The Historical Context of the Drive for Self-Government

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Not far from here, shortly after Confederation, the Canadian state began the process of curbing Aboriginal self-government. At St. Laurent, a Métis community in the valley of the South Saskatchewan, a force of Mounted Police (NWMP) arrived in August 1875 with instructions to investigate an insurrection-in-the-making that had been reported to federal officials in Winnipeg. The root of the problem, if such there was, lay in an organization created in December 1873 by the Métis under the leadership of Gabriel Dumont, assisted and encouraged by Father André, their Oblate missionary. The leaders of the three-hundred-strong mixed-blood community that was emerging in the region had established a council of eight, with Dumont as president, to regulate those matters that were of greatest importance to them. In particular, they laid down rules covering the time and manner of hunting the buffalo on which they all still lived—precariously. These regulations in due course brought them into conflict with "free hunters," who refused to be bound by community rules. The Métis council's enforcement of regulations against some of these free traders led to the complaints that brought the police to the district in August 1875. Although neither the NWMP superintendent sent to investigate nor the federal minister of Justice saw anything wrong in what the local community had done, the St. Laurent council agreed to disband to avoid any problems with the Dominion.[1] More coercive and destructive action would be taken to quell Métis self-assertion a little downriver a decade later.

At another spot that also is not all that far from here, a revealing clash between Indian autonomy and the Dominion occurred but a year after the "republic of St. Laurent" was ended. Almost 117 years ago to the day, on September 13, 1876, the Cree chief Big Bear metaphorically expressed the desire he and his people felt to retain control over their own affairs. It "was not given to us," *Mis-ta-hah-mis-qua* said to Treaty Commissioner Alexander Morris at Fort Pitt, "to have the rope about our necks," and largely for that reason his band refused to sign Treaty 6, which had been negotiated recently.[2] The aftermath of the encounter was revealing in several respects. First, Ottawa's representative misunderstood the chief's metaphorical lan-

guage, believing that Big Bear was saying that he was afraid of being hanged rather than that he rejected the sovereignty of the Canadian government as part of the treaty-making process.[3] For his part, Big Bear responded to government refusals to guarantee continued Cree autonomy within treaty by refusing to take treaty and a reserve as long as he and his people could hold out. Eventually, however, the disappearance of the bison forced them into near-starvation, into treaty and onto a reserve near Frog Lake.

During the 1880s the Government of Canada continued on the path it had staked out in the mid-1870s, a path leading toward federal assertion of political control over Aboriginal Peoples in the West. Ottawa's response to both petitions and to the declaration of a provisional government by the Métis under Dumont and Riel in 1884–85 was not to negotiate but to fight, and while the military activity that ended at Batoche in the spring of 1885 did not, as is often said, crush the Métis people completely, it did cow them politically and help to marginalize them economically for a long time. With the Indian peoples, especially those of the prairie and Pacific West, a similar process was undertaken from the 1880s onward, in their case by legislation and bureaucratic regulation. The statutory instruments that the Dominion utilized to impose political control on the Indian peoples were mainly the *Indian Act*, in its successive amendments, and the *Indian Advancement Act* of 1884.

Both these statutes aimed at replacing Aboriginal political and judicial institutions with Euro-Canadian ones. The *Indian Act* of 1876 incorporated a provision from an earlier statute that specified electoral mechanisms to select leaders and gave the minister power to instruct a band to use elective practices when vacancies occurred; the 1880 amendment of the Act provided explicitly for setting aside life chiefs and replacing them with elected leaders and headmen.[4] The so-called *Indian Advancement Act* of 1884 dictated a larger role for the Department of Indian Affairs in both the election and operation of band councils. As well, it widened the grounds on which even elected leaders could be deposed by Ottawa.[5] At approximately the same time, in *Indian Act* amendments in 1884 and 1895, Ottawa began an assault on traditional social and religious institutions, such as the Pacific Coast potlatch and ceremonial prairie dancing, using Indian agents, police and the court system to this end. Finally, an ambitious program of cultural assimilation through education, particularly residential schools, was mounted by the federal government from the 1880s onward.

