

**"IT WAS ONLY A TREATY"**

**TREATY 11**

**ACCORDING TO THE DENE  
OF THE MACKENZIE VALLEY**

**Revised for  
The Dene Nation and  
The Royal Commission on Aboriginal Peoples**

**Rene M.J. Lamothe  
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## **EXECUTIVE SUMMARY**

"It Was Only A Treaty" provides some basic concepts about Treaty 11 from a Dene perspective. The paper sets out cultural parameters of Dene life by providing information on key social, economic, political and spiritual aspects of Dene life with the intention of providing readers with the historical and legal context in which the Dene live. Through the presentation of the context of Dene life, the paper sets the parameters which limit Dene decision making with regards to the land and relationships with non-Dene. Some of the information may be viewed by academic interests to be outside the scope of what they consider "sound knowledge" about the Dene. The information, however, is provided from within the context of Dene experience, much of which, being of a spiritual nature, is not readily available to the "outside" academic. This information is also intended, in part, to set the stage for the non-Dene to better understand the social, political and economic conditions in play in Dene society in 1921. Understanding the context from which the Dene approached the Crown's Treaty Party is fundamental to understanding the Dene version of Treaty 11.

The paper explores government interests in the territory covered by Treaty 11. Although this section is very limited in its' scope and does not provide conclusive evidence about the motives of government, it provides information on land surveys which took place in Dene territory before Treaty was made, as well as bringing to light some of the political and economic pressures which have been at play within the Euro-Canadian/American public since contact. The paper

uses quotations from polarized sources to juxtapose the conflicting forces at play within the non-aboriginal society. This paper proposes that the beliefs, but more importantly, the economic and political interests which pressured government, although very briefly addressed in this section, are the fundamental reasons which motivated government to enter into treaty with the Dene. The government commissioned a treaty party only after oil was discovered at Norman Wells. It appears, from written documentation, that government interests in treaty were to acquire lands and resources. There is evidence in the form of affidavit and court testimony, as well as the oral knowledge of the Dene, that to achieve their ends, the Treaty Commissioners were, to say the least, less than candid in negotiations. In effect, according to Dene oral knowledge, the Treaty Commissioners refused to speak specifically to the purpose of the Crown in entering into treaty.

The Roman Catholic Church was involved in the lobbying and the negotiations towards making treaty in the person of Bishop Breynat. His efforts in this regard extend from 1900 to 1921 on an almost annual basis. In their interest to "civilize and christianize" the Dene, the Roman Catholic Church set up schools and hospitals. They needed financial support to maintain them. Where there was treaty the government paid a daily stipend. Where there was no treaty the government did not. Some Dene elders claim that the Bishop lied to the people both in 1899 and 1921. This paper provides some clear quotations from involved Church leaders as to their objectives and the means to achieve them. It further provides evidence that Bishop Breynat knew that the Treaty was a land deal as far as the Crown was

concerned even though, according to Dene testimony, he would not admit that to the Dene during negotiations. To his credit, Bishop Breynat stayed in the North and tried to help the Dene. His affidavit from 1934 is provided herein and provides a bit more clarity to the times. It is as eloquent for the Dene, however, in what it does not say as in what information it does provide.

Part of the confusion in relationships and communications between Dene and non-Dene stems from fundamental differences in values and perceptions of reality. Where land and resources are at the crux of, and form the basis of, constitutional relationships between aboriginal and non-aboriginal peoples, it is especially important to attempt to bring to light these differences in the interest of improving understanding between Dene and non-Dene. With that purpose this paper provides a brief discussion on Dene vs British legal concepts of land.

Having set the context and explored some of the forces at work in the lives of Dene and non-Dene involved in Treaty negotiations, the paper provides the reader with some brief historical information on the treaty making context as well as quotes from Dene elders about the Treaty. These quotes are first hand knowledge from records maintained by the Dene Nation. Some of the information recounted here was recorded in the 1950's, 1960's and 1970's by Dene who were present at the time Treaty was made. Although they dispute the written version of the Treaty, they maintain very clearly that Treaty was made, that it is a Treaty of Peace and Friendship and that there are rights and obligations on the part of both the Dene and the non-Dene.

The rights and obligations of the Dene and the Crown are spelled out in this paper under a two page section entitled: Peace Treaty.

This is a written version of the Treaty which conforms to the Dene oral version of the Treaty.

Concluding statements review some of the initiatives which have been taken by the Dene to bring the Crown to recognize its treaty obligations toward the Dene. These initiatives have taken the form of continued hunting activities (economic basis of Dene life) in spite of Crown laws designed to regulate hunting and other economic activities of the Dene; continued gatherings of leaders to strategize and position a legal basis, which might be understood and accepted by non-Dene, for governance of Dene lands and resources in spite of Crown laws which until 1959 went as far as to stipulate that Indians could not meet without permission of an Indian Agent.

The paper ends with a set of recommendations to the Dene and the Crown.

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## INTRODUCTION

Both Gabe Sanguetz and Henry Ekali of Jean Marie River related the story, in 1991, of how Ehtsieh Norwegian, a recognized Headman of the Dene in the Fort Simpson area during negotiations of Treaty 11, expressed his concern about the negotiations. During the evenings he would meet with other elders and is reported by the above men to have said: "If I could just get them to be more specific about what they mean."

What was the Crown's intent in entering into Treaty with the Dene? What did their agents really mean with their statements during negotiations? What political positions within the "European" community in North America influenced the Crown's agents to communicate with the Dene in unspecific terms?

Given the apparent lack of understanding by some Dene over intent, one has to ask if there was indeed a Treaty concluded between the Dene and the Crown. The fundamental question, "Was there a meeting of the minds?", has to be answered. The answers to that question are evident in some of the political, economic and social behaviours of both the Dene and the Crown's subjects since 1921. While the behaviours of Dene leadership and government, since 1921, are not indicative of a common understanding of the Treaty, they do not prove that a meeting of the minds did not happen between the agents of the Crown and the Dene leaders who negotiated Treaty 11. Both Crown Treaty Commissioners, Conroy and Breynat, other non-Dene witnesses to negotiations and many Dene involved in the negotiations indicate

common understanding of agreements reached.

"It was only after the Royal Commissioner had recognized that the demands of the Indians were legitimate and had solemnly promised that such demands would be granted by the Crown; and also after the Hudson Bay Company officials, the Free Traders, and the Missionaries with their Bishops, who had the full confidence of the Indians, had given their word that they could fully rely on the promises made in the name of King George, that the Indians accepted and signed the treaty."<sup>i</sup>

In spite of the evident meeting of the minds between the Crown's agents and the Dene, the activities on the part of the government, both before and after Treaty was made, indicate an Imperial attitude, which impacted the Dene negatively. These impacts are social, spiritual, economic and political. For their part the Dene have been consistent in maintaining the peace they promised in spite of the government's disregard of its Treaty obligations.

This paper provides a written version of the oral version of Treaty 11 as understood by the Dene. This written version is based on documents from Bishop Breynat's memoirs. The choice of statements from his memoirs to substantiate the Dene oral version is a conscious choice to help non-Dene readers accept the Dene version of Treaty 11. It is hoped that Canada will not be able to dismiss the words of a Prince of the Church, relative to Treaty 11, especially since Canada selected him as a Treaty Commissioner.

## BACKGROUND ON DENE LIFE

Who were these Dene people who entered into treaty with the British Crown? What beliefs and social forces were at work in their society to result in their decision to make treaty?

### Geographical Overview of Dene Peoples

There are several good reference books the reader can access for more information on the Dene Peoples. The following key words will be useful in supporting that work: "Na-Dene, Athapaskan, Ahtena, Bear Lake, Beaver, Carrier, Chipewyan, Dogrib, Hare, Han, Ingalik, Kaska, Koyukon, Kutchin, Mountain Indian, Nebasna, Sekani, Slave, Tanaina, Tanana, Tuchone, Yellowknife, Chilcotin, Nicola, Hupa, Mattole, Sarci, Kiowa-Apache, Apache, Navaho." (The Indian Heritage of America, Alvin M. Josephy, Jr., Alfred A Knopf Publishers, New York, 1968, pp 15 - 17)

During their recent history in the Northern parts of North America (at least the last five thousand years until the 1920's), the Dene peoples, commonly known as Athapaskan Indians, populated vast areas of North America including parts of the barren lands of Northern Canada, the boreal forest in the Western Arctic, "Hershel Island and Bank Island in the Beaufort Sea"<sup>ii</sup>, the Yukon, most of Alaska, and interior British Columbia. In more recent times (about 1,500 years) Dene peoples have inhabited pockets of the states of Washington, Oregon and California and large tracts of lands in the Four Corners area of the Southwestern United States. Although populations are much smaller now, there are Dene peoples living in most of those areas

today. Their languages are related and classified by linguists as "Athapaskan" which comes from the Algonquin (Cree) language meaning "inhabiting low swampy area".

The peoples speaking the Athapaskan languages have been called by various names such as Chipewyan, Yellowknives, Slaves, Hare Skin, Loucheux, Han, Navaho, Apache. The Dene have their own names for themselves. The Chipewyan divide themselves into nine cultural groups. Some of those groups refer to themselves as Etthen dele Dene (Caribou people), the original name of the people later referred to as the Yellowknives<sup>iii</sup>. Other names which other cultural groups of the Chipewyan carry are "South Wind People, Willow Flats People, Water Against the Rocks People, and Moose Island People"<sup>iv</sup>.

Among the South Slavey there are cultural divisions which are reflected in the names of the peoples. One example: Deh cho gah Dene (People beside the Big River, i.e. Mackenzie River), the original name of part of the peoples later referred to as the South Slavey people.

In the 1860's Emil Petitot, working with information from the Dene people of Fort Good Hope (Ni Gottine), recorded a list of the cultural groups of Dene in the MacKenzie valley. He identified twenty three cultural groups. The Chipewyan were referred to, by the Ni Gottine (Petitot's orthography), as Talsan Go'tine (Raven people). (Go' = some; tine = Petitot orthography for Dene)

These names point to a more precise definition of the peoples who made Treaty 11 with the Crown. However a note of caution is needed.

The values applied to the terms of self-definition by people are determined through the living experiences which their cultures provide them. Some people have come to recognize that terminology which is valued as particular and specific in one culture can carry the value of a universal concept in another culture. An example will help illustrate that. The following personal communication took place with Alistine Andre, of Arctic Red River in 1979.

"Could you translate the terms Gwichyah Gwich'in?"

"People from low lying areas."

"Could it be translated as Delta People?"

"Delta! What does that mean?"

"When you are speaking your language in your family, and talking about Gwichyah Gwich'in, what memories does that evoke, what feelings, what sense of self?"

She smiled and began speaking. She spoke of the lay of the land, the plant life, the animals, the seasonal migrations of animals and people, the weather and its influence on camp sites. She went on for about forty five minutes before stopping.

I then asked: "In your language and culture all you have said is the meaning of Gwichyah Gwich'in?"

"Oh yes", she said, "and much more."

To understand the Dene version of Treaty 11 one must be at least aware of this reality: that is, that a people with their own history, culture and language must be understood from within the context created by the values that they apply to the terms they use and not from the perspective created by the values applied to the same terms in another culture. In effect one must come to terms with the reality that aboriginal cultures and languages in Canada, especially at the time treaties were being made, were highly complex and sophisticated. So much so that Aboriginal societies existed in a relatively harmonious

balance with the rest of nature. Some (e.g. Iroquois Confederacy) abided by laws which required that seven future generations had to be considered in the decisions of traditional leaders. For the Dene in the Mackenzie valley one of the laws governing decision making required that the land be left for future generations in as good shape as it was received from ancestors.<sup>v</sup>

A brief overview of a Dene language will help further illustrate some of the complexities lived by the Dene.

### Language

Within the Western Arctic territory covered by Treaty 11 there are five distinct Dene languages spoken. These are commonly referred to today as Chipewyan, Dog Rib, South Slavey, North Slavey and Gwich'in.

There are dialectic variants among the cultural groups in each of the Dene languages. The languages themselves are powerful and complex. Andy Norwegian, a Dene language specialist from Fort Simpson, related the following in 1993. The example illustrates how difficult the language is:

"If you consider the experiences of people who have studied the Dene languages, you will find that they all have had great difficulty to learn it. You know Phil Howard (Compiled a Dictionary of the Verbs of South Slavey, Published by NWT Culture and Communications). He has been studying the language since he came North in 1953. He still claims that he may never know the full meaning behind the words the way a Dene elder does."

"The verb system is the most complex of Slavey word classes and constitutes probably seventy-five percent of the language"<sup>vi</sup>

In a further personal communication, Andy Norwegian gave the example of the Dene (Slavey) verb TO GO. He stated that the verb TO GO has sixty forms.

"The Slave verb is complex in structure. Every verb consists of a stem and prefixes. These prefixes are inflectional, specifying person, number, conjugation, aspect, and mode, and derivational, basically adverbial. ... The verb prefixes occur in a relatively fixed order before the verb stem. This order is...

000	adverb	
00	object of incorporated postposition	
0	incorporated postposition	
1	adverbial	
2	distributive ya-	
3	customary na-	
4	incorporated stem	9 aspect/derivation stem
5	number	10 conjunction
6	direct order	11 mode
7	deictic	12 subject
8	theme/derivation	13 classifier

"The basic verbal unit is the verb theme. The verb theme consists of the classifier, the verb stem, and any prefixes that must always occur with the classifier and stem. Thematic prefixes occur in verb prefix positions 0, 1, 4, 5, 6, and 8. Some verb themes consist of only a classifier and stem while other contain one or more of these prefixes in addition. ... Elements of the verb theme cannot be assigned individual meanings; rather the meaning lies in the theme as a whole. The verb theme forms the foundation for the derivation of all verbs words built on that theme.

"The verb base is composed of the verb theme and any derivational prefixes that occur with it. The verb base does not include conjugation, mode and person prefixes. A large number of bases can be formed on a common verb theme by adding permissible derivational prefixes. The verb form or verb word is an inflected verb base."<sup>vii</sup>

The above information on the Dene language is presented to help the reader understand that the Dene who negotiated Treaty 11 were

very sophisticated communicators. Many Dene elders today are fluent in more than one of the Dene languages. Some of them also speak French and English. Today's elders were raised to know several languages. Their own elders, those who negotiated Treaty 11 raised them that way. Still today the Dene are a people who place a high value on language. One of the qualities looked for by the Dene, in their leaders, is the ability to use language well.

### History

Today one has to look to the elders who were raised on the land to get information on Dene history. At the turn of the century, when the Dene education system was intact, most of the Dene knew something of their history. The generation of leaders and elders who negotiated Treaty 11 were all raised on the land and members of a society which had clear expectations of their leaders. Besides a gift for the use of their own language, Dene leaders had to be knowledgeable in the Dene teachings as well.

### Ancient or legendary history

Dene historical information speaks of experiences throughout the Western Arctic from the "barren lands" along the Hudson's Bay North to the Arctic Archipelago and West into the mountains of what is now called the Yukon, Alaska and British Columbia. The information covers a vast span of time.

Dene teachings, entrenched in Dene oral history, predate the last ice age. Yamoria (Sahtu: North Slave) Yamodehja (Deh Cho, South Slave), whom many Dene elders today refer to as the saviour of the Dene, came at a time when beaver were as large as the black bears of today, and when eagles were huge birds of prey which fed on people.

According to Dene oral teachings Yamodehja killed off the older animals which had grown to full size and were harmful to people, and changed the nature of their young so that they would not grow big enough to harm people. He communicated with animals and told those animals which did not harm people to go into the ground to avoid the long cold winter which he would bring to the land (today sometimes thought of by some Dene as an ice age). He gave the Dene laws to live by and told them that they would survive as a people until the end of time if they obeyed his laws.

Acquiring knowledge of Dene legends awakens a very powerful awareness in the learner of a being who is all knowing and all powerful. In communicating knowledge in the traditional way, the being is never referred to directly and is not named. A very clear sense is generated in the learner that this being oversees and governs all that is. Today older Dene people refer to this being with a gesture of the hand upwards and the words "Our Boss"; many younger Dene have taken on the English term Creator or God.

Place names

Place names are used like library index cards by the Dene.<sup>viii</sup> Each place name has an accompanying story which tells of the historically significant event that took place there. During the 1970's the Dene Nation sponsored a land use research project which identified about 20,000 place names. Further research by the University Of Alberta Department Of Anthropology has led at least one person (Tom Andrews), formerly from that department, to claim that 50,000 Dene place names in the Mackenzie valley would be a conservative estimate. Some of the stories take up to several days to tell. Others would take only a minute or so. If the average story rounded out to about fifteen minutes to tell, then the 20,000 place name would fill approximately 20,000 pages of historical information.

The legends were known throughout the valley. Other historical information such as the peace treaty with the Cree, and the peace treaty between Edzo and Akaitcho's peoples were commonly known throughout the valley. Many of the other stories were of regional or local significance.

#### Cree - Dene Peace Treaty

In a personal communication, Willie Okemow, of the Sucker Creek reserve on the South West shore of Lesser Slave Lake in Alberta, in 1972, provides the historical context and conditions leading up to the peace treaty between the Cree and the Dene. Writing out these lengthy oral stories would be interesting, but for our purposes here (to establish that treaty making was not foreign to Indian peoples)

Willie's statements are paraphrased here:

You are of the fifth generation of Cree who moved into the boreal forest. About five thousand Cree under the leadership of Kinusieou moved into the bush from the South. They came over the Swan Hills (North-central Alberta today) and down the Swan River valley to the South shore of Lesser Slave Lake. There were five hundred and seventy warriors. They pushed the Dene North. There were three battles. The Cree won the first two. The Dene won the third. The Cree retreated south of the Peace River and called for talks. They explained to the Dene what was happening in the South and how to survive the Cree needed clean land away from small pox and other diseases. Although they won the war, the Dene agreed to give the Cree all the lands South and East of the Peace River. Together the Cree and Dene gave the river the name: Peace River. They accepted it as the new boundary between their territories.

The above statements based on teachings from Cree elder Willie Okemow in 1972 were later corroborated by Dene elder Cecile Antoine in Fort Simpson in 1973.

#### Dogrib - Chipewyan Peace Treaty

Edzo was a leader in the early 1800s of the Dogrib people who inhabit the territory between Great Slave and Great Bear Lakes. Akaitcho was a leader of the Chipewyan people who inhabit the forests and barren lands east of Great Slave Lake, and South into the Northern areas of what is now Manitoba, Saskatchewan and Alberta. The Chipewyan got guns before the Dogribs. The Chipewyan began moving into traditional Dogrib territory. Dogrib oral history teaches of warring and many deaths. According to Dogrib oral history, some women and children committed suicide rather than be taken as slaves by the

Chipewyan. Edzo is reputed in Dogrib oral history to be the person who forged a peace treaty with Akaitcho. The Chipewyan do not dispute that Edzo initiated the peace talks. Till today the Dogrib and Chipewyan are strong allies. Dogrib elders still bring their young people to the site at which Edzo and Akaitcho made peace. People who have experienced this say it takes about five days to tell the history of the treaty making process between Edzo and Akaitcho.

### Impacts of Oral History on Individuals

The reader should take some time to reflect on the natural impact oral history plays in an oral society. In good part, it is the oral history which generates the identity and sense of belonging to a very specific social-political-cultural group. Because it is public knowledge, oral history requires both a process for transmitting it to the next generation and accuracy in relaying the information. Accuracy is very important for people living close to the land. Our elders teach how a lie can kill. For that reason, the truth was valued as highly as life itself. When people of such a culture teach their young about any aspect of their history they are very aware of at least two things: (1) a lie can kill; (2) others who know this story are also listening and will know if I change the story.

To understand the Dene perspective on the treaty negotiating process the reader has to recognize that the Dene were a highly cultured people. A people with such a high value code that they would even

sacrifice their personal comforts out of respect for the land and animals which provided their livelihood. (See the section on spiritual order below.)

### Contemporary History

The term contemporary is used here for want of a better word. There are some events which are relevant to the readers understanding of the information and concerns which the Dene leaders brought to the negotiations of Treaty 11:

a) The fur trade impacted Dene culture, bringing new technology, new markets and new sources of goods. The fur trade also brought access to a different vision of reality. One of the significant impacts which this had on the Dene was to provide some Dene with the option to seek to make a living from the traders rather than from the land. This has diversified the living experiences of Dene and has impacted on values, interests and socio-political structures and goals.

b) The Christian religions, residential schools and hospitals have also played a significant role in changing Dene culture. For the Dene, honesty is fundamental to the survival. Living so close to nature, the Dene know from empirical evidence that a lie is capable of killing a person as effectively as a weapon. When the missionary claimed to be the spokesman of God he was implicitly believed. The

clergy acquired significant influence from the relationships with the Dene which flowed from their words.

c) After the conflict at Batoch, many Metis and some Indians from Saskatchewan and Alberta moved into Dene country. They brought with them their knowledge of the White man and his politics. One very significant individual in this migration was Robert Erasmus, the son of Peter Erasmus who wrote Buffalo Days and Nights. Robert worked in Fort Wrigley (South Slavey) and later married and settled in Fort Rae (Dogrib). Like many of the other people who moved into Dene country, Robert was very well educated in the ways of the land as well as the ways of white people. He spoke Cree, English and Dogrib. Other people who moved North after 1885 learned other Dene languages. They shared their stories with the Dene. That information helped the Dene better understand the way the white man communicates to get his way.

#### Economic conditions

It is important for the reader to be aware that the Dene were not a people living in stark poverty, from hand to mouth, on the verge of starvation. Primarily Dene oral tradition teaches about the wealth and health of the customary life of Dene on the land.<sup>ix</sup> According to oral history, before contact the Dene were very numerous and living

successfully from the goods of The Land. Today some people say it is not possible to live off the land. The Dene teach that not only is it possible, but that the land could support many more people if everyone lived according to the laws which The Land gives.

The following examples are fair representations of the type of written and oral information about Dene health and well-being before White trappers and government game laws were imposed:

"And during that period of aboriginal domain there never was any serious anxiety as to the extinction of fur bearers or food sources. Cycles came and went and the native met the situation in his own way. The trade prospered and 'relief accounts' were an unknown quantity."<sup>x</sup>

"Berries, poplar sap, wild carrots, we ate anything. ... That is why on this land Dene were strong and healthy. Beaver meat, wild chicken, fish, anything, all those were eaten, that is why the people on the land were strong. Even though it was 40 below it did not bother anyone. Even though it was cold children had their snowshoes on and were all over the place. They used to live strong and healthy."<sup>xi</sup>

### Spiritual Order

Dene oral knowledge teaches that the Dene are an inherent part of a creation with a natural order to which human beings have to conform to survive.

Those Dene who know the oral teachings believe that all of creation: stars, planets, rock, water, air, fire, plants, animals and people have spirits with them; that all of creation, as experienced by everyone whether Dene or not, whether experienced differently or

the same, is the product of the will of spiritual beings working in concert with One who is the Boss of all. In the Dene teachings, the One is not named or spoken of directly but the teachings awaken a powerful awareness of the presence, the immediacy and the power of the One.

Dene oral history teaches that human beings were the last beings to be created. Being the youngest of creation the Dene accept that human beings are the least knowledgeable and least capable of survival on their own in this world.

It is the rest of creation which has made it possible for mankind to survive. The rock saw the confusion of human emotions and knew that because of that human beings would have a hard time to communicate. The rock offered to communicate with the Creator for humans if we would ask. The animals agreed to gift themselves to for food, medicine, clothing and shelter as long as humans lived according to the laws given to by the spiritual helpers and the One who is above all of creation. The plants agreed to give their being for food and medicine.

The Dene have come to know, from spiritual pursuits resulting in personal experience, that the earth herself is a living conscious being who provides the environment for life as we know it. Her spirit can take human form and communicate with any individual she chooses. The sun too is a living conscious being who makes it possible with his light and heat and will for the earth to give us life. The Dene also knew, before Europeans came, that the earth and sun are also created beings. There are stories of Dene medicine people who knew

and communicated readily with them and other planets.

Dene teachings do not only speak of benevolence. There are teachings of creatures who sought to kill people. Giant eagles which fed on people. Giant beaver which would capsize boats to cause the people in them to drown. There are teachings of giant animals which are still alive but sleeping underground and feeding from their dreams. These concepts sound far-fetched; perhaps even ridiculous to the non-Dene reader, yet they are considered very real and still have consequence today to the Dene.

In the time of giant animals a person came among the Dene. A person who was very knowledgeable and powerful. Today many Dene recognize him as a saviour of the Dene. He is the one who killed the giant eagles and changed the nature of their young so that they would not grow any larger. He then taught them to fish for their food. He is the one who killed off the giant beaver and changed the nature of their young so that they would not grow large enough to harm people. He warned the other giant creatures that they should go into the earth to sleep. They complained that they would not be able to feed. He fixed it so that they could feed from the food that they would dream about in their sleep. He brought an intense cold that lasted a long time to force those creatures into the ground. In time this saviour fixed the lands for the Dene so that they could live in security and peace. His name varies from group to group. Sahtu Dene (Great Bear Lake people) call him Yamoria. Deh Cho Gah Dene (Big River People) call him Yamodehja.

As he travelled around the world fixing everything for people many travelled with him. He taught the people who travelled with him by how he lived and with words. Many of his teachings were given as laws for all of the people to follow. In that way laws which apply to the whole Dene Nation were given. All the Dene peoples have teachings from Yamodehja. He left his signs on the land everywhere he went. There are giant beaver lodges all over Denendeh from which he chased the giant beaver.

Before he left Yamodehja stretched three large beaver hides on Bear Rock, he lit a fire and cooked the meat of the beaver to feed the people, then he went up onto Bear Rock (the mountain at the mouth of the Bear River). He shot two arrows into the mouth of the Bear River. Elders teach that he then told the people:

"I leave these signs as a reminder of the laws I have given you. If you follow them you will survive as a people until the end of time."

Since the time of Yamodehja there have been prophets among the Dene who knew and spoke with the spirits of the earth and her sister planets. They knew and spoke with plants and animals. They were gifted dreamers. These prophets were great men and women whose knowledge was so extensive they could heal diseases, banish evil spirits from among the people, send hunters to precise locations where animals were waiting to give up their life for the people, look into the future and advise the people about the proper conduct to be taken in the times ahead.

One of the prophecies foretold the coming of people with pale skins who would have to be taught how to survive in Dene country. The prophet from Sahtu who gave this knowledge to the people said that after the first ones to arrive had learned how to survive they would send for their relatives. When there were enough of them they would ignore the Dene and begin removing parts of the earth and sending it back where they came from in containers (mining). He said that during that time there would be a great battle of the spirit between the Dene and the people with pale skin. He said that the people with pale skin would bring disease among the Dene. This is the origin of the Dene term to designate White people (mehla: with disease). He gave a teaching for the leadership to follow during that period. He said that the people should not become too excited during that period because almost as soon as it would begin something would happen in the lands where the people with pale skin came from and they would all leave. He also said that after they leave the Dene will have to go back to living as their ancestors did. In this way he also inferred that during the period of White people living among them the Dene would change and let go of much of their original land based way of life. For the Dene today, much of this prophecy has come true.

