

Cree Peoplehood, International Trade, and Diplomacy

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Article abstract

Self-determination for Indigenous peoples in settler-colonial countries like Canada is an ongoing process where Indigenous peoples simultaneously focus externally to create expanded jurisdictional space while also re-establishing their own governing processes. Canadian economic progress has come at a cost to Indigenous peoples, undermining their collective rights to economic security and self-determination. In this article, I explore Cree peoplehood as a way to conceive Cree nationhood as distinct from conceptions of the nation-State. I rely significantly on archival sources to explore how the Cree were, and were also seen as, a self-determining people. After exploring the internal aspects of Cree peoplehood, I then examine the external relations of the Cree: focusing on inter-nation trade, trade networks, transportation, and a trade language as nations engage in trade and diplomacy, as one method to exercise their authority and jurisdiction. The final section investigates the diplomatic relations of the Plains Cree. This article is adding to the peoplehood literature by not only applying this concept to domestic relations but also examining foreign relations. It also adds to the writing on Cree self-determination by exploring how historic relationships and practices can inform current self-determination aspirations. This type of research can substantiate and provide historical analyses of Indigenous nationhood to further understand the context behind current economic and political self-determination movements.

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SHALENE JOBIN*

ABSTRACT

Self-determination for Indigenous peoples in settler-colonial countries like Canada is an ongoing process where Indigenous peoples simultaneously focus externally to create expanded jurisdictional space while also re-establishing their own governing processes. Canadian economic progress has come at a cost to Indigenous peoples, undermining their collective rights to economic security and self-determination. In this article, I explore Cree peoplehood as a way to conceive Cree nationhood as distinct from conceptions of the nation-State. I rely significantly on archival sources to explore how the Cree were, and were also seen as, a self-determining people. After exploring the internal

RÉSUMÉ

Dans les pays colonisés comme le Canada, l'autodétermination des peuples autochtones est un processus continu où les Autochtones doivent à la fois agir sur des facteurs extérieurs pour élargir leur zone de compétence et rétablir leurs propres processus de gouvernance. Les progrès économiques du Canada ont été obtenus au détriment des peuples autochtones, de leurs droits collectifs à la sécurité économique et à l'autodétermination. Dans cet article, nous explorons le peuple cri, la conception qu'ont les Cris de la nation comme étant distincte du concept d'État-nation. Nous nous appuyons principalement sur des sources d'archives pour examiner

* Director of Aboriginal Governance and Assistant Professor, Faculty of Native Studies, University of Alberta. I would like to acknowledge the helpful feedback from the external reviewers as well as Dr. Isabel Altamirano-Jimenez, Dr. Val Napoleon, Dr. Nathalie Kermaol, and Melanie Niemi-Bohun.

aspects of Cree peoplehood, I then examine the external relations of the Cree: focusing on inter-nation trade, trade networks, transportation, and a trade language as nations engage in trade and diplomacy, as one method to exercise their authority and jurisdiction. The final section investigates the diplomatic relations of the Plains Cree. This article is adding to the peoplehood literature by not only applying this concept to domestic relations but also examining foreign relations. It also adds to the writing on Cree self-determination by exploring how historic relationships and practices can inform current self-determination aspirations. This type of research can substantiate and provide historical analyses of Indigenous nationhood to further understand the context behind current economic and political self-determination movements.

l'autodétermination, réelle et perçue, des Cris. Nous explorons d'abord les aspects internes du peuple cri, puis ses relations externes, en mettant l'accent sur le commerce entre les nations, les réseaux commerciaux, le transport, ainsi que sur la langue utilisée lors des échanges commerciaux et diplomatiques entre nations en tant que méthode permettant aux Cris d'exercer leur autorité et leur pouvoir. La dernière partie porte sur les relations diplomatiques des Cris des Plaines. L'article contribue à la littérature sur les peuples en appliquant les concepts étudiés aux affaires étrangères en plus des relations internes au pays. Il élargit en outre les textes sur l'autodétermination des Cris en explorant la façon dont les relations et les pratiques au cours de l'histoire peuvent servir à éclairer la question de l'autodétermination. Ce type de recherche offre une validation et une analyse historique des peuples autochtones afin de mieux comprendre le contexte dans lequel se situent les éléments d'autodétermination économique et politique.

Key-words: *Indigenous peoplehood, self-determination, Indigenous economies, Cree people, Indigenous governance, diplomacy.*

Mots-clés : *Peuples autochtones, autodétermination, économie autochtone, peuple cri, gouvernance autochtone, diplomatie.*

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INTRODUCTION

Indigenous peoples in Canada are continually struggling to exert their influence over their societies, fighting for space within colonial structures while re-establishing their own governing processes. Canadians often view Indigenous peoples as a minority population deserving certain rights similar to other minority groups in Canada. When considering the founding nations’ thesis,¹ Francophone and

1. “Canada was established in 1867 as a State with two national cultural groups, later called founding peoples, and became a bilingual and bicultural society;” see Dirk Hoerder, “Pluralist Founding Nations in Anglo- and Franco-Canada: Multiple Migrations, Influences, Reconceptualisations” (2003) 24:6 *Journal of Multilingual and Multicultural Development* 525 at 525.

Anglophone influences are legitimated without the inclusion of Indigenous peoples. Since the *Constitution Act, 1982* section 35 has affirmed Aboriginal and Treaty rights within the legal framework of the Canadian State. The pre-cursor to the United Nations, the 1941 *Atlantic Charter* cited that “all peoples have a right to self-determination”² with the 1945 *United Nations Charter* also guaranteeing this right.³ The United Nations *Declaration on the Rights of Indigenous Peoples* states that Indigenous peoples have the right to self-determination.⁴ However, for many Canadians the unity of the Canadian State must not be questioned, even if it ignores democratic legitimacy.⁵ The only viable options for Indigenous peoples through this view are assimilation or a type of “citizens plus” where individual membership to the Canadian State is considered paramount. Progressive political scientists imagine this relationship as “nations within” the Canadian nation where membership to Canada is based on group identity rights of Indigenous people.⁶ Numerous elected officials, bureaucrats, and political scientists are quick to point to what they see as the practical constraints of Indigenous self-determination.

To understand Indigenous peoples’ self-determination aspirations it is crucial to have a thorough understanding of historic practices and historic relationships. This article adds to the literature on Indigenous self-determination by exploring the concept of peoplehood for the Cree. Peoplehood is an alternative to conceptions of nation-States as the only option of authentic self-determination. While many have

2. *Atlantic Charter*, 14 August 1941, online: Britannia Historical Documents <<http://www.britannia.com/history/docs/atlantic.html>> (Note that all online references were accessed 27 June 2013).

3. *Charter of the United Nations*, 26 June 1945, Can TS 1945 No 7, online: United Nations <<http://www.un.org/en/documents/charter/index.shtml>>.

4. United Nations Declaration on the Rights of Indigenous Peoples, GA Res 61/295, UNGAOR, (2007) at arts 3-4, online: United Nations <<http://www.un.org/esa/socdev/unpfi/en/drip.html>>.

5. Marc Hanvelt & Martin Papillon, “Parallel or Embedded? Aboriginal Self-Government and the Changing Nature of Citizenship in Canada” in Gerald Kernerman & Philip Resnick, eds, *Insiders & Outsiders: Alan Cairns and the Reshaping of Canadian Citizenship* (Vancouver: UBC Press, 2005) 243.

6. James Youngblood Henderson, “Empowering Treaty Federalism” (1994) 58 Sask L Rev 241.

written about peoplehood related to Indigenous peoples, the purpose of this article is to elucidate Cree peoplehood through the "Peoplehood Matrix" and explore how the Cree historically engaged with other people groups through international trade and diplomatic relations. An important function of any people is not only their internal governance and relationships with each other but also the diplomatic relationships they have with other peoples. In this article, I rely significantly on archival sources to explore how the Cree were, and were also seen as, a self-determining people. Archival evidence shows that the Cree conceived of themselves as a distinct people, partaking in international⁷ trade and embarking in foreign affairs. I locate this research within the geographic region of the Canadian plains, and for this study, I look at the Plains Cree. It is out of the scope of this paper to explore how my findings compare with Cree people living in other geographic regions. The concept of peoplehood is a useful one, providing a distinction between a nation and a nation-State. One of the most common critiques by politicians, bureaucrats, and political scientists, related to Indigenous self-determination, is the idea that Indigenous peoples are not able to financially support themselves. I believe better understanding of pre-existing Cree economic and governing relationships can lead to different approaches to self-determination and economic resurgence for the Cree people. The interconnecting relationship between governance and economy is crucial for any people, including the Cree.

