

I NAW KOO NI GAY WIN
N'SWI ISH KO DAY KAWN O'DISH KO DAY KAWN
OJIBWAY, OTA'WA AND BOODEWAADAMIG ANISHINABE

by

Jerry Fontaine

A Thesis submitted to the Faculty of Graduate Studies of

The University of Manitoba

In partial fulfilment of the requirements of the degree of

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Abstract:

Chief Justice John Marshall once described Anishinabe governance, "like no other in the world." Today however, Anishinabe issues take on an almost surreal quality. *Kitchi-Anishinabe* (Elders) and the traditional *Ogimaawiwini* (Leadership) continue to assert that we never forfeited our inherent and *primordial right* to be self-determining and sovereign. The *blood memory* that we as Anishinabe peoples share with our ancestors enables us to experience and share in their experiences. Their history is our history. Their genealogy is our genealogy. This is who we are.

This thesis will explore the nature of Anishinabe governance, self-determination and sovereignty from an organic, spiritual and Anishinabe world-view and establish a counter-narrative. However, it is not an attempt to provide a comprehensive history of the relationship Anishinabe peoples have had with foreign nations and subsequent American and Canadian governments. Rather, it focuses on specific and significant moments in our history and on our traditional *Ogimaawiwini* such as *Pontiac and Tecumtha*. Its intent as well is to draw lessons about governance from this historical counter-narrative and from the vision of the traditional *Ogimaawiwini*.

As well, this thesis will ask whether a return to traditional Anishinabe governance that supports the notion of sovereignty and self-determination will give birth to *Bee-duh-buhn* (New Dawn)? It will explore the alternatives to Canadian government legislation for Anishinabe Nations.

It will explore the meaning of Treaty protection and implementation. Are they ideals that can be achieved within the context of a Canadian constitutional framework (Is there enough political good will?) or must they be addressed from a completely separate and sovereign perspective? These questions will provide the framework through which the nature of the *N' swi Ish-ko-Day-Kawn* Anishinabeg *O'Dish-Ko-Day-Kawn* (Three Fires Confederacy), Treaties and Canadian government legislation will be discussed

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NITAM-IGO

“The first societies governed themselves aristocratically...The Indians of North America govern themselves this way even now, and their government is admirable” (Rousseau, 46).

I had the opportunity of listening to *Bawd Way Wi Dun Banais* (Eddie Benton-Banais), Grand Chief, Grand Council Lodge at Midewiwin Ceremonies in Bad River, Wisconsin, Mount Pleasant, Michigan and Garden River, Ontario talk of the importance of the *N'swi Ish-Ko-Day-Kawn Anishinabeg O'dish Ko-Day-Kawn* (Three Fires Confederacy) to the *Ojibway, Ota'wa and Boodewaadamig* peoples over a period of three years. These discussions and teachings focused on *Ojibway, Ota'wa and Boodewaadamig* political and economic history, the importance of the Midewiwin Grand Council Lodge from a social and spiritual perspective that Michael Angel describes as the “*Aaddizookanaag* (Sacred Narratives), *Dibaaajimowin* (Anecdotes)” (Angel, 3-4) *De-bwe-win* and *De-bwe-mo-win* (Truth/To Speak the Truth) and *Gii-ki-noo' maa-ge-win* (Teachings) which are all fundamental to this notion of traditional governance. The first question posed to *Bawd Way Wi Dun Banais* begins this narrative and journey.

Are traditional governance systems more relevant to Ojibway, Ota'wa and Boodewaadamig peoples and how are they relevant?

To some, yes. Not all. The Seven Prophecies are slowly but certainly coming into reality. *Ojibway, Ota'wa and Boodewaadamig* Anishinabeg are revival, which means healing, mind, body and spirit. (*Bawd Way Wi Dun Banais*, 2006)

The *N swi Ish Ko-Day-Kawn Anishinabeg O'Dish Ko-Day-Kawn* was established at the time of the Great Migration as a political, economic, military and spiritual Grand Council to assert sovereignty over traditional territory. Sovereignty, this fantastic ability to make independent

decisions and enter into Treaty, economic, political and military relationships was at the essence and core of the *N'Swi Ish Ko-Day-Kawn Anishinabeg O'Dish Ko-Day-Kawn* at its inception and was woven together by a highly complex and effective *Gii-doo-de-mag* (Clan System) and seven guiding principles: "*Gi-kayn-daw-so-win* (Knowledge); *Zaw-gi-dwin* (Love); *Maw-naw-jiwin* (Respect); *Zoon-gi-day-ay-win* (Bravery); *Gwu-yu-kaw-jiwin* (Honesty); *Duh-buh-say-ni-moowin* (Humility); *De-bwe-mo-win* (Truth)." (*Bawd Way Wi Dun, Banais, Personal Conversation 2005*)

Despite their diversity, Canada has sought to portray each distinct Anishinabe nation and society as culturally, politically, economically, and socially similar. Contrary to this perception is the fact that *Ojibway, Ota'wa and Boodewaadamig* peoples have always been separate political, economic, social and spiritual entities. In fact, Anthony Hall describes *Indian villages* in the following manner:

The rhythm of life on the middle ground were further vivified by the emergence of what the French called 'republics.' These republics were Indian villages inhabited by individuals from a number of different nations. (Hall, 384)

The *Ojibway, Ota'wa and Boodewaadamig* world-view and traditional *Ogi-maa-wi-win* (Leadership) and *Gii-doo-de-mag* systems of leadership and political organization were distinct in all aspects and were seemingly more democratic and transparent in application. Janet Chute writes that the majority of traditional and the traditional *Ogimaawiwin* can still trace their heritage to an "apical ancestor, *Gitchi-jee-de-bun*, or Great Crane, who had been the Sault head chief." (Chute, 10)

William Warren, one of the first Anishinabe academics to observe and document Anishinabe life and the *totemic* system in 1885 called it “one of blood kindred...” (Warren, 34) and describes the following:

Tug-waug-aun-ay, the head chief of the Crane family...he pointed toward the eastern skies, and exclaimed: ‘The Great Spirit once made a bird, and he sent it from the skies to make its abode on earth. The bird came, and when it reached half-way down, among the clouds, it sent forth a loud and far sounding cry, which was heard by all who resided on the earth...again the bird sent forth its loud but solitary cry; and the *No-kaig* (Bear clan), *A-waus-e-wug* (Catfish), *Ah-auh-wauh-ug* (Loon), and *Mous-o-neeg* (Moose and Marten clan), gathered at his call. A large town was soon congregated...and the Crane presided over all...thence again it uttered a solitary cry...the answering bird made its appearance in the wampum breasted *Ah-auh-wauh-ug* (Loon)...I appoint thee to answer my voice in Council. (Warren, 87-88)

Traditionally speaking, the Anishinabe communities had many different types of leaders, including the *Ogi-maa-wi-win* (First and second rank Civil Chiefs) first and second rank soldiers, *Ogi-chi-daag* (War Chiefs), pipe carriers and messengers. Clifton, Cornell and McClurken write that these leaders participated in councils, where all the heads of families had a say as most decisions of national concern and import were arrived at by consensus.

A leader who was chosen by consent of all his family members represented each family in the village. Responsible for expressing opinions and protecting the interests of their families, leaders were chosen for the ability to deal with outside groups. In matters of importance, such as warfare with a neighbouring group, moving villages to new locations, or threats to peaceful relations within the village itself, the village leaders assembled in council to decide on a course of action. Decisions were not reached by majority vote, but by the agreement of all members of the council, and most often, by the agreement of the entire family who supported the leader. (Clifton, Cornell & McClurken, 5)

To gain some perspective into the central responsibilities and the traditional concept of the *Ogi-maa-wi-win* it is helpful to understand the *N'swi Ish-Ko-Day-Kawn Anishinabe O'Dish Ko-Day-*

Kawn, its guiding principles, the *Gii-doo-de-mag* and its functionality. From a social perspective, the *Ojibway*, *Ota'wa* and *Boodewaadamig* peoples saw each other in the family context as they spoke and shared similar dialects of *Anishinabemowin* and guiding principles.

In its introductory comments, the Anishinabek Nation states that “the Ojibway (were) the eldest brother, the Ottawa the next oldest brother and the Potawatomi the younger brother.” (Confederacy of the Three Fires, 4) Within a highly complex political, economic, social and spiritual structure, the *Ojibway* assumed responsibility for the Midewiwin ceremonies, spiritual knowledge and the *Miti-gwa-kik Gwii-wi-zens* (Little Boy Drum); the *Ota'wa* for their economic well being; and the *Boodewaadamig* for the sacred fire, which symbolized independence and sovereignty.

Warren suggests that during the “great migration”, the Midewiwin (Grand Medicine Society) and the *N'swi Ish-Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* determined that *Bow-e-ting* would be the site where the *Me-da-we* lodge would be built:

Our forefathers, many strings of lives ago, lived on the shores of the Great Salt Water in the east... Our forefathers moved from the shores of this great water and proceeded westward. The *Me-da-we* lodge was pulled down and it was not built till the *Ojibways* found themselves congregated at Bow-e-ting (outlet of Lake Superior) where it remained for many winters.” (Warren, 79)

Further, as Anishinabe society grew increasingly more complex and because of the sheer size of the territory they controlled, the *N'swi Ish-Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn*, found it necessary to organize itself into “The Eastern Doorway which included parts of modern-day Eastern Ontario, Lower Peninsula – Michigan, Eastern Canada and the United States (U.S.); the Center Fire took in areas of modern-day Wisconsin, Upper Peninsula – Michigan, Mid-

Western Canada and the U.S.; and the Western Doorway which protected and was responsible for North-western Ontario, western Canada and the U.S..." (*Bawd Way Wi Dun Banais*, Personal Conversation 2006) John Tanner writes during his captivity that:

By 1701, the *Ojibway, Ota'wa and Boodewaadamig* Anishinabeg controlled most of Lower Michigan. By the 1800's, they were living in Ontario, Manitoba, Saskatchewan, Michigan, Minnesota, Illinois, Indiana and Ohio. No other nations have ever controlled such a vast area of land as the Confederacy did at this time in history. They were the largest and the most powerful tribe in the Great Lakes area. (Tanner, 15)

This sense of family and the significant reach of their political, economic and social organization is embodied as well in *Chief Mack-E-Te-Be-Nessy's* who wrote that his father "stayed about twenty years in the country of Manitoba with his brother *Wa-ke-zoo*, among other tribes of Indians and white fur-traders in that section of the country." (*Chief Mack-E-Te-Be-Nessy*, 27) He suggests as well that economic base of the *N'swi Is- Ko-Day-Kawn Anishinabe O'Dish-Ko-Day-Kawn* enabled it to establish large communities and organizations as he describes:

The whole coast of Arbor Croche, or *Waw-gaw-naw-ke-zee*, where their principle village was situated, on the west shore of the peninsula near the Straits, which is said to have been a continuous village from fifteen to sixteen miles long. (*Chief Mack-E-Te-Be-Nessy*, 10)

Further, the political, economic and military relationships established with Britain, France and the United States (U.S.) were often defined and expressed from a nation-to-nation perspective that guaranteed peace and enabled a vast trade network to be created. How else could they protect their fragile and tenuous existence? Hall describes the tentative situation facing both Britain and the U.S.:

Where the United States army had 7,000 officers and men, there were fewer than 5,000 British regulars in North America...These comparisons highlight the strategic significance of the 10,000 *Ojibway, Ota'wa and Boodewaadamig* Anishinabeg fighting

men ready for military mobilization. About 8,000 of the Three Fires Confederacy fighting force lived in territory claimed by the United States...With these kind of numbers...there can be no doubt about the pivotal importance of the Indian role in the war of 1812. (Hall, 398)

Therefore, it comes of no surprise that during the period 1698-1763, the *N'swi Ish-Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* found itself a central player in all of the four major conflicts (French and Indian Wars).

From a political perspective, the *Ojibway, Ota'wa and Boodewaadamig* peoples had a highly elaborate system of traditional governance. Given their strength and that of the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn*, John Borrows suggests the French and English found it necessary to enter into political, economic and military alliances and "... treaties with aboriginal peoples of the northern Great Lakes using *Ojibway, Ota'wa and Boodewaadamig* ideas and ceremonies..." (Borrows, 1-2) Given their fragile existence, Britain, France and the U.S. entered into substantial alliances and Treaties with the *Ojibway, Ota'wa and Boodewaadamig* peoples. It is clear that all parties understood the nature and substance of the Treaty process they initiated. Thomas Hueglin writes that these Treaty and legal obligations also established a different battleground.

What is obvious, of course, is that communications between the two camps were based on perpetual misunderstandings due to cultural differences...the differing interpretations of these treaties have become one of the fundamentals for the renewed quest for an inherent right to "*aboriginal*" self-government, and much common ground needs to be recovered to find a resolution...it is not that "*aboriginal*" peoples had not tried to make their views known to the other side as clearly possible. (Hueglin, 7)

Given their understanding of the Treaty process during numerous Treaty negotiations the *Ojibway, Ota'wa and Boodewaadamig Ogi-maa-wi-win* never once accepted an inferior and

subservient position given their understanding of partnership and shared development. To this end, Chief *Mih-neh-weh-na* at a meeting at Fort Vincennes in 1779 made very pointed references to what he thought was the nature of the Treaty relationship:

We are not your slaves. Our ancestors left these lakes, these woods and mountains, to us. They are our inheritance; and we will part with them to none. Your nation supposes that we, like the white people, cannot live without bread, and pork and beef! But, you ought to know that He, the Great Spirit and Master of Life, has provided food for us, in these spacious lakes, and on these woody mountains. (Minutes of Conference, Fort Vincennes, 1779)

This fundamental difference continues even today, as Canada refuses to or simply cannot understand the *Ojibway, Ota'wa and Boodewaadamig* perspective and world-view. We see this time and again particularly with the issue of *land ownership*. Philosophically speaking, it was simply inconceivable to *own* land that essentially belonged to all human beings. Anishinabe peoples also had a unique perception of connecting people to this notion and concept to land.

During the initial stages of immigration both Britain and France saw the *Ojibway, Ota'wa and Boodewaadamig* nations as sovereign under international law. As the playing field and the rules of engagement were ever shifting, Thomas Hueglin maintains: "From the sixteenth century onward, indigenous societies perpetually had to rethink both their internal way of life and external relations." (Hueglin, 7) Given this reluctance of Britain and France to recognize the spiritual and legal significance of land rights and Treaty obligations, the *Ojibway, Ota'wa and Boodewaadamig* argument therefore began to focus on governance, sovereignty and self-determination as James (Sakej) Henderson Youngblood writes

The treaty relations between First Nations and the European Crowns are understood best as a branch of international law and as royal prerogatives in the constitutional law of Great Britain... European crowns recognized the sovereignty of the First Nations. (Henderson, 246)

Numerous *Ogi-maa-wi-win* referenced this point repeatedly and forcefully as they asserted sovereignty over territory during numerous negotiations: "What was said about the trees and rivers was quite true, but it was the Indian's country, not the white man's." (Grand Council Treaty #3, 7)

NISENH OJIBWAY

“The Spiritual Leader and Eldest Brother”

It was believed that the sun rose and fell on *Ojibway* territory, as their strength during the early stages of immigration was unparalleled. Throughout history, political philosophers have attempted to measure greatness and strength in many different ways. Perhaps, Rousseau defined it best from an *Ojibway*, *Ota’wa* and *Boodewaadamig* perspective that "... a body politic may be measured in two ways - either by the extent of its territory or the number of its people...a right relation which makes the state really great." (Rousseau, 11) In fact, Simon Dawson in 1870 writes that: “the Anishinaabeg were sufficiently powerful to close the route of communication between Lake Superior and Fort Garry, if they chose to do so.” (Morris, 44-76)

Central to the political, economic, social and military might of the *Ojibway* was the *Gi-doo-de-mag* as it provided a sense of place, belonging and knowledge. *Bawd Way Wi Dun Banais* states that “a long time ago *may-wi-zhuh* our people, the original, first peoples of this part of the world were organized in many different ways.” (*Bawd Way Wi Dun Banais*, Personal Conversation 2005) The fish, loon, marten, crane and bear for example served as figureheads for the five great families. Even today, many *Ojibway* peoples can still trace their ancestry back to these original five families of the *Gi-doo-de-mag*. Warrens observes that:

The French understood their division into clans, and treated each clan according to the order of its ascendancy in the tribe. They also confirmed to their system of polity, of which the totemic division formed the principal ingredient...they were careful in bestowing medals on chiefs...these acts were never done unless...being in accordance with their civil polity. (Warren, 155)

Of course, we understand that traditional *Ogi-maa-wi-win* held no formal authority or power as they were seen as father figures and protectors who were expected to be fair-minded and have the ability to maintain a balance of power amongst the leading traditional *Ogi-maa-wi-win*. Michael Angel documents in *Preserving the Sacred* that:

While individuals received special powers, the communal nature of Ojibwa societies meant these powers would normally be used to contribute to the welfare of the band in general. Thus, it was natural that individuals who had received considerable power through Midewiwin ceremonies would also be seen as people with socio-political power. It is no surprise, then, that Ojibwa political leaders such as *Eshkebugecoshe* (Flat Mouth), *Pizhiki* (Buffalo), *Shingwaukonse* (Little Pine), *Powasang* (Powassan), *Mawedopenais*, and *Ogimaakaanuwinini* (Chief Man) were also high-ranking Mideg, since the survival of the community depended upon the ability of these leaders to deal with the environmental and political challenges that faced them. (Angel, 13)

As well, the *Ogi-chi-daag* in times of war would assume leadership positions over several communities and often their influence and authority would depend upon other warriors and the consent of their communities. Parkman's analysis of traditional leadership suggested that, "the sachem never sets himself in opposition to the popular will, which is the sovereign power of these savage democracies. His province is to advise, and not to dictate." (Parkman, 3)

The question of leadership (traditional and contemporary) raises many interesting arguments. More importantly for the benefit of this paper, we need to answer what traditional leadership implies? Or more succinctly what does it mean? What is the nature of the *N'swi Ish-Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn's* traditional structure and clan system in relation to governance, self-determination and sovereignty? The great traditional *Ogi-maa-wi-win* and *Ogi-chi-daag* such as *Pondiac* (Otter) and *Tecumtha* (Panther) obviously had a

definitive role within the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* political, economic, social and military structure. Janet Chute provides an accurate description of positions and their responsibilities from a traditional *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* perspective:

The *Ogima* (chief) was generous and fair-minded. Thus, the *Ojibway* followed them because they respected their judgment in civil and political matters. An *Ogima* would almost always prove himself as a 'war chief before assuming the higher status of a civil leader. The *Ogima* exercised his traditional powers that granted them prestige. As well, it should be noted that other leadership roles existed, but the role of civil chief being the most prominent.

All roles were achieved rather than ascribed. These included that of *Kekedowenine* (spokesman), an advocate who acted whenever disputes arose within the nation.

Tebahkoonegawenene, (judge) in such disputes, and the *Ani.ke.Ogima* (sub-chief). Other status positions existed within the Grand Medicine Society or Midewiwin. Midewiwin ceremonies focused on the individual and the world. The *Oskabewis* (speaker and messenger); the *Mishinowa* (economic aide to the chief) who had the responsibility for the distribution of gifts and supplies. (Chute, 15)

Traditionally speaking, Chute maintains that each extended clan recognized a headman, the "*ani.ke. Ogima* (Sub-Chief)" (Chute, 15) who would at times serve as a "spokesman" or *Ogi-chi-daa*.

From a very personal and intimate perspective, all of this history and responsibility weighed heavily on my mind upon being elected to the position of (Indian Act) *Ogimaakaan* (Chief) at Sagkeeng as the term lent itself to a more distorted and misinterpreted representation. It was and is still seen as more contemporary and parochial. Fortunately for myself, I recognized

very early that many of our people were seeking to re-establish the close bond that was traditionally held between the *Ogi-maa-wi-win* and people. I never understood why or how this relationship was severed. I did understand that any attempt to reconcile past differences would be poisoned by government policies and a dysfunctional political process. Hueglin is quite aware of the dysfunctional nature of the contemporary form of leadership; he states “political stability was undermined by the divide-and-rule tactics of enforcing an elected council system parallel to the traditional authority.” (Hueglin, 19)

At mid-winter ceremonies in Mount Pleasant, Michigan, February 2006 I listened as *Bawd Way Wi Dun Banais* spoke about the political schism that existed between *Ojibway*, *Ota’wa* and *Boodewaadamig* peoples and their (Indian Act) *Ogi-maa-kaa-naag* in today’s volatile and sometimes confusing world. I asked whether the *N’swi Ish Ko-Day-Kawn Anishinabe O’Dish Ko-Day-Kawn* could bridge this divide.

Is our task today to take from the past what has worked and give it a modern application?

Yes, but to educate our own people is a crucial first step.

Would the N’swi Ish Ko-Day-Kawn Anishinabe O’Dish Ko-Day-Kawn have relevance today?

The spirit of *Tecumtha*, *Pondiac* through the Three Fires and the Midewiwin Lodge is alive and well.

Would it ‘renew and revitalize’ traditional teachings and allow for citizen participation at every opportunity?

To re-educate our people is to re-new, re-vitalize the original people of this part of the world. (*Bawd Way Wi Dun Banais*, Personal Conversation 2006)

I remembered clearly, one of my first decisions at Sagkeeng upon being elected (Indian Act) *Ogi-maa-kaan* in 1988. Being relatively young I was eager to do the right thing, as the “shelf-life” for most leaders at Sagkeeng was relatively short. I was told very early on “the people would give me just enough rope to hang myself if I was not careful.”

From a community perspective, Sagkeeng was in turmoil and there was division throughout. How would a young (Indian Act) *Ogi-maa-kaan* (Chief) address these issues of division? The *Kitchi-Anishinabe* suggested a *Jii-saa-kaan-wi-nini* (Shake Tent Man) and *Jii-sa-kaan* (Shaking Tent) to ask for guidance and direction. Up until that point in my life I had neither witnessed nor participated in a *Jii-sa-kaan* and I have to admit that it came to be a defining moment in my personal and political life.

The community was rife with talk leading up to the night of the *Jii-sa-kaan*, it seemed that the majority of people at Sagkeeng were either questioning my motives and the political appropriateness of such a ceremony. There were some I knew personally who were asking, “What the hell is he doing?” There were others who were eagerly anticipating the complete political collapse of this one-term wonder. In any event, when the night arrived for the *Jiisa kii win* a major thunderstorm developed, it rained so hard that people were being soaked after spending a short time outside. I thought, “Oh, oh... obviously not a good sign of things to come...”.