The prophets worked closely with the Dene communities. Their realm of authority within the Dene community was spiritual, however they also provided the communities with advice and, on occasion, laws to govern individual behaviour, relationship and family life. Specific laws on diet, dress code, relationship and land use were given for

specific individuals and families.

According to Dene belief, prophecy is a gift of the spirit. In the way of the Dene from the Deh Cho young men were put out to fast during the spring after they killed their first moose. People who fast know from that experience that no one can go for very long, without food and water, on their own will and spiritual strength. The people therefore recognize that anyone who goes several days has done so with the help of spiritual beings. This spiritual quest continues throughout one's life. It is the responsibility of the individual to make a decision to put themselves into a pitiful state of being by fasting, and to supplicate with great sincerity so that the spirit will take pity and help. Over time this practice is rewarded with gifts from the spirit.

The gifts which the spirit has to choose from are as numerous as the expressions of the Creator's will in creation. Prophecy is one of them. But it is believed that in Dene society every individual was gifted. Not everyone accepted their gift. Not everyone developed their gift. Not everyone who did develop their gift used it exclusively for good. Indeed it is taught that some even used their gift more often to harm than to help. As in all societies there were good and evil people. As in all societies the Dene preferred and strove for the good. They related to their gifts as blessings of the spirits, gifted with the intention of helping the Dene enhance their life.

The gifts of the spirit were given with song, with word, with drum, with pipe, with stone, with water, with fire, with air, with

animal, with plant, depending on the gift given and its purpose. Along with the gift the spirit gives the recipient a ceremony to conduct while using the gift. Some ceremonies are as short and quick as the flight of thought. Other ceremonies take several days and many people to accomplish. The physical manifestations of the gifts of the spirit are wrapped and tied up and kept in a safe place while not being used in ceremony. The bundle is to be cared for as a new born child.

People who receive these gifts are commonly referred to as medicine people. Many people had one or two gifts which they could use for a specific purpose. A few people were gifted with authority over all the other medicine people. Their knowledge and abilities were very extensive. They worked on themselves and became so powerful in their own right that they would teach others and work with their own spirit helpers to authorize those they gifted with the right to lead their people in prayer, and to carry a bundle for them.

There were many keepers of such bundles among the Dene during the years up to and beyond the signing of the Treaty in 1921. Today there are not very many left. These bundle keepers are the spiritual leaders of the Dene. They lead the people in prayer according the rite of the ceremony given them. They do not advertise their work. The protocol which they and their people follow is given with the gift. Some were given authority to celebrate only within their own family. Others oversaw a specific area. The most powerful oversaw the whole territory.

The gift is very sacred. It is of the spirit and brings life,

protection, direction and guidance to the people. As people we enter into relationship with the spirit with free will and work to maintain free will just as we do in relationship with other people. But we also recognize that it is the knowledge and ability of the spirit who works through the bundle carrier who is healing or teaching or giving direction to be followed. The Dene are not a head strong people when it comes to relationship with the spirit. Obedience is fundamental in the relationship. This is not to be understood as subservience. The process of establishing and maintaining relationship is a normal one but like all relationships it is a life-long one and can be very difficult at times. It begins with contact, exchange or sharing of concern and knowledge, testing to build trust and eventually mutual love. There is communication, agreement and action on the part of the carrier and the spirit. In this way ceremony is carried out and the community receives what it needs to survive.

Some years after Treaty was made with the Crown in 1921 something happened among the Dene in the Mackenzie Valley. Many of the Dene bundle carriers died within a two week period. It happened so fast that the carriers did not have time to transfer the bundles. Their families were forced to return the bundles to the land.

There are three sources of information which may be related to the event. For sure the first source below does relate.

- a. Henry Ekali of Jean Marie River, an elder who in 1994 was over one hundred years old, was advised by James Antoine, MLA for Nahendeh, of bundle opening ceremonies which he

witnessed among the Bloods in Southern Alberta. James asked Henry if the Dene had bundles before. Henry answered yes and went on to say that

"At some time in the 1920's they died within a two week period and their families had to give the bundles back to the land."<sup>xii</sup>

- b. In 1928 The Hudson's Bay Company resupply boat Distributor made its maiden voyage down the Mackenzie River. From Hay River to the Delta

"...red gift blankets were given to the elders and leaders. Everyone who slept with those blankets died within two weeks."<sup>xiii</sup>

"The influenza killed two hundred people in my agency, and as many along the Mackenzie River. All in three weeks. It left all...weak without resistance, more predisposed than ever to pneumonia and other lung diseases."<sup>xiv</sup>

- c. "In 1925, the Dene at Deline lived peacefully, working to survive. They hunted, fished and trapped during the winter, but in summer they were very poor. ... Not all the Sahtu Dene were good trappers, and some had a hard time paying their debts to the agent. But the traders often gave these trappers credit against the next winter's trapping season. Some traders had travelling agents who followed the trappers into the bush, to trade goods for fur.

A Dene named Salie was an especially good businessman. ...he became a travelling agent for the [Hudson's Bay] Company. Salie was a bit rough on his own people, but he gave a little credit out in the summer of 1926. ... When the spring hunt [1927] was over, Salie went around [Bear Lake] to collect the debts people owed him before going down to Tulin'a [Fort Norman] to see his boss.

One old man named Onzie had a tough time during the winter. Onzie was known as a strong medicine man, but he caused no trouble among the people. His daughter had been sick all winter and Onzie had been unable to trap, because he stayed at home with her. When Salie went there to collect the \$60

Onzie owed him, Onzie tried to explain that he had no fur to pay his debt.

'I have only three beaver skins for the whole summer, and I cannot give them away,' he told Salie. 'I will pay this debt next winter.' But Salie was rough on the old man. 'You have to give the three beaver pelts to me,' he insisted.

'Look, I am an old man,' Onzie replied. 'Take it easy on me. If you want money so bad, I have seven good dogs. You could pick the two best dogs and sell them, and that would pay my debt.' But Salie wasn't satisfied. 'I don't want your dogs, I want fur.' he said angrily. 'People say you are a strong medicine man, and they are scared of you. But I am not scared of you, I have medicine too, and I could just take these three beaver pelts away from you if I wanted to.'

For a long time Onzie did not speak. Then he said, 'My son, don't say that. Don't talk about medicine. You are the lowest one to talk about medicine power. When a great medicine man is angry, his medicine gets angry too.' He glared at Salie. 'I will not give you my three beaver pelts or my two dogs. Where you're going you won't need beaver skins or dogs. Get out of my tent. I don't want to see you again.'

People passing outside the tent heard this quarrel. When anyone quarrelled with Onzie, something always happened, so the people wondered what would happen this time. There was fearful talk all summer about it. The people knew that strong medicine power is sometimes very dangerous.

It was spring when the two quarrelled. By November Salie was dead. People die all the time anyway, and life goes on. But this person's death was special because of the circumstances of the quarrel, and people talked about it all winter. Salie came from Radeli Ko [Fort Good Hope] where he had relatives. . . . People [there] must have talked about this death too. Winter came and then it was 1928.

That spring Paul Blondin and his son Edward were hunting beaver and muskrat. One day it rained so hard they were getting soaked. 'My boy,' said Paul, 'maybe we should camp. There's no use working in this rain.' They were in flooded willow area. They looked for dry land, paddling until they found a small island under a tall tree. After skinning whatever beaver and muskrat they had, the two went to sleep.

Edward woke up later and saw his father sitting by the fire. 'What's the matter Dad?' he asked, 'Can't you sleep?'

'I have had a vision,' Paul replied. 'Drink some tea, and I'll tell you about it.'

Paul started to explain the vision to Edward. 'Eagle is my best medicine. He always helps me when I have a problem. I think we are sleeping under an eagle nest. From the nest on the top of this tree, the eagle spoke to me and it was not good news. That's why I am worried and can't sleep.'

Paul drank some tea and continued. 'In my vision I saw two strong medicine people fighting each other with powerful medicine. They killed each other with their medicine. Not only that, but they were so strong that they took lot of weaker medicine people with them. I was in trouble too. I was one of those to lose my life in this conflict of strong medicine power. I begged the eagle to save me, as he used to do. But the eagle was helpless against this strong medicine.'

'So I worried about you my son. I told this to the eagle, and he says you will survive the conflict of medicine power. I was glad about you, but it looks as if I will lose my life this summer. My boy, let's go home.'

Paul spoke to all the medicine people there, to learn if they had seen anything. If they had, maybe something could be done about it. But no one had seen anything unusual. ... They didn't believe what Paul Blondin was saying, that a great disaster would befall many medicine people.

Nobody believed Paul because life seemed completely normal. Everybody got together and had a lot of fun, with drum dances and hand games. And soon everybody would go to Tulin'a [Fort Norman] to sell their fur. All the Deline people arrived at Tulin'a as did Dene from all directions of Denendeh. Tulin'a was important in those days, because two trading companies had their posts there, serving a large area.

Dene from far-flung villages were very happy to see one another, and a big feast was in order. The people contributed the best food they had: fresh meat, dry meat, fat and pounded meat, fresh fish and bannock. When the meal was ready, the people gathered together. A leader started a long speech before the meal, and then another got up to speak. When the leaders had all finished with their speeches, it seemed as if the meal was finally about to start. Then, at one end of the crowd, a ragged old man stood up.

'Let me speak!' he shouted. 'I want to say some-thing.' The Chief said, 'Identify yourself and we will listen to what you have to say.'

'My name is Polee,' the stranger said. 'And I come from below Radeli Ko. This is the first time I've seen Tulit'a, but I am a man who doesn't talk behind any man's back. I want everybody to hear what I have to say.' He drew himself up. 'Last fall, my son died at Deline. His name was Salie. I heard through the moccasin telegraph that a certain man killed my son with medicine. When I heard that, I wanted to find the man, to learn if this was true. As soon as the ice was gone on Dehcho [Mackenzie River], my wife and I travelled up the river, pulling a canoe with a line. We arrived here just in time for this feast.'

The speaker paused. Then he asked, 'Is there anybody by the name of Onzie in the crowd?' Onzie was a powerful medicine man who had no fear of anyone. Calmly, he stood up, 'My name is Onzie. What's on your mind?' Polee looked sharply at him. 'Is it true you killed my son with your medicine? I want to hear it from your lips.'

'Yes,' Onzie replied, 'I did it.' But he pointed his finger at Polee, 'You are responsible for your son's death, because you raised him in a bad manner. Your son had a bad temper, and behaved badly, so he talked himself into the grave. You are responsible for it.'

When Onzie said that Polee got really angry. When medicine people are angry, their medicine gets angry too. Polee had lost his son and this man was making a fool of him in front of a big crowd. 'If you want to kill people why don't you try to kill one now?' he shouted at Onzie. 'I promise you will die first.'

'If I do, I will take a lot of medicine people with me,' Onzie answered.

People started telling the two of them to stop. But Polee and Onzie could not stop yelling at each other. Finally, the chief looked for other medicine people to stop them, and they managed to end the quarrel. By this time people were crying instead of being happy. They recognized the dangers of medicine power conflicts. Nobody felt like eating any more...

There was something bad in the air.

Paul Blondin spoke to his friends, saying he had foreseen this state of affairs the previous month. 'But the power is too strong,' he said, 'there's nothing we can do.'

For three days nothing happened. On the fourth day, Onzie

fell sick and died the same day. The next day Polee died. From then on people died every day for a whole month. Over half the people who went to Tullit'a to sell their furs that year never got back home.

Paul Blondin died too. He foresaw this, but the power was too strong for him.

The Dene were never the same afterward. They lost almost all their strong medicine people, not only those in Tullit'a. The same thing happened in every community in Denendeh, as a great number of elders died, most of them medicine people. From then on life was hard for the Dene. New diseases came into the country from the South. There were no medical services yet, although the government had promised the Dene that they would help them. People died of diseases from the South, but help only came much later.<sup>xv</sup>

Today many elders say that it would not be possible to live the old way in this part of the earth without the gifts which their ancestors enjoyed. The young are encouraged to go back to the land. It is while living and sleeping on the land that the gifts of the spirit are received.

The Dene have come through a brief period in history (about 65 years) with very few spiritual leaders. In the past ten years this has begun to turn around.

Although the Dene laws have not been written down they are still a major force at work in the lives of Dene today. At the time of Treaty 11 they were still in full force in Dene society. A greater knowledge and understanding of those laws would provide the Commission with a clearer understanding of the constraints, rights, responsibilities and authority with which the Dene leadership negotiated Treaty. We will come back to this from the perspective of the social and political order of Dene society.

According to Dene beliefs, the good spirit and the land are the boss of Dene life. At the time Treaty 11 was signed Dene culture was still intact in its social, political, and spiritual manifestations. Our leaders of the day were bound by the social norms, the beliefs and customs of a culture which spanned more than ten thousand years.

The Land has to be obeyed. She provides all the necessities of life. The Dene are given the responsibility to continue to live with her in that part of her being which has generated the Dene way of life, to govern themselves at personal, family, regional and national levels in a manner which honour and respect her. This is fundamental to survival. To disrespect the spirit of the land is to disrespect life. It is to invite death. This belief extends to people, animals, and tools used to bring food and so life into the home. It is for this reason, for example, that still today the Dene do not step over their hunting, fishing and trapping implements. The belief is that to do so is to show disrespect for the tools which bring life to the home, and so to disrespect life itself.

The Dene have always recognized that the Creator provides life and the Dene way of life through the land the Dene inhabit. To give up the land is to give up life and culture which the Creator provides. In 1988, during a personal communication with Mary Firth, an elder from Fort McPherson, asked:

"What do you think of the agreement?"

I said: "I didn't read it, but from the discussions I feel uncomfortable with the concessions that are being demanded of the people."

Mary said: "For me, I am being asked to give up the life which our Creator has always provided us and to take a life which will be provided by the government of White people. They are not God."

Early in 1990 William Antoine, grandson of Nahkehkon who made Treaty in Fort Simpson, spoke to his daughter Ethel Lamothe. He told her:

"I do not want the people to make a decision about the land before I die."

She asked him: "Why do you say that?"

He said: "I do not want to be among the ones who will have to tell our ancestors that we gave up the land they left in our care to the White people."

Many Dene today still believe that their very bodies are an intrinsic part of our land. In 1921, that belief was much more widely held. At the leadership meeting of the Dene Nation in Fort Norman, February 1990, Dene elder Fred Andrew spoke to the leadership with tears running down his face. He said:

"You cannot give up one clump of dirt. It is our blood."

#### Deh Cho Dene Social Order

The family is the base of Dene society. A family is made up of three or four generations living together. Order is maintained by individuals conforming to their natural realms of responsibilities and rights. Nature is seen by the Dene to be divided between male and female realms. In the family both the males and the females have

specific realms over which they have authority and jurisdiction. Even more specific to the realms of authority according to gender, the Dene also have personal areas of jurisdiction according to individual gifts.

The Dene socialization process is complex and extensive. It begins with the elders dreaming to observe the spirits who come and go in the presence of a pregnant woman. This is critical especially in the last week of gestation when the spirit to be born comes more often and stays longer. This process teaches the elders much about the knowledge and nature of the spirit to be born. This knowledge will be used in the education of the child.

Also during the gestation period the parents are taught to speak to the child. Every evening the father is encouraged to lay his head on his wife's womb and to tell his child what he has seen and done during the day, to sing to the child and to pray for the child's future. Because the mother is carrying the child in the seat of her emotions and spirit, the child knows what the mother knows. In this way the Dene begin a bonding process with their children long before they are born. It is believed that a good spirit is a very gentle being who will shy away from a non-caring parent.

The fundamentals of Dene education took place within the family. However at least once a year the families of a region would gather after spring hunt. At that time they would visit and share food with each other. Families would make marriage contracts for their new born children. The elders of the families would sit together to review

the past year and plan the year ahead. They would also put young men out to fast. Families which had made marriage contracts for their children would provide for those young people who were ready to consummate their marriages. Story tellers would gather people together and teach them their legends. The people would celebrate together.

Through dreaming elders would identify individuals with gifts which needed to be developed. The individuals were tested through ceremony such as fasting and through "games" which were used to both strengthen the individual and balance their spiritual gifts (medicines). These individuals were given the option to pursue more strenuous training to develop their gifts. On occasion this required that a young person travel from teacher to teacher to acquire the full training needed to develop to their full potential.

#### Political Order

The political order is also based on the gifts and the division of responsibility within the social order. Generally the male realm is the land and the female realm is the household. However survival needs come to bear as well so that women are taught to hunt and men are taught to cook and sew.

It is believed that the earth is female and that women are much more in tune with her, making it easier for the earth to communicate with women. For that belief, and other reasons such as the belief that the earth is one of the major law givers, it is commonly understood among the Dene that women are, in general, more knowledgeable and

powerful in the ways of the spirit than men. Dene law is accepted as a gift of the spirit to provide the people with a good life. Dene women are seen to have easier access to the source of life and the law than men. It is the accepted order of Dene life that the women are the keepers of the law.

Since it is seen that a woman is made to receive life (both physically and spiritually) and life is so precious and sacred, it is the practice for men to stand in front of their women to protect them. Man is made to transmit and protect life. In this way men take on the role of the public administration of the law. Women accept this but retain the right to intervene if need be. This natural check and balance system has served the Dene well.

If a problem came up for one family which they could not solve on their own they would take it to their relatives for help. If need be the problem was brought to the gathering of families. Examples of problems handled at the level of the gathering of families are:

- Healing of family relationships.
- Marriage contracts.
- Divorce
- Protection of Territory, and
- Assignment of Territory to new families.

Oral Dene history speaks of alliances which extended over vast areas. The Dogrib, South Slavey, Chipewyan, Beaver and Kaska peoples were allied against the Cree in the late 1700's.<sup>xvi</sup> Although they defeated the Cree they gave them the land South and East of the Peace

River in what is now Alberta because the Cree explained to the Dene that the Buffalo had left the plains and smallpox had spread among the people in the South.<sup>xvii</sup>

### Governance of Resources

Dene culture thrived on the economic activity of harvesting renewable resources. The source of the resource is the spirit. There are laws governing human behaviour to ensure continued supply. These laws acknowledge that all life as we know it is gifted to those who live right. Living right involves first of all respect for all manifestations of life, obedience to ones parents and elders, hard work to earn ones keep, sharing what one has whenever asked, and praying for all of creation. These beliefs, were acquired in the Dene culture through experience and the teachings of spirits. They are taught to new generations by their own experiences, the words of elders, and in some cases certain individuals are still chosen by spirits to be taught directly.

When put into practice the above beliefs reciprocate the creative process and assure the continued supply of resources. In other words the Dene believe that the Creator is still actively creating life and the Dene are an integral player in that creation when we live according to the laws which the Creator gives us to follow.

## Territory and Jurisdiction

In the upper MacKenzie area each family has their own traditional land use territory. According to Dene law, within their territory each family has regular jurisdiction over the use of the land and waters. The family could and on occasion did move into a new territory providing they did not infringe on the lands of other families. Usually this is done through consultation with other families but survival needs carried where consultation was not possible. Formalized allocation and use of territory was planned by the elders and sanctioned at the annual gathering of families after spring hunt. At the family level parents would plan together and assign work. Individual knowledge and skills were taken into account in the assignments so as to maximize return for the family. The Dehcho Gah Dene have main travelling trails which can be used by anyone; family trails within family territories which tie into the main trails and individual trails within family areas. It is the law for Dehcho Gah Dene that they not use each other's trails without permission.<sup>xviii</sup> This is not a general law for all Dene however. For the Dogribs of the Rae Lakes area this restriction does not apply.<sup>xix</sup>

During the annual gathering of the families the elders would review the past year and plan for the coming year. On occasion a family would ask for the help of a hunter in their territory. Another family might let it be known that they had too many people living in their area. The elders would discuss these problems and negotiate with the

families involved to resolve the problems. The elders were the recognized authority to assign a family a new territory. They have been known to impose hunting restrictions on certain species. In this manner, elders in council, provided for the management of the lands and provided governance to their people.

### Protection of Territory

On occasion the Dene have had to go to war to defend their territory.

"1783 Cree Indians at war against Beaver Indians." (Southern-most Dene in what is now Northern Alberta.)<sup>xx</sup>

In 1972 Willie Okemow, an elder of the Sucker Creek Reserve in Alberta provided the following information in a personal communication. Willie's words are again paraphrased here.

Willie told the story of his grandfather and great uncles who led the Cree into Dene territory. About five thousand people moved from the plains to avoid smallpox and because the buffalo were leaving. Willie said that about 750 warriors went ahead of the Cree to push the Dene out and take over their lands for themselves.

In a personal communication in 1973 Mrs. Cecile Antoine from Fort Simpson spoke about the same events from the Dene perspective. Mrs. Antoine's words are paraphrased here:

Word came to the Dene that the Cree were fighting the Dene. Dene warriors from as far north as Wrigley, as far east

as Fort Rae and west into the mountains of the Yukon began moving to fight the Cree. In the first two battles the Cree won. During the third battle the Dene won and pushed the Cree back across the Peace River.

Both Mrs. Antoine and Mr. Okemow said that after the third battle the Cree called for a talk. They met near the present site of Fort Vermilion Alberta. The Cree explained what was happening on the prairies. They spoke of the smallpox and their need to get away from it. They spoke of the buffalo leaving and of their need for land where they could survive. Although they won the war, the Dene gave the Cree their lands to the south and east of the Peace River. Together, the Dene and Cree accepted the river as the new boundary between their territories. They renamed the river calling it Peace River as the sign of the peace which they had negotiated.

The Dene also defended their territories from the Inuit and the Inuvialuit along the arctic coast. They continued to do so until early into the 1900's (Chief Freddie Greenland, 1981, 1993).

There are also stories about conflict between Dene groups. The Dogrib (Edzo) and Yellowknives (Akaitcho) finally made peace in the 1800's. The Dogrib teachings about the conflict, negotiations and resolution of peace take several days to tell.

These and other stories of the Dene make it abundantly clear that the Dene have a long history of defending their territory and negotiating settlements with each other and with other peoples.

## Administration of Justice

Prior to 1928 and the significant changes in Dene society, there was a clear process through which the Dene maintained social order. This area, as in many other areas of Dene life, was taken care of primarily by prevention techniques. These included dreaming on the future year of each individual before spring. Prayer and ceremony according to each individual's needs as identified by dreaming. Discipline and education of the child was based on positive sanction even within the mother's womb. In that regard, the woman with child was held in great esteem by the family as she was considered sacred to the people during her pregnancy (Roy Fabien, 1993). It is believed that by caring for a woman with child and holding her in high esteem that the spirit of the child will grow to know, love and respect all of creation. In that way the person is one who looks on life and works with it in a just way.

There are stories, however, which teach that the above process either did not always work or was not implemented by some Dene families. In such a situation near Fort Simpson, according to Leo Norwegian, a family was unable to convince one of their young woman to relate in a just way. They tolerated her for several months until the next gathering of families. The young woman's parents and grandparents then raised their concern with the elders. The elders spent a couple days meeting with the relatives and friends of the young woman. They were reacquainting themselves with all the good that the young woman

had brought to the people. They then gathered food and prepared to meet with the young woman. Very early the next morning they went to the young woman's camp, made fire and cooked for her. They then woke her and began a day of visiting to help her see the positive side of herself. They told her of the joy she had brought to her family and to the people at her birth. They went through the day telling her about all the good that they knew she had done. Towards the middle of the afternoon they asked her to consider the trouble she had caused her family and to remember who she really was. They finished the day with her, giving her praise for all the good she did. The woman's attitude towards her family changed from that day.

#### Trade and Commerce

The Dene always traded. Dene history teaches that a family from west of Fort Norman was gifted to make tools of flint. (Albert Norwegian, 1978) Those families made tools and traded with other Dene from as far away as the Yukon River valley and the barren lands. It is more commonly known that a group of barren land people originally called Yellowknives and now referred to in English as Chipewyan made tools of copper which they traded with other Dene.

Fish, meat, hides, tools and knowledge were always traded. Today people prefer to call the activity sharing. However, the elders remember it as an economic activity too. It was the custom to work for an elder for days with the hope of hearing a teaching story that

would help a younger person see a way to live a better life.

### Collective and Individual Rights

In general, the Dene governed themselves with recognition and acceptance of the individual's right and responsibility to live according to the demands and needs of the gifts which the individual carried. It makes sense to a Dene to hear a statement to the effect: Who are you (other individual or government) to interfere in the intent of the Creator in this individual's role in creation?

It is in the context of mutual benefit to all individuals concerned that collective rights and responsibilities are exercised. In that context the individuals with the most skills and knowledge in the area of work needing to be done are recognized as the leaders and the rest of the collective defer to their judgements and decisions relative to the area of work needing to be done at the time. A few examples of collective behaviour give insight to collective rights still exercised by the Dene.

1. The Hunt. This is the fundamental basis of Dene economic life.

It is still conducted today much as it was in pre-contact days. The technology has changed, but the fundamental beliefs and social context remain unchanged.

2. Territorial Defence. There is no denying the negative impact which policies and funding strategies, of government and industry, have had on the dissolution of the Dene beliefs

and political cohesion. However, the work of the Dene Nation in the past twenty five years still speaks clearly about the Dene will and ability to function as a cohesive people in the work to defend their territory. Of necessity, the strategies are different from outright war. In the Dene mind the need to keep the peace, with the subjects of the Crown, is a sacred trust required by Treaty. This trust is honoured by the Dene in spite of the fact that many recognize that the psychological and financial strategies of church and government, especially through the schools, is a concerted war effort to displace the Dene from their lands and resources.<sup>xxi</sup> This trust is honoured by the Dene because it is believed that it is the ancestors who made this agreement in the face of the Creator and Dene living today have the responsibility to obey their elders both in this world and the next. The trust is honoured because it is necessary to do so to attain peaceful existence with one's ancestors in the next life.

3. Sharing. Every Dene community still brings together foods from the land in community feasts where people gather to celebrate together. In the past these feasts were also occasions of gifting and trading. That process met the economic needs of the Dene in the past and fulfilled the same economic purposes that the European concepts of trade and commerce do. The gifting and trading part of the feasts

is seldom seen today because the economic needs which it formerly filled are met differently. In the past sharing and gifting was based on human relationships, mutual respect and honour and the recognition of need. Today material needs are easily acquired for cash from a store. Today, on the surface, it appears that people who were originally dependent on each other for survival do not need each other as much. Where the convenience of money is eliminating material needs it is also affecting the social and spiritual needs of belonging. The economic and social constraints of life on The Land fostered self-control in maintaining healthy relationships, mutual respect and honour. However, the spirit and intent of the community to come together to share and celebrate together is still very strong in Dene communities.

