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Grade Level: 7–12

Magazine Article:

"Gakina Gidagwi'igoomin Anishinaabewiyang: We Are All Treaty People" by Karine Duhamel

Theme(s):

- First Nations, Inuit, & Metis
- Treaty Knowledge

Subject Area(s):

- Social Studies
- History
- Geography

Lesson Overview: In this lesson students explore the concept of spirit and intent by investigating the differing views held by the Crown and First Nation peoples at the time of Treaty-Making. They analyze spirit and intent as the basis of renewing the Treaty relationship.

Time Required: 1 class period

Historical Thinking Concept(s):

- Identify continuity and change
- Take historical perspectives

Learning Outcomes: Students will...

- Explore the context in which the Numbered Treaties were negotiated and signed.
- Analyze the nature of First Nations' understandings of Treaties as compared to the government's understandings.
- Interpret differing accounts of Treaty to understand how different understandings evolved.
- Assess the way in which contemporary Treaty interpretations of historical agreements fall short of the intentions of their First Nations signatories.

Understanding Spirit and Intent

The Lesson Activity

Activating: How will students be prepared for learning?

- As a personal reflection, have students reflect on a time they made an agreement or came to an understanding with a friend or peer.
- Have them consider: the nature of the agreement/compromise, how they got to that point, and if it unfolded in good way.
- Invite students to share their reflections with the class.
- Lead an all-class discussion centred on the following questions: What promises were made, kept? If there was misunderstanding, why? What makes an agreement successful or unsuccessful?
- Ask: How can promises can be recorded/remembered? (written, oral, handshake, etc.)

Acquiring: What strategies facilitate learning for groups and individuals?

- Access and play the radio show: "Let's Talk Treaty: Episode 2" (15:09).
- Check for understanding after the audio clip has played:
 - What does Elder Bone mean when he says, "Treaties are more than written understanding?"
 - Treaty Commissioner Loretta Ross mentions that "They view Treaties more like contracts." Who is "they"?
 - What Treaty partner views Treaty promises as more than the simple written text?
 - What does "spirit and intent" mean regarding Treaty-Making?
- Devise a definition of "spirit and intent" based on class input and discussion. Write on whiteboard.
- Encourage questions and discussion.

Applying: How will students demonstrate their understanding?

- Read aloud the following excerpt from *Treaties and the Treaty Relationship* (p. 11):

Recovering the true spirit and intent of Treaties is a priority. These agreements are not old, obsolete, or pointless. First Nations' own histories and accounts of Treaty processes uphold important principles of reciprocity, respect, and renewal rooted in thousands of years of experience and presence on these lands. The Treaties hold the keys to a new path forward as living agreements regarding relationships between First Nations and settlers in the past, for the present, and towards the future.
- The original spirit and intent of Treaty involves understanding and upholding the agreements people actually negotiated, rather than focusing on how Treaties have been reinterpreted long after the fact.

Understanding Spirit and Intent (continued)

- Write the words reciprocity, respect, and renewal on the whiteboard. Define each.
- Lead a class discussion on how each word relates to the concept of spirit and intent.
- Hand out copies of BLM 2.1 and instruct the students to complete them.

