

## 1. Introduction and Terms of Reference

I was invited by Chief Allan Adam of the Athabasca Chipewyan First Nation to work on its behalf as it prepared for the hearings for Shell's proposed Jackpine Mine Expansion and new Pierre River Mine (letter 18 Nov. 2010). Sean Nixon, with Woodward & Company LLP, then provided me with terms of reference to follow in writing an expert report (e-mail letter 21 Dec. 2010):

1. Provide an ethnographic description of the people who now form Athabasca Chipewyan First Nation, including an analysis of how traditional band structures differ from those created by virtue of the *Indian Act*.
2. Describe how ACFN passed on their culture and cultural practices to future generations (e.g., what were their oral history traditions?).
3. Provide a description of ACFN traditional territory or traditional lands, including:
  - a. whether there was a pre-contact (and/or pre-Treaty) concept of ACFN territory,
  - b. the extent to which ACFN moved around within their territory (including: the amount of space required to carry out their traditional activities; the need to be respectful of others' rights; and the depletion of resources),
  - c. "axes" of ACFN territory (if this concept is relevant to ACFN),
  - d. whether there was any amalgamation of groups (e.g., was there any overlap between local groups and bands through marriage and family connections?),
  - e. whether there was any effect of the formation of a separate First Nation at Fort MacKay on ACFN membership and on its relation to the "southern territories" (i.e., the southern portions of ACFN traditional territory or traditional lands)?
4. Describe the circumstances around ACFN presence in Wood Buffalo National Park in the 20<sup>th</sup> Century, and whether the Park should be considered when defining the scope of ACFN traditional territory/lands (historically and now). If ACFN members were excluded from the Park for some period of time, how has this affected ACFN's conception of its territory/lands and the exercise of ACFN rights within that area?
5. What was the impact of the W.A.C. Bennett dam on ACFN and on the exercise of ACFN rights?

6. Why were Poplar Point and Point Brûlé established where they are? Why are they the size they are? Were there any primary values and resources that led to ACFN choosing or receiving reserves at Poplar Point and Point Brûlé? If so, what were those values and resources? Is there historic evidence regarding the values or resources that were important to the way of life of ACFN members in the area near those reserves? Were these areas historically/culturally important for ACFN in other ways?
  - a. Was access to fishing locations a value that led to the establishment/site selection of any of ACFN's other reserves?
7. When were traplines established in the "southern territories"? Were there conflicts of issues around the formation of these traplines? How did ACFN manage trapping, subsistence, and other resources in the area at the time of Treaty, prior to establishment of traplines? How did these management systems change or persist after traplines were established? How did the formation and regulation of registered traplines affect ACFN traditional practices?
8. Describe ACFN population growth and movements from the early 20<sup>th</sup> Century to the present. Have the "southern territories" around Poplar Point, Point Brûlé, and areas to the south become more or less important over time? Why?
9. What role did woodland caribou play in the ACFN way of life/economy at the time of Treaty, when Wood Buffalo National Park was established, and after the 1950s (following changes in barren land caribou migration)?
10. What role did bison play in the ACFN way of life/economy at the time of Treaty, when Wood Buffalo National Park was established, and after?
11. What role did moose play in the ACFN way of life/economy at the time of Treaty, when Wood Buffalo National Park was established, and after?
12. What role did fish caught from Lake Athabasca, the Athabasca River, and waters connected to the Athabasca River have on the ACFN way of life and economy at the time of Treaty, and after?
13. What role did migratory birds have in the ACFN way of life/economy at the time of Treaty, and after?

*Summary Responses*

1. **Provide an ethnographic description of the people who now form Athabasca Chipewyan First Nation, including an analysis of how traditional band structures differ from those created by virtue of the *Indian Act*.**

The Athabasca Chipewyan First Nation is the contemporary outgrowth of both Chipewyan and Cree people and the former Chipewyan and Cree Bands of the Fort Chipewyan region.<sup>1</sup> It is a legal “Indian Band” that was created under the framework of the Indian Act in 1899, when Chipewyans and Crees at Fort Chipewyan negotiated their entry into Treaty No. 8, or, in the eyes of the treaty commissioners, took separate adhesions to the treaty that was first signed at Lesser Slave Lake. If the population had been smaller, there might have been only one Chipewyan-Cree Band, as there was at Fort McMurray. The size of the Chipewyan and Cree populations were sufficiently large that the commissioners created two separate bands, each with its own chief and two headmen, following a government formula. In the past, such Indian bands were administrative units for the convenience of the Department of Indian Affairs. They had no correspondence to the on-the-ground reality of the local bands in which Aboriginal people lived on the land. Today, thanks to living with these legal band structures for over a century, the Indian Bands - now known as First Nations - have acquired meaning and significance to their members, and as units of governance they enjoy a reality that did not exist at the time of treaty and that continues to strengthen with time.

This report focuses on the local band structure that was the everyday social reality in

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<sup>1</sup>When I capitalize “Band,” it is a reference to the legal entity created by the Government of Canada under the framework of the *Indian Act*. Some Europeans also appear in the ancestry of both First Nations; see below.

northeast Alberta for both Chipewyans and Crees, both in the pre-contact past and in the years when they became involved as trappers in the fur trade. Local bands were small, autonomous, co-residential units of production and consumption. They had individual leaders. Neither Chipewyans nor Crees had a single overarching “chief.” Members of the local bands were related to one another by a complex network of kinship ties. Local bands often came together in summer or winter, producing temporary larger groupings, sometimes called a “regional band,” but the regional bands were not bounded formally, nor did they exhibit any special social organization at that time. Movement and membership was fluid between regional bands as well as between local bands.

**2. Describe how ACFN passed on their culture and cultural practices to future generations (e.g., what were their oral history traditions?).**

When Athabasca Chipewyan members lived in local bands on the land, passing on their knowledge and culture was a seamless process. Children learned from watching and listening to their parents, grandparents, and other relatives, and from taking part in all the activities that occurred. While such transmission is no longer possible on a full-time basis, it is still very important to Athabasca Chipewyan members to pass on their knowledge, culture, and values to their children and grandchildren. While there are some initiatives in the schools, that approach is not considered an adequate solution.

The most appropriate place for Chipewyan children to learn cultural values today is still “on the land,” also phrased as “in the bush,” just as it was in the past, traveling and spending time with their relatives. Moreover, there are some aspects of culture and values, which Athabasca

Chipewyans call “place-based cultural knowledge,” that can only be learned on the land, not in a town or in a classroom (ACFN 2010:27). Nor is any part of the northern landscape suitable; it needs to be those areas that constitute the lands to which people were connected in the past and to which they enjoy on-going connections in the present – their “traditional lands.”<sup>2</sup> Even today, traditional lands are highly important locations for learning spiritual values and having spiritual experiences, and they are the only places where they can learn those aspects of Chipewyan history that are encoded in geography, in the features of the landscape, and that are passed along in the oral traditions shared while people are on the land together. An understanding of their history as Chipewyan people is a critical element in shaping Chipewyan identity. By spending time in the bush, children can thereby learn not only practical skills, but also their Chipewyan identity and a wide range of traditional Chipewyan values that are still considered to be crucial not only for today but also for their future as Chipewyans.

- 3. Provide a description of ACFN traditional territory or traditional lands, including:**
  - a. whether there was a pre-contact (and/or pre-Treaty) concept of ACFN territory,**
  - b. the extent to which ACFN moved around within their territory (including:**

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<sup>2</sup>These relationships are rarely obvious to outsiders or casual observers, but they are real nevertheless. Many of them are encoded in place names, which are used as part of the process of talking about locations that are meaningful for various reasons. The importance of place names to Athapaskan-speaking peoples has been demonstrated in studies from the Northwest Territories and the Yukon to the Southwest United States. Some of the foremost scholars in these studies include Julie Cruikshank (e.g., 1998, esp. chp. 1), Keith H. Basson (e.g., 1996), and Thomas D. Andrews and John B. Zoe (e.g., 1997). For a detailed example of Sahtu Dene (formerly, Hare) places and place names and their importance, see “Rakekée Gok’ée Godi: Places We Take Care of” (Sahtu Heritage Places and Sites Joint Working Group 2000).

- the amount of space required to carry out their traditional activities; the need to be respectful of others' rights; and the depletion of resources),**
- c. “axes” of ACFN territory (if this concept is relevant to ACFN),**
  - d. whether there was any amalgamation of groups (e.g., was there any overlap between local groups and bands through marriage and family connections?),**
  - e. whether there was any effect of the formation of a separate First Nation at Fort MacKay on ACFN membership and on its relation to the “southern territories” (i.e., the southern portions of ACFN traditional territory or traditional lands)?<sup>3</sup>**

Both during the pre-contact period and the years in which they were involved in the fur trade, Chipewyans had lands or territory that they considered to be their own; that is, lands that were available for them to use, that were off-limits to others, such as Crees or Inuit, and that they defended when necessary. The term “homeland,” popularized in 1977 by Mr. Justice Thomas Berger, is a rough equivalent to what today is more likely to be termed traditional territory. Berger contrasted Aboriginal homelands and Euro-Canadian resource frontiers as very different ways of conceptualizing northern lands (Berger 1977). Elsewhere, I have described an Aboriginal homeland as a landscape that:

...encompasses their personal and cultural identities, their histories, and their religions. These are embedded within complex oral traditions. The place names for geographic features contained within the oral traditions embody the relationships among people, the land, and the spiritual world. They also provide the method for remembering this

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<sup>3</sup>While Fort MacKay is the official spelling used for the hamlet, Fort McKay is the local First Nation (Fort McKay people use the same spelling – “McKay” – for the hamlet) (Govt. of Alberta 2010b; Regional Municipality of Wood Buffalo n.d.; Fort McKay First Nation n.d.). This report uses those different spellings.

information and reproducing it over time by transmitting it from one generation to the next [McCormack 1998:27].

The homeland and traditional territory for the Athabasca Chipewyan First Nation constitutes the totality of the lands known to have been used by the ancestors of the Athabasca Chipewyan First Nation and those lands used by their descendants over time. The total territory includes all those lands that were used by Athapaskan Chipewyans in the past, are used in the present, and might be used in the future as a result of interactions made possible and even directed by their kinship ties. There were reasonable limits, but no clear boundaries, to this traditional territory. The fringes of the traditional territory in the past were governed solely by the abilities and decisions of Chipewyans and Crees to travel to areas where they had or could establish kinship ties.

What the Athabasca Chipewyan First Nation calls its “core” territory, located in the vicinity of Lake Athabasca, is a subset of this much larger territory (Figure 1). It comprises the lands that became especially important to First Nation members when they became involved in the fur trade centered at Fort Chipewyan, and they continue using much of this land today. They no longer use some portions of their core territory for diverse reasons:

- Some lands were vacated for a period of time because the resources had diminished or other lands were seen as more attractive.
- Some families and persons relocated to different areas for social or personal reasons.
- Federal or provincial government regulations devised in the 20<sup>th</sup> century prevented many land uses or made those uses difficult.
- Land was “required or taken up” under the terms of Treaty No. 8 (Govt. of Canada

1966:12) and was therefore no longer available for use.

As a result of that complex history, today this First Nation identifies a subset of its traditional core territory (and a smaller subset of its traditional lands) as its key “Cultural Protection Areas” (ACFN 2010:2; also in ACFN 2012:10) (Figure 2). People remain connected to their traditional lands on multiple levels, including their personal and second-hand knowledge of its features and related oral traditions, their on-going use and potential uses for aspects of their livelihood and cultural and linguistic renewal, and a strong sense of emotional connectedness.<sup>4</sup>

The reality of a distinctive Chipewyan homeland and traditional territory is supported by the archaeological evidence of Chipewyan occupations and by Chipewyan oral traditions about their relations with their neighbors. The former indicates the extent of their traditional lands before contact with Europeans, while the latter indicates that they engaged in raids and warfare to protect their right to exist on these lands. (Crees, too, had lands that they considered to be their own.) Normally, one could join with and use lands of kinsmen. Among Chipewyans (and Crees), “kin” was a cultural category that was defined broadly, extending beyond people known to be related through biological ties. There is evidence from oral traditions of occasional intermarriage between Chipewyans and Crees prior to involvement with Europeans, and in the

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<sup>4</sup>Most of these elements are not obvious to outsiders, and there is a tendency by non-Aboriginal people in the broader Canadian society to believe that First Nations who are no longer living by the ways of the past have in fact abandoned their distinctive cultures and identities. This belief is an aspect of a widely-held stereotype that “real” Aboriginal people had an “essential quality” that was lost when they incorporated new material culture, customs, beliefs, and ways of doing things that originated with Europeans. In the public eye, they became less “genuine” or “authentic” as Aboriginal people. In a common example, Aboriginal hunters who use rifles are often regarded as less Aboriginal than those who used bows and arrows, and there are occasional letters to the editor of the *Edmonton Journal* in which the writers challenge the Aboriginal right to hunt if it is not with bows and arrows. It is a double standard about culture change that is not similarly applied to Euro-Canadians.

Fort Chipewyan region Chipewyans and Crees began to intermarry in large numbers in the mid-18th century. It was intermarriage that facilitated peaceful occupation and use of the entire northeast Alberta region and beyond, as individuals and local bands moved from place to place during the course of each year, both locally as well as longer-distance movements along various axes (e.g., the Athabasca River, Lake Athabasca, the trails between the Peace River and Lake Claire, and the trails across the Birch Mountain to the Fort MacKay region) that were undertaken for a variety of subsistence and cultural reasons.

In terms of subsistence, people moved for multiple reasons. Most obviously, they had to travel to different locations at different seasons to access the plant and animal species upon which they relied, which were (and are) not distributed equally over the landscape. Also, people moved due to what has been called “the law of diminishing returns”: having to put increasing effort into food and fur production - hunting, fishing, trapping, and gathering - for decreasing results. This factor may have become more significant once they became involved in the fur trade, because it can be easy to trap out fur bearers such as beavers. It was probably affected as well by their shift to the lands surrounding the western end of Lake Athabasca, where they hunted large animals that tended to be solitary (e.g., moose) or live in smaller populations (e.g., northern bison, woodland caribou) than did the barren ground caribou that had previously been their primary target. Hunting large game may have become more precarious, in which case it was especially important to be able to move around on the landscape. However, members of local bands also did considerable environmental management by using controlled burning, which produced rich habitats that were suitable for most of the animals they hunted or trapped and for many of the plants they gathered. Such environmental management speaks to considerable

investment of labor and planning in the land and supports the idea that Chipewyans considered it to be “their” territory. People and bands also moved for a broad group of cultural reasons: either the husband or the wife moved at marriage; an internal conflict could result in the relocation of an individual or family group; people often moved following a death; people wanted to travel and see new country. Everyone had the right to live anywhere they had kinsmen and to use land that no one else was using at the time. The extensive kinship ties that joined together Aboriginal people throughout northeast Alberta and into the Northwest Territories and northern Saskatchewan can be found in genealogies and treaty pay lists.

The existence of a separate Fort McKay First Nation (originally, the Cree-Chipewyan Band; later, the Fort McKay Band) was the consequence of the creation of legal Indian Bands under the Indian Act in 1899 under Treaty No. 8. There is no evidence that explains why certain families were at Fort Chipewyan when the treaty was signed on 13 July 1899 and therefore entered onto the Chipewyan Band list there, as opposed to the joint Cree and Chipewyan Band created at Fort McMurray on 4 August 1899, whose members were entered onto a different band list. The families at Poplar Point and Point Brûlé, for example, were about half way between the two centers and could have joined either band. They became part of the Chipewyan Band because their names were added to the band list there. That meant that they were in Fort Chipewyan when the treaty party was there, before it went on to Fort McMurray; perhaps they had gone to Fort Chipewyan for the occasion, which had been publicized and widely discussed. Many kinship connections exist among Chipewyans from these two different treaty bands. Historically, Indian Agents altered treaty pay lists to accommodate movements by treaty Indians to new communities and of course to change the formal band affiliation of women who married

treaty Indians from other bands.<sup>5</sup> The first was for the administrative convenience of the Department of Indian Affairs; the second followed from a requirement of the Indian Act.

- 4. Describe the circumstances around ACFN presence in Wood Buffalo National Park in the 20<sup>th</sup> Century, and whether the Park should be considered when defining the scope of ACFN traditional territory/lands (historically and now). If ACFN members were excluded from the Park for some period of time, how has this affected ACFN's conception of its territory/lands and the exercise of ACFN rights within that area?**

Wood Buffalo National Park was created in two stages in 1922 (north of the Peace River) and 1926 (south of the Peace River). If they wished, members of both the Chipewyan and Cree Bands were allowed to remain in the portion of the park that was north of the Peace River. Other people under Treaty No. 8 were allowed to enter the park if they chose. All non-treaty people were forced to leave. In 1926, government officials imposed a different access rule that allowed people to remain in the part of the park south of the Peace River, but only if they were there at the time the second part of the park was created.<sup>6</sup> That included members of the two Indian

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<sup>5</sup>All treaty Indians also enjoyed legal Indian status, but not all status Indians belonged to a treaty. In most of the Canadian Northwest, including northern Alberta, virtually all status Indians are also members of one of the numbered treaties. Until Bill C-31 was enacted in 1985, the *Indian Act* provided that a status Indian woman would belong to the band of her father and then to that of her husband. If a woman married a man from a different band, she was removed from her natal band list and added to the band list of her husband. A non-status woman also acquired legal Indian status if she married a status man.

<sup>6</sup>It appears that at this time they also stopped allowing Treaty No. 8 Indians from outside the park to enter the "old" part of the park.

Bands, as well as many non-status people from Fort Chipewyan and some White trappers.<sup>7</sup>

Evidently all the members of the Cree Band were present in the park, because they all acquired park privileges. Only about half the members of the Chipewyan Band were in the park; they also acquired park privileges. Their Chipewyan relatives outside the park boundaries did not, even if they or their families had previously used park lands.

Chipewyans outside the park tried unsuccessfully to gain park access during the years that followed. Park users were economically much better off than were First Nations people living outside the park in Alberta, because they were protected from the destruction of animal resources by White trappers who had no interest in conservation and disregarded the occupations of Aboriginal users. This situation encouraged park Chipewyans and Crees to focus their land use in the park. In 1946, the Chipewyans who were on the Fort Chipewyan treaty pay list for the Fort Chipewyan Chipewyan Band were legally transferred to the Cree Band.<sup>8</sup> Shortly after that, the park administration introduced group trapping areas for status Indians that divided up all the land in the park except for the rich muskrat trapping grounds in the delta. Originally those lands were to be a communal trapping area, but in the end, they were mostly divided into individual trapping areas for Métis from Fort Chipewyan, and Indians assigned to group areas no longer had access to them for trapping. Each group area had a defined membership and leader. Group members have considered the lands to be fully allocated and able to accommodate only a few new

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<sup>7</sup>This discussion concerns only the two Indian Bands based administratively at Fort Chipewyan. There are other legal Indian Bands in northern Alberta and the Northwest Territories with interests in and access to the park; they were also governed by these rules for access.

<sup>8</sup>I name this group precisely because there were other Chipewyans living to the north were not affected by this administrative change.

members, normally the children of people who are already members.<sup>9</sup>

The Chipewyans without park access pressed throughout the 1920s for a hunting and trapping preserve in order to protect their livelihoods from the depredations of White trappers. They wanted it to include all the lands within Alberta that were within their traditional land use areas outside the park. Such an extensive reserve, which would have been much greater than the land area provided for their reserves under Treaty No. 8, was supported by the Indian Agent and the federal land surveyor, on the grounds that most of the lands available locally for a reserve were unfit for agriculture.<sup>10</sup> Their reserves were finally surveyed in the 1930s and included small areas set aside for what were basically the residential bases of local bands - not their major land use areas - as well as one large area particularly well-suited for trapping muskrats.<sup>11</sup> The amount of land provided was based on the total number of Chipewyans, which included those

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<sup>9</sup>However, in a recent development, members of the Athabasca Chipewyan First Nation are once again allowed into the park. The implications for future land uses are unknown, but I was told by the park superintendent that it will impact the group area system (Robert Hunt, personal communication, Fort Smith, 4 Aug. 2011).

<sup>10</sup>The size of reserves in the numbered treaties was based on the amount of land considered appropriate in the late 19<sup>th</sup> century for family agriculture. This model was followed in Treaty No. 8, even though it was clear in 1899 that most northern lands would not support an agricultural economy and that most signatories were not expected to shift to agriculture. As the treaty commissioners explained in their report: "...although there are stretches of cultivable land in those parts of the country [at Lesser Slave Lake and the Peace River], it is not probable that the Indians will, where present conditions obtain, engage in farming further than the raising of roots [potatoes, possibly turnips] in a small way, as is now done to some extent. ...[T]he great majority of the Indians will continue to hunt and fish for a livelihood" (Govt. of Canada 1966:7).

<sup>11</sup>While reserves were supposed to provide land for economic livelihood, these reserves clearly did not, except for the large reserve. Such a measure points both to the lack of correspondence between the federal treaty system and Treaty No. 8 in particular and the reality of northern Aboriginal life and to the misguided belief by government officials that Aboriginal people had access to boundless wilderness.

Chipewyans resident in the park. The reserves were not formally constituted as reserves by Orders in Council until 1954. In the meantime, Chipewyans became greatly impoverished and suffered enormously from unprotected competition with White trappers, who trespassed even on the lands set aside for the reserve, with virtually no protection provided for Chipewyans by either the federal or provincial government. In the 1940s, the lands in northern Alberta beyond the reserved areas were divided into registered trapping areas, which allocated lands to Chipewyans, Métis, and White trappers. Chipewyans, who had long suffered from the activities of White trappers, complained that their trapping interests were considered secondary to those of White trappers.

