

**Perspectives of Saskatchewan Dakota/Lakota Elders
on the Treaty Process within Canada**

A Dissertation Submitted to the College of Graduate Studies and Research
In Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy
In Interdisciplinary Studies
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Saskatoon

By

Leo J. Omani

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ABSTRACT

This ethnographic dissertation study contains a total of six chapters. Chapter One provides an introduction to the topic, “Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada.” It also discusses the following: the purpose of the study; the rationale & justification for an interdisciplinary approach; the research methodology; the definition of terms; the limitations of the study; assumptions; and the ethical protocols applicable to this study. Chapter Two provides a review of literature pertaining to the various theoretical and methodological considerations to be addressed within this study. These include the traditional “Rankean approach” to the study of history; that termed within Western academia as “Oral History,” combined with that termed as “Oral Tradition;” that termed as “Dakota Oral Tradition;” and that termed within Western academia as “Outsider vs. Insider Research.” Chapter Three provides a review of the history of the treaty negotiation processes that occurred both in the United States and Canada and concludes with an analysis of research findings to date. Chapter Four reviews previously written documentation pertaining to the Dakota/Lakota treaty negotiation process within Canada and concludes with an analysis of research findings to date. Chapter Five discusses in detail the data collection process employed for this study. In addition, the data generated from the interviews with the Saskatchewan Dakota/Lakota Elders regarding their perspectives on treaty are presented. Chapter Six provides a synthesis and analysis of research findings for the data collected from the Saskatchewan Dakota/Lakota Elders during the interview process. In addition, an epilogue is provided regarding the implications of the research for the treaty negotiation process of the Dakota/Lakota people within Canada. In this way the findings of the study are placed

within the context of the Native-White treaty relationship currently evolving and being negotiated within the province of Saskatchewan. Recommendations are also presented to assist and enhance the contemporary political and legal position of the Dakota/Lakota First Nations within Saskatchewan in their efforts to either sign adhesion to the Numbered Treaties, or to adhere to an alternate treaty protocol agreement with the Canadian federal government, which would include provisions regarding land, as well as related treaty benefits and annuities.

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Further, a word of thanks is offered for the support received from the Chiefs and Councils of the four Saskatchewan Dakota/Lakota First Nations who agreed to have their respective Elders participate in the interview process for this study. For the financial support received for this study, I thank the Wahpeton Dakota Nation School Committee that provided the funding through their Post-Secondary Program for living allowance, travel, books and tuition. I also thank the University of Saskatchewan, College of Graduate Studies and Research, for the funds provided to offset the travel costs to various institutions in western Canada and into the U.S.A. in order to conduct the required archival research for this study. For support pertaining to computer technical expertise and photocopying costs covered, I thank the Prince Albert Grand Council Executive and Staff. To those who have assisted me in one way or another, please accept my apology if I have not cited their names personally within this acknowledgement. A sincere thanks is offered to all.

DEDICATION

This ethnographic dissertation study is dedicated, as a way of saying “thank you,” to the Saskatchewan Dakota/Lakota Elders who agreed to participate in this study. This includes the Dakota Elders of Manitoba, as well as the Nakota Elders (those known as Assiniboine in Saskatchewan and Stoney in Alberta) consulted with regard to the verification and translation of various place-names discussed within this study.

In addition, this ethnographic study is also dedicated, as a way saying “thank you,” to the Elders and individuals of the Woodland Cree, the Swampy Cree, as well as the Willow Cree (now known as the Plains Cree within the province of Saskatchewan), including the Elders and individuals of the Swampy Cree of northern Manitoba, who provided the verification of ancient Dakota Sacred Burial Sites and ancient Dakota Rock Paintings near and along the Churchill River.

NOTE ON WRITING STYLE AND DAKOTA SPELLING

In this ethnographic dissertation study, the terms “I, me, and my” are used in place of “the writer,” as this pertains to the author of this study, Leo J. Omani. Further, since I have been told numerous times by individuals from my Aboriginal community that I use too many “high words” and to speak in plain English, as well as to “speak from my heart,” the following is noted. While the English language is utilized in this study, since numerous individuals residing within the Saskatchewan Dakota/Lakota First Nations’ communities will no doubt in time also read this document, whenever possible in the writing, commonplace words will be used. This is designed to assist in allowing members of the Saskatchewan Dakota/Lakota First Nations’ communities to fully comprehend what is contained within this manuscript.

Further, drawn the new *Publication Manual of the American Psychological Association (APA): Sixth Edition* (2010), the following quote will also be applicable for this study: “you may find that the appearance of these pages occasionally deviates from APA Style rules. For example, sections may not be double-spaced and may not be in 12 point Times Roman typeface” (p. 7). The latter pertains not only to the footnotes, but also the citations with regard to the maps provided and discussed within this document, as well as the appendices attached to this study. The list of References are also not double-spaced, following the new APA Manual (2010, pp. 255-257).

The spelling of Dakota words, personal names and place names is as given in the published sources, when words and names are taken from such sources, or in the manner used and accepted by the Elders consulted and interviewed for this study. The use of any of the various Dakota orthographies in this study is limited by two considerations. First,

Dakota orthography varies somewhat among the four communities represented here. Second, I do not have access to a specifically-fitted keyboard. Thus, for example, the word for “white person” which I have spelled *Wa'si'cu* would be spelled *Wasicuŋ* in one of the most commonly used Dakota orthographies. Some variations would leave off the *n*, others would substitute a raised dot over the *s* for the accent mark. There is, as yet, no one universally accepted set of orthographic forms in use in the Dakota *Oyate*. No attempt has been made here to impose a standardized spelling.

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CHAPTER ONE

Introduction

“Language teaching should always contain some explicit reference to the culture, the whole from which the particular language is taken” (Gao, 2006, p. 58).

In keeping with my culture and emerging Indigenous research methodologies it is first necessary to introduce myself and position myself with respect to the research I have undertaken and which I share with you (Hampton, 1995; Tuhiwai Smith, 1999; Absolon and Willett, 2005). As for what has been stated, this has allowed for those of Aboriginal ancestry worldwide to advance the understanding of their cultural worldview of how one gains and transmits knowledge, which is now gaining acceptance within Western academia as verified by the following: (1) Wilson (2008), *Research Is Ceremony: Indigenous Research Methods*; (2) Barnhardt & Kawagley (2005), *Indigenous Knowledge Systems and Alaska Native Ways of Knowing*; (3) Martin (2003), *Ways of Knowing, Being and Doing: A Theoretical Framework and Methods for Indigenous and Indigenist Re-search*; and (4) Meyer (2001), *Actual Assumptions of Empiricism: A Native Hawaiian Critique*. In turn, Angela Wilson (2004), who is of Dakota ancestry, has perhaps best captured the theme of this doctoral research study, when she stated, “[a]t the dawn of the twenty-first century the recovery of Indigenous knowledge is a conscious and systematic effort to revalue that which has been denigrated and revive that which has been destroyed” (p. 359), which in turn corresponds to the proceeding comments.

“*Damakota*” (I am Dakota). “*Mi’ ye ha da Wanmditanka*” (my name is Big

Eagle). I am a member of Wahpeton Dakota Nation, located twelve miles northwest of Prince Albert, in northern Saskatchewan, Canada. Within contemporary Western culture, I have been assigned the name Leo Joseph Omani. The last name Omani is derived from my late *Unkan* (grandfather), *MahpeyaOmani* (WalkingCloud), also known as Joe Omani. My late *Ina* (mother), *Mahpeya Ku Win 'yan* (Coming Back Cloud Woman), also known as Edith Omani, told me that when the Indian Agent had decided to register the name of my grandfather he took the view that the name *MahpeyaOmani* (WalkingCloud) would be too long to write, and assigned the surname Omani. He then inserted the first name as Joe, and the name Joe Omani is derived from this. My late mother, *Mahpeya Ku Win 'yan* taught and passed on to me the Dakota language of my late grandfather, *MahpeyaOmani*, as well as the Cree language of my late grandmother, Marian (nee Turner) Omani. One of the seven sacred ceremonies of the Dakota *Oyate*, now known in linguistic terms as the Dakota, Nakota, and Lakota people (Wilson, 2005, p. 4; Elias, 1998, p. xiii; Marino, 2002, pp. 251- 252) is the making of relatives (Hewes, 1954, pp. 907-908). Originally a peace ceremony which included intermarriage to establish alliances with other Aboriginal groups, it is now also conducted in contemporary times as an adoption ceremony. In marrying my Dakota grandfather *MahpeyaOmani*, my Cree grandmother Marian (nee Turner) Omani also learned to speak the Dakota language and was given the name *Sha 'he 'ya Win 'yan* (Cree Woman) by our Dakota people of Wahpeton. Thus, when the Dakota Elders of Wahpeton would tell me stories of my grandmother when I was a child (for she passed on before I was born, as did my grandfather), they would say “your *Kunsi* (grandmother) *Sha 'he 'ya Win 'yan*.” They never did speak of her as “your grandmother, Marian.” To me, this confirms the amount

of respect the Dakota Elders of Wahpeton had for my grandmother, *Sha'he'ya Win'yan*, with the respect having been given primarily because she had learned to speak the Dakota language. In addition, with my grandmother, *Sha'he'ya Win'yan*, in also having learned the cultural protocol, which as of this date, is still equalitarian for both Dakota men and women, as this pertains to the individual who is gifted, as well as having earned the right to conduct the seven sacred ceremonies of the Dakota *Oyate* (Hewes, 1954, pp. 907-908) which offered and continues to offer the spiritual and emotional balance to one's personal life. For clarity, according to the Dakota Elders of Wahpeton both my late grandparents, *MahpeyaOmani* and *Sha'he'ya Win'yan*, were well known gifted traditional healers, as well such as my late mother *Mahpeya Ku Win'yan*, were also very good traditional storytellers and singers.

In turn, I learned to speak the English language while attending the St. Michael's Indian Residential School at Duck Lake, Saskatchewan, Canada. Thus, I always tell my younger relatives that I have earned two university degrees, a Bachelor of Education degree (with distinction), including a Master of Education degree, and am now in pursuit of a third, a PhD in Interdisciplinary Studies, yet in my first year at what is called a school within contemporary Western culture, I failed kindergarten. Actually, the nuns felt that I had not learned to speak enough of the English language, so they held me back a year. With English being my third language, as of this date, I still struggle in pronouncing many English words.

Having provided an insight to my Aboriginal ancestry, the following is noted. Based on preliminary research findings, it has been verified that the traditional territory of the Dakota and Lakota (generally referred to as Sioux) is now dissected by the border

line of the countries that have come to be known as the United States of America and Canada (Carter (2000), *Dakota / Lakota Oral History prepared for The Wood Mountain Lakota Nation, Standing Buffalo Dakota Nation, Wahpeton Dakota Nation, and White Cap Dakota / Sioux First Nation*; Holmes, J. & Associates, Inc. (2000), *Dakota/Lakota joint Treaty Adhesion Project*; Morrison (2001), *Dakota/Lakota Joint Treaty Adhesion Project, Phase One [and] Phase Two*). For clarity, while all of those legally termed “Sioux” by the U.S. and Canadian federal governments (Feraca & Howard, 1963, pp. 81-84) were initially excluded from the Numbered Treaties in western Canada, the Nakota/Sioux (Assiniboine and Stoney) were later allowed to sign Adhesion to the Numbered Treaties in western Canada. However, as of this date, the Dakota and Lakota have not been allowed to come to terms with the Canadian federal government, as this pertains to that of Treaty.

Further, while a number of research documents have already been generated to date, no comprehensive academic study has been conducted which examines the Saskatchewan Dakota/Lakota Treaty negotiation process with the Canadian federal government. Growing interest in the history of the Treaties is verified by the following written sources: (1) Office of the Treaty Commissioner (2007), *Treaty Implementation: Fulfilling the Covenant*; (2) Penikett (2006), *Reconciliation: First Nations Treaty Making in British Columbia*; (3) Ponting (2006), *The Nisga’a Treaty: Polling Dynamics and Political Communication in Comparative Context*; and (4) Johnson (2007), *Two Families: Treaties And Government*. Evidence can also be found in the ongoing efforts of the Saskatchewan Dakota/Lakota First Nations to either secure Adhesion to the existing Numbered Treaties, or to seek an alternate process of Treaty negotiation with the

Canadian federal government (such as the British Crown's original policy of Treaty Alliance with First Nations based on peace, friendship, and trade). Consequently, this ethnographic study will be a valuable contribution to the history of Aboriginal people and of Native-Newcomer relations within the province of Saskatchewan. For clarity, this research study presented from Aboriginal perspective, in this case specifically from an Aboriginal Dakota perspective, can add new insights and methodologies that can be utilized by those studying the original indigenous territory of various Aboriginal groups, by blending oral and written sources, such as methods of retaining and gaining new knowledge derived from Aboriginal terms and the original indigenous place-names used by the original Aboriginal inhabitants of a specific territory to sustain their livelihood, which corresponds to the Treaty relationship process that is continuing to evolve and is being negotiated within the province of Saskatchewan (Cardinal & Hildebrandt, 2000; Ray, Miller, & Tough, 2000; Office of the Treaty Commissioner, 2007).

Purpose of the Study

The intent of this ethnographic study was to gain an understanding of the Dakota/Lakota Elders' insights regarding: (1) the original indigenous territory of the Dakota *Oyate* (meaning the Dakota nation, now known in linguistic terms as the Dakota, Nakota and Lakota people) in North America; (2) the original understanding of the traditional concept of treaty; (3) the right of Dakota/Lakota peoples within Saskatchewan to either adhere to the existing Numbered Treaties or to seek an alternate process of Treaty negotiation with the Canadian federal government; and (4) the nature of the relationship, which would evolve from either adhering to the existing Numbered Treaties or adhering

to an alternate Treaty protocol agreement that would be negotiated with the Canadian federal government. Gaining an understanding of the Dakota/Lakota Elders' insights regarding the original indigenous territory of the Dakota *Oyate*, as well as the Dakota/Lakota Elders' insights to the original understanding of the traditional concept of Treaty, will significantly enhance our comprehension of the Aboriginal Treaty history relationship between various Aboriginal groups before the Numbered Treaties were signed within western Canada in the 1870s, as well as that of the Native-White Treaty relation currently evolving and being negotiated within the province of Saskatchewan (Cardinal & Hildebrandt, 2000; Ray, Miller, & Tough, 2000; Office of the Treaty Commissioner, 2007). It is also hoped that this research will enhance the contemporary political and legal position of the Dakota/Lakota First Nations within Saskatchewan, specifically in their efforts either to adhere to the existing Numbered Treaties, or to seek an alternate process of Treaty negotiation with the Canadian federal government (Youngblood Henderson, 2006, *First Nations Jurisprudence and Aboriginal Rights: Defining the Just Society*, preface xi-xii; pp. 150-153; pp. 156-157).

Rationale & Justification for an Interdisciplinary Approach

This study required an interdisciplinary approach because a thorough and satisfactory exploration of the topic would not be possible without utilizing the expertise and methodologies of a number of different disciplines. While the primary focus of the study is historical, the examination of the topic required the incorporation of the perspectives and methodologies utilized by the academic disciplines of Native Studies, Languages & Linguistics, Education, and Law (especially the specific expertise of the Native Law Centre) at the University of Saskatchewan.

Research Methodology

To address the topic posed, the research for this study was implemented in three phases. Each of these is discussed in brief, as noted below.

First, primary and secondary written sources, including previous written transcripts of oral history, pertaining to the treaty negotiation processes that occurred within the U.S.A. and Canada are studied utilizing the traditional Rankean approach. This international perspective on the treaty signing process is necessary because of evidence that the Dakota/Lakota traditional territory is now dissected by the borderline of the countries that have come to be known as the U.S.A. and Canada.

Second, to access the primary data required for this ethnographic study, *Community-Based Participatory Research* methods were utilized (Omani, 1992, pp. 20-34). A number of meetings were arranged to discuss the proposed research with the leadership (the Chief and Council) of the four Dakota/Lakota First Nations of which the Elders that were interviewed are members. These included: (1) the Wahpeton Dakota Nation located near Prince Albert, in northern Saskatchewan; (2) the Whitecap Dakota Nation located near Saskatoon, in central Saskatchewan; (3) the Standing Buffalo Dakota Nation located near Fort Qu'Appelle, in southern Saskatchewan; and (4) the Wood Mountain Lakota Nation located near Wood Mountain, in southern Saskatchewan. Once the formal consultation process had been completed with the leadership of the four Dakota/Lakota First Nations, semi-structured interviews were then conducted with sixteen Dakota/Lakota Elders of Saskatchewan. To ensure statistical fairness to each First Nation, the sixteen Dakota/Lakota Elders interviewed were selected based on the following formula: (a) four from Wahpeton Dakota Nation; (b) four from Whitecap

Dakota Nation; (c) four from Standing Buffalo Dakota Nation; and (d) four from Wood Mountain Lakota Nation.

Third, analysis was undertaken of the documentary research and the data collected from the interviews with the Dakota/Lakota Elders of Saskatchewan. This approach was employed to arrive at a set of research findings and recommendations, which will complement our understanding of the history of Native-White relations in Saskatchewan. Specifically, as this pertains to: (1) the original Indigenous territory of the Dakota *Oyate*; (2) Intertribal territory and Treaties with other Tribal groups; and (3) Treaties with those of European ancestry. It is also anticipated that the findings will enhance the contemporary political and legal position (Youngblood Henderson, 2006) of the Dakota/Lakota First Nations within Saskatchewan in their efforts either to adhere to the existing Numbered Treaties, or to seek an alternate process of treaty negotiation with the Canadian federal government.

Definition of Terms

The following is a brief definition of the terms applicable to this study:

1. Sioux and Siouan. In the mid-1600s, the term Sioux, which is now a legal term used by the federal governments of the U.S.A. and Canada (Feraca & Howard, 1963, pp. 81-84), was first transcribed and coined by the French fur traders as an abbreviated term, deriving from an Algonquin / Ojibwa / Chippewa word, *Nadouesioux*, which, when translated actually means “people of an alien tribe” (Parks & DeMallie, 1992, p. 234). Thus, the term Sioux was used by those of European ancestry upon first contact and applied to the “Dakota *Oyate*,” which when translated means the Dakota nation (Wilson, 2005, p. 5; Ross, 1989, preface I). Further, at the time of first contact,

the Dakota *Oyate* were also referred to as the Eastern Dakota, the Middle Dakota, and the Western Dakota, and whose membership as of this date continues to belong to the “confederacy/governance structure” known as *Oceti Sakowin* (Wilson, 2005, p. 5; Laviolette, 1991, p. 3), which also has been referred to as the seven council fires (Hassrick, 1964, p. 3; Howard, 1984, p. 3). In contemporary historical times, the “Dakota *Oyate*” who have been referred to as “Sioux” have now also been placed by Western academic scholars within that termed as the “Siouan linguistic language family group” which consists of the following: the Omaha, the Ponca, the Osage, the Quapaw/Kwapa, the Kanze/Kansa, the Iowa, the Oto, and the Winnebago (Dorsey, 1897, p. 209), including the Mandan, the Hidatsa, and the Crow (Marino, 2002, p. 251), as well as the Biloxi, the Ofo, the Tutelo, the Catawba, and the Woccon (Goddard, 1996, p. 8; Silver & Miller, 1997, p. 339).

2. Dakota *Oyate*. The following are the names of the seven original bloodlines of the Dakota *Oyate*, now also referred to in linguistic terms as the Dakota, Nakota, and Lakota people (Wilson, 2005, p. 4; Elias, 1988, preface xiii; Marino, 2002, pp. 251-252): (1) the *Mdewakantonwan* (Dwellers of Spirit Lake), (2) the *Sisitonwan* (Camping Among Swamps), (3) the *Wahpetonwan* (Dwellers Among the Leaves), and (4) the *Wahpekute* (Shooters Among the Leaves). The latter have been referred to as the Eastern Dakota (Spector, 1985, pp.167-203) who speak with the “d” dialect and are now known by the linguistic term as Dakota (Wilson, 2005, p. 4; Elias, 1988, preface xiii; Marino, 2002, pp. 251-252). Further, (5) the *Ihanktonwan* (Dwellers at the End, in reference to the Yankton, the term now used in the U.S.A. [DeMallie, 2001, p. 737; Hassrick, 1964, p. 6] and the Assiniboine / Canadian term [Cardinal & Hildebrandt, 2000, preface ix; Dorsey,

1897, pp. 222-223]), as well as (6) the *Ihanktonwanna* (Little Dwellers at the Very End, in reference to the Yanktonai, the term now used in the U.S.A. [DeMallie, 2001, p. 737; Hassrick, 1964, p. 6] and the Stoney / Canadian term [Getty & Gooding, 2001, p. 596; MacEwan, 1969, p. 22]), who have been referred to as the Middle Dakota (Howard, 1967, p. 4; Laviolette, 1991, p. 3) that speak with the “n” dialect and are now known by the linguistic term as Nakota (Wilson, 2005, p. 4; Elias, 1988, preface xiii; Marino, 2002, pp. 251-252). Last, but not least, (7) the *Titonwan* (Dwellers of the Prairie), who were and still are the most numerous, consisting of seven subdivisions, noted as follows:

(1) *Hunkpapa*, also known as *Uncpapa*; (2) *Minneconjou*; (3) *Oglala*; (4) *Itazipo*, also known as Sans Arc; (5) *Oohenumpa*, also known as Two Kettle; (6) *Sicangu*, also known as Brule; and (7) *Sihhasapa*, also known as Blackfeet (Dorsey, 1897, pp. 218-221; Howard, 1984, p. 3; Powers, 1975, p. 26).¹ Thus, the *Titonwan* (Dwellers of the Prairie) have been referred to as the Western Dakota (Hassrick, 1964, p. 3; Laviolette, 1991, p. 3), speak with the “l” dialect, and are now known by the linguistic term as Lakota (Wilson, 2005, p. 4; Elias, 1988, preface xiii; Marino, 2002, pp. 251-252).

3. Indigenous, First Nation, Native, Aboriginal and Indian. Depending on the written sources of various scholars to be cited, the terms Indigenous, Native, First Nation, Aboriginal and Indian are used interchangeably within this dissertation, “[t]he latter are the legal terminologies that have been given by the government of Canada” (Settee, 2007, p. 1), when referring to the original inhabitants of North America.

4. Field Notes. The following quote is offered to illustrate what is termed as “field notes”, which will also be utilized for this study. It has been stated by Kirkby &

¹ WarCloud (1971) has commented, “[t]he Blackfoot [in reference to the Blackfoot Confederacy] should not be confused with the Blackfeet [as this pertains to the term, *Sihhasapa*, one of the subdivisions of the *Titowan*]” (p. 188).

McKenna (1989) that “[a] researcher’s field notes are similar to a journal or drawing. Accordingly, field notes contain written documentation of various aspects of qualitative research: observations, maps, plans, reflections, memos, preliminary analysis, etc.” (p. 32).

5. Personal Communications. As for description for personal communications, the following quote will also be applicable for this study. The *Publication Manual of the American Psychological Association (APA): Sixth Edition* (2010), states: “[p]ersonal communications may be private letters, memos, some electronic communications (e.g., e-mail or messages from nonarchived discussion groups or electronic bulletin boards), personal interviews, telephone conversations, and the like” (p. 179).

6. Research Participant. For the sixteen Dakota/Lakota Elders who were approached to participate for this study, the following quote is offered for that termed as Research Participant: an individual “who has the experience that has been identified as the focus of the research and who is willing to share her/his understanding of that experience with researchers” (Kirkby & McKenna, 1989, p. 32).

Limitations of the Study

As evidenced by the title of this study, the following is noted. This study can be perceived as only being applicable to those of Dakota/Lakota ancestry residing within the province of Saskatchewan, Canada.

Assumptions

Specific to this study, the following assumptions are noted:

1. The sixteen Saskatchewan Dakota/Lakota Elders interviewed will provide honest responses, rather than responding in a way that they think the researcher would

like to hear.

2. The sixteen Saskatchewan Dakota/Lakota Elders interviewed will represent the views of the Dakota/Lakota people residing within the province of Saskatchewan, Canada with regard to the concept of treaty.

3. The interview guide utilized for the semi-structured interviews conducted with the sixteen Saskatchewan Dakota/Lakota Elders (Appendix A), will provide valid data from which valid conclusions can be drawn (Omani, 1992, p. 38).

4. The amount of time spent with the sixteen Saskatchewan Dakota/Lakota Elders will provide “sufficient data for analysis and interpretation” (Omani, 1992, p. 38), to arrive at a set of research findings and recommendations which will enhance our understanding of Native-White relations in Saskatchewan and assist the contemporary political and legal position of the Dakota/Lakota First Nations within Saskatchewan.

Ethical Protocols Applicable to this Study

The application form entitled, “UNIVERSITY OF SASKATCHEWAN BEHAVIORAL ETHICS RESEARCH BOARD, Application for Approval of Research Protocol” was first filled out, reviewed, edited, and signed on April 18th, 2008 by Dr. Sheila Carr-Stewart, Associate Dean / Department Head, U of S, Department of Educational Administration. Included within the application form was the following documents: a Consent Form for Dakota/Lakota Elders Interview Process, an Interview Guide with six Questions, and a Data / Transcript Release Form. The application form was submitted to the U of S Behavioral Ethics Research Board on April 18th, 2008, reviewed on May 1st, 2008 and approved on May 24th, 2008.

In turn, due to the length of the application form entitled, “UNIVERSITY OF

SASKATCHEWAN BEHAVIORAL ETHICS RESEARCH BOARD, Application for Approval of Research Protocol” amounting to 13 pages, this application form is retained on file with the exception of the following: the Consent Form for Dakota/Lakota Elders Interview Process (See, Appendix A), the Interview Guide with six questions (See, Appendix B), the Data / Transcript Release Form (Appendix C), and the U of S Ethics “Certificate of Approval” Form (See, Appendix D). In addition, the Social Sciences and Humanities Council of Canada guidelines pertaining to ethical research, adhered by the U of S, were also adhered to for this study. For clarity, as was cited in the application form entitled, “UNIVERSITY OF SASKATCHEWAN BEHAVIORAL ETHICS RESEARCH BOARD, Application for Approval of Research Protocol” and restated in the Consent Form for Dakota/Lakota Elders Interview Process (See, Appendix A), the following is noted. Other than the offering of tobacco, no financial benefits were provided to each participant Elder in reference honorarium (cash or check payment). As for the offering of tobacco, Uhlik (2006) did note, “[w]hen a researcher seeks knowledge from an Elder, the researcher must offer tobacco or other appropriate gifts to symbolize that you [the researcher] are accepting the ethical obligations that go with receiving knowledge.”² This is adhering to a cultural norm within Aboriginal communities.

² Uhlik (2006), “*Ethical Guidelines and Principles for Doing Research with Aboriginal Peoples*” (p. 10). Retrieved March 29th, 2008: www.usask.ca/research/aboriginal_working_group/Downloads/AEWG-Principles-25-April-2006-FINAL.doc

CHAPTER TWO

Literature Review, Theoretical and Methodology Considerations

To satisfactorily address the topic posed, “Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada,” this chapter provides a review of the literature relating to the theoretical and methodological considerations to be addressed in undertaking this ethnographic research study. These include: (1) the traditional “Rankean approach” to the writing of history (Norton, 1994, p. 438, as cited in Stevenson, 2000, p. 45); (2) academic discussions of “Oral History” (Thompson, 1988); which is combined with (3) that termed within Western academia as “Oral Tradition” (Vansina, 1985); (4) “Dakota Oral Tradition” (Wilson, 2005); and (5) “Outsider vs. Insider Research” (Bartunek & Louis, 1996; Brayboy, & Deyble, 2000; Lomawaima & McCarty, 2002; Tuhiwai Smith, 1999). Concluding remarks are then offered for each of the above-mentioned topics.

Rankean History

The traditional “Rankean approach,” is named after Leopold von Ranke (1795 -1886) who pioneered techniques of empirical research and analysis of documentary sources and whose “ideas were often regarded as the beginning of ‘modern’ history” and viewed as being “objective” (Norton, 1994, p. 438, as cited in Stevenson, 2000, p. 45). The insistence of Ranke on objectivity in analysing primary and secondary written sources, including written transcripts of oral history (Mose, 1988, p. 10, as cited in Stevenson, 2000, p. 45), was until the mid-20th century perceived as the dominant approach to

writing academic history. Following this approach, once data from a written source was analyzed and presented as fact, it was then viewed as expressing an unbiased, objective scientific truth.

This scientific view of history was seen as superseding what academics termed “oral history” and “oral tradition.” A particularly graphic example of this sense of superiority was evidenced by “[t]he Lowie Debate (1914 –1917) [in which] anthropologist Robert Lowie [had written] a scathing critique against what he considered the uncritical use of oral testimony” of North American Aboriginal people by fellow anthropologists John R. Swanton and Ronald B. Dixon (Lowie, 1915, pp. 597-599, as cited in Stevenson, 2000, p. 29). Swanton and Dixon (1914, pp. 376-377) had conducted a field study on “pre-contact origins and migrations of linguistic stocks north of Mexico ... [while noting some stipulations, such as archaeological considerations] ... published ... their results in an article entitled ‘Primitive American History’ [noting] the use of oral history ... yielded valuable data” (as cited in Stevenson, 2000, p. 29). Lowie (1915, p. 599) took exception to the use of North American Aboriginal oral history data saying that “the assumed native ‘history’ is not history in our sense [it only provides] a starting point for linguistic, archaeology or other investigations [within Western academic]” (as cited in Stevenson, 2000, p. 30)

In other words, according to Lowie (1915, p. 599), Aboriginal groups within North America at the time had no method of documenting and transmitting their own cultural history. Even in Lowie’s time (1915), his view of the ability of Indian groups to record their history did not reflect the reality of the Dakota *Oyate*. For in centuries past and in contemporary times, the Dakota / Nakota / Lakota people have had instructional

approaches for teaching their children, such as storytelling (Wilson, 2005, pp. 27-29), which encompasses the methods of participant observation and direct involvement (Eastman, 1902, p. 51) to attain and retain “a good moral value” (Ross, 1989, pp. 189-190). These methods retain the historic perspective of how knowledge was transmitted in centuries past, as well as the continuing contemporary evolving history of the Dakota / Nakota / Lakota people (Eastman, 1902, p. 51; Ross, 1989, pp. 189-190; Wilson, 2005, pp. 27-29).

Further, the Dakota / Nakota / Lakota people in centuries past did have a symbolic system of writing, which is now termed within Western academia as “pictograph writing” (Sam Buffalo, Transcript Disc 12, page 4, Saskatchewan Archives Board, August 30, 1977; Jones, 1981, p. 2). In addition, the following contemporary Dakota academics, Eastman (1902, p. 115), Ross (1989, p. 51), and Wilson (2005, p. 32) have also mentioned and confirmed the existence of a “pictograph writing system” amongst the Dakota *Oyate*, specifically to assist with the educational process of transmitting their history, as this pertains to the methods of participant observation and direct involvement.

Furthermore, as of 1915, academics who were members of the Dakota *Oyate* had successfully moved from the methods of participant observation and direct involvement, which encompassed that of pictograph writing, in transmitting the history of the Dakota *Oyate* to the production of written text in the English language. The following, written by members of the Dakota *Oyate*, demonstrates the literature that was available to Lowie in 1915 to have taken into consideration (as this pertains to his previous comments cited):

- Eastman, cited as Santee – being of Dakota ancestry, *Wahpetonwan* (1893-1894), *Recollections of the Wild Life*;
- Eastman (1894), *Mythology of the Sioux*;

- Gertrude (nee Simmonds) Bonnin, cited as Yankton – being of Nakota ancestry, *Ihanktonwan* (1900), *An Indian Teacher Among Indians*;
- Eastman (1902), *Indian Boyhood*;
- Eastman (1903), *Hakadah's First Offering*;
- Eastman (1904), *First Impressions of Civilization*;
- Eastman (1911), *The Indian and the Moral Code*;
- Eastman (1911), *The Soul of the Indian: an Interpretation*;
- Eastman (1912), *The Song of the Birch Canoe*;
- Eastman (1914), *How to Make Wigwams and Shelters*; and
- Eastman (1914), *The Indian's Contribution to the Art of America*.

Thus, the above-mentioned sources written by members of the Dakota *Oyate*, prior to 1914, were published by contemporary presses such as *University of Nebraska Press*; *Popular Science Monthly*; *McClure, Phillips & Co. (New York)*.

In turn, since 1915, while there have been numerous books written by Euro-American and Euro-Canadian scholars about the Sioux, the following have been written by those of Dakota / Nakota / Lakota ancestry:

- Eastman (1915), *The Indian Today: The Past and Future of the First American*;
- Eastman (1916), *From the Deep Woods to Civilization*;
- Eastman (1920), *What Can the Out-of-Doors Do for Our Children?*;
- Standing Bear (1933), *Land of the Spotted Eagle*;
- Deloria (1932), *Dakota Texts*;
- Deloria (1944), *Speaking of Indians*;
- Deloria (1967), *Some Notes on the Santee*;
- Deloria Jr. (1970), *Custer Died for Your Sins: An Indian Manifesto*;
- Deloria Jr. (1973), *God is Red*;
- Deloria (1988), *Waterlily*;
- Ross (1989), *MITAKUYE OYASIN, "We are all related," America before Columbus, based on the oral history of 33 tribes*;
- Deloria Jr., (1991), *Indian Education In America*;
- Deloria Jr., (1991), *Commentary: Research, Redskins, and Reality*;
- Driving Hawk Sneve (1995), *Completing The Circle*;
- Deloria, Jr. (1997), *Red Earth, White Lies: Native Americans and the Myth of Scientific Fact*;
- Deloria Jr. (2004), *Marginal and Submarginal*;
- Cavender Wilson (2004), *Reclaiming Our Humanity: Decolonization and the Recovery of Indigenous Knowledge*;

- Wilson (2005), *Remember This! Dakota Decolonization and the Eli Taylor Narratives*;
- Wilson (2006), *In the Footsteps of Our Ancestors: The Dakota Commemorative Marches of the 21st Century*; and
- Wilson (2008), *What Does Justice Look Like? The Struggle for Liberation in Dakota Homeland*.

Considering the written sources by contemporary Dakota / Nakota / Lakota scholars, the question arises, “Why do scholars of Dakota / Nakota / Lakota ancestry who write documents that represent the views of our people still need to meet the criteria of objectivity from an academic Western perspective”? The following scholars of different Aboriginal groups worldwide have expressed a similar concern:

- Memmi (1965), *The Colonizer and the Colonized*;
- Freire (1970), *Pedagogy of the Oppressed*;
- Tuhiwai Smith (1999), *Decolonizing Methodologies: Research and Indigenous Peoples*;
- Clark (2004), *Not the End of Stories, Not the End of the Songs: Visualizing, Signifying, Counter-colonizing*; and
- Mihesuah (2004), *Academic Gatekeepers*.

Based on the above-mentioned, I can only concur with the following insight offered by Berkhofer (1988), which appears to continue to influence the thinking of many scholars of European ancestry within Western academia (Stevenson, 2000, pp. 29-32; p. 47; p. 50). Since the time of contact with the original inhabitants of North America, termed “Indian” by those of European ancestry, Europeans viewed this encounter as the “discovery of the New World” (Berkhofer, Jr., 1988, p. 522). This reflected a time of changing economic and intellectual thinking in Western Europe, when the concept of nationalism appeared within the emerging nation-states such as Spain, Holland, France, and England. Inspired by the “exploration of the non-European world” (Berkhofer, Jr., 1988, p. 522), with the use of the printing press, as well as images drawn by explorers describing foreign lands and inhabitants, this “expanded European knowledge of other

peoples and their ways of life” (Chiappeli, 1976; Honour, 1975; Bucher, 1981; Dickason, 1984; as cited in Berkhofer, Jr., 1988, p. 522). However, when America was added, “to the traditional tripartite division of the inhabited world, [Europeans] comprehended [the] new world in terms of their familiar conceptual categories and values” (Berkhofer, Jr., 1988, p. 522). This led to a theoretical perspective of the word in which Aboriginal people generally were referred to as the “other:”

The “Indian” is the Native – or original – American conceived and imagined as an “other.” In the paradigm of human understanding of other human beings according to race or ethnicity, it is the rule for the members of the self-designated in-group to divide themselves from those they categorize as an outgroup. The idea of the Indian was the classification of the original, native inhabitant of the western hemisphere as alien[ed] and other[ed] by fifteenth- and sixteenth-century Europeans and their descendants. In this paradigm, the others are understood as without, or at least deficient, in the virtues, traits, values, and habits self-consciously ascribed to the in-group by its members. Such withoutness or deficiency can be evaluated as good or bad, noble or ignoble, in the other’s behavior, outlook, and institutions, but always in contrast to the in-group’s artifacts, government, religion, and economy (Berkhofer, Jr., 1988, p. 522).

Within the above-mentioned “paradigm lay[s] the base[s] of the whole conception and understanding of the ‘Indian’ as the ‘other,’ from the time of first contact with Columbus [and other European explorers] to the present [date]” (Berkhofer, Jr., 1988, p. 522). This also explains why the Aboriginal people of North America, termed “Indian” (Settee, 2007, p. 1), were not granted citizenship within their own continent, until approximately 500 years after first contact with those of European ancestry in the late 1400s.³

Stevenson (2000) provides a summary of the following standards employed by those in Western academia who still profess to adhere to that termed as Rankean history:

³ The U.S.A. was the first in 1924 to grant citizenship to the Aboriginal people of North America, termed Indian (Hertzberg, 1988, pp. 306-307). Followed by Canada, who finally granted citizenship to the Aboriginal people of North America, termed Indian, in 1960 (Tobias, 1976, p. 51).

- Official Documents: Historical writing should be based on documents, preferably official records generated by governments and preserved in archives, because they are fixed and stable and can be tested;
- Testability: All sources should undergo evaluation to determine their validity which is usually done by way of comparing them to other sources;
- Objectivity: The historian's task is to provide the 'facts' as objectively as possible, or as Ranke put it in much quoted phrase, to tell an event "how it actually happened;"
- Causation: Historians strive to explain change over time;
- Precision in chronology: Serial time measured in linear dimensions and chronological sequence are vital in determining cause and effect – historians strive to provide an unfolding story that adheres to strict timelines;
- Historical writings presume and reinforce certain culturally determined values and canons like "truth," "fact," "objectivity" and "time;" and
- Precision in form: historical writings incorporate narrative and analyses, have a beginning, middle and end, and are well-documented (Burke, 1991, pp. 2-6; Prins, 1991, p. 119; Carr, 1976, p. 9; as cited in Stevenson, 2000, p. 46).

Stevenson (2000) suggests that these standards have hindered numerous North American Aboriginal scholars in expressing the methods by which they retain and transmit their own histories (pp. 5-12). From a Dakota perspective, I view these standards as adhering to the definition offered for the term "Clio," noted as "Myth, the Muse of history" (Random House Webster's Unabridged Dictionary: Second Edition, 2001, p. 387), which are best "culturally" defined by Diamond (1999) as the "Greco-Judeo-Christian tradition of critical empirical inquiry" (p. 410).

Fortunately, a new field of study has emerged since the mid-20th century, termed Ethnohistory, which started its own journal in 1953. It is now managed by the American Society of Ethnohistory (Hagan, 1997, p. 30). Ethnohistory was established by anthropologists and historians (Hagan, 1997, p. 31) in response to the demand for "revisionism [due to an] increased activity in the field brought on by the need for expert testimony for cases before the Indian Claims Commission [in the U.S.A.]" (Hagan, 1997, p. 30). The two academic disciplines of anthropology and history, encompassing

“Ethnohistory” as an interdisciplinary approach (Hagan, 1997, pp. 30-31) can be credited for allowing the space required within Western academia for Aboriginal people within North America to now be able to express their view of the appropriate methods for perceiving, retaining, and transmitting their own cultural history. For example this research study, being presented from a Dakota cultural theoretical perspective, encompasses the fundamental belief that there is “no real separation between humanity, nature, and supernature” (Samovar, Porter, & Jain, 1981, p. 67). While I cannot speak for other Aboriginal people of North America I can assert that my people, now known in linguistic terms as Dakota, Nakota, and Lakota continue to maintain a connection to our worldview, best articulated in the Dakota term, *Mitakuye Oyasin*, “We are all related” (Ross, 1989, preface I), with the use of a prayer pipe, as described by Brown (1953):

In filling a pipe, all space (represented by the offering to the powers of the six directions) and all things (represented by the grains of tobacco) are contracted within a single point (the bowl or heart of the pipe), so that the pipe contains, or really is, the universe. But since the pipe is the universe, it is also man, and the one who fills a pipe should identify himself with it, thus not only establishing the center of the universe, but also his own center; he so “expands” that the six directions of space are actually brought within himself. It is by this “expansion” that a man ceases to be a part, a fragment, and becomes whole or holy; he shatters the illusion of separateness (p. 21).

Lame Deer (1972), of Lakota ancestry, shares the same view:

As we stand on grandmother earth, raising our sacred pipe in prayer, its stem forms a bridge from earth through man through our bodies, to Wakan Tanka, the grandfather spirit. As the pipe is filled with our sacred red willow bark tobacco, each tiny grain represents one of the living things on this earth. All of the Great Spirit’s creations, the whole universe, is in that pipe (p. 250).

Specific to the quotes offered by Brown (1953) and Lame Deer (1972), the following is cited as this pertains to the study of social science research, “[b]ased on the assumptions and definitions pertaining to the tools of science [t]he prayer pipe [is] used as [an]

instrument [by the Dakota / Nakota / Lakota people] to conduct the methods referred to as prayer and meditation” (Omani, 1992, p. 135) and through this process the Dakota / Nakota / Lakota people become aware “by means of virtue and intuition” (Omani, 1992, p. 137) that they are in effect continuing to maintain a connection with their cultural worldview of harmony between man, nature, and supernature (Samovar, Porter, & Jain, 1981, p. 67), as expressed in the Dakota word, *Mitakuye Oyasin*, “We are all related” (Ross, 1989, preface I).

“Virtue and intuition” verify the knowledge of the Dakota / Nakota / Lakota people in continuing to maintain a connection with their cultural worldview of harmony between man, nature, and supernature, with use of a prayer pipe. The term “virtue” is defined by the Webster’s College Dictionary (1991) as “conformity of one’s life and conduct to moral and ethical principles” (p. 1489). Further, it has been mentioned that intuition “knowledge that comes from oneself, the form of knowing called feeling” (Samovar, Porter, & Jain, 1981, p. 92) is another acceptable way of gaining knowledge. This contrasts with the more dominant view of gaining knowledge by contemporary Western culture, generally referred to as “empiricism” (Samovar, Porter, & Jain, 1981, p. 92).

As Samovar, Porter, and Jain (1981) say, “Advocates of intuition believe that empiricism is unreliable. They suggest that true knowledge can come only from one’s self” (p. 92). This is reflected by the Dakota / Nakota / Lakota people’s use of the prayer pipe as the instrument for the methods referred to as prayer and meditation, in the effort to “bridge,” in other words, to “link,” and to “mirror” – meaning to put on paper an explanation of the information that a Dakota / Nakota / Lakota person is seeking by

means of “virtue and intuition” (Omani, 1992, pp. 137-142). This is done while in the process of continuing to maintain a connection with their cultural worldview of harmony between man, nature, and supernatural, for all are created by *Wakantanka* [the Creator] and from a Dakota theoretical perspective are considered “kin,” as articulated in the Dakota word, *Mitakuye Oyasin*.

Now one may ask, where would the Dakota cultural theoretical discussion just offered find its place within Western academia per say? To answer the question posed, I, hereby state: within the emerging discipline referred to as “New Indian History” (Hagan, 1997, pp. 34-40), also being referred as Native Studies, Indian Studies, Aboriginal Studies, First Nation Studies, and Indigenous Studies. In retrospect, Wilson (2005) also being of Dakota ancestry and having earned a PhD in History from Cornell University (U.S.A.), within her book entitled, *Remember This! Dakota Decolonization and the Eli Taylor Narratives*, published by University of Nebraska Press, has noted the following standards to be adhered to by Dakota historians:

- The first and primary responsibility of a Dakota historian has always been to “tell it straight;”
- The goal of Dakota historians is not to collect data from every available source on a given topic or event but to make sure that the Dakota perspectives entrusted to them are preserved and transmitted; and
- Rather than trying to disprove other theories about history, Dakota historians often begin with the basic supposition that every perspective will be different (p. 42).

As for the Dakota standards mentioned above, which pertain to an aspiring Dakota historian such as myself, Wilson (2005) states, “these Dakota concepts of history are based on its orality and the worldview inherent in the language” (p. 42). These are the standards that I did keep in my heart and adhered to while researching and presenting the results for this doctoral study.

In concluding this portion of the discussion, the following is noted. The revisionist perspective within Western academia advocated by Ethnohistory beginning in the 1950s challenged the traditional Rankean approach to writing history. From this revisionism a number of new disciplinary approaches emerged, known variously as New Indian History, Native Studies, Indian Studies, Aboriginal Studies, First Nation Studies, and Indigenous Studies. Since the Dakota cultural theoretical perspective I have offered, as well as the Dakota standards noted by Wilson (2005, p. 42) are in their emergent stage, where appropriate I drew from scholarship in the new disciplinary areas noted above. I also argue in this chapter that all historical accounts, whether constructed through the traditional “Rankean approach,” or through “empiricism,” or “by means of virtue and intuition” actually are all characterized by cultural relativity. The following definition is offered for cultural relativity, “a concept that cultural norms and values derive their meaning [from] within a specific social context” (Random House Webster’s Unabridged Dictionary, Second Edition, 2001, p. 488).

Oral History & Oral Tradition within Western academia

While Oral History and Oral Tradition are viewed as acceptable within social science research, to date, these terms have not found a specific discipline to call home to establish a clear theoretical perspective. Both are viewed as methods through which data can be drawn, the dilemma remains that depending upon which discipline (be this anthropology, sociology, history, or education, etc.) a study undertakes to employ these concepts, the discipline determines the theoretical perspective of the study. Each discipline has its “own theoretical vision, goals, and standards for internal criticism” (Stevenson, 2000, p. 33), which are applied to Oral History & Oral Tradition. Upon review of the literature,

written mainly by scholars of European ancestry, including Henige (1982), Lewis (1987), Moss (1988), Prins (1991), Thompson (1988), Tonkin (1992), and Vansina (1985), the following is suggested for those seeking a clear definition pertaining to Oral History and Oral Tradition:

- Oral History is comprised of stories of significant events such as: migrations, wars, epidemics and various major socio-economic events (Thompson, 1988).
- Oral Tradition is comprised of stories which are viewed as folklore, in reference to legends, myths and sacred stories (Vansina, 1985).

Further, the following perspective is also offered for consideration to those students of Euro-American and Euro-Canadian ancestry. To create ad-hoc subcategories, such as life history, family history, personal oral narratives pertaining to one's work place, etc. only adds to the confusion. For these topics could easily be addressed as subheadings under that termed as "Oral History" (Thompson, 1988) and "Oral Tradition" (Vansina, 1985).

Dakota Oral Tradition

While Oral History (Thompson, 1988) and Oral Tradition (Vansina, 1985) are generally viewed as separate within Western academia, Wilson (2005), being of Dakota ancestry, has offered the following theoretical interpretation for these two concepts. She noted from a Dakota perspective, "the definition of oral history is contained within that of oral tradition" (p. 27). To add clarity to her statement, Wilson (2005) noted:

For the Dakota and, I suspect, for many other Indigenous nations, "oral tradition" refers to the way in which information has been passed on rather than the length of time something has been told. Hence, personal experiences, pieces of information, events, incidents, and so forth can become a part of oral tradition at the moment they happen, or the moment they are spoken of (p. 27).

In other words, amongst our Dakota *Oyate*, while there is clear understanding of the difference between that considered as "folklore," and that considered as "historical truth,"

as this pertains to various stories that are told, it is the method of how these stories are passed on, not the context pertaining to a specific time period that is important. That which is considered “historical truth,” could also be viewed as “sacred truth.” This is reflected in what is presented and discussed within this research document pertaining to the Dakota oral stories as passed on to me by my late mother, *Mahpeya Ku Win‘yan* (Edith Omani), as well as my late uncle Archie Waditaka, and other Dakota / Nakota / Lakota Elders from the U.S.A. and Canada. Specifically, as for why I am placing on paper the Dakota oral history stories as passed on to me, the following is noted. I have now reached the age of 55 winters and as the old ones would say, I need to pass the knowledge gained from the Dakota Oral Tradition as reflected within this text, to our younger generation.⁴

An example of that considered as “folklore” by our Dakota / Nakota / Lakota people are the legends of *Iktomi*, the spider, known as a trickster amongst our Dakota *Oyate*. There is one legend that is told by all the seven original bloodlines of Dakota *Oyate*, from as far south as Nebraska, U.S.A. to as far north as Alberta, Canada about *Iktomi*, the spider, and the “Dream Catcher.” While *Iktomi* is considered as a trickster, *Iktomi* he is also considered as a protector. What is commonly known as the “Dream Catcher” is actually considered to be the web of *Iktomi*, the spider. And when someone is having a lot of nightmares, if a “Dream Catcher” is hung over where they sleep, *Iktomi*, the spider, will allow all the good dreams to pass through the “Dream Catcher,” but will capture all the bad dreams and will not allow any of the bad dreams to flow through, thus allowing the adult or child, who was experiencing a lot of nightmares, to be able to

⁴ As for why I have decided to record my age, this alerts our Dakota / Nakota / Lakota people that I have now reached the age where I can share such stories, but equally I am now able to place them on paper for our younger generation of Dakota / Nakota / Lakota scholars in time to reflect upon.

sleep well. Additional stories pertaining to Iktomi can be found in the book entitled, *Iktomi and the Ducks and other Sioux Stories*, by Zitkala-Sa (2004), translated as “Red Bird” also known as Gertrude (nee Simmons) Bonnin, Yankton – being of Nakota ancestry, *Ihanktonwan* (1876-1938).

An example of that considered as “historical truth” and also viewed as “sacred truth” by our Dakota / Nakota / Lakota people is a story shared by all the seven original bloodlines of Dakota *Oyate*. This pertains to one group of the *Ihanktonwanna* (Little Dwellers at the Very End), who gathered within a large camp-circle many years ago, which encountered a massive smallpox epidemic. This massive smallpox epidemic, it is told, and which I heard from my late mother, swept through the camp very quickly, taking the lives of the majority of the adult population. With very few young adults surviving, the older adults, the grandparents, told the very few young adult survivors to take the healthy children and to move north to the farthest region of our Dakota *Oyate* indigenous homeland. As the years passed, a story was shared within each camp of seven original bloodlines of Dakota *Oyate*, of this one group of *Ihanktonwanna* (Little Dwellers at the Very End), from the far north who spoke very quickly and in a high-pitched voice. Thus, it was said, this was the group that had grown-up with very few adults, and because of this, had not lost their adolescent high-pitch voice and rapid sound of speech. This is the group that has come to be referred to as the Stoney within Western academia. In support of this Dakota oral history story as told to me by my late mother, the following is now noted. Dakota Elder Cliff Tawiyaka of Standing Buffalo Dakota Reserve did mention to me an oral history story he heard as a young man about the Stoney and smallpox (personal communication, June 1, 2008. U of S, Field Notes recorded by Leo J.

Omani). Hence, as for validity with regard to the “historical truth,” also viewed as “sacred truth” by our Dakota / Nakota / Lakota people, as this pertains to the story of the Stoney, the book by MacEwan (1969), *TATANGA MANI, Walking Buffalo of the Stonies*, verifies the migration of the Stoney due to smallpox (p. 22). Why the “historical truth of this story” is also viewed as “sacred truth” by our seven original bloodlines of Dakota *Oyate*, is because the Stoney were able to survive the germ known as smallpox, considered as an evil spirit by our Dakota *Oyate*, for which our traditional healers, at the time smallpox arrived with those of European ancestry, had no knowledge of how to combat the germ. Interestingly, Vitebsky (2001) mentions that the Shaman of Siberia also considered smallpox as an evil spirit, noting “[m]ost shamans were unable to fight alone against the spirit of smallpox, which charged them in the form of a huge red bull” (p. 77).

In concluding the discussion for this topic, the following is noted. Having provided an insight to that termed as Dakota Oral Tradition, there are other Dakota oral history stories discussed within this text, which in effect validate the importance of Dakota Oral Tradition as a significant source for this study.⁵

Outsider vs. Insider Research

There continue to be strongly opposed opinions and heated debate with regard to the methodological rigour and value of “Outsider” and “Insider” research in the social sciences. These debates present challenges that many individuals of Aboriginal ancestry must address in their academic studies. For myself I must ask, How can a Dakota person address the concerns and debates with regard to the concepts and value of Outsider vs. Insider research, while conducting research with my own people, who are members of

⁵ It has been noted by Isaac (2004, p. 9) that “[t]he laws of evidence must accommodate Aboriginal oral history and place it on an ‘equal footing with the types of historical evidence that courts are familiar with’” (*Delgamuunkw v. B.C.*, [1997] 3 S.C.R. 1010, *supra* note 3 at para. 87).

the Dakota *Oyate*? In this case, these are those known in linguistic terms as the Dakota and Lakota residing within the province of Saskatchewan, who have agreed to participate in this study.

To answer the above question, a critique of the literature with regard to debates over the relative merit of “Outsider vs. Insider research” was conducted. Through this process of examining the literature I was then able to define the terms and describe the debates surrounding the concepts and value of the different research techniques. This allowed me to address the challenges posed by the literature and to articulate my own position in the debates, for the benefit of conducting this research study with my own people, who are members of the Dakota *Oyate*, specifically the Dakota and Lakota within the province of Saskatchewan.

The Definitions offered for the Concepts of “Outsider vs. Insider” Research

The definitions for “Outsider vs. Insider” research, often referred to by contemporary Western culture as “etic” [Outsider] and “emic” [Insider] (Fetterman, 1989) continue to be debated with regard to their strengths and weaknesses within the research process (Hendrickson-Christensen & Dahl, 1997; Lomawaima & McCarty, 2002). In providing a definition for “Outsider” research, Hendrickson-Christensen & Dahl (1997) noted that the “Outsider” report has generally been characterized as being objective and is derived from the positivist paradigm, which uses quantitative methods of collecting data that are viewed as being value-free or value-neutral (pp. 2-7). Within this paradigm, it is assumed that “reality is context free; that it lies outside of both the researcher and the participant, [and that it can only] be recorded and understood by trained research personnel” (p. 7). A definition of “Insider” research according to Hendrickson-Christensen & Dahl (1997) is

that the “Insider” report has generally been viewed as being subjective and is drawn from the interpretive paradigm that uses qualitative methods of data collection (pp. 2-7), which focus “on understanding, meaning, and action” (p. 7), instead of “explanation, prediction, and control” (Holstein & Gubrium, 1994). Researchers who utilize this interpretive paradigm, as well as qualitative methods to generate data, “question the belief that science is value neutral and the idea that the researcher and the participant must maintain a prescribed distance from one another” (Hendrickson-Christensen & Dahl, 1997, p. 7).

New paradigms of thought on the research process have recently emerged in critical and feminist theory, postmodernism, multiculturalism, and studies of participatory and action research (Merriam & Johnson-Bailey et al, 2001), as well as research into Indigenous ways of knowing with regard to theorizing, observing, analyzing, and generating creative solutions (Lomawaima & McCarty, 2002). These insights are now fuelling the debate and are framing the understanding of the issues surrounding “Outsider vs. Insider” research. The following authors offer new insights into issues concerning “Outsider vs. Insider” research in relation to studies across cultures (Merriam & Johnson-Bailey et al, 2001). Within this new framework, a number of criticisms have arisen that need to be addressed and taken into consideration when considering these research methodologies (Hendrickson-Christensen & Dahl, 1997).

The Current Debate with regard to the Definitions of “Outsider vs. Insider” Research

The first article to be presented illustrates how polarized the definitions of “Outsider vs. Insider” research have become. In the article, “Rethinking research dichotomies,” the authors contend that artificially created research dichotomies have limited the full exploration of studies in family science research. The dichotomies, which include the use

of such terms as “insider vs. outsider viewpoints,” “objectivity vs. subjectivity,” as well as “quantitative vs. qualitative methods,” have resulted in the unnecessary and inaccurate polarization of family science research (Hendrickson-Christensen & Dahl, 1997, p. 1).

The authors argue that dichotomies in family research should not exist and that by conceptualizing research abstractions as points on a continuum, a more flexible conceptualization of the methodological issues will result (pp. 1-14). In their concluding remarks, Hendrickson-Christensen & Dahl state:

freedom comes in part from the ability to challenge created hierarchies as we move from the conceptual limitations of dichotomies to the flexibility of continuum. In this way, we are less restricted by a particular methodological approach and more open to unexpected, serendipitous discoveries (p. 14).

Jacobson and Ziegler (1998) in their article describe how two very different conclusions are arrived at with regard to the same research question, by utilizing outsider and insider approaches. It demonstrates that the biased and incomplete data collected by an outsider researcher resulted in faulty conclusions. The article written by Jacobson & Ziegler entitled, “Insider and Outsider Perspectives in the Anthropology of Science: A Cautionary Tale,” reviewed what had occurred in the process of developing a secret American nuclear surveillance program [in 1947, due to the concern that the Soviet Union might wage an atomic war] (pp. 361-362). In this situation, the concepts of “Outsider vs. Insider” research become more complex when the Outsider misunderstood the data that had been provided by an Insider. Such is the case in point as put forth by Jacobson & Ziegler (1998), who mentioned:

understanding categories in terms of which people act is the basic tenet of anthropological research ... yet analysts (social scientists and others) often do not address the content [of natural] science, thus, ignore a significant aspect of the conceptual framework [of how] scientists [within the field of natural science, think and] act (p. 361).

While much of the data about the atomic bombs that were dropped at Hiroshima and Nagasaki in 1945 remains shrouded in secrecy, university scientists published articles openly in scientific journals describing the measurements of the effects, such as seismic and sonic pressure, changes in atmospheric conductivity, and increases in airborne radioactivity, which became the basis for media reports about the atomic bomb. Thus, the media created the public belief, which was accepted even by the administrators of the American secret nuclear surveillance program, that the atomic bomb could be easily detectable at great distances by measuring radioactivity in the atmosphere, which was not the case (Jacobson & Ziegler, 1998, pp. 362-376). The authors noted:

Two conceptual structures that differ significantly in scientific content are evident in this case: the interpretations and conclusions made at the time by administrators (and later echoed by historians) and those of scientists [in the field of natural science] who participated in the events recounted. Both groups were involved in the development of the surveillance system, but they differed in their ability to include the pertinent science in their analyses, a difference that was due partly to their differing capabilities to understand science and partly to government-imposed secrecy and compartmentalization (Jacobson & Ziegler, 1998, pp. 376-377).

The authors conclude by stating: “We thus offer this as a cautionary tale that illustrates the extent to which an interests-oriented ‘outsider’ analysis can go astray when it is uncoupled from a thorough understanding of the science that informs the ‘insider’ perspective” (Jacobson & Ziegler, 1998, p. 377).

Rubio (2004) demonstrates that the same conclusion can be reached when researchers become engaged within a number of paradigms of thought, and incorporate these in both “Outsider” and “Insider” research. His article “Heteroglossia, Hybridity, and Mexicanos,” reviews two books, one by Gonzalez (2001) entitled, *I Am My Language: Discourses of Women and Children in the Borderlands*, and the other written

by Schechter & Bayley (2002) entitled, *Language as Cultural Practice: Mexicanos en el Norte*. Within the article, Rubio (2004) expresses concern about a high drop out rate amongst the Latinos in schools within the U.S.A. (p. 35). He then confirms that Gonzalez (2001) presented the findings in her book from an insider's perspective, while Schechter & Bayley (2002) presented their findings from an outsider's perspective (p. 40). Given that English is the dominant language in the U.S.A., the two research projects reviewed confirmed the existence of the concept of hybridity by Mexicanos residing in Arizona, Texas, and California. Specifically, the studies confirmed how family choices regarding language are influenced by the language policies in schools at some level and are also influenced by how Mexicanos are perceived by the larger U.S. society, meaning that Spanish is perceived as devalued in the post-modern society of the United States. It was noted that the authors of both books, did incorporate paradigms such as postmodernism, anthropological linguistics, and critical theories and while they used different research techniques, it was verified that their findings were quantitatively and qualitatively similar. Both studies, using varied methods, confirmed that linguistic and cultural identity are intricately linked (Rubio, 2004, pp. 35-40). Based on the research finding of the two studies, Rubio (2004) concluded, "Some empirical researchers may argue that linguistic research is superfluous and not pragmatic within the functionalism of U.S. meritocratic classrooms. However, the facts are that functional classrooms are largely failing underrepresented, low-income minorities in this country" (p. 40).

By combining the views of "Outsider" and "Insider" research, McDonough and McDonough (2001) demonstrate that theory-driven analysis alone cannot answer certain aspects of interpretative inquiry. In "Composing in a Foreign Language: An Insider-

Outsider Perspective,” they studied the composing processes of the modern Greek language by one individual, in this case the learner from two different perspectives, that of “the researcher [outsider] and that of the writer [insider]. The researcher [outsider] used established typologies to examine the data while the writer [insider] produced a ‘thick’ analysis of the same material” (McDonough & McDonough, 2001, p. 233). The study focused on the different awareness of the processes and strategies rather than on the details of the language used. The data was collected over a period of five months with “the use of a tape-recorder” (McDonough & McDonough, 2001, p. 233). From this study the authors put forth the argument that the combination of outsider and insider analysis can offer a richer description than the use of one source alone, for it provides both explanatory categories and a contextualized autobiographical account of the study. In addition, the learner’s own analysis can serve to generate hypotheses or research questions (McDonough & McDonough, 2001, pp. 233-245). The authors conclude by noting, “many of the insights afforded by coding the protocols⁶ are confirmed by the writer’s own interpretation of the data; that interpretation in turn demonstrates how connections and explanatory links are missed by relying on the theory-driven analysis alone” (McDonough & McDonough, 2001, p. 245).

The complexity of current “Outsider vs. Insider” research, within one’s own and across cultures, is described by Merriam & Johnson-Bailey et al (2001) within their article, “Power and positionality: negotiating insider/outsider status within and across cultures.” The authors noted that early discussions of insider vs. outsider status assumed the researcher was either one or the other and each status had afforded its own advantages

⁶ Protocol “an original draft from which a document is prepared” (Webster’s College Dictionary, 1991, p. 1089).

and disadvantages (p. 405). More recent discussions have uncovered the complexity inherent within each status, and have established that the boundaries of the two positions are not all clearly delineated when researching within and across cultures. The article cites four case studies: a Black woman interviewing other Black women, Asian graduate students in the U.S.A. interviewing other individuals from back home, an African professor learning from African businesswomen, and a cross-cultural team studying the topic of aging within a non-Western culture - to explore the complexities of researching within and across cultures (p. 405). Further, it was cited that approaches from critical and feminist theory, postmodernism, multiculturalism, participatory and action research, are now framing the understanding of insider/outsider issues. The authors also claim that the reconstructing of insider/outsider status in terms of one's position, in reference to race, class, gender, and culture, now offers better tools to understanding the dynamics of research within and across one's culture. The authors presented their comments as this pertained to the concepts of positionality, power, and representation, and found these to be useful in exploring insider/outsider dynamics within and across cultures (pp. 405-415):

What an insider "sees" and "understands" will be different from, but as valid as what an outsider understands The views of both insider and outsider must be accepted as legitimate attempts to understand the nature of "culture." We would argue that drawing from contemporary perspectives on insider/outsider status, that in the course of a study, not only will the researcher experience moments of being both insider and outsider, but that these positions are relative to the cultural values and norms of both the researcher and the participants (Merriam & Johnson-Bailey et al, 2001, pp. 415-416).

In their closing comments, the authors concluded that their fieldwork experiences "revealed multiple insider/outsider positionalities and complex power dynamics, factors bearing on knowledge construction and representation in the research process" (Merriam & Johnson-Bailey et al, 2001, p. 416).

The political nature of “Outsider” and “Insider” research with respect to American Indian people is explored by Brayboy & Deyble (2000), “Insider-Outsider: Researchers in American Indian Communities.” According to these authors, all research, by its very nature, is political (p. 164). They assert that the political nature of conducting research, whether it be in the corporate boardroom, a classroom, or in a local community, has to be more extensively examined by the researchers who conduct it. They acknowledge that there are times when participants exclude “outsider” researchers from “insider information,” due to a belief that the “outsider” researcher is unworthy and/or cannot be trusted. They stress that Indigenous people, both researchers and participants, are the ones who control the process of gaining, analyzing, and presenting “good data” which examines their lives. The authors do not put forth the claim that only Indigenous people can conduct research with American Indian people. Rather, they take the position that those who conduct research with Indigenous people must be aware of their positionality (Brayboy & Deyble, 2000, pp. 164 –168). They conclude by stating, “researchers in these communities must guard against the imposition of methods of collecting, analyzing, and reporting ‘facts’ in ways that are not culturally sensitive and that fail to safeguard the lives of the people they study” (Brayboy & Deyble, 2000, p. 168).

Lomawaima & McCarty (2002) in “Reliability, Validity, and Authenticity in American Indian and Alaska Native Research,” discuss the politics of conducting research within Aboriginal communities and argue that “the constructs used by scholars across the physical, natural, and social sciences to evaluate research quality -- as objective, reliable, valid, generalizable, randomized, accurate, authentic -- are not value-

free or apolitical” (p. 1). Further, Lomawaima & McCarty (2002) noted “these constructs all require the utilization of ‘human judgment,’ which Westmeyer (1981) insists is inevitably affected by one’s cultural norms and values” (p. 1). The authors assert that the use of these constructs, in the assessment of a given research situation that pertains to a minority and/or marginalized peoples, requires the exercise of extraordinary judgment and such assessment cannot alone be based only on Western notions of scientific orthodoxy. Furthermore, in the case of American Indians and Alaskan Natives, there also needs to be considered a separate set of criteria that advances the interest of sovereignty. In this case, the authors describe sovereignty as being the inherent rights of Indigenous groups to “self-government, self-determination, and self-education” (pp. 1-2).

Lomawaima & McCarty (2002, p. 3) go on to state:

local evaluations of authenticity, whether dependent on research subject or research investigator, should be respected in accord with the principle of self-determination, even as the researchers struggle to work out their often anomalous positions as “insider,” “outsider,” or some combination of both (Brayboy & Deyble, 2002).

Thus, Indigenous ways of knowing with regard to observing, analyzing, theorizing, and generating creative solutions, need to be given due consideration within the research process (Lomawaima & McCarty, 2002, p. 3). The authors conclude by asserting that “the political context of educational research can make the difference between a project that serves Native community and strengthens sovereignty or actively undermines both [u]ltimately, judgments about research quality in Indian education most productively belong in Indian country” (Lomawaima & McCarty, 2002, p. 4).

In debating the politics of “Outsider vs. Insider” research, Munro (1994), “Who ‘Owns’ Pacific History?” raises two questions: first, “who, if anyone, is better qualified

to write Pacific history?” and second, “who, if anyone, is more entitled to do so?” (p. 232). The author then discusses the Insider/Outsider debate, and presents his view that Pacific studies have been “dogged by an unconstructive and simplistic duality whereby insiders are equated with indigenous people and outsiders with expatriates” (pp. 232-233). This scholar goes on to mention, “the real argument, however, is not intellectual but, rather, is located in the political contexts which structure the production and application of knowledge” (p. 233). Munro then noted “the arena changes from an academic to a public one ... the past becomes contested in different ways ... [h]istory then ceases to be a spectator event ... and assumes more the character of a blood sport” (p. 233). The author concludes by stating, “both ‘insiders’ and ‘outsiders’ ... have contributions to make, and there are better things to do than become embroiled in those squabbles over who, if anyone, has a greater claim to teach and write Pacific history” (Munro, 1994, p. 237).

The following offers a guide for individuals of Aboriginal ancestry, as this pertains to “Outsider vs. Insider” research. Tuhiwai Smith (1999), *Decolonizing Methodologies: Research and Indigenous Peoples*, noted that Indigenous research approaches problematize the insider model in different ways for there are multiple ways of being an insider, as well as an outsider, in Indigenous contexts (p. 137). The author goes on to state that insider research:

needs to be as ethical, respectful, as reflexive, and critical, as outsider research. It also needs to be humble. It needs to be humble because the researcher belongs to the community ... with a different set of roles ... relationships, status, and position (Tuhiwai Smith, 1999, p. 139).

It was also mentioned that building and/or adhering to an existing support structure could mediate the complexities of an insider research approach since Indigenous communities

have a governance organization that can be relied on. The Indigenous researcher has to also have the skill to clearly define research goals and “lines of relating,” which are specific to the project and somewhat different from their own family networks. Further, the insider researcher also has to have the ability to define closure, the skill of being able to say “no,” and when to say “continue” (Tuhiwai Smith, 1999, pp. 137-139).

Achebe (2002), “Nwando Achebe – daughter, wife, and guest – a researcher at the Crossroads,” investigated the methods of historical fieldwork and the problems, contradictions, and dilemmas embedded within “Outsider/Insider” research. The author evaluated that of personhood, the interaction between the political, intellectual, and the cultural context of being an insider/outsider researcher, plus “the significance of identity creation and the comprehension of a more complex understanding of African women’s, as well as gendered histories” (p. 1). The author also discussed a number of the dilemmas encountered in conducting the research; how best to interact and dialogue with fearful collaborators, the assessment of different collaborative approaches, confronting personal and community sensitivities, including that of silence, as well as in having to interview male collaborators about women (pp. 1-18). The author concludes by asserting her belief that both outsider and insider views are legitimate, noting: “I implore all researchers to embark upon processes of honest self-interrogation -- assessing their personal agendas and motives -- as insights garnered about can, and often times do, greatly affect the outcome of research and evaluation of evidence” (Achebe, 2002, pp. 18-19).

Power and Roberts (1999), “Actually Globally by Thinking Locally -- A Postcolonial Partnership,” do not speak directly to “Outsider vs. Insider” research, but offer insight on being an “Outsider and Insider” in an Aboriginal setting. In a discussion

with regard to the success of the Minimbah Aboriginal Preschool in Armidale, New South Wales, Australia, Keith Power, having worked with Dianne Roberts for a number of years, as well as having interviewed Roberts, writes the article. Thus, Power mentioned that the success of the Preschool is in large part due to Roberts knowing her communities and her place in them, specifically that of kin knowledge. However, Power noted that Roberts does not view herself as an “insider” or an “outsider.” Instead, she switches from one to the other depending on the community she is dealing with at the time. Power also commented that Roberts is related to many local Aboriginal people, and she asserted that detailed local knowledge of the community is required for successful leadership at the local level (pp. 1-7). According to Power, Roberts reflects on the universality of Indigeneity and how she has been influenced by other Indigenous peoples in New Zealand, Canada, and the United States. One of the “concepts” she learned in traveling to other locations, where Indigenous peoples reside throughout the world, was that of the “language nest” from the Maori people of New Zealand, which Roberts transformed and renamed as the “cultural nest” for her Preschool, which was accomplished by first gaining approval from the community and in seeking parental involvement (pp. 9-11).

The following provides another view of the complexity with regard to the concepts of being an “Outsider” and “Insider” within the current political debate of Aboriginal educational empowerment. The article by Stair (1994), “Education as a cultural activity: stories of relationship and change,” mentioned having gone “through tragic decades of government – and/or church – dominated Aboriginal education openly geared to assimilation ... educators have been wrestling with issues of ‘Indian control of

Indian education' since the milestone declaration of the National Indian Brotherhood in 1973" (p. 2). The author contends that the issues are complex and go beyond the dichotomy of "inside" Aboriginal control versus "outside" domination. The author asserted that since the conjoining of Native and intruding cultures, Aboriginal education cannot be approached from either cultural perspective alone. To justify her stated position, the author mentioned she had assessed five stories that fall within the context of Aboriginal education (Stair, 1994, p. 2), and found that:

the most significant aspect of this group of articles is that collectively they offer multiple levels of focus on Aboriginal educational development. Experience shows us that no single dimension -- political, pedagogic, linguistic, socio-psychological, or otherwise -- is the answer to understanding or negotiating Aboriginal education (Stair, 1994, p. 3).

The author concluded by claiming, "these insights lead us into dynamics of the 'conjoining' of Native and intruding cultures with which we began, the creative third element of biculturalism, through which both Aboriginal and Western peoples mutually have much to give and to gain" (Stair, 1994, p. 5).

Interestingly, another perspective to "Outsider vs. Insider" research is offered by St. Denis (1992), "Community-Based Participatory Research: Aspects of the Concept Relevant for Practice." For clarity, St. Denis (1992) mentions that this is "qualitative methodology that emphasizes respect for the individual and a commitment to social change" (p. 51). The author states that "[k]nowledge produced by social science is a powerful and effective means to influence decisions about people's everyday lives" (Guyette, 1983; Hall, 1979; Reinhartz, 1979; as cited in St. Denis, 1992, p. 51). However, she claims that who controls the process predicts whether the research is supportive or detrimental to the people (p. 52). St. Denis (p. 52) then asserts that the research

methodology known as Community-Based Participatory Research (CBPR), “suggests a way in which communities without socio-political power can use social science research to support their struggle for self-determination by gaining control of information that can influence decisions about their lives” (Bopp and Bopp, 1985; Guyette, 1983; Hall, 1979; Stull and Schensul, 1987). In her review of the literature, St. Denis (1992) claims that four alternative qualitative research methodologies are interconnected with CBPR, “feminist research, action research, critical theory research and participatory research” (p. 53). The author credits Bopp (1985) in having coined the term “Community-Based Participatory Research” (St. Denis, 1992, p. 57) and adds that he was “committed to developing a research process that enabled Native communities to use the ‘knowledge which is an essential part of their culture to develop community programs appropriate to the community’” (St. Denis, 1992, p. 57). Further, the author notes CBPR as having two capabilities. First, it can “help create a mirror by which a community can see its own eyes, that is, its own wisdom and knowledge” (Bopp, p. 1; as cited in St. Denis, 1992, p. 57). Second, CBPR can help a “community integrate cultural wisdom with academic knowledge” (Bopp, p. 1; as cited in St. Denis, 1992, p. 57).

In addition, St. Denis (1992) provided a set of guidelines pertaining to CBPR (pp. 66-68), which are summarized here:

- CBPR research takes time [for] time needs to be set aside for everyone in the research process, researcher and community alike, to get to know each other; and time is needed to allow all opinions, some in conflict with each, to be heard;
- CBPR is more an interpersonal than a technical process because of its emphasis on involving people and eliciting their opinions. CBPR is a human exchange;

- CBPR is very much about developing trustworthy relationship between all participants [involved] in the [research] process [as this pertains to the leadership of the community, the research participates, and the researcher];
- In CBPR, one must be sensitive to the leadership in the community, and ensure that all the appropriate people are properly involved [as this pertains to community consultations in: (1) having the research study approved at the community level; (2) the approach to be adhered as this pertains to the data collecting process; and (3) dissemination of results]; and
- Professional research language – research “jargon” – should be avoided. This is not a sign of disrespecting the community’s intelligence but rather a way to facilitate understanding.

In her concluding remarks, the author comments that research has for the most part been done on, instead of for Native people (p. 69). St. Denis (1992) asserts, “Community-Based Participatory Research is a process that provides the means through which research can be conducted for Native people” (p. 69).

An Analysis of the Literature Review cited for “Outsider vs. Insider” Research

It is evident that views of “etic” and “emic” research methods (Fetterman, 1989), since coined as “Outsider” and “Insider” research, and their definitions are in a state of flux and no longer can be argued as clearly defined. As discussed above, the boundaries of the two positions are not clearly delineated when researching within one’s own culture and across cultures, and that personal reflections and analysis in reference to race, class, gender, and culture, can now offer better tools to understanding the dynamics of research within and across one’s culture.

Clearly, current forms of inquiry, such as critical and feminist theory, postmodernism, multiculturalism, participatory and action research, as well as community-based participatory research (Merriam & Johnson-Bailey et al, 2001; St. Denis, 1992), including Indigenous ways of knowing with regard to observing,

analyzing, theorizing, and generating creative solutions (Lomawaima & McCarty, 2002), are now fuelling the debate and framing the understanding of the issues pertaining to “Outsider” and “Insider” research (Merriam & Johnson-Bailey et al, 2001). Further, this critique of the literature also found that when using different methods of data collection, be it quantitative or qualitative, “insiders” and “outsiders” both could arrive at similar conclusions (Rubio, 2004).

The following article strengthens the argument for the importance in having “insiders” participate within the research process. Valente (1997), in a book review of “Insider/Outsider Team Research” (Bartunek & Louis, 1996), claims that the book provides “a guide to navigating the challenging terrain of research partnership that incorporates the participants’ (insiders’) knowledge of their own situations with the researcher’s perspective” (p. 1). It was noted that Bartunek & Louis (1996) challenged some traditional academic notions, and in this particular case, the view that the researcher is the expert and controls the issues of theory and research, and that the experiences and data are provided by the insider to fuel the research process. The author concludes that one of the values of the book is that it opens windows of opportunity that many researchers tend to ignore, such as involving insiders in the publication and in the creation of reports that include the diverse views of insiders and outsiders during a specific research project (Valente, 1997, pp. 1-2).

However, despite all the inroads created by the growing awareness of the strengths of “insider” research, a cautionary note to researchers that are not of contemporary Western culture is still necessary, which indicates that a certain degree of bias continues to exist within Western scientific thinking toward individuals who are not

of European ancestry conducting research amongst the people of their culture. The article by Gans (1997), "Toward a reconciliation of 'assimilation' and 'pluralism;,' the interplay of acculturation and ethnic retention," assesses a number of studies currently being conducted by social scientists, which he classifies as acculturationists, value-neutrals, and/or retentionists. His study considers the concepts of assimilation and pluralism, acculturation and ethnic retention in the making of Americans and he argues that, depending on economic status, acculturation occurs much sooner amongst new immigrants to the U.S.A., than does assimilation. In this case, Gans (1997) studied the new immigrants from Southeast Asia, South Asia, and the Caribbean (pp. 1-8) and provides the following analysis:

My personal hunch is that, in the long run, students of the new immigration will repeat many of the past findings of rapid acculturation and slower assimilation. However, as long as researchers are divided into insider and outsider, a modified version of the present division between acculturationists, value-neutrals, and retentionists will also continue. Whatever the downsides of that tripartite division and the disagreements it generates, there are also advantages to such disagreements (p. 8).

Gans (1997) concludes by claiming, "there is little chance that immigration and ethnic researchers will soon become homogeneous and consensual ... [i]nstead, they must know how to understand their differences and understand also how much they themselves contribute to divergent findings and theories" (p. 8). Thus, Gans (1997) being of European ancestry having been born in the United States holds a certain view of what it means to be an "American." Specifically, he holds that all immigrants, depending on their economic status will encounter rapid acculturation and slower assimilation, but ultimately in a generation or two, will give up the cultural ties to their ethnic background and become immersed within the dominant view of what is now considered American

culture, meaning the English language, as well as the acceptance and celebration of Euro-American religious beliefs and holidays (pp. 1-10).

Taking the above-mentioned into consideration, I now state the following. Since the arrival of Columbus and other people of European ancestry, the view held by Gans (1997) is one that has been encountered by all Aboriginal peoples within the continents of North and South America. While we have lost much of our languages, Aboriginal peoples' spiritual and cultural ceremonies have survived. The time has now come for Aboriginal scholars to begin to assist our First Nations in reclaiming our history, identity and ways of knowing for the betterment of mankind. One of the ways to achieve this is having our academic work published, which is why I am pursuing the highest educational credential. For I am proud to be a Dakota person from Wahpeton and I want to tell the world what our Dakota people have encountered, how we have survived, what we have learned and what our experience can offer for the betterment of mankind. By combining Western and Aboriginal ways of knowing, I hope to demonstrate how social science research conducted in a respectful matter can produce positive results in the advancement of self-determination for the benefit of the Dakota/Lakota people residing within the province of Saskatchewan, Canada and for all of mankind.