The following section looks at the Peoplehood Matrix and applies the interlocking components of language, history, ceremonial cycle, and territory to the Plains Cree. After exploring the internal aspects of Cree peoplehood, I then explore the external relations of the Cree: focusing on inter-nation trade, trade networks, transportation, and trade language. The final section investigates the diplomatic relations of the Plains Cree. This article is adding to the Peoplehood Matrix literature by not only applying this concept to domestic relations but also examining foreign relations. Nations

7. I use the terms inter-nation, international, and inter-society to refer to trade practices between Cree people and other Indigenous peoples, e.g. the Blackfoot people.

engage in trade and diplomacy as one method to exercise their authority and jurisdiction. This article also adds to the writing on Cree self-determination by looking to historic relationships and practices to inform current emancipatory aspirations.

There is significant debate around the meaning of “nation” related to Indigenous peoples. I think it is important to differentiate the term “nation” from current understandings of nation-States; I use the term “nation” although I do not want to equate or limit this aspiration to colonial understandings of nation-States.⁸ This articulation of Indigenous peoplehood positions Indigenous rights as flowing from Cree nationhood, as opposed to being granted by the Canadian State or gaining authority only from within (or underneath) the Canadian State. Articulating Cree peoplehood in this manner questions the legitimacy of the “Canadian State’s unilateral claim of sovereignty over Aboriginal lands and peoples.”⁹ Furthermore, a historical understanding of Cree international trade practices might provide future insights in creating Indigenous economic resurgence and aiding in more governance options for Indigenous peoples. Re-engaging Indigenous trade systems are another aspect of reclaiming Indigenous self-determination.

8. I defer to Andrea Smith’s understanding of Indigenous nations:

Does self-determination for indigenous peoples equal aspirations for a nation-State, or are there other forms of governance we can create that are not based on domination and control? Questioning the United States, in particular, and questioning the nation-State as the appropriate form of governance for the world, in general, allow us to free our political imagination to begin thinking of how we can begin to build a world we would actually want to live in. Such a political project is particularly important for colonized peoples seeking national liberation because it allows us to differentiate “nation” from “nation-State.” Helpful in this project of imagination is the work of Native women activists who have begun articulating notions of nation and sovereignty that are separate from nation-States. Whereas nation-States are governed through domination and coercion, indigenous sovereignty and nationhood is [sic] predicated on interrelatedness and responsibility.

See Andrea Smith, “Native American Feminism, Sovereignty, and Social Change” (2005) 31:1 *Feminist Studies* 116 at 128-29.

9. Dale Turner, *This Is Not a Peace Pipe: Towards a Critical Indigenous Philosophy* (Toronto: University of Toronto Press, 2006) at 7.

I. PEOPLEHOOD

When negotiating space for Indigenous peoples within colonial contexts, terminology, which is associated with rights, is often contested. Within Western political thought, there has been a guiding hierarchical evolutionary hypothesis positioning societies with: bands as the most primitive, then tribes, chiefdoms, and finally nation-States as the most highly civilized form of socio-political organization.¹⁰ The positioning of nation status, as defined by Western thought, as above all other forms of governance, provided the rationale for Western countries to intrude on Indigenous lands. The “Peoplehood Matrix,” a theoretical paradigm developed for and within the discipline of Indigenous studies, moves beyond the hegemonic construction of nation-States as the only political form deserving self-determination. Peoplehood might be a more appropriate way to understand Indigenous self-determination.

The peoplehood concept has been theorized as encompassing four interlocking components: language, ceremonial cycle, sacred history, and ancestral homeland.¹¹ Figure 1¹² pictorially explores the interdependent nature of these elements. When I use the “Peoplehood Matrix” I am conceiving of histories in a plural sense, as opposed to understanding history in a singular or a linear sense. More specifically I want to acknowledge that histories are political and sites of helpful contestation, debate, and sometimes consensus. To account for this, I will use the broader term “history” or “histories” instead of “sacred history.” Peoplehood extends beyond the limits of racialization or nationality.¹³ Historically, adoption was a common practice for Indigenous peoples where membership was not defined by blood quantum. Jeff Corn-tassel sees the components of peoplehood as a way to protect against what societies hold most dear. He says, “If one thinks

10. Tom Holm, J Diane Pearson & Ben Chavis, “Peoplehood: A Model for the Extension of Sovereignty in American Indian Studies” (2003) 18:1 *Wicazo SA Rev* 7 at 15-16.

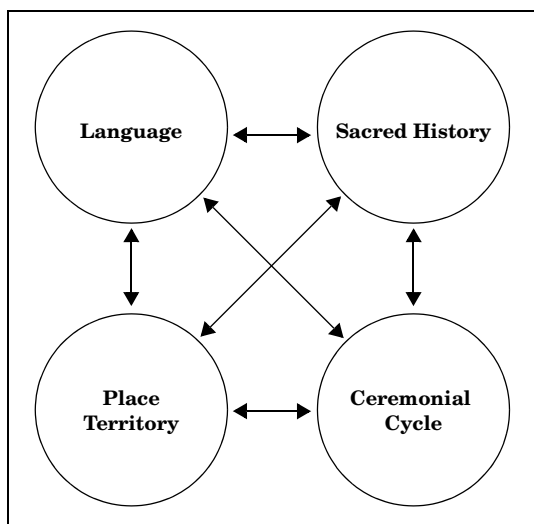
11. Robert Thomas, “The Tap Roots of Peoplehood” in Daphne J Anderson, ed, *Getting to the Heart of the Matter: Collected Letters and Papers* (Vancouver: Native Ministries Consortium, 1990) 25.

12. Holm, Pearson & Chavis, *supra* note 10 at 13.

13. *Ibid* at 16.

of peoplehood as the interlocking features of language, homeland, ceremonial cycles, and sacred living histories, a disruption to any one of these practices threatens all aspects of everyday life.”¹⁴ The Cree people’s language, history, territory, and ceremonial cycle provide one way to understand the inherent self-determination of an Indigenous people.

Figure 1. Peoplehood Matrix



A. LANGUAGE

Nehiyawewin is the Cree language. *Nehiyawewin* provides the lens with which Cree people (*Nehiyaw* or *Iyiniwak*) see themselves and through which they understand the world around them. One Cree Elder explains how the Cree language provides a picture of the worldview and directions on how to live:

We are called *iyiniwak*. That is, the foundation of who we are, our identity. We are supposed to heal ourselves and others and

14. Jeff Cornthassel, “Re-Envisioning Resurgence: Indigenous Pathways to Decolonization and Sustainable Self-Determination” (2012) 1:1 Decolonization: Indigeneity, Education & Society 86 at 89.

iyiniwaskamkaw, that is, our relationship to our land, our connection here. *Nehiyaw* [a First Nation's person] is the four directions, *newoyak*. There are four parts and those are our four directions and that is, in our language. Additionally, "*Newoyak ehoci pikisweyan*." I speak from the four directions, so you are always honouring your four directions. That is, the philosophy of it. The four directions are, we have to be caring, sharing, we have to be honest and we have to pray daily for our strength. Continued strength of our people and our land—our very existence.¹⁵

Nehiyawewin (the Cree language) provides a framework to understand the world based on the four-direction teachings—these are considered sacred teachings that guide the Cree in daily life. An account of the 19th-century Minister James Evans states that the Cree language "was regarded by the other tribes as the classic form of their speech. It was largely a language of open syllables linked together in words of great length and equivalent to our phrase or even to our sentence."¹⁶ The Cree language is one distinguishing characteristic of the Cree people. The act of speaking and transferring knowledge through the language can be thought of as one act of self-determination, asserting their right to peoplehood.

Cree language is often referred to as an oral language as opposed to being a written language. One controversy is around the origin of the written language, where many say that missionaries that came to Cree societies developed the Cree syllabics writing system. Fine Day was over eighty years old when he relayed this account in the mid-1930s, disputing the origin of Cree syllabics:

"Mestanuskwe-u," or Badger Call, once died and then became alive again. While he was dead he was given the characters of the syllabic and was told that out of them he would write Cree. He was of the "sakawiyiniwok," or Bush Cree. Strike-Him-On-the-Back learned how to write syllabic from Badger Call. He

15. Leona Makokis, *Leadership, Teachings from Cree Elders: A Grounded Study* (LAP, 2009).

16. The Board of Home Missions, *Birch Bark Talking. A Resume: of the Life and Work of the Rev. James Evans*. Booklet, Canadiana Pamphlets Collection (Toronto: Board of Home Missions, 1940) at 17.

made a feast and announced that he would teach it to anybody who wanted to learn it without pay. That is how I learned it. The missionaries got the writing from Badger Call, who taught it to them. When Badger Call was given the characters he was told, "They will change the writing and will believe that the writing belongs to them, but only those who know Cree will be able to read it." So it is that no one can read the syllabic writing unless he knows Cree, and so the writing does not belong to the whites.¹⁷

Cree Syllabics pictorially shows aspects of the four-directions teachings that are of such importance to the Cree people. Fine Day's account puts into question the genesis of Cree syllabics as coming from European missionaries by inserting Indigenous oral history into the debate. *Nehiyawewin* is an important aspect of Cree peoplehood and has been used to transmit Cree history over the ages.