The existence of Wood Buffalo National Park and the respective federal and provincial regimes of group/individual trapping areas were initiatives by the federal and provincial governments that were imposed on Chipewyans over the express objections of Chipewyan leaders. Chipewyans did not support any of these initiatives, all of which they considered to be violations of treaty promises. Although they greatly restricted Chipewyan movements on the land, they should not be considered to have transformed the extent of Chipewyan traditional territory, which - outside regulations aside - are still governed by relationships of kinship. Athabasca Chipewyans know that they used the lands of Wood Buffalo National Park in the past, and they never relinquished their claims to those lands. Their dispossession from their traditional lands in the park and from trapping areas assigned to outsiders was a strong lesson for them about how they could be forcibly alienated from important parts of their homeland.

**5. What was the impact of the W.A.C. Bennett dam on ACFN and on the exercise of**

**ACFN rights?**

The W. A. C. Bennett dam was built on the upper Peace River in British Columbia to generate electricity for Vancouver and the lower British Columbia mainland and for export to the United States. The dam was completed in December, 1967, and it began to impound water to fill its huge reservoir, Williston Lake. The drop in water levels in Lake Athabasca and the Peace-Athabasca Delta was obvious in the summer of 1968, when vast mud flats were exposed.<sup>12</sup>

The pre-dam hydrological regime involved occasional, extensive regional flooding over the low-lying lands of the delta, which is one of the largest inland freshwater deltas in the world. While some years might be very dry, the floods always recurred at intervals that were frequent enough to maintain the wetlands and other habitats that characterize this distinctive ecosystem. The remarkable delta was considered so significant that it was a major reason for Wood Buffalo National Park to be named a UNESCO World Heritage Site, one of only 15 in Canada. The delta itself, along with the summer range of the rare and endangered Whooping Cranes, are two sites designated as “Ramsar sites” under the Ramsar Convention, which is intended to identify and protect “Wetlands of International Importance” (Parks Canada 2009; UNESCO World Heritage Centre 1992-2011b; Ramsar Convention n.d.). Wood Buffalo National Park and the Peace-Athabasca overlap, but the delta extends beyond the eastern park boundary to include the delta of the Athabasca River and most of the Athabasca Chipewyan reserves. These are lands that the Athabasca Chipewyan First Nation has identified as part of their “cultural protection areas” (Figure 2).

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<sup>12</sup>That was the first summer I spent in Fort Chipewyan, and I well remember the expanse of mud flats but only later learned the cause.

After Williston Lake was filled, the dam began to release water, but these releases did not replicate the former pattern of river flooding. Without regular flooding, the wetlands began to dry up permanently, reducing the habitats available for key species such as muskrat, moose, and migratory waterfowl. The dam has therefore had serious and long-lasting negative impacts on the ecosystem of the Peace-Athabasca Delta, to the detriment of Chipewyans and other local people who used those lands. In 1998, a report issued by the Indian Claims Commission concluded that the Athabasca Chipewyans “...suffered extreme hardship and economic loss as a result of the destruction of the delta and environmental damages to IR 201” (Prentice *et al.* 1998:78). That makes the water from the Athabasca River even more important for the Chipewyans and the entire Peace-Athabasca Delta than it had been formerly. Water that continues to decline in quantity and deteriorate in quality will continue to have deleterious impacts on the Chipewyans and could affect the international designations the delta enjoys.

The Bennett Dam is a classic example of down-river users paying social and environmental costs, while the developer reaps financial and political benefits. Neither of the two Fort Chipewyan bands was able to obtain any compensation or other redress. Their concerns and claims were marked by a distinct lack of attention from either the federal government or the Alberta government. Officials for Wood Buffalo National Park took steps to try to restore some measure of the pre-dam hydrological regime, though not successfully. There were no attempts by the province to address the problems facing the delta outside park boundaries. In short, the existence of this dam has caused long-term harm to both the Athabasca Chipewyan First Nation and the Mikisew Cree First Nation (including its formerly Chipewyan members) and the ability of both First Nations to exercise their rights under Treaty No. 8. The Athabasca Chipewyans

point to the problems caused by this dam as a key factor in their inability to continue to live in the bush and their eventual relocation to Fort Chipewyan, although they continued to practice their bush-based activities from the town (ACFN 2003a:85-6). Moving to Fort Chipewyan (and eventually to other urban centers) was a process that simultaneously involved looking for wage employment, to provide income to replace the income they could no longer make by trapping. It was not done because they wanted to leave the bush or to become wage-laborers. To the Athabasca Chipewyans, the Bennett Dam was the beginning of the end to their land-based way of life. The lesson of the Bennett Dam was that their very land base could be destroyed, with dire consequences.

**6. Why were Poplar Point and Point Brûlé established where they are? Why are they the size they are? Were there any primary values and resources that led to ACFN choosing or receiving reserves at Poplar Point and Point Brûlé? If so, what were those values and resources? Is there historic evidence regarding the values or resources that were important to the way of life of ACFN members in the area near those reserves? Were these areas historically/culturally important for ACFN in other ways?**

**a. Was access to fishing locations a value that led to the establishment/site selection of any of ACFN's other reserves?**

The surveyor chose the lands for these reserves, based on his knowledge of the treaty entitlement for reserves, his own observations, and his discussions with Chipewyan Band members. All lands lived on by Chipewyans outside the park appear to have been proposed as

reserves. The original surveyor's proposal lists the number of houses or families at each location; no other demographic information is provided. Typically, an extended family lived together in a house or in neighboring houses, and the members of the houses or families at each settlement would also have been related to one another. Poplar Point and Point Brûlé, situated on the Athabasca River, were two of these reserves. Both reserves were settled by a number of Chipewyan families at the time of reserve creation. The amount of land provided for Poplar Point probably reflected in part the surveyor's observation that approximately 300 acres were suitable for cultivation, but that still does not explain the large amount of land provided for this site.

The surveyor's report noted that one reserve location (201D) was situated to provide camping for a traditional fishing location.

- 7. When were traplines established in the "southern territories"? Were there conflicts of issues around the formation of these traplines? How did ACFN manage trapping, subsistence, and other resources in the area at the time of Treaty, prior to establishment of traplines? How did these management systems change or persist after traplines were established? How did the formation and regulation of registered traplines affect ACFN traditional practices?**

At the time of treaty, members of local bands regulated their own uses of the land in the interests of personal survival, not profit. People could trap anywhere they wished, as long as no one else had set up a trap line there. The numbers of animals they trapped were relatively few, intended to give them the amount of exchange value they required for their needs to purchase

items at the stores. If fur prices rose, the number of animals trapped tended to decline. If a trapper abandoned an area he and his family/local band had been using, then it was available to another trapper. Hunting and trapping occurred in tandem in winter; which means that people hunted and trapped in the same area. Meanwhile, some Chipewyans continued to travel to the barren grounds to hunt caribou. Members of the local bands cooperated to do controlled burns, probably mostly in spring, a widespread form of land management. Little is known of the actual social dynamics underlying this widespread practice, which ended in the early 20<sup>th</sup> century as a result of fire prevention regulations introduced and enforced by the federal government.

When White trappers arrived, they did not respect the existing trapping areas used by Chipewyan trappers. They established their own trap lines wherever they pleased and used large numbers of traps to “produce” as many furs as they could, in order to generate as much profit as possible. Neither the federal government nor the provincial government took any steps to regulate White trappers, who were allowed to decimate the animal resource base. Some White trappers eventually began to spend every winter trapping in the Fort Chipewyan region (and other places in the north), and they lobbied for the creation of registered trapping areas, such as those that already existed in British Columbia, in order to be able to control and conserve the resources of “their” areas.

The Province of Alberta introduced a new system of registered trapping areas in the early 1940s, thereby transforming the traditional lands of Chipewyans into bounded plots of land held by individual trappers, many of whom were not Chipewyan, and who could thereby legally exclude Chipewyans from trapping resources. That also made it difficult for Chipewyans even to continue to hunt on those lands, although some hunting on the trapping areas of others did occur.

Chipewyans were never compensated for either the deterioration of the resource base or the loss of a significant portion of their traditional land base.

Wood Buffalo National Park introduced a somewhat different system of registered trapping areas: the park was divided into group areas for status Indians, which restricted Chipewyans and Crees to those areas, even though fur-bearing animals were not distributed evenly across the landscape. The rich muskrat habitat of the delta was divided into individual areas for other trappers, thereby making it unavailable to either the Chipewyans or Crees living in the park. The consequences of these developments were that Chipewyans were unable to continue their activities and livelihoods as they had in the past, and Chipewyans living outside the park became greatly impoverished over time. These changes also contributed to the eventual transfer of Chipewyans living in the park to the Cree Band.

The land restrictions caused by the creation of registered trapping areas by province or group areas and individual areas by the federal government in the park continued to reduce the previous flexibility that Chipewyans had enjoyed and that they believed they were promised under Treaty No. 8. They also tended to crystalize land uses into those of the present. Over time, these new forms of land use that were once protested as violations of the treaty have become protected by their users, mainly because they are trying to maintain some hold on these portions of Crown or park lands, not because they have given up on once again being able to access their broader traditional land base.

**8. Describe ACFN population growth and movements from the early 20<sup>th</sup> Century to the present. Have the “southern territories” around Poplar Point, Point Brulé, and**

**areas to the south become more or less important over time? Why?**

Treaty No. 8 lists the number of people who joined the Chipewyan Band at Fort Chipewyan in 1899 as 410. To trace subsequent 20<sup>th</sup> century population growth and movements would require both a count of the band numbers found in the treaty pay lists since 1899 and an examination of the treaty pay lists of the neighboring First Nations for the same period. Otherwise, statistics to address this question do not exist.

Northern First Nations, including the Chipewyan Band, continued to suffer from serious epidemics during the 20<sup>th</sup> century until the years that followed World War II, when their numbers began to recover, in part due to the availability of improved health care. About 40 per cent of the Chipewyan Band members was transferred to the Cree Band in 1946, which resulted in a significant drop in the official size of the Chipewyan population. However, the Chipewyan Band population continued to grow since then. It became the Athabasca Chipewyan First Nation in 1987. Its population doubled at about the same time, going from about 300 to 600 members, the result of Bill C-31 in 1985 and the development by the First Nation of an inclusive membership code. As of August 2011, the First Nation's membership numbers 923 people. Only 12 live on their reserves, however. The remainder live in Fort Chipewyan or in other centers such as Fort McMurray or Fort MacKay.

In the 1950s and 1960s, due to a serious decline in the trapping economy, members of the two First Nations began to relocate to Fort Chipewyan itself, abandoning the traditional bush settlements. Members of the Chipewyan Band were slower overall to relocate to Fort Chipewyan than were members of the Cree Band. They were the beneficiaries of an Indian Affairs housing program that constructed several houses on two of the Chipewyan Reserves from 1958 through

1960 (see PAA Stewart 1958; 1959). Eventually, the federal government stopped building houses on the reserve but continued its housing program for status Indians in Fort Chipewyan itself. While most families still used the land for traditional pursuits, the “southern territories” continue to be regulated by the presence of registered trap lines and, more importantly today, by the expansion of oil sands industries and related infrastructure, such as roads. Such industry has been afforded priority over trapping as a land use and has eclipsed registered trap lines in areas granted in leases to corporations. To the extent to which the industrial “footprint” has “stepped” on areas of traditionally used by the Athabasca Chipewyan First Nation, it now interferes with or prevents those uses.

The “southern territories” around Poplar Point, Point Brûlé, and other areas to the south have become more important in the last 40 years. Many Athabasca Chipewyan First Nation members now live at Fort McMurray and Fort MacKay and are still looking to use the resources of the land for food, medicines, and spiritual reasons. The land is important culturally to First Nations members, who still feel a strong connectedness to the land itself and, through the land, to one another.

**9. What role did woodland caribou play in the ACFN way of life/economy at the time of Treaty, when Wood Buffalo National Park was established, and after the 1950s (following changes in barren land caribou migration)?**

Little detailed information is available about the earlier historic use of woodland caribou in this region. Chipewyans historically are closely associated with barren-ground caribou, both spiritually and for subsistence purposes. As Chief Allan Adam said in 2010, “We have a

spiritual connection and relationship with the caribou.... The Dene have always lived of[f] the caribou, regardless of whether it's woodland or barren ground..." (Candler *et al.* 2011:59).

When Chipewyans relocated to the Fort Chipewyan region, they hunted woodland caribou as one species among others available locally, although many people still continued to travel east and northeast to hunt barren ground caribou. Their hunting of woodland caribou intensified after the migratory routes of barren ground caribou shifted eastward, the result of the terrible fires set by prospectors in northern Saskatchewan in the 1920s and 1930s to remove forest and underbrush, which destroyed much of the critical winter habitat for these caribou (Gulig 2002; ACFN 2003a:32). As a result, it became difficult for Athabasca Chipewyans to continue to hunt barren ground caribou, and woodland caribou became more important to their economy. Yet after 1926, when the southern part of Wood Buffalo National Park was established and the Chipewyan Band was divided into two portions, due to the new park access regulations, Chipewyans living outside the park were no longer allowed into the park to hunt, which cut off their access to the park's woodland caribou populations. They did, however, continue to hunt woodland caribou populations outside the park.

A big forest fire in 1951 is blamed for another eastward shift of barren ground caribou in the 1950s (ACFN 2003b) and a renewed reliance by Athabasca Chipewyans on woodland caribou. There are still caribou to hunt in the Athabasca Chipewyan First Nation region, in caribou ranges both east and west of the Athabasca River, although their numbers seem to be in serious decline.

This statement is complicated by a lack of reliable information. Woodland caribou in Alberta are now considered to be "threatened" under both the *Alberta Wildlife Act* and the federal

*Species at Risk Act* (Athabasca Landscape Team 2009:i). Yet the Government of Alberta's 2005 "Alberta Woodland Caribou Recovery Plan 2004/05 - 2013/14" contained no population information about the caribou in the ranges bordering the lower Athabasca River. Moreover, it indicated that they had not even been monitored and that their status for survival was unknown (Govt. of Alberta 2005:5,6). No First Nations representatives sat on the Alberta Woodland Caribou Recovery Team that prepared this report. Despite the lack of data, Minister of Sustainable Resource Development noted that the report was adopted by the province as its recovery plan, "...with the exception of the recommendation in Section 7.2 relating to a moratorium on further mineral and timber allocations on specific caribou ranges" (*ibid.*:i). A key element of the government's recovery plan was "effective predator control," which basically means the killing of wolves (*ibid.*:23). In 2009, the "Athabasca Caribou Landscape Management Options Report" stated:

The ALT [Athabasca Landscape Team] determined that there is insufficient functional habitat to maintain and increase current caribou distribution and population growth rates within the Athabasca Landscape area. Boreal [northern woodland] caribou will not persist for more than two to four decades without immediate and aggressive management intervention. Tough choices need to be made between the management imperative to recover boreal caribou and plans for ongoing bitumen development and industrial land-use [Athabasca Landscape Team 2009:i; bolding omitted].

The authors of this report - which did not include any First Nations representatives - continued to support the killing of wolves as an essential device in the recovery plan, ideally by killing over 67 per cent of wolves present in caribou ranges (*ibid.*:59).<sup>13</sup> The federal government has just released its own recovery plan for woodland caribou across northern Canada (Environment

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<sup>13</sup>The Government of Alberta's policy statement of June 2011 softened the terminology by referring simply to "effective management of wildlife populations (e.g., predators and other prey species)" (Govt of Alberta 2011b).

Canada 2011). The report states that “the primary threat” to most caribou is “unnaturally high predation rates as a result of habitat loss, degradation, and fragmentation,” which conflates predation with habitat loss and does not address the problem of expanding industrial activities that destroy critical habitat. The provincial and federal plans have been heavily criticized, mostly on the grounds that they have been politicized rather than science-based in not restricting industrial expansion and relying almost exclusively on predator control, and the end result will almost certainly be the disappearance of many populations of woodland caribou, including those in northeastern Alberta (e.g., Alberta Environmental Network 2011). Not only do Athabasca Chipewyans hunt these woodland caribou for food and consider themselves to enjoy a special relationship to them, they have also traditionally considered wolves to be of special spiritual significance, making the provincial and federal recovery plans problematic on at least two levels.

**10. What role did bison play in the ACFN way of life/economy at the time of Treaty, when Wood Buffalo National Park was established, and after?**

Northern bison (“wood buffalo,” or *Bison bison athabascae*) were important to Chipewyans in the late 18<sup>th</sup> century and during the 19<sup>th</sup> century for both subsistence and for food provisions to sell to traders. Samuel Hearne described Chipewyans hunting bison and preparing the skins in 1772: “Of all the large beasts in these parts,” he wrote, “the buffalo is easiest to kill” (Hearne 1958:163, 161-4). Controlled burning by Aboriginal people was an important factor in maintaining the grasslands upon which the bison relied (McCormack 2007). By the early 1840s, overhunting to provision the fur trade combined with some difficult winters led to substantial decline in bison numbers. In 1894, following the extinction of the plains bison, the federal

government passed the *Unorganized Territories Game Preservation Act* to try to prevent the same fate for the northern bison.<sup>14</sup> This act was not enforced in northern Alberta until the first North-West Mounted Police patrols in the late 1890s and especially in the early 1900s.

The prohibition on hunting bison and other big game was a matter of contention at the time of Treaty No. 8. Chipewyans and other residents were willing to stop hunting the bison for a time so that their populations would recover, but they also expected bison to be made available to them again for hunting once that occurred. Not only did that never happen, but in the 20<sup>th</sup> century the park staff conducted their own bison hunts to provide meat to the missions and for welfare purposes, and after World War II the park engaged in bison hunts and invested in considerable infrastructure to sell meat commercially, a “northern development” initiative by the federal government (McCormack 1984:chp. 7). The 20<sup>th</sup> century history of bison management in Wood Buffalo National Park was marked by many bad decisions by various federal agencies that greatly interfered with traditional land use practices by Aboriginal people, resulted in the introduction of diseases (tuberculosis and brucellosis) into the bison herds and gene flow between northern and southern populations, and may even have contributed to later outbreaks of anthrax.<sup>15</sup>

The only free-ranging bison located outside the park that are accessible to Athabasca Chipewyan are found in the vicinity of Ronald Lake, just south of the southern boundary of the

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<sup>14</sup>For the bison, the legislation was intended to help the bison recover, much as current management plans address the possible extirpation of the woodland caribou.

<sup>15</sup>The extensive practice of controlled burning by Aboriginal in the bison range may have destroyed anthrax spores, which otherwise are remarkably hardy and persistent. Aboriginal burning largely stopped in the early 20<sup>th</sup> century, prohibited by federal Forestry officials (McCormack 2010:247-249).

park west of the Athabasca River. As with caribou, bison have a spiritual quality for Athabasca Chipewyan First Nation members, so hunting them is important for both subsistence and cultural reasons (e.g., Candler *et al.* 2011:89). However, fears that disease found in park bison may be transmitted to bison and especially to domestic animals outside the park (and outside a special bison management zone in northwest Alberta) has led the Government of Alberta to develop a disease management plan in which these bison "...are assumed diseased and have been classified as non-wildlife. As a result, they are not protected and can be hunted year round..." (Govt. of Alberta 2011a:8; see Mitchell and Gates 2002:9) by non-Aboriginal hunters as well as by Athabasca Chipewyans.<sup>16</sup> This hunting puts considerable pressure on this bison population, even though these animals remain very important to Athabasca Chipewyans (Candler *et al.* 2011:59, 90). Access to the Ronald Lake bison is contingent on having adequate waterways, which is increasingly problematic, and/or overland trails or access corridors, which are increasingly provided by activities related to local industrial development (see Candler *et al.* 2010).<sup>17</sup>

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<sup>16</sup>The summary of the plan identifies three surveillance areas. Oddly, the region where the Ronald population is located is not included in any of these (Govt. of Alberta 2011a:8, 9). The 2002 status report by Jonathan Mitchell and Cormack Gates shows bison in the Ronald Lake area but does not identify them name (2002:8).

<sup>17</sup>In the report prepared by Candler *et al.* in 2011, these bison are called "wood bison," and they are commonly considered a distinct subspecies (e.g., Mitchell and Gates 2002:4), despite some conflicting genetic and habitat evidence. All the bison in Wood Buffalo National Park, and especially those in the southern part of the park, hybridized with plains bison imported to the park in the 1920s. Some scientists have considered the northern and southern bison to have been/be separate sub-species, although the evidence is equivocal, and the categories have become politicized. Hybrid bison can be farmed and hunted, while in the past, legal protection was afforded the so-called wood bison. Today, bison which leave the park can be hunted. This distinction among the different bison populations has had considerable importance for government policies about bison management, but it is not of importance to local First Nations. What to do with the diseased bison has been a highly contentious issue about which there is no consensus.

**11. What role did moose play in the ACFN way of life/economy at the time of Treaty, when Wood Buffalo National Park was established, and after?**

Moose were a highly valued resource to Chipewyans in the past (see Hearne 1958:161, 165-6), and they continued to be the most important large game animal throughout the 20<sup>th</sup> century for Chipewyans who lived in the Fort Chipewyan region and did not travel regularly to the barren grounds. They were needed for both meat and hides; the latter, of fundamental importance for the manufacture of moccasins, mitts, jackets, and other items. White trappers contributed to a reduction in the overall moose population, along with all the other animals they killed.

In late 1945 or 1946 the park adopted a regulation "...providing a bag limit of one male moose for each hunter annually" (memo from M. Meikle to Cumming, 12 Feb. 1947; see McCormack 1984:297-301). This regulation was imposed despite the knowledge that it would create serious economic problems for the Indians. Nevertheless, park Indians were still not allowed to hunt bison on even a limited basis, although a few years later the park would implement a commercial bison slaughter program. Some park Indians began to hunt for moose outside the park, which put additional pressure on those Chipewyans of the delta and Athabasca River who were restricted to lands outside the park.

Today, moose meat remains a highly desired and valued food by Athabasca Chipewyans. It is a high quality food that is nutritionally superior to meat that can be purchased commercially, especially in the stores in Fort Chipewyan, with their limited stocks. It is highly desirable for community dinners and feasts and other events that are culturally significant to Chipewyans. Moose skins are still in demand for moccasins, mitts, and jackets, all visible markers of

Chipewyan identity. In summer, moose are hunted from boats along waterways, so access to lakes and rivers is especially important at that time but increasingly problematic due to low water levels (Candler et al. 2010:12-13).