Jack Starr, the Elder who was hosting the *Jiisa kii win* asked that I go with him to talk to the *Jii-sa-kaan-wi-nini*. Obviously, I was quite apprehensive. Upon entering the house, I saw

that the *Jii-sa-kaan-wii-nini* sitting on an old armchair worn-out by years of use, he motioned me to take a chair and sit by him. He asked whether I understood the significance of the ceremony, I intimated that I understood very little and was still not clear as to what would take place; he then began speaking to the history of the ceremony and reasons for it. After what seemed like hours, he asked whether the ceremony should take place, this was incredible; the *Jii-sa-kaan-wii-nini* was asking me as to whether the ceremony should take place. What was I going to say? I looked to Jack Starr and other Elders who were present they said nothing. My eyes returned to the *Jii-sa- kii-wi-nini*, I asked quietly and meekly, "Can we have the ceremony tomorrow night because of the storm?" He smiled and said, "Keen anish Ogimaa... (You are the Leader!)."

The next day people came to Jack Starr's for healing, out of idle curiosity or just to visit. The day was beautifully bright, hot and humid. Those that came for healing brought gifts and the *Os-ka-be-wis* (Helper) set them aside as the *Jii-sa-kaan-wi-nini* quietly spoke to each. This quiet preparation for the ceremony and sense of purpose was interesting to watch. Soon night came upon us and the ceremony began. The number of people who came to support Sagkeeng and its *Ogi-maa-kaan* was surprising.

During the ceremony the *Makinak* (Turtle), *Mae-mae-gwae-suk* (Little People) and the *Makwa* (Bear) presented themselves and explained certain things that I was to do. The spirits spoke in a kind and thoughtful way to the rhythm of the chants and drum:

As the seasons change a food offering must be made to the water spirit...this must be done. Following this you will bring your people together and speak to the things the community must do. These meetings will last for four days and following this you must

feast and dance. The people will speak to what needs to be done. They will be the bright stars that guide you. You are father to many children and you must understand that you should treat each of your children equally. You will have spoiled children who are louder than others, quiet and shy children. There will be children that will be selfish, others that will be kind and generous. Remember to be gentle and stern when you need to be. (Sagkeeng, 1989)

How do you describe the words of the spirits and *Kitchi-Manitou*? I am not certain you can. Their message was simple yet profound and far-reaching, Sagkeeng came together for that one fleeting moment, everyone setting aside years of political and personal animosities to further the common good of “community.”

Michael Angel writes that *Pontiac* as well along with Alexander Henry and Sir William Johnston consulted with the *Jii-sa-kaan* and the Great Turtle and sought guidance and advice as to whether he should agree to the Treaty of Niagara in 1764:

As various bands of Ojibwa had recently joined Pontiac in opposing the English, wrote Henry, the ‘occasion was of too much magnitude not to call for more than human knowledge and discretion; and preparations were accordingly made for solemnly invoking and consulting the GREAT TURTLE...the chief then took a quantity of tobacco and offered it to the spirit before he asked whether the English were preparing to make war on the *Ojibway*, *Ota’wa* and *Boodewaadamig* Anishinabeg...the Turtle had visited Fort Niagara, where he had seen no troops, but on proceeding further towards Montreal, the river was covered with boats full of soldiers on their way up the river to make war. (Angel, 32)

Therefore, from Angel’s perspective “the *Jiisakiiwin* was a form of ‘divination’ since the object was to gain insight into the future or the unknown through supernatural means.” (Angel, 32)

However from a contemporary perspective, power has become dependent upon a hierarchical structure. And obviously, we equate power with autonomy and self-sufficiency. Traditionally for the good of community, we have expected our *Do-daim* and citizens to be self-sufficient and have been told that it was the responsibility of the *Ogi-maa-wi-win* and *Gi-doo-de-mag* to assist their citizens in becoming self-sufficient. Further, we have always viewed personal achievement and the ability for accepting the responsibilities for others as two fundamental criteria for determining whether the *Ogi-maa-wi-win* were competent. Chute for example discusses the English terms “boss” and “master” from an Anishinabe perspective. The translation itself is quite telling:

An *Ojibway* root, '*debenima*', has been variously translated as 'boss,' 'master,' 'the one in charge,' or 'the one in control.' But the favoured translations of a sensitive bilingual was 'those I am responsible for.' The idea of bossing is generally rejected, as is the idea of competition, yet both must occur at times. It can be seen that the areas of social control, of leadership and political structure, of the various cooperating social units necessary to kinship organization and subsistence activities - all these must be balanced somehow to accord with the rules of the system about power. (Chute, 17-18)

Hueglin states, “a clan leader does not derive his authority from his hereditary status but from his ability to contribute to a process of mutual communication.” (Hueglin, 29) As an individual who considers himself somewhat of a purist, I believe in my heart that we must return to the essence of our guiding principles and traditional system of governance. Having said this, I could never aspire to the role of the *Ogi-maa-wi-win* as *Makwa ni do-daim* (I am of the Bear Clan).

Again from a traditional perspective, decision-making was done by consensus rather than authoritative action within the existing *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* political, social, economic and military structures. Therefore, factional strife over any issue was a rarity; in fact Hueglin suggests, "The goal (was) reached when the council speaks with one mind... sovereignty only exists when the process of consensus building works." (Hueglin, 29) In contrast, Taike Alfred writes in "Hearing the Voices of our Ancestors" that factionalism was the very heart of Haudenosuanee politics and the Great Law provided a means to manage it.

More recently however, it seems that dissension and divisions are more the norm and are the result of having limited options open to the Anishinabe peoples and their leadership. In some critical situations, there are some Anishinabe communities and nations that are faced with political divisions and deep-seething animosities. Government and outside forces that sense this vulnerability are often quick to act and undermine the (Indian Act) *Ogi-maa-kaa-naag*. Obviously, this has been the modus operandi of the colonial beast that began with Etienne Brule in 1622 at *Bowating* (cascade or rapids) the location of present-day Sault Ste. Marie. Clifton, Cornell and McClurken for example discuss the colonial beast at its best as both the French and British assumed the responsibility for naming the Anishinabe peoples that they came into contact with:

The French began referring to the *Ojibway, Ota'wa and Boodewaadamig* Anishinabeg as *Saulteurs* (people of the rapids.) Other *Ojibway, Ota'wa and Boodewaadamig* Anishinabeg Nations of course knew them as *Ojibway*. The name it is thought was

reference to the style of moccasins that the *Ojibway*, *Ota'wa* and *Boodewaadamig* Anishinabeg wore. The most common translation of *Ojibway* appears to be 'Pucker up.' In the United States the word *Ojibway* would be translated to Chippewa by the British. (Clifton, Cornell & McClurken, 88)

By 1634, Samuel de Champlain further entrenched this trade and political relationship. Clifton, Cornell and McClurken estimate that during this period "profits the French accrued from this trade relationship often reached 600-700 percent." (Clifton, Cornell & McClurken, 90) For the French these economic and trade relationships were reasons enough to be allied with the *Ojibway*. Not surprisingly, *Stadacona* (Quebec City) and *Hochelaga* (Montreal) became two important trade-centres for the French as their economic dependence on the *Ojibway* increased. The Haudenosaunee felt threatened by the *Ojibway* control of the fur-trade and thus sought to upset these trade relationships by attacking *Ojibway* communities. This was brought to a head in 1653 however, when the *Ojibway* annihilated an Iroquois war party at the site of present day Iroquois Point on Lake Superior. Peter Schmalz describes the battle that stopped any future Iroquois threat of aggression dead in its tracks.

An example of their might was chronicled by Bacqueville de Potherie in the 1690s. He wrote, that 100 Iroquois warriors came to take possession of one of the villages near Sault Ste. Marie. With a force of only 50 fighting men and using only arrows and tomahawks against muskets, they defeated the Iroquois war party. (Schmalz, 18-19)

As immigration to the west increased so did British involvement in the lucrative fur trade. This inevitably led to a number of trade skirmishes between the French and British, which also intensified the conflict between the *Ojibway* and Iroquois as well. *Kah-ge-ga-gah-bowh* (George Copway) in 1851 describes the hostilities as follows:

The *Ojibway* ... annually sent some of their number to trade with the French at either Quebec or Montreal. A party of these was waylaid and killed by the Iroquois. Threats of

reprisals were treated by the Iroquois with scorn. After a second party had been similarly attacked and slain, a council of the nation was held, resulting in some of their chiefs being sent to confer with the Iroquois. The meeting was held at Saugeen (Southampton), and resulted in the Iroquois agreeing to pay a bale of furs for each man that had been killed and in addition granted permission to the *Ojibway* to pass peacefully on trade trips to Montreal. This treaty held good for three years when bands of Iroquois waylaid simultaneously several parties of *Ojibway* returning from a trading journey. This happened in the fall of that year. In the meantime runners were sent to the various allies in the coming war. In the month of May following, the combined forces gathered in two parties, one at Lake St. Clair and the other at Sault Ste. Marie, seven hundred canoes being there assembled. This latter party divided into two bands. One advanced on the enemy by way of the Ottawa valley, while the other proceeded to Penetanguishene. The Lake St. Clair division at the same time came up the east-coast of Lake Huron to the mouth of the Saugeen River, where a fierce battle was fought with the Iroquois, who ultimately gave way and fled before the onslaught of the *Ojibway*. (Copway, 21-22)

As the strength and wealth of the *Ojibway* nation increased exponentially, so too did its territorial acquisition, which was traditionally seen as a sign of conquest. Schmalz writes that despite the Treaty of 1701, which put an end to nearly a century of bloody conflict, the *Ojibway* continued to wage battle with Iroquois so as to keep their trade routes open to the U.S. and also to further entrench themselves in southern Ontario. The Great Peace of Montreal was a gathering of 38 – 39 nations who came to Montréal *to bury the hatchet deep in the earth*. It was negotiated between the French-Anishinabe alliance and the Haudenosaunee. It brought an end to the Iroquois Wars. In return for the peace and friendship of the Iroquois, the five Iroquois Nations extracted fundamentally important promises of protection and security from the Imperial Crown, particularly with respect to their territory around Lakes Erie, Huron and Ontario

By 1702, the *Ojibway* were located at two of the most important trade locations, Toronto and Fort Frontenac. By 1720, they were firmly established throughout southern Ontario. The *Ojibway* could be found at Kente, the Toronto River, Matchedach, St. Clair and at the head of Lake Ontario by 1736. Southern Ontario was designated in a map in 1755 as 'Country of the Missesagues.' In 1784, the British had to pay the *Ojibway* 1180 pounds

for land on the Grand River in order to settle the Iroquois who had been displaced by the American Revolution. (Schmalz, 32)

The military strength of the *Ojibway* at this time was such that nothing could take place without their involvement and agreement. Further, the *Ojibway* had a complex continent-wide *Maash-ka-dooni-ge* (Trading) network that was established and expanded to entrench alliances with other *Ojibway*, *Ota'wa*, *Boodewaadamig* and allied nations. As trade relations between the *Ojibway* and British became more entrenched, a unique and odd relationship developed. For example, we see the creation of the position of trading captain and the adoption of customs such as the wearing of the special coats (with brass buttons) and hats (top-hats with trade-silver bands) by leaders who were appointed by the British rather than their own people.

Trade from an *Ojibway*, *Ota'wa* and *Boodewaadamig* traditional perspective was based on the belief and concept of sharing, which understood that gifts given would be matched by a return gift as a sign of friendship and humanity. This form of economic trade had maintained *Ojibway* social relations for centuries. The European concept of trade on the other hand was viewed very narrowly in terms of a simple economic exchange.

The latter part of the 17th century witnessed the increase of military and economic conflicts between Britain and France. This culminated with the surrender of Fort Ponchartrain at Detroit in the autumn of 1760, which would also mark the beginning of a new era for the *Ojibway*. In one of his first acts as governor-general, Jeffery Amherst unwittingly sets the tone for future British-*Ojibway*, *Ota'wa* and *Boodewaadamig* relations by implementing a policy prohibiting gift exchanges and limiting the amounts of powder, lead and guns to be traded. The

repercussion of this policy would be far-reaching. It would provide an interesting background to what would take place in the next short while.

It was during this period that *Pondiac* who had been deeply affected by the visions and teachings of *Neolin*, a Delaware Prophet began to encourage the Anishinabe peoples to reject their dependence on trade goods and return to their traditional existence. He called upon the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* and its allied nations to challenge British colonial hegemony. In response, the *Ojibway-in-Council* sought to challenge governor-general, Jeffery Amherst's economic and political short-sightedness and agreed to support *Pondiac* in his organization of one of the greatest alliances of Anishinabe nations in American history. Clifton, Cornell and McClurken write that *Pondiac's* call-to-arms in May 1763 precipitated the Royal Proclamation, which in turn led to the American Revolution.

The Royal Proclamation of 1763 by the British was intended to preserve Indian lands in Michigan from being seized by traders and land agents. The Proclamation effectively exempted Michigan lands from public sale or possession and insured the right of the Indians to remain in their territories. As well, its other attempt was to promote peace. However, the Royal Proclamation precipitated the American Revolution and the War of 1812. (Clifton, Cornell & McClurken, 93)

The significance of the Royal Proclamation 1763 and Treaty-framework and template it established cannot be ignored, as *Ojibway*, *Ota'wa* and *Boodewaadamig* Anishinabe nations would be in far more precarious situation if both did not exist.

A-DAA-WE-WI-NINI-WAG OTA'WA

“The Trading People of the Confederacy and Middle-Brother”

At its core, *Ota'wa* society believed that one person could never determine the fate of another. Its second guiding principle though just as important was the importance of sharing, as survival depended on supporting and being supported by your *Odo-dem* and *Gi-doo-de-mag*. In fact, sharing was the social security and safety net of the day. This emphasis on sharing was so strong that almost no interaction could be carried on without it. Therefore, a person or clan's wealth meant that they simply had more to share and thus were able to give more of what they had.

From its earliest *Di-baa-ji-mo-win* and *De-bwe-win/De-bwe-mo-win*, *Ota'wa* society's unique form of nationalism created a sense of shared identity. This enabled their communities to increase in size, strength and to mobilize militarily to challenge the French, British and U.S. at different periods. The anchor to this great nationalist movement was the *Ota'wa* community, which provided stability to this robust vortex of activity.

The *Gi-doo-de-mag* was intrinsic to this *Ojibway*, *Ota'wa* and *Boodewaadamig* nationalist movement as well and the traditional governance system it embodied. Clifton, Cornell and McClurken's show that the *Ota'wa*'s use of the “*Ododem*, which means, ‘I have him for my family mark’” (Clifton, Cornell & McClurken, 6) organized *Ota'wa* society into four major *Ododem*, all of whom spoke the same language and believed in the same traditions and customs. From this we recognize that it was also the responsibility of each *Ododem* to maintain important alliances in terms of trade (economic), ceremonies (spiritual) and political activities. The

Ododem thus ensured an obligation to provide safety and comfort through the provision of food, assistance, shelter and hospitality.

The entrenchment of strong *Odo-dem* ties and sharing of resources was such that nothing could take place without recognizing its fundamental importance. Again, Clifton, Cornell and McClurken determined that “this was demonstrated in the shared relationship of the *Ododem*, which was a representation of the animal from which each *Ota’wa* group was descended.” (Clifton, Cornell & McClurken, 6) As we have seen with the *Ojibway*, the *Gi-do-de-mag* was an extremely powerful tool for governing and providing for the most vulnerable of society.

Clan relationships and descent were traced in two ways. Through the mother (Matrilineal) or through the father (Patrilineal). Matrilineal kinship systems usually operated in agricultural societies like that of the *Ottawa*'s southern neighbors, the Huron. The *Ojibway* were a patrilineal society as well. Men were food producers in a hunting and fishing economy, their central location, the *Ottawa* maintained a set of rules that allowed them to marry into both neighbouring groups, as their emphasis on trade along the line of kinship was important. We've seen that in some nations, every village was a separate clan.

In other societies, several clans lived in the same village. For example, each *Ojibway* village was originally composed of a single clan; large Huron villages on the other hand were made up of several clans. The *Ottawa* in this respect was very flexible. The families living in each large village could be loosely linked into clans. As an example, two of the four major villages, which formed the *Ottawa* nation - the Kiskakon or cut tails, a name, which refers to the bear, and the Sinago or black, squirrels-were identified by the animals from which they claimed descent. (Clifton, Cornell & McClurken, 7)

Further, the *Ota’wa* utilized the *Ododem* to the extent that it helped adapt criteria for determining who was and who was not *Ota’wa*. Interestingly, this question of citizenship raises fundamental differences between *Ojibway*, *Ota’wa* and *Boodewaadamig* Nations and the federal government even today.

The French came to understand that vast wealth and great riches were not to be found in gold, silver and spices but in beaver pelts. In 1608 Champlain built Quebec City near the long-abandoned Iroquoian village of *Stadacona*. Clifton, Cornell and McClurken describe the nature of trade relationships and the influence of the *Gi-doo-de-mag* with respect to trade.

Trading relationships were essential to the *Ottawa* way of life. The word "Ottawa" as noted earlier means either "to buy" or "to trade," *Ota'wa* men traveled throughout the Great Lakes acting as middlemen for the *Ojibway* to the north and the Huron to the south. The *Ottawa* supplied the *Ojibway* with their own and the Huron's surplus corn and received in return the furs that they traded to the Huron. Each *Ottawa* clan had its own trade routes, which were either a geographical path or waterway and a set of relationships with trading partners. These trade relationships were so important that marriage was often arranged to turn trading partners into clan members and thus extend clan ties.

Clan members who maintained that the gift exchange and clan ties assured safe passage for the traders and the supply of goods could only use the trade routes. Members of the clan who controlled the trade route used it only with the permission of the clan leader, usually the same person who represented them in the council and was respected for his personal powers. Trespassers along the trade route could be charged a toll of furs; grain or other trade goods or they might be killed for their trespass. (Clifton, Cornell & McClurken, 11-12)

An interesting practice that the *Ota'wa* developed during this period was the toll-charge they applied for use of their waterways. This is particularly relevant because no one could reach the vast fur-producing territories without traveling through *Ota'wa* territory. Control of these water routes obviously gave the *Ota'wa* a virtual monopoly over the profitable fur trade. During this period (1650-1700) the *Ota'wa* became successful politically, economically and militarily speaking.

Clifton, Cornell and McClurken write that *Ota'wa* trade and societal relationships contributed to a set of obligations at the individual and communal level. Because these trade

relationships with other Anishinabe nations were the underlying principles of *Ota'wa* society their wealth and power was unprecedented.

The concept of trade and gift giving was changed considerably as well during this period. As an example, gift giving in the *Ottawa* tradition, bound the giver and receiver into a relationship of personal obligation. With increased trade with French, the *Ottawa* began to recognize goods as having value, apart from the relationship formed by their exchange. They recognized the worth of their goods and knew what they should receive in return. Thus, they sought to obtain the best possible deals for their nation and peoples. (Clifton, Cornell & McClurken, 17)

The *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* therefore held the balance of power in the Great Lakes area as they often exercised considerable economic and military leverage in their political and social relationships. From a military perspective, Clifton, Cornell and McClurken note that *Ota'wa* success was due in part to their guerrilla warfare strategy.

Throughout the late 1600's and well into the 1700's, the French and British waged a constant battle for political and economic control over territory. Consider the following, an 80-year conflict that began in 1689-1697, which was known as King William's war; from 1702-17- 1713, Queen Anne's War; King George's War, 1740-1748; and the French Indian War, 1754-1763. (Clifton, Cornell & McClurken, 17)

Of course, the *Ota'wa* expanded their territory and increased their power militarily and economically at will. The French on the other hand, declined in strength militarily and economically. Clifton, Cornell and McClurken write that at the conclusion of the French-Indian Wars, "The Treaty of Paris signed in 1763, placed all of the territory held by the French and the strategic western forts under British control." (Clifton, Cornell & McClurken, 17) From that

point forward, the relationship between the British and the *Ota'wa* became ostensibly different and more strained than what the *Ota'wa* were accustomed to, as the British were intent on reducing the cost of their administration.

Because of its flexibility, the traditional *Ota'wa* political, economic, social and military organization had always functioned efficiently and effectively. However, as powerful Western institutions were established, *Ota'wa* society soon began to find itself in a myriad of complex situations. Fractures soon began to develop in many communities and became more prevalent as consensus between the *Gi-doo-de-mag* and communities in some instances grew difficult to achieve. We see this reflected and more pronounced in certain land cessions and Treaties. In the U.S., the Treaty-making era for the *Ota'wa* began with the Treaty of Greenville in 1795 and ended with the Treaty of Detroit in 1855.

BOO-DE-WAA-DA-MIG NISHIME

“The Fire Keepers and Youngest Brother”

William Warren observes, “The *Potta-wat-um-ees* moved up Lake Michigan, and by taking with them or for a time perpetuating the national fire, which according to tradition was sacredly kept alive.” (Warren, 82) Given that the term *Boodewaadamig* itself translated meant “fire man or keeper,” the national fire was a significant and essential element of *Boodewaadamig* society and its social fabric.

From a societal and organizational perspective, *Boodewaadamig* society developed highly decentralized political, social and economic organizations that were able to accommodate large complex social institutions. R. David Edmunds writes that given their efficiency and effectiveness these institutions often served as vehicles for the mobilization and utilization of resources.

The *Potawatomi* political system was characterized by a decentralized structure. Different villages often were comprised of clans or clan segments and were led by village chiefs supported by a council of warriors...Intervillage relationships based upon cultural or kinship ties and similarities of interest forged the different villages of *Potawatomi* into a loose coalition. (Edmunds, 23)

Obviously this enabled the *Boodewaadamig* to unify the separate and relatively autonomous communities during times of political, social and military crisis therefore when it came to matters of national significance, a decision-making process was quickly and effectively mobilized. The Great Grand Councils of the *N’ swi Ish Ko-Day-Kawn Anishinabe O’Dish Ko-Day-Kawn* allowed for the *Ojibway*, *Ota’wa* and *Boodewaadamig* nations to be singularly

independent. There was no anarchy as some historians and ethnographers have written. However, in times of conflict and issues of national concern, the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* would quickly come together. Edmunds describes the nature of the multi-tribal gatherings and the manner in which they took place:

Tecumseh had called a multi-tribal conference to meet on the Mississinewa River in mid-May. At the Council, chiefs of the Shawnees, *Potawatomi*, Wyandots, Miamis, Chippewas, *Ottawa*, Delawares, Kickapoos and Winnebagos tried to reconcile their differences over their relationships with the Americans. (Edmonds, 181)

These nations referenced by Edmunds are but a fraction of those that participated at these gatherings. Both *Pondiac* and *Tecumtha* nurtured this notion of a distinct and unique form of *Ojibway*, *Ota'wa* and *Boodewaadamig* nationalism. It was not as others suggest a pan-Aboriginal approach, far from it. Clifton, Cornell and McClurken write that traditionally speaking, the *Ogimaawiwini* had responsibility for *Boodewaadamig* citizens on the whole and were expected to embody all of the traditional values.

