial state. Simultaneous with all these, sovereignty protects the relations of past, present, and futures, honoring time and its creations.

We understand the inclination toward law as a navigation of conquest, and respect it as one of many iterations or navigations of sovereignty. But, as we will consider later, conceptualizations and practices that imagine the state conferring sovereignty may be confined by a misunderstanding of how sovereignty functions. Unmitigated sovereignty remains untouched by gauche and ghoulish versions and interpretations of and by U.S. law or United Nations rights declarations.

**Mournful Analytics**

Endless pupilage maps onto the prisoner, not the student, in dominant institutional practices and imaginaries. And it reifies limitless state powers of war. So trusteeship, as a soft term for prison, detention, and captivity, makes the Native student institutionally and legally predisposed to be considered simultaneously the war prisoner, detainee, or captive and the school and prison as rightful sites of captivity.

A primary implement of colonial warfare, boarding schools *came for the children* by functioning as trustee sites of “civilization” through cultural and structural genocide organized along at least three complementary, overlapping trajectories of missionarism, militarism, and maternalism.11 As many scholars have carefully documented, these trajectories were organized around deeper mercenary goals: brute consolidation of property, future possession of resources in Indigenous lands, creation and control of a scattered laboring class, establishment of European moral su-

premacy, and ideological dominance of western epistemologies and ontologies over Indigenous ways of being.

Children were particularly important to the state Trust project precisely because the possession of Native children was axial in the propertization of relations between the colonial state and Tribal Nations. Moreover, this possession was an inflection point, where war and the private sphere or domesticity met. Those children initially targeted were those from Nations with whom the United States recognized active war and whom government agents described as “hostile.” Pratt began his program of education on adult prisoners of war, described by Bishop Henry Benjamin Whipple as “hostages for the good behavior of their people.”12 These first POWs were made the pilot program for Pratt’s infantilizing, violent warcraft system of schooling.

The children were brought in as POWs not to a military camp but rather to white maternalism in so-called schools, so they became prisoners of conquest domesticity, quite in line with certain plantation slavery mobilizations of privacy in the United States. Such privatization afforded shielded space in the boarding school system for statecraft tactics such as sexual violence and physical abuse. Child labor, both for its own ends locally (farm labor or school building maintenance, for instance) and for the larger state project of dispersal of political peoples into racial capitalist economies, was a termination tactic constitutive of schooling.13

Indigenous descriptions of experiences of state schooling and prison have not been those of wholly distinct practices or apparatuses. Boarding schools were in part a proto-penal institution for young Native people. “The incarceration and tormenting of indigenous children in government and religious boarding ‘schools’”14 mirrors the removal of Indigenous people to prisons, jails, and detention

centers. However, it is imperative for us to note, in recognition of scholars who have done this work and people who lived through this unparalleled experience, that boarding schools did not function simply to unilaterally, uniformly remove and culturally sever Native children from home. “Appealing as this interpretation may be,” writes Brenda Child in *Boarding School Seasons: American Indian Families, 1900–1940*, “it also underestimates American Indian families.”\(^{15}\) In *They Called It Prairie Light: Oral Histories from Chilocco Indian Agricultural School 1920–1940*, K. Tsianina Lomawaima details the ways in which students were agentive, collaborative, and insurgent. Across eras, the story of boarding schools is both unflinchingly genocidal and spiritedly self-determined. Our study of them as a carceral-labor educational system is in no way meant to undermine a more complex truth.

The publicly proclaimed end goal of the first era of boarding schools on Native peoples, modeled on the military experimentation on Native prisoners of war, was, as Richard Pratt, founder of the Carlisle Indian School, declared, to “kill the Indian in him, and save the man.”\(^ {16}\) *Killing the Indian in him and saving the man* sanctified the secularization of Christian doctrine, afforded white male militaries a demonstration of their utility to civil society, and served white female maternalist movements an exposition of the institutional value of nation-building motherhood outside the home.

In the last case, maternalists worked to support the state project of eliminating Native women through the codified degradation of their fitness for parenting and the utter corruption of their children through schooling, effectively merging white womanhood, schooling, and incarceration. This was a race–gender worldmaking labor by which white possession, again, relied on dispossession and disappearance. To make men of white men, they sought to kill the Indian and relegate him to museums, storybooks, (pre)history. To

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make women of white women, they sought to rupture the maternity or parenthood of Indigenous women, and leave them dispossessed of their children and Indigenous futures.