Chipewyans consider the right to hunt moose to be a treaty right, and they resent the killing of moose by sports hunters who do not need it for food. Hugh Brody (1981) has discussed how the building of roads and seismic lines in northeastern British Columbia by industries opened up the back country and its resources to people who could not have accessed them in the past, resulting in very large hunts of moose, a finite resource, by outsiders. Statistics on the respective hunts of resident First Nations and Métis compared to the hunts of outsiders now living and working in the oil sands development area are lacking, but this history supports a policy measure that would restrict access to the bush by non-Aboriginal people when new roads are constructed in areas of traditional land use.

**12. What role did fish caught from Lake Athabasca, the Athabasca River, and waters connected to the Athabasca River have on the ACFN way of life and economy at the time of Treaty, and after?**

Fish have always been a subsistence mainstay of Chipewyans, both before and after the treaty. They had an extensive fishing technology and knowledge of fish stocks and their locations, and they exploited fish along with caribou and moose. Residential locations for the local bands were typically in areas where fish could be caught, because it gave Chipewyans at least two different options for food. If meat was in short supply, they probably had fish to eat. Reserve 201D was intended specifically for Chipewyan fishing, which speaks to the significance

of fishing as part of the local Chipewyan economy. Fish increased even more in importance after the development of dog teams in the 19<sup>th</sup> century, to provide food for the dogs, although dogs were also fed meat when it was available (until that practice was outlawed in the 20<sup>th</sup> century).

Different species of fish have their own preferred habitats and spawning and movement patterns, which means that they were/are not uniformly distributed in all local lakes and rivers. However, all waterways - the Athabasca River, smaller rivers, and lakes - had populations of fish. Lake whitefish were the mainstay of the fur trade for both people and sled dogs, and they were normally taken in large numbers in fall and winter from Lake Athabasca. Lake trout were and are also available in Lake Athabasca, but the largest populations are farther up the lake. Goldeye were particularly common in the waterways of the delta. These species were also found more widely. Other local species included northern pike (known locally as jackfish), walleye (locally, pickerel), ling cod, grayling, and suckers (see ACFN 2003:chp. 8). By the 20<sup>th</sup> century, the Athabasca Chipewyans relied mostly on nets, as they still do today for subsistence fishing. While nets could be set anywhere in a lake, Chipewyans were able to fish in the fast-flowing Athabasca River (and any other fast-flowing river) by setting nets near the banks of the river.

Despite the local importance of fish for food, commercial fishing operations by fishermen from outside the region were allowed on Lake Athabasca from the 1920s onward. There was almost no scientific study of fish populations. As was the case with land-based animals, most outsiders assumed that animal resources in the northern “wilderness” were virtually limitless, while in fact northern fish tend to grow far more slowly than in the south, so fish stocks take longer to recover (McCormack 1984:chp. 4). Correspondence from the local Indian Agent and park officials pointed to the decline of fish numbers in Lake Athabasca (McCormack 1984:420).

Eventually, McInnes Corporation, the major company involved, moved to the eastern end of the lake and then abandoned Lake Athabasca for several years to fish the previously unexploited waters of Great Slave Lake (*ibid.*:255-6).

In 1948, the McInnes Corporation was finally able to expand its commercial fishing operation from Lake Athabasca into Lake Mamawi and Lake Claire within Wood Buffalo National Park to fish for goldeye, over strong opposition from residents, including the First Nations. While the company used as one of its arguments that it would provide jobs for local people, it soon sought to bring in its own workers, exerting pressure on government officials that continued while the company was involved in the park. The overall consequence was that fish stocks declined in the park just as they had in Lake Athabasca, in exchange for which Aboriginal fishermen received some short-term financial benefits. It was not a satisfactory industry (see McCormack 1984:418-434). The decline in fish stocks was one more factor that contributed to the serious difficulties Chipewyans and others had in continuing their bush-based livelihoods, complicated greatly by the low water levels caused by the Bennett Dam since 1968. Today, Chipewyans point to water pollution stemming from industrial expansion along the Athabasca River as causing some fish to taste bad and to show deformities.<sup>18</sup> Athabasca Chipewyans are now reluctant to eat fish from these waterways, because they fear for the safety of this traditional food and the negative consequences for their own health.<sup>19</sup>

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<sup>18</sup>A document comprising several photos of fish with deformities and tumors was submitted in 2010 by Mikisew Cree First Nation to hearings for the Total's Joslyn North Mine project, entitled "Deformed Fish Removed from the Athabasca River" (MCFN 2010).

<sup>19</sup>Concerns about the quality of the water and air and the impacts of pollution on the fish and animals that Athabasca Chipewyans regularly consume(d) are frequently heard in personal conversations and public fora. I heard many comments about this subject in 2010 and earlier in 2011 when I attended several meetings in Fort Chipewyan with Athabasca Chipewyan First

**13. What role did migratory birds have in the ACFN way of life/economy at the time of Treaty, and after?**

Migratory waterfowl were always a tremendously important food source in the Fort Chipewyan region for everyone - Chipewyans, Crees, other Aboriginal people, and traders. The fall hunt provided a substantial amount of rich food for both fall and winter, and many birds were eaten and preserved for later consumption. The spring waterfowl hunt could mean the difference between life and death, because late winter and early spring were times when food sources were often in short supply. Bird eggs were also eaten in the spring.

The Province of Alberta allowed commercial market hunting for waterfowl, for which it sold licences. Protection for migratory birds was eventually provided by the Migratory Birds Convention Act of 1916. After, migratory birds could not be hunted between 10 March and 1 September, and eggs could not be collected. There was a continuous closed season until 1926 for several species of migratory game birds, including swans and cranes. Little or no thought was given to Indian subsistence needs, which were considered less important than broader wildlife conservation imperatives (see McCormack 2010:246-7). To some extent, Aboriginal people continued to hunt migratory waterfowl in defiance of this convention, partly because they needed the birds for food and partly because these birds are traditional and highly valued foods. The result has been that a traditional activity considered by Chipewyans to be a treaty right was criminalized to accommodate outside interests and concerns. Today, access by boats to

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Nation members and members of other community groups. These concerns have also been publicized in a variety of media, such as the *Edmonton Journal* (e.g., “Alberta natives slam oilsands in American newspaper,” 18 Feb. 2009:B4; “First Nations take oilsands concerns to U.K., 28 Aug. 2009:B2) and on-line media (e.g., CBC News 2006). Members of the Mikisew Cree First Nation and Métis residents also share and have spoken about these fears.

waterfowl for spring or fall hunts is dependent on water levels.

### *Presentation of Topics*

Following a short description of my own background as an anthropologist, ethnohistorian, and Native Studies specialist, I will address the questions in detail by presenting information and analysis of the information for the following broad topics:

- Who are the Athabasca Chipewyan? Issues of terminology and origins
- Early post-contact Chipewyan history
- Ethnography of the people who now form the Athabasca Chipewyan First Nation
- Athabasca Chipewyan First Nation traditional territory
- 20<sup>th</sup> century restrictions imposed on Athabasca Chipewyan First Nation traditional lands and land-based activities
- Athabasca Chipewyan population growth and relocation to Fort McMurray
- Maintaining traditions: passing on Athabasca Chipewyan First Nation values and cultural practices
- Competing for territory

### *A General Note on Terminology*

In discussing the peoples of the Subarctic in this report, I utilize historically-rooted and often-ambiguous terminologies. The history of terminologies found in northern usages is complex and little studied. Preferred formal terms today in Canada are “First Nations” instead of “Indian,” and “Métis” for “Half-breed.” These terms often bear little correspondence with the

plethora of terms people living in Aboriginal communities use for themselves and others, and they often differ greatly from terms used in the past. They also misrepresent formal ethnic identifications and cultural situations. The terminology employed in this report endeavors to respect documented historical usages, especially in the use of the term “Indian,” which was the normal term used to refer to Aboriginal people in both Canada and the United States until the late 20<sup>th</sup> century and was therefore the term used in Canada’s *Constitution Act 1982*. Since that time, it has been virtually replaced in Canada by the term “First Nation(s)” in both popular and scholarly writing. At times, I still use “Indian” as a collective noun when speaking about First Nations of the past and about more than one group of First Nations, such as Chipewyans and Crees together.

Culturally specific terms are used when applicable, such as “Cree” or “Chipewyan.” “Athapaskans” refers to those Aboriginal people of the western Subarctic who speak Athapaskan languages. “Dene” has become a common equivalent that has been replacing “Athapaskan” in common parlance. “Algonquians” refers to those Aboriginal people who speak Algonquian languages. They are found in the eastern Subarctic, including its interface with the western Subarctic, and also in the northern Plains and Parkland.<sup>20</sup> More will be said about these terms later in the report.

“Métis” is another collective term that usually signifies people formerly called Half-breeds. While Métis was used in the north, typically for people of mixed ancestry, it was far less common and did not enjoy the same sense of distinctiveness as it did in some parts of the south, such as at Red River. In the north, Métis may also be identified or self-identify as Athapaskan or

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<sup>20</sup>Athapaskan- and Algonquian-speakers are also found in other parts of North America, but those distributions are not relevant to this report.

Dene people; the divisions drawn in southern Canada between First Nations and Métis are not as clear-cut or firm in the north, especially in the past (even in southern Canada, they were often less clear-cut than they are represented today). “Aboriginal” and “Native” may be used interchangeably as terms for the totality of Aboriginal peoples in the region.

“European,” “Euro-Canadian,” “non-Native,” and “White” all indicate non-Aboriginal persons, most of whom have European ancestry. I normally reserve the term “Euro-Canadian” for non-Aboriginal persons present after Confederation.

## **2. Personal Qualifications and Areas of Expertise**

As I understand what I have been asked to do in preparing this report, I am to provide ethnographic and historical information about the Athabasca Chipewyan First Nation, formerly known as the Chipewyan Band of Fort Chipewyan, with particular reference to their cultural and economic practices, their traditional lands, and the impacts they experienced after entering into Treaty No. 8 in 1899. While there is a large literature about Fort Chipewyan, the history of its First Nations and other Aboriginal occupants and neighboring Aboriginal people and the cultural changes they experienced over time are largely unknown to the general public and managers of government programs and industries. Their knowledge has been governed by a set of stereotypes about the nature of the Aboriginal society and what happened to the structure of that society after those people became involved with Europeans, first through the fur trade and later through other forms of involvement with Euro-Canadian agents representing Canadian federal and provincial governments. I will address these stereotypes and beliefs in the course of this report, because they are important to understanding the impacts on the Athabasca Chipewyan First Nation of

their history of contact with Europeans, especially in the 20<sup>th</sup> century and into the 21<sup>st</sup> century.

My experience and research have led me to concur with what Hugh Brody wrote in 1981 about the Indians of northeastern British Columbia in his book *Maps and Dreams*: “The Indians’ use of the land, like every other aspect of their way of life, is little known and less understood by outsiders” (1981:146). And, “...the succession of frontiers [fur trade, agricultural, industrial] has not yet proved fatal to the life Indians regard as traditional. There is a strong Indian economy in the region, but it is hidden” (1981:211).

This report will explain how the people known today as the Athabasca Chipewyan came into being. It will construct a picture of the way of life, economy, and pattern of land uses that were part of the life of the ancestors of the Athabasca Chipewyan First Nation at contact with Europeans and that have persisted, though not unchanged, until today. It will address the impacts of different government jurisdictions and population changes on the First Nation’s pattern of land use. It will also outline the various ways in which First Nation members learn about their traditions.

My background for addressing these issues is long-term (45 years), extensive experience in northern and western Canada. My research has comprised field work in communities in northern Alberta, the Mackenzie Valley of the Northwest Territories (NWT), and the Yukon, and related research in archives, museums, and libraries. Northern Alberta and the Mackenzie Valley are covered by Treaties No. 8 and No. 11. I have also done research in regions encompassed by Treaties No. 6 and No. 7, working with both First Nations and Métis topics in the dual contexts of the European fur trade and the expansion of the Canadian nation-state into the Northwest. The formal products of this research are detailed in my *curriculum vitae*, submitted separately.

Especially germane to this report is my lengthy history of research and “lived experience” in Fort Chipewyan itself, a community I first visited in 1968. I have spent time on the land with various individuals and families, including two trips down the Athabasca River, one of them by canoe in 1975, at a time when some families were still living in small settlements along the river and the oil sands industries were in very early stages of development. I have also done some research in the Chipewyan communities of Black Lake (Saskatchewan), Janvier (Alberta), and Cold Lake (Alberta). I have visited Churchill, Manitoba, another community with Chipewyan residents, though I did not do research there.

My research has always been conducted with respect for the oral and written traditions of both community members and other people who have left some record about Fort Chipewyan. My primary goal has been to conduct scholarship of the highest caliber, which means that my own interpretations and understandings are ultimately my own, not dictated by community members, other scholars, or the people for whom I have undertaken related contracts. Conducting anthropological and ethno-historical research as an academic is a privileged position, and my personal philosophy is that I can best serve everyone’s interests by attaining to scholarly excellence; that is, by striving to achieve the highest possible standard of scholarship in the ways I present and interpret historical and ethnographic information. Such interpretations may differ from community knowledge or the “conventional wisdom,” whatever its source.

The products of scholarship are not fixed, because the “business” of scholarship is an open-ended and on-going process. Scholars “discover” or produce new knowledge in the process of working with materials such as this report contains. My own interpretations about the history of Fort Chipewyan and its diverse inhabitants have become more sophisticated over time as new

information has become available and as I have thought about old problems in new ways. This report is another step in narrating the history of Athabasca Chipewyan First Nation in the broad context of the history of the Fort Chipewyan region, and its content relates directly not only to earlier publications and reports but also to two books. The first is a major study about Fort Chipewyan (ethno)history that was published in 2010 by UBC Press, entitled *Fort Chipewyan and the Shaping of Canadian History, 1788-1920s* (McCormack 2010). A second book that continues this story is nearing completion; it considers the years from the end of World War I until the 1970s; much of its content derives from my 1984 Ph.D. thesis (McCormack 1984). This two-part case study contains information related to the questions I have been asked to address for this report. Appended to this report is a list of my publications and exhibits directly related to some dimension of Fort Chipewyan history (Appendix 1). Many of the other publications and papers listed in the larger *curriculum vitae* have helped me to think about Fort Chipewyan history and the cultures of its various members in new ways.

In the past, anthropological research among northern Athapaskan and Algonquian peoples relied primarily on both short-term (survey) and long-term fieldwork in communities to learn about the cultures of Aboriginal peoples at or prior to contact and later. Anthropologists used “participant-observation” - learning by living in the community being studied - and interviews. They heard and sometimes collected formally-narrated accounts by Aboriginal and non-Aboriginal people, although narratives from the latter were rarely acknowledged as a source of data. Such observations and narratives were supplemented by what they learned from published literature; sometimes, but less commonly, they studied archival sources. I am probably the first generation of anthropologist not only to use these traditional approaches but also to make

extensive use of archival documents, which has greatly expanded and transformed the field of historical analysis for Aboriginal people.

This approach to anthropology as a discipline is broadly *ethnohistorical*. Multiple definitions of ethnohistory abound, but basically ethnohistorians work in an interdisciplinary fashion, utilizing a wide range of resources and methodologies to produce ethnohistorical narratives, especially (but not exclusively) about groups of people who have been marginalized or excluded from the standard histories of nations. This report is an example of an ethno-historical narrative, and it relies on diverse ethnographic and documentary evidence to understand the history and evolving culture of people now known as the Athabasca Chipewyan First Nation within the contexts of the European fur trade, the nation-state of Canada, and the Province of Alberta.

Some of the questions I have been asked to answer for this report also relate to subjects about which I teach at the University of Alberta, including: what were the cultural and economic structures of Aboriginal peoples prior to contact with Europeans, how did contact change those Aboriginal people (e.g., what transformed and what persisted), what was their relationship with fur traders and later with agents of the federal and provincial governments, what do we mean when we talk about traditional societies and traditional lands, why do stereotypes about Aboriginal people still persist today, and what impacts did those these stereotypes have/continue to have on policy development?

### **3. Who are the Athabasca Chipewyan? Issues of Origins and Terminologies**

The Athabasca Chipewyan First Nation (ACFN) has a complex set of origins. The

history of the people who comprise this First Nation reaches back thousands of years to the histories of Athapaskan-speaking and Algonquian-speaking Aboriginal peoples whose lives intersected in the region that is now northeastern Alberta and other points to the east in the northern parts of the prairie provinces.<sup>21</sup> Beginning approximately 300 years ago, these separate peoples also met and became involved with Europeans, first at two locations (York Fort/Factory and Fort Churchill [also, Fort Prince of Wales]) on the west coast of Hudson's Bay and later at numerous sites in the Saskatchewan River and Mackenzie River basins.<sup>22</sup> European fur traders first reached the Churchill River (formerly, English River) in 1774 under the Frobisher brothers, but they did not meet with Athapaskan-speakers until 1776, when two groups of Indians (probably Chipewyans but possibly Beavers) from the Athabasca country braved their Cree enemies to travel over the Methye Portage (also, Portage la Loche) to the Churchill River to trade (Henry 1809:320-327; Innis 1964:152, 195). The European trade finally arrived at the Clearwater River, lower Athabasca River, and Lake Athabasca in 1778, under Peter Pond (*ibid.*:152). From there, traders for the North West Company and the Hudson's Bay Company rapidly explored and established posts at Great Slave Lake and along all the northern rivers: the Peace, the Slave, the Mackenzie, and the Liard (see, for example, Innis 1964; Masson 1889;

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<sup>21</sup>These constitute different language families, each of which has speakers in other parts of North America.

<sup>22</sup>French fur traders began to trade on the Saskatchewan River in the 1740s, intending to obtain both local fur and furs from more distant areas that would otherwise be carried to York Factory. Their posts reached nearly the length of the North Saskatchewan River but do not seem to have reached the Churchill River basin to the north. They traded successfully with Crees, Assiniboines, and other Indians in the northern plains, the parkland, and the southern fringe of the boreal forest (Innis 1964:95-99). This report does not attempt to provide comprehensive citations and references to the very large literature about the expansion of the French and succeeding English and Scottish fur traders into the Northwest. A recent, popular account with solid scholarship is Michael Payne's *The Fur Trade in Canada* (2004).

1990; Keith 2001; Morrison 2009). Over time, the constituent peoples of the region included:

- Chipewyans, now also known as *Dene Sų iné*
- Other Athapaskan-speaking or Dene people, including Beavers and Yellowknives
- Western Crees
- People of mixed Aboriginal-European ancestry (sometimes but not always known as Métis or Half-breeds)
- Other Aboriginal people (e.g., Iroquois)
- European fur traders (French, English, Scottish, Orcadian)
- Miscellaneous others

#### *Archaeological Evidence for Chipewyans and Crees*

The histories of the different Aboriginal peoples who met in this region are complex and only partially known, both for the very lengthy period prior to the arrival of Europeans and their influences and for the early post-contact era. Archaeologists have used the physical evidence of former human occupations to construct plausible portraits of sequences of Aboriginal occupation. The most recent summary of this work is provided by a massive two-volume work, a detailed review of *A History of the Native People of Canada*, by J. V. Wright (1999; 1995), based primarily on archaeological information, and more immediately for northeastern Alberta by John W. Ives (1993). Wright discusses three broad regions that are relevant for the Athabasca Chipewyan: the Northwest Interior, the Western Shield, and the Plains. This material is presented briefly, supplemented by Ives and other sources, to indicate the enormous span of time for which one can speak about Athabasca Chipewyan history and the depth of their ancestry in

the lands that were included by Treaty No. 8 in 1899 and in 1905 became the northeastern corner of the new Province of Alberta.

Wright's "Northwest Interior Culture" includes part of the Mackenzie Basin and extends into modern-day Alberta. Wright argues for at least 6,000 years of cultural continuity in this region by people who would eventually become "the historically documented northern Athapaskan-speaking peoples of the region" (Wright 1995:390, 389). They included the people who later became "Chipewyans." What he terms the "Late Northwest Interior Culture" was characterized by the Taltheilei archaeological complex. In Wright's summation:

...the Taltheilei complex was the product of an exceptional eastward movement of people, likely coming out of northeastern British Columbia and the adjacent Yukon Territory via the Peace River and the Liard River.... This population movement extended 1,500 km east of the Mackenzie River nearly to Hudson Bay, north to the coast of the Arctic Ocean and south into the northern reaches of the Alberta, Saskatchewan, and Manitoba [Wright 1999:978-9 and cultural distribution map pp. 568-9].

People with the Taltheilei complex appeared in the Barren Grounds of the Keewatin District (lands now divided between the Northwest Territories and Nunavut) about 2,700 years ago (700 BC), at a time when the climate had warmed. This date was approximately the same time by which the modern boreal forest biome had developed in northeast Alberta, although Ives does not believe that the evidence points to occupation there by Taltheilei people until a later date, between 500 and 1,500 BP (Ives 1993:7, 17). At the same time, Ives has pointed out that archaeological research in northern Alberta has been limited; "only a handful of archaeologists have ever taken an interest in the region," "making it difficult to lay out a chronological framework for human prehistory in the boreal forest" (1993:7).<sup>23</sup>

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<sup>23</sup>Despite the importance of understanding the northern human occupations that were a major chapter in the peopling of North America, archaeological research in the western boreal forest has occurred at a "sluggish pace," which means that major questions remain unanswered

Much of the Taltheilei tradition was associated with the distribution of barren ground caribou (*Rangifer tarandus groenlandicus*) and seemed to have somewhat distinctive tool kits associated with summer (barren ground) and winter (boreal forest) subsistence strategies (Elias 2002:14; Wright 1999:990–1). Wright lists a variety of mainly lithic tools, including bipointed biface knives, chi-thos (a distinctive type of scraper), a wide range of types of scrapers (especially end scrapers), linear flakes, hammerstones, and wedges (1999:991). Artifacts fashioned from bone, antler, other organic materials, and copper are rare, even though they are all known to have been part of northern tool kits in this region.<sup>24</sup> Organic artifacts do not preserve well, and copper items were probably so highly valued that people curated them carefully.