B. INDIGENOUS HISTORIES

Indigenous histories provide citizens with knowledge of their roots as well as a set of principles encompassing roles and responsibilities within the community. Tom Holm et al. explain that "sacred history" also details kinship structures while explaining "its own distinct culture, customs, and political economy. Law is also derived from within the peoplehood matrix."¹⁸ The re-telling of past accounts is one way to pass on history to the next generation of Cree. For example, the stories of Wîsahkecâhk explain the Cree creation account and numerous adventures, which provide important lessons and knowledge and are an important part of the history of the Cree. Wîsahkecâhk stories are accounts of the Cree trickster and detail important cultural norms and valuable information of the cosmic order, medicinal plants, and the roles of animals. Ways of being in the world are often part of these narratives: "He [Wîsahkecâhk] has been treated as a creator, a defender, a teacher and at the same time a conqueror, a

17. Fine Day, *My Cree People*, vol 9 (Calgary: Good Medicine Books, 1973) at 58.

18. Holm, Pearson & Chavis, *supra* note 10 at 14.

robber, a deceiver.”¹⁹ Historically Wîsahkecâhk stories are usually only told in winter, it was believed that if these stories were told in summer, lizards would bother the narrator. Amelia Paget explains that Wîsahkecâhk has a most wonderful personage,

claiming to have created the earth after the flood and to have been the means of saving all the birds of the air and beasts of the field by his wisdom. He is also claimed to have understood and conversed with all the animals, birds, fishes, insects, and with all manner of plants.²⁰

Wîsahkecâhk was last seen on earth on the southern side of the Sweetgrass First Nation, Saskatchewan. There is a hill with a slope there called “Wesakaychak’s Slide” where sick people may be healed by sliding down it.²¹ While Wîsahkecâhk provides teachings around responsibilities to all other living beings, another aspect of history is providing teachings around the meaning of ceremonies.

C. CEREMONIAL CYCLE

Indigenous spirituality is often based on the interconnection of ceremonies to land, language, and history. Cree people have a complex ceremonial cycle; many of these ceremonies are still in practice today whereas others like the Buffalo dance are said to have left with the buffalo.²² These ceremonies also form part of a traditional Cree governance structure, in part through the societies that often hold the ceremonies. A few of these ceremonies include the Medicine Lodge, the Cannibal Dance, the Calumet Dance, the Give Away Dance, the Shaking Tent ceremony, the Elks Society, the Skunk Dance, the Bear Dance, the Bee Dance, the Horse Dance, the Great Dogs, the Rattlers Society, and the Kit Foxes.²³ The Sun

19. Amelia M Paget, *People of the Plains* (Regina: Canadian Plains Research Center, 2004) at 57.

20. *Ibid.*

21. Beth Ahenakew & Sam Hardlotte, *Cree Legends*, vol 1 (Saskatoon: Saskatchewan Indian Cultural College and Federation of Saskatchewan Indians Curriculum Development Unit, 1973) at 9.

22. Joseph Dion, *My Tribe the Crees by Hugh A Dempsey* (Calgary: Glenbow-Alberta Institute, 1996).

23. *Ibid.*

Dance or Thirst Dance is often considered the most important ceremony for the Cree.

Nee-pah-quah-see-mun, the Sun Dance, is described as “dancing through a day and night without quenching one’s thirst.”²⁴ Although planning starts the previous year, the ceremony itself usually lasts three to four days, usually in June. This ceremony is described as a thanks offering to the Great Spirit, a time for making braves, making specific petitions, and mourning loved ones passed on.²⁵

The Sun Dance provides an important example of ceremony at the heart of Cree peoplehood; the organization of a Sun Dance, I would argue, provides essential information about Cree governance.²⁶ Many different tribes would meet together during big events like this. Figure 2 below shows a Cree camp as drawn by Fine Day in the spring of 1870.²⁷

Of the Upstream Cree people illustrated in Figure 2, there were the bands of the River people, the Beaver Hills people (West people), the House people, and Parkland people (Prairie people).²⁸ At this encampment there were 600 tipis within the River people, 300 for the Prairies, 600 for the West People, and 200 for the House People. During these large encampments there were specific locations for each tipi based on the band, the society a person belonged to and rank. As there were thousands of people at these gatherings every society within Cree peoplehood provided a different function. For example, the Rattlers Society of the River people band was composed of warriors and during large encampments, the Warriors lodge was erected in one part of the centre of the camp circle.²⁹ Cree informants explain,

24. Paget, *supra* note 19 at 5.

25. *Ibid.*

26. For helpful information about traditional forms of Blackfoot governance which has informed my understandings of the various traditions of Plains Indigenous governance, see Kiera L Ladner, “Governing Within an Ecological Context: Creating an AlterNative Understanding of Blackfoot Governance” (2003) 70 *Studies in Political Economy* 125.

27. David Goodman Mandelbaum, *The Plains Cree: An Ethnographic, Historical and Comparative Study*, 6th reprint (Regina: Canadian Plains Research Center, 2001) at 371.

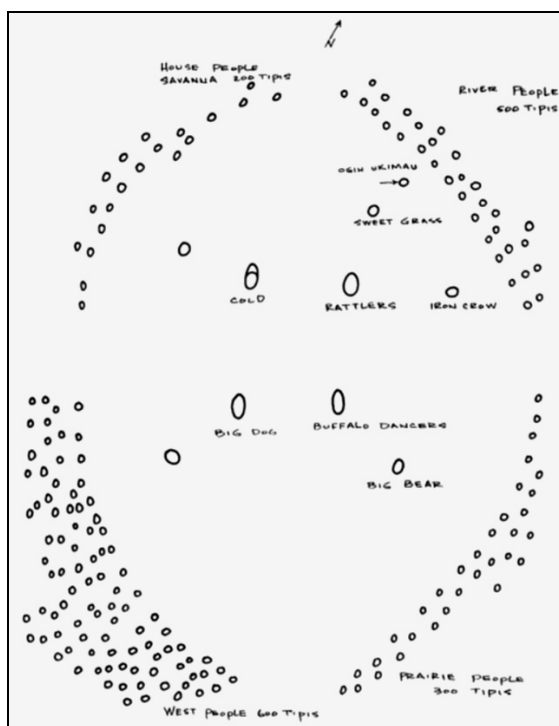
28. John S Milloy, *The Plains Cree: Trade, Diplomacy and War, 1790 to 1870* (Winnipeg: University of Manitoba Press, 1990) at 73.

29. Goodman Mandelbaum, *supra* note 27 at 113-15.

When several bands were camped together, each Warrior lodge was pitched near the center of the camp circle, opposite that segment of the circle occupied by its band. The tipi of the band chief stood between the Warrior lodge and the arc of the camp circle. The tipi of the Warrior Chief was placed directly behind that of the Band Chief.³⁰

Joseph Dion explains that during a Sun Dance the Prairie Chicken Dance Society took over and part of their many duties was to ensure order was kept in camp.³¹ It is important to note the nested layers of governance elucidated within the diagram (Figure 2). Ceremonies are an integral part of Cree peoplehood, connecting history with the language and the significance of the land encompassing Cree territory.

Figure 2. Cree Camp 1870



30. *Ibid* at 117.

31. Dion, *supra* note 22 at 17.

D. TERRITORY

Indigenous peoples are often characterised by their connection to the land and environment. Self-determination for the Cree has been described to me as *Nehiyawaskiy*, meaning the four spirited people of the land. This description explains the relations and reciprocal responsibilities to the earth, air, water, and other living creatures. Four is an important concept in the Cree worldview. The territory of the Plains Cree before the disappearance of the buffalo is described as extending across the present provinces of Saskatchewan and Alberta from the region

where the Qu'Appelle River crosses the Manitoba line to the vicinity of Edmonton. The various bands of Plains Cree centred in the river basins included in this area and the tribal range may be defined in terms of the valleys of the Qu'Appelle, the lower North Saskatchewan, the lower South Saskatchewan, and the lower Battle rivers.³²

Indigenous peoples describe territory within their histories:

quite often creation and migration stories specify certain landmarks as being especially holy. Ancestors are buried in particular places. Shrines are erected and certain parts of the immediate environment—plants, water, earth, animal parts—are often utilized in religious ceremonies.³³

There are over 1,000,000 tipi rings still visible in Alberta. Numerous medicine wheels are also found throughout the Plains region. Effigies are located across the Plains; for example, a buffalo effigy is known to be located in Big Beaver, Saskatchewan.³⁴ *Mistaseni*, Big Rock in Cree, was a large rock in the Qu'Appelle Valley in the shape of a buffalo. The Cree describe it as a sacred site, where a Cree boy was turned into a buffalo and then into a huge boulder.³⁵ The rock measured 79 feet (24 m) around the base and 46 feet (14 m) from one

32. Goodman Mandelbaum, *supra* note 27 at 7.

33. Holm, Pearson & Chavis, *supra* note 10 at 14.

34. Liz Bryan, *The Buffalo People* (Surrey: Heritage House Pub, 2005).

35. Beth Ahenakew & Sam Hardlotte, *Cree Legends*, vol 2, (Saskatoon: Saskatchewan Indian Cultural College and Federation of Saskatchewan Indians Curriculum Development Unit, 1973) at 61.

side to the other.³⁶ Cree people considered it sacred. Explosives detonated the sacred site before two dams were built in the 1960s, which flooded the location. A memorial with a small part of the boulder is located in Elbow. It is said that Cree men also took remnants of the boulder and placed it on Chief Poundmaker's grave.³⁷

The components of the Peoplehood Matrix are considered inseparable, where land cannot be understood outside of ceremony, language, or history. The Cree have a strong connection to all these aspects of peoplehood. They saw themselves, and were seen by others as a distinct people. Their jurisdiction was not a right granted by men but a responsibility and gift given by the Great Spirit. John Milloy wrote that although early trade systems and geography created the regional divisions among the Cree they should still be considered one nation.³⁸ As a sovereign people, the Cree undertook diplomatic relations with foreigners; inter-nation trade will be examined within the Plains region as one important aspect of a Cree political economy.