The leadership of the *Potawatomi* nation showed remarkable political skills and steadfastness in their dealings with the French and the United States. As an example, the leadership once they had met in the council debated an issue and achieved a consensus position and agreement on policy would adhere to their positions thus making their alliances reliable and durable. The French valued their alliance with the *Potawatomi* and by the 1680's regarded them as their strongest ally. Their enemies recognized them to be a formidable and dangerous adversary. (Clifton, Cornell & McClurken, 41)

Economically, the *Boodewaadamig* were quite successful, as their highly developed water (canoe) technology enabled local and long-distance trading relationships to be successfully

developed and nurtured. Chief *Mack-E-Te-Be-Nessy* writes that this enabled them to increase their economic opportunities because they exercised greater control over the major trade routes.

These canoes were made very light, out of white birch bark, and with a fair wind they could skip very lightly on the waters, going very fast, and could stand a very heavy sea. In one day they could sail quite a long distance along the coast of Lake Michigan. (Chief *Mack-E-Te-Be-Nessy*, 33)

Further, being a military power meant increased wealth and population, which in turn allowed for greater resources for trade and military action. Again Clifton, Cornell and McClurken suggested that all of this contributed to a higher standard of living, military power and prestige for the *Boodewaadamig* during this period.

The combination of technological, economic, political, geographic and demographic advantages led to the greater influence of the *Potawatomi* in the 17th and 18th centuries. The fusion of canoe technology with the mastery of key geographic locations was intrinsic to increased *Potawatomi* influence. Increased population provided the means obviously. Strong alliances with the French and the Three Fires Confederacy were other reasons for increased influence. (Clifton, Cornell & McClurken, 43)

From a national perspective, the *Boodewaadamig* institutions provided a sense of identity and purpose for citizens. To reiterate, they also served as vehicles for the effective mobilization and efficient utilization of resources. Given the ability of their political, social, economic and military organizations to adapt to any given situation the *Boodewaadamig* were obviously well prepared for any threat. Each community was singularly independent and had the flexibility to make decisions in most areas. Hueglin summarizes that, "the purpose of the Councils is the organization of like-mindedness, not the allocation of final powers of decision making."

(Hueglin, 29) Clifton, Cornell and McClurken add that when it came to matters of the nation, a decision-making apparatus was quickly mobilized.

A Great Council meeting was called. All of the *Potawatomi* communities came together to debate this potentially damaging controversy. The Wkamek (leaders) assembled and debated the issue with Nicholas Perrot, a French diplomat. Behind each ““Wkama”” (leader) sat his clan members, who were there to show support and monitor the ““Wkama””s” behavior in Council. Throughout the debate many different positions were discussed, in the end, however, they reached the consensus. One that was acceptable to all of the communities and all of its citizens. “Wkamek”, elders and youth alike...

Once the decision was reached, a Speaker was selected to chant the words of the new agreement. Then, one by one, from eldest to youngest in turn, all the leaders stood to sing out their acceptance of the Speaker's proclamation. A consensus was reached and publicly accepted by all those in attendance. There would be no dissenting minority and no opposition was tolerated thereafter. (Clifton, Cornell & McClurken, 44)

For *Boodewaadamig* society accountability and transparency was important at every level as council and consensus seeking public debates were embodied in their guiding principles. Edmonds writes that it was expected that decisions affecting the *Oto-te-man* (Clan), individual communities and nation be discussed publicly.

During periods of stress or warfare, prominent individuals often assumed a position of leadership over several villages, but like that of the village chiefs, their authority was based on the consent of their followers. Therefore, *Potawatomi* chiefs such as Onanghisse could act as tribal representatives in conferences with the French, but their command was limited by personal influence and the willingness of other *Potawatomi* to subscribe to their viewpoints. (Edmunds, 23)

The emphasis on public debate, consensus, and decentralization of political power was indicative of the importance that *Boodewaadamig* society placed on equality in the political decision-making process and distribution of economic resources. In terms of decision-making, Hueglin

writes that it was “a difficult and time-consuming process. But in comparison to a modern parliamentary practice, it is not necessarily a less efficient one.” (Hueglin, 29) He adds that despite the fact that consensus-seeking debates were lengthy and sometimes difficult, the traditional *Ojibway*, *Ota’wa* and *Boodewaadamig* system of governance represented sovereignty at its most purist and was the most fluid of any system anywhere.

A clan leader does not derive his authority from his hereditary status but from his ability to contribute to a process of mutual communication. The goal is reached when the Council speaks with one mind...Sovereignty exists only when the process of consensus building works. (Hueglin, 29)

Embodied in the essence of *Boodewaadamig* society were the *Oto-te-man* and its *Gi-doo-de-mag*. Edmonds mentions how deeply rooted the *Oto-te-man* was in terms of establishing the identity of each individual, ensuring loyalty with specific obligations that each individual had to fulfill.

During the seventeenth century the clans performed several important functions, both religious and social. In this early period many *Potawatomi* clans evidently held medicine bundles, which were used to protect and further the interests of clan members. (Edmunds, 18)

As with the *Ojibway* and *Ota’wa*, the *Boodewaadamig* had the *Gi-doo-de-mag* at its core.

Clifton, Cornell and McClurken add that *Oto-te-man* descent was traced and determined through the male line of ancestors, “kinship ties extended back from the individual to his father’s father and down through the generations to his son’s sons.” (Clifton, Cornell and McClurken, 47)

Clan descent was always patrilineal. There were approximately forty-two Ototeman identified. Before the great migrations each clan represented a separate community. It should be noted that it was forbidden to marry within each's clan. Therefore, when

women married, they moved to live with their husband's people. By the late 1700s, larger communities had two or more clans.

The clans also had sub-clans as can be seen within the large Golden Sucker clan, which resulted in the creation of two smaller clans, the Red Suckers and Black Suckers. Sub-clans still retained their loyalty to their original clan.

The forty-two *Potawatomi* clans were organized into six larger divisions called phratries. These were named the Great Lake, Thunderbird (Sky), Man (Human), and Bear, Buffalo and Wolf divisions. Each of the phratry contained two to eleven clans who often cooperated, in conducting and arranging ceremonies. The clans within each phratry had names and emblems that indicated their affiliation. The Great Lake phratry, for example, includes the "Kitchigumi" (Great Lake), "Gig'o" (Fish), "Wasi" (Bullhead), "Name" (Sturgeon), "Mshike" (Turtle) and "Nmapena" clans as well as others called Frog, Crab, Golden Sucker, Black Sucker and Red Sucker. (Clifton, Cornell & McClurken, 45)

The *Gi-doo-de-mag* was a corporation in the truest sense as each clan had responsibility for certain activities, with its own distinctive set of personal names as well as its own property. For example, only the Great Sea *Oto-te-man* members had the sole right to build canoes and only members of the Buffalo *Oto-te-man* could claim the privilege of organizing the hunt for buffalo. The *Boodewaadamig* trade and military alliance with the French culminated in 1760, which set the stage for a new multifaceted economy. As the market-driven forces gathered strength the economic status of the *Boodewaadamig* weakened because of their dependence on European goods and technology.

During this period of economic transition the *Boodewaadamig* began to experience major upheaval. An interesting dichotomy and transition in the *Wkama's* (Chief) responsibilities developed as well. They were expected to make authoritative decisions binding on their people, which were seen as necessary from a political perspective because the *Wkama* had to win concessions in order to maintain influence. Further, French and English authorities were

constantly wrangling to gain greater influence as each sought to establish their favoured *Wkama* in the position of power.

For the purpose of clarity there is specific focus and reference to the Greenville Treaty (1795); and the creation of the following states of Ohio (1790); Indiana (1800); Michigan (1805); Illinois (1809); the debt-crisis that the *Boodewaadamig* experienced and the Indian Removal Bill (1830) because they reflected the direction that legislation and policy would take with respect to future relations with the *Ojibway*, *Ota'wa* and *Boodewaadamig* nations in Canada.

The collapse of traditional *Boodewaadamig* society was fuelled in part by two events. Firstly, the defeat of the French precipitated the flood of unregulated traders. Secondly, Jeffery Amherst sought to economize and downsize his administration during this period, which proved disastrous for British-*Ojibway*, *Ota'wa* and *Boodewaadamig* diplomatic and trade relations. Further, the period between 1783-1815 saw the U.S. push for greater control over British territories, which in turn precipitated one continuous military campaign. Inevitably these events led to the fragmentation of traditional *Boodewaadamig* society.

The Greenville Treaty, 1795 began a Treaty process that would end forty-years later when territories held by the *Boodewaadamig* nation in Illinois, Michigan and Wisconsin were purchased. As the U.S. continued to expand, Clifton, Cornell and McClurken suggest that the U.S. established a process through which the purchase of land could only take place upon authorization by the President and the Senate, therefore we see the following with Ohio becoming a separate territory in 1790; Indiana being established in 1800; followed by Michigan

in 1805 and Illinois in 1809 the *Boodewaadamig* leadership would place their *Oto-te-man* on six major Treaties between 1803 and 1809.

The United States for the first time acknowledged that the Indian Nations were never conquered and that the territory in the Great Lakes-Ohio Valley region was theirs to occupy without interference until of course the United States required them. The Indians on the other hand recognized the sovereignty of the United States. They further acknowledged that only the United States could acquire their lands through purchase and treaty. This to be authorized by the President of the United States and the Senate.

Additionally, it was further agreed that the Indians would transfer most of Ohio, a large area of southern Indiana, the Detroit River region and Mackinac to the United States. (Clifton, Cornell & McClurken, 56)

Throughout the period (1795-1809) the *Ojibway*, *Ota'wa* and *Boodewaadamig* nations incurred large debt almost exclusively from trade and taxation.

In Mason County, for example, the tax rate was set at twice the amount paid by American settlers, a price the *Ojibway*, *Ota'wa* and *Boodewaadamig* could not always pay. Because of such practices, more Indian land was confiscated for back taxes after the ten-year tax-exemption period was lost by Americans for non-payment. (Clifton, Cornell & McClurken, 34)

In exchange for lands ceded, the *Ojibway*, *Ota'wa* and *Boodewaadamig* nations would receive rations; cash payments; lump-sum payments; annuities at fixed-terms; quantities of goods and services of various kinds. The latter included provisions for teachers, blacksmiths and farmers who were to assist in their assimilation.

These land cessions obviously had serious repercussions for the *Ojibway*, *Ota'wa* and *Boodewaadamig* nations because of the intensified competition for the ever-shrinking traditional land-base. In order to service the debt-load the *Ojibway*, *Ota'wa* and *Boodewaadamig* nations

sold their remaining land holdings. Unable to cope with this major societal and nation upheaval, the *Boodewaadamig Ogi-maa-wi-win* and *Ogi-chi-idaag* would engage U.S. forces in 1815 for the last time. Clifton, Cornell and McClurken relate that a young *Wkama* offered the following as he contemplated the future of *Boodewaadamig* society at a gathering Spring Wells:

Years of war did not bring lasting benefits, and there was much misery for the women and children. The Creator had placed the *Potawatomi* on the land, but their ancestors had parted with it and the scene was now changed. (Clifton, Cornell & McClurken, 60)

Two major policy initiatives prevailed during this time. The first attempted to "civilize and assimilate" the *Ojibway*, *Ota'wa* and *Boodewaadamig* peoples. The second was their "complete outright removal" which was made possible with the passage of Indian Removal Bill in 1830. This legislation sought to remove all *Ojibway*, *Ota'wa* and *Boodewaadamig* peoples from their traditional territory simply by taking their land. On September 1833, the *Boodewaadamig* gathered at the small village of Chicago to negotiate their last major Treaty and land cession in Michigan, Illinois and Wisconsin. In return the *Boodewaadamig* agreed to move into this new *Indian Territory*.

OGI-MAA-WI-WIN/DI-BEN-DI-ZO-WIN

"You see all our chiefs before you here as one mind; we have one mind and one mouth..."
(Traditional Anishinaabe Governance of Treaty #3, 4)

The *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* traditional government has always been led by great *Ogi-maa-wi-win* and *Ogi-chi-daag* such as *Pondiac* (Otter), *Tecumtha* (Panther) and to some extent *Shingwauk* (Crane) and *Nittum* (Bear) each of whom sought to maintain the political, economic and military independence of the *Ojibway*, *Ota'wa* and *Boodewaadamig* nations. During their leadership the political, economic and military strength of the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* was unquestioned and unparalleled.

PONDIAC (OTTER)

It was interesting to see the extent of the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* economic strength and its impact on the U.S. economy. Thomas McKenney in 1848 writes that one of *Pondiac's* contributions to the economy was in the form of currency.

The financial policy of this sagacious leader appears evidently to have been borrowed from the Europeans, and we may admire the ingenuity of the unlettered savage, who issued bills of credit with all the regularity and system of a British exchequer. Pontiac appointed a commissary, and raised funds to carry on the war, by pledging his royal credit. His bills were drawn on birch bark, and bore the figure of an otter, which was his coat of arms; under this was drawn the representation of the particular article for which the bill was valid, — as a gun, a bag of corn, a deer, &c. These bills passed current among the Indians, and were faithfully redeemed after the war. The "Pontiac treasury notes," we believe, were never below par. (McKenney, 215)

We know full well that *Pondiac* (Otter) and *Tecumtha* (Panther) saw the threat of increased immigration and land cessions on the political, economic and military structures of the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn*. In light of these threats, each sought to establish a unified political and military federation of nations.

Pondiac's political and military federation was given impetus by *Neolin*, a Delaware *Ne-naan-dawi' Iwed* (Traditional Healer) whose vision during the summer of 1762, Angel writes, "commanded him to exhort his people to cease the use of English goods, drunkenness, and wars." (Angel, 83) *Pondiac* had been impressed by *Neolin*, the "Delaware Prophet," and was determined to lead an all-out campaign to right Anishinabe wrongs and thus began advocating *Ojibway*, *Ota'wa* and *Boodewaadamig* independence and a return to the traditional lifestyle. The Michigan Pioneer and Historical Collections suggest that *Pondiac* understood very clearly from a military perspective that it was necessary for the *Nswi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* to challenge increased British incursion into *Ojibway*, *Ota'wa* and *Boodewaadamig* territory.

Pontiac was chief only of the *Ottawa*, though the other tribes acknowledged his authority. He was at this time about 50 years of age, and though not above middle height, bore himself with wonderful dignity. No monarch ever trod the floor of his palace with a haughtier step than did this swarthy chieftain the green sward where the council sat. His features were not regular, but there was a boldness and sternness in their expression, which awed the beholder; and the dark eye had a strange fascination in its glances....

The tribes responded to Pontiac's call. Soon the fierce Ojibwas and Wyandot assembled at a place of rendezvous and took their seats on the grass in a circle. For a long time not a word was spoken in the council. At last Pontiac strode into its midst, plumed and painted for war. Casting his fierce glance around on the waiting group, he commenced denouncing the English and calling on the chiefs to rise in defense of their rights. His

voice at time pealed like a bugle, and his gestures were sudden and violent. After arousing the chiefs by his eloquence he unfolded his plans...

He proposed that on the 2nd of May 1763 they should visit the fort under pretense of interchanging friendly and peaceful greetings; and then, when the garrison was suspecting no treachery, suddenly fall on them and massacre the whole. They all readily assented to the scheme...a few days later word was brought in by some Canadians that the warlike Ojibwas had joined Pontiac, swelling the number of warriors to 820... (Michigan Pioneer and Historical Collections. 2nd Edition, 639)

At the outset of the war, *Pontiac's* strategy was to take British strongholds in Ohio, Indiana, Pennsylvania and Michigan. Strategically from a military perspective taking control of these settlements *Pontiac* understood that this would weaken British forces and force them to reconsider their military opposition. The Michigan Pioneer and Historical Collections writes that *Pontiac* spoke to the Grand Council wherein he laid bare his bold and visionary plan.

The Indians rebelled against the change and prepared for war...the leading spirit was Pontiac, an *Ottawa* chief of eastern Michigan. He visited tribe after tribe and village after village to unite them in a contest against the English.... A grand council was held at Grand Rapids, over 3000 Indians were present and fired his audience with noble specimens of Indian oratory and unstudied eloquence...he contrasted the English with the French...the pride, arrogance and rapacity of the one with the suavity, generosity and justice of the other...every Indian in the Grand River Valley sympathized with Pontiac; and a year later, when he laid siege to Detroit, his camp was filled with warriors from western Michigan.... (Michigan Pioneer and Historical Collections. Volume 30, 176)

Pontiac knew very well that unfettered immigration would eventually lead to the loss of *Ojibway*, *Ota'wa* and *Boodewaadamig* land and potentially their way of life. Hall writes that the Anishinabe peoples had difficulties with the French and British attempting to explore, examine and then attempt to take Anishinabe territory without their consent.

The central contention of the resistance movement in and around Pontiac's changing orbits of influence was that the Indigenous peoples had never been the subjects of French

rule nor had they ever transferred their Aboriginal titles in their ancestral lands to French proprietorship. Since the Indians of Canada retained an unextinguished right...the French government lacked the capacity to transfer ownership of these territories to Britain. The Aboriginal view of the British position in Indian Country was that the Englishmen were there more as tenants than owners...many would challenge the legality of the decision of the British government in the Treaty of Paris to hand over huge tracts of unceded Indian land. (Hall, 332)

Clifton, Cornell and McClurken provide a description of *Pondiac's* political and military actions that forced the British to acknowledge that there needed to be a clearer understanding and rapprochement with *Ojibway*, *Ota'wa* and *Boodewaadamig* nations.

In less than six weeks, the British were defeated at Fort St. Joseph and Miami, in Michigan. Ouiatenon and Miami, in Indiana. Fort Sandusky in Ohio. Fort St Joseph and Michilimackinac in Michigan. Presque Isle, Venago and Laboeufin Pennsylvania. Of all the western strongholds, only Fort Pitt and Fort Detroit remained in British hands. (Clifton, Cornell & McClurken, 18)

During that summer, *Pondiac* and the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* achieved a series of impressive victories that all but swept the British from the west. The British realizing that defeat was at hand negotiated a number of truces that officially ended the war. Central to this of course was the Royal Proclamation in 1763, which attempted to address the status of traditional Anishinabe territory independence and sovereignty.

Following the war, *Ojibway*, *Ota'wa* and *Boodewaadamig* supremacy remained relatively unchanged. Michigan Pioneer and Historical Collections record that despite the fact that the same British trading posts were maintained, the same *Indian* and trading agents were employed *Pondiac's* independence movement was quite successful:

M. Neyons under pressure from General Amherst wrote... 'The great day had come at

last wherein it pleased the Master of Life to command the great King of France and him of England to make peace between them, sorry to see the blood of men spilled so long...’M. Neyons. (French commandant). (Michigan Pioneer and Historical Collections. Volume 27, 628)

TECUMTHA (PANTHER)

Tecumtha’s emergence as leader parallels that of his brother *Lau-le-wasi-kau* who prophesized that the Anishinabe peoples had to reject the ways of the *white-man* and stop further land cessions for matters of survival. Angel writes that in 1805, a Shawnee *Ne-naan-dawi-Iwed* named *Lau-le-wasi-kau* shared a similar vision with *Neolin*...

Who allowed him a glimpse of paradise... and set out to preach a doctrine that would renew ceremonies... thus providing them with the strength to overcome the problems that beset them. (Angel, 84)

It is interesting to note that both *Neolin* and *Lau-le-wasi-kau* saw spiritual renewal as central to the success of the *N’swi Ish Ko-Day-Kawn Anishinabe O’Dish Ko-Day-Kawn*, in fact it remains so even today.

Tecumtha himself travelled throughout *Ojibway, Ota’wa and Boodewaadamige* territory urging the *N’swi Ish Ko-Day-Kawn Anishinabe O’Dish Ko-Day-Kawn* and its allies (including the Creek and Choctaw to the south) to take military action against the U.S. to stop the continued violation of Treaties and trespass into *Ojibway, Ota’wa and Boodewaadamig* territory. William Bergmann writes that *Tecumtha* knew that *Lau-le-wasi-kau*’s vision and “spiritual voice against assimilation and for ‘traditional practices.’” (Bergmann, 227) would serve as a rallying point to the task at hand. Both *Lau-le-wasi-kau* and *Tecumtha* recognized that the continued invasion and

assimilation policies of the British had to be stopped and the expansion of the U.S. colonies slowed.

Tecumtha demanded an end to land cessions taking place. He maintained that traditional *Ojibway*, *Ota'wa* and *Boodewaadamig* land was held in common by all Anishinabe people therefore it could not be bartered or sold without agreement and consent by all. *Tecumtha* was outraged with the Treaty of Fort Wayne on September 30, 1809, which saw the cession of three million acres in southern Indiana. According to Bergmann, U.S. policy held that land purchases should "not on any condition...exceed two cents per acre, notwithstanding that the federal government attempted to sell the same land for as much as eight dollars per acre." (Bergmann, 234)

Who was this visionary who sought to reclaim *Ojibway*, *Ota'wa* and *Boodewaadamig* sovereignty and territory? Who was this great leader who prevented Canada from being absorbed into the U.S. following the War of 1812? Despite the litany of stories about *Tecumtha*, there is really little known about this great leader, visionary and *Ogi-chi-daa*.

Chief *Mack-E-Te-Be-Nessy* writes that both *Tecumtha* and *Lau-le-wasi-kau* believed that *Ojibway*, *Ota'wa* and *Boodewaadamig* nations had to "abandon everything which the white-man had introduced into the tribes, he taught them that Great Spirit was angry with them because they conformed to the habits of the white-man." (Chief *Mack-E-Te-Be-Nessy*, 29) Warren writes as well that *Tecumtha* who was considered one of the greatest Anishinabe *Ogi-chi-daa* and statesman was profoundly bothered by the growing menace of U.S. expansion into Anishinabe traditional lands.

It was through this prophecy, by which *Te-cum-she* and his brother, the celebrated *Show-a-no* prophet succeeded so well in forming a coalition among the Algonic and other tribes, the main and secret object of which, was the final extermination of the white man from America. It was prophesied that the consequence of the white man's appearance would be, to the An-ish-in-aub-ag, an 'ending of the world'... (Warren, 117-118)

Tecumtha and *Lau-le-wasi-kau* saw that uncontrolled settlement into *Ojibway*, *Ota'wa* and *Boodewaadamig* territory as complete disregard for *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* jurisdiction. Warren suggests that *Tecumtha* begins to realize that the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* has to establish a unified presence to prevent further encroachment into traditional Anishinabe territory. Hueglin maintains that *Tecumtha* raised the concern "since *Ojibway*, *Ota'wa* and *Boodewaadamig* nations openly operated by consensual and limited delegation of authority, many of the chiefs and headmen negotiating treaties on behalf of their people did not have total authority." (Hueglin, 19) In fact, Hall writes that *Tecumtha's* vision includes a flexible federation and community of communities.