Because Taltheilei artifacts are widely considered to constitute the distinctive material culture of the Athapaskan-speaking people who lived in the northern parts of the prairie provinces and east of the Mackenzie River in the Great Slave Lake and Great Bear Lake regions

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(Arundale *et al.* 1989:87). It faces serious methodological difficulties, which include problems of northern travel and preservation of organic materials. Ives remarked that “...a significant proportion of the archaeological work that took place was driven by the impact assessment and mitigation provisions of the Historical Resources Act of Alberta,” which meant that when industrial development slowed in the 1980s, archaeological research also diminished (1993:7-8). Assessments increased substantially in the late 1990s and especially in the current decade (Table 8.6-1 in Shell Canada Limited 2007:8-176-179). At the same time, expanding the industrial footprint of oil sands extraction projects means, inevitably, the nearly complete destruction of archaeological sites and the evidence they contain. The methodology outlined in Shell Canada Limited’ “Environmental Impact Assessment” (2007) raises questions about whether or not historical or post-contact sites are being adequately identified. Meticulous archaeological investigation is critical to ensure that *all* the information from these areas will be identified and salvaged, both for earlier eras and for the post-contact period, because it is the evidence of the past history of the Athabasca Chipewyan and that of neighboring Aboriginal groups that is being destroyed. Despite the extensive record of archaeological research, it seems that little is being published about the findings (but see Younie *et al.* 2010 and Ives 2006 for articles about early, pre-Taltheilei microblade and burin technology).

<sup>24</sup>Artifacts made from copper were not present everywhere; they were found mainly among people to the north.

and adjacent barren grounds or tundra, the presence of such artifacts has been commonly interpreted as evidence for the presence of Athapaskans.<sup>25</sup> This area is also the traditional territory of First Nations known today as Chipewyan, Yellowknife, and Dogrib, which suggests that the presence of Taltheilei artifacts here also indicates occupation by these specific Athapaskan peoples. Chipewyan and Yellowknife were linguistically so close that it is not clear whether or not they should be considered different dialects, while there may be some mutual intelligibility with Dogrib, the other main Athapaskan group in the area (Krauss and Golla 1981:80).<sup>26</sup> Taltheilei artifacts have been found as far south as the northern fringes of the boreal forest, including portions of the Churchill River drainage (see Meyer and Russell 1987:12). Peter Douglas Elias' analysis of the distribution of Taltheilei sites indicated a broad correlation between the location of these sites and climate: people expanded their range northward during periods of improving climate and associated advancing treeline, and they contracted their range southward when the climate deteriorated (2002:vii).

They were bordered to the southeast and southwest by peoples with two different archaeological traditions, Western Shield Culture and Plains Culture respectively. On the

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<sup>25</sup>David Morrison considers the "western third of the Mackenzie District of the Northwest Territories, exclusive of the Delta and Great Slave and Great Bear lakes," to constitute "a single cultural area" that is different from Taltheilei (although both share the distinctive chi-tho) (Morrison 1984:195, 208). The historic descendants of this tradition are Athapaskan-speakers known today as Slavey, Hare, and Mountain Indians (not to be confused with the designation of "Montagnais" for Chipewyans) (*ibid.*:195). These people were the western neighbors of the people who became the Chipewyan. The close historic association among them is supported by close linguistic similarities among them, while Chipewyans and Dogribs deny mutual intelligibility with Slavey-Hare (Krauss and Golla 1981:79-80).

<sup>26</sup>Linguistically, talking about separate Athapaskan languages and dialects is problematic. Much of the linguistic variation among speakers occurred in speech communities (Richmond 1970).

margins, their bearers interacted with one another and with the Talttheilei people to the north. Wright's "Late Western Shield Culture" developed from the "Middle Shield Culture" and its own complicated origins in what is now Manitoba, Saskatchewan, and the Great Lakes. It was found throughout much of Manitoba and distributed into east-central Saskatchewan. This tradition has very deep roots, the product of *in situ* development and a continuation of the first human occupation of the Canadian Shield as it became suitable for human occupation following the melting away of Pleistocene glaciers (Wright 1995:261). It "led directly to the northern Algonquian-speaking peoples who still occupy the territory" (Wright 1995:263). Linguistically, it correlates with the fact that Cree and Ojibwa are considered to have developed independently in this region from ancestral Proto-Algonquian (Rhodes and Todd 1981:52). David Meyer and Dale Russell provided a detailed review in 1987 of the "Selkirk composite," the material culture of these people (1987).<sup>27</sup> Basically, they argued that there were broad archaeological similarities across the northern landscape from the Churchill River to northeastern Alberta that differed mainly in local ways. These localized differences probably reflected regional populations of Algonquian people whose material culture changed in somewhat unique ways, due to local innovations and to their varying involvements with people to the south and west with Plains traditions. Meyer and Russell considered the lithic and bone technologies to be "very similar"

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<sup>27</sup>Archaeologists use a wide range of classificatory units that have changed over time. Meyer and Russell (1987:4) followed a system defined by Leigh Syms in 1977, in which there are three levels of analysis: the assemblage, the complex, and the composite. An assemblage comprises "the surviving materials, features, and evidence of activities of a single residential group over a short period of time at one site." They can be grouped into a complex, which is "the total expression of a number of assemblages left by the same group over a sufficiently narrow time period that the cultural expressions undergo only minor changes." In turn, complexes can be grouped together into a composite when they "share a set of traits...that may be conceived as being sufficiently different that microevolutionary changes have taken place," but not major changes that would be considered macroevolutionary.

across this range; the distinctions relate mainly to different styles of ceramics (clay pots) (1987:4). Tools include side-notched points, a variety of scrapers and biface knives, and adze blades (including ground blades). Bone tools are more widely represented and include a range of items for producing other tools, working hides, and manufacturing snowshoes (though evidence of bone tools diminishes in the most northerly locations due to preservation problems). Ceramics were found widely throughout the region, except in northern Alberta (Ives 1993:17). Ceramics are considered diagnostic, so their presence or absence is significant. At the same time, the lack of ceramics, which are heavy to transport, cannot be considered definitive evidence of the *lack* of an Algonquian presence, especially short-term visits, because Algonquian peoples were known to have raided into and occupied portions of northeastern Alberta and regions to the north, at least from the late 17<sup>th</sup> century.<sup>28</sup>

West and south of the Western Shield Culture were people with a “Plains Culture,” who also occupied or exploited southern portions of the boreal forest, including the Peace River region of British Columbia (Wright 1995:299). Wright argues that when moist, cool weather between 3,500 and 2,500 years ago led to the expansion of the boreal forest southward and westward, the Middle Plains Culture populations abandoned territory that was probably already marginal for them to begin with and were replaced by Late Western Shield people who had a more successful boreal forest adaptation (Wright 1999:726). However, evidence of the Late Plains Culture in the form of diagnostic projectile points continued to be found in the Athabasca drainage of the boreal forest and at least as far north as Lake Athabasca (Wright 1999:837). Late Plains Culture included people who spoke both Algonquian and Siouan languages and were the

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<sup>28</sup>See Hearne’s references to the Athapuskow Cree (1958), discussed below.

ancestors of the populations known after contact from the Saskatchewan River basin, including the northern Plains and parkland. Wright points out that the relationship between Late Plains culture and Late Western Shield culture (Selkirk) is “poorly understood” (1999:790). The same can be said for the relationship between Late Northwest Interior Culture (Taltheilei) and Late Plains Culture, which could have been highly influential for Athapaskans who lived in or expanded eastward along the Peace River corridor (see Wright 1999:837).

In short, prior to the arrival of Europeans, the archaeological record indicates millennia of occupation by Athapaskan-speaking peoples to the north and Algonquian-speaking peoples to the south in the area associated today with Chipewyans - a broad swath of the Canadian north extending from the eastern side of Great Slave Lake through a large portion of the Keewatin barren grounds and the northern part of the prairie provinces to Churchill, Manitoba (Figure 3). The interface between these two broad regions probably fluctuated and may have involved some buffer zones, but it seemed to have been very roughly defined by several rivers, which were highways between north and south, west and east: the Churchill River, the Clearwater River, and lower stretches of the Athabasca River.<sup>29</sup>

#### *Chipewyan-Cree Relationships Before European Arrival*

There are two standard beliefs about the historic nature of Chipewyan-Cree relationships. The first is that there was little territorial overlap between them, thanks to very different patterns

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<sup>29</sup>Beryl Gillespie (1975:353, 356), relying on works by Alexander Mackenzie and other fur trade sources, proposed the Seal River, located north of the Churchill River, as the pre-contact Chipewyan-Cree boundary. However, the archaeological evidence suggests that pre-contact boundaries may have fluctuated and possibly were permeable, more an interface than a strict boundary.

of resources use, what James G. E. Smith called “distinctive econiches” (1981b:135; see also Elias 2002:ix). In that case, they may have had little to do with one another. The second is that their early encounters were characterized by bitter raids and warfare by Crees against Chipewyans and that this enmity has persisted over time in the form of “interethnic tensions” (J. Smith 1981a:282; see also 1981b). In fact, the Chipewyan word for Crees is *'ená*, or enemy (J. Smith 1981a:271; see also ACFN 2003a:37).

However, some evidence suggests that this picture of original ethnic segregation and a state of original hostility has been exaggerated and that the relationship between these two peoples was more complex (see J. Smith 1981b:133). The sources of potentially relevant evidence include archaeological investigations, oral traditions, analogies drawn from other ethnographic situations (especially among other Athapaskans), and “upstreaming” from early post-contact eye-witness accounts. Unfortunately, the archaeological evidence is weak, due to lack of good diagnostic information that can be dated and correlated with social identities, and it will not be considered here. Analogies from other ethnographic situations and early post-contact accounts are helpful only in small ways, largely because early European observers in the western Subarctic rarely if ever spoke Athapaskan languages (Cree was more common and served as a *lingua franca*), and what they saw and recorded were occurrences long after fur trade-initiated conflicts had begun. They did not and probably were unable to distinguish the warfare of the day from the state of affairs in a pre-contact era.

It is oral traditions that are especially helpful. Some early versions of Chipewyan oral traditions were recorded in French translations by Oblate Father Émile Petitot and published in several books in the late 1800s. Two of these have just been republished by the Champlain

Society in an important new English translation and single volume, *Travels around Great Slave and Great Bear Lake 1862-1882* (2005). It makes Petitot's work easily available to readers lacking fluency in French. For reasons of accessibility, it is used here rather than the French originals. Father Petitot's *Traditions Indiennes du Canada Nord-Ouest* (1886) compiled some oral traditions for Chipewyans and other Athapaskan groups as well as "Esquimaux" or Inuit, Crees, and Blackfoot. He also included Chipewyan stories in other publications (e.g., 1883, 2005). The two earliest collections published in English were prepared by Robert H. Lowie, based on a field trip to Fort Chipewyan in 1908, and by Pliny Earle Goddard, from his trip to the Chipewyan of the Cold Lake Reserve in 1911, both published by the American Museum of Natural History in 1912. Lowie's principal informant, or possibly his informant and interpreter, was Francis (François) Fortin, whose "mother was of pure Chipewyan stock," according to Lowie (1912:174), possibly a woman named Shanielzaze. If this is the correct Fortin, he was baptized in 1859 and may have been about 50 years of age when Lowie met him (McCormack n.d.b). Lowie also noted that he "had spent some time with the Beaver Indians" (Lowie 1912:174). Goddard was a linguist as well as an ethnographer; the translations he provided reflected the bilingual abilities of his interpreter, Jean Baptiste Ennou, "...a man of about thirty-five years of age who speaks good English" (1912:4). While the 20<sup>th</sup> century stories from Fort Chipewyan and Cold Lake are not identical, there are strong parallels between them, and some of them reflect stories that Petitot heard in the 19<sup>th</sup> century. Finally, there is a collection of stories told to linguist Li Fang-kuei in 1928 by 50-year old François Mandeville.<sup>30</sup> Ronald Scollon, who

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<sup>30</sup>François Mandeville was probably the grandson of Baptiste Le Camarade de Mandeville, a man of mixed French-Indian ancestry known to Petitot (2005:51-52). While Petitot called him a "French Metis," he also said that his children were all "...true Dènè savages, not understanding a word of French (*ibid.*:52, see note 12). However, these children, and their

was Li's student, worked with these stories for over 30 years and also did research in Fort Chipewyan in 1976-77. In 2009 he published a new translation of these stories. In Scollon's analysis, Mandeville chose a core group of 16 stories "as a way of guiding Li Fang-kuei in his understanding of the Chipewyan people"; Scollon calls them "a narrative ethnography" (2009:13). Taken together, these four collections of stories provide us with oral traditions that date back to the earliest days of contact and probably to the time before contact.<sup>31</sup> They show remarkable persistence of story-lines and themes.

Lowie's stories include several about a powerful culture-hero named Crow-head, which include multiple references to relations with Crees, typically with reference to moral transgressions by Chipewyans themselves and to their repercussions. For example, in one story Crow-head was described as a dwarf who took care of an orphan, whom he called his grandchild. Crow-head wore a special cape made from a crow skin, which was his part of his medicine power. When two girls made fun of this garment, Crow-head was offended and decided to make a canoe and leave the band. While he and his grandchild were getting the bark, some "bad Indians, who were Crees," threw snowballs at them, but they were unharmed. Meanwhile, those same Crees had killed all the Chipewyans at the camp Crow-head had left. Crow-head caused those Chipewyans to return to life, except for the girls who had made fun of him. He also caused the Crees to return to another place where they were all killed (Lowie 1912:175-6). In another

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grandchildren, learned all the local languages, which would have included the "rababou" or language mix that would not have been true French to Petitot (see Scollon 2009:14; McCormack 2010:279 n. 1). François Mandeville himself spoke Chipewyan, Slavey, Dogrib, Hare, Gwich'in, English, and presumably the local French dialect (Scollon 2009:14).

<sup>31</sup>The most important collections are used here; there are other stories that can be found in the Chipewyan literature.

story, Crow-head thought that someone had handled his crow-skin cape and was upset:

“Someone has counted every feather on it and has been laughing at it. I will go away and let the Cree kill the people. ... That night the Cree killed all the Chipewyan, but Crow-head and his grandmother escaped” (Lowie 1912:178). It is unclear whether or not Crow-head simply knew that the Crees were coming or used his power to bring them to the camp for his vengeance. The same ambiguity exists in Goddard’s version of these stories, where Crow-head said: ““Because they laughed at my blanket, may the Cree get them all!”” That night, the Crees killed everyone in the camp, including his grandmother, but Crow-head brought her back to life (Goddard 1912:54). Goddard also described Crow-head fighting with other Chipewyans: “Crow-head used to fight with the people and kept killing them” (1912:54-55). In Scollon’s version and translation of Mandeville’s stories, the hero was called Raven Head and “...was known to have the strongest powers” which he used to fight Dogribs and Slaveys (2009:62).<sup>32</sup>

Edward Curtis’ account of the Chipewyan at Cold Lake contains a single Crow-head story that is slightly different from the one told by Goddard. It contains some informative details.<sup>33</sup> Crow-head’s mother was “a captive Cree,” and Crow-head himself

...was a great leader in the border country between the Cree and the Chipewyan along the

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<sup>32</sup>Mandeville’s stories about warfare may have been conflated with Yellowknife stories; in the early 19<sup>th</sup> century the Yellowknives were very aggressive toward Dogribs and Slaveys. However, there are two other stories in which Mandeville named Yellowknives specifically (Scollon 2009:177-179). It is surprising not to see any stories about enmity with Crees, which certainly existed in Fort Chipewyan at that time, and one wonders why Mandeville elected not to tell such stories. Perhaps he chose to focus on stories about Chipewyans (and probably Yellowknives) before European arrival. The important and commonly-known Thanadelthur story does not appear here. Unfortunately, Scollon did not provide any interpretation about the selection of stories or the order in which they were told, both determined by Mandeville.

<sup>33</sup>For one thing, the name given by Curtis is a slight variation of the others, translating to “beak excrement [raven] head” (1928:129).

line from Athabasca lake to Cree and Caribou [Reindeer] lakes. He sometimes associated with the Cree, sometimes with the Chipewyan, but mostly with the latter. Fighting was a mania with him. All feared him, but none could kill him [Curtis 1928:129].

Crow-head's brother, Spread-wings, was also a man with great power.<sup>34</sup> Stories told about him include one in which he was traveling with his sons when "They found the tracks of a band of Cree. The younger brother did not want to follow on account of the strong smell, and kept behind his father and brother. After some time they got to the Cree. ... The elder brother wished to get married, and with his father's consent he married a Cree woman in the fall" (Lowie 1912:181).

Other stories resonate with stories of warfare, of Chipewyans killing Crees. According to Curtis, the Chipewyans "...were stubborn fighters when attacked.... They are said to have been without fear, undaunted by the death of a few, and the Cree commonly called them 'bad people' in reference to their reckless, headlong attack" (1928:9-10). This bravado is reflected in the oral traditions. For example, Lowie recorded the story of Marten-Axe, who "...used to travel among his friends. Whenever he found Cree, he would always kill them. He was in the habit of staying with the Chipewyan. Once he started out to travel, and came to a band of Cree. He knew all languages. So he told the Cree that he was a Cree himself and that the Chipewyan had killed all his friends." He killed all the Crees that night while they were sleeping (Lowie 1912:189).

Goddard recorded the complex story of Ebedaholtihe/Ebedaxoltihe in which Chipewyans

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<sup>34</sup>In a story told by François Mandeville, not only could Spread Wings transform himself into a wolf, but "After he has been a wolf, when he becomes a man again, he becomes a young man. ... Three times he has lived to be an old man" (Scollon 2009:157). Henry S. Sharp reports a contemporary tradition from Black Lake about possibly the same spiritual figure, but named "Lived-with-the wolves," who could be reborn in human form (2001:80-81). According to Sharp, "...wolves are frequently referred to as the most powerful of the animals..." and "significant figures of inkoze," or spiritual power (*ibid.*:79).

and Crees found themselves at the same fishing place and fought until only one man of each side remained. They were unable to kill each other. “After that, the Chipewyan went to live with the Cree.” His former Cree antagonist gave him a wife and became his brother-in-law. He lived with his new Cree relatives long enough to have older children. Later, he found his Chipewyan relatives again, and they came raiding and killing the Crees. They spared his own family (which had a distinctive tipi), except for his son, presumably because the son had gone to fight on the side of the Crees. “The Chipewyan [man] was about to kill some of his own people because of it but they gave him a young man of the same age in the place of his son who had been killed. Then he was satisfied and went with the Chipewyan and afterward lived with them” (1912:55-56).

Yet another group of stories is a distinctive genre of northern Athapaskan oral traditions, “stolen women” stories, in which women are kidnaped by raiders and strive to escape, with the women relying heavily on their skills and men on their medicine or spiritual power (McCormack 2003:353-4; see also Cruikshank 1983, among others). Lowie included a classic example of an Athapaskan stolen woman story (1912:193-4): some Crees stole two Chipewyan women - sisters - while their men were away hunting. The brother of these women was a “medicineman,” a person with spiritual power. In Chipewyan, this power is known as *i"ko"ze* (see D. Smith 1973; Sharp writes it as *inkoze*). He followed the Crees in order to rescue his sisters; animals helped him to track them. When he finally found the Crees, his sisters had evidently both been married to the same Cree man, whom he referred to as their Cree “husband.” In the end, he was able to rescue only the younger sister, and he had to use his spiritual power to fight the medicine that the Crees were using in turn to prevent the escape of their captives (Lowie 1912:193-4).

None of these stories involved firearms, although there was a Spread-wings story in which he was hunting toward the barren grounds, armed only with spears, when he used his medicine to make the Crees “stupid, so that they passed by his canoe without noticing it” (Lowie 1912:179). The specific reference to his spears is suggestive; perhaps he used his medicine to avoid them rather than to kill them because the Crees possessed guns. There was also a Crow-head story that spoke more generally to warfare, not to conflict between Chipewyans and Crees: “Long ago the Indians did a great deal of fighting” (Lowie 1912:178).<sup>35</sup>

Several themes relevant to this report can be extracted from these stories:

- Chipewyans are fierce warriors who kill Crees, with the help of their medicine or spiritual power. They marry captive Cree women.
- Crees kill Chipewyans. They have medicine, but it is not as strong as Chipewyan medicine.
- Chipewyan men occasionally marry Cree women, peacefully. They become relatives. Relations between them are not always hostile.
- Crees capture Chipewyan women and marry them. They become relatives.