II. INTER-NATION TRADE

One key function of a sovereign people is to engage in international trade to diversify a local and regional economy. For the Cree, food, ornamental goods, livestock, raw goods, processed goods, medicines, and ceremonies were some of the key commodities used for import and export. In this section, examples of trade practices will be explored, with a focus on goods traded, trading networks, and ceremonial practices regarding trade. I explore how archival sources (and some secondary sources) present inter-nation trade on the Plains, especially involving Cree people.

Trading often revolves around exchanging goods of abundance for those desired. Before European settlement, buffalo, other game, fish, fowl, vegetal foods, and berries were found in abundance. Wild rice did not grow on the Plains but was

36. Joan Soagie, *Mistaseni Rock*, online: Virtual Saskatchewan online magazine <http://www.virtualsk.com/current_issue/mistaseni.html>.

37. *Ibid.*

38. Milloy, *supra* note 28 at 70.

harvested and traded by Indigenous peoples in the east.³⁹ It is also recorded that the Cree made an annual journey to the Southwest to obtain corn; trade with those living by salt water would have provided mussel shells used for utensils and earrings.⁴⁰ A trade relationship also occurred where “agricultural producers living in what is now southern Ontario and the St. Lawrence valley supplied corn and other products to those without an agricultural base, exchanging them for fish or furs.”⁴¹ The Kootenay Indians used red ochre pigment for trade after they processed it into red oxide; this was taken from the area called “Usna Waki-Cagubi.”⁴² The Cree also traded ceremonies with other Indigenous peoples. For example, the Buffalo Dance was traded from the Dakota in exchange for clothing and horses and was preceded by a transfer ceremony. Similarly, the Stoney bought the right to perform the Rattlers Dance from the Cree.⁴³ Archaeological discoveries provide an account of items that were traded. Bones and shells from the West Coast have been found by the South Saskatchewan River. Native copper mined outside of Thunder Bay, over 8,000 years ago, was manufactured into different items and found across the Plains. Significantly, shell gorget was recovered on the Plains from a clamshell only available from the Gulf of Mexico.⁴⁴ In Edmonton, a 1,000-year-old piece of pottery originally from the South Saskatchewan basin was uncovered.⁴⁵ Oral accounts, written records, and archeological evidence point to a diverse market of goods, which were part of an extensive international trade network throughout Turtle Island.

39. Goodman Mandelbaum, *supra* note 27 at 74-75.

40. *Ibid* at 24, 84, 91.

41. Canada, *Report of the Royal Commission on Aboriginal Peoples: Restructuring the Relationship*, vol 2 (Ottawa: Supply and Services Canada, 1996) at ch 5 [Aboriginal Peoples Report].

42. Ernie Lakusta, *The Intrepid Explorer: James Hector's Explorations in the Canadian Rockies* (Calgary: Fifth House, 2007) at 85.

43. Goodman Mandelbaum, *supra* note 27 at 111-12.

44. Bryan, *supra* note 34.

45. Linda Goyette & Carolina Jakeway Roemmich, *Edmonton in Our Own Words* (Edmonton: University of Alberta Press, 2004) at 11.

A. INDIGENOUS TRAIL SYSTEMS

There is an extensive Indigenous trail system pre-dating European contact throughout North America. These trails provided migration routes, trade networks, travelling to hunting grounds, locations of warfare, and were used for travel purposes. These trading routes extended across numerous Indigenous nations' territories and provide the infrastructure that the fur trade and settler road systems were built on. The Old North Trail is one of the most extensive and well known. It is also referred to as Wolf Tracks and Blackfoot Tracks. Wolf Tracks is not a single trail but a network of north-south trails running from Edmonton to Mexico. From within the Rosedale Flats area of Edmonton, a *Pehonan* (gathering place)⁴⁶ was located; "situated on the old Indian trail called Wolf's Track, was long ago an ancient meeting place of Plains people—a place of trade, celebration and ceremony."⁴⁷ Evidence shows this was a place for many activities including inter-tribal trade between the Cree, Chipewyan, Beaver, Nakoda, and Blackfoot.⁴⁸ Frank Oliver, who was the founding Editor of the *Edmonton Bulletin* (1880), wrote that Edmonton was "an ancient trade centre,' a strategic location where mutually unfriendly nations found it convenient to trade."⁴⁹ This trail went south from the Rosedale Flats area, basically following where Highway 2 (Queen Elizabeth II) lies today.⁵⁰ At present day Wetaskiwin the trail forked⁵¹ with the western branch following the foothills region parallel to the Rocky Mountains. Brings-Down-The-Sun, one of the most respected Piikani spiritual leaders, shared this enlightening account with Walter McClintock in 1905:

There is a well known trail we call the Old North Trail. It runs north and south along the Rocky Mountains. No one knows how long it has been used by the Indians. My father told me it

46. *Ibid* at 20.

47. Phillip R Coutu, *Castles to Forts: A Trust History of Edmondon* (Edmonton: Thunderwoman Ethnographics, 2004) at 105.

48. Goyette & Jakeway Roemmich, *supra* note 45 at 22.

49. Coutu, *supra* note 47 at 63.

50. Thomas Petty, *Trails of Alberta* (Calgary: A Glewbow Foundation Project, 1962) at 2.

51. *Ibid* at 7.

originated in the migration of a great tribe of Indians from the distant north to the south, and all the tribes have, ever since, continued to follow their tracks . . . The main trail ran south along the eastern side of the Rockies, at a uniform distance from the mountains, keeping clear of the forest, and outside of the foothills. It ran close to where the City of Helena now stands, and extended south into the country, inhabited by a people with dark skins, and long hair falling over their faces "Mexico". In former times, when the Indian tribes were at war, there was constant fighting along the North Trail. In those days, Indians who wanted to travel in peace avoided it and took to the forest. My father once told me of an expedition from the Blackfeet, that went south by the Old Trail, to visit the people with dark skins. Elk Tongue and his wife Natoya were of this expedition, also Arrow Top and Pemmican, who was a boy of twelve at the time. He died only a few years ago at the age of ninety-five. They were absent four years. It took them twelve moons of steady travelling to reach the country of the dark skinned people, and eighteen moons to come north again. They returned by a longer route through the "High Trees" or Bitter Root country, where they could travel without danger of being seen. They feared going along the North Trail because it was frequented by their enemies, the Crows, Sioux and Cheyennes. Elk Tongue brought back the Dancing Pipe . . .⁵²

This informative account provides insights into the age of the Old North Trail, the uses of the trail, length of travel time, and ceremonial trade with Indigenous peoples in Mexico. It is also important to recognize that there was "less change in Aboriginal society during the fur trade than some would believe . . . it was the European trader who was forced to adapt to the Indians' trade practices and learn the protocol of their trade patterns."⁵³ It is well documented that fur traders often used Indigenous trail systems, and later, settlers used these same trails for their carts, and often our

52. Brian Reeves, "How Old Is the Old North Trail?" (1990) 31:2 *Archaeology in Montana* 1 at 4-5.

53. Walter Hildebrandt, *Views from Fort Battleford: Constructed Visions of an Anglo-Canadian West* (Regina/Edmonton: Canadian Plains Research Center/AU Press, 2008) at 6.

current highways and railways are using large portions of the same transportation networks.