#### Summary Statements on Dene Life

People who have listened to Dene elders speak remember a very common phrase which they use: "We are of one mind." This stems from the culture of the Dene. It is not a euphemism. It is a statement which reflects, truthfully, the reality of the life of Dene elders. It is the product of a very specific educational process which Dene elders experienced from early childhood until their parents died. A paradigm which helps to understand that educational process is as

follows:

Value:  
Utilitarian

Activities  
Action  
WORK=>

experiences  
generating  
UNDERSTANDING=>

Value:  
Sacred

preparing  
People for  
WORDS

The activities, actions and work associated with survival, generated a common understanding of experiences for the Dene. That common understanding is seen still today as the basis of wisdom and the wise use of words. The activities used to educate the Dene were economic, political, social and spiritual in nature. Each individual was educated in many different areas of knowledge needed for survival as an individual person. These areas of knowledge included hunting skills. These involved knowing the habits of all animals in all seasons; the life cycles of animals including birds, fish and land based animals; weather and terrain. People needed to know how to build tools, shelters, travelling implements such as snow shoes, boats and sleighs. They learned to make their own clothing, how to preserve foods, what plants were edible. They learned about family relationships, socializing processes, educational processes. They learned how to pray, how to work together to ensure the survival of the people, how to speak publicly, how to be parents, how to heal sickness. Each person was carried through relationships which encouraged and demanded personal development of many areas of human endeavour.

From that culturally based experience it can be said that the

Dene who made Treaty 11 were multi-faceted individuals in a society with a common world view. They were people of one mind.

#### **OVERVIEW OF GOVERNMENT AND CHURCH INTERESTS**

The interests of non-Dene in Dene lands were also motivated by value and beliefs. In the Euro-Canadian society of the day these were diverse and often conflicting. This section places some light on motivating forces at work within the non-Dene society which had influence on Treaty 11 and subsequent relationships between Dene and the Crown.

The complexity and the diversity of the European cultures, like that of the Natives of North America defy generalization. Yet, some broad lines can be drawn about them.

- \* The impact of the bible has been felt in all European cultures.
- \* The generally held belief that man is responsible to conquer the earth (understood in a materialist way) sets the basis for the European to view the earth as a resource to be consumed.
- \* The belief in the divine right of kings and the feudal system, and the impact these had on European psyche, set the stage for ministerial government.
- \* Division of labour and knowledge and their ensuing impact on values within various strata of society is reflected in the departmentalization of governments and even the socialization processes of children.

A paradigm which expresses the predominant process, of edu-cational and socializing processes, of European based nations

is useful in further understanding relevant aspects of belief and value as they apply to communications between Dene and agents of the Crown. The following paradigm can be compared to the paradigm above, which provides similar information on Dene educational and socializing processes.

Value:  
Utilitarian

WORDS=>  
classroom)

transmitting  
KNOWLEDGE  
preparing people to =>

Value:  
Sacred

WORK

The above paradigms are expressions of Dene elders (Ekali, Norwegian, Bonnetrouge) who have clear knowledge of both their own educational process and the process of education some of them experienced in school.

It is obvious, to Dene observers, of Euro-Canadian society, that the Euro-Canadian educational process is developed further through a process of specialization into specific areas of expertise. There is also some recognition that each profession develops their own definitions for specific terms. So, their words no longer have commonly understood meanings. These and other observations of Euro-Canadian society, from a Dene perspective, provides opportunity to state that Euro-Canadian individuals are unifaceted specialists in a society with divergent world views.

The above paradigms, on education and socializing processes, are given to help the reader better understand the nature of the forces

at work in the minds of negotiators from both the Dene and the government parties.

Information of an historical nature provides more specific details on forces which motivated Euro-Canadian interests in Dene lands and resources.

#### Government Interests in Denendeh

There is significant written historical evidence, spanning the five hundred years since Europeans have been travelling to the Americas, that the conflicts of belief, values and power in the cultures of Europe have been, and are still being, played out in the relationships between the Indian Nations on the one hand and the agents of Imperial powers (governments and industry) and the Churches on the other. Here are very brief samplings, spanning the periods since contact, to highlight that conflict.

In the early 1500s, Bartolome de Las Casas wrote with Christian humanitarian concepts towards the Indians.

"En se rattachant a l'evangelisation comme a sa fin, la dialectique de Las Casas touche a la realite intime de la personne humaine: la nature de l'esprit, la liberte de l'esprit. Ici le sujet du droit apparait en ce point ou il transcende toutes les relations mais en manifestant sa relation ontologique a Dieu, son ouverture a l'Absolu. La personne est le sujet d'un imperatif primoridal: elle doit etre libre pour Dieu. Telle est la revendication fondamentale de tout le requisitoire de Las Casas."<sup>xxii</sup>

In attaching itself to evangelization as to its end, the dialectic of Las Casas touches the intimate

reality of the human person: the nature of the spirit, the liberty of the spirit. Here the subject of rights appear in this point where they transcend all relationships but in manifesting their ontological relationship to God, their opening to the absolute. The human person is the subject of a primordial imperative: the person must be free for God. Such is the fundamental revindication of all of Las Casas' works (towards having Indian rights in the Americas protected by Church and Spain).

In the late 1800s Sir John A. MacDonald stated a position, for dealing with Indians in Canada, which, by omission, denied any rights and smacks of racism.

"The Indians and the Metis of the Northwest will be held down with a firm hand until the country is overrun, owned and operated by White settlers."xxiii

Contemporary policies from the government of Canada reflect the language of rights while being designed to ensure sovereignty of the Crown over Indian lands and resources.

"Large parts of Canada continue to be used by aboriginal groups (note: not peoples) living in their traditional territories. The basis for any comprehensive land claims policy, therefore, is self-evident. It is the fulfilment of the treaty process through the conclusion of land claims agreements with aboriginal groups that continue to use and occupy traditional lands and whose aboriginal title has not been dealt with by treaty or superseded by law. ... In this process the claimant group will receive defined rights, compensation and other benefits in exchange for relinquishing rights relating to the title claimed over all or part of the land in question."xxiv

Although trying to stay out of the light of public scrutiny, industry also moves its' considerable weight, through direct action and lobbying efforts, to further its goals. Cases in point are Imperial Oil at Norman Wells which precipitated government to make Treaty 11, the impact of the Arctic Gas Consortium to build a forty eight inch

pipeline up the Mackenzie valley and now the diamonds discovered on Dogrib lands.

It is useful to highlight some of these factors to better understand the pressure points affecting the decisions that have been taken as well as the way those decisions were taken.

"At the time of the era of discovery, from the early part of the fourteenth century, it was generally accepted that the entire globe was the property of God and, as such, distributable by the Pope as His delegate on earth. At the same time, it was the practice of the European states to seize for themselves territories which had not yet been claimed by other Christian states, regardless of the attitude or presence of aboriginal inhabitants, who, for the most part, were described as "savages" or "barbarians". Many of these seizures were based on a series of Papal Bulls." <sup>xxv</sup>

"The Holy See did in fact try to mitigate some of the evil consequences of the European occupation of the American continent. Thus, by the Bull *Sublimis deus sic dilexit* of 1537, Paul III decreed that Amerindians were not to be treated as *dumb brutes created for our service...* and a century later Urban VIII found it necessary to threaten excommunication for those who deprived Amerindians of their liberty or property. However, these Bulls did not relate to the territorial property of the Amerindians. In any case, they carried no validity or threat to non-Catholics, and in 1609 in *A Good Speed to Virginia* we find it clearly stated that *it is likely true that these savages have no particular property or parcell of that country, but only a generall residence there as wild beasts have in the forests.* <sup>xxvi</sup>

The above quotations are given to highlight the two main influencing beliefs which pressured governments and the decisions they took: Humanitarian interests on the one hand and Imperial interests on the other.

While the spiritual and political leaders of Europe tended towards the more humane in their statements, they also placed men

into positions of power in North America whose beliefs were for the most part motivated by imperial experience which tended to foster hatred and war.

"Could it not be contrived to send the *Small Pox* among those disaffected tribes of Indians? We must on this occasion use every stratagem in our power to reduce them. ... You will do well to try to inoculate the Indians by means of blankets, as well as to try every other method that can serve to extirpate this execrable race."<sup>xxvii</sup>

"It appears from a letter of Capt. Bouyer that the smallpox had later broken out at Fort Pitt, which would have favoured the execution of the plan. We hear nothing more of it; but, in the following spring, Gershom Hicks, who had been among the Indians, reported at Fort Pitt that the smallpox had been raging for some time among them,..."<sup>xxviii</sup>

When the papers of General Sheridan, Secretary of the Interior with the government of United States, were opened, it was learned that he too had ordered that disease be spread among the Indians of the plains. His politic was continued until the early 1830's. Some historians estimated that the impact of spreading disease, some nineteen time between 1798 and 1830, among the Indians of North America, resulted in the decimation of their populations.

It was within that philosophical environment that the King of England issued the Royal Proclamation of 1763. It is generally understood that the Royal Proclamation of 1763 is the instrument which required that Colonial Administrations enter into treaty with Indian nations.

"...that no Governor or Commander in Chief in any of our colonies of Quebec, East Florida or West Florida, presume upon any pretence whatsoever to grant warrants of Survey

or pass any Patents for Lands beyond the bounds of their respective Governments as described in their Commissions; as also that no Governor or any Commander in Chief of any of Our other Colonies or Plantations in America do presume for the present and until Our further pleasure be known, to grant warrants of Survey or Patents for any Lands beyond the head or sources of any of the Rivers which fall into the Atlantic Ocean from the West and North West, or upon any Lands whatever, which not having been ceded to or purchased by Us (my emphasis) as aforesaid, are reserved to the said Indians..."<sup>xxix</sup>

The language of the Proclamation is couched in the usual style of European royalty. That is to say it reflects a certain underlying belief that God blessed the royal person with ownership and jurisdiction over all lands which an explorer, commissioned by the royal person, might set foot upon and claim in the name of the royal person.

"The Proclamation has been described as the Indian Bill of Rights, but this description in fact neither accords with the language nor the application and interpretation of the Proclamation. Moreover, since the Proclamation is a purely internal document issued by the Crown, it has no significance whatever in the eyes of international law, while its terminology makes it perfectly clear that it regulates the relations between Indians and private individuals, and is not concerned any rights which the Indians might claim against the Crown itself."<sup>xxx</sup>

However the Royal Proclamation of 1763 may be interpreted within the context of international law, it appears clear enough in the constriction it places on the Crown's subjects (the colonial administration of Canada as well as individuals).

Adding to the conflicting beliefs among the Europeans seeking to colonize North America was/is the interests of merchants. The following example speaks of the British merchants applying pressure

to be governed according to British rather than French law in Quebec. It is presented here as evidence that British merchants were not prepared to accept to be governed by laws other than those of England. The following quote is given from the context of concerns of English merchants about the French civil code in Quebec. It is given here as an indicator of the types of concerns that merchants had.

"We humbly beg leave to represent, that many of us have, through a confidence in the said royal proclamation, and other instruments ... ventured to send considerable quantities of merchandise into the said province, and to give large credits to divers persons residing in the same, both of his majesty's new Canadian subjects, and of his antient (sic) British subjects, who have, through a like confidence in the said proclamation, resorted to, and settled themselves in, the said province. And that we have employed our property and credit in this manner, in a firm belief, that we should have the remedies allowed us by the laws of England for the security and recovery of it;..."<sup>xxxii</sup>

The French in Quebec had a voice in European forums and their concerns were given consideration even after conquest by the British.<sup>xxxiii</sup>

Indians did not have a forum in Europe. There were surely economic activities between merchants and Indians. However Indian law (for example relationships to be maintained with the land and animals), if known by them, was not considered a significant issue to the merchant.

It can be seen, with hindsight, how the isolation of Indian knowledge and political involvement in European centres of power contributed to the facility with which interests of merchants and colonial administrators in Indian lands could be developed at the

expense of Indian interests. While portraying a beneficent image towards the Indians on paper, colonial administrations continued to implement military strategy and administrative policies which had the result of denying Indian laws, rights or responsibilities.

These conflicting beliefs and values are still being played out today where Indians are concerned. It is evident that Canada still does not recognize the legitimacy of Indians laws on Indian lands.

While the King would appear, in the Royal Proclamation of 1763, to be asserting a right on his part to have dominion over Indian lands by the clause: "reserved to the said Indians"<sup>xxxiii</sup>, it is not considered to have any consequence by the Indians who always maintained their societies based on their laws and considered such statements by European monarchs as being without validity. Indeed the statement, whether from Pope or Monarch, is considered absurd by Indians.

"Le pape devoit être très liberal de ce qui appartenoit à autrui...puisque'il donnoit ce qui n'était pas sien; et que le Roi étoit quelque pauvre homme, puisque'il demandoit."<sup>xxxiv</sup>

The Pope must be very liberal with what belongs to others ... since he gives away what is not his; and that the King was some poor man, since he demanded it.

As far as the Dene are concerned there is no question that the lands covered by Treaty 11 were never ceded to anyone. Nor would any Dene ever accept that someone, however grandiose they thought of themselves, living on the other side of the world had any right to dispose of their lands at will.

"The lands described on the map on Treaties 8 and 11 belongs

to the Indians of the Northwest Territories."<sup>xxxv</sup>

"There was a three day meeting but, as far as I know, the land and the country never was sold or surrendered to the white man."<sup>xxxvi</sup>

Although some individuals working over the years within the colonial administrations and the federal bureaucracy have been supportive of Indian rights, overall government policies have been designed to ensure the sovereignty of the Crown over Indian lands.

The impact of these policies have been felt no less by the Dene than by the other Indian peoples in Canada. In fact, the Statement of the Government of Canada on Indian Policy 1969 has been fully implemented in the Northwest Territories.<sup>xxxvii</sup> Although much of the philosophy stated in the 1969 White Paper sounds good, the government missed, and still misses today, the fundamental significance of the Treaties for Indians. The agents of the Crown perceive Treaty as a benefit to the Indians costing the Crown too much money in exchange for the lands and resources of the Indians.

"The Nielsen Task Force made many recommendations on how to cut costs in Indian programs. This has resulted in many unilateral policy changes at DIAND, and many more subtle shifts designed to cut costs and off-load obligations.

At the same time, senior appointments in the bureaucracy have been characterized by a parade of dictatorial and anti-Indian personalities... Their role is to be the hatchet men to carry out Cabinet directives. Some examples of these directives follow:

1. Dump Trust and Treaty Obligations
  - LRT Review: get bands to take over federal responsibilities and liabilities.
  - Community-Based Self-Government: get bands to accept limited, delegated authority without any guarantees on the

- resources needed to make it work.
- Comprehensive Claims: Extinguishment of Aboriginal title and rights in return for some land and some benefits.
  - Specific Claims: ... only applies to the treaty issues that Canada wants to deal with.

2. Reduce Current Expenditures and Program Responsibilities

3. Integration under Provincial/Municipal/Territorial Jurisdiction. "xxxviii

The Indians perceive of the Treaty as a peace agreement and an agreement with the Crown to allow subjects of the Crown to live on Dene lands in exchange for certain benefits. The Treaty is held by the Dene as a sacred trust given before and witnessed by the Creator. Perhaps because of the misunderstanding created by those two differing views of treaty, more than any other factor, the current agents of the Crown have been unable to meet the mind of the Dene. It is their beliefs and governing methods which provided current government agents with the concepts which they have used to deal with "The Indian Problem". One example is seen in the 69 White Paper on Indian Policy.

The 69 White Paper would eliminate the treaty relationship between the Crown and the Indians; it would result in reserves becoming municipalities under Provincial jurisdictions. It is evident from the structure of the flow of funds for delivery of Treaty services in the Northwest Territories that the 69 White Paper has been fully implemented. The government of the Northwest Territories receives the funds for services such as schools, hospitals, housing, social well-being, and economic development which the Treasury Board allocates to meet Treaty 11 obligations. The government of the

Northwest Territories does not recognize Band Councils as legitimate governing bodies. To receive funding from the GNWT Band Councils in the NWT must form and register societies under the GNWT Societies Ordinance. Even the only occupied organized Indian Reserve in the Northwest Territories, at Hay River, does not receive its' funds from Indian Affairs. The Territorial Department of Municipal and Community Affairs (MACA) funds the Hay River Reserve. However the Chief and Council of the Reserve have been advised by MACA officials that because the Reserve is not a community incorporated under GNWT ordinance the funds they get are merely a gift extended by MACA. The funds are not secure and are extended only when the ministry is able.

By ignoring the Treaty and administering Indian Financial Resources the government of the Northwest Territories pushes another generation of Dene further into political relationships which alienate Dene rights to lands and self-government and creates a reality which forces Dene to leave The Land without the skills and resources to survive in the White world.

There have been significant changes in Dene society over the past two generations resulting from problems internal to Dene culture but more emphatically from deliberate social engineering on the part of the government of Canada. In taking control, by force when necessary, of the education of Dene children<sup>xxxix</sup>, and control over the administration of lands and resources<sup>x1</sup>, the government has effectively neutralized the authority of the Dene elders and leaders. This has resulted in the dissolution of the social, political and

economic order of Dene culture.

With reference to lands and resources there is clear documented history to substantiate that the Colonial Administration of Canada acted outside its delegated authority; acted very much as an Imperial power without regard to the rights of the Dene.

#### A Specific Case

Clause 4 of the Canadian Act Respecting Public Lands, 1906, states: None of the provisions of this Act shall apply to territory the Indian title to which is not extinguished.

In 1908 the Act was changed. At least two acts replaced the Act Respecting Public Lands, neither of which carried Clause 4 quoted above. The new acts are worded on the assumption that the federal government has sovereign powers over all lands in what they call the Dominion of Canada. However, for the Dene, that fact bears no more legal weight than the claim of a thief to ownership of stolen property. That any foreign government should Act to dispossess another people of their lands and rights does not meet with Dene common sense, fair play, honesty, moral or legal responsibilities.

It is evident from the documentation reviewed that there were polarized and differing views held of the Dene by various agents within government. There is evidence to support that the factors motivating non-Dene interests were humanitarian, religious, political and commercial. It is of course necessary to state that in this context

for the religious, political and commercial interests to become reality for the non-Dene the Dene had to be displaced.

For example: In 1914, six years before Treaty 11 was concluded, S.D. Fawcett gives evidence that government officials felt they had jurisdiction over Indian lives and lands.

"Some Indians who were located on Lot 5 (Hudson Bay Company) previous to the survey of that property by Mr. Bayns, D.L.S., came to me for a place to build, so I told them to build on Lot 3 which will serve as a reserve for any houses any Indians may wish to erect on this island."<sup>xli</sup>

In effect Dene were told to move off their own lands which had been granted to the Hudson Bay by the government of Canada and onto lands the government designated as a reserve.

The language used by the officials of the department of the interior refer quite consistently to all occupants of lands, including the Dene, as squatters. Where the Dene are concerned, this politic denied them any legal status within their own lands. The agents of the government did not make any legal distinction between the "Indians" and subjects of the Crown where lands were concerned; that is everyone was considered a squatter until the government recognized their ownership of the lands they occupied. The Churches and/or corporations were recognized individually, the lands allocated for Indians were not issued to individuals.

"The provisions of the Deed of Surrender do not apply to other posts than the five mentioned ... (Fort Simpson 100 acres, Hay River 20 acres, Fort Resolution 20 acres, Fort Norman 10 acres, Fort Good Hope 10 acres): at other places,

the Hudson's Bay Company are ordinary squatters and have no more rights than other squatters."<sup>xlii</sup>

The words of S.D. Fawcett, the surveyor for the Department of the Interior, are more telling about the attitude and management practices of government officials towards the Dene.

"Sir:-I have the honour to report that during the latter part of February and beginning of March we surveyed an Indian Reserve Lot, for the Indians about Fort Simpson, some three miles up the Liard River from Simpson Island, which we did at the request of Mr. T.W. Harris, Indian Agent. This lot contains four hundred and ninety five acres, which Mr. Harris thought would be sufficient for their wants, and is laid out where he desired. (my emphasis)"<sup>xliii</sup>

According to Mr. Fawcett there were "...50 [people living] Four miles up the Liard from Simpson".<sup>xliv</sup>

The survey of the whole island on which Fort Simpson is still located was completed by Mr. S.D. Fawcett 5th March, 1914. The survey provided for roads and lots of various sizes. The map of the survey records the following names associated with various lots: the Hudson's Bay Company, the English Church Mission, R.C. Mission, Royal North West Mounted Police, Northern Trading Company and the Indian Agency. A memorandum from the Acting Controller, Department of the Interior addressed to W.W. Cory, Deputy Minister of the Interior substantiates two things: that the government was disposing of lands to private applicants and that these actions were sanctioned by Order in Council.

"Under the provisions of the Order in Council passed on the 14th July, 1919, the Minister was authorized to dispose of lots in the different northern settlements to the respective applicants therefor without such lots having been previously inspected and valued, at a rate not less than \$3.00 an acre..."<sup>xlv</sup>

The above clause was written into several memoranda seeking authorization to sell lots of various sizes in Fort Simpson.

<u>Lot Number</u>	<u>Area in Acres</u>
31	12.40
13	2.27
28	20.80
26	30.30
27	12.00
29	19.20

It is evident from the above that the government of Canada had instituted a clear process to alienate Dene lands well before they entered into treaty with them. Both the above process and the following statement give some evidence that government agents did not relate to the Indians as they did to non-Indian applicants for lands.

"In connection with the lots claimed by the Indians, an arrangement was arrived at between the Deputy Minister of this Department and the Deputy Superintendent-General of Indian Affairs that the rights of the Indians would be sufficiently safeguarded by a notation in our records that the lots claimed by them are reserved for them during their occupancy thereof. It should, therefore, be ascertained if these Indians are in occupancy of the lots."<sup>xlvi</sup>

There is further evidence that the government of Canada actually proceeded with land transactions on Dene lands prior to making treaty with them. The Clerk of the Privy Council wrote the following "Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 4th January 1918.

"The Committee of the Privy Council have had before them a report, dated 13th December, 1917, from the Minister of the Interior, stating that the Department of Indian Affairs has applied for the setting apart of lots numbered 20, 22, 23, and 25 of Fort Simpson Settlement in the Northwest

Territories, for Indian Agency purposes.

The said lots which comprise an area of 88.80 acres are available according to the records of the Department of the Interior.

The Minister, therefore, recommends that the said lots be transferred to the Department of Indian Affairs for Indian Agency purposes.

The lots above mentioned may be described as lot No 20, containing an area of 20.80 acres, lot No 22, containing an area of 24 acres, lot No 24, containing an area of 27.20 acres and lot No 25 containing an area of 16.80 acres, as shown upon a map or plan of survey of the said Settlement approved and confirmed at Ottawa, on the 28th day of May, A.D. 1915, by Edouard Deville, Surveyor General of Dominion Lands and of record in the Department of the Interior.

The Committee submit the same for approval."<sup>xlvi</sup>

Up to and including the year 1920, the government acted on Dene lands, as a sovereign power would on their own lands. At the same time, they also acted in a manner designed to keep the Indians calm.

"I may explain that the region referred to, that is to say, between Great Slave Lake down the MacKenzie to Fort Good Hope has not been covered by any treaty but it is considered to be very desirable in order to secure the goodwill of the Indians and to avoid friction that at least all the lands near the settlements to which the Indians are entitled or are necessary for their reasonable wants, should be secured to them by having them regularly surveyed in the same manner as the remainder of the settlements."<sup>xlvi</sup>

Although some government agents, Mr. Conroy in particular, did try on several occasions to convince the government to enter into treaty with the Dene of the MacKenzie Valley for what they considered to be humanitarian reasons, the requests were consistently blocked. It appears that there was never any consideration by the Government of Canada to even entertain a

treaty with the Dene north of 60 until oil was discovered at Norman Wells and Imperial Oil got involved. "It was on Indian territory, still unsundered by any treaty, that the first gusher at Norman Wells came in on August 25, 1920, revealing the underground treasure of the Northwest Territories. ... The oil strike caused much excitement among speculators and prospectors across the country. Canadian newspapers described the event with superlatives: "Biggest Oil Field in the World"<sup>xlix</sup>

### Historical Practices Continue Today

Still today, the government of Canada is determined to acquire sovereignty over Dene lands.

An example of Land and Resource Interests:

During the past three years there have been numerous reports in the newspapers published in Yellowknife about the exploration for diamonds. The tone of the headlines is not different than those in 1920. The finds are referred to as the biggest in North America. Language to excite the investors and government objectives still go hand in hand.

Examples of Policy Interests:

The Comprehensive Land Claim Policy provides many other very good examples of how words are used as tools to reach the Crown

objective of sovereignty over Dene lands.

The term: LAND CLAIMS sets up a psychological barrier to understanding the nature of the relationship as perceived by the Dene. The terms teach at a subliminal level, that the Dene are claiming some goods, benefits and/or rights from Canada. This concept denies the history of Canada from the Dene perspective and creates, in the sensibilities of Canadians, a feeling that the Dene are some greedy selfish people.

The term: EQUITABLE is very value laden. It is through first-hand knowledge of how agents of the Crown relate to the Dene that we see the value which the Crown's agents place on the term equity as applied to the Dene. The government has always seen itself as dealing equitably with Indians. To evaluate that from the perspective of the Dene, however, one has to look to quality of life on reserves, existing settlements and the millions their beneficiaries have to spend to force the government to implement all the terms of the their agreements. (James Bay for example.)

The term: OTHER CANADIANS introduces the governments real politic with reference to the Dene. It is shown above how government actions on Dene lands set up the social and political context in which the Dene find themselves today. We have seen how the government was doing that long before they made treaty. That "other Canadians" even live in Dene lands today is the sole responsibility of the government and its policies and political and economic decisions. Now they use that

fact as substance to force cessions from the Dene. This is the classic case of not only blaming the victim but forcing the victim to pay the cost for foreign decisions. In effect the government is using the interests of third parties to eliminate the rights of aboriginal ownership, and the normal economic benefits that flow from that, for over ninety nine percent of the original land base of the Dene; and to reduce those rights for the Dene on the lands over which they would have some control from a settlement under the Comprehensive Claims Policy. This is a complete reversal of the intent of the Royal Proclamation of 1763 which calls for subjects of the Crown to not acquire any interests on Indian lands before Treaty. In this manner the government of Canada continues to sully the Crown.

The term: FINAL SETTLEMENT indicates the government's intent to not maintain an ongoing nation to nation relationship with the Dene. Reference to Indians as groups rather than nations of people is another indicator of this politic.

The term: CERTAINTY is best understood according to the government's interpretation within the context of clause 3.1.9 of the 1990 Dene/Metis Agreement in Principle. That is total cession of all lands and resources and associated rights. The federal negotiator, Mr. Osbourn, would not entertain the possibility of changing or dropping 3.1.9. He stated: "As far as we are concerned 3.1.9 is the agreement." That, for the government is what they mean by certainty.

The term: PREDICTABILITY in the Claims Policy was also well

covered in the Dene/Metis Agreement in Principle. The objectives of the Claims Policy states:

"Predictability will be established for the future as to how, the applicable provisions may be changed, and in what circumstances."

On the face of it, this looks good. But put up against government performance in implementing past agreements, one begins to feel uncomfortable. This is not just speculation. It is evident from the cession clauses in final agreements that the government intends to eliminate the status of nation presently held by most Indian Peoples in this country. Once Indian lands are under CERTAIN jurisdiction of the Crown, and the status of nation is eliminated, it is PREDICTABLE that Indian Peoples will fall under laws of general application with some administrative involvement through boards of management over some specific areas.