These oral traditions can be used in tandem with the account provided by Governor James Knight in the York Fort journals of 1714-1717 to provide additional insights into early Chipewyan-Cree relations. Knight took command of this post from the French in 1714, following the Treaty of Utrecht (HBCA B.239/a/1-3; McCormack 2003). He recorded much information about the Northern Indians and their neighbors that he learned from Thanadelthur, a

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<sup>35</sup>Chipewyans had similarly complex relationships with Inuit, ranging from warfare to peaceful interactions (Janes 1973; Smith 1981b). Inuit were *otel'ena*, or enemy of the lowlands (Smith 1981b:143-4).

famous young Athapaskan woman captured by Crees c.1712 whom he called the “Slave Woman,” and from his discussions with other Northern Indians who visited the post with her. The story of Thanadelthur is a classic example of an Athapaskan “captured woman” story that still exists in Chipewyan oral traditions.<sup>36</sup> Petitot published the earliest written version of this narrative, which he heard at Fort Chipewyan and possibly at other locations, and it was recorded by Edward Curtis in the early 20<sup>th</sup> century at Cold Lake (Petitot 1883:650-651; Curtis 1928:8-9; see McCormack 2003). Today Thanadelthur is typically identified as Chipewyan in the modern sense, but her exact geographic origin and how she would have identified herself are unknown. From her own remarks, we know that she did not come from country where copper was available, which indicates that she was not a Yellowknife Indian or any of the other northern Athapaskan “nations” identified as having access to copper (27 July 1716, HBCA B.239/a/2:fo. 48; HBCA B.239/a/3:23). However, she could have come from as far northwest as the Lake Athabasca-Great Slave Lake region. She told James Knight that there were “11 Great Nations as was there friends as understood each other [spoke the same language or closely related languages] and that their [there] is 5 Great Nations bordering upon their friends that does not understand each other but does marry amongst another” (4 Feb. 1717, HBCA B.239/a/3:fo. 23). These nations were evidently widely distributed; Knight heard from other Northern Indians that four of these nations lived in country where copper could be found (30 May 1716, HBCA B.239/a/2:fo.34d). Elsewhere, he distinguished between the “Yellow Mettle Indians” and the

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<sup>36</sup>Versions of her story told at Fort Chipewyan by Victoria and Josephine Mercredi call her Ttha'naltther (Coutu and Hoffman-Mercredi 2002:126; ACFN 2003a:38-9).

“Copper Indians” (12 July 1716, HBCA B.239/a/2:fo. 45).<sup>37</sup> It seems likely that the nations were what today would be called regional bands, not the larger entities referred to today as “Chipewyan,” “Dogrib,” and so forth.

Had Thanadelthur stayed with her Cree captors, eventually she would have become a wife to one of them, and there are other examples of that in Knight’s account, even though Knight called all captured women “slaves.” Early European explorers such as Alexander Mackenzie wrote about the great nervousness of local people when strangers appeared, fearing for their own safety and especially fearing the loss of their women, though not necessarily just to Crees (e.g., Lamb 1970:182, 212; see Hanks and Winter 1991:49). At the same time, inter-marriage is also part of a common pattern of localized alliance that fluctuated over time, which is what the oral traditions suggest. Marriages were a typical and important vehicle to building bridges between strangers, turning enemies into kinsmen, in order to facilitate peaceful interaction and trade.

Adoption, also in the oral traditions, was an alternative route to alliance. It could occur by capture or by formal arrangement. As an example of the former, J. M. Bell, who visited Great Bear Lake for the Geological Survey of Canada, recounted a Dogrib or Hare story about an enormous man, Naba-Cha, who had once gone raiding to the south and returned with “a young Wood-Cree boy” (1903:80-1).<sup>38</sup> An example of the latter is found in a detail of the peace made

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<sup>37</sup>No evidence exists to clarify the identification of these two different groups. Historically, the name “Copper Indian” is equated with “Yellowknife,” who have often been considered a sub-group of Chipewyan. See below for more on terminological problems. Knight’s remarks were all based on what he was told by Indian visitors to York Fort, and it seems likely that Athapaskan languages were interpreted imperfectly for him. Some of his Athapaskan visitors drew maps for him that showed the rivers, but none of those maps have survived.

<sup>38</sup>Although about a Cree youth, it is not surprising that this story seems to be told in an Athapaskan way, with traditional themes. The boy, who became known as Ithenhiela, the

between the Cree trading captain with whom Thanadelthur was traveling and “her people.” As part of the peace process, the man who seemed to have been the most influential Chipewyan leader gave up his 18 year-old son for adoption by the Cree trading captain (31 March 1717, HBCA B.239/a/3:fo. 38d). Other parts in the process for making peace were the giving of gifts and smoking what Knight called “the friendly pipe” (7 May 1716, 9 May 1716, HBCA B.239/a/2:fo. 27d, 28d).

None of this discussion is intended to mean that warfare was absent, but to indicate that it was not always with Crees. If the oral traditions are correct, much warfare may have been with other Athapaskans, possibly even internal. This situation of more generalized antagonism is not surprising, given that people living in band societies tend to be nervous of and may engage in conflict with people to whom they are not related. The Northern Indians who had returned to York Fort with the Cree trading captain and the peace party told Knight that “there is 3 Nations that borders upon them that they are perpetually at Warr with and they speak 3 Different Languages as they do not Understand a word they Say” (30 May 1716, HBCA B.239/a/2:fo. 34d). But, they did not identify those “Nations” as Crees, which suggests that at least some of these enemies were likely other Athapaskan speakers or Inuit. Knight also heard from the Athapaskan visitors that they were at war with the Indians who had access to copper, “...but they made peace with them last Summer as likewise with other Indians to the Westwards to Join all against there common Enemy that Destroys them all[,] w.ch is our Indians [Crees] those Rogues that come to trade with us and getts guns, for they Poor people have none...” (8 May 1716 HBCA B.239/a/2). This passage, more than any other, suggests that the Chipewyans may not have

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Caribou-footed, was treated badly by his captor. He eventually escaped, in the process creating the mountains west of the Mackenzie River and having other adventures (Bell 1903:81-84).

engaged in warfare with Crees in any greater way than with other people on the fringes of their lands until the arrival of firearms, which changed the balance of power in the north.

This interpretation is supported by the oral traditions surrounding Thanadelthur, all of which begin by talking about firearms, in contrast to the traditions discussed above, where firearms are not mentioned and the main weapons are spears and bows and arrows. While the firearms of the day were not particularly reliable, they were nevertheless fearsome and desired weapons. Groups that had previously been more or less equal from a military standpoint were now unequal. As Nicolas Jérémie, the French commander at Fort Bourbon (the French fort that temporarily replaced York Fort), reported about the Chipewyans in the Seal River country, “As they have no experience with firearms, ...as soon as they hear a few shots fired they all run away...” (Douglas and Wallace 1926:20, also in Gillespie 1975:356).<sup>39</sup> Crees and other Indians who engaged in direct trade with Europeans seized the advantage. Not surprisingly, the peace made between the Cree trading captain and the Northern Indians and mediated by Thanadelthur did not endure. While Gillespie thinks that warfare between Chipewyans and Crees lasted for only about 30 years in the eastern area served by Fort Churchill (the last recorded instance occurred in 1729) (1975:360), to the west occasional warfare may have continued until approximately the 1760s-1770s.

### *Terminologies*

*Chipewyans* The discussion above has referred to Chipewyans, Crees, and other named people from this region. It is this terminology that ultimately led to the present name,

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<sup>39</sup>Jérémie did not identify the source of his story, whether Crees or Chipewyans enslaved by Crees. He may have heard it from both.

“Athabasca Chipewyan.” It is therefore ironic that this term is Cree in origin. It presumably originated with the Woods Cree located west of Hudson’s Bay in northern Manitoba and into Saskatchewan who spoke a /th/ dialect (Rhodes and Todd 1981:53, 55). “Athabasca” means “there are reeds here and there” (Smith 1981c:269). “Chipewyan,” which appears in multiple spellings,<sup>40</sup> usually is translated to mean “those [people] who have pointed skins or hides,” a reference to either the preparation of clothing and/or hides (Smith 1981a:283).<sup>41</sup>

However, confusion abounds in the terminology for Athapaskan-speakers. It has complicated the culture histories of individual groups; a terminological history to sort out these usages is badly needed but has not yet been undertaken. The very term “Chipewyan” (in various spellings) was commonly used as a general term for all Athapaskan-speakers (Smith 1981a:283), a usage that persisted, though not consistently, until the end of the 19<sup>th</sup> century. For example, J. M. Bell, who worked for the Geological Survey of Canada in 1900 at Great Bear Lake in the company of Charles Camsell, who was himself from the north and should have been highly knowledgeable, called *all* the people of the Mackenzie valley speakers of “...the language of the Chippwyans of the Athapascan stock,” who are divided into numerous tribes” (1903:73; see Camsell 1954). As a name, “Chipewyan” does not seem to have gelled for the people to whom it applies today until the 20<sup>th</sup> century. The communities where Chipewyan is spoken are shown in Table 1.

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<sup>40</sup>The earliest written record from the Fort Chipewyan region refers to “Achibawayans” (Duckworth 1990:9).

<sup>41</sup>Note that other translations exist. James Smith (1981a:283) considered the possibility that the term related to Cree dismissal of Chipewyans as “not true humans,” which he heard from the people he knew at Brochet, Manitoba (the Barren Lands Band). He probably heard it as part of the Thanadelthur story; versions exist with this theme (see McCormack 2003:351).

**Table 1. Chipewyan Speakers** (Krauss and Golla 1981:80)

Province/Territory	Settlement
Northwest Territories	Lutsel K'e (formerly, Snowdrift)
	Fort Resolution
	Fort Smith/Fort Fitzgerald
Alberta	Fort Chipewyan
	Fort MacKay/Fort McMurray
	Janvier
	Cold Lake
Saskatchewan	Fond du Lac
	Black Lake/Stony Rapids
	Hatchet Lake
	Peter Pond Lake
	English River
Manitoba	Brochet
	Churchill

There is evidently a dialect division between the eastern groups, from Hatchet Lake to Churchill, and the western groups, but the antiquity of this division is unknown. James Smith believed that it corresponded to regional bands and their uses of distinctive caribou populations (Krauss and Golla 1981:80). Yellowknife has been also considered a dialect of Chipewyan. In the 20<sup>th</sup> century, Yellowknife as a distinctive identity was supplanted by a Chipewyan identity. This process may have been hastened by the terrible mortality caused by the influenza epidemic in the Northwest Territories of 1928 (Gillespie 1981:286, 288). The impact on the form of Chipewyan spoken by people with Yellowknife ancestry is unknown.

“Dog Rib” is another term that is similarly confusing. While after 1850 it was understood to refer to those Athapaskan people located between Great Slave and Great Bear Lakes, earlier it was used for a wide range of Athapaskan speakers, including people now known as Chipewyans, probably due to a common or similar origin story and originating with the Cree *atimospikay* or “dog rib” (Smith 1981a:283; Helm 1981:293, 305, see 303-309; see Douglas and Wallace 1926:20).<sup>42</sup> Beryl Gillespie suggested that it may have been a derogatory term used by Crees for Athapaskans (1975:355). According to June Helm, one consequence of the lack of terminological precision was that the Dogrib identity was “elusive” before 1850 (1981:293).

Other than variants of Chipewyan and Dogrib, “Northern Indian” was the most common term used for the Athapaskans closest to Fort Churchill; it distinguished them from the “Southern Indians,” who comprised the Cree and Assiniboin trading at York Fort (later, York Factory) (J. Smith 1981a:283). Today, scholars often tend to equate Northern Indian with Chipewyan, while Athapaskans farther from Hudson’s Bay are called by other general terms, such as the “Far Away Indians.” More specific groups names, such as the “Red-knife Indians” or “Copper Indians” (Gillespie 1981:289), sometimes were used early in the literature, while others tended to emerge as traders came into contact with new people.

Chipewyans as they are understood today had and still have their own names for themselves. *Dene* means “people”; various spellings and pronunciations exist in the historic literature. The spelling used here - Dene - is the one used today. It has become widely equated to “Athapaskan speaker” in the Canadian Subarctic. In the 19<sup>th</sup> century, named social divisions

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<sup>42</sup>Yerbury (1980:21) has interpreted that to mean that Dogrib people were actually located wherever their name is used, but that implies far more dislocation of groups after contact than the evidence supports.

were recorded, which we presume were names for regional bands; that is, broad identities of people who lived in the same general area and tended to intermarry and follow the same population of caribou (see discussion below). James G. E. Smith, who wrote the summary article about Chipewyan for the *Subarctic* volume of the *Handbook of North American Indians*, divided Chipewyans into four broad groups (1981a:271):

- T'atsan ottiné = Yellowknife<sup>43</sup> = the people east of Great Slave Lake
- Kkrest'aylékkè ottiné = dwellers among the quaking aspen, the people of the Slave River<sup>44</sup>
- Thi-lan-ottiné = dwellers at the top of the head, the people of the upper Churchill River drainage
- Ethen-eldèli = caribou-eaters, the people along the forest edge west of Hudson Bay.

In the 1860s, Father Petitot recorded multiple identifications of this kind. By this time the Chipewyans had experienced devastating epidemics and become involved in the fur trade. It is therefore important to caution that even Petitot's divisions may not have corresponded in part or in whole to pre-contact or early-contact divisions – the “Great Nations” about which Knight heard in the early 1700s. Smith's divisions are different from those made by Petitot in the 1860s and by Curtis in the 1920s (1928:3-4); it is beyond the scope of this report to reconcile or account for the differences in what was reported.

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<sup>43</sup>Not all scholars agree that the Yellowknife should be subsumed under the Chipewyan heading. Evidently the Yellowknives themselves did not consider themselves to be Chipewyan; they entered into Treaty No. 8 in 1900 under their distinctive name (Govt. of Canada 1966).

<sup>44</sup>In his 1975 description of Chipewyan, Smith called these people *Desnedekenade*, or “great river people,” or Athapaskans proper (1975:396). He evidently came to prefer the term *Kkrest'aylékkè ottiné* but did not explain why.

In the past, there does not seem to have been a collective term for all Chipewyans or a sense of unity among all the different Chipewyan populations within their extensive homelands. Today, however, many Chipewyans prefer to call themselves *Dene Sų iné*. The term implies unity of language, culture, and identity among Chipewyans in widely scattered communities, as well as a political sense of nation-hood, fostered by recent gatherings of Chipewyans from different communities to meet one another and discuss common concerns.

*Crees* The collective term “Cree” is equally problematic. It is an historic extension of a name for one group of Algonquian-speakers to many other groups of people with closely related languages or dialects. The post-contact population now called Crees in northeastern Alberta probably reflected the coalescence at Fort Chipewyan and other locations of people from different Cree populations. There is evidence for three Cree dialects spoken in the past at Fort Chipewyan itself: /ɾ/, /th/, and /y/. The Cree spoken there today is the /y/ dialect, now known as Plains Cree.

Burley and Meyer have proposed that at contact there were many distinctive named groups that today would be called Cree regional bands (1982:159-60). The term *Keiskachewan* was often used for all of them, while it was also sometimes used for a specific group of Cree-speakers (*ibid.*:161). Dale Russell has termed them all “Parkland Cree” and argued that four or five of these groups – the Plains, Swampy (Muskego), Rocky, and Thickwoods Cree – occupied the area from what is now Dauphin to just west of the Alberta-Saskatchewan border. He noted that they were not homogeneous, as indicated earlier by the distinctive pottery traditions associated with different regions (in Burley and Meyer 1982:187-9). Burley and Meyer also note

two consequences of the 1781-82 smallpox epidemic that swept northward from the plains through the parkland and into the boreal forest. First, "...the pre-1781 named groups are no longer apparent in the historic documents" (1982:vi). Second, although "the bands appear to have been stable over at least several generations back to the 1720s," after the epidemic "they collapsed," reducing their presence in the boreal forest and opening up space for Chipewyan expansion southward (1982:26).

Subgroups within the Cree regional populations were also named. James Smith claimed that they "...were usually called by the name of the lake or river from which they came" (1981c: 269). In their own language, Crees called themselves *ne·hiyawak* (singular *ne·hiyaw*), or "those who speak the same language" (*ibid.*). The specific term used varies vary with the dialect of the speakers.

#### **4. Early Post-contact Chipewyan History**

In 1682, the Hudson's Bay Company established Fort Nelson at the mouth of the Nelson River on the west coast of Hudson's Bay (Innis 1964:48). It initiated a period of approximately 100 years during which European influences reached the Athabasca region but before Europeans actually arrived on the scene - the difference between "protocontact" and "contact." This distinction is significant, because the first European observers on the scene often interpreted what they saw as evidence of "pristine," unchanged Aboriginal people and culture, whereas in reality there had often been multiple changes stemming from influences in the protocontact period. As well, recent research on travel narratives as a distinctive literary genre has revealed the many influences on their writing and publication. They were once used uncritically as primary sources,

but researchers now understand that the information and interpretations they contain cannot always be taken at face value and must be carefully assessed.

Fort Nelson was later replaced by nearby York Fort (later, York Factory) at the mouth of the Hayes River. These early posts were in lands used and controlled by Crees, whose proximity to European traders gave them the advantage of location and preferential access to trade goods, including firearms. Crees from this area, probably joined by more westerly Cree-speakers as well, began to undertake distant trading and raiding trips to Lake Athabasca and beyond. Jérémie reported that while he was at Fort Bourbon, the French post operated by the Compagnie du Nord that temporarily replaced York Fort until 1714, Crees were raiding into lands where copper was available, which means at least as far as Great Slave Lake: “I have seen this copper very often, as our natives always bring some back when they go to war in those parts” (Douglas and Wallace 1926:20). This period, which continued to the 1780s, was one of active warfare and hostility. Chipewyan and other Athapaskan groups apparently retreated northward and westward to escape the incursions of Cree warriors armed with firearms.

By the time that Samuel Hearne made his epic trip with Matonabee across the barren grounds in 1770-72 (Hearne 1958), Algonquians-speakers (Crees?) whom Hearne called the Athapuscow Indians had occupied the southeastern shore of Great Slave Lake, which he called Athapuscow Lake (not to be confused with what is now Lake Athabasca), and “the grand Athapuscow River,” now the Slave River (1958:172, see 173-4, 226). Hearne described how the “fine level country of the Athapuscows” was bounded by the “stony mountains or hills” of the Northern Indians (Chipewyans) (1958:180). The corollary is that the area surrounding the west end of Lake Athabasca and the lower Athabasca River - the avenue into this region from the

south - was also controlled by Crees at this time. The archaeological evidence and some of the early fur trade narratives suggest that this strong Cree presence so far north was a consequence of fur trade-related dynamics, although Gillespie raises the possibility that Crees were “original” occupants of the Lake Athabasca region until Chipewyans began to move there (1975:354). The Cree families in the region when Europeans first arrived six years later almost certainly included some of these early residents.

Hearne’s narrative also provides evidence that Southern Indians were still going on raids and stealing women at this time (1958:168). His traveling party encountered a former captive who told Hearne’s companions that her people, located “far to the Westward,” had heard about the “useful materials” which were available from the English, but that “they were obliged to retreat farther back, to avoid the Athapuscow Indians [Crees], who made surprising slaughter among them, both in Winter and Summer” (1958:172). Similar accounts were told by people on the Peace and Mackenzie Rivers about Cree aggression prior to the establishment of European trading posts. However, by this date these Crees may have been raiding more remote Athapaskans, not Chipewyans. Samuel Hearne described Matonabee’s role in negotiating “...a lasting peace [and]...a trade and reciprocal interest...” between the Chipewyans and Athapuscow Crees at some time before 1770, which was when the two men began to travel together (Hearne 1958:227). Gillespie has interpreted these events, combined with efforts by the Hudson’s Bay Company officers to encourage Chipewyans to move into the forests to trap, as indicating that Chipewyans were starting to expand their traditional lands to the south and west. Thus, by the 1770s the Slave River was an area where both Chipewyans and Crees might have been resident, though in separate camps or bands (1975:369-374).

Chipewyan oral traditions portray their ancestors as successful warriors who fought back, and in this regard Alexander Mackenzie recorded an oral tradition about a major alliance or peace that Crees made with Beaver Indians at “Peace Point” on the Peace River (Lamb 1970:238), possibly about the same time (mid-1700s). However, Cree raids continued into the 1780s, though perhaps not up the Peace River. In 1789, Alexander Mackenzie saw evidence of Crees near what is now Fort Providence; he thought it was a Cree war party from the previous year (Lamb 1970:227). Later, he himself encountered a Cree party near Fort Chipewyan that was returning from war “...in the Enemies Country...” (*ibid.*:233). Crees seem to have utilized the major water routes on these raids. There is no suggestion that they went inland from these rivers to conduct raids deep into the lands of the Canadian Shield, nor did Hearne report Crees in any other location than Great Slave Lake or Slave River. Overland travel to the north to raid Chipewyans was more likely from the Churchill River.<sup>45</sup> However, the location of the boundary or interface boundary between lands controlled by Crees and Chipewyans remains unknown.

The story of trade with Chipewyans was nearly as long but took a somewhat different path. Hudson’s Bay Company traders did not succeed in contacting Athapaskan-speakers directly, excepting the occasional Chipewyan “slave” taken captive by a Cree raiding party, until Thanadelthur, having escaped her Cree captors and arrived at York Fort in 1714, became James Knight’s emissary on the peace mission to her people that was actually led by a Cree trading captain. They finally returned to York Fort in 7 May 1716 in company with ten of the Northern Indian men they had met during the winter (McCormack 2003:333, 337). While the Chipewyan

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<sup>45</sup>Meyer and Russell (2007) reported on the complex network of overland trails used by Crees in central Saskatchewan to travel through the boreal forest, many of great antiquity. Similar trails existed in Alberta, although little research has been done to identify them.

and Cree leaders had made peace at that meeting, it was tentative at best and did not persist.

In 1717 the Hudson's Bay Company established Fort Churchill (later, Fort Prince of Wales) at the mouth of the Churchill River for the Chipewyan trade, although some Crees went there to trade as well (McCormack 2003:344-5). There is a lengthy record in the Hudson's Bay Company journals of Chipewyans and other Athapaskans trading at Fort Churchill, with Hearne's expedition a rare inland trip of exploration. At least some of the people who came to trade were from the Athabasca region, although it is not always clear whether they were Crees or Athapaskans or exactly where they lived.