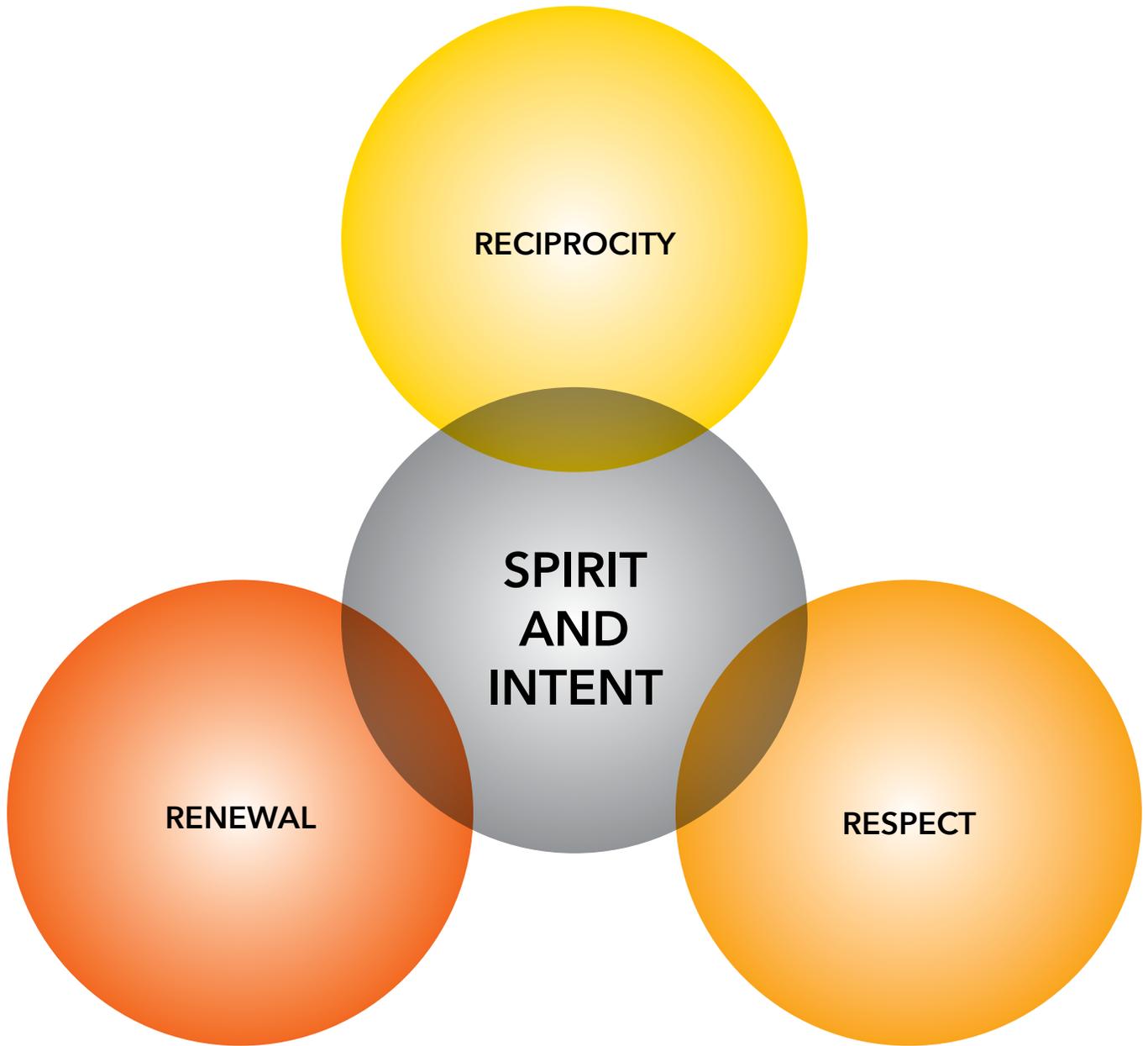
Materials/Resources:

- Copy/copies of the *Treaties and Treaty Relationship* issue of *Canada's History* magazine.
- Access the following: Let's Talk Treaty, Episode 2: Spirit and the Intent of Treaties with Elder Harry Bone: <http://www.trcm.ca/multimedia/lets-talk-Treaty>.
- Printed copies of BLM 2.1 – one per student.

Extension Activity:

- Research a wampum Treaty such as the Two-Row Wampum, the Dish with One Spoon wampum, or the Treaty of Niagara wampum. Discovering the principles behind one of these agreements, students can then contrast how these agreements may resemble and differ in content, shape and form from subsequent agreements, such as the Numbered Treaties.

BLM 2.1 Understanding Spirit and Intent



BLM 2.2 Let's Talk Treaty Episode 2, October 18, 2017

LORETTA ROSS: Ahniin, boozhoo. This is Loretta Ross. I'm the Treaty Commissioner of the Treaty Relations Commission of Manitoba, and I want to welcome everyone to our second show of the Let's Talk Treaty series here on NCI FM. The Treaty Relations Commission of Manitoba has a mandate about education and teaching helping people to understand the Treaties. Part of the mandate of the Treaty Relations Commission is education about the Treaties. So, the radio show that we're doing is intended to do just that. So, over the next series or the next number of months we're going to be talking about different topics about the Treaties, particularly Treaties in Manitoba, and how important they are when we talk about the nation-to-nation relationship between Indigenous people and the Crown. So last week, we talked generally about the introduction about the Treaties and the purpose of our radio show. We had a special guest, Elder Bone, who joined me for that show. And Elder Bone shared with us the importance of the Creator, the ceremony, the importance of the pipe, seven principles that relate to Treaty. This is from a First Nations perspective, and it really sets the groundwork for how the First Nations people entered into Treaty and what they brought with them in entering into that Treaty. We want to continue on that theme this week and talk about something that we've all heard about and that's the phrase "the spirit and intent" of the Treaties. Now it has different meanings for different people and not all of us understand what that means. We've heard various interpretations or understandings about that over the years and certainly I have heard different understandings of that, and it has a different meaning for me or it has a particular meaning for me as well. So, with me today is Elder Bone. He's agreed to come back and join me for the second show. So welcome again, Elder Bone. And what we're going to do today is we're going to talk about the spirit and intent of Treaties from a First Nation, from an Elder perspective. And hopefully it will help us understand what is meant by that. I know certainly from the Crown's position for many years they have not wanted to talk about Treaties and this particular topic has prevented movement between the parties in advancing and implementing the Treaties in the way that First Nations people understand them. And I think it's a big topic that we should start to discuss to try to understand what it meant and hopefully bring the parties together to have some movement with respect to implementing the Treaties and having a better understanding of the Treaties. It's always good when parties start to listen to each other, and I think certainly going back to the spirit and intent of the Treaties and Treaty-making is helpful in that regard. So, I want to welcome Elder Bone back with me. Thank you again for coming and sitting with me this morning. I want to turn it over to you and ask if you can share with us your understanding as an Elder and as a First Nation person what your understanding of the spirit and intent of Treaty-making is.