White nationalist womanhood—sometimes referred to as republican motherhood or the cult of true womanhood—consolidated its legitimacy through boarding school rites of degradation, suppression, and exploitation. White maternalism and benevolence were intimately coupled to state stewardship, which found powerful expression through possessory interest in children. Such interests pivoted always toward spiritual salvation as a state burden and responsibility.

Maternalists suggested that Native life was a prison from which boarding schools helped young Native people escape. This maneuver situated conquest carceral schools as the institution not only by which the colonial church and state would continue to converge but within which salvation was relocated. This maternalism precedes what would follow 130 years later in schools and prisons throughout the United States as the school–prison trust took its current shape.

Maternalism exquisitely mediated Native land theft through children, as white women’s individual state-based legal rights in relation to a range of properties (income, land, children, etc.) were unfolding unevenly throughout the nineteenth century and were tentative at best. In other words, white women were not understood to be independent contenders for righted properties. Maternalists therefore presented a spiritual sincerity of the duplicitous state and facilitated the ongoing practice of land and life plunder—acts of war—under the guise of altruism. In this way, maternalists served as the paramilitary force entrenching conquest power, acting in service of the state project without the full rights of enlistment. Reaping mercurial benefits from their adjacency to power without direct possession, they were the mercenary corps, the covert boots-on-the-ground in the war against Native children. As with

other soldier-for-hire arrangements, the state as syndicate could distance itself from them while benefiting: if they harmed children or failed at the project, it was on them; if they were successful in their mission, the state claimed the reward.

White women of a certain pedigree were central to the dispossession of Native peoples but not to their own possession (self, land, rights, or other property). Conversely, but in sick symbiosis, Native women were legally dispossessed by conquest codifications of property as individual, individual as white and male, and women as property of marriage. So, maternalism was in many ways the flip side of the coin by which various codes moved property away from Native women in multiple and correspondent directions. As we consider later, this relationship becomes centrally important to the contemporary relationship between state schooling, the murder and disappearance of Native women, and state removal of Native children.

As boarding schools moved out of their first theater of war—what some call their assimilationist era—and maternalism’s first era simultaneously came to a close, maternalism pivoted to chastising and drawing public attention to the horrible conditions of residential schools and fell in synch with the Meriam Report. This pivot did not change who was a subject and who was an object in the conversation, and it did little ultimately to change the ways in which a certain class of white women related to the state. But it did do two things: remind us that repressive regimes are fickle and contradictory and surface the ways in which boarding schools were always about labor—resonant across myriad models, from convict leasing to wage labor to indentured servitude.

18. In addition to cultural and linguistic genocide, assimilation into a gruesomely violent social order included being used as experiment subjects for the effects of disease, malnutrition, and physical pain; incorporated into a cultural practice of secretive child predation and assault; blended into a brutal labor economy; psychologically degraded and tortured; killed.

Native children were forced into labor in boarding schools under the ruse of vocational education; this practice of forced labor was so widespread as to be indisputably core to boarding schools’ purpose and continued function. Not unlike in other labor camps or prisons, children were malnourished—slowly being starved, even as they were forced into profitable farm labor on-site, without compensation, under harsh conditions, and at risk to their health. Native children were prisoners of war—kidnappes of maternalism and the state, and unrecognized laborers.

An absence of labor analytics of conquest reifies Native people as outside significant labor economies. An absence of labor analytics relegates Native people singularly to antiquity and elsewhere, as set aside and apart socially, temporally, as outside shared struggle around common cause. It exiles generations of Native laborers—from Mohawk to Cedarville Rancheria—from the powerful, joyous, and tragic stories of labor: building, organizing, resisting, sharing. It moves Native people outside modernity and the critical analyses of racial capitalism. By reinsinuating the bifurcation that Native corresponds to land (even if inadequately) and Black to landless labor, this analytic absence enshrines a cluster of related contradictory, bizarre, and extractive norms, such as the one-drop rule and blood quantum. If we refuse the bifurcation, we see the conquest logics in fact cancel one another out.

Through schooling, Native children were placed in the Trust of the United States, Congress dictating their reeducation and subordinated labor assimilation, death, or banishment, while dispossessing, dividing, and reselling their Homelands to white colonists. The dispossessive practices of boarding schools are a blueprint for the school–prison trust.