What was going on was a concerted attack on the aboriginal, autonomous and self-regulating qualities of Native Peoples, particularly in the West and North. The purpose of the assault was to make them conform to Euro-Canadian ways of organizing themselves politically, conducting their social activities and adjudicating the differences within their own communities. Underlying this offensive was an assumption of Native racial

inferiority, and legitimizing it was the untested assumption that forced conformity to Euro-Canadian ways was "reformist" and "progressive"—in other words, that it was in the interests of the Native Peoples themselves. Ottawa, said the Department's report in 1897, "kept before it as an ultimate end, their transformation from the status of wards into that of citizens." Unfortunately, "the hereditary system tends to retard the inculcation of that spirit of individuality without which no substantial progress is possible." That was why Indian Affairs' policy was "gradually to do away with the hereditary and introduce an elective system, so making (as far as circumstances permit) these chiefs and councillors occupy the position in a band which a municipal council does in a white community."[6]

The attack on Indigenous institutions of governance and justice not surprisingly led to numerous and bitter clashes between the Euro-Canadian state and Aboriginal communities. The nature and extent of Native resistance are phenomena that are only gradually becoming familiar to Euro-Canadian investigators, but from the little that is known already, it is clear that the efforts to reject political interference and legal superintendency were widespread, energetic and determined.

Sometimes the resistance to political interference simply took the form of appearing to co-operate. Did those strange people in Ottawa insist on your electing chiefs and councillors instead of selecting them in traditional fashion? Then one simple response that gave the appearance of accommodation without disturbing things was to elect the person or persons who would have been selected by the hereditary principle in any event. It was because some bands did this that the *Indian Act* was amended to allow the minister to depose chiefs. Later it was amended further to bar a chief deposed for fraud in elections from standing for election anew for six years.[7] The wide degree of discretionary power in the Department's hands and the vagueness of the grounds on which elected chiefs and councillors could be deposed created considerable opportunity for Ottawa to attempt to coerce bands in their political affairs.

More serious were the cases of outright opposition to imposed elective institutions, some of which resulted in violence. For example, a band of Okanagan in the southern interior of British Columbia encountered major difficulties with their agent from the middle of the 1890s until the Great War. A chief elected in 1895 was not confirmed by the agent, who thought the man elected was too much of a troublemaker, and it was not until 1901 that the Department of Indian Affairs actually made the appointment.[8] Less than a decade later, the same agent deposed another chief in favour of a more co-operative man, although in this instance the agent was overruled by the Department.[9] The agent persisted with his attempted coercion, trying now to get yet another elected chief set aside on grounds of alleged intemperance.[10] Even the Department recognised that things had

gone too far by this point, and the agent was himself dismissed the following year. The new agent continued the political meddling. It went without saying that the political turmoil created by the bureaucrats' attempts at political control severely upset matters on this Okanagan reserve.

Even more dramatic was a confrontation that occurred at Akwesasne, the Mohawk reserve near Cornwall, Ontario, in the 1890s and first decade of the present century.[11] On the portion of this reserve (also known as St. Regis) that lay north of the international border between the United States and Canada a well-established tradition of government by appointed life chiefs was in place by the time Ottawa took it into its head to prescribe the form that political institutions ought to take on reserves. The provisions of the *Indian Act* and the *Indian Advancement Act* met with noncompliance at Akwesasne, leading the Department in 1888 to impose the elected system by order-in-council.