There was also an extensive east-west trail system connecting the Hudson Bay to the Rocky Mountains. One part of this trail system has been referred to as the Carlton Trail; this was “the main highway into the Saskatchewan country from the Red River Settlement,”⁵⁴ further connecting to Fort Carlton, Fort Pitt, and Edmonton.⁵⁵ This has been described as the only over-land route between Upper Fort Garry and Fort Edmonton.⁵⁶ Before the Carlton Trail was used in the Fur Trade it was used as an Indigenous trail, part of a migration path established 6,000 years ago when Lake Agassiz retreated.⁵⁷ Southwest of the junction of the North and South branches of the Saskatchewan River is one standard location where the Cree-Blackfoot traded.⁵⁸ Along important locations of this ancient trail, by lakes and on high ground, many artifacts have been found from large encampments, “at such places as Upper Fort Garry, Deer Lodge, Whitehorse Plain, Portage la Prairie, Neepawa, Minnedosa, Shoal Lake, and Fort Ellice—all on the Carlton Trail.”⁵⁹ The *Pehonan* gathering place mentioned above was only one of many Indigenous gathering places on this route. These “aggregate centers were the centres of trade as well as the heart of the cultural and spiritual life of the First Peoples.”⁶⁰ With the spiritual, trading, and cultural significance of these repeated-use seasonal encampments, David Meyer from the University of Saskatchewan has researched six of these sites of importance:

These campsites were often located approximately 80 kilometres apart along the North and South Saskatchewan Rivers . . . from

54. Dr. Russell's Carlton Trail (Handwritten notes 1840-1889 from Ralph Clifford Russell), Saskatchewan Archives Board (Database ID 25935 at 1), online: Our Legacy <<http://scaa.sk.ca/ourlegacy/permalink/25935>>.

55. Dr. Russell's Historical Notes (typed notes 1955 from Ralph Russell), Saskatchewan Archives Board (Database ID 25937 at 2), online: Our Legacy <<http://scaa.sk.ca/ourlegacy/permalink/25937>>.

56. Frank Hall, “Carlton Trail – First Western Highway” (1969) 14:3 Manitoba Pageant.

57. *Ibid.*

58. Milloy, *supra* note 28 at 17.

59. *Ibid.*

60. Coutu, *supra* note 47 at 64.

east to west the location of these gathering places, and their Cree meanings are as follows: Grand Rapids, 'Mitipawitik, a large rapid'; Cedar Lake, 'Cimawawin, a seining place'; The Pas, 'Opasskweaw, the narrowing between woods'; 'Paskwatinow' near the Pasqua Hills, the original location of Fort St. Louis; Nipawin, 'Nipowiwinihk, a standing place'; and finally Fort de la Corne, known as 'Pehonan, the waiting place.'⁶¹

Research at the University of Saskatchewan has found a strong correlation between these ancient gathering places and later positioning of fur trade posts by the Hudson Bay Company and the Northwest Company.⁶² Different sources also point to "commercial networks" existing in other areas including a trade network from the west coast to the interior.⁶³ Similarly, there are accounts of an Oolachen Trail that crossed the Rocky Mountains. Olive Dickason stated that the oolachen oil, from oolachen fish, "was extensively traded from the Pacific Coast into the interior along established routes;"⁶⁴ this trade goes back to at least 4,000 BC. This Trail is named after the oolachen oil that has ceremonial and medicinal functions. It is apparent that Indigenous trail systems were expansive and well developed pre-dating European contact.

Travelling over extended distances required an infrastructure of trails, modes of transportation, diplomacy, and systems of governance that enabled an efficient process of moving camp. For land travel, before the introduction of the horse, the dog travois was used in the summer and a dog with cariole was used in the winter.⁶⁵ The Saskatchewan River was another significant part of this east-west trail system. For water, travel boats were used. Figure 3 displays Cree people on a Cree flat boat on the Montreal River in Saskatchewan.⁶⁶

61. *Ibid* at 64-65.

62. Coutu, *supra* note 47.

63. *Aboriginal Peoples Report*, vol 2, *supra* note 41.

64. Olive Patricia Dickason, *Canada's First Nations: A History of Founding Peoples from Earliest Times*, 3rd ed (Don Mills: Oxford University Press, 2002) at 60.

65. Ernest Brown, *Aboriginal Transportation* (1927-1929), Alberta, Provincial Archives of Alberta.

66. Cree Flat Boat on the Montreal River (1890) Saskatchewan, Saskatchewan Archives Board (Database ID 26030), online: Our Legacy <<http://scaa.sk.ca/ourlegacy/permalink/26030>>.

Archaeological evidence has confirmed that boats have been used on the Prairies for over 13,000 years.⁶⁷ This extensive infrastructure of trails and transportation devices indicate a robust international trading system stretching throughout Turtle Island. To engage in successful international trade requires accepted norms and practices that become part of a diplomatic function.

Figure 3. Cree Flat Boat



There was an accepted protocol followed among the Plains' peoples before trade commenced. Based on the information gathered I would deduce that the type of protocol or ceremony around trade depended on the material being traded. When the Buffalo Dance was bought from the Dakota, the Pipestream carrier led the Cree to the Warrior's lodge of the Dakota. The Cree piled in front of the lodge and tied the

67. Goyette & Jakeway Roemmich, *supra* note 45 at 8.

horses they were giving onto the tipi stakes. The Dakota came out gifting the Cree with clothes so to “buy back” their ability to still perform the Buffalo Dance. After the transfer was completed, the Dakota invited the Cree into their lodge to teach them the songs and dance.⁶⁸ In 1736, Lewis and Clark recount a “ceremony of adoption and exchange of property between the Assiniboine and the Cree and the Mandan.”⁶⁹ Mandelbaum’s informants stated that most Cree medicines originally came from the Saukteaux (Plains Ojibway). *Muskwa* (Bear) explains of a Plains Cree who travelled to the east to receive medicines. He presented two horses loaded with well-made clothes. In exchange the Salt-eaux took him into their *mitewin* lodge, they taught him about many plants to be used for medicinal purposes.⁷⁰ A Chief had to give freely of his possessions and “usually set the pace for ceremonial giving;” gift giving was considered one dispute resolution mechanism.⁷¹ The Give-Away Dance was an institutional mechanism that anyone could use if he “happened to have something he wished to give some friend of his,” with the recipient reciprocating, not necessarily to the same person.⁷² Fur traders also adopted Indigenous trading protocols. Norbert Welsh describes how before trading he would invite the Chief, for example Chief Starblanket, and give a pound of tea, a few pounds of sugar, and tobacco. He told Starblanket “to divide these among his men, and to let them have a good drink of tea, and a good smoke, then we would trade.”⁷³ In nation-States today, tariffs are accepted measures imposed on foreigners doing business in another country. Similar to this practice, Welsh recounts another story where Pish-e-quat (Blackguard) speaking on behalf of his Chief, Shash-apew, requested a duty or tariff for any buffalo hunted on their territory, stating that the “headmen of his band believed that the Indians were more entitled to the

68. Goodman Mandelbaum, *supra* note 27 at 111-12.

69. *Ibid* at 34.

70. *Ibid* at 165.

71. *Ibid* at 106-07.

72. Paget, *supra* note 19 at 14.

73. Mary Weekes, *The Last Buffalo Hunter* (Saskatoon: Fifth House, 1994) at 100.

buffalo than the white men.”⁷⁴ This story is informative in how the Cree exerted jurisdiction over a defined territory and how they expected payment for using the resources of their land. When a people are embarking on diplomatic relations with foreign governments, accepted protocols are established and followed.

B. TRADE LANGUAGES

The extent of international trade in the Americas is further substantiated by the development of languages, which facilitated diplomatic relations such as trade. It was quite common for Indigenous peoples to speak more than one language, to aid in foreign relations. Similarly there are areas in North America where hybrid languages developed described as a trade language.⁷⁵ A sign language was also known throughout the different peoples living on the Plains of North America. Figure 4 displays the way to sign the term “exchange,” “[b]oth hands, palms facing each other, forefingers extended, crossed right above left before the breast.”⁷⁶

There are hundreds of hand signs including those for trade, barter, buy, exchange, and pay. Of the Plains Cree, it is written that the Beaver Hills People seemed to use this sign language the most frequently.⁷⁷ In 1930, the American Department of the Interior held a conference in Browning, Montana where thirteen different First Nations from across the Plains met to communicate and document the sign language.⁷⁸ Flashing mirrors in the sun was another method to communicate over a distance.⁷⁹ Diplomatic functions, such as trade, were facilitated by the use of trade languages like the Plains Indigenous sign language.

74. *Ibid* at 51.