Though the historical era of maternalism is understood to stretch from the late nineteenth century to the mid-twentieth century, we see its active legacies in the contemporary school–prison trust. We pause to say we see a very complex mobilization of maternalism in the current predominance of white women in public school teaching roles and in the overall coordination of the carceral state educa-
tional project; however, we cannot begin to do that full conversation justice here. As many others have made plain, the solidarity white women can have with white patriarchal systems and institutions is racial. As the state is materially, ideologically patriarchal and white,20 white, female teaching cadres that align politically with the state education apparatuses, that support the repressive function and purpose of state schooling through the classroom, represent the newest generation of maternalists who stand to benefit little but who benefit the state tremendously.21

As Jakes tells it, Linda corrals the young men into compulsory space; facilitates a co-opted process, including forced protocols; mobilizes a state-sanctioned cooperation; and reports to male disciplinarians when things don’t go as she wants. She acts as a mollifying agent of the state carceral project—one whose maternalism is meant to broadcast state benevolence—rather than as an educator, and she fails or refuses (we can’t know for certain which or both) to recognize Jakes’ critique as smart or Jakes as a person to engage. This points to the ways in which contemporary maternalist stances rely on students as captives to be disciplined and white women as regulators of moral behavior as a tethered enactment of state war-


21. To be clear, individual white women teachers can and do radically resist and even refuse. And we’re not saying teachers across race and gender don’t sometimes take up maternalist tactics, expertly. They do. We are not asserting a facile or total collapsing of identity with ideology and praxis. We are pointing to an overwhelming trend. And that trend is this: over time and up through the present moment, maternalist cartels have ravaged the pliable cluster of mechanisms that form the school–prison trust in aspirational alignment with the patriarchal war machine. The aspiration is hopeful—hopeful for rights and power in a conquest context, which means hopeful for the powers of discovery, possession, and carcerality. Aspiration makes maternalism a kind of zealotry—more driven, more surgical, more dangerous. The patriarchal conquest state can confidently mobilize maternalism because the system itself ensures that maternalists remain nothing but its profoundly dangerous handmaidens.
fare benevolence. Her way is the way forward to correcting their errant ways of knowing and being. It also points more specifically to the confusion Jakes inserts by animating Squanto.

Squanto, the historical figure, refuses *kill the Indian in him and save the man* and so the contemporary mandates of carceral conquest schooling. As well, Squanto conjures Tisquantum, the man: he learned English as a captive but was an interlocutor, not an assimilationist. He was subjected to involuntary captivity, removal, and sale to the Catholic Church: prisoner of war and slave. He was captured later by Massasoit and compelled to deploy his English to negotiate a treaty—his freedom contingent upon it.22 Like Jakes, he confounds the eager conquest narratives that undergird the U.S. educational project. Jakes and Jakes as Squanto and Squanto and Tisquantum confound the war praxes of so-called treatment and restoration.

**Precise Satire: Captivity and White Imaginaries**

In Jakes’ experience, these war praxes of treatment and restoration feature in part as rhetorical masquerades. In the colonial façade and fact of the state where Jakes was triply confined— to collective contestations over land and life in the barbarous enclosure of legal systems, to compulsory schooling, and to prison—juvenile incarceration was officially proclaimed “treatment,” carceral education administered as its primary method. On the Outside, the liberal state bureaucracies mandated unspecified restorative justice (RJ) as a component of school disciplinary regimes. While we are not undertaking a wholesale critique of RJ or even discussing transformative justice (TJ) programs, and while there may be significant positive effects in certain contexts or through particular methods, we consider here what they might signify and concretize in the context of trusteeship—particularly as they signal some historical point of restoration.

Noncooperative Squanto is a representation of refusal—he mocks peacemaking as he performs it; he does not act as a predictable problem but refuses to participate in a relationship forged from and in captivity. Yet his humanity is subsumed by the transactional relationships imposed by carceral educational projects. His humor, therefore, is illegible and also disruptive and reclamatory. It impels and confuses punishment, indicting the restorative process the institution is compelling him to engage. He neither engages nor disengages. In fact, while Jakes and Noncooperative Squanto were subjected severely to discovery and processes of propertization, he/they evade performing containment by those forces. Jakes usurps the restoration—to Squanto, the caricature of the white imagination—as noncooperative. And yet Jakes remains captive. The role of schools in a Trust context means efforts toward restoration for Native students are warfare, as the thing being restored is the conquest benevolence of carceral systems and institutions.

Rather than address the warfare of boarding schools and their active legacies, or turn to a frame of decolonial sovereignty, state RJ programs inherently rely on Indigenous students trusting and being entrusted to the institutional representatives to use them in the state process of rehabilitation or to guide them through forgiveness and contrition. Contemporary restorative projects relegate young people to the condition of dependent and dependence, through which they are required to individualize problems and accept personal blame or responsibility for their actions. Such RJ programs often hijack and incorporate essentialized interpretations of cultural practices from different Indigenous communities, such as talking circles. In such programs, the talking circle becomes a whiteface reenactment of perceived Native identity, what Philip Deloria describes as “playing indian”—a practice that “rests on the ability to wield power against Indians . . . while simultaneously

drawing power from them.” As Noncooperative Squanto, Jakes interrupts the process of permanent pupilage by refusing to act as interlocutor for the institution via himself as a white-imagined representative of Nativeness writ large.