Tecumseh imagined the Aboriginal dominion as a flexible federation – as a community of communities – that stressed the commonalities of shared Indian heritage. The key to his political program was to establish the principle that particular Indian groups lacked the authority to sell particular parcels of territory in ceding territories. (Hall, 391)

Hall describes *Tecumtha* as one of the most gifted and insightful visionaries of decolonization that Turtle Island ever produced and compares Ghandi and Mandela to *Tecumtha* with respect to their struggles. Hall and Sugden both suggest that *Tecumtha* had a thorough knowledge of the importance of organizing into this great alliance and federation.

As his brother, the Prophet, acknowledged, Tecumseh planned a mighty Indian confederation from the Great Lakes to the Gulf of Mexico. Tecumseh was a 'great

general,' the Prophet told the artist George Caitlin, and nothing but his premature death defeated his great plan. (Sugden, 9)

Tecumtha recognized the strategic importance of a “*united council*” and sovereign jurisdiction in international law. In *Tecumtha*’s mind, the *N’swi Ish Ko-Day-Kawn Anishinabe O’Dish Ko-Day-Kawn* as Hall suggests that had to emphasize this concept of international recognition.

Gregory Evans Dowd demonstrated in ‘*A Spirited Resistance: The North American Struggle for Unity, 1745-1815*,’ Tecumseh’s advancement of a sovereign Indian state based on a federal union of Indian nations was the outcome of at least two generations of persistent pan-Indian activism... ‘drew upon traditions of nativism and networks of intertribal relations that had been vibrant throughout...reaching back into the past beyond the time of Neolin and Pontiac. (Hall, 381)

As both *Pondiac* and *Tecumtha* foresaw, land was central to the conflicts between the Europeans and *Ojibway*, *Ota’wa* and *Boodewaadamig* peoples. During this period, the U.S. embarked upon an aggressive campaign to establish the *reserve system*, which was initially designed to systematically segregate them from the rest of U.S. society. However, these small parcels of land would come to represent strongholds of resistance. Ironically, the term for *reserve* (*Ishkonigan*) itself in *Ojibwaymowin* essentially means *left over*.

The War of 1812 officially ended with the Treaty of Ghent in 1814. To their credit, the British tried to secure an *Ojibway*, *Ota’wa* and *Boodewaadamig* buffer state during these Treaty negotiations. As well, attitudes towards the *Ojibway*, *Ota’wa* and *Boodewaadamig* peoples begin to change from one of respect and gratitude to one of pity and contempt. Vine Deloria, Jr. writes:

The early dream of the Indian nations to achieve some type of peaceful compromise and enter the United States as an equal was brutally betrayed a generation later when, after

winning the Supreme Court case *Worcester v. Georgia*, the President of the United States refused to enforce federal law and allowed the state of Georgia to overrun the Cherokee Nation. (Deloria, 34)

Traditional leadership is an interesting and complex concept to be sure. What have we taken and learned from *Pondiac* and *Tecumtha's* leadership styles and the historical narratives is a complex one? The Grand Council Treaty # 3 in its analysis and outline of the structure of Anishinabe government describes *Nittum* as follows:

Nittum was an uncommon man ... great was his sagacity and conduct ... he attained a reputation for bravery, activity and prudence in council, as well as for the decision of character evinced in all the vicissitudes of a busy and perilous career, which extended beyond the region of Rainy Lake, and elevated him above the surrounding warriors and politicians. So great was the veneration in which he was held ... that the agents of the Northwest Company took especial pains to conciliate his favour while living, and to honour his remains after death. The scaffold upon which ... his body was deposited, was conspicuously elevated... (Grand Council Treaty # 3, 5)

Obviously, for the purpose of this discussion *Pondiac*, *Tecumtha* and again to some extent *Shingwauk* and *Nittum* were guided by their spirituality and vision, which is very personal and sacred in nature. *Shingwauk* himself was one of the leading chiefs of the Ojibwa people in the early nineteenth century. He was responsible for many alliances the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* had with the allied nations and the Metis as he felt it necessary to create a united front to prevent the total dissolution of their lands by Euro-Canadians. He was particularly influential during the 1750 Robinson-Huron Treaty Negotiations.

Again from a traditional perspective the *Gi-doo-de-mag* determined *Ogi-maa-wi-win* responsibilities. Anishinabe peoples were aware of their responsibilities because of the *Gi-doo-de-mag* as they grew up learning their obligations at every stage in life from those who went

before them. Deloria states, "You're born into this society and you're the beneficiary of the concerns of everybody who is older than you. As you age and go through that society you have different responsibilities." (Deloria Jr., 41) He adds, "When you have memorial in any of your communities you don't need to set up a committee. People talk to each other...everybody immediately falls in line to do what is needed." (Deloria Jr., 41)

Ojibway, Ota'wa and Boodewaadamig communities have traditionally chosen leaders that best served and represented them. Deloria writes, "That's how traditional governments really functioned. The people who could serve the community best then became the leaders." (Deloria Jr., 41) We note that *Pontiac, Tecumtha, Shingwauk* and *Nittum* gained prestige and renown specifically for their medicine powers and courage in battle. Further, each was seen as father figure and protector, who were fair-minded and always thought of the welfare of their people. *Pontiac, Tecumtha, Shingwauk* and *Nittum* had unparalleled presence and dignity. As the Grand Council Treaty # 3 describes, at their zenith, they were bold, eloquent and visionary.

Although leadership was considered to be hereditary and often associated with particular clans, in practice the right to succession depended upon successful performance. High chieftainship was sometimes achieved by those with no hereditary claim to the office, and then inherited through the father's line. Effective leadership required validation through performance. Warren, speaking of 'Sharpened Stone,' hereditary chief of the Cranes, claimed that "Keesh-ke'mun was not only chief by hereditary descent, but he made himself truly such, through the wisdom and firmness of his conduct."⁸ The Leech Lake Chief Yellow Hair owed his rise to prominence to knowledge of medicine rather than hereditary right. His son, Flat Mouth, Eshki-bog-ecoshe, was a prominent chief during the mid-19th century, with marriage connections to Lake of the Woods Chief Powawassin's family and also kin connections to the Grand Chief Premier. Yellow Hair's grandson, Flatmouth II, was also civil chief at Leech Lake and helped Powawassin burn the American fishing station at Oak Island, and played a prominent role in ending conflict with the American army at the Bear Island War. (Grand Council Treaty # 3, 5)

Today however, the position of (Indian Act) *Ogi-maa-kaan* has become an amalgam of leader, despot and politician. The very nature and image of this position within *Ojibway*, *Ota'wa* and *Boodewaadamig* nations have created a very distorted and oppressive picture of the position. Upon being elected to my first term as (Indian Act) *Ogi-maa-kaan*, one *Kichi-Anishinabe* quietly intimated to me that "you are father to many children and you must understand that you should treat each of your children equally. You will have spoiled children who are louder than others, quiet and shy children. There will be children that will be selfish, others that will be kind and generous. Remember to be gentle and stern when you need to be." (*Kitchi-Anishinabe*, Personal Conversation, 1989)

DE-BWE-TAM I-NAA-KO-NI-GE-WIN

“The Royal Proclamation 1763... An Ojibway, Ota’wa and Boodewaadamig Manifesto or a villainous strategy to dispossess Ojibway, Ota’wa and Boodewaadamig nations of their sovereignty and lands...”

Pondiac’s efforts and superior genius to establish a confederacy of nations that included the Sac, Fox, Huron, Miamis and Missisauages to resist further incursion into Anishinabe lands corresponded with his visionary and heroic spirit. The Michigan Pioneer and Historical Collections record that *Pondiac* recognized very early that there was strength in numbers and that the Anishinabe peoples survival depended upon the *N’swi Ish K- Day-Kawn Anishinabe O’Dish Ko-Day-Kawn* and its allied nations being organized to provide opposition to the increased encroachment into Anishinabe territory.

It is for us, my brothers, that we exterminate from our lands this nation, which seeks only to destroy us. You will see as well as I that we can no longer supply our needs, as we have done from our brothers, the French... Therefore, my brothers, we must all swear their destruction and wait no longer. Nothing prevents us: they are few in numbers, and we can accomplish it. (Michigan Pioneer and Historical Collections. Volume 30, 176)

Again the Michigan Pioneer and Historical Collections record that in 1763, King George III issued the Royal Proclamation that sought to recognize the principle of self-government and establish nation-to-nation protocols, peaceful co-existence and the equal sharing of land and resources.

England by an untiring struggle of the centuries had her bill of rights, her magna carta, her recognition by settled principles of constitutional law, a legislative branch of government, her recognition of the principle of self government, had wrought out a recognition of the rights of man, and this inheritance was, by these important events established as an ascendant star and their grandchildren for all the people....

By the treaty of peace of 1783 Michigan before then a part of Canada, became part of the US but possession was not actually surrendered until July 1796. (Michigan Pioneer and Historical Collections. Volume 30, 176)

There are two general points of view expressed regarding the Royal Proclamation, 1763. The first was that the Royal Proclamation represented some sort of *Ojibway, Ota'wa and Boodewaadamig* manifesto and *Magna Carta* as stated previously. Others saw it as a circuitous strategy to dispossess *Ojibway, Ota'wa and Boodewaadamig* nations of their sovereignty and lands. John Borrows writes that it establishes the foundation for the nation-to-nation relationship between the Anishinabe nations and the Crown, which exists to some extent today in some dysfunctional and contorted way.

In Canada, the Royal Proclamation of 1763 seemed to make consent a foundational principle in the relationship between First Nations and the Crown in North America...the Crown promised they would only settle lands...‘purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively’... (Borrows, 23)

More importantly, the Royal Proclamation acknowledged that *Ojibway, Ota'wa and Boodewaadamig* territorial rights and title were similar to those asserted by *sovereign princes*.

We should bear in mind as well that the governments of Quebec, Grenada, East and West Florida were established by this same declaration and legal instrument. According to Sakej Henderson's legal interpretation “under the protection of the Royal Proclamation of 1763, the ‘aboriginal’ people affirmed their right to self-determination.” (Henderson, 256) Obviously this

agreement established a legal framework for the Treaty process through which a sharing of *Ojibway, Ota'wa and Boodewaadamig* land and resources would take place.

Again there are two differing opinions regarding the significance of the Royal Proclamation. There are those, Menno Boldt among them who believe that:

Under the Royal Proclamation, the British Crown unilaterally asserted its sovereignty over self-governing indigenous nations in North America, and claimed proprietary title to lands on which the Indians had lived and survived from time immemorial-lands they believed to be their 'sacred trust' from the Creator. The Royal Proclamation was uniquely framed to dispossess Indians of their sovereignty and lands. (Boldt, 3)

There are others such as Thomas Berger and John Borrows who consider the Royal Proclamation as intrinsically important to Anishinabe nations and Crown relations because it established a process through which Treaties would be negotiated and the inherent and *primordial* title to Turtle Island recognized.

Without Treaties we might be like the people of Guatemala in principle not circumstance...they have no shared body of intercultural law to allow 'indigenous' peoples to flourish...this maybe one reason why two (2) million 'indigenous' peoples were displaced or disappeared through the past two (2) decades. (Borrows, 8)

In 1764, *Mih-neh-weh-na* spoke to 1500 other *Ogimaawiwini* and *Gii-gi-doo-wi-nini* *wag* regarding *Ojibway, Ota'wa and Boodewaadamig* independence and sovereignty. The Ipperwash Inquiry observes that at this gathering in Niagara Falls, "... the British, through their representative... gave the *Ojibway, Ota'wa and Boodewaadamig* Anishinabeg two wampum belts, the 'Great Covenant Chain Belt,' and the 'Twenty-four Nations Belt...'" (Ipperwash

Inquiry, Volume 2, and Chapter 3, 44) Generally though, *Mih-neh-weh-na* as Berger suggests, thought the Royal Proclamation was important specifically for two reasons.

Firstly, it was designed to provide protection to *Ojibway, Ota'wa and Boodewaadamig* Anishinabe territory and it proclaimed that *Ojibway, Ota'wa and Boodewaadamig* Anishinabe territory could be sold only to the Crown. And secondly, it was a declaratory recognition of "aboriginal" rights by the Crown. (Berger, 61)

The provision that no *private person* could purchase land from *Ojibway, Ota'wa and Boodewaadamig* nations was significant in of itself because it stipulated that only the British crown could negotiate the sharing and transfer of land and resources with these nations. This agreement to share land and resources could only be achieved by Treaty, which was again a significant and telling achievement as documented and expressed by the Ipperwash Inquiry.

The fundamental commitment of the Royal Proclamation of 1763 was that First Nations were to be treated with honour and justices. In it, the British government promised to protect Aboriginal lands from encroachment by settlers...A year later, when Sir William Johnson came to Niagara Falls to explain the Royal Proclamation to 1,500 Anishinabeg Chiefs and warriors, he consummated the alliance with the Anishinabeg (the Treaty of Niagara) by presenting two magnificent wampum belts, which embodied the promises contained in the Proclamation. (Ipperwash Inquiry, 45)

The colonies with their insatiable hunger for land and resources immediately took issue with this protocol and process, as they wanted to continue their uncontrolled expansion westward. Paradoxically, the British found themselves in a situation not dissimilar from the French in protecting their agreements and Treaties with Anishinabe nations. American greed and the U.S. concept of manifest destiny were overwhelming. Schmalz writes that the Royal Proclamation Recognized Anishinabe control and established a framework for land exchange.

The Royal Proclamation of 1763 recognized Indian control of over their territories. It proclaimed that, 'no private person was to presume to negotiate a land-purchase for the Indians, but if at any time any of the said Indians should be inclined to dispose of the said land the same shall be purchased only for us the Crown, in our name, at some public meeting or assembly of the said Indians to be held for that purpose by the government. (Schmalz, 121)

The Royal Proclamation obviously had its practical application and impact on land cessions during the late 19th and 20th centuries. In terms of protocol and process, Schmalz notes that it defined the direction and conduct of the relationship between the Europeans and the *Ojibway*, *Ota'wa* and *Boodewaadamig* peoples with respect to peace and safety. It further laid the foundation for legislation specifically as it related to the exchange of Anishinabe territory and Treaty process.

The purpose of Indian administration in the 17th and 18th centuries had been to keep the Indians in peace and alliance with Great Britain... to secure the safety of the settlements from attack, and to use the natives, when necessary, in the conflicts arising among warring sovereignties in the New World. The treaties which Great Britain made were but means to these ends. (Schmalz, 122)

With respect to land rights within the territories of the new government, Brad Morse writes the Royal Proclamation "was just and reasonable, and essential to our Interests..." (Morse, 53) He further acknowledges that the Proclamation sought to prevent uncontrolled western settlement, as it reserved:

Use of the said Indians, all the Lands and Territories not included within the Limits Our Said Three New Governments, or within the Limits of the Territory granted to the Hudson Bay Company and those wilfully or inadvertently settled on un-ceded Indian land should remove themselves from that land. (Morse, 53)

It is important to recognize that this agreement to share Anishinabe lands and resources was facilitated by a Treaty process "and prohibited their sale to anyone other than an authorized crown agent." Britain as well assumed the responsibility as key stakeholder and negotiator throughout this process of land exchange and conveyance.

The Royal Proclamation essentially established the constitutional framework for the future negotiation of Treaties. To some it is considered an Anishinabe Bill of Rights, a Magna Carta so to speak. Not to appear redundant, the Proclamation did seek to acknowledge *Ojibway*, *Ota'wa* and *Boodewaadamig* territorial rights over all traditional lands and also attempted to establish political-legal principles for future land exchanges and a peace-process. Throughout this period, the *Ogi-maa-wi-win* clearly understood and recognized the unique relationship and nation-to-nation protocol this much is certain.

It is interesting even today that *Ojibway*, *Ota'wa* and *Boodewaadamig* nations find themselves in the midst of a different type of war, a war that seeks to destroy historical agreements and deny obligations that have guided the nation-to-nation relationship that was determined centuries ago. Boldt writes that the Royal Proclamation's colonial approach and madness is reflected in the Sparrow judgment.

In Sparrow, the Supreme Court of Canada explicitly affirmed all of the most villainous, imperialistic, and archaic assumptions of the Royal Proclamation, that is, the assumptions of Crown sovereignty over Indian peoples and Crown title to Indian lands. (Boldt, 32)

Taiaiake Alfred argues as well that if the Royal Proclamation's intent was to protect Anishinabe territory and resources it failed miserably. However, the argument is not so much against the

Proclamation as it is against the U.S. and Canada for failing to honour the protocols and processes it established. However, it did recognize *aboriginal* title, which acknowledged that *Ojibway*, *Ota'wa* and *Boodewaadamig* peoples lived on Turtle Island from the earliest known times. From a personal perspective, it would have been more appropriate had the Proclamation recognized the “primordial” rights of the *Ojibway*, *Ota'wa* and *Boodewaadamig* nations to their lands and territory. It truly is a fine line to be sure. Nonetheless, Alfred maintains that:

The federal-only prerogative recognized in the Royal Proclamation of 1763, in treaties elsewhere in Canada, and even in the Indian Act, has done nothing to prevent the alienation of huge areas of land from indigenous nations. (Alfred, 121)

Regardless, the Royal Proclamation established a Treaty framework and process through which land was exchanged and peaceful co-existence maintained. Clifton, Cornell and McClurken suggest that the U.S. came to view the Royal Proclamation as an impediment to westward expansion; and was seen as having precipitated the American War of Independence in 1775, during which American insurrectionists proclaimed:

That the British king has excited, domestic insurrection among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare, is an undistinguished destruction of all sexes, and conditions. (Clifton, Cornell & McClurken, 19)

By 1783, the Americans had won their fight for independence and from that point forward, the British relinquished all claims to territory south of the Great Lakes. From the *Ojibway*, *Ota'wa* and *Boodewaadamig* perspective this transfer of land ownership was a moot point as they never really saw themselves as a vanquished people nor had they agreed to any particular land transfer.

The question of land ownership became the basis of disagreement between the Americans and the Anishinabe nations. Again, Clifton, Cornell and McClurken suggest that the U.S. recognized that as a young and relatively fragile “new” republic, its situation was tenuous at best, therefore the U.S. Congress passed the Ordinance of 1785 to prevent further hostilities.

The United States issued an ordinance in 1785. The lands of the Indians were to be protected from squatters and trespass and the United States had reserved the right to make treaty for Indians lands. The terms of the Treaty of Paris in 1783, which concluded the American Revolution allowed for the Northwest Territories, which included Michigan, to become part of the United States. (Clifton, Cornell & McClurken, 94)

Clifton, Cornell and McClurken write that the U.S. strategy of entering into and negotiating Treaties that focused on American jurisdiction and sovereignty establishes a boundary between American and Anishinabe territory and also represents a significant shift from an *Ojibway*, *Ota’wa* and *Boodewaadamig* sovereignty and independence perspective.

It pledged fair treatment of the Indians. It gave the federal government the right to buy, but not to seize Indian land. It was to set up a boundary line between American land and Indian Territory, which no settlers could cross. It also allowed for trade between the Americans and Indians. (Clifton, Cornell & McClurken, 19)

During the period 1780-1800, the U.S. enters into a number of Treaties in an attempt to satisfy its insatiable hunger for more land. These Treaties are significant from my perspective primarily in that they acknowledge U.S. jurisdiction and sovereignty for the first time. Secondly, they sought to establish boundaries between American and *Ojibway*, *Ota’wa* and *Boodewaadamig* territories,

which is peculiarly interesting. And lastly, as Chief *Mack-E-Te-Be-Nessy* writes reflect the honour and honesty that the Anishinabe nations held during these negotiations.

The Ottawas and Chippewas were strictly honest and upright in their dealings with fellow-beings. Their word of promise was as good as a promissory note, even better, as these notes are sometimes neglected and not according to their promises; but the Indian promise was very sure and punctual, although as they had not timepieces, they measured their time by the sun. (Chief Mack-E-Te-Be-Nessy, 13)

In one of the world's great ironies and drama, Treaties were often broken to meet the economic and territorial needs of the U.S. As the threats to its existence decreased, the U.S. began to develop a multitude of other policies that sought to either *civilize* or *assimilate Ojibway, Ota'wa* and *Boodewaadamig* peoples. Deep in the underbelly of these policies was the notion that once they saw their culture as inferior, they would adopt the American way of life, one that included Christianity, farming and assimilation.

Another philosophical dichotomy developed at this time as well. There were those that wanted to civilize and protect the *Ojibway, Ota'wa* and *Boodewaadamig* peoples and save them from extermination and others who saw them as mentally and physically incapable of adapting to civilization. Whatever the justification used, the *Ojibway, Ota'wa* and *Boodewaadamig* peoples removal was legislated by the Indian Removal Act of 1830. President Andrew Jackson in fact was quite aggressive in his attempt to remove Anishinabe peoples from Ohio, Indiana, Illinois, Georgia, Alabama and Mississippi. It was obvious that neither the Europeans nor the Americans really understood the Anishinabe world-view and philosophy with respect to land and the nature of *primordial* rights. There was often a gross misrepresentation of their spiritual and

philosophical significance of land. To the European and the American, land was simply something to be bought, sold and transferred.

The American experience suggests the diplomatic and political relationship between the U.S. government and Anishinabe nations changed drastically with the legislation of the Indian Removal Act in 1830 and were further impacted by the Dawes Act /General Allotment Act in 1887. Clifton, Cornell and McClurken add that the rider attached to the Appropriations Act in 1871 changed forever the international and sovereign flavour of the Treaties as they now were seen as domestic.

By virtue of the United States Constitution, the President under the advice and approval of the Senate enters into treaties. In 1871, a rider was attached to the Appropriations Act. This essentially has the effect of domesticating the treaties. It specified, "that Indians would no longer be acknowledged or recognized as and independent tribe or power with whom the United States may contract by Treaty. (Clifton, Cornell, McClurken, 29)

The transition of *Ojibway*, *Ota'wa* and *Boodewaadamig* nations from independent and sovereign nations to "dependent and domestic nations" becomes more pronounced during this period. In keeping with this transition and political strategy, the Dawes Act establishes the "reserve" system, as we know it today. (Individual parcels or allotments of 64 hectares for each family head and 32 hectares for each single *Ojibway*, *Ota'wa* and *Boodewaadamig* person over the age of 18 years were established) Politically, it was a rejection of the traditional concept that land was a birthright to be passed from generation-to-generation.

