

Divisions in Treaty 6 Perspectives: The Dilemma of Written Text and Oral Tradition

Miriam Lily Wing

European settlers took over the traditional territory of the North American First Nations and brought with them new technology, new diseases, foreign laws, and foreign culture. The influx of these white people overwhelmed the First Nations' way of life; they needed help to survive with these radical changes. In 1876, the Canadian government and several First Nations tribes from central Alberta and Saskatchewan signed Treaty 6, an agreement that has had many controversial repercussions to this day. The cultural perspectives between these nations are drastically different, which results in a lack of consensus regarding what terms were actually agreed upon. From the government of Canada's perspective, the entirety of the treaty agreement was written clearly into the written treaty document. However, the First Nations peoples have different interpretations of what was intended based on their holistic worldview and oral tradition. Through investigation of the issues around the origin of Treaty 6, it becomes clear that communication deficiencies and cultural misunderstandings are the primary reasons for such stark differences in perception of the agreement between the two groups.

The Canadian government had many motivations for establishing Treaty 6. When the Hudson Bay Company sold Rupert's land, now a large portion of central Canada, the Canadian government took on the task of making treaties with the First Nations people in that area under the Royal Proclamation of 1763; a document which gave guidelines for settling Aboriginal territory in what is now North America. In addition to fulfilling this responsibility, the government sought to use treaties to obtain legal title of the land, stop American expansionism, begin the Indian

assimilation process, respond to First Nation requests for a treaty, and settle the land peaceably, which would avoid the vast expenses of war that were observed in the United States.¹ Furthermore, the honour of the Crown, and Canada, would be demonstrated by treaty fulfillment; the numbered treaties were a chance for the white men to prove their strength and honour.² On the other hand, the numbered treaties were expensive and inconvenient, which caused the government's enthusiasm to falter. In the end, Alexander Morris, the Governor General of Manitoba, had to prod the federal government to get permission to negotiate Treaty 6 and was later berated for being too generous towards the First Nations.³ However, the Canadian government was not the only capable society involved in the treaties. Treaty 6 is an agreement between *multiple* nations which still exist; as such, the First Nations' perspective is essential.

The First Nations desired the treaties to foster peace, out of necessity to prevent starvation, to preserve First Nations culture and spirituality, and to seek aid in learning the new way of life that was imminent.⁴ Although both negotiating groups hoped to help the First Nations transition to agriculture, their objectives were very different: the First Nations hoped to maintain cultural and economic independence, while the government saw agriculture as an opportunity to absorb the First Nations into Euro-Canadian society.⁵ Most of the tribes who

¹ Richard Price, *Legacy: Indian Treaty Relationships*, (Edmonton: Plains Publishing Inc., 1991), 48.

² Report of the Royal Commission on Aboriginal Peoples, *Restructuring the Relationship: part 1 vol. 2; 1997*, 21.

³ Richard Price, ed., *The Spirit of the Alberta Indian Treaties* (Edmonton: Pica Pica Press, 1987), 6,16.

⁴ Price, *Legacy*, 48.

⁵ Derek Whitehouse-Strong, "Everything Promised Had Been Included in the Writing': Indian Reserve Farming and the Spirit and Intent of Treaty Six Reconsidered," *Great Plains Quarterly* 27, no. 1 (December 1, 2007): 29.

signed Treaty 6 were Prairie Indians who relied on the Bison, a species that was in rapid decline at the time of the treaty; the other tribes were broken up into smaller groups of Woodland Indians who relied on local fish and game for their livelihood. Due to their declining way of life, many of the First Nations had desired a treaty since 1871, a number of years before the government gave Morris permission to negotiate Treaty 6.⁶ Sweetgrass, a Cree Chief, expressed their but noted that “[o]ur country is getting ruined of fur-bearing animals, hitherto our sole support, and now we are poor and want help- we want you to pity us”.⁷ Since many of the tribes were on the verge of starvation, the chiefs were desperate to make a treaty to protect their people, even if it was not as favourable as they hoped.⁸ Thus both the government and the First Nations needed a treaty, but their conflicting goals contributed to today’s conflict. One such area of conflict is the permanence and adaptability of the treaty relationship.