Historically the government structured itself, and determined its relationships with Indians, legally, socially, and even psychologically to deny Indian Peoples any form of self-determination. The Indian Act still places authority in the Minister to over-rule the election process for Chief and Council if he chooses. It imposed an Indian Agent to control resources, movements, public gatherings, schooling, lands, et cetera. Still today the government's concept of Indian Self-Government is limited by their attempts to frame it somewhere within the paradigm (pyramid) which represents their social and political structures. Those parameters relegate Indian government

to some form of municipal administration. This, in effect, denies Dene history, law and responsibility towards land, ancestors, and self. During their assembly at Kakisa, in 1993, the Dene People of the Deh Cho First Nations voted to accept a Declaration of Rights. Within that declaration they stated:

"Our laws from the Creator do not allow us to cede, release, surrender or extinguish our inherent rights."

#### Church Interests in Denendeh

The Church missionaries, in the north, had a strong belief in the need to civilize and Christianize the Dene. They also had a need to provide for the establishment and maintenance of an institution through which this work would take place. The successive leaders of the Church in the North managed themselves accordingly. The primary players influencing this work were Bishop Taché, Bishop Grandin and Bishop Breynat.

Bishop Grandin set the philosophical stage and worked more from a socializing perspective. Bishop Breynat was present during treaty negotiations for Treaty 8 in Fort Resolution in 1899 and worked as a Treaty Commissioner for the government in 1921 when Treaty 11 was made.

Breynat lobbied government from as early as 1909 to make a Treaty with the Dene of the MacKenzie valley. He was the successor Bishop to Bishops Grandin and Taché. Their perceptions of the Dene influenced Breynat. Bishop Taché, for example had some very clear concepts about

the spirituality of the Dene:

"Nos Montagnais, ... , avaient une connaissance de Dieu pure de ce mélange grossier d'absurdités que l'on rencontre dans les peuples les plus éclairés de l'antiquité."<sup>1</sup>

Our Chipewyan (Dene), ... , had a knowledge of God which was pure of the gross mix of absurdities that one encounters among the most enlightened peoples of antiquity.

The above observation speaks of a spiritual reality within which the Dene live. For the European, however, it appears that a people are only civilized if their history is identifiable through the evidence of long lasting architectural structures<sup>li</sup>. The power and beauty of Dene language which early missionaries knew did not affect their perspective on the Dene as savages. In their own society the French used the following saying quite commonly, implying that if you did not speak French you could not be Catholic.

"Si tu perde ta langue tu perde la foi."<sup>lii</sup>

"If you loose your language you loose the faith."

Perhaps the belief and perspective such a statement would require is the basis for Bishop Grandin recommending that the Dene children be not allowed to speak their language.

In April, 1872, Bishop Grandin had come to the conclusion that it was not possible to civilize the Indian people as long as they continued to live on the land. He decided that to succeed in their mission the Church would have to get control of the Indian children. To do so the Church needed the support of the government.

"J'ai remarqué, en France, l'Oeuvre des écoles d'Orient. C'est une association spéciale, qui opère un si grand bien, dans ce pay. Il nous faudrait une Oeuvre de ce genre en faveur des écoles du Nord-Ouest. ... Cette Oeuvre ... pourrait être un des plus puissants moyens, tout en conservant les races sauvages, de les civiliser, ..." <sup>liii</sup>

I noticed, in France, the Work of the schools of the Orient. It is a special association which accomplishes such a great good in that country. We need an undertaking of that kind in favour of the schools of the Northwest. ... This work ... could be one of the most powerful means, while conserving the savage races, of civilizing them, ...

In 1878 he wrote the following in a letter to a lady who had offered to raise support for his missions:

"Après avoir passé près de vingt-trois années de ma vie parmi les sauvages ... au Canada, j'ai pu me convaincre que l'on peut faire de nos pauvres Indiens de bons Chrétien, mais qu'on ne parviendra à les civiliser suffisamment pour en faire de bons citoyens qu'en les prenant tout petits-enfants. ... Le Gouvernement Canadien qui semble prendre à coeur la civilisation des sauvages a bien voulu promulger une loi, qui nous est d'un grand secours dans cette OEuvre (sic) importante; elle donne à quiconque adopte un enfant abandonné le droit du Père sur cet enfant..." <sup>liv</sup>

After having spent close to twenty three years of my life among the savages ... in Canada, I have been able to convince myself that we can make our poor Indians good christians, but that we will only come to civilize them sufficiently to make good citizens of them by taking them as very little children. ... The Canadian government which seems to take the civilization of the savages to heart has willingly promulgated a law, which is of great succour to us in this important work; it gives to whoever adopts an abandoned child the right of a father over that child.

On 4 September 1879 Bishop Grandin wrote to M. Langevin, Minister of Public Works:

"Je suis convaincu que le seul moyen efficace pour sauver de la destruction et civiliser les sauvages du Nord-Ouest, c'est de commencer par les petits enfants, toutes les dépenses qu'on fera par ailleurs dans ce but seront à peu près en pure perte. Sans doute les écoles feront du bien, mais le jeune indien dans sa famille ne les fréquentera jamais régulièrement, et si malgré cela il parvient à savoir lire et écrire, il n'en vivra pas moins comme son père, de chasse et de pêche seulement, il restera sauvage. Il

faut pour le civiliser, le prendre du consentement de ses parents, et le faire sien, il faut lui faire une famille, l'habituer à un genre de vie tout autre que celui de ses parents, il faut même, autant que possible lui faire oublier les usages, les habitudes et la langue de ses ancêtres. L'adoptant, on ne doit pas seulement le garder jusqu'à l'âge de 12 à 13 ans, ils subiraient trop alors l'influence des sauvages, il devra les garder jusqu'à leur mariage. ... Il s'agit de sauver les sauvages, de prendre comme siens ces petits êtres dégoûtants et en faire sa famille." <sup>lv</sup>

I am convinced that the only efficient means to save the savages of the Northwest from destruction and to civilize them, is to begin with the little children, all the expenses which we will make through other means towards this goal will be pure loss. Without a doubt the schools will do some good, but the young Indian in his family never frequents them regularly, and if, in spite of that, he comes to know how to read and write, he will not live less as his father, only from hunting and fishing, he will remain a savage. One must, to civilize him, take him from the (consentement: may mean consent, but prefixed with DU more probably means authority. AVEC LE CONSENTMENT DE would read: with the consent of. DU CONSENTMENT DE reads: from the authority of) authority of his parents, and make him one's own, one must make a family for him, habitualize him to a way of life completely other than that of his parents, one must even, as much as possible make him forget the customs (consecrated practices), the habits and the language of his ancestors. Adopting him, we must not only keep him until the age of 12 or 13, he would then be subjected too much to the influence of the savages, one must keep them until their marriage. ... To save the savages one has to take the little disgusting beings as one's own and make them ones' family.

It was the role of the Royal Canadian Mounted Police to enforce the law which provided for the Church to raise and civilize Indian children. The Commissioners must have heard many stories about this treatment of Indians in their community visits.

The missionary came from a very long tradition of influence and power within their own societies. They were accustomed to owning significant lands and buildings from which to operate. During the 19th century the Church was expanding all over the globe much as other European empires. In the early years of Canada, the Catholic Church was primarily a French institution. The Roman Catholic Church leadership was fully aware that the main political force in the country was English and Protestant. Evidently to realize their mission, as

they saw it, they had to contend with an intolerant administration.

"... But the truth is you British L. [Lower] Canadians never can forget that you were once supreme -that Jean Baptiste was your hewer of wood and drawer of water - You struggle like the Protestant Irish in Ireland - like the Norman Invaders in England not for equality, but ascendancy..."<sup>lvi</sup>

To meet their objectives the Roman Catholic Church recognized the benefits which would accrue to it from working with the government to convince the Indians to take treaty.

"Lacombe (Oblate priest) was then 72 years old. He argued that he was too old, but when the Prime Minister added his persuasion, Lacombe advised Sifton on May 14, 1899: 'My religious Superiors of Edmonton and St. Albert approving of my appointment by your department I am glad to inform you that I accept the position to be a member of the Commission going this summer to make treaties...'"<sup>lvii</sup>

Bishop Breynat was not a novice to the Treaty process in 1921. He was present at the negotiations of Treaty 8 in 1899. Bishop Breynat "...was the only person to be present at the signing of both Treaty 8 and Treaty 11."<sup>lviii</sup>

He was known in Canada and travelled widely. His beliefs were complex and at times appear to have been contradictory:

"Le droit des Indiens du Canada comme premiers occupants est indiscutable.

La proclamation de Jacques Cartier prenant possession, en 1534, au nom du Roi de France, ..., n'affecte en rien ce droit.

Le traité de Paris, en 1763, livrant le Canada aux Anglais à la suite de la bataille des Plaines d'Abraham, ne l'infirmait pas davantage."<sup>lix</sup>

The rights of the Indians of Canada, as first occupants, are not discussible. The proclamation of Jacques Cartier taking possession in 1534, in the name of the King of France, . . . did nothing to these rights. The treaty of Paris, in 1763, giving Canada to the English, following the battle of the Plains of Abraham, did not weaken them any more.

While appearing to uphold Indian rights by the above statements, Bishop Breynat actively encouraged the Dene to sign Treaty 8:

"Accepte donc de signer le Traité au nom de tous ces malheureux. D'ailleurs, vous autres, Mangeurs de Cari-bous, vous n'y pouvez rien. Que vous acceptiez ou non le Traité, le Gouvernement de la Reine viendra et s'organisera malgré vous dans le pays, les Blancs viendront, etc. Refuser la compensation que vous offre le Gouvernement sous prétexte qu'elle n'est point suffisante, serait priver les malheureux de secours précieux..."<sup>lx</sup>

Accept therefore to sign the Treaty in the name of all these unhappy people. In any case, you Caribou Eaters (a group of Chipewyan people), you can do nothing. Whether you accept the Treaty or not the government of the Queen will come and organize itself in the country in spite of you, the White people will come, etc. To refuse the compensation which the government offers you on the pretext that it is not sufficient, would be to deprive these unhappy people of precious succour.

He also became fully involved in the negotiations of Treaty 11:

"Breynat wrote of himself in 1937, "I may say that I am responsible for the treaty having been signed at several places, especially at Fort Simpson..."<sup>lxi</sup>

Breynat knew clearly the legal implications which the Treaties held for the Dene, but he still lobbied extensively in Canada and with the Dene to have the Treaties made between the Dene and the Crown

"En retour de l'abandon complet de leurs droits, -droits bien reconnus puisque les Indiens ont été sollicités de les abandonner sous peine de se les voir confisqués sans compensation, -certains privilèges leur ont été concédés." <sup>lxii</sup>

In exchange for the complete abandonment of their rights, rights well recognized since the Indians were solicited to abandon them under the penalty of seeing them confiscated without compensation, -certain privileges were conceded to them.

Bishop Breynat had a clear purpose in pressuring Ottawa to enter into a Treaty with the Dene. He knew from church records that it would bring financial benefits to the church schools and hospitals in the Mackenzie. It was evident to him as the Bishop also responsible for residential schools and hospitals in the Treaty 8 area.

"A residential school was opened by the Grey Nuns in 1867 at Fort Providence, and one at Fort Resolution in 1909. The government supplied beds and mattresses for this latter residence, and gave a yearly allowance of \$72 per student." <sup>lxiii</sup>

(Fort Providence is in Treaty 11 area. Fort Resolution is in Treaty 8 area.)

Surely similar experience as to the status of lands owned by the Church in Canada had to have instructed the Bishop that the treaty would provide more certainty to the Church ownership of land in the MacKenzie Valley.

Bishop Breynat was also an officer of The Roman Catholic Episcopal Corporation of MacKenzie which dealt in properties.

"I GABRIEL BREYNAT, Vicar Apostolic of MacKenzie, individually, and as an officer of "The Roman Catholic Episcopal Corporation of MacKenzie", hereby appoint the Reverend Father Edouard Gouy, of the Settlement of Fort Liard, (Treaty 11 area) in the North West Territories, my Attorney to act in my stead to sell, exchange, transfer and dispose of all mining properties held in the name of "The Roman Catholic Episcopal Corporation of MacKenzie" which were originally acquired by the aforementioned Edouard Gouy on behalf of the aforementioned Corporation." <sup>lxiv</sup>

The Church knew that a Treaty would bring the Dene into a

relationship with the government which would make it much easier (financial resources from government for residential schools and hospitals) for the Church to attain its objective to civilize the Dene.

Although every Dene elder who has been interviewed, on whether or not the Treaty Party spoke of the Treaty being an agreement through which the Dene gave up The Land, claims that both Bishop Breynat and Commissioner Conroy denied during the negotiations that the treaty was an instrument through which the government was buying Dene lands, and in spite of the statements made by Breynat in his memoirs (Cinquante Ans Au Pays Des Neige), it appears from correspondence of his to the government as early as 1913 that he held the position that the lands belonged to the Crown.

"Would you have the kindness to draw the attention of the government to the fact that in all the posts scattered along the Mackenzie River, a few Indians have erected, at different times, rather convenient houses, from which it would be hard to eject them when the survey of these posts is made. There are no reserves, and there will not be any for a long time. Would it not be possible to reserve indefinitely, for the use of these Indians, the lands upon which they have squatted?"<sup>lxv</sup>

And further, as seen above, the Bishop did know, accept and operate on the premise that the Treaty process was one which provided for the Dene to cede their lands to the Crown.

The following quotation is drawn from a photocopy of a correspondence included in a file in the archives of the Dene Nation. The file in the Dene Nation is made up of copies of documents from

PAC, R.G.85, Box 572, file 268. The letter reads:

Ottawa, 22nd May, 1922.

TO HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL.

The undersigned has the honour to report that application has been made by Bishop Breynat on behalf of the Roman Catholic Episcopal Corporation of Mackenzie for a free grant of lots numbered 12, 17, 19, 21 and 25 of the settlement of Simpson in the Northwest Territories by virtue of occupation of the land at the date of the extinguishment of the Indian title (my emphasis). The said lots comprise an area of 85.1 acres.

Evidence has been submitted showing the applicant, through his Agents, to have been in actual occupation of the land at the date of the conclusion of Indian Treaty No. 11, on the 22nd October, 1921, and to have placed valuable improvements thereon, and the undersigned, therefore, begs to recommend that, under the provisions of Section 76 of the Dominion Lands Act, a free grant thereof, and the issue of letters-patent therefore, be authorized to the Roman Catholic Episcopal Corporation of Mackenzie.

Respectfully submitted.  
Minister of the Interior

#### Summary of Government and Church Interests

The evidence appears clear enough. The Church intended to civilize and Christianize the Dene. The hierarchy of the Church recognized that an alliance with the Crown was in the Church's interests in Canada. The Roman Catholic Bishop of the Mackenzie accepted to help the government cozen the Dene of their rights and lands. Breynat must have believed that the government would provide for the Dene in a better way than the land and the Creator had provided for them. It appears quite clear that his interest was that of the

Roman Catholic Church as an institution with lands, assets and financial resources to civilize and Christianize the Dene. He appears to have been willing to sacrifice Dene rights, social order, political jurisdictions and lands to achieve his objectives.

The government simply wanted clear sovereignty over Dene lands. The intent of government today, as seen in the present Comprehensive Claims Policy is still the same. The intent of government today is "certainty" that the Crown is sovereign throughout all parts of what is commonly understood to be Canada.

To achieve the objective of clear sovereignty successive governments have maintained a steady course of disinformation, outright propaganda, fraud and force. That course of action defined Acts of Parliament to consolidate power in institutions foreign to Indian cultures; ignored Indian laws; criminalized Indian spiritual practices and legal traditions; denied Indians access to markets for their goods other than fur; displaced Indians from their traditional lands to lands which were considered useless to white interests; authorized forceful removal of children from the care of their Indian parents; forced many Indian children through living experiences which denied them the opportunity to learn to become parents, while using shaming tactics to teach the children to be ashamed of being Indian; jailed Indian leaders; denied traditional Indian leadership models to operate; imposed foreign models of leadership on Indian communities; and the list goes on and on.

The fact that the Crown drafted a treaty and instructed the Treaty

Commissioners to secure Indian agreement to it, without changing any part of it, is indicative of arrogant disregard for the Indians. It is indicative of a complete disregard of Indian culture, rights, and responsibilities. In effect, the government of Canada had already a "game plan" in play down South which was designed to completely disenfranchise the Indian and integrate any who survived their "game" into a way of life based on the culture which drove the "game plan". The Dene were aware of some of this "game plan" in 1921. For that reason they have been, for the most part, consistent in refusing any reserves.

#### **DENE VS BRITISH COMMON LAW CONCEPTS OF LAND**

This brief discussion is provided to add further to the readers understanding of beliefs and relationships at work in the negotiations in 1921.

#### The Dene Relationship

When Dene speak of The Land in the context of "Going out on the Land", they mean the living universe, including the air, plant life, animal life, the ground, water, the sky, stars, sun, planets and moons. The list is not intended to limit the meaning but to help the reader better understand the value which Dene place on the concept: Land. Getting food from The Land is getting Life. Sharing food from The Land is sharing Life. Getting medicine from The Land is getting Life. Getting

water from The Land is getting Life. Making fire on The Land is getting Life. Receiving a gift of rock or plant or water, etc. from The Land is receiving Life. These and many more are gifts of the Creator, as is The Land itself.

Within that universal concept of The Land, the Dene also recognize that in specific areas of her being the Earth teaches specific ways of being. This is the Dene explanation for the diversity of cultures in the world.

"Everybody has a different way of doing things, a different way of seeing things. That's because the climate is different from here. People live by the climate. That's why they're different."<sup>lxvi</sup>

The Dene carry this teaching at least two steps further. The specific nature of each person's culture is determined over the years firstly within a specific family and a specific area of Denendeh; and secondly according to the nature of the spiritual gift(s) that an individual will receive. I will not discuss the second step here as it has been covered in the background information on the Dene given above. However, with reference to culture being family and area specific, there is clear evidence in the names which the people carry according to the localized areas in which they live. The names define either the area the people live in or the legend of their origin and on at least one occasion a group name reflects the fact that they live without the birch tree. Within the Mackenzie valley there are at least thirty such groups. For example, among the Chipewyan Dene there are said to be nine specific groupings. Some of these are: South

Wind People, Willow Flats People, Open Water People, Caribou Eaters, and Yellowknives are some examples. In the Deh Cho some of the groups are called: No Birch People, Beside the Big River People, Among the Rocks at the Base of Cliffs People. The Dogrib Dene take their name from a legend about the woman from whom they descend.

These names carry the values of a universal concept for Dene who have grown up on The Land with their own language. For example the people who are called No Birch People, raise questions for the Dene child from other areas because many Dene products (snowshoes, drums, toboggan, canoe) were made of birch. What then did No Birch People use to make their tools? While the people of each Dene language were composed of culturally specific areas, they always knew each other and maintained formal relations through the gathering of families each spring.

Each family maintained itself within a more localized territory within the cultural areas of Denendeh. A child's education was tied, primarily, to a specific localized territory. That localized territory became an inherent part of the child's personal identity. In this context, the localized territory is The Land for the child.

It is the relationship with The Land at that level which generates in the Dene the strong sense of belonging to The Land in a relationship which requires the Dene to protect the source of his or her specific way of being and so to protect self. From that relationship with The Land the Dene People have the responsibility and right of jurisdiction over The Land to which they belong.

The value applied to Creator's Gift is the same value people place on Life. Life is strengthened by sharing. The Land and Life from The Land is to be shared. There is a protocol to be followed in this however, as Life is not to be squandered on a being who will abuse of it. The protocol is a teaching of the spirit. To access the gift of medicine from someone a person has to know who has the medicine, how to approach the person with the medicine and what to bring as a gift in exchange for the New Life of the medicine. The spirit will only give that information to someone who has been tested and found to be worthy of the help of the medicine. It is within this context that one has to understand the value and relationship which the Dene place on the Life of The Land. For this and related reasons the Dene are very apprehensive about simply allowing people who were not raised with The Land to take over and govern.

#### British Common Law Relationships

Land is a commodity with two classes: Fee Simple Property and Crown Jurisdiction. Fee simple property is a concept which is not completely foreign to the Dene experience.

With reference to fee simple property, there is no real connection in the Dene customs. In the Dene customs an individual owns whatever the individual makes to help the individual harvest new life from The Land. Whatever is harvested belongs to whoever needs it and is distributed by the women or in some cases by men. But the tools used

to harvest (canoe, toboggan, knife, gun, etc) these belong to the harvester and no one is even supposed to touch them without the harvesters permission. But this concept and related values do not extend to The Land itself because The Land is a living being and, as all living beings, "belongs" to the Creator of Life.

Jurisdiction, is a concept which is more closely related to the Dene concept of a living relationship with The Land. As a gift, it is deemed to be exclusive to the Crown by European philosophy. As a gift, it is recognized by the Dene as a responsibility which can be shared with those whom the spirit teaches.

In the customs of the Dene elders, because The Land is the boss and will teach whoever She wants, they will accept as Dene anyone who comes to know and live as they know and live. This is not a note on racial relationships, it is a statement to the belief of the Dene that The Land is the boss of culture, that culture is inextricably tied to The Land, and that people are required to adapt their way of life to the teachings of The Land.

These concepts present some difficulty to the reconciliation of peoples now living in Denendeh to a process of governance which would be mutually acceptable. The Euro-Canadian tradition places "Man" at the pinnacle of creation. It professes to accord each person the equal right to pursue a position of authority from which to govern. Based on one man one vote, this tradition makes no provision for knowledge and responsibility towards The Land. This process is seen to be irresponsible by Dene elders.

"Will you vote today?"

"No!"

"Why not? It's important for you to have a say in what goes on."

"Voting will not give me a say in what goes on, it only gives me the right to give my voice away to someone else."<sup>lxvii</sup>

Looking at how each culture relates to the concept land, is fundamental to understanding some of the confusion apparent on the surface of discussions between Dene elders and Crown agents in 1921.

#### **THE TREATY MAKING CONTEXT**

Thousands of years of history stood behind the Dene as the treaty party approached. Each of the Dene present were raised on the land with the history, their social organization, their religion, their understanding of the fundamental relationship between themselves and the land. Each knew from experience as children, parents and leaders that the land provides for those who respect her.

Dene history, recorded in memory, in stories, in place names, provided the experiences which teach identity and self-worth, and give hope for the future.

The Dene stood in community, the government treaty party approached as a small group of strangers. They did not know the land. They did not know the people. They came with preconceived ideas about the "Indian" which did not meet the reality of Dene life. Yet, they

came with the determination of an imperial power behind them and the apparent willingness to misrepresent their intentions to the Dene.

During the Paulette case Michel Landry of Fort Providence was asked if land was mentioned during the treaty negotiations. He answered through an interpreter:

"He says he remembers very well that land was never mentioned at the Treaty but there was a lot of talk about it just being a peace treaty. The money was given to them for a peace treaty."

#### Dene Beliefs and Treaty

Given the social and historical context of the meetings between the Dene and the treaty party, it is difficult to believe, as the government's written version of Treaty 11 would have us do, that the Dene knowingly ceded their lands to the Crown. At that time, in the places where the treaty was signed, the Dene were the obvious power, the majority, and vast distances from any potential threat from the government.<sup>lxviii</sup>

The facts that the Dene then and still believe that the land is the blood of the people; is the conscious being from which the Dene are called to learn the Creator's will; is the provider of Dene life; and, given the fact that the Dene still believe that the land and the people are one; that the land belongs to the Dene and the Dene belong to the land; and that a living relationship with the land is an inherent function of Dene religious beliefs, makes it

inconceivable that the leadership in 1921, which held the same beliefs, would knowingly give up the land.

With all the changes that have taken place since 1921 in the life style and beliefs of the Dene, no Dene agrees that it is proper to give up The Land. Some regions in the North are doing so for economic and social reasons, hoping they can make a better life under a comprehensive agreement. The colonizing process they have lived has been painful. They hope this move will relieve the pain. Although indirect, that information is significant in understanding the kind of decision that leaders in 1921, who were not colonized, would have taken if they had been asked to give up their lands.

It is from this historical perspective of the Dene that one will understand the Dene position with respect to Treaty 11. That is, the Dene agreed to allow the subjects of the Crown to live on Dene lands in peace and friendship, and that in return the Crown would provide certain benefits to the Dene. Some of those benefits are spelled out in the government's written version of the treaty, others are evident in the affidavits signed by witnesses to the treaty negotiations and oral testimony given by the Dene negotiators.

Dene oral history teaches that Ehtsieh Norwegian expressed concern, to fellow elders in Fort Simpson, that he was not satisfied with the statements being made by the Crown's Treaty Commissioners. He felt that their statements were too vague. Both Ehtsieh Norwegian and Lefoin (headman from Fort Providence) are reported to have said:

"If I can just get them to be more specific."

In Fort Providence in 1921 Chief Lefoin asked that the agreements arrived at during the negotiations be written down and a copy made for the Commissioner and a copy for the Indians. According to the oral accounts this was done and the Dene agreed to have their copy kept in the mission in Fort Providence.

In 1922 the Dene asked to have the copy brought out during the ceremonies to renew the treaty. They were told it had been lost. In successive years they asked for the written version of the Treaty. Their requests were never honoured.

On November 27, 1937, Bishop Breynat signed an affidavit on the matter of the treaty signing. An excerpt of that affidavit reads as follows:

"I gave my word of honour that the promises made by the Royal Commissioner, "although they were not actually included in the Treaty" would be kept by the Crown... As the text of Treaty No. 8 & 11, which had been brought from Ottawa was **not explicit** enough to give satisfaction to the Indians, (emphasis is mine) who were afraid to be treated as the Indians in the Prairies had been treated, (the conditions of the North being altogether different), the following promises were made to the Indians by the Royal Commissioner, in the name of the Crown:

(a) They were promised that nothing would be done or allowed to interfere (emphasis is mine) with their way of living, as they were accustomed to and as their antecedents had done.

(b) The old and destitute would always be taken care of, their future existence would be carefully studied and provided for, every effort would be made to improve their living conditions .

(c) They were guaranteed that they would be protected, especially in their way of living as hunters and trap-pers, from white competition, they would not be pre-vented from hunting and fishing, as they had done, so as to enable them to earn their won (sic) living and maintain their existence."<sup>lxix</sup>

Emphasis was placed on the words "was not explicit enough" in the affidavit which Bishop Breynat signed. During a workshop on traditional leadership on the Hay River Reserve last winter Mr. Pat Buggins, an elder of that community brought a photocopy of the actual document which he said his grandfather signed in Fort Resolution in 1899. It is interesting to note that the clause on cessions in Treaty 8 are referred to with the simple sentence "The signatories here below agree to the cessions made." As indicated by Dene oral history and Breynat's memoirs, the wording is not too explicit. It is natural to relate to the above statement being read in a meeting to mean the **oral** cessions made during the meeting. Breynat claims the treaty was read, but he also claims that the terms were not specific enough to satisfy the Dene. It would seem from Breynat's two statements that the only document read was the one which did not specify that the Dene were ceding all their rights and lands. The nature of the statement should also help the reader become more aware that cessions were made by both parties to the Treaty. These are spelled out in the version of Treaty 11 according to the Dene. Mr. Buggins said every time his grandfather met Bishop Breynat after Treaty 8 was made, he confronted him and accused the Bishop of lying during the negotiations of Treaty 8.