75. Dickason, *supra* note 64 at 60.

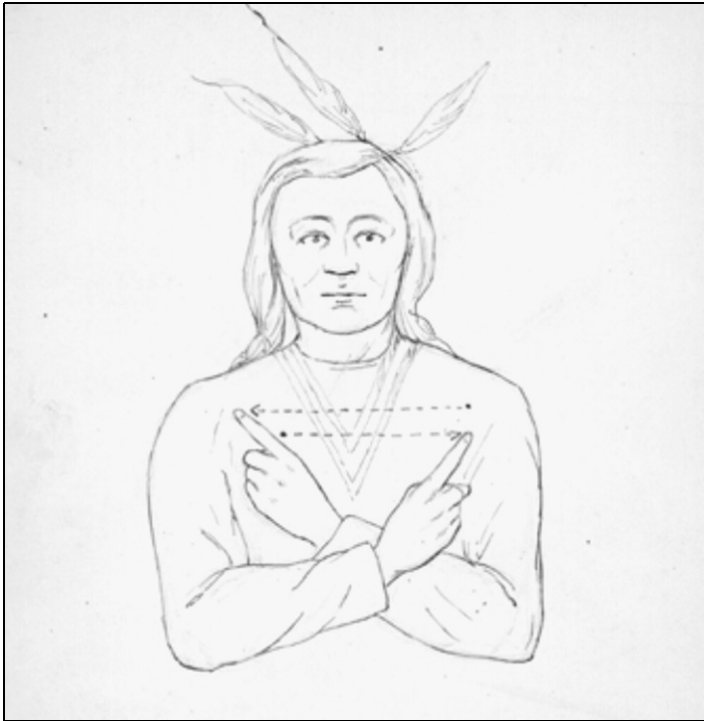
76. Garrick Mallery, *Hand Talk: American Indian Sign Language*, online: <<http://sunsite.utk.edu/pisl/illustrations.html>>.

77. Goodman Mandelbaum, *supra* note 27 at 361.

78. This conference was filmed and can be viewed online. Conference from Major General Hugh Scott (1930), “Indian Sign Language Council of 1930,” online: Youtube <http://www.youtube.com/watch?v=bFT2a5SGDFA&feature=player_detailpage>.

79. Goodman Mandelbaum, *supra* note 27 at 361.

Figure 4. Plains Sign Language – “Exchange”



The international trade practices of the Plains Cree, including the plethora of goods traded, complex trading infrastructure, and established protocols demonstrates the extensive function of international trade within Cree society and the making of Cree peoplehood. This system of international trade was one key aspect of a larger diplomatic relations function of the Cree. Another function of a sovereign people is the negotiation of alliances and treaties with other sovereigns.

III. DIPLOMACY

Diplomatic relations with other governments and citizens are important to ensure that the objectives of a people are met. Trade, peace, and security are often the primary goals

of foreign relations. As a self-determining people the Cree embark in formal alliances and treaties. In the 18th century the Cree were regarded as a strong “nation of the plains.”⁸⁰ The Cree and their Ojibwa relatives were considered the most powerful group in western Canada:

by the 1860s, the Cree-Ojibwa-Assiniboine group was by far the largest alliance in Canada. Their domain, generally speaking, spread from Quebec to the Rocky Mountains and from the northern tree line to the Missouri River.⁸¹

Despite linguistic barriers, the Cree and Assiniboine were considered the closest allies. Many Assiniboine spoke Cree and vice versa, and by the mid-17th century there was a firm alliance between the Cree and Assiniboine and with other Algonquin-speaking confederates.⁸² The Cree also established a trading alliance with the Arapaho and the Mandan to the South during the period of the Horse Wars.⁸³ Besides alliances, the Cree also participated in formal treaties.

A. WITASKEWIN

Before and after European settlement in North America Indigenous peoples have entered into treaties. The Cree and Blackfoot entered into a treaty titled “Witaskewin,”⁸⁴ meaning to live in peace together in the Cree language. This peace treaty was created to end hostilities between the two peoples.⁸⁵ Indigenous languages have their own words and terms to describe different treaty relationships. Cree Elders have used the term *iteyimikosiwiyecikewina* as one way to refer to

80. Milloy, *supra* note 28 at 2.

81. Douglas W Light, *Footprints in the Dust* (North Battleford, Sask: Turner-Warwick Publications, 1987) at 25.

82. Goodman Mandelbaum, *supra* note 27.

83. Hildebrandt, *supra* note 53.

84. Harold Cardinal & Walter Hildebrandt, *Treaty Elders of Saskatchewan: Our Dream Is That Our Peoples Will One Day Be Clearly Recognized As Nations* (Calgary: University of Calgary Press, 2000) at 53.

85. *Ibid.*

the treaties signed with the British. This term can be translated as treaties inspired by our Creator.⁸⁶ These treaties are based in Cree teachings and beliefs and as such their arrangements are described in the Cree language:

They are grounded in the laws of *miyo-wicehtowin* governing the manner in which relationships are to be conducted internally among the members of the Cree Nation and externally with other peoples.⁸⁷

Okimaw miyo-wicihitowiyecikewin is another common phrase used by Cree Elders to describe treaties such as Treaty Six; the translation means: “agreements or arrangements establishing and organizing good relations or relations of friendship between sovereigns.”⁸⁸ *Tipahamtitowin* means, “treating each other commensurately” and is understood as an act which involves reciprocal responsibilities to each other that must be fulfilled.⁸⁹ The Cree language and the terms used to describe treaties entered into with Europeans substantiate Cree understanding and assertion of their jurisdiction over their people and territory.

B. TREATY SIX HISTORIES

With the encroachment of an increasing number of settlers on Cree lands and the disappearance of buffalo (bison) herds on the prairies resulting in famine, there was a push by the Plains peoples to negotiate a treaty with the British colony to ensure they were able to survive as distinct nations or sovereign peoples. On March 9, 1876, Father Albert Lacombe wrote a letter to the Department of the Interior, Indian Affairs Branch, requesting a law be passed to ensure buffalo were preserved for the First Nations and Métis on the Plains. He writes,

With the experience of twenty-five years, passed in the midst of the Indians of that Country, I am troubled to tell the Government, thus your interception, that unless they have a law

86. *Ibid.*

87. *Ibid* [italics added].

88. *Ibid.*

89. *Ibid* at 54.

enacted to protect the Buffalo, before ten years those great herds will have disappeared.⁹⁰

In 1871 a letter from Cree Chiefs was sent to Governor Archibald, Colony's representative at Fort Garry, Red River Settlement:

1. The Chief Sweet Grass, The Chief of the country.

GREAT FATHER, — I shake hands with you, and bid you welcome. We heard our lands were sold and we did not like it; we don't want to sell our lands; it is our property, and no one has a right to sell them.

Our country is getting ruined of fur-bearing animals, hitherto our sole support, and now we are poor and want help—we want you to pity us. We want cattle, tools, agricultural implements, and assistance in everything when we come to settle—our country is no longer able to support us.

Make provision for us against years of starvation. We have had great starvation the past winter, and the small-pox took away many of our people, the old, young, and children.

We want you to stop the Americans from coming to trade on our lands, and giving firewater, ammunition and arms to our enemies the Blackfeet.

We made a peace this winter with the Blackfeet. Our young men are foolish, it may not last long.

We invite you to come and see us and to speak with us. If you can't come yourself, send some one in your place.

We send these words by our Master, Mr. Christie, in whom we have every confidence. — That is all.

2. Ki-he-win, The Eagle.

GREAT FATHER, — Let us be friendly. We never shed any white man's blood, and have always been friendly with the whites, and want workmen, carpenters and farmers to assist us when we settle. I want all my brothers, Sweet Grass, asks. That is all.

90. Letter from Father Albert Lacombe Suggesting New Law to Department of the Interior – Indian Affairs (9 March 1876), Ottawa, National Archives of Canada (RG 10, vol 3627, file 6157).

3. The Little Hunter.

You, my brother, the Great Chief in Red River, treat me as a brother, that is, as a Great Chief.

4. Kis-ki-on, or Short Tail.

My brother, that is coming close, I look upon you, as if I saw you; I want you to pity me, and I want help to cultivate the ground for myself and descendants. Come and see us.⁹¹

This letter is significant in that Chief Sweet Grass calls himself and is recognized as the Chief of the Country. Nested layers of governance are being displayed. Secondly, the Cree declare possession over their land and that they are not interested in selling it. Alexander Morris stated that the Cree “desired a treaty of alliance with the Government.”⁹² Finally, it is clear that the Cree understood that the land was changing and they wanted to prepare for a new livelihood. It is very important to understand that the Cree saw themselves as a nation and that they were also externally recognized as such. Alexander Morris, Lieutenant Governor of the Northwest Territories, states,

The great region covered by them [the Cree], abutting on the areas included in Treaties Numbers Three and Four, embracing an area of approximately 120,000 square miles, contains a vast extent of fertile territory and is the home of the *Cree nation*.⁹³

Even after Treaty Six was signed and reserve life began, the Cree still understood themselves as a nation. For instance, my ancestor, Red Pheasant, signatory to Treaty Six wrote a letter to Canadian authorities where he raised the hopes for a powerful Cree nation. In 1881, Chief Red Pheasant dictated the following as part of his letter to Edgar Dewdney, Indian Commissioner and Lieutenant-Governor for the North-West Territories:

91. Chief Sweetgrass et al, Letter from the Cree Chiefs of the Plains, Saskatchewan to His Excellency Governor Archibald our Great Mother's Representative at Fort Garry, Red River Settlement (13 April 1871).

92. The Honourable Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories: Including the Negotiations on Which They Were Based, and Other Information Relating Thereto* (Toronto: Willing & Williamson, 1880) at 168.