The nature of the treaty relationship is a key area of divergent thought between the First Nations and the Canadian Government. The government acknowledged the longevity of the treaty in metaphoric language familiar to the First Nations: the treaty was to “last as long as that sun shines and yonder river flows.”⁹ To the

⁶ Robert J. Talbot, *Negotiating the Numbered Treaties: An Intellectual & Political Biography of Alexander Morris* (Saskatoon, SK: Purich Publishing Ltd., 2009), 95.

⁷ Alexander Morris, *Treaties of Canada With The Indians Of Manitoba And The North-West Territories, Including The Negotiations On Which They Were Based, And Other Information Relating Thereto* (Toronto: Belfords, Clarke & Co., 1880; reprint, Saskatoon: Fifth House Publishers, 1991), 171.

⁸ Neal McLeod, “RETHINKING TREATY SIX IN THE SPIRIT OF MISTAHI MASKWA (BIG BEAR),” *Canadian Journal of Native Studies* 19, no. 1 (June 1999): 69-89. *America: History and Life with Full Text*, EBSCOhost (accessed January 18, 2014), 70.

⁹ Talbot, *Negotiating the Numbered Treaties*, 106.

government the exact terms were to be kept forever, with no alterations. Yet to the First Nations, this was a promise that the government would help them succeed and become as self-sustaining as the white men. The specific treaty terms were then just the current means to accomplish the promised relational obligations. Morris gave the First Nations people hope by saying, “you need not concern yourselves so much about what your grandchildren are going to eat; your children will be taught, and then they will be as well able to take care of themselves as the whites around them.”¹⁰ Thus the First Nations were under the impression that in return for sharing the land with the white men, the government would provide for the development and success of future generations. With even this basic element of the treaty relationship in a fog, it is not surprising to find other cultural and linguistic miscommunications present.

First Nations’ oral tradition, which has been passed down through generations, tells a different perspective of the agreement than the Treaty 6 text. In an interview, Lazarus Roan, a First Nation man whose father was present at the treaty signing, stated that the First Nations were told they would “not pay one penny for tax.”¹¹ Yet, Roan paid taxes that exceeded the \$5 annum given by the government. Since taxes are not mentioned in the Treaty 6 text, this claim is quickly dismissed by the government. Due to the First Nations’ reliance on oral tradition, their perspective is often given less weight since it is very difficult to verify the claims of many, and sometimes conflicting, sources. But is oral tradition inherently inferior to written text? Simply because something was written down does not mean that it was written down correctly, or from an unbiased perspective. Just as all the written documents from the time of Treaty 6 were written by

¹⁰ Morris, *Treaties of Canada*, 213.

¹¹ Price, *The Spirit of the Alberta Indian Treaties*, 117.

white men, oral tradition is the primary avenue for obtaining the First Nation perspective. In order to gain a fuller understanding of the Treaty 6 agreement, both written and oral accounts should be considered. When oral tradition is valued, a broader picture of the First Nations' perspectives and traditions can be explored.

One cultural difference between the First Nations value system and the government negotiators perspective was the sacredness and implications of the Pipe Ceremony. This ceremony was more than a symbol of friendship and negotiation; it alluded to a solemn covenant, a sacred trust. Moreover, it was an enduring commitment before Mother Earth and the Creator, not just between the two human nations.¹² While Morris had some understanding that "in the presence of the pipe, only the truth must be used and any commitment made in its presence must be kept," but the government held strictly to written agreements.¹³ From the First Nations' perspective, any oral commitment was just as binding as those written down in the treaty documents. To them, the Treaty was not a cut and dry written agreement, but an ongoing conversation of reciprocity initiated by Treaty 6.¹⁴ So while the government perspective was displayed in the Treaty document, the First Nations' standpoints were conveyed orally, assuming that those views had been transferred into the text. This mismatched approach to the Treaty 6 agreement is the crux of the controversy surrounding the numbered treaties. It is this contrast and tension between the process and the final product that illustrates each group's differing expectations.