The Dawes Act allowed for each allotment to be held in trust for 25 years, during which time the land could not be sold, mortgaged or taxed. At the conclusion of 25 years, each

Anishinabe person would receive a patent to the land during which time the land could be sold and/or taxed. The Dawes Act created serious upheaval and chaos in many of the Anishinabe communities as nearly two-thirds of patented Anishinabe land during this period was transferred to American interests. The destruction of the traditional community was further exacerbated by this loss of territory.

AGO' IDI-WIN

"As long as the sun shines, the rivers flow and the grass grows..." (Treaty One, 1871)

In one of many discussions at Bad River, Wisconsin *Bawd Way Wi Dun Banais* acknowledges the importance of Treaty protection and implementation. He reminded me that our women and youth were assuming greater responsibilities with respect to Treaty protections. He added that women sometimes assumed responsibilities of *Ogi-maa-wi-win*, medicine people, *Ogi-chi-daa* and so on.

Would the N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn ensure the protection of our collective Treaty and Inherent rights?"

Many native women of the Midewiwin Lodge are studying law, Treaty law etc. The young Mide people are with us and are the guardians. (*Bawd Way Wi Dun Banais*, Personal Conversation 2006)

For *Ojibway*, *Ota'wa* and *Boodewaadamig* nations, Treaties have always been seen as sacred covenants. There has always been a sense of honour and duty. From their perspective, Treaties committed the Crown to a shared relationship that would last for "as long as the sun shines, the grass grows and the rivers flow..." According to John Borrows, "Justice Black, U.S. Supreme Court recognizing their potential force stated, 'great countries, like great men, should keep their word.'" (Borrows, 17)

Further, Borrows maintains that Anishinabe nations have continually argued "as the Supreme Court of the U.S. recognized in the (*United States v. Winans*, 1905) that treaty rights are a grant of rights from the Indians, not to the Indians." (Borrows, 13)

There is no question that this fundamental point has always been misunderstood and misinterpreted. Borrows argues as well that the same can be said of Canada as:

Canadians were able to settle parts of Canada without fear of war, etc. they have also inherited treaty rights...there is even a law and economics literature on this point, arguing that it was more efficient to work with Indigenous peoples rather than fight against them. (Borrows, 6)

Therefore, Borrows states that Treaties should be about taking responsibility for American and Canadian history. Unfortunately, we have seen many instances where the *spirit and intent* of Treaties have been undermined and treated as though they were meaningless. Today the United States, Canada, Central and South America are looking at as Hall states, “redefining the legal character of the northern portion of North America.”

Treaties can build our nations on the footing of consent rather than the violence of presumed military or cultural conquest. They establish ground-rules for future interactions with the land and people. Treaties provide a stronger normative base for creating and re-creating Canada... (Borrows, 5)

With the evolution of the American and Canadian government infrastructure and policies, the Treaty argument became focused on the sovereignty and independence of the *Ojibway*, *Ota’wa* and *Boodewaadamig* nations. We see as much in 1828 with the U.S. Attorney-General argument that Treaties were ineffective because they were not Treaties with independent nations. He did however reason that Anishinabe nations had sufficient independence and sovereignty for the purpose of entering into Treaties. This argument was entrenched in the 1871 Appropriations Act, which established that Anishinabe nations were no longer considered independent and sovereign.

As the Pre-Confederation, the Robinson-Huron and the Numbered Treaties (1-11) were negotiated in Canada, the U.S. decided to use a different approach as it began to adopt specific legislation rather than enter into Treaties. Deloria and Wilkins state there are subtle yet significant differences between agreements that are legislated into law by both the Senate and the House of Representatives under Presidential seal and signature and Treaties, which requires only Senate approval.

The major difference between agreements and treaties is that agreements are ratified in the form of regular congressional statutes, passed into law by both Houses of Congress and signed by the President, whereas Treaties only need the approval of the Senate. (Deloria Jr. & Wilkins. 60)

Deloria and Wilkins suggest that the U.S. agreed and continued to see the Anishinabe nations as having sufficient sovereign capacity under international law to agree to specific legislation and share jurisdiction over territory as was stipulated in the Treaty of Utrecht, 1713 and the Treaty of Paris, 1763. However, the argument that Treaties represent fundamental international covenants is an issue that will be debated well into the next century, unless of course the termination and genocide policies of both U.S. and Canada achieve their objective.

Indian tribes were believed to have the capacity to negotiate treaties and agreements with the U.S., just as they had earlier negotiated with Great Britain... There has been no need to justify the federal authority to engage in agreements with the Indians under its power to enter into international treaties. (Deloria Jr. & Wilkins. 62)

Canada on the other hand did not question the nature of the Treaties primarily because of the British North America (BNA) Act. Henderson writes that the BNA Act was passed simply to establish judicial, cultural, religious and linguistic difference between the French and English.

There was absolutely no Anishinabe participation with the exception of Peter Cope, a Mi'kmaq leader.

The British North American Act, 1867 was passed without Indigenous participation, except from the Mi'kmaq leader Peter Cope who secured assurance that their treaties would be honoured. The British North America Act knit a nation together along federal lines to protect French and English judicial, cultural, religious and linguistic differences at Confederation. (Henderson, 23)

Michael Coyle states that this is significant to Anishinabe nations primarily because “legislative powers were now divided between federal and provincial governments. The BNA gave the federal government exclusive jurisdiction over ‘Indians and Lands reserved for Indians.’” (Coyle, 19) Borrows further argues, “Treaty implementation is an ongoing process not a singular event...they are living events.” (Borrows, 18)

From this perspective, the completion of a Treaty constitutes the legitimate exercise of prerogative power. As we have seen in British Columbia (B.C.), the legal challenge filed by the hereditary chiefs of the *Gitksan-Wet'suweten* peoples in October 1984 was significant in that the Supreme Court ruled in December 1997 that the province never had the jurisdiction to extinguish *aboriginal* title. Almost immediately, the federal and provincial levels of government appealed this decision arguing that *aboriginal* title to 60,000 square kilometres was extinguished during B.C.'s colonial period. Borrows writes that the majority of B.C. citizens live on First Nations' territory without the permission of Anishinabe nations.

Most British Columbians live on First Nations' lands without First Nations' permission. They live there because of the unmitigated force of colonialism—a violence that displaced people from their land without their participation or consent. (Borrows, 9)

In his attempt to put clarity to the question of Treaty protection and implementation, Thomas Hueglin writes that “treaties imply a balance between autonomy and mutual obligation... their primary purpose is to organize social and political life on the basis of self-determination.” (Hueglin, 11) Further, Canadian courts have recognized that various Treaties are obligations enforceable by law.

It is interesting that Canadian-law views Treaties with Anishinabe nations as different from international Treaties. Whether or not other rules respecting international Treaties can be applied is an issue that remains largely unresolved in Canadian-law. Despite this, there are legal scholars such as Hueglin who believe that, “each First Nation began its relationship...as an independent power in international law...Treaties explicitly recognized the supreme power of First Nations...” (Hueglin, 251) Anishinabe nations continue to argue this point.

As well, the question as to whether a Treaty can be challenged on a fundamental mistake or lack of comprehension by Anishinabe signatories cannot be answered at this time because no Treaty has ever been challenged in the courts on this basis. Further, the possible range of methods by which the legality of Treaties can be challenged in Canada is a field of law that remains largely unexplored.

However, there are certain situations where the courts have viewed Treaties as analogous to private agreements or contracts. The available, but admittedly limited judicial authority supports the application of the contractual model to the Treaties. For example, in 1897 (*Attorney General for Canada v. Attorney General for Ontario*) the Privy Council argued that the duty to

compensate under the Treaty in question constituted a "personal obligation" of the Governor to the Anishinabe nations. The judgement of the court in this instance held that the Treaty was entered into under the prerogative or executive power of the Crown.

It is generally understood from this legal perspective that the prime function of contract-law is therefore to protect promises in the future. This was also raised in 1932 (*Rex v. Wesley*) wherein the Supreme Court noted that the federal government was expected to fulfill its Treaty obligations as they were still binding, even though these Treaties were held to constitute "mere promises and agreements." Borrows suggests that the Canadian government can do the honourable thing and essentially "own" up to its legal and political commitments.

Treaties between the Crown and Indigenous peoples can be a vital part of Canada's ...political and legal geology...they could be said to underlie the countries political orders...while at the same time promising certainty for Indigenous land possession, governance and livelihood. (Borrows, 10)

Despite the federal crown's reluctance to do so, it is still under duty and obligation to carry out Treaty provisions. The Supreme Court of Alberta for instance, agreed there was a legal obligation on the part of government to fulfill its promises as written. Canada on the other hand came to believe that Treaties should not exist in perpetuity. Prime Minister Pierre E. Trudeau stated as much. Borrows writes that this was fundamental premise underlying the 1969 White Paper as a "thinly disguised programme of extermination through assimilation" (Borrows, 1) and subsequent government initiatives including the more recent Bill C-7 (First Nations Governance Act) in 2003.

Anishinabe nations for example, could argue that if Canadian courts were to consider Treaties as legally binding contracts, a number of sources of litigation would then be possible. For example, questions of duress; undue influence; mistake and reality of consent could thus be raised in the courts. However, a more direct question should be whether Treaties are analogous to legislation? Vine Deloria Jr. and David Wilkins suggest that the U.S. Federal government in fact acknowledged, "all Treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land." (Deloria Jr. & Wilkins, 31) Coyle writes that a similar argument can be made in Canada with respect to Section 88 of the Indian Act prevailing over conflicting provincial legislation.

Some measure of protection for First Nations treaty harvesting rights arrived in 1951. In that year the federal government passed what is now section 88 of the Indian Act, which provided that provincial laws of general application were subject to treaties. Now at least First Nation defendants could bring evidence of a treaty promise as a defense when they were prosecuted under provincial game laws. When the courts had an opportunity to consider section 88 they proved willing to interpret the word 'treaty' broadly and to include oral promises and they ruled that treaty promises should always be interpreted in a manner that upholds the honour of the Crown. (Coyle, 22)

Further, case law dealing with Treaties is tentative at best as the rules being applied by the judiciary cannot be stated definitively. In some instances, the courts have ruled that Anishinabe Treaty provisions may be over-ridden by federal legislation but not by provincial legislation. It thus raises the question as to whether Treaties are in fact the supreme law of the land?

R v. Sioui (1990) provides careful attention to the federal government's fiduciary responsibilities with respect to Anishinabe peoples: Borrows, Henderson and Berger among others theorize that if the Supreme Court had been an international tribunal the federal Crown

would have had to honour and respect its Treaty commitments. They suggest that before *R. v. Sparrow* (1990) it was possible to define the Crown's special relationship simply in terms of the right to go on the land to hunt and fish. Despite their limitations, both judgments suggest that the understanding of *aboriginal* rights has been built on the misreading of history and the persistent failure of governments to honour their commitments.

As well, the Supreme Court of Canada released the Marshall decision in 1999 that recognized the Treaties of 1760-61 and confirmed the rights of the Mi'kmaq peoples to hunt, fish and gather in order to earn a moderate livelihood. The Court reiterated the need for government and Anishinabe nations to negotiate and mediate a process that would establish how these constitutional rights would be exercised. Together with these Treaty rights, the Mi'kmaq argue that they hold *aboriginal* rights and title throughout their traditional territory.

The Anishinabe inherent right to governance, sovereignty and self-determination has been constitutionally debated for many years and is tenuously supported by Sec. 35(1) of the Constitution Act 1982. This was of course articulated during the Charlottown Accord (1992) constitutional debate and then recognized by the Supreme Court in *R. v. Sioui*, which acknowledged that an American concept of self-government existed and that Anishinabe peoples had been independent self-governing nations pre-contact and that this right had never been extinguished. From this point forward, the Supreme Court has continued to affirm the Anishinabe inherent right to self-government and has articulated the best way to achieve self-government is through negotiation.

In *R. v. Sioui*, [1990] 1 S.C.R. 1025 at 1055, Lamer, J., as he then was, stated: "The British Crown recognized that the Indians had certain ownership rights over their land...It also allowed them autonomy in their internal affairs, intervening in this area as little as possible." Again in *Sioui* at p.1054 (emphasis by J. Lamer), the court cites a passage from *Worcester v. Georgia* (1832), 6 Peters 515 at 218 Thomas Isaac 548-549, wherein the Court summarized the practice of the British in North America before the American revolution as follows: "Such was the policy of Great Britain towards the Indian nations inhabiting the territory from which she excluded all other Europeans; such her claims, and such her practical exposition of the charters she had granted: she considered them as nations capable of maintaining the relations of peace and war; of governing themselves, under her protection; and she made treaties with them, the obligation of which she acknowledged." (Issac, 218)

Borrows observes that Anishinabe nations have consistently maintained, "Indigenous laws and protocols facilitated treaties." (Borrows, 1) We saw as much in the earlier chapters. We know for example that Anishinabe nations have always demanded the courts legally bind both parties to the terms of the agreements, regardless of the formal difficulties of having Treaties fit into a traditional legal framework. Again from a legal perspective Morse writes there is little doubt that:

At the time of signing, both parties were using terms that they thought covered their relationship, that both intended to create legal obligations of permanent character and that both carried out the terms of the agreement for many years. These practices confirm that, whether or not they are treaties, they constitute mutually binding arrangements that have hardened into commitments that neither side can evade unilaterally. (Morse, 123-127)

To Anishinabe nations, Treaties are living agreements, "*as long as the sun shines, the grass grows and the rivers flow*" (Treaty One, 1871) They are not simply about our history and past; they really are about our future. Henderson for example argues: "These written agreements between First Nations and the imperial crown created a nation-to-nation relationship... called

treaty federalism.” (Henderson, 250) We know as a historical fact that the French and British entered into Treaties using Anishinabe concepts and ceremonies to establish solemn commitments of peace and brotherhood. However, Englestad and Bird write that Treaty interpretation and implementation have evolved differently.

Land was revered as a mother from whom life came and was to be preserved for future generations as it had been from time immemorial. Land was used for common benefit, with no individual having a right to more of it than another. (Englestad & Bird, 5)

This was obviously a different type of ownership the Europeans had come to understand.

Hueglin maintains that at the signing of Treaty, “protection of private property, was a concept unknown to ‘Aboriginal North Americans.’” (Hueglin, 9) Canada felt that acquisition-by-agreement was a far more ignoble attempt than acquiring land and resources by military action, authorities pointed to the U.S. experience, in fact Friesen estimates that “the Americans spent \$20 million a year on the Indian Wars, the annual budget of the NWMP was only \$400,000 per year.” (Friesen, 166) Harold Cardinal and other Anishinabe leadership describe the nature of Treaties from a deeply spiritual perspective.

To the Indians of Canada, the treaties represent an Indian Magna Carta. The treaties are important to us, because we entered into these negotiations with faith, with hope for a better life with honor. We have survived for over a century on little but that hope. Did the white man enter into them with something less in mind? Or have their heirs of the men who signed in honor somehow disavowed the obligation passed down to them? The Indians entered into the treaty negotiations as honorable men, who came to deal were equal with the Queen's representatives. Our leaders of that time thought they were dealing with an equally honorable people. Our leaders pledged themselves, their people and their heirs to honor what was done then. (Cardinal, 28)

The Treaty-making process formalized at Niagara Falls in 1764 was an attempt at adhering to the principles of the Royal Proclamation. The Ipperwash Inquiry sought to address the nature of Anishinabe pre-contact, traditional laws as referenced in the covenant-chain Treaties specifically the Treaty of Niagara despite the very complex methodological and cultural hurdles.

...The Treaty of Niagara was entered into in accordance with Aboriginal protocol, including speeches and wampum belts. The British... gave the *Ojibway, Ota'wa and Boodewaadamig* Anishinabeg two wampum belts, the 'Great Covenant Chain Belt' and the 'Twenty-four Nations Belt'...With the 'Great Covenant Chain Belt, the British promised that the *Ojibway, Ota'wa and Boodewaadamig* Anishinabeg would not become impoverished and their lands would not be taken...The *Ojibway, Ota'wa and Boodewaadamig* Anishinabeg promised in turn to be loyal and to support the King in both peace and war... The 'Twenty-four Nations Belt' promised that the British would always provide the necessities of life...(Report of the Ipperwash Inquiry, 45)

Further, the presentation of wampum belts from an Anishinabe perspective recognized their unique alliance with the British crown as they related to the laws of each nation. Their presentation was an excellent example of how traditional Anishinabe laws and customs formed the foundation and bridge between Anishinabe inherent rights in Canadian constitutional law.

Oral histories of 'aboriginal' societies, which for many 'aboriginal' nations are the only record of their past. Histories both embody historical knowledge and express cultural values and see some difficulty in treating such evidence under the strict rules of torts law. Thus when the Gitskan presented *adaawk* and the Wet'suwet'en presented *lounyax*, these must be thought of as 'aboriginal' common law and constitute acceptable evidence for a claim to 'aboriginal' title. (Thorn, 48)

Oral history and tradition is significant because it speaks to our ancestors, histories and territories and the spiritual nature of time and language as it emphasizes events focused on values, traditions and way of life. Anishinabe writers like Warren, George Copway and Peter Jones

sought to address the nature of Anishinabe traditions and customs from an Anishinabe world-view perspective:

The *Ojibways* never count a generation as passed away until the oldest man in the family has died...the writer assumes from these and other fact...forty years as the term of an Indian generation. (Warren, 91)

The 1850 Robinson-Huron Treaty is an interesting case-in-point. The discovery of rich minerals and metals deposits on Anishinabe territory in the Lake Superior and Lake Huron regions led to the negotiation and creation of a new kind of treaty. William B. Robinson in responding to *Shingwauk* and other *Ogi-maa-wi-win* demands negotiated two treaties: the Robinson-Superior and Robinson-Huron Treaties. We recognize that these treaties differed ostensibly from the simple land-surrenders that took place earlier in southern Ontario. (These surrenders had one-time payments that established few lasting obligations for the federal government).

The Robinson-Huron and Superior Treaties on the other hand established permanent government obligations to the *Ojibway*, *Ota'wa* and *Boodewaadamig* nations. Supplemental to one-time lump sum payments, Anishinabe peoples also received annuities and "reserve" lands in return for the surrender of their traditional territories. In addition, they maintained their right to hunt and fish on unoccupied land. These two treaties essentially set precedent and served as a template for future Treaty negotiations. Again, the Ipperwash Inquiry (Volume 2) reported that the Robinson Treaties of 1850 marked a turning point with respect to the Treaty-making process.

In negotiating them, the aim of the Crown was not to secure land for settlement, but rather to open up Northern Ontario for mining. The treaties were prompted by the Ojibwes' resistance to mining licenses issued for locations on Lake Huron and Lake Superior. Second, the Robinson Treaties (one for Lake Superior and the other for Lake Huron) were much more detailed documents than the earlier land cession agreements had

been... in addition to identifying the reserves which the Ojibwe would have for their exclusive use, also specifically promised continued hunting and fishing rights in the ceded territories. (Report of the Ipperwash Inquiry, 56)

In fact, during the period leading up to the 1850 Robinson-Huron Treaty negotiations, Chute suggests that *Shingwauk* as one of the more important Anishinabe “policy makers and political negotiators” (Chute, 1) sought:

First, to establish linkages with government agencies, just beginning to exercise jurisdiction in the Upper Great Lakes area; second, to preserve an environment in which Native cultural values and organizational structures could survive; and finally, to devise new strategies conducive to formation of band governments capable of assuming a degree of proprietorship over resources on Indian lands. (Chute, 1)

These three goals were clearly stated in future Treaty and governance negotiations as they focused specifically on the issue of traditional governance and the concept of revenue sharing. Chute writes that *Shingwauk* understood that the British had to “recognize the existence of native territorial prerogatives” (Chute, 2) given their tentative position. It stipulated that the *Ojibway*, *Ota’wa* and *Boodewaadamig* peoples could continue hunting and fishing on lands not yet ceded and/or leased by the crown, address the rights of “half-breeds” and that an annuity of approximately two pounds per capita and revenue from ceded lands would be paid. Chute further states that “head chiefs exercised regulatory and protective jurisdiction over lands used as hunting and fishing grounds flanking major water routes into the interior.” (Chute, 2)

The nature of Treaty One negotiations is of specific interest to me because they signified and strengthened the nation-to-nation relationship with the British crown in exchange for specific and unique rights. Further, Treaty One also known as the “Stone Fort Treaty” was negotiated only after *Oo-za-we-kwun’s* (Yellow Quill) threat of armed confrontation and his refusal to let settlers travel west of Portage La Prairie. We know from our Sagkeeng (Anishinabe) oral history that events leading up to the signing of Treaty One on August 3, 1871 actually began eleven (11) years earlier with the Selkirk Treaty. The Nor’wester reported on June 14, 1860 that Lord Selkirk was to have use of *Ojibway* traditional territory for just 20 years.

Old Andre Trutier states under oath, 'that he remembers distinctly the arrangement made, which was that Lord Selkirk was to have use of the land for only 20 years... Trutier states that the chiefs did not in any sense sell the land to the Earl of Selkirk but rented it. (Nor’wester, June 14, 1860)

It is quite clear from this testimony and again from our oral history that the *Ogi-maa-wi-win* felt that the sale of their lands in 1870 were clearly illegal. Further, *Nittum’s* grandson who was one of the signatories of the Selkirk Treaty in 1817 would have had the pleasure and opportunity of having this told to him by *Nittum* himself.

At Treaty, (band) were attended by the “first” and “second” rank soldiers, messengers or pipe-bearers, and councillors. Until 1895, the annuity lists maintained by Canada recorded, for each local band, the names of three officials: Soldier, Councillor, and Messenger. further acknowledged that in exchange for agreeing to share the land and resources the crown would agree to specific and unique rights. (Grand Council Treaty # 3, 6)

The *Ogi-maa-wi-win* clearly understood what was at stake in return for “peace, order and good government” as evidenced by the negotiations and discussions that took place during the

Robinson-Huron Treaty process. The Manitoban (1871) record of *Ka-ke-ka-penais*' statement a Sagkeeng *Gii gi doo wini* (Headman) concerning the nature of the commitments:

I salute my Great Mother, and very much gratified at what I heard yesterday. I take all my Great Mother's children here by the hand and welcome them. I am very much pleased that myself and children are to be clothed by the Queen, and on that account welcome every white man into the country. (The Manitoban, 1871)

It is interesting to note that there was no mention of hunting or fishing rights written into the text of Treaty One. However the Manitoban records that the *Ojibway* would "be free to hunt over much of the land" as was specified in the text of the Robinson-Huron Treaty. Lieutenant-Governor Archibald promised as much:

When you have made your treaty you will still be free to hunt over much of the land included in your treaty... Till these lands are needed for use. you will be free to hunt over them ... And make use of them, which you have made in the past... There will still be plenty of land that is neither tilled nor occupied, where you can go and roam and hunt as you have always done... (The Manitoban, 1871)

Ironically, Henderson maintains "virtually all of the case law pertaining to treaties with the crown has arisen from criminal prosecutions of individual treaty Indians for hunting, trapping and fishing activities." (Henderson, 247)

The Manitoban reported that under the terms of Treaty One, each *Ojibway* community would receive a reserve large enough in area to provide 160 acres for each family of five (less for smaller families, more for large families). Further, it was understood that as populations increased the Crown would be obligated to increase the territory.