Apparently the Euro-Canadian regime lasted for about ten years, until in 1898 traditionalists decided to reassert their will. Politely the Mohawk clan mothers informed the governor general in Ottawa that they had selected their life chiefs; in other words, the Department's electoral machinery would not be needed that year. When a couple of months later the Department attempted nonetheless to conduct an election, traditionalists seized the polling place and prevented a vote from being held. The outbreak of shooting that occurred on that occasion fortunately did not cause injury, but a repetition of the confrontation in May 1899 led to an altercation in which Jake Ice, brother of a traditional chief, was shot to death by Dominion police. There is a lot of truth to the verdict on this event delivered by Mike Mitchell, chief of Akwesasne, in 1992: "Jake Ice was a patriotic Mohawk elder who believed that the Canadian government had no right in telling our people how to run their own affairs. He was killed for that belief."[12]

After almost a decade of controversy, the elected system was restored in 1908 under circumstances that are not clear. However, as is well known, Akwesasne is one of several homes of traditionalist strength among the Mohawk, and the issue of what system of government ought to be used has been a subject of controversy and strife throughout the twentieth century. Again, we can give the last word on the Akwesasne chapter of the story of Aboriginal resistance to political interference to Chief Mitchell:

> In 1992, the issues are still the same. We're trying to maintain our culture and our way of life the best way we can. Yet we're still shackled to an outdated, divisive system of government that Ottawa pushed on us against our wishes. We still have to deal with a paternalistic bureaucracy that presumes to know what's best for Mohawks.[13]

To this day the Mohawk of Akwesasne observe the first of May as Jake Ice Day in memory of this champion of Mohawk self-government.

In some ways events at another Mohawk reserve in central Canada were even more revealing of the extent and depth of Aboriginal Peoples' desire to preserve self-government than the Akwesasne case. The struggle to defend inherent institutions and practices from encroachment by the Euro-Canadian state on the Six Nations Reserve near Brantford was lengthier, involved both political and judicial systems, and extended beyond Canada's national borders. Indeed, the defensive campaign of the Mohawk of the Grand River is a powerfully revealing instance of the continuing struggle for self-government.

At the Six Nations Reserve, as at Akwesasne, there was a division within the Mohawk population between a minority who were prepared to go along with the government's desire that they elect their political leaders and a majority who favoured a traditional non-elective system. The difference of opinion simmered as a local issue from the 1890s until the end of the first world war, when the federal government embarked on an even more coercive policy toward status Indians. Besides becoming more aggressive in its efforts to impose elected institutions on the Grand River people, Ottawa in 1920 also amended the *Indian Act* to make involuntary enfranchisement possible at the discretion of the minister. In other words, Indian Affairs now had the legislative authority to compel status Indians to give up their distinctiveness and become ordinary citizens of Canada. It was hardly surprising that it was traditionalists, people who opposed Ottawa's elected political institutions, who were most outspoken in their criticism of involuntary enfranchisement as well. In particular, the leader of the most radical element among the traditionalists, Levi General, or *Deskeheh* in Mohawk, was a particular thorn in the side of the federal government. A final background factor that helps to explain what happened next at the Six Nations Reserve was that a man from there, Fred O. Loft, a Great War veteran, was from 1919 onward busily trying to organize a national body to represent Indians throughout Canada. Ottawa bureaucrats regarded Loft and his League of Indians of Canada as troublemakers, just as they viewed tough-minded traditionalists such as *Deskeheh* as "backward" and "unprogressive" elements.[14]

What happened next is that the Department of Indian Affairs began to apply pressure to force purely elective institutions on the Six Nations Reserve. The traditionalists resisted, hiring a lawyer to lead their fight against compulsory enfranchisement and generating a lot of newspaper criticism of Ottawa's policies. When these defensive tactics failed to soften the government's approach, *Deskeheh* and a delegation went to London to petition the King in person in 1921. Again, the result was much publicity but no