Implications for Present Research

As a student in Interdisciplinary Studies, of Dakota ancestry, who conducted research with my own Dakota/Lakota people residing within the province of Saskatchewan, I employed the following process:

First, I applied the theoretical concepts cited for the qualitative research methodology known as community-based participatory research, for it was mentioned that CBPR can “help create a mirror by which a community can see its own eyes, that is, its own wisdom and knowledge” (Bopp, p. 1; as cited in St.

Denis, 1992, p. 57), and it can help a “community integrate cultural wisdom with academic knowledge” (Bopp, p. 1; as cited in St. Denis, 1992, p. 57);

Second, I then applied the theoretical concepts pertaining to that of Indigenous ways of knowing with regard to observing, analyzing, theorizing, and generating creative solutions; and

Third, I took into consideration the challenges that were mentioned in this literature review when researching within one’s own and across other cultures. While difficulties were encountered pertaining to this research study, I did succeed because of the respect and patience I showed to the leadership and Elders of the four Dakota/Lakota First Nations that participated in this research study.

Since I conducted research with my own Dakota/Lakota people residing within the province of Saskatchewan, I do not dispute that this research will be viewed as “Insider” research. Further, since I anticipated that this research study will be viewed as “Insider” research, I did give due consideration and adhere to the following guiding principles as offered by Tuhiwai Smith (1999) for Aboriginal researchers. First, I acknowledge and do concur with Tuhiwai Smith (1999), who noted that Indigenous research approaches problematize the insider model in different ways for there are multiple ways of being an insider, as well as an outsider in Indigenous context (p. 137). Second, I do agree and concur that insider research has to be as “ethical and respectful, as reflexive and critical, as outsider research” (Tuhiwai Smith, 1999, p. 139). Third, insider research, “also needs to be humble. It needs to be humble because the [insider] researcher, [unlike the outsider researcher] belongs to the community ... with a different set of roles ...relationships, status, and position” (Tuhiwai Smith, 1999, p. 139). Fourth, I also concur that building and/or adhering to an existing support structure can mediate the complexities of an insider research approach, for which most Indigenous communities have a governance organization that can be relied on (Tuhiwai Smith, 1999, p. 139). For my research study, the existing support structure was the Wahpeton Dakota Nation School Committee.

Last, but not least, I posed the question to Western Academia. Isn't all research "Insider research"? To answer the question posed, I being of Dakota ancestry, take the view that it is, for this literature review has verified that all data generated, be this through the traditional "Rankean approach" (Norton, 1994, p. 438; as cited in Stevenson, 2000, p. 45), "empiricism and intuition" (Samovar, Porter, & Jain, 1981, p. 92), or "by means of virtue and intuition" (Omani, 1992, p. 137) are all cultural constructs and are influenced, either consciously or unconsciously, by the cultural assumptions of the researchers and authors.

CHAPTER THREE

The Treaty Negotiation Processes in the United States and Canada

The intent of this chapter is to compare the treaty negotiation processes which evolved between the Aboriginal nations and various European nations since contact in the late 1400s within the countries that have come to be known as the United States of America and Canada. Based largely on secondary sources, a three-phase historical summary will be provided with regard to the treaty processes that transpired with the original inhabitants of North America. First, the conflicting views in the initial treaty-making period, from the Doctrine of Discovery to the Royal Proclamation of 1763 (at which point the British Crown gained control of the geographical region along the eastern seaboard from other European nations) will be examined. Secondly, the evolution of the treaty-making process in the U.S.A. with the Aboriginal nations (below the 49th parallel subsequent to the U.S.A. gaining its independence from the British Crown in 1783) will be analyzed. Finally, the diverse treaty making process in Canada (between the Aboriginal nations above the 49th parallel and the British Crown) will be assessed. In discussing the treaty-making processes that evolved with Aboriginal nations in North America, the terms Indian, Tribe, and First Nation will be used interchangeably to reflect both contemporary historical usage and also the terminology employed by the various authors to be cited in this chapter. In addition, an analysis of research findings will be provided, as to how each of these parties understood the meaning and significance of the treaty agreements that were entered into by the various parties in North America.

**Conflicting Views in the Initial Treaty-Making Period:
From the Doctrine of Discovery to the Royal Proclamation of 1763**

Soon after 1492, with Columbus being the first of many European explorers to erroneously assign the term “Indian” to the original inhabitants of North America (Crosby, 1972, preface xv; Washburn, 1988, p. 1), various European nations, including Spain, Holland, Sweden, Russia, France, and England, began establishing colonial settlements on the continent which they referred to as the Americas or New World. To justify the establishment and existence of their various colonies within North America, these European nations applied what has come to be referred to as the “Doctrine of Discovery” to rationalize the “occupation of wilderness land” (Jacobs, 1988, p. 6). European nations who were accustomed to an “intensive occupation and utilization of land” in their own countries, viewed the use of land by the original inhabitants as “wasteful” (Gibson, 1988, p. 211). Population density in North America at the time of European contact consisted “of less than one person per square mile” and vast territories were claimed by various Aboriginal nations for their exclusive use as “village sites ... [and] ... agricultural land, [with] the remainder consisting of hunting reserves” (Gibson, 1988, p. 211). Jacobs (1988) has given credit to U.S. Supreme Court Justice John Marshall who best articulated the policy of the British with regard to the “doctrine of discovery” (p. 7). Justice Marshall asserted in 1823 that “Indian people were regarded as ‘rightful occupants’ of the land, ‘but their rights to complete sovereignty, as independent nations, were necessarily diminished’ [within North America]” (p. 7). As Jacobs (1988) noted this was achieved either through “war of conquest” (p. 8), and/or “depopulation by various European disease[s]” (p. 9). Since it was the view that the doctrine of discovery gave European nations “exclusive title to [the land, this meant] ... according to British

Policy ... [Aboriginal nations] had only the ‘right of occupancy’ of the land” (Deloria Jr., 1974, pp. 99-100; as cited in Jacobs, 1988, p. 7). Further, Jacobs (1988) mentioned this is actually reflected by the British view and implementation of the doctrine of discovery, meaning the policy of “taking over of wilderness land by royal charter ... in all British ... colonies in the seventeenth century” (p. 8), followed by wars of conquest and land cession treaty agreements forced on the various Aboriginal nations residing along the eastern seaboard of the Atlantic Ocean. This provided the opportunity for continual expansion of British colonial settlement in North America throughout the Seventeenth and Eighteenth centuries (Jacobs, 1988, pp. 8-9; Jones, 1988, pp. 185-194).

To counter the predominant Eurocentric colonial view with regard to the doctrine of discovery, Dickason (2000), being of Aboriginal ancestry, has documented how European nations upon arriving in North America proceeded to revise their original perspectives stemming from “natural law” (p. 147). While European nations viewed “continuous use and possession of land ‘from time immemorial’ as a basis for land title to be a self-evident rule of natural law [in Europe]” (p. 150), this was not applied in North America. As Dickason (2000) mentions “[s]ince the rights of discovery could only be claimed for unoccupied territory ... and since the Americas were obviously peopled, the nature of their habitation quickly came into question” (p. 154). To modify the concept of natural law to allow for European colonial settlement in North America, Dickason (2000) identified the following legal interpretations put forth and accepted by various European jurists, legal scholars and European monarchs. Since Aboriginal nations in North America were viewed as not permanently residing at one specific location for any length of time, Aboriginal peoples were not regarded as “inhabitants according to European law,

since they ‘ranged’ rather inhabiting the land” (p. 154). Based on this perspective, “most of the Americas were [then] legally [categorized as] *terra nullius*, ‘empty land’, and thus subject to rights of discovery” (p. 154). Another legal term put forward and accepted by European colonizers was *vacuum domicilium*. This meant “proprietary rights could only exist within the framework of [European] law enacted by an organized state” (p. 154). Since Aboriginal nations were not viewed as organized states, their lands thus lacked the protection of statutory law and therefore were legally considered as “vacant” (p. 154). In addition, Dickason (2000) noted that Christian evangelization was another way of justifying the taking over of Aboriginal lands in North America by European colonizers. Christians believed that if Aboriginal nations objected or resisted evangelization, war could be declared as a divine Christian right and could be considered as a justification for gaining control of the said lands (pp. 148-154). It was viewed that “Christians had not only the right but the duty to preach the Gospel: if heathens resisted, then Christians had the right to resort to the use of arms” (p. 150). Last, but not least, the purchase of land from Aboriginal nations was considered as the preferred means of gaining the consent of Aboriginal peoples to the alienation of their land. The Dutch were the first to initiate this process and were followed by the English as early as the seventeenth century. These “purchases involved an exchange of goods for the land received. The value of the goods used for these transactions bore no relation to the value of the land received, not even in the terms of the day” (p. 155). As stated by Dickason (2000), “[p]ossession, by whatever means ... gave European monarchs the right, at least in their own eyes, to make grants of New World lands to their own subjects or to whomever they chose” (p. 156). This method of chartered land grants by European monarchs often led to commercial warfare

amongst competing chartered companies. As an example specific to the country now known as Canada, the French monarch in 1627 granted a commercial land grant to the Company of One Hundred Associates to the interior of North America west of the Great Lakes, which became known as the North-West Company after 1763; while the English monarch in 1670 granted a commercial land grant to the Hudson Bay Company with regard to “those lands draining into the Bay without having any clear idea of their extent [for these lands] had all been previously included in [the] charter to the Company of One Hundred Associates” (p. 156).

In considering the Aboriginal perspective on these transactions, Dickason (2000) suggests that Aboriginal nations did not hold the same view as European nations in gaining title to the land within North America. When it came to the topic of land purchase, Dickason (2000) mentioned that “Amerindians regarded such purchases as merely conveyances of residence and subsistence rights [and they] considered it quite within their rights to return later to ask for additional payments” (p. 155). Dickason infers that when Amerindians finally became aware of the various methods implemented by European nations to wrest control of their lands away from them, they were handicapped by a number of factors. These included: (1) the lack of “technology [primarily military] to defend their rights over the long term” (p. 157); (2) their belief in “the sharing of the land and its resources” (p. 157); and (3) “the social fragmentation that had been so successful as a technique for survival under pre-contact conditions became an instrument for Amerindian subjugation with the arrival of the Europeans” (p. 158).

Dickason’s perspective on how Aboriginal nations lost control of their lands does have merit, but she pays insufficient attention to the huge mortality among Aboriginal

peoples within North America upon contact due to “European-introduced diseases such as smallpox, measles, and malaria” (Anderson, 1997, p. 15). Anderson (1997) suggests that “recent scholarship has been more inclined to view European-introduced diseases as responsible for the major demographic changes among native people” (p. 21). Being of Aboriginal ancestry, I also take the position that these “virgin soil epidemics”⁷ were actually the main cause of Aboriginal nations’ lost of control of their lands. Anderson (1997, p. 19) noted that “New England Indians [along the eastern seaboard] dwindled from about 90,000 to 10,000 in the seventy-four years following 1600” (Dobyns, 1966, pp. 395-416; Duffy, 1951, pp. 324-341). Further, in every documented smallpox epidemic that followed within the interior of North America, in 1763, 1780-1781, 1801-02, 1810, 1816, 1837-8, 1850-51, 1869 and 1870 (Coutu & Hoffman-Mercredi, 1999, pp. 183-185; Crosby, 1976, pp. 289-299; Elias, 1980, pp. 190-192; Lux, 2001, pp. 12-17; Russell, 1991, p. iii), the depopulation of numerous Aboriginal nations was shortly followed by land cession treaties and the expansion of British, Euro-American and Euro-Canadian settlement onto lands previously occupied by Aboriginal peoples (Kvasnicka, 1988, pp. 195-201; Surtees, 1988, pp. 202-210).

In 1763, by right of conquest over the other European nations along the eastern seaboard, Great Britain gained control over the territorial land base and colonial settlements of other European powers. To impose its imperial power within the colonial settlements, as well as that of trade within its newly acquired land mass within

⁷ The following explanation is provided for the phrase “virgin soil epidemics.” European-introduced diseases which Aboriginal nations were “not previously exposed to” (Random House Webster’s unabridged dictionary, Second Edition, 2001, p. 2124). In turn, the article by Crosby (1976) entitled, “*Virgin Soil Epidemics as a Factor in the Aboriginal Depopulation in America*,” while offering a similar explanation provides the following definition, “[v]irgin soil epidemics are those in which the populations at risk have had no previous contact with the diseases that strike them and are therefore immunologically almost defenseless” (p. 189).

the interior of North America, the British Crown developed the document known as the Royal Proclamation of 1763.⁸ The intent of the Royal Proclamation of 1763 was to: (a) establish the boundary lines for Quebec and Florida and implement their respective form of colonial government, (b) effectively manage the trade and commercial development of England's newly acquired land mass within the interior of central North America, and (c) establish the boundary line between existing British colonial settlements and Indian Territory beyond the Appalachians, which had yet to be ceded through war of conquest or land cession treaties with the Aboriginal nations residing in this area (Surtees, 1988, p. 202). With the implementation of the Royal Proclamation of 1763, "the sea to sea claims based on colonial charters were thus nullified at the time [by the British Crown]" (Jacobs, 1988, p. 10). British subjects along the eastern seaboard were denied settlement expansion to the lands beyond the Appalachian highlands. Those were declared an enormous Indian Territory, reserved for the use of the Aboriginal nations who occupied them at the time. Exceptions were made for fur traders who required access in order to conduct business (Surtees, 1988, p. 202).

Thus, while contemporary historians, whether of Aboriginal ancestry (Dickason, 2002) or of European ancestry (Ray, Miller & Tough, 2000), have acknowledged the British Royal Proclamation as proclaimed on October 7th, 1763 (Laliberte et al., 2000, p. 493), in having provided for the recognition for that termed *Aboriginal rights and Aboriginal title to land* within North America (Dickason, 2002, pp. 37-39; Ray, Miller & Tough, 2000, pp. 32-35) and based on this rationale, the Royal Proclamation has often been referred to as "the Indians' Magna Carta" (Miller, 2007, p. 13). Further, in order for

⁸ It has been noted by Ray, Miller & Tough (2000) that "[a] royal proclamation is an instrument of the royal prerogative, one of three direct sources of law in the British system" (p. 33). Further, Ray, Miller & Tough (2000) mentioned that the "other two are the common law and the statutes" (p. 33).

British expansion of colonial settlement, trade, and mineral exploration to occur from this time on, in a peaceful and legal manner according to the British system of law as verified with the implementation of the Royal Proclamation through that of “a royal prerogative, one of three direct sources of law in the British system” (Ray, Miller & Tough, 2000, p. 33). Representatives of the British Crown were then and are still required to seek the consent of Aboriginal nations by way of public gathering in order to gain access to such lands either through direct purchase or a specific land cession treaty (Penikett, 2006, pp 43-46).⁹ What are now known as Treaty Rights for Aboriginal peoples within North America are derived from this (Cardinal & Hildebrandt, 2000; Deloria, Jr., 1974; Kvasnicka, 1988; Surtees, 1988).

Upon reflection, the process just described appears clear and straightforward, with the British Royal Proclamation of 1763 considered as “an instrument of the royal prerogative, one of three direct sources of law in the British system” (Ray, Miller & Tough, 2000, p. 33). What contemporary historians have not made clear is the genesis of this document. What enables it to recognize Aboriginal rights and Aboriginal title to land, then to gain access to such lands through treaties with Aboriginal nations? To gain insight to the question posed, one must turn to the academic discipline known as law.

It has been mentioned by Borrows (1997), who is of Aboriginal ancestry and a legal scholar, the Proclamation of 1763 which provides for the recognition of Aboriginal rights and Aboriginal title to land is actually drawn from the Proclamation of 1761 “that recognized First Nations as allies holding both ‘possession’ and ‘rights’ which were to be

⁹ Penikett (2006) gives credit to Pontiac’s War in May of 1763 in forcing the British Crown to formulate and then to proclaim on October 7th, 1763 that known as the Royal Proclamation of 1763 (pp. 40-45). Further, Penikett (2006) commented “Pontiac lost the war, but he won the First Nations some time. His resistance and the proclamation forced the English, the Americas, and the Canadians to make treaties” (p. 46).

supported and protected by the British” (p. 260),¹⁰ but this only provides for a historical chronological sequence of law within the British system, in this case for that termed as royal prerogative. Therefore, one must seek another legal interpretation of law within the British system. Youngblood Henderson (1985) who is also a legal scholar of Aboriginal ancestry has noted that within this time-period “English common lawyers and other European jurists [had] eventually accepted the doctrine of discovery in the law of nations as [only] sufficient to establish commerce privileges” (p. 192). Further, “[b]y analogy and precedent, the [British] common lawyers understood discovery to assert a ‘perfectable entitlement’ or ‘pre-emptive’ right. But only by a voluntary disposition from the American [Aboriginal] nations could one claim an estate or rights in the New World” (p. 193). This was due to the British Crown in having “adopted the Vitorian doctrine of aboriginal rights [in the mid-1550s]” (p. 190), which had been put forth by Franciscus de Vitoria of Spain, declaring “aborigines ... were true owners [of the land] [n]either discovery nor papal rights could convey any proprietary title to the crown” (p. 188).¹¹ This in my view explains why a royal prerogative, such as the Proclamation of 1763 was developed and implemented by the British Crown. Specifically it was to gain access

¹⁰ The detailed wording for the Proclamation of 1761 is cited in Borrows (1997, endnote 39, p. 260), which is drawn from the text of Cumming & Mickenberg (1972, p. 285), *Native Rights in Canada*.

¹¹ In hindsight, the Doctrine of Discovery and the Vitorian Doctrine of Aboriginal Rights as they came to be understood in the mid-1700s by British common law jurists (Youngblood Henderson, 1985, pp. 187-193) add to the clarity of the Canadian Supreme Court decisions of *Calder v. A.G. (B.C.)* in 1973, *R. v. Adams* in 1996, and *Delgamuukw v. B.C.* in 1997. It was mentioned by McNeil (2001) that the Supreme Court with regard *Calder* in 1973 “decided that Aboriginal title is an independent legal right that does not depend on the [British Royal] Proclamation [of 1763]” (p. 60). Further, the following is drawn from *R. v. Adams* in 1996, “Aboriginal rights do not exist solely where a claim to Aboriginal title has been made out Aboriginal rights cannot be inexorably linked to Aboriginal title it is only necessary to recall that some Aboriginal peoples were nomadic” (Isaac, 2004, p. 3), this corresponds to “a particular practice, custom or tradition taking place on the land ... integral to the distinctive culture of that group” (p. 3). As for *Delgamuukw* in 1997, Isaac (2004) mentioned the comments of Chief Justice Lamer with regard to the nature of Aboriginal title as being *sui generis*: “(a) it is inalienable; (b) its source arises from the prior occupation on Canada by Aboriginal people; and (c) it is held communally” (p. 10). In addition, “Aboriginal title includes mineral rights and the rights to exploit the land for oil and gas” (p. 10).

through that of various treaties with Aboriginal nations for that termed as proprietary title within North America.

Due in part to the resentment of White settlers within the newly acquired colonies of the British Crown in not being allowed to expand their territory, the American Revolution erupted in 1776 and led to the formation of a new country and form of imperial power in North America, known as the United States of America. The *Treaty of Versailles* (Goodtrack, 2003, p. 6), also referred to as the *Treaty of Paris* (Horsman, 1988, p. 29), signed between the British Crown and the United States of America in 1783 somewhat altered the boundary line of the Royal Proclamation of 1763 and gave the former British colonies their “independence and a western boundary on the Mississippi River” (Horsman, 1988, p. 29). However, the treaty largely ignored the Aboriginal nations that resided within this geographical region. In effect, previous precedent prevailed. This meant that “[w]hen European powers transferred territory in the New World it was assumed that each sovereign nation would make its own arrangements with the tribes within its limits” (Horsman, 1988, p. 29).

Thus, while the American Revolution removed the British Crown “from her rights of sovereignty over most of the territory between the Appalachian highlands and the Mississippi River ... the rules established by the Proclamation of 1763 continued to apply in those regions that remained of British North America” (Surtees, 1988, p. 202). However, this was forever altered as a result of the War of 1812 between the U.S.A. and the British Crown, which concluded with the Treaty of Ghent in 1814. Based on the terms of this treaty a permanent international boundary line was created, generally referred to as the 49th parallel, between the U.S.A. and the country which came to be

known as Canada (Mahon, 1988, p. 156).

The Evolution of the Treaty-Making Process in the U.S.A.

According to Euro-American historians, the U.S.A. having gained its independence in 1783 initially chose “to ignore colonial precedents [whereby] the British government and the individual colonies had acknowledged the Indian tribes possessed a ‘right of soil’ that should be purchased in formal treaty” (Horsman, 1988, p. 29). Based on a number of Congressional committee reports soon after 1783, the U.S.A. took the position, that since the Indians “north and south of the Ohio ... [had sided with] the British, [these Indians] had forfeited their right of possession of land” within the newly created boundaries of the United States (Horseman, 1988, p. 29). In their view, this provided a justification in forcing the Indians to relocate north to what has since become known as Canada or to various regions west of the Mississippi River. However, by 1786, it became clear to the U.S.A. that their post-Revolutionary policy had failed. While in theory the lands in what is now eastern and western Ohio, described as the northern region, had been ceded to the United States, Indian hostility was so strong in this northern region that “most settlers dared not cross the Ohio River” (Horsman, 1988, p. 30). Further, in the south, the effort by the U.S.A. to restrain the states and their frontiersmen was not successful. Within both regions “Indian warfare threatened increased cost, a necessity for a larger army, and a continuation of frontier protest against an inefficient central government” (Horsman, 1988, p. 30).

To address these difficulties the U.S.A. in 1786 “reverted to the pre-Revolutionary methods of negotiating with the Indian tribes and obtaining land” (Horsman, 1988, p. 30). The U.S. federal government on August 7, 1786 passed the

Ordinance for the Regulation of Indian Affairs that established “Indian departments north and south of the Ohio River” (Horsman, 1988, pp. 30-31). Both Indian departments were assigned a superintendent with the responsibility to approve trade licenses, with the primary concern “being trade with the Indians” (Horsman, 1988, pp. 30-31). Specifically, the superintendents “were to receive [their] instructions and to report to the secretary of war” (Horsman, 1988, p. 31). Further, the U.S.A. on July 13, 1787 passed the Northwest Ordinance, in which Congress summarized its objective with regard to White settlement within the area previously known as the Old Northwest, then commonly referred to as the Ohio and Mississippi region. With the intent of creating three to five new states in an area mostly “occupied by various Indian tribes” (Horsman, 1988, p. 31). Thus, drawn from Gibson (1988, p. 218), Article III of the Northwest Ordinance stated:

The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; in their property, rights and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress (1 U.S. Stat. 50).

While the intention of the U.S.A. in passing the Northwest Ordinance was to avoid war with Indian tribes through the use of treaties that established clear tribal territories and the purchase of land for western Euro-American settlement expansion, the U.S.A. nevertheless continued to engage “in extensive military operations [against the Indian tribes]” (Horsman, 1988, p. 31). As for the cause of this military action, the following rationale has been provided. As each new cession treaty with various Indian tribes was agreed to, beginning in 1786 and concluding in 1871, Indian tribes were soon thereafter forced to cede more land to the U.S.A. for Euro-American settlement (King, 1894-1900, Vol. 1, pp.104-105; as cited in Horsman, 1988, p. 33). For example the Treaty of Greenville, signed on August 3, 1795, which ceded lands to the U.S.A. within the region

now known as eastern and southern Ohio, “Article V of the treaty ... guaranteed that [the tribes] could keep the land west of the Greenville line as long as they desired (7 U.S. Stat. 49-54)” (Horsman, 1988, p. 33). Thus, it appeared that “the wording of Article V ... was a block to the expansion of the United States” (Horsman, 1988, p. 33). However, this was not the case, as confirmed in the following quote:

As far back as 1785, [Secretary of War Timothy] Pickering had accepted the argument that moderation and a policy of firm boundaries was the soundest policy; Indians always diminished in numbers in the vicinity of the advancing frontiersmen, the game disappeared, and future cessions were available for less money (King, 1894-1900, Vol. 1, pp.104-105; as cited in Horsman, 1988, p. 33).

Hence, it became clear to the Indian tribes that the U.S.A. had no intention of honouring the original treaties that ceded certain lands within a certain geographical or territorial boundary, for Indian tribes were continuously forced to cede additional land within their treaty boundaries. This finally led to the creation of specific reservation lands assigned to certain tribes within their original treaty boundaries. But negotiations with Indian tribes did not stop even when clear reservation boundary lines had been established:

The reduction of reservations, largely achieved by negotiations, came after 1871; in the 1900s negotiations were entered into with some tribes to commute perpetual annuities established by treaties. The documents recording these transactions were commonly called agreements, and they generally became law when ratified by both the Senate and the House of Representatives (Kvasnicka, 1988, p. 195).

Upon reflection of what has just been discussed, according to the U.S. treaty making process that evolved after 1786 and concluded in 1871, “[t]reaties could be modified [or abrogated] by mutual consent of the parties and by subsequent federal statutes” (Kvasnicka, 1988, p. 195), such as the Indian Appropriations Act (16 U.S. Stat. 544, 566) adopted in 1871 (Gibson, 1988, p. 211). Despite these initial difficulties, after the treaty period ended, most tribes came to regard their treaties as sacred pledges on the

part of the United States (Deloria Jr. & Lytle, 1984, p. 8; as cited in Surtees, 1988, p. 195).

Thus, from 1786 to 1871, the U.S.A. had come to accept the customary practice that had been previously established by the British Crown and its respective colonial governments, that of negotiating treaties with Indian tribes for the extinguishment of Indian title to land (Kvasnicka, 1988, p. 195). This allowed for the western expansion of Euro-American settlement below the 49th parallel of North America. Further, according to U.S. policy, treaties “defined the status of tribes as dependent nations and the extent of federal control over tribal affairs and outlined jurisdiction over criminal and civil matters” (Kvasnicka, 1988, p. 195). In addition, “secondary considerations were the regulation of commerce with the tribes and the education and acculturation of the Indians to facilitate their assimilation into White society” (Kvasnicka, 1988, p. 195). Specific clauses in certain treaties did call for “the establishment of schools and mills and the employment of teachers and skilled workers such as millers, framers, and blacksmiths” (Kvasnicka, 1988, p. 195). Lastly, while the U.S. government from the 1880s to the 1980s essentially denied the existence of tribal sovereignty, numerous decisions of the U.S. Supreme Court in the 1960s, 1970s, and 1980s did affirm the existence of “sovereign powers of the Indian tribes, [which forced] the administration of Ronald Reagan [to enunciate] a federal Indian policy based on the concept of a ‘government-to-government relationship’ among the states, the federal government, and the Indian tribes” (Kelly, 1988, pp. 79-80).

In retrospect, what Euro-American historians do not make clear is why the Aboriginal nations in the U.S.A. were able to achieve “a ‘government-to-government

relationship' among the states, the federal government, and the Indian tribes" (Kelly, 1988, pp. 79-80). To gain an answer to the question posed, one must again turn to the academic discipline known as law. As noted by Youngblood Henderson (1985), "[t]he American Revolution created a constitutional representative democracy embodying the natural-rights theory of law" (p. 204). While at first choosing to exclude Aboriginal nations from its democratic natural-rights theory of law by not wanting to enter into treaties with the Aboriginal nations, the U.S.A. was forced to reconsider its position in 1790. Specifically, due to the ever-increasing expansion of Euro-American settlement into the interior of central North America below the 49th parallel, the U.S.A. was faced with the continuous conflicting claims to land tenure between the U.S. federal government, federally recognized states and Aboriginal nations (Youngblood Henderson, 1985, pp. 204-207). To gain control with regard to the questionable nature of land tenure, the U.S. federal government first decided to accept, then adapted the views as set out in the British Royal Proclamation of 1763 and the Vitorian Doctrine of Aboriginal Rights and Title. As mentioned by Youngblood Henderson (1985):

Consistent with the British Royal Proclamation of 1763 and with Vitoria's doctrine of aboriginal rights and title, the first laws passed by Congress created a federal government pre-emptive power to acquire tribal land and prevented states and individuals from directly acquiring tribal land (p. 204).¹²

Based on the above-mentioned, the U.S.A. then decided "to deal with Indian tribes as separate nations with whom formal treaties were negotiated, but the treaties themselves and Indian trade and intercourse laws that supplemented the treaty provisions limited Indian sovereignty" (Prucha, 1988, p. 40). Specific to land tenure, deriving from the following U.S. Supreme Court decisions, (1) *Fletcher v. Peck* in 1810, (2) *Johnson v.*

¹² Articles 1 and 6 of the U.S. Constitution, Act of 22 July 1790, 2 U.S. Stat. 137; as cited in Youngblood Henderson (1985, endnote 62, p. 395).

M'Intosh in 1823, (3) *Worcester v. Georgia* in 1832, and (4) *United States v. Mitchell* in 1835, with the latter being the most important. These did affirm land tenure for the Aboriginal nations below the 49th parallel, generally referred to as tribal or Indian land (Youngblood Henderson, 1985, pp. 204-207). For clarity, as mentioned by Youngblood Henderson (1985), with respect to *United States v. Mitchell* in 1835, the U.S. Supreme Court upheld one consistent view of European monarchs:

friendly Indians 'were protected in the possession of the lands they occupied and were considered as owning them by a perpetual right of possession vested in the tribe or nation inhabiting them as their common property' [s]uch was the tenure of Indian Lands (p. 206).¹³

Furthermore, the U.S. Supreme Court with regard to the case of *Fellows v. Blacksmith* in 1956, finally "determined the states' future interest in tribal land the [U.S. Supreme] Court held that only the national government had authority to execute a treaty ... effectively ending the states' claimed interest in tribal land" (Youngblood Henderson, 1985, p. 207). In addition, the U.S. federal government has enacted a "*Handbook of Federal Indian Law*" (Baca, 1988, p. 230). It is my view that the U.S. Supreme Court decision of *Fellows v. Blacksmith* in 1956, including the *Handbook of Federal Indian Law*, thus created three orders of government in the U.S.A.: (1) the U.S. federal government, (2) U.S. state governments, and (3) what has come to be termed as U.S. tribal governments. This explains why the Aboriginal nations in the U.S.A. have been able to achieve "a 'government-to-government relationship' among the states, the federal government, and the Indian tribes" (Kelly, 1988, pp. 79-80).

¹³ 34 U.S. 745-6; as cited in Youngblood Henderson (1985, endnote 70, p. 395).

The Diverse Treaty-Making process in Canada

While historians of Euro-Canadian ancestry take the position that the British Royal Proclamation of 1763 had theoretically established a clear boundary line south of the 49th parallel, which corresponds to the British colonial settlements along the eastern seaboard and the Indian Territory encompassing the “lands beyond the Appalachian highlands” (Surtees, 1988, p. 202); this was not the case north of the 49th parallel. As mentioned by Surtees (1988) due to the “long French regime that preceded the British conquest and retention of Canada ... [before] 1763, the Proclamation line that bounded the Indian Territory was drawn somewhat differently in Canada from... the old British colonies” (p. 202). Further, Jacobs (1988) did verify that when the Royal Proclamation of 1763 came into effect north of the 49th parallel, the land mass where the French regime had originally established its colonial settlements (that being Quebec, Nova Scotia, and New Brunswick) was excluded by the colonial administrators of the British Crown who in effect had applied the “doctrine of discovery” to those areas (p. 6). As for the “rationale applied to the exempted area ... [it was viewed that] France held that land by right of exploration, conquest, and effective control and had passed this on to Britain at the time [of conquest]” (Surtees, 1988, p. 202). While this interpretation still continues to be a matter of debate, “the de facto result has been a complete absence of land cession treaties [within the original boundaries of those now referred as the Maritime provinces of Canada]” (Surtees, 1988, p. 202).

Based on the previous remarks, the Pre-Confederation Peace, Friendship, and Trade Treaties, as this pertains to military alliance between the British Crown and the Aboriginal First Nations, primarily in the Maritime provinces (Isacc, 2004, pp. 72-74), as

well as with the Dakota *Oyate* within the Prairie provinces (Omani, 2005, pp. 17-18), which do not correspond to that of land cession treaties, will subsequently be addressed within this text. In turn, the Canadian federal government and the Quebec provincial government (formerly referred as Lower Canada, as well as the colony of New France) have since come to terms with the Northern Aboriginal First Nations residing within the extended provincial boundary of Quebec, by signing “the James Bay and Northern Quebec Agreement in 1975” (Surtees, 1988, p. 202). Further, “the [Canadian] federal government, and the [provincial] government of Newfoundland and Labrador” (Isaac, 2004, p. 108) have now also come to terms with the Northern Inuit of Labrador, cited as the “2003 Labrador Inuit Land Claims Agreement” (Elliott, 2005, pp. 171-177).

For clarity, the 1975 James Bay and Northern Quebec Agreement and the 2003 Labrador Inuit Land Claims Agreement are not considered historic Pre- or Post-Confederation Aboriginal First Nations’ land cession treaties (Bolt, 1993, p. 274), both are Aboriginal Modern Treaty/Land Claims Agreements derived from the Canadian federal government’s comprehensive claim policy (Isaac, 2004, p. 93).¹⁴ Thus, the significant characteristic differences of both Pre- and Post-Confederation Aboriginal First Nations’ land cession treaties, to that of Pre-Confederation Peace, Friendship, and Trade Treaties with the British Crown (which correspond to a number of recent Supreme Court of Canada decisions since the mid-1980s), as well as the Aboriginal Modern Treaty/Land Claims Agreements within Canada will now be discussed.

As for the province of Upper Canada, now known as Ontario, the significance of the Royal Proclamation of 1763 and Pre-Confederation Aboriginal First Nations’ land

¹⁴ The Canadian federal government’s comprehensive claim policy corresponds to the Supreme Court of Canada decision of *Calder v. A.G. (B.C.)* in 1973 (Isaac, 2004, p. 93).

cession treaties actually took effect while the American Revolution was in progress. For “Loyalists began making their way, in small numbers, to the remnants of British North America during the war, and in larger groups when it ended” (Surtees, 1988, p. 203). The Iroquois and Britain’s other Indian allies soon followed the Loyalists, and in order to accommodate these new arrivals who wanted to settle permanently north of the 49th parallel, “the governor of Quebec, Sir Fredrick Haldimand, [decided] to seek settlement lands from the Indians who occupied the regions west of the Lake Nipissing line” (Surtees, 1988, p. 203). Thus, the decision made by Sir Fredrick Haldimand, “which followed two wartime cessions in 1781, marked the beginning of the [historic Pre- and Post-Confederation Aboriginal First Nations’ land cession] treaty era in Canada” (Surtees, 1988, p. 203).

Unlike the U.S.A., where extensive military operations and Indian hostility was the norm, the Pre-Confederation land cession treaties from 1781 to 1850 agreed to by various Aboriginal First Nations for Euro-Canadian settlement expansion in Upper Canada progressed in a more peaceful manner. The early land cession treaties from the 1780s to 1812 had three significant features: (1) the treaties were finalized with onetime payments, generally in the form of trade goods; (2) a number of the early treaties were not properly documented; and (3) in some cases, the Indians’ aspiration to retain specific tracts of land for their exclusive use was agreed to and noted in the treaty as a reserve provision (Surtees, 1988, p. 203). After 1812, the negotiating strength of the Aboriginal First Nations deteriorated, for the population of immigrants mainly from Great Britain to Upper Canada increased from 75,000 in 1812 to 250,000 by 1830 (Surtees, 1988, pp. 204-206). The Aboriginal First Nations in this region, between 1815 and 1827, were

called on to cede six more tracts of land from the Ottawa River to the eastern shore of Lake Huron, totalling seven million acres of land. The land cession treaties from 1815 to 1827 saw two new features. First, the British government adopted a system of providing an annual annuity payment in perpetuity, believing that once “the land was secured from the Indians it could be sold to settlers whose annual interest payment would, it was expected, more than cover the cost of the Indian annuities” (Surtees, 1988, p. 206). Second, as the position of strength for the Aboriginal First Nations declined politically and militarily, they began to demand more explicit terms in treaty negotiations. For example, in addition to specific reserve locations, the right to hunt and fish in the unsettled areas of the ceded lands, although not recorded in the treaty document, was finally resolved by “the Supreme Court of Ontario in *The Queen v. Taylor and Williams*, 1981 [which] held that these terms must be honored” (Surtees, 1988, p. 206).

Further, the British government in 1830 adopted a policy of civilization according to that of European standards for the Aboriginal First Nations in those parts of North America under its jurisdiction. This was reflected in the land cession treaties negotiated from this point on. Specifically, from the 1830s to 1850, in addition to annual annuity payments in perpetuity and reserve lands, Aboriginal First Nations “would be given proper assistance to enable them [according to the European perspective at the time] ‘to become civilized and to cultivate’ the land” (Surtees, 1988, p. 206). These terms were again included in the 1850 Robinson land cession treaties, including “the right to hunt and fish throughout the ceded tract” (Surtees, 1988, p. 206).

In retrospect, before 1850, the objectives of the British government in pursuing land cession treaties with the Aboriginal First Nations, mainly in Upper Canada, were

twofold: to accommodate the settlement of British citizens, beginning with the Loyalists and British Indian allies who had started arriving in 1781, and after 1812, primarily for military reasons (Surtees, 1988, pp. 206-207), as a defensive action against another invasion by the United States of America (Allen, 1992). In contrast, the 1850 Robinson land cession treaties had no military nor settlement purposes. These treaties were motivated almost exclusively by the “desire to exploit the mineral wealth of the Canadian Shield” (Surtees, 1988, p. 207).

What followed after 1850 was a sequence of events that eventually led to what has come to be known as the Post-Confederation Aboriginal First Nations’ Numbered Treaties of western Canada (Bolt, 1993, p. 274). In 1867 four British colonies in the east (New Brunswick, Nova Scotia, Upper Canada, and Lower Canada), wanting more direct self-government, agreed to create a confederation, and to become known as provinces. In order to maintain control of the land north of the 49th parallel, as well as control over the four eastern British provinces, the British Crown in right of Great Britain created and enacted in 1867 the legislative document known as the British North America Act. This document granted the right to the Canadian federal government to administer its own internal affairs. In addition, the Canadian federal government under section 91(24) of the British North American Act became legally responsible for “Indians and Lands reserved for Indians” (Boldt, 1985; Getty & Lussier, 1983; Opekokew, 1980; Purich, 1986; Ray, Miller & Tough, 2000; Titley, 1986; Tobias, 1976, pp. 39-55). With the creation of the Dominion of Canada, through the British North America Act, the Canadian federal government immediately secured the purchase of the western and northern chartered lands of the Hudson’s Bay Company, which were “decreed by an Imperial Order-in

Council [on] July 15, 1870, [noting that] any claims of Indians to compensation of lands required for the purpose of settlement shall be disposed of by the Canadian government” (Brown & Maguire, 1979, p. 36; as cited in Surtees, 1988, p. 207). By inserting this provision with regard to sale of the chartered lands of the Hudson’s Bay Company, the “imperial government had, in effect, extended the principles of the [Royal] Proclamation of 1763 into the new regions” claimed by the Canadian federal government, which declared that these lands would thus be known as the Northwest Territories (Surtees, 1988, p. 207). The decision of the Canadian federal government in purchasing the chartered lands of the Hudson’s Bay Company (generally referred to as Rupert’s Land) was prompted by the desire on its part “to forestall the Americans, who were pushing towards the northwest, and to fill the county with settlers who would owe their allegiance to the British Crown” (Getty & Lussier, 1983, p. 10).

Further, in deciding “to link, via settlement and a railway, central Canada with the province of British Columbia, which was admitted to the union in 1871” (Surtees, 1988, p. 207), the Canadian federal government as required by the Royal Proclamation of 1763, was obligated to enter into treaty with the Aboriginal First Nations of western Canada whose indigenous territory the proposed expansion of Euro-Canadian settlement and the railway would intersect. In addition, the use of the treaty making process as the means to deal with the Aboriginal First Nation leaders of western Canada, who had been demanding such a process to occur, was decided on because the Canadian federal government at this time could not afford the cost of using military force:

It was impossible to ignore them. It was also impossible for the young nation to fight them. The Americans were spending twenty million dollars a year for their bloody Indian conquests; Ottawa had about that same amount of money available to run all the affairs of the entire country (Goodwill & Sluman, 1984, p. 4).

In total, there are eleven Post-Confederation Aboriginal First Nations' Numbered Treaties including that of Adhesions that were signed in western Canada from 1871 to 1929 (Bolt, 1993, p. 274; Laliberte et al., 2000, preface xiv).

In commenting on the signing of treaties, the late Chief John Snow (1985) mentioned, "there have been at least two major and different interpretations of their meaning. There is the Indian version of the treaties and there is the government version, and the difference is like day and night" (pp. 43-44). Based on these and other remarks, it is evident that there are fundamentally opposing views held by the representatives of the British Crown and Aboriginal First Nations with regard to the Pre- & Post-Confederation treaty making process that occurred within Canada. Within the booklet, *COMPACT, CONTRACT, COVENANT: Canada's Treaty-Making Tradition*, Miller (2007) puts forth the view that the initial treaty protocol "agreements were commercial compacts ... between European fur traders and First Nations" (p. 5), and offered the interpretation that "a compact is an agreement between parties that is established informally ... rather than a formal document" (p. 5). Regarding the written treaties, Miller (2007) commented, "the federal government has generally interpreted and applied the treaties as contracts, reading them in a strict and literal fashion" (p. 30), while "First Nations, if they could determine the nature of the treaty, would favour treaties that were not contracts, but covenants that involved the Creator as well as human parties" (p. 43). As for the Aboriginal First Nations' understanding of the term covenant, Miller mentions "the Covenant Chain" which corresponds to the use of a wampum belt as a symbol of alliance begun between the British Crown and the Iroquois Confederacy in the east (p. 9), to that of "[t]he use by First Nations negotiators of pipe ceremonies and rhetoric that invoked the Creator

[which] was matched by frequent allusions to God by the Crown negotiators who entered into the prairie treaties” (p. 43), as this pertains to the Numbered Treaties in western Canada.¹⁵ Specific to the term contract, representatives of the British Crown, both in the Pre-Confederation and Post-Confederation periods, considered these treaties to be an exchange. For the surrender of Aboriginal rights and Aboriginal title to land in order to provide for the settlement of non-Aboriginal First Nation people within the colonial territories that the British Crown had made laid claim to, Aboriginal First Nations were guaranteed certain Treaty Rights in perpetuity. While the representative of the British Crown at the time of Confederation in 1867 did not change the policy of civilization for the Indian adopted in 1830 (Surtees, 1988, p. 206), the following provisions, were added to the Post-Confederation treaty agreements (Surtees, 1988, pp. 207-209):

1. Besides the right to hunt and fish throughout the ceded territory, ammunition to be provided;
2. There was an increase in annual annuity payments from \$4.00 to \$5.00 for each man, woman, and child, with \$25.00 for the Chief, \$15.00 for Band Councillors;
3. There was an increase in the size of acreage for the reserve lands set aside within the Numbered Treaties;
4. Economic development, in reference to specific items to be provided related to agriculture, a bull, cows, as well as farming implements needed for seeding and harvesting crops;
5. Education in reference to a school to be built and teachers to be hired;

¹⁵ In the book recently released now entitled, *COMPACT, CONTRACT, COVENANT: Aboriginal Treaty-Making in Canada*, Miller (2009) provides a more detailed historical perspective of the “Covenant Chain” which corresponds to eastern Canada (pp. 44-65), including the importance with regard to the use of the “pipe” and “bible” thus expressed as “covenant” between the Creator, First Nations, and Canadian federal government negotiators within the time period when the Numbered Treaties were being signed in western Canada (pp. 160-186).

6. Health Care in reference to the Medicine chest; and
7. There was a clause for food aid in time of general famine (items 6 and 7 pertain to Treaty Six as discussed in Ray, Miller & Tough, 2000, pp. 136-147).

In retrospect, prior to 1982, in disputes between the Canadian federal government and Aboriginal First Nations regarding the interpretation of treaties (whether Pre- or Post-Confederation), the Canadian federal government when it shifted to “litigation, [took] the position that only ‘the article of treaty’ as contained in the Queen’s Printer documents and as read literally can be used as the basis for determining whether or not there is an existing treaty right” (Cardinal & Hildebrandt, 2000, p. 49). The initial position that was generally taken by the Canadian federal government is derived from the legal decisions from “*Sero v. Gault* [in 1921] and *Logan v. Styres* [in 1959] ... [that] have serve[d] to reject, formally, full Indian sovereignty” (Surtees, 1988, p. 210). Nevertheless, the treaties agreed to in Canada and litigated from 1867 up to 1982 did attain a category of significant legal consequence. For example, the “*White v. Bob* decision [in 1965], including others such as *R. v. Moses* [in 1970], directed that an Indian treaty will supersede provincial legislation [which is articulated] within section 88 of the federal Indian Act of 1951” (Surtees, 1988, p. 210). On the other hand, when the Canadian federal government enacted the Migratory Birds Convention Act [of 1917] that affected the treaty clause with regard to hunting and fishing, which was challenged in court by an Aboriginal First Nation member from Treaty No. 11, the “Supreme Court of Canada upheld the authority of the Canadian Parliament when it ruled in the case of *R. v. Sikyea* ... in 1964” (Surtees, 1988, p. 210). Furthermore, the decision by the Supreme Court in the case of *R. v. Sikyea* [in 1964], as well as that of *R. v. Daniels* [in 1969], “seem[ed] to

confirm the principle that federal legislation can be used to override the terms of an Indian treaty ... [which had yet to be] challenged under the [new] Canadian Constitution adopted in 1982” (Surtees, 1988, p. 210). For clarity, the Canadian federal government, in 1982, was successful in convincing the British Crown that it should have its own constitution, which has come to be known as the Canadian Constitution Act of 1982. This, however, was no easy task for the Canadian federal government. After an extensive lobby by Aboriginal First Nation people that began in 1979, the Royal Proclamation of 1763 and the British North American Act of 1867 were incorporated into the Canadian Constitution of 1982. Furthermore, Section 35 of the Canadian Constitution Act of 1982 affirms the existence of Aboriginal and Treaty Rights and defines the phrase “Aboriginal Peoples of Canada” to include: (1) the Indian (which is the legal term for a Aboriginal First Nation person); as well as (2) the Inuit; and (3) the Metis (Slattery, 1985, p. 116).

Since the new Canadian Constitution Act of 1982 came into force, a different perspective with regard to Pre- and Post-Confederation Aboriginal First Nations’ treaties has now emerged. The Supreme Court of Canada has ruled Pre- and Post-Confederation Aboriginal First Nations’ treaties to be “sui generis.¹⁶ Indian treaties are neither international-like agreements between nation-state,¹⁷ nor are they simple contracts”¹⁸ (Isaac, 2004, p. 74). Further, Isaac (2004) cited *R. v. Simon* in 1985, whereas “the Supreme Court held that Indian treaties must be liberally construed and uncertainties resolved in favour of the of the Indians” (p. 77). In addition, Isaac (2004, p. 77) went on

¹⁶ *Simon* [1985], supra note 2, at 404, and *Sioui* [1990], supra note 2 at 1043; as cited in Isaac (2004, footnote 32, p. 74).

¹⁷ *R. v. Francis* [1956] S.C.R. 618; as cited in Isaac (2004, footnote 33, p. 74).

¹⁸ *Pawis v. R.*, [1979] 2 C.N.L.R. 52 (F.C.T.D.) and *Hay River v. R.*, [1979] 2 C.N.L.R. 101 (F.C.T.D.); as cited in Isaac (2004, footnote 34, p. 74).

to mention that this perspective is derived from the Supreme Court decision of

Nowegijick v. R. in 1983, citing the statement of Judge Dickson:

In *Jones v. Meehan*, 175 U.S. 1 (1899), it was held that Indian treaties “must be construed, not according to the technical meaning of [their] words, ... but in the sense in which they would naturally be understood by the Indians.”¹⁹

It was noted by Isaac (2004), “[t]he *Nowegijick* principle – that Indian treaties must be construed as they would have been understood by the Indians of the time the treaty was signed – remains in place” (p. 77). Further, as for the Supreme Court decision in *R. v. Simon* in 1985, Elliott (2005, p. 55) did cite Judge Dickson statement that “[a]n Indian treaty is unique, it is an agreement *sui generis* that is neither created nor terminated according to the rules of international law.”²⁰ In addition, in the Supreme Court decision in *R. v. Badger* in 1996, Elliott (2005, p. 57) noted the following comments of Judge Cory in expressing the views of the five-judge majority:

First, it must be remembered that a treaty represents an exchange of solemn promises between the Crown and the various Indian nations. It is an agreement whose nature is sacred Second, the honour of the Crown is always at stake in its dealing with Indian people It is always assumed that the Crown intends to fulfil its promises. No appearance of “sharp dealings” will be sanctioned.²¹

Specific to Pre-Confederation Treaties, Isaac (2004) mentioned, “[t]reaties made with the British Crown before Confederation [in 1867] are now considered to be treaties with the Crown in right of Canada” (p. 72).²² For clarity, Isaac (2004) commented this applies to: (1) the Robinson-Huron Treaty of 1850; (2) the Robinson-Superior Treaty of 1850; (3) the Manitoulin Island Treaty of 1862; (4) the Murray Treaty of September

¹⁹ *Nowegijick v. R.*, [1983] I.S.C.R. 36; as cited in Isaac (2004, footnote 60, p. 77).

²⁰ *Simon v. The Queen*, [1985] 2 S.C.R. 387 at 404; as cited in Elliott (2005, endnote 83, p. 63).

²¹ *R. v. Badger*, [1996] supra note at para. 41; as cited in Elliott (2005, endnote 99, p. 63).

²² *R. v. Secretary of State*, [1981] 4 C.N.L.R. 86 (Eng. C.A.); as cited in Isaac (2004, p. 72).

1760; and (5) the Peace, Friendship, and Trade Treaties, as this pertains to military alliance between the British Crown and the Aboriginal First Nations, primarily in the Maritimes (p. 72). Further, with respect to the Peace, Friendship and Trade Treaties, it is noted by Isacc (2004), “these treaties did not involve the cession of land and did not expressly extinguish Aboriginal title” (pp. 72-73),²³ as a result “Aboriginal rights and Aboriginal title may co-exist with treaty rights” (p. 72), for which the term “treaty-protected aboriginal rights” has been applied pertaining to this perspective (p. 72).²⁴

The Supreme Court decisions pertaining to British Pre-Confederation Peace, Friendship, and Trade Treaties are noted as follows, plus for interest one decision with regard to Aboriginal rights within the boundaries of the old colony formally known as New France:

1. *R. v. Simon*, [1985] 2 S.C.R. 387, in Nova Scotia as this pertains a 1752 treaty between the British Crown and the Mi’kmaq [Micmac] with regard to xxxx hunting. The Supreme Court of Canada decided in favour of the Aboriginal First Nation person and dismissed the charge concluding, “[t]he 1752 treaty is a ‘treaty’ within the meaning of s. 88 of the *Indian Act*,” and it had not been “extinguished” (Issac, 2004, p. 114);
2. *R. v. Marshall*, [1999] 3 S.C.R. 456, in New Brunswick as this pertains to the 1760-61 treaties between the British Crown and the Mi’kmaq [Micmac] with regard to the ability to earn a livelihood through that of fishing. The Supreme Court of Canada decided in favour of the Aboriginal First Nation person; but later reheard the case in reference to *R. v. Marshall*, [1999] 3 S.C.R. 533, thus restricting the right to only the Mi’kmaq [Micmac] communities which the 1760-61 treaties pertained to and setting specific guidelines to be adhered to (Elliott, 2005, pp. 58-59);

²³ See Isaac (2004) with regard to a brief discussion on the British Pre-Confederation Peace, Friendship, and Trade Treaties agreed to with the Mi’kmaq [Micmac] and the Maliseet between 1713 and 1761 in what is now known as New Brunswick and Nova Scotia, for which these treaties did not include that of land cession (pp. 72-74).

²⁴ See Brian Slattery, “*Making Sense of Aboriginal and Treaty Rights*” [2000] 79 Can. Bar Rev. 197 at 210, “with respect to the relationship of Aboriginal and Treaty rights [termed] as treaty-protected aboriginal rights;” as cited in Isaac (2004, footnote 16, p. 72).

3. *Quebec (A.G.) v. Sioui* [1990] 1 S.C.R. 1025 (S.C.C.), as this pertains to timber for customary and ceremonial use derived from “a document signed in 1760 by British General James Murray” (Elliott, 2005, pp. 55-56). The four Aboriginal First Nation individuals that had been charged were Band Members of the Lorette Indian Reserve of Quebec, who “maintained that this document constituted a treaty within the meaning of s. 88 of the *Indian Act* and was still valid” (Elliott, 2005, pp. 55-56). The Supreme Court of Canada decided in favour of the four Aboriginal First Nation individuals, for it concluded that the document “was a treaty[and it] had not been extinguished” (Elliott, 2005, p. 56; p. 63);

4. As for Aboriginal rights within the former boundaries of the colony that was known as New France, an Aboriginal First Nation person being Mohawk and a Band Member of “St. Regis (Akwesasne) Reserve [had been] charged with ... fishing without a permit” (Elliott, 2005, pp. 126-127), which corresponds to *R. v. Adams* [1996] (Elliott, 2005, p. 150). The Supreme Court of Canada decided in favour of the Band Member from St. Regis Reserve as having an Aboriginal right to fish in the former boundaries of New France, even though it had been argued in the lower courts that the French Crown had never formally acknowledged Aboriginal rights and Aboriginal title to land (Elliott, 2005, pp. 126-127; pp. 353-355). Specifically, Chief Justice Lamer mentioned that Aboriginal title is not required to establish an Aboriginal right (Elliott, 2005, pp. 353-355), and “Mr. Adams met the requirements of the *Van der Peet* test [a case decided early in 1996], that the rights had not been extinguished, and that they had been unjustifiably infringed by the fishery regulations” (Elliott, 2005, p. 355).

It is now noted that there were six Peace, Friendship, and Trade Treaties agreed to between the Dakota *Oyate* and the French Crown from 1658 to 1750 (Omani, 2005, pp. 15-16), as well as seven Pre-Confederation Peace, Friendship, and Trade Treaties agreed to between the Dakota *Oyate* and the British Crown from 1763 to 1817 (Omani, 2005, pp. 17-18). The importance of these Treaties (to be discussed in Chapter Four) for the Dakota *Oyate* who reside in the province of Saskatchewan and who have agreed to participate in this study is due, in part, to their having been originally excluded from the signing of the Numbered Treaties in western Canada in the 1870s, resulting in the loss of annuities and an equitable land base.

As for the Supreme Court of Canada decision in *R. v. Bagder* [1996], which

corresponds to the Post-Confederation Numbered Treaties in the Prairie Provinces, this pertains to the Natural Resource Transfer Agreement (NRTA), *Constitution Act, 1930* (in reference to Manitoba, Saskatchewan, and Alberta) and the Treaty right to hunt for food. The following was noted by Isaac (2004) with regard to the *Badger* decision:

The court held that the treaty right to hunt for food was not extinguished by the NRTA, but that the right was limited geographically using the concept of ‘visible use, incompatible use.’ This concept requires a case-by-case analysis and means that if privately owned land is occupied or put to a visible use, Indians do not have a right to access. If the land is unoccupied and not being put to visible use, Indians will have a right to access, pursuant to Treaty 8. The Court held that in this case, the requirement of hunting licences is a *prima facie* infringement of treaty rights that must be justified (p. 81).

It was also noted by Elliott (2005), “*Badger* established that the N.R.T.A. modified but did not replace hunting rights in the numbered treaties on the Prairies” (p. 68).

Having reviewed the literature with regard to the Supreme Court of Canada decisions pertaining to “Treaty Rights” since 1982, it seems for the most part that all pertain to the Aboriginal First Nations’ “Treaty Rights” which correspond to that of hunting and fishing in Pre- and Post-Confederation Treaties (Isaac, 2004; Elliott, 2005), but not rights of “*Treaty Governance*” (Youngblood Henderson, 2008, pp. 20-38).²⁵ Further, while the Supreme Court of Canada has acknowledged “Aboriginal Title” as existing outside of the Royal Proclamation of 1763, which corresponds to *Calder v. A.G. (B.C.)* in 1973 (McNeil, 2001, p. 60), as well as in *Delgamuukw v. B.C.* in 1997 (Isaac, 2004, p. 10), including that of “Aboriginal Rights” in *R. v. Adams* in 1996 (Isaac, 2004, p. 3). As for Aboriginal “self-government” the Supreme Court of Canada concluded in

²⁵ In support of “*Treaty Governance*” Youngblood Henderson (2008) cites the following quote: “*Treaties serve to reconcile pre-existing Aboriginal sovereignty with assumed Crown sovereignty and to define Aboriginal rights guaranteed by s. 35 of the Constitution Act, 1982. Chief Justice McLachlin*” (p. 20); thus which corresponds to the “*Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511 at para. 20 [*Haida Nation*];” as cited in Youngblood Henderson (2008, endnote 1, p. 33).

Delgamuukw, due to “the trial judge’s errors of fact,” as expressed by Chief Justice Lamer “this was ‘not the right case’ in which to formulate general principles on this issue” (Elliott, 2005, p. 134).²⁶

As for what has just been discussed pertaining to Aboriginal Self-Government, this in my view leaves the Royal Proclamation of 1763 and that of “Treaty Governance” (Youngblood Henderson, 2008) in a state of “flux,”²⁷ as this pertains to Pre- and Post-Confederation Aboriginal First Nations’ treaties. Further, Borrows (1997) has put forth the argument that “[t]he Royal Proclamation became a treaty at Niagara [in 1764] because it was presented by the colonialists for affirmation, and was accepted by First Nations” (p. 161).²⁸ It was noted by Borrows (1997) that “approximately two thousand chiefs attended the negotiations²⁹ with ‘representative nations as far east as Nova Scotia, and as far west as Mississippi, and as north as the Hudson Bay’” (p. 163).³⁰ Based on the comments just presented, since Indian treaties have been described as “*sui generis* ... neither created nor terminated according to the rules of international law” (Elliott, 2005, p. 55),³¹ perhaps it is time for the Pre- and Post-Confederation Aboriginal Treaty

²⁶ *Delgamuukw*, [1997], *supra* note 22 at para. 170; as cited in Elliott, 2005 (endnotes 137, 138, p. 155).

²⁷ The term applied in this text for “flux” is drawn from the Random House Webster’s unabridged dictionary, Second Edition (2001), defined as “continuous change, passage, or movement” (p. 740).

²⁸ As justification Borrows (1997) cites the Papers of Sir William Johnson with regard to a treaty viewed as questionable concluded in 1765, noting Sir William Johnson’s written comments:

These people had subscribed to a Treaty with me at Niagara in August last, but by the present Treaty I find, they make expression of subjection, which must either have arisen from the ignorance of the interpreter, or from some mistake; for I am convinced, they never mean or intend anything like it (Williams, 1982, p. 83; as cited in Borrows, 1997, p. 164).

²⁹ Godfrey (1982), *Pursuit of Profit and Preferment in Colonial North America: John Bradstreet’s Quest* (p. 197); as cited in Borrows (1997, endnote 67, p. 262).

³⁰ Williams (1982), *The Chain* (p. 79); as cited in Borrows (1997, endnote 67, p. 263).

³¹ Judge Dickson statement in *Simon v. The Queen*, [1985] 2 S.C.R. 387 at 404; as cited in Elliott (2005, p. 55, endnote 83, p. 63).

First Nations and the Supreme Court of Canada to revisit the legal term “royal prerogative” which the Royal Proclamation of 1763 is derived from, in order to devise the general guidelines for “Treaty Governance” (Youngblood Henderson, 2008). This would force the Canadian federal government to address not only the constitutional acknowledgement of “Treaty Governance” for renewable resources, such as hunting and fishing, but that of water and air, including that of non-renewable resources such as mineral rights, oil and gas derived from the Canadian federal government’s share of royalties from these resources within treaty territory.³² Further, to arrive at a federal fiscal transfer funding arrangement derived from the royalties of the renewable and non-renewable resources within treaty territory, specifically to implement the general guidelines for “Treaty Governance” would not require provincial consent, for Chief Justice Dickson of the Supreme Court in 1990 did state:

the Indians’ relationship with the Crown or sovereign has never depended on the particular representation of the Crown involved. From the Aboriginal perspective, any federal-provincial divisions that the Crown has imposed on itself are internal to itself and do not alter the basic structure of Sovereign-Indian relations. This is not to suggest that aboriginal peoples are outside of the sovereignty of the Crown, nor does it call into question the division of jurisdiction in relation to aboriginal peoples in federal Canada (as cited in Youngblood Henderson, 2008, p. 26).³³

The above-mentioned is proposed, for the Aboriginal Treaty First Nations that did agree to the Pre- and Post-Confederation Treaties, in particular those that agreed to the Numbered Treaties, hold the perspective that they never agreed to the sale of their lands

³² Youngblood Henderson (2008, endnote 2, p. 33) cites:

Halsbury’s Laws of England, 4th ed. (London: Butterworths, 1991) states that the boundaries of constitutional law of the United Kingdom have never been satisfactorily defined (ibid., vol. 8 at para. 801), but as part of the imperial constitutional law, treaties are included in the royal prerogatives (ibid., at para. 985-86) and the United Nations (ibid., at para. 988).

³³ *Mitchell v. Peguis Indian Band*, [1990] 2 S.C.R. 85 at 109 (dissenting opinion on other points); as cited in Youngblood Henderson (2008, endnote 57, p. 35).

and resources. Instead, they argue that they agreed to share their indigenous lands, to the depth of a plough. In not having the same concept with regard to land title or land ownership, Aboriginal Treaty First Nations believed that the treaty promises made to them by the British Crown, were for the mutual sharing of the land and for this the Aboriginal Treaty First Nations would receive certain “Treaty Rights” guaranteed in perpetuity:

At the time, the government said that we would live together, that I am not here to take away what you have now...I am here to borrow the land...to the depth of a plough...that is how much I want (Senator Allan Bird, Montreal Lake Cree Nation, Treaty 6; as cited in Cardinal & Hildebrandt, 2000, pp. 36-37).

Further, Abel & Prince (2008, pp. 158-169) in their article, “*Future of Fiscal Federalism: Funding Regimes for Aboriginal Self-Government*,” have proposed a number of insightful models that could be applied to “*Treaty Governance*” (Youngblood Henderson, 2008, pp. 20-38).

Hence, while there is still continuous debate with respect to the Pre- and Post-Confederation Treaties negotiated within Canada (Borrows, 1997; Cardinal & Hildebrandt, 2000; Jacobs, 1988; Surtees, 1988), those considered as land cession treaties by the Canadian federal government cover approximately one-half of Canada’s land mass (Surtees, 1988, p. 202). Further, since 1973 a considerable amount of Canada’s northern land mass has been under negotiation, mainly with those Aboriginal nations whose indigenous territory is now encompassed by the geographical regions known as the province of British Columbia, the Yukon Territory, the North-West Territories, and that of Labrador/Newfoundland. The recent agreements concluded, generally referred to as Aboriginal Modern Treaty/Land Claim Agreements, derived from the Canadian federal government’s comprehensive claim policy, are cited as follows: (1) the 1975 James

Bay and Northern Quebec Agreement; (2) the 1978 Northeastern Quebec Agreement; (3) the 1984 Western Arctic/Inuvialuit Agreement; (4) the 1992 Gwich'in Agreement, North-West Territories; (5) the 1993 and Later Yukon Agreements; (6) the 1993 Sahtu Dene and Metis Agreement, North-West Territories; (7) the 1993 Nunavut Land Claim Agreement, which lead to the splitting of the boundaries of the North-West Territories, thus creating a new territorial government known as Nunavut in 1999; (8) the 1997 Nisga'a Final Agreement, British Columbia; (9) the 2003 Tlicho Agreement, North-West Territories; and (10) the 2003 Labrador Inuit Land Claim Agreement (Elliott, 2005, pp. 171-177; Isaac, 2004, pp. 93-108).

Further, legislated Aboriginal self-government model agreements form part of each of the Modern Treaty/Land Claim Agreements. While it appears that these provide for more self-rule, with the price being in some of these agreements to surrender tax exemption that will be phased in over a number of years in order to gain control of each Aboriginal nation's respective land base, most scholars would likely suggest that it is too early to tell if this will be of benefit in the long term once the cash settlements end (which for some will be in 20 years or sooner). For provincial and federal taxation would then be applied in some of these Aboriginal self-government models, as is the case now for some (Elliott, 2005, pp. 171-177; Robinson, 2002, pp. 186-194; Henderson, 2008, pp. 222-239). In discussing Aboriginal self-government models that have been implemented to-date, Elliott (2005) states, "legislated self-government ... is unilaterally created and can be unilaterally changed by the majority vote in Parliament [t]he best example of this unilateral approach is the federal *Indian Act*" (p. 192). For clarity, the Modern Treaty/Land Claim Agreements "set out a framework for governance, outlining powers

and responsibilities that a specific Aboriginal government may ‘take down,’ as the process is typically described [as this pertains to] federal, provincial, and municipal/local authorities [of governance]” (Coates & Morrison, 2008, p. 107). As an insight to the dilemma that could be encountered by each respective Aboriginal nation that has signed a Modern Treaty/Land Claim Agreement, Slowey (2008) has provided the following comments with regard to the 1975 James Bay and Northern Quebec Agreement (JBNQA) in existence for the past 30 years:

In the end, the JBNQA was not just an agreement dealing with Cree governance, land, and territorial issues. It was not just an agreement between two orders of government [the Canadian federal government and the Quebec provincial government]. It was a license to develop the James Bay region. As Grand Chief Matthew Mukash put it, “Governments only understood our treaty as providing them the right to develop, while ignoring the obligations they had undertaken in favour of the Cree Nation.” This is why Cree self-government remains unrealized. Fortunately, the potential for self-government first articulated under the JBNQA has begun to be fulfilled, and this is in large part due to the CNQA [*Cree-Nackapi (of Quebec) Act, 1984*],³⁴ the Paix des Braves [actually known as the *Agreement Concerning a New Relationship between the Government of Quebec and the Cree of Quebec, 2002*],³⁵ and the new *Agreement Concerning a New Relationship between the Government of Canada and the Cree of Ecyou Istchee [2007]*³⁶ which are set to expire in fifty years (2052) and twenty years (approximately 2027) respectively. The aim for the future must be for more resource-sharing and governing agreements that are continued in perpetuity, thereby assuring the continued security and governance of the James Bay Cree within Eeyou Istchee³⁷ (pp. 218-219).

Slowey (2008) suggests if no “resource-sharing and governing agreements ... are continued in perpetuity” (p. 219), security in Aboriginal control of land, resources, and governance cannot be obtained. I noted with regret, and my view will stand the test of

³⁴ See Slowey (2008, p. 209) in reference to CNQA [*Cree-Nackapi (of Quebec) Act, 1984*].

³⁵ See Slowey (2008, p. 212) in reference to Paix des Braves [actually known as the *Agreement Concerning a New Relationship between the Government of Quebec and the Cree of Quebec, 2002*].

³⁶ See Slowey (2008, p. 212) in reference to the new *Agreement Concerning a New Relationship between the Government of Canada and the Cree of Ecyou Istchee [2007]*.

³⁷ The James Bay Cree “call their land Eeyou Istchee” (Slowey, 2008, p. 206).

time because it is based upon the experience of U.S.A. tribal lands that are held in fee-simple status as derived from the “*Dawes Severalty Act of 1887*” (Gibson, 1988, p. 227), that Aboriginal nations that have signed Modern Treaty/Land Claims Agreements with Canada, in which there is no clause for resource-revenue-sharing, will in the long term lose control of their lands now held in fee-simple status, once cash land claim settlements expire in place of provincial and federal taxation.³⁸ To speak plainly, this means, for me as an Aboriginal Dakota person, this loss will happen within the lifetime of my first grandchild, counting 50 years, by the year 2060.

Analysis of Research Findings, as to how each country, the U.S.A. & Canada, as well as the Original Inhabitants of North America perceive the meaning of Treaties

As for the literature reviewed, the Aboriginal nations being the original inhabitants of North America, who are now also referred to as Indian, Native, Indigenous, and First Nation, due to the “doctrine of discovery” as originally applied by European nations upon arriving on this continent (Jacobs, 1988, p. 6), are at this time finding it hard to articulate, from their perspective, the understanding of their treaties at the United Nations level, because the U.S.A. and Canada, Australia, as well as New Zealand have not accepted the United Nations Declaration of Indigenous Rights approved on September 13th, 2007.

Actually, all four of these imperial/colonial nation states voted against the United Nations Declaration of Indigenous Rights (which passed by a vote of 114, 11 Abstained and 4

³⁸ Unlike Pre- or Post-Confederation Treaties, which are considered as being historic treaties, in citing *Eastmain Band v. Canada* [1993] 3 C.N.L.R. 55 (F.C.T.D.), Isaac (2004) has noted, “the Federal Court of Appeal held that although the principle of interpreting treaties ‘liberally’ applies to modern treaties, the principle of doubtful expressions being construed in favour of the Indians does not apply” (pp. 96-97). This corresponds to Judge Decar’s comments with regard to the 1975 James Bay and Northern Quebec Agreement, noting that, unlike historic treaties in which Aboriginal First Nations did not have a say in the written text and had to “negotiate with parties who had a superior bargaining position. When it is modern treaties that are at stake, the Aboriginal party must now, too, be bound by the informed commitment that it is now in the position to make” (*Eastmain Band v. Canada* [1993], at para. 61 and 64; as cited in Isaac, 2004, footnote 179, p. 97).

Against). In response to the vote, Ambassador John McNee of Canada commented, “[t]he provisions on lands, territories and resources ‘are overly broad, unclear and capable of a wide variety of interpretations’ and could put into question matters that have been settled by treaty” (retrieved on October 4th, 2008 from United Nations News Center website, <http://www.un.org/apps/news/story.asp?NewsID=23794&Cr=indigenous&Cr1>).

Nevertheless, the treaties agreed to by the U.S.A. and Canada with the Aboriginal Nations, as the original inhabitants of North America, do carry and hold some legal strength according to the Supreme Courts of both countries, specifically in superseding certain federal, state and/or provincial laws, unless modified/infringed or extinguished by either country (for Canada, extinguishment only applies prior to 1982).³⁹ Further, while Section 35 of the Canadian Constitution Act of 1982 affirms the existence of Aboriginal and Treaty Rights (Slattery, 1985, p. 116), only time will make a distinction in reference to court action and litigation as to whether Pre- and Post-Confederation Aboriginal First Nation Treaties in Canada will gain the same stature as those in U.S.A.. Since the 1980s the latter have forced the U.S. federal government to enunciate “a federal Indian policy based on the concept of a ‘government-to-government relationship’ among the states, the federal government, and the Indian tribes” (Kelly, 1988, pp.79-80).

Personally, I am of the view, with the ongoing treaty process still unfolding in Canada (Miller, 2007, p. 43) and the mounting literature being generated in support of Aboriginal and Treaty Rights in Canada (Borrows, 1997; Cardinal & Hildebrandt, 2000; Youngblood Henderson, 2006), that a government-to-government relationship,

³⁹ Specific to Canada, Youngblood Henderson (2008) noted that, “[s]ince 1982, modern interpretation and federal or provincial legislation cannot extinguish treaty rights” (p. 32); thus which corresponds to the following Supreme Court of Canada decisions, “*Van der Peet* [1996], *supra* note 7 at para. 28; *Delgamukw* [1997], *supra* note 11 at paras. 173-74; *R. v. Mitchell* [2001] I.S.C.R. 911 at para. 11;” as cited in Youngblood Henderson (2008, endnote 118, p. 38).

specifically a “Constitutional Bilateral Federal Pre- and Post-Confederation Treaty Governance Process” between the Canadian federal government and Pre- and Post-Confederation Aboriginal Treaty First Nations will in time be achieved. An insight to this type of process is expressed in the book by Johnson (2007) entitled, *Two Families: TREATIES AND GOVERNMENT*. The following also speak to Treaty Governance: (1) Office of the Treaty Commissioner (2007), *Treaty Implementation: Fulfilling the Covenant*; (2) McLeod (2007), *Cree Narrative Memory: From Treaties to Contemporary Times*; (3) Stonechild (2006), *The New Buffalo: The Struggle of Aboriginal Post-Secondary Education in Canada*; (4) Carr-Stewart (2001), *A Treaty Right to Education*; (5) Cardinal & Hildebrandt (2000), *Treaty Elders Of Saskatchewan: Our Dream is That Our People Will One Day Be Clearly Recognized as Nations*; and (6) Hildebrandt, Carter, & First Rider (1996), *The True Spirit and Original Intent of Treaty 7*.⁴⁰

⁴⁰ As noted by Youngblood Henderson (2008), “[t]he various discussions and written text of these treaties vested Treaty governance, derived from pre-existing Aboriginal governance, imperial constitutional law, and now as constitutionally protected treaty rights, in s. 35 and 52 of the *Constitution Act, 1982*” (p. 20); which corresponds to the “*Constitutional Act, 1982*, being Schedule B to the Canada Act 1982 (U.K.), 1982, c, at Part II and VI;” as cited Youngblood Henderson (2008, endnote 4, p. 22).

CHAPTER FOUR

Review of Dakota/Lakota Treaty Adhesion Claim Process In Canada

In the 1870s, the Canadian federal government, in right of the British Crown, began the process of signing what have since been referred to as the Numbered Treaties with various First Nations in western Canada. During this process, the Canadian federal government initially excluded certain groups, such as the Dakota *Oyate*, now known as the Dakota/Sioux, Nakota/Assiniboine/Sioux, Nakota/Stoney/Sioux and Lakota/Sioux. However, the Nakota/Assiniboine/Sioux and Nakota/Stoney/Sioux were later allowed to sign Adhesion to Treaty Four and Treaty Six, with the Nakota/Stoney/Sioux at Morley, Alberta allowed to sign as original signatories to Treaty Seven. The intent of this chapter is to review the documentary literature with regard to the treaty-negotiating process between the Dakota *Oyate* and the Canadian government. The chapter first explores the reasons why all those known as Sioux were initially excluded from Treaties One through Six. It then discusses the circumstances which led to some Sioux groups, such as the Nakota/Assiniboine/Sioux and the Nakota/Stoney/Sioux, being allowed to adhere to the Numbered Treaties in western Canada, while others, such as the Dakota/Sioux and Lakota/Sioux, were repeatedly excluded. Further, the chapter assesses in depth whether the Dakota/Sioux and Lakota/Sioux residing within the area covered by the Numbered Treaties met the contemporary criteria for inclusion in the treaty negotiating process. A variety of linguistic, archaeological and documentary evidence is mobilized to evaluate issues of traditional territory, capacity to engage in international diplomacy, the existence

of a specific form of government and the presence of a recognized population. If it can be established that these criteria were indeed met, then these findings will buttress the claims of the Dakota/Lakota residing within Saskatchewan for inclusion in the treaty process.

Initial Exclusion of all Those Known as Sioux from the Numbered Treaties

When the British parliament passed the British North America Act in 1867 to establish the Dominion of Canada, it was made clear in section 91, subsection 24, that the Canadian federal government became responsible for “Indians and Lands reserved for the Indians” (Laliberte, et al., 2000, p. 496). As discussed in Chapter Three, the Dominion government inherited a well-established Crown policy derived from the Royal Proclamation of 1763 which recognized Aboriginal title to land and stipulated that this “could only be purchased by the British Crown” (Stonechild, 2003, p. 67). Immediately after Confederation the Dominion of Canada began the process of land expansion, to promote Euro-Canadian settlement into what is now known as western Canada. The purchase of Rupert’s Land led to conflict with the Metis and their claims to Aboriginal title were partially addressed through the scrip process of the Manitoba Act (Ray, Miller & Tough, 2000, pp. 49-55; Laliberte, et al., 2000, pp. 518-528). After this difficult encounter with the Red River Metis, the Canadian federal government began the process of extinguishing (from their perspective) Aboriginal rights and Aboriginal title to land of the First Nations in western Canada through the negotiation of the Numbered Treaties. These arrangements continued the British Pre-Confederation process of treaty negotiation and affirmed to the First Nations specific treaty rights, including reserve lands and annuities, the recognition of hunting, trapping and fishing rights as well as a guarantee of the right to education, health care, economic development and other assistance (Ray,

Miller & Tough, 2000, pp. 58-186).

Although the Numbered Treaties in western Canada were ostensibly designed, in the view of the Canadian federal government, to extinguish all Aboriginal rights and title to this vast area, the seven original bloodlines of the “Dakota *Oyate*” referred as the Sioux (for clarity those now known as the Dakota/Sioux, the Nakota/Assiniboine/Sioux, the Nakota/Stoney/Sioux and the Lakota/Sioux), were not allowed to participate as original signatories in the treaty-making process in Treaty One through Six (Stonechild, 2003, pp. 25-27). While the written transcripts of the oral history from Dakota/Lakota Elders gained in 2008 (to be discussed in Chapter Five) will address the original indigenous hunting, fishing and gathering territory of those termed as Sioux, the following discusses in brief a number of the intervening factors that resulted in the decision by the Canadian federal government treaty negotiators to initially exclude all those termed as Sioux from signing the Treaties One through Six.

The first main intervening factor was the practise of Canadian federal government treaty negotiators to seek advice from local individuals within the newly created province of Manitoba (Ray, Miller & Tough, 2000, p. 62; Stonechild, 2003, p. 23). Equally important in the decision-making process which led to the exclusion of the Sioux was the conflict that occurred in Minnesota termed as the U.S. – Dakota War of 1862 (Wilson, 2006, p. 3), after which some Dakota from the Upper Sioux and Lower Sioux Agencies in Minnesota had crossed the 49th parallel and came into Canada (Anderson, 1986, pp. 135-179), for which the U.S. federal government at the time had wanted to send their troops into Canada to pursue them (Elias, 1988, pp. 21-26). Treaty Commissioner Simpson, who had negotiated Treaty One and Treaty Two, both signed in 1871, took the position that

the Sioux were not entitled to enter treaty in Canada because, in his view, “They are, properly speaking, American Indians, and many of them are refugees from America, excluded on account of the part they took in the Minnesota Massacre” (Morrison, 2001, p. 213). Based on these considerations all the Dakota/Sioux, Nakota/Assiniboine/Sioux, Nakota/Stoney/Sioux and the Lakota/Sioux inhabiting the region within the newly created province of Manitoba and to the west before 1862, were initially excluded from signing Treaties One through Six (Stonechild, 2003, pp. 23-25).

Inclusion of the Nakota/Assiniboine/Sioux and Nakota/Stoney/Sioux within the Numbered Treaties of western Canada

Contrary to the perspective as put forth by Treaty Commissioner Simpson, written sources from other Canadian government officials did recognize that those known as Sioux as having a claim for inclusion in the Canadian treaty process. In April 1875, Commissioner French of the Canadian North-West Mounted Police had written to the Minister of Justice in Ottawa, noting the Cree and Saulteaux “had no exclusive right to the Cypress Hills region which had been included within Treaty 4. That country, he said, was the ‘recognized hunting ground and warpath of the Sioux, Assiniboine Sioux and Blackfoot tribes’” (Morrison, 2001, p. 12; as cited in Stonechild, 2003, p. 27). David Laird, Minister of Interior, who had been one of the Treaty Four Commissioners, replied to Commissioner French that he and his colleagues had been aware of this fact, and that the Treaty had “only been intended to extinguish Cree and Saulteaux rights” (Morrison, 2001, p. 12; as cited in Stonechild, 2003, p. 27).