Bishop Breynat states that the wording of both treaties 8 & 11

were not explicit enough to satisfy the Dene<sup>lxx</sup>; that they were presented in calligraphy on large parchments illuminated with gold and colours; and that they were not to be changed.

"Selon les coutumes établies entre nations civilisées, un traité n'est rédigé, article par article, qu'au fur et à mesure des discussions qui en précisent les termes à la satisfaction des deux parties contractantes. ... Malheureusement on n'en a pas tenu compte pour la conclusion des traités No 8 et No 11. Il y a bien eu des discussions plus ou moins longues avec chaque bande intéressée, mais la formule à signer avait été rédigée à Ottawa *ne varietur!* Des artistes calligraphes en avaient copié le texte sur de grands parchemins avec enluminures en or et en couleur. ... En bon français, le traité n'était autre chose qu'un *ultimatum!*<sup>lxxi</sup>

According to customs established between civilized nations, a treaty is drawn up, clause by clause, as the discussions which bring the terms to precision to the satisfaction of the two contracting parties. ... Unfortunately we did not hold to that for the conclusion of treaties 8 & 11. There were discussions, of varying lengths with each interested band, but the formula to be signed was formulated in writing in Ottawa *not to be changed*. Calligraphers had copied the text on large parchment, illuminated with gold and colours. ... In good french the treaty was nothing other than an ultimatum.

***Ne varietur*** has to be highlighted here as well. At least one of the government's treaty commissioners admits in writing that the document they brought the Dene was not to be changed. This is clear evidence that the government did not authorize its commissioners to negotiate or promise the Dene anything. This begs the questions: Was there a meeting of the minds? Was there, in fact, a treaty concluded?

In 1969 the Chiefs of Denendeh met in Wrigley and had the government's version of Treaty 11 interpreted to them by one of their young people. The government's version angered the Dene leaders. Chief Julian Yendo of Wrigley and others who had been Chiefs in 1921 were

still Chiefs in 1969. They knew that they had not agreed to give up The Land. They decided to organize themselves and to force the government to accept that the written version of Treaty 11, as drafted by the government, contained fraudulent clauses which had to be corrected.

In February 1970 the Chiefs formed the Indian Brotherhood of the Northwest Territories, later to be renamed The Dene Nation. They filed application in the Supreme Court of the Northwest Territories to apply Caveat on 450,000 square miles of land, their peoples' territory. Eventually the Supreme Court of Canada set the case aside on the technicality that a Caveat cannot be applied to unpatented Crown lands. This case is known as the Paulette Case as Francois Paulette, the Chief in Fort Smith in 1969 was one of the applicants and his name was used, by the Court, to identify the case.

The intent of the Paulette case was to apply a caveat to the lands of the Dene. To do so, they had to prove that the lands were not ceded by Treaty 11. In his ruling, Justice Morrow, of the Supreme Court of the Northwest Territories stated:

"That notwithstanding the language of Treaties 8 and 11 there is sufficient doubt on the facts that aboriginal Title was extinguished and therefore such claim for title should be permitted to be put forward by the Caveators."<sup>lxxii</sup>

The question becomes not whether there was a meeting of the minds and so whether or not a treaty had been concluded, but whether the treaty was one which ceded lands or a peace treaty as supported by Dene oral history. Accounts by Dene participants in the Treaty

Negotiations in 1921 helps clear up this issue.

#### **DENE ACCOUNTS OF MEETINGS WITH THE TREATY PARTY**

Several themes run throughout the testimony of the Dene, during the proceedings of the Paulette case, to consider their application to apply Caveat over Denendeh. The first theme is that the Dene did not want the treaty. The second theme is that the Treaty Commissioner did not discuss the Treaty document prepared for him in Ottawa with the Dene. The third theme is that there was no clear statement by either the Treaty Commissioner or the Bishop that the intent of the government in having the Dene sign the treaty was to acquire Dene lands. The fourth theme: Bishop Breynat was actively involved in the meetings to convince the Dene to take the treaty. The fifth theme: the mistrust which the Dene leaders had about the purpose of the treaty payments. The sixth theme: the promises which Commissioner Conroy made in many locations to sway the Dene towards accepting the treaty. The seventh theme: Conroy's promises were never kept. These and perhaps other themes will be recognized in the following.

The first community to accept the Treaty 11 payment was Fort Providence. Victor Lafferty was eighty-six years old when he gave witness in the Paulette case. He was the translator for the Treaty party in Fort Providence in 1921.

Legend      GS - Gerald Sutton, legal counsel for the Dene  
                 VL - Victor Lafferty, interpreter in 1921.

GS "Maybe if you could just tell us what you remember taking place in 1921?"

VL "Well, the Treaty party arrived and asked me to interpret. I went and Paul Lefoin was headman among the people. Four or five families were with him. He kept them alive. When he came in with one or two moose, he gave a piece here and a piece there and he gave it to cook and when everything was cooked they made a feast and dance. . . . When the Treaty party came, he asked me if I would take treaty and I am going to tell you how we lived. We are going to make a living out of this country. There are posts all around here. I make a living out of them. Liard, Fort Simpson, For Rae, that is the land we live on, and on this side, I am kind of a headman among the Indians because not everyone makes a living that don't hunt. On the other side, some of the old people, they have a headman. We want to hunt the way we used to, to make a living, hunting, fishing, birds, everything. He said we wouldn't change the way we are living with the Treaty, but he said then the Treaty is only five dollars. One man can eat on five dollars, and the day after that, what is he going to eat? You are going to help him when he has nothing. Can't you help him with fish nets and ammunition and something else. He didn't want to stay off the land. He said "I don't want you to put us on reserves. I don't write or read, but I know outside you put some Crees on a small piece of land, and after they hunted that, they are hard up. We don't want that down here. We want to be free hunting. We don't want you to close the animals, moose or anything else we live on. You have closed the buffalo and swans and killed them now. They used to be our food. So, he says, "If you don't change anything, we will take the Treaty." So Conroy said "Take the pencil" and he said "No, I am not going to touch it because the people won't know anything, the Indians in the bush. If you bring the population here," he said, "I will sign the Treaty", and then Conroy says "All right," he says, "While the Mackenzie River will flow and the sun rises in the east and sets in the west, nothing will changed. Now take the pencil", and he said "No".

He couldn't get him to touch the pencil, and then he said we will walk over to the mission and a whole bunch of us walked down there. The Bishop was there and the priest and there was a table and we all sat around, and the priest and the Bishop, they could speak Slavey, and I was just standing around and sometimes I walked outside, and when we were through, we came back and took the pen and we took Treaty then.

GS "After the Bishop and Conroy and the Chief went to the mission, they returned?"

VL "Yes, they came back to the tent. ..."

GS "They came back to the tent to pay Treaty?"

VL "Yes, they walked all the way from the mission to the tent again. That was the place they paid Treaty. Paul Lefoin told them "What I say and what you say, write it down on two sheets of paper. One will be for me and the other one you keep."

GS "Do you know if they did write down things on two piece of paper?"

VL "Yes. Old Paul said "I am an Indian and can't keep paper, living in an old shack." So he said the Bishop will keep it for him."

GS "Did you see whether Paul Lefoin signed anything?"

VL "Well, he must have. If he didn't sign it, he must have touched a pencil, because they wanted him to touch a pencil to sign. He couldn't write. All he could make was an "X", you see. He never went to school."

GS "Did you ever see Paul Lefoin make an "X" or touch the pen?"

VL "No, I didn't see then, because when they were over at the mission and sitting around the table, I didn't have no place to sit around there. But he must have touched the pencil because they were through when we came back and they started to pay the Treaty."

GS "What would touching the pencil mean?"

VL "It meant sign for him or something like that. It must have. He knew that. He wouldn't touch the pencil when the population wasn't there. ... When he said touch the pencil he was going to sign for him, I guess, put his name there for him, perhaps, make an "X" in between his name."

GS "Touch the pen, wouldn't mean to you, would it, that he didn't make his own "X"?"

VL "Well, if he was willing to sign, he would touch the pencil, but he wouldn't do it unless the Bishop was there, but he didn't sign at the tent here. He must have signed

it at the mission. I didn't see the paper after the mission.

At this point the Court "C" asked:

"You interpreted when they went over to the mission and then the priest and Bishop did the final thing? Is that right?"

VL "Well, I went over there and Paul was amongst them, but I didn't see them sign.

C "You didn't stay then?"

VL "No."

GS "When they came back to the tent to pay Treaty, was anything else said at that time?"

VL "When the old man came back, he started to pay Treaty right away."

GS "If I can get back to this thing, touch the pen. How did people at that time make their signature if they didn't know how to read and write?"

VL "Just the same as now. If an Indian doesn't know how to sign his name, they make an "X", and that is it."

GS "Was there any talk of white men coming to the north at that time."

VL "They didn't say that. They just wanted them to take Treaty. Some of them didn't tell their names. It is a woman, they call her Mary that is how they did the names."

GS "I have no more questions, My Lord."

C "Mr. Brand? (MB)

MB "Mr. Lafferty, did you do any more interpreting after Conroy and the Chief went to the mission?"

VL "No, no."

MB "Did you at any time hear the Bishop say whether the Treaty paper was signed or was not signed by the Chief, or was there no talk about it?"

VL "There was not talk about it at all. It was only a Treaty."

MB "While you were still interpreting in the tents did you

see any of the Government people put "X"s on the paper?"

VL "No, they didn't say anything about that, but we didn't ask anything. They would have to touch the pencil. I don't know."

MB "When the Chief was asked to touch the pencil, was there a piece of paper around?"

VL "Well, he must have had a piece of paper where he was sitting but he didn't touch the pencil."

MB "Did you see the piece of paper that was to be signed?"

VL "I wasn't watching pieces of paper. I was just talking. I don't know. I never heard talk about it. They write down everything on it and then I think they signed it but I never see it again or heard of it again."

C "We mustn't lose track of the fact that it is not much different from lawyers negotiating for clients and it doesn't take five minutes. The touching of the pen is a symbol at some point, and the substance of this man's evidence is, you put down what we said, then that is the deal. I think that is the impression we can get from the evidence."

MB "How was the Chief asked to sign? Was it through your interpreting or was it done through a gesture?"

VL "Yes, he said "Touch the pencil". ... So he told the Chief he says to touch the pencil, but he said no. The Chief asked that there be made two pieces of paper."

MB "Was that after the Chief said no, I don't want to touch the pen?"

VL "It was before he asked him to touch the pen. The Chief at the start wanted everything on two pieces of paper and he meant after it was signed he would keep one and Conroy would take the other."...

MB "Were you able to read and write English in 1921?"

VL "Yes."

MB "Were you asked to read and translate any piece of paper or writing during the negotiations? Do you understand the question? Were you asked to read any paper and also translate what the paper said to the Chief?"

VL "No. The answer is no."...

MB "Did you see any of the Indians kiss a bible during the talk about the Treaty?"

VL "It must have been, but I don't remember. Every time the Government talk about something, they have Bibles, I know."

MB "Did the Government people, Conroy, talk about the Indians getting protection from the Government, if they took the Treaty?"

VL "He told the Chief that if anyone was destitute, he would help them."

MB "Did you hear Conroy say what the Government was to get if the Indians took the Treaty?"

VL "I don't catch your question."

C "Mr. Lafferty, the Government promised things to the Indians, rations, ammunition, and so on, that is right isn't it?"

VL "Yes."

C "What did the government want the Indians to promise, if anything? Did the government want something out of the Treaty? Why did they want the Treaty?"

VL "Well, Paul Lefoin said it is not every Indian who can make a living hunting. You have to help them with some-thing. All of them should get ammunition and shoot and if anyone is starving in one post, and some of them starved, they could get flour and bacon and things like that at the post. That is what he told them."

MB "Did Conroy say what he wanted to get from the Indians?"

VL "I don't know."

MB "How long were the Government people in Fort Providence to talk about the Treaty?"

VL "All I remember was two days we were talking. Some Indians say it was more than that but I don't think so. I think it was only two days."

MB "Those are all the questions that I have, Sir."

GS "I asked you before if there was talk of white people coming to the North and I don't remember your answer?"

VL "No, I guess he didn't say anything in the first year about white people coming into the North."

GS "There was no mention of Indian people obeying the laws and living in peace with white people?"

VL "No."

Joe Squirrel translated the following testimony of Michel Landry to the Court.

"Yes, he said he was here when the Treaty was signed. He says he wants to say what happened with the Treaty at the time. Paul Lefoin was leader of the tribe here and he says he was to talk for them a bit. So they started having a meeting when the Treaty party was here but nobody knew what it was all about, so Paul Lefoin was asked to explain what it was all about, this giving out money, and so he said he wasn't going to take the money. So they didn't want to take the money ...they finally gave in, I guess, so he said they made a sort of peace Treaty with the Indians. He said there would be peace among them as long as the Mackenzie River is flowing and the sun goes back where it comes. He says the first Treaty, when they first signed the Treaty, everybody got twelve dollars, and he said they made a promise that they would be free to hunt and trap and fish and make a living from the land, they would be free to do this. He feels these promises have never been kept. He said when the Treaty was signed, they gave a copy to the Chief, the Chief said a good place to keep it would be in the mission and so they gave it to the priest. Next time they wanted the Treaty, it was lost and they never found a copy of it again."

"He says he remembers very well that land was never mentioned at the Treaty but there was a lot of talk about it just being a peace treaty. The money was given to them for a peace treaty."

"Yes, there was a lot of mention of game and trapping and fishing, but a few years after that they starting issuing licenses, trying to say you are only allowed so many game, one moose a year, so he figures that the Treaty has been broken quite a few times, those promises." ...

"There was no mention of reserves. ... he said they got some nets, shells, some flour and that kind of thing. ... He said there was a promise made that they should always get that. They used to call it rations and shells. ... It was a policeman who always gave out the shells and nets. ... He thinks he is his own boss."

The court interjected in the line of questioning at shortly after the last quote. Answers to the Court were provided by the interpreter.

C "Now, I want you to ask him another question. The white people at the time of the Treaty promised they wouldn't interfere with hunting and fishing and trapping, is that right?"

"Yes, he says that is what they said."

C "And they promised to give rations?"

"Yes, they promised to give rations. They still give out shells and nets."

C "And they promised Treaty money as well?"

"The first time they gave out Treaty, they gave out twelve dollars and promised to give twelve dollars each summer but they changed that to five dollars."

C In exchange for that, what did the Indian people promise?"

"What he heard was that the exchange was to be peace prevailing among each other."

C Does that mean Indians and whites?"

"Yes, But he says there was never any mention about land for the money."

The Treaty Party went to Fort Simpson next. Ehtsie (Grandfather) Norwegian was one of the main spokesmen for the Dene people from the Fort Simpson area. His grandson Louis Norwegian was present at the Treaty meetings in 1921 and gave the following testament to the court.

"My grandfather, the Old Norwegian, is the one who tried - the Fort Simpson band tried to make a leader out of him or a chief out of him, and he was the one who was speaking for all the Indians at Fort Simpson. Every time they wanted to give the money, the grandfather who was supposed to be chief, he did not want to take the money for no reason at all. ... I remember that they have meetings to try and pay the treaty, and the Commissioner who paid the treaty tried to make the Indian leader take the treaty first, and they had a meeting for three days, so my grandfather did not want to take the money until - he wants to be sure what it is all about.

And my grandfather told me, "I am not going to give any money for nothing, and five dollars means a lot, and we want to find out, and why do we take the treaty, so we did not want to take the treaty right away". They mentioned this to my grandfather, that he knows the sun rises in the east and sets in the west, and the MacKenzie River flows, and what I will have to promise have [sic] been said by the treaty date, and as long as the words [sic] exist, whatever the Commissioner told the Indians, the word would never be broken. My grandfather wants to know why they (the Dene) have to take that money from the people (treaty party), and the Commissioner told him that the treaty that is going to be developed in future years, that there would be a lot of white people and if the Indians took the money they may be registered, and if there is enough white people in the country, the government will know wherever the individual Indian is going to be, and that is all the treaty amounts to."

GS "Do you recall what some of the promises that were made by the Commissioner, do you recall what some of those promises were? ... Would you state those to the court?"

LN "If they take the money - this would last about a year - a grubstake of any kind. ... It would be there by the fall. ... He said if he took the money as the treaty and you want to build a house and maybe 200 miles away from the place, and you want a cook stove and if it is heavy, the white man has to pack it to where you want it. It is going to be done. ... My grandfather told me, whatever this country is, whatever will make a living in this country, having a trap is belonging to the country, and belonging to the people in the country, so they have a promise not to interfere with one another. The commissioner promised a letter to the bishop on fishing and trapping in the territory as long as the sun rises in the east and sets in the west and the Mackenzie River flows, and maybe in quite a few years' time they have brought in game

regulations."

GS "Do you recall whether the Indian people agreed in 1921 at Fort Simpson to give up or sell their land to the government or the King?"

LN "There was a 3-day meeting but, as far as I know, the land and the country never was sold or surrendered to the white man."

GS "Do you recall whether the Indian people agreed to take reserves?"

LN "They did not mention reserves either, but one thing I hear, that once the Indians took the treaty, the Indians in the various bands in the territory will be in the hands of the government. That is all I know."

GS "I am reading from page 11 of Exhibit 4, and it indicates that Antoine signed as Chief. Do you have any recollection how that came about?"

LN "What happened is that they had a 3-day meeting and they have something to eat and when they went home and got supper there was one Indian Antoine was left behind, and they said there was no harm in taking the treaty, so the old man took the treaty. He was not elected. He took the treaty, and that is what happened."

GS "Was Antoine recognized by the people of Fort Simpson as chief of the people?"

LN "As far as I know my grandfather was a leader at that time, but then this fellow Antoine was not a leader, but he was kind of greedy, and so he took the money while they [sic] people was away, and that is why everybody took the treaty and they made him a chief from then until he died. ... They say that once Antoine accepted the treaty the Indians did not make him the Chief but the white men made him the chief."

Mr. Norwegian was then examined by Mr. Brand.

MB "Who is the person who told you, Mr. Norwegian, what the promises were?"

LN "I wasn't too old but my grandfather take me along to that treaty but I heard what the Commissioner have told my grandfather and also my grandfather told me."

MB "How old were you in the year that the treaty was signed?"

LN "I don't exactly know, but I was old enough to understand everything that was going on."...

MB "The promises you have described to the court, did you hear any of those promises being made by the Commissioner through the interpretation of that interpreter?"

LN "He promised a lot to my grandfather, and my grandfather did not want to accept the promises, and he wants to know why he gave the money to the Indians."

MB "But did you hear the interpreter say those things?"

LN "Yes."

MB "Are there any of these promises that you did not hear said by the interpreter and that were later told you by other people including by your grandfather?"

LN "So, I heard a lot of - about it afterwards, promises which they made, so some other people came up, and other promises were made when they took the treaty."

At this point in the proceedings there was some confusion and a brief discussion between the court and the lawyers to try to understand the testimony.

MB "Would you try your best that you can remember of the promises that were made by the Commissioner through the interpreter while you were there?"

LN "They had a meeting for three days, and the Commissioner repeated the same thing for three days but my grandfather refused to take the treaty. He wants to know why, and the Bishop ... was trying to make my grandfather take the money too, but he still did not want to take it because he don't know why he is taking the money for."

MB "What promises did the Commissioner make and make again during those three days, but only tell me the promises you heard yourself and not what other people have told you."

LN "He said, if you take the treaty money, the promises that are made at the time, a load of grubstake every year at treaty time. That was repeated time and time for three

days."

MB "Were there other promises of the Commissioner that you heard yourself?"

LN "It is a way of life in the country, the liberty for fishing and trapping, and there won't be any game restrictions; you shall have the liberty as long as the sun rises in the east and sets in the west and the MacKenzie River flows. This is a promise that I heard."

MB "And all the promises you described before, you heard yourself?"

LN "Whatever I told you, I heard it with my own ears. ... Whatever I told you, the commissioner and my grand- father were talking together through the interpreter, and that is what I heard."

MB "And who was talking about the Indians then being in the hands of the government; who was talking about that?"

LN "It is the Commissioner that have told that to my grandfather, "you take the treaty, and that is the way we are going to look after you. It is in the hands of the government."...

MB "Did you understand that when you were told that the Indians would be in the hands of the government that that meant in the hands of the King in England?"

LN "I did not know at the time there was a King or anything like that, but when they told me of these monies coming from the King, that is why I realized there was a King, but before I didn't know anything about it."

MB "You told us about the money and you have told us about that you could hunt and fish; what, Mr. Norwegian, did you mean about the grubstake coming by fall; what was meant by that?"

LN "He did not say what kind of stuff it is going to be but any kind of equipment they need, and I don't know how big a scow, and he is talking about a scow load every fall, so they don't go hungry, ..."

MB "These promises that were made, from what you heard, sticking with the promises that were made by talk, could those promises have meant that by signing the treaty you would continue to fish and hunt but because some white people would be coming in the government would help you with

ammunition, some money, and scows?"

LN "This is separate. Every treaty Indian is supposed to get so much ammunition and fish nets besides the grubstake, besides the promises, and shells and fish nets, and there were promises besides that."

MB "Did the Commissioner say why he wanted you to sign the Treaty?"

LN "There was no discussion between the two - my grandfather and the Commissioner - repeating the same thing, that if you take the money the government is going to look after you, if there is too many white people come in, so the other Indians want to get lots of things, and that after they become registered the government would look after them. ... There was very big discussion about this quantity of white people coming in the future to the Northwest Territories, and my grandfather and the Commissioner having quite a discussion about that."

MB "Did the Commissioner say what the white people would be doing?"

LN "The Commissioner have told my grandfather that the white man would be looking for gold and try to find and want to make money. That is all I heard about it."

MB "Did he mention that some of the white people would be living in new settlements?"

LN "As far as I know there would be lots of white people in the country, in the Territories, but he never mentioned that the white people was going to live with them. That is one thing I never heard."

MB "Are you saying your understanding was that the white people would just be sitting and then going back?"

LN "No, what I am saying, that the white people would come in as a prospector and as a business man to make money in the country and to stay in the country, but he never said that white people would come in to live in the community. I never heard that."

MB "Did I understand you to say that there was a white man that met Mr. Antoine, or Antoine, the chief?"

LN "So my father - my grandfather was a kind of leader at that time, and they had a 3-day meeting, and at the end of the 3-day meeting they never got anywhere and they went

home for lunch, and the old Antoine was there, and they talked with him, and he said, "there is nothing wrong with taking the money because we are going to get a supply of grubstake in", and he took the money, and that is why the white man make him a chief; the Indians did not make him a chief.

MB "Did the Indians after that recognize Antoine as the chief after Antoine had taken the money?"

LB "So, he is the one who took the money behind the people, and the white man made him a chief, and he stayed a chief until he died."...

MB "Once Antoine took the money did he take the money for the people too; in other words, did they get money too?"

LN "So what I mean to say, my grandfather did not want to take the money, and he wanted to know why he has to take the money, and he wanted to know why he has to take the money and they did not tell him why they are paying the treaty, and this old man Antoine, when everybody went home, he wants to take his portion of the treaty as the chief, and they made him a chief, and he took his portion, and after when he came back to the meeting then Antoine already took the treaty as the chief, and then the Commissioner said everybody had to take the treaty after that."

MB "Is it correct that Antoine only took his portion of the treaty money but in the position of chief?"

LN "So the white man made him a chief, and they gave him a chief's payment, and all the Indians had to take the treaty. That is exactly what happened."

MB "Did Antoine say that or the Commissioner?"

Ln "The Commissioner say that."

MB "Are you able to say whether your people took it because the Commissioner said so or because Antoine then was accepted by your people to be the chief?"

LN "The Commissioner told them "he is the leader; he is your chief; he took his portion of the treaty money so you have to take it".

MB "Did the commissioner do anything else than say those words, "now, every member had to take his portion?" Did the Commissioner say anything else to the people when they came back than that they had to take it, or did he use any

force?"

LN "There wasn't any other pressure besides what he said. He is the chief and he took the money, so you have to take the money," so the Indians took the money after that, and no more meetings after that.

MB "It is true that your people accepted Antoine as the chief because he had been made the chief, had been given the medal?"

LN "Yes, the white man make him a chief but the people were in a kind of fear to look at Antoine because the white man made him the big man, and the people were kind of scared of him, so they have to make him a chief."

MB "This treaty we are talking about and the negotiations, did they take place in Fort Simpson in 1921?"

LN "He never mentioned, the Commissioner never mentioned about negotiations, about the treaty or nothing. All he said, that "after you took the treaty you will be protected by the government," and something like, "you would be in the hands of the government."

Similar witness was given about the meetings between the Treaty party and the Dene in Wrigley, Fort Norman, Fort Good Hope, Arctic Red and Fort McPherson.

The following quotations are examples of some of the concerns that were raised by the elders who met with Commissioner Conroy and Bishop Breynat to discuss the purpose of the government in offering treaty to the Dene. These quotations have been collected by the Dene Nation and the Deh Cho Tribal Council in their research into Treaty 11.

"You will eventually begin to work negatively, you will want to work evil and make it miserable for Dene."<sup>lxxiii</sup>

"When treaty is given then eventually you will count everything."

"No, that will not happen. The treaty money is to only help poor people. For the Dene nothing will be counted. In the past what you have worked on, that you will continue to do. Nothing will be counted for the Dene.", "they told my dad." "Pretty soon moose, fish, things like that will be counted by you" he said.

They said "No! That is not what we are saying. It is strictly for treaty payment. They said it is for the poor Dene and to provide food for Dene that is why we want to pay out treaty."

My dad said: "You are all lying. Pretty soon after I perish you will count up everything. You are lying."

"No we are not lying."

"Yes you are lying. We will not take the money."<sup>lxxiv</sup>

"There was an old man, Ehtsie Norwegian. He was the spokesperson for the elders and for his friends. They failed to convince him. He didn't want to take the treaty because he wanted it according to his terms. Ehtsie Norwegian discussed it with them for two nights. 'If only I get my terms', he said. They wanted it to go their way. He (Ehtsie) spoke intelligently and failed to change their minds. So he left. They all went home. But, an old man stayed and sat with them. What was his name? Nakekon. They gave him reasons why they wanted to give treaty. He thought they were telling the truth. He got convinced and took the treaty without the people's knowledge. He believed them so he ruined it for everyone. He was deceived and fooled and a big medal was placed on him. So immediately treaty was paid out even though people said no. He received treaty money. The people thought that since he was one of them and had received money, everyone took treaty money. After they lied to the old man, as a result of one Dene receiving treaty money, it was to come to pass, so treaty was paid to everyone. Ehtsie Norwegian did not take treaty money for the following two years because he was not happy. This is how it happened they say. Whatever was discussed was put on paper. They say it went down south. They also say it burned. They also say it was down there. A lot of confusion. They are hiding it from us. It is evident."<sup>lxxv</sup>

"Yes I remember, but I didn't ask too many questions. We understood that there was a meeting and that they were going to have all the people at the meeting to talk about the treaties, but some of the people did not want to go because it had to do with land, and they did not want to give up their land.