Jakes’ violation of the Trust gets compounded by Linda being the symbol of maternal state and private benevolence by which whiteness performs Nativeness better than Natives: white women state educators are positioned as appropriate mothers to Native children and, in the case of RJ, as best facilitators of farcically-appropriated, white-imagined ceremonies. In rejecting the false ceremony, Jakes is rejecting the guise of maternal benevolence—both its hypocrisy and its impossibility—as it appropriates, civilizes, and regurgitates Nativeness back to Native people. Jakes refuses the illusion of benevolence from supremacist paternalism/maternalism, recognizing that state-sponsored restoration is aimed at restoring not to a healed time and place but rather to a historical site of surrender that in fact never occurred. “The term healing,” writes Tanana Athabascan theorist Dian Million, “is often associated in a trauma economy as the afterward, as the culmination or satisfactory resolution of illness or, for the Indigenous, a promised safety and revitalization from prior colonial violence.”

The school–prison trust takes up RJ for conquest healing. In this process, the trusteeship holds Jakes as an Indian for whom there is understood to be no man to save. Rather, the human to save is the white-human. As we’ve made clear, this is not any and all white persons, as whiteness itself requires the practice of exclusivity—the capacity for and commitment to kicking out failed whites, making the scramble for whiteness heinously incessant while snuffing out alternatives. This white-human is parallel to the citoyenne-homme, not literally the man and the citizen but the human through convergences managed by supremacy. The human here to save is the

25. Million, Therapeutic Nations, 8.
white-human, and the conquest project that category represents. Here, Linda. And Linda as metonym for white maternalism’s self-restoration, for the resuscitation of the U.S. system of education. Salvation is for the white-human who kills (controls, dispossesses, removes) the Indian. This function of the school–prison trust—to humanize the system and its agents—echoes off countless historical walls, such as when confederates redeemed their racialized masculinity with the implementation of Jim Crow, Jacksonian democracy, and a new era of terror. Pratt’s phrase in the contemporary moment is not a charge to call the imaginary Native to salvation but rather a hymn of white-human redemption. *Killing the Indian in him saves the man in me*, says Pratt.

In its contemporary form, in the way redemption is held in Trust for conquest systems through the school–prison trust, redemption is awarded to labor in service and with the imprimatur of the state. Redemption is a closed loop, made necessary by the very conquest, capitalist conditions through which it is gained. Redemption is un-reciprocal, transactional, and corrosive. It requires iterative forms of repression, with each one appearing redemptive in the moment.

**Willful Refusal**

Jakes and I sat at the table for a bit: me thinking about Squanto and names, him thinking about something I don’t know. Then he slowly broke the silence. “Yeah. Inside you know, they just tell me over and over, I got a anger problem. That’s why I did stuff. Anger. So, I gotta work out my anger ors else I’m never gonna get outta this place.”

“This place” was a prison. It was a prison called by another name: a treatment center. A place in trust, of Trust. And the prison’s primary form of treatment was school: forced boarding school immune to the resistive possibilities of law. He was removed into the new school–prison trust. He was in the care of a more sophisticated technique.

Although Jakes’ initial sentence was set by a judge, and was set at ten months, his clinician had extended his sentence without judicial
review. Three times. Leonard Peltier said, “My crime is being an Indian.” Permanent pupilage.

What happens when a subjugated Native war crime of existence becomes an individualized psychological “problem”: anger? When discovered, possessed Indigenous youth “criminal” conduct becomes nondocility, noncooperation? What happens when the punishment for breaking the law is to be subjected to “treatment”? Is Jakes’ crime being angry, refusing to cooperate, being Squanto? Is it found in being the object of trusteeship? Is it recognizing war?

Jakes turned to me and said, “This whole setup racist. Even me bein’ angry. Like, I’m some angry Indian runnin’ around ’cause I beat up some white dudes. They was punks. True. Real punks.”

I nodded. Jakes nodded.

“So,” Jakes unlaced his fingers, propped his elbows on the table, and cradled his face with his hands, “so, now I’m spose to be sorry? I’m spose to ask them to forgive me, and I’m spose to think I got a anger issue?” Questions without respondents or responses echoed throughout our many conversations. They echoed throughout sites of benevolent captivity where punishment was treatment and the supposed pathology being treated, the crime.