Thus, because of this recognition that other Aboriginal groups had a claim to the Treaty Four region, the Nakota/Assiniboine/Sioux under Chiefs Pheasant’s Rump and Ocean Man of southern Saskatchewan were allowed to sign Adhesion to Treaty Four in

September of 1875 (DeMallie & Miller, 2001, p. 585).⁴¹ No formal government correspondence could be found to explain why the Nakota/Assiniboine/Sioux, who were initially excluded at the time Treaty Four was signed in 1874, were allowed to sign Adhesion to Treaty Four in 1875. An insight is provided by Holmes & Associates, Inc. (2000), who noted that a Cree spokesman at Cypress Hills in 1876 “made a list of several demands including ‘that the Assiniboines, who had never attended a treaty, should be taken in and be paid’”(p. 95). Inspector Walsh of the Canadian North-West Mounted Police, who was issuing the Treaty annuity payments at Cypress Hills in 1876 then responded: “if there were any Indians present who had not heretofore been admitted to a treaty, and could prove, to my [Walsh’s] satisfaction, that they were British Indians” (p. 95), the individual would “receive the first [annuity payment in 1874] and second [annuity payment, 1875] this year, and the third [1876] and fourth payment next year [1877]” (p. 95). However, Walsh in his September 12th, 1876 annual report, did offer his own caution to the Canadian federal government with regard to annuity payments provided to the Nakota/Assiniboine/Sioux, stating:

we must be very careful in questioning the heads of families as to their families. Some of them have taken children of Sioux Indians, to whom they [the Nakota/Assiniboine/Sioux] are closely allied, their language being nearly the same [in reference to the Dakota/Sioux and Lakota/Sioux] (Holmes & Associates, Inc., 2000, p. 95).

⁴¹ Morris (1880), during the Treaty Four negotiations, stated: “We have here Cree, Saulteaux, Assiniboines and other Indians, they are all one, and we have another people, the Half-breeds, they are of your blood and my blood” (p. 99). He makes no further mention of the Nakota/Assiniboine/Sioux being at the Treaty Four negotiations of 1874, nor of the Nakota/Assiniboine/Sioux taking an active part in the Treaty Four discussions (pp. 87-125). There is no Nakota/Assiniboine/Sioux Chief cited as having signed Treaty Four (p. 330-331).

However, Chief Che-e-kuk (the Worthy), who was present but whose name does not appear on the Treaty Four document (he was either excluded or did not agree to the signing of the treaty) did state: “the Young Dogs [who were of mixed Cree and Nakota/Assiniboine/Sioux ancestry] are not here, the Stonies [Nakota/Assiniboine/Sioux] my children are not here” (Morris, 1880, pp. 116-117). Chief Che-e-kuk (the Worthy) did sign Adhesion to Treaty Four on September 8th, 1875 at Fort Qu’Appelle (Holmes & Associates, Inc., 2000, p. 67).

Further, Inspector Walsh did mention in his September 12th, 1876 annual report that he would be checking the U.S.A. annuity payment list at Fort Peck, Montana to ensure that any Nakota/Assiniboine/Sioux receiving annuity payments at that location was not included within Canada's annuity list of Treaty Four. In turn, a letter from Lt. Governor Laird to the Minister of Interior dated April 19th, 1877 concurred with Inspector Walsh, noting: "[i]t is very desirable that no Indians who receive annuities or rations from the United States Government should be included in our paysheets" (Holmes & Associates, Inc., 2000, p. 96). Based on the written correspondence of Walsh (1876) and Lt. Governor Laird (1877), the Nakota/Assiniboine/Sioux under Chiefs Lean Man, Poorman, Long Lodge, and Man Who Took the Coat (Carry The Kettle) of southern Saskatchewan, were allowed to sign Adhesion to Treaty Four in September of 1877 (DeMallie & Miller, 2001, p. 585). In addition, the Nakota/Stoney/Sioux near Edmonton under Chief Alexis were also allowed to sign Adhesion to Treaty Six in August of 1877 (Getty & Gooding, 2001, p. 599). This was followed by the Nakota/Assiniboine/Sioux under Chief Mosquito, located near North Battleford, signing Adhesion to Treaty Six in August of 1878 (DeMallie & Miller, 2001, p. 586). As for Treaty Seven, which encompassed the prairie/woodland/parkland belt of southern Alberta, the Nakota/Stoney/Sioux under Chiefs Chiniki, Bear's Paw, and Wesley, residing near Morley, were allowed to sign as original signatories in September of 1877 (Getty & Gooding, 2001, p. 599). The other original signatories were the Blackfoot Confederacy, which corresponds to the following: (1) the Blood; (2) the Peigan; (3) the Siksika/Blackfoot; and (4) the Tsuu T'ina/Sarcee (Hildebrandt, First Rider & Carter, 1996, pp. 67-82).

Continued Exclusion of the Dakota/Sioux and Lakota/Sioux from the Treaty-Making Process within Canada

The documentary evidence thus suggests that the main factor motivating the Canadian federal government to exclude the Dakota/Sioux and Lakota/Sioux from signing Adhesion to the Numbered Treaties was the contemporary concern to maintain good relations with the United States. Primarily, this stemmed from the desire of the U.S. to send their troops into Canada to pursue the Dakota/Sioux who had participated in the Minnesota War of 1862 and then crossed into Canada (Elias, 1988, pp. 21-26). An additional concern was the Battle of the Little Bighorn in Montana, in 1876, after which Chief Sitting Bull and his Lakota/Sioux followers also crossed into Canada (Utley, 1993, pp. 183-224). As a result, from the Canadian perspective, “the prevailing view was that [the Dakota/Sioux and Lakota/Sioux] were American Indians” (Morrison, 2001, p. 225; as cited in Stonechild, 2003, p. 24) and that “[t]he ancestors of [the Dakota/Sioux and Lakota/Sioux in Canada] immigrated to ‘Canadian soil’ due to the fact that the Sioux were declared ‘enemies of the state’ by the Americans” (Stonechild, 2003, p. 6).

Chief Little Crow (Dakota/Sioux) and many of his followers did in time return to the U.S.A. (Anderson, 1986, pp. 176-178; Eastman, 1902, pp. 286-289; Laviolette, 1991, p. 148; p. 158). Chief Sitting Bull (Lakota/Sioux) and most of his followers also returned to the U.S.A. as of 1881 (Papandrea, 2007, pp. 18-20; Thomson & Thomson, 2000; pp. 71-72; Utley, 1993, pp. 225-233). However, the presence of these groups in Canada also resulted in those Dakota/Sioux and Lakota/Sioux, who were not part of the Minnesota Dakota-U.S. War of 1862 nor the Battle of the Little Bighorn in 1876, being excluded from the treaty process. Those denied inclusion in the Numbered Treaties included the *tiyospayes* (extended family groups) who were under the leadership of the following ten

Chiefs: Chief Standing Buffalo, Dakota/Sioux; Chief Whitecap, Dakota/Sioux; Chief Mahtowakan, Dakota/Sioux; Chief Red Dog, Dakota/Sioux; Chief Waanata, Dakota/Sioux; Chief Hupa Yakta, Dakota/Sioux (Elias, 1988, pp. 24-27; p. 204); including Chief Cloud Appears (Mahpiyahdinape), Dakota/Sioux; Chief Waoke (Weeokeah), Dakota/Sioux; Chief White Eagle, Dakota/Sioux (Papandrea, 2007, p. 53); and Chief Little Knife, Lakota/Sioux (The Commissioners of the Royal North-West Mounted Police, 1874-1881, p. 51). The descendants of the *tiyospayes* (extended family groups) under the leadership of these Dakota/Sioux and Lakota/Sioux Chiefs now reside on various reserves within the provinces of Manitoba and Saskatchewan as provided by the Canadian federal government (Laviolette, 1991, pp. 215-268).⁴² However, the reserve land that was provided is viewed by the Canadian federal government “as a matter of grace and not a right” (Morris, 1880, p. 279). Further, these groups enjoy no guaranteed written Treaty provisions pertaining to livelihood and annuity payments, such as those received by the descendents of those First Nations who adhered to a Numbered Treaty (Ray, Miller & Tough, 2000, pp. 215-253).

If the Dakota and Lakota Sioux’s indigenous hunting, fishing, and gathering territory within Canada were to be recognized, this would open the process for either adhering to the existing Numbered Treaties or the negotiation of an alternate treaty protocol agreement with the Canadian federal government. While this has been recommended by a number of Aboriginal legal scholars (Stonechild, 2003; Goodtrack, 2004), including the Office of the Treaty Commissioner (2007, preface xxvi) within

⁴² When one reviews the Sioux treaties signed in the U.S.A. which began in 1805 and concluded in 1868, the signatures of the ten Dakota/Lakota Chiefs cited, who were not part of the Minnesota Dakota-U.S. War of 1862, nor the Battle of the Little Bighorn in Montana, U.S.A. in 1876, do not appear on any of the treaties signed with the U.S. federal government (Omani, 2005).

Saskatchewan, further evidence can be mobilized to establish the right of these groups to be included in the treaty process. The four prerequisites of nationhood which allow Indigenous peoples to enter into treaty were identified by Alfonso Martinez, United Nations rapporteur. These include “the existence of a territory, a recognized capacity to enter into international agreements, a specific form of government, and a population” (Venne, 2002, p. 46). These criteria will now be utilized to offer an assessment of whether the Dakota/Sioux and Lakota/Sioux currently residing within Saskatchewan, had a rightful claim to inclusion in the treaty process.⁴³

Existence of Dakota/Lakota Territory within Canada, before and after 1867

Since it is argued here that the indigenous homeland of the Dakota *Oyate* within North America is now overlapped by the boundary line of the countries that have come to be known as the U.S.A. and Canada, the documentation to be discussed in this section will

⁴³ Morris (1880), did mention “[m]uch interest has been awakened with regard to this warlike race, owing to recent events; the war between them and the United States, the destruction by them of Captain Custer’s command, and their subsequent flight into British territory” (p. 276). Based on the previous statement, Morris (1880) then reasserted the original position of Treaty Commissioner Simpson of Manitoba in 1871, that the Sioux, “are, properly speaking, American Indians, and many of them are refugees from America” (Morrison, 2001, p. 213). However, Holmes & Associates, Inc. (2000) noted that while at the Treaty Four negotiations at Fort Qu’Appelle in September of 1874, a meeting took place between Lt. Governor Morris, David Laird, and “the Sioux Chiefs of Wood Mountain. Wah-pa-has-ka ‘White Cap’, ‘Little Standing Buffalo’, Ka-Ke ‘The Crow’ and Ta-i-o-pee ‘the Chest’ [being Dakota/Sioux]” (p. 30). While no mention is made of entering into treaty with the Sioux from Wood Mountain, it was verified by Holmes & Associates, Inc. (2000) that Morris did mention 80 acres for each family of five, plus “hoes and oxen, & traps, & twine, and other things all written down for [him/Morris] by the Queen [who] wants to help the Sioux to make a living.” These were to be provided for the Sioux in Manitoba and that the Sioux from Wood Mountain were encouraged to consider the same offer (PAM MG 12 B1 Morris Papers; as cited in Holmes & Associates, Inc., 2000, p. 31-33).

In turn, the following is provided as an insight with regard to the comments as offered by Morris to the Sioux of Wood Mountain. Morrison (2001) did cite correspondence dated November 27th, 1940 from A.E. St. Louis in charge of the Department of Indians Affairs records, who noted: “British citizenship was given to the Sioux Indians by Order in Council dated 24th April 1873 and an appropriation of land for their settlement in the North West Territories was authorized” (p. 272). Further, the Order in Council dated 24th April 1873 corresponds to Elias (1988) comments, “that the Dakota would be ‘remaining under the British Flag’” (Order in Council 1723 [of 1873] PAC RG10 2 25; as cited in Elias, 1988, p. 40; p. 228). This pertains to a report as submitted by Joseph Howe on January 4, 1873 to the Privy Council specifying the process and amount of land to be provided to the Dakota/Sioux within Canada cited as follows, “eighty acres of land would be allowed for each family, the reserve was subject to increase if warranted, and Dakota reserves would be located well away from the international boundary” (Order in Council 01/04/1873, Spragge to Anon, 01/06/1873 PAC RG10 3577 422; as cited in Elias, 1988, p. 40; p. 228).

at times use the contemporary names of various states and provinces within the interior of central North America. Further, being of Dakota ancestry, the following is noted. What will first be discussed in this subsection with regard to the historical existence of Dakota/Lakota territory within western Canada actually corresponds to the Dakota term, “*hipi itokab*, which literally means *before they came*” (Wilson, 2005, p. 15). This pertains specifically to the knowledge acquired from another Aboriginal group, the Cree through an analysis of the words that they use in their language to describe places and to identify other Aboriginal groups. A number of previously recorded oral history transcripts of Saskatchewan Dakota Elders analysed by Cheryl Touple (2003) will then be presented that cite specific locations in northern Saskatchewan and northern Manitoba occupied historically by the Dakota *Oyate*. Also discussed will be a number of Dakota place-names in central and southern Saskatchewan and Manitoba, including references to the hunting of buffalo along the Canadian/U.S.A. border. To provide a triangular process of verification, the discussion then moves to references within historical written sources with regard to the presence of the Dakota *Oyate* within western Canada. This will provide academic validity for the assertion that the Dakota/Sioux, Nakota/Assiniboine/Stoney/Sioux, and Lakota/Sioux since pre-contact times followed a hunting, fishing and gathering lifestyle inhabiting the geographic region now known as western Canada. This information is drawn from Hudson Bay Co. trade journals as this pertains to the terms “Poets,” “Assinipoets,” and “Pasymawock” (Russell, 1991, pp. 182-186). Also discussed are journals of the North-West Fur Trade Company, including existing related written sources. From a Dakota perspective that understood as academic validity within western academia (with its dependence on previous written sources) corresponds to the Dakota

words, “*hipi ohakab*, which literally means *after they came*” (Wilson, 2005, p.15).

The largest Aboriginal group within the province of Saskatchewan are known as Cree by those of European ancestry. In their own language the Cree refer to themselves as *Nehayawuk* (Pettipas, 1996, p. 67) and use the term *Pwata* when describing the Dakota/Sioux (Stonechild, 2003, p. 55). They use the term *Asiniwipwata* when describing the Nakota/Assiniboine/Stoney/Sioux (Stonechild, 2003, p. 55; Mandelbaum, 1979, p. 8).

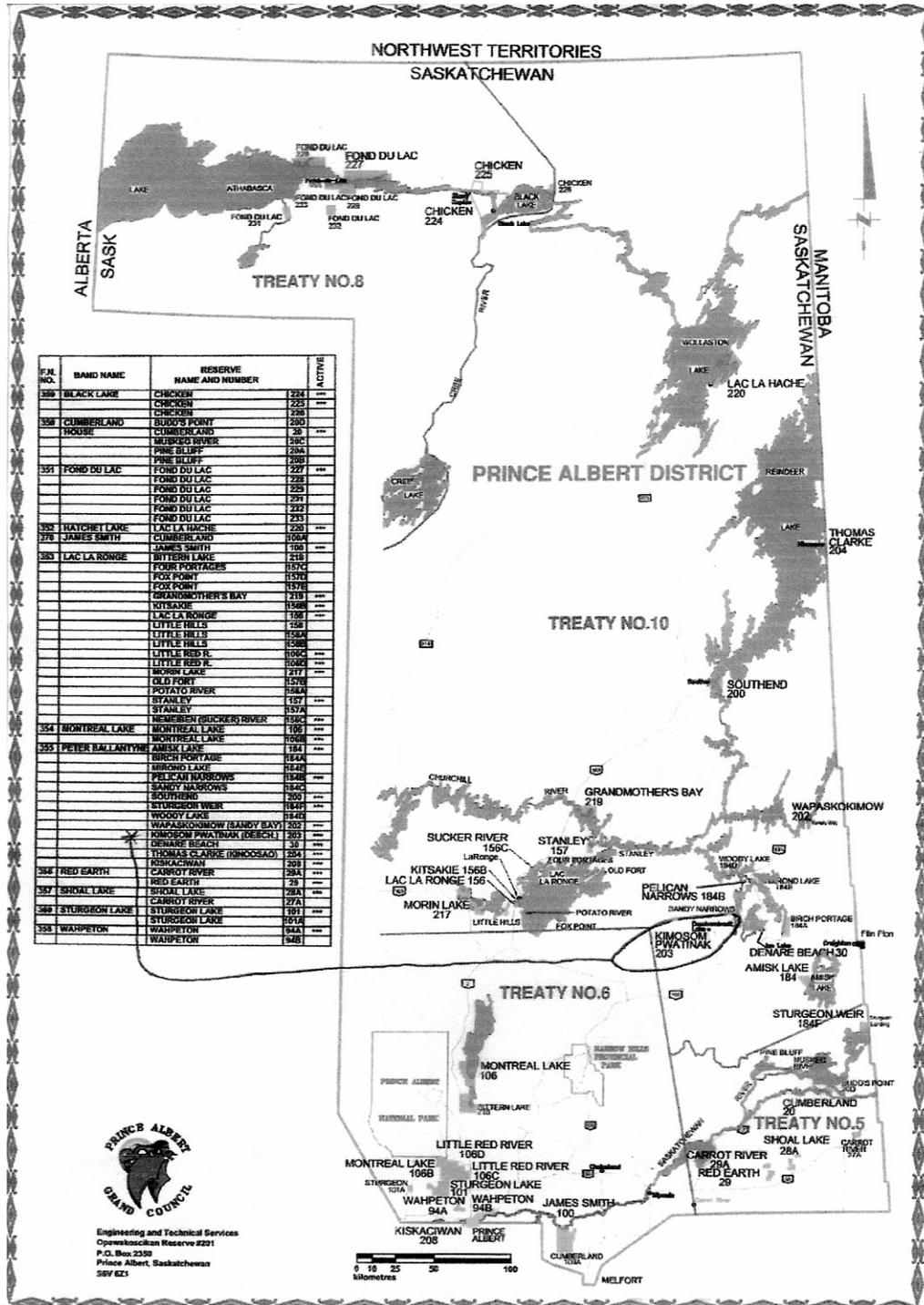
In transcripts of Saskatchewan Dakota Elders analysed by Cheryl Touple (2003), one respondent mentioned that Cumberland House, where the Swampy Cree reside in north-eastern Saskatchewan “is called *Pwottah Nootintonihk*, which translates [in Cree] as ‘the Sioux Battle Ground’” (p. 18).⁴⁴ Another respondent commented, “At Pelican Narrows [in northern Saskatchewan near the Churchill River] the Dakota men stole some women when the men were out. It is called Fearing Narrows” (p. 19).⁴⁵ In addition, this respondent stated at “Deschambeault Lake [located close to Pelican Narrows] there was a piece of flat ground named [by the Woodland Cree] after the Dakota people where they

⁴⁴ Joe Laliberte, Swampy Cree and former Chief of Cumberland House Cree Nation, remarked that there are a lot of Swampy Cree oral history stories about those they call Pwata (Dakota/Sioux) in having been at Cumberland House (personal communication, September 15th, 2008. U of S, Field Notes recorded by Leo J. Omani). Dr. Stan Wilson of Opaskwayak Cree Nation adjacent to The Pas, Manitoba also mentioned that there is one ancient Dakota Sacred Burial Site at Moose Lake, in northern Manitoba. Further, commenting that Moose Lake was before European contact an Aboriginal trade centre where different tribal groups gathered to trade medicine with each other (personal communication, August 6th, 2008. U of S, Field Notes recorded by Leo J. Omani).

⁴⁵ In the *The Encyclopedia of Saskatchewan*, http://esask.uregina.ca/entry/pelican_narrows.html the following is cited with regard to Pelican Narrows. “Oral history places the Cree at this site around 1730. Summer camps where women and children stayed were established, while the men travelled to Hudson Bay to trade furs” (McLennan, 2006). In addition, Marchildon & Robinson (2002) noted, “[t]he oldest story about present-day Pelican Narrows relates to how it got its Cree name of *Opawikoschikunihk*, which translates into English as ‘fear narrows’” (p. 331). Further, these authors commented, “[t]here are different versions of the story, but they are all very similar. P.G. Downes recorded one account in 1939 ... [mentioning] strange Indians came up from the south, probably Blackfeet, and massacred the entire band except for two children” (p. 332). Marchildon & Robinson (2002) noted that Ron Merasty, being Woodland Cree originally from Pelican Narrows, having reviewed “the Hudson’s Bay Company York Factory Journals ... is of the view that the Fear Narrows massacre quite likely occurred in 1730 [and] concludes that the marauders were Sioux and not Blackfoot as Downes had thought” (p. 332).

[Dakota] used to have dances” (p. 19); see map, below, pertaining to these comments.

- Noted below, Map 1: Courtesy of Prince Albert Grand Council citing the Woodland Cree Village of Deschambeault Lake in northern Saskatchewan. Now part of the new Treaty Land Entitlement Reserve it has been named *Kimosom Pwatinak*, which when translated from Cree to English means “Grandfather Dakota Land” (Stonechild, 2003, p. 55).



Further, the respondent that mentioned both Pelican Narrows and Deschambeault Lake, commented that the Dakota did frequent “the Churchill River ... where they used to canoe in the summer” (p. 19).⁴⁶ This respondent also mentioned a number of Dakota place-names in central and southern Saskatchewan, including Manitoba: *Miniduzahan* [fast flowing water in reference to the South Saskatchewan River], Battleford – *Okicize Wakpa* [meaning Battle River in west-central Saskatchewan], *Bde tanke* is Fort Qu’Appelle [the connecting lakes on the Qu’Appelle River in southern Saskatchewan], *Shiho*, [meaning] Red Jacket [a town in southern Saskatchewan], *Minidosa* [meaning fast flowing water, in reference to the Minidosa River in Manitoba, which has now also been applied to the town since named Minidosa in Manitoba (p. 19)]. In addition, this respondent mentioned that the Dakota made “Medicine Wheels and tipi rings as referred to by the *Wasicu* [Whiteman]” (p. 17). This respondent went on to comment that “[t]hese were ceremonial monuments and were marked after spiritual ceremonies were conducted around Prince Albert [in the northern Saskatchewan] area, Wanuskewin [Saskatoon, in central Saskatchewan], all down to Minneapolis, Minnesota” (p. 17).⁴⁷ Another respondent stated the Dakota, “years back ... hunted, fished, [and] trapped They used to hunt buffalo along the Canada/U.S. border So the buffalo were around and they hunted buffalo, as they were the main food source” (p. 9).⁴⁸

⁴⁶ Palmer (2008) stated, “the woodland Dakota used both the dugout and the birch-bark canoe” (p. 117). Lavolette (1991) also mentions the use of “dug-out canoes” by the Dakota (p. 2).

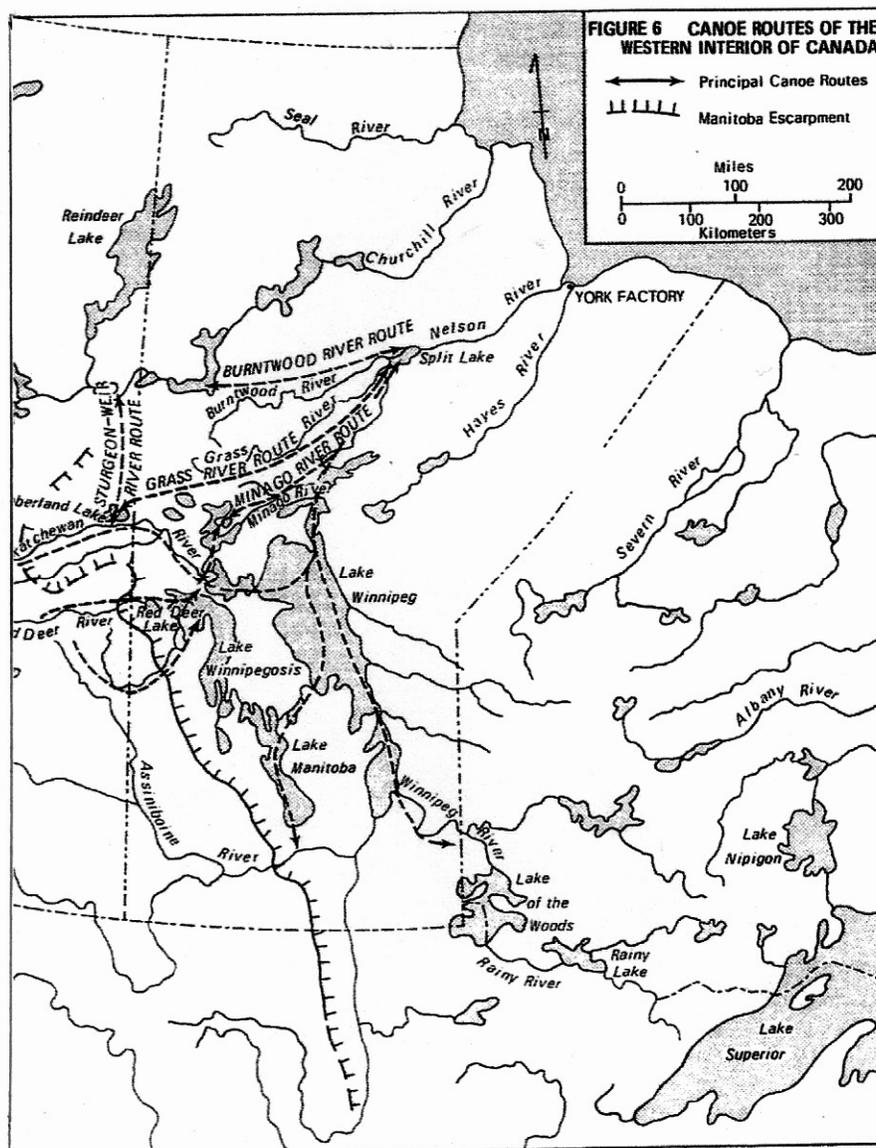
⁴⁷ Brace (2005), *Boulder Monuments Of Saskatchewan*, notes “[t]his examination of boulder monuments, and the variety of cultures associated with the northwestern Great Plains, identified four tribes (Blackfoot, Ojibwa, Cree, and Dakota) that can be linked directly with some of these features” (p. 151). Further, Stonechild (2003) has mentioned that the pictograph writing found on the rocks of the Churchill River is referred to by the “Stanley Mission [Woodland Cree] Elders as *Pwata* writing, or Dakota writing” (p. 56). Additional information with regard to pre-contact Dakota pictograph writing on the Churchill River will be presented in chapter five.

⁴⁸ According to Jones (1981) “the buffalo or bison (*Bison* sp.) formerly ranged as far north as Lac La Ronge [in northern Saskatchewan, Canada]” (p. 94).

In turn, as for existing documentation, in this case as for the names the Cree have applied since the time of pre-contact to the Dakota/Sioux and the Nakota/Assiniboine/Stoney/Sioux, this evidence comes from Hudson Bay Company correspondence to groups which were termed “Poets” and “Assinipoets” (Russell, 1991, p. 182). Thus, for clarity, Russell (1991, p. 84) noted the comments of Isham (1949) with regard to the names of various Aboriginal groups inland to the west of the Nelson River. Specifically, the following was noted in reference to the original English Hudson Bay transcription, with brackets since having then been placed thereafter: “poetuck [Assiniboin], ... sinnipoet, (alias) Boskemo [Assiniboin]” (Russell, 1991, p. 84). Who inserted the brackets after the original English transcription is not made clear, however since the Swampy Cree, the Woodland Cree, and the Willow Cree now known as the Plains Cree, continue to apply the term *Pwata* when describing the Dakota/Sioux, while *Asiniwipwata* is used when describing the Nakota/Assiniboine/Stoney/Sioux (Stonechild, 2003, p. 55). Clearly Isham’s original transcription of “poetuck” corresponds to the term *Pwata*/Dakota/Sioux, as this pertains to the *Wahpetonwan* (Dwellers Among the Leaves), *Sisitonwan* (Camping Among Swamps), *Wahpekute* (Shooters Among the Leaves), and *Mdewakantonwan* (Dwellers of Spirit Lake). For when more than one *Pwata*/Dakota/Sioux person is referred to by the Cree, the term *Pwatak* is applied. While “Sinnipoet” which also encompasses the term “Assinipoets” (Russell, 1991, p. 182) corresponds to those now known as the Nakota/Assiniboine/Sioux (*Ihanktonwan*, Dwellers at the End), as well as the Nakota/Stoney/Sioux (*Ihanktonwanna*, Little Dwellers at the Very End). For when more than one *Asiniwipwata*/Nakota/Assiniboine/Stoney/Sioux person is referred to by the Cree, the term *Asiniwipwatak* is applied. Further, after reviewing a

number of Hudson Bay archival records pertaining to the terms “Poets” and “Assinipoets,” Russell (1991) did note “[a]fter 1722, there are no longer references to either Northern or Southern Assinipoets but only to ‘Poets’ and ‘Assinipoets’” (p. 182), with the term “Poets” having previously been identified as being “Dakota” (Davis, 1965, pp. 141-142; as cited in Russell, 1991, p. 177).

- Noted below, Map 2: Canoe routes by Ray (1998, p. 15), which supports the comments of Isham (1949, pp. 67-69; as cited in Russell, 1991, p. 84).



- Permission to reprint illustration, Figure 6, map drawn from page 15, *Indians in the Fur Trade: With A New Introduction*, by A. J. Ray (1998); granted by the publisher: University of Toronto Press, September 9, 2009.

The following additional written sources also corroborate the original English Hudson Bay transcriptions. Wheeler (1991) mentioned, “when the Assiniboine Elders were speaking Assiniboine they referred to themselves collectively as *Ihanktonwan*” (p. 67), which is translated in Dakota as “Dwellers at the End.” In addition, Wheeler (1991) did note, “the Assiniboine tradition recorded in 1990 was that the Assiniboine and Dakota were a single society who had through past times shared a territory on the northern plains in Canada” (p. 68). It has also mentioned that as of the late 1600s the “Parkland ecozone from Lake Winnipeg to the Touchwood Hills in Saskatchewan is the more probable territory [of the Nakota/Assiniboine/Sioux]” (Wheeler, 1977, p. 120; as cited in Russell, 1991, p. 174). For clarity, *Ihanktonwan*, translated as “Dwellers at the End” in Dakota, actually describes the geographical region as being at end of the woodland/parkland belt and at the end of the prairie belt.⁴⁹ The indigenous territory of the *Titonwan* (Dwellers of the Prairie), those now known as the Lakota/Sioux, then begins (Elias, 1980, p. 12; MacEwan, 1973, pp. 10-12). My late mother, *Mahpeya Ku Win ‘yan*, also known as Edith Omani, mentioned to me when I was younger that the Cree had used the term *Pasquia-Pwatak* (Prairie Sioux) for the *Titonwan* (Dwellers of the Prairie), but this term is seldom now ever used. Further, Nakota/Assiniboine Elder William Starchief of Mosquito Nakota First Nation (located near North Battleford, Saskatchewan) also did mention to me that he had also heard of the Cree term *Pasquia-Pwatak* (Prairie Sioux) having been used long ago for the *Titonwan* (Dwellers of the Prairie) who now reside at Wood Mountain

⁴⁹ Goodtrack (2004) described the indigenous hunting, fishing and gathering territory of the Nakota/Assiniboine/Sioux “as being at where the Pembina River intersects with the Red River and their northern boundary traveled along the Assiniboine River to Battleford” (p. 99). This geographical region as described for the Assiniboine by Goodtrack (2004) actually concurs with the original Dakota name for the Assiniboine, that being *Ihanktonwan* (Dwellers at the End), which describes the geographical region as being at end of the woodland/parkland belt and at the end of the prairie belt.

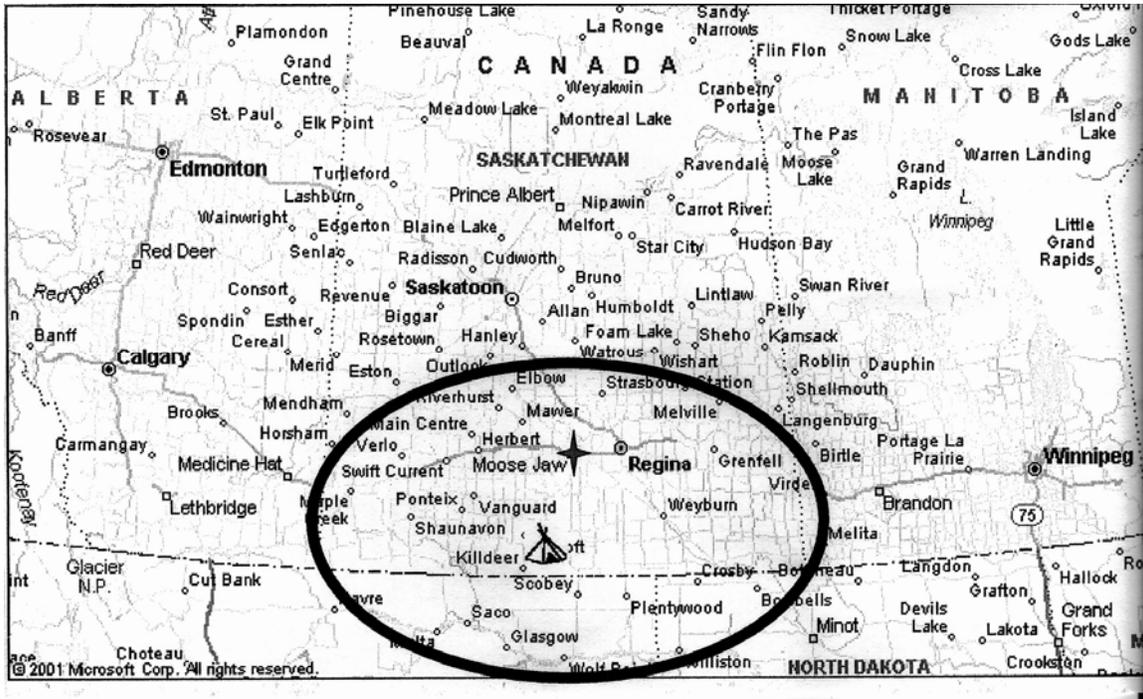
(located near the Cypress Hills region, in the bottom southwest corner of Saskatchewan), now known as the Lakota/Sioux.⁵⁰

In retrospect, while the Cree continue to use the terms *Pwatak* for the Dakota/Sioux and *Asiniwipwatak* for the Nakota/Assiniboine/Stoney/Sioux. They also used the term *Pasquia-Pwatak* (Prairie Sioux) long ago for the *Titonwan* (Dwellers of the Prairie), now known as the Lakota/Sioux, who speak a similar dialect to the Dakota/Sioux and Nakota/Assiniboine/Stoney/Sioux. In turn, the term *Pasquia-Pwatak* (Prairie Sioux) actually corresponds to the Cree term *p,a,sym, a wock* as originally transcribed by Joseph Pink in 1767 (HBCA B.239/a/56 22 January 1767; as cited in Russell, 1991, p. 186). For when *p,a,sym, a wock* is translated from Cree to English it actually means “Prairie People.” This was the group that Joseph Pink met in 1767 near the South Saskatchewan River, who, he remarked, had “many horses” (Russell, 1991, p. 99). Pink commented that the Cree “call them *p,a,sym, a wock*. But I find that they are of the same that we call *Syn, na, poits* that come down to your Fortes” (HBCA B.239/a/56 22 January 1767; as cited in Russell, 1991, p. 186). Thus, it can only be concluded the group termed as *p,a,sym, a wock* (Prairie People) by the Cree that Joseph Pink met in 1767 were, in fact, *Titonwan* (Dwellers of the Prairie) now known as Lakota/Sioux and not “Southern Assiniboin[e]” as suggested by Russell (1991, p. 99). See map on next page of Lakota/Sioux original Indigenous hunting, fishing, and gathering territory within the province now known as Saskatchewan, Canada.

⁵⁰ Nakota/Assiniboine Elder William Starchief of Mosquito Nakota First Nation First Nation (located near North Battleford, Saskatchewan), personal communication, September 14th, 2009. U of S, Field Notes recorded by Leo J. Omani.

Noted below, Map 3: Lakota/Sioux original Indigenous hunting, fishing, and gathering territory which today lies within the province now known as Saskatchewan, Canada.

- Specifically, the Lakota/Sioux original Indigenous hunting, fishing, and gathering territory is that “circled” within southern Saskatchewan having previously been noted as the “Missouri Coteau,” which also includes that now known as the town of Elbow located on the South Saskatchewan River and within the “Saskatchewan Plain” as cited within the map of the “Missouri Coteau” (Ray, 1998, p. 7).



- Map courtesy of Wood Mountain Lakota Nation, located in the bottom south-west corner within the province now known as Saskatchewan, Canada.
- Map drawn from page 11 of Wood Mountain Lakota Nation (2003), *Adhesion to Treaty Project*. Briefing Document: Overview of Legal Submission provided to Indian and Northern Affairs Canada, Department of Justice Canada, the Dakota / Lakota Chiefs of Saskatchewan, the Federation of Saskatchewan Indian Nations and the Office of the Treaty Commissioner, Saskatoon, Saskatchewan, Canada.

Thus, Wheel (1991) comments, “the Assiniboine and Dakota were a single society who had through past times shared a territory on the northern plains in Canada” (p. 68). I include the map of Lakota/Sioux original Indigenous territory in reference to that “circled” within southern Saskatchewan having been noted previously as the “Missouri Coteau” (Ray, 1998, p. 7). It is now evident that the Nakota/Assiniboine/Sioux, in not only having shared the same territory from time to time with the Dakota/Sioux, but also the Lakota/Sioux in centuries past. Russell (1991) further comments, “[t]here is no evidence that the Assiniboin[e] accompanied the Cree into the West [s]eemingly, they extended beyond the Cree: both the early French and the HBC considered them to be in contact with the Dogrib or western Athapaskans” (p. 214). This reference actually pertains to the *Ihanktonwanna* (Little Dwellers at the Very End), which corresponds to the Nakota/Stoney/Sioux, who reside adjacent to and west of the Rocky Mountains within the province of Alberta, Canada (Getty & Gooding, 2001, p. 596; MacEwan, 1969, p. 22).

Considerable documentary evidence for the presence of the Dakota/Sioux and Lakota/Sioux within western Canada can therefore be found for the period before 1780. However, less evidence is available for the subsequent period. Part of the explanation for this is provided by Stonechild’s (2003) observation: “In 1781, the estimated Dakota population was 25,000. By the end of 1782, approximately 95 per cent of the Dakota population was decimated by smallpox, with a remaining Dakota population of 4,200” (p. 57). Coutu & Hoffman-Mercredi (1999, p. 185) also cited the following quote in reference to Denesuline history, “[i]t has been estimated that the smallpox epidemic of 1782 contributed to the deaths of 60% to 90% of the Chipewyan population” (p. 89).

Russell (1991) did state, “in the mid-1700s, six major Cree groups inhabited the western parklands, plains and boreal forest: the Susuhana, Sturgeon, Pegogamaw, Keskatchewan/Beaver, Athabaska and Missinipi. These groups were all obliterated by the smallpox epidemic of 1781” (p. iii). Further, Russell (1991) noted, “it was the resultant population shifts, which were noted by nineteenth century observers” (p. iii). This refers to the groups that came from the north-east and took up residence in the early 1800s within the provinces now known as Saskatchewan and Alberta, generally referred to as the Swampy Cree, the Woodland Cree, the Willow Cree, and the Plains Cree.⁵¹ Clearly the Dakota/Sioux and Lakota/Sioux and other groups observed by contemporaries such as Isham to be inhabiting the areas now known as Saskatchewan and Alberta before 1780 were decimated by the smallpox epidemic of the early 1780s. Their traditional territories were then occupied by various Cree groups who moved into those areas in the early 1800s. But, despite this dramatic population loss, including subsequent major demographic and territorial shifts, evidence for the continued presence of Dakota/Sioux and Lakota/Sioux in this region after this period can also be found in the documentary sources. This documentation generally points to the Dakota/Sioux as residing within the woodland/parkland/prairie belt of western Canada and the Lakota/Sioux as residing within the prairie belt, generally referred as the northern plains of western Canada.

Wheeler (1991) asserted that before 1763, “[d]uring the French regime the Dakota

⁵¹ With the Dakota/Sioux having been also referred as the Eastern Dakota (Anderson (1997), no firm population figures within this time period were ever cited by Anderson (1997) for the Middle Dakota (Forbes, 1977), as well as the Western Dakota (Elias, 1980; Lavolette, 1991). However, given the marginal population size as of this date (Year, 2010) in western Canada with regard the Middle Dakota now known as the Nakota, as this pertains to the Assiniboine and the Stony (Cardinal & Hildebrandt, 2000; Getty & Gooding, 2001; MacEwan, 1969; Wheeler, 1977), as well the Western Dakota now known as the Lakota in reference to the *Titonwan* that reside at Wood Mountain in southern Saskatchewan (Lavolette, 1991; MacEwan, 1973), it is clear that these groups also being in the direct line of the 1781 – 82 smallpox epidemic were also nearly totally decimated by this same smallpox epidemic.

were frequently at war from the headwaters of the Churchill [River] to the Lake of the Woods region [noting] there are numerous references to Cree/Ojibway battles with the Dakota” (p. 108). See map noted below that cites French Fur Trade Posts from 1732 to 1751 within the geographical region of western Canada (Ray, 1998, p. 56), which supports the comments by Wheeler (1991, p. 108).

- Noted below, Map 4: French Fur Trade Posts in western Canada, specifically within the provinces now known as Manitoba and Saskatchewan. Within the province of Manitoba: (a) Fort St. Charles, 1732; (b) Fort Maurepas (1), 1734; (c) Fort La Reine, 1738; (d) Fort Dauphin, 1741; (e) Fort Bourbon, 1741; (f) Fort Maurepas (2), 1744; and (g) Fort Paskoyac, 1750 (Ray, 1998, p. 56). Within the province of Saskatchewan: Fort La Corne which was established in 1751 just past where the North Saskatchewan River and South Saskatchewan River meet (Ray, 1998, p. 56).

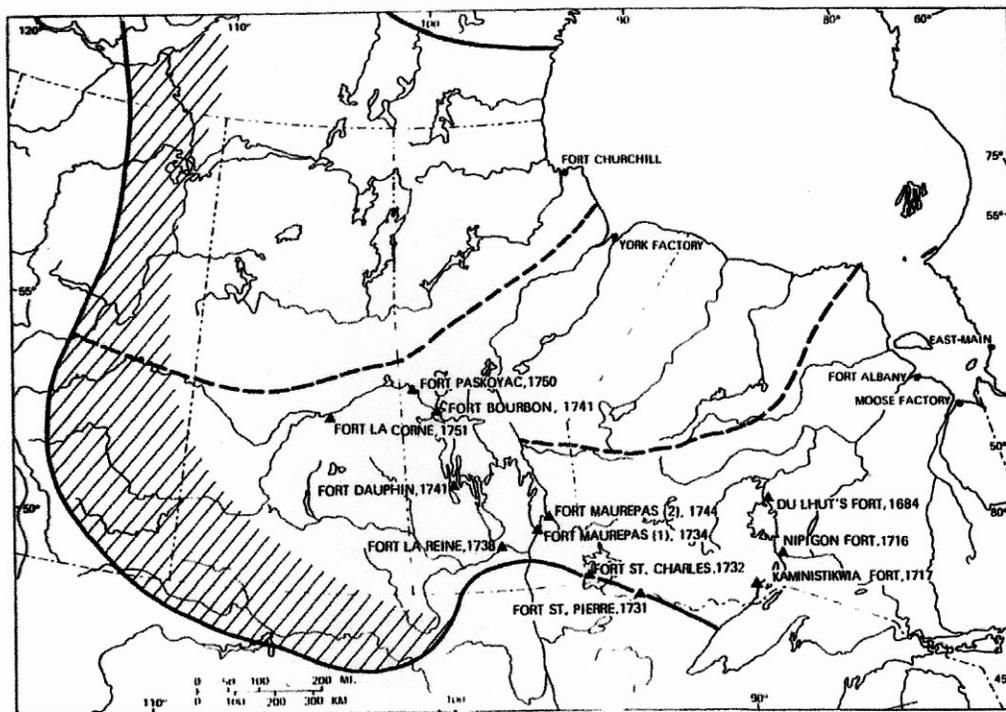


FIGURE 18

THE WESTERN FUR TRADE, CA. 1750

- | | |
|--|--|
| ▲ Key French Posts and Dates Established | --- Approximate Hinterland Boundaries Between Hudson's Bay Company Posts |
| //// Indirect Trade Area | — Approximate Limits of Hudson's Bay Company Fur Trade including Indirect Trade Area |

- Permission to reprint illustration, Figure 18, map drawn from page 56, *Indians in the Fur Trade: With A New Introduction*, by A. J. Ray (1998); granted by the publisher: University of Toronto Press, September 9, 2009.

After 1763 when the British gained control of western Canada, Elias (1988) did place the Dakota/Sioux as far north as the Churchill River in northern Saskatchewan, prior to 1774 (p. 6). Thus, Elias (1988) noted:

one of the routes used by the Dakota to reach the Cree camps took them through Deschambeault Lake in northern Saskatchewan by way of the Ballantyne River, which is known by the Cree of that region as *Puatsipi* or *Dakota River*. Further, to the east, and connected by water with *Puatsipi* is Pelican Narrows, named in Cree [as] *Opowekusitikunik* (or narrows of fear) following a battle at that place between themselves and the Dakota (p. 6).

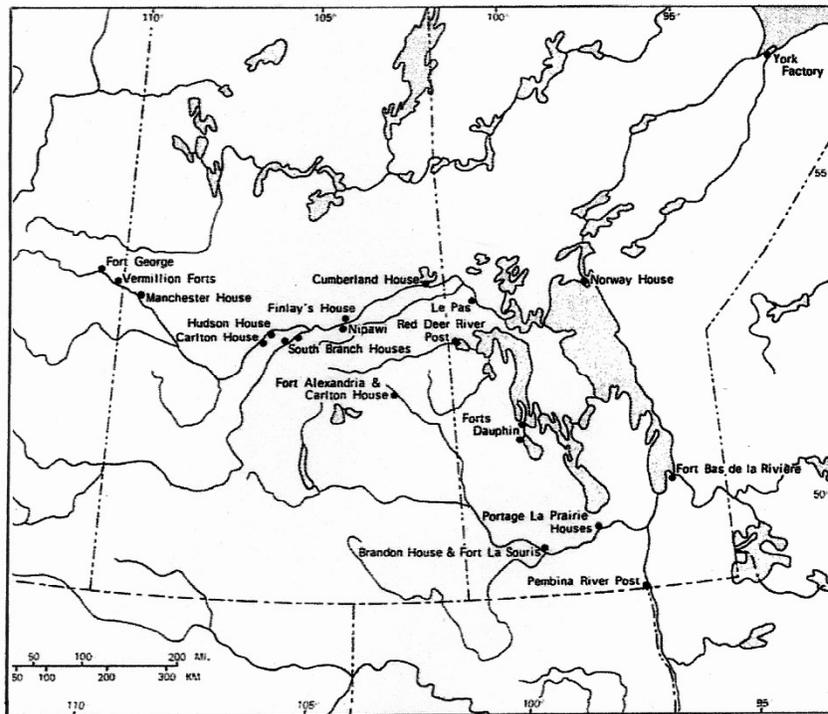
It was also mentioned by Elias (1988) that, “returning from one such engagement, a party of Dakota wintered on the shores of Deschambeault Lake” and goes on to translate the Cree word “*Kimosopuatinak*” by stating, “this particular site and the modern Cree Village of Deschambeault Lake is called *Kimosopuatinak* (Home of the Ancient Dakota)” (p. 6).

Written journals of U.S., British and French Canadian fur traders from the 1790s to 1820, also mention numerous Dakota/Sioux residing above the 49th parallel, in this case along the valleys of the Souris, Red and Assiniboine Rivers in what is now the province of Manitoba, Canada. Information drawn from the journals of David Thompson, 1797, John McDonnell, 1797, Alexander Henry the younger, 1800, Francois-Antoine, 1805, and the Hudson’s Bay Company Journals from 1815 to 1820 provide additional evidence (Morrison, 2001, pp. 51-52; pp. 56-57; p. 59). Alexander Henry the younger of the North-West Fur Trade Company in August 1800, referring to the region that stretched from the “forks of the Red [River] and Assiniboine [River] ... [noted that] the Saulteaux [Plains Ojibwa] has been nervous [of Sioux presence]” (p. 52). He then elaborated:

I now embark’d and pushed on after my canoes, but the Indians [the Saulteaux] advised me to be cautious, and to be on guard, against the Sciox [Sioux], who they said we had every reason to suppose would fall upon us, before many days, as they had been at war, in course of the summer, in the upper part of this [Red]

River, and had found the vestiges of a Scioux [Sioux] Camp, at no great distance from this.⁵²

Noted below, Map 5: Fur Trade Posts from 1763 to 1821 within the provinces now known as Manitoba and Saskatchewan (Ray, 1998, p. 127). This supports the comments drawn from various journals cited from 1797 to 1820 with regard to numerous Dakota/Sioux residing above the 49th parallel, in this case along the valleys of the Souris, Red and Assiniboine Rivers (Morrison, 2001, pp. 51-52; pp. 56-57; p. 59; as cited in Stonechild, 2003, pp. 42-43; p. 49).



38
FUR TRADING POSTS, 1763-1821
 Sources: A. S. Morton, "A HISTORY OF THE CANADIAN WEST TO 1870-71" and E. Voorhis, "HISTORIC FORTS AND TRADING POSTS"

- Permission to reprint illustration, Figure 38, map drawn from page 127, *Indians in the Fur Trade: With A New Introduction*, by A. J. Ray (1998); granted by the publisher: University of Toronto Press, September 9, 2009.

⁵² Gough, B. (ed). (1988). *The Journals of Alexander Henry the younger 1799-1814, Vol. 1*. Toronto: The Champlain Society, pp. 25-26; as cited in Morrison (2001, p. 52).

It was also noted, drawn from the Hudson's Bay Fur Trade Company Journals, that "the northern Dakota/Sioux often traded at the Red River settlement [Manitoba, Canada] from 1821 to 1861" (Morrison, 2001, p. 10; as cited in Stonechild, 2003, p. 39). Further, it has been stated that there were "many Dakota winter villages North of the 49th Parallel along the valleys of the Souris, Assiniboine, Qu'Appelle and Lower Red River in what are now southern Manitoba and Saskatchewan" (Morrison, 2001, p. 6). The journals of American Fur Trader Edwin Thompson Denig, 1820-1855, British Captain John Palliser, 1857-1860, British explorer Henry Hind, 1857, as well as Governor William Mactavish of Assiniboia, also include references to the Dakota/Sioux presence in what is now Canada (Morrison, 2001, p. 6; p. 84; p. 116; as cited in Stonechild, 2003, pp. 44-45). Specifically, "[o]n March 1, 1860 a peace treaty was concluded at Fort Garry [Manitoba] between the Red River Saulteaux [Plains Ojibwa] and the Dakota. This was witnessed by Governor William Mactavish of Assiniboia. The treaty area included lands in southern Manitoba" (Morrison, 2001, p. 84; cited in Stonechild, 2003, p. 45). In support of the previous comments, Pattipas (1996) did mention that "the prairie to the west of this was held by the Dakotas" (p. 156). See noted on the next page, map that cites Fur Trade Posts from 1821 to 1870 within the provinces now known as Manitoba and Saskatchewan (Ray, 1998, p. 201).

Noted below, Map 6: Fur Trade Posts from 1821 to 1870 within the provinces now known as Manitoba and Saskatchewan (Ray, 1998, p. 201).

- This map supports the comments drawn from various journals cited from 1820 to 1860 of “many Dakota winter villages North of the 49th Parallel along the valleys of the Souris, Assiniboine, Qu’Appelle and Lower Red River in what are now southern Manitoba and Saskatchewan (Morrison, 2001, p. 6; p. 84; p. 116; as cited in Stonechild, 2003, pp. 44-45).

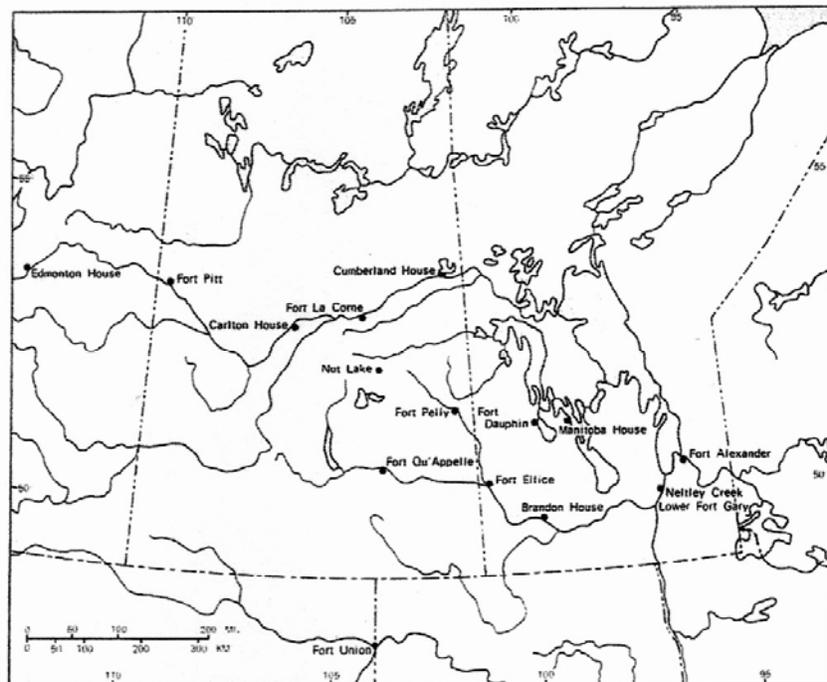


FIGURE 45 FUR TRADING POSTS, 1821-1870

- Permission to reprint illustration, Figure 45, map drawn from page 201, *Indians in the Fur Trade: With A New Introduction*, by A. J. Ray (1998); granted by the publisher: University of Toronto Press, September 9, 2009.

In turn, Stonechild (2003) did mention that Chief Standing Buffalo, as well as Chief Whitecap (including the other Dakota/Sioux Chiefs previously cited on pages 93 and 94) and their *tiyospayes* (extended family groups), who had historically followed a migratory woodland/parkland/prairie hunting lifestyle on both sides of the 49th parallel, beginning in the 1860s, took up permanent residence above the 49th parallel within the provinces that have come to be known as Manitoba and Saskatchewan (pp. 23-24). The

decision of these Dakota/Sioux Chiefs and their *tiyospayes* (extended family groups), to take up permanent residence within their indigenous territory above the 49th parallel from the 1860s on, was due to the U.S. army and U.S. citizens continuously attacking the Dakota/Sioux south of the 49th parallel (Anderson, 1986, pp. 176-178; Stonechild, 2003, p. 50), regardless of whether or not the Dakota/Sioux were involved in the Minnesota Dakota-U.S. War of 1862.⁵³ In addition, it was previously mentioned by Elias (1988, pp. 31-32), as well as by Stonechild (2003, p. 47), and verified by Goodtrack (2004) that “by 1860 the Standing Buffalo band occupied the territory from Fort Ellice [Manitoba] to the Qu’Appelle Lakes [Saskatchewan], ... whereas the band under Whitecap occupied the area from Moose Mountain in south-eastern Saskatchewan to the Saskatchewan River” (p. 158). Regarding Chief Hupa Yakta and his *tiyospaye* being *Wahpetonwan* (Dwellers Among the Leaves), Stonechild (2003) drawing from Morrison (2001, pp. 35-39; p. 53) commented that the “ancestors of the Wahpeton people, were recorded as early the 1730s by French explorers and traders” (p. 62), in “historic sightings in and around the areas of the Lake of the Woods, Pembina River, Assiniboine River, Souris and the Red River, including ... as far North as Stanley Mission and the Churchill River” (p. 64).

Further, McCrady (1998, p. 56) cites Thomas McKay (the son of William McKay, Hudson’s Bay Company Chief Trader of Fort Ellice) recalling that he (Thomas McKay) had attended with his father a great council held between the Cree and the Dakota at Moose Mountain in south-eastern Saskatchewan, in which both the Cree and the Dakota agreed to a peace treaty. This oral history story by Thomas McKay had been

⁵³ Within this time period, the State of Minnesota (U.S.A.) had placed a bounty which eventually reached \$200.00 on the head of every Dakota man, woman, and child, caught dead or alive. *The Daily Republican*, Winona, Minnesota, USA, September 24th, 1863 announced: “The State reward for dead Indians has been increased to \$200 for every red-skin sent to Purgatory. This sum is more than the dead bodies of all the Indians east of the Red River are worth.”

provided to Z.M. Hamilton, who was at the time the Director of the Saskatchewan Historical Society. While the oral history did not cite a specific date, McCrady (1998) concluded, “it was likely in the mid-1860s” (p. 56).⁵⁴ In addition, Goodtrack (2004) cited an archival source (Archibald Papers, NAC Reel M-5537) in which Chief Whitecap on March 14, 1870 at Wood Mountain had concluded a peace treaty with the Metis, the Chippawa [now known as Saulteaux], the Cree, and Assiniboines (pp. 159-160). With respect to this peace treaty Goodtrack (2004), noted that “the relationship was cemented through large scale intermarrying between the lower Assinibione [Nakota/Sioux] and Santee [Dakota] Sioux” (p. 159).⁵⁵

Thus, the preceding section has cited considerable documentary evidence for the presence of the Dakota/Sioux, from the 1600s to the 1870s, in the territory that would become the provinces of Manitoba and Saskatchewan. The following will now examine the documentary evidence for the presence of the Lakota/Sioux in the territory north of the 49th parallel in the same period. For clarity the *Titonwan* (Dwellers of the Prairie), now known as Lakota/Sioux, have also been referred to as the Western Dakota (Hassrick, 1964, p. 3; Laviolette, 1991, p. 3). They consist of seven subdivisions: (1) *Hunkpapa*; (2) *Minneconjou*; (3) *Oglala*; (4) *Itazipo*; (5) *Oohenumpa*; (6) *Sicangu*; and (7) *Sihasapa* (Dorsey, 1897, pp. 218-221; Howard, 1984, p. 3; Powers, 1975, p. 26). Elias (1980) applies the term Western Dakota and suggests the Souris-Devil’s lake region

⁵⁴ Saskatchewan Archives Board, Saskatchewan Historical Society, file 204 “Siouan Indians”; as cited in McCrady (1998, p. 56).

⁵⁵ It is now noted Chief Standing Buffalo died in June of 1871 near Fort Peck, Montana, U.S.A. (Smith, 2001, p. 180). It was his son, Little Standing Buffalo, who later took the name of his father, that Morris met in September of 1874 while Treaty Four was being negotiated. This meeting took place between Lt. Governor Morris, David Laird, and “the Sioux Chiefs of Wood Mountain. Wah-pa-has-ka ‘White Cap’, ‘Little Standing Buffalo’, Ka-Ke ‘The Crow’ and Ta-i-o-pee ‘the Chest’ [being Dakota/Sioux]” (Holmes & Associates, Inc., 2000, p. 30).

encompassing south-eastern Saskatchewan, south-western Manitoba and North and South Dakota as their likely traditional territory in the period immediately before contact with Europeans. Elias (1980) noted the Western Dakota were also referred to as “Teton [*Titonwon*]” (p. 22). McCrady (1998) also places the Lakota (in this case the *Hunkpapas*) at the time of contact with Europeans on the northern plains that overlap the U.S.A. and Canada, stating “they inhabited the plains, badlands and river valleys from the Qu’Appelle River in the north to the Yellowstone River in the south” (p. 3).

In addition, Hildebrant, First Rider & Carter (1996) cited two oral history stories with regard to peace treaties negotiated in 1810 and in 1868 between the Blood tribe of the Blackfoot Confederacy and the Sioux. The first in 1810 was for the sharing of hunting territory, “[i]t was decided that the Cypress Hills would be the boundary point, with the Sioux to the east [now within the province of Saskatchewan] and the Bloods to the west [now within the province of Alberta]” (p. 7). The second treaty in 1868 was to reaffirm the boundary line originally agreed too, due to “the rapid encroachment of outsiders on the territories they now shared for hunting” (p. 8). Given the observations of Elias and McCrady regarding the traditional territory of the Lakota/Sioux it can only be concluded that the peace treaty in 1810, which was reaffirmed in 1868 was between the Blood tribe of the Blackfoot Confederacy and the Lakota/Sioux.

Stonechild (2003) mentions the Lakota/Sioux in 1866 being within the province now known as Manitoba, where Treaty One and Treaty Two were signed in 1871 (p. 23). In addition, *Hunkpapa* Chief Little Knife of the Lakota/Sioux is identified as being at the Hudson’s Bay Company trading post at Fort Qu’Appelle, Saskatchewan in 1872 (p. 29). Stonechild’s comments are supported by McCrady (1998), who also noted

that Chief Little Knife of the Lakota/Sioux and his *tiyospaye* (extended family group), consisting of Lakota/Sioux and Nakota/Yanktonai/Sioux, were at Fort Qu'Appelle in 1872 (p. 72). He noted that when "they arrived at Fort Qu'Appelle, the emissaries cited their long-standing alliance with the British against the Americans, and produced a medal bearing the likeness of King George III given to one of their ancestors during the War of 1812" (p. 73). In turn, Hudson's Bay Company trader Isaac Cowie at Fort Qu'Appelle did provide the following comments with regard to Chief Little Knife of the Lakota/Sioux and his *tiyospaye* (extended family group) in 1872:

The Sioux had sent some of their very best speakers They went back to ancient history to prove that they had always been the friends of the British against the Americans, and showed a silver medal of King George in evidence. They also mentioned friendly overtures which had been made to them by a great man from Red River after the war of 1814, which I did not understand at the time, and it was only last winter that I discovered in the Selkirk and Bulger papers in the Ottawa Archives that Thomas, Earl of Selkirk, had entered into negotiations with the Sioux for assistance in his conflict with the North-West Company.⁵⁶

Chief Little Knife's presence at Fort Qu'Appelle, Saskatchewan (Canada) in 1872 was four years before the Battle of the Little Bighorn in 1876 that took place in Montana, U.S.A. (Utley, 1993, pp. 183-233).

Furthermore, Chief Little Knife attended a meeting on October 17th, 1877 with Lieutenant-Colonel James F. McLeod, Commissioner of the North-West Mounted Police at Fort Walsh, Cypress Hills, located within the bottom south-west corner of Saskatchewan (having been included in Treaty Four signed in 1874). This gathering had been arranged by McLeod with *Hunkpapa* Chief Sitting Bull and his Lakota/Sioux followers who had crossed into Canada after the 1876 Battle of the Little Bighorn to meet

⁵⁶ Isaac Cowie, *The Company of Adventures: A Narrative of Seven Years in the Service of the Hudson's Bay Company during 1867-1874 on the Buffalo Plains with Historical and Biographical Notes and Comments* (Toronto: William Briggs, 1913, p. 444; as cited in Morrison, 2001, p. 226).

with a number of Commissioners from the U.S.A. to discuss his return to the United States.⁵⁷ The meeting ended at the time in the refusal of Chief Sitting Bull and his Lakota/Sioux followers to return. Based on the decision of Sitting Bull and his Lakota/Sioux followers, McLeod informed Chief Sitting Bull and his Lakota/Sioux followers that they could stay in Canada and would be sent traders as long as they behaved themselves and did not cross into the U.S.A. with “hostile intent” (The Commissioners of the Royal North-West Mounted Police, 1874-1881, p. 49). However, with the buffalo herds fast disappearing and due to lack of food, Chief Sitting Bull and most of his Lakota/Sioux followers did return to the U.S.A. as of 1881 (Thomson & Thomson, 2000, pp. 71-72; Utley, 1993, pp. 225-233).

Chief Little Knife, who is cited as being at the trading post of Jean Louis Legare in November of 1876, located at Wood Mountain, was not one of the Lakota/Sioux Chiefs mentioned as being at the Battle of Little Bighorn (Thomson & Thomson, 2000, pp. 67-68). Further, Goodtrack (2004) asserts:

In a memo dated December 16th, 1873, from trader Isaac Cowie to HBC’s Chief Commissioner Smith, Cowie notes that the Cree, Assininboine, Saulteaux, Blackfeet and a group of Sioux [in reference to the Dakota/Sioux and Lakota/Sioux] who have been hunting on both sides of the border for years, were located in the Qu’Appelle district (p. 161).

In addition, such as with the intermarriage that occurred between the “Assinibione [Nakota/Sioux] and Santee [Dakota] Sioux” (Goodtrack, 2004, p. 159), it is now also noted that Elias (1980) did cite a discussion he had with Victor Thunderchild, who is

⁵⁷ Goodtrack (2004) did mention that Chief Sitting Bull (Lakota/Sioux) had been reported in 1870 at Wood Mountain, Saskatchewan (Canada), citing a letter by Oblate Father Lastanc to Bishop Tache in March of 1870 (p. 172). MacEwan (1973) also noted that Chief Sitting Bull used to at various times parade “medals given to his grandfather by King George III in gratitude for the support during the American Revolution and insisted that British North America was his original home territory” (p. 10). In addition, MacEwan (1973) stated that “members of his tribe who remained in Canada ... insisted that the old Chief was indeed born on the plains of what became southern Saskatchewan, probably close to Wood Mountain” (p. 11).

Cree and a member of the Thunderchild Cree Nation located adjacent to North Battleford, Saskatchewan, as this pertains to the intermarriage that occurred between the *Titonwan*, Lakota/Sioux and the Cree, commenting, “the Teton [*Titonwan*, Lakota/Sioux] were taking Cree wives and the Cree, Teton [Lakota/Sioux] wives” (p. 198).

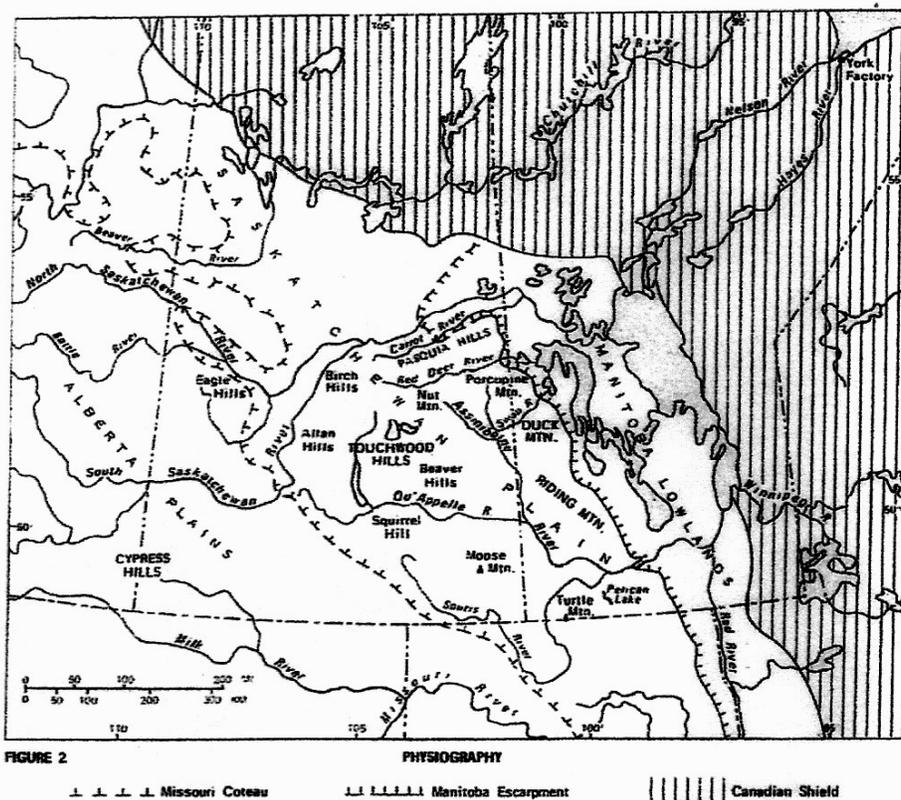
However, unlike the Dakota/Sioux and Lakota/Sioux, other Aboriginal groups, such as the Cree, the Saulteaux [who are known as Chippewa in the U.S.A.], including the Nakota/Assiniboine/Stoney/Sioux, the Blackfoot, the Blood, and the Peigan, whose descendants also continue to “occupy territory on both sides of the 49th parallel” were allowed to enter into Treaty with Canada (Stonechild, 2003, p. 8). Specifically, Treaty One through Seven in western Canada (Cardinal & Hildebrandt, 2000, pp. 3-8; Hildebrandt, First Rider, and Carter, 1996, pp. 67-82; Ray, Miller & Tough, 2000, pp. 58-147). As for the Dakota/Lakota/Sioux within Saskatchewan, the descendants of the *tiyospayes* (extended family groups) under the leadership of Chief Hupa Yakta, Chief Whitecap, and Chief Standing Buffalo, being Dakota/Sioux, who had followed a woodland/parkland/prairie hunting, fishing, and gathering lifestyle within western Canada and into the United States and back into Canada, thus in pursuit of the buffalo in centuries past. Including the descendants of the *tiyospayes* under the leadership of Chief Little Knife, Chief Sitting Bull, and Chief Black Moon, being Lakota/Sioux, who had also followed a hunting lifestyle in pursuit of the buffalo on both sides of the 49th parallel (such as those that signed the Numbered Treaties, One through Seven), now reside on reserves within Saskatchewan as assigned to them by the Canadian federal government and viewed “as a matter of grace and not a right” (Morris, 1880, p. 279).

In summary, the documentary information presented for both the Dakota/Sioux

and Lakota/Sioux, such as the Nakota/Assiniboine/Stoney/Sioux, clearly verifies the “existence of a territory” within Canada extending from the period before contact with Europeans to the 1870s when the Numbered Treaties were negotiated. Taking into consideration the previous comments pertaining to the “existence of a territory,” this for the Dakota/Sioux and Lakota/Sioux within Canada does meet the critical requirement of the U.N. definition and prerequisite of nationhood for Indigenous peoples to enter into treaty (Venne, 2002, p. 46). As to the precise territory occupied by the various Sioux groups and their neighbours at the time of contact, Ray’s (1998) map noted on the next page, which corresponds to the observations of La Verendrye in 1738 and 1739, provides the following details. The Assiniboine River in what is today southern Saskatchewan and southern Manitoba is identified as “Assiniboine Country.” Red Lake is identified as “Ojibway Country.” The area to the east of Red Lake, including the Rainy River and Lake of the Woods (encompassed today by the Canadian provinces of Ontario and Manitoba, as well as the U.S. state of Minnesota) is identified as “Sioux Country.” The area to the west, described as the Missouri Coteau is identified as “Sioux Country” (Burpee, (Ed.). (1927), *Journals and Letters of La Verendrye*, pp. 483-488; as cited in Morrison, 2001, pp. 33-34). The Missouri Coteau is the geographic region within the Saskatchewan Plain, west of the Manitoba Escarpment and east of the Alberta Plains which today lies within the Canadian provinces of Manitoba, Saskatchewan and Alberta, as well as the U.S. state of North Dakota (Ray, 1998, p. 7). The map by Ray (1998) and the 1738 and 1739 Journals and Letters of La Verendrye provide the confirmation of the documentary evidence that various Sioux groups inhabited territory **both** north of the 49th parallel in what is today the provinces of Manitoba, Saskatchewan and Alberta **and** south

of the 49th parallel in what is today the U.S. states of North Dakota and Minnesota. Given their historic occupation of this territory it can be asserted that the Dakota/Sioux and Lakota/Sioux within Canada met the main criteria for inclusion in the Numbered Treaties in the 1870s, as was the case for the Nakota/Assiniboine/Stoney/Sioux, for all are members of the Dakota *Oyate*, which when translated means the Dakota nation.

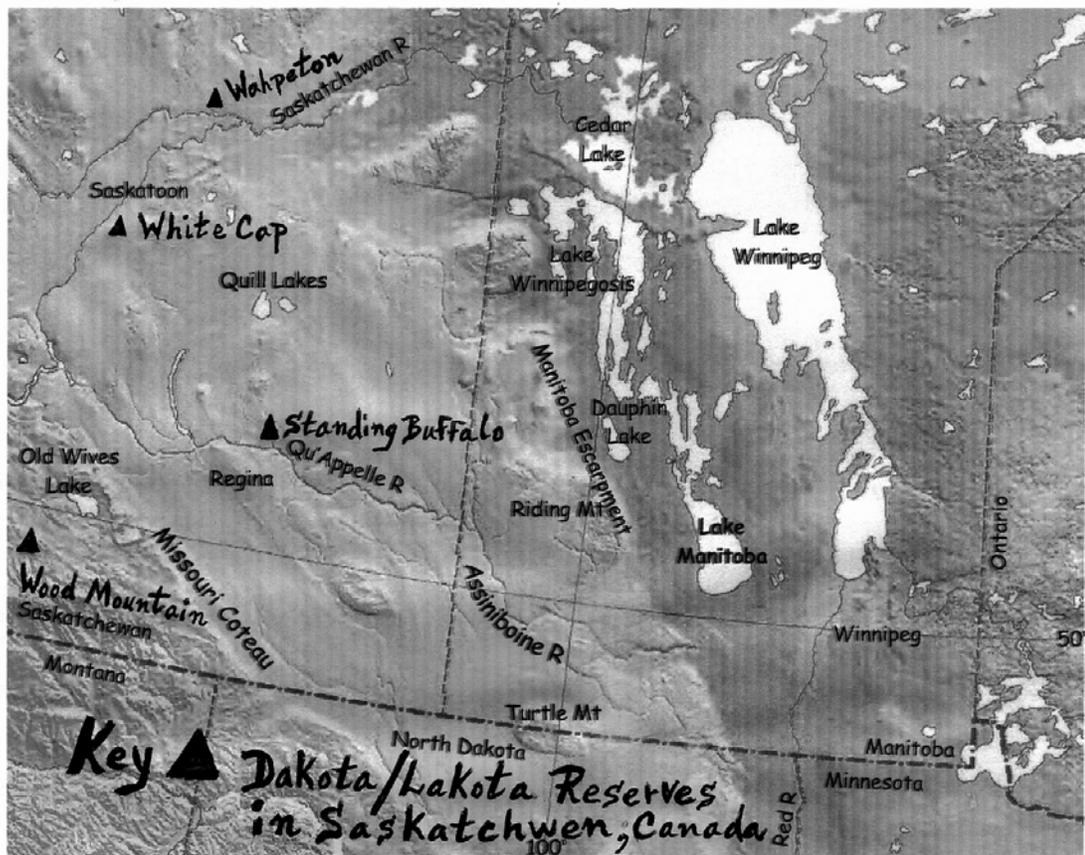
- Noted below, Map 7: This map cites the geographic region of “Missouri Coteau” within the Saskatchewan Plain, west of the Manitoba Escarpment and east of the Alberta Plains, which today lays within the Canadian provinces of Manitoba, Saskatchewan and Alberta, as well as the U.S. state of North Dakota; drawn from Figure 2, page 7, *Indians in the Fur Trade: With A New Introduction*, by A. J. Ray (1998).
- Also noted on the following page, Map 8: The “Missouri Coteau” within Saskatchewan that cites to the “geographical location” of the Dakota/Sioux and Lakota/Sioux First Nations of Saskatchewan, which have agreed to participate in this study.



Sources: Atlases of Manitoba, Saskatchewan and Alberta.

- Permission to reprint the Map in reference to Figure 2 on page 7 which corresponds to the Missouri Coteau as noted within the book, *Indians in the Fur Trade: With A New Introduction*, by A. J. Ray (1998); granted by the publisher, University of Toronto Press, August 18th, 2009.

- Noted below, Map 8: The “Missouri Coteau” within Saskatchewan that cites to the “geographical location” of the Dakota/Sioux and Lakota/Sioux First Nations of Saskatchewan, which have agreed to participate in this study.
- Map of Missouri Coteau: Retrieved August 18th, 2009 from www.salinesystems.org/content/download/.../1746-1448-1-10-2.PDF
- The following cites the present location of the reserves with regard to the Dakota/Sioux and Lakota/Sioux First Nations of Saskatchewan that have agreed to participate in this study. Thus, whose reserves encompass the geographical region of Missouri Coteau within the province of Saskatchewan, Canada:
 - (a) Wahpeton Dakota Nation, located in northern Saskatchewan, within and near the end of the geographical region of Missouri Coteau;
 - (b) Whitecap Dakota Nation, located in central Saskatchewan, within the geographical region of Missouri Coteau;
 - (c) Standing Buffalo Dakota Nation, located in south-eastern Saskatchewan, within the geographical region of Missouri Coteau; and
 - (d) Wood Mountain Lakota Nation, located in the bottom of south-western Saskatchewan, at the edge of the geographical region of Missouri Coteau.
- Map of Missouri Coteau modified by Leo J. Omani, U of S, Doctoral Student, to cite the four Dakota/Lakota reserves within the province of Saskatchewan, Canada.



The Recognized Capacity of the Dakota/Sioux and Lakota/Sioux within Canada, to enter into International Agreements

The following information, located within the archival files of the Sioux Valley Dakota Nation, situated near Brandon, Manitoba, Canada, is hereby presented. Among other things, the archival materials noted that when France gave up all claims to the colonies in Canada in 1763, the British Crown reaffirmed the past treaties between the French and the Dakota *Oyate*, translated as the Dakota Nation (Omani, 2005, pp. 15-16). In total, there were the six Peace, Friendship, and Trade Treaties agreed to between the Dakota *Oyate* and the French Crown from 1658 to 1750, for which a number were agreed at what is now known as Portage la Prairie, Manitoba, Canada (See, Appendix E). Further, before the British North America Act of 1867 was created by the British Crown in England, establishing the Dominion of Canada, there were seven Peace, Friendship, and Trade Pre-Confederation Treaties agreed to between representatives of the British Crown and the Dakota *Oyate* from 1763 to 1817 (Omani, 2005, pp. 17-18), with one being the Selkirk Treaty agreed to on July 8th, 1817 and originally signed where the city of Winnipeg is now located within the province of Manitoba, Canada (See, Appendix F).

It is now also noted that the Standing Buffalo Dakota Nation has a 1763 King George III Pre-Confederation Treaty Medal received from British officials, which verifies an alliance with the British Crown (Stonechild, 2003, p. 61). This Pre-Confederation Treaty Medal is currently being stored for safe keeping at the Office of the Treaty Commissioner, located in the city of Saskatoon, Saskatchewan, Canada.

In addition, Chief Hupa Yakta is mentioned as having an 1812 King George III Pre-Confederation Treaty Medal, which was given to the father of Chief Hupa Yakta, known as Chief Flying Thunder, in the War of 1812 between the U.S.A. and the British

Crown (Elias, 1988, p. 204). This Treaty Medal is currently being stored for safe keeping at the Prince Albert Historical Museum (Elias, 1988, p. 243) on behalf of the Wahpeton Dakota Nation (See, Appendix G).

Interestingly, a statue of Chief Whitecap wearing a King George III Pre-Confederation Treaty Medal (derived from an archival picture of Chief Whitecap) was recently erected in the city of Saskatoon, Saskatchewan, Canada. In turn, as for numerous representatives of the Dakota *Oyate* being provided with medals, belts of wampum, and flags from representatives of British Crown to encourage or symbolize Treaty of Peace, Friendship & Trade between the British Crown and the Dakota Nation (Morrison, 2001, p. 9; p. 124; as cited in Stonechild 2003, pp. 30-32), “one flag still exists and is in the Museum of Natural History in Regina [Saskatchewan, Canada]” (Elias, 1980, p. 203).

In retrospect, besides the treaties negotiated with European powers, there is also extensive evidence of diplomatic agreements between the Dakota/Sioux and Lakota/Sioux with other Aboriginal groups in western Canada. Two peace treaties, one in 1810 and the second in 1868, were concluded within the Cypress Hills region between the Blood tribe of the Blackfoot Confederacy and the Lakota/Sioux (Hildebrant, First Rider & Carter, 1996, pp. 7-8). Documentary evidence exists for many other such inter-tribal agreements, including the following: a peace treaty agreed to between the Red River Saulteaux [Plains Ojibwa] and the Dakota/Sioux concluded on March 1, 1860 at Fort Garry, Manitoba (Morrison, 2001, p. 84; cited in Stonechild, 2003, p. 45); a peace treaty agreed to between the Dakota/Sioux and the Cree at Moose Mountain, in south-eastern Saskatchewan in the mid-1860s (McCrary, 1998, p. 56); and a peace treaty between the Dakota/Sioux and various Aboriginal nations in south-western

Saskatchewan, the Saulteaux, the Cree, the Nakota/Assiniboine/Sioux, and the Metis at Wood Mountain in 1870 (Goodtrack, 2004, pp. 159-160).