His Excellency - Whenever his children get more numerous than they are now, they will be provided for further West. Whenever the reserves are found too small, the Government will sell the land, and give the Indians land elsewhere. (The Manitoban, 1871)

Henry Prince, *Grand Oreilles*, *Kasias*, *Wa-sus-koo-koon* and others came forward, the latter being the spokesperson stated the following:

I am going to state the wants of all the Indians - not including those of the Portage. First, in the early part of every spring, we want all the children to be clothed with fine clothes! In the fall of the year they are to be clothed from head to foot with warm clothing! Whenever an Indian wants to settle, a house is to be put up for him fully furnished, and a plough, with all its accompaniments of cattle, etc. complete, is to be given him! We want buggies for the chiefs, councillors and braves, to show their dignity! Each man is to be supplied with whatever he sees for hunting, and all his other requirements, and the women in the same way! Each Indian settling on the reserve is to be free from taxes! If you grant this request, continued the brave with utmost gravity, I will say you have shown kindness to me and to the Indians. (The Manitoban, 1871)

Unique circumstances provided *Oo-za-we-kwun* (Yellow Quill) with an additional 25 sq. miles of land to be laid out around the reserve. The crown also agreed to maintain a school on each reserve whenever the *Ojibway* wanted one.

His Excellency entered into a lengthy statement showing that the Queen was willing to help the Indians in every way, and that besides giving them land and annuities, she would give them a school and a schoolmaster for each reserve, and for those who desired to cultivate the soil, ploughs and harrows would be provided on the reserves. (The Manitoban, 1871)

Each *Ojibway* man, woman and child would be given an annuity of three dollars or a total of fifteen dollars per family. The annuity was to be paid in goods, but could also be paid in cash if it was thought to be in the best interest of the *Ojibway* peoples. The crown further agreed that an

accurate census would be completed as soon as was possible. The census was important from an *Ojibway* perspective because it would determine the exact acreage of land that was to be reserved for the Treaty nations. Based on the 1871 population, *Ojibway* communities should have received 5,600,000 acres of land (93,333 hectares).

On August 3, 1871 Treaty One was signed with Lieutenant-Governor Adams George Archibald, Commissioner Wemyss S. Simpson, Major Irvine signing on behalf of the federal crown. The signatories for the *Ojibway*, *Ota'wa* and *Boodewaadamig* Anishinabeg Nations were *Mis-koo-ki-new* (Red Eagle/Henry Prince); *Ka-ke-ka-penais* (Bird Forever/William Pennefather); *Na-sha-ke-penais* (Flying down Bird); *Na-na-wa-nanan* (Center of Birds Tail); *Ke-we-tay-ash* (Flying Around); *Wa-ko-wush* (Whippoorwill); *Oo-za-we-kwun* (Yellowquill). The Treaty was formally ratified by the Governor-General in Council September 12, 1871. (Daugherty, 9)

For their part, the *Ojibway* nations agreed to share lands, resources and to maintain peace. Despite Lieutenant-Governor Archibald's promise of hunting and fishing rights, these provisions were never implemented. At the outset, Treaty One implementation and administration was confusing and onerous. In fact, the newly appointed Lieutenant-Governor Alexander Morris wrote to Ottawa as early as December 1872 urging the crown of potential serious difficulties if this was not done, he wrote:

That there should be a Resident Indian Commissioner here, who should be a good businessman, competent to draw up Treaties, attend to matters of account, etc., and that he should be aided by two Assistant-Commissioners, native of the country, familiar with Indian dialects, and in whom they have confidence and taken from the ranks of the English and French half breeds... to have all the promises fully set out in the treaties, and to have the treaties thoroughly and fully explained to the Indians, and understood by them to contain the whole agreement between them and the Crown. (Treaty Report. 18-20)

Ottawa refused to acknowledge this potential problem. Henderson states that Ottawa's refusal to act accordingly was based on its belief that, "treaties limited the common law of colonization." (Henderson, 273) It was clearly evident that its "thinly disguised programme of extermination through assimilation" was dominated by what one historian termed a "narrow vision" of what the *Ojibway* were and would become. He adds that the Numbered Treaty process, which began with the signing of Treaty One (Stone Fort Treaty) in 1871, "(was) based on the European style of treaty-making and are more readily accepted as treaties." (Henderson, 249)

Oral and written evidence shows that the *Ogi-maa-wi-win* and *Gii-gi-doo-wi-nini-wag* sought specific concessions and provisions in Treaty One. The general nature of the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* and the *Gi-doo-de-mag* structures indicate that during the Treaty One negotiations, the *Ogi-maa-wi-win* were clearly familiar with the terms and provisions of what were being discussed, indicative of this was the approach taken when negotiating the Selkirk Treaty and also negotiations that took place at Turtle Mountain and Minnesota.

The *Ogi-maa-wi-win* saw the Treaty process as a vehicle to protect the traditional ways and quality of life. According to historian Jean Friesen, the *Ojibway* nations saw Treaty One as a tool for planning the economic future of their people and as a means of ensuring the continued access and sharing of the natural and economic resources. In fact, Hueglin writes that the *Ogi-maa-wi-win* and *Gii-gi-doo-wi-nini wag* had a fairly clear estimate of the value of the land they were sharing as they initially wanted 2/3's of the traditional territory of Manitoba (*Manitou Abi*) protected under Treaty One.

Treaties certainly were first and foremost tools to establish and maintain peace and therefore meant to be the basis for a lasting relationship, but they did not establish some superior authority, which could no longer be resisted. (Hueglin, 11)

From a more contemporary perspective, *Delgamuukw* is important because the argument posed by the fifty-one hereditary chiefs of the *Gitksan* and *Wet'suweten* tribal houses was based on oral traditions that specifically referenced their stewardship of the lands which included as Smart and Coyle have shown "the right to use, harvest, manage, conserve and transfer the lands and material resources." (Smart & Coyle, 79) In response, the British Columbia Court of Appeal in 1993 provided four separate opinions.

The Courts however acknowledged that Canadian common-law recognized *aboriginal* land rights and that Sec. 35(1) of the Constitution Act 1982 recognized these rights as well. The Courts also upheld that after 1871, only the federal government had the authority to deal with *aboriginal* land rights according to Sec. 91(24) of the Constitution Act 1867. Insofar as *Delgamuukw* was concerned the courts held that parliament did not pass legislation extinguishing the *Gitksan Wet'suweten* land rights.

Canada has never taken a consistent approach in interpreting Treaty rights. Anishinabe leadership continue to maintain that a mutually recognized process be established to provide for Treaty protection and implementation. Anishinabe nations recognize that their covenants, wampum belts and Treaties speak to their sovereignty and the value they placed on peaceful and reasonable relationships. The Treaty process was essentially recognition of this sovereignty. Not surprisingly, Anishinabe nations have always asserted that sovereignty was implicit, in Treaty deliberations and negotiations.

WAA-BISH-KII-WE GII-MA-KAND-WED O'OW AKI

(Canadian Acts of Glory and other Mish-Mash)

We have seen the increase of government intervention in the internal affairs and day-to-day activities of *Ojibway, Ota'wa and Boodewaadamig* nations beginning in 1850 with the Act for the Better Protection of the Lands and Property of Indians in Lower Canada; The Act to Encourage the Gradual Civilization of the Indian Tribes of Canada in 1857; the establishment of the Dominion of Canada under BNA Act in 1867; the Enfranchisement Act in 1869; the Department of the Interior in 1872; the Indian Act in 1876 which sought to consolidate all existing legislation; the Indian Advancement Act in 1884, which appointed the Indian Agent as chairman of the Chief and Council who in turn was authorized to remove (Indian Act) *Ogimaakanag* considered unfit to discharge their duties effectively. As well, the Davin Report in 1879 recommended residential schools based on the American model.

The administration of government had become dominated by the "narrow vision" of what Anishinabe peoples were and would become. This was colonial power at its zenith. INAC by virtue of the Indian Act assumed the powers to impose a uniform system of elected *chiefs and councils* on Anishinabe nations regardless of the manner in which they formerly governed themselves. Out of order and harmony, grew confusion, contempt and oppression. It became fairly obvious that the Canadian government was resolute in its policy of quiet genocide. Again, it was far more effective, less costly and supposedly more humane than the wars the U.S. had waged against Anishinabe peoples.

The war against Anishinabe nations has been continuous and sustained since 1492. We know that Canada has been hell-bent on exacting some punishment of its own what with: the Act for the Gradual Civilization of the Indian Tribes of Canada in 1857; the Enfranchisement Act, 1869, the New Indian Act, in 1951 and 1960 during which Anishinabe peoples were granted an opportunity to become *artificially* free Canadian citizens. Section 91(24) made this seemingly possible.

The intent from the outset of confederation according to John A. McDonald was, “to do away with the tribal system and assimilate the Indian people in all respects with the inhabitants of the dominion.” (Montgomery, 1965) A cursory review of the Canada’s policies and initiatives proves as much. Consider the following:

The Act for the Gradual Civilization of the Indian Tribes of Canada, 1857 for example is regarded by RCAP as being “one of the most significant events in the evolution of Canadian Indian policy.” (Volume 1, PART TWO, Chapter 9, RCAP, 1994) Its objective was to gradually assimilate Anishinabe peoples into Canadian society by removing our distinct status. To the Canadian government it was fundamentally essential to free Anishinabe peoples from the yoke of colonialism. This was to be the vehicle to achieve this.

In and of itself, the Act for the Gradual Civilization of the Indian Tribes of Canada was paternalistic in nature as:

Only Indian men could seek enfranchisement. They had to be over 21, able to read and write either English or French, be reasonably well educated, free of debt, and of good moral character as determined by a commission of non-Indian examiners. For those unable to meet these criteria, a three-year qualifying period was allowed to permit them to acquire these attributes. As an encouragement to abandon Indian status, an enfranchised Indian would receive individual possession of up to 50 acres of land within

the reserve and his per capita share in the principal of the treaty annuities and other band moneys. (INAC, Volume 1, PART TWO, Chapter 9, RCAP, 1994)

The Indian Act was a colossal failure as only one *Indian* was enfranchised during this period, 1857-1876. Obviously from an Anishinabe perspective it was an attempt by the federal government to abandon the previous principles and commitments found in the provisions of Treaties and the 1763 Royal Proclamation. We know for example that the Act for the Gradual Civilization of the Indian Tribes of Canada was a precursor to the White Paper in 1969.

The Enfranchisement Act in 1869 further sought to entrench Canada's commitment to assimilation. It was essentially as RCAP suggests a repeat of earlier enfranchisement ideals and an introduction of "stronger measures that would psychologically prepare Indians for the eventual replacement of their cultures and their absorption into Canadian society." (RCAP, 1994) What is important to note from this period on was the federal government's intent on undermining the traditional Anishinabe governance structure, which the federal government thought largely *irresponsible*. The superintendent-general established an election process and conditions for elections as he essentially saw fit.

Elected chiefs could be deposed by federal authorities for "dishonesty, intemperance or immorality." None of the terms was defined, and the application of these criteria for dismissal was left to the discretion of the Indian affairs officials upon receiving a report from the local Indian agent. (INAC, Volume 1, PART TWO, Chapter 9, RCAP, 1994)

Anishinabe women were not given the right to vote and would not be afforded this opportunity until 1951 with the new amendments and revisions to the Indian Act. During this period non-Anishinabe women were refused the right-to-vote as well. It was a reflection of Western patriarchy, which sought to entrench gender inequality onto Anishinabe society.

The traditional *Ogi-maa-wi-win* structure and responsibilities were completely undermined by this jurisdictional rape.

The authority accorded the elective band councils was over relatively minor matters: public health; order and decorum at public assemblies; repression of "intemperance and profligacy"; preventing trespass by cattle; maintaining roads, bridges, ditches and fences; constructing and repairing schools and other public buildings; and establishing pounds and appointing pound keepers. There was no power to enforce this authority. (INAC, Volume 1, PART TWO, RCAP, 1994)

In terms of gender inequality, RCAP also suggested that it created the quagmire that we deal with yet today in terms of Bill C-31 and its attempt at genocide:

Provided for the first time that an Indian woman who married a non-Indian would lose Indian status and band membership, as would any children of that marriage. In a similar way, any Indian woman who married an Indian from another band and any children from that marriage would become members of the husband's band. (INAC, Volume 1, PART TWO, RCAP, 1994)

This laid the foundation for further restriction in powers under the subsequent amendments of the Indian Act. The *original* Indian Act was enacted in 1876 as an attempt to consolidate past legislation. Again RCAP maintains that Canada during its infancy was unabashed in its belief that Indians, their cultures and societies were severely inferior to its settler society.

Our Indian legislation generally rests on the principle, that the aborigines are to be kept in a condition of tutelage and treated as wards or children of the State. ...the true interests of the aborigines and of the State alike require that every effort should be made to aid the Red man in lifting himself out of his condition of tutelage and dependence, and that is clearly our wisdom and our duty, through education and every other means, to prepare him for a higher civilization by encouraging him to assume the privileges and responsibilities of full citizenship. (INAC, Volume 1, PART TWO, Chapter 9, RCAP, 1994)

The transition from independent and sovereign nations to incompetent wards of the Canadian nation-state was in and of itself an attempt to assimilate and enfranchise *Indians*. In effect the Indian Act was largely seen as a vehicle for assimilation as there is no reference to the nature of Treaties, their importance and their legal standing. With tongue-in-cheek, the *Kitchi Anishinabe* state that the Indian Act is really a *White Man's Act*, because it really is about protecting the rights of Canada. John Milloy writes that assimilation was the objective of the 1876 Indian Act and all subsequent legislation.

Politicians and civil servants alike testified to the persistence of the assimilative goal. With the passage of the 1876 Act, the Minister, David Laird, declared that the Department now had the means "to prepare him [the Indian] for a higher level of civilization by encouraging him to assume the privileges and responsibilities of full citizenship." On the 50th anniversary of that Act, the Deputy Minister, Duncan Campbell Scott, told a House Committee that it should have no doubts as to the continuing appropriateness of that policy. For his part he had no "intention of changing the well-established policy of dealing with Indians and Indian Affairs in this country." Indeed, "I want to get rid of the Indian problem," therefore "our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question and no Indian Department. (Milloy, 9)

It was an incredible piece of subversive legislation as it essentially governed all aspects of our lives. Every policy from this point forward would do little to support the notion of independence, self-sufficiency and sovereignty. During this period an organizational body is established essentially to administer policy and legislation as they relate to housing, education, economic and social development, land and resource development, child and family welfare. This federal bureaucracy remains to this day and represents the last remaining vestige of colonial madness as it continues to prevent Indians from exercising their inherent right to govern.

RCAP reported that the *New Indian Act Revision, 1950* established the majority of provisions that continue to wreak havoc to this day.

In the current version of the act, nearly 90 provisions give the minister of Indian affairs a range of law-making, quasi-judicial and administrative powers in all-important areas. In addition, another 25 provisions give the governor in council wide powers, including that of making regulations in areas otherwise covered by band council by-law authority. (INAC, Volume 1, PART TWO, Chapter 9, RCAP, 1994)

On a more personal note, following its passage, my grandmother was elected to Council at Sagkeeng in 1952 as Indian women on-reserve could now vote and participate in band political life. Agnes Fontaine thus became the first Anishinabe-*Kwe* to be elected to Council in Canada. Regardless of perceived progress and an attempt to re-establish traditional practices of having women become chiefs, or hold positions as medicine people, seers, chiefs, warriors and mediators there remained serious gender inequality.

Further, Sections 87 and 88 incorporate for the first time the provincial laws of general application. Therefore, laws not addressed in the Indian Act such as child and family welfare for example would be subject to provincial jurisdiction. During this period the provinces make serious inroads into many of our communities. The most disastrous consequence of this legislative approach was the 60's Scoop, which saw the kidnapping of thousands of Indian/Métis children from their homes and communities without the knowledge or consent of their families and communities. The underlying belief to this deliberate act of genocide was *Indians/Métis* parents were inferior and thus unable to provide for the needs of the children.

Henderson writes, the “implementation of the Victorian Treaties by the federal parliament was transformed into the colonization of ‘aboriginal peoples’ by the Indian Act.” (Henderson, 278) He further suggests, “the purpose of the Indian Act was to implement the obligations of treaties, royal instructions and the Royal Proclamation into federal law.” (Henderson, 276) It is interesting to note that the Canadian government has always held firm its commitment to assimilation.

The lasting effects of past legislation continue to wreak havoc to this day. True to John A. McDonald and Duncan Campbell Scott’s intent, Canada continues to march to the beat of the ghosts of the colonial past. The intent of this section was to elucidate the evolution of Canadian legislation and policy with respect to Anishinabe peoples. This legislation and these policies established what would become the foundation for future government intervention in the internal affairs and day-to-day activities that began in 1857 with the *Gradual Civilization Act* to the *New Indian Act* in 1951 and 1960. The task was not to provide a detailed and exact chronological order of legislation and policies but rather provide a road map to contemporary attempts of the federal government to assert its hegemony over Anishinabe peoples. Although, a bit of a jump in terms of time-frame, the 1969 White Paper, Meech Lake (1990) and the Charlottetown Accord (1992) represent the next major pieces of legislation that continued the assault on Anishinabe traditional government, values and survival.

WHITE PAPER, 1969

The 1969 White Paper proposed to amend and revamp Anishinabe policy. "This battle began with the fragmented powers of Section 91 and 92...the Privy Council held that surrendered '*aboriginal*' lands were within provincial jurisdiction..." (Henderson, 279) It believed that stringent government controls and forced isolation hindered the assimilation process.

It argued as well, that the distinct status enjoyed by Anishinabe peoples was actually contrary to the ideals of democracy and was a form of apartheid that did nothing for eradicating poverty and progress. Boldt states that Jean Chrétien believed it would promote the "principle of individual equality, leading to full and equal participation by aboriginal people in mainstream Canadian society" (Boldt, 82) The 1969 White Paper was dressed-up to advance individual equality leading to full and equal participation by Anishinabe peoples in mainstream society.

The National Indian Brotherhood (NIB) developed its Citizens Plus declaration, which rejected the White Paper categorically. This declaration challenged the notion that isolation and discrimination were the cause of poverty and underdevelopment in Anishinabe nations. In fact, it argued that the real cause of inequality and isolation was the paternalistic and improper manner in which government historically administered *aboriginal* rights. The 1969 White Paper gave Anishinabe nations a glimpse of the government's true face. In response, an interesting strategy soon began to take shape during the 1970's.

The NIB began working on three fronts. The first prong of this strategic approach was locally initiated community development, which sought to address century old disadvantages of federal apathy, the dependent relationship on the federal government and socio-economic devastation at the Anishinabe nation level and the shortage of resources. This synergy created a new national grassroots movement.

The second prong was actually borrowed from Quebec. This strategy of quiet diplomacy was brought before diplomats, political advisors and the federal government. It sought to reintroduce the concept of collective rights, which up to this point were largely ignored. The NIB demanded that policies affecting Anishinabe peoples should be developed by Anishinabe peoples and that we have a continued and active presence on the Canadian political scene.

The third prong, which included bureaucratic engagement demanded that advisory councils, agencies, and boards of the federal government have Anishinabe nation representation. This was the precursor to what the federal government now refers to as self-government. More importantly, it pointed out that if the federal government had lived up to its Treaty obligations, Anishinabe territories would have remained intact; their hunting, fishing and trapping rights would have been maintained; and health, education and economic development would have ensured healthy and vibrant communities. It emphasized as well that the unique status of Anishinabe nations actually protected our sovereignty, self-determination and inherent rights.

In response, the federal government implemented its *Indian Self-Government Community Negotiation* process, which is a misnomer of sorts as the term self-government

itself has been bastardized. To Anishinabe peoples the right to governance is Creator-given. A *Kichi-Anishinabe* from Sagkeeng once stated that he was vehemently opposed to self-government and it was quite obvious that he was clearly frustrated by my continued focus on this mirage.

Why would the Sagkeeng *Kichi-Anishinabe* be in opposition to such a beautiful and noble concept? The discussion I had with him was animated and at times very emotional. The discussion took place during a brief lull at one of Sagkeeng's quarterly national assemblies. People were milling about visiting, laughing and generally enjoying the brief respite from the cold January winter's day and the discussions concerning Sagkeeng national affairs. He approached me as I was sitting to the side of the entire activity-taking place in the assembly hall. He motioned and asked if could he talk to me as he approached. I nodded and smiled. He began by telling me that this motion for self-government was a big mistake. I was somewhat surprised by his comment given the fact the citizens of Sagkeeng were suggesting that we take back control of our lives through meaningful and participatory government.

"I thought that this is what the Elder, Youth, Women and Men's Councils asked Chief and Council to do?" I asked taken aback. 'NO! NO! This is not what we asked you to do!!' He responded with frustration. "What did the Elder, Youth, Women and Men's Councils ask Chief and Council to do then?" I challenged. He laughed and said... "Boy, you just don't get it. The people are not telling to you to push for 'self-government.' They are telling you to recognize our relationship with the Creator. It is the Creator that placed us here '*omaa akeeng*' It is the Creator

who gave us life and gave us the animals, the forests, the birds, the fish.... All that is good in our lives, the Creator gave us.”

I was becoming quite frustrated, “Don’t you think that we can negotiate a good arrangement and self-government agreement?” “The Creator put us here and gave us certain responsibilities. One of the first responsibilities was to care for Mother Earth. The others were to grow spiritually and to take care of our society, *Dodaims* and future generations. Only *Kichi-Manitou* can take away our right to care for ourselves because he is the only one who gave us this right.” He was clearly frustrated as well: What about the Canadian government? I asked. “The Canadian government says it wants us to give us self-government. It can’t because government is not the Creator. It has no right to say that it can give us self-government or even take away our right to be self-governing.” He was vehement in his opposition.