European traders did not move north of the Saskatchewan River or into the interior west of Hudson's Bay until after the fall of Quebec in 1760. English and Scots merchants took over the fur trade operating from Montreal, while their labor force continued to be French-Canadian, often the same men who had worked earlier for French traders.<sup>46</sup> Alexander Henry's memoir, *Travels and Adventures in Canada and the Indian Territories between the Years 1760 and 1770* (1809), describes the first trade expedition north of the Saskatchewan River basin. In the fall of 1775, Henry traveled to Beaver Lake, north of Cumberland House, in the company of Thomas and Joseph Frobisher and a party of 40 men. They arrived in November and constructed a "house" or "fort" (1809:260-1). In April 1776, Thomas Frobisher and six men were sent to the Churchill River, also called the English River and the Missinnipi, to build a fort there "...and inform such Indians, as he might see on their way to Hudson's Bay, of the approaching arrival

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<sup>46</sup>Some of these men were of mixed Aboriginal-Indian origin, though it would be premature to call them "Métis" (for example, see Peterson 1985). While a tendency exists in older and especially contemporary literature to call all people of mixed ancestry Métis, Métis-ness did not develop everywhere in the Northwest as a distinctive cultural condition and identity. It is another problem of historical terminology and identity that has not been widely addressed by modern scholars.

of his partners” (*ibid.*:317). Henry and his own party followed when the rivers opened in May and reached the new post - English River - on 15 June 1776 (*ibid.*:319). Henry was determined to intercept Indians from “Lake Arabuthcow” heading to Fort Churchill to trade, even if he had to go as far as Lake Arabuthcow to find them (*ibid.*:320).<sup>47</sup> It is not clear whom he thought he would meet: Crees or Athapaskans.

He finally met these remote Indians at Isle à la Crosse Lake (Innis 1964:195). In Henry’s description, these Indians were “Chepewyans” who came in “a number of canoes” holding both men and women. There were two parties, one led by the Marten and the other by the Rapid (1809:321-2, 325). “They had joined for mutual defence, against the Cristinaux, of whom they were in continual dread. They were not at war with that nation, but subject to be pillaged by its bands” (*ibid.*:322). They told Henry that they themselves made war with other Indians, those at “the bottom of the river, where the water is salt,” and “on the people beyond the mountains,” a passage that indicates that by this time, the Chipewyans with access for trade goods at Fort Churchill were themselves middlemen to and raiders of more remote peoples. They had two captives with them (a woman and a boy), who spoke a different language; Henry bought them for a gun each (*ibid.*:324). While they may have feared the Crees, they nevertheless sent a single, vulnerable canoe to Cumberland House, through the heart of Cree lands, to trade with the Hudson’s Bay Company for items they badly wanted that Henry could not supply (*ibid.*:327).

Two years later, in 1778, Peter Pond and a company of 25 men in five canoes journeyed

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<sup>47</sup>In a footnote, Henry noted that the name of the lake was also rendered as Athapuscow and Athabasca (1809:320). These different terms suggest that Crees from widely separated areas were working together with European traders.

via the Methye Portage to the Clearwater River, Athabasca River and Lake Athabasca. It was the first European trade party to reach the Athabasca region.<sup>48</sup> He established a post on the Athabasca River about 40 miles south or upriver from Lake Athabasca and passed the winter there, trading furs. Pond was a Montreal-based free trader. This initiative, which was sponsored by six other “pedlars” on the Saskatchewan, would contribute to the creation of the Northwest Company when Pond returned in 1779 from the Athabasca country with his fine haul of winter furs with an estimated value of 8,400 “Made Beaver” or £8,400 (Innis 1965:196; Parker 1987:6, 9).<sup>49</sup> Unfortunately, no account of this important first trade venture exists.

A single canoe of traders returned again in the fall of 1782 to the Athabasca country, which was still administratively part of the English River district. Duckworth claims, following Alexander Mackenzie, that they found “...that the natives had been decimated by smallpox” (1990:xvi), although evidence for the spread of this disease to Lake Athabasca is lacking. Mackenzie was referring to the terrible smallpox epidemic of 1780 and 1781 that spread from interior tribes northward to the western plains and parkland in 1780. Relatively little

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<sup>48</sup>At least two European men, Jacques Beaulieu and Baptiste Le Camerade de Mandeville, had traveled into this region before Pond’s arrival, probably spin-off from the earlier French trade along the Saskatchewan. Virtually nothing is known about their early history, but it is reasonable to surmise that they had become socially involved with Crees and possibly even accompanied northern Cree raiding parties to Great Slave Lake. Both men married Athapaskan women, and they and their families were embedded in northern Athapaskan societies. They are often called Métis because of their mixed ancestry, but their identifications were undoubtedly more complex. For example, François Beaulieu, Jacques’ son with his Chipewyan wife, became a Yellowknife chief. The Beaulieus later established a settlement at Salt River. There are many references to these men, especially the Beaulieu family, in exploration literature for the Northwest Territories. For example, see, Petitot 2005:50-52 and Neatby 2000.

<sup>49</sup>The trade was so successful that Pond was unable to bring all the furs out with him in the spring. The furs that had been placed *en cache* were retrieved in 1780 (see Duckworth 1990:xv; Innis 1965:196).

information is available about this epidemic, because few European observers were present. The best information is provided by the accounts of Hudson's Bay Company officers William Tomison at Cumberland House and Matthew Cocking at York Factory (summarized by Houston and Houston 2000; see also Decker 1988; Ray 1974:105-6). While measures to prevent smallpox at York Factory seem to have been largely successful, the disease was said to have "...ravaged the interior" (Houston and Houston 2000:113). Hearne claimed that it carried off "nine-tenths" of the Chipewyans, the result of "annually visiting their Southern [Cree] friends" (1958:115 nt.). However, James Smith argued that this terrible mortality occurred only among the eastern Chipewyan, the ones most likely to trade at Fort Churchill, not among those to the west (1975:4276). After fur traders returned to the western Lake Athabasca region in 1782, both Crees and Chipewyans seem to have been living comfortably there, which suggests that if smallpox did extend into this country, its impact was minimal compared to elsewhere. Cuthbert Grant's 1786 journal does not mention any evidence of the disease having been in the area, except for the name of one man, "Grand Piccotté" (the tall pock-marked), that suggests he was a smallpox survivor (Duckworth 1990:131). When Alexander Mackenzie traveled down the Slave River and "River Disappointment" (later, Mackenzie River) in 1789, he did not remark on faces disfigured by pox marks or other signs of smallpox, so it seems unlikely that the epidemic reached those regions (Lamb 1970).

The Cree population seems to have been harder hit very hard overall, suffering high mortality, with two important consequences for Chipewyans. First, the greatly reduced number of Crees diminished their military ability and meant that the lands they had occupied were left

with far fewer residents.<sup>50</sup> Second, Chipewyans had increasingly more reliable sources of firearms, due first to their trade at Fort Churchill and then to the trading posts built closer to their lands, thereby re-establishing the pre-contact balance of power. Some Chipewyans began to move south and west, gradually occupying the lands where they live today. These lands are mostly shown in Figure 3, but note that the figure does not show the western expansion of Chipewyans.

Beryl Gillespie (1975) has discussed the process whereby Chipewyans greatly expanded the boundaries of their traditional lands, although the full details will probably never be known (also see Lamb 1970:125; Simpson 1938:355-6; McCormack 1984:164-7). By the 1780s and especially the 1790s, they were using or had become established in lands considered part of the true boreal forest rather the transitional tree line area along both sides of the Slave River and south of Lake Athabasca, presumably the ancestors of James Smith's *Kkrest'aylékkè ottiné*. They could be found as far south as Lac La Biche, Janvier, Cold Lake, and Isle à la Crosse, occupying the Churchill/English River. Those who remained there were the ancestors of Smith's *Thi-lan-ottiné*. The Fort Chipewyan and Isle à la Crosse posts became major trade centers for Chipewyans.

A permanent settlement or post was maintained in the Athabasca region from 1783 to 1788, when it was moved to the south shore of Lake Athabasca by Alexander Mackenzie's cousin, Roderick Mckenzie. The new post was the first Fort Chipewyan; today that location is

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<sup>50</sup>Another factor whose impact cannot be weighed easily was the attraction of the developing horse and bison culture of the northern plains, which drew many Crees southward.

known locally as “Old Fort.”<sup>51</sup> A separate “trading house for the Crees,” built by Paul Saint-German, a North West Company employee, was maintained on the Athabasca River near the confluence with the Clearwater River (Tyrrell 1968:392; see also Duckworth 1990:168). There is not enough evidence to decide whether these separate posts reflected Cree and Chipewyan locations or were attempts to keep members of the two groups separate, or both.

The earliest information about the trade during these years is provided by a journal kept at “Arabasca” by Cuthbert Grant for the period 1 April to 17 May 1786 (Duckworth 1990). Peter Pond was back in the Athabasca District at this time, and Grant was his second-in-command (Duckworth 1990:xix). He had established a short-lived wintering post - “Grant’s House” - on the north side of Lake Athabasca in 1785-86, presumably to counter competing traders (Duckworth 1990:xix). It seems that he began this particular journal after he closed down the lake post and returned to the home post on the Athabasca River. This journal is particularly important because it provides the first daily eyewitness evidence of Chipewyan, Beaver, Cree, and trader people and behavior in the region. Some of these Chipewyans were probably the ancestors of the Athabasca Chipewyan of today, so it is worth examining this journal in detail. Table 2 lists the Aboriginal names found in the English River Book.

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<sup>51</sup>Fort Chipewyan is the oldest, permanently occupied settlement in Alberta. The post was eventually relocated to the north shore of Lake Athabasca. The original post is now on one of the Athabasca Chipewyan First Nation reserves.

**Table 2. Aboriginal Names From the English River Book, 1786** (Duckworth 1990:129-133)

<b>Chipewyan</b>	<b>Cree</b>	<b>Beaver</b>	<b>Unknown</b>
Big Chief	Le Bras Cassé	The Tittons [breasts; Chief of the Beaver Indians] Captn. Too-toose	Le Gendre [the son- in-law, fort hunter]
Big Chief's So-in-L	The Carcajeau		The Hand
Boudar	The Chantair [chanteur, singer] [asso. with Old Bras Cassé's son - Cree affiliation?]		L'Original [moose, fort hunter]
The Chief Cancre [Le Fou?]	La Grain [fort hunter]		
The English Chief [Mis-ta-poose]			
The Grand Piccotte [big pock-marked one]	L'Homme de Castor		
	The Old Blind Woman (member of the Shining Rock's band)		
	Le Peccant [the marten]		
	Le Petit Original [Cree fort hunter]		
	The Shining Rock [La Roche qui reluit]		

Journal entries indicate that Peter Pond wanted the Chipewyans to trade at a new post he planned to establish that year at Great Slave Lake. When “the Bigg Chiefs Band” arrived on 1 April 1786, “Mr Pond had told them not to Come any more to this Fort that Derry Should go this Summer and build a fort at the lack des Esclave and that I [Grant] would go there next fall with the goods” (Duckworth 1990:9). However, in the absence of such a post, Chipewyans came to Pond’s Athabasca River post that spring in large numbers, along with some Beavers. Crees also came to trade, “...two of which is of the Beaver River Indians [but Crees, not Beavers] and has never been here before...” (*ibid.*). The largest numbers of Chipewyans seem to have been located on the north side of Lake Athabasca and did not visit the post but were represented by their leaders. However, there are some interesting references to Chipewyans south of the lake. For example, on 5 April 1786, two Chipewyans arrived from “Lack de Brochet [nearby Richardson Lake, known locally as Jackfish Lake] with two trains of meat” (*ibid.*:10-11). Some Chipewyans were described as arriving “from above,” or upriver from (south of) the post. One Chipewyan was described as coming “from Behinde” the post (10 April 1786, *ibid.*:11), but not enough context is given to identify that as east or west of the post.

While the journal mentioned more Crees by name, there seem to have been fewer Crees than Chipewyans, and they appear to have been widely distributed. Some came to the post from “above,” including the Clearwater River, others from Peace River, and even a few from north of Lake Athabasca, which was where the Chipewyans were encamped. These comments suggest that by this time that the Crees and Chipewyans of this region had begun to establish more localized territories of use near one another, an ethnic intermingling that is a hallmark of the Aboriginal occupation of the region. However, it is probably not possible to unravel the

complex early history of Chipewyan (and Cree) movements in the Fort Chipewyan region, given the lack of detailed information in fur trade accounts.

A 1824-25 report for Fort Chipewyan, nearly 40 years later, distinguished between Chipewyans who were “more settled” and those who were “migratory” (HBCA B.39/e/8:fo. 28). This distinction may have been between the two groups of Chipewyans identified by Smith as “Chipewyans” proper and “Caribou Eaters,” who made “frequent visits” to Fort Chipewyan both to trade and to visit relatives but who lived elsewhere (HBCA B.39/e/6:fo. 5), especially in the lands surrounding the east end of Lake Athabasca. Later, those Caribou Eaters were identified as the Fond du Lac and Black Lake bands (J. Smith 1975:432). Chipewyans in the immediate Fort Chipewyan region maintained family connections with both “Caribou Eater” Chipewyans (especially those at Fond du Lac) and Chipewyans farther south in the boreal forest, connected by travel routes of lakes, rivers, and especially overland trails.

There were no barriers to movement by either Chipewyans or Crees over extensive regions. Among Chipewyans, it was a source of personal prestige to have done long-distance travel. The traveler saw new lands, met new people, established new kinship ties, and explored new opportunities for alliances and livelihood. Chipewyans and other Athapaskans (Dene) considered such first-hand, experiential knowledge to be the most important and reliable form of knowledge, with knowledge learned by observing others and hearing stories from others vying for second place (e.g., Goulet 1994; 1998; Sharp 2001; Scollon and Scollon 1979).<sup>52</sup> For instance, in 1717, Thanadelthur attested to the importance of a “Northern Indian” man who had entered into an alliance with Crees by calling him the “Greatest Traveller in ye Country” (31

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<sup>52</sup>Even today, Athabasca Chipewyans still greatly value experiential knowledge.

March 1717, HBCA B.239/a/3:fo. 38d).

Cuthbert Grant's journal and especially the related account book are also significant for what they revealed about the North West Company employees at the Athabasca River post.

While the company was dominated by Highland Scots at Montreal, its labor force comprised Scots, French-Canadians, and people of mixed-ancestry, many of them from fur trade marriages in the Great Lakes. As part of the process of editing the journal, Harry Duckworth provided a useful appendix with biographies of all the voyageurs and traders for the Athabasca and English Rivers. About 41 men were with Pond and Grant; the majority had French-Canadian names.

Notable on this list for their connections to the Fort Chipewyan region are the following:

- Pierre Bellanger, hired on 9 April 1786 for three years and considered “the first to stay in the Country” (Duckworth 1990:136).
- François and Jean-Marie Bouché (elsewhere called a “half-breed”) (*ibid.*:137), probably ancestral to the Boucher family of the region, which has members in both Fort MacKay and Fort Chipewyan.
- François Laviolette (*ibid.*:156), an ancestor to the Athabasca Chipewyan Laviolette family.
- Pierre Marcille, still at Athabasca in 1800 and possibly father or grandfather to Charlo Marcille (*ibid.*:158-9) - of the Athabasca Chipewyan Marcel family?
- François Piché, dit La Mesette, who was said to have “fled to the Chipewyans, where he remained three years,” after killing trader John Ross at Athabasca in 1787 (*ibid.*:163; see Tyrrell 1968:394).
- Paul Saint-Germain, who was the “principal Guide into the Athapescow Country ever

since its first establishment” and by 1804 had been in the country for nearly 40 years.

He was married to at least one local woman (Duckworth 1990:168-9).

- Joseph Preux and François Raimond, both with “women” or wives, presumably from the local Aboriginal population (*ibid.*:165).

Many of these men as well as later fur trade employees married local Aboriginal women, especially Chipewyan women, who were numerically dominant. These marriages provided alliances between fur traders of French ancestry and the ancestors of many families of today’s Athabasca Chipewyan. They may even have contributed to decisions of some Chipewyans to remain in the Fort Chipewyan region, to remain near relatives who continued to be directly connected to the fur trade and live at the post or its vicinity. Over time, descendants of these marriages typically assimilated to the Aboriginal tradition, whether it was Chipewyan or Cree. These marriages also began a process that generated a local “Half-breed” population; Half-breed was a term commonly used in the past in the north for people of mixed Aboriginal-European ancestry, though its meaning did not necessarily refer to cultural distinctiveness. It seems to have been used in particular for people of mixed-ancestry working with the fur trade and less so for mixed-ancestry people living in Aboriginal local bands in the bush. Although today the term is considered pejorative, it does not seem to have been used in that way in the past. While the term “Métis” is commonly used today for and by that group of mixed-ancestry people who are not First Nation (i.e., not on a Treaty No. 8 pay list), they should not be confused with Métis of the Red River region or the parkland and plains to the south. Instead, they emerged as a distinctive population of people who typically constituted part of the fur trade labor force but who also remained closely connected to their Chipewyan and Cree relatives. In fact,

commentators at the time of Treaty No. 8 remarked that the distinction between Indian and Metis as such did not exist until created by the treaty itself (see McCormack 2010:22-23; Leonard and Whalen 1998:53).

## **5. Ethnography of the People who now form the Athabasca Chipewyan First Nation**

This section focuses on Chipewyans, but with some consideration of Crees, for the following reasons that will be discussed in more detail later in this report:

- In the mid 19<sup>th</sup> century, if not earlier, Chipewyans and Crees began to intermarry, which made them kinsmen to one another and provided them with access to the lands that each was using, following ties of kinship (these lands included as well those lands they had used in the past and that they might reasonably use in the future).
- In 1899, Treaty No. 8 was negotiated with Aboriginal people of northern Alberta.<sup>53</sup> Legal Indian Bands under the Indian Act were created at multiple locations in northeast Alberta and adjacent regions.<sup>54</sup>
  - At Fort Chipewyan, a Chipewyan Band and a Cree Band were created, many

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<sup>53</sup>While negotiations were conducted at each location, the framework of the treaty was set by the federal commissioners; the term “negotiation” is not meant to imply that the written agreement was satisfactory to the First Nations who signed.

<sup>54</sup>In a 1994 paper, Neil Reddekopp called these bands “the fundamental administrative units through which the federal government carried out its functions with regard to Indian people.” “The characterization of Bands and Band membership in the [Indian Act] legislation was incorporated into the numbered Treaties” (1994:2). While “the Treaties presumed the pre-existence of Bands” (*ibid.*:3) with formal leaders and that were ethno-culturally homogenous, the Indian Act required its legal bands to have a minimum membership. In northern Alberta, where numbers of people with specific cultural affiliations were sometimes too small to meet that requirement, people with different cultures or identities were cobbled together to construct legal bands, as they were at Fort McMurray and Fort Vermilion.

members of which had mixed Chipewyan-Cree ancestry (see the point above).

The contemporary names of these bands are the Athabasca Chipewyan First Nation and Mikisew Cree First Nation, respectively.

- At Fort McMurray “and the country thereabouts,” a band was created that contained both Chipewyans and Crees, later known as the Cree-Chipewyan Band.
- At Fort Vermilion, a band was created that contained both Beavers and Crees.
- At Smith’s Landing, a Chipewyan Band was created.
- At Fond du Lac, a Chipewyan Band was created.
- In 1946, about half the members of the Chipewyan Band of Fort Chipewyan were removed from the Chipewyan Band List and added to the Cree Band list, thereby becoming legal members of that band. That means that the membership of the Mikisew Cree First Nation - the renamed Cree Band - includes many people who were (and may still be) Chipewyan by culture and identity.<sup>55</sup>
- Some traditional adoptions moved Crees into the Chipewyan Band, and some Chipewyans may have become Crees in the same way.

The broad structures of Cree and Chipewyan life were the same. I find it useful to discuss them by using an analytical approach called *mode of production*, which is one way to talk about the internal workings of the Chipewyan and Cree societies, both before and following their integration into the northern fur trade. It includes “...at the most fundamental level both

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<sup>55</sup>The extent to which they and their descendants may still self-identify as Chipewyan is unknown. At least some of these individuals now consider themselves to be Crees, despite their Chipewyan ancestry.

the ‘physics’ of production and the social relationships human beings enter into in order to motivate (or operate) the technical dimension of production.” It is “a structure of material reproduction [that] incorporates both technical and social components” (Asch 1979:88-89). It encompasses the *forces of production* and the *social relations of production*.

The forces of production are the manner by which natural resources are transformed into products for personal use or for exchange and acquire value. They comprise three sets of factors: the raw materials necessary for production; technology, including the infrastructure of production and circulation; and labor, or the organization of labor in the productive process. Resources plus technology are jointly termed the *means of production* (Asch 1979:89).

The social relations of production represent this same set of traits as relations of appropriation between persons. Humans work together in the productive process, but their relationship to the means of production and their control over their labor and their production vary considerably. The relations of production are concerned with ownership and control of the means of production and of labor and its products. They provide the framework for the network of power that determines who benefits from productive efforts.

The other side of the equation is those institutions collectively termed the *superstructure*, which provides for the reproduction of the system as a whole: “juridico-political and ideological relations that suppress, displace, or misrepresent basic conflicts” (O’Laughlin 1975:349). Superstructural elements enter into people’s *consciousness* or awareness about their situation and are often expressed as *ideology*, or “an articulated system of meanings, values, and beliefs of a kind that can be abstracted as [the] ‘worldview’ of any social grouping” (Comaroff and Comaroff 1991:24). Such structures are the vehicles by which

members of the society recognize the legitimacy of their institutions. They undermine support for challenges from other sectors of the society. In short, the reproduction of a system of relations of production requires the support of and acquiescence to the status quo by the members of the society.

Over time, the Athabasca Chipewyan have lived by means of three distinct modes of production: the first two, which are discussed in this section of the report, are the domestic mode of production of pre-contact times and a fur trade mode of production that developed once they became involved in the European fur trade. After World War II, many Chipewyans began shifting to the capitalist mode of production that characterizes the Canadian political-economy, although this transition is arguably not yet completed. That change will be discussed later in the report.