He leaned back, dropping his hands in his lap. “Yeah, I’m angry. Shoot.” Silence joined us. And when Jakes finally spoke, it was in a near whisper, so as not to disrupt the quiet or wake the jailer. “I’m spose to say ‘I sorry I hurt you.’ I ain’t sorry. I sure ain’t sorry.”

“Tomorrow I’ll bring some shea butter,” I said.

“Can you put sup’m Indian in it?” he asked.

**Ain’t Sorry**

For Jakes, one of the clear features of treatment and RJ was contrition. For a Native young person, contrition is structurally built into the Trust relationship as forced acknowledgment of unfitness for self-governance. It is an admission of will-less-ness in a conquest context organized by legal doctrine of individual will. In other words, the Trust relationship in part requires Native Nations to be
in a constant state of compelled apology for being unredeemable, failed civic subjects. In war, the refusal of apology is the refusal of surrender. Jakes remains a hostage to the school–prison trust, a POW who will not concede the battle or the war through a justice that seeks to restore conquest’s aims.

This derivative construction of Native peoples—as terra nullius, permanent pupil, will-less, infantile, of antiquity—is fastened to vast racial capitalist structurings. In her timeless reflection “On Being the Object of Property,” Patricia Williams considers ways in which meanings of being human in the United States are made within the “four corners” of the contract. She writes that one of the ongoing features of racial oppression “is a belief structure rooted in a concept of black (or brown, or red) anti-will, the antithetical embodiment of pure will. To be perceived as unremittingly will-less is to be imbued with an almost lethal trait.”

Jakes’ willful critique of apology takes on added meaning in his context, as young Indigenous people’s willful anti-will is always also an assertion of self-determination. Specifically, his assertion is a refusal of the conditions under which there was a demand for apology: war. Apology requires interdependent relationality. It requires a general agreement—arrived at through generative, theorized, communal balances of difference—on the conditions and norms, the protocols and conventions, that preceded the harm. But, conquest itself is incessantly reformulated through an exhaustive, revisionist amnesia that requires a refusal assertion of self-determination. The call for Jakes to apologize is both a demand that he mollify the violent conditions imposed on him and a ransom against his anger.

Jakes’ apology would be evidence that he is but a fractional reflection of the veridical fantasies of conquest colonialism. In self-determined life, interdependence, independence, and trust are of a piece. But in the U.S. political context, Trust relationships are exerted over, not engaged between, and produce moral mandates.

on behavior that pulverize the spirit as they impersonate humanization. Outside conquest, trust inheres in independence and independence in trust. Of course, a life free of interference or control is precluded from the school–prison trust or the larger governing Trust rubrics as they stand. Despite Tribal Nations’ considerable, long-standing efforts to the contrary, Trust is shaped by dominance and control. One need not look further than the fact that the dissolution of Trust is the extermination of Nations, just as the demand that Jakes apologize is a steel-jawed snare in the larger hunting down of his ontological condition. The hunting party’s aim is to capture his being and leave in his place a colonial substitution—to make a carcass of the essence of the man and reshape it with the taxidermist’s nimble simulation. One so docile it can be mounted on the wall with other artifacts of conquest. The apology attempts to reframe his existence. Into a trophy. In this light, Jakes’ refusal highlights a poorly kept secret of conquest states: state-orchestrated human rights projects are repressive projects.

The universal subject of a positive human rights is the citizen of a nation-state imagined within a positive sovereignty. At this point much of humanity remains outside of this positive sovereignty as the stateless, or refugees, or those marginalized within states too poor or too weak to provide for or defend them. They become the subject of a new negative human rights. 27

Trusteeship is founded in notions of white benevolence as well as a negative sovereign right and a negative human right.

The refusal vis-à-vis negative human rights is an extraordinary assertion of will. It insists on self-determined pasts and futures that simply do not respond to repressive state benevolence. In these indomitably willed temporalities, the state is irrelevant; it is a brittle remnant on an old battlefield. So the state’s counterresponse in the present is, as Coulthard 28 suggests, to manufacture a brokenness in

27. Million, Therapeutic Nations, 10–11.
Native temporalities—a pathologic and infantile self-destructive fixation, which, in euro-epistemic melioristic ahistoricisms, are made primitive and therefore aligned with the falsely primitivized, or underdeveloped, emotion of anger. In other words, in colonial institutions and ideologies, all nonconquest histories are primitive, angry, pathologic fixations.