¹² Andrew Gray, "Onion Lake and the Revitalization of Treaty 6," in *Honour Bound: Onion Lake and the Spirit of Treaty Six: the International Validity of Treaties with Indigenous Peoples*. (Copenhagen: IWGIA, 1997), MACEWAN UNIVERSITY's Catalog, EBSCOhost (accessed January 18, 2014), 38.

¹³ Talbot, *Negotiating the Numbered Treaties*, 104.

¹⁴ McLeod, "RETHINKING TREATY SIX," 73.

Furthermore, poor translation and mistaken metaphors likely exacerbated the already conflicted interests of the two groups. The First Nations' metaphors and figures of speech did not translate well into English. For example, at the treaty signing, Chief Big Bear was concerned that the loss of the buffalo would result in a loss of his people's freedom.¹⁵ However, the translation to Morris, "save me from what I most dread, that is: the rope to be around my neck," sounded more like a plea to avoid hanging rather than to prevent being trapped by the lack of livelihood.¹⁶ Big Bear used the metaphor of a rope around the neck to illustrate being leashed due to his people's inability to provide for themselves. Miscommunications such as this one could well have caused the Treaty 6 terms to be misconstrued and recorded from the white man's limited perspective, therefore losing the First Nations' perspective on the agreement.

Translation deficiency could also explain controversial interpretations of the word *land*. The English word *land* can mean either surface land or subsurface land in First Nations languages.¹⁷ The Treaty 6 text states that the First Nations "do hereby cede, release, surrender and yield up to the Government . . . all their rights, titles and privileges whatsoever, to the lands included within the following limits."¹⁸ From the government's perspective this would include both surface land and subsurface land. Yet, according to First Nations oral testimony, only the surface rights were surrendered, which was shown during the negotiations when Morris "indicated by a gesture how deep this was."¹⁹ Thus, the First Nations elders perceived the later use of oil, minerals, and natural gas as a treaty

¹⁵ Whitehouse-Strong, "Everything Promised," 30.

¹⁶ *Ibid.*

¹⁷ Price, *The Spirit of the Alberta Indian Treaties*, 42.

¹⁸ Morris, *Treaties of Canada*, 352.

¹⁹ Price, *The Spirit of the Alberta Indian Treaties*, 43.

breach. Not only was the depth of land surrendered in question, but also what was meant by surrender. The First Nations believed that the Creator had given them the land to live on and share, not to sell or surrender.²⁰ Frizzly Bear said the reason the First Nations were willing to agree to Treaty 6 was because they “were told: ‘We are not buying your land, just borrowing it.’”²¹ The two groups misunderstood each other’s culture and language and thus were not able to accurately translate the concepts into the Treaty 6 agreement.

From the position of the Canadian government, the written terms of Treaty 6 were exceedingly generous. Originally, Morris offered the Treaty 6 First Nations the same terms as Treaty 4, but this was quickly rejected and new terms were added. Additional promises included; an increase in agricultural implements and livestock, three yearly installments of \$1000 in provisions, medical supplies, and assistance in the case of famine or pestilence. Morris was noted for his sympathetic disposition towards the interests of the First Nations in negotiations. He not only urged swift government fulfillment of the treaty promises, but also recommended agricultural and construction training as well as other aids that were not directly outlined in the treaties. Nevertheless, the government’s response was less dedicated and generous than Morris intended. As a result, Morris lost his position as negotiator. Sadly, the government was slow to fulfill its promises, although it mostly held to the terms outlined in the Treaty 6 document, and especially did not wish to create dissatisfaction among the Treaty 1-5 First Nations who received less generous agreements. However, the Treaty

²⁰ Sharon Verne, “Introduction,” in *Honour Bound: Onion Lake and the Spirit of Treaty Six: the International Validity of Treaties with Indigenous Peoples*. (Copenhagen: IWGIA, 1997), 6.

²¹ McLeod, “RETHINKING TREATY SIX,” 78.

6 First Nations were far from pleased, since by their interpretation of the agreement, the government fell short in several areas. In fact, some explicit promises had not been kept.