change in policy or tactics by the Canadian government. In fact, Ottawa upped the ante by raiding the Six Nations Reserve in 1922 allegedly in pursuit of liquor distillers. *Deskeheh* and the traditionalists countered by reaching out for international support. They persuaded Holland, their ally before the English expelled the lowlanders from New Amsterdam in the 1660s, to champion a drive at the League of Nations in Geneva for international recognition of the sovereign status of the Mohawk. This infuriated the deputy minister of Indian Affairs, D. C. Scott, who made a greater show of government force by stationing a permanent detachment of Mounted Police at Ohsweken. Meanwhile, back at Geneva, the Mohawk-Dutch campaign was proceeding very nicely, attracting the support of countries that knew something about being oppressed by European and Anglo-American powers. In 1924, Persia (Iran), Estonia, Ireland and Panama lent their support to the Dutch case. At this point Scott and the Canadian government brought the heavy diplomatic artillery to bear. Canada persuaded the United Kingdom's Foreign Office to undertake a vigorous campaign of diplomatic bullying of these minor powers whose "impertinent interference" in the internal affairs of the British Empire was simply something up with which it was not prepared to put![15] The "minor powers" dropped their support of the Mohawk-Dutch effort to secure recognition at the League.

If the Mohawk assertion of their sovereignty came to an end in Geneva in 1924, it remained alive back on the Grand River from that day to this. Mohawk from Ohsweken, as well as from Akwesasne and Kahnawake, are among the most vociferous groups arguing that they are a sovereign people, citizens of neither Canada nor the United States. These assertions have been particularly frequent and loud during the past decade, when disputes over commerce in tax-free tobacco and on-reserve gambling have emerged as issues that encourage such stands.[16] The Mohawk of the Six Nations Reserve in Ontario are also noteworthy in that many of them refuse to carry Canadian or American passports, relying instead on travel documents issued by the Mohawk traditional government. Like the Haida of the Queen Charlotte Islands, who also have taken to travelling with their own passports and who not long ago refused to fly a Canadian flag on a ceremonial canoe that some of their number paddled up the Seine to Paris, some Mohawk have found that many countries recognize and honour these documents.[17]

The Mohawk of the Grand River are also interesting to anyone pursuing the little-known story of how Native Peoples defended their powers of self-government in the face of Ottawa's campaign to control them, because theirs is the best-documented case of persistence of Aboriginal judicial institutions and practices. The record is clear that Mohawk traditionalists maintained a judicial, as well as a legislative and executive, system through

hereditary leadership in the face of the increasingly pressing assertion of Euro-Canadian law in the late nineteenth century and beyond. The Grand Council of the League of the Iroquois, for example, as a matter of course, deliberated and ruled upon disputes during its meetings, and its decisions were considered binding under Iroquois law.[18] Similarly, the hereditary chiefs used Mohawk "forest bailiffs" to enforce their decisions on cases involving improper occupation of neighbours' lands, taking wood without authorization and even the ejection of an adulterer from his father's house on the reserve. The Grand Council went so far as to impose its will about access to legal systems on occupants of the reserve. When one resident defied the Council by bringing a suit in Ontario district court after receiving an adverse decision earlier from the chiefs, he found himself in some financial difficulties. When the litigant was required to pay court costs and appealed to the chiefs for help, his request was refused. The traditionalist jurists took the view that he could go to jail for failing to the pay costs to Ontario.[19]

What is fascinating about the Six Nations judicial history is that it is typical of other Ontario Native groups. Its uniqueness lies only in its being better known to non-Native scholars than other examples of the continuity of Indigenous justice systems.[20] In fact, there are sufficient examples from various parts of the country already known to the academic world to confirm that the persistence of Native judicial traditions was widespread. It is not surprising that the examples that have been publicized all involved loss of life, for these were precisely the kinds of cases of which Euro-Canadian courts and police could hardly remain ignorant, or ignore once they became known. One such was the trial for murder at Norway House in 1907 of a shaman and clan leader, Jack Fiddler, and his brother Joseph for putting to death a woman who had become possessed and had turned into a windigo. In the small migratory Anishnabeg groups of the North, a person who became a cannibalistic monster because of possession by an evil spirit was an immediate and overwhelming danger that had to be counteracted. Unfortunately, the Mounted Police and Euro-Canadian justice system did not appreciate or allow for these factors. The result was that Jack Fiddler committed suicide before he could be convicted, and Joseph passed away two years later in Stony Mountain Penitentiary while serving a life sentence for murder.[21]