Counterinsurgent to future will, the school–prison trust cobbles together a blanket psychological pathos. Yet, in this particular instance, what it reveals is the upending political power of Jakes’ rage. “Yeah, I’m angry. Shoot,” says Jakes. And, “I ain’t sorry. I sure ain’t sorry.” He ain’t sorry. He ain’t apologetic, ain’t submissive to a negative human right, not abdicating his will to a conquest carceral present. Sorry can never conjure justice from the dust of demolition.

In invoking Squanto as caricature, historical figure, and self, we understand Jakes to be mocking the colonial carceral heart of the restorative circle Linda leads. He refuses to acknowledge, to give life to, something that never was. He refuses the terms of the process. He gives life to what actually was. Instead of saying fuck the circle (a succinct and valuable response), he says, I will do what is real, what was: Squanto. “‘Refusal’ rather than recognition,” offers Simpson, “is an option for producing and maintaining alternative structures of thought, politics and traditions away from and in critical relationship to states.”

Tellingly, Squanto is memorialized in Massachusetts for teaching white colonists to use fish as fertilizer for corn by placing fish around the base of a stalk; yet this practice is not only inefficient but not discernibly Indigenous. Historians believe Tisquantum likely learned the practice from europeans during captivity and enslavement. And, we like to imagine, therefore not only brazenly knew he was deceiving these agrarian conquerors but also hilariously knew it was a terrible technique. The story of Squanto teaching colonists to farm the Indigenous way is rather a story of Tisquantum teaching

29. Simpson, Always Done, 2.
white colonists to farm the European way with a Native face—an anticolonial joke, a trick, a bamboozling. An enactment of survivance. It is significant that he does this in the context of laboring—exploitative labor for a variety of masters, owners, and conquerors.

In this vein, Jakes’ resistive, humorous survivance as Noncooperative Squanto nimbly underscores a complex relationship to place in the critiques of conquest restoration projects. “Indigenous anticolonialism,” writes Coulthard, “is best understood as . . . a struggle not for land in the material sense, but also deeply informed by what the land as a system of reciprocal relations and obligations can teach us about living our lives in relation to one another and the natural world in nondominating and nonexploitative terms.” In Jakes’ invocation of Squanto, we hear an invocation of place, of the relations of place, and in refusal of exploitation and domination, including through forced labor. Its particular structure and principle of interdependence complicate and enrich notions of land- or place-based survivance and self-determination, as Jakes is by all measures dis-placed. And it is an invocation of time—Squanto was captured, incarcerated, escaped, was incarcerated again, caught between systems between places, always moving or being moved. As a historicized figure, Squanto’s condition is always descriptively determined by the conquest narrative. While Linda and the carceral state colonizers would relegate Squanto to convenient absence in a history class (or erase him altogether), Jakes brings Squanto into the present, where he invokes his memory to mock the fakeness of Linda’s lessons, her overbearing sense of control, and her attempts at building oxymoronic carceral community. Jakes has been incarcerated by the moment, escapes it, through humor and playful disdain makes other worlds, and is captured again. Like Squanto, he is caught between systems, occupying a liminal space through which he moves cleverly toward self-determination.

31. Coulthard, Red Skin, 13, italics original.
On one hand, Jakes cannot summon justice, because it never existed in conquest (and yet is a figment of its imagination, of the lexicon of its grammar); on the other, he can summon Squanto and all the real worlds he awakens. Jakes’ storytelling reveals to us a historiography. We see him asserting a multiply storied history against a falsely singular one, and in so doing, we see him offering an analysis of conquest historiography; that is, conquest discursively operates on the very definitions that are antithetical to being, thereby producing systems not only of repression but also of bald contradiction. As Simpson writes, this historiography features centrally in the practice of refusal; it navigates the tensions of being, time, memory, and forgetting in conquest contexts.

Jakes’ invocation of Squanto, in Squanto’s Homelands, was insurgent historiography. Between he and Squanto, we read in Jakes’ conjuring the interdependence of time, place, and history. We understand him as a Janus historiographer. As gesturing to the only possible conditions for justice—those that are free of the grip of conquest relationships. And then, we wonder, would justice make sense? Whether a legal or philosophical referent, justice—at least in English, and at least in modernity—is a definitively moralistic concept. It is a calibration concept—one that mobilizes some sense of righteousness or principle of fairness through correction. This seems to hold true whether it is imposed justice or resistant justice. Does refusal ask us to consider terrains, past and future, in which justice is incomprehensible because self-determination is not given but a given?