ELDER HARRY BONE: Meegwetch, boozhoo. The Elders today and the Elders before them always thought that the words spirit and intent before the Treaty was important. The spirit and intent of Treaty, as we discussed last week, covers who we are as people and as nations. Covers the seven principles, who we are as people. It's important to understand that, so we can go beyond just a written version of Treaty. Because a Treaty means a lot more than the written version that the government has written about our Treaties. The intent is important. The spirit of the Treaties is also important. As you are probably are becoming aware now that even the government is saying a number of things. The Supreme Court decisions mentions two things that are important to discuss about the spirit and intent of Treaty. One of them is we were here first in Canada in what is now Canada, before any other people came. Secondly, is oral history is very important now, so that's why the spirit of intent of Treaties is important. Because that's what it's all about. It defines us who we are as nations. It defines us who we were at Treaty time, and why we still exist today as we are. So, the Treaty is more

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than the word that mentions us. It talks about the spirit part of it. It talks about who we are as nations. The seven principles, the gifts that the Creator has given to us, our relationship to the Creator, to the land, and to us as people, and the four languages and the languages that we speak, and the teachings, and our history and our way of life. So, I think it's important to discuss that because that's the source of who we are. The government has their own source. They know where they come from. How their law was formulated and how their constitution was established. They have their own source, so do we as First Nations people. So, at Treaty time we were based on equal basis. The thing to remember about Treaty time one hundred and fifty years ago was First Nations still had the power and strength to be people, to be considered as nations. The government of the day did not have the military might nor the money to pay us off, so then Treaty was a peaceful arrangement. So, I think to understand the spirit and intent of Treaties is important, because it defines us who we are as people, right from the beginning of time. So that's what Treaty means to us.

LR: From the Crown's perspective, you talked a little bit about how Canada viewed or the Crown I should say, viewed the Treaties. From their perspective, we've heard over the years that they view the Treaties between themselves and First Nations people more like contracts. Right? And you've mentioned the Supreme Court of Canada and how now the Court has recognized the oral history and that it's more than the contracts or it's more than the written texts. The Crown has said that everything is contained. Their position has been for a very long time that everything about the Treaty is contained in the written text of the Treaty. And from what I'm hearing you say that it's beyond that. It's beyond the written text of the Treaty. When you're talking about the spirit and intent of Treaty-making, it's not just confined to what was written in the text of the Treaty. It's not just a contract, for example, that has been used to describe that relationship.

HB: It's important to remember that at the time of Treaty there's certain things that were not for negotiations and those things in our language simply mean that we didn't give up our languages, our teachings, our history, and our way of life, and our belief system. What we did say in our Treaty is to continue the way we did before in terms of hunting, fishing, and gathering, but on top of that, we talked about livelihood. See Treaty was about land. It had nothing to do with the rights of who we are as people, so it's important to remember that the intent of the Treaty was to keep us living the way we were, livelihood from the land. For instance, agriculture was part of that Treaty discussion. But one of the priorities at Treaty time was education to make sure that our people understood who they were as First Nations people. Secondly, who they ought to be in terms of the government, in terms of who they are as nations. So, I think it's important to understand Treaty from that perspective. First Nations perspective is important. Because the government also talks about to this day about reconciliation. We need to reconcile our history as well as First Nations. We need to understand where we come from, the original teachings for our people, the original thought. On the government side, they have to reconcile their history as well, how they formed what is now Canada and Manitoba. How they developed their Constitution, their laws. Because the one thing that is bothersome for us all the time when they said that North America was an empty land. It wasn't so. So, I think First Nations people we need to understand the original rights, who we are. But the government also needs to understand what their rights are from the beginning of time when Canada was established in 1867.

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LR: We're now in a position we have a government that's prepared to look at reconciliation, as you made reference to. Reconciliation has to happen for First Nations people. Reconciliation also has to happen for non-First Nation people. And looking back at our respective histories and the history we have together, so Canada is now prepared to move forward in a nation-to-nation relationship. Does part of that involve them looking at the spirit and intent of the Treaties and why is that important for each party, First Nations and the Crown, in this case. Why is it important for them to look at the spirit and intent of the Treaties before we can move forward and talk about nation-to-nation or reconciliation?