### *The Domestic Mode of Production*

Before they became engaged in the fur trade, Chipewyans and other Aboriginal peoples of the Mackenzie Basin had a use-oriented or “domestic” mode of production, in which the primary goal of production was family survival. Asch’s description of this mode of production for the Mackenzie River Dene (1979:90-91; 1977:47-49) can be applied to both Chipewyans and Crees. The forces of production were based on the resources or raw materials comprising the flora and fauna of the boreal forest and transitional tree line biomes (see Table 3). There was considerable diversity of animal populations regionally and seasonally, and some animals were always considered more important for food as well as for spiritual reasons. For example, caribou and moose were particularly significant species, and they remain so to this day. Some

species also fluctuated in number over time. Aboriginal technology was dominated by apparently simple tools for snaring and entrapment and for processing of raw materials. Useful discussions of this technology are found in Samuel Hearne's and Peter Fidler's accounts of their travels with Chipewyans in the early 1770s and early 1790s, respectively (Hearne 1958; Tyrrell 1968:Journal 8), and in secondary sources such as J. G. E. Smith's summary of Chipewyan ways of life (1975). Chipewyans were clearly masters of their environment and confident in their abilities to survive in northern lands that to Europeans were hostile and forbidding. While they adopted some European tools, their material culture was still dominated by tools and other items they made for themselves from materials at hand. Their successful use of their technology, including European manufactures, was predicated on a rich knowledge of animal behavior and appropriate uses of tools and spiritual power, what Robin Ridington calls "artifice" as well as artifacts (1982:470). People also had the capacity to create and manage landscapes by using fire, another technology requiring extensive, detailed knowledge of ecosystem relationships (Lewis 1977; 1978; 1982; McCormack 2007; see ACFN 2003a:98).<sup>56</sup> Travel was by foot and canoe, with limited use of dogs as pack animals, which meant that transport capacity was restricted. People solved the "problem" of the variable availability of game, combined with their limited transportation abilities, by traveling through their lands in search of game, rather than by moving game killed to a central camp. Finally, there was a simple division of labor based on gender and generation, though such a statement overstates the differences between the activities of men and women.

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<sup>56</sup>The use of controlled burning, which was a strategy for landscape management unsuited to caribou habitats, was probably not used by Chipewyans until they moved into more heavily forested regions.

**Table 3. Major Faunal Resources** (McCormack 2010:19)

Large game	Moose	<i>Alces alces</i>
	Woodland caribou	<i>Rangifer tarandus caribou</i>
	Barren ground caribou	<i>Rangifer tarandus groenlandicus</i>
	Bison	<i>Bison bison</i>
Small game	Snowshoe hare	<i>Lepus americanus</i>
	Red squirrel	<i>Tamiasciurus hudsonicus</i>
	Beaver	<i>Castor canadensis</i>
	Muskrat	<i>Ondatra zibethicus</i>
Carnivores	Porcupine	<i>Erethizon dorsatum</i>
	Grey wolf	<i>Canis lupus</i>
	Coyote	<i>Canis latrans</i>
	Red fox	<i>Vulpes vulpes</i>
	Black bear	<i>Ursus americanus</i>
	Pine marten	<i>Martes americana</i>
	Fisher	<i>Martes pennanti</i>
	Ermine	<i>Mustela erminea</i>
	Least weasel	<i>Mustela nivalis</i>
	Mink	<i>Neovison vison</i>
	Wolverine	<i>Gulo gulo</i>
	Skunk	<i>Mephitis mephitis</i>
	Otter	<i>Lontra canadensis</i>
	Lynx	<i>Felis lynx</i>
Upland birds	Spruce grouse	<i>Falcapennis canadensis</i>
	Ruffed grouse	<i>Bonasa umbellus</i>
	Sharp-tailed grouse	<i>Tympanuchus phasianellus</i>
	Willow ptarmigan	<i>Lagopus lagopus</i>
	Rock ptarmigan	<i>Lagopus mutus rupestris</i>
Migratory waterfowl	Canada goose	<i>Branta canadensis</i>
	Greater white-fronted goose (grey wavey)	<i>Anser albifrons</i>
	Lesser snow goose (white wavey)	<i>Chen caerulescens caerulescens</i>
	Trumpeter swan	<i>Cygnus buccinator</i>
	Sandhill crane	<i>Grus canadensis</i>
	Whooping crane	<i>Grus americana</i>
	Ducks, multiple species	
Fish	Lake whitefish	<i>Coregonus clupeaformis</i>
	Lake trout	<i>Salvelinus namaycush</i>
	Northern pike (jackfish)	<i>Esox lucius</i>
	Goldeye	<i>Hiodon alosoides</i>
	Walleye (pickerel)	<i>Sander vitreus</i>

The social relations of production were broadly egalitarian. The unit of production and consumption was the local band, a group of related people who lived together as a co-residential unit or in the immediate vicinity. Henry Sharp called the local band a “hunting unit” (1979:21), and other terms exist in the literature. While this group varied in size over the course of a year and its social history, in the subarctic local bands are typically small, face-to-face social units of approximately 25-50 people, all related to one another by kinship ties. According to James G. E. Smith, there was no fixed rule for band organization; the core of a band could be a father and his sons, siblings (such as a pair of brothers), or a father-in-law with his sons-in-law (1975:431, see 440).<sup>57</sup> Members of Chipewyan local bands gathered periodically into larger local bands to construct, maintain, and operate caribou pounds, such an efficient procurement strategy that Hearne reported that “...many families subsist by it without having occasion to move their tents above once or twice during the course of a whole winter...,” a way of life he deemed “indolent” and inimical to the European fur trade (Hearne 1958:50-51). When Thanadelthur found over 400 of her people in the depths of winter on her trip into the interior with the peace party, they were probably living on caribou they had killed in pounds (McCormack 2003:338).

The members of each local band normally produced only what they needed for their own use and were “collectively responsible” for their own physical survival (Asch 1979:90). Together they “owned” and controlled the means of production: the land and its resources, the technology necessary for production, and all crucial basic knowledge. Henry Sharp points to the portability of such knowledge: “Knowing a territory is not memorizing where things are but

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<sup>57</sup>Sharp, who did research among the “Mission Chipewyan,” those of Black Lake, Saskatchewan, approached group formation somewhat differently. He pointed to the key role of the father in a hunting unit and to the importance of the relationship among brothers-in-law (1979:21, 31).

understanding how things relate to each other” (2001:38). Mechanisms of reciprocity and sharing, as well as expectations that all persons would learn basic life skills and knowledge, prevented any individual or family from monopolizing crucial resources or products (see, for example, J. Smith 1975:442; ACFN 2003a:34). Even today, it is clear that sharing remains an important Chipewyan cultural value (e.g, ACFN 2003a:88).

Leadership reflected an on-going demonstration of personal competence, authority, and supernatural powers, but it did not confer coercive power. Leaders led because people chose to follow them (e.g., J. Smith 1975:443; 1981a:276; MacNeish 1956; Goulet 1998:36; Preston 2002:78-9). As James Keith described the Chipewyans in 1825, there were few who warranted the title of “Chief”: “their influence & authority being little known beyond the circle of their own Family” (HBCA B.39/e/8:fo. 28). Little had changed in this regard by the time of treaty in 1899, as the treaty commissioners remarked: “The chiefs and headmen are simply the most efficient hunters and trappers” (Govt. of Canada 1966:8). Every local band had its own leader. Leadership was not hereditary. When that leader died or became unable to fulfill that role, either another member of the local band would become the new leader or the families constituting the band would separate, establishing new bands or joining other bands. Each leader enjoyed personal autonomy; each local band made its own decisions about every aspect of life. People who were unhappy with leadership in any way were free to relocate to other local bands or establish their own bands. There was no paramount “chief,” although there would have been a hierarchy of sorts of influential and highly respected people. This hierarchy would have changed over time as young people acquired appropriate leadership skills, became older, and demonstrated their worth, and their elders passed away.

Local bands were tied to one another by multiple bonds of kinship, creating social and political interconnections which afforded them a safety net for dealing with variability in resource availability (e.g., Jarvenpa 2004).<sup>58</sup> The regional network of local bands, which was also the usual marriage universe, comprised what has been termed the “regional band.” While their members occasionally assembled temporarily for seasonal hunting, fishing, or socializing, it was a co-residential unit only briefly. Neither large local bands nor regional bands formed cohesive social groups, nor were boundaries drawn between local bands in one regional band and those in another (J. Smith 1981a:276; 1975:439; n.d.:11; Helm 1968; Rogers and Smith 1981:141).<sup>59</sup> More important was the network of kinship ties, which reached out in every direction. Marriages could and would occur among members of local bands from different regional bands, especially those whose members met occasionally or regularly.

Asch (1979:91) has summarized the superstructural elements that contributed to the reproduction of this system:

These relations of production were expressed juridicially by a kinship system that, through the use of lateral extensions, incorporated the rights of local production group membership to all Slaveys (and indeed all Dene); an inheritance system that forbade the transmission of land, raw materials, technology, and, indeed, “special” hunting knowledge from one generation to another; and a marriage system that required for its operation the continual outmovement of members of each local production group.

Children were expected to seek their own sources of power and personal ties to the spiritual

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<sup>58</sup>Sharp (1979:8) has pointed out that each local Chipewyan band would kill more caribou than it needed, which ensured that enough food would be available to give food to other bands that had not been successful in the hunt. That is basically a form of social insurance, not the production of surplus for exchange.

<sup>59</sup>This section does not attempt to review the ample literature describing the social structures of Chipewyans and Crees.

world, acquiring spiritual power and knowledge independently. This quest for greater knowledge continued through one's life (e.g., D. Smith 1973; Sharp 2001; Preston 2002; Ridington 1982; Goulet 1998:chps. 2, 3; Asch 1979:91).

### *The Fur Trade Mode of Production*

When Chipewyans, Crees, Beavers, and European peoples met at posts along the Athabasca, Peace, and Slave Rivers and at Lake Athabasca, they had to build bridges between their separate systems of production and meaning, to create a new space that would allow them successfully to negotiate exchanges of furs, foods, and goods. Europeans introduced a mode of production that was capitalist, in which the primary goal of production was the creation of wealth (capital). In a capitalist mode of production, the forces of production include a wide range of raw materials, not necessarily local; specialized technology and associated knowledge; and a more complex division of labor. The social relations of production are characterized by the fact that the means of production (resources and technology) are owned and/or controlled by individuals, families, or other unitary entities (e.g., corporations). The people lacking access to the means of production must sell their labor in order to survive. The result is that hierarchical class relations exist between owners and producers, and the society is stratified into social classes.<sup>60</sup>

European traders were merchant capitalists, and mercantilism persisted as the dominant form of capitalism in northern Alberta and the rest of the Mackenzie Basin until after World

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<sup>60</sup>The concept of social class today is more complex than in the past. In the early days of emerging global capitalism, social class was tied directly to whether or not one had access to the means of production and to what extent.

War I. Its goal was to produce profits for the owners of the trading companies. Merchants are traders, agents of the marketplace. They buy goods from a vendor and sell them to a buyer. They do not engage in direct production and therefore cannot increase the value of the commodities which they buy and sell (Kay 1975:65, 86). Instead, they realize profit by engaging in unequal exchange with producers. At least one transaction “must take place at a price that is not equal to value” (*ibid.*:87).

It was merchant capitalism that “created the framework of the world market and laid the foundations of underdevelopment as well as development” (Kay 1975:94). Merchants broaden their investment possibilities by fostering the expansion of markets and commodity production. In the fur trade, they encouraged the people with whom they traded to expand their production of commodities and their consumption of imported goods, and they also encouraged more people to become involved. The ways in which they did so are discussed below. In northeast Alberta and elsewhere in the Northwest, an ever-enlarging number of Indians who had formerly produced strictly for their immediate needs also began to produce surpluses of meat, fish, and furs for exchange, to acquire items imported from other parts of the world. These new objects supplemented and replaced much of their pre-contact material culture repertoire. Merchants made their profits by manipulating rates of exchange, all expressed in the fur trade standard, “Made Beaver.” The result was inter-regional integration, the hallmark of a world system and today’s globalism.

According to Kay, such developments “corrode” the pre-capitalist social formations and open “the way for the reorganization of production upon a capitalist basis” (1975:95, 155). But, in northeast Alberta, the reorganization of production along capitalist lines would be the result

of state intervention after 1899 and is still not completed more than a century later, as evidenced by persistent use of bush resources by Chipewyans and other Aboriginal people, even those working full-time for wages. While Chipewyans and Crees altered their domestic mode of production to accommodate their new trading interests, that did not mean they adopted a fully-capitalist mode of production or greatly altered other aspects of their cultures.

Indian involvement in the fur trade has often been conceptualized as the rapid adoption of European manufactures and consequent Indian “dependence” on Europeans. Enrique Rodríguez-Alegría (2008) has called this the “quick replacement model” of presumed inferior and static Indigenous technologies by presumed superior European ones. Yet dependence was a two-way street. Europeans relied almost exclusively on Aboriginal men and women to produce fur, to produce food provisions to sell (especially fresh and dried meat and pemmican), and on occasion to sell their labor to help with transport, work at the post, and manufacture persistent and highly adaptive items of “Indian” technology, such as snowshoes, moccasins, and other items of clothing suitable for long, cold winters (for example, see Ray 1984:10; Bellman and Hanks 1998:59-60). Jennifer Brown has described much of this work as “a woman's industrial revolution” (1993:83). Brown (1980) and Van Kirk (1980) have written extensively about European reliance on the labor and knowledge of Indian and Métis women. This dependence on local people was inevitable, given Indian knowledge of the resource base, which gave them economic control, and the sovereignty they exercised over their lands, which gave them political control. Europeans who came into the country learned crucial skills and local customs from other employees who had already mastered them and from their Indian and Métis associates. Ironically, to the extent that Europeans and Métis learned how to survive locally and were

socially integrated into Indian bands, they themselves became independent, in varying degrees, from direct control by the traders, much as were the Indians themselves. It is telling that one term for Métis who were no longer under contract to a trading company was “freeman” (*gens libres*).

As long as Chipewyans and Crees produced furs and food for trade, European traders did not need to control the labor process directly. They nevertheless sought some measure of control over the producers, trying to keep the Indians focused on producing desired commodities and to ensure that furs came to specific trading posts rather than to competitors or to other posts of the same company. For instance, in April 1827, John Franklin (1969:304) described how the Hudson's Bay Company had developed new regulations “respecting the trade with the natives. The plans now adopted offer supplies of clothes, and of every necessity, to those Indians who choose to be active in the collection of furs.” At the same time, Indians sought some control over the terms of trade, the quality of goods available to them, and the extent to which economic relations needed to be mediated by social relations (e.g., Ray 1974; Innis 1964:373).

This discussion suggests several points of articulation between the domestic mode of production and the (merchant) capitalist mode of production at Fort Chipewyan and other posts in the Mackenzie Basin. Chipewyan and Cree men and women were willing to produce furs and provisions to exchange for imported commodities and increasingly to work directly for the traders on an occasional basis, especially as post hunters and fishermen. They were willing for their daughters and sisters to marry European traders and employees. These marriages established bonds of kinship that facilitated and channeled economic exchanges, created a female labor force at the post, and produced children who became part of the local labor force.

The result was that Chipewyans and Crees added two new components to their economy: independent (petty) commodity production and wage labor, although reimbursed by exchange credits, not cash payments until the 20<sup>th</sup> century (Innis 1964:161, 240; Mandel 1968:66). Thus, the new mode of production was a *mixed economy*, one with three different sectors: domestic production, independent commodity production, and wage labor. It was oriented in many ways to, but not dominated by, capitalist exchanges. It was this mixed economy that constituted the fur trade mode of production that characterized the way of life for the Athabasca Chipewyan in 1899, when they entered into Treaty No. 8.

For their part, Europeans were willing to enter into a range of social relations or transactions with the Indians which transcended the purely economic aspect of exchanges. Europeans also needed to provide most of their own food and much of their technology from local resources. Costs incurred in doing so (e.g., ammunition and rations for men who were hunting; axes, saws, and rations for men who were building boats) were part of the overhead of doing business. The distinction between commercial and subsistence food production narrowed when European and Métis employees lived and hunted with their Indian allies and kinsmen. Such activities were a reversal of the trend among Europeans toward a fully socialized labor force (that is, a labor force that lived strictly by means of wages).

While Indians certainly wanted a wide range of European manufactures, which became part of their means of production, it is simplistic to claim that their involvement in the trade as regular producers of fur and food was due primarily to a “seemingly insatiable appetite” for these goods (Murphy and Steward 1968:400). The fur trade literature contains numerous examples of northern Indians, including Chipewyans, who were discerning consumers and in

some instances had little use for most of the trade goods they were offered (e.g., Hearne 1958:50-51, 176; Murray 1910:29; Ray 1980). Arthur Ray has pointed out that Indian demand for goods was relatively “inelastic.” If prices paid for furs increased, Indians often trapped less, not more (1974:68-69; 141-2).

This lack of reliance on trade goods was particularly marked for Chipewyans. In early years, many of the furs they traded at Fort Churchill were the furs they obtained from more distant people, sometimes by seizure, in addition to those they trapped themselves (e.g., Hearne 1958:79, 114, 134-5). Living by hunting caribou was an easier and more reliable way of life than trapping. While as a fur trader he wanted the Chipewyans to trap, Samuel Hearne remarked that those who did trap “...are always the most unhappy...” and risk starvation, for “the real wants of these people are few, and easily supplied; a hatchet, an ice-chissel, a file, and a knife, are all that is required to enable them, with a little industry, to procure a comfortable livelihood...” (*ibid.*). He also pointed out that the areas where caribou wintered “...are almost destitute of every animal of the furr kind...” (*ibid.*:51). Many Indians had to be induced to produce goods for trade, especially in the volume desired by the traders, and it was an on-going concern at Fort Chipewyan throughout the 19<sup>th</sup> century. Eventually, all Chipewyans began to trap, although there appear to have been differences in the extent to which they committed to trapping as an important part of their economy and way of life. For the Chipewyans who moved westward to establish themselves in the fur-rich Fort Chipewyan region, the ancestors of the Athabasca Chipewyan, trapping became a significant component of their economy.

The methods used by European traders to encourage Aboriginal people to make this change were related to changes in the social formation of the region that occurred as traders and

their employees entered into the relations of production of the Indian bands, in two ways. First, traders and their employees entered into “country marriages,” or marriage *à la façon du pays*, with Aboriginal women (Van Kirk 1980; Brown 1976; 1980). As Sylvia Van Kirk explained (1980:4), “The marriage of a fur trader and an Indian woman was not just a 'private' affair; the bond thus created helped to advance trade relations with a new tribe, placing the Indian wife in the role of cultural liaison between the traders and her kin.” Trappers and traders thus became affinal kinsmen, people related to one another by marriage.<sup>61</sup> Their new relationship brought with it expectations of mutual assistance and reciprocal exchanges. The discussion in the previous section named some of the North West Company employees who married local women. Fur trade employees continued to make such marriages, thereby linking themselves to the local bands and linking the members of the local bands to the post. It encouraged members of the local bands to visit the posts, to trade, to trap, and to produce provisions for sale.

Indians and Europeans were also linked together by the extension of credit, or debt, to individual trappers, a financing system that became extensive in the 19<sup>th</sup> century in the fur trade country and persisted in the Fort Chipewyan region until the 1940s, although diminished in the 20<sup>th</sup> century (cf. Ray 1974:137-8, 196-7; 1984; Morantz 1990; Tanner 1965). To Rosemary Ommer (1990:9), credit was “the mechanism whereby merchant capital delegated the power of production to ‘independent’ operators on certain terms, with certain strings attached, in order to generate the flourishing of individual enterprise and the expansion of the whole economy.”

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<sup>61</sup>The terms “affinal” and “consanguineal” do not fit Chipewyan or Cree kinship systems as neatly as the literature makes it seem. For example, a trader who married a Chipewyan woman would acquire a set of in-laws or affinal kin, but through the logic of the kinship system he would also acquire a set of consanguineal kin, or relatives he would call brothers and sisters, fathers and mothers, even though he was not actually related to them by “blood.” It is beyond the scope of this report to elucidate the historic Chipewyan kinship system.

Tanner has discussed how credit both defined and mediated the trade relationship:

The obtaining of credit marked an important change in the economic life of a trapper. It indicated a long-term commitment to trapping as the major winter productive activity, and to dealings with a single trader, in order to exchange the results of this activity for some valued end [1965:46].

While credit was extended to group leaders in the early years of the fur trade, in the Athabasca country it seemed to have been often an individual matter from the earliest record (Duckworth 1990). Several trappers, each representing his immediate family group or local band, dealt personally with the trader in the credit relationship, rather than being represented by a trading chief or other Aboriginal middleman.

Post managers kept account books that tracked each trapper's sale of furs and provisions and purchases of goods at the post. A trapper who accepted credit became linked to a particular trading post and was required to travel there at least twice yearly, once to obtain his fall trapping "outfit" on credit and a second time to trade his furs and pay off his debt. Credit stabilized a trapper's relations with the trader and allowed the trader to plan his business. In 1860, a Fort Chipewyan report remarked, "Debts are given to Indians who are faithful in paying them" (HBCA B.39/e/10:fo.1). From the trapper's point of view, it was a way to capitalize the coming winter's trapping, by providing the goods he needed from the post, while at the same time it allowed him to trap when and how he pleased (Tanner 1965:47; Morantz 1990:221). On a pragmatic level, it stimulated trapping because trappers had to pay for their purchases in order to obtain more credit, despite the Hudson's Bay Company policy of periodically writing off bad debts. More broadly, it accorded with Chipewyan and Cree ideologies of reciprocity, the need to repay those who have assisted you (e.g., Ray 1984:11; Morantz 1990:221). The trader could use credit to limit the sorts of goods available to trappers:

By allowing only certain goods to be purchased on credit a trader was able to do more than just influence the buying habits of Indians along what he thought to be more prudent lines. He was also able to stress the importance of trapping as an activity, allowing only those supplies needed for a trapping expedition on credit. In this way he ultimately could increase the fur harvest of his district, on which most of his profit could be made [Tanner 1965:49].

Credit established personal relations between the trader and his trappers, and gave the trader the advantage of having the trappers under an obligation to him. Through this relationship he was able to directly influence their economic life by personal intervention, and discourage activities which conflicted with trapping [*ibid.*:47-8].