Based on the six Peace, Friendship, and Trade Treaties agreed to between the Dakota *Oyate* and the French Crown from 1658 to 1750, the seven Peace, Friendship, and Trade Pre-Confederation Treaties agreed to between the British Crown and the Dakota *Oyate*, and the numerous peace and friendship treaties negotiated between the Dakota/Sioux and Lakota/Sioux with other Aboriginal nations in western Canada, this does verify “a recognized capacity to enter into international agreements” for the Dakota/Sioux and Lakota/Sioux within Canada. Thus, the Dakota/Sioux and Lakota/Sioux within Canada clearly meet the U.N. prerequisite of nationhood based on a capacity of Indigenous peoples to enter into treaty (Venne, 2002, p. 46).

Existence of a Specific Form of Government among the Dakota/Sioux and Lakota/Sioux within Canada

It has been debated if the “confederacy/governance structure” known as *Oceti Sakowin* of the Dakota *Oyate* continues to exist (Hassrick, 1964, p. 6). The seven original bloodlines of the Dakota *Oyate* (Dakota nation) are now known within Canada as the Dakota/Sioux, the Nakota/Assiniboine/Sioux, the Nakota/Stoney/Sioux, and the Lakota/Sioux. It is now asserted that this “confederacy/governance structure” has continuously existed since the time before contact with those of European ancestry to this date. Before the Dakota *Oyate* were moved to reservations beginning in the 1850s in the U.S.A. and the 1870s in Canada, the Dakota *Oyate* through their confederacy/governance structure known as *Oceti Sakowin*, met regularly. These were meetings that those of European ancestry termed as large village gatherings and the Cypress Hills in southern Saskatchewan was a favourite location for these gatherings. They were held annually at various times of the

year for ceremonial, trade and recreational purposes. After the conclusion of these meetings, the Dakota *Oyate* reverted back to their small extended family encampments to sustain their hunting, fishing, trapping, and gathering nomadic lifestyle (Albers, 2001, p. 787; DeMallie, 2001, p. 789; pp. 803-812; DeMallie and Miller, 2001, pp. 577-578; Getty & Gooding, 2001, pp. 597-599; Howard, 1967, pp. 6-12; Utley, 1993, pp. 3-11).⁵⁸

Due to the subjugation of the Dakota *Oyate* both in the U.S.A. and Canada on their reservations from the 1850s to the 1950s, it became difficult for the Dakota *Oyate* to officially record their meetings in public (Prucha, 1984; Purich, 1986). However, as of 1990 the Dakota *Oyate* have begun to officially document, in writing, their gatherings held regularly both in the U.S.A. and Canada (Omani, 1992, pp. 243-251). The following news article entitled, “Lakota: Oceti Sakowin Promotes Treaty Awareness,” drawn from the *UNPO* Internet website, and extracted from the *Lakota Times*, Oct. 10-18, 2005, refers to a gathering which was held in Rapid City, South Dakota, U.S.A. with representatives of the Dakota *Oyate* both from the U.S.A. and Canada (Retrieved May 11th, 2007 from *UNPO* Internet website, <http://batwa.unpo.org/article.php?id=3155>).

Gatherings such as these verify the continued existence of “a specific form of government” known as the *Oceti Sakowin* among the Dakota/Sioux and Lakota/Sioux residing within Canada. Since this governance system pre-dates the arrival of Europeans it meets another of the critical requirements of the U.N. definition and prerequisite of

⁵⁸ In support of the documentation discussed within this text, as this pertains to the Dakota *Oyate* now known as the Dakota/Sioux, the Nakota/Assiniboine/Sioux, the Nakota/Stoney/Sioux, and the Lakota/Sioux as being within the geographical region of western Canada since the time of pre-contact and upon contact with those of European ancestry. The **Cypress Hills region** is one location “**where**” the seven original bloodlines of the **Dakota Oyate**, the *Wahpetonwan*, the *Sisitowan*, the *Wahpekute*, the *Mdewakantonwan*, the *Ihanktonwan*, the *Ihanktonwanna*, and the *Titonwan*, **as represented through their “confederacy / governance structure” known as Oceti Sakowin**, did “meet” on a regular basis in centuries past, thus as verified by Nakota/Assiniboine Elder Vince Rider of Carry-The-Kettle Nakota First Nation, as this pertains to a meeting held on May 20th, 2009 at Standing Buffalo Dakota Reserve located in southern Saskatchewan, Canada (U of S, Field Notes recorded by Leo J. Omani, May 20th, 2009).

nationhood for Indigenous peoples to enter into treaty.⁵⁹

**The Existence of a Dakota/Sioux and Lakota/Sioux Population within Canada,
in the Pre and Post-Confederation period**

Although the journal entries and reports written by Alexander Henry (North-West Company) and Miles McDonnell (Governor of the Selkirk colony of Assiniboia), contain numerous references to the Dakota/Sioux being present along the 49th parallel from 1800 to 1820 (Stonechild, 2003, p. 8), no precise population figures are included. Further, once the North-West Company merged with the Hudson's Bay Company in 1821, statistics are also not available for those Dakota/Sioux that traded at the Red River settlement from 1821 to 1861 (Morrison, 2001, p. 10; cited in Stonechild, 2003, p. 39). However, Stonechild (2003) does mention that in 1866 there were more than one thousand Dakota/Sioux and Lakota/Sioux combined residing permanently within the region of Portage la Prairie, Manitoba, as well as along "the Souris River valley (within the area covered by Treaties 1 and 2). This number did not include the Dakota/Lakota living permanently at Wood Mountain in Cypress Hills within the area covered by Treaty 4 area" (p. 23). This estimate is derived from the "June 7, 1865 NorWester Newspaper" (Stonechild, 2003, pp. 28-29). From the 1870s on when the Dakota/Sioux and Lakota/Sioux were placed on various reserves in Manitoba and Saskatchewan it became the responsibility of the Indian Agent assigned to their reserves to maintain an annual census count of each reserve. In 1950 the Department of Indian Affairs set up a national Indian Registry for First Nations members across Canada (Titley, 1986). Thus,

⁵⁹ See Brian Slattery, "Making Sense of Aboriginal and Treaty Rights" [2000] 79 Can. Bar Rev. Vol. 97, with regard to a discussion pertaining to Aboriginal self-government (p. 215). Slattery (2000, p. 216) notes that "aboriginal rights are not frozen in the form that they assumed in pre-contact times but may evolve into modern forms that represent an adaptation to new conditions" (R. v. Van der Peet, supra, note at 556-67).

although the documentary evidence is limited, there is clear proof of the existence of a Dakota/Sioux and Lakota/Sioux population within Canada in the periods before and after the treaties were negotiated. This meets a further requirement as this pertains to the U.N. prerequisite of nationhood, for Indigenous peoples to enter into treaty.

Analysis of Research Findings

This chapter has reviewed the documentary evidence regarding the treatment of various Sioux groups during the negotiation of the Numbered Treaties in Canada in the 1870s. It has been established that the main factor leading to the exclusion of the Dakota/Sioux and Lakota/Sioux from signing the Numbered Treaties was the prevailing view among Canadian government officials, at the time the Treaties were being signed, that the ancestors of Dakota/Sioux and Lakota/Sioux were American Indians. This view was based on the fact that a large number of Dakota/Sioux under Chief Little Crow had crossed the 49th parallel into Canada after the Dakota-U.S. War of 1862 in Minnesota. A second migration occurred in 1876 when Chief Sitting Bull and his Lakota/Sioux followers crossed into Canada after the Battle of the Little Bighorn in Montana (U.S.A.). While Chief Little Crow and Chief Sitting Bull, as well as most of their followers, did in time return to the U.S.A., their presence in Canada at the time resulted in the exclusion of the Dakota/Sioux and Lakota/Sioux descendants of the *tiyospayes* (extended family groups) under the leadership of the following ten Chiefs from the Canadian treaty process. These included: Chief Standing Buffalo, Dakota/Sioux; Chief Whitecap, Dakota/Sioux; Chief Hupa Yakta, Dakota/Sioux; Chief White Eagle, Dakota/Sioux; Chief Cloud Appears (Mahpiyahdinape), Dakota/Sioux; Chief Waoke (Weeokeah), Dakota/Sioux; Chief Mahtowakan, Dakota/Sioux; Chief Red Dog, Dakota/Sioux; Chief

Waanata, Dakota/Sioux; and Chief Little Knife, Lakota/Sioux. These Chiefs and their *tiyospayes* (extended family groups), whose descendants now reside on various reserves within the provinces of Manitoba and Saskatchewan, were not involved in the Minnesota Dakota - U.S. War of 1862 or the Battle of the Little Bighorn 1876 in Montana (U.S.A.). These reserves were provided for by the Canadian federal government, beginning in the 1870s, and viewed “as a matter of grace and not a right” (Morris, 1880, p. 279).

In assessing whether the Dakota/Sioux and Lakota/Sioux could be considered eligible to sign Adhesion to Treaty in western Canada, or adhere to an alternate treaty protocol agreement that would be negotiated with the Canadian federal government, four prerequisites of nationhood identified by the United Nations as necessary for Indigenous peoples to enter into treaty were evaluated. These include “the existence of a territory, a recognized capacity to enter into international agreements, a specific form of government, and a population” (Venne, 2002, p. 46). Based on the literature reviewed, the Dakota/Sioux and Lakota/Sioux of Saskatchewan did meet all four of these requirements. The “existence of a territory” within Canada dating to the period before the arrival of Europeans and thereafter was verified for both the Dakota/Sioux and Lakota/Sioux of Saskatchewan through analysis of Cree, Dakota and Lakota place names, numerous references in documentary records to the presence of both groups within Canada, specifically in the southern regions of what are now the provinces of Manitoba and Saskatchewan. The capacity of both groups to engage in formal diplomacy is evidenced by the numerous treaties entered into by both the Dakota and Lakota with other Aboriginal groups and with French and British governments. These include six Peace, Friendship, and Trade Treaties agreed to between the Dakota *Oyate* and the

French Crown from 1658 to 1750; seven Peace, Friendship, and Trade Pre-Confederation Treaties agreed to between the Dakota *Oyate* and representatives of the British Crown from 1763 to 1817; two peace treaties of 1810 and 1868 concluded within the Cypress Hills region between the Blood tribe of the Blackfoot Confederacy and the Lakota/Sioux; a peace treaty agreed to between the Red River Saulteaux and the Dakota/Sioux concluded on March 1, 1860 at Fort Garry (Manitoba); a peace treaty agreed to between the Dakota/Sioux and the Cree at Moose Mountain, in south-eastern Saskatchewan in the mid-1860s; and a peace treaty between the Dakota/Sioux and various Aboriginal nations at Wood Mountain, Saskatchewan in 1870. This evidence clearly challenges and contradicts the position of the Canadian federal government that the ancestors of Dakota/Sioux and Lakota/Sioux now residing in Canada were American Indians, originally from the U.S.A., in order to exclude them from signing Adhesion to the Canadian Numbered Treaties, or adhering to an alternate treaty protocol agreement that would be negotiated with the Canadian federal government.

The literature reviewed clearly challenges the government's view that all Dakota/Sioux entered Canada to take up permanent residence only after the Minnesota Dakota-U.S. War of 1862. It also challenges the view that all Lakota/Sioux only entered Canada to take up permanent residence after the Battle of the Little Bighorn in 1876. Lt. Governor Archibald of Manitoba and the Northwest Territories stated in 1872 that "treaties will be made with such Indians of any tribe as occupy a country. The right of Indians will not be recognized to any country, except where they hunt and live" (Morrison, 2001, p. 220).⁶⁰ Given this statement the perspective is now put forth that the Dakota/Sioux and Lakota/Sioux are eligible either to sign Adhesion to the Numbered

⁶⁰ Adams Archibald, Government House, Fort Gary, to Secretary of State, 5 Jan 1872. PAM MG12 AI.

Treaties, or to adhere to an alternate treaty protocol agreement. Further, there is an Assembly of First Nations Resolution approved in July of 2001 supporting the Dakota/Sioux and Lakota/Sioux Treaty Adhesion Claim Process (See, Appendix H).

As a point of historical interest, Lt. Governor Archibald of Manitoba and the Northwest Territories (drawing from the reports of Treaty Commissioner Simpson, having negotiated Treaty One and Two signed in 1871, who at that time took the view that all the Sioux were American Indians), noted the following in his (Lt. Governor Archibald) correspondence to Ottawa, addressed to Secretary of State Joseph Howe in December of 1871, “At the time of treaty we did not recognize the Sioux as having any claim upon the British authorities for annuities and Reserves” (Morrison, 2001, p. 214).⁶¹ Further, Lt. Governor Archibald commented when he met the Sioux at Portage la Prairie on December 27th, 1871:

They showed 4 or 5 medals of [King] George III which had been presented by British officers in the time of that sovereign, and which had been transmitted from Father to Son, in the families of the Chiefs, and held a sacred treasure from that day to this I replied to them that the medals they held were proof that their ancestors, to whom they were given, were good Indians, and deserved well of the sovereign who gave them, but that after the time, when these medals were bestowed, the King had given up their country to the people of the United States That they therefore had no claim whatever on the Government of Canada (Morrison, 2001, p. 216).⁶²

As for the above-mentioned pertaining to the annuities and reserve lands which corresponds to the Numbered Treaties in western Canada, as well as the comments pertaining to the King George III Pre-Confederation Medals, the following is noted. With respect to the seven Peace, Friendship, and Trade Pre-Confederation Treaties agreed to

⁶¹ Lt. Governor Adam Archibald of Manitoba and the Northwest Territories correspondence to Secretary of State Joseph Howe in Ottawa, 27 December 1871. NAC RG 10 Vol. 363.

⁶² Lt. Governor Adam Archibald of Manitoba and the Northwest Territories correspondence to Secretary of State Joseph Howe in Ottawa, 27 December 1871. NAC RG 10 Vol. 363.

between representatives of the British Crown and the Dakota Nation from 1763 to 1817 (See, Appendix G). Isacc (2004) has mentioned, “[t]reaties made with the British Crown before Confederation [in 1867] are now considered to be treaties with the Crown in right of Canada” (p. 72).⁶³ Further, the Supreme Court of Canada in *R. v. Sioui* (1990) did make the following comments pertaining to a Peace Treaty between the Huron and the British agreed to on September 5, 1760. Thus, for which the lawyers representing the Crown had argued was not enforceable because “the Treaty of Paris of February 10, 1763 between France and England terminated the treaty of September 5, 1760 between the Huron and the British” (*R. v. Sioui* [1990] 1 S.C.R. 1025 (S.C.C.); as cited in Isacc, 2004, p. 121). The response provided by the Supreme Court of Canada is noted as follows:

England and France could not validly agree to extinguish a treaty between the Hurons and the English, nor could France claim to represent the Hurons regarding the extinguishments of a treaty the Hurons had themselves concluded with the British Crown (*R. v. Sioui* [1990]; as cited in Isacc, 2004, p. 121).

The Supreme Court of Canada also did mention, “[i]n *Simon*⁶⁴ this Court noted a treaty with Indians is unique, that it is an agreement *sui generis* which is neither created nor terminated according to the rules of international law” (*R. v. Sioui* [1990]; as cited in Isacc, 2004, pp. 116-117). Thus, the lawyers representing the Crown then argued “non-use of the treaty over a long period of time may extinguish its effect” (*R. v. Sioui* [1990]; as cited in Isacc, 2004, p. 122). The Supreme Court of Canada responded by stating, “a solemn agreement cannot lose its validity merely because it has not been invoked Such a proposition would mean that a treaty could be extinguished merely because it had

⁶³ *R. V. Secretary of State*, [1981] 4 C.N.L.R. 86 (Eng. C.A.); as cited in Isaac (2004, p. 72).

⁶⁴ *R. v. Simon* [1985] 2. S.C.R. 387 (S.C.C.); as cited in Isacc (2004, p. 110).

not been relied on in litigation, which is untenable” (*R. v. Sioui* [1990]; as cited in Isacc, 2004, p. 122). The Supreme Court of Canada upheld the Peace Treaty between the Huron and the British agreed to on September 5, 1760 (*R. v. Sioui* [1990]; as cited in Isacc, 2004, p. 124).

Based on what has just been discussed, the Supreme Court of Canada in *R. v. Sioui* [1990] 1 S.C.R. 1025 (S.C.C.) can now be used as a guide for the Canadian federal government and the Dakota/Lakota First Nations of Saskatchewan. While retaining the legal obligation pertaining to the seven Peace, Friendship, and Trade Pre-Confederation Treaties agreed to between representatives of the British Crown and the Dakota Nation from 1763 to 1817, they may either agree in the signing of an Adhesion to the Numbered Treaties, or to adhere to an alternate treaty protocol agreement, for which the transcripts of the Saskatchewan Dakota/Lakota Elders to be presented in chapter five will provide an insight as to which option to consider pertaining to that of land, related treaty benefits, and annuities.

CHAPTER FIVE

Data Collection Process

The following comments previously discussed in chapters three and four are now restated, which will provide an insight to the data that will be presented within this chapter. Since previous written sources have verified that British Pre-Confederation Treaties have already been litigated,⁶⁵ to which Isaac (2004) has stated, “[t]reaties made with the British Crown before Confederation [in 1867] are now considered to be treaties with the Crown in right of Canada” (p. 72).⁶⁶ In turn, specific to that termed as British Pre-Confederation, Peace, Friendship and Trade Treaties, Isaac (2004) having also mentioned that “these treaties did not involve the cession of land and did not expressly extinguish Aboriginal title” (pp. 72-73), as a result “Aboriginal rights and Aboriginal title may co-exist with treaty rights” (p. 72), for which the term “treaty-protected aboriginal rights” has been applied pertaining to this perspective (p. 72).⁶⁷

Thus, while retaining the legal obligation with regard to the seven Peace,

⁶⁵ The following are a number of British Pre-Confederation Peace, Friendship, and Trade Treaties that have been litigated and upheld by the Supreme Court of Canada:

- (1) *R. v. Sioui* [1990] 1 S.C.R. 1025 (S.C.C.) which pertains to a 1760 Treaty between the British Crown and the Huron (Isaac, 2004, p. 124; Youngblood Henderson, 2006, preface xv);
- (2) *R. v. Simon*, [1985] 2 S.C.R. 387, in Nova Scotia as this pertains a to 1752 Treaty between the British Crown and the Mi’kmaq [Micmac] (Isaac, 2004, p. 114; Youngblood Henderson, 2006, preface xvi); and
- (3) *R. v. Marshall*, [1999] 3 S.C.R. 533, in New Brunswick as this pertains to the 1760-61 Treaties between the British Crown and the Mi’kmaq [Micmac] (Elliott, 2005, pp. 58-59; Youngblood Henderson, 2006, preface xv; p. 219);

⁶⁶ *R. v. Secretary of State*, [1981] 4 C.N.L.R. 86 (Eng. C.A.); as cited in Isaac (2004, p. 72).

⁶⁷ See Brian Slattery, “*Making Sense of Aboriginal and Treaty Rights*” [2000] 79 Can. Bar Rev. 197 at 210, “with respect to the relationship of Aboriginal and Treaty rights [termed] as treaty-protected aboriginal rights”; as cited in Isaac (2004, p. 72).

Friendship, and Trade Pre-Confederation Treaties agreed to between representatives of the British Crown and the Dakota Nation from 1763 to 1817 (See, Appendix E), the Saskatchewan Dakota/Lakota Elders' transcripts to be discussed in this chapter will take into consideration the original indigenous territory of the Dakota *Oyate*, including the Dakota/Lakota original understanding of the traditional concept of Treaty. This will significantly enhance our comprehension of the Aboriginal Treaty history relationship between various Aboriginal groups before the Numbered Treaties were signed within western Canada in the 1870s, including that of the Native-White Treaty relation currently evolving and being negotiated within the province of Saskatchewan (Cardinal & Hildebrandt, 2000; Ray, Miller, & Tough, 2000; Office of the Treaty Commissioner, 2007). Further, this will also provide an insight as to which option the Dakota/Lakota First Nations of Saskatchewan should consider, Adhesion to the Numbered Treaties, or to adhere to an alternate treaty protocol agreement, which corresponds to that of "land," specifically as this pertains to that of "unceded territory within the boundaries of Canada" (Stonechild, 2003, p. 68), including that of related treaty benefits and annuities.

Based on what has just been stated, this chapter will first discuss the methodology used with regard to the consultation that occurred with the leadership (Chief and Council) of the four Saskatchewan Dakota/Lakota First Nations, including the 16 Saskatchewan Dakota/Lakota Elders who agreed to participate, thus corresponding to the data collection process for this research study. Explained next is the approach used to present the data generated from the interviews with the Saskatchewan Dakota/Lakota Elders. Then the data generated from the interviews is provided. As for concluding comments, an insight is provided in how an "analysis of research findings" will be presented within chapter six.

Further, in support of the data generated from the Dakota/Lakota Elders, a brief discussion is provided with regard to the data also gained from interviews in 2008 with the Woodland Cree Elders and Swampy Cree Elders pertaining to ancient Dakota Sacred Burial Sites and Dakota Rock Paintings, near and along the Churchill Hill River in the northern part of the provinces of Saskatchewan and Manitoba.

Methodology used for the Consultation pertaining to the Data Collection Process

To implement the data collection process in order to gain the required primary data for this research study, as noted in chapter one, the methodology known as *community-based participatory research* was utilized (Omani, 1992, pp. 20-34). For clarity, a number of meetings were arranged to discuss the proposed research with the leadership (the Chief and Council) of the four Dakota/Lakota First Nations whose Elders were involved in the interview process. These included: (1) the Wahpeton Dakota Nation located near Prince Albert, in northern Saskatchewan; (2) the Whitecap Dakota Nation located near Saskatoon, in central Saskatchewan; (3) the Standing Buffalo Dakota Nation located near Fort Qu'Appelle, in southern Saskatchewan; and (4) the Wood Mountain Lakota First Nation located near Wood Mountain, in southern Saskatchewan.

Once the formal consultation process had been completed with the leadership of the four Dakota/Lakota First Nations, between May 2008 and mid-August 2008, semi-structured interviews were then conducted with sixteen Dakota/Lakota Elders. These began in the month of September 2008 and concluded in the month of November 2008. To ensure statistical fairness to each First Nation, the sixteen Dakota/Lakota Elders interviewed were selected based on the following formula: (a) four from Wahpeton Dakota Nation; (b) four from Whitecap Dakota Nation; (c) four from Standing Buffalo

Dakota Nation; and (d) four from Wood Mountain Lakota First Nation.

Specific to the data collection process, after identifying six Elders from each First Nation, four Elders were then interviewed. A total of three visits were made with each of the Dakota/Lakota Elders who agreed to participate in this research study. During the first visit, following traditional Dakota protocol when asking an Elder to consider sharing their knowledge in detail of a particular topic, I left the consent form, interview guide and data release form with each Elder to review in detail. On the second visit, I then conducted the interview. On the third visit, I reviewed the written transcript of the oral interview with each Elder. However, this was after I initially encountered a dilemma after my first Elder interview. The original intent was to interview two Elders in a day, one in the morning and one in the afternoon, but this interview schedule approach had to be adjusted.

While the first Elder interviewed agreed to be tape-recorded, he struggled at times with how the six questions on the interview guide had been written. This required me to explain in plain English what the question actually meant. The second Elder, after sharing our life history, mentioned that one had to be a “Philadelphia Lawyer” to respond to the questions as posed. This being the case, I told the second Elder that I would revise the six questions and write them in plain English, then return the next day to interview him. The second Elder agreed to this process. Upon my return the next morning, he reviewed the revised questions and expressed his satisfaction. However he then mentioned that long ago our Dakota/Lakota Elders never really liked to have their picture taken, and today they do not like their voices tape-recorded, for our Dakota/Lakota Elders believe that their spirit would somehow be captured on tape. In

turn, I offered to transcribe the responses of the Elder by hand, then type out the interview transcript, return it to him for his review, and upon his satisfaction he could sign the data release form. The second Elder agreed to this process.⁶⁸

As for the fieldwork adjustment pertaining to the revised interview guide, since the methodology known as Community-Based Participatory Research (CBPR) was being employed to generate the data required for this study, St. Denis (1992) did mention that CBPR as having two capabilities. First, it can “help create a mirror by which a community can see its own eyes, that is, its own wisdom and knowledge” (p. 57). Second, CBPR can help a “community integrate cultural wisdom with academic knowledge” (p. 57). In addition, St. Denis (1992) did provide a set of five guidelines pertaining to CBPR (pp. 66-68). For this study, in adjusting the wording to the interview guide applied to the following: “Professional research language – research ‘jargon’ – should be avoided. This is not a sign of disrespecting the community’s intelligence but rather a way to facilitate understanding” (p. 68). Further, St. Denis (1992) did assert, “Community-Based Participatory Research is a process that provides the means through which research can be conducted for Native people” (p. 69).

In turn, I did provide a copy of the revised interview guide to my Supervisor, Dr. Cottrell, and he concurred with the revision.⁶⁹ The revised interview guide, while retaining the original six questions as posed, also contained a recasting of the questions in plainer English for the benefit the Elders who agreed to participate in this study. Thus, the revised interview guide will be cited when the Dakota/Lakota Elders’ oral history written transcripts are discussed within this text.

⁶⁸ U of S, Field Notes recorded by Leo J. Omani, Friday, September 26th, 2008.

⁶⁹ U of S, Field Notes recorded by Leo J. Omani, Monday, September 29th, 2008.

The interview approach as agreed to by the second Elder was then offered to the remaining Dakota/Lakota Elders who participated in the study. All the remaining Dakota/Lakota Elders expressed their satisfaction with how the original questions had been revised and the approach taken to first handwrite their responses, then typing out their interview transcripts, having them review their interview transcripts, making the required adjustments where necessary, before having them sign the data release form.⁷⁰ Before each interview was actually conducted, as was discussed in chapter one, a pouch of tobacco was offered to each Dakota/Lakota Elder and the consent form to interview was signed by each Elder.

It is now also noted that upon arriving at the home of each Dakota/Lakota Elder, I was first provided with a coffee and at times something to eat. Each Dakota/Lakota Elder would then ask me about my background, specifically where I lived and what type of work I had previously done to gain an insight of my life history. Then the Elder would tell me about their life experiences, which at times took two or three hours to complete. After sharing our life experiences, the Elder would finally agree to respond to the six questions as revised and posed for the study. The interview process with each Dakota/Lakota Elder generally took three to four hours to complete.

Further, as was mentioned in my U of S Ethics proposal, a fourth visit will be conducted with each Dakota/Lakota Elder that had agreed to participate in this study. For clarity, upon completion and defense of the doctoral dissertation study, in addition to the format for the dissemination of results which will be decided collaboratively between the doctoral student researcher and the leadership (the Chief and Council) of the four

⁷⁰ Having a laptop and compact printer while conducting field research sure does have its' advantages. U of S, Field Notes recorded by Leo J. Omani, Monday, November 3rd, 2008.

Dakota/Lakota First Nations, one unbound copy of the dissertation study will be provided to each participant Elder. This suggested approach for the dissemination of results will in effect serve as a conduit for the transfer of theoretical and technical expertise from the university to the community as a form of reciprocity for the transfer of Aboriginal community-based knowledge to the university through the collection of data.

Data generated from the interviews with the Saskatchewan Dakota/Lakota Elders

The format in which the data generated from the interviews with the sixteen Saskatchewan Dakota/Lakota Elders will be presented is noted as follows. Due to the enormous amount of data acquired, since four Elders were interviewed for each of the four First Nations a summary of responses by three Elders of each First Nation will first be provided. This will be followed by a detailed response from one Elder from each First Nation with regard to each question posed in the interview guide. While retaining the original six questions, the revised interview guide is noted below, including how each response from the Elders to the six questions in the interview guide is categorized.

The Revised Interview Guide, while retaining the original 6 questions, noted below.

- #1. What is your understanding of the original indigenous territory of the Dakota *Oyate*, meaning the Dakota nation, now known as the Dakota, Nakota and Lakota people?** In other words, long ago, how large was the Dakota/Nakota/Lakota peoples original territory; meaning the areas they hunted, fished, and gathered medicines and wild vegetables?
- #2. What is your understanding of the traditional concept of Treaty held by Dakota/Lakota people?** In other words, what did they do to maintain peace with other tribal groups?
- #3. In your opinion, with the Nakota having signed Adhesion to the Numbered Treaties within western Canada, why did the Dakota and Lakota not sign Adhesion to Treaty within western Canada?** In other words, why were the Nakota allowed to sign Adhesion to Treaty, but not the Dakota and Lakota?

- #4. How would the Dakota/Lakota in either signing Adhesion to the existing Numbered Treaties, or in adhering to an alternate treaty protocol agreement negotiated with the federal government of Canada, protect or enhance Dakota and Lakota sovereignty?** In other words, if the Dakota and Lakota were to sign Adhesion to Treaty, or a New Treaty Agreement, how would this protect and increase their autonomy?
- #5. What is your opinion on whether the Dakota and Lakota have a right to either adhere to the existing Numbered Treaties, or adhere to an alternate treaty protocol agreement negotiated with the federal government of Canada? Why?** In other words, what do you think, should the Dakota and Lakota sign Adhesion to Treaty, or a New Treaty Agreement? Why?
- #6. What would you envision within the concept of Treaty between the Dakota/Lakota people and the federal government of Canada in right of the British Crown?** In other words, what do you think should be included, if the Dakota and Lakota were to sign a Treaty with the Canadian federal government in right of the British Crown?

How Each Response from the Elders to the six questions in the Revised Interview Guide is categorized

Noted below is how each response from the Elders is categorized:

Wahpeton Dakota Nation:

Elder A:

Elder B:

Elder C:

Elder D:

Standing Buffalo Dakota Nation:

Elder I:

Elder J:

Elder K:

Elder L:

Whitecap Dakota Nation:

Elder E:

Elder F:

Elder G:

Elder H:

Wood Mountain Lakota Nation:

Elder M:

Elder N:

Elder O:

Elder P:

A Summary of Response by Three Elders of each First Nation, followed by a Detailed Response from One Elder of each First Nation with regard to each question posed in the Revised Interview Guide

#1. What is your understanding of the original indigenous territory of the Dakota *Oyate*, meaning the Dakota nation, now known as the Dakota, Nakota and Lakota people? In other words, long ago, how large was the Dakota/Nakota/Lakota peoples original territory; meaning the areas they hunted, fished, and gathered medicines and wild vegetables?

Wahpeton Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question one.

Elder A: It was like an oval on a map. It began at Great Slave Lake in the North-West Territories, Canada and moved down and east across northern Saskatchewan and part of northern Manitoba. It moved down along Lake Winnipeg in Manitoba⁷¹ and across to the Lake of the Woods. From there, it moved to the Great Lakes taking in part of Lower Ontario up to Niagara Falls. Then it moved into the United States. It took in the state of New York, North and South Carolina, then moving towards the state of Louisiana and came back up towards Kansas. From there it moved west toward Wyoming and crossing into Montana. It then moved back into Canada. Crossing into Alberta, along the Rocky Mountains, moving further north, then east again back towards Great Slave Lake in the North-West Territories.

Elder B: From what I heard from my father, it went as far east as *Ha'Ha'Ton'wan*, that's Niagara Falls. Here in Saskatchewan, there is one place in northern Saskatchewan called *Waziyata-Wakan-Bde* translated as "Sacred Lake in the Northern Forest." It also went west to *Paha – Tanka*, the Mountains, which are located on the Alberta and British

⁷¹ On June 2nd, 2008, while attending a Dakota/Lakota Nations meeting held at Standing Buffalo Dakota Nation in southern Saskatchewan, Craig Blacksmith from Dakota Plains First Nation of southern Manitoba mentioned to those in attendance, some years ago while he was at Crane River in central Manitoba, a Swampy Cree Elder had told him that the land surrounding Crane River which is located near Lake Manitoba and adjacent to Lake Winnipeg, once belonged to the Dakota (U of S, Field Notes recorded by Leo J. Omani, June 2nd, 2008).

Columbia border. It also went down into the United States, but I don't know how far down. I heard one person talk about the Carolinas in the east, Santee River.

Elder C: In what I heard, it started along the Rocky Mountains, up in northern Alberta. It took in a bit of the North-West Territories, around Great Slave Lake. Then it moved into northern Saskatchewan and northern Manitoba.⁷² It also took in a part of Ontario, around Lake Superior. All these areas are in what we now know today as Canada. But, it also went into the United States, below Lake Superior, in what is now called Wisconsin. It went all the way down to South Carolina.

Elder D: Growing up, I mainly heard our older Dakota relatives talk about three main river routes that our Dakota *Oyate* had used long ago when traveling by canoe to reach the sea to the east meaning the Atlantic Ocean. They also mentioned one river route to reach the sea in the north meaning the Arctic Ocean, which long time ago the Dene and Inuit had used to come down to trade with our Dakota *Oyate* at *To-Wa-Mde* now known as Great Slave Lake in the Northwest Territories (Canada). Our older Dakota relatives said, it was mainly along these river routes, which were connected to numerous lakes, that our ancestors of the Dakota *Oyate* had once lived, meaning where they had made their campsites from time to time and traded with other groups, include the *Wa'si'cu* (Whiteman)⁷³ when he first arrived here.

As for reaching the sea to the east, meaning the Atlantic Ocean. Our older Dakota relatives said that there is one river that was previously known in Dakota as *Wakpa-Mini-*

⁷² On July 28th, 2008, when I was talking to Elaine Hall-Pratt, a member of Sioux Valley Dakota Nation, near Brandon, in southern Manitoba (Canada), she informed me that Gideon McKay, a Swampy Cree Elder from Split Lake in northern Manitoba (Canada) had told her that the Dakota people once resided at Split Lake, which is, interestingly, located just below the Hudson Bay in northern Manitoba, Canada (personal communication, July 28th, 2008. U of S, Field Notes recorded by Leo J. Omani).

⁷³ The letter “i” in English is pronounced as “e” in Dakota, as cited in the word *Wa'si'cu* (Whiteman), for which the explanation provided is derived from Riggs (1890), *A Dakota-English Dictionary*, (p. 1).

Te, “the Big River,” which begins in the Rocky Mountains within the province of Alberta (Canada) flowing east. This is the river, which today is now known as the North Saskatchewan River that meets the South Saskatchewan River just past the city of Prince Albert, within the province of Saskatchewan, Canada. It then becomes known as the Saskatchewan River moving northeast to arrive at Lake Winnipeg, previously known in Dakota as *Bde Wakan*, translated as “Sacred Lake,” which was used long ago and provided three ways to reach the sea in the east meaning the Atlantic Ocean. The first way was moving from *Wakpa-Mini-Te* (the Big River), to *Bde Wakan* (Lake Winnipeg), onto the Nelson River in northern Manitoba (Canada) that connects to the Hudson Bay to reach the sea (Atlantic Ocean), which took about four to six months to go and return. The second way was moving from *Wakpa-Mini-Te* (the Big River), to the bottom of *Bde Wakan* (Lake Winnipeg), then moving east by way of that now known as the Winnipeg River to reach the Lake of the Woods and from there using the Rainy River to reach the Great Lakes that connects to the St. Lawrence River to reach the sea (Atlantic Ocean), which took about a year to go and return. The third way was moving from *Wakpa-Mini-Te* (the Big River), to the bottom of *Bde Wakan* (Lake Winnipeg), then moving south by way of *Wakpa Sa* (the Red River), which connects to that now known as Lake Traverse, South Dakota (U.S.A.), then moving onto Big Stone Lake in Minnesota (U.S.A.), which flows into the Minnesota River, that connects to the Mississippi River, then moving all the way down to Louisiana (U.S.A.) to reach the sea (Atlantic Ocean), which took about a year to reach, but four years to return, a total of five years. As for why? One had to paddle up stream.

As for reaching the sea in the north meaning the Arctic Ocean. That is the one

which started at *To-Wa-Mde*. Now *To-Wa-Mde* is the way our older Dakota relatives pronounced it, which actually means one's spirit lake and spelled as *To-Wakan-Mde*, now known as Great Slave Lake in the Northwest Territories (Canada). *To-Wa-Mde*, Great Slave Lake is the one that connects to the McKenzie River that reaches the sea in the north meaning the Arctic Ocean. This is the river route, the McKenzie River that the Inuit and Dene had used long ago to come down to Great Slave Lake, Northwest Territories (Canada), to trade ivory and soapstone for medicines with our Dakota *Oyate*.

Our older Dakota relatives said, before and when the *Wa'si'cu* (Whiteman) first arrived, it is these main river routes, as well as other river routes for there are many, which are all connected to the main river known as *Wakpa-Mini-Te* (the Big River), including *To-Wa-Mde*, now known as Great Slave Lake, where our Dakota *Oyate* had traveled and once lived at these locations from time to time, meaning where they had made their campsites and traded with other groups including the *Wa'si'cu*. For they were always on the move, the Dakota *Oyate* really was what the *Wa'si'cu* called a hunting, fishing, and gathering society. For our older Dakota relatives did say that our Dakota *Oyate*, those of us now known as the Dakota, Nakota, and Lakota in order to survive mainly followed and hunted the buffalo, and we the Dakota *Oyate* were known as the buffalo people.⁷⁴ But, our older Dakota relatives also said, depending on the location our Dakota *Oyate* had made their campsites at certain times of the year, our Dakota *Oyate* also hunted and lived off the moose, elk, deer and other animals, as well as fished and gathered berries including different types of herbs for medicines at these locations.

⁷⁴ See, Appendix K: Map of Great Bison Belt that extended from Alaska (U.S.A.), the Yukon (Canada), the North West Territories (Canada), the provinces of Alberta, Saskatchewan, and Manitoba, Canada, then into the U.S.A., moving south all the way down to near the Gulf of Mexico; thus as cited within, *Aboriginal Migrations: A History of Movements in Southern Manitoba*, by Pettipas (1996, p. 36).

However, our older Dakota relatives also did say, because of *Wa'si'cu* diseases such as smallpox, it seems that they always mentioned smallpox, most of our Dakota *Oyate* were wiped out in the areas along the river routes that I have mentioned. In thinking about what our older Dakota relatives have said, there were once members of our Dakota *Oyate* having lived in lower Ontario (Canada), Wisconsin (U.S.A.), and along Lake Erie that overlaps Canada and the United States. Including the state of New York, as well as in North & South Carolina (U.S.A.), Louisiana (U.S.A.), Kansas (U.S.A.), and Wyoming (U.S.A.). But, due to *Wa'si'cu* diseases, there are no longer members of our Dakota *Oyate* that live in these areas. Today in the United States, those of us now known as Dakota, Nakota, and Lakota mainly reside in small pockets called reservations within Nebraska, Minnesota, North & South Dakota, and Montana. In Canada, the Dakota, Nakota, and Lakota now reside in small pockets called reserves within Manitoba, Saskatchewan, and Alberta. Now what I have told you may sound disrespectful to the *Wa'si'cu* about their diseases, but that is what our old Dakota relatives have said.

As for why its true about the river routes that our older Dakota relatives of Wahpeton had talked about? Where the city of Prince Albert is now and up to the town of Birch Hills was once mainly covered with birch trees, that's before the *Wa'si'cu* cut them down. Do you want to know why its still true about the river routes that I have mentioned? When one stands on the riverbank where the city of Prince Albert is now and looks north across the North Saskatchewan River where the Diefenbaker Bridge is located, just to the right there are spruce trees. That is the area where our Dakota people long ago got the spruce gum. Yeah, they used spruce gum for the birch-bark canoes they

built long ago. That's what sealed the strapping and allowed the birch-bark canoes to float.

Whitecap Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question one.

Elder E: When I was younger, I heard my grandparents mention what is now known as Alberta, Saskatchewan, and Manitoba, this is where our Dakota *Oyate* have always been before the *Wa'si'cu* (Whiteman) arrived. My grandparents also mentioned different areas in the United States, Minnesota, North and South Dakota, as well as Montana. These were the areas where we followed the buffalo to and back into Canada, those of us now called Dakota, Nakota, and Lakota.

Elder F: There were no borders in those days. The territory not only went into northern Saskatchewan, but all the way down into the States.

Elder G: Long ago, our hunting territory went past Nipawin near Cumberland House in northern Saskatchewan. Our hunting territory also went to eastern Saskatchewan towards Wadena. It also included Watrous and went as far down south as Moose Mountain. Our hunting territory then went west towards Wood Mountain and Cypress Hills, in southwestern Saskatchewan. From there it moved up towards North Battleford, ... it came back to Moose Woods, now called Whitecap Dakota Reserve, near Saskatoon, Saskatchewan. These were the areas the Dakota had hunted the buffalo long ago. We also hunted moose, elk, and deer in these areas. The Cree, Saulteaux, Nakota, and Lakota also did the same, we shared the same territory. Some of our Dakota, Nakota, Lakota people also followed the buffalo into the states, but there were no borders then. The Cree, Saulteaux, and Blackfoot also did the same.

Elder H: In listening to our older Dakota people when I was younger, they mentioned

that long ago our Dakota *Oyate*, those of us that are now known by the *Wa'si'cu* (Whiteman) as Dakota, Nakota, and Lakota, were always on the move. I heard our Dakota *Oyate* was so large at one time before the *Wa'si'cu* arrived that there were always different *tiyospayes* (extended family groups) crisscrossing different areas in what is now called Canada and the United States. For our Dakota *Oyate* mainly hunted and lived off the buffalo and we were known as the buffalo people. Our Dakota *Oyate* also hunted and lived off the moose, elk, deer, and other animals. They also fished and gathered wild herbs for medicines, including wild berries, such as blueberries, cranberries, chokecherries, saskatoonberries, as well as *ti'psinna* (a wild turnip) and *bdo* (a wild potato) to live on. They even knew how to harvest maple sugar and wild rice.

I also heard before the horse arrived, when on the move besides using that what the *Wa'si'cu* came to call as dog travois, our Dakota *Oyate* used the canoe. Some of the canoes that our Dakota *Oyate* used were made out of logs and birch-bark,⁷⁵ well others mainly in the prairie were made from willows that were shaped in a half circle, like a bowl with the top half open, with buffalo hide that was used which allowed it to float, these were the ones the *Wa'si'cu* called bullboats.⁷⁶

Thinking back, I heard before the *Wa'si'cu* arrived in this place now called North America, different *tiyospayes* of our Dakota *Oyate* not only traveled and lived in what is now known as Manitoba, Saskatchewan, and Alberta, but also once lived in lower

⁷⁵ See, Appendix L: "illustration," image of the dugout canoe from T. De Bry's ADMIRANDA NARRATION (1590) as it is pictured on page 117 within the book, *The Dakota Peoples: A History of the Dakota, Lakota and Nakota through 1863*, by Jessica Dawn Palmer (2008). Thus, which corresponds to the statement by Palmer (2008), being a Euro-American scholar, that "the woodland Dakota used both the dugout and the birch-bark canoe" (p. 117). Further, Laviolette (1991), being a Euro-Canadian scholar, also within his book entitled, *The Dakota Sioux In Canada*, did mention the use of "dug-out canoes" by the Dakota (p. 2).

⁷⁶ Howard (1984) does mention the Dakota in having built "bullboats" (p. 40).

Ontario, Canada. In the United States, some of our Dakota, Nakota, and Lakota people still live in places like Montana, North and South Dakota, Nebraska, and Minnesota. Some of our Dakota *Oyate* also once lived in Wyoming, Kansas, and in Wisconsin. It was also mentioned that our Dakota *Oyate* once lived in Michigan, New York, the Carolinas, and Louisiana. That is how big the territory of our Dakota *Oyate* was at one time before the *Wa'si'cu* arrived.

However, because of *Wa'si'cu* diseases, such as smallpox, our Dakota *Oyate* is now not so numerous. Today, our Dakota, Nakota, and Lakota people can now only be found on small parcels of land called reservations in the United States and reserves in Canada. In the United States, mainly in Minnesota, North & South Dakota, Nebraska, and Montana. In Canada, within Manitoba, Saskatchewan, and Alberta. Now the names of the places I have mentioned are those the *Wa'si'cu* uses today for what they have come to call as borders. But, our older Dakota people used to say, “*Otakhe Oicaga Wanica, Dakotapi Kin Oicage Dehan Unkaskapi,*” we didn't cross any borders, they crossed us!!!

Standing Buffalo Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question one.

Elder I: Our territory covered the better part of what is now known as North America. Here in what is now called Canada it went as far east as Niagara Falls, Ontario. In the United States, it reached the state of New York, North and South Carolina, Louisiana, Kansas, and Wyoming. But, today there are no members of our Dakota *Oyate* in these areas. Today, our Dakota *Oyate* can now only be found on different reservations in the states of Nebraska, Minnesota, North and South Dakota, including Montana. In Canada, on different reserves within the provinces of Alberta, Saskatchewan, and Manitoba.

Elder J: When I was younger, I listened to our older Dakota people. From what they

said, the territory of our Dakota *Oyate*, those of us now called Dakota, Nakota, and Lakota, covered the better part of western Canada, Alberta, Saskatchewan, and Manitoba. They also mentioned different areas in the United States, I can't recall all the areas, but for sure the state of Minnesota, Nebraska, North and South Dakota, including Montana. Our Dakota *Oyate* was always on the move, that's the areas where our Dakota *Oyate* mainly hunted the buffalo long ago.

Elder K: *Bdetanka* meaning "the Big Lakes of the Qu'Appelle Valley" and *Minishoshay* meaning "Muddy Water, the Missouri river." Those are the words I heard growing up. That's the area it covered for our people here on Standing Buffalo Reserve.

Elder L: What I am about to tell you, perhaps the *Wa'si'cu* (Whiteman) will have a hard time believing. But, you have offered me this tobacco and I am going to tell you what I have heard in my lifetime from our older Dakota people. In my lifetime, I have heard many of our older Dakota people say that the original territory of our Dakota *Oyate*, those of us now called Dakota, Nakota, and Lakota, was once very big. It took in a large area of what is now known as Canada and the United States. Actually, it hurts to talk about it, for many of our older Dakota people would cry after telling such stories about how large our original territory was at one time.

Thinking back, our older Dakota people used to say that the original territory of the Dakota *Oyate* actually began along the Rocky Mountains in what is now northern Alberta (Canada). It then moved east and up to the area that was called *To-Wa-Mde* now known as Great Slave Lake in the Northwest Territories (Canada). From Great Slave Lake, it then came back down towards Lake Athabaska and moved east across northern Saskatchewan (Canada) reaching the bottom of what is now known as Reindeer Lake in

northern Saskatchewan. From there, it moved farther east taking in part of northern Manitoba (Canada), along *Bde Wakan* now known as Lake Winnipeg (Manitoba, Canada). At the bottom of *Bde Wakan* (Lake Winnipeg), it continued to move farther east towards the Lake of the Woods. From the Lake of the Woods, it continued east to reach the Great Lakes, which took in part of lower Ontario (Canada). It crossed between Lake Erie and Lake Ontario into the United States, moving to the state of New York (U.S.A). It then went down into North & South Carolina (U.S.A.). Then it moved across and farther down to Louisiana (U.S.A.). It came back up towards Kansas (U.S.A.) and moved farther west into Wyoming (U.S.A). It then moved into Montana (U.S.A.). From there, it then crossed back into Alberta (Canada), again along the Rocky Mountains, which took in a small portion of the middle part of British Columbia (Canada), then moving back up where it started in northern Alberta (Canada).

Now that is a huge territory that our older Dakota people used to talk about. They also said, we shared the huge territory with other tribes, including the *Wa'si'cu* when he first arrived here. Our older Dakota people used to say when the *Wa'si'cu* had arrived our Dakota *Oyate* was one of the largest groups in what is now called North America.⁷⁷ As for why we are so small today compared to the *Wa'si'cu*? Our older Dakota people mentioned when we first met the *Wa'si'cu* a long time ago, their diseases such as smallpox killed most of our people, that is why it hurts to talk about it even now, for as I have mentioned many of our older Dakota people would cry many times after they told such stories. For example, some of our older Dakota people had mentioned, long ago when our Dakota people first met with the *Wa'si'cu* east of the Mississippi River by the

⁷⁷ It has been mentioned by Anderson (1997), at the time of first contact based on the historical documented sources of both the French explorers and the Jesuits, “the Sioux were one of the most populous nations on the continent” (p. 16).

ocean, over fifty villages were wiped out because of *Wa'si'cu* diseases. Those are the ones that the *Wa'si'cu* first called Santee, which the *Wa'si'cu* still at times uses when talking about us as Santee/Sioux.⁷⁸ I have even heard of a place way down there in South Carolina called the Santee River.⁷⁹

Wood Mountain Lakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question one.

Elder M: The territory for the Lakota long ago is now part of South Dakota, North Dakota, southern Manitoba and southern Saskatchewan, including Montana and Wyoming. This is where they hunted the buffalo.

Elder N: The Lakota hunted along this ridge, going east from Wood Mountain towards Manitoba. There was a lot of buffalo, and still a lot of moose, antelope and elk. They picked medicines and a lot of berries too. There is a lot of good berry bushes along these ridges.

Elder O: I heard from my mother that it went as far as the Moose Jaw area. Where they

⁷⁸ Drawn from Touple (2003), one Dakota Elder oral written transcript mentioned, “a lot ...died from smallpox and other epidemics and broken hearts where they don't have the will to carry on” (p. 27).

⁷⁹ The following previous Dakota oral history written transcripts are now also cited (for which the source for each is noted within in the bibliography / reference list, under primary source documents). Canadian Dakota oral historians George Bear (1972); Sam Buffalo (1977), Robert Goodvoice (1977), Simon Hanska (1972), and Jim Kiyewakan (1981), did mention the Dakota as having resided in the east; some locations cited are noted as follows: by the sea in the east, New York, St. Lawrence, Niagara Falls, as well as Lake Erie. In turn, American contemporary Dakota academic, WarCloud (1971) did mention that at one time, “[t]he Dakotah's ... occupied territories that are now parts of Virginia, Ohio, Illinois, and the Carolina's” (preface, p. x).

It is now also noted that both Goodtrack (2004, p. 113) and Stonechild (2003, p. 56) did mention the following place-names, “Sioux Lookout” which is situated northeast of Dryden, Ontario and “Sioux Narrows” located to the east of the Lake of the Woods, within the province of Ontario, Canada. Further, the following is also of interest. Morrison (2001) drawing from Howard (1984, p. 37), as this pertains to the comments of Dakota Elder Simon Hanska of Birdtail Dakota Reserve in Manitoba, did cite the Dakota place-name, “*Psinhu Wakpa* ‘Wild Rice River’ [for that now known as] the Saint Lawrence River in the area of the present Quebec City [within the province of Quebec, Canada]” (p. 21). In turn, Dakota Elder John Kasto of Birdtail Dakota Nation of Manitoba mentioned that the Saint Lawrence River was named *Psinhu Wakpa* because this was the river route used by Dakota long ago to take the wild rice that was harvested at various lakes in eastern Manitoba (Canada), lower Ontario (Canada), Minnesota (U.S.A.), and Wisconsin (U.S.A.), to trade with the different Aboriginal groups in the east (personal communication, December 17th, 2009. U of S, Field Notes recorded by Leo J. Omani).

traveled meaning the Lakota.

Elder P: A lot of *Wa'si'cu* (Whiteman) over the years have come to have talk to our older people of Wood Mountain Reserve, but mainly they asked about the battles the Lakota people had with the U.S. Army in the United States. So our older people of Wood Mountain would tell the *Wa'si'cu* what they heard. Then the *Wa'si'cu* writes up what was told to them about the things the *Wa'si'cu* had asked about and now most people have come to believe what the *Wa'si'cu* has written about us coming from the United States. But, the *Wa'si'cu* has never asked, such as you have. What was the original territory of our Dakota *Oyate*?

What confuses many about our Dakota *Oyate* is the names the *Wa'si'cu* has given us, such as Sioux and now also Dakota, Nakota, and Lakota. It's true we now use the word Lakota. But when I was younger, our old people of Wood Mountain used the word *Titonwan*, which means "Camping Amongst the Prairie." Also, when I was younger, I used to listen to our older people of Wood Mountain tell stories amongst themselves. They used say before the *Wa'si'cu* arrived and after that we always hunted on both sides of the border of what is now known as Canada and the United States and that our Dakota *Oyate* were the buffalo people. The buffalo were always on the move, crisscrossing what we now know as Canada and the United States. We also hunted the moose, deer, elk, and antelope depending where we made camp.

To explain the original territory of our Dakota *Oyate*, one needs to understand the names of our seven main campfires. Our older people of Wood Mountain Reserve used to say, at the beginning there was actually only one campfire. Now some of our older people have said that this had increased to fifteen campfires. But in time was reduced to twelve

campfires. And then finally only seven campfires, which was represented and continues to be represented through our original government structure that we know as the *Oceti Sakowin*.

The names of the original seven campfires are actually connected to the land where our different *tiyospayes* (extended family groups) had made their campsites and then tended to stay within that area, meaning where their *tiyospayes* in time mainly hunted, fished, and gathered berries and wild herbs for medicines, both in Canada and the United States. For example, *Mdewakantonwan* actually means Camping Amongst a Sacred Lake. *Sisitonwan* actually means as “Camping Among Swamps.” *Wahpetonwan* actually means “Camping Among the Leaves.” *Wahpekute* actually means “Shooters Amongst the Leaves.” *Ihanktonwan* actually means “Camping at the End,” meaning where the woodland and prairie meets. *Ihanktonwanna* actually means “Camping at the Very End,” meaning near the Rocky Mountains, from northern Alberta, Canada into the United States. And, as I have already mentioned, *Titonwan* actually means “Camping Amongst the Prairie.”

Now our old people of Wood Mountain used to say, while we are the smallest in Canada, we are actually the largest group of our Dakota *Oyate* when one considers the *Titonwan* in the United States. But, our old people also said this was not always the case. Before the *Wa'si'cu* arrived, it was the ones that lived mainly in the woodland, the *Mdewakantonwan*, *Sisitonwan*, *Wahpetonwan*, *Wahpekute*, who were originally the largest. Their territory stretched from northern Saskatchewan (Canada), into northern Manitoba (Canada), then down, taking in part of southern Ontario (Canada), as well as into Minnesota (U.S.A.), Wisconsin (U.S.A.), and farther east. I have heard some Dakota

said, it reached the ocean in the east, New York, North and South Carolina, and down into Louisiana. The next largest were the *Ihanktonwan*, those now known as Assiniboine in Canada and Yankton in the states, whose original territory stretched from Saskatchewan (Canada), mainly along the Qu'Appelle River which joins the Assiniboine River into southern Manitoba (Canada), then the Red River down into the eastern side of North & South Dakota (U.S.A.), as well as into Nebraska, and Kansas. Then, the next largest were the *Ihanktonwanna*, those now known as Stoney in Canada and Yanktonia in the states, they were the ones along the Rocky Mountains. Now the Stoney in Canada still live near the Rocky Mountains, but the Yanktonia in the U.S.A. got pushed from the Rocky Mountains farther east into central Montana, as well as into North & South Dakota. And finally the *Titonwan*, for which our territory had stretched from the Cypress Hills along what is now known as the Saskatchewan and Alberta border, up to where the South Saskatchewan River meets the Red Deer River. It then followed the South Saskatchewan River to where the town of Elbow is now located. Then from there, it moved back down into southern Saskatchewan, which also included southern Manitoba, mainly along and below the Qu'Appelle and Assiniboine Rivers, up to Portage la Prairie, Manitoba. It then moved into the United States, which included North & South Dakota, part of Wyoming and Montana, and back into the Cypress Hills, Saskatchewan. Now, there were of course other tribes within the areas that I have mentioned, but they were not as many as our Dakota *Oyate*.

However, due to the *Wa'si'cu* arriving with the fur trade, first in the east, followed by their diseases, mainly smallpox, this killed many *Mdewakantonwan*, *Sisitonwan*, *Wahpetonwan*, *Wahpekute*, as well as the *Ihanktonwan* and the

Ihanktonwanna in the Rocky Mountains. We the *Titonwan* who lived mainly in the prairie were the last to be affected by smallpox. Why? Because there are not too many beaver on the prairie.⁸⁰ So, today because we the *Titonwan* being the last to be affected by *Wa'si'cu* diseases, we are now the largest.⁸¹

As for some of our older people of Wood Mountain having said the Dakota *Oyate* once had fifteen campfires, I often wonder if those are the other groups that the *Wa'si'cu* has placed in what they now call Siouan, which they have now also placed our Dakota *Oyate*. I say this because before the *Wa'si'cu* arrived and their diseases reducing the number of our Dakota *Oyate*, many of our older people of Wood Mountain used to say that our Dakota *Oyate* was one of the largest groups in North America and knew of an old trade route that stretched from Alaska, all the way down to Mexico and in South America.⁸² Now they never said that the Dakota *Oyate* had lived in Alaska or in Mexico,

⁸⁰ The following is what Walker (1980), a Euro-American scholar, transcribed with regard to the oral history story as told by Thomas Tyon, being of Lakota ancestry:

The seven council fires [in reference to the seven original bloodlines of the Dakota *Oyate*] burned in a land where the trees were small and the leaves fell before the coming of each winter. The seven [council] fires were lighted in a circle [camped together] and *Waziya* appeared in the council. He was a large man and clothed in heavy furs. He said: "Why do you stay here where the trees are small and the leaves fall? Come with me and I will show you where the trees grow tall and leaves are green all winter." So the shamans [ceremonial leaders] counselled together and agreed to send some of the people with him. They went on a journey of many days and found it was true that he had told them. Then the Dakota went to that land. But all did not go (p. 120).

In addition, Palmer (2008), also Euro-American scholar, did state:

Samuel Pond, who lived among the Dakota Santee in Minnesota for twenty years in the 1800s, confirmed their northern origins. In his book, *The Dakota or Sioux in Minnesota as They Were in 1834*, he said: "The Indians have lived here for generations, supported by their own exertions, and they have also lived in colder latitudes than this, around the frozen shores of the Hudson Bay" [l]ater he elaborated: "It is believed by them that they came here from the north, and they may have formerly lived very far north, as they were familiar with some of the habits of the Esquimaux [Inuit], for whom they have a name, calling them 'Eaters of raw food'" (Pond, 1908, p. 44; as cited in Palmer, 2008, p. 24).

⁸¹ See, Appendix M: Map of ancient original indigenous territory within North America of the Dakota *Oyate*, meaning the Dakota Nation, now known as the Dakota, Nakota and Lakota people, thus as described by Saskatchewan Dakota/Lakota Elders before and upon initial contact with those of European ancestry.

but they knew the old trade route that I mentioned.

#2. What is your understanding of the traditional concept of Treaty held by Dakota/Lakota people? In other words, what did they do to maintain peace with other tribal groups?

Wahpeton Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question two.

Elder A: They shared ceremonies, such as the Sundance, They also shared hunting territory. They also intermarried with other groups such as the Cree.

Elder B: *Ha-Mpa-Apa* translated as “Strict the Moccasin” now called the moccasin game. The Dakota got the moccasin game from the Ojibwa in the east, which was gained through a Treaty of Peace and the sharing of the land for hunting. Here in Saskatchewan, it was with the Cree through intermarriage, which allowed for peace, friendship and trade with each other. I am not sure how they did it in the states, but I have heard they were allies with the Cheyenne and the Arapaho.

Elder C: A lot of our people in this area now called Saskatchewan intermarried with the Nakota, the Assiniboine and Stoney, as well as with the Cree.

Elder D: Today, one does not hear too many old stories of our Dakota *Oyate*, those of us now known as Dakota, Nakota, and Lakota and how our ancestors got along with others long ago. There is not that many of our Dakota, Nakota, and Lakota Elders still alive that remember the old stories. It is now good to start putting down on paper these old stories, before all is lost.

To begin, in no disrespect, I want to say from what I have heard about *Wa'si'cu* (Whiteman) writing, it seems that this writing talks about all Dakota and Lakota as being from the United States which only tells one side of the story, the *Wa'si'cu* side. Why? I

⁸² One could find a map of ancient Aboriginal trade routes spanning from Mexico to Alaska as provided on the following website: http://www.cradleboard.org/curriculum/powwow/supplements/images/a_trading.gif

think its because since the *Wa'si'cu* mainly came from the east, they have studied and written about our Dakota and Lakota people through their history of arriving in the east and moving west and because of this have come to believe, all that is to know about our Dakota and Lakota people.

Especially, the problems the *Wa'si'cu* had with our Dakota and Lakota people in the United States back in 1862 and 1876, which explains, at least to me, why the *Wa'si'cu* when the Numbered Treaties here in western Canada were being signed, first lumped all of us they call Sioux, the Dakota, Nakota, and Lakota in having come from the United States. I say this because many *Wa'si'cu* from the United States used to come to Wahpeton reserve up until the early 1970s.

Those *Wa'si'cu* that did come from the United States would ask mainly who knew about the fight the U.S. Army had with the Dakota in Minnesota in 1862. For its true that some Dakota had crossed into Canada after that, including some Lakota after 1876 having crossed into Canada also. Its also true, most of those Dakota, as well as most of those Lakota that did cross into Canada, had later return to the United States. However, its also true, some of those Dakota and Lakota that had crossed into Canada after the battles in the United States had also intermarried with us Dakota and Lakota whose hunting territory at the time because of the buffalo moved back and forth from Canada to the United States and back into Canada.

So our older Dakota relatives here on Wahpeton would tell the *Wa'si'cu* from the United States which Dakota person to go and talk to, who knew something about the fight the U.S. Army had with the Dakota in Minnesota back in 1862. Then the *Wa'si'cu* from the United States would write about the things they were told. The *Wa'si'cu* here in

Canada after that mainly talked to the Dakota people that knew something about Minnesota and all *Wa'si'cu* now seem to think that the Dakota all came from the United States, including the Lakota. For I have also heard a lot has also been written about the Lakota and their battle with the U.S. Army at the Little Bighorn in Montana back in 1876.

Yet, we on Wahpeton reserve back in 2002, when we tried to trace our Dakota grandparents and great-grandparents names back to the U.S. Sioux annuity payments of 1851 in Minnesota, as well as the U.S. 1868 Sioux annuity payments for Lake Traverse Reservation in South Dakota, including at Fort Totten Reservation in North Dakota and at Fort Peck Reservation in Montana, the majority of us were not able to. This same thing happen for those Dakota in Manitoba, as well as the Dakota families at Whitecap Reserve, Standing Buffalo Reserve, and the Lakota at Wood Mountain Reserve here in Saskatchewan, when they tried to trace their family bloodlines back to the Sioux annuity payments in the United States.⁸³ So, this brings us back to the river routes that I have described, where our Dakota *Oyate* had once traveled and made their campsites, for it's clear to me that the *Wa'si'cu* has not gained all that is to know about our Dakota *Oyate*, those of us now known as Dakota, Nakota, and Lakota.

⁸³ Point of historical interest: Most of those Dakota and Lakota in Canada that were “not” able to link their grandparents and great-grandparents names back to the U.S. Sioux annuity payments corresponds to the *tiyospayes* (extended family groups) who were under the leadership of the following ten Chiefs:

(1) Chief Standing Buffalo, Dakota/Sioux; (2) Chief Whitecap, Dakota/Sioux; (3) Chief Mahtowakan, Dakota/Sioux; (4) Chief Red Dog, Dakota/Sioux; (5) Chief Waanata, Dakota/Sioux; (6) Chief Hupa Yakta, Dakota/Sioux (Elias, 1988, pp. 24-27; p. 204); including (7) Chief Cloud Appears (Mahpiyahdinape), Dakota/Sioux; (8) Chief Waoke (Weeokeah), Dakota/Sioux; (9) Chief White Eagle, Dakota/Sioux (Papandrea, 2007, p. 53); and (10) Chief Little Knife, Lakota/Sioux (The Commissioners of the Royal North-West Mounted Police, 1874-1881, p. 51), who were not part of Minnesota Dakota-U.S. War of 1862, nor the Battle of the Little Bighorn in Montana, U.S.A. in 1876.

Nor do the names of the ten Chiefs mentioned, appear on any of the Sioux Treaties signed in the U.S.A., which began in 1805 and concluding in 1868 (Omani, 2005).

As for our Dakota *Oyate* territory here in what is now known as western Canada, it is true when the Cree first moved into our territory in northern Saskatchewan from the east long ago, our older Dakota relatives would say, *ehanna* (long ago) at first we fought with them. But, in time we made peace with those that are now called the Woodland Cree and Swampy Cree and intermarried with them, a lot in time became known as the Willow Cree and the Plains Cree.

Now, because we intermarried with other groups like the Cree, we were able to maintain peace and came to share the same hunting territory. But the *Wa'si'cu* here in Canada has mainly given credit to our Nakota/Assiniboine relatives for having intermarried with the Cree, not the Dakota and Lakota. However, we know our relatives on the different Cree reserves in central and in southern Saskatchewan. Today, they are now known as the Plains Cree, with the ones in northern Saskatchewan having been accepted as being either Woodland Cree or Swampy Cree. We also know those now called Metis who had traded and intermarried with our Dakota people in northern Saskatchewan, such as those at Cumberland House who go by the last names, Dorion and Goulet.

It's also true, our old Dakota relatives did say. We also fought the *Saulteaux* when they first moved into our territory from the east long ago. But, in time our older Dakota relatives also made peace and intermarried with the *Saulteaux* and shared the same hunting territory. The *Saulteaux* as we know them here in Saskatchewan are those that now go by the name Ojibwa in Manitoba and are known as Chippawa by the *Wa'si'cu* in the United States. It was also said by our older Dakota relatives, we had also first fought with those that became known as Metis, but also later made peace and intermarried with

them, including the *Wa'si'cu* fur traders that came to trade with us.

As for why our older Dakota relatives in time made peace and intermarried with the Cree, including the Saulteaux, the Metis, and also with the *Wa'si'cu* fur traders? It is because one of the most sacred ceremonies of our Dakota *Oyate* is the making of a relative, which was used as a peace ceremony long ago in order to conduct trade with other groups. Today it's used as an adoption ceremony. This long ago for our Dakota *Oyate* was the traditional concept of treaty, meaning the making of a relative and the sharing of what *Ina-Maka* (Mother-Earth) had and still has to offer to our Dakota *Oyate*.

It was also said by our older Dakota relatives, besides having traded long ago with the Inuit and Dene at Great Slave Lake in the Northwest Territories, we had also traded with the Blackfoot Confederacy in the Cypress hills. The Cypress hills now covers the southern part of Saskatchewan and Alberta.

Now, there was also one group that our older Dakota people of Wahpeton talked about which I don't hear too much about anymore. Older Dakota people of Wahpeton called them, *Zu'zu'he'ce'dan*, which means "snake." There were not too many of them and they mainly stayed in the area that was known as Snake Plains, that's where the Cree reserve called Mistawasis is now near the town of Leask, which is located some distance between the city the Prince Albert and North Battleford, Saskatchewan. Our older Dakota people of Wahpeton called them Snake Indians because one could never be too sure of them. It seemed anything could set them off and the fight was on. Those are the ones the *Wa'si'cu* now calls Gros Ventre and you can find them on the Fort Belknap Reservation in Montana.

Over there by North Battleford, the Gros Ventre and we the *Wahpetonwan* and

our *Ihanktonwan* relatives, those now called Nakota/Assiniboine, had a big fight, that's the place we called *Okicize Wakpa* which means "Battle River" located not too far from the city of North Battleford in west-central Saskatchewan. Now, this is interesting, we called the Gros Ventre, *Zu'zu'he'ce'dan*, which means "snake," but I have also heard the *Wa'si'cu* say that the word Sioux means "snake." Yeah, the word Sioux is what the *Wa'si'cu* has also used for our Dakota *Oyate*, those of us now known as Dakota, Nakota, and Lakota.⁸⁴

Whitecap Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question two.

Elder E: One of our traditional seven ceremonies is the making of a relative. Because of this our Dakota people not only intermarried with the Nakota and Lakota, but also the Cree, the Saulteaux, the Metis, and in time the *Wa'si'cu* (Whiteman). It allowed for a peaceful trade relationship with them, that was our traditional concept of treaty long ago.

Elder F: It was based on intermarriage with other tribal groups, which allowed them to trade with each other.

Elder G: It was through marrying with other groups, like the Cree and Saulteaux, that the Dakota were able to get along and trade with these groups long ago. We traded different medicines and food. We also gave the Cree one of our sacred dances, the grassdance to use. We also got along with the Blackfoot.

Elder H: Today, many said the word Dakota means alliance and this comes from the word *Koda* (friend), which our Nakota relatives pronounce as *Kona*, and our Lakota

⁸⁴ The book by Nightraveller, Desnomie, Handley & Pinay (1973) entitled, *Assiniboine Legends*, does mention the *Wahpetonwan* and *Ihanktonwan* (now known as Nakota/Assiniboine) being together and fighting the Gros Ventre (p. 61), noting that the Nakota/Assiniboine and Gros Ventre "who were once bitter enemies, now live together in peace. They live on the Fort Belknap reservation in Montana" (p. 65).

relatives pronounce as *Kola*. But, our older Dakota people used to say, Dakota was actually pronounced as *Da'ko'ta* long ago and this meant we were to be a friend to all and to live in harmony with all that *Wakantanka* (the Creator) has created. Why? Our older Dakota people said everything that *Wakantanka* created, in what the *Wa'si'cu* (Whiteman) calls as this universe, has a spirit and we are to respect it, for it is part of *Wakantanka*. This means from our oldest relative *In'yan* (the Stone) being the first to be created. And from *In'yan* (the Stone), all others things within this universe were then created, the sun, the moon, the stars, wind, fire, water, all living beings in the water, including all living beings in and on the ground, all of the plant life, as well as *Ina-Maka* (Mother-Earth), for all have a spirit of their own and all in one way or another provide balance to us, the human being, who also have a spirit of our own, but were the last to be created by *Wakantanka*, the Creator.

This explains why, how the word *Da'ko'ta*, as we had pronounced long ago which really means “to be a friend to all that *Wakantanka* has created” is actually connected to the word *Mitakuye Oyasin*, which means “we are all related.” For all we know of within this universe has been created by *Wakantanka* and we were to stay in balance with all. Now for us, the Dakota *Oyate*, those of us now known as the Dakota, Nakota, and Lakota, who still follow our traditional ways continue to keep this balance with the use of tobacco, which we put in our *Ca'un'pa* (pipe)⁸⁵ when participating in our seven sacred ceremonies. For the tobacco that we use in our *Ca'un'pa* (pipe) is very sacred to us, for it represents all that *Wakantanka* has created within the six directions that we know of, the sky, *Ina-Maka* (Mother-Earth), including all living beings as represented from the west, north, east, and south. When one thinks about it, this was

⁸⁵ The letter “C” is pronounced in Dakota as “Ch” such as in English for “Church” (Wilson, 2005, p. 243).

actually the very first traditional concept of treaty that our Dakota *Oyate* had and continues to have with all that *Wakantanka* has created. Meaning to stay in balance with all that *Wakantanka* has created with the use of tobacco in our *Ca'un'pa* (pipe), when participating in our seven sacred ceremonies.

Now, as for a traditional concept of treaty so as to maintain peace with other tribal groups and the *Wa'si'cu* when he arrived, our older Dakota people said because of the terms *Da'ko'ta* and *Mitakuye Oyasin*, this was conducted through one of our seven sacred ceremonies, the making of a relative. It's true, besides different Dakota, Nakota, and Lakota intermarrying with each other, it was through marrying with other groups like the Cree and Saulteaux that our Dakota *Oyate*, those of us now known as Dakota, Nakota, and Lakota were able to get along and trade with these groups long ago. We traded medicines and different types of food with each other, buffalo meat for deer meat, wild turnip for cranberries, maple sugar for hazelnuts, and so forth. We also got along with the Blackfoot Confederacy. The Dakota *Oyate* and the Blackfoot would meet together a long time ago in the Cypress Hills to trade.

The Cypress Hills long ago, before the *Wa'si'cu* arrived, was also one area that members of our Dakota *Oyate* met regularly through our own government structure, the *Oceti Sakowin*. These meetings were held not only for ceremonial reasons, such as sundances and vision requests, but also to discuss things of common concern for all of us, such as where certain *tiyospayes* (extended family groups) had traded with other groups, the Cree, Saulteaux, and the *Wa'si'cu*. Including which *tiyospayes* of our Dakota *Oyate* were getting along with these groups or not and for what reason, as well as to discuss the disputes certain *tiyospayes* of our own Dakota *Oyate* were having with each other, and

how to resolve these disputes. Yeah, we also had our own internal disputes from time to time and still do, we are only human.

Standing Buffalo Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question two.

Elder I: We intermarried with other groups, here in Saskatchewan, the Cree, Saulteaux, Metis, as well as the *Wa'si'cu* (Whiteman). It was tied to one of our seven sacred ceremonies, the making of a relative. This allowed us to conduct trade in a peaceful matter with other groups that we intermarried with.

Elder J: This was based on intermarriage, which is one of our seven sacred ceremonies, the making of a relative. This is how we were able to conduct peaceful trade with other groups, like the Cree, Saulteaux, Metis, as well as the *Wa'si'cu* (Whiteman).

Elder K: It was done by sharing our ceremonies, as well as marrying with other groups.

Elder L: I have heard the *Wa'si'cu* (Whiteman) say the Sioux were one of the most feared by other groups and that our warriors were the most brave. Sioux is one of the names that the *Wa'si'cu* has also used for our Dakota *Oyate*, those of us the *Wa'si'cu* now also calls Dakota, Nakota, and Lakota. Now that sounds good for our Dakota *Oyate*. But, why were we once the largest, before *Wa'si'cu* diseases nearly wiped us out? It is actually tied to the traditional concept of treaty that our Dakota *Oyate* had, which is still connected through our sacred prayer pipe and our seven sacred ceremonies.

Our older Dakota people said, while it's true we fought with other groups, the Cree being one and the Saulteaux being another. But we always made peace with them by using our sacred prayer pipe and intermarrying with them. This allowed us to trade peacefully with other groups, such as the Cree and Saulteaux, including in time the Metis and the *Wa'si'cu* when he got here. Why did we make peace and intermarry with other

groups? Because it was tied to what the *Wa'si'cu* calls kinship, for us it meant the making of a relative, one of our most sacred ceremonies of our Dakota *Oyate*.

It's true the making of a relative was originally a peace ceremony, however today it is mainly conducted as an adoption ceremony. To truly understand the traditional concept of treaty, one needs to understand the seven sacred ceremonies of our Dakota *Oyate*, which the *Wa'si'cu* has also written about. But, based on what our older Dakota people have said, I hope that I can provide a better explanation for some of them.

First, the one I have already mentioned, the making of a relative, which was originally a peace ceremony, however today it is mainly conducted as an adoption ceremony. Second, the keeping of the soul for one year and its release in memory of a deceased relative, today this is known as the "wiping of the tears" ceremony by our Dakota *Oyate* in the United States and preformed as a "memorial feast" in Canada. The real meaning of this ceremony is to allow us to release our own emotions. In other words, to be able to cry and let out our own hurt emotions about a loved one that has passed on. For it is actually very good for one's health to cry. Third, the sweatlodge ceremony. Fourth, the vision quest ceremony. Fifth, the sundance ceremony. Sixth, the young womanhood ceremony. And, seven, the sacred ball-throwing ceremony, this represented the passing on of knowledge, which today is the responsibility of our parents to make sure that their children get a good education.

Staying in balance with *Wakantanka*, the Creator, as well as his creation, the sun, moon, stars, wind, water, fire, *Ina-Maka* (Mother-Earth) and what she grows, as well as with the animals, the flyers, the crawlers, the swimmers, the two legged, the four legged, including each other as human beings. When one thinks about it, staying in balance is the

traditional concept of treaty that our Dakota *Oyate* had and still has today, for it is held together by our sacred prayer pipe and our seven sacred ceremonies. It allows our Dakota *Oyate*, those of us now known as Dakota, Nakota, and Lakota that still continue to participate in our traditional cultural ways, to keep balance within our lives. Now, all of what I have mentioned is actually held together by the tobacco we use within our sacred prayer pipe and our seven sacred ceremonies, for every gain represents all that has been created by *Wakantanka*, the Creator.

Wood Mountain Lakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question two.

Elder M: The Lakota respected other tribes. If there was a conflict they would count coup, but not to kill. *Toka-hay-a-wa-pe*, to touch another person in battle, this was considered brave and brought a lot of honor. The Lakota also married other groups like the Dakota and Nakota and Cree.

Elder N: We always had treaties with different groups before the *Wa'ci'cu* came. My grandmother talked about the Blackfoot, *Si hasapa*. But, White people want to dramatize things, so they talk about warlike tribes, between the Souix and Blackfoot, it wasn't that way ... grandma still talked about the Blackfoot but not in war like terms. Seems like they got along and traded. So that's what the treaty is, unwritten terms between tribes.

Elder O: It was based on intermarriage with other groups.

Elder P: As for an understanding of the traditional concept of treaty, our older people of Wood Mountain had said, this was actually tied to one of our seven sacred ceremonies, the making of a relative. The making of a relative was original a peace ceremony that allowed for a peaceful trade relationship based on kinship. This explains why our Dakota *Oyate* who are now known as Dakota, Nakota, and Lakota was once, one the largest

groups in North America. Now here at Wood Mountain, our older people not only intermarried with the Dakota and Nakota, but in time with the Cree, Saulteaux, and Metis, including the *Wa'si'cu* (Whiteman), when they had moved into our territory, meaning the Cypress Hills area.

I also remember our older people of Wood Mountain saying, we the *Titonwan* who are now known as Lakota, on behalf of our Dakota *Oyate* had also made a treaty long ago with the Blackfoot Confederacy for the sharing of the Cypress Hills. This today covers the southern part of Saskatchewan and Alberta. This treaty was for the sharing of hunting territory. The understanding reached was that our Dakota *Oyate* would have the hunting territory to the east of the Cypress Hills, that now being in Saskatchewan and the Blackfoot Confederacy to the west, that now being Alberta. With the Cypress Hills being where our Dakota *Oyate* and the Blackfoot Confederacy would meet and trade. As part of this treaty, we give the Blackfoot Confederacy permission to wear our feathered headdress, as well as the big round drum that we use for our sacred ceremonies and pow-wow to also use.

It was also said by our older people of Wood Mountain that the Cypress Hills is one area where our Dakota *Oyate*, meaning those of us now known as the Dakota, Nakota, and Lakota, did meet together long ago, not only to conduct our sacred ceremonies such as the sundance and vision quest, but also to discuss many things that concerned us at the time as represented through our own government structure known as the *Oceti Sakowin*. The *Oceti Sakowin* is the one the *Wa'si'cu* have called the seven council fires that we the *Mdewakantonwan*, *Sisitonwan*, *Wahpetonwan*, *Wahpekute*, *Ihanktonwan*, *Ihanktonwanna*, and *Titonwan* all belong too.

#3. In your opinion, with the Nakota having signed Adhesion to the Numbered Treaties within western Canada, why did the Dakota and Lakota not sign Adhesion to Treaty within western Canada? In other words, why were the Nakota allowed to sign Adhesion to Treaty, but not the Dakota and Lakota?

Wahpeton Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question three.

Elder A: I don't know why they didn't let us sign, but this has always been our land.

Elder B: It was probably ... they didn't know the Dakota and Lakota were the same as the Nakota. We all speak the same language, but with a different sound with some words.

Elder C: Our leaders wanted something more, so they did not want to agree to a treaty at that time. I heard one of our Elders found what appeared to be oil on our land, but told others not to tell, because they might lose the land.

Elder D: Our older Dakota relatives here on Wahpeton used to say, besides making treaties with the Cree, Saulteaux, and the Blackfoot Confederacy, we also had made treaties with the French. Then when the British took over back in 1763, the first treaties made by our Dakota *Oyate* with the British were that of peace, as well as friendship based on military alliance, and trade. For our Dakota *Oyate*, all these treaty agreements were based on intermarriage and the sharing of what *Ina-Maka* (Mother-Earth) had and still has to offer.