Such a wrestling with justice is woven into Jakes’ historiography, requiring a method by which relationships and histories cannot be abstracted from one another or forged as objects of transactional and hierarchical possessory interests. Freedom emerges out of reciprocity and abundance in refusal of conquest. In this way, justice may be partial and transitional. In the context of conquest, it is both a struggle toward and a tactic over. It is not the end game. As with abolition, and in relation to abolition, it is a process framework, one that calls on imagination and insists on radical change but has no
ideal form. In Jakes’ historiography, we discern justice as a refusal methodology that seeks to nullify scarcity—a social condition in which freedom then becomes the capital that gets traded and in which the reification of unfreedom requires scarcity—by insisting on the relations that never were in conquest. Jakes’ historiography marks refusal justice as a transitional breach in the school–prison trust.

Similarly, Jakes’ humorous, mocking performance of Noncooperative Squanto assailed the white desire for anger. While Linda and the men call him noncooperative Jacob, he asserts that he is Noncooperative Squanto. While he is told he is angry, and says of course he is angry, his expression is one of sophisticated humor. It is an assertive act of defiance of carceral psychological control; refusal and resurgence. And it works because of a salient sadness of context: he is the only Native person in the room. Squanto, as captive, as sole survivor of his community, as interpreter, as legend, myth, human, is always the only one. This condition follows Jakes into prison, where, because he is not incarcerated at a federal facility where more than 70 percent of young people are Native, he is again the only one. To be clear, we don’t want him, or anyone, incarcerated anywhere.

Isolated, Noncooperative Squanto begins to imagine a self-determined future by refusing the choices in front of him. Still captive, he produces other worlds of possibility in his humor and his performance of a new and old self.

In *Freedom Dreams*, Robin Kelley ponders refusal through Frantz Fanon and Cedric Robinson’s considerations of the ways Black radical revolt draws not singularly from resistance to the material but also and importantly by metaphysical, poetic, and intellectual transformation. He writes, “By revolution of the mind, I mean not merely a refusal of victim status. I am talking about an unleashing of the mind’s most creative capacities, catalyzed by participation in struggles for change.”

a metaphysical, poetic, intellectual revenge refusal, fundamentally catalyzed by his participation in his place-based individual and/of/in collective struggle for change, against empire in both its monstrous and minute forms. This creative, rebellious unearthing and reanimating is in part what sovereignty feels like, expressed through the worldmaking enactment of a name.

There are names that go on through the generations with calm persistence. Names that heal a person just for taking them, and names that destroy. Names that travel, names that bring you home, names you only mutter in the deep water of your sleep. Names that bring memory of painful attachments and names lost to time and the reckonings of chance.33

False Prophets

Indigenous children are taken from homes to carceral schools and prisons and other locked or compulsory sites of caging under the school–prison trust. The triumviral combat mergers of maternalism, militarism, and missionarism continue in the constant making of empire.34 Expressed in the educational war-without-end against Native children, schools as conquest futures of extraction mobilize restorative captivities as war. The restorative war strategy, a camouflaged ambush through twinned bogus healing mimicries and outright removal, seeks to obscure sovereign paths to self-determined, collective knowledge and knowing, and related healing practices insurgent to conquest.35

So-called restorative practices and their practitioners—sanctioned or mandated by the state and carried out through the institutional apparatus of school—are wolves in sheep’s clothing, false prophets of stillborn democracy looking to eat the young who

33. Erdrich, Four Souls, 47.
stray from a docile herd, either by choice or by their very being. Not only do these practices most often blight agency by circumscribing dissent or tension; they also pawn Nativeness for a carceral assimilationist project—assimilation into the criminal. Sorry is an admission of guilt; not-sorry is a refusal assertion of incontrovertible guilt, calling into question the categories of criminal and guilt themselves. While the former is a forced, false confession that a victim exists, the latter leaves a question mark. Sorry is a colonial redemption song, replete with off-time, factory-made drums and petrified, putrefied talking sticks. Restoration cements colonial time by forcing a false past (a delusional archive of imagined surrenders and thanks), even if only conceptually. Restorative captivity serves to invent the necessity of state schooling—an invention rebutted roundly by the many Indigenous educators, leaders, children, and communities that have endeavored to build sovereign schools— and so benevolently threatens self-determination. Perhaps most pressing for contemplating the school–prison trust, it shields the structural pieces in play that ask individuals, their families, their communities, their tribes, their ancestors, and their descendants to be OK with having children removed, and removed, at least in part, so other children can stay, and be human, be students, be citizens.