93. *Ibid* [italics added].

I wish that nothing may bother me, that the law may rest in peace; in the first treaty [Treaty 6] the hand of the good fellowship was lifted up to put law and order in this land; this I still hold onto, oh that the Cree nation may be raised up, as they now see the powerful.⁹⁴

The Cree people conceived of themselves, and were recognized as a sovereign nation before Treaty Six was negotiated. Even after reserve life began the Cree still saw themselves as being a nation.

Although the Cree requested treaty negotiations in 1871 it took a while to gather the attention of the colonial government authorities in Upper Canada. W J Christie, retired Hudson Bay Employee and Treaty Commissioner, emphatically writes to Richard Hardisty in July 1875, Chief Factor Upper Saskatchewan District:

I have done all I could the past winter to press the Government to send up and make a Treaty with the Saskatchewan Crees and other Indians, but they are in no hurry, and do what you like you can't get them to see the thing in the same light as we do, there are people at Ottawa who seem to think that they know a great deal more about Indians and the Country, than we do. I have told the Government that the longer they delay the Treaty, the harder it will be to make, and the more exacting will be the Indians, and their advisers. The Government may delay too long. I have said and written enough about Saskatchewan and the Indians that I am tired of the subjects. Nothing can be done this year as we are too late in beginning.⁹⁵

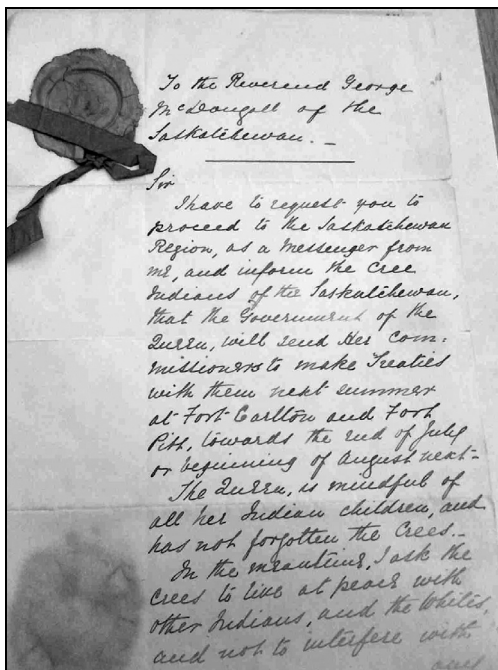
W J Christie had an in-depth understanding of the Cree from his years working for the Hudson Bay Company; you can see his frustration at the inactivity of the central government. Finally, under the hand and seal of Alexander Morris, Lieutenant Governor of the Northwest Territories

94. Letter from Chief Red Pheasant to Dewdney, Indian Commissioner and Lieutenant-Governor for the North-West Territories (31 August 1881), Calgary, Edgar Dewdney fonds, Glenbow Archives (Series 17, M-320-p.1187) [*Letter from Chief Red Pheasant*].

95. Letter from W Christie, *Treaty Commissioner (Treaties 4 and 6) Fort Garry to Mr. Hardisty* (Edmonton, 26 July 1875), Calgary, Richard C Hardisty fonds, Glenbow Archives (Series 14-11, M-477-678).

(see picture below), dated August 1875, were instructions to the Reverend George McDougall to inform the Cree of upcoming Treaty negotiations:

I have to request you to proceed to the Saskatchewan Region. . . . , and inform the Cree Indians of the Saskatchewan, that the government of the Queen, will send Her commissioners to make Treaties with them next summer at Fort Carlton and Fort Pitt, towards the end of July or beginning of August next. The Queen, is mindful of all her Indian children, and has not forgotten the Crees. In the meantime, I ask the Crees to live at peace with other Indians and the Whites and not to interfere. The Queen has always dealt justly with her Indian children and has their good at heart. This letter will be your authority for delivering the message I send by you, and you may show it to any Chief you meet.⁹⁶



96. Letter from Alexander Morris, Lieutenant-Governor, to George McDougall, Methodist Minister (9 August 1875), Calgary, George and John McDougall Family fonds, Glenbow Archives (Serie 1-a, M-729-2a).

On August 18, 1876, the official proceedings for Negotiating Treaty Six began. Treaty Six was predominately negotiated with Plains Cree peoples but there are other Indigenous peoples that are also signatories. Following the protocol of the Plains people, a sacred pipe ceremony ensured that this treaty would be blessed by the Great Spirit and bound on earth and in the spiritual realm. Strike-Him-On-The-Back used the sacred Medicine Pipe Stem praying in the four directions.⁹⁷ Lieutenant Governor Morris recounts the opening ceremony:

On my arrival I found that the ground had been most judiciously chosen, being elevated, with abundance of trees, hay marshes and small lakes . . .

The view was very beautiful: the hills and the trees in the distance, and in the foreground, the meadow land being dotted with clumps of wood, with the Indian tents clustered here and there to the number of two hundred . . . In about half an hour they were ready to advance and meet me. This they did in a semicircle, having men on horseback galloping in circles, shouting, singing and discharging fire-arms . . . They then performed the dance of the "pipe stem," the stem was elevated to the north, south, west and east, a ceremonial dance was then performed by the Chiefs and head men, the Indian men and women shouting the while.

They then slowly advanced, the horsemen again preceding them on their approach to my tent. I advanced to meet them, accompanied by Messrs. Christie and McKay, when the pipe was presented to us and stroked by our hands. After the stroking had been completed, the Indians sat down in front of the council tent, satisfied that in accordance with their custom we had accepted the friendship of the *Cree nation*.⁹⁸

Lieutenant Governor Morris and his contemporaries saw the Cree as a nation with agency; the active participation of the negotiators in the pipe ceremony conveys acceptance of Cree peoplehood as distinct yet legitimate. Seeing and writing about the Cree as a nation displays their regard for the Cree as a sovereign people. For the Cree, Treaty Six, with the spiritual

97. Light, *supra* note 81 at 30.

98. Morris, *supra* note 92 [italics added].

ceremonies participated by both parties “expanded the First Nations sovereign circle, bringing in and embracing the British Crown within their sovereign circle.”⁹⁹ It is an arrangement between nations, acknowledging the “sovereign character of each of the treaty parties, within the context of rights conferred by the Creator to the Indian nations.”¹⁰⁰

The archival documents show this Treaty negotiation as being the most rigorous of the numbered Treaties, offering the most provisions to date.¹⁰¹ The initial terms of the Treaty presented were basically the same as those offered in Treaty 4.¹⁰² Once the initial terms were presented, Mistawasis, as one of the Head Chiefs, responded by shaking Morris’ hand and stating,

We have heard all he had told us, but I want to tell him how it is with us as well; when a thing is thought of quietly, probably that is the best way. I ask this much from him this day and that we go and think of his words.¹⁰³

The Cree went into council and they returned to negotiations on August 22. Interestingly, it is written that the negotiations were both oral and written. In Morris’ published text recounting the proceedings from the different government participants’, it states:

Eventually the Commissioners made them an offer. They [the Indigenous leaders] asked this to be reduced to writing, which was done, and they asked time to consider it, which was of course granted. When the conference resumed, they presented a written counter-proposal. This the Commissioners considered, and gave full and definite answers of acceptance or refusal to each demand, which replies were carefully interpreted, two of the Commissioners, Messrs. Christie and McKay, being familiar with the Cree tongue, watching how the answers were rendered, and correcting when necessary.¹⁰⁴

99. Cardinal & Hildebrandt, *supra* note 84 at 41.

100. *Ibid.*

101. Robert J Talbot, *Negotiating the Numbered Treaties: An Intellectual and Political Biography of Alexander Morris* (Saskatoon: Purich Pub, 2009) at 94.

102. *Ibid.* at 97.

103. Morris, *supra* note 92.

104. *Ibid.*

The Cree had enough forethought to foresee the “double-forked tongue” of the Government and tried to mitigate this by requesting written terms of the negotiations. This might have been done to minimize the misunderstandings that could occur from language translation. On August 23rd, the Indigenous peoples’ counter-offer was read out to the negotiators:

One ox and cow for each family. Four hoes, two spades, two scythes and a whetstone for each family. Two axes, two hay forks, two reaping hooks, one plough and one harrow for every three families. To each Chief one chest of tools as proposed. Seed of every kind in full to every one actually cultivating the soil. To make some provision for the poor, unfortunate, blind and lame. To supply us with a minister and school teacher of whatever denomination we belong to. To prevent fire-water being sold in the whole Saskatchewan. As the tribe advances in civilization, all agricultural implements to be supplied in proportion.

When timber becomes scarcer on the reserves we select for ourselves, we want to be free to take it anywhere on the common. If our choice of a reserve does not please us before it is surveyed we want to be allowed to select another. We want to be at liberty to hunt on any place as usual. If it should happen that a Government bridge or scow is built on the Saskatchewan at any place, we want passage free. One boar, two sows, one horse, harness and wagon for each Chief. One cooking stove for each Chief. That we be supplied with medicines free of cost. That a hand-mill be given to each band. Lastly in case of war occurring in the country, we do not want to be liable to serve in it.