And yeah, it's true there were some Dakota that had crossed into Canada after the Dakota – U.S. War in 1862 that happen in Minnesota. And yes, there were some Lakota after the Battle of the Little Bighorn in 1876 that happened in Montana, who also crossed into Canada. However, our older Dakota, Nakota, and Lakota relatives said, there were always Dakota and Lakota, as well as Nakota here in Canada before the battles that happened in the United States. Because of the buffalo, our hunting, fishing and gathering

territory at the time included both Canada and the United States. Now, this was the same for the Cree, Saulteaux, and the Blackfoot, they also had followed the buffalo into the States and back into Canada, and they were allowed to sign Treaty with Canada.

What the Canadian government has not accepted is that most of the Dakota and Lakota that did cross into Canada after 1862 and 1876 did in time return to the United States. Further, our Dakota and Lakota relatives within Canada do not disagree that most of those now known as Nakota, the Assiniboine and Stoney, were not involved with the battles of 1862 and 1876 in the United States. This, I think is why the Canadian government had allowed them to sign Adhesion to Treaty.

However, since there were Dakota and Lakota already in Canada before the battles that happened in the United States, why now continue to exclude the remaining Dakota and Lakota within Canada? I am pretty sure that the United States would not be too upset as of this date, if the Canadian government did sign a treaty agreement with the Dakota and Lakota within Canada. After all, the Dakota, Nakota, and Lakota are one people, one nation, the Dakota *Oyate*.

Now, for us here on Wahpeton Reserve near Prince Albert, our older Dakota relatives that belonged to Chief Hupa Yakta's *Wahpetonwan tiyospaye* (extended family) did talk about the different areas that our ancestors mainly use to travel by canoe and made their campsites, meaning where they once hunted, fished, trapped, as well as gathered berries and herbs for medicines not only on the Churchill River which flows east from northern Saskatchewan into northern Manitoba, but also along Lake Winnipeg which we knew as *Bde Wakan* (Sacred Lake), including the Lake of the Woods which now overlaps the lower part of eastern Manitoba, Ontario, and Minnesota in the United

States. It's true, our older Dakota relatives told us, long ago our Dakota people were very good at making dugout canoes from logs, as well as birch-bark canoes to travel with and that our Dakota *Oyate* once knew over 400 medicines which were used to trade with other groups.

As for trading with other groups, I have heard our older Dakota relatives that belonged to Chief Hupa Yakta's *tiyospaye* say, besides using *Wahpa-Mini-Te* (the Big River), that one which the *Wa'si'cu* (Whiteman) now calls the Saskatchewan River which flows into Lake Winnipeg, then moving onto the Nelson River in northern Manitoba to reach the Hudson Bay. Long ago, our ancestors of Chief Hupa Yakta's *tiyospaye* had also canoed on the Churchill River in northern Saskatchewan to reach the Hudson Bay in northern Manitoba. First to trade medicines with the Cree, then furs for knives, pots, pans and guns with the *Wa'si'cu* of the Hudson Bay Fur Trade Company. As for how our Dakota people were able to reach the Hudson Bay by using the Churchill River, our older Dakota relatives that belonged to Chief Hupa Yakta's *tiyospaye* said our ancestors knew two river routes of how to get onto the Churchill River.

One river route to get onto the Churchill River is the one our older Dakota relatives of Chief Hupa Yakta's *tiyospaye* here on Wahpeton knew as the Little Red River. That's the one the *Wa'si'cu* now calls the Spruce River that is connected to the North Saskatchewan River, near where the city the Prince Albert is now located. The Spruce River is actually connected to Waskesiu Lake where the Prince Albert National Park is now located. From there the Waskesiu River connects to Montreal Lake and onto the Montreal River to reach a huge lake now known as Lac La Ronge. From Lac La Ronge one could then reach what is now known as the Woodland Cree community of

Stanley Mission located on the banks of the Churchill River in northern Saskatchewan. This is the river route that our ancestors of Chief Hupa Yakta's *tiyospaye* had used to reach the Churchill River, which flows east to reach the Hudson Bay in northern Manitoba.⁸⁶

The other river route is just above where the Swampy Cree community of Cumberland House is now located northeast not to far from the Saskatchewan and Manitoba border. That is the river route now called the Sturgeon-Weir River. The Sturgeon-Weir River also connects to the Churchill River in northern Saskatchewan flowing east to reach the Hudson Bay in northern Manitoba. Now that's the area our older Dakota relatives of Wahpeton had mentioned that the ancestors of Chief Whitecap and Chief Standing Buffalo, who are both *Sisitonwan* (Camping Among Swamps) and their *tiyospayes* (extended families) had mainly hunted, fished, and gathered herbs for medicines before the Cree had moved into the Cumberland House area.

As for our ancestors of Chief Hupa Yakta's *tiyospaye* long ago having traded with the Inuit and Dene at Great Slave Lake in the Northwest Territories. Our older Dakota relatives of Wahpeton had mentioned to reach Great Slave Lake, one just needed to canoe on the Churchill River moving west to reach what is now known as the Dene community of La Loche. From there, one would then need to travel by foot a short distance over land, that's the area the *Wa'si'cu* now call Methy Portage, to reach Clearwater River that connects to the Athabasca River in Alberta. From the Athabasca River, one could then

⁸⁶ See, Appendix N: Picture of dugout canoe that was located in 1931 at Christopher Lake, 40 kilometres north of Prince Albert, Saskatchewan, Canada and donated by the Johnson brothers to the Prince Albert Historical Museum. This corresponds to the ancient Spruce River route that had been used by the ancestors of Chief Hupa Yakta's *tiyospaye* to reach the Churchill River in northern Saskatchewan, thus whose descendents now live on Wahpeton Dakota Reserve near Prince Albert. For which the Dakota were known to have made dugout canoes in centuries past (Palmer, 2008, p. 117; Laviolette, 1991, p. 2).

canoe up to reach Lake Athabasca, which connects to what is now known as the Slave River, to reach Great Slave Lake. Our older Dakota relatives also said that our Nakota relatives, the *Ihanktonwanna*, which actually means “Camping at the Very End,” those that the *Wa’si’cu* now calls the Stoney who live on Alexis Reserve just passed Edmonton in northern Alberta, also had traded with the Inuit and Dene at Great Slave Lake in the Northwest Territories. Our older Dakota relatives called the Inuit “eaters of raw meat.” Now, this is interesting, I have been told by our *Ihanktonwanna* relatives those the *Wa’si’cu* now calls Stoney that there are still wild buffalo that can be found in northern Alberta and in the Northwest Territories near Great Slave Lake. As for what I have said, when you think about it, the Hudson Bay and Great Slave Lake are very far up there in northern Canada.⁸⁷

Our older Dakota relatives of Chief Hupa Yakta’s *tiyospaye* also did say, besides our ancestors in using the Churchill River to trade with other groups, some of our ceremonial people had made different types of rock paintings such as sacred pipes, sacred rattles, pictures of thunderbirds, buffalo, and other items at different locations on the Churchill River. These are areas where some of our ceremonial people long ago had *hambde ceya* (fasted) and had received their visions.

The Woodland Cree and the Swampy Cree of northern Saskatchewan have also told us about the rock paintings that our Dakota people had made on the Churchill River long ago. The Woodland Cree also told us that they had also made rock paintings on the Churchill River, but their Elders had told them which rock paintings that our Dakota

⁸⁷ In discussion with Nakota/Stoney Elder Francis Alexis of Alexis reserve, located near Edmonton, in northern Alberta, he did confirm that Great Slave Lake was previously known as *To-Wa-Mde* and that they, those now referred to as Nakota/Stoney/Sioux, also had traded medicines for ivory and soapstone with the Inuit and Dene at this location (personal communication, November 14th, 2008. U of S, Field Notes recorded by Leo J. Omani).

people had made.

It is in some of these areas in northern Saskatchewan, our older Dakota relatives also did mention, besides that of trading medicines, our ancestors also at times had fought with the Woodland Cree and the Swampy Cree long ago. The Woodland Cree and the Swampy Cree of northern Saskatchewan have also told us stories about some of the locations where our Dakota people had once fought them long ago. Such as Pelican Narrows, which the Woodland Cree called *Opawikoschikunihk*, translated as “Fear Narrows.” Deschambeault Lake, which the Woodland Cree now call their new Treaty Land Entitlement Reserve, *Kimosom Pwatinak*, meaning “Grandfather Dakota Land.” Including Cumberland House, which the Swampy Cree knew as *Pwottah Nootintonihk*, meaning “Sioux Battle Ground.” This is when the Woodland Cree and the Swampy Cree had started moving into our territory from the east. Our older Dakota relatives also told us that there are a lot of very ancient old sacred Dakota burial sites at some of these locations.

It was also said by our older Dakota relatives that we didn't lose the land in northern Saskatchewan and in northern Manitoba due to fighting with the Woodland Cree and the Swampy Cree. It was due to *Wa'si'cu* diseases such as smallpox that had killed most of our Dakota people in these areas, as well as in central and southern Saskatchewan, including the area now known as central and southern Manitoba. It is hard to say these things, but that is what our older Dakota relatives have said.

Our older Dakota relatives also did say the ancestors of Chief Hupa Yakta's *tiyospaye* being *Wahpetonwan* did meet regularly with the ancestors of Chief Whitecap and Chief Standing Buffalo, both being *Sisitonwan* and their *tiyospayes* at the place they

called *Wakpa-O-Ze-Te*, which means “Lower Forks on the River.” This is where the North Saskatchewan River and the South Saskatchewan River meet, not too far down river from that now known as the city of Prince Albert, Saskatchewan. They also said there was some *Wahpekute* that had hunted further east and below the ancestors of Chief Whitecap and Chief Standing Buffalo *tiyospayes*, mainly along the Saskatchewan and Manitoba border. The *Mdewakantonwan* mainly hunted along *Bde Wakan* (Lake Winnipeg, Manitoba) and the *Ihanktonwan*, those known as Nakota/Assiniboine today by the *Wa’si’cu*, were along the Assiniboine River and Qu’Appelle River, up to North Battleford. The hunting territory of the *Titonwan*, those now called Lakota, was mainly below the Assiniboine River and Qu’Appelle River and at Cypress Hills. With the *Ihanktonwanna*, those now known as Nakota/Stoney, being in central Alberta, up to the Rocky Mountains. These are the areas where the seven bloodlines of our Dakota *Oyate* could be found in western Canada before smallpox nearly destroyed all of us. That’s what older Dakota relatives of Wahpeton have said.

Now, besides *Wakpa-Mini-Te* (the Rig River), this being the North Saskatchewan River, which then becomes known as the Saskatchewan River after being joined by the South Saskatchewan, the South Saskatchewan River also had a Dakota name. Our older Dakota relatives said, it was called *Minidueza*, which means “Fast Flowing Water.”

It was also said by our older Dakota relatives that our ancestors of Chief Hupa Yakta’s *tiyospaye* had once made their main campsite on a plateau above that now known as the Cosmo Lodge in the Little Red River Park, which is located across the North Saskatchewan River from that now known as the city of Prince Albert. Further, our older Dakota relatives also said the French had built a trading post called Fort-a-la-Corne not to

far down river just passed *Wakpa-O-Ze-Te*, that's where the North Saskatchewan River and the South Saskatchewan River meet.

Now, this is interesting, one of my *Wa'si'cu* friends has told me he's read in a book that the French had built the trading post called Fort-a-la-Corne in 1751. Our older Dakota relatives of Chief Hupa Yakta's *tiyospaye* also said that another fur trader named Peter Pond had later built a trading post just up river from that now known as the city of Prince Albert, Saskatchewan. Again, my *Wa'si'cu* friend told me, he's read that Peter Pond built the trading post in 1776. Further, our older Dakota relatives of Chief Hupa Yakta's *tiyospaye* also mentioned that the Hudson Bay Company had also built a trading post up river from where Prince Albert is now located. This, my *Wa'si'cu* friend has told me was called Hudson House, built in 1779.

As for why 1751, 1776, 1779 are interesting? Some of our older Dakota relatives of Chief Hupa Yakta's *tiyospaye* were able to speak French and our older Dakota relatives had also mentioned it was not long after the trading post that had been built by Peter Pond, including that one built by the Hudson Bay Company that smallpox killed a lot of our Dakota people.

Again, my *Wa'si'cu* friend has told me, he's read that smallpox killed a lot of Indian people in this area now known as Saskatchewan, as well as into Manitoba between 1781 and 1782. Our older Dakota relatives of Chief Hupa Yakta's *tiyospaye* said, after the smallpox killed a lot of our Dakota people, because the Hudson Bay Company had brought in so many different Cree from the east which our Dakota people didn't know, this is when our remaining small number of our ancestors of Chief Hupa Yakta's *tiyospaye* who had survived the smallpox had then been forced to move farther south, all

the way down to the Lake of the Woods, which now overlaps lower eastern Manitoba, Ontario, and Minnesota.⁸⁸ However, our older Dakota relatives of Chief Hupa Yakta's *tiyospaye* also said, there were other *tiyospayes* that were *Wahpetonwan* in northern Saskatchewan; but, and it's hard to say this, they were wiped out by the smallpox.

Now, having been forced to move farther south after the smallpox of 1781 and 1782, from then on our ancestors of Chief Hupa Yakta's *tiyospaye* mainly hunted, fished, trapped and gathered medicines around the Lake of the Woods and traded from time to time with the *Wa'si'cu*, first with the North-West Company fur traders, then later at the Hudson Bay post at Fort Garry, the area where Winnipeg, Manitoba is now located. Our older Dakota relatives also said when our ancestors of Chief Hupa Yakta's *tiyospaye* had been forced to move south, they also hunted buffalo in southern Manitoba, first on both sides of the Assiniboine River near the area now called Portage la Prairie, then later farther west on the Souris River in Manitoba which flows into the United States and back into Saskatchewan, Canada. But, Chief Hupa Yakta's *tiyospaye* always returned to the Lake of the Woods. The ancestors of Chief Whitecap and Chief Standing Buffalo being *Sisitonwan* also had been reduced because of the smallpox that I had mentioned and were also forced down, but they mainly hunted in southern Manitoba and southern Saskatchewan into the United States, North & South Dakota and into Montana, such as the *Ihanktonwan* (Nakota/Assiniboine) and *Titonwan* (Lakota). Now, our older Dakota relatives of Chief Hupa Yakta's *tiyospaye* also said, there were other small *tiyospayes* (extended family groups) that were *Sisitonwan*, their hunting territory went passed Cumberland House toward The Pas, Manitoba; but, again it's hard to say this, they were

⁸⁸ Marchildon & Robinson (2002) in reviewing the Hudson Bay fur trade journals with regard to the smallpox epidemic at Cumberland House mentioned, "Although the 1781 epidemic left European trades largely untouched, it devastated the North-West's indigenous people who lacked immunity to it" (p. 396).

wiped out by the smallpox. This same smallpox also had taken a lot of the *Ihanktonwan* and *Titonwan*.

Our older Dakota relatives of Chief Hupa Yakta's *tiyospaye* also said smallpox also took a lot of the *Mdewakantonwan* who had mainly hunted along *Bde Wakan* (Lake Winnipeg), but I don't know much about what happen to them after that. You would need to talk to those at Sioux Valley Dakota Nation near Brandon, Manitoba, that's where most of the *Mdewakantonwan* are now mainly. Smallpox also took a lot of the *Wahpekute* who mainly had hunted along the Saskatchewan and Manitoba border, but I also don't know much about what happened to them after that. You would need to talk to those at Canupawakpa Dakota First Nation at Pipestone, Manitoba. That's were the *Wahpekute* are now mainly. As for the *Ihanktonwanna* (Nakota/Stoney), I heard that smallpox took a lot of them also. You would need to talk to those at Morley, including those at Alexis and Paul Reserves in Alberta. But I heard they later also followed the buffalo into the States and back.⁸⁹

Now, such as the Dakota, Nakota, and Lakota, the Saulteaux, including the Cree, as well as the Blackfoot, had also followed the buffalo into the States and back into Canada. But, only the Saulteaux, Cree, Blackfoot, as well as our Nakota relatives, the Assiniboine and Stoney, were allowed to sign the Numbered Treaties with the Canadian

⁸⁹ See, Appendix O: Prior to the smallpox epidemic of 1781 and 1782 that "devastated the North-West's indigenous people [in western Canada] who lacked immunity to it" (Marchildon & Robinson, 2002, p. 396). Map that shows the hunting, fishing, and gathering territory that was shared by the Dakota *Oyate* with other Aboriginal groups in western Canada based on intermarriage, which allowed for peace, friendship and trade with different *tiyospayes* (extended family groups) of the seven original bloodlines of the Dakota *Oyate*, thus now noted as follows which cites the actual ancient original translation of each campfire: (1) *Ihanktonwanna* (Camping at the Very End, Nakota/Stoney/Sioux), (2) *Wahpetonwan* (Camping Among the Leaves, Dakota/Sioux), (3) *Sisitonwan* (Camping Among Swamps, Dakota/Sioux), (4) *Wahpekute* (Shooters Amongst the Leaves, Dakota/Sioux), (5) *Ihanktonwan* (Camping at the End, Nakota/Assiniboine/Sioux), (6) *Titonwan* (Camping Amongst the Prairie, Lakota/Sioux), and (7) *Mdewakantonwan* (Camping Amongst a Sacred Lake, Dakota/Sioux).

government. So, why exclude the Dakota and Lakota in Canada, we shared the same territory as the other groups that signed Treaty with the Canadian government. I say this because, such as the Dakota and Lakota, there are Saulteaux, Cree, as well as Nakota/Assiniboine and Blackfoot that live on different reservations in the United States, who also have relatives that signed the Numbered Treaties in Canada.

Further, as for the ancestors of Chief Hupa Yakta's *tiyospaye* being an ally to the British Crown. Our older Dakota relatives of Chief Hupa Yakta's *tiyospaye* also said, it was in 1812 that the father of Chief Hupa Yakta, Chief Flying Thunder had received a King George III Treaty Medal in support of the British Crown in the war against the United States. That's the one now being kept for us who are members of Wahpeton Dakota Nation at the Prince Albert Historical Museum.

Now, our older Dakota relatives of Chief Hupa Yakta's *tiyospaye* also said, it was after the Minnesota Dakota – U.S. War of 1862 that some of the younger members of Chief Big Eagle's *Mdewakantonwan tiyospaye* (extended family group) from the Lower Sioux Agency in Minnesota had joined Chief Hupa Yakta's *Wahpetonwan tiyospaye* (extended family group). These two groups because of intermarriage then became one *tiyospaye* (extended family group) under the leadership of Chief Hupa Yakta.

It was also mentioned by our older Dakota relatives of Wahpeton, Chief Hupa Yakta's *tiyospaye* while in Portage la Prairie, Manitoba in the winter of 1869. Chief Hupa Yakta's *tiyospaye* were requested to uphold the honour of our Dakota *Oyate* with regard to the Treaties that had been made with the British Crown. This time in order to help the Government of Canada regain Fort Garry from Louis Riel and his supporters. Now, again my *Wa'si'cu* friend has told me he's read in a book that this is when the Government of

Canada had purchased what was known as Rupert's Land from the Hudson Bay Fur Trade Company. My *Wa'si'cu* friend also said what Louis Riel and his supporters did is called the Red River Resistance, but older Dakota relatives of Wahpeton used the word "Fort Garry." It was after this, that Chief Hupa Yakta's *tiyospaye* returned to Prince Albert in northern Saskatchewan to once again reside at our ancestors' original Dakota Campsite;⁹⁰ the one on a plateau above the Cosmo Lodge in the Little Red River Park, which is across the North Saskatchewan River from where the city of Prince Albert is now located. In time, some *Wahpekute*, including some *Sisitonwan* from Chief Whitecap's *tiyospaye* also joined Chief Hupa Yakta's *tiyospaye* in Prince Albert.

Now, as for what I have said about our ancestors of Chief Hupa Yakta's *tiyospaye* having lived long ago in the Prince Albert area, but then being pushed down south and later Chief Hupa Yakta's *tiyospaye* returning. It was mentioned by our older Dakota relatives of Chief Hupa Yakta's *tiyospaye* that there are a lot of very ancient old sacred Dakota burial sites near the city the Prince Albert. Now, I can't recall all of them, but there's one very ancient old sacred Dakota burial site of a Dakota woman and child buried on the island located across from where the Spruce River enters the North Saskatchewan River. Another very ancient old sacred Dakota burial site is located close to the plateau above that now known as the Cosmo Lodge in the Little Red River Park. Still another very ancient old sacred Dakota burial site of four or five children is located at Caribou Creek Lodge near Candle Lake in northern Saskatchewan. Our older Dakota relatives said that our ancestors of Chief Hupa Yakta's *tiyospaye* had once hunted elk,

⁹⁰ Stonechild (2003), drawing from Morrison (2001, p. 212), did state: "[i]n December of 1869, a force of Sioux Indian warriors at Portage la Prairie under Lieutenant-Governor William McDougall, marched with Canadian soldiers and other Indian forces, against General Lois Riel and his reportedly 300 men near Fort Garry" (p. 39).

moose, and deer, as well as buffalo in the Candle Lake region. Now, there are no longer buffalo in the Candle Lake region, but our Dakota people from Wahpeton still travel to the Candle Lake region to hunt elk, moose, and deer.

Today, our Dakota people now live about 12 miles northwest of Prince Albert at Wahpeton Reserve, #94 – A and our population is just over 400 hundred. This is because a lot of our Dakota people at Wahpeton Reserve #94 – B, which we knew before as the Little Red River Reserve, the one located just past our original Dakota campsite near Prince Albert, in 1917 and 1918 had died from tuberculosis and the Spanish flu, with a lot of our old Dakota relatives also mentioning having been infected by smallpox. It is hard to say this, but these *Wa'si'cu* diseases had reduced our population in 1917 and 1918 from over 300 to less than 30.

Now, why did we call Wahpeton Reserve #94 – B, as the Little Red River Reserve? We knew the small river that flows passed that reserve as the Little Red River. That's the one now called the Spruce River that flows into the North Saskatchewan River. It was said by our older Dakota relatives, *ehanna* (long ago) this is where our ancestors of Chief Hupa Yakta's *tiyospaye* being *Wahpetonwan* had first had a big fight with those they called *Zu'zu'he'ce'dan*, those now known as Gros Ventre. They said, the *Zu'zu'he'ce'dan* (Gros Ventre) had attacked our campsite early in the morning, the one that was located on the plateau above that now known as the Cosmo Lodge in the Little Red River Park, that's the area across the river from the city of Prince Albert. They said, while our ancestors of Chief Hupa Yakta's *tiyospaye* pushed the *Zu'zu'he'ce'dan* (Gros Ventre) back towards the North Saskatchewan River, that's where the Gros Ventre had left their canoes, but many died on both sides. This is why our older Dakota relatives of

Chief Hupa Yakta's *tiyospaye* had said, the river was named *Wakpa Sa Ci'stin'na* which means Little Red River, now called the Spruce River.⁹¹

Thinking back, it was also said by our older Dakota relatives of Wahpeton that some of our Dakota people in having lived near what is now known as central Saskatchewan near *Wakpa-Minidueza*, which is translated as "Swift Water Creek." That's the one now known as Beaver Creek that flows some distance between where the city of Saskatoon and Whitecap Dakota Reserve are now located. In southern Saskatchewan, our older Dakota relatives also mentioned *Bdetanka* meaning "the Big Lakes of Qu'Appelle Valley" where Standing Buffalo Dakota Reserve is now located. Including where the Cypress Hills area is located, where the *Titonwan*, those now called Lakota, were and now also have a reserve called Wood Mountain near that area.

Now, besides that of making rock paintings on the Churchill River, our older Dakota relatives of Wahpeton did mention that our ancestors of the Dakota *Oyate*, those of us now known as Dakota, Nakota, and Lakota, in having made and used sacred ceremonial sites, what the *Wa'si'cu* now calls as medicine wheels, as well as human and animal effigies. These sacred sites can be found near Prince Albert, Saskatchewan, also in central Saskatchewan near Saskatoon and in southern Saskatchewan, as well as into Manitoba and Alberta. Including those in the northern United States, all the way down to

⁹¹ Drawn from the research document of Wheeler (1991), in support of the knowledge with regard to the Dakota people of Wahpeton residing near Prince Albert, in northern Saskatchewan, an oral history written transcript from a Dakota Elder at Sioux Valley Dakota Reserve near Brandon, Manitoba, mentioned:

They've known all this country before [t]he stories that they told [were] passed on. Anyway, they knew the country very well. All this area cause its buffalo land. They go so far and when there's hardship and when some people die they go back to the same place where they were before and they were heading west, not steady but back and forth. They went as far as Prince Albert There's an old man saying that, he said that when they were going around this area here [Brandon, Manitoba], his mother was nine years old, [t]hat is the story that he's heard, passed on to us (p. 61).

Minnesota.

Now, besides using these areas as sacred ceremonial sites mainly for sundance and vision quests, our older Dakota relatives of Wahpeton also said, it was at these areas that our Dakota *Oyate* through our own government structure, the *Oceti Sakowin*, had also met long ago from time to time to talk about things such as, what happen to their *tiyospayes* in the past year, who they traded with and where, and why they would be wintering in a certain area in the coming year, as well as when they should meet again the following year. Yep, the spokes of what are now called medicine wheels actually point to a certain star constellation in the sky and served as a calendar for our Dakota *Oyate*.⁹²

Whitecap Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question three.

Elder E: That is something that was hard for our old Dakota people to understand, even today, meaning why the Canadian government only allowed the Nakota, but not our

⁹² As for Chief Hupa Yakta's *tiyospaye* return to Prince Albert in northern Saskatchewan (after assisting the Government of Canada in 1869 to regain Fort Garry) to once again reside at their ancestors' original Dakota campsite. In contrast, Elias (1988) noted the date as 1878 (p. 203), while Laviolette (1991) mentioned 1877 (p. 259), with both commenting Chief Hupa Yakta's *tiyospaye* had moved to Prince Albert in order to work as loggers for the Hudson Bay Company, however neither scholar cites a previous Hudson Bay Journal and/or archival document, nor could one be located for this study to verify their remarks.

Yet, Elias (1988) had stated earlier, "[s]ince the early 1870s, most of the major divisions of the Dakota nation have visited and dwelt in the Prince Albert district" (p. 201). This corresponds to Chief Hupa Yakta's *tiyospaye* return to Prince Albert in 1870s, thus to once again reside at their ancestors' original Dakota campsite after assisting the Government of Canada in 1869 to regain Fort Garry.

Further, as for descendents of Chief Hupa Yakta's *tiyospaye* that now reside on Wahpeton Reserve which is located 12 miles northwest of Prince Albert. Stonechild (2003) in discussing the "unceded territory within the boundaries of Canada" with regard to the Membership of the Wahpeton Dakota Nation (p. 68) did state the Supreme Court of Canada does support "the proposition that Aboriginal title and rights can be asserted by 'migratory' or 'nomadic' Indians, such as the plains Indians or other hunting societies and cultures" (p. 71). To justify his statement, Stonechild (2003) cited the comments of Supreme Court Justice L'Heureux-Dube in *Van der Peet v. The Queen* that was decided in 1996. The comments of Justice L'Heureux-Dube are noted below:

Aboriginal people's occupation and use of North America was not static, nor, as a general principle, should be the aboriginal rights flowing from it. Natives migrated in response to events such as war, epidemic, famine, dwindling game reserves, etc Aboriginal practices, traditions and customs also changed and evolved, including the utilization of the land, methods of hunting and fishing, trade of goods between tribes and so on (*Van der Peet v. The Queen* [1996], 2 (S.C.C.) 507; as cited in Stonechild, 2003, pp. 72-73).

Dakota and Lakota to sign the Numbered Treaties. The Nakota, such as the Dakota and Lakota, including the Cree, Saulteaux, and the Blackfoot followed the buffalo into the states and back into Canada. But only the Nakota, Cree, Saulteaux, and the Blackfoot were allowed to sign the Numbered Treaties. Our older Dakota people also said we were allies with the British in the War of 1812 against the United States, perhaps in time the Canadian government will allow our Dakota and Lakota here in Canada to sign treaty. Chief Whitecap even had a King George III Treaty Medal, but I don't know where it is today.

Elder F: The government likely did not know they were the same people, all living in the same territory. The Nakota speak a little different, with an “n” sound. But, I understand them.

Elder G: The Dakota didn't want to sign because they didn't want to give up the land and resources, like the forest, water, as well as the coal, potash, oil and gas in the ground.

Elder H: I don't understand why the Dakota and Lakota were not allowed to sign the Numbered Treaties, like the Nakota. We were always here in what is now known as western Canada. We shared this land with the other groups like the Cree and Saulteaux, including the Blackfoot in the Cypress Hills. I will give you an example.

It was said by our older Dakota people of Chief Whitecap's *tiyospaye* (extended family group) that our ancestors' hunting, fishing, and gathering territory for berries and medicines not only including this area where our reserve now called Whitecap is located near the South Saskatchewan River. The South Saskatchewan River in Dakota long ago was called *Minidueza*, which means “Fast Flowing Water.” It also went passed *Wakpa-O-Ze-Te*, that's where the North Saskatchewan River and the South Saskatchewan River

meet, just passed the city of Prince Albert. Some of our Dakota people live near Prince Albert on Wahpeton Reserve.

It also once reached as far as Cumberland House in north-eastern Saskatchewan. The Cree in that area called Cumberland House, *Pwottah Nootintonihk*, which means “Sioux Battle Ground.” Now, I have even heard some of our older Dakota people say, *ehanna* (long ago) our ancestors of Chief Whitecap’s *tiyospaye* hunting, fishing, and gathering territory had once went way passed Cumberland House, up to the Churchill River. I have also heard some of our older Dakota people, including some of the Cree that live in northern Saskatchewan, both saying, there are rock paintings that our Dakota people had made long ago on the Churchill River.

The hunting, fishing, and gathering territory of Chief Whitecap’s *tiyospaye* also included part of eastern Saskatchewan near where the town of Wadena is now located, there’s a lot of lakes in that area. Now, Wadena is pronounced as *Wa-da-na* in Dakota and when translated actually means “is this it?” There are now also a number of Saulteaux reserves to the east of that area.⁹³ From there, it went all the way down to Moose Mountain in southeastern Saskatchewan, that’s the area where there are now a number of Nakota/Assiniboine reserves. There is also a town located near Moose Mountain called Wawota, that’s a Dakota word pronounced as *Wa-wo-ta*, which means “Lots of Snow.” Our older Dakota people also talked about *Bdetanka*, that’s “the Big Lakes of Qu’Appelle Valley” in southern Saskatchewan, where the Standing Buffalo Reserve is now located.

⁹³ While traveling through the town of Wadena, Saskatchewan on November 7th, 2008, I stopped to fuel up with gas and notice some Saulteaux people from Fishing Lake reserve also there. I asked them what Wadena means in their language, they responded by saying, “It don’t mean a thing to us” (U of S, Field Notes recorded by Leo J. Omani, November 7th, 2008).

It then moved west to the Cypress Hills, that's the area where the Lakota now have a reserve called Wood Mountain. From there it moved up towards North Battleford, Saskatchewan, where the Nakota/Assiniboine people live on Mosquito Reserve. Then it came back to where we now have our reserve. We once knew this area as *Wakpa-Minidueza*, which means "Swift Water Creek," that was the Dakota name for Beaver Creek, not too far from here. Then the *Wa'si'cu* (Whiteman) named our reserve Moose Woods, in time we also used this name, it's now called Whitecap, near Saskatoon, Saskatchewan.

The areas I have mentioned are where our Dakota people of Chief Whitecap's *tiyospaye* had once mainly followed and hunted the buffalo long ago. We used to also hunt deer, moose, and elk, in these areas.⁹⁴ There are now many Cree and Saulteaux reserves in the areas that I have mentioned, this is the territory we shared with them.

It's true, we have many relatives who intermarried with the Cree and Saulteaux, as well as with the Nakota and Lakota. They now live on different reserves within the areas that our Dakota people of Chief Whitecap's *tiyospaye* had once hunted, fished, as well as gathered different berries and medicines in order to survive. We have also intermarried with those called Metis, there used to be a Metis community not too far from our reserve here on Whitecap. Some of our Dakota people also intermarried with the *Wa'si'cu*. Chief Whitecap even helped a *Wa'si'cu* preacher select the site now called the city of Saskatoon. Why? Our older Dakota people said, Chief Whitecap wanted easy

⁹⁴ As for the Dakota Elders of Wahpeton and Whitecap interviewed having commented that *Wakpa-Minidueza*, which is translated as "Swift Water Creek" is now known as Beaver Creek which flows some distance between where the city of Saskatoon and Whitecap Dakota reserve are located. The book by Nightraveller, Desnomie, Handley & Pinay (1973) entitled, *Assiniboine Legends*, does cite the term *Wakpa-Minidueza* and concurs with the translation and location as mentioned by the Dakota Elders of Wahpeton and Whitecap (p. 58).

access to trade items from the *Wa'si'cu*. Chief Whitecap was better smart, today we now have a casino on our reserve and you can find mostly *Wa'si'cu* people in it, spending their money on our reserve. They even come in busloads; now a casino bus filled with *Wa'si'cu* and coming to our reserve, that is something. Yeah, times have changed, long ago, after what the *Wa'si'cu* called the North-West Rebellion in 1885, our older Dakota people said up to the 1940s they needed a pass permit from the Indian Agent to leave the reserve and if a *Wa'si'cu* came onto our reserve, they could be charged by their own *Wa'si'cu* policemen. We even needed a permit from the Indian agent to sell hay and wood to the *Wa'si'cu* off the reserve. The Department of Indian Affairs even outlawed our sacred ceremonies, so many of our Dakota people had to perform our sacred ceremonies in secret. I have heard this happened on all reserves in Saskatchewan. In my time, we were taken from our parents and sent off to Indian Residential Schools and could only return home at Christmas break, Easter break, and for two months in July and August.⁹⁵ So, when we returned home to our reserve for the short periods of time that have I have mentioned, our parents and grandparents spent as much time as they could telling us stories about Chief Whitecap and our Dakota history and culture, so all would not be lost. It's hard to say that; but, it's true.

⁹⁵ Until the Indian Act of Canada (which was adapted from various pieces of previous colony legislation before Confederation) and implemented beginning in 1876 then revised in 1951 (Tobias, 1976, pp. 43-52), Purich (1986) does mention that the "Indian Act outlawed various Indian dances and festivals (such as the potlatch and the sundance)" (p. 127). Further, "[p]rairie Indians were prohibited from selling produce raised or harvested on the reserve unless they had permission from the Indian agent" (127).

In addition, "Indian children were removed from their families and taken to residential schools in order to be removed from influences of home life. The law prescribed that parents had no authority over their children when they were in residential schools" (p. 128). Purich (1986) also mentioned, "[p]erhaps the most insidious form of control over the lives of Indians was the 'pass system', wherein prairie Indians were not permitted to leave the reserve without a pass" (p. 129). Further, noting "[e]ven if a person wanted to visit a relative on another reserve, pick berries outside the reserve boundry, or go to town for supplies, he needed a pass" (p. 129). See, Appendix P: Copies of Historical Documents pertaining to the Department of Indian Affairs: The Pass System Booklet – Permit to Leave Reserve; Copy of Pass Permit issued to Chief James Smith (1896); Copy of a Permit for the Sale of Timber; and Copy of a Permit for the Sale of Livestock & Produce.

Now, besides hunting, fishing, trapping, and gathering berries and medicines in the areas that I have mentioned, it was said by our older Dakota people of Chief Whitecap's *tiyospaye* that our ancestors long ago had also held our sacred ceremonies at certain locations in these areas. There is one medicine wheel just past Saskatoon that our Dakota people long ago had used, the one at Wanuskewin, that's the one the *Wa'si'cu* now calls the Tipperary Creek Medicine Wheel. There are others that our Dakota people had used long ago. There's one medicine wheel where the Pheasant Rump Nakota Reserve is now located. There's also one in the Cypress Hills, near where the Lakota now have their reserve called Wood Mountain. There's still another one near where the Red Deer River and the South Saskatchewan River meet; that one is not too far from the Saskatchewan and Alberta border. There are many other medicine wheels in Saskatchewan that our older Dakota people mentioned, but I can't recall where they are. The ones I have mentioned are the ones that our older Dakota people of Chief Whitecap's *tiyospaye* had mainly talked about, I think it's because they used them as memory markers when telling us stories of our Dakota history and culture. But, these are not medicine wheels, they are ceremonial places that our ancestors of the Dakota *Oyate* had once used long ago, those of us the *Wa'si'cu* now calls Dakota, Nakota, and Lakota.

Chief Whitecap, as well as other Dakota, Nakota, Lakota also used to follow the buffalo into the United States and back into Canada. Our older Dakota people mentioned *Minishoshay*, which mean "Muddy Water," that's the Missouri River which flows through the state of Montana, as well as North and South Dakota.

The Cree, Saulteaux, and Blackfoot also followed the buffalo into the United States and back into Canada. But only the Nakota, Cree, and Saulteaux, as well as the

Blackfoot were allowed to sign treaty with the Canadian government, not the Dakota and Lakota. Perhaps, it's because of the battles some Dakota and Lakota people in the United States had with the U.S. Army, back in 1862 in Minnesota and in Montana in 1876.

That's what I believe why the Dakota and Lakota in Canada have not been allowed to sign treaty with the Canadian government, but this is our land. It will always be our land, which we have and continue to share with other groups in this place now called Saskatchewan.

Standing Buffalo Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question three.

Elder I: Our older Dakota people said it was never offered to them.

Elder J: That called the Numbered Treaties or Adhesion to Treaty, which was offered to the Nakota, was never offered to our Dakota and Lakota people.

Elder K: The older people never talked about being offered to sign Treaty.

Elder L: Our older Dakota people of Standing Buffalo said, it was because some Dakota people had a fight with the U.S. Army in Minnesota back in 1862 and some Lakota people in also having a fight with the U.S. Army in Montana back in 1876. But, our older Dakota people of Standing Buffalo also said, we the Dakota and Lakota were always here in Canada, such as the Nakota, Cree, Saulteaux, and the Blackfoot, which makes no sense why we, the Dakota and Lakota, were not allowed to sign Treaty with the Canadian government. We all followed the buffalo into the United States and back into Canada, but only the Nakota, Cree, Saulteaux, and the Blackfoot were allowed to sign a treaty with the Canadian government.

Now, to explain what I mean about our Dakota and Lakota people always being here in Canada and like the Nakota, Cree, Saulteaux, and the Blackfoot having followed

the buffalo into the United States and back into Canada. When I was younger I heard our older Dakota people here on Standing Buffalo Reserve talk about the hunting, fishing and gathering territory of Chief Standing Buffalo and his *tiyospaye* (extended family group). They used to mention the word, *Tanka-Wakpa*, which means “the Great River,” that’s what they used to call the Qu’Appelle River that connects to the Assiniboine River. Our older Dakota people also talked about *Wakpa-Sa*, which means the “Red River,” that’s the one at the bottom of Lake Winnipeg. It was named after a big battle between our Dakota *Oyate* and the Ojibwa a long time ago before the *Wa’si’cu* arrived. Our older Dakota people said that there was so many killed on both sides, the Dakota *Oyate* and the Ojibwa, that the river turned red from the blood spilled, that’s why they called it *Wakpa-Sa* (Red River). They later made peace with each other and the Red River became kind of like a boundary line where we traded with each other. Our Dakota *Oyate* and the Ojibwa also shared certain sacred ceremonies with each other. We gave them permission to use our big round drum in their ceremonies. They allowed us to use what they called the medicine dance, we called it *wakan-wicipi* which means “sacred dance.” The Ojibwa also give us the moccasin game as part of our traditional treaty of peace, friendship and trade. That’s before the *Wa’si’cu* (Whiteman) arrived with his fur trade.

Now, *Wakpa-Sa*, the Red River flows into the United States, all the way to that now known as Lake Traverse in South Dakota. There’s a place on the Lake Traverse reservation called “*She’cha* Hollow.” *She’cha* in Dakota could be translated as “Wicked or Mean.” Our older Dakota people said, it was near *She’cha* Hollow that Chief Standing Buffalo and his *tiyospaye* long ago had also from time to time made their campsite. Our older Dakota people also mentioned *Minishoshay*, which means “Muddy Water,” that’s

the one now called the Missouri River which today flows through the state of North Dakota, as well as South Dakota, including the state of Montana. From there, Chief Standing Buffalo and his *tiyospaye* would travel to Wood Mountain, where the Lakota now have a reserve near the Cypress Hills in southwestern Saskatchewan (Canada).

From Wood Mountain, Chief Standing Buffalo and his *tiyospaye* would come back to this area where our reserve now called Standing Buffalo is located, which they called *Bdetanka*, that means “the Big Lakes of Qu’Appelle Valley” here in southern Saskatchewan. Originally Chief Standing Buffalo and his *tiyospaye* used to make their campsite near where the lakes that are now called Mission and Kaptewa are located, that’s the area where a Metis settlement was later built, near where Lebret is now located. It’s also true, our older Dakota people also said, Chief Standing Buffalo had died in 1871 near Fort Peck in the United States and it was his son Little Standing Buffalo who later took his father’s name that our reserve is named after, that being Standing Buffalo Reserve.

Now, the Qu’Appelle River also takes you to where the town of Elbow is located today on the South Saskatchewan River. Our older Dakota people would say, *ehanna* (long ago) the South Saskatchewan River was called, *Minidueza*, which means “Fast Flowing Water.” They said that our ancestors used to follow *Minidueza* (Fast Flowing Water) to *Wakpa-O-Ze-Te*, which means “Lower Forks on the River,” that’s where the North Saskatchewan River and the South Saskatchewan meet, up there just past Prince Albert, Saskatchewan. They then moved northeast following *Wakpa-Mini-Te*, which means “the Big River,” that’s the Saskatchewan River. Now, *Wakpa-Mini-Te* (the Big River) flows passed Cumberland House. The Cree up there used to call Cumberland

House “*Pwottah Nootintoonihk*,” which means “Sioux Battle Ground.” Our older Dakota people also had mentioned our ancestors of Chief Standing Buffalo and his *tiyospaye* in having been as far as the Churchill River, and that there are Dakota rock paintings up there. I have heard the Cree from up there also mention their old people in having talked about the Dakota rock paintings up there.⁹⁶

It was these areas that I heard our older Dakota people here on Standing Buffalo Reserve talk about, where Chief Standing Buffalo and his *tiyospaye* had mainly followed and hunted the buffalo long ago. They also said, you could find in the areas that I have mentioned, other *tiyospayes* (extended family groups) of our Dakota *Oyate*, those of us now known as Dakota, Nakota, and Lakota.⁹⁷ We were known as the buffalo people. I

⁹⁶ One Dakota Elder’s oral written transcript from the Standing Buffalo Dakota Nation, thus drawn from Volume 4 of the National Energy Board Hearing held in Regina, Saskatchewan, Canada on August 21st, 2007 does state: “[o]ur history goes all the way up to the Churchill River” (line 4373). In addition, this same Dakota Elder’s oral written transcript did mention that of pre-contact Dakota rock paintings (pictograph writing) that can be found along the Churchill River, commenting with regard to sacred prayer “pipes [found on the pictographs] also a symbol or a pictograph of a stickman holding his arms up [stating in] Dakota sun dances [i]n certain parts of the songs, all the dancers raise their arms to honour the sun” (line 4374).

⁹⁷ Both, Nakota/Stoney Elder Francis Alexis of Alexis Reserve, Alberta (personal communication, November 14th, 2008. U of S, Field Notes recorded by Leo J. Omani) and Nakota/Assiniboine Elder William Starchief of Mosquito Reserve, Saskatchewan (personal communication, November 18th, 2008. U of S, Field Notes recorded by Leo J. Omani), concurred with the Dakota Elders of Wahpeton, Whitecap, and Standing Buffalo, as this pertains to the river now known as the North Saskatchewan River that begins in the Rocky Mountains in the province of Alberta, which meets the South Saskatchewan River just past the city of Prince Albert, in Saskatchewan, and then becomes known as the Saskatchewan River was previously known as *Wakpa-Mini-Te*, “the Big River.”

Further, both Nakota/Assiniboine Elder William Starchief of Mosquito reserve, Saskatchewan (personal communication, November 18th, 2008. U of S, Field Notes recorded by Leo J. Omani) and Nakota/Assiniboine Elder Vince Rider, Carry-The-Kettle Reserve, Saskatchewan (personal communication, November 25th, 2008. U of S, Field Notes recorded by Leo J. Omani), concurred with Dakota Elders of Wahpeton, Whitecap, and Standing Buffalo, that where the North Saskatchewan River and the South Saskatchewan meet, just passed the city of Prince Albert, Saskatchewan, was previously known as *Wakpa-O-Ze-Te*, which means “Lower forks on the River.”

As for the Cree term, *Pwottah Nootintoonihk*, translated “the Sioux Battle Ground” for Cumberland House and the Dakota terms, *Okicize Wakpa* (Battle River), *Minidueza*, “Fast Flowing Water” in reference to the South Saskatchewan River, as well as *Bdetanka* (The Big Lakes of Qu’Appelle Valley), these terms had also been previously recorded by Touple (2003, pp. 18-19), including the Assiniboine River that connects to the Qu’Appelle River previously known in Dakota as *Tanka-Wakpa* (the Great River), and *Minishoshay*, which means “Muddy Water,” now called the Missouri River (Wheeler, 1991, p. 68). However, the previous citation lacked the traditional significance pertaining to the oral history stories as applied to these terms.

even heard one *Wa'si'cu* say, he's read in what he called a journal that we were called "the nation of the beef." But, our older Dakota people also mentioned, we also hunted the moose, elk, deer, and other animals, as well as, fished and gathered berries and herbs for medicines in all the areas I have mentioned, that was our way of life long ago.⁹⁸

Now, there are at times that I still hear the *Wa'si'cu* use the word "Isantee/Sioux" for those of us now called Dakota, the *Mdewakantonwan*, *Sisitonwan*, *Wahpetonwan*, and *Wahpekute*. Our older Dakota people said, *ehanna* (long ago) before the *Wa'si'cu* arrived, there was one group of Dakota called Isantee, which is actually pronounced *Is'ana'ti*. The Isantee got their name because of the river where they mainly hunted, that now being what is called as the Knife River in North Dakota. They were the ones that first learned how to make knives from stone that they collected from Knife River in North Dakota and traded these knives with other groups of our Dakota *Oyate*. However, the Isantee became so powerful because of the knives they made from the stone, the one the *Wa'si'cu* now calls Knife River flint, it went to their heads. A human life no longer meant a thing to them. It got to the point that no one was sure, if they would trade with you or just kill you right there on the spot. So much so, even other *tiyospayes* (extended family groups) of our Dakota *Oyate* were scared of them. This is the group, the Isantee, that the *Ihanktonwan*, those now called Yankton in the United States and Assiniboine in Canada, who are also now called Nakota, broke away from long ago. Later, some of the *Ihanktonwan* moved farther west all the way to the Rocky Mountains and became known as the *Ihanktonwanna*, those are the ones now called Stoney in Canada and Yanktonia in

⁹⁸ As for the Saskatchewan Dakota/Lakota Elders mentioning the Dakota *Oyate* was were known as the buffalo people, specific to that of building "buffalo pounds," Howard (1984) did mention Dakota Elder Charles Padani of Standing Buffalo Dakota Reserve, who provided an "excellent description of this ancient hunting method" (p. 61).

the states, they are now also called Nakota. But, because of the *Wa'si'cu* fur trade, the Yanktonia got pushed back east. They can now be found on the Fort Peck Reservation in Montana, as well as at Fort Totten Reservation in North Dakota and at Fort Thompson Reservation in South Dakota.⁹⁹ As for the *Titonwan*, who are now also called Lakota, they were always in the prairie, which overlaps Canada and the United States. As for those that were known as Isantee, it's hard to say this, but our older Dakota people said the Isantee in time turned on each other and killed each other off. Our older Dakota people said, the power they got because of the knife and no longer caring for a human life ended up being a curse to the Isantee. So, today there is no more Isantee.¹⁰⁰

Now, as for where the Isantee had gotten the Knife River flint from, this is the area that the Hidatsa and Mandan later made their village sites. The Hidatsa and Mandan speak a similar language as our Dakota *Oyate*. We had a good trading relationship with them. They were the ones who practiced what the *Wa'si'cu* called horticulture. Some of our *tiyospayes* of our Dakota *Oyate* even intermarried with the Hidatsa and Mandan. But *Wa'si'cu* diseases, such as smallpox, nearly destroyed all the Hidatsa and Mandan. There is not too many of them left and they can only be found on the Fort Berhold Reservation in North Dakota.

Now, while it's true, our Dakota people knew how to make a *tipi*, yeah "*tipi*" is a Dakota word which today is used to mean a tent or house. We also knew how to make bark huts in the summer time while hunting in the woodland, even today it would be kind

⁹⁹ DeMallie (2001) did state: "References to the Yanktonai occur almost exclusively during the American period Historical spellings that directly reflect the Yanktonai form are: Ihanktonwannan" (Joseph N. Nicollet on Plains and Prairies: The Expeditions of 1838-39 ... Nicollet's Notes on the Dakota, ed. by Raymond J. DeMallie, 1976, p. 254; p. 258; as cited in DeMallie, 2001, p. 754).

¹⁰⁰ Howard (1984) did mention, "many aspects of traditional Sioux culture, some long forgotten by their relatives in the States, are still practiced or are a part of the memory culture of the Canadian Sioux" (preface xiv).

of hard to drag *tipi* poles through the bush. But, it's also true, some of our *tiyospayes* of our Dakota *Oyate* had learned to make what the *Wa'si'cu* calls earthlodges from the Hidatsa and Mandan. Now, those at Canupawakpa Dakota First Nation in Manitoba are the ones that know more about what the *Wa'si'cu* calls earthlodges; they're the ones near Turtle Mountain along the U.S. and Canadian border.

Thinking back, to support their knowledge of the land here in Saskatchewan, our older Dakota people of Chief Standing Buffalo's *tiyospaye* not only talked about the rock paintings that our ancestors had made in northern Saskatchewan, but also what the *Wa'si'cu* now calls sacred boulder monuments in central and southern Saskatchewan. Now, I can't recall all of them, but I remember our older Dakota people mentioning our ancestors having used for ceremonial reasons a number of what the *Wa'si'cu* calls medicine wheels and vision request sites.

One medicine wheel is the one at Wanuskewin near Saskatoon, another being the medicine wheel where the Pheasant Rump Nakota Reserve is now located, that's the one now called the Moose Mountain Medicine Wheel. There are also two not too far from our reserve here at Standing Buffalo, to the west located at the bottom of Last Mountain Lake near the Qu'Appelle River. They're the ones the *Wa'si'cu* calls the Wilson Russell Medicine Wheel and the Jelly Ranch Medicine Wheel. There are also a lot of *tipi* rings there. There's also one in the Cypress Hills, near where our Lakota relatives now live on Wood Mountain Reserve. Including the one located near where the Red Deer River and the South Saskatchewan River meet, close to the Saskatchewan and Alberta border.

I also remember our older Dakota people mentioning a number of vision quest sites. One vision quest site being what the *Wa'si'cu* now calls the St. Victor Petroglyphs,

again this is located near where our Lakota relatives live on Wood Mountain Reserve.

The other one is what the *Wa'si'cu* calls the Lawrence Ranch Vision Quest Site located in the Cypress Hills. All these sites are well known to the *Wa'si'cu*, for they have from time to time in the past come to talk to our older Dakota people about these sacred sites. These were the areas that our Dakota *Oyate*, those of us the *Wa'si'cu* now calls Dakota, Nakota, and Lakota, had gathered long ago not only to conduct our sacred ceremonies such as sundances and vision quests, but also held council through our *Oceti Sakowin* so as to talk about different things that were of concern to us.¹⁰¹

When one considers what our older Dakota people have said, it does not make sense to me, why we the Dakota and Lakota in western Canada have not been allowed to sign the Numbered Treaties, like the Nakota, Cree, Saulteaux, and the Blackfoot, who had also followed the buffalo into the United States and back into Canada. For our older Dakota people did say that we the Dakota and Lakota in Canada were allies with the British Crown and had received King George III Treaty Medals from 1763 to 1812 based on peace, friendship, and trade. Our Dakota people here on Standing Buffalo Reserve still have one of those King George III Treaty Medals.

It was also said by our older Dakota people here on Standing Buffalo reserve, when the Dakota had showed up at the Treaty Four negotiations in 1874, the Cree and Saulteaux had all stayed in their *tipis* while the Canadian government officials met with the Dakota. Now, our older Dakota people said, it was not because the Cree and Saulteaux were scared of the Dakota, for only about 15 Dakota men had gone to the

¹⁰¹ As mentioned in the video produced in 2003 for the group known as Friends of St. Victor, "Images: Carved in Stone", Dr. Tim Jones of the Saskatchewan Archaeological Society did comment those who had carved the petroglyphs were most likely Sioux, as well as the Blackfoot, Mandan, Assiniboine, and Plains Cree.

meeting, it was because the Cree and Saulteaux knew they were giving away land that did not originally belong to them.

Now, when one thinks about what I have just said, perhaps the representatives of the Canadian government, who are actually the children of the British Crown, will now sit down with the children of the Dakota and Lakota that had received the King George III Treaty Medals as allies of the British Crown, so as to come to terms with regard to Treaty for the use of the land. Then all who are called now Canadian can say justice has been gained for the Dakota and Lakota within Canada.¹⁰²

Wood Mountain Lakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question three.

Elder M: Perhaps the Canadian government felt the Lakota were American Indians, but the older people from Wood Mountain said that Sitting Bull was born in Canada.¹⁰³ The reason the older people said this was because Sitting Bull was born in the summer time when the Lakota were hunting buffalo in the area now known as southern Saskatchewan.¹⁰⁴

Elder N: Well, I don't know if it was offered to them, the Dakota and Lakota. I don't know if they're talking about it now, just lately?

¹⁰² Drawn from Touple (2003), specific to the King George III Treaty Medals that pertain to the Pre-Confederation Peace, Friendship, and Trade Treaties agreed to between the British Crown and the Dakota *Oyate*, from 1763 to 1817. One Dakota Elder oral written transcript did mention, "the British promised that they would provide for the Dakota people when they are in need or if there is starvation or during hard times I still feel that these promises still exist because these promises were made with the *Canunpa* (sacred pipe). These promises will last forever because the *Canunpa* seals it. The Dakota think highly of these peace treaties as they were conducted in a sacred manner" (p. 13).

¹⁰³ Howard (1984) did record the *Titonwan*/Lakota place-name, *C'anowancaya* for Wood Mountain, which is located at the bottom of south-western Saskatchewan (p. 23); thus this is where the membership of the Wood Mountain Lakota Nation now also have a reserve.

¹⁰⁴ It has been noted, "the Americans had entered into a treaty in 1855 with the tribes in northern Montana and Idaho (the Lame Bull Treaty), Three Bloods Chiefs who signed that treaty also signed Treaty 7" (Dempsey, 1987, pp. 256-257; as cited in Homes & Associates, Inc., 2000, pp. 100-101).

Elder O: The Lakota did not sign Adhesion to Treaty Four because they were afraid of being forced below the 49th parallel.

Elder P: Our older people of Wood Mountain said, the Canadian government did not want to sign treaty with the Dakota and Lakota because of the fights some of our Dakota and Lakota people in the United States had with the U.S. Army. First with the Dakota in Minnesota back in 1862, then with the Lakota at the Battle of the Little Bighorn that happened in 1876 in Montana. But there was already Dakota and Lakota here in Canada like the Nakota, Assiniboine and Stoney.

Why the Canadian government agreed to only allow the Nakota to sign Adhesion to Treaty and not the Dakota and Lakota, is something that had always puzzled our older people here at Wood Mountain. For our older people had said, there were not only Lakota, but some Dakota, as well as a few Nakota at the Battle of the Little Bighorn, which happened in the state of Montana back in 1876.¹⁰⁵

As for why it had also puzzled our older people of Wood Mountain, for us the *Titonwan* now known as Lakota in not being allowed to sign a treaty with the Canadian government? They used to mention Chief Little Knife, who had a King George III Treaty Medal that his *tiyospaye* (extend family group) had received in helping the British in the War of 1812 against the United States. Further, our older people of Wood Mountain also mentioned that Chief Little Knife was not at the Battle of the Little Bighorn. Chief Little Knife and his *tiyospaye* were here at Wood Mountain at the time and his hunting territory

¹⁰⁵ Chief *Inkpaduta* who was Dakota is mentioned as being at the 1876 Battle of the Little Bighorn in Montana, U.S.A. (Thomson & Thomson, 2000, p. 68). Further, in my discussion with Nakota/Stoney Elder Francis Alexis of Alexis Reserve, Alberta, he did mention that Chief Alexis being Nakota/Stoney/Sioux and his *tiyospaye* (extend family group), who were hunting buffalo at the time near the Powder River region in Montana did take part in the Battle of the Little Bighorn in Montana (U.S.A.), which took place in June of 1876. Then, in the following year, 1877, Chief Alexis signed Adhesion to Treaty Six (personal communication, November 14th, 2008. U of S, Field Notes recorded by Leo J. Omani).

was mainly along the Qu'Appelle and Assiniboine river, which was the same for Chief White Eagle, Chief Standing Buffalo, and Chief Whitecap, who were Dakota, as well as Chief Carry-The-Kettle and Chief Lean Man who were Nakota. But, only Chief Carry-The-Kettle and Chief Lean Man were allowed to sign Adhesion to Treaty Four.

Our older people of Wood Mountain also said that the Canadian government does know that most of the Dakota that crossed into Canada after 1862 and the Lakota after 1876 in time returned to the United States. It was also mentioned by our older people of Wood Mountain, even Chief Sitting Bull, who was born in Canada and who had a King George III Treaty Medal that his grandfather had received while fighting for the British against the United States, was starved out of Canada. For the buffalo had all disappeared in western Canada by 1881 and the Canadian government did not want to offer our Lakota people any rations, as it did for the other groups that the Canadian government had signed treaty with in the 1870s.¹⁰⁶

Now this is hard to accept, the Nakota/Assiniboine, including the Saulteaux, and the Blackfoot Confederacy have been allowed to sign treaty both in the United States and in Canada, but the Dakota and Lakota have not been allowed to sign treaty in Canada. Yet, both the Dakota and Lakota have always been in Canada, for our older people of Wood Mountain had mentioned many sacred sites in central and southern Saskatchewan where our ancestors the *Titonwan*, those of us now called Lakota, had shared with our Dakota and Nakota relatives. These are the areas where we had held our sacred ceremonies, such as the sundance and vision quests. Many are now known by the

¹⁰⁶ In my discussion with Calvin McArthur, former Chief of Pheasant Rump Nakota Nation, he informed me that Chief Ocean Man was actually Dakota/Sioux, who signed Adhesion to Treaty Four in 1875 as an Nakota/Assiniboine/Sioux, along with his the brother-in-law Chief Pheasant Rump, being Nakota/Assiniboine/Sioux (personal communication, November 28th, 2008. U of S, Field Notes recorded by Leo J. Omani).

Wa'si'cu (Whiteman) as medicine wheels, as well as human and animal effigies. The *Wa'si'cu* used to come and talk to older people of Wood Mountain about these sacred sites. Now, I can't remember all the sacred sites that our older people of Wood Mountain had mentioned, but I will tell you the ones that I do remember.

There's one medicine wheel located now on the Pheasant Rump Nakota Reserve in south-eastern Saskatchewan that we shared with our Dakota and Nakota relatives. There is also a town in that area called Wapella located near Moose Mountain. Wapella is actually spelled as *Wapkla* in *Titonwan/Lakota* meaning "Creek." There's also another town in southeastern Saskatchewan called *Sintaluta* located near the Carry-The-Kettle Nakota Reserve, now *Sintaluta* is also a *Titonwan/Lakota* word meaning "Redtail." There's even a town called Kola located in southwestern Manitoba near the border of Saskatchewan next to the town of Maryfield, Saskatchewan. *Kola* is a *Titonwan/Lakota* word that means "Friend."

There's also two medicine wheels at Last Mountain Lake. That's near the Qu'Appelle River. There the ones the *Wa'si'cu* named the Wilson Russell Medicine Wheel and the Jelly Ranch Medicine Wheel. Those two are not too far from where our Dakota relatives now live on Standing Buffalo Reserve.

There's also a medicine wheel not too far from where we have our reserve called Wood Mountain, here in southwestern Saskatchewan. That one is called the Canuh Medicine Wheel. There's another one called the Roy River's Medicine Wheel which is located near the Saskatchewan and Alberta border, up there near where the Red Deer River and the South Saskatchewan River meet.

There are also a number of other sacred sites not too far from our reserve of Wood

Mountain, which our Dakota, Nakota, and Lakota people had also used long ago as vision quest sites. One is called the St. Victor Petroglyphs site, another one is known to the *Wa'si'cu* as the Lawrence Ranch Vision Quest Site. Another sacred site near Wood Mountain is that known as the Mankota Salamander, it represented where one could find good drinking water long ago. There's also some *tipi* rings to the west, just off our reserve here at Wood Mountain.

Further, anyone who knows *Iktomi* stories, knows the one the *Wa'si'cu* calls as the Wild Man Butte Effigy located not too far from Wood Mountain near the town of Gladmar, as well as the one known as the Cabri Lake Human Effigy located not too far from where the Red Deer River and the South Saskatchewan River meet, are images of *Iktomi*. Our older people of Wood Mountain had said, it was those we know as *Heyoka*, who are known to the *Wa'si'cu* as “Sacred Clowns” that had made and used what the *Wa'si'cu* now calls as the Wild Man Butte Human Effigy and the Cabri Lake Human Effigy.¹⁰⁷ *Iktomi*, is a spider, which we know as a trickster amongst our Dakota, Nakota, and Lakota people. Long ago, our older people of Wood Mountain would tell us stories about of how *Iktomi* could change himself into a man; and what a *Heyoka* does, is keeps us humble as a human being.¹⁰⁸ And I say this in no disrespect to all, this explains why the Wild Man Butte Human Effigy and the Cabri Lake Human both show a man's private

¹⁰⁷ See, Appendix Q: The illustrations with regard to medicine wheels, as well as human and animal effigies as cited by Brace (2005) in the book, *Boulder Monuments Of Saskatchewan*, which were mentioned by a number of the Saskatchewan 2008 Dakota/Lakota Elders interviewed as being some of the sacred sites used long ago by the Dakota *Oyate*, those now known as Dakota, Nakota, and Lakota.

¹⁰⁸ As for a detailed insight to those who are known as *Heyoka* to the Dakota, Nakota, and Lakota people, who are also known to the *Wa'si'cu* (Whiteman) as “Sacred Clowns,” one could read Lame Deer & Erdoes (1972), *Lame Deer Seeker of Visions: The Life of a Sioux Medicine Man* (pp. 236-246), including Wallis (1947), *The Canadian Dakota* (pp. 111-223).

parts.¹⁰⁹

#4. How would the Dakota/Lakota in either signing Adhesion to the existing Numbered Treaties, or in adhering to an alternate treaty protocol agreement negotiated with the federal government of Canada, protect or enhance Dakota and Lakota sovereignty? In other words, if the Dakota and Lakota were to sign Adhesion to Treaty, or a New Treaty Agreement, how would this protect and increase their autonomy?

Wahpeton Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question four.

Elder A: It would allow us to protect our sacred ceremonial sites the ones the *Wa'si'cu* (Whiteman) now calls Medicine Wheels and Human Effigies. These areas represent our spiritual way of life for our people and are connected to our values of love, honour, respect, and the sharing of our knowledge.

Elder B: It would confirm that the Dakota and Lakota were always here like the Nakota, which was our land anyway, all this time.

Elder C: Perhaps if we would sign a new Treaty, it would give us more of the things we want, such as a new school. We really need a new school at this time.

Elder D: It would mean that the Dakota and Lakota would finally be treated fairly by the Canadian government on behalf of the British Crown. Especially, when it comes to the use of the land, meaning the sharing of what *Ina-Maka* (Mother-Earth) had and still has to offer to the Dakota and Lakota, as well as the Canadian Society as a whole.

With the sharing of what *Ina-Maka* (Mother-Earth) had and still has to offer to the Dakota and Lakota, as well as to the Canadian Society as a whole, the Dakota and Lakota would finally gain from the Canadian government the proper amount of funding. First, to strengthen our language programs, as well as to strengthen our seven sacred ceremonies.

¹⁰⁹ The book by Oneroad & Skinner (2003). *Being Dakota: Tales & Traditions of the Sisseton & Wahpeton*, does mention one story of “*Iktomi* and His Member.” This story pertains to a man’s part (p. 123).

To better fund our Dakota and Lakota school programs on the reserve. To increase the amount of funding for our younger Dakota and Lakota to go to university or attend a technical school to earn their carpentry, welding, and plumbing papers. Our younger people can't all be teachers and social workers, trades people also made good money. To have the funding not only to strengthen our programs we now have on the reserve, but also to better fund our economic development initiatives, so that our younger relatives would have a job and future to look forward to. This, I believe would reduce the suicides being committed by our younger relatives due to the lack of employment and the abuse of alcohol and drugs.¹¹⁰

Whitecap Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question four.

Elder E: It would better protect our language and cultural ceremonies.

Elder F: It would mean we would be able to decide certain things for ourselves, like business development.

¹¹⁰ Due to the position that Treaty Commissioner Simpson had taken (who had negotiated Treaty One and Treaty Two in 1871) that the Sioux were not entitled to enter treaty in Canada because, for in his view, "They are, properly speaking, American Indians, and many of them are refugees from America, excluded on account of the part they took in the Minnesota Massacre" (Morrison, 2001, p. 213). The following statement by Prime Minister John A. MacDonal in the Canadian parliament with regard to the signing of Treaty with the Sioux, as this pertains to the drawing of the original boundary line of Manitoba in 1870, did not happen in 1871:

The line was fixed at the 96 degrees, because a large body of the Sioux Indians, who were friendly of the Canadian Government, but opposed to the Red River authorities, dwelt to the east of that line and to hand them over to the new Province would not tend to promote friendly feelings towards the Canadian Government, or give a peaceful passage to the troops through their country. If those Indians were handed over without any treaty being made with them, or without consulting their rights or wishes, they might cut off, or seriously interfere with, communication between the head of Lake Superior and Fort Garry. For that reason they fixed the eastern boundary at the 96th meridian ([Parl. Deb. [4 May 1870), 1353], as cited in Ray, Miller, & Tough, 2000, p. 56).

The above-mentioned quote corresponds to the Lake of the Woods region, which now encompasses the bottom eastern corner of Manitoba, where Chief Hupa Yakta's *tiyospaye* (extended family group) had mainly hunted, fished, and trapped within this local before returning to Prince Albert in northern Saskatchewan in the 1870s to once again reside at their ancestors' original Dakota campsite, after assisting the Government of Canada in 1869 to regain Fort Garry.

Elder G: It would protect our right to have a say, and to get a share of the resources being taken from the ground.

Elder H: We would finally have a say about how to manage the resources, such as oil, gas, potash, water, including other minerals that can be taken out of the ground. Right now, we get no benefit from these resources.

Standing Buffalo Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question four.

Elder I: It would mean our Dakota and Lakota would take their rightful place in Canadian history, and that we have an outstanding Aboriginal claim that the Canadian government must come to terms with us through Treaty.¹¹¹

Elder J: Our identity as Dakota and Lakota, being one of the Aboriginal peoples of Canada would be protected. That's what it would really mean.

¹¹¹ Drawn from Touple (2003), one Dakota Elder oral written transcript did mention, "I remember that we never signed a treaty but we have the same benefits as a treaty person. We get everything that they do like education, farming equipment, cattle, ammunition and they have rations, too. Rations like bacon, sugar, flour the only thing we did not get was the \$5.00. That's the only thing we didn't get We were given the same rights as the Treaty Indians to fish because we have our own river here ... and then we go hunting I don't think we're treated any differently but the only difference is we didn't get the money like they do" (pp. 15-16). In addition, besides not receiving the \$5.00, the reserve land provided, 80 acres per family, was much smaller than those of the First Nations that had signed the Numbered Treaties in western Canada (Elias, 1988, p. 40).

In turn, Talbot (2009) while mentioning Morris' perspective that the Sioux were recent arrivals "from the United States" (p. 128), which was previously discussed in chapter four (Morris, 1800, p. 276); this corresponds to the position that Treaty Commissioner Simpson had taken (who had negotiated Treaty One and Treaty Two in 1871) that the Sioux were not entitled to enter treaty in Canada (Morrison, 2001, p. 213). Talbot (2009) did note that Morris beginning in 1872 worked to secure reserve lands for the Sioux (pp. 128-129). Further, after reserve lands had been granted by Ottawa, Talbot (2009, p. 129) cited the following comments of Morris assuring the Sioux "that while the Reserve was to be their home, they would be at liberty to hunt and fish, and their men could in the ploughing and harvest season, hire out their labour, taking care to plant and harvest their own crops" (LAC, RG 10 Vol. 3609, file 3289, "Fort Ellice Agency: General correspondence regarding an agreement reached between the government and the Sioux, 1874-1875").

Furthermore, as for the provisions that Morris provided to the Sioux. Talbot (2009, p. 130) did cite Morris's comments to Deputy Minister Meredith in Ottawa, to which Morris had mentioned, "[w]ith regard to the small presents I give them. I did so, in conformity with a custom prevailing here, descending from the Hudson's Bay Company rule, and apart from that, as a matter of simple humanity (LAC, RG 10, Vol. 3623, file 5045, Alexander Morris to the Minister of Interior, 25 Feb. 1876). In addition, Talbot (2009, p. 130) did note, "Morris personally made arrangements to procure implements and oxen for the Sioux" (LAC, RG 10, Vol. 23, file 5068, David Laird to Alexander Morris, April 26, 1876; and Frank Decker to the Minister of the Interior, 2 Aug. 1876).

Elder K: It would give our younger generation the security that their future would be protected because this would confirm we were always here.

Elder L: It would mean as Dakota and Lakota, such as the Nakota, that our language, culture, as well as, how we govern ourselves with regard to our membership. Including our hunting, fishing, and gathering rights with regard to our traditional medicines. The management of various programs such as health, education, justice, social development, as well as that of business development, also what the *Wa'si'cu* (Whiteman) calls reserves within Canada. These would all be truly protected within Section 35 of the Canadian Constitution. That to me is what it would truly mean.

Wood Mountain Lakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question four.

Elder M: Long ago the Lakota had their own system of governing themselves, to decide things for themselves, which would be good to have again.

Elder N: Yes, autonomy would be good, they would have rights to their own government.

Elder O: It would mean they could continue to decide for themselves on how to use the land, before hunting lifestyle, today ranching and farming.

Elder P: It would mean that our older Dakota and Lakota relatives were right, that we have always been in Canada. It would mean, as Dakota and Lakota we can better govern our internal affairs. To strengthen our cultural identity, meaning our language and seven sacred ceremonies. It would really mean that these would be protected within the Canadian Constitution, including the reserve land that we now have and could get in the future for the benefit of our youth.

#5. What is your opinion on whether the Dakota and Lakota have a right to either adhere to the existing Numbered Treaties, or adhere to an alternate treaty protocol agreement negotiated with the federal government of Canada? Why?

In other words, what do you think, should the Dakota and Lakota sign Adhesion to Treaty, or a New Treaty Agreement? Why?

Wahpeton Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question five.

Elder A: We should make a New Treaty Agreement. This has always been our land and we should get a share of the resources for generations to come.

Elder B: The Dakota and Lakota should sign a New Treaty Agreement with the Canadian federal government. But, there should be a clause in that New Treaty Agreement reaffirming the 1812 Treaty Agreement with the British which was based on peace, friendship and trade.

Elder C: I think we should make our own New Treaty Agreement. This way we would understand it.

Elder D: The first treaty agreements of our Dakota *Oyate* with the British Crown from 1763 until 1812 were based on peace, friendship, and trade. Now, because of the misunderstanding we continue to hear about the Numbered Treaties, the Dakota and Lakota within Canada should adhere to a New Treaty Agreement with the Canadian government for the use of the land. The First Nations in British Columbia have set the precedent by creating new treaty agreements. Unlike the Numbered Treaties, our Dakota and Lakota can negotiate with the Canadian government on behalf of the British Crown and would have a say as to what goes into the New Treaty Agreement.

Whitecap Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question five.

Elder E: I think our Dakota and Lakota people should be allowed to sign Adhesion to

Treaty because we already get everything in the Numbered Treaties except the five dollars a person and an equal amount of land, that we should get. But, if the Canadian government does not want to agree to this, then our Dakota and Lakota people should negotiate for a New Treaty Agreement with the Canadian government.

Elder F: We get everything now that is in the treaties, except the five dollars. Yes, we should be able to sign treaty. Whether, it's Adhesion or a New Treaty Agreement, both would be good.

Elder G: Yes, its time now to get a treaty. It should be a new treaty, so we can have say about the oil, potash, water and the other resources being taken from the ground.

Elder H: Right now, except the five dollars per year and the same amount of reserve land, we already get the same rights a treaty Indian gets, such as education, health, and social assistance, including the right to hunt and fish.¹¹² It would be good to sign Adhesion to Treaty, so we can get the five dollars per year and the same amount of reserve land. But, I think we might be better off signing a New Treaty Agreement with the Canadian government, this way we also have a say about the resources being taken out of the ground.

Standing Buffalo Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question five.

Elder I: Except the same amount of land and five dollars a year, we receive everything a Treaty Indian gets. However, if the Canadian government does not want to sign Adhesion to Treaty with us, then the Canadian government should sign a New Treaty Agreement

¹¹² Drawn from Cheryl Touple (2003), one Dakota Elder oral written transcription did state, "I even remember they were expected to have permits to go trapping" (p. 35). As for verification to the previous statement, attached is an "Official Letter from the Indian Agent to Edith Omani, dated November 13, 1946 in reference to the request for a trapping license" (See, Appendix R), including a "Cheque and Two Receipts for Furs issued to the late Joe Omani in 1948" (See, Appendix S).

with us like they have done with the B.C. groups.

Elder J: Our older people of Standing Buffalo said we were always allies with the British Crown, we even have a 1763 King George III Treaty medal to prove it. It's time the Canadian government agrees to let us sign Adhesion to Treaty, like they did for the Nakota. If not, then we the Dakota and Lakota should negotiate a New Treaty Agreement with the Canadian government.

Elder K: We should look at a New Treaty Agreement. We see what's been taken away from the other treaties, like oil and potash.

Elder L: It seems that the Numbered Treaties are always in dispute between the Canadian government and the First Nations that signed these Treaties, meaning as to who said what, as well as what the clauses within those Treaties actually mean.

Maybe we, the Dakota and Lakota, are now better off in not having signed that called Adhesion to Treaty, for we still get everything a Treaty Indian gets, except the five dollars and an equal amount of land that the Nakota and other Indians who had agreed to Numbered Treaties have gotten. Because of what I have just mentioned, I think our Dakota and Lakota should negotiate with the Canadian government for a New Treaty Agreement, so we can have a say as to what actually goes into those treaty clauses. But the New Treaty Agreement should also include the understanding of the original Treaties based on Peace, Friendship, and Trade that were agreed to with the British Crown from 1763 to 1812; that we should not give up.

Wood Mountain Lakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question five.

Elder M: It would be better to agree to a New Treaty Agreement, so that we could get a share of everything from under the ground, on the ground, and in the air.

Elder N: We should have the right to adhere to the Numbered Treaties, but I think we should adhere to an alternate treaty protocol agreement, so we could have share of the mineral rights and water rights, also rights to air.

Elder O: Yes, we should now sign Adhesion to Treaty. If this is not possible then a New Treaty Agreement, for the benefit of the younger generation.

Elder P: Now I have listened to the other groups that signed the Numbered Treaties. It is clear that they have a different understanding then the Canadian government of what those Treaties mean. The other groups that signed the Numbered Treaties have said, they did not sign anything away below six inches of *Ina-Maka* (Mother-Earth), but the Canadian government has a different interpretation, so they seem to be always arguing with each other. Because of this, I think the Dakota and Lakota should negotiate a New Treaty with the Canadian government. This way, we can have an input as to what goes into the New Treaty, like those in B.C. and in other areas of Canada that did not sign the Numbered Treaties.

#6. What would you envision within the concept of Treaty between the Dakota/Lakota people and the federal government of Canada in right of the British Crown? In other words, what do you think should be included, if the Dakota and Lakota were to sign a Treaty with the Canadian federal government in right of the British Crown?

Wahpeton Dakota Nation: noted below are three summary responses and one detail response, amounting to four Elder responses for question six.

Elder A: Besides extra land, we should get a share of the royalties that the government gets from the resources that are taken from the ground, including the water and air which electricity is made from.

Elder B: The New Treaty Agreement should include a share of the resources such as oil, natural gas, potash, diamonds, water, and the air. But, it should also include an expanded

land base. However, the wording for the land base should address a continuing increase in the land as the population of our younger generation grows.

Elder C: We should get a share of the resources in our territory, the oil, gas, coal and diamonds, meaning to get royalties so we can get off the welfare system.

Elder D: Right now, as I understand, the Canadian government holds the view that the existing reserve lands that the Dakota and Lakota in Canada reside on were provided as a gift from the Canadian government. This view would need to be changed. In addition, the Dakota and Lakota should seek a larger land base to be added to our existing reserves.

The Dakota and Lakota should also get a share of the money that the Canadian government gets from renewable and non-renewable resources, such as wind, water, oil, potash, diamonds, uranium, timber, as well as that of wheat and other grains, including farm livestock. The Dakota and Lakota “New Treaty Agreement” should also include a Self-Government Act, so that our Dakota and Lakota First Nations can have control over the financial resources we now administer on behalf of the Canadian government, as well as what we would make from our business enterprises.

It should also have a clause in that New Treaty Agreement that acknowledges our own government structure of the Dakota *Oyate*, the *Oceti Sakowin*. Besides just meeting with our Dakota, Nakota, and Lakota people in the United States which we now do mainly to discuss common issues of concern to our cultural way of life, through our *Oceti Sakowin* we can actually begin the process of cross border trade with them, timber for flour, wild rice for corn, and so forth.

Whitecap Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question six.

Elder E: The Dakota and Lakota should get more land to be added to our reserves. We

need more land for our population is growing. Our Dakota and Lakota should also get a share of the money that the Canadian federal government gets from such things as oil, natural gas, water, even the wind, potash, every type of minerals that is taken out of *Ina-Maka* (Mother-Earth), as well as what is grown on *Ina-Maka* (Mother-Earth).

Elder F: Besides what's now in the treaties, such as health, education, ration clause, economic development, as well as hunting, fishing and trapping, we should get more land similar to the size that the other tribes got, and a share of the resources such as potash, oil, and natural gas.

Elder G: Besides more reserve land, the Treaty should include a share of the money made from the forest and resources taken from the ground, the water, oil, gas, potash, uranium, and the energy being created from the air, windmills.

Elder H: Besides what we already get, such as education, health, and social assistance, as well as the right to hunt and fish, we should get an increase in land base. We have a growing population. We need more land for our younger people to live on. So, our reserve land needs to be increased, that's what the Canadian government had promised long ago to our older Dakota people, that's when we first moved onto this reserve now called Whitecap.

There should also be a clause in that treaty that says we should get a share of resources been taken from the ground, such as oil, gas, potash, water, including the other minerals that are being taken out of the ground. With these funds we can truly gain that called self-government. We would be able to increase the number of businesses that we now have. This would increase the number of jobs that our younger people could gain. It would also strength our own Dakota *Oyate* government structure, the *Oceti Sakowin*. This

would allow for what the *Wa'si'cu* (Whiteman) calls as cross border trade amongst our Dakota, Nakota, and Lakota people that now reside both in the United States and in Canada.

Standing Buffalo Dakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question six.

Elder I: For sure, the Dakota and Lakota should get the same amount of land to be added to the reserves we now have, meaning the same amount of land base such as the other groups that signed the Numbered Treaties. We should also receive some of the money the Canadian government gets from what's being taken from the ground, such as oil, natural gas, potash, including what is being generated by the water and air.