What became clear to me as we talked was that he obviously understood and was attempting to have me understand was that the Canadian government’s policy of self-government was really delegated authority, which specifically implied prior powers and control.

He was firm in his belief that the issue is not Anishinabe governance itself and it is not about assuming newer ones based on sovereign rights. Anishinabe governance is really about asserting sovereignty and recognizing that you have always had these rights. It is really about the ability to make decisions. It is about our inherent and *primordial* rights. We must recognize that none of the institutional and government verbiage is capable of addressing what the Sagkeeng Elder and *Bawd Way Wi Dun Banais* believe and speak to.

The federal government's policy of self-government and management-regimes consists of making and administering decisions through delegated powers. The closest analogy would be the President of any corporation who manages the company with powers that are delegated by a Board of Directors. Other examples include City Councils across this country that exercise powers delegated by provincial authority. Similarly within this scenario, Anishinabe nations throughout this country continue to exercise powers delegated by the Minister of INAC.

The Elder understood that the federal government and its policy of self-government for what it really is... the exercise of additional powers under the Indian Act. This is definitely not governance as defined by the Commission of Global Governance, the World Bank and the Public Management Service of the Organization for Economic Cooperation and Development.

Other self-government agreements throughout the country are all negotiated within the policies of the First Nation Management Regime, The Sechelt and Cree-Naskapi self-government agreements for example are indicative of the incremental nature of the federal government's strategy. They are also indicative of the federal government's strategy to delegate only what it feels is non-threatening. For example, the Sechelt First Nation in British Columbia did not achieve recognition of its sovereignty in its "self-government enabling legislation." Its wider powers are in fact similar to that of a municipality.

The Cree-Naskapi of Quebec although constitutionally protected did not achieve sovereignty in their comprehensive land claims legislation but achieved wider powers within the context of the Indian Act. It is however a form of entrenched self-government. Further, the Cree-

Naskapi discovered that many of the constitutional responsibilities of the federal government were devolved to the provincial government of Quebec.

Under the present *First Nation Management Regime*, the Indian Act places considerable restrictions on Anishinabe nations, Chief and Councils and *Band Membership*. It is understood that delegated jurisdiction has a predetermined time period and is at the discretion of a more powerful government. Further, there are significant fundamental differences to a sovereignty-based approach. One of the fundamental principles of governance is the territory over which jurisdiction is exercised. Simply put, boundaries define territory. *Bawd Way Wi Dun Banais* at Garden River, Ontario suggested that *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* would help facilitate this sovereignty-based approach from a contemporary perspective.

Would the N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn have relevance today?

The spirit of Tecumtha, Pontiac through the Three Fires and the Midewiwin Lodge is alive and well. (*Bawd Way Wi Dun Banais*, Personal Conversation 2006)

The struggle is not a lack of direction for Anishinabe governance, sovereignty and self-determination; as this is clearly defined in our oral history, ceremonies and traditions. Rather, it is one of unity and inclusion. Our people and *Ogi-maa-wi-win* must achieve this arm-in-arm. This is a prerequisite.

Sophisticated strategies have made the *Ogi-maa-wi-win* a national force to be sure. At times however, this had a detrimental effect on internal relations with our citizens as it has created a

gulf so wide that federal government agents and a hostile media manipulate this schism to create division. To bridge this, a return to the traditional approaches of communication and involvement has to be part of this process.

The problem of balancing long-term needs with the *blood* and *guts* day-to-day issues is a fine balancing act even for the finest magician. Poverty, housing and unemployment are issues that cannot be resolved over-night. Addressing Treaty and inherent primordial rights, governance, sovereignty and self-determination as part of a bigger picture makes this task almost insurmountable.

From a provincial governments' perspective, when the question of Anishinabe rights is raised, they instinctively make reference to Sec. 91(24) of the Constitution Act 1867. Their mantra continues to be it is the federal government's constitutional responsibility to provide for First Nations and their lands. However, when jurisdictional matters that impact provincial jurisdiction over land, control over resources, and regulation of hunting and fishing activities are addressed ... the provinces are quick to cry-out that federal obligation take provincial interest into account. Therefore, it is not surprising that provincial governments often take positions contrary to the overall objectives of Anishinabe nations.

To its credit, the Penner Report recognized this problem, in that it recommended that each step towards Anishinabe governance be carefully considered in consultation with provincial governments. However, there is the prevailing belief in Anishinabe country that the provinces have no place at the table when the question of Anishinabe rights to governance, sovereignty and

self-determination is discussed. RCAP pointed out as well that the federal government is in a precarious position with respect to these three points.

RCAP warned that Canada could sit idly by and do nothing and incur the cost of doing nothing at a later date or it could be proactive and get active on all fronts. The past decade has seen the Canadian government attempt to deal with these sovereignty ideals with feeble attempts at constitutional renewal.

MEECH LAKE 1990

The Meech Lake debate was pretty heady stuff for a handful of young chiefs led by Assembly of Manitoba Chiefs (AMC) Grand Chief Phil Fontaine, Chiefs Frank Abraham of Little Black River, Dr. Sidney Garrioch of Cross Lake, Dave Crate of Fisher River and Chief Allan Ross of Norway House. The impasse Prime Minister Mulroney created as he *rolled the dice* turned out to be a watershed for our Nations. Meech Lake came to represent a new kind of war, fought with different strategies and on a different battlefield. The battlefield in this instance was the constitution of Canada. One major difference from skirmishes of the past was that this new crop of leadership believed that we had to reassert our Creator-given right to Anishinabe governance and sovereignty.

In retrospect, the Accord's main thrust of the devolution of federal responsibilities to the provinces would have marginalized Anishinabe peoples to the point of irrelevance. It would have brought hostile provincial governments to the table and would have given them equal participation in future Anishinabe governance negotiations and agreements. This alone would

have had a disastrous impact on any discussion and/or negotiation concerning governance and sovereignty.

In an attempt to save the Accord, Senator Lowell Murray proposed that future federal initiatives be done directly with Anishinabe nations, with an amending formula/rule (7/50) that would apply to First Ministers Conferences (FMC) and senate reform. (The re-establishment of an FMC dealing with Anishinabe governance and other issues would therefore require the approval of 7 provinces with 50 percent of the population) However, the AMC knew that Alberta, British Columbia, Ontario and Quebec were indifferent if not outright opposed to any discussions affecting Anishinabe rights. As well, the Accord would have provided provinces with an opportunity to opt out of federal programs, many of which were essential to our Nations. This would have restricted our control of federal programs that were consistent with Anishinabe governance and sovereignty.

The AMC understood there would be no fundamental changes to the main body of the Accord that included a complex senate reform plan and legal opinion clarifying Quebec's distinct society clause. In light of AMC's and Anishinabe resistance, a suitable Canada Clause was suggested. (This clause supposedly would have broadly defined such things as aboriginal rights, multiculturalism and the equality of the provinces and the sexes). Further, the Canada Clause would have recognized aboriginal rights as fundamental to the Constitution. Despite this, we understood very early that Quebec however would never have accepted a Canada Clause that weakened their distinct society clause. John Ralston Saul argues:

That the Native role as the original pillar of our triangular foundation has continued to strengthen over the last century - in spite of superficial impressions to the contrary - because of our dependence on the place they occupy in the Canadian collective unconscious. (Saul, 90)

In summary, the general outline of the deal ignored the fact that Anishinabe nations represented a fundamental characteristic of Canada. Thus, on June 23, the Meech Lake Accord was defeated, in part because of the AMC and Elijah Harper, (MLA) for Rupertsland.

CHARLOTTETOWN ACCORD 1992

The Charlottetown Accord constitutional potion was one-part Quebec, one-part provinces and 2/3's aboriginal rights and was said to have healing and medicinal abilities. This was Canada's attempt at being truly inclusive and conciliatory. Having learned from the Meech Lake debacle, the federal government was eager to entrench the notion of the inherent right to self-governance and recognize aboriginal governments as a third-order of government. It also sought to confirm Treaties as a sacred trust that recognized aboriginal sovereignty and the inherent right to self-determination and governance.

Despite its failure and reluctance of Anishinabe nations to embrace and endorse the Accord, it did establish a new benchmark for our nations. John Ralston Saul maintains:

This original triangle - because despite our long denial, the Natives have always been part of the bargain - is like a multi-jointed box, which can fold and unfold in many ways. (Saul, 1997)

Which brings us back to the question of governance and sovereignty that must be re-thought from our perspective. For Anishinabe nations, sovereignty is a tool for dealing with the challenges of the future. To give substance to our external sovereignty, we must continue to maintain nationhood and Treaty status. This is a fundamental point of fact. Internal sovereignty on the other hand encompasses our social, political, and economic activities.

It is understood that Anishinabe nations never relinquished sovereignty. The question of law and order, child welfare, social and economic development, and other *blood* and *guts* needs are intrinsic to this. We must emphasize our world-view and the importance of asserting our social, political and economic traditions and beliefs. From a healing perspective, traditional means of reconciliation and dealing with human beings is also necessary.

The third piece to the sovereignty puzzle is somewhat different from our traditional and spiritual philosophy of sharing. The issue of property rights throughout the world is a powerful concept. The concept is simple enough. If you own a piece of property, you own everything pertaining to that property. Deloria joked that "if a flying saucer lands on your territory. The aliens better damn well know where they've landed because the saucer and everything about it is ours." (Deloria Jr., Keynote Address, Sovereignty Forum, 1995)

OGI-MAA-KAN-DA-WIN

Sovereignty - "No two wigwams are pitched the same "

The *Ojibway*, *Ota'wa* and *Boodewaadamig* Anishinabe nations state unequivocally that an Anishinabe order of government has existed from the beginning of time. Because of constitutional short-sightedness and the limitations of constitutional law, the Constitution Act 1982, Section 35(1) has never established nor understood this. I think we all can agree that the affirmation and recognition of existing rights embedded in the Constitution Act 1982 was considered a substantial step forward. The major obstacle it seems is the formidable task of defining those said rights. For Anishinabe nations, the word *existing* is both politically and judicially ambiguous. This has created obvious difficulties for the Anishinabe nations and leadership because it places the onus on them to prove to the courts that "the crown had never extinguished aboriginal rights." It would have been more politically and judicially astute to constitutionally guarantee inherent *primordial* rights instead of existing aboriginal rights. The downside to this is of course the difficulty to meet burden of proof.

Regardless of Canada's constitutional fatigue, a forward-thinking federal government might allow itself to work with Anishinabe nations to constitutionally entrench and protect their right to governance, self-sufficiency and governance. This would enable Anishinabe governments to exercise full legislative, policy-making, jurisdictional capacity over housing, education, economic development, land and resource use, child and family welfare, justice and financial policies.

Borrows analyzes that “the treaties did not erase the pre-existing laws of each party, though they did introduce a new legal framework to govern the relationship between these laws.” (Borrows, 5-6) Simply put, Anishinabe nations do not need to re-define the wheel, as this can be done under Sec. 91(24) Constitution Act, 1867 and Sec. 35(1) Constitution Act, 1982.

To achieve full legislative, policy-making and jurisdictional capacity, some Anishinabe nations have advocated the complete dismantling of the Department of Indian and Northern Affairs Canada (INAC). It is seen as archaic and an example of colonial madness. INAC has come to represent all that is perverse and oppressive about Canadian policy, as it has attempted to systematically destroy Anishinabe spirit and promote genocide. By design, INAC has never understood its mandate or perhaps it has understood it only too well. Its violence and injustice against Anishinabe peoples is well documented and is considered a disgrace from the Anishinabe perspective. From termination policies and initiatives such as residential schools, the 1969 White Paper, Bill C-31 and the more recent suite of legislation that included Bills C-6 through C-19 its intent has always been transparent. Paulo Freire in his discourse on revolutionary pedagogy writes:

Freedom is thwarted by injustice, exploitation, oppression, and the violence of the oppressors; it is affirmed by the yearning of the oppressed for freedom and justices, and by their struggle to recover their lost humanity. (Freire, 25-26)

Paradoxically, INAC has created underdevelopment in many areas as it has provided precious little. For Anishinabe nations wanting to plan long-term economic development, there are little if any capital provisions. INAC has never understood the economic and social

structure that it seeks to address is vastly different and unique. Anishinabe nations recognizing this unwillingness to act have reiterated time and again that a prerequisite for development of any kind is to take into consideration the basic social, political and economic differences of each Anishinabe nation. In a discussion at Mount Pleasant, Michigan *Bawd Way Wi Dun Banais* comments on the nature of economic development and poverty that *Ojibway*, *Ota'wa* and *Boodewaadamig* peoples endured.

Do we focus on economic cooperation for the purpose of conquering poverty and creating the 'good and abundant life?'

Economic opportunity and development is important but secondary to spiritual and mental well-being.

Are the issues Ojibway, Ota'wa and Boodewaadamig Anishinabeg are facing today similar to the issues our ancestors faced during the times of Pontiac, Tecumtha and Shingwauk? (The questions of sovereignty, self-determination, marginalization, Treaty and "aboriginal" rights remain fundamental to our relationship with Canada. Again, Ojibway, Ota'wa and Boodewaadamig Anishinabeg themselves deeply entrenched in a political process that is not of their making, whose rules and objectives are simply not relevant to the Ojibway, Ota'wa and Boodewaadamig Anishinabe traditional approach to government)

Yes. Only the strategies of the Euro-people and their institutions have changed. The hatred for non-white peoples is still alive and well. Euro-Canadians are driven by their need to make profit and to control the market. (*Bawd Way Wi Dun Banais*, Personal Conversation 2006)

Far too often government and its autocracy believe that Anishinabe nations are similar, that the traditions and systems of governance of each nation can be somehow melded into one template, that what works for the Blackfoot peoples will magically work for the *Ojibway* peoples and vice versa. Again in that same conversation, *Bawd Way Wi Dun Banais* suggests that the "*N'swi Ish*

Ko Day Kawn Anishinabe O'Dish Ko Day Kawn" is an effective template for traditional governance.

How do we get to this point and what vehicles and processes do we use?

From my perspective and from the aims and objectives of my research, the "*N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn*" provides a relevant and effective model of traditional governance. The internal barriers are very well known which are loss of self-knowledge and pride in who we are. But no more than that, we are no longer loyal to our nation and peoples. (*Bawd Way Wi Dun Banais*, Personal Conversation 2006)

In light of the difficulties and misunderstanding that have become entrenched over the years, two options are possible.

The first alternative would see the creation of a *Governance Commission*. One of its first responsibilities would be to develop a framework through which Anishinabe nations without Treaties could establish government and organizational infrastructure to get on with the task of reclaiming and implementing traditional systems of governance. Legislative power would remain with the people. The creation of such a Commission would not require constitutional overhaul as the Indian Commission of Ontario; the Indian Specific Claims Commission; and the British Columbia Treaty Commission were established under such a process.

Established in 1978, the (ICO) chairs land claims negotiations as well as other negotiations important to First Nations and the federal or provincial governments. The Indian Specific Claims Commission (ICC) was created by a federal order-in-council in 1991. The British Columbia Treaty Commission (BCTC) was created in 1993 to manage a voluntary, made in British Columbia process to facilitate modern treaty negotiations in that province. (Smart & Coyle, 73-74)

The second alternative would see the establishment of a *Treaty Commission*. From a historical perspective it is obvious that some Treaties predated legislation such as the Indian Act and are therefore analogous to legislation. A *Treaty Commission* would seek to re-establish the traditional political, social and economic alliance of Anishinabe nations and reaffirm sovereignty as confirmed by the Pre-Confederation Treaties; the Robinson Huron and Superior Treaties; and the Numbered Treaties in the Prairie and Northern Regions.

Borrows suggests that the Waitangi Tribunal in New Zealand is one working model that could be used as a template. Established in 1975 to deal with Treaty matters, the Waitangi Tribunal has had considerable impact in addressing Maori grievances and claims under the Waitangi Treaty, 1840 and the subsequent recommendations to Parliament for the resolution of these matters.

When the Treaty of Waitangi was established between Maori and the Crown in New Zealand it was presented with the parties' highest laws. The Treaty of Waitangi contained, inter alia, reference to sovereignty, kawanatanga, exclusive and undisturbed possession, taonga, rangatiratanga, rights, privileges and protection...Treaty standards have received recognition and affirmation by Maori groups, Courts and Parliament at various times throughout history. (Borrows, 3)

In discussions had with Maori leaders they have indicated that although the Tribunal's decisions are not the rule-of-law they nonetheless have had considerable impact on the law. According to Borrows, "the Treaty of Waitangi is 'part of the fabric of New Zealand society' and is de facto functioning in a constitutional manner." (Borrows, 4) Essentially, the Tribunal provides an alternative to the Maori "to receive what they felt was their due right under the Treaty."

In New Zealand, the Treaty of Waitangi also occupies a high place of prominence. Parliament has implemented its principles through numerous pieces of legislation.” Courts and tribunals have recognized the Crown’s duty of active protection and duty to remedy past breaches. (Borrows, 11)

Because the Tribunal was established as a permanent commission of inquiry, it differs somewhat from the court and judiciary process as the claimant must establish how the law, practice, policy, action and omission of the crown has impacted the meaning and effect of the Treaty of Waitangi.

Borrows writes that the Waitangi Tribunal process can be used as an example for addressing the failure of the Canadian government to honour the "spirit and intent" of the Treaties as they were understood and embodied.

Honouring treaties is not about envisioning a utopian, heroic or mythic golden age; there was no such time in either country’s past. Honouring treaties is about taking responsibility for our history and constructing the rule of law from that experience based on the best available (most persuasive) sources. (Borrows, 5)

The Penner Report tabled in 1983 and the subsequent Royal Commission on Aboriginal Peoples in 1996 acknowledged this fact and recommended the recognition of Anishinabe government as a distinct order of government. Hueglin suggests much the same, “the Royal Proclamation, 1763...Section 35(1) places aboriginal-Canadian relations into a confederal perspective.” (Hueglin, 13)Both alternatives would provide Anishinabe governments with an opportunity to clearly define the scope and nature of its relations with other Anishinabe, federal and provincial governments. Further, Anishinabe nations would have the right to claim jurisdiction in-perpetuity.

By addressing the following questions a possible framework for governance can be established: What additional powers can Anishinabe nations attain through a governance initiative? Can this be done through the Indian Act or an alternative process determined by the Anishinabe nations? What powers relative to citizenship, strategic planning for sustainable development, and delivery of services, finance and intergovernmental relations could Anishinabe Nations have through enabling legislation? Borrows advises that Treaties can address these questions through a process of consent.

Treaties can build our nations on the footing of consent rather than the violence of presumed military or cultural conquest. They establish ground-rules for future interactions with the laws and people...treaties provide a stronger normative base for creating and re-creating Canada... (Borrows, 5)

From the *Ojibway*, *Ota'wa* and *Boodewaadamig* Anishinabe world-view perspective, Treaty governance would give impetus and necessity to Treaty federalism. *Bawd Way Wi Dun* is quite succinct in what is necessary for our freedom.

Would the key to freedom rest in our collective action?

Self-determination begins with self, family, community allies who are knowing and loyal to our cause and our stated goals. (*Bawd Way Wi Dun Banais*, Personal Conversation 2006)

Hueglin comments that, "in line with the tradition of treaty federalism, an overall aboriginal community of communities would emerge as a 'nationality state' rather than a 'nation state.'" (Hueglin, 63) Anishinabe leadership maintain that Treaties recognized the assertion of our inherent and primordial right to sovereignty of Anishinabe nations. The courts have pointed to the special rights and obligations contained in the Treaties:

Should be given a fair, large and liberal construction in favor of the Indians. Any ambiguities in the wording of the Treaty or document must be resolved in favor of the Native people. (*R. v. Horseman*, 1990)

Anishinabe nations view Treaties in an evolutionary way similar to the constitutional law analogy of *living trees* capable of growth and development. One of the first tasks of Treaty governance would be to define the issue of citizenship from the perspective of: What is a citizen? Who is a citizen? (Is it restricted to those living within the Anishinabe nations? Should Anishinabe peoples living off-reserve be considered citizens? Who can become a citizen? Can citizens of other world nations become a citizen of an Anishinabe nation? Treaty governance would also ensure citizen participation and allow for the legislation of Anishinabe laws.

It is important that Anishinabe nations define for themselves the nature of citizenship, the rights of an Anishinabe citizen and the responsibilities of the Anishinabe nation to its citizens. However, another task that is just as critical is to erase from the Canadian body-politic memory and legislation the term "band membership", which is neither indicative of sovereignty nor representative of Anishinabe governance. The scenario of having the federal government decide who is and who is not a "band member" under the Indian Act is no longer acceptable.

BEE-DUH-BUHN (THE NEW DAWN)

It is recognized, that an Anishinabe order of government already exists in Canada. The Constitution Act, 1982, Section 35(1) affirmed and recognized this. We must however, take the responsibility for defining these rights. This task is ours and ours only.

A return to the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* traditional system of governance based on nationhood as suggested by *Bawd Way Wi Dun Banais* can reunite the *Ojibway*, *Ota'wa* and *Boodewaadamig* nations and re-kindle the flame of sovereignty and independence. This differs considerably from the Canadian government's concept of governance, which derives its authority and power from crown sovereignty and is based on confrontational and antagonistic principles.

Anishinabe nations recognize that history is on the side of the Canadian *body politic*. We understand that in order to change laws, our political, social and economic national aspirations must be anchored by and told from our world-view in terms of the *Aad-di-zoo-ka-naag* and *Di-baa-ji-mo-win*, which speak to *De-bwe-win/De-bwe-mo-win* and history. We have witnessed this narrative, the story that explains and attempts to justify Canada's reality of oppression - is a powerful tool in the hands of the dominant society. Therefore, our counter-narrative must re-assert our identity from our perspective. We recognize as well that this counter-narrative will be fundamental to Anishinabe independence and self-determination as it is really about our healing and having the ability to determine whether we want reconciliation. Bruce D'Arcus writes that Anishinabe people recognized and understood the nature of law-making:

Law-making is power-making...and is an immediate manifestation of violence...power always involves a dialectic between visible and invisible, latent and active violence. As a crystallization of power, law itself embodies this dialectic. (D'Arcus, 723)

Bawd Way Wi Dun Banais in his opening address to the Assembly and Gathering at Garden

River spoke of the harmony and balance that the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish*

Ko-Day-Kawn sought in its fundamental values and principles:

We are going to have a society of responsibility. In order to belong to this tribe you have to do certain things. You have to treat your relatives in a certain way; you have to treat society at large in a certain way. You have to feed the poor, you have to take care of the orphans and provide for the Elders. (*Bawd Way Wi Dun Banais*, Personal Conversation, August 2007)

The Grand Council Treaty # 3 advise that the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* can have significance in a contemporary context because historically it was an effective form of traditional governance. Therefore, the task today is not to create something entirely different and new but rather take from the past what has worked and give it a modern-day application. The *N'Swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* has relevance today because it is organic and allows for citizen participation at every opportunity. Being inclusive and transparent are concepts that are fundamental to the Anishinabe notions of governance because it ensures political stability.