Similar cases of the application of Aboriginal legal and self-defence notions and consequent action by the Canadian criminal justice system were also to be found in the Arctic. Probably the most celebrated was the death of two Oblate priests in 1917 at the hands of two Inuit near Bloody Falls on the Coppermine River. From the standpoint of the Inuit, the killings were acts of self-defence because one of the missionaries had threatened them with his rifle, and many traditional Inuit believed that such

action indicated the person intended to kill you. Under the circumstances, they held, it was only prudent and proper to kill the person before he killed you.[22] Canada took a different view. Sinnisiak and Uluksuk were tried in Edmonton, convicted and sentenced to death, and their sentences were commuted to life imprisonment in 1918.

When a subsequent propaganda campaign against murder failed to prevent killings, more draconian measures were substituted. In 1921 two Inuit were tried at Herschel Island for the deaths of four Inuit and two white men, one of them a mounted policeman. The case was a stunning example of Euro-Canadian judicial efficiency. The defence lawyer recommended that the accused should be hanged even before he met with his clients, the judicial party was accompanied to Herschel Island by an executioner and materials with which to construct gallows, and graves were dug for the defendants before the judge passed sentence![23] This demonstration of efficiency, too, failed to have the desired effect, and from time to time Inuit continued to take matters into their own hands, with occasional loss of life and judicial eruptions.[24]

Other examples come readily to hand from the prairies, British Columbia and the Yukon. Almighty Voice, of course, was a local example of an Aboriginal person who ended up in the toils of the Euro-Canadian criminal justice system. When he was being pursued by many police and enormous firepower, the local Native community passively assisted him by refusing to aid the police.[25] His case was somewhat similar to that of Charcoal, a Blood man who killed a farm instructor in southern Alberta largely because of Aboriginal religious beliefs.[26] The same pattern obtained with Peter Simon Gunanoot in the northern interior of B.C., who along with his family avoided capture by police, who were after him for alleged murder. Eventually, he gave himself up, was tried and gained acquittal.[27] In the Yukon, during the Klondike gold rush, the Nantuck brothers were tried for the murder of two miners. Oral tradition tells us that the defendants put the two Euro-Canadians to death in retaliation for the deaths of two Indians that had been caused a couple of years earlier by poison brought into the region by prospectors. The Indigenous population viewed all newcomers as members of the same group or clan. In putting two of them to death for offences committed earlier by others of their "clan," the Nantuck brothers were merely following the code that prevailed in their own community.[28]

Such baffling and tragic conflicts between Aboriginal traditions persisting in the face of the invasion of Euro-Canadians and the new ways are only gradually becoming understood. Unfortunately, Canadian society in general, and its political and legal systems in particular, have been slow to respond to them. But signs of growing understanding and adaptation are beginning to crop up. One thinks, for example, of the utilization of traditional Aboriginal counselling and sentencing techniques that have been and

are being used in experiments such as the one in northwestern Ontario that Rupert Ross chronicled in *Dancing with a Ghost.*[29] Also noteworthy is the clarion call that the Royal Commission on Aboriginal Peoples issued in July 1993 in support of the view that Aboriginal Peoples have always enjoyed self-government in Canada, and that, moreover, that right is enshrined in the Constitution of Canada.[30] Such signs suggest that progress is being made on recognizing Aboriginal self-government in general, and Aboriginal Peoples' right to fashion and work their own judicial institutions in particular.