Elder J: Besides more reserve land, we should also get a share from the money that the Canadian government gets from such things as natural gas, oil, wind, water, and potash being taken from the ground.

Elder K: Besides more land, we should get a share of the resources like oil, potash and other minerals that may be found within our territory, as well as the energy created by wind currents.

Elder L: For the benefit of our youth, our Dakota and Lakota should seek a larger land base to be added to our existing reserves. We should also get a share of what the *Wa'si'cu* (Whiteman) calls royalties that the Canadian government gets from what they call as renewable and non-renewable resources, the water, wind, natural gas, oil, uranium, potash. Now there is also talk of diamonds having been found in northern Saskatchewan. We should also get a share of the money made from *Ina-Maka* (Mother-Earth), meaning what the farmer grows like wheat and the different livestock they raise and sell.

Further, within the New Treaty Agreement with the Canadian government, the

Dakota and Lakota should make sure that the original understanding of the Treaties with the British Crown based on Peace, Friendship, and Trade that were agreed to from 1763 to 1812 should also be included. Why? The Dakota and Lakota could then take advantage of the Jay Treaty of 1794 that was agreed to between the British Crown and the United States. For we the Dakota *Oyate* through our own government structure known as the *Oceti Sakowin* can then import and export different products through our different business companies that we do have and will have, by creating an expanded trade relationship with our Dakota, Nakota, and Lakota people and other Native groups in the United States. This would really assist our Dakota and Lakota in creating more employment for our youth within our home communities and in the urban centers where many of our people now live.

Wood Mountain Lakota Nation: noted below are three summary responses and one detailed response, amounting to four Elder responses for question six.

Elder M: We could get more land entitlement, the same land base like the other treaty groups. But, we should get a share of the minerals in the ground, like coal, oil and gas. Including the water in and on the ground, also the energy created by the wind. There is a lot of wind at Wood Mountain and in the Cypress Hills region.

Elder N: Besides education and health funding, including hunting, fishing and trapping that's in the other treaties, we should get more land and have sovereign rights and autonomy for our own form of government and a share of the mineral rights, as well as water and air within our territory.¹¹³

Elder O: Besides that of hunting and fishing, provision for education and health, a bigger

¹¹³ As for one of the Dakota Elders interviewed in 2008 mentioning, "if a *Wa'si'cu* came onto our reserve, they could be charged by their own *Wa'si'cu* policemen (See Poster, Appendix T: Notice to any Person who trespasses on an Indian Reserve, which was enforced by the Department of Indian Affairs from the 1880s to the 1980s).

land base, as well as a share of resources such as oil, gas, and other mineral rights, including water.

Elder P: The Dakota and Lakota should push to get more land. We should also get a share of the money that the Canadian government gets from such things the *Wa'si'cu* (Whiteman) calls renewable and non-renewable resources, the wind, water, natural gas, oil, potash, all that is part of *Ina-Maka* (Mother-Earth), including what is grown on *Ina-Maka* (Mother-Earth). This way we can better fund our education programs, including that of health, justice, as well as social and economic development, to establish businesses for our youth to have access to jobs. We need to also better protect our hunting, fishing, and gathering rights with regard to the medicines we still use.

But, most important, the New Treaty should include self-government provisions, so we can once again govern us, self-determination for the benefit of our youth. The New Treaty should include an acknowledgement of our own government system amongst our Dakota *Oyate*, the *Oceti Sakowin*. With the acknowledgement of our *Oceti Sakowin*, those of us now known as Dakota, Nakota, and Lakota both in Canada and the United States can do more than just talk about our language and cultural ceremonies, we can begin to find ways to conduct cross border trade with each other, which would create more employment opportunities for our youth.

Concluding Comments

As for concluding comments for this chapter, the following insight is provided in how an “analysis of research findings” will be presented in chapter six. Specifically, a synthesis of each question posed within the interview guide of chapter five with regard to the data collected pertaining to the Saskatchewan Dakota/Lakota Elders interview process will be

provided. Further, in support of the data generated from the Saskatchewan Dakota/Lakota Elders, the following is now noted. As for direction given by Chief Cy Standing of Wahpeton Dakota Nation, who mentioned at the Dakota/Lakota Nations meeting held on May 6th, 2008 at Regina, Saskatchewan, Canada, that the Dakota/Lakota people must now begin to map their traditional territory.¹¹⁴ Thus, while awaiting approval by all the four Saskatchewan Dakota/Lakota First Nations to participate in this study, which did not occur until mid-August 2008. Based on previous oral history stories of the Dakota Elders of Wahpeton of having been on the Churchill River in northern Saskatchewan and northern Manitoba in centuries past. In turn, for which the Dakota/Sioux as being in northern Saskatchewan had also been previously cited in brief by Elias (1988), Wheeler (1991), and Touple (2003). Thus, to establish a triangular process of verification for this research study, attached as an appendix is a document entitled, *Summary of Summer Research, July and August 2008, conducted with the Woodland Cree Elders and Swampy Cree Elders with regard to ancient Dakota Sacred Burial Sites and Dakota Rock Paintings near and along the Churchill Hill River, which overlaps the northern part of the provinces of Saskatchewan and Manitoba, Canada* (See attached, Appendix U). This corresponds to the research I had conducted and data gained from the interviews with the Woodland Cree Elders and Swampy Cree Elders, as this pertains to ancient Dakota Sacred Burial Sites and Dakota Rock Paintings near and along the Churchill Hill River. In turn, for which the data as cited within the above-mentioned document was subsequently submitted to the U of S Ethics Office and received ethics approval on June 9, 2009. The U of S Ethics “Certificate of Approval Study Amendment Form,” including the “Consent Form” for the Woodland Cree Elders & Swampy Cree Elders’ Interview

¹¹⁴ U of S, Field Notes recorded by Leo J. Omani, May 6th, 2008.

Process, as well as an “Interview Guide” with five questions, and a “Data/Transcript Release Form” are attached to the document (See, Appendix U).

Chapter Six

Synthesis, Analysis of Research Findings, and Epilogue

This chapter provides a synthesis and analysis of research findings, and concludes with an epilogue for this ethnographic study. First presented will be the theoretical understanding and standards that will be adhered to in providing a synthesis and analysis of research findings with regard the Saskatchewan Dakota/Lakota Elder oral testimony generated for this study. Then a definition of the term “synthesis” is provided that will be applied to the Saskatchewan Dakota/Lakota Elder oral testimony. This is followed by an explanation of the approach that will adhered to in providing an analysis of research findings from this data. Presented next is a synthesis of the Saskatchewan Dakota/Lakota Elder oral responses, as well as an analysis of research findings pertaining to each question posed in the interviews. This is followed by an epilogue which considers the implications of the research for the treaty negotiation process of the Dakota/Lakota people within Canada. In this way the findings of the study will be placed within the context of the Native-White treaty relationship currently evolving and being negotiated within the province of Saskatchewan. Recommendations are also presented to assist and enhance the contemporary political and legal position of the Dakota/Lakota First Nations within Saskatchewan in their efforts to either sign adhesion to the Numbered Treaties, or to adhere to an alternate treaty protocol agreement with the Canadian federal government.

The theoretical understanding and standards adhered to in providing a synthesis and analysis of research findings with regard to the Saskatchewan Dakota/Lakota Elder oral testimony

Wilson (2004) has stated that at “the dawn of the twenty-first century the recovery of Indigenous knowledge is a conscious and systematic effort to revalue that which has been denigrated and revive that which has been destroyed” (p. 359). Based on the previous comments, in providing a synthesis, as well as analysis of research findings from the data collected for this ethnographic study, it is not my intention to assess or evaluate the testimony of the Saskatchewan Dakota/Lakota Elders according to the theoretical understanding and standards of Western academic scholarship, as this pertains to “Oral History” (Thompson, 1988) and “Oral Tradition” (Vansina, 1985). The theoretical understanding applied to Oral History within Western academia is that it constitutes “the study of the recent past by means of life histories or personal recollections, where informants speak about their own experiences” (Moss, 1988, p. 9; as cited in Stevenson, 2000, p. 35). It typically encompasses stories of significant events such as migrations, wars, epidemics and various other major socio-economic developments (Thompson, 1988). As for the theoretical understanding within Western academia with regard to that referred to as Oral Tradition, this is understood to be “not normally the direct, immediate, personal experiences of those who hold them in memory but rather the experience of a whole ethos of previous generations ... retold in the present as they are understood by the present generation” (Henige, 1982, p. 106; as cited in Stevenson, 2000, p. 35). It is seen to consist mainly of the narratives viewed as folklore, in reference to legends, myths and sacred stories (Vansina, 1985). In evaluating the merits of both of these sources of historical knowledge, academics have expressed concerns about issues such as

presentism, contamination and testability, about the fallibility of human memory, and some have questioned the merits of own culture studies (Stevenson, 2000, pp. 51-66). In this ethnographic study, however, these issues were of secondary importance to my primary goal of privileging the knowledge of Dakota/Lakota Elders in advancing the understanding of Native-Newcomer relations within Canada, particularly with respect to the treaty relationship process that is continuing to evolve through negotiation within in the province of Saskatchewan (Cardinal & Hildebrandt 2000; Ray, Miller, & Tough, 2000; Office of the Treaty Commissioner, 2007). Following Flynn's (1991) assertion that "there are other ways of knowing" (2003, preface iv),¹¹⁵ this study is premised on the assumption that research based on Indigenous ways of knowing with regard to theorizing and analyzing derived from the observation of research participants and generating creative solutions should be respected within Western academia because of its capacity to profoundly enhance historical knowledge, amongst and across various disciplines within the Academy (Lomawaima & McCarty, 2002).

Thus, while Oral History and Oral Tradition are generally viewed as separate within Western academia, Wilson (2005) has argued that from a Dakota perspective, "the definition of oral history is contained within that of oral tradition" (p. 27). She further noted:

For the Dakota and, I suspect, for many other Indigenous nations, "oral tradition" refers to the way in which information has been passed on rather than the length of time something has been told. Hence, personal experiences, pieces of information, events, incidents, and so forth can become a part of oral tradition at the moment they happen, or the moment they are spoken of (p. 27).

This theoretical understanding is culturally congruent from a Dakota perspective and will

¹¹⁵ For a detailed Lakota family history of Flynn, D. M. (1991) see Flynn, S. J. (2003), *Chief, Marine Corps Warrior: The Life of John P. "Pat" Flynn, JR.* Flynn was "the first South Dakotan of Native American descent to serve in the state Senate [of South Dakota, U.S.A.]" (p. 169).

therefore be applied in providing a synthesis and analysis of research findings from the data collected for this ethnographic study. For clarity, amongst the Dakota *Oyate*, while there is clear understanding of the difference between that considered as “folklore,” and that considered as “historical truth,” as this pertains to various stories that are told, it is the method by which these stories are passed on, not the context pertaining to a specific time period, that is important. Consequently that which is considered “historical truth,” could also be viewed as “sacred truth.” Further, Wilson (2005) has articulated the following standards to be adhered to by Dakota historians:

1. The first and primary responsibility of a Dakota historian has always been to “tell it straight;”
2. The goal of Dakota historians is not to collect data from every available source on a given topic or event but to make sure that the Dakota perspectives entrusted to them are preserved and transmitted; and
3. Rather than trying to disprove other theories about history, Dakota historians often begin with the basic supposition that every perspective will be different (p. 42).

These, then, are the standards that I will adhere to in providing a synthesis and analysis of research findings from the data collected for this ethnographic study. As an aspiring Dakota historian I am also mindful of Wilson’s comment that “these Dakota concepts of history are based on its orality and the worldview inherent in the language” (p. 42).

Definition of the term “synthesis” applied to the Saskatchewan Dakota/Lakota Elder oral testimony

The *Random House Webster’s Unabridged Dictionary* (2001) defines the term “synthesis” as “the combining of the constituent elements of separate material or abstract entities into a single or unified entity (p. 1929). King (1983), being *Odawa*, in his study, *Education and Community in a Northern Saskatchewan Cree Village*, stated that “the

ethnographer infers meaning -- meaning that can be more profound than that which results from pre-devised academic instruments like questionnaires and surveys. The ethnographer abstracts meaning from the observations necessarily shaped by the participants” (p. 2). Further, Berg (2007) in *Qualitative Research Methods for the Social Sciences, Sixth Edition*, noted that “[e]thnographers today must do more than simply describe the populations they investigate; they must strive to understand them” (p. 179).

In constructing a synthesis with regard to the Saskatchewan Dakota/Lakota Elders’ responses for each question posed in the interviews, I will be guided by the insights of King and Berg with respect to the duty of academics to be sensitive and respectful of the knowledge that was shared with them by the Elders. My purpose is to abstract meaning from the data generated from the Saskatchewan Dakota/Lakota Elders’ interviews in order, from an emic perspective, to gain a more in-depth ethnohistorical understanding of the Dakota *Oyate* (Fetterman, 1989; Hendrickson-Christensen & Dahl, 1997; Merriam & Johnson-Bailey et al, 2001; Lomawaima & McCarty, 2002).¹¹⁶

**An explanation of the approach adhered to in providing
an analysis of research findings with regard to
the Saskatchewan Dakota/Lakota Elder oral testimony**

It is not my intent to provide an analysis of which Saskatchewan Dakota/Lakota Elders or which of the Dakota/Sioux and Lakota/Sioux First Nations of Saskatchewan knew more or less of their oral history. However, where there are discrepancies or differences in the views as put forward in the Saskatchewan Dakota/Lakota Elders’ oral testimony with regard to the questions that were posed in the interview guide, these will be noted and addressed. Further, in providing an analysis of research findings for each question posed in the interviews, the comparison to be made will be between what has been

¹¹⁶ See Chapter Two (pp. 28-48) for a detailed discussion of emic and ethic research.

written about the Dakota *Oyate* through Western academic research and scholarship and the ethnohistorical and linguistic knowledge put forth by the Saskatchewan Dakota/Lakota Elders (Berg, 2007, p. 267).¹¹⁷

As discussed in chapter four, academic research and scholarship regarding the original indigenous territory of the Dakota *Oyate* corresponds to the geographic region within the Saskatchewan Plain, west of the Manitoba Escarpment and east of the Alberta Plains which today lies within the Canadian provinces of Manitoba, Saskatchewan and Alberta and the U.S. state of North Dakota (Ray, 1998, p. 7).¹¹⁸ Based largely on the written observations of La Verendrye, scholars acknowledge that the original indigenous territory of the Dakota *Oyate* also included the Assiniboine River area overlapping today what is now known as southern Manitoba and southern Saskatchewan, including the Rainy River and Lake of the Woods areas encompassed today by the Canadian provinces of Ontario and Manitoba and the U.S. state of Minnesota (Burpee (Ed.). 1927, *Journals and Letters of La Verendrye*, pp. 483-488; as cited in Morrison, 2001, pp. 33-34).

Synthesis and Analysis of Research Findings pertaining to Question One

What is your understanding of the original indigenous territory of the Dakota Oyate, meaning the Dakota nation, now known as the Dakota, Nakota and Lakota people? In other words, long ago, how large was the Dakota/Nakota/Lakota people's original territory; meaning the areas in which they hunted, fished, and gathered medicines and wild vegetables?

It is first noted that I began this study with the assumption that I knew a lot of the geography and could adequately articulate the historiography of our Dakota *Oyate* within

¹¹⁷ According to Berg (2007), (who is of European ancestry) “[i]n the case of different cultures, the historical research is interested in comparisons, not judgments” (p. 267).

¹¹⁸ The Dakota *Oyate* is now also known as Sioux within Western academia (Feraca & Howard, 1963, pp. 81-84). This includes the Dakota/Sioux, the Nakota/Assiniboine/Stoney/Sioux, and Lakota/Sioux (Wilson, 2005, p. 4; Elias, 1988, preface xiii; Marino, 2002, pp. 251-252).

North America. But I have truly been humbled by the Elders of our Dakota *Oyate* through this research process. The Elders not only used contemporary translations of English, French and Cree terms, but also utilized ancient terms that I was not aware of as this pertains to the Aboriginal language of our Dakota *Oyate* to describe the geography and historiography of our Aboriginal nation before and upon initial contact with those of European ancestry. Thus, in providing the following synthesis of responses to question one, besides the use of terms pertaining to the names of Canadian provinces and U.S. states, a number of ancient terms will be utilized as expressed, described, and translated by the Dakota/Lakota Elders of Saskatchewan. These ancient terms were cross-referenced for accuracy with a number of Nakota Elders, referred to as Assiniboine within Saskatchewan and Stoney within Alberta.

While all the Saskatchewan Dakota/Lakota Elders interviewed verified the accuracy of what was known to scholars with regard to the original indigenous territory of the Dakota *Oyate*, the geography that they described significantly enhanced and expanded descriptions of the land mass occupied by the Dakota *Oyate* within North America before and upon contact with those of European ancestry. However, it was also mentioned repeatedly that the size of the original indigenous territory of the Dakota *Oyate* with regard to their hunting, fishing and gathering territory for berries, medicines and wild vegetables had been greatly reduced due to *Wa'si'cu* (Whiteman) diseases. Specifically, smallpox was mentioned as the main cause of this population decline and shrinking of the original land base to scattered reservations in the U.S.A., within the states of Nebraska, Minnesota, North and South Dakota, and Montana, as well as scattered reserves in Canada, within the provinces of Manitoba, Saskatchewan, and

Alberta.

To synthesize the wealth of detail provided in Elder testimony, the following was mentioned by one Saskatchewan Dakota Elder, which captured the comments of the other Saskatchewan Dakota/Lakota Elders that were interviewed. The original territory of the Dakota *Oyate* started in the Rocky Mountains within present day Northern Alberta, Canada. From there, it extended east, up to the region that was known as *To-Wa-Mde*, which is now called Great Slave Lake within the Northwest Territories, Canada. From there it ran east down to Lake Athabaska, crossing northern Saskatchewan at the bottom of Reindeer Lake. It then continued east and included portions of northern Manitoba, mainly within the region of *Bde Wakan* (Sacred Lake) known today as Lake Winnipeg. Then at the bottom of Lake Winnipeg, it extended further east to the Lake of the Woods and continued on to the Great Lakes, crossing where Lake Erie and Lake Ontario intersect, moving into the modern day U.S.A. and continuing on to the state of New York. From there it ran south into North & South Carolina and extended down to Louisiana. It then extended west towards Kansas, Nebraska, South Dakota, and also took in a small portion of Wyoming and Montana. From the state of Montana, it crossed back into Alberta, Canada, moving farther north along the Rocky Mountains, encompassing a small portion of British Columbia and then ran east and north to where it began in Northern Alberta, Canada (See, pages 148 and 149).

Further, as for the knowledge of the geography within North America corresponding to the original indigenous territory of the Dakota *Oyate* before and upon initial contact with those of European ancestry, another Saskatchewan Dakota Elder described in detail the river routes known to the Dakota *Oyate* in centuries past. This

confirms knowledge of three possible ways to reach the Atlantic Ocean and one way to reach the Arctic Ocean. The ancient names that were mentioned were also mentioned by other Saskatchewan Dakota Elders and cross-referenced with the Elders of the Nakota/Assiniboine/Sioux within Saskatchewan and the Nakota/Stoney/Sioux of Alberta.

In summary, it was mentioned that there is one river known previously as *Wakpa-Mini-Te* (translated as the Big River) that begins in the Rocky Mountains within the province of Alberta (Canada), which flows east (known today as the North Saskatchewan River), meeting the South Saskatchewan River (previously known as *Minidueza* translated as “Fast Flowing Water”) just east of the city of Prince Albert, in northern Saskatchewan, Canada (previously known as *Wakpa-O-Ze-Te* translated as “Lower Forks On The River”). *Wakpa-Mini-Te* (the Big River) then flows northeast into the province of Manitoba and empties into Lake Winnipeg (previously known as *Bde Wakan*, translated as “Sacred Lake”). This water system in centuries past provided three ways to reach the Atlantic Ocean.¹¹⁹ Having used *Wakpa-Mini-Te* (the Big River) to reach Lake Winnipeg (*Bde Wakan*), the first way was to move onto the Nelson River in northern Manitoba that connects to the Hudson Bay to reach the Atlantic Ocean. The second way was moving from the bottom of Lake Winnipeg (*Bde Wakan*) to the east by way of the Winnipeg River to the Lake of the Woods, then using the Rainy River on to the Great Lakes, connecting to the St. Lawrence River to reach the Atlantic Ocean. The third way was moving from the bottom of Lake Winnipeg (*Bde Wakan*) onto *Wakpa Sa* translated as the “Red River” moving south that flows into what is now known as Lake Traverse in South Dakota, thus connecting to Big Stone Lake in Minnesota that flows

¹¹⁹ Depending on local community expression pertaining to the membership of Dakota *Oyate*, the term *Bde*, which is translated as “lake”, can also be pronounced and spelled as *Mde*.

into the Minnesota River, which then links to the Mississippi River, flowing all the way down to Louisiana to reach the Atlantic Ocean.¹²⁰

The river route to the Arctic Ocean started at Great Slave Lake (previously known as *To-Wa-Mde*) in the Northwest Territories, which connects to the Mackenzie River that reaches the Arctic Ocean. The Mackenzie River is the river route which the Inuit and Dene utilized in centuries past to travel down to Great Slave Lake, Northwest Territories (Canada), to trade items such as ivory and soapstone for medicines with the Dakota *Oyate*.¹²¹

Having discussed the river routes to reach the Atlantic Ocean and the Arctic Ocean, this Saskatchewan Dakota Elder mentioned that it is was along these river routes that members of the Dakota *Oyate* could be found in centuries past, as well as other river routes and lakes which in one way or another are all linked to the main river route known as *Wakpa-Mini-Te* (the Big River), trading with other groups including with the *Wa'si'cu* upon their arrival in North America. Further, this Dakota Elder commented that the Dakota *Oyate* were known as the buffalo people in centuries past. However, depending on where the Dakota *Oyate* made their campsites at various times of the year, they “also hunted and lived off the moose, elk, deer and other animals, as well as fished and gathered berries including different types of herbs for medicines, at these locations” (See, pages 141, 142, and 143). This comment is similar to the responses that were provided by the other Saskatchewan Dakota/Lakota Elders interviewed for this study.

¹²⁰ For illustration of the three river routes mentioned to reach the Atlantic Ocean, see page 101 of this text for a map of canoe routes drawn from Ray (1998, p. 15).

¹²¹ See page 107 of this text, map drawn from Ray (1998, p. 56) noted as “The Western Trade, CA, 1750” which cites a lake in the top left hand corner, now known as Great Slave Lake, located in the Northwest Territories (Canada), which supports the knowledge of the Dakota *Oyate* with regard to having traded with the Inuit and Dene at *To-Wa-Mde* now known as Great Slave Lake, Northwest Territories (Canada).

The following information, drawn from question three, is inserted in this section, for it specifically supports the Elder testimony to verify the existence of an indigenous territory of the Dakota *Oyate* within western Canada in centuries past. For clarity, the following speaks to:

1. Other river routes known and used by the Dakota *Oyate* in centuries past which today flow through the provinces of Saskatchewan and Manitoba, the North-West Territories (Canada), and a number of states in the U.S.A.;
2. Details of linguistic terms in reference to place-names as expressed in Dakota and Lakota with regard to geographical locations within Saskatchewan and Manitoba which were mentioned by the Saskatchewan Dakota/Lakota Elders interviewed to verify the presence of the Dakota *Oyate* in what is now known as western Canada from the time of pre-contact to this date;
3. linguistic place-names derived from the Woodland Cree and Swampy Cree which attest to the presence of the Dakota in northern Saskatchewan;
4. Ancient Dakota sacred burial sites and ancient Dakota rock paintings identified near and along the Churchill River within modern day northern Saskatchewan and northern Manitoba, which were verified by both the Woodland Cree Elders and Swampy Cree Elders; and
5. Archaeological sites mentioned by the Saskatchewan Dakota/Lakota Elders within central and southern Saskatchewan, which have been referred to as “boulder monuments” (Brace, 2005), used not only for ceremonial purposes by the Dakota, Nakota and Lakota, but also as places where the Dakota *Oyate* met regularly in centuries past to discuss issues of concern through their ancient governance structure known as the as *Oceti Sakowin*, which continues to exist as of this date.

Thus, besides the three river routes that have already been discussed to reach the Atlantic Ocean, including the river route that started at Great Slave Lake to reach the Arctic Ocean, the following are the other river routes that were mentioned, all interconnected to *Wakpa-Mini-Te* (the Big River) and Lake Winnipeg (*Bde Wakan*). First, *Okicize Wakpa*, translated as Battle River, which flows into the North Saskatchewan River close to the city of North Battleford in west-central Saskatchewan. Second, *Wakpa-Minidueza*, which

is translated as Swift Water Creek, known today as Beaver Creek that flows into the South Saskatchewan River. Beaver Creek today is located between the city of Saskatoon and Whitecap Dakota Reserve. Third, *Tanka-Wakpa*, translated as the Great River, in reference to the Qu'Appelle River that connects to the Assiniboine River.

Further, besides using the Nelson River which is connected to *Bde Wakan* (Lake Winnipeg) and *Wakpa-Mini-Te* (the Big River), it was mentioned that the Churchill River which overlaps the northern parts of the provinces of Saskatchewan and Manitoba, was also used long ago and provided two other ways to reach the Hudson Bay and the Atlantic Ocean. The first way was moving from *Wakpa-Mini-Te* (the Big River), onto *Wakpa Sa Ci'stin'na* translated as the Little Red River (today called the Spruce River) located near the city of Prince Albert, in northern Saskatchewan. The Spruce River route leads north to where the Woodland Cree community of Stanley Mission is now located on the banks of the Churchill River in northern Saskatchewan. From there one could canoe east on the Churchill River to reach the Hudson Bay and the Atlantic Ocean. The second route led from *Wakpa-Mini-Te* (the Big River), onto the Sturgeon-weir River which is located just above where today the Swampy Cree community of Cumberland House is situated in north-eastern Saskatchewan. Once on the Sturgeon-weir River moving north, one can then reach the Churchill River in northern Saskatchewan that flows east to Hudson Bay and into the Atlantic Ocean.

In addition, as for reaching Great Slave Lake in the North-West Territories that connects to the Mackenzie River that flows to Arctic Ocean in northern Canada, the following is the detailed description that was provided by one Saskatchewan Dakota Elder:

to reach Great Slave Lake, one just needed to canoe on the Churchill River moving west to reach what is now known as the Dene community of La Loche. From there, one would then need to travel by foot a short distance over land (that's the area the *Wa'si'cu* now call Methy Portage) to reach Clearwater River that connects to the Athabasca River in Alberta. From the Athabasca River, one could then canoe up to reach Lake Athabasca, which connects to what is now known as the Slave River, to reach Great Slave Lake (See, pages 170 and 171).

Furthermore, *Minishoshay*, translated as "Muddy Water," was also mentioned in reference to the Missouri River that flows through the states of Montana, North Dakota, and South Dakota.

The following are the linguistic terms or place-names as expressed in Dakota and Lakota with regard to geographical locations within Saskatchewan and Manitoba which were mentioned by the Saskatchewan Dakota/Lakota Elders to verify the presence of the Dakota *Oyate* in what is now known as western Canada from the time of pre-contact to this date. *Bde Tanke*: referring to the connecting lakes on the Qu'Appelle River in southern Saskatchewan. *Wa-wo-ta*: the town of Wawota is located near Moose Mountain in south-eastern Saskatchewan, pronounced in Dakota as *Wa-wo-ta* (Lots of Snow). *Wapella*: the town of Wapella is located near Moose Mountain in southern Saskatchewan; for which *Wapella* is spelled as *Wapkla* in *Titonwan*/Lakota, meaning creek. *Sintaluta*: another town in south-eastern Saskatchewan is also a *Titonwan*/Lakota word meaning Redtail. Wadena: the town of Wadena located in east-central Saskatchewan is spelled in Dakota as *Wa-da-na* and translated as "Is this it?" *Kola*: the town of Kola located in south-western Manitoba near the border of Saskatchewan next to the town of Maryfield, Saskatchewan is a *Titonwan*/Lakota word that means friend. In addition to Elder testimony, the research study by Touple (2003, p. 19) also mentioned the following Dakota place-names. *Shiho*: translated as "Red Jacket," which is a town in

southern Saskatchewan. *Miniota*: the town of Miniota located in Manitoba, is translated as “Lots of Water.” Furthermore, Howard (1984) recorded the following

Titonwan/Lakota place-name: *C’anowancaya* for Wood Mountain in south-western Saskatchewan (p. 23), where the Wood Mountain Lakota Nation Reserve is located.

As for Cree place-names pertaining to the Dakota in northern Saskatchewan, which were also previously mentioned by Elias (1988, p. 6) and Touple (2003, p. 18), the following were mentioned by the Saskatchewan Dakota Elders in interviews.

Pelican Narrows: *Opawikoschikunihk*, translated as “Fear Narrows,” due to an encounter between the Woodland Cree and the Dakota at this location in centuries past.

Deschambeault Lake: *Kimosom Pwatinak*, translated as “Grandfather Dakota Land,” which is the new Treaty Land Entitlement Reserve of the Woodland Cree of Peter

Ballantyne Cree Nation. Cumberland House: *Pwottah Nootintonihk*, translated as “Sioux Battle Ground,” by the Swampy Cree within this region. In addition, Elias (1988) mentioned that “the Ballantyne River ... [adjacent to Deschambeault Lake] ... is known by the Cree of that region as *Puatsipi or Dakota River*” (p. 6).

Further evidence of Dakota presence in what is now northern Saskatchewan and northern Manitoba in pre-contact times is found in the ancient Dakota sacred burial sites and ancient Dakota rock paintings that have been identified near and along the Churchill River that flows through that area. As mentioned in Dakota Elder testimony in chapter five (See, pages 171, 172, 183, and 190), as well as what was noted pertaining to summer field research conducted in 2008 (See, pages 213 and 214), Woodland Cree Elders and Swampy Cree Elders did identify those they refer to as “Pwata,” which is the term the Cree use for the Dakota/Sioux, as having been in northern Saskatchewan and northern

Manitoba for centuries, which corresponds to places where ancient Dakota sacred burial sites have been identified (See, Appendix U, pages, 326 to 329), as well as with the Dakota/Sioux having also made what Jones (1981) terms as “Aboriginal rock paintings,” including “pictographs” found on the Churchill River (p. 2). The symbolic representations on the Aboriginal rock paintings that were identified as having been made by “Pwata,” Dakota/Sioux (See, Appendix U, pages 329 to 336), include sacred prayer pipes which Jones (1981) described as “platform pipes, a type most commonly found in the Plains area” (p. 61). A platform pipe is actually known as a “ T ” pipe according to the comments of Lame Deer (1972),¹²² who noted that a “ T ” pipe “is the pipe of a father, a man who has already founded a family (p. 256). Lame Deer (1972) further explained: “A bachelors’ pipe is just shaped like an “ L ” with the extra piece at the end missing” (p. 256). This corresponds to a reproduction of a pictograph of a pipe in the book by Jones (1981, p. 44). When showed this same reproduction of a pictograph of a pipe a Woodland Cree Elder at Grandmother’s Bay near Stanley Mission, interviewed on July 17th, 2008 described this as “Pwata Ospwahgun,” translated as “Dakota pipe” (See, Appendix U, page 331). Thus, for clarity, this identification of ancient Dakota sacred burial sites and ancient Dakota rock paintings, also termed as pictographs, found on the Churchill River as being created by “Pwata,” Dakota/Sioux, provides further evidence of the Dakota having habited, as part of their hunting, fishing and gathering territory in centuries past, what is now known as northern Saskatchewan and northern Manitoba. This evidence supports and is supported by the Cree place-names pertaining to the Dakota in northern Saskatchewan.¹²³

¹²² Lame Deer, J. F., & Erdoes, R. (1972). *Lame Deer Seeker of Visions: The Life of a Sioux Medicine Man*. New York: A Touchstone Book, published by Simon & Schuster, Inc.

As for archaeological sites mentioned by the Saskatchewan Dakota/Lakota Elders within central and southern Saskatchewan, which have been referred to as “boulder monuments” (Brace, 2005), the following is noted. These were provided in Elder testimony to verify the existence of an indigenous territory of the Dakota *Oyate* within western Canada since the time of pre-contact (See, pages 181, 186, 193, 194, 197, 198, and 199). These archaeological sites were used not only for ceremonial purposes by the Dakota, Nakota and Lakota, but also as places where the Dakota *Oyate* met regularly in centuries past to discuss issues of concern through their ancient governance structure known as the as *Oceti Sakowin*, which continues to exist as of this date (See, Appendix Q). For clarity, the archaeological sites mentioned in Saskatchewan Dakota/Lakota Elder testimony fall within the geographic region of the Missouri Coteau which today is within the Saskatchewan Plain, west of the Manitoba Escarpment and east of the Alberta Plains, as this pertains to the Canadian provinces of Manitoba, Saskatchewan and Alberta (Ray, 1998, p. 7).¹²⁴

While question one did not ask the Saskatchewan Dakota/Lakota Elders the names of the Aboriginal groups with which the Dakota *Oyate* once shared the huge territory that has been described within North America, a number of these groups were referred to by their Dakota names (See, Appendix X). Further, in describing the geographical region within North America that the “Siouan language family” inhabited in centuries past (which includes the Dakota *Oyate* now known in linguistic terms as the Dakota/Sioux, Nakota/Sioux, and Lakota/Sioux), Palmer (2008) mentioned “in total land

¹²³ See page 119 of this text, map that cites the Canadian Shield encompassing the Churchill River (Ray, 1998, p. 7).

¹²⁴ See page 119 of this text, map that cites the Missouri Coteau within the province of Saskatchewan (Ray, 1998, p. 7).

mass, the Siouan language family alone encompassed the Canadian provinces of Saskatchewan, Alberta, Manitoba, and into Ontario [and] more than fifty percent of the continental United States, or twenty-four of the forty-eight states” (p. 13).¹²⁵ For clarity, Palmer (2008) cited the following states, “Missouri, Arkansas, Iowa, Illinois, Minnesota, Wisconsin, Nebraska, Kansas, North Dakota, South Dakota, Wyoming, Montana, Idaho, and Colorado [including] Virginia, North Carolina and South Carolina, Georgia, Florida, Mississippi, and Louisiana” (p. 13), which would also encompass the states of New York and Ohio (See, page 150), as well as Michigan (White, 1991, pp. 13-14), amounting to twenty-four states. The geographical region within North America that the Siouan language family inhabited in centuries past as described by Palmer (2008), closely corresponds to the Saskatchewan Dakota/Lakota Elders’ comments pertaining to the original indigenous territory of the Dakota *Oyate* before and upon initial contact with those of European ancestry.¹²⁶

In having provided a synthesis of responses to question one, the following analysis of research findings is provided. The testimony of the Saskatchewan Dakota/Lakota Elders clearly demonstrates the survival of knowledge within contemporary communities pertaining to the boundaries of the original indigenous territory occupied by the Dakota *Oyate* in centuries past. This oral history (in many cases confirmed by written historical, archaeological and linguistic sources) suggests that this original indigenous territory was significantly larger than what is commonly accepted and is supported by

¹²⁵ See, Appendix Y: The terms that have been applied with regard to the groups that have been placed within that now known as the “Siouan language family” (Palmer, 2008, p. 13).

¹²⁶ See Appendix M: Map that cites the ancient original indigenous territory within North America of the Dakota *Oyate*, as described by Saskatchewan Dakota/Lakota Elders before and upon initial contact with those of European ancestry.

detailed knowledge of the river systems, the retention of ancient names for those various waterways and the retention of names for all of the different Aboriginal nations which the Dakota *Oyate* either shared this territory with or lived contiguous to as neighbours, allies or enemies (See, Appendix X). It also confirms what Saskatchewan Dakota/Lakota representatives have consistently argued for more than a century that, because their original traditional indigenous territory included most of present day Manitoba, Saskatchewan and Alberta, their people should have been allowed to participate in the treaty negotiation process with the Canadian federal government in the 1870s.

Further, Saskatchewan Dakota/Lakota Elder testimony is also consistent in terms of explaining why the original traditional indigenous territory of the Dakota *Oyate* had shrunk so significantly and is now overlapped by the modern countries of the U.S. and Canada. The historiography that has been presented pertaining to smallpox in chapter three and four (Anderson, 1997, pp. 15- 21; Stonechild, 2003, p. 57), as well as by the Saskatchewan Dakota/Lakota Elders in chapter five and noted briefly within this chapter, clearly verifies why the population of the Dakota *Oyate* who “were one of the most populous nations on the continent” (Anderson, 1997, p. 16) was greatly depleted, resulting in the loss of control of the enormous land mass they once inhabited within North America.

To augment the above-mentioned synthesis and analysis the following summary will provide focus with regard to the responses offered by the Saskatchewan Dakota/Lakota Elders to the remaining five questions that were posed in the interviews. As mentioned in chapter four, considerable documentary evidence for the presence of the Dakota/Sioux and Lakota/Sioux within western Canada can be found for the period

before 1780, but less evidence was available for the subsequent period. As verified by previous written sources discussed in chapter four and mentioned by the Saskatchewan Dakota/Lakota Elders in chapter five, this was due to the smallpox epidemic of 1781 and 1782 that caused a massive mortality amongst the Aboriginal groups of western Canada. Thus, the Dakota/Lakota Elders' testimony offered in chapter five filled the gap in information with regard to why there is less evidence available after the smallpox epidemic of 1781 and 1782 (See, pages 152 to 154 and pages 172 to 177). For clarity, this depopulation suffered by the Dakota *Oyate* and other Aboriginal groups within western Canada, led to the dispersal of some of the Dakota *Oyate* from what is now known as northern and central Saskatchewan and northern and central Manitoba. Specifically, this dispersal corresponds to the following four of the seven original bloodlines of the Dakota *Oyate* now termed as the Dakota/Sioux: the *Wahpetonwan* (Camping Among the Leaves); *Sisitonwan* (Camping Among Swamps); *Wahpekute* (Shooters Amongst the Leaves); and *Mdewakantonwan* (Camping Amongst a Sacred Lake). Small groups of their *tiyospayes* (extended family groups) that had survived the smallpox epidemic of 1781 and 1782 were then forced to move into southern Saskatchewan and southern Manitoba, then still occupied by the small numbers of the Nakota/Assiniboine/Sioux and Lakota/Sioux that had survived the smallpox epidemic of 1781 and 1782. One group of the Dakota/Sioux also moved their hunting, fishing, and gathering territory into the Lake of the Woods region, which today lies within the Canadian provinces of Ontario and Manitoba and the U.S. state of Minnesota. This group continually returned to southern Manitoba and southern Saskatchewan, as well as the southern part of the northern U.S. state of North Dakota, in pursuit of the buffalo as their main food supply, but always

returned to what is now known as Canada (See, pages 172 to 177). The previous comments relating to the Lake of the Woods region, pertain to Chief Hupa Yakta and his *tiyospaye* who were *Wahpetonwan*, about whom Stonechild (2003), drawing from Morrison (2001, pp. 35-39; p. 53) had commented that the “ancestors of the Wahpeton people, were recorded as early the 1730s by French explorers and traders” (p. 62), in “historic sightings in and around the areas of the Lake of the Woods, Pembina River, Assiniboine River, Souris and the Red River, including ... as far North as Stanley Mission and the Churchill River” (p. 64).¹²⁷

As mentioned in chapters four and five, the regions now known as northern and central Saskatchewan and Manitoba, from which due to the smallpox epidemic of 1781 and 1782 the Dakota/Sioux had dispersed, came be occupied by other Aboriginal groups who had moved from the northeast. These groups also in time moved into the southern regions of what is now Saskatchewan and Manitoba which were inhabited at the time by the various small groups of the *tiyospayes* (extended family groups) of the Dakota *Oyate* that had survived the smallpox epidemic of 1781 and 1782. These Aboriginal groups that came from the northeast were the Cree, who were followed by the Saulteaux from the east and then the Metis who later moved into Saskatchewan. Consequently, by the time the Numbered Treaties in western Canada were being negotiated by the Canadian federal government in the 1870s the Dakota *Oyate* which had inhabited western Canada since the time of pre-contact, but who constituted only a small percentage of the population residing in that area at the time, were all initially excluded

¹²⁷ See, Appendix O. Map that shows the hunting, fishing, and gathering territory that was shared by the Dakota *Oyate* with other Aboriginal groups in western Canada prior to the smallpox epidemic of 1781 and 1782 that “devastated the North-West’s indigenous people who lacked immunity to it” (Marchildon & Robinson, 2002, p. 396).

from the Numbered Treaties (specifically Treaties One through Six).

Synthesis and Analysis of Research Findings pertaining to Question Two

What is your understanding of the traditional concept of Treaty held by Dakota/Lakota people? In other words, what did they do to maintain peace with other tribal groups?

Saskatchewan Dakota/Lakota Elder testimony, again, as was the case in question one, provided a wealth of information on this topic, which is clear evidence of the survival of detailed knowledge pertaining to traditional diplomatic practices and patterns within contemporary Saskatchewan Dakota/Lakota First Nation communities. As for a traditional concept of Treaty held by Dakota/Lakota people, it was mentioned by many of the Saskatchewan Dakota/Lakota Elders that when other groups such as the Woodland Cree and the Swampy Cree (many of whom in time became known as the Willow Cree and Plains Cree), the Saulteaux, the Metis and the *Wa'si'cu* fur traders, did move into the territory of the Dakota *Oyate* within western Canada in centuries past, the Dakota *Oyate* at first waged war against these groups. But, in time, the Dakota *Oyate* did make peace with these groups, mainly through intermarriage, and shared the same hunting territory with them. Many Saskatchewan Dakota/Lakota Elders mentioned that intermarriage is linked to one of the seven sacred ceremonies of the Dakota *Oyate* specifically as this pertains to the making of a relative through intermarriage, which was conducted as a peace ceremony with other groups in centuries past to allow for a peaceful relationship to be maintained through kinship when conducting trade. It is now used as an adoption ceremony in contemporary times. In support of the previous comments, one Saskatchewan Dakota Elder did state:

As for why our older Dakota relatives in time made peace and intermarried with the Cree, including the Saulteaux, the Metis, and also with the *Wa'si'cu* fur traders? It is because one of the most sacred ceremonies of our Dakota *Oyate* is

the making of a relative, which was used as a peace ceremony long ago in order to conduct trade with other groups. Today its used as an adoption ceremony. This long ago for our Dakota *Oyate* was the traditional concept of treaty, meaning the making of a relative and the sharing of what *Ina-Maka* (Mother-Earth) had and still has to offer to our Dakota *Oyate* (See, page 159).

However, it was also mentioned frequently in interviews that the concept of maintaining peace through intermarriage with other groups was actually derived from *Wakantanka* (the Creator) and was connected to all the seven sacred ceremonies of the Dakota *Oyate*. In short, one could not exist without the other. To explain how *Wakantanka* and the seven sacred ceremonies of the Dakota *Oyate* are all interconnected, it was mentioned that one had to understand the underpinnings of the word “Dakota” which was pronounced as *Da'ko'ta* in centuries past. This meant one had to live in harmony and be a friend to all that was created within this universe by *Wakantanka*. Thus, it was mentioned that everything created by *Wakantanka* has a spirit of its own and must be respected, for all are part of *Wakantanka* (the Creator). Specifically, it was explained that the word *Da'ko'ta* actually means to “to be a friend to all that *Wakantanka* has created” and is interconnected with the word, *Mitakuye Oyasin* (we are all related). The previous comments are derived from the Saskatchewan Dakota Elder who went on to state:

For all we know of within this universe has been created by *Wakantanka* and we were to stay in balance with all. Now for us, the Dakota *Oyate*, those of us now known as the Dakota, Nakota, and Lakota, who still follow our traditional ways continue to keep this balance with the use of tobacco, which we put in our *Ca'un'pa* (pipe) when participating in our seven sacred ceremonies. For the tobacco that we use in our *Ca'un'pa* is very sacred to us, for it represents all that *Wakantanka* has created within the six directions that we know of, the sky, *Ina-Maka* (Mother-Earth), including all living beings as represented from the west, north, east, and south. When one thinks about it, this was actually the very first traditional concept of treaty that our Dakota *Oyate* had and continues to have with all that *Wakantanka* has created. Meaning to stay in balance with all that *Wakantanka* has created with the use of tobacco in our *Ca'un'pa*, when participating in our seven sacred ceremonies (See, pages 161 and 162).

This Dakota Elder also went on to mention:

Now, as for a traditional concept of treaty so as to maintain peace with other tribal groups and the *Wa'si'cu* when he arrived, our older Dakota people said because of the terms *Da'ko'ta* and *Mitakuye Oyasin*, this was conducted through one of our seven sacred ceremonies, the making of a relative. It's true, beside different Dakota, Nakota, and Lakota intermarrying with each other, it was through marrying with other groups like the Cree and Saulteaux that our Dakota *Oyate*, those of us now known as Dakota, Nakota, and Lakota were able to get along and trade with these groups long ago.

We traded medicines and different types of food with each other, buffalo meat for deer meat, wild turnip for cranberries, maple sugar for hazelnuts, and so forth. We also got along with the Blackfoot Confederacy. The Dakota *Oyate* and the Blackfoot would meet together a long time ago in the Cypress Hills to trade (See, page 162).

To elaborate on this another Saskatchewan Dakota Elder described in detail the seven sacred ceremonies of the Dakota *Oyate*, which offered and continue to offer the spiritual and emotional balance to life, for those now known as the Dakota, Nakota, and Lakota.

This was summarized as follows:

1. Originally referred to as the keeping of the soul for a period of one year and its release (as this pertains to a deceased relative), which in contemporary times is now conducted as the "wiping of the tears" ceremony in the U.S.A., for the benefit of the relatives of the deceased. It is preformed as a "memorial feast" in Canada;
2. The participation within the sweat-lodge ceremony;
3. The participation within the vision-quest ceremony;
4. The participation within the sun-dance ceremony;
5. The making of a relative, originally a peace ceremony, now an adoption ceremony;
6. Preparing a young girl for womanhood, now known as the young womanhood ceremony; and
7. The sacred ball-throwing ceremony, in reference to the passing on of knowledge, which in contemporary times becomes the responsibility of the parents to ensure their children attain a good education.

This Dakota Elder went on to state:

Staying in balance with *Wakantanka*, the Creator, as well as his creation, the sun, moon, stars, wind, water, fire, *Ina-Maka* (Mother-Earth) and what she grows, as well as with the animals, the flyers, the crawlers, the swimmers, the two legged, the four legged, including each other as human beings. When one thinks about it, staying in balance is the traditional concept of treaty that our Dakota *Oyate* had and still has today, for it is held together by our sacred prayer pipe and our seven sacred ceremonies (See, page 164 and 165).

In having provided a synthesis to question two, the following analysis of research findings is provided. The traditional concept of Treaty held by Dakota/Lakota people in centuries past (and which continues to exist) is linked to the sacred prayer pipe and the seven sacred ceremonies of the Dakota *Oyate*, in order to maintain balance with *Wakantanka* (the Creator) and all of his creation, including that known as the human being. This corresponds to the concept that has been termed as a world view within Western academia as defined by Samovar, Porter, and Jain (1981):

The world view concept is a complex set of interrelated beliefs, values, and attitudes concerning the nature of the universe, the relationship between human beings and nature, and other philosophical issues or orientations regarding the cosmos (p. 67).

Thus, the traditional concept of Treaty held by Dakota/Lakota people in centuries past, which continues to exist with the use of the sacred prayer pipe and the seven sacred ceremonies of the Dakota *Oyate*, is connected to the world view of the Dakota *Oyate*, now known in linguistic terms as the Dakota, Nakota, and Lakota. The idea of Treaty stems from the spiritual imperative to live in harmony with all creation, and was actualized typically through the process of intermarriage with other groups, which was seen as a means of adoption or of making relatives out of people who were not related by blood, in order to live in peace.

Synthesis and Analysis of Research Findings pertaining to Question Three

In your opinion, with the Nakota having signed Adhesion to the Numbered Treaties within western Canada, why did the Dakota and Lakota not sign Adhesion to Treaty within western Canada? In other words, why were the Nakota allowed to sign Adhesion to Treaty, but not the Dakota and Lakota?

Unlike the responses to the first two questions, there was significant variation in how the Saskatchewan Dakota/Lakota Elders responded to this question. A sample of the contrasting views as offered by a number of the Saskatchewan Dakota/Lakota Elders that were interviewed is presented first, noted as follows: “I don’t know why they didn’t let us sign, but this has always been our land” (See, page 167); “It was probably ... they didn’t know the Dakota and Lakota were the same as the Nakota. We all speak the same language, but with a different sound with some words” (See, page 167); “Our leaders wanted something more, so they did not want to agree to a treaty at that time. I heard one of our Elders found what appeared to be oil on our land, but told others not to tell, because they might lose the land” (See, page 167); “The Dakota didn’t want to sign because they didn’t want to give up the land and resources, like the forest, water, as well as the coal, potash, oil and gas in the ground” (See, page 182); “I don’t understand why the Dakota and Lakota were not allowed to sign the Numbered Treaties, like the Nakota. We were always here We shared this land with the other groups like the Cree and Saulteaux, including the Blackfoot (See, page 182); “Our older Dakota people of Standing Buffalo said, it was because some Dakota people had a fight with the U.S. Army in Minnesota back in 1862 and some Lakota people in also having a fight with the U.S. Army in Montana back in 1876” (See, page 187); “Perhaps the Canadian government felt the Lakota were American Indians” (See, page 195). “Our older people of Wood Mountain said, the Canadian government did not want to sign treaty with the

Dakota and Lakota because of the fights ... with the U.S. Army in Minnesota back in 1862, then in 1876 in Montana (See, pages 196).

In turn, the following is the detailed response of one Saskatchewan Dakota Elder, which corroborates those Dakota/Lakota Elders whose detailed responses were cited in chapter five with regard to the fact that the Dakota *Oyate* inhabited western Canada since the time of pre-contact:

It's true there were some Dakota that had crossed into Canada after the Dakota – U.S. War in 1862 that happen in Minnesota. And yes, there were some Lakota after the Battle of the Little Bighorn in 1876 that happened in Montana, who also crossed into Canada. However, our older Dakota, Nakota, and Lakota relatives said, there were always Dakota and Lakota, as well as Nakota here in Canada before the battles that happened in the United States. Because of the buffalo, our hunting, fishing and gathering territory at the time included both Canada and the United States. Now, this was the same for the Cree, Saulteaux, and the Blackfoot, they also had followed the buffalo into the States and back into Canada, and they were allowed to sign Treaty with Canada.

What the Canadian government has not accepted is that most of the Dakota and Lakota that did cross into Canada after 1862 and 1876 did in time return to the United States. Further, our Dakota and Lakota relatives within Canada do not disagree that most of those now known as Nakota (Assiniboine and Stoney) were not involved with the battles of 1862 and 1876 in the United States. This, I think is why the Canadian government had allowed them to sign Adhesion to Treaty.

However, since there were Dakota and Lakota already in Canada before the battles that happened in the United States, why now continue to exclude the remaining Dakota and Lakota within Canada? I am pretty sure that the United States would not be too upset as of this date, if the Canadian government did sign a treaty agreement with the Dakota and Lakota within Canada. After all, the Dakota, Nakota, and Lakota are one people, one nation, the Dakota *Oyate* (See, pages 167 and 168).

To provide further clarity and due respect to the Elder's quote cited above, it is necessary to restate information previously provided for question three and inserted into question one of this chapter. While it was acknowledged that the smallpox epidemic of 1781 and 1782 had almost totally decimated the Dakota *Oyate* in western Canada, as was discussed in detail in Elder testimony, the small number of survivors, now referred to by

the linguistic term as Dakota (the *Wahpetonwan*, *Sisitonwan*, *Wahpekute*, and *Mdewakantonwan*), with their *tiyospayes* (extended family groups), were forced to move their main hunting, fishing and gathering territory from what is present day northern and central Saskatchewan and Manitoba, into areas of modern day southern Saskatchewan and southern Manitoba, including the Lake of the Woods region which currently encapsulates parts of the provinces of Manitoba and Ontario, as well as the state of Minnesota. The survivors then followed the migration pattern of the buffalo as their main source of food into the U.S.A. and then followed the herds back to Canada. A similar pattern was followed by the Nakota (*Ihanktonwan* / Assiniboine) who now reside in southern Saskatchewan and in central-western Saskatchewan (North Battleford region). Furthermore, a this similar pattern was also followed by the Lakota (*Titonwan*) who now reside at Wood Mountain located in south-western Saskatchewan, Canada. Those that became known as the Plains Cree, the Saulteaux, the Blackfoot Confederacy, and the Metis, also employed similar migration patterns in following the buffalo into the U.S.A. and then returning back to Canada.

Thus, even with the devastating loss in population due to the smallpox epidemics of 1781 and 1782 suffered by the Dakota, Nakota and Lakota, the belief in the seven sacred ceremonies of the Dakota *Oyate* continues to be maintained. In particular, the sacred ceremony of the Dakota *Oyate* pertaining to “intermarriage” with other groups that allowed for peace, friendship, and trade based on kinship continue to be maintained, as was the knowledge of the vast original indigenous territory occupied by the Dakota *Oyate* in western Canada since the time of pre-contact. Specifically, it was mentioned that treaties had been made with the Cree, the Saulteaux, the Blackfoot Confederacy, as

well as the French, and that Pre-Confederation Treaties relating to Peace, Friendship, and Trade, all based on intermarriage, had also been negotiated with the British, for the purpose of sharing that vast territory. It is now also noted that the geographical, linguistic, and archaeological sources, as well as the ancient Dakota rock paintings (which were verified by the Woodland Cree Elders and Swampy Cree Elders), including the ancient names of various river routes cross-referenced with the Nakota (Assiniboine in Saskatchewan and Stoney in Alberta), as originally mentioned by the Saskatchewan Dakota/Lakota Elders under the topic pertaining to question three and moved to question one of this chapter text, was done so, not in any disrespect to the Saskatchewan Dakota/Lakota Elders that had been interviewed, but because the information shared directly addressed the original indigenous territory occupied by the Dakota *Oyate* in centuries past, which pertained to question one.

The geographical, linguistic, and archaeological sources, as well as the ancient Dakota rock paintings, the ancient names of various river routes cross-referenced with the Nakota (drawn from question three and inserted into question one of this chapter text) were provided by the Saskatchewan Dakota/Lakota Elders interviewed to verify the existence of an original indigenous territory within western Canada occupied by the Dakota *Oyate* since the time of pre-contact. In having moved this information from question three into question one of this chapter, I ask for the understanding and forgiveness of the Saskatchewan Dakota/Lakota Elders who were interviewed, and thank them for having taken the time to describe in detail the geographical, linguistic, archaeological and pictographic evidence.

In having provided a synthesis of responses to question three, the following

analysis of research findings is noted. It is clear from the responses of the Saskatchewan Dakota/Lakota Elders to this question that a number of different possible explanations for the refusal of the Canadian federal government to sign treaty with the Dakota and Lakota have been preserved within the oral history of the Dakota/Lakota First Nation communities within Saskatchewan. One explanation included the possibility that the Dakota and Lakota were excluded because the Canadian federal government believed them to be “American Indians” whose traditional territory was south of the 49th parallel. Another possible explanation preserved in the oral history of the Dakota/Lakota First Nation communities within Saskatchewan is that the Canadian federal government refused to sign treaty with those Dakota/Lakota who were believed to have been involved in warfare with U.S. forces, either in 1862 or in 1876, to avoid a possible conflict arising from offence to the American authorities. Others suggested that it was the Dakota/Lakota themselves who refused to participate in the treaty process because they were unwilling to give up the valuable resources contained within their original indigenous territory.

Regardless of the explanation provided, all of the Elders interviewed insisted that the Dakota/Lakota should have been included in the treaty process because of their historic occupation of the territory covered by the Numbered Treaties and because of their long-standing relationship with the British Crown as attested to by the seven Peace, Friendship, and Trade Pre-Confederation Treaties agreed to between representatives of the British Crown and the Dakota Nation from 1763 to 1817 (See, Appendix F). These were symbolized by the presence of King George III Medals among the Saskatchewan Dakota/Lakota First Nations, either currently held for safekeeping at various institutions within Saskatchewan or cited within archival documents, as was discussed in chapter

four. Further proof of this right was preserved in the story of how the other Aboriginal groups (Cree and Saulteaux) who signed Treaty Four, specifically as this pertains to when the Dakota representatives had arrived at Fort Qu'Appelle to request inclusion in the treaty, "the Cree and Saulteaux had all stayed in their *tipis* while the Canadian government officials met with the Dakota" (See, p. 194). It was noted that both the Cree and Saulteaux delegates remained in their *tipis* for the duration of these fruitless negotiations, not because they were fearful of the Dakota but rather because they were embarrassed at ceding territory to the federal government of Canada that was not exclusively theirs to surrender (See, pages 194 and 195). Thus, for clarity, once again restated, as was mentioned in chapter four, as well as in Elder testimony in chapter five, due to the smallpox epidemic of 1781 and 1782 that caused a massive mortality amongst the Aboriginal groups of western Canada, the Cree and Saulteaux that had signed Treaty Four in 1874 had come to occupy this territory relatively recently and only through the generosity of the Dakota *Oyate* through a treaty process based on intermarriage, one of the seven sacred ceremonies of the Dakota *Oyate*. In turn, for which Treaty Four signed by the Cree and Saulteaux as original signatories in 1874 encompasses part of the Missouri Coteau, which today is within the Saskatchewan Plain (Ray, 1998, p. 7), having previously been identified by La Verendrye in the 1730s as "Sioux Country" (Burpee, (Ed.). (1927), *Journals and Letters of La Verendrye*, pp. 483-488; as cited in Morrison, 2001, pp. 33-34).

Synthesis and Analysis of Research Findings pertaining to Question Four

How would the Dakota/Lakota in either signing Adhesion to the existing Numbered Treaties, or in adhering to an alternate treaty protocol agreement negotiated with the federal government of Canada, protect or enhance Dakota and Lakota sovereignty? In

other words, if the Dakota and Lakota were to sign Adhesion to Treaty, or a New Treaty Agreement, how would this protect and increase their autonomy?

As for this question, the following was expressed by the Saskatchewan Dakota/Lakota Elders that were interviewed. The identity of the Dakota, Nakota and Lakota, as one of the Aboriginal peoples of Canada would be protected within Section 35 of the Canadian Constitution, as this pertains to the language and the seven sacred ceremonies of the Dakota *Oyate*. The sacred ceremonial sites now called Medicine Wheels, as well as Human Effigies and Animal Effigies would be protected, for these represent the spiritual way of life of the Dakota, Nakota, and Lakota people that are connected to the values of love, respect, and the sharing of the knowledge of the Dakota *Oyate*. As one Saskatchewan Dakota Elder mentioned, “the spokes of what are now called medicine wheels actually point to a certain star constellation in the sky and served as a calendar for our Dakota *Oyate*” (See, page 181). The Dakota and Lakota would finally be treated fairly by the Canadian federal government on behalf of the British Crown, specifically, as this pertains to the sharing of what *Ina-Maka* (Mother-Earth) had and continues to offer the Dakota and Lakota and the Canadian public in general. The Dakota and Lakota would have a say in the management and receive a share of the resources being taken from the ground, such as water, potash, oil, and gas. Other resources were also mentioned but these will be discussed in more detail in the analysis of responses to questions five and six.

Elders also requested that the Dakota and Lakota hunting, fishing, and traditional gathering areas for medicines would be protected, and that both groups would also receive an increase in reserve lands that should be protected within Section 35 of the Canadian Constitution for the benefit of the youth. In addition, Elders requested an

increase in funding and meaningful control and management of various programs such as education, health, social development, justice and economic development.

Elders were also unanimous that the traditional governance system of the Dakota *Oyate* should be restored to contemporary communities. This system, as was explained to me (Leo J. Omani) by my late mother *Mahpeya Ku Win'yan* (Edith Omani), was based on consensus, which began within one's *Ti'wa'he* (immediate family). It then encompassed one's *tiyospaye* (extended family) as this pertains to each of the seven original bloodlines of the Dakota *Oyate*. It finally extended to the *Oceti Sakowin*, the confederacy/governance structure of the Dakota *Oyate*, which also has been referred to the seven council fires. Regarding these councils, one Saskatchewan Dakota Elder provided the following explanation:

These meetings were held not only for ceremonial reasons, such sundances and vision requests, but also to discuss things of common concern for all of us, such as where certain *tiyospayes* (extended family groups) had traded with other groups such as the Cree, Saulteaux, and the *Wa'si'cu*. They discussed which *tiyospayes* of our Dakota *Oyate* were getting along with these groups or not and for what reason, as well as the disputes certain *tiyospayes* of our own Dakota *Oyate* were having with each other, and how to resolve these disputes. Yeah, we also had our own internal disputes from time to time and still do. We are only human (See, pages 162 and 163).

Elders mentioned many possible benefits from having these matters addressed, including, as one Elder stated: "This, I believe would reduce the suicides being committed by our younger relatives due to the lack of employment and the abuse of alcohol and drugs" (See, page 201).

In having provided a synthesis to question four, the following analysis of research findings is provided. The views expressed by the Saskatchewan Dakota and Lakota Elders interviewed collectively correspond to what is often described as "self-

determination,” primarily for the betterment of the youth who are members of Wahpeton Dakota Nation, Whitecap Dakota Nation, Standing Buffalo Dakota Nation, and Wood Mountain Lakota Nation. Porter (2005), whose Aboriginal ancestry is *Senca*, reflects the thinking of the Saskatchewan Dakota/Lakota Elders in describing self-determination as “the right of all peoples to freely determine their political status and freely pursue their economic, social, and cultural development” (p. 108). As to the consultation process based on consensus contained within the ancient confederacy/governance structure of the Dakota *Oyate* known as *Oceti Sakowin*, the following four key elements of a contemporary consensus governance system have been put forth by *Thohahoken* (Michael G. Doxtater) (2005), whose Aboriginal ancestry is Mohawk (p. 17):

1. Judiciary: Longstanding members of the organization care for the collective memory of the organization [t]his collective memory helps others involved in governing the organization.
2. Executive: Members of organizations who are identified for specific gifts and talents are nominated and mandated to use those gifts for the benefit of the organization.
3. Representative: Organizations work on social, political, economic, spiritual, or cultural issues that have been deemed important by stakeholders in those issues.
4. Quality Assurance: In democratic systems, all members may participate in the performance assessment of the organization [w]e achieve consensus when we agree how to do our important work better – something called quality assurance.

From the perspective of the Saskatchewan Dakota/Lakota Elders interviewed then, the main benefits of securing a new agreement with the federal government of Canada would be to enhance the capacity of the Dakota/Lakota First Nations of Saskatchewan to promote their self-determination and to restore their ancient governance system based on consensus.

Synthesis and Analysis of Research Findings pertaining to Question Five

What is your opinion on whether the Dakota and Lakota have a right to either adhere to the existing Numbered Treaties, or adhere to an alternate treaty protocol agreement negotiated with the federal government of Canada? Why? In other words, what do you think, should the Dakota and Lakota sign Adhesion to Treaty, or a New Treaty Agreement? Why?

Due to the contrasting views offered by the Saskatchewan Dakota/Lakota Elders interviewed, a summary for each of the four Dakota/Lakota First Nations that agreed to participate in this study will be provided. For the Wahpeton Dakota Nation, all four Elders expressed the opinion that a new treaty agreement should be adhered to and they suggested that the following should be taken into consideration. “This has always been our land and we should get a share of the resources for generations to come” (See, page 204). “There should be a clause in that new treaty agreement reaffirming the 1812 Treaty agreement with the British which was based on peace, friendship and trade” (See, page 204). “This way we would understand it” (See, page 204). “Because of the misunderstandings we continue to hear about the Numbered Treaties, the Dakota and Lakota within Canada should adhere to a new treaty agreement with the Canadian government for the use of the land” (See, page 204).

On the Whitecap Dakota Nation, there was more diversity among the opinions expressed. One Elder stated, “its time now to get a treaty. It should be a new treaty, so we can have a say about the oil, potash, water and the other resources being taken from the ground” (See, page 205). The other three Elders expressed the view that since the Dakota and Lakota get everything that is included in the Numbered Treaties except the five dollars a year per person and an equal amount of land base, it would be good to sign adhesion to gain the items mentioned. However, they suggested that if the Canadian

federal government does not want to sign admission, then the Dakota and Lakota should negotiate a new treaty agreement, with one of these Elders commenting, “But, I think we might be better off signing a new treaty agreement with the Canadian government. This way we have also a say about the resources being taken out of the ground” (See, page 205).

With respect to the Standing Buffalo Dakota Nation, two Elders suggested that since they currently receive all that is promised in the Numbered Treaties, except the five dollars and an equal amount of land, it would be good to sign admission. But, if the Canadian federal government does not agree to admission, then the Dakota and Lakota should negotiate a new treaty agreement with the Canadian federal government. Another Elder mentioned, “We should look at a new treaty agreement. We see what’s been taken away from the other treaties, like oil and potash” (See, page 206). The fourth Elder explained his preference for a new treaty in the following terms:

It seems that the Numbered Treaties are always in dispute between the Canadian government and the First Nations that signed these Treaties (meaning as to who said what, as well as what the clauses within those treaties actually mean).

Maybe we, the Dakota and Lakota, are now better off in not having signed that called admission to treaty, for we still get everything a Treaty Indian gets, except the five dollars and an equal amount of land that the Nakota and other Indians who had agreed to Numbered Treaties have gotten. Because of what I have just mentioned, I think our Dakota and Lakota should negotiate with the Canadian government for a new treaty agreement, so we can have a say as to what actually goes into those treaty clauses. But the new treaty agreement should also include the understanding of the original treaties based on Peace, Friendship, and Trade that were agreed to with the British Crown, that we should not give up (See, page 206).

As for Wood Mountain Lakota Nation, one Elder stated, “It would be better to agree to a new treaty agreement, so that we could get a share of everything from under the ground, on the ground, and in the air” (See, page 206). The second Elder mentioned,

“We should have the right to adhere to the Numbered Treaties, but I think we should adhere to an alternate treaty protocol agreement, so we could have a share of the mineral rights and water rights, and also rights to the air” (See, page 207). The third Elder commented, “Yes, we should now sign Adhesion to Treaty. If this is not possible then a New Treaty Agreement, for the benefit of the younger generation” (See, page 207). A detailed response was provided by the fourth Elder, noted as follows:

Now I have listened to the other groups that signed the Numbered Treaties. It is clear that they have a different understanding than the Canadian government of what those Treaties mean. The other groups that signed the Numbered Treaties have said, they did not sign anything away below six inches of *Ina-Maka* (Mother-Earth), but the Canadian government has a different interpretation, so they seem to be always arguing with each other. Because of this, I think the Dakota and Lakota should negotiate a new treaty with the Canadian government. This way, we can have an input as to what goes into the new treaty, like those in B.C. and in other areas of Canada that did not sign the Numbered Treaties (See, page 207).

An analysis of research findings with respect to question five points to the existence of a variety of different opinions among Saskatchewan Dakota/Lakota Elders. A number of Dakota and Lakota Elders mentioned that since virtually everything that is promised in the Numbered Treaties is now being received, with the exception of the annuity payments and an equal amount of land, it would make sense to secure Adhesion to the Numbered Treaties. However, the dominant view put forth in Elder testimony was that the Saskatchewan Dakota/Lakota First Nations should adhere to a new treaty agreement with the Canadian federal government, based on a number of stipulations. The first of these stipulations was that the new treaty agreement should be based on a similar understanding to that contained in the historic treaties based on Peace, Friendship, and Trade that were agreed to with the British Crown from 1763 to 1817 (See, Appendix F). Secondly, there was general agreement that the new treaty agreement should ensure that

the Dakota/Lakota people would be guaranteed a share of revenues from all the resources from under the ground, on the ground and in the air within their original indigenous territory.

Synthesis and Analysis of Research Findings pertaining to Question Six

What would you envision within the concept of Treaty between the Dakota/Lakota people and the federal government of Canada in right of the British Crown? In other words, what do you think should be included, if the Dakota and Lakota were to sign a Treaty with the Canadian federal government in right of the British Crown?

The dominant views put forth by the Saskatchewan Dakota/Lakota Elders with regard to question five were reasserted and clarified in responses to question six, specifically as to what should be included a new treaty agreement between the Canadian federal government and the Saskatchewan Dakota/Lakota First Nations. All the Saskatchewan Dakota/Lakota Elders interviewed expressed the belief that a new treaty should include all the provisions of the Numbered Treaties, specifically a similar land quantum formula and related treaty benefits that the other First Nations who agreed to the Numbered Treaties had received. This included annuities of five dollars a year, the recognition of hunting, fishing, and gathering rights, as well as benefits pertaining to education, health care, social development, justice, and economic development. It was also made clear by Elders that the Saskatchewan Dakota/Lakota First Nations should be entitled to a share of the royalties earned from renewable and non-renewable resources. With respect to renewable resources, the following were mentioned: wind, corresponding to air; water; the forest in reference to timber; and that gained from farming such as wheat and livestock. With respect to non-renewable resources, the following were mentioned: oil, natural gas, coal, potash, uranium, and diamonds. Further, one Elder did mention that “the wording for the land base should address a continuing increase in the

land as the population of our younger generations grow” (See, page 208). Also reasserted to be included in the new treaty agreement was the importance of the Pre-Confederation Treaties based on Peace, Friendship, and Trade agreed to between the British Crown and the Dakota *Oyate* from 1763 to 1817 (See, Appendix F). In addition, it was strongly suggested that the new treaty agreement should include a Self-Government Act which would provide for the restoration and implementation of the ancient confederacy / governance structure of the Dakota *Oyate* known as *Oceti Sakowin*.

As for the reasons provided by the Saskatchewan Dakota/Lakota Elders for the important items they felt should be included in the new treaty agreement, the following is noted. With respect to the desire to secure a share of the royalties that is now collected from renewable and non-renewable resources, Elders stated that these revenues were necessary to achieve meaningful self-government and self-determination through the establishment of a viable economic base that would provide jobs and a livelihood for the Dakota/Lakota population. Elders’ reasons for requesting an increase in the land base as populations increased are self-evident since the dominant myth of centuries past that the Indian people of North America constituted a “Vanishing Race” which was destined to die out, no longer exists.¹²⁸ The reasons why Elders wished to include the British Pre-Confederation Treaties based on Peace, Friendship, and Trade in the new treaty

¹²⁸ Elias (1988) cited the comments of Indian Agent Miller in 1916 to the effect that the Dakota at Wahpeton Indian Reserve #94 – B (formally known as the Little Red River Reserve), were “gradually dying off, and it will only be a few years until the remaining ones could be moved back (to the other reserve), and the land disposed of” (p. 218). The other reserve referred to was Wahpeton Indian Reserve #94 – A (formally known as Round Plain Reserve), amounting to only five and half sections of land. Both reserves still exist as do the Dakota people of Wahpeton. Spanish flu, tuberculosis, and smallpox did reduce the Dakota population of Wahpeton in 1917 and 1918 from over 300 to less the 30. But the size of the Dakota population of Wahpeton has since increased significantly and the community now has a population of over 400. The reserve land provided by the Canadian federal government then, which amounts in total to five and three-quarter sections of land, was not enough to support the Dakota people of Wahpeton. It is even more inadequate today, given that farmers now require at least five sections of land to earn a good livelihood.

agreement, as well as the acknowledgement of the ancient confederacy/governance structure of the Dakota *Oyate* known as *Oceti Sakowin*, was best expressed by an Elder in the following statement:

The Dakota and Lakota could then take advantage of the Jay Treaty of 1794 that was agreed to between the British Crown and the United States. For we the Dakota *Oyate*, through our own government structure known as the *Oceti Sakowin*, can then import and export different products through our different businesses that we do have and will have, by creating an expanded trade relationship with our Dakota, Nakota, and Lakota people and other Native groups in the United States. This would really assist our Dakota and Lakota in creating more employment for our youth within our home communities and in the urban centers where many of our people now live (See, page 211).

Epilogue

Chapter one of this study provided an introduction to the topic posed, “Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada.” Chapter two offered a detailed review of the literature pertaining to the theoretical and methodological considerations to be addressed, particularly that termed as the traditional “Rankean approach” to the writing of history, academic discussions pertaining to “Oral History” and “Oral Tradition” within Western academia, “Dakota Oral Tradition,” and the merits of “Outsider vs. Insider Research.” Chapter three provided a review of the written sources pertaining to the history of the treaty negotiation processes that occurred both in the United States and Canada. Chapter four reviewed the written documentation pertaining to the Dakota/Lakota Treaty negotiation process within Canada. Chapter five addressed the data collection process and the methodology known as “Community-Based Participatory Research.” Following St. Denis (1992) it was asserted that “Community-Based Participatory Research is a process that provides the means through which research can be conducted for Native people” (p. 69). Then an

overview of the data collected from interviews with the Dakota/Lakota Elders of Saskatchewan was presented. In Chapter six, the theoretical understanding and standards that were adhered to in providing a synthesis and analysis of research findings was discussed. The study adhered to those offered for “Dakota Oral Tradition” (Wilson, 2005, p. 27; p. 42). Further, the insights as offered by King (1983, p. 2) and Berg (2007, p. 179) as to the appropriate approach and responsibilities involved in ethnographic study were discussed and adhered to. The analysis of research findings provided a comparison between what has been written about the Dakota *Oyate* through Western academic research and scholarship and the ethnohistorical and linguistic knowledge as put forth by the Saskatchewan Dakota/Lakota Elders (Berg, 2007, p. 267).

The implications of the research for the treaty negotiation process of the Dakota/Lakota people within Canada

The information that was shared by Saskatchewan Dakota/Lakota Elders in interviews represents a repository of collective memories and knowledge which has been preserved in the Dakota/Lakota First Nation communities of Saskatchewan and beyond for many, many generations. These memories include the knowledge of vast territories, continental geographies and water routes and ancient gathering places, the recollection of countless allies and enemies both old and new, and adherence to a traditional governing system based on consensus (in many cases confirmed by written historical, archaeological and linguistic sources). In recounting these details the Saskatchewan Dakota/Lakota Elders constantly stressed that the great continuity for the Dakota *Oyate* through all the changes was their faith in *Wakantanka* (the Creator) and the seven sacred ceremonies that had been bestowed upon the seven original bloodlines of the Dakota *Oyate* (now known in linguistic terms as Dakota, Nakota, and Lakota) for their survival and wellbeing.

This belief of the Dakota *Oyate* in their faith in *Wakantanka* (the Creator) and their seven sacred ceremonies is reflected within the comments of the late Nakota Elder statesman Chief John Snow: “[w]e are survivors, and we will always survive, given any circumstances, because we have faith in the Creator. We are confident that the Creator will guide us into the future” (p. 43). This corresponds to the cultural world view and knowledge of the Dakota *Oyate* as derived “by means of virtue and intuition” (Omani, 1992, p. 137). Because of the importance to the wellbeing of their communities, especially the younger generations in those communities, as was expressed through Elder testimony, it is the sincere hope of the Saskatchewan Dakota/Lakota Elders that the future will include either a long-awaited Adhesion to the Numbered Treaties or the negotiation of a New Treaty Agreement with the federal government of Canada. As one Elder stated:

Now, when one thinks about what I have just said, perhaps the representatives of the Canadian government, who are actually the children of the British Crown, will now sit down with the children of the Dakota and Lakota that had received the King George III Treaty medals as allies of the British Crown, so as to come to terms with regard to Treaty for the use of the land. Then all who are called now Canadian can say justice has been gained for the Dakota and Lakota within Canada (See, page 195).

Touple (2003), in reference to the King George III Treaty medals that symbolize the Pre-Confederation Peace, Friendship, and Trade Treaties agreed to between the British Crown and the Dakota *Oyate* from 1763 to 1817, cited a Dakota Elder stating:

the British promised that they would provide for the Dakota people when they are in need or if there is starvation or during hard times I still feel that these promises still exist because these promises were made with the *Canunpa* (sacred pipe). These promises will last forever because the *Canunpa* seals it. The Dakota think highly of these peace treaties as they were conducted in a sacred manner (p. 13).

The findings of the study as placed within the context of the Native-White treaty relationship currently evolving and being negotiated within the province of Saskatchewan

Rather than relying exclusively on previous written sources, scholars of European and Aboriginal ancestry would greatly benefit from consulting and assisting Saskatchewan First Nations in conducting ethnographic or ethnohistorical studies to promote a better understanding of the multiplicity of treaty relationships that have existed on this land. These treaty relationships evolved first amongst various Aboriginal groups in the millennia before contact and confirm the existence both of complex diplomatic practices and clear conceptions of tribal territoriality among Aboriginal peoples pre-dating contact with Europeans. The French and the British Crowns were incorporated into these Aboriginal diplomatic constructs after contact and then the Numbered Treaties were signed in western Canada by the Canadian federal government with various First Nations. However other First Nations, such as the Dakota and Lakota, were excluded. This study employed a triangular process of verification through use of written sources (as was cited in chapters three and four), the testimony of the Saskatchewan Dakota/Lakota Elders (in chapter five) and the cross-referencing of ancient names provided in the Elder testimony with the Nakota (Assiniboine and Stoney), as well as the Woodland Cree and the Swampy Cree. That triangular process established the following:

1. The ancient names pertaining to various river routes known and used by the Dakota *Oyate* in centuries past which today flow through the provinces of Alberta, Saskatchewan and Manitoba and the North-West Territories (Canada);
2. Details of linguistic terms in reference to place-names as expressed in Dakota and Lakota with regard to geographical locations within Saskatchewan and Manitoba which were mentioned by the Saskatchewan Dakota/Lakota Elders

interviewed to verify the presence of the Dakota *Oyate* in what is now known as western Canada from the time of pre-contact to this date;

3. Linguistic place-names derived from the Woodland Cree and Swampy Cree which attest to the presence of the Dakota in northern Saskatchewan;
4. Ancient Dakota sacred burial sites and ancient Dakota rock paintings identified near and along the Churchill River within modern day northern Saskatchewan and northern Manitoba, which were verified by both the Woodland Cree Elders and Swampy Cree Elders; and
5. Archaeological sites mentioned by the Saskatchewan Dakota/Lakota Elders within central and southern Saskatchewan, which have been referred to as “boulder monuments” (Brace, 2005), used not only for ceremonial purposes by the Dakota, Nakota, and Lakota, but also as places where the Dakota *Oyate* met regularly in centuries past to discuss issues of concern through their ancient governance structure known as the as *Oceti Sakowin*, which continues to exist as of this date.

Recommendations presented to assist and enhance the contemporary political and legal position of the Dakota/Lakota First Nations within Saskatchewan in their efforts to either sign adhesion to the Numbered Treaties, or to adhere to an alternate treaty protocol agreement with the Canadian federal government

The synthesis and analysis of research findings presented in this chapter, drawn from the Saskatchewan Dakota/Lakota Elders’ oral testimony as cited in chapter five, complemented by the previous historical written sources discussed in chapter four, supports the Dakota/Lakota First Nations of Saskatchewan as being entitled to either sign adhesion to the Numbered Treaties, or to adhere to an alternate treaty protocol agreement with the Canadian federal government. In particular the oral testimony, complemented by the written sources, verifies that the Dakota *Oyate* in ancient times occupied the territory which now corresponds to the Canadian Shield, the Churchill River region and the Missouri Coteau within Saskatchewan.¹²⁹ While this territory was at first disputed with other groups, it came to be shared by the Dakota *Oyate* through treaty based on

¹²⁹ See page 119 of this text, map that cites the Canadian Shield encompassing the Churchill River, as well as the Missouri Coteau within the province of Saskatchewan (Ray, 1998, p. 7).

intermarriage with the Woodland Cree, as well as the Swampy Cree (who in time for many became known as the Willow Cree and the Plains Cree), the Saulteaux, the Metis and the *Wa'si'cu* fur traders. Intermarriage was one of the seven sacred ceremonies of the Dakota *Oyate*, which was used as a peace ceremony long ago that allowed for kinship ties in conducting a peaceful trade relationship with other groups and adhered to by the ancient governance structure of the Dakota *Oyate* known as the *Oceti Sakowin*. A number of these peace treaties have since made their way into written texts as cited in chapter four. These included peace treaty agreements of 1810 and 1868 between the Lakota/Sioux and the Blood tribe of the Blackfoot Confederacy pertaining to the Cypress Hills; the peace treaty agreed to between the Dakota/Sioux and the Cree at Moose Mountain in the mid-1860s; and the peace treaty between the Dakota/Sioux and various Aboriginal nations in south-western Saskatchewan (including the Cree, Saulteaux, the Nakota/Assiniboine/Sioux, and the Metis) at Wood Mountain in 1870. This evidence verifies the Dakota/Lakota Elders' oral testimony regarding the Dakota *Oyate's* original indigenous territory having come to be shared with other Aboriginal groups before the Numbered treaties were signed in the 1870s.