"They said, 'This is our land, we were born here. It is our land and no one will take it from us.' This white man and a Hudson Bay Clerk told us that the money was given as treaty money. This land is your land they said. As long as you live and no one will take it from you. The people said, 'Are you sure no one will take this land?' and the white people said, 'Yes, we will not take your land.' So then our people took the money."<sup>lxxvi</sup>

"I remember when I was young everybody was talking about the treaty money ... that was coming. But everybody in our country at that time had lots of money because we had lots of fur and hunting was good and nobody was in need of money.

About then this white man came in and he was a big shot of some sort. He came and said, 'I'm here to give you some money.' But nobody knew what he was talking about because nobody was in need of money. They didn't know what he was talking about, and the people asked lots of questions. They said that it would be for a better future. That is how they explained it. This big shot, they really questioned. He sounded very truthful. He said, 'I am giving you this money because in the future there will be lots of white people in your country and you will be here, and you will be remembered as the treaty people, and he put one thousand dollars on the table. He said this is treaty money. It will always be known as treaty money and they got one man who was known as a treaty man. He said this is your land and no white man will take your land where you go fishing and hunting in this land. No white man can own it. You are the owner. After he said this 'For the future even if there are lots of white men remember you are all Treaty Indians. You make your living here. You will have someone to look after you always and remember the white man will never be your boss. The Indian then took the money because they thought it was explained. All people then agreed and said yes."<sup>lxxvii</sup>

"I'm very sorry I can't tell you very much about that (the signing of the treaty) because I was police interpreter at the time and I was on the job and I didn't have a chance to get down to the meeting you know. I had to wait until they tell me. ...they were going to pay the treaty then they told me to go down. The second year they were paying Treaty, again I was tied up..., but just about finishing time the Chief came and called for me. So, I went down and he says I want to ask this Indian Agent what he is doing and why he is giving us this money? I want to really find out what he says. So I told the Indian Agent and he says ... King George ... shake hands with you, your wife and children once a year ... and we give five dollars. That's

what we're doing. We're not buying nothing from you, we're not buying anything from you. So Chief says alright go ahead and pay us. And he paid the Treaty, that's as far as I know. But, I get some word from my own people after work. According to their word everything was promised on the top and in the name of King George. ... And today what's going on I don't like it, because in the Bible they say hear God and honour the King. And here these people ... promised us in the name of King George, today they're changing things what they promised... And they promised as long as the sun and sky and river run, this will never change and that is still up there. And the river still running. So even we are foolish we can see their word is no good to us today and that's what we're trying to fight today.<sup>lxxviii</sup>

"Aklavik, 1921, the first Treaty was paid and afterwards the Chief was talking to the Indian Agent. I was about 21 years old at the time and I was police interpreter. I stayed at the barracks down there. The Sergeant sent me down there and it was just about finished down there, and the Indian Agent was talking to the old Chief. We'll take this land we stand on and I'll give you a mountain. The old Chief said no. The Chief said 'You can't do that. This land we use for trapping, what are we going to get off that mountain?' I was listening to that. Three years after that they are paying treaty. I was interpreter then. The old Chief said 'I want to ask you one more question before we take that Treaty money. Why are you offering us money? Are you buying something from us?' So I told the Indian Agent what the old Chief said and the Indian Agent said 'No. Once a year the party will shake hands with you and he will give you \$5.00 apiece. He said alright sign the Treaty then. And I'm the man interpreter then.'<sup>lxxix</sup>

"Hello my people. I will talk to you about the first treaty that was given. A man named Mr. Conroy was the first one that gave out treaty to my people here. It was the first time I saw a gas boat -- what they called a gas boat; Mr. Conroy came with a gas boat. When he arrived here we set up a great big tent on the sand bar down here, right at the beach. They set a table in that tent, with chairs around it. Then he put a flag up. And on the table there was lots and lots of money. Cash.

The Chief, Chief Hoary asked him, "What is this money for? What is it for? What did you bring it here for?" Mr. Conroy told him this, "You are wearing a medal right there; we are giving you a medal with the King's head and the Government's head on it. And you see them shaking hands on that medal. In the same way, the King is shaking hands with you and your people with this money."

So Chief Hoary asked him a question again, "After we take this money are we going to continue living off the country, going anywhere we like, and making our living? Are we going to carry on like that?" So Mr. Conroy told him, "Yes, you could make your living the same, but you're going to have land set aside for you." And the Chief asked him, "What is that land for? What is it for?" And Conroy said, "Well, just to keep it around there. Just to have it on hand."

So he went on and told the Chief, "If you got that land, it's just going to be kept around there. And someday there's going to be lots of people come down here, and if they happen to find any oil or anything in your land, then you will be kept real well. What they call -interest- with that you will be well looked after."

And then he told him that, "If you hold that land, it's going to be on this side of Peel River (East). It's going to be your land right up to Snake River and around Snake River and right down the Arctic Red on this side of the shore, right down around the mouth of Peel River. And in this land no Whiteman can cut down a tree, as they like, not even one. And they're not allowed to trap or do anything on your land. This is the land that will be kept for you."

And he also told him: "Someday, when there's lots of white men, if before that you have any eddy on the river, or creek where your area is, you will have to mark it. All you have to do is to put a post on each side of the creek or at your eddy and put "I.D." on those posts. And that's yours so they don't touch it. They'll just walk away. In this way the Whiteman will have to buy a license to do any fishing or anything."

So the Chief went on to ask him again, "Maybe if you kept that land for us, then someday you might just chase us into it and chase us around. This is what you're after." But Mr. Conroy said, "No. No one will chase you around as long as you're Treaty."

They never said nothing about our land, just this one; that's all they talked about. They never said any-thing about it. And then we heard that we turned our land back to the Government, which is not true. We never knew anything about it. They never said nothing about the Yukon land -- but the Snake River is already in the Yukon, and it was given to us at the time. He told us that we can hunt and that we can do our living any place we like.

He said, "By this you'll know" --that's why he said this--

"Do you see that Black Mountain down there?" And the Chief told him, "Of course. It's my country so I can see it all the time." And these are the last words from Mr. Conroy, "You see that Black Mountain. You know yourself as well as I know that no one will move that mountain away. Well, you will be the same. The Government is like that. And now you've got your Treaty; as long as you're Treaty, no one will move you away."

Another thing that he promised us was that we would get destitute rations for the poorest people, the old people, and also the emergency cases -- that they'll help any families if they get stuck or some-thing. And also if you are ever in the hospital or need medical care, if you're sick, then you're not supposed to pay at all. It'll just be free to you. This is what he promised.

All this was promised to us, and now, in this town, wherever we want to build, we have to pay for our lot. And the White people that look after us are the boss now. I don't like this. We are not the boss of our land at all. After all, it is ours.<sup>1xxx</sup>

In the early 1970's the Indian Brotherhood of the Northwest Territories also hired some young Dene who had been to school and were fluent in their language to interview elders who had been present at the Treaty meetings in 1921.

Interview of Francis Tanche by Joachim Bonnetrouge on the negotiations of Treaty 11 in Fort Wrigley:

Legend: JB - Joachim Bonnetrouge

FT - Francis Tanche

JB "We are in the town of Fort Simpson, Northwest Territories. The date March 23, 1972. The person I will be interviewing will be Mr. Francis Tanche. The persons present at this interview are Joseph Clille, Ernest Moses, George Tale, Vital Clille, and Dolphus Jumbo. ...

To start will you give me your name and your age?

FT Francis Tanche and I am 72 years old.

JB Do you remember the first treaty?

FT Yes, I was there when they had the first treaty in Wrigley. It was in the summer of 1921 and the first monies given out was \$12.00 dollars per person. Uncle Moses was the spokesman for the people in Fort Wrigley and he was talking to the Commissioner. The Commissioner said I am going to give you Treaty and I would like you to say what you think of it. The Treaty talks were being held at a long table near the river banks and store manager Johnny MacPherson was the interpreter. Seated along the treaty table were Johnny MacPherson, the Commissioner, the bishop Breynat, the spokesman for the people Jimmy, and the mechanic or engineer for the Commissioners party. The Commissioner again said that he wanted to hear what the spokesman thought about the idea of a treaty being given out.

The spokesman said that the treaty being given out was to be taken seriously and that there would be no going back on the promises of the Commissioner even in the future when the Chief will be no longer around to defend the treaty as he was doing right now. The Commissioner asked the Chief what was the problem with the treaty right now as it is, and the Chief answered saying that after the treaty was signed the commissioner and his government would not be going according to the treaty as was being negotiated right now. The Chief said that after he was dead and gone the commissioner would not keep his promises. The commissioner promised the chief that no such thing was going to happen. The chief said that he could accept the treaty on these terms and that this land which is our land would not be mentioned in the treaty. The commissioner said that the Indians would do as he pleases and there would be no restrictions in trapping fishing and hunting. The commissioner said that he would send anything that the chief asked for by the end of this summer as a token of good faith in the government. The chief said that being Indian the only thing that he can ask for is food for his stomach and what little money he may be making. So the commissioner promised that he would send food in return for the signing of the treaty. The commissioner promised sending a barge with livestock such as pigs, chicken and cows. The commissioner promised that this barge would be coming in the fall and that even in winter the government would help out the Indians insofar as even through the winter the white man would be packing food over land to feed the Indian. The commissioner said that as long as the sun remains in the sky and the river does not change its course, his tongue would not lie. So the commissioner really lied when he made all these promises. The commissioner wanted the spokesman

to be the chief but he refused saying that he wanted his son-in-law. The commissioner agreed to this and he said that he would give out treaty but figured they should talk some more. The spokesman, Moses, said of the young children who would be going to school and learn the white man's way of life, and he said that the government would make soldiers out of the young Indian children, which he felt was no good at all. Ever since the Indian was on earth he never did once point his gun or weapon at another human being. The commissioner said that Moses was foolish to talk like he was. The commissioner said that the treaty was given out with no mention of wars. The commissioner assured the spokesman that there would be no more wars and not to think in those terms. So the negotiations were hashed out and then treaty money was given out. Twelve dollars a head was given out and the commissioner said that the following year he was not sure whether it would be him or someone else who would give out the treaty money.

JB I guess you got your first treaty money in Fort Wrigley?

FT That's right; in Fort Wrigley I received the first treaty. I am from Wrigley but have moved down here to Fort Simpson. So, what the commissioner promised to the old chief never did get to be the truth, because the Dene never did get the food as was promised them in the first treaty. But later the government started giving out ration, family allowance and old age pension. I guess the white man was trying to make up for his lies at the first treaty so they started helping out the Indians. The commissioner never did come back to give the treaty the following summer. There were claims that he died, so Mr. Harris of Fort Simpson gave out the second treaty.

JB At the treaty talks was there any mention about our land, was it bought off us?

FT No sir, there was no mention at all about our land. But last summer at the all chiefs conference in Fort Rae, there were claims that we accepted the treaty money in return for the sale of our land. Most of the old people who were present at the first treaty did tell the Indian Brotherhood (Now called the Dene Nation) about the treaty, but I did not tell my story, this is the first time that my story is being taken.

JB What was said about hunting rights...?

FT The old chief and the commissioner did talk about this and that there would be no restrictions for the Indians in regards to hunting moose, ducks and so on as long as the

sun still sets in the west and the river flows... But now-a-days there are all kinds of restrictions on the hunting of animals, pelts and closed seasons on birds. I have observed all these restrictions and have thought about them but to this day I have not found out why things have changed so much as compared to what was promised at the first treaty.

JB What was said about medical care for the Indians at the first treaty?

FT We got our medicine from the old doctor that was stationed here at Fort Simpson, and we got good service out of the old doctor so that was good. But as of late the medical service has deteriorated to a point where the present doctor does not have anything to do with Indians and their health at least it seems that way as compared to the first doctor's care. ... you go to the doctor, he gives you pills and sends you a bill saying you got so many dollars worth of medicine but we do not pay it cause we do not have to pay for it according to treaty 11.

JB What was said at the first treaty about education?

FT Well, at the beginning the children were sent to Fort Providence for five years and then were sent back to their parents. Even then after five years were past they started changing things around again like it is being done today in schooling for the younger people. But I don't think there was anything definite ... laid down in regards to education at the first treaty.

JB The commissioner was Conroy, he had the Vicar with him he was Bishop Breynat....

FT Yes, the Bishop was asking the old man to be chief -the bishop was trying to convince him to be the chief in order to get the treaty signed as soon as possible, but the old man refused and said that he was too old to be chief and that his son-in-law should be chief because he will be living years after the passing away of the old man. So the ... son-in-law was made chief.

JB ... Is there anything else you want to add to the story you've already told me? ...

FT Yes, they are stealing our land right in front of our eyes, which is a real crime.

The following is a transcript of a taped interview with Chief

Julian Yendo of Fort Wrigley.

July 2nd, 1971, Fort Rae, N.W.T. We are talking with former chief Julian Yendo. Present [with Yendo] is the interpreter Chief Ed Hardisty of Fort Wrigley, Philip Moses, and John Baptiste Williams, Paul Moses of Wrigley and Charles Kobie and Tadit Francis of Fort McPherson.

Legend      I - Interviewer  
                 ED - Ed Hardisty, Interpreter

I      Would you tell us your name and your age and where you are from?

ED     His name is Julian Yendo and age 91, former chief of Fort Wrigley.

I      Would you please tell us what you can remember about the signing of Treaty in 1921?

ED     He was off to fish net. That's when the treaty party arrived after he wasn't home.

I      Did he himself actually sign the treaty?

ED     Answer is no.

I      Did he have a reason for not signing the Treaty?

ED     He doesn't know nothing about the paper or signing anything...

I      Did anyone else sign the Treaty at that time?

ED     No.

I      Thank you.

Tadit Francis left at this time. The interviewer showed Julian Yendo a copy of Treaty 11 reprinted from the 1926 edition by The Queen's Printer. This is the copy of Treaty 11 with the adhesions and reports.

I      Julian Yendo I'm showing you what is supposed to be your

signature to the signing of the Treaty. Did you make such a mark (the name Yendo is written in syllabic) on the Treaty in 1921?

ED No.

I How have you marked your signature in the past?

ED The only way he signed his pay check is making a cross. That's all he knows.

I This is the only way that he ever signed his signature, with the cross?

Ed The only way he make his mark, that's all he knows.

Gerald Sutton, legal consultant to the Dene Chiefs in the legal proceedings attempted to check out Julian Yendo's claim that he did not know how to write in syllabic. He wrote to Mrs. Joan Craig, Archivist, Beaver House, London, England requesting if the Hudson's Bay Archives had any documentation of any kind with a signature of Julian Yendo within a period of 20 or so years from 1921 and thereafter. The archivist responded on 8 December 1971:

"We regret that we do not have any Fort Wrigley records for this period, nor do we know of any other likely series where a document might be found bearing Chief Yendo's signature."

The following is a transcript of an interview conducted by legal counsel Gerald Sutton with Philip Moses of Fort Wrigley on July 2nd, 1971. Others also present at the interview were Chief Ed Hardisty of Fort Wrigley, John Baptiste Williams, Paul Moses, and Chief Julian Yendo of Fort Wrigley, and Charles Kobie of Fort MacPherson.

Legend GS - Gerald Sutton

ED - Interpreter Ed Hardisty

GS Would you give us your name, your age and where you're from?

ED His name is Philip Moses and age over 80 and come from Fort Wrigley.

GS Could you tell us what you know about the signing of the Treaty in 1921?

ED He can say a few words on what happened. He was at the Treaty time that day. Apparently this old man was there and he was the head man. He wouldn't accept the treaty because he was afraid that in the future, like right now, the land would be like cut off for the Indians.

GS Do you know of anybody who sign the Treaty?

ED He didn't see anybody signing any paper or making a cross or alphabet or any paper at all.

GS How old was he at that time?

ED He was around about 30. He was married by then but he didn't have no children yet.

GS Who was the chief of Fort Wrigley at that time?

EDT he speaker was the old man Moses, but he didn't want ... [to be] chief ... so Yendo, he was the only chief.

GS Julian Yendo was the head man, was that correct?

ED They had quite a meeting at the Treaty day, the old man was quite aware of something in the future was going to happen ... but the bishop was there talking to the Indians into taking the Treaty. What they said was that they won't be anything change as long as the sun rises in the East and sets in the West and as long as the river flows. [They were also to] get a boat load of groceries or merchandise, whatever that was to last for the whole year.

The following quotes are taken from the transcripts of the court proceedings in the matter of an application by Chief Francois Paulette et al., to lodge a Caveat with the Registrar of Land Titles for the

Northwest Territories. In the proceedings several Dene leaders were called as witnesses. Mr. Gerald Sutton, legal counsel for the Dene asked the following question of each of the Dene witnesses.:

"To your knowledge and belief have the Slavey (Dene) people of (here the name of the witness' community is given) ever sold or surrendered their land?"

Several witnesses responded to that question. Their answers:

"One of the first persons to sign the treaty from Hay River was Chief Sunrise, and since that time I have no knowledge of the Indian people ever selling their land to anybody." <sup>lxxxix</sup>

"As far as I know, the government, it never did mention about buying land from the Indians." <sup>lxxxix</sup>

"No, at the time of the treaty they had a meeting for 3 days and he said they never mentioned the land, and that is why he took the treaty; otherwise he would not take the treaty. That is what he told me." <sup>lxxxix</sup>

"...nobody mentioned the land. It was a sort of peace treaty..." <sup>lxxxix</sup>

"[Interpreter talking] He says he remembers very well that land was never mentioned at the Treaty but there was a lot of talk about it just being a peace treaty. The money was given to them for a peace treaty." <sup>lxxxix</sup>

"No, they never mentioned anything about selling out ground." <sup>lxxxix</sup>

"From what I heard from old people, we never give our land for five dollars. We never did and we are not going to, and as far as we know, we will never give our land away. We are not going to give it up." <sup>lxxxix</sup>

"Was it your understanding that the Indian people of Fort McPherson were giving up or selling the land to the Government when they first took Treaty?" <sup>lxxxix</sup>

"No, no one knew." <sup>lxxxix</sup>

"No, from what I understand they never did." <sup>xc</sup>

"When the people from Colville Lake first got their Treaty

money, did Mr. Harris (1922) say anything about land? ...  
Did he say anything about reserves?"<sup>xci</sup>

"No, he didn't say anything about this land,...No,  
nothing..."<sup>xcii</sup>

## PEACE TREATY

The Dene Version of Treaty 11

Preamble:

His Most Gracious Majesty George V, King of Great Britain, has sent a delegation, under the leadership of Commissioner Henry Anthony Conroy,<sup>xciii</sup> to Dene country to seek a treaty through which his subjects may travel peacefully<sup>xciv</sup> on Dene lands to seek minerals for Canada<sup>xcv</sup>.

His Excellency Bishop Breynat of the Roman Catholic Church, assisted Commissioner Conroy at the invitation of the government of Canada.<sup>xcvi</sup> He has given his solemn word that the words and promises of the Commissioners of the Crown will be honoured by the government in Canada.<sup>xcvii</sup>

The Dene leadership, through negotiations and discussion with their people, and with the interest and concern to provide their people with a more secure future, have been satisfied by the repeated statements of Commissioner Conroy and Bishop Breynat that this treaty:

- a) has nothing to do with The Land;<sup>xcviii</sup>
- b) would not give Canada right to interfere in the internal affairs of the Dene<sup>xcix</sup>; and therefore
- c) has no bearing on Dene jurisdiction and governance over their territories;

d) is a symbol of a nation to nation relationship between the Dene and the Crown..<sup>c</sup>

This Peace Treaty therefore provides as follows:

THE DENE AGREE:

1. to allow the subjects of King George to move peacefully on Dene lands to seek minerals providing their work does not interfere with the Dene<sup>ci</sup>;
2. to meet with a delegation of the King each year to renew this treaty.

THE CROWN AGREES:

3. to protect the Dene against the invasion of White people on their hunting and fishing territories;<sup>cii</sup>
4. to take care of the education of children;<sup>ciii</sup>
5. that medical services would be assured according to their needs;<sup>civ</sup>
6. to come to the assistance of widows, orphans and elders;<sup>cv</sup>
7. that the Dene would not be molested in the kind of life which the geographic and climatic conditions imposed on them;<sup>cvi</sup>
8. that the Dene would continue to assure their life and that of their families by hunting and fishing;<sup>cvii</sup>
9. to supply the Dene with hunting and trapping supplies, including fishnets, bullets, food and other basic needs to go out on the land;<sup>cviii</sup>

10. to provide the Dene with housing.<sup>cix</sup>

IT IS AGREED THIS TREATY WILL BE HONOURED AS LONG AS THE LAND IS HERE, AS LONG AS THE GRASS GROWS, AS LONG AS THE RIVER FLOWS, AS LONG AS THE SUN RISES IN THE EAST AND SETS IN THE WEST, THIS WILL NOT CHANGE.

#### **FORWARDING DENE TREATY RIGHTS THROUGH SELF GOVERNMENT MODELS**

Since the inception of the Indian Brotherhood of the Northwest Territories in 1970, the Dene have defined several approaches to provide for Dene self-government in a working relationship with non-Dene in Denendeh. This work is in keeping with the Dene promise to provide for peace between the Dene and the non-Dene. In 1979 the leadership of the Dene Nation decided to no longer boycott the territorial government. The thinking of the time was that some Dene leaders involved on the Territorial Council could educate and influence the Territorial government to understand Dene political positions and begin working to support them. This strategy was largely unsuccessful as the Dene who got elected were not effective in meeting the proposed objectives. In fact, it was not until 1991 that a Dene leader ran for office on a platform of treaty rights. Jim Antoine from Fort Simpson took well over fifty percent of the popular vote winning every polling station in a field of thirteen candidates.

In 1982 the Dene Nation and the Metis Association published a document titled Public Government for the People of The North. The document recommends a process to bring about

"The establishment of a government in the style and

tradition of the Dene... What is required, and what we are inviting is the active participation of all Dene and non-Dene residents of the north in the task of designing and creating the future Government of Denendeh." <sup>cx</sup>

In 1984 the Western Constitutional Forum published DENE and Its Implications for Constitutional Development in the Northwest Territories Today. The paper provides some clear statements on the traditions and current problems which face the Dene.

In 1991 the Dene of the Deh Cho region of the Dene Nation began the work of defining a public government process which would be based on Dene law and custom. During that process they defined, especially with input from elders, a set of principles which govern decision making process, jurisdictions and authority within Dene government practice. Part of that information is provided here. Reflection on this information will provide substance to the claim that Dene law and governing practice can provide for good and peaceful governance.

The land base of the Dene is of paramount importance. It is still the considered position of the members of the Dene Nation that they have never surrendered their land base to anyone. Indeed even many Gwich'in still think they have not surrendered their lands. In that regard, all non-Dene who have lived on and enjoyed Dene lands, have done so by the good will of the Dene.

The elders have stated over and over again that the Treaty did not provide government with any right to change the Dene way of doing things in any way, nor did it surrender land. It is logical therefore to conclude that although there is a constitutional relationship

between the Dene and Canada through the treaties, (as oral agreements), the governing of the lands in Denendeh is the jurisdiction of the Dene and all non-Dene living in Denendeh are expected to adapt to the Dene mode of government.

The following principles are based on statements of elders and leaders with reference to the history of the people on the land, and constitutional considerations. These principles are to be considered as representative of constitutional principles which flow naturally from aboriginal culture. They should not be considered to be complete.

#### PRINCIPLES OF DENE GOVERNMENT

1. We are people whom the Creator has provided with teachings to live by.
2. The Universe (including our land) is the teachings of our Creator made manifest.
3. We are required to seek the teachings of the Creator in all directions of our land, and to accept all his teachings.
4. The land is one of the teachers of the Creator.
5. The land provides the resources of our way of life.
6. People must adapt to the teachings and the resources as provided by the land and the Creator in a natural way.
7. People will govern themselves so that the land will be able to continue providing for future generations.
8. The historical and contemporary land based experiences of Dene culture will continue to provide for the social and political structures through which Denendeh will be governed.
9. Treaties eight and eleven shall be upheld as agreed to in the oral negotiations.

10. The rights and interests of aboriginal people shall be defined by them within the evolving confines of aboriginal land based customs.
11. The rights of the land to provide for future generations shall take precedence over perceived need of the present.
12. Aboriginal sessional rights shall be retained by aboriginal peoples.

The following information is one of the background sources of the position held by the Deh Cho First Nations, members of the Dene Nation. It is based on the customary Dene process of governance but also reflects the reality of existing Band Councils. Once again, this information is provided as a further example of the work the Dene have been doing to establish a self-respecting process of Dene governance which will accommodate the requirements of peaceful relationships with non-Dene on Dene lands. The following is taken from the Deh Cho First Nations document titled: CONSTITUTIONAL PARAMETERS FOR DENENDEH.

#### CONSTITUTIONAL PROVISIONS FOR DENE GOVERNANCE

##### Section 1.

##### GENERAL

- 1.1 The Dene constitute a nation, born of a common heritage, within a distinct territorial land base, and having a distinct culture, including laws, beliefs and languages.
- 1.2 The traditional Dene lands extended as follows:  
To be defined.
- 1.3 The lands used by the Dene today, as based on our customary

use extend as follows:

To be defined.

- 1.4 The Dene culture is based primarily in the use of the lands defined above. Dene land use is based on traditional and contemporary technologies, and governed by Dene beliefs, customs, and laws.
- 1.5 The languages of the Dene are the official languages of the nation. They are Chipewyan, Cree, South Slavey, North Slavey, and Gwich'in. (These should be written in each respective language.)

## SECTION 2.

### ORGANIZATIONAL ORDER

- 2.1 The organizational order of the Dene is based on the traditional land use practices and jurisdictions are shared at the level of the extended family, the band, the region and the national level.
- 2.2 THE EXTENDED FAMILY, within the Dene culture, is the fundamental economic, social, political and cultural unit of the nation.
- 2.3 THE BANDS of the Dene Nation are structured by the coming together of several extended families to work together towards their common good.
  - i. The Band shall be governed by a council of Elders of the extended families, and by the Band Council which is made up of the Chief and Councillors.
- 2.4 THE REGIONS of the Dene are structured by the coming together of the leadership of several bands having a common language, to work towards the common good at a regional level. Each region shall maintain a regional council made up of the Elder and the Chief of each of the Bands in the region.
- 2.5 THE DENE are structured at the national level to provide for a Dene National Assembly, an Assembly of Elders, Leadership meetings, an Executive made up of a National Chief and five National vice-Chiefs, an administration committee made up of the executive and five Band Chiefs, one to represent each of the five regions of the Dene.