And, it is also encouraging to note that many of those signs of Euro-Canadian awareness and accommodation stem from this region. There are too many people from this area who have in different ways contributed to the advancement of self-government, and more particularly legal institutions, to mention more than a few. Ms. Delia Opekokew was the principal author of *The First Nations: Indian Government and the Canadian Confederation* (Saskatoon: Federation of Saskatchewan Indians, 1980), which was a powerful statement in support of the right of self-government that the Saskatchewan status organization used to advance the cause. Mr. Clem Chartier, both with the provincial Métis organization and in the World Council of Indigenous Peoples, did a great deal of work to advance these causes as well. Finally, my former colleague Roger Carter contributed indirectly but powerfully by creating the Native Law Centre at the University of Saskatchewan two decades ago. The Centre's summer program for beginning law students of Aboriginal ancestry has been a nursery of legal and political champions of Native autonomy.

As it happens, in 1993 two events on the local scene in Saskatoon have occurred that are symbolically important. On the political front, the Muskeg Lake Band, which has a reserve within the limits of the City of Saskatoon, signed an agreement by which it will levy taxes upon businesses in their McKnight Commercial Centre. The band will make an annual lump-sum payment to the City of Saskatoon for basic municipal services utilized by the band itself.[31] Also in the summer of 1993, a Court of Queen's Bench judge made use of a sentencing circle composed of members of the Métis community and others to determine the sentence for a Métis perpetrator after the Métis people locally urged him to do so.[32]

At this rate, it would not come as a surprise if a historian talking twenty years from now about the *realization* of full Aboriginal self-government introduced the subject by saying, "Not far from here, and not very long ago . . ."

NOTES

1 The best account of the St. Laurent affair is still G. F. G. Stanley, *The Birth of Western Canada: A History of the Riel Rebellion,* rev. ed. (Toronto: University of Toronto Press, 1960; first edition 1936), 181–82. Also useful is George Woodcock, *Gabriel Dumont: The Metis Chief and his Lost World* (Edmonton:

Hurtig, 1975), 95–110.

2 Alexander Morris, *The Treaties of Canada with the Indians,* reprint (Saskatoon: Fifth House, 1991; first published 1880), 192.

3 John L. Tobias, "The Subjugation of the Plains Cree, 1879–1885." In J. R. Miller, ed., *Sweet Promises: A Reader on Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1991), 215.

4 32–33 Vict., c. 6, 1869, *Gradual Enfranchisement Act,* s. 10; 39 Vict., c. 18, 1876, *Indian Act,* s. 62; 43 Vict., c. 28, 1880, *Indian Act* (amendment), ss. 72–73.

5 47 Vict., c. 28, 1884, *Indian Advancement Act,* ss. 5–9 and 15.

6 Annual Report of the Department of Indian Affairs for the Year Ended 30th June 1897, Canada, Parliament, *Sessional Papers (No. 14) 1898,* xxv. The report admitted that the provisions of the *Indian Advancement Act* "have not been taken advantage of as speedily or extensively as could have been desired" (ibid.). To force the process, during the past year "in Ontario the triennial elective system has been applied to forty-two bands; in Quebec to six bands; and in New Brunswick to seven bands. In Manitoba and the North-west Territories as vacancies occur among hereditary office-holders, the Indians are being educated to fill them by triennial election" (ibid., xxvi).

7 49 Vict., c. 43, *Indian Act* Amendment Act, 1886, s. 75(4). See also John L. Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy." In Miller, *Sweet Promises,* 134–35.

8 National Archives of Canada, RG 10 Records of the Department of Indian Affairs, Black Series, vol. 3944, file 121, 698–54, contains "Correspondence relating to elections in the Kamloops Agency, 1896–1912." Technically, with the exception of the Metlakatla and Port Simpson bands, Indians in British Columbia had not been brought under the electoral provisions of the *Indian* and *Indian Advancement Acts.* Moreover, all but these two bands had their chiefs and councillors "appointed" by Ottawa for indefinite terms. However, explained the department, "it is understood that appointments must have the approval of a majority of the band, the same as under the elective system, and the chief difference between the two systems is the duration of the term." Ibid., Secretary, Department of Indian Affairs to A. W. Vowell, Dec. 26, 1909.