With respect to shared territory, Chief Justice Lamer of the Supreme Court of Canada in *Delgamuukw v. British Columbia* [1997] 3 S.C.R. 1010 (S.C.C.), did state:

The meaning of shared exclusivity is well-known to the common law. Exclusive possession is the right to exclude others. Shared exclusive possession is the right to exclude others except those with whom possession is shared. There clearly may be cases in which two Aboriginal nations lived on a particular piece of land and recognized each other's entitlement to that land but nobody else's. However, since no claim to joint title has been asserted here, I leave it to another day to work out the complexities and implications of joint title, as well as any limits that another band's title may have on the way in which one band uses to title lands (Lamer, C.J. at para. 158; as cited in Isacc, 2004, p. 58).

In discussing this issue of shared territory the Elders' testimony, supported by documentary evidence, has proven conclusively that members of the Dakota *Oyate* (now known as Dakota/Nakota/Lakota) occupied the geographic region now known as Saskatchewan, Manitoba and Alberta before, during and after the signing of the Numbered Treaties. Consequently, the argument of the Canadian federal government that the Dakota/Lakota should be excluded from the treaty process because they were "American Indians" becomes essentially irrelevant. Some of the Dakota/Lakota did indeed come north from the U.S.A. in 1862 and 1876, but the majority of these subsequently returned to the U.S.A. Those that remained in Canada were, and had always been, Canadian Indians residing on their original indigenous territory and by right were entitled to be included in the Numbered Treaties. For clarity, specific to this study, this pertains the Dakota/Sioux and Lakota/Sioux, whose original indigenous territory has always been within the Missouri Coteau within the province of Saskatchewan (Ray, 1998, p. 7).

With respect to those Dakota and Lakota that did not return to the U.S.A., but stayed and intermarried with the Dakota and Lakota and other Aboriginal groups such as the Nakota (Assiniboine), Cree and Saulteaux within western Canada, the following is noted with regard to an occurrence during the signing of Treaty Three in 1873:

Saulteaux Chief Madowenapenais had addressed the subject of Saulteaux on the American side and whether they would be included. Morris indicated that the commissions were not willing to deal with American Indians but that those who changed their place of residence to British soil within two years' time would be recognized (Morris (1880), *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*, (pp. 68-69); as cited in Holmes & Associates, Inc. (2000, p. 82).

While all Dakota/Sioux and Lakota/Sioux in western Canada were excluded from the

Numbered Treaties signed in the 1870s, the following, as was discussed in chapter four is now restated, in order to provide further clarity with regard to the comments offered by Morris to the Sioux of Wood Mountain while Treaty Four was being negotiated at Fort Qu'Appelle in September of 1874. Morrison (2001) did cite correspondence dated November 27th, 1940 from A.E. St. Louis in charge of the Department of Indians Affairs records, who noted: "British citizenship was given to the Sioux Indians by Order in Council dated 24th April 1873 and an appropriation of land for their settlement in the North West Territories was authorized" (p. 272). The Order in Council dated 24th April 1873 corresponds to Elias's (1988) comments, "that the Dakota would be 'remaining under the British Flag'" (Order in Council 1723 [of 1873] PAC RG10 2 25; as cited in Elias, 1988, p. 40; p. 228). This report submitted by Joseph Howe on January 4, 1873 to the Privy Council specifying the process and amount of land to be provided to the Dakota/Sioux within Canada noted the following: "eighty acres of land would be allowed for each family, the reserve was subject to increase if warranted, and Dakota reserves would be located well away from the international boundary" (Order in Council 01/04/1873, Spragge to Anon, 01/06/1873 PAC RG10 3577 422; as cited in Elias, 1988, p. 40; p. 228). The commentary just provided pertains to the views of Treaty Commissioner Simpson, who had negotiated Treaty One and Treaty Two in 1871, having taken the position that the Sioux were not entitled to enter treaty in Canada because "They are, properly speaking, American Indians, and many of them are refugees from America, excluded on account of the part they took in the Minnesota Massacre [referring to those Dakota/Sioux that had crossed into Canada after 1862]" (Morrison, 2001, p. 213). This view was compounded by the fact that many more Lakota/Sioux had crossed

into Canada after the Battle of the Little Bighorn in Montana, in 1876 (Utley, 1993, pp. 183-224).

Due to the “intervening factors” mentioned above decided on by Treaty Commissioner Simpson in 1871, as well as by the representatives of the federal government of Canada in 1873, those termed as the Dakota/Sioux, Nakota/Assinboine/Sioux, Nakota/Stoney/Sioux and Lakota/Sioux in western Canada, whose original indigenous territory has always been within the Missouri Coteau which today is encompassed by the provinces known as Saskatchewan and Alberta, were excluded from the Numbered Treaties, specifically Treaty Four signed in 1874 and Treaty Six signed in 1876. These two Numbered Treaties today also overlap the Missouri Coteau within the provinces of Saskatchewan and Alberta. Also of interest is the fact that Commissioner French of the Canadian North-West Mounted Police in April 1875 with the Minister of Justice in Ottawa, noted that the Cree and Saulteaux “had no exclusive right to the Cypress Hills region which had been included within Treaty 4 [signed in 1874]. That country, he said, was the ‘recognized hunting ground and warpath of the Sioux, Assiniboine Sioux and Blackfoot tribes’” (Morrison, 2001, p. 12; as cited in Stonechild, 2003, p. 27). David Laird, Minister of Interior, who had been one of the Treaty Four Commissioners, had replied to Commissioner French that he and his colleagues had been aware of this fact, and that the Treaty had “only been intended to extinguish Cree and Saulteaux rights” (Morrison, 2001, p. 12; as cited in Stonechild, 2003, p. 27).

While the Nakota/Assiniboine/Sioux and the Nakota/Stoney/Sioux have since been allowed to sign Adhesion to Treaty Four and Treaty Six, and one group

of the Nakota/Stoney/Sioux were allowed to become original signatories to Treaty Seven signed in 1877, as this pertains to the “Alberta Plains,” the Dakota/Sioux and Lakota/Sioux First Nations that have agreed to participate in this study, whose original indigenous territory has always been within the Missouri Coteau, specifically within the “Saskatchewan Plain,” as of this date have not been allowed to become signatories to the treaty process continuing to evolve within Canada.

Regarding the requirement to prove an “unbroken chain of continuity,” Chief Justice Lamer in *Delgamuukw v. British Columbia* [1997] 3 S.C.R. 1010 (S.C.C.), at paragraph 153 is also pertinent:

Needless to say, there is no need to establish ‘an unbroken chain of continuity’ (*Van der Peet*, at para. 65) between present and prior occupation. The occupation and use of lands may have been disrupted for a time, perhaps as a result of the unwillingness of European colonizers to recognize Aboriginal title. To impose the requirement of continuity too strictly would risk ‘undermining the very purpose of s. 35(1) by perpetuating the historical injustice suffered by Aboriginal peoples at the hands of the colonizers who failed to respect’ Aboriginal rights to land (Cote, *supra*, at para. 53); as cited in Isacc (2004, p. 56).

Specifically, this pertains to the geographical region of the Missouri Coteau, which is now encompassed by Treaty Four signed in 1874 (corresponding to the Standing Buffalo Dakota Nation and the Wood Mountain Lakota Nation) and to Treaty Six signed in 1876 (corresponding to the Wahpeton Dakota Nation and the Whitecap Dakota Nation).¹³⁰

Thus, while the findings of this study support the Dakota/Lakota First Nations of Saskatchewan as being entitled to either sign adhesion to the Numbered Treaties, or to adhere to an alternate treaty protocol agreement with the Canadian federal government, the right of the Dakota/Lakota within Saskatchewan to sign treaty is also supported by

¹³⁰ See page 120 of this text, map of the Missouri Coteau within Saskatchewan illustrating the geographical location of Standing Buffalo Dakota Nation and the Wood Mountain Lakota Nation situated within what is now known as Treaty Four, and the Wahpeton Dakota Nation and the Whitecap Dakota Nation situated within what is now known as Treaty Six.

the authors of *Treaty Implementation: Fulfilling the Covenant*, published by the Office of the Treaty Commissioner, Saskatoon, Saskatchewan, Canada, in cooperation with Saskatchewan Institute of Public Policy (2007), in Recommendation adhesion to treaty (preface xxvi). However, the Saskatchewan Dakota/Lakota Elders interviewed for this study preferred the option of an alternate treaty protocol agreement which would include the following provisions:

1. That the original understanding of the seven Pre-Confederation Treaties agreed to between representatives of the British Crown and the Dakota Nation from 1763 to 1817, based on Peace, Friendship, and Trade, be included;
2. Parity to land and related treaty benefits received by the other First Nations who agreed to the Numbered Treaties;
3. A share of the royalties that are now collected from renewable and non-renewable resources;
4. A Self-Government Act;
5. The land base should address a continuing increase in the land as the population of the younger generation grows; and
6. The acknowledgement of the ancient confederacy / governance structure of the Dakota *Oyate* known as *Oceti Sakowin* that continues to exist as of this date.

Thus, what remains is the willingness of the Canadian federal government and the Dakota/Lakota First Nations of Saskatchewan to facilitate a process to either agree to an adhesion to the Numbered Treaties in western Canada or to negotiate a New Treaty Agreement for the Dakota/Lakota First Nations of Saskatchewan. I, being the author, suggest that this could be facilitated either through the Office of the Treaty Commissioner (Saskatchewan) or the Indian Claims Commission located in Ottawa. The Dakota/Lakota First Nations of Saskatchewan could consider other options to facilitate the required treaty negotiation process, which is their choice.

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Appendix A:

Consent Form for Dakota/Lakota Elders Interview Process

You are invited to participate in a research project entitled, “**Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada.**” Please read this form carefully, and feel free to ask questions you might have.

Researcher(s): Name(s), departmental and institutional affiliation(s), contact number(s).

Dr. Michael Cottrell, PhD. Supervisor, Professor, U of S, Department of Educational Administration. University of Saskatchewan, 28 Campus Dr., Saskatoon, Saskatchewan. S7N 0X1 Phone: (306) 966 – 7690/Fax: (306) 966 – 7630/ Email: cottrellmj@sasktel.net

Leo J. Omani, Doctoral Student, College of Grad Studies, Interdisciplinary Program. P. O. Box 2101, Stn. Main, Prince Albert, Saskatchewan, Canada. S6V 6V4 Phone: (306) 922 – 2692 / Fax: (306) 922 – 2802 / Email: l.omani@sasktel.net

Purpose and Procedure: The intent of this doctoral dissertation study which I, Leo J. Omani, am conducting, is to gain an understanding of the Dakota/Lakota Elders’ insights with regard to the following:

1. The original indigenous territory of the Dakota *Oyate*, now known as the Dakota, Nakota and Lakota people in North America;
2. The Dakota/Lakota Elders’ insights regarding the original understanding of the traditional concept of Treaty;
3. The Elders’ perspectives on the right of Dakota/Lakota peoples within Saskatchewan to either adhere to the existing Numbered Treaties or to seek an alternate process of treaty negotiation with the federal government of Canada; and
4. To solicit the Dakota/Lakota Elders’ views on the nature of the relationship which would evolve from the new arrangement with the federal government of Canada.

To achieve what has just been mentioned, an “interview guide” with six questions will be utilized for the semi-structured interviews that will be conducted with each Dakota/Lakota Elder. It is the intent to use the English language. However if any Elder does use certain words in Dakota and/or Lakota, to better convey the intended meaning of their responses, the Dakota and Lakota words will be transcribed, then translated into the English language.

The Elders’ responses to each of the six questions will be audio-taped, transcribed, then returned to each participant Elder. Elders will then have an opportunity to read, add or delete information so that it will accurately represent their intellectual property. In addition, to insure participating Elders are comfortable with the interview process, you as a participating Elder can turn off the tape at any time or refuse to answer any one of the six questions that will be posed.

Upon the completion of the review of their own interview transcripts, each participant Elder will be asked to sign a “Data Transcript Release Form.” The interview transcripts will then be analysed as this pertains to implications with regard to the treaty negotiation process for Dakota/Lakota people within Canada.

Further, in acknowledgment that this research study has a Dakota/Lakota community-based component, upon completion and defense of the doctoral dissertation, I, Leo J. Omani, the doctoral student researcher guarantees that the results of the study will be disseminated to community members. The process for the dissemination of results will be decided collaboratively between I, Leo J. Omani, the doctoral student researcher and the leadership (the Chief and Council) of the four Dakota/Lakota First Nations, which may include one of the following formats: community band meetings, and/or detailed community workshop presentations; thus for with the results will be presented in summarized form.

Potential Benefits: Although there is no direct benefit, other than the offering of tobacco, meaning no financial benefits will be provided to you as a participant Elder in reference honorarium (cash or check payment), it is now mentioned drawing from the analysis of Elders’ data, as this pertains to the interview transcripts, recommendations will then be presented to assist and enhance the contemporary political and legal position of the Dakota/Lakota First Nations within Saskatchewan in their efforts to either adhere to the existing Numbered Treaties, or to seek an alternate process of treaty negotiation with the federal government of Canada.

Potential Risks: There is very little risk and no deception in the study. However, due to the limits of anonymity for this research study, thus as this pertains to Community Members who had confidentiality identified you the Elder as a potential participant, as well as due to the interviews being conducted within your home community, as this pertains to other Community Members that may observe I, Leo J. Omani, the doctoral student researcher entering your home, your consent as the Elder to participate within this research study is being sought on this basis. In turn, if you as the Elder do agree to participate in this research study, you are hereby assured that of third party privacy (confidentiality) will be maintained throughout the gathering of information and the writing of the doctoral dissertation study, meaning pseudonyms will be used to identify participant Elders and any identifying personal information will be excluded from the doctoral dissertation study.

Storage of Data: Initial, while collecting the data, as well as analyzing, and writing the dissertation, the data will be stored in a locked safe box in the doctoral student researcher’s residence. Upon completion of the student’s doctoral dissertation study, all data (field notes, transcripts, and tapes) will be securely stored and retained by Dr. Michael Cottrell, PhD. Supervisor, Associate Professor, U of S, Department of Educational Administration, for a minimum of five years in accordance with University of Saskatchewan guidelines, before being destroyed.

Confidentiality: As previously mentioned, due to the limits of anonymity for this research study, as this pertains to Community Members who had confidentiality identified you the Elder as a potential participant, as well as due to the interviews being conducted within your home community, as this pertains to other Community Members that may observe I, Leo J. Omani, the doctoral student researcher entering your home, your consent as the Elder to participate within this research study is being sought on this bases. In turn, if you as the Elder do agree to participate in this research study, you are hereby assured that of third party privacy (confidentiality) will be maintained throughout the gathering of information and the writing of the doctoral dissertation study, meaning pseudonyms will be used to identify participant Elders and any identifying personal information will be excluded from the doctoral dissertation study.

Right to Withdraw: Your participation is voluntary, and you can answer only those questions that you are comfortable with. There is no guarantee that you will personally benefit from your involvement. The information that is shared will be held in strict confidence and discussed only with the research team. You may withdraw from the research project for any reason, at any time, without penalty of any sort. If you withdraw from the research project at any time, any data that you have contributed will be destroyed at your request.

Questions: If you have any questions concerning the research project, please feel free to ask at any point; you are also free to contact the researchers at the numbers provided if you have other questions. This research project has been approved on ethical grounds by the University of Saskatchewan Behavioural Research Ethics Board on May 24th, 2008. Any questions regarding your rights as a participant may be addressed to that committee through the Ethics Office (966-2084). Out of town participants may call collect.

Follow-Up or Debriefing: Upon completion and defense of the doctoral dissertation study, in addition to the format for the dissemination of results which will be decided collaboratively between I, Leo J. Omani, the doctoral student researcher and the leadership (the Chief and Council) of the four Dakota/Lakota First Nations, the dissemination of results may include one of the following formats: community band meetings, and/or detailed community workshop presentations. Further, one unbound copy of the dissertation study will be provided to each participant Elder. This suggested approach for the dissemination of results will in effect serve as a conduit for the transfer of theoretical and technical expertise from university to the community as a form of reciprocity for the transfer of Aboriginal community-based knowledge to the university through the collection of data.

Consent to Participate: I have read and understood the description provided; I have had an opportunity to ask questions and my/our questions have been answered. I consent to participate in the research project, understanding that I may withdraw my consent at any time. A copy of this Consent Form has been given to me for my records.

(Name of Participant)

(Date)

(Signature of Participant)

(Signature of Researcher)

Appendix B:

Interview Guide

First, the following is the “interview guide” originally to have been utilized for the “semi-structured interviews” to be conducted with the sixteen Saskatchewan Dakota/Lakota Elders, as this pertains to the U of S Interview Questionnaire for SASKATCHEWAN DAKOTA/LAKOTA ELDERS REGARDING THEIR PERSPECTIVES ON THE TREATY PROCESS WITHIN CANADA:

- #1. What is your understanding of the original indigenous territory of the Dakota *Oyate*, meaning the Dakota nation, now known as the Dakota, Nakota and Lakota people?**
- #2. What is your understanding of the traditional concept of Treaty held by Dakota/Lakota people?**
- #3. In your opinion, with the Nakota having signed Adhesion to the Numbered Treaties within western Canada, why did the Dakota and Lakota not sign Adhesion to Treaty within western Canada?**
- #4. How would the Dakota/Lakota in either signing Adhesion to the existing Numbered Treaties, or in adhering to an alternate treaty protocol agreement negotiated with the federal government of Canada, protect or enhance Dakota and Lakota sovereignty?**
- #5. What is your opinion on whether the Dakota and Lakota have a right to either adhere to the existing Numbered Treaties, or adhere to an alternate treaty protocol agreement negotiated with the federal government of Canada? Why?**
- #6. What would you envision within the concept of Treaty between the Dakota/Lakota people and the federal government of Canada in right of the British Crown?**

Second, noted on the next page, the Revised Interview Guide, while retaining the original 6 questions, thus derived from field work adjustment.

Revised Interview Guide

The “revised interview guide” utilized for the “semi-structured interviews” conducted with the sixteen Saskatchewan Dakota/Lakota Elders, thus derived from work adjustment, as this pertains to the U of S Interview Questionnaire for SASKATCHEWAN DAKOTA/LAKOTA ELDERS REGARDING THEIR PERSPECTIVES ON THE TREATY PROCESS WITHIN CANADA:

- #1. What is your understanding of the original indigenous territory of the Dakota *Oyate*, meaning the Dakota nation, now known as the Dakota, Nakota and Lakota people?** In other words, long ago, how large was the Dakota/Nakota/Lakota peoples original territory; meaning the areas they hunted, fished, and gathered medicines and wild vegetables?
- #2. What is your understanding of the traditional concept of Treaty held by Dakota/Lakota people?** In other words, what did they do to maintain peace with other tribal groups?
- #3. In your opinion, with the Nakota having signed Adhesion to the Numbered Treaties within western Canada, why did the Dakota and Lakota not sign Adhesion to Treaty within western Canada?** In other words, why were the Nakota allowed to sign Adhesion to Treaty, but not the Dakota and Lakota?
- #4. How would the Dakota/Lakota in either signing Adhesion to the existing Numbered Treaties, or in adhering to an alternate treaty protocol agreement negotiated with the federal government of Canada, protect or enhance Dakota and Lakota sovereignty?** In other words, if the Dakota and Lakota were to sign Adhesion to Treaty, or a New Treaty Agreement, how would this protect and increase their autonomy?
- #5. What is your opinion on whether the Dakota and Lakota have a right to either adhere to the existing Numbered Treaties, or adhere to an alternate treaty protocol agreement negotiated with the federal government of Canada? Why?** In other words, what do you think, should the Dakota and Lakota sign Adhesion to Treaty, or a New Treaty Agreement? Why?
- #6. What would you envision within the concept of Treaty between the Dakota/Lakota people and the federal government of Canada in right of the British Crown?** In other words, what do you think should be included, if the Dakota and Lakota were to sign a Treaty with the Canadian federal government in right of the British Crown?

Appendix C:

Data / Transcript Release Form

Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada

I, _____, have reviewed the complete transcript of my personal interview in this study, and have been provided with the opportunity to add, alter, and delete information from the transcript as appropriate. I acknowledge that the transcript accurately reflects what I said in my personal interview with Leo J. Omani, doctoral student researcher. I hereby authorize the release of this transcript to Leo J. Omani, doctoral student researcher, to be used in the manner described in the Consent Form. I have received a copy of this Data/Transcript Release Form for my own records.

Name of Participant

Date

Signature of Participant

Signature of researcher

Appendix D:

U of S Ethics "Certificate of Approval" Form



UNIVERSITY OF
SASKATCHEWAN

Behavioural Research Ethics Board (Beh-REB)

Certificate of Approval

PRINCIPAL INVESTIGATOR
Michael Cottrell

DEPARTMENT
Educational Administration

BE#
08-111

INSTITUTION(S) WHERE RESEARCH WILL BE CONDUCTED
University of Saskatchewan
Saskatoon SK

STUDENT RESEARCHERS
Leo J. Omani

SPONSOR
WAHPETON DAKOTA NATION POST-SECONDARY PROGRAM

TITLE
Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada

ORIGINAL REVIEW DATE
01-May-2008

APPROVAL ON
24-May-2008

APPROVAL OF:
Ethics Application
Consent Protocol

EXPIRY DATE
23-May-2009

Full Board Meeting

Date of Full Board Meeting:

Delegated Review

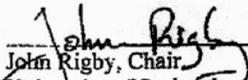
CERTIFICATION

The University of Saskatchewan Behavioural Research Ethics Board has reviewed the above-named research project. The proposal was found to be acceptable on ethical grounds. The principal investigator has the responsibility for any other administrative or regulatory approvals that may pertain to this research project, and for ensuring that the authorized research is carried out according to the conditions outlined in the original protocol submitted for ethics review. This Certificate of Approval is valid for the above time period provided there is no change in experimental protocol or consent process or documents.

Any significant changes to your proposed method, or your consent and recruitment procedures should be reported to the Chair for Research Ethics Board consideration in advance of its implementation.

ONGOING REVIEW REQUIREMENTS

In order to receive annual renewal, a status report must be submitted to the REB Chair for Board consideration within one month of the current expiry date each year the study remains open, and upon study completion. Please refer to the following website for further instructions: http://www.usask.ca/research/ethics_review/


John Rigby, Chair
University of Saskatchewan
Behavioural Research Ethics Board

Please send all correspondence to:

Ethics Office
University of Saskatchewan
Room 302 Kkk Hall, 117 Science Place
Saskatoon SK S7N 5C8
Telephone: (306) 966-2975 Fax: (306) 966-2069

Appendix E:

The Dakota *Oyate* Treaties with the French Crown, 1658 to 1750

- The following information was located in the archival files of the Sioux Valley Dakota Nation, located near Brandon, Manitoba, Canada.
- In total, there were six (6) Peace, Friendship & Trade Treaties agreed to between the Dakota *Oyate* and the French Crown, noted as follows:
 - (1) 1658 – Treaty of Peace & Friendship between France (Radisson and Groseiller) and the Dakota Nation (located in Bodleian Library, Oxford, England; J. R. 46: 60-69).
 - (2) July 15th, 1695 – Treaty of Peace, Friendship & Trade between France (Governor-General of New France) and the Dakota Nation (Chief Tiyoskata), Montreal. Approved by the King of France (Margry VI: 55-58; original in Archives Nationales, Paris, France. “Relation des Evenements passes en Canada de 1694 a 1695” for the King).
 - (3) January 1st, & 2nd, 1734 – Treaty of Peace, Friendship & Trade between France (La Verendrye), the Dakota Nation and the Anishnabe Nation [also known as the Ojibwa in Canada and Chippewa in the USA], North-West Angle, Ontario. Approved by the King of France (In “memoire de 1734” from La Verendrie to Marquis de Beauharnais, Governor General of New France. Mss. Mas, Paris, France. Amerique, Memories et Documents, vol. 8, fol. 46-49 [avec signature autographe de La Verendrye]).
 - (4) March 4th, 1737 – Reiteration of Treaty of Peace & Friendship of 1734 between France (La Verendrye), the Dakota Nation and the Anishnabe Nation, Selkirk, Manitoba, Canada. With agreement to send a Chief to Quebec, Canada to confirm accord with Governor General Beauharnais. Arrival of delegate and alliance confirmed by Beauharnais to Minister Maurepas in Paris (In “Memoire de 1737 [of La Verendrye] to Marquis de Beauharnais, Governor General of New France to be sent to the court”. AN, Col. F 3 [collection Moreau de St. Mery] vol. 10, F 12, fol. 248ss; letter from Beauharnais to Maurepas, 14th of October, 1737 in Paris, France. An, Col. C 11E, vol. 16, Pol. 182).
 - (5) October 3rd, 1738 – Treaty of Peace, Friendship & Trade between France (La Verendrye) and the Western Dakotas, Portage la Prairie, Manitoba, Canada (Fort la Reine). Approved by the King of France. In “Memoire de 1739” of La Verendrye, sent from Fort le Reine, 28th of May, 1739 to Beauharnais, Governor General of New France. Copy of original in PAC; original MSS, Archives Nationales, Paris, France).
 - (6) Winter of 1750 – Treaty of Peace, Friendship & Trade between France (Le Garseur de St. Pierre), the Dakotas and Anishnabe, Portage la Prairie, Manitoba, Canada. Approved by the King of France (Paris: AN.C. 11A, vol. 99, fo. 120; also Mss copy in Haldimand Mss. Coll., British Museum, London, England).

Appendix F:

The Dakota *Oyate* Treaties with the British Crown, 1763 to 1817

- The following information was located in the archival files of the Sioux Valley Dakota Nation, located near Brandon, Manitoba, Canada.
- In total, there are seven (7) Peace, Friendship & Trade Pre-Confederation Treaties agreed to between the Dakota *Oyate* and the British Crown in right of Great Britain, cited as follows:
 - (1) March 1st, 1763 – Treaty of Peace, Friendship & Trade between the British Crown (Lieutenant James Correl) and the Dakota Nation. Location of Source: the archival files of the Sioux Valley Dakota Nation, thus drawn from the British Museum, Pro-Public Record Office, London, England; as noted in the manuscripts of Carver Travels, 1787-94; originals in the British Museum, addition manuscripts 8949 and 8950.
 - (2) May 1st, 1767 – Treaty of Peace, Friendship & Trade between the British Crown (Jonathan Carver) and the Dakota Nation reiterated. Location of Source: the archival files of the Sioux Valley Dakota Nation, thus drawn from the British Museum, Pro-Public Record Office, London, England; as noted in the original manuscripts of Carver Travels, 1787-1794; as this pertains to Jonathan Carver and the Dakota Nation.
 - (3) 1779 - Treaty of Peace, Friendship and Mutual Cooperation between the British Crown and the Dakota Nation. Location of Source: Morrison (2001), *Dakota / Lakota Joint Treaty Adhesion Project, Phase Two: Historical Land Use and Occupancy and Dakota / Lakota – Crown Relations, Final Report*. As for the 1779 Treaty with the British Crown, Dakota Chief Wabasha and his troops received a commission in the British Army, on February 15, 1780, to help England in the war with the U.S.A. (Morrison, 2001, p. 140; as cited in Stonechild, 2003, p. 35).
 - (4) June 18th, 1812 – On the day of declaration of the war between the British Crown and the U.S.A., Great Britain and Dakota Chiefs reiterate Treaty of Peace, Friendship and Mutual Cooperation. Location of Source: the archival files of the Sioux Valley Dakota Nation, thus drawn from the British Museum, Pro-Public Record Office, London, England; as this pertains to the original manuscripts in reference to the following correspondence, (1) Lord Bathurst to Sir George Prevost, August 10th, 1812, PRO-CO-42-147; (2) Prevost to Liverpool, PRO-CO-42-146. In addition, Dakota speeches in Manitoba Archives, Canada, Dickson Papers, Dakota participated in the recapturing of Michilimackinack, Amherstburg, Detroit, St. Louis, etc ... on behalf of Great Britain.
- (continued on the next page)

- (5) January 8th, 1813 – Quebec – Distribution of large Wampum belt, as well as flags to the principal Chiefs of each Nation [which included the Dakota *Oyate*] for the purpose of descending from him [King George III] to his successor forever in Testimony of the Alliance and Friendship subsisting between their respective Nations and the King of Great Britain. Location of Source: the archival files of the Sioux Valley Dakota Nation, thus drawn from the British Museum, Pro-Public Record Office, London, England; original manuscript, Prevost to Bathurst, January 26th, 1813. PRO-CO-42-150.
- (6) 1814 – Alliance between British and Dakota reiterated on specific request by the Crown through Lt. Col. McDougall. Location of Source: the archival files of the Sioux Valley Dakota Nation, thus drawn from the British Museum, Pro-Public Record Office, London, England; original manuscript noted as, PRO-CO-42-157.
- (7) July 8th, 1817 – Selkirk Treaty between Lord Selkirk and three Dakota Chiefs (“Le Sonnant”, “Le Premier” and “L’ Homme Noire”) with two Chiefs from Sault St. Marie present, “Peguis” and “La Robe Noire”. Location of Source: the archival files of the Sioux Valley Dakota Nation, thus drawn from the Hudson’s Bay Company Archives, Winnipeg, Manitoba, Canada; for cession of land of one mile on either side of the Red River to Pembina, and from Winnipeg to St. Eustache on the Assiniboine River, originally signed where the city of Winnipeg is now located, within the province of Manitoba, Canada, original manuscripts noted as, PAM-HBCA-E.8/1, fo. 11; Ross, A., Red River Settlement; 10-11.

In addition, a letter from Pembina dated September 14th, 1817 written by Lord Selkirk to Alexander McDonell at Red River, did mention the Chiefs who had agreed to the Selkirk Treaty of 1817 were to be provided with Medals and Chiefs coats, for which the following is extracted and noted in brief: “Mr Gr(ah)am will need another Medal & Chiefs coat for the Sioux” (Earl of Selkirk, Pembina, to Alexander McDonell, Red River, 14 Sep 1817. NA MG19 E1 Selkirk Papers, pp. 4054-4055; as cited in Morrison, 2001, pp. 173-174). Further, the Selkirk Treaty of 1817 also mentioned that of “annual gifts of tobacco” to be provided (Peers, 1994, p 93; as cited in Holmes & Associates, Inc., 2000, p. 116).

However, such as the difference in interpretation between First Nations and the Canadian federal government with regard to the Numbered Treaties in western Canada thus signed between 1871 and 1921, the Selkirk Treaty of 1817 also reflects this to be so. Specifically, Lt. Governor McDougall was informed by Ojibwa Chief Kewetaoah in November of 1869 “that the Indians had merrily lent the land in the Selkirk Treaty – as much as a man could see under a horse’s belly on both sides of the river -- for 25 years” (Maguire, 1980, p. 7; as cited in Holmes & Associates, Inc., 2000, p. 116). As for the previous comments, Lt. Governor McDougall in 1869 had, “assured the Indians that their rights continued to exist as before the 1817 arrangement” (Maguire, 1980, p. 15; as cited in Holmes & Associates, Inc., 2000, p. 116).

Appendix G:

Pictured below: 1812 King George III British Pre-Confederation Treaty Medal that pertains to the Wahpeton Dakota Nation, located 12 miles north-west from the city of Prince Albert, in northern Saskatchewan, Canada. This was given to the father of Chief Hupa Yakta, known as Chief Flying Thunder, in the War of 1812 between the U.S.A. and the British Crown, “who saved the life of a [British] government officer when he was shot and wounded by a Yankee officer” (Pritchard to MacDowall 01/27/1890 PAC RG10 3602 65933; as cited in Elias, 1988, p. 204; p. 243). It is currently being stored in safe keeping at the Prince Albert Historical Museum (Elias, 1988, p. 243) on behalf of Wahpeton Dakota Nation. This 1812 King George III British Pre-Confederation Treaty Medal is brought out to Wahpeton Dakota Nation for display on special occasions, when requested.



Picture of 1812 King George III British Pre-Confederation Treaty Medal provided courtesy of Jamie Benson, Manager of the Prince Albert Historical Museum.

Appendix H:

Noted below: Assembly of First Nations Resolution that was approved in July of 2001 supporting the Dakota/Sioux and Lakota/Sioux Treaty Adhesion Claim Process.



Assembly of First Nations Resolution No. 23

**Annual General Assembly
Resolution No. 23/2001
July 17 - 19, 2001
Halifax, N.S.**

**Subject:
Funding For Adhesion To Treaty Process**

Moved By:
Chief Mel Isnana, Standing Buffalo First Nation

Seconded By:
Chief Garry Standing, Wahpeton Dakota Nation

Carried

WHEREAS the Dakota/Lakota Sioux of Saskatchewan assert that they are entitled to sign adhesions to Treaties 4 and 6 on the grounds that they are Aboriginal peoples under s.35 of the Constitution Act, 1982 and they can show habitation in the said territory since time immemorial; and

WHEREAS the Dakota/Lakota Sioux, Office of the Treaty Commission and Canada have undertaken a research project to determine whether there is sufficient grounds for the Dakota/Lakota Sioux to sign adhesion to Treaties 4 and 6; and

WHEREAS the outcome of this adhesion to treaty project may define the scope and effect of unextinguished Aboriginal Rights in Canada and also begin to challenge the barriers associated with the comprehensive and specific claims policies that operate to restrict, inhibit and deny Aboriginal groups from freely exercising Aboriginal Rights and interests; and

WHEREAS the Dakota/Lakota Sioux estimate that this special project will cost approximately six hundred thousand dollars (\$600,000.00); and

WHEREAS the Department of Indian Affairs has partially funded the adhesion to treaty project;

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly direct the Assembly of First Nations to support the Dakota/Lakota Sioux to identify and secure adequate funding through the AFN and other sources until this adhesion to treaty project is complete.

Retrieved on May 30th, 2007 from AFN website, <http://www.afn.ca/article.asp?id=2464>

Appendix I:

Noted below: Permission to use illustrations, Maps of Canoe routes and Fur Trading Posts within the book, *Indians in the Fur Trade: With A New Introduction*, by A. J. Ray (1998).

September 10, 2009.

To: Adrian Galwin, University of Toronto Press

As for your email noted below, I thank the University of Toronto Press for granting permission to the use of the following illustrations as cited within the book, *Indians in the Fur Trade: With A New Introduction*, by A. J. Ray, Copyright (c) University of Toronto Press, 1998:

- (1) Figure 6, Canoe routes of the western interior of Canada, page 15;
- (2) Figure 18, The western fur trade, CA, 1750, page 56;
- (3) Figure 38, Fur Trading Posts, page 127; and
- (4) Figure 45, Fur Trading Forts, 1821-1870, page 201.

In turn, for each illustration, I will give academic credit to the University of Toronto Press, cited as follows: Permission to reprint illustration as noted within the book, *Indians in the Fur Trade: With A New Introduction*, by A. J. Ray (1998); permission granted by the publisher, University of Toronto Press, September 9, 2009.

Sincerely,

Leo J. Omani, B.Ed; M.Ed.
Doctoral Student, U of S,
College of Graduate Studies & Research,
Interdisciplinary Program.

----- Original Message -----

From: [Galwin, Adrian](#)

To: [leo.j.omani](#)

Sent: Wednesday, September 09, 2009 1:35 PM

Subject: RE: Ray: Indians in the Fur Trade OMANI DISSERTATION

Dear Leo,

University of Toronto Press hereby grants one-time permission to reprint the material as outlined in your email of 26 August 2009, provided the customary scholarly citation of the work is made. Due to the nature of your request, the regular fee for permission has been waived.

Best wishes,

Adrian Galwin,
UTP Rights & Permissions
700 - 10 St. Mary St.,
Toronto, ON M4Y 2W8

Appendix J:

Noted below: Permission to use Map, Figure 2 on page 7 which corresponds to the Missouri Coteau within Canada that is geographically located within the Saskatchewan Plain, west of the Manitoba Escarpment and east of the Alberta Plains, as cited within the book, *Indians in the Fur Trade: With A New Introduction*, by Ray, A. J. (1998). August 19, 2009.

To: Adrian Galwin, University of Toronto Press

As for your email noted below, I thank the University of Toronto Press for granting permission to use, specifically to reprint for my doctoral dissertation, the Map in reference to Figure 2 on page 7 which corresponds to the terms, Missouri Coteau, Manitoba Escarpment, and Canadian Shield, thus as cited within the book, *Indians in the Fur Trade: With A New Introduction*, by Ray, A. J. (1998).

In turn, I will give academic credit to the University of Toronto Press, cited as follows:

Permission to reprint the Map in reference to Figure 2 on page 7 which corresponds to the Missouri Coteau as noted within the book, *Indians in the Fur Trade: With A New Introduction*, by A. J. Ray (1998); granted by the publisher, University of Toronto Press, August 18th, 2009.

Sincerely,

Leo J. Omani, B.Ed; M.Ed.
Doctoral Student, U of S,
College of Graduate Studies & Research,
Interdisciplinary Program.

----- Original Message -----

From: Galwin, Adrian

To: lomani@sasktel.net

Sent: Tuesday, August 18, 2009 10:13 AM

Subject: RE: Ray: Indians in the Fur Trade OMANI DISSERTATION

Dear Leo,

University of Toronto Press hereby grants one-time, non-exclusive permission to your request to reprint figure 2 on page 7 within the book *Indians in the Fur Trade*, by A. J. Ray as outlined in your email correspondence of 14 August 2009, provided the customary scholarly citation is made. The regular fee for permission has been waived.

Best wishes with your dissertation,

Adrian Galwin
UTP Rights & Permissions
700 - 10 St. Mary St.
Toronto, ON M4Y 2W8

Appendix K:

Noted below: Permission to reprint illustration, Map of Great Bison Belt, as cited within the book, *Aboriginal Migrations: A History of Movements in Southern Manitoba*, by Pettipas (1996, p. 36). Further, noted on the following page, Map of Great Bison Belt.



LICENSING AGREEMENT (Image)

Agreement dated as August 24, 2009

BETWEEN:

The Manitoba Museum (TMM)
190 Rupert Avenue
Winnipeg, MB
R3B 0N2
www.manitobamuseum.ca
Hereinafter the "Museum"

AND:

Leo J. Omani
PO Box 2101, Stn. Main
Prince Albert, SK
S6V 6V4
l.omani@sasktel.net
Hereinafter the "Licensee"

Permission to use illustration, Great Bison Belt, page 36, from: Pettipas, Leo. *Aboriginal Migrations: A History of Movements in Southern Manitoba*. Winnipeg, MB: Manitoba Museum of Man and Nature, 1996.

Permitted use

- Non-exclusive, non-transferable, one-time use, for dissertation: *Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada*.

User fee

- N/A

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THE MANITOBA MUSEUM

By: Cindi Steffan

Print name: Cindi Steffan
Title: Information Services Manager
T: 204.988.0662 F: 204.942.3679
csteffan@manitobamuseum.ca

Date: August 24, 2009

LICENSEE

By: Leo J. Omani

Print name: Leo J. Omani, B. Ed, M. Ed
Doctoral Student, University of Saskatchewan
T: 306.922.2692 F: 306.922.2802
l.omani@sasktel.net

Date: August 24, 2009

Saskatchewan Dakota/Lakota Elders have mentioned the Dakota *Oyate*, now known as the Dakota/Nakota/Lakota people, were also known in centuries past as the buffalo people

- Note below: The Great Bison Belt which extended from Alaska (U.S.A.), the Yukon (Canada), the North West Territories (Canada), the provinces of Alberta, Saskatchewan, and Manitoba, Canada, then into the U.S.A., moving south all the way down to near the Gulf of Mexico (Pettipas 1996, p. 36).
- The Great Bison Belt cited below actually overlaps the “Missouri Coteau” as noted within the map by Ray (1998), *Indians in the Fur Trade: With A New Introduction*, which encompasses the geographic region within the Saskatchewan Plain, west of the Manitoba Escarpment and east of the Alberta Plain which today lies within the Canadian provinces of Manitoba, Saskatchewan and Alberta and the U.S. state of North Dakota (Ray, 1998, p. 7). The Missouri Coteau had previously been identified and marked as “Sioux Country” (Burpee (ed). (1927), *Journals and Letters of La Verendrye*, p. 483; p. 488; as cited in Morrison, 2001, pp. 33-34).

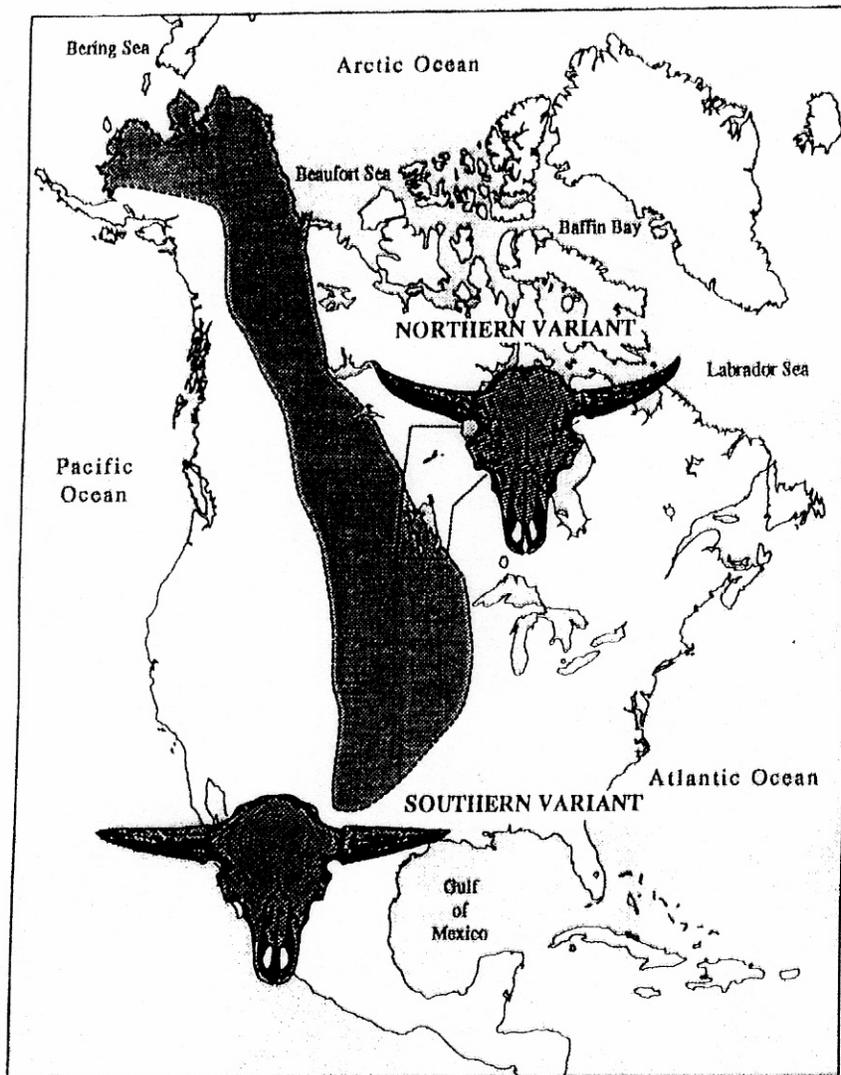


Fig. 25. By 10,000 years ago, the Great Bison Belt (shaded area) had widened to include southwestern Manitoba. With the ongoing diminishment of Lake Agassiz, more and more territory came to be inhabited by these animals and by the people who hunted them.

Permission to reprint illustration, Fig. 25, map of Great Bison Belt, page 36. From: *Aboriginal Migrations: A History in Southern Manitoba*, by Leo Pettipas (1996), granted August 24, 2009 by publisher Manitoba Museum of Man and Nature, Winnipeg, Manitoba, now known as The Manitoba Museum.

Appendix L:

Noted below, permission to reprint illustration of dugout canoe, as cited in, *The Dakota Peoples: A History of the Dakota, Lakota and Nakota through 1863*, by Jessica Dawn Palmer (2008, p. 117). Illustration of dugout canoe cited on the following page.

August 25, 2009.

Clark Evans, Head of Reference Services
Rare Book & Special Collections Division
Library of Congress, U.S.A.

As for your email noted below, I thank the Library of Congress, Rare Book & Special Collections Division, for granting permission, specifically to use "illustration," image of the dugout canoe from T. De Bry's ADMIRANDA NARRATION (1590) as it is pictured on page 117 within the book, *The Dakota Peoples: A History of the Dakota, Lakota and Nakota through 1863*, by Jessica Dawn Palmer (2008).

In turn, academic credit within my doctoral dissertation will be give to Library of Congress, Rare Book & Special Collections Division, 101 Independence Avenue SE, Washington, D.C. 20540-4740, cited as follows: Permission to use the "illustration," image of the dugout canoe from T. De Bry's ADMIRANDA NARRATION (1590) as it is pictured on page 117 within the book, *The Dakota Peoples: A History of the Dakota, Lakota and Nakota through 1863*, by Jessica Dawn Palmer (2008), granted on August 25, 2009: From Library of Congress, Rare Book & Special Collections Division, 101 Independence Avenue SE, Washington, D.C. 20540-4740.

Sincerely,
Leo J. Omani, B.Ed; M.Ed.
Doctoral Student, U of S,
College of Graduate Studies & Research,
Interdisciplinary Program.

----- Original Message -----

From: "rbsc rbcs" <rbcs@loc.gov>
To: "leo j. omani" <l.omani@sasktel.net>
Sent: Tuesday, August 25, 2009 2:54 PM
Subject: Re: Fw: Requesting one-time permission for use of quote and illustration (picture of dugout canoe, p. 117).

Dear Mr. Omani,

Thank you for your query on this matter. Yes, you have the permission of the Library of Congress to use the image of the dugout canoe from T. De Bry's ADMIRANDA NARRATION (1590) as it is pictured on page 117 of THE DAKOTA PEOPLES. Our only request, as a courtesy, is that somewhere in the text of your publication there would be a credit line stating that the original work is from the Rare Book and Special Collections Division, Library of Congress.

Sincerely,
Clark Evans, Head of Reference Services
Rare Book & Special Collections Division
Library of Congress

As for Palmer (2008) statement, “the woodland Dakota used both the dugout and the birch-bark canoe” (p. 117). Noted below: Permission to reprint "illustration," image of the dugout canoe from T. De Bry's ADMIRANDA NARRATION (1590) as it is pictured on page 117 within the book, *The Dakota Peoples: A History of the Dakota, Lakota and Nakota through 1863*, by Jessica Dawn Palmer (2008), granted on August 25, 2009: From Library of Congress, Rare Book & Special Collections Division, 101 Independence Avenue SE, Washington, D.C. 20540-4740.

Lintrium conficiendorum ratio. XII.



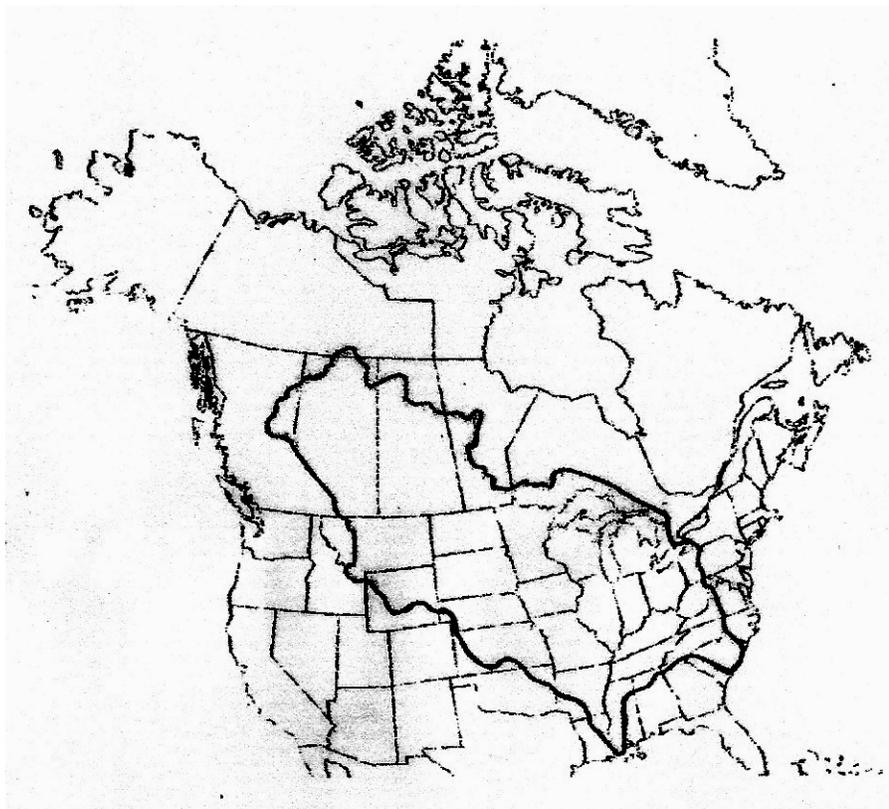
M *FE* est in VIRGINIA cymbas fabricandi ratio: nam cum ferris instrumentis aut aliis nostris similibus careant, eas tamen parant: narrant nostris non minus commodas ad navigandum quo lubet per flumina & ad piscandum. Primum arbore aliqua crassa & alta delecta, pro cymba quam parare volunt, magnitudine, ignem circa eius radices summa tellure, in ambitu struunt ex arborum musco bene reficcato, & ligni assulis paulatim ignem excitantes, ne flamma altius ascendat, & arboris longitudinem minuatur. Pene adusta & ruinam minante arbore, novum suscitant ignem, quem flammare sinunt, donec arbor sponte cadat. Adustus deinde arboris sulcus est nimis, ut truncus iustam longitudinem retineat, tignis transversis supra furcas positus imponunt, ea altitudine ut commode laborare possint, tunc cortice conchis quibusdam adempto, integriorem trunci partem pro cymba inferiore parte servant, in altera parte ignem secundum trunci longitudinem struunt, praterquam extremis, quod satis adustum illis videtur, restincto igne conchis scabunt, & novo suscitato igne denuo adurunt, atque ita deinceps pergunt, subinde vrentes & scabentes, donec cymba necessarium alucum nata sit. Sic Domini spiritus rudibus hominibus fugerit rationem, qua res in suum usum necessarias conficere queant.

B 4

The Santec of the east were reputed to use the dugout canoe while the woodland Dakota used both the dugout and the birch-bark canoes. The type was dictated by the location of the tribe and the availability of materials. The print from White, titled *How they build boats*, shows native men of the east making dugout boats by burning and scraping. From the Library of Congress Rare Book Collection: Engraving by Theodor de Bry after a watercolor by John White in *Admiranda narratio, fida tamen, de commodis et incolarum ritibus Virginiae*, Wecheli: svmtibvs T. de Bry, 1590, plate 12.

Appendix M:

Noted below: Map that outlines the ancient original indigenous territory within North America of the Dakota *Oyate*, meaning the Dakota Nation, now known as the Dakota, Nakota and Lakota people, as described by Saskatchewan Dakota/Lakota Elders before and upon initial contact with those of European ancestry.



However, due to the European mercantile system, in reference to the fur trade, the introduction and transmission of European diseases such as smallpox, measles, and malaria (Anderson, 1997, pp. 15- 21; Stonechild, 2003, p. 57), followed by European settlement in North America, moving from the east to the west, the ancient original indigenous territory of the Dakota *Oyate* has been greatly reduced, and so has the population size of the Dakota, Nakota, Lakota (Anderson, 1997, pp. 15- 21; Stonechild, 2003, p. 57). In the U.S.A., the Dakota, Nakota, Lakota now reside on various reservations within the following states: Nebraska, Minnesota, North & South Dakota, and Montana. In Canada, the Dakota, Nakota, Lakota reside on various reserves within the provinces of Manitoba, Saskatchewan, and Alberta.

The Map noted above as cited by Leo J. Omani was developed in cooperation with Craig Blacksmith and James Ritchie of Manitoba.

Appendix N:

Dugout canoe that was located in 1931 at Christopher Lake, 40 kilometres north of Prince Albert, Saskatchewan, Canada and donated to the Prince Albert Historical Museum. This corresponds to the ancient Spruce River route that had been used by the ancestors of Chief Hupa Yakta's *tiyospaye* to reach the Churchill River in northern Saskatchewan, whose descendents now live on Wahpeton Dakota Reserve near Prince Albert. The Dakota were known to have made dugout canoes (Palmer, 2008, p. 117; Laviolette, 1991, p. 2). Picture courtesy of Jamie Benson, Manager of Prince Albert Historical Museum.



Appendix P:

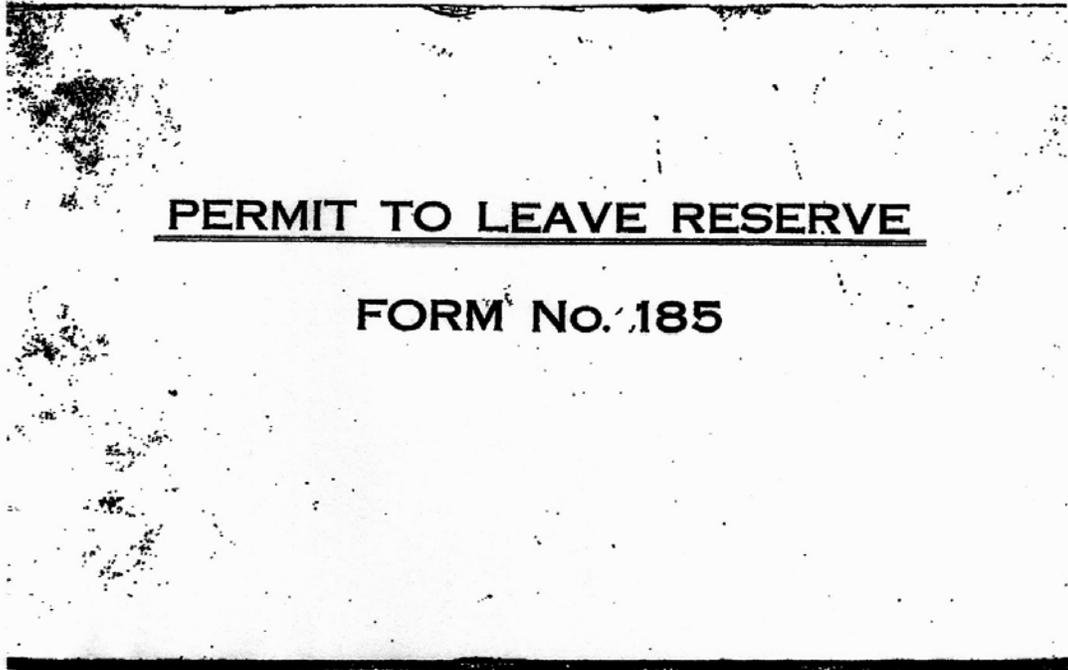
Copies of Historical Documents Pertaining to the Department of Indian Affairs

The following documents are cited on the next number of pages:

- **Copy of Title Page for Pass System Booklet – Permit to Leave Reserve;**
- **Copy of Permit to Leave Reserve granted to Chief James Smith in 1896;**
- **Copy of a Permit for the Sale of Timber; and**
- **Copy of a Permit for the Sale of Livestock & Produce.**

Copy of Title Page for Pass System Booklet – Permit to Leave Reserve

The Pass System Enforced by the Department of Indian Affairs (1867 – 1950)

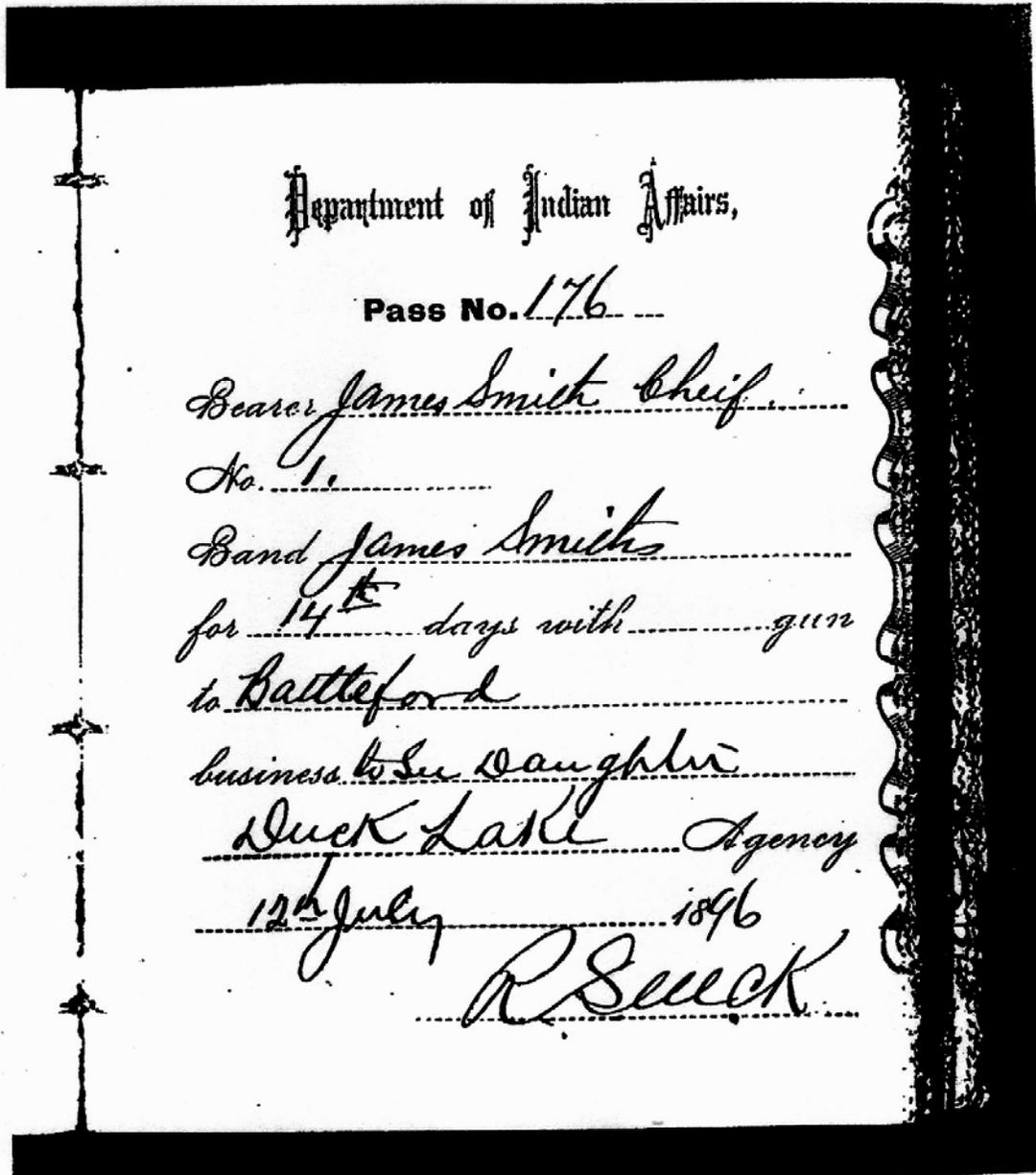


**Courtesy / Saskatchewan Archives / University of Saskatchewan / Saskatoon,
Saskatchewan, Canada / located by Leo J. Omani, in year 2002.**

Copy of Permit to Leave Reserve granted to Chief James Smith in 1896

Chief James Smith was one of the original signatories to Treaty Six signed in 1876, who needed a pass in 1896 to leave his reserve.

The Pass System Enforced by the Department of Indian Affairs (1867 - 1950)



Courtesy / Saskatchewan Archives / University of Saskatchewan / Saskatoon,
Saskatchewan, Canada / located by Leo J. Omani, in year 2002.

Copy of a Permit for the Sale of Timber

- Approval Required from the Indian Agent & Imposed upon a First Nations Person that Harvested Timber on the Reserve, in order to Sell the Timber off the Reserve.
- Enforced by the Department of Indian Affairs until the Late 1960s and Still Noted in the Indian Act to this Date.

DUPLICATE **DEPARTMENT OF MINES AND RESOURCES**
INDIAN AFFAIRS BRANCH **Nº 16**

TIMBER PERMIT

I hereby give unto Joe Moosewaypas an Indian of the
Kanisliin Band, permission to cut and remove from his
location or from the reserve of his band, for sale, the following quantity of timber 3 cords
Dry Poplar wood
on the Kanisliin Reserve, from the date hereof
until the 30th day of April next, and no longer, subject to the payment of dues at tariff rates.

The purchaser of the timber cut under this permit is responsible for the payment of the dues at the rate shown hereunder. This permit, together with a sworn return of the timber cut, made by a qualified scaler, or other responsible person, also cheque or money order for the amount of dues, should be returned to the undersigned.

THIS PERMIT IS NOT TRANSFERABLE

Dated at Chapman P.O. Sask.
this 19 day of February 1954

Rate of dues none

Form No. 325
R. 222

L. W. M. Bennett
Indian Agent.

Courtesy / Saskatchewan Archives / University of Saskatchewan / Saskatoon,
Saskatchewan, Canada / located by Leo J. Omani, in year 2002.

Copy of a Permit for the Sale of Livestock & Produce

- Approval required from the Indian Agent & Imposed upon a First Nations Person that Raised Livestock & Produce on the Reserve in order to Market them off the Reserve.
- Enforced by the Department of Indian Affairs until the Late 1960s and Still Noted in the Indian Act to this Date. Note: The brand on one of the cows states: branded I.D. left hip, which means "Indian Department" as this pertains to the Department of Indian Affairs that had title to the livestock, not the First Nation person.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH **Nº 87304**

PERMIT TO SELL

AGENCY Battleford DATE June 3/66

NAME OF VENDOR Douglas Paul

BAND Poundmaker BAND No. _____

RESERVE Poundmaker

IS HEREBY PERMITTED TO SELL THE UNDERMENTIONED ARTICLES
WITHIN 15 DAYS OF THE DATE SHOWN ABOVE.

Two white faced cows, one
branded I.D. left hip.

5:00 To Indian Office for Poundmaker Bull

NOTE TO PURCHASER: (1) IF PAYMENT IS MADE DIRECTLY TO VENDOR COMPLETE AND SIGN ORIGINAL COPY AND RETURN IT TO AGENCY OFFICE SHOWN BELOW.
(2) IF PAYMENT IS TO BE MADE TO AGENCY OFFICE FORWARD REMITTANCE AND ORIGINAL COPY OF PERMIT TO ADDRESS SHOWN BELOW.
(3) RETAIN TRIPLICATE COPY FOR YOUR PROTECTION.

PAYMENT SHOULD BE MADE TO as above

AGENCY P.O. ADDRESS Battleford THIS PERMIT AUTHORIZED BY [Signature]
SUPERINTENDENT

AMOUNT OF THIS TRANSACTION \$ _____ SIGNATURE OF PURCHASER _____

POST OFFICE ADDRESS _____ DATE _____

1A-2-97 (REV. 7/62) **DUPLICATE**

Courtesy / Saskatchewan Archives / University of Saskatchewan / Saskatoon, Saskatchewan, Canada / located by Leo J. Omani, in year 2002.

Appendix Q:

Noted below, permission to use illustrations in the book by Brace (2005), cited beginning on the next page.

August 26, 2006.

To: Talina Cyr-Steenkamp, Executive Director, Saskatchewan Archaeological Society.

As for your email noted below, I thank the Saskatchewan Archaeological Society for granting permission, specifically for use of the following illustrations, as cited in the book, *Boulder Monuments Of Saskatchewan*, G. Ian Brace. Copyright 2005 Saskatchewan Archaeological Society, Saskatoon, SK:

- (1) Figure 12, Canuck Medicine Wheel (Dhob-2), located in the Cypress Hills, bottom of south-western Saskatchewan, p. 26.
- (2) Figure 13, Jelly Ranch Medicine Wheel (EeNg-1), located at the bottom of Last Mountain Lake near the Qu'Appelle River in southern Saskatchewan, p. 26.
- (3) Figure 17, Moose Mountain Medicine Wheel (DkMq-2), located in the bottom of south-eastern Saskatchewan on the Pheasant Rump Nakota First Nation Reserve, p. 30.
- (4) Figure 29, Wilson Russell Medicine Wheel (EeNe-14), located at the bottom of Last Mountain Lake near the Qu'Appelle River in southern Saskatchewan, p. 34.
- (5) Figure 44, The Roy River's Medicine Wheel (Efo1-2), located near where the Red Deer River and the South Saskatchewan River meet in south-western Saskatchewan, p. 41.
- (6) Figure 123, Cronk's Big Circle, now also referred to as the Tipperary Creek Medicine Wheel (FbNp-2), located adjacent to the city of Saskatoon, in central Saskatchewan, p. 81.
- (7) Figure 83, Mankota Salamander (DiNs-1), located near the Cypress Hills region, bottom of south-western Saskatchewan, p. 60.
- (8) Figure 4, Wild Man Butte Effigy (DgNc-1), located near the town of Gladmar, adjacent to the Cypress Hills bottom of south-western Saskatchewan, p. 4.
- (9) Figure 95, Cabri Lake Human Effigy, (EgOk-1), located near where the Red Deer River and the South Saskatchewan River meet in south-western Saskatchewan, p. 68.
- (10) Figure 111, Lawrence Ranch Vision Quest Site (DkOj-2), located near the Cypress Hills region, bottom of south-western Saskatchewan, p. 75.

In turn, for each of the above-mentioned illustrations to be cited within my doctoral dissertation, academic credit will be given to Saskatchewan Archaeological Society, cited as follows: Permission to use the "illustration," as cited in the book, *Boulder Monuments Of Saskatchewan*, by G. Ian Brace (2005), granted on August 26, 2009: From Saskatchewan Archaeological Society, copyright publisher.

Sincerely,

Leo J. Omani, B.Ed; M.Ed. Doctoral Student, U of S,
College of Graduate Studies & Research, Interdisciplinary Program.

----- Original Message -----

From: [Saskatchewan Archaeological Society](#)

To: leo.j.amani

Sent: Wednesday, August 26, 2009 9:23 AM

Subject: Re: requesting one time permission for use of quotes and illustrations from the book, *Boulder Monuments Of Saskatchewan*, G. Ian Brace. Copyright 2005 Saskatchewan Archaeological Society, Saskatoon, Saskatchewan.

Hello Leo,

We grant permission for the use of these excerpts from *Boulder Monuments*. We ask that you give due recognition and citation for all works borrowed from us. As this is for a thesis project, we do not require you to have written permission. Regards, Talina.

Talina Cyr-Steenkamp, Executive Director

Within the interview process of 2008 conducted by Leo J. Omani with Saskatchewan Dakota/Lakota Elders, the sacred boulder monument noted below and now referred to as the Tipperary Creek Medicine Wheel, which is located adjacent to the city of Saskatoon, in central Saskatchewan (Canada), was mentioned as being one of the sacred sites used long ago by the Dakota *Oyate*, those now known as the Dakota, Nakota, and Lakota people.

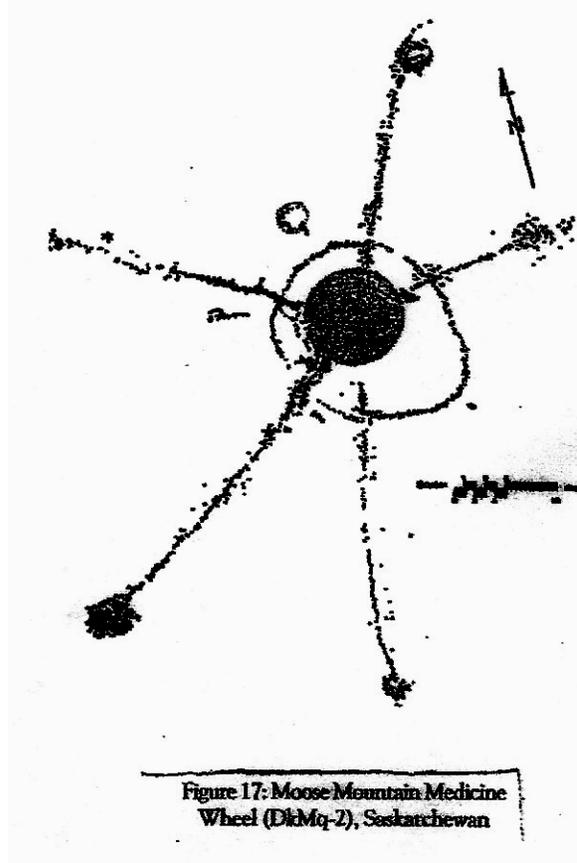


Figure 123: Tom Kehoe and Gil Watson recording Cronk's Big Circle (also called the "Tipperary Creek Medicine Wheel") in October, 1964

Further, the following is now also noted as this pertains to my own (Leo J. Omani) Dakota family oral history. On June 4th, 2008, Dakota Elder Andrew Ironside told me of a Dakota oral history story of when he was younger, in the 1940s, accompanying our grandfather *MahpeyaOmani* (WalkingCloud), also known as Joe Omani, in this case our grandfather having stopped to offer tobacco at what is now being referred to as the Tipperary Creek Medicine Wheel near Saskatoon, Saskatchewan (Canada), each time they traveled from Wahpeton Dakota Reserve located near Prince Albert, in northern Saskatchewan, to visit their relatives on Whitecap Dakota Reserve located near Saskatoon, in central Saskatchewan (personal communication, June 4th, 2008. U of S, Field Notes recorded by Leo J. Omani). For clarity, Dakota Elder Andrew Ironside (who has since moved and transferred to Whitecap Dakota Reserve) is the son of the late George Ironside and the late Margaret (nee Omani) Ironside. In turn, the father of the late George Ironside was *Cu Wi Maza*, also known as Cook Ironside, originally from Whitecap Dakota Reserve, but who had moved to Wahpeton Dakota Reserve. It is now also noted that my grandfather, *MahpeyaOmani*, also known as Joe Omani, passed away before I (Leo J. Omani) was born.

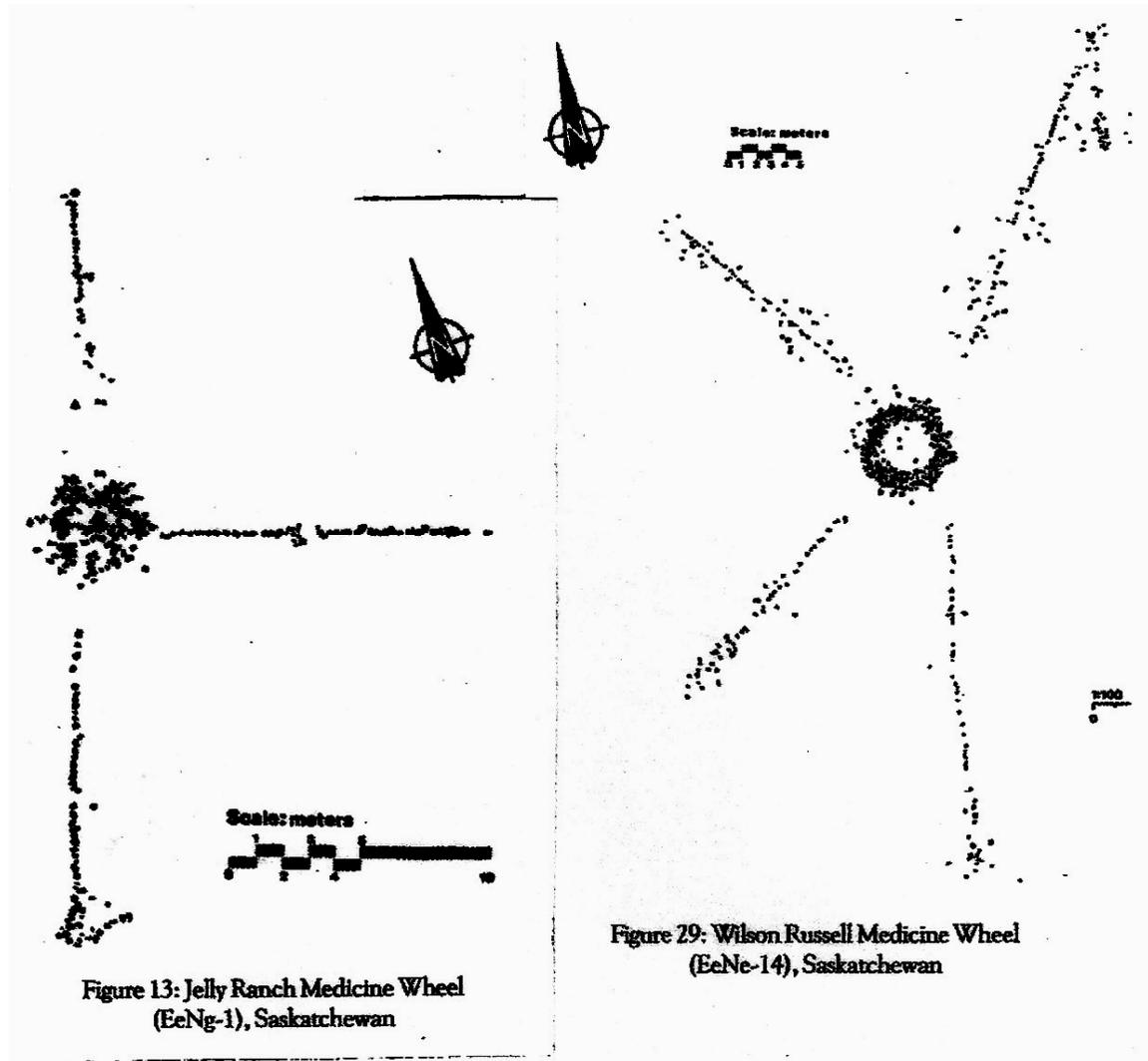
Permission to reprint illustration, Figure 123: Cronk's Big Circle, now also referred to as the Tipperary Creek Medicine Wheel (FbNp-2), p. 81, as cited in the book, *Boulder Monuments Of Saskatchewan*, by G. Ian Brace (2005), granted on August 26, 2009: From Saskatchewan Archaeological Society, copyright publisher.

Within the interview process of 2008 conducted by Leo J. Omani with Saskatchewan Dakota/Lakota Elders, the sacred boulder monument noted below and now known as the Moose Mountain Medicine Wheel, which is located in the bottom of south-eastern Saskatchewan (Canada) on the Pheasant Rump Nakota First Nation Reserve, was mentioned as being one of the sacred sites used long ago by the Dakota *Oyate*, those now known as the Dakota, Nakota, and Lakota people.



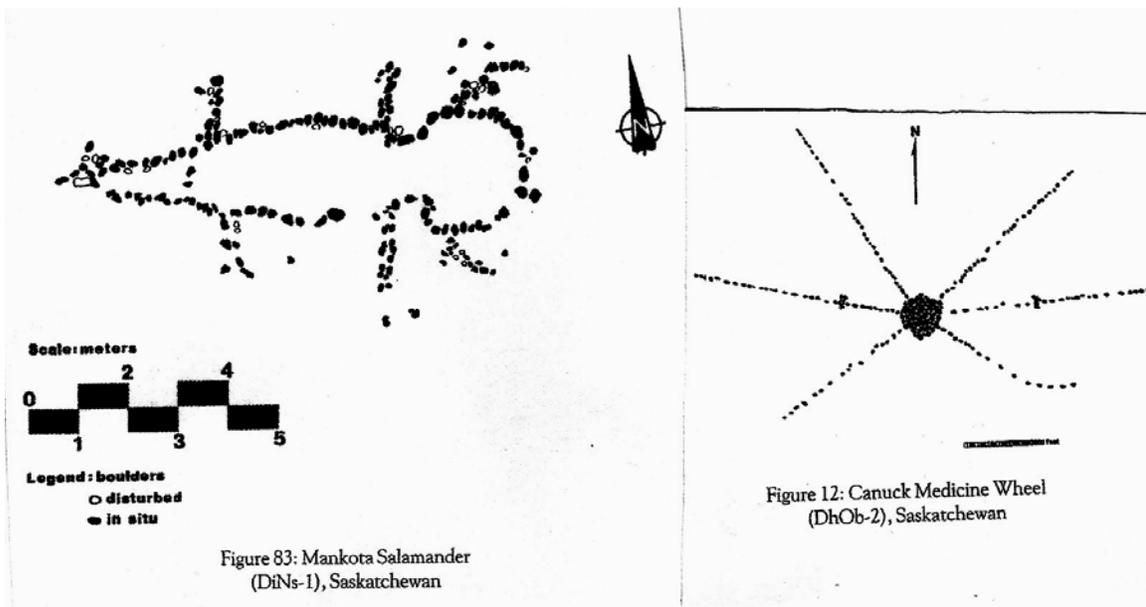
Permission to reprint illustration, Figure 17: Moose Mountain Medicine Wheel (DkMq-2), p. 30, as cited in the book, *Boulder Monuments Of Saskatchewan*, by G. Ian Brace (2005), granted on August 26, 2009: From Saskatchewan Archaeological Society, copyright publisher.

Within the interview process of 2008 conducted by Leo J. Omani with Saskatchewan Dakota/Lakota Elders, the two sacred boulder monuments noted below and now known as the Jelly Ranch Medicine Wheel and the Wilson Russell Medicine Wheel, which are located at the bottom of Last Mountain Lake near the Qu'Appelle River in southern Saskatchewan (Canada), were mentioned as being among the sacred sites used long ago by the Dakota *Oyate*, those now known as the Dakota, Nakota, and Lakota people.



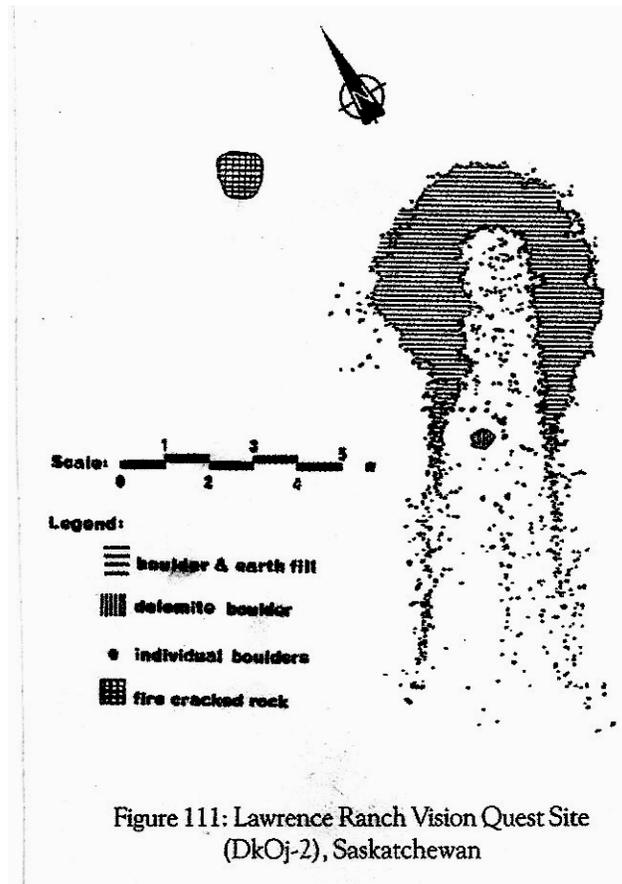
Permission to reprint illustrations, Figure 13: Jelly Ranch Medicine Wheel (EeNg-1), p. 26, and Figure 29: Wilson Russell Medicine Wheel (EeNe-14), p. 34, as cited in the book, *Boulder Monuments Of Saskatchewan*, by G. Ian Brace (2005), granted on August 26, 2009: From Saskatchewan Archaeological Society, copyright publisher.