When we look back to the past we do not see where the Cree nation has ever watered the ground with the white man’s blood, he has always been our friend and we his; trusting to the Giver of all good, to the generosity of the Queen, and to the Governor and his councillors, we hope you will grant us this request.¹⁰⁵

I believe it is instructive to include the text of this counter-offer as it shows the astuteness of the Indigenous leaders,

105. *Ibid.*

understanding their changing way of life, and wanting to negotiate a fair Treaty which would enable them to continue and prosper as the Cree nation. Although Morris arrived at Fort Carlton with the terms of Treaty Six already written, this account displays the significant negotiations made. The final agreement contained three new concessions compared to previous treaties: 1) to provide added provisions for agriculture, 2) to have a medicine chest, and 3) to provide assistance during famine.¹⁰⁶

One of the foundational components of this negotiation was jurisdiction within each nation's sphere of influence. Chief Big Bear talked about *mwac ay-saka-pay-kini*; Kiera Ladner has effectively argued that the colonial negotiators misunderstood the meaning of this request, thinking Big Bear wanted protection from being hung. Alternatively, Ladner contends that the correct translation refers to not wanting to be lead with a rope around his neck:

Big Bear's request demonstrates his reluctance to allow the government to interfere in the lives of his people, and thus, the importance that he placed on remaining sovereign. Furthermore, it seems to be suggestive of Big Bear's unwillingness to be limited to a *skunkun* or a small "roped off" piece of land called a reserve, and his desire to retain Cree sovereignty and authority over all of the traditional territory, even that which is being shared with the white settlers.¹⁰⁷

This is a significant difference in meaning. Morris also discussed jurisdiction during negotiations explaining a type of divided authority and control. He stated that the Crown "would not interfere with Indians' daily life except to assist them in farming."¹⁰⁸ The Chiefs at Treaty Six understood that they had "agreed to share the land in return for annuities, education, medical and famine assistance, as well as a

106. Hildebrandt, *supra* note 53 at 16.

107. Kiera Ladner, "Treaty Federalism: An Indigenous Vision of Canadian Federalisms" in François Rocher & Miriam Smith, eds, *New Trends in Canadian Federalism*, 2nd ed (Peterborough: Broadview Press, 2003) 167 at 177.

108. *Ibid*; Morris, *supra* note 92.

commitment to establish ranching and farm economies.”¹⁰⁹ The Cree people understood from the negotiators that they would still be able to freely hunt and fish without being restricted to the boundaries of the reserve. Morris stated,

Understand me, I do not want to interfere with your hunting and fishing. I want you to pursue it through the country, as you have heretofore done; but I would like your children to be able to find food for themselves and their children that come after them.¹¹⁰

It is apparent from the first-hand accounts of Morris and others that the authority of the Cree people over their society, their sustenance, their land, and shared jurisdiction over communal lands were mutually understood and agreed upon.

There is consensus among Cree Elders, substantiated by numerous oral accounts, and published sources that the terms of Treaty Six did not include sub-surface land rights.

At the time of treaty signing, it was understood through verbal agreement that the land which was opened to the white settlers was only to the extent of the depth a plough would furrow. This was indicated by a gesture of a closed fist with thumb extended. “The rest” was to be retained by the Indian people. Thus, the birds of the air, fish in the sea, the trees, the rivers, the minerals were not given up.¹¹¹

A separate published account records Elder Gordon Oakes stating:

As I was saying about the depth of the plough, the Treaty Commissioner [Alexander Morris] also advised that some day he will be mining valuable minerals and at the time I will come back and negotiate with you again on it.¹¹²

109. Hildebrandt, *supra* note 53 at 17.

110. Morris, *supra* note 92.

111. Curriculum Studies and Research & Saskatchewan Indian Cultural College, *Treaty Six* — “. . . for as long as the sun shines, the grass grows, and the rivers flow . . .”; *Saskatchewan and Alberta 100 years, 1876/1976*, ed by Solomon Mosquito et al (Saskatoon: Saskatchewan Indian Cultural College, Curriculum Studies and Research, 1976) at 27.

112. Cardinal & Hildebrandt, *supra* note 84 at 42.

An edited volume gives an oral account from Lazurus Roan born in the Smallboy Camp in 1904; his father and two uncles were at the Fort Carlton negotiations and signing. The account always relayed to him is that the Chief negotiator:

... Would indicate with his hands approximately one foot in depth: [stating] 'That is the depth requested from you, that is what the deal is, nothing below the surface, that will always belong to you. Only land where agriculture can be viable; other areas where nothing can grow, that will always belong to you. You will always be the owner of that land.'¹¹³

It is significant that there is consensus in accounts across provinces and over different time periods that the negotiations were restricted to settlers being able to till the land. From an Indigenous perspective, subsurface rights and animals, trees, etc. are still within the jurisdiction of Indigenous peoples, at least theoretically. When trying to assert self-determination now, Canadian opponents often state Indigenous peoples lack of financial resources as a justification to deny self-determination. If Indigenous peoples can prove their claim over sub-surface and other non-agricultural resources, and the Canadian State accept this, it would be a monumental gain and provide all the means necessary to be economically and politically autonomous within their own jurisdictional space. It is beyond the scope of this article to prove or disprove this point, it is also important to note that from a Canadian law perspective this may be a moot point. There is still the potential for the Canadian State to once again acknowledge Indigenous jurisdiction or co-management over shared lands, even lands within the historic numbered treaties, those outside the modern day treaty process.

CONCLUSION

Archival research provides important historical evidence regarding Cree peoplehood, trade, and foreign relations. Significantly, this research can substantiate and provide better

113. Richard T Price, ed, *The Spirit of the Alberta Indian Treaties*, 2nd ed (Lincoln, Mall: University of Nebraska, 1987) at 155.

historic understandings of Indigenous rights claims to further economic and political self-determination. Although the western conception of “nation” is deficient in its ability to fully capture the breadth of Cree peoplehood, it is apparent that at the time of treaty negotiations the Cree saw themselves as a distinct nation and that they were also recognized as such by colonial authorities. The diagram by Cree leader Fine Day displays historic practices of Cree governance with a type of nested authority with bands, tribes based on region, and then a form of hierarchy in terms of regional Chiefs with one head Chief when there were large encampments. Another example is that at the time of Treaty Six, Sweetgrass was considered the Chief of the regional bands within the River People bands, as well as the “Chief of the Country.” Models of nested governance may provide further insights into the re-deployment of Cree peoplehood. When developing new governance mechanisms for self-determination the Cree might want to reflect on the strengths and limitations provided in the Peoplehood Matrix. Specifically, the importance of territory, ceremony, language, and history related to Cree self-determination.

Archival, archaeological, and oral history research provides key insights into Cree international trade practices. The scope of the research completed for this article found an abundant assortment of goods traded from across Turtle Island and beyond. Trade required a complex transportation infrastructure with numerous trail systems from Canada to Mexico. These trail systems provide further evidence of the importance and frequency of international trade. With increasing evidence of this trade system, I am interested in further exploring the impacts of this for today. If, as the research evidence proves, international trade occurred, then it stands to reason that Indigenous rights in Canada should include the redeployment of international alliances including Indigenous international trade agreements.

Alliances and treaties are important strategies that nations engage in to ensure that the security and livelihood of their people are protected. The Cree have a history of engaging in different types of treaty making. *Witaskewin* provides one example of a peace Treaty that was enacted between the Cree

and Blackfoot. Treaty Six negotiated between the British Crown and the Cree nation is an example of a different type of treaty. *Okimaw miyo-wicihitowiyecikewin* is a Cree phrase used to describe this category of treaty negotiated with the Crown, explaining it as an agreement to organize good relations between sovereigns. During negotiations both parties discussed jurisdiction where it is clear that the Cree were guaranteed authority within their own sphere of influence and shared governance in communal lands. It is also apparent that the Cree saw themselves as having sole jurisdiction over their territory of Treaty Six and were not interested in selling it. Published primary sources and archival sources provide important information regarding jurisdiction and un-ceded resources located in Treaty Six territory. Further research and communication of this is required. The potential economic and political impacts for the Cree cannot be underestimated.

Political scientists and politicians often provide constraints, such as lack of sustainable funding and economic dependency of the colonial State as justifications for denying legitimate forms of Indigenous self-determination. Indigenous trade alliances and a review of the contractual terms, spirit, and original intent of Treaty Six might expose a plethora of new economic avenues, allowing the Cree to honour the sacrifices made and realize the aspirations of their forefathers, as one of my ancestors wrote: "*this I still hold onto, oh that that the Cree nation may be raised up*" (Chief Red Pheasant, 1881).¹¹⁴

114. Letter from Chief Red Pheasant, *supra* note 94.