9 Ibid., #355468, A. Irwin to A. W. Vowell, Dec. 13, 1909.

10 Ibid., #362006, A. Irwin to Secretary, Department of Indian Affairs, April 9, 1910, enclosing petition of minority of the band dated April 1, 1910.

11 Details are drawn from Thomas Stone, "Legal Mobilization and Legal Penetration: The Department of Indian Affairs and the Canadian Party at St. Regis, 1876–1918," *Ethnohistory* 22, no. 4 (Fall 1975): espec. 380.

12 Quoted in Cornwall *Standard Freeholder,* May 1, 1992, 11.

13 Quoted ibid.

14 The best brief account of the Six Nations status case is found in E. Brian Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: University of British Columbia Press, 1986), chap. 7. Additional information on Loft and his battles with the

department can be found in Peter Kulchyski, "'A Considerable Unrest': F. O. Loft and the League of Indians," *Native Studies Review* 4, Nos. 1 & 2 (1988): 95–117.

15 Titley, *A Narrow Vision*, 123.

16 For example, *The Globe and Mail*, Sept. 1, 1993, A6.

17 Noel Dyck and James B. Waldram, eds., *Anthropology, Public Policy and Native Peoples in Canada* (Montreal and Kingston: McGill-Queen's University Press, 1993), 3–4.

18 John A. Noon, *Law and Government of the Grand River Iroquois* (New York: Viking Fund, 1949), Appendix "A Casebook of Iroquois Law," 116 ff. Sidney L. Harring, "'The Liberal Treatment of Indians': Native People in Nineteenth Century Ontario Law," *Saskatchewan Law Review* 56(2) 1992: 297–371. I am indebted to Professor Harring's paper for the examples of traditional law in this paragraph.

19 Noon, *Law and Government of the Grand River Iroquois*, 117–18.

20 Harring, "'Liberal Treatment of Indians,'" 352, observes: "While the Grand River Iroquois were highly organized, none of these processes were unique to Grand River: Indians throughout Ontario were legally active, constructing their own legal relationships with each other, local whites, and Ontario and Dominion institutions. A legal history of this Native activity is just beginning to exist in formal scholarship. It has always existed in Native tradition."

21 Chief Thomas Fiddler and James R. Stevens, *Killing the Shamen* (Moonbeam, Ont.: Penumbra Press, 1985).

22 Richard Diubaldo, *The Government of Canada and the Inuit, 1900–1967* (Ottawa: Indian and Northern Affairs Canada, 1985), 19–21.

23 Ibid., 23–24.

24 Ibid., 25–26.

25 Frank W. Anderson, *Almighty Voice* (Calgary: Frontier Books, 1971); Edward Butts, "Almighty Voice," *The Canadian Encyclopedia*, 2d ed. (Edmonton: Hurtig, 1988), 2, 66.

26 Hugh A. Dempsey, *Charcoal's World* (Saskatoon: Western Producer Prairie Books, 1978), espec. chap. 5.

27 David R. Williams, *Simon Peter Gunanoot: Trapper Outlaw* (Victoria: Sono Nis Press, 1982).

28 Julie Cruikshank, "Oral Traditions and Written Accounts: An Incident from the Klondike Gold Rush," *Culture* 9, No. 2, (1989): 25–31.

29 Rupert Ross, *Dancing with a Ghost: Exploring Indian Reality* (Markham, Ont.: Octopus Publishing Group, 1992).

30 Royal Commission on Aboriginal Peoples, *Partners in Confederation: Aboriginal Peoples, Self-Government, and the Constitution* (Ottawa: Canada Communication Group, 1993).

31 Saskatoon *The StarPhoenix*, August 21, 1993, A1.

32 Ibid., June 16, 1993, A3. The circle was held April 15, 1993. Mr. Justice J. D. Milliken accepted almost all of the circle's recommendations June 15, 1993. The Province of Saskatchewan subsequently gave notice of appeal.