Within the interview process of 2008 conducted by Leo J. Omani with Saskatchewan Dakota/Lakota Elders, the two sacred boulder monuments noted below and now known as the Mankota Salamander and the Canuck Medicine Wheel, which are located in the Cypress Hills region, bottom of south-western Saskatchewan (Canada), were mentioned as being among the sacred sites used long ago by the Dakota *Oyate*, those now known as the Dakota, Nakota, and Lakota people.



Permission to reprint illustrations, Figure 83: Mankota Salamander (DiNs-1), p. 60 and Figure 12: Canuck Medicine Wheel (Dhob-2), p. 26, as cited in the book, *Boulder Monuments Of Saskatchewan*, by G. Ian Brace (2005), granted on August 26, 2009: From Saskatchewan Archaeological Society, copyright publisher.

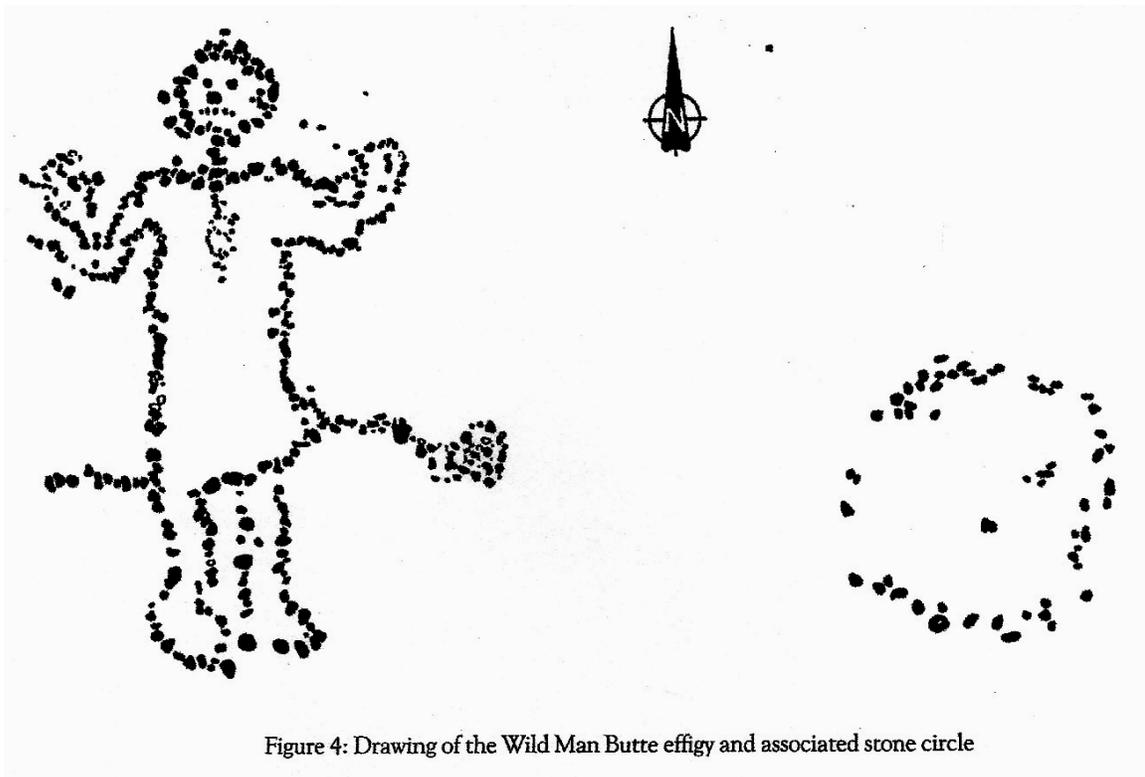
Within the interview process of 2008 conducted by Leo J. Omani with Saskatchewan Dakota/Lakota Elders, the sacred boulder monument noted below and now known as the Lawrence Ranch Vision Quest Site, which is located near the Cypress Hills, bottom of south-western Saskatchewan (Canada), was mentioned as being one of the sacred sites used long ago by the Dakota *Oyate*, those now known as the Dakota, Nakota, and Lakota people.



Permission to reprint illustration, Figure 111: Lawrence Ranch Vision Quest Site (DkOj-2), p. 75, as cited in the book, *Boulder Monuments Of Saskatchewan*, by G. Ian Brace (2005), granted on August 26, 2009: From Saskatchewan Archaeological Society, copyright publisher.

Within the interview process of 2008 conducted by Leo J. Omani with Saskatchewan Dakota/Lakota Elders, the sacred boulder monument noted below and now known as the Wild Man Butte Effigy, which is located near the town of Gladmar, adjacent to the Cypress Hills, bottom of south-western Saskatchewan (Canada), was mentioned as being one of the sacred sites used long ago by the Dakota *Oyate*, those now known as the Dakota, Nakota, and Lakota people.

Specifically, it was mentioned the sacred boulder monument noted below, had been made and used long ago by those who are known as *Heyoka* to the Dakota, Nakota, and Lakota people, who are also known to the *Wa'si'cu* (Whiteman) as “Sacred Clowns” (Lame Deer & Erdoes, 1972, pp. 236-246; Wallis, 1947, pp. 111-223).



Permission to reprint illustration, Figure 4: Wild Man Butte Effigy (DgNc-1), p. 4, as cited in the book, *Boulder Monuments Of Saskatchewan*, by G. Ian Brace (2005), granted on August 26, 2009: From Saskatchewan Archaeological Society, copyright publisher.

Within the interview process of 2008 conducted by Leo J. Omani with Saskatchewan Dakota/Lakota Elders, the sacred boulder monument noted below and now known as the Roy River's Medicine Wheel, which is located near where the Red Deer River and the South Saskatchewan River meet in south-western Saskatchewan (Canada), was mentioned as being one of the sacred sites used long ago by the Dakota *Oyate*, those now known as the Dakota, Nakota, and Lakota people.

Figure 44: Roy Rivers Medicine Wheel
(Efo1-2), Saskatchewan

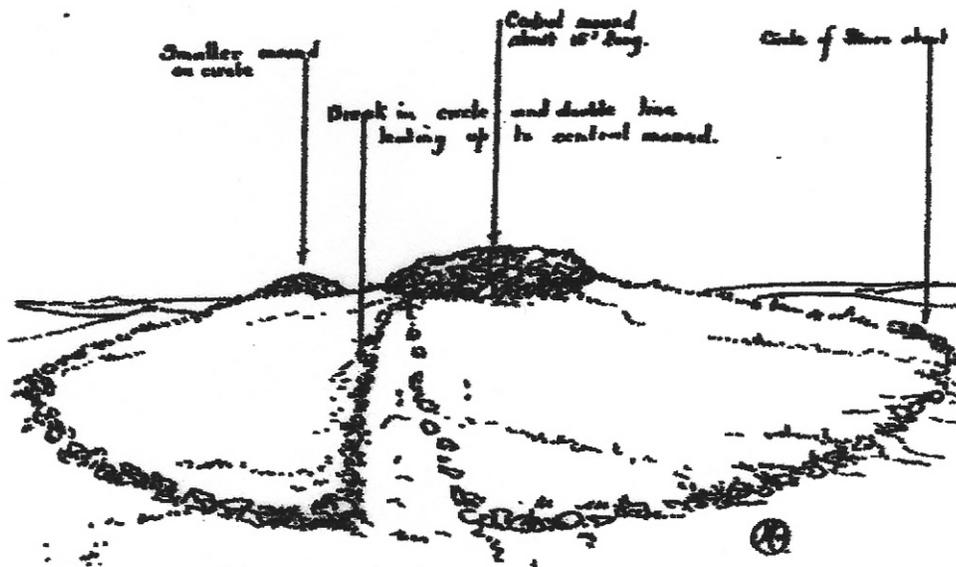


Figure 45: Drawing of Roy Rivers ceremonial circle, 1915

Permission to reprint illustration, Figure 44: The Roy River's Medicine Wheel (Efo1-2), p. 68, as cited in the book, *Boulder Monuments Of Saskatchewan*, by G. Ian Brace (2005), granted on August 26, 2009: From Saskatchewan Archaeological Society, copyright publisher.

Within the interview process of 2008 conducted by Leo J. Omani with Saskatchewan Dakota/Lakota Elders, the sacred boulder monument noted below and now known as the Cabri Lake Human Effigy, which is located near where the Red Deer River and the South Saskatchewan River meet in south-western Saskatchewan (Canada), was mentioned as being one of the sacred sites used long ago by the Dakota *Oyate*, those now known as the Dakota, Nakota, and Lakota people.

Specifically, it was mentioned the sacred boulder monument noted below (for which there are three variations that have since been drawn) had been made and used long ago by those who are known as *Heyoka* to the Dakota, Nakota, and Lakota people, who are also known to the *Wa'si'cu* (Whiteman) as "Sacred Clowns" (Lame Deer & Erdoes, 1972, pp. 236-246; Wallis, 1947, pp. 111-223).



Figure 95: Cabri Lake Human Effigy (a: left, by Gill and Hymers 1968; b: upper right, by Vigfusson; c: lower right, by Kehoe 1965), (EgOk-1), Saskatchewan

Permission to reprint illustrations, Figure 95: Cabri Lake Human Effigy, (EgOk-1), p. 68, as cited in the book, *Boulder Monuments Of Saskatchewan*, by G. Ian Brace (2005), granted on August 26, 2009: From Saskatchewan Archaeological Society, copyright publisher.

Appendix R:

Official Letter from the Indian Agent to Edith Omani,
dated November 13, 1946;
in reference to the request for a trapping licence.

The response in this historical document, clearly meant a loss of income, for the fur trapping season had opened at the beginning of November in 1946, but by November 13th, 1946 the Department of Indian Affairs had still not issued a permit for a trapping license, as cited in the correspondence noted as follows:

OFFICE OF THE
INDIAN AGENT

Carlton Agency



CANADA

DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE

FILE 1078-8-14

Leask, Saskatchewan,
November 13, 1946.

Miss Edith Omani,
General Delivery,
Prince Albert, Sask.

Dear Madam:

In reply to your letter of November 8,
1946, please be advised that we have not received the
Trapping licenses to date. As soon as we get them, I
will forward same to you.

Yours truly,


E. S. Jones,
Indian Agent.

ESJ/ae

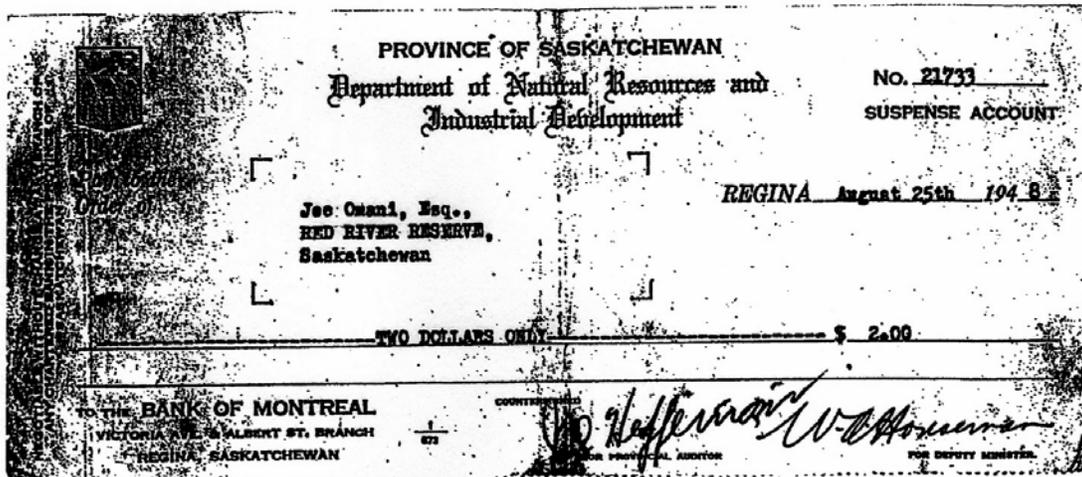
Courtesy of the Omani Historical Family Collection

Appendix S:

A Cheque and Two Receipts for Furs Issued to the Late Joe Omani by the Department of Natural Resources and Industrial Development, in 1948.

- Recorded by staff of the Department of Natural Resources and Industrial Development, Province of Saskatchewan, and provided courtesy of the Omani Historical Family Collection, Wahpeton Dakota Reserve #94-A.
- These provincial government documents cite two of the earlier names for Wahpeton Dakota Reserves #94-B and 94-A, which were the Red River Reserve (#94-B) and the Round Plain Reserve (94-A).
- Further, these documents verify the importance of the fur trade economy to the Dakota people, right into the middle of the twentieth century. However, very little written documentation exists, from 1870 to 1950, on the hunting, fishing, and trapping lifestyle of the Dakota people residing within the Woodland/Parkland Belt of northern Saskatchewan (Leo J. Omani, March 9th, 2002).

Noted as follows is the Two Dollar Cheque, and Two Receipts for Furs received, issued to the Late Joe Omani, in 1948:



Courtesy of the Omani Historical Family Collection

The two receipts for furs issued to the Late Joe Omani in 1948 are cited on the next page.

Two Receipts for Furs Issued to the Late Joe Omani
by the Department of Natural Resources and Industrial Development, in 1948

GOVERNMENT OF THE PROVINCE OF SASKATCHEWAN
DEPARTMENT OF NATURAL RESOURCES
AND INDUSTRIAL DEVELOPMENT

Fur Acknowledgment Receipt No. 18860

Received of *Joe Omani*, *Round Plain Reserve* *May 11/48*
(NAME) (ADDRESS) (DATE)

Muskrats _____ Other Fur _____
Beaver *1 B-3674*

Amount Advanced *\$5.00*

Cheque Number *17671*

Joe Omani
(SIGNATURE OF TRAPPER)

Licence No. *94A INDIAN Reserve*

J. Bruce
(SIGNATURE OF RECEIVING OFFICER)

GOVERNMENT OF THE PROVINCE OF SASKATCHEWAN
DEPARTMENT OF NATURAL RESOURCES
AND INDUSTRIAL DEVELOPMENT

Fur Acknowledgment Receipt No. 18859

Received of *Joe Omani*, *Round Plain Reserve* *May 11/48*
(NAME) (ADDRESS) (DATE)

Muskrats _____ Other Fur _____
Beaver *4*

Amount Advanced *\$4.00*

Cheque Number *17671*

Joe Omani
(SIGNATURE OF TRAPPER)

Licence No. *94A INDIAN Reserve*

J. Bruce
(SIGNATURE OF RECEIVING OFFICER)

Courtesy of the Omani Historical Family Collection

Appendix T:

Notice to Any Person Who Trespasses on an Indian Reserve

Enforced by the Department of Indian Affairs from the 1880s to the 1980s

NOTICE

THIS IS AN INDIAN RESERVE

Any person who trespasses on an Indian Reserve is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding one month, or to both fine and imprisonment.



Indian and Northern
Affairs Canada

Affaires Indiennes
et du Nord Canada

Courtesy of Leo J. Omani – Historical Family Collection

Appendix U:

Summary of Summer Research, July and August 2008, conducted with the Woodland Cree Elders and Swampy Cree Elders with regard to ancient Dakota Sacred Burial Sites and Dakota Rock Paintings near and along the Churchill Hill River, which overlaps the northern part of the provinces of Saskatchewan and Manitoba, Canada

This document corresponds to the doctoral dissertation study by Leo J. Omani entitled: “Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada.” For clarity, based on previous oral history stories of the Dakota Elders of Wahpeton of having been on the Churchill River in northern Saskatchewan and northern Manitoba in centuries past. In turn, for which the Dakota/Sioux as being in northern Saskatchewan had also been previously cited in brief by Elias (1988), Wheeler (1991), and Touple (2003). To establish a triangular process of verification, the data enclosed within this document was gained from the interviews with the Woodland Cree Elders and Swampy Cree Elders, as this pertains to verification that was provided with regard to ancient Dakota Sacred Burial Sites and Dakota Rock Paintings near and along the Churchill Hill River, which overlaps the northern part of the provinces of Saskatchewan and Manitoba, Canada.

(c) Leo J. Omani, Doctoral Student, U of S
College of Graduate Studies & Research
Interdisciplinary Program

Data gained from interviews with Woodland Cree Elders and Swampy Cree Elders, as this pertains to ancient Dakota Sacred Burial Sites and Dakota Rock Paintings near and along the Churchill Hill River, which overlaps the northern part of the provinces of Saskatchewan and Manitoba, Canada

The following provides a summary the summer research conducted in July and August of 2008. To begin the discussion, Willie Ermine, being Cree of Sturgeon Lake First Nation, for which the members of the Sturgeon Lake First Nation have been referred to as the Willow Cree and now the Plains Cree (located 30 miles north-west of the city of Prince Albert, in northern Saskatchewan), did inform me of an oral history story he heard numerous times growing up, in this case with regard to a ancient Dakota Sacred Burial Site of four or five children at Caribou Creek Lodge near Candle Lake, Saskatchewan, Canada (personal communication, July 13, 2008. U of S, Field Notes recorded by Leo J. Omani). As a point of interest, Willie Ermine's relative, Robert Ermine, had once told me that his grandfather was "*O-hank-o*, also known as Alex Swifthawk from Wahpeton Dakota Reserve #94 – A, located 12 miles of Prince Albert, Saskatchewan, Canada. In turn, one Dakota Elder from Wahpeton Dakota Reserve #94 – A that I (Leo J. Omani) interviewed in 2008 for this doctoral study also did mention the Burial Site of four or five children at Caribou Creek Lodge near Candle Lake, Saskatchewan.

In turn, the oral history story by Willie Ermine of Sturgeon Lake First Nation was confirmed by Garry Newton who previously owned the Caribou Creek Lodge on the Hanson Lake Road, now noted as Highway 106. While Garry Newton was able to verify the location of the ancient Dakota Sacred Burial Site of four or five children, which were located when the Saskatchewan Department of Highways had decided to extend and pave the highway. He did not know where the human remains were taken (personal communication, July 15th, 2008). Hence, Brian Scribe of FSIN Lands & Resources (who has a background in anthropology and archaeology) did GPS this location (U of S, Field Notes recorded by Leo J. Omani, July 15, 2008).

As for the interviews with Woodland Cree Elders and Swampy Cree Elders, the following is noted. The first to be discussed will be the ancient Dakota Sacred Burial Sites mentioned. The second to be discussed will be the ancient Dakota Rock Paintings. It is now also noted that the Woodland Cree and the Swampy Cree use the term "Pwata" when describing the "Dakota" people (Stonechild, 2003, p. 55), who have also been referred to as "Sioux" (Elias, 1988, preface xv). Further, while a total of sixteen individuals had been approached, two formally withdrew, leaving seven Woodland Cree Elders and seven Swampy Cree Elders that were interviewed, amounting to fourteen in total.

Thus, as for the seven Woodland Cree Elders interviewed, all did hear of the battle that took place between the Woodland Cree and those they call "Pwata," Dakota/Sioux at Pelican Narrows in northern Saskatchewan in centuries past, which has previously been documented by Marchildon & Robinson (2002, pp. 331-332). In turn, the following noted on the next page discusses where Dakota Burial Sites are known to be located.

As for the Woodland Cree Elder interviewed at Pelican Narrows on July 16th, 2008, no ancient Dakota Sacred Burial Sites were mentioned as existing at Pelican Narrows. However, this Woodland Cree Elder did discuss the battle between the Woodland Cree and those they call “Pwata,” Dakota/Sioux, that occurred at “Pelican Narrows, named in Cree [as] *Opowekusitikunik* (or Narrows of Fear)” (Elias, 1988, p. 6). Further, this Woodland Cree Elder did mention after the battle at Pelican Narrows, the Dakota were caught by the Woodland Cree at *Pasquia* River and all put to death; *Pasquia* River is adjacent to *Kimosom Pwatinak* / Deschambeault Lake.

In addition, besides that mentioned as *Pasquia* River, adjacent to *Kimosom Pwatinak* / Deschambeault Lake, where the Dakota were caught by the Woodland Cree and all put to death, the following is also cited. On July 17th, 2008, one Woodland Cree Elder at *Kimosom Pwatinak* / Deschambeault Lake did confirm the existence of an ancient Dakota Burial Site, located at Bear Point Island on Ballantyne Bay near what it now known as *Kimosom Pwatinak* / Deschambeault Lake. As for previous written documentation, Elias (1988) did note, “the modern Cree Village of Deschambeault Lake is called *Kimosopuatinak* (Home of the Ancient Dakota)” (p. 6). In support of the written text by Elias (1988), the Woodland Cree Village of Deschambeault Lake in northern Saskatchewan is now the new Treaty Land Entitlement Reserve of the Peter Ballantyne Cree Nation that has since been named *Kimosom Pwatinak*, which when translated means “Grandfather Dakota Land.” Elias also did mention “the Ballantyne River ... [adjacent to Deschambeault Lake] ... is known by the Cree of that region as *Puatsipi* or *Dakota River*” (p. 6). Further, on July 17th, 2008, another Woodland Cree Elder at *Kimosom Pwatinak* / Deschambeault Lake did mention those they call “Pwata,” Dakota/Sioux, as having held their “scalp dances” at *Mishi Ministiskowah* (now known as Robertson Island), which is located near *Kimosom Pwatinak* / Deschambeault Lake. In turn, Dakota Elder Andrew Ironside describes this Dakota dance as “*Wi’ca’nagi Wa’ci’pi*,” translated as “Spirit Dance” held in honour of one’s fallen foe (personal communication, August 11th, 2008. U of S, Field Notes recorded by Leo J. Omani). As for the Woodland Cree Elder interviewed at Grandmother’s Bay near Stanley Mission on July 18th, 2008, no ancient Dakota Sacred Burial Sites were mentioned as existing at Grandmother’s Bay, as well as Stanley Mission. However, on July 18th, 2008, there was confirmation by one Woodland Cree Elder of Montreal Lake of a location, as this pertains to one ancient Dakota Sacred Burial Site of three Dakota Warriors near the town of Waskesiu, within the Prince Albert National Park, specifically, on the south side of Kingsmere Lake.

As for the seven Swampy Cree Elders, there was three interviewed at Cumberland House, Saskatchewan, three interviewed at The Pas, Manitoba, and one from Moose Lake, Manitoba. The three Swampy Cree Elders of Cumberland House interviewed on August 5th, 2008 did verify the existence of those they refer to as “Pwata,” Dakota/Sioux as having been within this location. In turn, this had also previously been mentioned by Dakota Elders when interviewed by Touple (2003), who had noted that Cumberland House “is called *Pwottah Nootintonihk*, which translates [in Cree] as ‘the Sioux Battle Ground’” (p. 18). However, there was no mention on August 5th, 2008 of any ancient Dakota Sacred Burial Sites within this area. It was suggested by the Swampy Cree Elders of Cumberland House to also interview the Swampy Cree Elders at The Pas, Manitoba

and Moose Lake, Manitoba, for it was understood by the Swampy Cree Elders of Cumberland House that those they refer to as “Pwata,” Dakota/Sioux, as having been in this location. Thus, it was confirmed by the three Swampy Cree Elders at The Pas, Manitoba, as well as the one Swampy Cree Elder from Moose Lake, Manitoba, that those they refer to as “Pwata,” Dakota/Sioux as having been in this location in centuries past. Further, in support of Dr. Stan Wilson of Opaskwayak Cree Nation (located adjacent to The Pas, Manitoba) in having commented that there is one ancient Dakota Sacred Burial Site at Moose Lake, in northern Manitoba. Including Moose Lake before European contact having been an Aboriginal trade centre where different tribal groups gathered to trade medicine with each other (personal communication, August 6th, 2008. U of S, Field Notes recorded by Leo J. Omani). It was mentioned by one Swampy Cree Elder on August 6th, 2008, that there was one ancient Dakota Sacred Burial Site pertaining to a Dakota woman at Moose Lake, Manitoba. In addition, another Swampy Cree Elder on August 7th, 2008 did mention that Moose Lake, Manitoba was once (before the Europeans arrived in reference to the fur trade) an Aboriginal trade centre where different tribal groups gathered to trade medicine with each other, including those they refer to as “Pwata,” Dakota/Sioux. Furthermore, it is now noted that Dr. Stan Wilson did mention that a buffalo skull was recently found at The Pas, Manitoba (personal communication, August 6th, 2008. U of S, Field Notes recorded by Leo J. Omani).

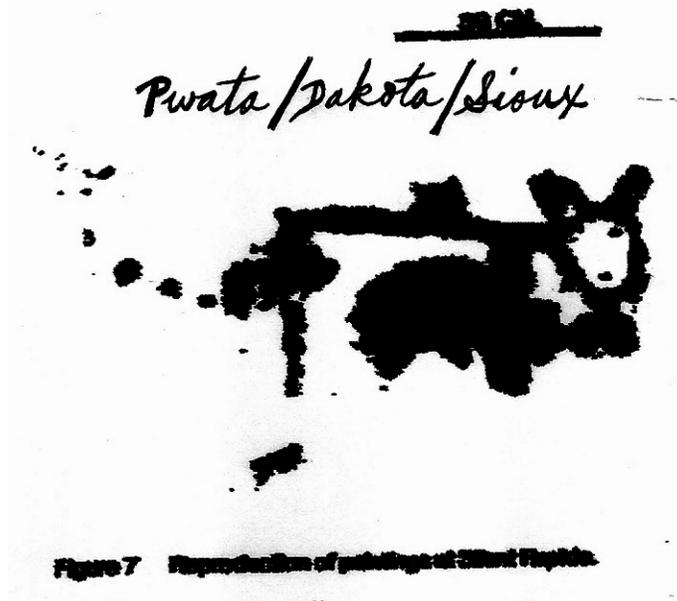
As for ancient Dakota Rock Paintings, near and along the Churchill River in northern Saskatchewan and Manitoba, the following is cited. Jones (1981) has written a book entitled, *The Aboriginal Rock Paintings of the Churchill River*, which studied “the aboriginal rock paintings of the Churchill River of northern Saskatchewan and Manitoba” (p. 1). In describing the Aboriginal Rock Paintings, Jones (1981) did state, “[f]ollowing well established North American usage, I will use the terms *rock painting* and *pictograph* interchangeably in this study, both referring to symbols *painted* on vertical rock faces” (p. 2). In addition, Stonechild (2003) did mention, “Dakota ‘pictograph writing’ found on the rocks of the Churchill River, is referred to by the Stanley Mission [Woodland Cree] Elders as Pwata writing, or Dakota writing” (p. 56). Further, one interview transcript of the late Sam Buffalo (1977), a member of Wahpeton Dakota Nation located 12 miles northwest of Prince Albert, in northern Saskatchewan, states: “our ancestors advanced and developed pictorial writing” [Transcript Disc 12, page 4, Saskatchewan Archives Board, August 30, 1977]. Contemporary Dakota academics, Eastman (1902, p. 115), Ross (1989, p. 51), and Wilson (2005, p. 32), have also confirmed the existence of a pictograph writing system amongst the Dakota people.

Based on the above-mentioned previous documentation, the following is noted. There were two Woodland Cree Elders, one from *Kimosom Pwatinak* / Deschambeault Lake interviewed on July 15th, 2008 and one from Grandmother’s Bay near Stanley Mission interviewed on July 17th, 2008, as well as one Swampy Cree Elder from Cumberland House interviewed on August 5th, 2008, who mentioned that their grandparents had told them of those they refer to as “Pwata,” Dakota/Sioux, having painted on the rocks near and along the Churchill Hill River in Northern Saskatchewan, Canada.

Specifically, the Woodland Cree Elder who grew up at *Kimosom Pwatinak / Deschambeault Lake*, who was interviewed on July 15th, 2008, when shown and asked about the rock Paintings as noted in the book by Jones (1981), *The Aboriginal Rock Paintings of the Churchill River*. While not familiar with all the rock paintings cited in the book, recalled when she was younger, while travelling by canoe on the Churchill River, her grandparents showing her a number of Rock Paintings which her grandparents had said were made by those they call “Pwata,” Dakota/Sioux. Thus, as noted in the book by Jones (1981), *The Aboriginal Rock Paintings of the Churchill River*, the following discusses the rock paintings that the Woodland Cree Elder, who grew up at *Kimosom Pwatinak / Deschambeault Lake*, recalled her grandparents saying were made by those they call “Pwata”, Dakota/Sioux:

- (1) Silent Rapids Site: Rock Painting mentioned as having been made by “Pwata,” Dakota/Sioux. As for the location of these rock paintings, Jones (1981) noted the following, “On the north side of an island 2 km downstream from Silent Rapids, Black Bear Island Lake” (p. 16); which is adjacent to Wamninuta Island, near the Woodland Cree community of Grandmother’s Bay near Stanley Mission, Saskatchewan, whose members belong to the Lac La Ronge Indian Band.

As noted by Marchildon & Robinson (2002), “The main painting at this site depicts an animal of unknown species with what may be a small animal inside it The two figures are joined by a curved, dotted line made up of four round balls of colour” (p. 216); Jones (1981) provides a similar description (p.16).



Permission granted on August 13, 2009 by publisher to reprint illustration, Silent Rapids Site on page 16 drawn from: *The Aboriginal Rock Paintings of the Churchill River*, by Tim E. H. Jones (1981), updated with new material 2006 (c) the Saskatchewan Archaeological Society, Saskatoon, Saskatchewan and Royal Saskatchewan Museum, Regina, Saskatchewan.

(2) High Rock Narrows Site 2, Face VII: Rock Paintings mentioned as having been made by “Pwata,” Dakota/Sioux. Location of Rock Paintings, High Rock Narrows (Jones, 1981, p. 22), which is below Wamminuta Island and adjacent to the Woodland Cree community of Grandmother’s Bay near Stanley Mission, Saskatchewan, whose members belong to the Lac La Ronge Indian Band. The following is a description of the Rock Paintings as describes by Jones (1981):

A large, three-sided enclosure open at the top forms a frame for seven paintings: a bird with long, sinuous wings situated above a circle with a cross drawn inside, two humans with upraised arms and dumb-bell shaped torsos, an unidentified symbol below the left human, consisting of a line with three upright extensions, and a small bird with long, snake-like line extending downward from the tip of its right wing. Above these is a three-sided box with a creature with long arms, turned sideways, as if flying or swimming. Below the large enclosure are two highly stylized human figures, one touching an apparent medicine rattle, the other smoking a pipe. Another rattle is positioned to the right of this taller human and an unidentifiable figure is positioned above his head (p. 22).

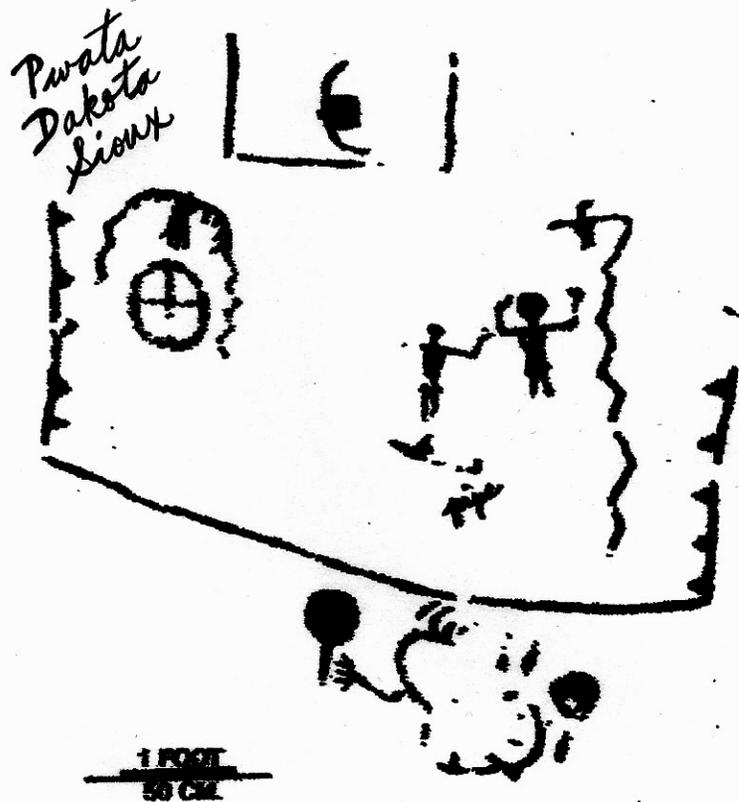


Figure 16 Reproduction of paintings at High Rock Narrows site 2, Face VII.

Permission granted on August 13, 2009 by publisher to reprint illustration, High Rock Narrows Site 2, Face VII on page 22 drawn from: *The Aboriginal Rock Paintings of the Churchill River*, by Tim E. H. Jones (1981), updated with new material 2006 (c) the Saskatchewan Archaeological Society, Saskatoon, Saskatchewan and Royal Saskatchewan Museum, Regina, Saskatchewan.

(3) Cow Narrows Site: Rock Paintings mentioned as having been made by “Pwata,” Dakota/Sioux. As for the location of these Rock Paintings, Jones (1981) noted the following, “Southeast shore of Cow Island, Mountain Lake” (p. 26); which is below Grandmother’s Bay and near Stanley Mission, Saskatchewan, another Woodland Cree community whose members belong to the Lac La Ronge Indian Band. The following is a description of the rock paintings as describes by Jones (1981):

Two large paintings, a human and a bison, are joined by two lines. One line connects the man’s head to the base of the bison’s left horn, and one line extends from the man’s right wrist to the mouth area of the bison (p. 26).

9. Cow Narrows Site

Location: 55°32' N. Lat., 104° 32' W. Long. Southeast shore of Cow Island, Mountain Lake.

Recorded: September 3, 1966.

Paintings: Two large paintings, a human and a bison, are joined by two lines (see Fig. 21). One line connects the man’s head to the base of the bison’s left horn, and one line extends from the man’s right wrist to the mouth area of the bison.

Pwata/Dakota/Sioux

1 FOOT
30 CM.



Figure 21 Reproduction of paintings at Cow Narrows.

Orientation of rock face: 172° W. of N.

Relationship to water: 2.5 m from the water to the top of the bison’s left horn. The figures were traced by standing on a narrow foothold about 1 m above the water. (see Plate 13).

Angle of rock face: 45°-50° back from the vertical.

Permission granted on August 13, 2009 by publisher to reprint illustration, Cow Narrows Site on page 26 drawn from: *The Aboriginal Rock Paintings of the Churchill River*, by Tim E. H. Jones (1981), updated with new material 2006 (c) the Saskatchewan Archaeological Society, Saskatoon, Saskatchewan and Royal Saskatchewan Museum, Regina, Saskatchewan.

(4) Island Portage Site: Rock Paintings mentioned as having been made by “Pwata,” Dakota/Sioux. As for the location of these Rock Paintings, Jones (1981) noted the following, “On the north shore of Inman Channel, a narrow natural channel bypassing the rapids at Island Portage on the main body of the Churchill [some distance from Stanley Mission, near Keg Lake heading to Pelican Narrows, Saskatchewan]” (p. 32). The following is a description of the Rock Paintings as described by Marchildon & Robinson (2002):

Starting on the viewer’s left, they include a man with a large hunting bow, a snake-like diagonal line, a circle, an animal with what may be a large antler rack, two birdtrack-like designs, a large indistinct figure, and a small moose following a large moose. Below these figures, there is a solid ball of pigment and also a bison. Finally, below the bison and touching it, there is an aquatic-like animal (p. 298); Jones (1981) provides a similar description (pp. 32-33).

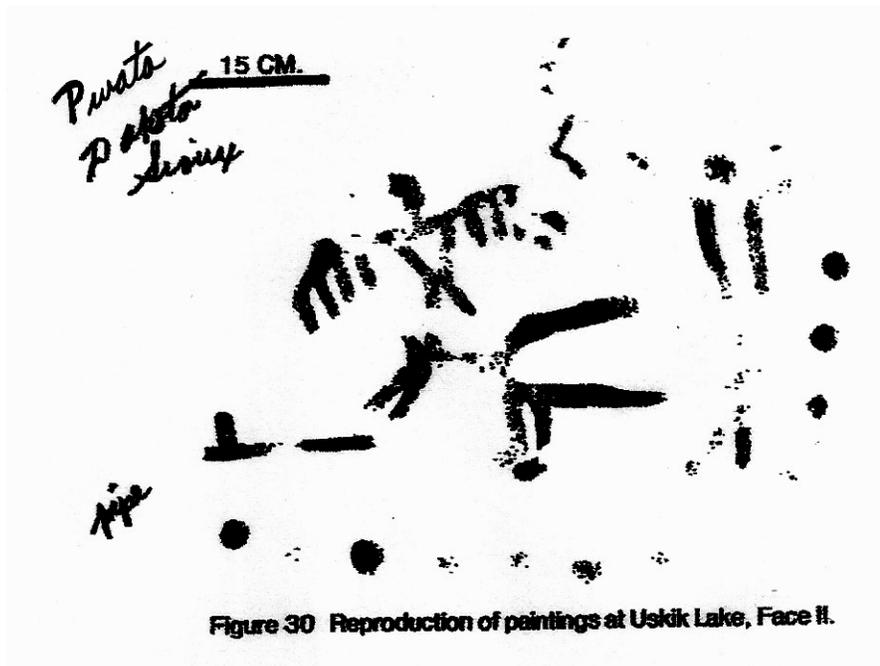


Figure 29. Reproduction of paintings at Island Portage.

Permission granted on August 13, 2009 by publisher to reprint illustration, Island Portage Site on page 33 drawn from: *The Aboriginal Rock Paintings of the Churchill River*, by Tim E. H. Jones (1981), updated with new material 2006 (c) the Saskatchewan Archaeological Society, Saskatoon, Saskatchewan and Royal Saskatchewan Museum, Regina, Saskatchewan.

- (5) Uskik Lake Site, Face II: Rock Paintings mentioned as having been made by “Pwata,” Dakota/Sioux. As for the location of these Rock Paintings, Jones (1981) noted the following, “On the north shore of Uskik Lake about halfway between Frog Portage and Uskik Falls [on the Churchill River]” (p. 34); for which Frog Portage is near the Woodland Cree community of Pelican Narrows, whose members belong to the Peter Ballantyne Cree Nation. The following is a description of the Rock Paintings as described by Jones (1981):

Face II has a wolf or dog as the central figure. The body of a bird extends upward from its right ear and a human with upraised arms joins the animal’s back just ahead of the tail. **A pipe is just left of the canid’s open jaws**, and a series of twelve balls of colour, forming a border for the group, extend in a curving arc below the pipe to the middle of the human’s body. An undulating snake extends upward near the bird’s right wing” (p. 34). [The Rock Paintings just described by Jones (1981) are cited on page 35 of his book].



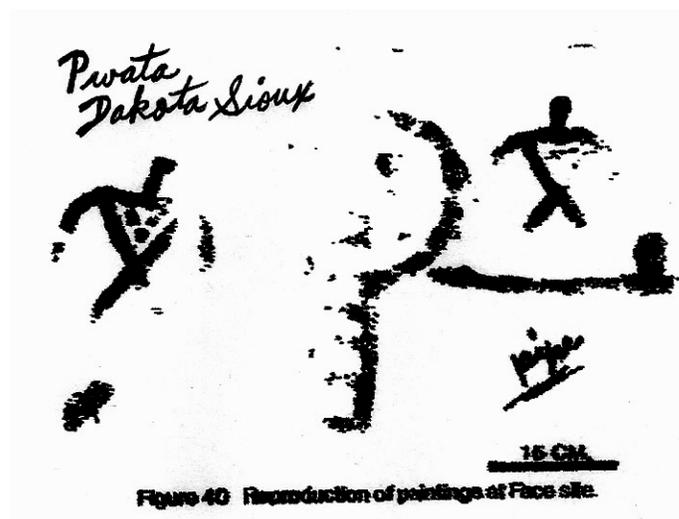
Permission granted on August 13, 2009 by publisher to reprint illustration, Uskik Lake Site, Face II on page 35 drawn from: *The Aboriginal Rock Paintings of the Churchill River*, by Tim E. H. Jones (1981), updated with new material 2006 (c) the Saskatchewan Archaeological Society, Saskatoon, Saskatchewan and Royal Saskatchewan Museum, Regina, Saskatchewan.

(6) Face Site, #21: Rock Paintings mentioned as having been made by “Pwata,” Dakota/Sioux. As for the location of these Rock Paintings, Jones (1981) noted the following, “About 180 m north of No. 20 on the same set of cliffs [in reference to another rock painting cited as the Oil Drum Site]” (p. 44); the Oil Drum Site is mentioned by Jones (1981) as being, “On the east shore of Opachuanau Lake, about 3 km down downstream from Leaf Rapids [Manibota, on the Churchill River]” (p. 43). The following is a description of the Rock Paintings as described by Jones (1981), in this case for that noted as “Face Site” located near Leaf Rapids, Manitoba, on the Churchill River:

There are four paintings: a central human face with open mouth, no nose and a long neck with three bars across it; two small birds with three dots inside the chest; and an object interpreted as **a pipestem with mouthpiece and bowl**. There is some pigment below the right eye, which may be an intentionally painted ‘tear line’ or simply running of paint. There is also a small curved area of pigment to the right of the mouth (p. 44).

Further, Jones (1981) did state the following pertaining to Face Site #21:

The head with ribbed neck seen at site 21 on Opachuanau Lake [located near Leaf Rapids, Manitoba] is unique in the shield, but is found with slight variations at Pictograph Cave, Montana (Mulloy, 1958: 127, 130), on a petroglyph boulder from Weyburn, Saskatchewan (now in front of the Saskatchewan Museum of Natural History in Regina), and carved on an outcrop near St. Victor, Saskatchewan. The appearance of a distinctive Plains rock art symbol is most anomalous, and would seem to be best explained as the creation of an artist who had travelled far from his own cultural milieu (p. 58).

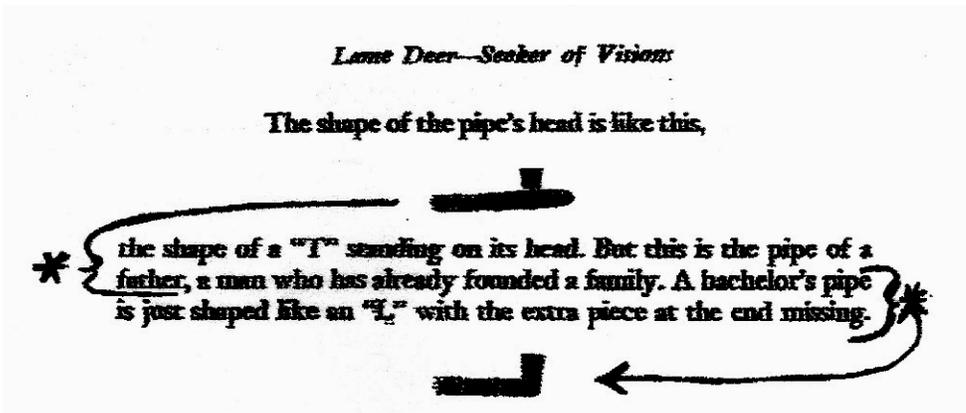


Permission granted on August 13, 2009 by publisher to reprint illustration, Face Site, #21 on page 44 drawn from: *The Aboriginal Rock Paintings of the Churchill River*, by Tim E. H. Jones (1981), updated with new material 2006 (c) the Saskatchewan Archaeological Society, Saskatoon, Saskatchewan and Royal Saskatchewan Museum, Regina, Saskatchewan.

In addition, Jones (1981) did note the following: “Saskatchewan sites with pipes (Nos. 7, 15, 16 and 19) [in reference to the Rock Paintings cited within the book, *The Aboriginal Rock Paintings of the Churchill River*] depict platform pipes, a type most commonly found in the Plains area” (p. 61).

As for the comments by Jones (1981) pertaining to “platform pipes, a type most commonly found in the Plains area” (p. 61), the following is noted. For the Dakota *Oyate*, which when translated means the “Dakota Nation” (Wilson, 2005, p. 5; Ross, 1989, preface I), now referred to in linguistic terms as the Dakota, Nakota, and Lakota people (Wilson, 2005, p. 4; Elias, 1988, preface xiii; Marino, 2002, pp. 251-252), who in centuries past followed a hunting, fishing and gathering lifestyle within the woodland / parkland / prairie belt of the Canadian / American West (Anderson, 1997; Elias, 1988; Laviolette, 1991), a platform pipe is actually known as a “ T ” pipe, which Lame Deer (1972) did mention “is the pipe of a father, a man who has already founded a family” (p. 256), which is similar to a pictograph of a platform pipe in the book by Jones (1981, p. 35), thus one of the rock paintings that the Woodland Cree Elder, who grew up at *Kimosom Pwatinak* / Deschambeault Lake, interviewed on July 15th, 2008, recalled her grandparents saying were made by those they call “Pwata”, Dakota/Sioux.

Further, as for Lame Deer’s (1972) comment, “A bachelors’ pipe is just shaped like an “ L ” with the extra piece at the end missing” (p. 256), this corresponds to a pictograph of a pipe in the book by Jones (1981, p. 44), which when showed this pictograph of a pipe to the Woodland Cree Elder at Grandmother’s Bay near Stanley Mission, interviewed on July 17th, 2008 and specifically asked, what do you call this pipe? The Woodland Cree Elder responded, “Pwata Ospwahgun” translated as “Dakota pipe.” For clarity, the pictograph of the pipe asked about pertains to a bachelor as describe by Lame Deer (1972, p. 256), which is similar to the pictograph of a pipe in the book by Jones (1981, p. 44). Thus, noted below are the illustrations of pipes as described by Lame Deer (1972).



Permission granted on August 13, 2009 by publisher reprint illustration. From: *Lame Deer – Seeker of Visions: The Life of a Sioux Medicine Man*. By John (Fire) Lame Deer and Richard Erdoes. Copy 1972 by Fire/Lame Deer and Richard Erdoes. Used by permission of Atouchstone Book, an imprint of Simon and Schuster, Inc.

As for concluding remarks, attached is the U of S Ethics "Certificate of Approval Study Amendment Form." Including the "Consent Form" for the Woodland Cree Elders & Swampy Cree Elders' Interview Process, as well as an "Interview Guide" with five questions, and a "Data /Transcript Release Form."



Behavioural Research Ethics Board (B REB)

Certificate of Approval Study Amendment

PRINCIPAL INVESTIGATOR
Michael Cottrell

DEPARTMENT
Educational Administration

Beh #
08-111

INSTITUTION(S) WHERE RESEARCH WILL BE CARRIED OUT
University of Saskatchewan
Saskatoon SK

STUDENT RESEARCHER(S)
Leo J. Omani

SPONSORING AGENCIES
WAIHPETON DAKOTA NATION POST-SECONDARY PROGRAM

TITLE
Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada

APPROVAL OF	APPROVED ON	CURRENT EXPIRY DATE
<ul style="list-style-type: none">Approval of protocol to re-consent and review transcripts with the 16 participants interview in the summer of 2008Approval of revised consent formsApproval of transcript release formApproval of interview guide	09-Jun-2009	21-May-2010

Full Board Meeting

Date of Full Board Meeting:

Delegated Review

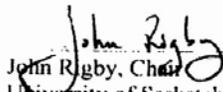
CERTIFICATION

The University of Saskatchewan Behavioural Research Ethics Board has reviewed the above-named research project. The proposal was found to be acceptable on ethical grounds. The principal investigator has the responsibility for any other administrative or regulatory approvals that may pertain to this research project, and for ensuring that the authorized research is carried out according to the conditions outlined in the original protocol submitted for ethics review. This Certificate of Approval is valid for the above time period provided there is no change in experimental protocol or consent process or documents.

Any significant changes to your proposed method, or your consent and recruitment procedures should be reported to the Chair for Research Ethics Board consideration in advance of its implementation.

ONGOING REVIEW REQUIREMENTS

In order to receive annual renewal, a status report must be submitted to the REB Chair for Board consideration within one month of the current expiry date each year the study remains open, and upon study completion. Please refer to the following website for further instructions: http://www.usask.ca/research/ethics_review/


John Rigby, Chair
University of Saskatchewan
Behavioural Research Ethics Board

Please send all correspondence to

Research Ethics Office
University of Saskatchewan
Box 5000 RPO University, 1602-110 Gymnasium Place
Saskatoon SK S7N 4J8

Consent Form
Interview Process with Woodland Cree Elders & Swampy Cree Elders

As part of the U of S Ethics approval process, please review the content written within this Consent Form, which corresponds the attached Interview Guide and Data Release Form, as this pertains to your original oral written transcript in 2008.

For clarity, this U of S Ethics approval process in effect affirms your participate in 2008 with regard to the research project entitled, “Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada.”

Therefore, please read this form carefully and feel free to ask questions you might have, for the intent of your original oral written transcript in 2008 is to provide a summary with regard to a triangular process of verification and to be inserted as one of the appendices to the research project entitled: “Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada.”

Researcher(s): Name(s), departmental and institutional affiliation(s), contact number(s).

Dr. Michael Cottrell, PhD. Supervisor, Professor, U of S, Department of Educational Administration. University of Saskatchewan, 28 Campus Dr., Saskatoon, Saskatchewan. S7N 0X1 Phone: (306) 966 – 7690 / Fax: (306) 966 – 7630/Email: cottrellmj@sasktel.net

Leo J. Omani, Doctoral Student, College of Grad Studies, Interdisciplinary Program. P. O. Box 2101, Stn. Main, Prince Albert, Saskatchewan, Canada. S6V 6V4 Phone: (306) 922 – 2692 / Fax: (306) 922 – 2802 / Email: l.omani@sasktel.net

Purpose and Procedure: The intent of this doctoral dissertation study which I, Leo J. Omani, am conducting, besides the interviewing of Dakota/Lakota Elders, was to gain an understanding of the Woodland Cree Elders’ and the Swampy Cree Elders’ insights with regard to those the Woodland Cree and Swampy Cree call “Pwata” when describing the “Dakota/Sioux.” Specifically, in reference to the following:

1. The original indigenous territory of the Dakota *Oyate*, now known as the Dakota, Nakota and Lakota people in North America; in this case the existence of the Dakota/Sioux, near and along the Churchill River in northern Saskatchewan and northern Manitoba in centuries past;
2. The existence of specific site locations of ancient Dakota Sacred Burial Sites, near and along the Churchill Hill River?
3. The existence of specific site locations of ancient Dakota Rock Painting, near and along the Churchill Hill River?

To achieve the above-mentioned, an “interview guide” with five questions was utilized for the semi-structured interview that was conducted with you as an Elder.

Potential Benefits: Although there is no direct benefit, other than the offering of tobacco, meaning no financial benefits will be provided to you as a participant Elder in reference honorarium (cash or check payment), this is to confirm that in drawing from the analysis of Elders' data, as this pertains to the interview transcripts, recommendations will then be presented to assist and enhance the contemporary political and legal position of the Dakota/Lakota First Nations within Saskatchewan in their efforts to either adhere to the existing Numbered Treaties, or to seek an alternate process of treaty negotiation with the federal government of Canada.

Potential Risks: There is very little risk and no deception in the study. However, due to the limits of anonymity for this research study, thus as this pertains to Community Members who had confidentiality identified you the Elder as a potential participant, as well as due to the interviews being conducted within your home community, as this pertains to other Community Members that may observe I, Leo J. Omani, the doctoral student researcher entering your home, your consent as the Elder to participate within this research study has been sought on this basis. In turn, you as the Elder are hereby assured that of third party privacy (confidentiality) will be maintained throughout the gathering of information and the writing of the doctoral dissertation study, meaning pseudonyms will be used to identify participant Elders and any identifying personal information will be excluded from the doctoral dissertation study.

Storage of Data: Initial, while collecting the data, as well as analyzing, and writing the dissertation, the data will be stored in a locked safe box in the doctoral student researcher's residence. Upon completion of the student's doctoral dissertation study, all data (field notes, transcripts, and tapes) will be securely stored and retained by Dr. Michael Cottrell, Ph.D. Supervisor, Associate Professor, U of S, Department of Educational Administration, for a minimum of five years in accordance with University of Saskatchewan guidelines, before being destroyed.

Confidentiality: Due to the limits of anonymity for this research study, as this pertains to Community Members who had confidentiality identified you the Elder as a potential participant, as well as due to the interviews being conducted within your home community, as this pertains to other Community Members that may observe I, Leo J. Omani, the doctoral student researcher entering your home, your consent as the Elder to participate within this research study has been sought on this basis. In turn, you as the Elder are hereby assured that of third party privacy (confidentiality) will be maintained throughout the gathering of information and the writing of the doctoral dissertation study, meaning pseudonyms will be used to identify participant Elders and any identifying personal information will be excluded from the doctoral dissertation study.

Right to Withdraw: Your participation as an Elder with regard to the interview process has been sought on a voluntary bases. Further, there is no guarantee that you will personally benefit from your involvement. In turn, the information that you have provided with regard to your interview transcript, specifically as this pertains to your name will be held in strict confidence and discussed only with the research team. You could withdraw from this research project for any reason, at any time, without penalty of any sort. If you withdraw from the research project at any time, any data that you have contributed will be destroyed at your request.

Questions: If you have any questions concerning the research project, please feel free to ask at any point; you are also free to contact the researchers at the numbers provided if you have other questions. This research project has been approved on ethical grounds by the University of Saskatchewan Behavioural Research Ethics Board on _____. Any questions regarding your rights as a participant may be addressed to that committee through the Ethics Office (966-2084). Out of town participants may call collect.

Follow-Up or Debriefing: In acknowledgment that this research study has a community-based component, upon completion and defense of the doctoral dissertation, I, Leo J. Omani, the doctoral student researcher guarantees that the results of the study will be disseminated to Dakota/Lakota, Woodland Cree and Swampy Cree community members, which may include one of the following formats: community band meetings, and/or detailed community workshop presentations; thus for which the results will be presented in summarized form. In addition, one unbound copy of the dissertation study will be provided to each participant Elder. This suggested approach for the dissemination of results will in effect serve as a conduit for the transfer of theoretical and technical expertise from university to the community as a form of reciprocity for the transfer of Aboriginal community-based knowledge to the university through the collection of data.

Consent to Participate: I have read and understood the description provided; I have had an opportunity to ask questions and my questions have been answered. I consent to participate in the research project, understanding that I may withdraw my consent at any time. A copy of this Consent Form has been given to me for my records.

Name of Participant

Date

Signature of Participant

Signature of researcher

**Interview Guide for Woodland Cree Elders & Swampy Cree Elders
as this pertains to the five original questions asked in 2008**

This “interview guide” to be utilized to conduct a “semi-structured interview” within you, which corresponds to the U of S, doctoral dissertation study of Leo J. Omani entitled: “Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada.”

- #1. Have you hear of those that the Woodland Cree and Swampy Cree call “Pwata” when describing the “Dakota/Sioux”?
- #2. What information can you share about those called Pwata/Dakota/Sioux?
- #3. Are you aware of any Pwata / Dakota Sacred Burial Sites near and along the Churchill Hill River?
- #4. Are you aware of any Pwata / Dakota Rock Paintings, near and along the Churchill Hill River?
- #5. Tim Jones (1981) has written a book entitled, *The Aboriginal Rock Paintings of the Churchill River*, which studied “the aboriginal rock paintings of the Churchill River of northern Saskatchewan and Manitoba” (p. 1). Please review these *Aboriginal Rock Paintings* within Tim Jones (1981) book. If you are aware, can you point out which *Aboriginal Rock Paintings* those called Pwata / Dakota had made?

Name of Participant

Date

Signature of Participant

Signature of researcher

Data / Transcript Release Form

**Interview Process with Woodland Cree Elders & Swampy Cree Elders
as this pertains to the original oral written transcript in 2008**

I, _____, have reviewed the complete transcript of my personal interview, with regard to those that the Woodland Cree and Swampy Cree call “Pwata” when describing the “Dakota/Sioux”, which corresponds to the U of S, doctoral dissertation study of Leo J. Omani entitled: “Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada.”

Further, I have been provided with the opportunity to add, alter, and delete information from the transcript as appropriate. I acknowledge that the transcript accurately reflects what I said in my personal interview with Leo J. Omani, doctoral student researcher. I hereby authorize the release of this transcript to Leo J. Omani, doctoral student researcher, to be used in the manner described in the Consent Form. I have received a copy of this Data/Transcript Release Form for my own records.

Name of Participant

Date

Signature of Participant

Signature of researcher

Appendix V:

Noted below: permission to use illustrations in the book by Jones (1981).

August 13, 2009.

To: Belinda Riehl-Fitzsimmons,
Administrative Assistant,
Saskatchewan Archaeological Society

As for your email noted below, please tell Dr. Tim Jones that I thank him, as well as the Saskatchewan Archaeological Society, Saskatoon and Royal Saskatchewan Museum, Regina, for allowing me to use the following illustrations as cited within the book, *The Aboriginal Rock Paintings of the Churchill River*, page 16, page 22, page 26, page 33, page 35, and page 44; thus to be cited within my doctoral dissertation study entitled, "Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada."

In turn, I will give academic credit to Dr. Tim Jones, as well as the Saskatchewan Archaeological Society and Royal Saskatchewan Museum, Regina; for which under each illustration, I will use the following citation, noted below: From *The Aboriginal Rock Paintings of the Churchill River*, by Tim E. H. Jones (1981), updated with new material 2006 (c) the Saskatchewan Archaeological Society, Saskatoon, Saskatchewan and Royal Saskatchewan Museum, Regina, Saskatchewan.

Sincerely,

Leo J. Omani, B.Ed; M.Ed.
Doctoral Student, U of S,
College of Graduate Studies & Research,
Interdisciplinary Program

----- Original Message -----

From: [Saskatchewan Archaeological Society](#)

To: [leo.j.omani](#)

Sent: Thursday, August 13, 2009 3:54 PM

Subject: Re: Update to requesting one-time permission to use the following illustrations as cited within the book by Jones (1981), *The Aboriginal Rock Paintings of the Churchill River*, page 16, page 22, page 26, page 33, page 35, page 44.

Hi Leo,

I have contacted Tim Jones and he says that, "I believe that Mr. Omani does not need permission to use illustrations from a published source like this one for a dissertation or thesis; a common practice is to simply cite the reference for an illustration, and say, "after Jones 2006", or whatever. This is as far as I understand it, common academic practice."

I hope this is satisfactory for your thesis. The book you are referencing was reprinted in 2006, and is essentially the same as the 1981 version with the exception of new front matter, additional info on the Wasawakasik Lake site and typographical corrections.

Sincerely,

Belinda Riehl-Fitzsimmons
Administrative Assistant, Saskatchewan Archaeological Society
#1 - 1730 Quebec Ave., Saskatoon, SK S7K 1V9

Appendix W:

Noted below: permission to use illustration in the book by John (Fire) Lame Deer and Richard Erdoes, copyright 1972.

AUG-13-2009 08:23 From:212+698+7284 PERMISSIONS Page:1/1



S I M O N & S C H U S T E R , I N C .

1230 Avenue of the Americas
NY, NY 10020
(212) 698-7265 Phone
(212) 698-7284 Fax
E-Mail: Rosemarie.Cerminaro@simonandschuster.com

Rosemarie Cerminaro
Permissions

Fax (306)922-2802

August 13, 2009

Leo J. Omani
PO Box 2101, Stn. Main
Prince Albert, Saskatchewan,
Canada S6V - 6V4

Dear Mr. Omani:

This is in reply to your letter of August 12, 2009.

We are pleased to grant permission for use of a quote and illustrations in reference to "pipes" on page 256 of "Lame Deer Seeker of Visions" by John (Fire) Lame Deer and Richard Erdoes. This will be used in your dissertation topic entitled "Perspectives of Saskatchewan Dakota/Lakota Elders on the Treaty Process within Canada."

If you are required to print an acknowledgement of this permission, please use this form:

From LAME DEER - SEEKER OF VISIONS: The Life of a Sioux Medicine Man
By John (Fire) Lame Deer and Richard Erdoes. Copyright 1972 by John Fire/Lame Deer and Richard Erdoes. Used by permission of ATouchstone Book, an imprint of Simon & Schuster, Inc.

This permission applies to all copies of your thesis made to meet the degree requirements of the University of Saskatchewan, College of Graduate Studies & Research, Interdisciplinary Program, Saskatoon, Saskatchewan, Canada.

Please re-apply to this department if your dissertation is later accepted for commercial publication and you wish to retain our material.

Best wishes for the successful completion of your work.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rosemarie Cerminaro".
Rosemarie Cerminaro

Appendix X:

The names of the Aboriginal groups with which the Dakota *Oyate* once shared the huge territory that has been described within North America

While question one of the Interview Guide (in reference to Appendix B) did not ask the Saskatchewan Dakota/Lakota Elders the names of the Aboriginal groups that the Dakota *Oyate* once shared the huge territory that has been described within North America (See, Appendix M). The following are a number that were mentioned, the Nakota/Assiniboine/Stoney/Sioux, the Cree, the Saulteaux, the Blackfoot, the Inuit, and the Dene. In turn, drawing from previous written sources, the following noted in summary format lists the different Aboriginal groups that once shared the huge territory of the Dakota *Oyate* within North America in centuries past, thus which cites the names and linguistic affliction as applied by those of European ancestry, as well as the names of the Aboriginal groups as described in the language of the Dakota *Oyate*:

1. Inuit – Eskimo (Dorais, 2002, p. 129; Goddard, 1996, p. 4), as this pertains to those that once travelled down the McKenzie River in centuries past to trade with the Dakota *Oyate* at *To-Wa-Mde* now known as Great Slave Lake in the Northwest Territories, Canada. For clarity, the Inuit in this case are those that still reside in the Arctic region of northern Canada, named by the Dakota *Oyate* as *Sah'hed'yah Tab'do Yu'dah* as was told to me (Leo J. Omani) by my late mother *Mahpeya Ku Win'yan* (Edith Omani), thus which is translated as “eaters of raw meat” which one Saskatchewan Dakota Elder that was interviewed also used the phrase “eaters of raw meat.” In turn, Pond (1908) recorded the phrase “Eaters of raw food” for the Inuit (p. 174);¹³¹
2. Dene – Nadene (Goddard, 1996, p. 5; Moore, 2002, p. 214), as this pertains those that once travelled down the McKenzie River in centuries past to trade with the Dakota *Oyate* at *To-Wa-Mde* now known as Great Slave Lake in the Northwest Territories, Canada. The Dene in this case are those that now reside in the following northern regions of Canada, (1) the Northwest Territories, (2) the Yukon, and (3) the provinces of Alberta, Saskatchewan, and Manitoba, named *Shina'mne Wi'cas'ta* by the Dakota *Oyate*, as was originally told to me by my late mother *Mahpeya Ku Win'yan* and verified by Nakota/Stoney Elder Francis Alexis of Alexis Nakota Sioux First Nation located near Edmonton, in northern Alberta (Canada), translated as the

¹³¹ While visiting with Dakota Elder John Kasto of Birdtail Dakota Nation located in Manitoba (Canada) on June 25th, 2009, he told me a oral history story of another Dakota Elder who had recently been sent to a hospital in Winnipeg, Manitoba. While at this hospital, the Dakota Elder had been placed in the same room with an Inuit Elder from the northern Hudson Bay region. The Inuit Elder asked the Dakota Elder if he was Sioux? The Dakota Elder told the Inuit Elder, that's what the Canadian government calls us Dakota. In turn, the Inuit Elder responded by saying that his people, the Inuit knew the Dakota as the buffalo people a long time ago (personal communication, June 25th, 2009. U of S, Field Notes recorded by Leo J. Omani).

“Muskeg people,” with the main food source in centuries past being *Tah'towa* which means “Caribou” for the Dene.¹³²

3. Cree – Algonquian (Silver & Miller, 1997, p. 337), named *Sha'he'ya* by the Dakota *Oyate*, also spelled as *Sa'he'ya*, which Howard (1984) transcribed as *Sa'i'ya* (p. 55), translated as “those that paint their faces red around their mouth.” This is the term that was given to the Cree by the Dakota *Oyate* when the Cree first started moving into western Canada a long time ago, Manitoba, Saskatchewan, and Alberta, derived from the battles the Cree and Dakota *Oyate* first had before making peace with each other through that of intermarriage, as was explained to me by my late mother, *Mahpeya Ku Win'yan* and verified by Dakota Elder Cliff Tawiyaka of Standing Buffalo Dakota Nation (personal communication, June 2nd, 2009. U of S, Field Notes recorded by Leo J. Omani). In turn, Dr. Stan Wilson of *Opaskwayak* Cree Nation (located adjacent to The Pas, Manitoba) described the painting of the face red around the mouth by the Cree as a “fear tactic” when going into battle in centuries past (personal communication, August 6th, 2009. U of S, Field Notes recorded by Leo J. Omani). Previous to this, when the Cree resided northeast of Manitoba, Canada, they were known to the Dakota *Oyate* as *Mas'tin'ca'na Oyate*, “the Rabbit nation people” (WarCloud, 1971, p. 188), for which the term *Mas'tin'ca'na Oyate* was verified by Dakota Elder John Kasto of Birdtail Dakota Nation of Manitoba (personal communication, December 17th, 2009. U of S, Field Notes recorded by Leo J. Omani);
4. Ojibwa/Chippewa/Saulteaux – Algonquian (Goddard, 1996, p. 4; Howard, 1984, p. 54; Silver & Miller, 1997, p. 337), named *Ha'ha'ton'wan Wi'cas'ta* by the Dakota *Oyate*, translated as “the people from the waterfalls” (WarCloud, 1971, p. 188) in reference to the Niagara Falls where this Aboriginal group had mainly resided in this region in centuries past, as was originally told to me by my late uncle Archie Waditaka of Wahpeton Dakota Nation and verified by Dakota Elder John Kasto of Birdtail Dakota Nation of Manitoba (personal communication, December 17th, 2009. U of S, Field Notes recorded by Leo J. Omani);
5. Gros Ventre – Algonquian (Goddard, 1996, p. 4), named *He'wa'toke* by the Dakota *Oyate*, translated as “the enemy from beyond” (WarCloud, 1971, p. 188);
6. Blackfoot – Algonquian (Silver & Miller, 1997, p. 338), named *Si'ha'sa'pa* by the Dakota *Oyate*, translated as “the black footed people” (WarCloud, 1971, p. 188);
7. Blood – Algonquian (Pettipas, 1996, p. 79), named *We'wi'cas'ta* by the Dakota *Oyate*, translated as the “blood people” (WarCloud, 1971, p. 188);
8. Flatehead – Salish (Silver & Miller, 1997, p. 181), named *Nata'bdeca* by the Dakota *Oyate*, translated as the “people with the flat foreheads” (WarCloud, 1971, p. 188);

¹³² While my late mother *Mahpeya Ku Win'yan* being of Dakota ancestry mentioned the term *Shina'mne Wi'cas'ta*, Nakota/Stoney Elder Francis Alexis transcribed the term “Muskeg people” for the name given to Dene as *Shina'mne Wi'ce'sh'ta*, which corresponds to that of local community expression (personal communication, December 21st, 2009. U of S, Field Notes recorded by Leo J. Omani).

9. Nez Perce – Plateau Penutian (Goddard, 1996, p. 6), named *Po'ge'hodo'ka* by the Dakota *Oyate*, translated as “the people with pierced noses” (WarCloud, 1971, p. 189);
10. Crow – Siouan (Marino, 2002, p. 251), named *Kangi Oyate* by the Dakota *Oyate*, translated as “the Crow nation people” (WarCloud, 1971, p. 189);
11. Mandan – Siouan (Marino, 2002, p. 251), named *Mi'wa'ta'ni* by the Dakota *Oyate*, translated as “below the hills people” (WarCloud, 1971, p. 189);
12. Cheyenne – Algonquian (Silver & Miller, 1997, p. 338), named *Si'hi'ye'na* by the Dakota *Oyate*, translated as “people with the shrill voice” (WarCloud, 1971, p. 88);
13. Arapahoe – Algonquian (Silver & Miller, 1997, p. 338), named *Mah'pi'ya'to* by the Dakota *Oyate*, translated as “the blue sky people” (WarCloud, 1971, p. 188);
14. Shoshone – Uto-Aztecan (Goddard, 1996, p. 7), named *Su'sun'i* by the Dakota *Oyate*, translated as the “people who live in grass huts” (WarCloud, 1971, p. 189);
15. Ho Chunk/Winnebago – Siouan (Dorsey, 1897, p. 209; Palmer, 2008, p. 12), named *Ho'tan'ke* by the Dakota *Oyate*, translated as the “loud voice people” WarCloud, 1971, p. 189);
16. Sauk/Sac – Algonquian (Goddard, 1996, p. 4), named *Za'ka* by the Dakota *Oyate* (WarCloud, 1971, p. 189), translated as “piercing eyes” as verified by Dakota Elder Doris Pratt of Sioux Valley Dakota Nation in Manitoba (personal communication, December 20th, 2009. U of S, Field Notes recorded by Leo J. Omani);
17. Fox – Algonquian (Goddard, 1996, p. 4), named *Be's'dek'i* by the Dakota *Oyate*, translated as “fox” (WarCloud, 1971, p. 189), for this Aboriginal group in centuries past has used fox fur as part of their clothing attire, as verified by Dakota Elder Berince Waditaka of Wahpeton Dakota Nation (personal communication, December 18th, 2009. U of S, Field Notes recorded by Leo J. Omani);
18. *Odawa* – Algonquian (Chute, 2002, p. 49; Goddard, 1996, p. 4), named *Ho'ta'wa* by the Dakota *Oyate* (Riggs, 1890, p. 539; Williamson, 1902, p. 24), translated as “their voice” or “their words” depending on the sentence applied in Dakota as verified by Dakota Elder John Kasto of Birdtail Dakota Nation of Manitoba (personal communication, December 17th, 2009. U of S, Field Notes recorded by Leo J. Omani). This corresponds to the explanation provided to me by my late mother *Mahpeya Ku Win'yan* with regard to our Dakota *Oyate* in centuries past having traded regularly with the *Odawa* near a location at Niagara Falls described as *Wa'to'ha*, translated as “portage” (Riggs, 1890, p. 539). In turn, Ray (1998) did discuss the Dakota/Sioux trading relationship having been maintained in the historic time period which corresponds to the *Odawa* / French fur trade system before 1763 (pp. 12-16);
19. Iowa – Siouan (Dorsey, 1897, p. 209), named *I'yo'wa* by the Dakota *Oyate*, translated as “the yawning people” (WarCloud, 1971, p. 189);

20. Kanze/Kansa – Siouan (Dorsey, 1897, p. 209; Williamson, 1902, p. 95), named *O'kaga Tata Wi'cas'ta* by the Dakota *Oyate*, translated as “the south wind people” as was told to me by my late mother *Mahpeya Ku Win'yan* when reviewing the book by Williamson (1902), *An English-Dakota Dictionary*. Thus, for which the state of Kansas is named after the Kansa who also referred to themselves as “the south wind people.” However, the Kansa were later relocated in the 19th century by the U.S. federal government to the state of Oklahoma.¹³³ In turn, no interpretation for “Kanze/Kansa” had been provided by both Dorsey (1897, p. 209) and Williamson (1902, p. 95);
21. Omaha – Siouan (Dorsey, 1897, p. 209), named *O'ya'te'nupa* by the Dakota *Oyate*, translated as the “two separate people” (WarCloud, 1971, p. 189);
22. Osage – Siouan (Dorsey, 1897, p. 209), named *Wi'ta'paha* by the Dakota *Oyate*, translated as the “people from Hill Island” (WarCloud, 1971, p. 189);
23. Oto – Siouan (Dorsey, 1897, p. 209), named *Wa'toh'ta'ta* by the Dakota *Oyate*, translated as the “people from the wild country” (WarCloud, 1971, p. 189);
24. Quapaw/Kwapa – Siouan (Dorsey, 1897, p. 209), named *Pe'sa* by the Dakota *Oyate*, translated as the “the red headed people” (WarCloud, 1971, p. 189);
25. Ponca – Siouan (Dorsey, 1897, p. 209), named *O'ya'te'yamn* by the Dakota *Oyate*, translated as the “three separate nation people” (WarCloud, 1971, p. 189);
26. Pawnee – Caddoan (Goddard, 1996, p. 8), named *Pa'dan'i* by the Dakota *Oyate*, translated as “the liar people” (WarCloud, 1971, p. 189);
27. Navajo – Nadene (Goddard, 1996, p. 5), named *Sna'hde'hde'ha* by the Dakota *Oyate*, translated as the “people with stripped blankets” (WarCloud, 1971, p. 189);
28. Apache – Nadene (Goddard, 1996, p. 5), named *Cin'ca'ki'ze* by the Dakota *Oyate*, translated as the “yellow offspring people” (WarCloud, 1971, p. 189);

Further, the following names were also applied by members of the Dakota *Oyate* to those of European Ancestry upon contact and to this date:

29. *Wasicu* – Whiteman (WarCloud, 1971, p. 188);
30. *Ikce Wasicu* – Frenchman, translated as “the common whiteman” (WarCloud, 1971, p. 189);
31. *Isan hanska* – American, translated as “long knives” (WarCloud, 1971, p. 188);

In addition, the following names were also applied to children of intermarriage between the Dakota *Oyate* and other groups (as cited on the next page):

¹³³ Retrieved December 22nd, 2009 from website, <http://www.native-languages.org/kansas.htm>

32. *Dako'a'cinca* – (Williamson, 1902, p. 79) which means a Dakota child born through intermarriage with another Aboriginal group, as was explained to me by my late mother *Mahpeya Ku Win'yan* when reviewing the book by Williamson (1902), *An English-Dakota Dictionary*, for which this interpretation was verified by Dakota Elder Doris Pratt of Sioux Valley Dakota Nation in Manitoba (personal communication, December 20th, 2009. U of S, Field Notes recorded by Leo J. Omani). In turn, Williamson (1902) recorded the term *Dako'a'cinca* as halfbreed (p. 79).

33. *Wasicu'cinca* – (Williamson, 1902, p. 79) which means a Dakota child born through intermarriage with those of European ancestry, as was explained to me by my late mother *Mahpeya Ku Win'yan*, when reviewing the book by Williamson (1902), *An English-Dakota Dictionary*, for which this interpretation was verified by Dakota Elder Doris Pratt of Sioux Valley Dakota Nation in Manitoba (personal communication, December 20th, 2009. U of S, Field Notes recorded by Leo J. Omani). In turn, Williamson (1902) recorded the term *Wasicu'cinca* as halfbreed (p. 79).

Appendix Y:

The terms that have been applied with regard to the groups that have been placed within that now known as the “Siouan language family” (Palmer, 2008, p. 13).

What confuses a lot of people is the terms that have been applied with regard to the groups that have been placed within that now known as the “Siouan language family” (Palmer, 2008, p. 13), for which the term Siouan having been coined from Sioux. In turn, with the term Sioux having first been transcribed and coined by the French fur traders as an abbreviated term, deriving from an Algonquin / Ojibwa / Chippewa word, *Nadouesieux*, which, when translated actually means “people of an alien tribe” (Parks & DeMallie, 1992, p. 234). For example, Pettipas (1996) puts forth a number of various groups under the three terms, Eastern Siouan, Central Siouan, and Western Siouan, for which an explanation of each is provided, noted below:

Eastern Siouan: Pettipas (1996) cites the three following groups, the Biloxi, the Ofo, and the Tulelo (p. 109); for which Palmer (2008) identified the following groups pertaining to the Tulelo: the Manahoac, Manocan, Moneton, Nahysson, Occaneechi, and Saponi (p. 12). Further, Palmer (2008) mentions the following additional eastern groups cited under the linguistic term noted as Catawba: (1) the Catawba (Iswa), which included the Cheraw and Congeree; (2) the Eno Branch, in reference to the Eno, Keyauwee, Shakori, Sissipashaw and Sugaree; (3) the Peedee Branch, noted as the Cape Fear, Peedee, Waccamaw, Winyaw, as well as the Chiora derived from Peedee;¹³⁴ and (4) Santee, which included the Sewee, Wateree, Waxhaw, Woccon, and Yadkin (p. 12).

Central Siouan: Pettipas (1996) identified a total of three main groups.

First, Pettipas (1996) noted Dakota now termed “Dakotan”¹³⁵ for the following, the Santee, the Yankton, Assiniboine, Stoney, and Teton, which corresponds to the seven original bloodlines of the Dakota *Oyate*, noted as follows:

- (a) The Santee (Pettipas, 1996, p. 109) in reference to those scholars that have used the term coined as the Santee/Sioux (Meyer, 1967, preface viii; Lavolette, 1991, p. 4), which has been applied to the *Mdewakantonwan*, *Sisitonwan*, *Wahpetonwan* and *Wahpekute*;
- (b) The Yankton and Assiniboine (Pettipas, 1996, p. 109) in reference to the *Ihanktonwan*, with Yankton the term used in the U.S.A. and Assiniboine being a Canadian term;
- (c) The Stoney (Pettipas, 1996, p. 109) being a Canadian term in reference to the *Ihanktonwanna*. But, Pettipas (1996) does not include the Yanktonia, the term used in the U.S.A. in reference to the *Ihanktonwanna*; and
- (d) The Teton (Pettipas, 1996, p. 109) in reference to the *Titonwan*.

¹³⁴ Retrieved December 22nd, 2009 from website, http://en.wikipedia.org/wiki/Chicora_tribe

¹³⁵ The study of linguistics within Western academia has since coined an adjective from the word Dakota to refer to the Aboriginal language of the Dakota *Oyate* as “Dakotan” now termed the “Dakotan language” which corresponds to those now known in linguistic terms as the Dakota, Nakota, Lakota. As verification, the following is cited. Dakotan, an adjective for Dakota, Retrieved May 4th, 2007 from Internet web-site of The Free Dictionary by Farlex: <http://www.thefreedictionary.com/Dakota>

Second, the “Dhegiha” for which Pettipas (1996) cited the following four groups, the Quapaw who have also been referred to as Kwapa (Dorsey, 1897, p. 209), the Kansa who have also been referred to as Kanze (Dorsey, 1897, p. 209; Williamson, 1902, p. 95), the Omaha, and the Ponca (p. 109).

Third, the “Chiwere” for which Pettipas (1996) cited the following three groups, the Winnebago [who are also known as the Ho Chunk (Palmer, 2008, p. 12)], the Iowa, and the Oto (p. 109). But, Pettipas (1996) does not include the Osage (Dorsey, 1897, p. 209).

Western Siouan: Pettipas (1996) cites the following three groups, the Mandan, the Hidatsa, and the Crow (p. 109).

In addition, Palmer (2008) did comment that the Siouan languages “must have existed as a single tongue for a time before population pressures caused the splintering of the initial group” (p. 13). This corresponds to that termed as “diachronic linguistics” meaning the study of language change (O’Grady & Archibald, 2000, pp. 317-319). Thus, in my view (Leo J. Omani), the statement by Palmer (2008, p. 13) actually supports the comments of the Saskatchewan Lakota Elder who had mentioned, “at the beginning there was only one campfire” (See, page 151). This Saskatchewan Lakota Elder, had then stated:

As for some of our older people of Wood Mountain having said the Dakota *Oyate* once had fifteen campfires, I often wonder if those are the other groups that the *Wa’si’cu* has placed in what they now call Siouan, which they have now also placed our Dakota *Oyate*. I say this because before the *Wa’si’cu* arrived and their diseases reducing the number of our Dakota *Oyate*, many of our older people of Wood Mountain used to say that our Dakota *Oyate* was one of the largest groups in North America and knew of an old trade route that stretched from Alaska, all the way down to Mexico and in South America. Now they never said that the Dakota *Oyate* had lived in Alaska or in Mexico, but they knew the old trade route that I mentioned (pages 154 and 155).¹³⁶

The comments of the Saskatchewan Lakota Elder with regard to that of only one campsite at the beginning (as interviewed in 2008 for this doctoral study), was also mentioned by a Saskatchewan Dakota Elder as cited in the research study by Touple (2003, p. 6).

¹³⁶ One could find a map of ancient Aboriginal trade routes spanning from Mexico to Alaska as provided on the following website: http://www.cradleboard.org/curriculum/powwow/supplements/images/a_trading.gif