To understand the participatory nature of Anishinabe traditional governance, one has to recognize and understand the fundamental principles of the *Gi-doo-de-mag*. Firstly; there was an orderly system of responsibilities. Every Anishinabe citizen belonged to a *Do-daim* and each had

a specific responsibility. For example, those who were *Ah-ji-jawk* (Crane) and *Mahng* (Loon) had leadership responsibilities; those who were *Makwa* (Bear) had responsibilities for healing and protection; *Gi-goo* (Fish) were seen as the philosophers and mediators; *Wa-bi-zha-shi* (Martin) were the *Ogi-ch-idaag*, hunters and providers; the *Wa-wash-keh-shi* (Deer) had reconciliation responsibilities; and the *Ba-nais* (Bird) had spiritual responsibilities. The original *Gi-doo-de-mag* system was seen as one of the Great Laws of the Anishinabe and in turn provided an effective system of social order and structure for governance.

Each *Do-daim* had a specific place within Anishinabe society. The same was true of their *Ogi-maa-wi-win* and *Ogi-chi-daag*. From a traditional and societal perspective, the *family* was important to promote the cooperative and integrative nature of the *Gi-doo-de-mag* and Anishinabe society. The governing body, which is essentially the *family* could not by its inner dynamics function in any way other than a democratic, integrated and interdependent nature.

Secondly, through the *Gi-doo-de-mag*, the Anishinabe peoples were provided unity, strength, social order and voice. *Bawd Way Wi Dun Banais* states that, “in the clan system, with its leadership and representation of all the people, lay the basis of Anishinabe democracy, truth, peace, brotherhood, honour, strength, unity and social order.” (*Bawd Way Wi Dun Banais*, Personal Conversation 2007) Thirdly, it teaches that the *Gi-doo-de-mag* represent a unique relationship within a holistic system and their necessary interconnectedness to each other. The Roseau River Anishinabe Nation Government for example is one of the few Anishinabe nations that have a traditional *Gi-doo-de-mag* structure within a contemporary context:

To the Fish Clan is given the responsibility of ensuring that the leadership is acting in TRUTH, for the people – guaranteeing a right balance and integration of the need for self-government and the pursuit of beneficial outward cooperation and relationship... The FAITH of the people is entrusted to Loon Chief – to maintain their beliefs and guarantee their effective translation toward the community's well-being... The Crane Leader is the upholder of the foundation of BELIEFS of the people and their relationship to all outer forces. (Roseau River Anishinabe Nation Government)

The goal was to *speak with one voice*. For Anishinabe peoples it is the collective nature of the *Gi-doo-de-mag* and its holistic relationship with other components of Anishinabe society.

Hueglin suggests that from this practice, sovereignty becomes reality only when consensus is reached.

Further, any discussion and debate concerning Anishinabe sovereignty and independence must take into consideration the international *sovereignty club* and the nation-state might ignore the fundamental principles of the distinct philosophical and political teachings. With this very much in mind, Hall for example, references Gideon Gottlieb who wrote in *Nation against Nation*:

Decries the failure on the part of the United Nations and other international organizations to create a range of new instruments for distinct peoples without states of their own to express various forms of recognized self-determination. (Hall, 235)

Hall discusses other great leaders of independence movements such as Ghandi who philosophized: "I am bent on freeing India from any yolk whatsoever...Hence for me the movement of swaraj is a movement of self-purification." (Hall, 236) Franz Fanon as well encouraged freedom movements to develop plans and working models that would avoid duplicating the nation-states that oppressed them.

Let us not pay tribute to Europe by creating states, institutions and societies which draw their inspiration from her...Humanity is waiting for something from us other than such an initiation, which would be almost an obscene caricature. (Fanon, 236)

From a traditional Anishinabe governance perspective that focuses on *De-bwe-win/De-bwe-mo-win*, history, reconciliation; law-making; harmony; balance; inclusiveness and transparency, Anishinabe nations maintain that Treaties were a representation of government and analogous to legislation. Treaties recognized the Anishinabe primordial right to be sovereign. *Bawd Way Wi Dun Banais* specifically addresses these matters in his response to my questions concerning alternatives to government involvement in Anishinabe jurisdictional matters.

What are the alternatives to government involvement in Ojibway, Ota'wa and Boodewaadamig Anishinabeg Nations?

Sovereignty is the only alternative. Nation-hood through self-determination. The Clan system is a complete system and equal to other systems of governance. But the *Ojibway, Ota'wa and Boodewaadamig Anishinabeg* must be re-educated to be native in today's world.

Do we look toward replacing government bureaucracy with another that is more representative and responsive to Ojibway, Ota'wa and Boodewaadamig Anishinabeg Nations' needs and concerns?

Sovereignty is the only way.

Do we create processes and institutions that are separate from government and accountable to Ojibway, Ota'wa and Boodewaadamig Anishinabeg Nations?

It is possible, but the vision before reality includes at least three succeeding generations. (*Bawd Way Wi Dun Banais*, Personal Conversation 2006)

It is readily accepted that Anishinabe governments must have full legislative, policy-making capacity and have the power to establish economic development initiatives; land and resource policies; social development renewal; an effective child and family welfare system; a justice and legal system; a relevant and effective education system; and a health and financial infrastructure that are respectful of traditions and the future. For all the good intentions of Canada, it has never understood the complexity of Anishinabe needs and issues and it has simply refused to entertain any notion for real effective change.

The Penner Report in an attempt to come to grips with this quagmire recommended the recognition of Indian self-government as a distinct order of government within the Canadian confederation, followed by a financial process that would ensure the concept of self-governance.

Whether this is done under Section 91(24), Constitution Act, 1867 or an independent and sovereign Anishinabe state remains to be seen. Further, it is possible that our governments can negotiate funding agreements similar to European independent protectorates and principalities and/or the constitutionally entrenched formula of transfer payments. Under this new fiscal relationship the responsibility and authority to allocate these dollars will be left to the Anishinabe government. Is this a case of having your cake and eating it too?

In any event, we recognize that only the federal government has the authority to deal with *aboriginal* land rights pursuant to Sec. 91 (24), 1867 Constitution Act. This has been our general understanding since 1871. In 1984 (*R. v. Guerin*), the Supreme Court of Canada held that the Canadian government has a fiduciary-like duty towards Anishinabe nations and that

Aboriginal title and the duty itself is a *sui generis* (of its own kind/genus or unique in its characteristics) right. Unfortunately for Anishinabe people the status quo has not worked and is no longer acceptable.

The question of citizenship and political autonomy within the Canadian framework has always intrigued me primarily because Anishinabe peoples were never considered citizens of the Canadian state until 1960 and it has been difficult ever since. *Bawd Way Wi Dun Banais* was again helpful in his answers to the following questions concerning citizenship and political participation.

The First Peoples National Party of Canada in its policy paper states that Ojibway, Ota'wa and Boodewaadamig Anishinabeg have been a free and independent since the beginning of our time. It is a right that is inherent as described by our Creation stories and "Aadisookewin" and "DibaaJimowin." The FPNP also recognizes that Ojibway, Ota'wa and Boodewaadamig Anishinabeg did not surrender sovereignty or their right to governance.

Absolutely correct, but who knows and who cares.

In light of this, the FPNP supports a referendum that would raise the question as to whether Ojibway, Ota'wa and Boodewaadamig Anishinabeg would continue to participate in the Canadian political process or continue to build on a 'two-row' wampum process wherein never the twain shall meet. This declaration of sovereignty would support the development of a constituent and/or constitutional assembly process. This is not an overwhelming or daunting task as there is an organizational and operational infrastructure in the regional, national and territorial Treaty organizations. (Assembly of First Nations, Federation of Saskatchewan Indians, Grand Council of Treaty Three) Would you agree with this and would it be a practical response?

In the 1970's a gathering took place on the Stoney Reservation, Alberta. There was a huge rift difference of opinions between the Christian natives and the traditionals. This seemed like a "two roads" reality among native peoples, which sounds and much like white Christians trying to convert the natives. A select meeting with the all the traditionals re: Midewiwin, Sundance, Waubeeno's Me'jecaws, Aztecs and others. The

Sami, the Arctic Circle natives, joined us. Among respected Elders who came were: Albert Lightning, Ernest Tootoosis, John Snow and Jack Starr from Ft. Alex and others mainly from the States, Dakotas, Lakotas, Navahos.

As being of AIM, but identifiable as an Ojibwe Midewiwin I was asked to MC or facilitate the long, long discussion. The first one ended after sunrise the next morning. When we passed tobacco, we announced that all pipes should be present according to the *N'swi Ish Ko Day Kawn Anishinabe O'Dish Ko Day Kawn* code and protocol. The response was immediate without question. Members of the Native American Church, the Peyote Religion and Christian Indians refused to participate. But they sat and watched. I asked Philip Deere and Albert Lightening to speak after I had finished passing tobacco and initially speaking to the spirit, explaining why we were gathered.

The result was to energize and bring the traditional *Ojibway, Ota'wa and Boodewaadamig* Anishinabe circle together which in turn gave the Elders, men, women and young people a sense of unity. This prevailed throughout the conference and brought forward that: 'WE ARE *OJIBWAY, OTA'WA AND BOODEWAADAMIG ANISHINABEG FIRST!*' (*Bawd Way Wi Dun Banais*, Personal Conversation 2006)

The question as to citizenship is one that needs to be addressed from our perspective because it is central to any discussion concerning sovereignty, governance and self-determination. We must ask ourselves as to whether we see ourselves as Canadian citizens or as independent and sovereign peoples. We see this question being asked by independence movements throughout the world. Hall suggests that this is a necessary first step; he writes that Tanzanian President, Julius Nyerere once philosophized:

Political independence was not the coming of the Messiah, rather it was only the beginning of the struggle for economic and social self-sufficiency. Political independence gave them the tools of sovereignty with which to build the nation. (Quoted by Hall, 239)

As we have seen, the nature and extent of sovereignty has been explored throughout the world in many former colonies, protectorates and principalities vary in their degree of governance and

sovereignty. In a discussion with *Bawd Way Wi Dun Banais* at Bad River, Wisconsin concerning the use of European models, he discussed the nature of Anishinabe sovereignty and its endless possibilities. What of the European experience? He was quick to respond that the European experience was good for the Europeans. He was however, adamant that Anishinabe governance have at its roots tradition and spirituality.

Must Ojibway, Ota'wa and Boodewaadamig Anishinabeg Nations reclaim sovereignty and assume stature similar to the principalities of Liechtenstein, Andorra and Gibraltar?

No. Absolutely not! To pattern *Ojibway, Ota'wa and Boodewaadamig* Anishinabe sovereignty upon Euro-systems is not sovereignty.

What is self-determination?

The importance of self-determination from an *Ojibway, Ota'wa and Boodewaadamig* Anishinabe reality is reflected in the principles of the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn*. It speaks to the right of *Ojibway, Ota'wa and Boodewaadamig* Anishinabeg to determine our own economic, social and cultural development. The concept of self-determination is based upon the principles of the Seven Teachings and living accordingly. (*Bawd Way Wi Dun Banais*, Personal Conversation 2006)

Is constitutional reform possible within the Canadian framework? We could return to the constitutional table to press for fundamental change in terms of how Anishinabe nations govern themselves and the degree of sovereignty they exercise. Are these practical alternatives utilizing existing political and judicial processes to redefine the Anishinabe relationship with the federal and provincial levels of government? Obviously, this question is of moral, ethical and political importance to Canada because it would enable the country to "complete the circle of confederation" as the Inuit have referred to it.

However, these alternatives would require a government that is committed to resolving outstanding Treaty obligations, understanding the nature of Anishinabe governance, sovereignty and self-determination and renewing a federalism that includes our Nations as equal partners. A number of other alternatives would seem viable to the Anishinabe leadership given the existing Canadian constitutional framework.

Firstly, within the Canadian confederation, David Hawkes and Brad Morse have suggested the following, which are particularly helpful:

Revisit (Section 37, Constitution Act, 1982) and engage the First Ministers in a constitutional dialogue affecting Aboriginal rights. This discussion would include a public consultation process that would seek genuine participation and consultation with Aboriginal peoples. A joint parliamentary task force (Aboriginal/federal/provincial) would direct it. (A vehicle jointly designed and comprised of by The Kelowna process was an example of how Aboriginal/federal/provincial governments could work effectively to achieve a meaningful end)

(Section 16), the non-derogation clause be reviewed. The Supreme Court has suggested that the honour of the Crown place the special historic relationship with Aboriginal peoples above the interests of other Canadians. The recent success Aboriginal peoples have seen in the Supreme Court is encouraging, however litigation does have certain drawbacks, as it is both costly and timely. And quite often, Aboriginal Nations do not have the financial resources to finance the basic “blood and guts” necessities much less the ability to sustain financial support for an expensive court challenge. Litigation is a lengthy process and is seen as a last recourse for Aboriginal Nations. (Hawkes & Morse, 163-187)

Anishinabe nations have been at war. Their territories attacked by federal and provincial government policies that have sought to undermine Anishinabe national security in areas such as education; child and family welfare; gaming; natural resources and so on. Anishinabe nations have seen a drastic reduction in funding, the day-to-day erosion of Treaty rights and the lack of

recognition of the Anishinabe primordial right to governance, sovereignty and self-determination.

Secondly, Anishinabe nations must issue a declaration of sovereignty. How can this be done? It is easy enough to declare one's sovereignty, the real challenge and debate however occur in obtaining political recognition from other states and then translating this official statement into a practical political reality. To some extent, Anishinabe nations can relate to the difficulties of the Palestinian Liberation Organization (P.L.O.), Lithuania and other Baltic States.

A declaration of sovereignty might facilitate the establishment of a constituent assembly. We presently have the capacity, organizational and structural infrastructure to do as much in the numbered Treaty, regional and national organizations. (Assembly of Manitoba Chiefs, Assembly of First Nations, Grand Council Treaty 3) A constitutional convention would be the first step to a constitutional building process. It is practical from a historical perspective; consider that the U.S. held its own constitutional assembly in 1787 when it developed its constitution. Other constituent assemblies of some renown were the Indian and Pakistani assemblies.

Why a constituent assembly? Very simply it could allow for the creation of an Anishinabe parliament should our citizens express the need for one. Hawkes and Morse describe the Sami Parliament as found in Northern Norway, Sweden and Finland as follows:

The Sámi Parliament in Norway (Samediggi) is in large part the result of the Norwegian Sámi Rights Committee, which was formed in 1980. The committee has 18 members, representing different interests and settlements, and was given the mandate of assessing the political, economic and cultural needs of the Sámi. It allowed for a Sámi parliament. Each of 13 constituencies returns three members, elected directly by those on the Sámi

electoral register. In Finland, the Finnish Sámi Parliament has 20 members elected from four Sámi constituencies, and two each from four Sámi local councils. (Hawkes & Morse, 163-187)

Granted that the Sami parliament has very limited powers granted by the state and sadly no reference to *primordial* rights it does have relevance given its practical application, the Anishinabe nations and peoples using this scenario could theoretically elect representatives in a national decision-making forum, which would include participation in the development and drafting of a constitution. Universal suffrage would allow for each Anishinabe citizen having a vote and parliamentary seats would be allocated proportionally. This constituent assembly and or parliament could then be organized along Confederacy, Treaty and /or nation boundaries.

Lastly, the *N'swi Ish Ko-Day-Kawn Anishinabe O'Dish Ko-Day-Kawn* and its guiding principles could have modern-day application including that of a constituent assembly and parliament. The challenge however is that these fundamental principles remain pure to their origin. It would seek to embody the principles of the two-row wampum, which would recognize the original spirit and intent of the established nation-to-nation protocol, Treaty and peace process.

The metaphor that is often used to describe this relationship is that of two canoes traveling the river of time together. In this peaceful coexistence; any interference with the other's sovereignty, freedom and unique status was forbidden. This is conveyed on a wampum belt of two parallel purple lines (representing power) on a background of white beads (representing peace.) (William Commanda, Personal Conversation 2005))

On another similar note, the Mabo Case in Australia, its final process and proposed elements are interesting as well. "It took the white-man 204 years to actually say, 'Yeah, there were some fellas here - someone was living here.'" (Neidje, Personal Conversation 1992) During a visit to Darwin, Northern Territory in 1992, I had the opportunity of meeting June Mills (*Gunlakee*) Aboriginal Activist and Spokesperson for the *Larakia* people and Bill Neidje (1913-2002) of the *Bunitj* people, the *law-keeper* of the Aborigine peoples during a United Nations Youth Gathering.

The late, Mr. Neidje's territory includes the East Alligator River, Obiri Rock (which has the best example of unique rock art in the world. It has been said that these paintings pre-date the pyramids). As we sat on the parched red earth overlooking the eucalyptus and mangrove trees and plains in the heat of the mid-day sun, the air smelled of scorched eucalypts, Mr. Neidje spoke of the connection between all *Ojibway*, *Ota'wa* and *Boodewaadamig* Anishinabe peoples.

We peoples of this earth. We live in dust. We always here. This is me. I am of this land. Aboriginal law never change. Old people tell us, it always stay, never change maybe it hard but proper one for all people (Neidje, Personal Conversation 1992)

He talked of Eddie Mabo, his Dreamtime and the importance of Mabo and the importance of Treaty as an act of reconciliation.

Its very history of the world. I'm very proud of it. They will know boundaries. I think of my dad, he always say, that when you dig a water well, the first 6 feet belong to the state, and everybody going to use the water. The water is ours. You know what we do, they always take our lands without asking the owner. We sit quiet in the corner as a mouse and watch them what they do. The land is our peoples. They know the land personally; they know the land is theirs. This is my land, this my area and this is my boundary. All my

family knows that the land is theirs, not white people. Before someone touches, we must know. Mabo make our peoples proud and strong. We break down terra nullius. The history of this nation will not be changed. We will not change. We are part of this land. (Neidje, Personal Conversation 1992)

From an Anishinabe perspective, it is ironic that the future of Anishinabe peoples, the nature and framework for the principles of governance, sovereignty and self-determination are often determined by foreign governments and their representatives who simply do not have a clue as to who Anishinabe peoples are in terms of national needs and political aspirations. As well, from a historical and political perspective, Canada and its parliamentary process has largely been predisposed to ignoring its obligations to Anishinabe nations.

Would Parliamentary and Senate reform, one that allows for proportional and guaranteed representation address Anishinabe concerns? Our leadership could look to the Maori proportional representation model in New Zealand as an alternative structure and framework. The Maori elect their MPs from (four) 4 different constituencies. Again very simply, the point to all this is to have a definitive strategy, one that will determine the direction Anishinabe nations take to get to where we want to go and whether Anishinabe peoples chose to remain within the Canadian confederation.

From the beginning, our ancestors determined that we should have a society of responsibility. The *Aad-di-zoo-ka-naag* and *Di-baa-ji-mo-win* taught that in order to belong to this society, we had to accept responsibility for certain things; that we would have to treat our

Nswi Ishkoday Kawn

relatives and others with respect; that we would have to feed the poor, take care of orphans and provide for Elders. This is the starting point.

Mii i'iw

In dina wae maag anag (All My Relations)

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United States v. Winans, (1905).

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Anishinabe Glossary

A

Aaddizookanaag (Sacred Narratives)

Adaawewiniwag Ota'wa (The Trading People and Middle-Brother)

Ago'Idiwin (Treaties)

Ah-ji-jawk (Crane)

Akeeng (Land)

ani.ke. Ogima (Sub-Chief)

Anishinabemowin (Language)

B

Ba-nais (Bird)

Bee duh buhn (New Dawn)

Boodewaadamig Nishime (The Fire Keepers and Youngest Brother)

Bowating (Cascade or Rapids)

D

De be ni ma (To Own)

De bwe win and De bwe mo win (Truth/To Sepak the Truth) and

De bwe tam Inaa koni ge win (Royal Proclamation 1763)

Di baa ji mo win (Anecdotes)

Di ben di zo win (Independence)

Dodaim (Ojibway Clan)

Duh buh say ni moowin (Humility)

G

Gaa-ina oonind (Sovereignty)

Gii doo de mag (Clan System)

Gii gi doo wini (Spokesman/Headman)

Gii gi doo wi nini wag (Spokemen/Headmen)

Gi-goo (Fish)

Gi kayn daw so win (Knowledge)

Gitchi jee de bun (Great Crane)

Gii ki noo' maa ge win (Teachings)

Gwii wi zens De way gun (Little Boy Drum)

Gwu yu kaw jiwin (Honesty)

I

I naw koo ni gay win (Law)

In dina wae maag anag (All My Relations)

Ishkonigan (Reserve)

J

Jii sa kaan (Shaking Tent)

Jii sa kaan wi nini (Shake Tent Man)

K

Kah ge ga gah bowh (George Copway)

Keen anish (Because you are)

Ke ke do we nine (Spokesman)

Kitchi-Anishinabe (Elders)

Kitchi-gumi (Great Lake)

Kitchi-Manitou (Creator)

M

Mack-E-Te-Be-Nessy (Blackbird)

Mahng (Loon)

Mae mae gwae suk (Little People)

Makinak (Turtle)

Makwa (Bear)

Maw naw jiwin (Respect)

Mesh kwa doonig (Trading)

Mii i'iw (I am done)

Mishinowa (Economic Aide to the Chief)

Mshike (Turtle)

N

Name (Sturgeon)

Ne naan dawi' I wed wi nini (Traditional Healer)

Nisenh Ojibway (The Spiritual Leaders and Eldest Brother)

N' swi Ish Ko Day Kawn O'Dish Ko Day Kawn (Three Fires Confederacy)

O

Ododem (Ota'wa Clan)

Ogichidaa (War Chief)

Ogichidaag (War Chiefs)

Ogimaakaan (Indian Act Chief)

Ogimaakaanaag (Indian Act Chiefs)
Ogimaawiwin (Traditional Leadership)
Ojibwaymowin (Ojibway Language)
Onagishkaan (Introduction)
Oskabewis (Helper and Messenger)
Ota'wa (To Buy)
Ototeman (Boodewaadamig Clan)

T

Tebahkoonegawenene (Judge)

W

Waabishkiiwe Gii-Makandwed O'ow Aki (White-man's Acts of Compassion)

Wa-bi-zha-shi (Martin)

Wasi (Bullhead)

Wa-wash-keh-shi (Deer)

Wkama (Chief)

Z

Zaw gi dwiwin (Love)

Zoon gi day ay win (Bravery)