## SECTION 3.

### THE LEADERSHIP

- 3.1 The Dene leadership is composed of the Elders, the other natural leaders of the extended families, their representatives on the Band Councils, the elected Band Chiefs, the National Chief and the five national vice-Chiefs.
- 3.2 Dene laws provide for men and women to have specific spheres of responsibility and authority.
- 3.3 IN THE BAND, each extended family selects and appoints its leader to the Band Council.
- 3.4 THE CHIEF of the Band is elected by the membership of the Band by secret ballot.
- 3.5 THE ELDERS of the Band recognize each other. The Elders meet in council at the Band level.
- 3.6 AT THE REGIONAL LEVEL, each Band Chief, and one Elder from each Band, meet in council to deal with regional issues.
- 3.7 AT THE NATIONAL LEVEL, each Band selects a delegation, including the Chief and an Elder, numbered according to the population of the Band, to represent their Band at the National level.
- 3.8 The National delegates elect a National Chief and five National vice-Chiefs, by secret ballot, to represent the Nation at a national and international level.
- 3.9 THE REGIONAL ELDERS assemble at the National level, to meet family, band, regional and national needs in all areas of the people's endeavours.

## SECTION 4.

### OBJECTIVES

- 4.1 To uphold the individual and collective rights and interests of the Dene.
- 4.2 To develop, discuss and promote policies for the good government of the Dene.

- 4.3 To conduct, foster and support programmes and policies for the spiritual, economic, social, educational, health and other cultural benefit of the Dene.
- 4.4 To provide the Dene with a strong voice both nationally and internationally.
- 4.5 To co-operate with other nations of similar or friendly purposes while protecting the basic human rights of minorities.
- 4.6 To provide for the guardianship and management of the environment in a manner consistent with constitutional principles.

## SECTION 5.

### JURISDICTIONS

#### 5.1 Extended family jurisdictions:

- i. The extended family retains its customary land base.
- ii. All activities and uses of the extended family's customary land base are shared between the extended family and the Band.
- iii. The extended family maintains its jurisdiction over the family's culture, social development, and economic activities within its customary land base.
- iv. Membership in the Dene Nation is decided by the extended family. Whoever is born into or adopted by the extended family is a full member of the Dene Nation.
- v. Dene laws specific to the extended family remain the jurisdiction of the extended family.

#### 5.2 Band jurisdictions:

- i. The customary land base of the extended families is protected and administered by the Band.
- ii. Disputes within a family, and between families are resolved by the Band.
- iii. The Band will provide for the education of its members.

- iv. The Band will provide administration and development work to fulfil the extended family's jurisdiction over culture, social development, and economic activities.
- v. The Band will maintain the records of membership by accepting the decision of the extended family and entering members into its membership register.
- vi. The Band will record and maintain the code of laws of its extended families.
- vii. Delegation of jurisdiction to region or national level.

5.3 Regional jurisdictions:

- i. All matters pertaining to a region, which are not manageable at the Band level are delegated by the Band Council to the regional level.

5.4 National jurisdictions:

- i. All matters of a national nature which are not manageable at the regional level are delegated by the Regional Councils to the National level.
- ii. International relations is maintained at the national level.  
(Dene Nation with Canada; Dene Nation with other State governments; Dene Nation with other Aboriginal Nations.)
- iii. Treaties are negotiated, protected and maintained at the national level.
- iv. Economic ventures of National significance are administered nationally.

PART II PROVISIONS GOVERNING THE NATIONAL LEVEL OF THE DENE NATION

SECTION 1.

ACTIVE MEMBERSHIP

- 1.1 All individuals registered on a Band membership register and being eighteen (18) years of age have full rights in the Dene Nation
- 1.2 Voting in elections whether locally or nationally is restricted to individuals who are living within the customary land base of the Dene.

1.3 Nothing in these provisions shall be interpreted to deprive any resident descendent of the Dene, of membership in the Dene Nation, who previously enjoyed full or active membership either as a Treaty Indian under the Indian Act or as a Declared Dene.

## SECTION 2.

### ASSEMBLIES

2.1 A National Assembly of the Dene Nation shall be held at least once in each calendar year.

2.2 The National Assembly shall be held at a time and place to be fixed by the preceding National Assembly.

2.3 Provisions for regional, band and family assemblies are the province of the leaders at those levels of Dene organizational structures.

The following quotations from Dene elders of the Deh Cho are drawn from interviews which provided the basis for the constitutional parameters given above. They are quoted here to as examples of how the Dene elders communicate. It will become obvious to the reader that the above parameters have been worded in a manner which will be better understood by non-Dene.

"Naha nie was the leader at one time. He planned fishing and hunting trips for the men. Food was stored until he got the people together and talked to them. Then, he distributed the food equally to the people." Jonas Marcellais

"The hole on top of Tsa Koe (Nahanni Butte) is filled with cement. The cement is detrimental to the land. Landslide occurred as a result." Jonas Marcellais

"The eldest man led the people; he planned, made decisions. Others consulted with him prior to using the land. The land determined how the Naha people governed themselves and behaved on the land." Jonas Marcellais

"People shared food." Nellie Konisenta

"They had no chief in the past. The eldest man was the one who told the people what to do. People advised him where they were to hunt and trap and got his consent. Family groups took care of themselves. They put up a cash for the winter for themselves." Liza Betsaka

"Bobby Babiche was the leader/boss of the upriver people. He advised White people as they went up the Nahanni River. ... Hold on to the treaty." Frank Vital.

"We lived well in the bush. As we travelled, we stopped on the river at the tent camps with dry meat from moose drying. ... The elders said that what they fixed up (in the treaty) is to last as long as the river does not flow back and as long as the sun shines." Sarah Hardisty

"Ehtsie Norwegian did not want to take the treaty. He wanted his way. They had a hard time talking." Henry Ekali, 103 years old.

Note:Both Willie Minoza and Henry Ekali made reference to a paper written by Bishop Breynat which recorded the Dene version of the Treaty. Both men mentioned that when Dene leaders asked about the paper they were told on occasions that it was lost and on other occasions that it burned.

"They lied to us, the paper burned, they say, somewhere down South." Henry Ekali

Betty: "Do you think they should let the treaty go?"

Henry: "No. We can't let it go."

"When our elders were alive, everything that we used in living on the land was good. These White people come among us and have closed everything on us. It seems they are messing things for us, eh? It seems to be going that way. We have become elders and I wonder how it will be for our future generations to survive? How will they make a living for themselves? Everything is becoming like the White man's style. Things like alcohol, smoking drugs amongst our young and it isn't like the days of our elders. Children grow up and learn to read and write and are beginning to read bad books.... I agree (that we keep the treaty). It was true what Ehtsie Norwegian was standing on towards the end. They said whatever you ask for, no matter if the White person has to pack it on their back they will back pack it to your home. ... Ehtsie Norwegian would not agree to the treaty for four days because eventually the White man will want to start to work evil and make it miserable for us Dene.

... So they gave the money to Williamiah's dad. ... Later, Ehtsie Norwegian took the treaty and said that this treaty money is never to be released and to be used forever. ... Before the White people arrived, our elders were knowledgeable in spiritual ways. In the Spring people arrived in Simpson and drum danced." Gabe Sanguez

"Elders that were good moose hunters, things went according to what he said. Whatever he suggested and planned, things went his way." Gabe Sanguez

"My father provided well for me and I have survived well off the land to this date. ... Think about the Creator. The land is important. I have not made money off the land. I have faced people honestly and have been kindly towards all people." Wilson Pellissey

"We can't let go of the treaty. We can't sell the land. If we let it go it will put us in a poor situation. We have to hang onto the land with our hands and in our hearts, and if we are of one same mind, it will go our way." Wilson Pellissey

"There was always one that was a leader (boss) and whatever you had to do, where you set traps, where you were to hunt, whoever was to go to a certain place to hunt, they went to see him and told him where they planned to go and then if he agreed, then they went there." Paul Ekenale

"If they (Chief and Council) asked for advice (from the elders), that will be good." Paul Ekenale

"You don't walk away from your elders. You take care of your elders, chopped wood for them and put it in the fire for them. Doing this gave you a long life they advised us." Paul Ekenale

"In the past, elders that thought things through good were the leaders. They didn't choose leaders like they do now. ... When there is a meeting, the Chief and Councillors should return with the papers and then go visit people and tell them this is what is discussed; and the elders could think it over and then we could fix things up. That is possible." Paul Ekenale

"They used to ask me to come out and come to the drum dance as it was a lot of fun. I said -and my mother is dead- I could not leave while my dad is sleeping, I can't do that. In the day when I am sleepy, my father asks me why. So, I tell him what the girls were telling me, so I could not sleep. My girl, he said, those young girls are nice and

have no dirt upon them. In the near future they will pass on and only you will be the only one left. I wondered what my father meant. Now, they have all passed on. I am the only one left alive grieving alone without an aunt or uncle in Simpson. ... I work for my children. I fix hides, I sew, I do not cook for myself. My son cooks for me and cleans house for me. ..." Helen Ekenale

"The constitution is based on the keepers of the land for generations not yet born. Mother earth feeds, clothes, shelters and protects us. The constitution has to be based on the memory of the generations coming behind us." John Thomas

"Each culture is given land, a language and a ceremony. The language is sacred, it is from the Great Spirit. The ceremony goes with it and the land. All cultures are sacred. A man is a human being. We feel and think with our hearts, not just our minds. Share together." John Thomas

"We are the land, the land is us. Our grandfathers and grandmothers are buried in the land." John Thomas

"White people were given the bible to know God's teachings, we were given the land; we were told to seek the Creator's teachings in all directions of his creation. That is why Indians pray to the four directions." Stanley Isaiah, Personal communication 1984.

"The Creator made us. We are here for a reason." Jim Lamalice.

"Children were raised according to knowledge of the weather ... We used to walk with packs to Buffalo Lake. It was hard. I did it for 56 years. Our father taught us to work for ourselves. We lived off the meat from the land." Jim Lamalice.

"My father taught me to never hit my children with a stick. He taught me to take good care of my woman; to never hit her." Jim Lamalice.

"Chiefs should be dressed so that they are recognized, respected. ... Men hunted and trapped. They were their own bosses. The Chief told us where to trap. "Jim Lamalice.

"Women looked after the home and children and used snares near the camp for food. Women were the bosses of their children and home." Jim Lamalice.

"Whoever hunted and killed moose, shared the meat." Jim

Lamallice.

"Before, if someone abused alcohol, the Chief talked to them." Jim Lamallice.

"The Chief was a good hunter, a good provider." Jim Lamallice.

"The elders used to talk to the people. The children were quiet." Edward Diamond C.

"When I remember those days, none of the elders' words were written down. You lived according to their advice as to life on the land. The elders were advisors, not the boss." Edward Diamond C.

"I lived in a tent all my life, except for the last four years." Lucy Thomas, 80 years old.

"Things should be left as they were created, they should not be tampered with." Lucy Thomas.

"Spiritual people went into the mountains to seek vision and to find out why the White people were bothering our land. ... Mon Seigneur Breynat frightened Pierre Lefoin into signing the treaty. He told our grandfathers that in the future when a lot of White people come into our land the Dene will become poorer. It seems it is like that this day." Willie Minoza

"The written version of the treaty is not what the people agreed to. The treaty was not to cede land, but the people agreed to peace and friendship." Willie Minoza

"A long time ago, the Dene did not go according to the books. They taught one another to work and fish and hunt on the land." Vital Brule.

"Welfare did not exist. No one lived in the communities, everyone lived in the bush on the land." Vital Brule

"In the past, there were no hunting and trapping restrictions." Vital Brule

"People shared hunting, trapping and fishing areas on the Horn Mountain. Everyone respected one another, helped one another and shared food." Vital Brule

"White people were allowed to hunt and trap amongst the people. There was no animosity." Vital Brule

"My grandfather told me that the people said no to treaty because they thought the five dollars was for the land. It was the priest that fooled the Dene. The people did not take the treaty to cede the land, but for peace and friendship, and that every year they were to shake hands as a reminder and to be given five dollars, and it was not for the land. So, they all signed their names. Now, they must not change things. They have to stand by the treaty as agreed to. If we continue by the treaty, it will be good." Vital Brule

"The Dene lived well according to good land use. The elders taught you well how to live on the land to conduct yourself safely." Vital Brule

"The Dene prophet advised people on the future. He prayed for people and gave people advise to live a good life. The prophet used to feed the fire for people and he had a lot of songs. He would drum for the people then feed the fire. Then, the people would eat in a certain area. He drums and sings. Then one by one people begin to dance. He had good songs. His name was Francis. He was the first husband of Marie Louise Sanguet's mother." Vital Brule

"Now, they keep talking about selling the land. We can't do that. What will we live on? ... We are born here. We can't go anywhere. We have to stay here on our land. If we well our land, our children, our grandchildren will be in a bad situation." Mary Agnes Bonnetrouge

"The children who are growing up should be able to be their own bosses." Mary Agnes Bonnetrouge.

"The Chief and Council should do home visits when they have the time. The Dene should have their own government. Leadership should not change. Elders should have a counsel." Mary Agnes Bonnetrouge.

"As long as the sun does not turn back and the big river does not flow back, the treaty will never change." Willie Minoza

## CHIEFS OF DENENDEH SANCTION DEH CHO INITIATIVE

In January 1993 all the Chiefs of Denendeh met in Yellowknife and set up a committee to study and recommend a new constitution for the Dene Nation. The committee worked for four months. The discussions and educational process the committee went through during that four months period brought all members to the common position that a constitution which paralleled the parameters outlined in the position paper, provided above, would be the most beneficial to the survival of the Dene as a distinct people.

The politics of land claims and the accompanying monies prevailed with three of the five regions which originally made up the Dene Nation. However it is still within the government of Canada's legal base and financial power to assist the Dene to heal their communities and consolidate their strength. To bring this about, however, would take a serious public education campaign in Southern Canada. The Dene Nation undertook such a campaign during the debate on the MacKenzie Valley Pipeline. It could be done again to make possible Dene self-government.

The constitutional parameters outlined in the Deh Cho paper would be a good starting place to establish common understanding of Dene reality. However since 1921 the Dene have also maintained a Chief and Band Council. These are still able to operate according to custom. They have not been brought under the provisions of the Indian Act.

The history of the Dene over the past hundred years, however, has had its impact. Serious apprehension exists in all Dene communities

about the potential violent responses from government agents should the Dene take legal initiatives to protect their lands from government policies designed to alienate their lands to third party interests and/or departmental spheres of power.

### **PEACE ORDER AND GOOD GOVERNMENT**

The problems DENE GOVERNMENT PAST AND FUTURE presents have to be known and addressed in a concerted way by the Dene through their own government institutions if they are ever to be resolved. Anything less would be a continuation of the colonial administrations which have brought the Dene to their present state.

The relationships between the Dene and the governments of Canada over the past seventy five years have generated a complex socio/political reality. The impact of the schools, the churches, a foreign form and process of governance, and industry and commerce has had significant negative results on the Dene culture. In effect more than a billion dollars a year is being spent, according to policies which have a severe negative effect on the Dene and Inuit, to further Canada's interests for sovereignty in the North and wealth for the South.

Canada Governs to Destabilize the Dene & Control Dene Lands

Consider that until a few years ago **all** school programs were designed

to remove the Dene children from their culture and immerse them into the Euro-Canadian/Industrial culture. The reader must recognize that this was done with full conscious intent on the part of the government and the churches. Some families in the North, as down South, have stories of the early years where parents were told their children had died and children were told their parents had died. In that way children were kept from their families from a very young age until they were old enough to be married. In that way they were also kept from the teachings of their people about The Land and The Spirits.

In more recent times children would attend schools and spend summer at home. They were forced by the discipline of the school to behave according to the cultural expectations of the teachers and by the discipline of the parents to behave according to the cultural expectations of their people. They were shifted back and forth in this spiritually confusing and psychologically painful way over eight to twelve years until many of them gave up on both ways of life. Today, many younger Dene are very angry about their experiences in school. It is still the law of the land that children (including Indian children) must attend school, which for the most part provides no positive reinforcement to the Indian child as Indian.

We have seen, in a previous section, the intent that the governments and the Churches of Canada had with their social planning strategies. Today we are living with the results of those strategies. The young Dene drop out of school in droves. Less than three percent who enter grade one complete grade twelve. Behaviour which is

considered criminal by both Euro-Canadian law and Dene law is much more common now.

The Churches intended to civilize the Dene through the work of residential schools. They used fear and ridicule to push Dene children away from their own spiritual and cultural traditions. They still teach that Dene spiritual traditions are from the devil. In this way they have confused and debilitated many Dene spiritually. Yet, their approach is not successful in Christianizing the Dene either. The teachings of Old and New Testaments are not foreign to the teachings of the Dene legends. Today especially the older Dene who did not attend residential schools, who were raised on Dene teachings, do attend church when they can as they recognize common values, and beliefs; they recognize that ritual is merely cultural expression and adapt accordingly. As for the young and not so young who did attend residential schools, it is a rare occasion, such as a funeral, a wedding or a baptism, when they attend Church in any significant number.

Today, for the most part, government and Church strategies are still being implemented both through policy directives and funding. Although both government and Church make public statements of support for Dene rights, their organizational structures and the social processes, beliefs and personnel who try to implement them have been, for the most part, unsuccessful. How could it be otherwise? On the one hand we have people in positions of bureaucratic power who have no idea what it means to be Dene, and on the other hand some young Dene, supported by the government and Church whose main interest is

to be successful as a non-Dene. The real spiritual leaders of the Dene still keep themselves away from any public involvement. The leadership of Dene knowledge is still ignored by Church and State.

The over-all effect in the Northwest Territories is a neo-colonial public administration.

The results of the current administration has not alleviated any of the problems which confront the Dene. For example the Territorial Department of Municipal and Community Affairs receives funds, from Indian Affairs, to deliver municipal services to Dene communities, but by policy they do not recognize the Chief and Council as legitimate governing bodies, even in those communities where the Chief and Council are the only governing body.

The socio/political structure (the schools, Churches and foreign government) has been funded with public monies to deny, by omission, individual Dene the experiences of strength (spiritual and communal), belonging, integrity, purpose and creative action through which the Dene, as a people, could continue to control their lands and resources. When these strategies and public funds are applied in that way to White people anywhere in the world they are denounced by other White governments as evil, and rightly so. It is time now that the Dene say that what the government of Canada and the Churches have consciously done to the Dene is evil. This evil has permeated institutions of government and church so that it is cloaked and presented as rational and even humane. Alternatively it is presented as necessary for the greater good, meaning, in this case, that the

Dene are expendable. That is, it is necessary to displace the Dene for the greater economic and security good of the rest of Canada.

The results of the strategies, for the Dene, are displacement and marginalization. Younger Dene are becoming racist. Many Dene are ignoring the elders. Dene leadership is ignored by the government. Band Councils have very limited resources. The effects of the funding strategies go on and on.

Although there are some very serious personal and social problems among the Dene, they must not be brought forward as an excuse to disallow Dene self-government. Anything less than self-government through which the Dene may resolve their own problems and heal their communities, will be a continuation of the colonial relationships which many view as a form of genocide.

The Government of Canada's concept of peace is intimately tied to military order. Good Government is seen as government according to the Napoleonic code, parliamentary structure to generate conflict and stress within the ranks of the parliamentarians, Euro-Canadian processes of decision making and values for Quebec and British Common Law, parliamentary structure, Euro-Canadian processes of decision making and values outside Quebec.

For the Dene the above option has meant disorientation, confusion, lack of control over government structure and process, displacement from customary land use base to government controlled communities, dissolution of customary social and political order, weakening of economic and spiritual ties to The Land, Dene laws, the

teachings and the Creator. This has resulted in opening the Dene to the onslaught of what the Catholic Church calls the Cardinal Sins; to the onslaught of what the Dene spiritual leaders called disease. It is true what the Dene prophets foretold: Strangers would bring sickness among the Dene. Today Dene spiritual leaders tell us that two things are killing the Dene faster than anything else: alcohol and hateful thoughts for others.

We believe it is God's will that we exist as Dene; in a way of life which provided for good people to live together in harmony with each other and with The Land. Today we are suffering from the good intentions of governments and Churches from other parts of the world.

If a person is not Dene how can they possibly know what is good for the Dene? They cannot.

Good government for the Dene will bring peace back into the families and communities of the Dene. Good government for the Dene will be government according to the needs of the Dene and the will of The Land and the Creator as understood and lived by the Dene. Good government for the Dene will be government according to Dene law, social and political structure and economic activity which honours the rights of The Land and the responsibilities of the Dene to live according to the will of the Creator.

Until the above concepts are made reality again, as they once were, the Dene will continue to suffer under the Dominion of foreign interests and governments; the Dene will continue to live under a state of siege. Until the Dene govern themselves, according to the

laws given by Yamodehja, diseases such as alcoholism, sexual abuse, abuse of elders, and other forms of criminal behaviour will continue. Until the Dene govern themselves there will be no good government and no peace among the Dene.

The Peace Treaty which the Dene entered into with the Crown recognizes the sovereignty of both parties within their own territories; it recognizes the reality of each other's existence and needs; it recognizes the potential for each party to assist the other in meeting their needs through a fair trade of access (without interference to Dene way of life) to Dene lands for minerals in exchange for benefits, as a treaty right, from the Crown to citizens of Denendeh.

The Treaty constitutes a social contract between the Dene and Canada which the Dene have upheld at great expense to their social, political, spiritual and economic life, and which the Crown has breached at every turn to further its intent, evident in policy and practice, to acquire complete dominion over Dene lands and lives<sup>cx1</sup>.

#### **TREATY 11, A LIVING PROCESS**

It was agreed that each year a Treaty Party would come to renew the Treaty. This process, as understood by the Dene, is fulfilled in the following manner. The Treaty Party from the Crown would come with agreed upon benefits to fulfil its Treaty Obligations. These were to be shared with the Dene. Some of these were nets, shells and money. The Dene would approach the Treaty Party to receive their benefits and to shake hands with the members of the Treaty Party.

There was considerable discussion about the meaning of this process on the part of the Dene, especially before Treaty was first taken. Eventually the people came to accept the gifts from the Treaty Party as significant to the Crown and symbolic of the Crown's intent to share goods as a renewal of the peace agreed to in the Treaty. At one point in discussions, while Dene were discussing among themselves, the Dene came to accept that the Crown's intent with gifting money, nets and shells was the same as the Dene's when they gathered to share the food from the land after Spring Hunt.

As for the Dene, shaking hands with someone is understood as a public act and commitment made by two people to live in peace with each other. This commitment is undertaken by the two people shaking hands in the presence of community, ancestors and Creator. So, the handshake carries the value of a vow or sacred trust for the Dene.

Since 1921, the Dene have cared for their end of the Treaty. There have been occasions where some communities have refused to accept treaty due to interference of government agents in Dene affairs. For the most part these issues arose over hunting, trapping and/or fishing.

As indicated above, Ehtsieh Norwegian refused Treaty in 1921 and again in 1922. When he decided to take it after two years it was with clear signals to his family and associates among the Dene that he did so in the interest of keeping the people together through common relationships and experiences. He took Treaty with the clear view that no matter what happened in the future everyone had to hold on to the Treaty. This direction from Norwegian comes from his concern

that the non-Dene were not clear about their intentions, creating an uncertain future for the Dene. The uncertainty about the future required strong direction that the people had to stay together no matter what the future brought.

On many occasions through the years from 1921, until the late 1960's, the Dene asked for copy of the written version of Treaty 11. A copy was never made available to them. In 1967, on the occasion of the 100 anniversary of Canadian Confederation the Dene met in Deline (Fort Franklin) on Sahtu (Great Bear Lake). For the most part they travelled by dog team to get to Deline. John Bekale's account of the gathering speaks of about five hundred dog teams; some coming from as far away as Lutsel ke (Snowdrift) on the East Arm of Great Slave Lake. Some people travelled for a month to arrive for the week long meeting. All the young men and older boys from Deline, (John was one of them) spent the week fishing under the ice on Sahtu to feed the teams. The purpose of this gathering was said to be a celebration of Confederation.

In 1969 the Band Councils of the Dene from the Western Arctic met in Wrigley to discuss the Crown's version of Treaty 11. That was the first time Dene elders and leaders had the Crown's version of the Treaty read and translated to them word for word. The meeting exploded into some angry shouting. Seven of the Chiefs at the meeting were headmen who made Treaty in 1921.

Over a hundred elders alive in 1969 were adults involved in the discussions which led up to Treaty 11 being made in 1921. They were

very upset that the government's written version of Treaty 11 did not tell the truth about the Treaty that was negotiated in 1921. They decided to organize formally and take their concerns to the Court. The Indian Brotherhood of the Northwest Territories was launched.

Francois Paulette, the Chief from Fort Smith, and the other Chiefs of Denendeh (Western Arctic) applied to the Court in Yellowknife to put a caveat on 450,000 square miles of land in what has always been regarded by the Dene as their homelands. The case was eventually dismissed by the Supreme Court of Canada on the technicality that caveat cannot be applied to unpatented crown lands. The issues of fraud in the government's written version of the Treaty has yet to be resolved.

In effect, the Supreme Court of Canada had no other recourse. It is a domestic court. If the Dene version of Treaty is recognized then an International Court would have to rule, since a domestic court can only apply the law of one party to the Treaty. The politics of international relations between political states has it that nations, such as the Dene, within claimed state boundaries cannot petition the International Court.

The Crown chose to circumvent the real issues raised by the Dene and introduce a land claim process. This provided the Crown with thirty more years to establish its' power base in Denendeh; another generation of Dene to colonize; the opportunity to further demoralize the Dene as a people; and the time to influence enough Dene to be able to fracture Dene society at the political level. The net effect has been the

dissolution of Dene resolve, in three of the five regions, to hold on to their responsibilities to themselves, their ancestors and future generations.

In 1994 the Queen arrived in Yellowknife where she was greeted by the Chiefs of the Dene. They had the following message for her.

"We wish to express our thankfulness to you for taking this brief time with us. It is good that you grace our land with your presence, we welcome you in peace. It is the significance of that peace from our First Nations which we would like to highlight for you in this brief presentation.

"In 1899 and in 1921 there was a meeting of the minds. Your agents, led by Commissioners Liard and Conroy, approached our leaders to request a Treaty which would guarantee a peaceful relationship between your subjects and our people. Our leaders of the day agreed to allow your subjects to travel freely on our lands providing there would be no interference, by your subjects, in the governance of our peoples and lands. In exchange for this peaceful use of our lands, the Crown agreed to provide our people with compensation. The details of the compensation promised are spelled out in the Dene version of Treaties 8 and 11. This has been prepared from our oral tradition but is fully supported by non-Dene witnesses to the treaty making process.

"Treaty was entered into in good faith by our people. We have upheld it at great social, economic, political and spiritual cost. Our living experiences and research teaches that the cost is the direct product of economic and political policies of your government in Canada. The statistics produced by your government in Canada speak very clearly of that cost. We are ignored and we continue to pay today for the peace with which we greet you and the peace in which we continue to live with your subjects. That these costs continue today, as the direct product of economic and political policies of your government, is recognized by us and may well be recognized by future generations of your subjects and the rest of the world, for the crime against us which it is.

"Dene leaders, elders and ordinary citizens have spoken on many occasions of these matters with officials of your

government in Canada. In 1973 your Supreme Court considered our case to apply a caveat on our lands. Your court could not rule on our case. They dismissed our case on a technical point of law, claiming that a caveat could not be applied to unpatented Crown land. Our case called attention to the fact that this is not Crown land but Dene land. We consider your court admitted, by its' silence in this matter, that it does not have the authority to rule in this matter. Yet your government in Canada continues to colonize our lands and people without Dene consent.