HB: What's important about this term, about reconciliation, it's also very important according to Elders that First Nations were never defeated, conquered, or surrendered. Treaties were negotiated. That means that we still maintain our own rights, as we had at Treaty time, or original rights of our people. So that's important. So, for us, nation-to-nation simply means that our original rights have to be maintained, reinforced, in fact, implemented. So, I think what's most important for us it to remember that our historical perspective of our Treaties is important.

The government talks about nation-to-nation. They base their perspective about nation from their own beginnings, from their own law, from their own constitution. First Nations must do that as well to understand that we as nations includes those seven principles that we talked about and the pipe ceremony. The pipe ceremony is from the Treaty time, so I think it's important to acknowledge that. The pipe ceremony recognizes who we are as nations. So today when we talk about nation-to-nation, we must go back to who we were at Treaty time and the rights that we had right from the beginning of time. Not the rights that the government we think gave to us. Because you have to remember at the time of Treaty the government or the Commissioners of the day simply told the Chiefs, "What I'm offering you is on top of what you already have." "You already have" is our rights to the land, our rights to our languages, our teachings, our history, and our way of life, and our belief system. So that's what we need to maintain for us to recognize who we are as First Nations people.

LR: So, a lot has happened in the history of First Nations people since the signing of the Treaties. Even since before the signing of the Treaties, there's been a lot of changes to our governments to the culture of First Nation people. So, when you talk about going back and looking at the traditions, at the way of life, at the teachings, and you say that that has to happen for First Nation people as well as the Crown has to go back to that period in time and take a look at how First Nations people were before the entering into the Treaties. What does that mean or how do we do that?

HB: The important part to remember about going back to the original thoughts of our people... We're not saying that we should live in tipis or wander around the way we did before. What we're saying is we have the right to speak our languages. We have the right to practice our ceremonies and our teachings. We have the right now to understand what our Treaty is all about, our history. And we have the right to look after ourselves. And we have the right to believe how we want to believe in the ceremonies that we have. And we also have our right to protect the land as we do now, the water, the air, the animals and all the environment. We have that right to do that as well. So, I think for us the Treaty is very much in existence as it was a hundred and fifty years ago. Things have changed. The government has changed.

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Time has changed. But the original right to protect the land, is still there, the water, the air, the animals and so forth. So, I think we need to remember the original rights of our people is to protect the land.

LR: In many places now, when we talk about reconciliation and both you and I have been to different events where there's acknowledgement now of the territory, the Treaty territory, that we're in whatever the event is. Whether it's, you know, a conference, a gathering, even at Church events that we've been to they acknowledge the traditional territory that they're in. Is that part of the reconciliation and what more can we be doing, both First Nation and non-First Nation, towards that reconciliation and getting back to maybe looking at the Treaties as a way to be able to do that.

HB: Now the government and most institutions, including the provinces and the federal government, start to recognize the original territories, the original lands of our people as mentioned in their introductory remarks. Who they are. But it's also important that it's First Nations that are here first what is not North America and then the people thereafter. So, I think it's important to recognize that North America was never an empty land but it's the land that First Nations occupied right from the beginning of time. So, it's important to recognize that history. That's why I think we're comfortable the governments of the day and the institutions of the day, like universities and colleges, start to recognize that a territory of this First Nations, especially in Winnipeg in Manitoba that it's the original lands of Treaty One territory, Anishinaabe people, Cree people, and Lakota people, and the Metis nations later on.

LR: So, with that I want to once again thank you Elder Bone for coming and being with me here today. I do want to encourage people to continue to listen. We do have a number of shows coming up and each time we will have various topics. Visit our web site at www.trcm.ca or follow us on social media. Our next show will be on November 1. We look forward to having more conversations and until then let's talk treaty. Miigwech.



Adaptations for grades 3-6

See "What is a Treaty?"

on pages 4 and 5 in the *We Are All Treaty People* issue of *Kayak: Canada's History Magazine for Kids*.

Read: A Treaty is much more than a piece of paper with words on it - that's why we talk about *making* Treaties, rather than just *signing* them. A Treaty includes all the spoken words the First Nations and government people used to make promises. These words were about the land, how it would be shared and for what purposes. The Treaty was then sealed through a pipe ceremony which invited the Creator to witness the promises.

Minds on

Explore the idea of historical perspective with the students. Taking a historical perspective means understanding the social, cultural, intellectual, and emotional settings that shaped people's lives and actions in the past.

Hands on

Give students cue cards with either "First Nation" or "Crown" written on the front; one card per student (half the class should have one, half the other). On the opposite side of the card, instruct them to print single words or sketch the perspectives held by that group regarding Treaty-Making and the Treaty relationship.