The maternalist thread of removal and restoration throws the ineluctable but uneven marriage of state and private forces into stark relief on the map of empire. As Joy James writes of racist societies, “state and civil society seem to speak in one voice regarding policing, punishment, and violence as the media, educational institutions, and private citizens are organized to further state hegemony in spite of their autonomy from state apparatuses.” Writing quite literally on the eve of the centennial of the Nineteenth Amendment (it is August 17, 2020, as we draft this sentence), we are aware of the unruly tensions that govern people’s desires to be recognized and access rights, on one hand, and to radically change or dismantle the

36. Goodyear-Kaʻōpua, Seeds; White, Mohawk.
37. James, Resisting State Violence, 6.
system of rights bestowal, on the other. And the sisters they will sacrifice or subordinate or be sacrificed and subordinated by along the way. This centennial moment might serve to cleave commonsense from the analyses of why the U.S. teaching force is so overwhelmingly white and female and middle class—not just in individual identities but, more importantly, in sensibilities, ideologies, and practice—and how its uneven marriage to the school–prison trust works to extend conquest desires and state repression.

One history of repressive maternalist violence and its presence in twenty-first-century schools and prisons emerged from the late nineteenth and early twentieth centuries, when certain white women made urgent calls for their own rights. We see the legacy of maternalism in individual actors like Linda, and the official roles that bring her into schools, but also being perpetuated by the structures and institutions. It is woven into the fabric of schools and prisons.

Jakes’ refusal allows us to see possibility for fraying and tears; he is addressed as a threat to the integrity of the maternalist cloth as it unfolds to blanket conquest regimes of school, prison, and Trust, to cover and protect a paternalist state.

“We All Know Who We Are”

And yet. All these regimes are just clamoring to hold on to feeble, though ruthless, power. They are provoked by the very being of those whose lives make a mockery of their power. The will of a young man, whose crime is being an Indian, whose hilarious brilliance and historical wit defy convoluted removals and restorations, who insists on being, sends maternalists scrambling and disciplinarians recording and wardens locking. All that, for a name. For being.

Parsingly astute, McKittrick sketches topographical geographies of being. “Ralph Ellison’s invisible man is not really invisible,” she writes;

rather he is an “imperceptible” social, political, and geographic subject who is rendered invisible due to his highly visible bodily context as a black US man: he is “unvisible,” inside and outside the novel. . . . This
unvisibility became markedly apparent, a lived geography, during the sanitation strike in Memphis, Tennessee, in 1968, when the workers—under armed police surveillance—carried and wore signs that read “I AM A MAN.” The workers spatially constituted the meaning of black masculinity, and labor, on terms that articulated possession, repossession, and dispossession. Racial disavowal is seeable, recognizable, and ontological.  

Under related carceral surveillance, Jakes says, I AM SQUANTO. He temporally, politically, and spatially constitutes the meaning of an incarcerated young Native man. Simpson suggests that refusal is used “in everyday encounters to enunciate repeatedly to ourselves and to outsiders that ‘this is who we are, this who you are, these are my rights.’” Jakes, saying “I AM,” and therefore who you are, momentarily, iteratively, refocuses presence by refusing conquest and its malignant Trust. And that refusal is met with backlash. This is precisely because Squanto’s willful noncooperation is the always-present expression of human abundance and freedom against which conquest makes and remakes itself. In seeking to kill the Indian, Pratt formed a lethal mantra in yearning defense of empire—an inherently ontologically sickly, paranoid social organization. In empire, with its scarcity, its reliance on forms of death, and its obsession with insecure self-defense, Native children are a beautiful threat. In their very existence, they are refusal, as they make futures, as they signal that Indianness has not only not been broken or killed but is and will be self-determined.

Systematically working to break Native children is a flailing and potent effort to contain the uncontainable threat to a crumbling empire. The school–prison trust undertakes this effort in part by imposing false recognitions and mandating relationally degrading Trust. Jakes thwarts recognition and undermines the negative human rights of criminal restoration. He says, I AM a person.

have will. And spirit. And I am not here to cooperate. Jakes’ refusal emerges through Squanto, a name that calls up worlds and envisions new ones. A name that says, I know who I am.

Two names:

They don’t know nothin’ bout bein’ no Indian. So, anyways, yeah, we sit there and she’s like, “Let’s go around and say who we are.”

We all know who we are! It’s Linda and a bunch a us dudes.

So, me bein’ the only Indian fars I could see in that room, I say, when it come to me, I say,

“Hello, I’m Squanto.”

Yeah, noncooperative Squanto,
said Jakes.
Jakes.