Not all the First Nation's dissatisfaction was based on rights they believed were included in the treaty, but were not in the document. Several items clearly outlined in the treaty have not been fulfilled to the satisfaction of John Buffalo, a First Nations man. Firstly, the treaty clearly promised "no intoxicating liquor shall be allowed" and that laws protecting the First Nations from liquor would be strictly enforced.²² Yet today alcohol has been legalized and its damage to the First Nations people has been immense. The treaty also promises a medicine chest at the Indian Agency, but Buffalo says it is no longer there.²³ Additionally, Buffalo notes that his reserve school has ceased despite the First Nation's explicit right to reserve education: "Her Majesty agrees to maintain schools for instruction in such reserves hereby made, whenever the Indians of the reserve shall desire it."²⁴ With agreements being broken that were written clearly in the Treaty 6 document, it is clear that the government of Canada must reevaluate its care of the First Nations.

The controversies that sprung from original misunderstandings in the meaning of Treaty 6 are still weighty issues today. The First Nations believed that the mountains, rivers, wildlife, and non-farmable land, were to always belong to them, which is a direct contradiction of the literal treaty text.²⁵ Rivers and lakes were mentioned in the treaty to describe the boundaries of the treaty land and "the First Nations were free to hunt and fish in non-reserve areas as long as there were no settlers

²² Morris, *Treaties of Canada*, 353.

²³ Price, *The Spirit of the Alberta Indian Treaties*, 120.

²⁴ Morris, *Treaties of Canada*, 353.

²⁵ Price, *The Spirit of the Alberta Indian Treaties*, 43.

there and they were "subject to such regulations as may from time to time be made by the Government."²⁶ According to Morris' negotiations, the First Nations understood this statement to mean that the government would do what it could to protect the Bison.²⁷ This discrepancy points to more communication failure between the government and the First Nations. In another claim, Fred Horse, a modern First Nation man, recounted that his ancestors understood the white men to want three things: "grass, timber, and land, nothing else."²⁸ But the Treaty 6 document clearly outlines more than these three items, highlighting the divergent views between the First Nations and the government on the nature of the treaties. From the perspective of an elder, the reason for the discrepancy lies with the government: "When [the treaty commissioners] took the papers back to Ottawa, they made them so that the government could claim all of Canada. They did not ask permission here to do that. So now Canada is owned by the white man as a whole."²⁹ The First Nations were given copies of the Treaty 6 text to prevent tampering; however, the problem lay within the understanding gap between the two groups. Interestingly, the government's policy for dealing with ambiguous interpretations of a text is that "doubtful expressions be interpreted in favour of Aboriginal people."³⁰ This is a difficult balance since there are a great deal of resources involved and the government wants to seek a fair interpretation of the treaty, while not giving up extra resources that could otherwise be utilized for the general good of the whole of Canada.

²⁶ Morris, *Treaties of Canada*, 353.

²⁷ Morris, *Treaties of Canada*.

²⁸ Price, *The Spirit of the Alberta Indian Treaties*, 124.

²⁹ *Ibid*, 43.

³⁰ Thomas Isaac, "Balancing Rights: The Supreme Court of Canada, R. v. Sparrow, and the Future of Aboriginal Rights," *Canadian Journal of Native Studies*, 13, 2 (1993): 207.

Perpetually, government and First Nations' opinions differ on the meaning of Treaty 6. These discrepancies are caused, not by deception, but by the cultural and linguistic gaps in understanding between the two groups at the time of negotiations. Despite honest efforts by Morris to reach a common ground of reciprocity, the cross-cultural negotiations were not understood on the same terms to both groups. With such widespread divergent understandings, what should be done? Both perspectives warrant full consideration to determine a fair rendering of the agreement. Although the issue of what the actual meaning of the treaties at the time remains cloudy, it is clear that the First Nations perspective has been disadvantaged due to lack of written documentation. Thus both written and oral accounts of Treaty 6 must be considered for bias and weighed together to get a more functional picture of the agreement. With this done, both groups must then be willing to renegotiate and compromise to resolve the misunderstandings and prevent future miscommunications, so that these nations can move forward towards a healthier relationship of friendship and reciprocity.

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