"We have chosen this occasion to enlighten your majesty of this matter. We recognize that you no longer hold the power and authority of the monarchs of old. Yet you personify the Crown in Canada. For us, the Dene of Denendeh, you, as the Crown of Canada, have been continually sullied and dishonoured by the policies, laws and actions of your government in Canada which contribute to undermining our culture, authority and jurisdiction over our lives, lands and resources. In direct contravention of our Treaty, your government in Canada has continually interfered in our way of life.

"The Deh Cho and Treaty 8 Dene have presented your government in Canada a clear position on these matters. We have defined the parameters, jurisdictions and processes of Aboriginal Dene government. We are presently re-establishing the operations of a Dene government. We are seeking, through all available avenues, the recognition and acceptance ... of our jurisdictions by your government in Canada. Achieving that goal will go a long way to repairing the damage which your government in Canada has done to your Crown.

"On behalf of the First Nations we would like to present you with this text along with supporting documents. Due to the nature of this brief moment with you we, the nations that have made treaty with the Crown that you represent, respectfully request to meet with your majesty in the efforts to reaffirm our alliance...

"Your governmental representatives in Canada today must be prepared to finally implement the sacred provisions in our agreements with you. And we recognize that your presence here today will assist and support this.

"We would like to thank you for receiving our words and for your continued recognition of our nations. It is our hope that in receiving this on behalf of Canada your government will hear and respond to our voice in a positive way which will bring honour to your Crown, as long as the sun shines, the grass grows and the rivers flow. Mahsi Cho."

## CONCLUSION

The Treaty is evidently an agreement of significance to the Dene. In as much as it was sealed over the years by annual renewals of the agreement to maintain the peace, it is still binding as far as the Dene are concerned. According to the Dene belief and practice, the sealing of the Treaty is conducted before the Creator in the form of a hand shake which is given to the agent who makes the treaty payment and the RCMP who witnesses the payment on behalf of the Crown.

The Treaty, as far as the Crown is concerned, appears to be a document through which the Dene have ceded their lands and rights that flow from the land; a document which gives the Crown sovereignty over Dene lands. Yet, the Crown also wishes to remove from the relationship with the Dene any ongoing uncapped costs associated with promises made during treaty. This is evident in the Comprehensive Claims Policy which the Crown uses to certify its sovereignty. At the same time the Crown promises some other benefits, but these would have the quality of benefits of policy as opposed to benefits of treaty. The evident difficulty here is that policies are made, changed, or entirely deleted in a unilateral way by governments. Treaties are constitutional agreements which require the agreement of both parties to change. The Dene Nation is now composed of the Deh Cho and Treaty 8 regions in the Northwest Territories. The Gwich'in have settled their claim with the Crown. In 1993, Grace Blake, Gwich'in Chief of Arctic Red River, stated clearly to the committee established to review and recommend a new constitution for the Dene Nation, that Gwich'in

elders had not been informed about the impact of the claim on Treaty 11.

Although elders and some of the smaller communities in the Sahtu and among the Dogrib still want to keep Treaty, those regions have taken formal positions to pursue the Comprehensive Claims Process.<sup>cxii</sup>

Only the Deh Cho region composed of ten Dene communities remain firm in their position on keeping the Treaty and seeking a constitutional relationship with Canada which will recognize Dene aboriginal title to their lands and provide for Dene law and custom to stand as the basis of government in the Deh Cho Region. The Deh Cho Dene see this as their contribution to Section 35 of the Canadian Constitution Act 1982. If this government is successfully implemented it will provide service to all residents of the Deh Cho Territory, but it will do so from within Dene customary practices.

## **RECOMMENDATIONS**

### **1. EDUCATION**

The impact of foreign educational curriculum and process has to be reversed. The Dene must educate their own children if Dene culture is to survive. Without Dene culture the basis of the Treaty will be defeated.

- A. IT IS THEREFORE RECOMMENDED THAT THE DENE POLITICAL AND SPIRITUAL LEADERS TAKE OVER THE EDUCATION OF DENE CHILDREN.**
- B. IT IS RECOMMENDED THAT THE DENE EDUCATIONAL PROCESS BE REINTRODUCED TO ENSURE THAT DENE VALUES AND BELIEFS BE REESTABLISHED AS THE FOUNDATION OF DENE LIFE.**

C. IT IS RECOMMENDED THAT THE LAWS OF THE DENE BE TAUGHT AS AN INTEGRAL PART OF A DENE CURRICULUM.

D. IT IS RECOMMENDED THAT THE GOVERNMENTS OF CANADA (FEDERAL, AND PROVINCIAL, AND TERRITORIAL ADMINISTRATIONS) REVERSE THEIR POLITIC TO COLONIZE THE ABORIGINAL PEOPLES OF CANADA AND PROVIDE DIRECTIVES AND RESOURCES SO THAT ALL SCHOOLS IN CANADA TEACH THE ABORIGINAL TRUTHS ABOUT ABORIGINAL PEOPLES.

## 2. SPIRITUALITY

The spirituality of the Dene is the source of personal and communal life. Without a sound spiritual life based in Dene experience and law it is unlikely that the Dene way of life will survive.

A. IT IS RECOMMENDED THAT THE DENE SEEK OUT, IF NECESSARY, AND REAFFIRM THEIR OWN SPIRITUAL PRACTICES ON A DAILY BASIS.

## 3. ECONOMICS

The work that people do to live is fundamental to their way of life. The way of life is fundamental to maintaining Treaty.

A. IT IS RECOMMENDED THAT THE CROWN WITHDRAW FROM ALL ASPECTS OF RENEWABLE RESOURCE MANAGEMENT AND TURN THE NECESSARY RESOURCES OVER TO THE DENE TO MANAGE THE LAND AND RESOURCES BASE OF DENENDEH.

B. IT IS RECOMMENDED THAT THE DENE DEVELOP MANAGEMENT POLICIES, DIRECTIVES AND PROCEDURES TO ENSURE THAT THE RESOURCES OF DENENDEH ARE MANAGED ACCORDING TO DENE LAW.

## 4. POLITICAL AUTHORITY AND JURISDICTIONS

All political orders change and adapt to changing conditions in the world. Political authority is asserted, not gifted from a

stronger party.

- A. IT IS RECOMMENDED THAT THE DENE CONTINUE THE PROCESS STARTED BY THE DEH CHO FIRST NATIONS TO DEFINE THEIR OWN CONSTITUTIONAL POWER, RIGHTS AND RESPONSIBILITIES.
- B. IT IS RECOMMENDED THAT THE DENE ASSERT THEIR OWN LAWS AND POLITICAL PROCESS AS DICTATED BY DENE CULTURE.
- C. IT IS RECOMMENDED THAT THE GOVERNMENT OF CANADA HONOUR TREATY 11 AND PARTNER WITH THE DENE IN THE IMPLEMENTATION OF DENE LAW AND POLITICAL PROCESS IN DENENDEH.

5. SOCIALIZATION AND HEALING

To ensure that Dene culture survive it is important that the traumas fostered on the Dene by the government and the Churches be resolved. Healing at many levels of Dene society is required.

- A. IT IS RECOMMENDED THAT THE DENE ELDERS BECOME VERY PROACTIVE IN THE PROCESS OF HEALING DENE INDIVIDUALS AND FAMILIES.
- B. IT IS RECOMMENDED THAT THE DENE REQUIRE THAT THEIR LEADERS DEMONSTRATE, THROUGH THEIR OWN LIVES, THAT THEY ARE COMMITTED TO THE HEALING OF THEIR PEOPLE.
- C. IT IS RECOMMENDED THAT THE DENE INITIATE A MOVEMENT TO PROVIDE ALL DENE PARENTS WITH EXPERIENCES WHICH WILL FOCUS ON PARENTING SKILLS.
- D. IT IS RECOMMENDED THAT DENE FAMILIES SPEND TIME ON THE LAND AS OFTEN AS THEY CAN.
- E. IT IS RECOMMENDED THAT COMPENSATION BE MADE TO THE DENE BY THE GOVERNMENT AND THE CHURCHES TO PROVIDE FOR THIS PROCESS TO TAKE PLACE.
- F. IT IS RECOMMENDED THAT PART OF THE EDUCATIONAL PROCESS OF DENE PEOPLE INCORPORATE LAND BASED EXPERIENCES IN TRADITIONAL FAMILY LAND USE AREAS.

6. MEMBERSHIP

- A. IT IS RECOMMENDED THAT THE DENE DECIDE WHO IS DENE.
- B. IT IS RECOMMENDED THAT THE DENE ADVISE THE CROWN WHO THE CROWN IS RESPONSIBLE TO IN MEETING TREATY OBLIGATIONS.
- C. IT IS RECOMMENDED THAT BENEFITS OF MEMBERSHIP BE DETERMINED BY DENE ELDERS AND LEADERS.
- D. IT IS RECOMMENDED THAT BENEFITS BE TIED TO KNOWLEDGE AND CONTRIBUTIONS TO DENE SOCIETY.

7. TERRITORY AND JURISDICTION

The basis of Dene authority is spiritual and material. Dene law, for the most part is a function of spiritual directives. Dene lands form the basis of experiences and provide resources which generate Dene way of life. For this reason it is imperative that the Dene hold onto their lands.

- A. IT IS RECOMMENDED THAT THE CROWN WITHDRAW ALL ITS AGENTS FROM DENE LANDS.
- B. IT IS RECOMMENDED THAT SUBJECTS OF THE CROWN WORKING IN DENENDEH INITIATE RELATIONSHIP WITH DENE AUTHORITIES TO ACQUIRE PERMISSION TO CONTINUE THEIR ECONOMIC ACTIVITIES.
- C. IT IS RECOMMENDED THAT THE CROWN MAINTAIN A FINANCIAL RELATIONSHIP WITH THE DENE UNTIL SUCH TIME AS THE DENE CAN ESTABLISH TAXING RELATIONSHIPS WITH CROWN SUBJECTS, PROFITING FROM RESOURCES ON DENE LANDS, TO ENSURE ADEQUATE FINANCIAL RESOURCES TO MEET THEIR NEEDS.
- D. IT IS RECOMMENDED THAT THE DENE DEFINE THEIR FINANCIAL NEEDS AND ESTABLISH A TAX STRUCTURE ON PROPERTY AND RESOURCE REVENUES TO ENSURE THEIR NEEDS ARE MET.

## 8. JUSTICE

The administration of justice in Denendeh, by the Crown, has continued the process of residential schools where many Dene are concerned. This process has to be stopped. The imposition of British Common Law on the Dene has to be stopped. Dene laws and justice processes have to be applied as part of the Dene healing processes, as well as part of the social function of dealing with the Dene in a just way.

- A. IT IS RECOMMENDED THAT THE DENE AND THE CROWN MEET ON AN ONGOING BASIS WITH THE SPECIFIC PURPOSE OF DEFINING A PROCESS TO ACHIEVE THE GOAL OF DENE LAW AND JUSTICE PROCESS BEING FULLY IMPLEMENTED. (THIS SHOULD NOT BE REGARDED AS A NEGOTIATING PROCESS.)
- B. IT IS RECOMMENDED THAT CROWN JUSTICE DEPARTMENTS ACCEPT AND WORK IN A COOPERATIVE MANNER WITH DENE ELDERS TO ENSURE THAT DENE LAW AND JUSTICE BECOME THE RECOGNIZED LEGAL AUTHORITY IN DENENDEH.

## 9. GOVERNANCE

The development and implementation of Dene government for Denendeh is the proper order to ensure that Treaty 11 be honoured. Anything less will be a process which will continue to sully and bring dishonour on the Canadian Crown.

- A. IT IS RECOMMENDED THAT THE GOVERNMENT OF CANADA WITHDRAW ITS COMPREHENSIVE CLAIMS POLICY.
- B. IT IS RECOMMENDED THAT THE DENE AND THE GOVERNMENT OF CANADA OPEN HONEST AND FAIR COMMUNICATIONS WITH EACH OTHER TOWARDS DEVELOPING AND IMPLEMENTING THE DENE GOVERNANCE MODEL BASED

ON DENE CULTURE, LAW AND CUSTOMS.

C. IT IS RECOMMENDED THAT DENE GOVERNMENT BE ESTABLISHED AND APPLIED TO ALL RESIDENCE OF DENENDEH EQUALLY.

D. IT IS RECOMMENDED THAT THE CROWN HONOUR THE TREATY BY DIRECTING ITS AGENTS TO COMPLY WITH THESE RECOMMENDATIONS AND OTHER DIRECTIVES THAT WILL FLOW FROM DENE DECISION MAKING AND GOVERNANCE.

#### END NOTES

- i. Affidavit prepared by Crown Commissioner, G. Breynat, OMI, and signed in 1937 by more than forty witnesses to the negotiations of Treaty 11. Clause 3.
- ii. Greenland, Chief Freddie, Aklavik NWT, Personal Communication, 1979.
- iii. Judith Buggins, Chipewyan elder, Personal communication, 1979.
- iv. Madlaine Sangris, Chipewyan elder, Personal communication, 1979.
- v. Antoine, William, Dene elder, Personal communication, 1991
- vi. Philip G. Howard, A Dictionary of the Verbs of South Slavey, Department of Culture and Communications, Government of the Northwest Territories, 1990, p. 757.
- vii. Keren Rice, A Grammar of Slave, Mouton de Gruyter, Berlin - New York, 1989. pp. 425-6.
- viii. George Blondin, Dene elder, personal communication. 1979.
- ix. Johnny Klondike, Dene elder, Fort Liard 1991.
- x. Inspector C.C. Parker, Report: Trip to Mackenzie River District 1928, Office of Inspector of Indian Agencies, Department of Indian Affairs Canada, R.G.85 Access...64/128, vol 477, file 6327, p. 4.
- xi. Johnny Klondike, Dene Elder, Fort Liard, Deh Cho Tribal Council Archival Document, Interviewed December 3, 1991.
- xii. James Antoine, Personal communication, June 1989.
- xiii. Leo Norwegian, Personal communication, 1992.
- xiv. C. Bourget, Douze Ans chez les Sauvages, Sainte Anne de Beaupre, P.Q., 1938, quoted by Rene Fumoleau, omi, As Long As This Land Shall Last, McClelland and

- Stewart Limited, pp. 98-99.
- xv. George Blondin, When the World Was New, Outcrop, 1990 pp.172-6.
- xvi. Cecile Antoine, Personal communication, 1973.
- xvii. Willie Okemow, Personal communication, 1972.
- xviii. Deh Cho Dene customary practice.
- xix. Harry Simpson, Dogrib elder, Personal communication during workshop on Dene Leadership, March 9-13, 1992.
- xx. Rene Fumoleau, o.m., As Long as This Land Shall Last, McClelland and Stewart Limited, p 320.
- xxi. The reader is referred to the section on Government and Church Interests in Denendeh and the section on Self Government for substantiation of this statement.
- xxii. Ph. I. Andre-Vincent, o.p., Bartolome de Las Casas, prophete du Nouveau Monde, Librairie Jules Tallandier, 1980. p. 242
- xxiii. Sir John A. MacDonald Personal letter to Mr. Rose, See the John A. MacDonald Collection, micro-film volume 526, letterbook 23 for July 1884 to July 1886.
- xxiv. Comprehensive Claims Policy, 1987, Self-Government Sector, Department of Indian Affairs and Northern Development, pp 6 & 9.
- xxv. Green, L.C., The Law of Nations and The New World, The University of Alberta Press, 1993, p. 4.
- xxvi. Ibid. p. 18.
- xxvii. Sir Jeffrey Amherst, postscript of a letter to Bouquet, Francis Parkman, The Conspiracy of Pontiac and The Indian War after the Conquest of Canada, Vol. II, Boston, Little, Brown, and Company, 1933, p. 44-45.
- xxviii. Francis Parkman, The Conspiracy of Pontiac and the Indian War after the Conquest of Canada, Vol. II, Boston, Little, Brown, and Company, 1933, p. 45.
- xxix. Royal Proclamation, 1763, L.C. Green & Olive P. Dickason, The Law of Nations and The New World, The University of Alberta Press, 1993, p. 100.
- xxx. Ibid. p. 100.
- xxxi. Petition of British merchants in Quebec in 1774. Canadian History in Documents, J.M. Bliss, editor, Toronto, The Ryerson Press, 1966, p. 6.
- xxxii. See the Quebec Act 1774.

- xxxiii. Royal Proclamation of 1763.
- xxxiv. L.C. Green, The Law of Nations and The New World, The University of Alberta Press, 1993, p. 18.
- xxxv. Baptiste Cazon, Paulette et al, Transcripts of the court proceedings, p.56.
- xxxvi. Louis Norwegian, Paulette et al, Transcripts of the court proceedings, p.136.
- xxxvii. The Department of Indian Affairs has transferred responsibility for education, economic development, engineering division, financial services, housing, personnel services, northern welfare program, capital facilities. See appendix "F" for details.
- xxxviii. Centre for Treaty Advocacy, The Buffalo Jump and The Conservative Agenda, Jan. 17, 1990. p. 2-4.
- xxxix. The reader is referred to end notes 58, 59 and 60.
- xl. Susan Quirk, Dene Nation: An Analysis, A Report prepared for the Royal Commission on Aboriginal Peoples, November, 1993.
- xli. S.D. Fawcett, Fort Smith, N.W.T. to Department of the Interior, Topographical Surveys Branch, February 11, 1914
- xlii. E. Deville, Surveyor General, Letter of instruction to S.D. Fawcett, survey of settlements on the Athabasca, Slave and Mackenzie Rivers. April 17, 1913.
- xliii. S.D. Fawcett D.L.S. letter from Fort Providence 20th April, 1914.
- xliv. S.D. Fawcett, Report to Department of the Interior, Feb. 12th, 1914. p.1
- xlv. Acting Controller, Department of the Interior, 15th Sept. 1920 to W.W. Cory, Deputy Minister of the Interior.
- xlvi. Gliddon, Assistant Controller, Department of the Interior, Memorandum to: J.P. Dunne, Secretary, North West Territories, Department of the Interior. 13th April, 1921.
- xlvii. P.C. 3499 certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 4th January, 1918.
- xlviii. Deputy Superintendent General, in a letter to Mr. Cory, Deputy Minister, Dept. of the Interior, dated May 27, 1913.
- xlix. Rene Fumoleau, omi, As Long As This Land Shall Last, McClelland and Stewart Limited, p. 153.
- l. Bishop Tache, Vie De Mgr Tache, Archeveque de St-Boniface, par Dom Benoit, Librairie

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- li. Father Lou Menez, omi, in conversation with Rene Lamothe pointed out that the Dene did not have a civilization because there are no physical manifestations of their accomplishments such as buildings and roads.
- lii. A common saying among French Canadian missionaries to French speaking catholics in Western Canada.
- liii. Vital Grandin, letter to Father Lacombe, 21 April 1872, R.P.E. Jonquet, omi, Mgr Grandin Oblat de Marie Immaculée, Premier Évêque de Saint-Albert, Montreal, 20 rue Saint-Vincent, 1903, p. 255.
- liv. Vital Grandin, letter dated Pontmain, 17 Janvier 1878, Sir John A. MacDonald Collection, micro-film vol. 91 p. 35420.
- lv. Vital Grandin, Letter to M. Langevin, C.B., Ministre des Travaux Publics, Ottawa, 4 September 1879. Sir John A. MacDonald Collection, micro-film vol. 91, p. 35416 and p. 35419.
- lvi. John A. MacDonald, 1856 letter to a Lower Canadian journalist. Canadian History in Documents, 1763-1966, J.M. Bliss, Editor, The Ryerson Press, Toronto, 1966, p. 96.
- lvii. Albert Lacombe omi, quoted by Rene Fumoleau, omi, As Long As This Land Shall Last, McClelland and Stewart Limited, pp.66-67.
- lviii. Rene Fumoleau, As Long As This Land Shall Last, McClelland and Stewart, p. 19.
- lix. Gabriel Breynat, omi, Vicaire Apostolique du Mackenzie, Cinquante Ans Au Pays Des Neiges, Fides, 1945, p. 193.
- lx. Ibid. p. 190.
- lxi. Rene Fumoleau, As Long As This Land Shall Last, McClelland and Stewart, p. 173.
- lxii. Gabriel Breynat, Cinquante Ans Au Pays Des Neiges, Fides, 1945. p. 207.
- lxiii. Rene Fumoleau, As Long As This Land Shall Last, McClelland and Stewart, p. 143.
- lxiv. Power of Attorney signed by G. Breynat and Nazaire Wilfred Champagne, Commissioner for OATHS in and for the N.W. Territories, 27th day of November, A.D. 1929.
- lxv. G. Breynat, omi, Vic. Apostolic of Mackenzie, Letter to Mr. A. Cote, Assistant Deputy Minister of the Interior, April 25, 1913.

- lxvi. Stanley Isaiah, Dene Elder, Fort Simpson, Personal communication. September 11, 1984.
- lxvii. Cecile Antoine, Dene elder, Fort Simpson, in conversation with Rene Lamothe, 1973.
- lxviii. Georges Erasmus, Drum Beat, Assembly of First Nation. The above book is not available to the author at this time, however, according to Bill Erasmus similar information is provided by Georges Erasmus in the Forward of Drum Beat.
- lxix. Bishop Breynat, omi, Affidavit of November 27, 1937, Exhibit No. 56, Paulette et al.
- lxx. Affidavit signed by Bishop Breynat November 26, 1937.
- lxxi. Gabriel Breynat, omi, Cinquante Ans Au Pays Des Neiges, I, Chey les Mangeurs de Caribou, Fides, 1945, p. 204-5.
- lxxii. Honourable Mr. Justice W.G. Morrow, Application of Paulette et al to apply caveat on Dene lands, Judgment of the 6 September, 1973. Clause 4. Ordered and Adjudged.
- lxxiii. Gabe Sanguetz, elder from Jean Marie River, restating the words of Ehtsie Norwegian during negotiations of the treaty in Fort Simpson in 1921. Gabe's statement was made in his home to Betty Menicoche Hardisty and Rene Lamothe during a research interview to identify principles and parameters for a constitution for the Deh Cho region.
- lxxiv. Paul Ekenale recalling part of the negotiations of Treaty 11 in Wrigley between his father and Commissioner Conroy. Statement made in Paul's house to Betty Menicoche Hardisty and Rene Lamothe during research interview to identify principles and parameters for a constitution for the Deh Cho region.
- lxxv. Elder Henry Ekali of Jean Marie River recalling information on the negotiations of treaty 11. Henry is over 100 years of age and still lives quietly by himself in his own house. He gave the above information to Betty Menicoche Hardisty and Rene Lamothe in his house on November 15, 1991.
- lxxvi. Mrs. Julian Andre, Arctic Red River, Dene Nation Archives, interviewed by Edward Nazon April, 1973.
- lxxvii. Amis Naditichy, Arctic Red River, Dene Nation Archives interviewed by Edward Nazon, April 1973.
- lxxviii. Donald Greenland, Gwich'in, interviewed by Gerald Sutton, July 1st, 1971 (Gerald Sutton was legal counsel for the Dene in the Application of Paulette et al.)
- lxxix. Andrew Stewart, Aklavik, Dene Nation Archives, interviewed by Francis

Blackduck, 1970.

- lxxx.Mr. Johnny Kay, Gwich'in elder, Councillor, Fort McPherson Band (1921-1948), Chief Fort McPherson Band (1948-1960), Testimony concerning the signing of Treaty 11, July 1973, Dene Nation Archives.
- lxxxii.Paulette et al transcripts, Daniel Sonfrere, Chief of Hay River Band, p. 120.
- lxxxiii.Ibid. Louis Norwegian, p. 130.
- lxxxiiii.Ibid. Chief Paul Baton, p. 191.
- lxxxv.Ibid. William Squirrel, Fort Providence, p. 330.
- lxxxvi.Ibid. Michel Landry as Translated by Joe Squirrel, p. 344.
- lxxxvii.Ibid. John Yakaleya, Fort Norman, p. 377.
- lxxxviii.Ibid. Chief Charlie Barnaby, Fort Good Hope, p.398.
- lxxxviiii.Ibid. Gerald Sutton, legal counsel questioning Johnny Kay of Fort McPherson, p. 451.
- lxxxix.Ibid. Johnny Kay, p. 451.
- xc.Ibid. Tadit Francis, Fort McPherson, p. 453.
- xcii.Ibid. Gerald Sutton questioning Isadore Kochon, p. 459.
- xciii.Ibid. Isadore Kochon, Colville Lake, p. 459
- xciiii.TREATY No. 11 (June 27, 1921) and ADHESIONS (July 17, 1922) WITH REPORTS, ETC. Queen's Printers and Controller of Stationery Ottawa, 1957, p. 5.
- xcv.Dene witnesses in each of the communities in which the Treaty was negotiated.
- xcvi.The Superintendent General of Indian Affairs wrote to the Minister of the Interior on November 23, 1920: "For some time we have been considering and postponing the question of taking a cession of the Indian title to lands in the MacKenzie River District... owing to the rapid and unexpected exploitation of the country, the establishment of oil industries and the increasing immigration of prospectors, trappers, traders and white settlers. ... I think the proposed treaty should follow the main lines of Treaty No. 8..."
- xcvii.Bishop Breynat, Vicar Apostolic of the MacKenzie, Affidavit signed at Ottawa, Ontario, 26 November, 1937.
- xcviii.Ibid.

- xcviii. Dene witnesses in each community where Treaty was negotiated.
- xcix. Bishop Breynat, Quelques faits au subject de la situation des Indiens dans ... les Territoires du Nord-Ouest. Unpublished material, Oblat Father's Archives, Yellowknife, NWT
- c. Elise Gargan, Elderly Dene in Fort Providence, gave the following statement to Shirleen Smith and Chief Berna Landry in the summer, 1993. "At the first Treaty, they said nobody's going to talk to you about the land. They said the Treaty was a symbol thanking the Creator that this land exists with the people. It was sort of for being thankful that we exist with the land."
- ci. Dene witnesses in each community where Treaty was negotiated.
- cii. Bishop Breynat, Quelques faits au sujet de la situation des Indiens... dans les Territoires du Nord-Ouest., Unpublished material in the Oblat Father's Archives, Yellowknife, NWT.
- ciii. Ibid.
- civ. Ibid.
- cv. Ibid.
- cvi. Ibid.
- cvii. Ibid.
- cviii. Wilson Pellissey, Dene Elder, Wrigley, 1993.
- cix. Michel Landry (Corbeau), Fort Providence, 1993.
- cx. Public Government For The People of The North, Dene Nation and Metis Association, publisher, Jan 1, 1982, p. 19.
- cxii. Sally Weaver, The Hidden Agenda, The reader is referred to this book for published material which substantiates the statement.
- J. Rick Ponting, Arduous Journey Canadian Indians and Decolonization, Chapter One, Historical Overview and Background pp. 18 - 56.
- cxii. Dene leaders and elders, Personal communication in leadership workshops and meetings.