At the same time, some Aboriginal people were reported as taking advantage of the lack of easy communication between posts to take their debt at one post and then avoid paying it off by trading their furs at another post. This practice required them to travel great distances.

Another explanation was that after taking credit, they had spent the winter trapping (and living) in an area far from the post that issued the credit, and they wanted to trade at the nearest post.

Both explanations probably apply; the lack of barriers to long-distance travel was mentioned above. While it was usually to the trader's advantage to have a stable number of clients who sold furs and provisions to and bought goods at his particular post, the Aboriginal people balanced their ties to the trader with their personal interests. Periodically, local posts would "write off" debt that they believed could not be collected.

To summarize, country marriages and creditor-debtor relations established social ties which transcended the purely economic aspect of exchange. As Sahlins suggests, it was "social relations, not prices [that] connect up 'buyers' and 'sellers'" (1974:298). As Indian involvement in the fur trade became regularized, Indians relied more on transactions that appear to be individual, although the goods they acquired in trade were used to benefit their entire local bands. While they may have been listed on the account books as individuals, their trade

represented production by their immediate families and the larger social groups of which their families were members - the local bands. The Chipewyan and Cree bands were no longer marginal or outside the world system but integrated into it as a periphery. This transformation occurred at Fort Chipewyan after the establishment in 1821 of a monopoly on trade by the Hudson's Bay Company (McCormack 1984a). By the second quarter of the 19<sup>th</sup> century, the Chipewyans and Crees who had become permanent occupants of the Fort Chipewyan region and traded there regularly could no longer be characterized by a "total economy." The new mode of production had the following configuration.

*Forces of Production: Resources* While the total resource base was initially unchanged, Chipewyans and Crees developed different patterns of resource exploitation, which can be inferred in part from records of fur and food production. They emphasized some fur and game resources that previously would have been little utilized or utilized differently, thereby affecting regional ecosystems in often-significant ways. From the earliest days of the Athabaskan fur trade, provisions were important trade items, especially fresh and dried meat (Duckworth 1990). Bison became an important resource for sale, hunted so intensively to provision the posts that by the 1840s, they were in serious decline (Ferguson 1993). New resources included garden crops introduced by fur traders and missionaries: potatoes, carrots, turnips, cabbages, onions, beans, and cucumbers (ACFN 2003a:79). However, when Chipewyans began to plant gardens is not known; it probably coincided with the construction of small settlements with log houses as centers of bush activity, in the late 19<sup>th</sup> century.

The Chipewyans who relocated to the western end of Lake Athabasca and other points in

northeast Alberta shifted to some extent from the resources of the transitional tree line zone to those of the boreal forest. While they still traveled often-long distances to hunt barren-ground caribou in winter, they also hunted all the local big game - bison, moose, woodland caribou - and a different configuration of smaller animals (see ACFN 2003b). For example, in 1791-92, Peter Fidler described Chipewyans hunting bison and beaver in the Little Buffalo River west of Slave River, beaver in the Taltson River, and moose in the vicinity of the Slave River itself (Tyrrell 1968:Journal 8). The resources available in the biome of the Fort Chipewyan region were rich, especially given the role played by controlled burning in managing habitats for game and fur animals. In the late 18<sup>th</sup>-early 19<sup>th</sup> centuries, before bison numbers diminished, substantial herds ranged as far as north as Great Slave Lake and east of the Slave River and were plentiful in the Peace River country (e.g., Hearne 1958:161-4; Tyrrell 1968:370-411, Journal VIII; Van Zyll de Jong 1986) . Samuel Hearne pointed out that “Of all the large beasts in those parts the buffalo is easiest to kill” (1958:163). Barren-ground caribou continued to migrate occasionally to the Fort Chipewyan region, woodland caribou lived in the Birch Mountains and elsewhere in the region, and the Peace-Athabasca Delta supported a rich resource complex.<sup>62</sup> Even deer and elk were reported in the region (HBCA B.39/e/7:fo. 5). The 1823-1824 post report remarked, “The hunting grounds of the Indians in that locality are well stocked with large animals” (*ibid.*:fo. 3). Fish were also widely available. The following year, the report commented that the Chipewyans feed off the “fat...of the land & water of the first of which they

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<sup>62</sup>Anthony Gulig (2002) has discussed how forest fires set by prospectors in northern Saskatchewan in the 1920s and 1930s burned off so much barren-ground caribou winter habitat that the animals shifted their long-standing migration routes eastward. They were thereafter far more difficult to hunt for people in the western Lake Athabasca region, due to the distances involved. Local Athabasca Chipewyans were forced to rely more heavily on local game, including woodland caribou.

are seldom destitute” (HBCA B.39/e/9:7).

Chipewyans and Crees continued to travel to areas suitable for hunting, trapping, and other land pursuits and also for visiting families in order to arrange marriages for their children. Chipewyans were described as relatively independent of Europeans and their goods, despite their “numerous Population,” because of their “wandering habits, great attachment and frequent Visits to their lands” (HBCA B.39/e/8:fo. 8). Crees, on the other hand, had a “more Ltd. Population, stationary habits, & dependent situation on Europeans” (*ibid.*:fo. 7). However, such statements have to be read with care. Neither Chipewyans nor Crees restricted themselves to specific locations but were typically on the move over the course of the year, as they took advantage of different resources that were available in different regions. In the post journals, they are typically described as associated with specific regions, such as Birch River or Jackfish Lake (now, Richardson Lake) for Chipewyans, but those are general comments that do not address even the complexity of the annual cycle of activities and the lands required for them, let alone the complexity of a broader pattern of rotating or shifting land usage.

Strategic Chipewyan-Cree marriages began by the mid 19<sup>th</sup> century, if not earlier; the dates available may reflect only the beginning of relatively reliable missionary records. Such marriages paved the way for peaceful interaction between the numerically dominant Chipewyans and minority Crees, who were now living in the same broad region. It was especially common for Cree men to marry Chipewyan women, though the reverse did occur. Cree and Chipewyan men thereby became linked as brothers-in-law and partners, important supportive relationships. Typically, a man lived with and was expected to provide support for his wife’s parents, especially in the early years of marriage (so-called matrilocal residence).

That meant that Cree men who married Chipewyan women would now live and work with their in-laws, traveling to, using, and learning new regions. As a result, members of local bands that were formerly ethnically distinctive began to live in local bands that might be ethnically mixed, even if they were not identified in that way, and to construct a new multi-ethnic regional band centered about Fort Chipewyan, as the place where local bands came together briefly each summer.

*Forces of Production: Technology* The most striking feature of the fur trade mode of production, and the one most obvious to Europeans, was that an increasingly large portion of Aboriginal technology was obtained through trade. Chipewyans and Crees enjoyed access to a wide inventory of imported manufactures, including guns and ammunition, metal goods, textiles, and decorative items. The post blacksmith made gun repairs, which encouraged reliance on firearms. Some theorists have argued that Chipewyan relocation to this region was possible only because of the new fur trade goods they could obtain, especially guns, which facilitated their hunting of large, solitary animals rather than herds of caribou. However, the frequent references in Cuthbert Grant's 1786 journal to hunters bringing moose meat to the post to trade indicate that by this early date, Chipewyans as well as Crees were hunting moose quite capably, although it is unknown whether or not they relied on firearms as opposed to snares or other traditional hunting techniques (Duckworth 1990).<sup>63</sup>

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<sup>63</sup>Athabasca Chipewyan First Nation elders associated with Old Fort told Nicole Nicholls that in their own language, the place name for this location comes from "before the time of the White men" and translates to "chasing a moose out to the point," because people would drive a moose from the bush onto a narrow sand spit where it could be killed by men with bows and arrows (Nicole Nicholls, personal communication, 23 June 2011). Pat Marcel's contemporary description of how to hunt moose reflects the knowledge of a modern hunter who uses a rifle, yet

By 1823, the Chipewyans who were “more accustomed to whites” were reported to be copying them in manner and dress (HBCA B.39/e/6:3). By mid century, all Indians had evidently replaced much of their material culture inventory. Father Taché, writing at Ile à la Crosse in 1851, noted that Chipewyan “Men's clothes are quite similar to those of our peasants; they obtain their clothing in the stores of the Company where it is received ready made from England” (Taché 1978:146). In 1859, Robert Campbell, the Hudson's Bay Company factor at Fort Chipewyan, wrote to the director of the new Industrial Museum of Scotland:

You will perhaps be surprised to learn, that even in this Northern District, the “Indians” appreciate the convenience of the articles of civilised usage so much, that hardly a trace now remains of their former dress, domestic utensils, or weapons of war, or the chase; all have already fallen into disuse among them [Royal Museum of Scotland, 5 May 1859].

Such comments support the popular notion that Indians peoples had become “dependent” on the fur trade. As “trappers,” they were believed to have “lost” their original autonomy. Ray referred to Indians as “increasingly caught in the trap of having to buy the tools that they needed” (1984:4), at a time when the resource base was, he believed, increasingly unstable. Such an interpretation involves a material culture-focused concept of “autonomy” that is not usually applied to non-Aboriginal peoples. “Dependence” has become established in academic and popular discourse as a term connoting a special kind of Aboriginal subordination. In fact, all peoples who became part of the capitalist world system were (and are) “dependent” on exchanges in the market place. Among their ranks were British workers, but the term dependence is rarely used to characterize them. Ironically, British workers were probably more

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it also has deep cultural roots, learned by hearing oral traditions and by personal experience. It would have been familiar to moose hunters of the late 18<sup>th</sup> century, because it rests on an understanding of basic moose behavior (ACFN 2003b:104).

dependent on the goodwill of company owners than were northern Indian trappers and hunters, who maintained considerable independence and had to be courted and enticed by Company traders throughout the 19<sup>th</sup> century.<sup>64</sup>

There is no evidence that the less visible aspects of Aboriginal technology were replaced. As Father Taché wrote in 1851: “All the Indians are better naturalists, not only than our country people, but even than the most learned elements of our populations” (1978:138). In her memoir of the Fort Vermilion region a half century later, Mary Lawrence stated that to the Indians, “the sheer stupidity of the white man in the bush was something beyond belief” (Fort Vermilion Ag. Soc. 2008:16). “[W]hen he comes into this country he’s like a child. He doesn’t know anything and he does things that even a child would be ashamed of” (*ibid.*:172). Indians maintained their knowledge of local ecosystems, animal behavior, and the use of fire to manipulate plant and animal populations. Controlled burning, or “domesticated fire,” was an important tool to create and maintain the prairies and other early successional habitats on which most species of fur trade and subsistence importance relied (Lewis 1977; 1978; 1982; McCormack 2007; ACFN 2003a:98). It had very different consequences than did wild fires. In fact, one of the benefits of regular and extensive controlled burning was to reduce the potential for holocaust fires. While Crees, with their origins in the fire-adapted parkland habitats of the Saskatchewan basin, were undoubtedly familiar with the principles of fire management and could easily apply them to their new northern homeland, it may have been a new technology to

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<sup>64</sup>Elsewhere, Toby Morantz has argued that the Crees of James Bay were neither controlled by debt nor dependent on the Hudson’s Bay Company, but “fully in control of their own hunting strategies” (1990:221).

Chipewyans, who would not have used it in the caribou ranges of the transitional tree line.<sup>65</sup>

Presumably they learned its use by observing other residents, including the Beaver Indians they displaced, by working with their new Cree relatives, and by trial and error.

An important addition to their technology, and crucial to the development of trapping as a regularized activity, was the dog team, probably in the 19<sup>th</sup> century. Dogs were hitched in a single line to a toboggan or sled, facilitating winter travel among residential settlements, trapping areas, and the fur trade post. While the idea of driving dogs may have been introduced, perhaps by example, the implements were homegrown, a synthesis of pre-existing sleds, local dogs, and the carriages and dog harnesses used by traders and their employees (Hearne 1958:213; Lamb 1970:154; McCormack 1988:48, 55; McCormack 2009; ACFN 2003a:49). People fashioned their own sleds and harnesses from wood and leather. People also continued to use dogs for “packing” furs and other items when sleds could not be used (McCormack 1988:49, 57; see ACFN 2003a:76-7). When dog teams were adopted by Indians in northeast Alberta is not known, but it may have been related to some measure of increased sedentariness; keeping dogs required their owners to stock meat or fish for their feed.

*Forces of Production: Labor*      Labor allocation was similar to that of the domestic mode of production, in that men and women undertook different and complementary fur trade and subsistence activities. Both men and women trapped, though generally for different species and in different localities. Women's trap lines were usually in the vicinity of their settlement,

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<sup>65</sup>Fire in that area would have destroyed slow-to-grow lichens, which were important winter caribou foods. Athabasca Chipewyans say that it was a forest fire in northern Saskatchewan in 1951 that resulted in the barren-ground caribou no longer coming as far as the western end of Lake Athabasca (2003a:100-1).

whereas men used their dog teams to trap at a greater distance, thereby increasing the overall productive capacities of the local band. However, some women also ran their own dog teams, and the division of labor was not as strictly gendered as it has sometimes been made out to have been. The Athabasca Chipewyan First Nation's two volumes about its traditional land uses (ACFN 2003a; 2003b) contain information on the seasonal round of labor and productive activities: winter hunting and trapping; the spring muskrat hunting season and waterfowl hunt; summer fishing, hunting, gathering, and gardening; and fall berry and garden harvesting and hunting. Activities were conducted not only to support life at those times, but to prepare for the coming seasons.

There was also a new regional division of labor represented by the concentration of some Aboriginal peoples in trapping and subsistence pursuits and others in wage labor. While the former have often been characterized as Chipewyans and Crees, and the latter, as Half-breeds and Métis, these identities were influenced by occupational choices and the social communities to which people belonged. Such specialization was rarely exclusive. People who worked directly for the traders and, in the second half of the 19<sup>th</sup> century, for missionaries, typically lived in town and supplemented their wages by hunting, fishing, cultivating small gardens, and acquiring food from their bush-based relatives, thereby reducing both the costs incurred by traders in maintaining the labor force and their otherwise dependent position as laborers. People living in the bush occasionally performed wage labor (until the 20<sup>th</sup> century, paid for in-kind by Made Beaver credits). The concept of a regional division of labor, with occupational specialization occurring within immediate social networks - the local bands and their later outgrowths within the town of Fort Chipewyan itself - also marks the mixed economy of the fur

trade mode of production.

*Social Relations of Production*      The primary goal of Chipewyans and Crees was still survival. That meant that trapping and wage labor were undertaken only to provide themselves with enough exchange-value to purchase the items they needed.<sup>66</sup> Not surprisingly, there were few changes from the pre-existing relations of production. The major change was the intervention of the European trader and his employees in the relations of production, paralleling the intervention of imported manufactures in the forces of production. It was the traders who solicited and encouraged Aboriginal participation in the fur trade and employed them as occasional laborers. They drew upon their social ties with Aboriginal peoples and their control over exchange rates, although not without considerable negotiation and occasional resistance by Aboriginal producers. For example, on October 2, 1868, the Chief Factor at Fort Chipewyan, William McMurray, “had a conference with the Indians & explained to them his intentions concerning their debts furs &c during the ensuing Winter” (HBCA B.39/a/46:fo. 41). Traders did not seek otherwise to alter Aboriginal use of or access to bush resources. All Indian participants had to provide themselves with food and other subsistence items, thereby underwriting their own reproduction costs, which reduced costs that the traders would otherwise have been forced to cover and enhanced the value appropriated by the traders.

Ray has argued that one role of the traders was to encourage Indian trappers to rely upon

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<sup>66</sup>The reasons were probably both ideological and pragmatic. Aboriginal people tended to “make do,” an appropriate tactic when everyone had the knowledge necessary to make all items of technology. This approach can be seen even today among local residents. As well, it was difficult for people who moved around a great deal to carry many items with them, which in turn undermined any tendency to consumerism.

a less reliable resource base, by relying instead on assistance from the Hudson's Bay Company during times of privation (1984:7-8). The Company stocked food stuffs for distribution at such times. This practice, he said, reduced Indian self-sufficiency even further. Indians were therefore vulnerable to low fur returns and shortages of food (*ibid.*:10). They turned to the Company for relief at such times, a situation that Ray has interpreted as a fur trade-based “welfare system” (*ibid.*:16-7). However, Ray himself has pointed out that assistance provided to Indians was drawn from the “excess profits” made by the Company. Conceptualizing it as welfare supports an interpretation of Indian “dependency.” It may be better thought of as a return of a portion of the excessive surplus value appropriated by fur trade merchants. Occasional assistance provided by the trading companies was a way of helping the Indians make a “living wage,” not equivalent to government support in the second half of the 20<sup>th</sup> century for peoples displaced from the production process. Moreover, the region surrounding the western end of Lake Athabasca, anchored by the rich Peace-Athabasca Delta, may have provided a resource base that was more reliable than at most posts, and there is little evidence to support the notion that the Company regularly put up extra supplies in case Indians went hungry. Instead, the post journals recorded complaints or resignation if Indians had to be fed from post stores during intervals of starvation.

The bottom line is that the structure of control within Chipewyan and Cree societies during the fur trade was still vested in the members of the local bands. What was distinctive about the fur trade mode of production was the addition of the production of furs and provisions for sale and of wage labor to the former economy. It marked the beginning of a mixed economy that would provide additional flexibility for livelihood. At the same time, Aboriginal peoples

were vulnerable to any constraints that might be imposed on their access to the resources of the bush, to changes in the availability of the species they exploited, and to changes in the structure of the fur trade. While involvement in the fur trade is often seen as making Aboriginal economic structures more fragile and less certain, at the same time the existence of a mixed economy evened out some of the problems, by offering new ways of livelihood.

*Superstructure* Superstructural elements were an outgrowth of those of the originating modes of production. There is no evidence that Chipewyans or Crees who committed to trapping changed their fundamental value systems in any significant way, or that they came to accept the legitimacy of lineal authority, whether by outsiders or their own members. Traders insinuated themselves into the relations of production by manipulating exchange relationships, not by imposing any measure of formal authority. However, more subtle changes may have resulted from the roles played by Métis and European employees in the fur trade relations of production. Especially in earlier days, they were often sent out to winter with Indian bands, to encourage production of furs and provisions and also to support themselves. As discussed above, many men married local women and began families. Fathers transmitted their values to their children, even when those children were raised in their mother's culture and with her cultural identity. These values may have supported an acceptance of trapping and trading as legitimate and worthy activities. Roman Catholic Métis and Protestant Scots also taught their families some aspects of their Christianity, paving the way for the Christian missionaries who would arrive in the mid 19<sup>th</sup> century (see Podruchny 2006). These men were a less formal but highly important influence in the relations of production.

## 6. Athabasca Chipewyan First Nation Traditional Territory

The discussion to this point has been about Chipewyans and Crees living their lives in the vast lands of northeast Alberta and adjacent lands of Saskatchewan and the North-West Territories. This section addresses the concept of “traditional territory,” with specific reference to how the traditional territory of the Athabasca Chipewyan First Nation was and is constituted, conceptualized, and defined. As the earlier discussion explained, that traditional territory actually comprises the combined traditional territories of the Chipewyans and Crees who historically joined together through marriages as the founding peoples for this modern First Nation.

The term “traditional territory” has been widely used but rarely defined, and in fact no universally accepted definition exists.<sup>67</sup> It is understood differently by Euro-Canadians and Aboriginal people, just as Aboriginal land use and concepts of land have been poorly understood by Europeans/Euro-Canadians. Euro-Canadians have an intellectual framework for understanding and thinking about land and territory that derives from the system of land ownership introduced in Canada by British and French immigrants. That involved “the concept of *property*, in which pieces of territory are viewed as ‘commodities’ capable of being bought, sold, or exchanged at the market place” (Soja in Elden 2010:805). Canada’s development as a nation-state went hand-in-hand with the creation of an overarching system of individual

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<sup>67</sup>Indeed, Stuart Elden claims that there has been little investigation of the term “territory,” either “conceptually or historically” (2010:800). The reason is that the term “...is often assumed to be self-evident in meaning,” mainly through its relationship to the defended and bounded territory of a state (*ibid.*). Many geographers and anthropologists today are examining fundamental concepts such as “space,” “place,” “land,” “landscape,” and striving to consider how these relate to indigenous issues and concepts, especially in contexts of contemporary globalism (e.g., Castree 2004; Escobar 2001).

ownership and control of land and resources, under the sovereignty of the Crown, which set the ground rules for how the land could be occupied and parceled out. When the new Dominion of Canada expanded after 1870 into the lands newly-acquired from the Hudson's Bay Company, the Dominion Land Survey was the federal agency responsible for surveying the Northwest. Its goal was to impose a grid of Base Lines and Meridians, followed by Townships and Range Roads, respectively, anticipating settlement by non-Aboriginal people who would take up homesteads and invest in industries. It provided then and still does provide for "ownership" of a clearly defined piece of land and for control over the land within its boundaries, subject to whatever rules are in place for land ownership and use by the jurisdiction making the land available or having some input into its governance (e.g., the federal or provincial Crown, municipality, a rural subdivision). Each piece of land has a surveyed boundary, and the land-owner's formal control extends to that boundary and no farther. The land-owner has no control over his neighbor's land. Persons (including corporate persons) who are given leases of either land (e.g., grazing reserves) or a resource on those lands (e.g., a timber berth for tree-cutting or oil sands for mining) have similar though not identical powers, depending on the terms of the lease, and they too have surveyed boundaries, which define the geographic limits to their formal activities.<sup>68</sup>

This apparently straight-forward system does not work when attempting to discuss Aboriginal land uses or their intellectual framework for thinking about and understanding their

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<sup>68</sup>Impacts of these activities may extend beyond their legal boundaries of operation. For example, smoke emissions from oil sands plants do not stop at an artificial boundary, although they may be regulated by the issuer of the licence. Fences erected to enclose an excavation, especially if they lie on traditional travel routes, may prevent Aboriginal users from accessing more distant areas. It may not be feasible to "go around."

“traditional lands.” When Aboriginal people are asked today to identify their traditional territory, what they are really being asked to do is to identify boundaries in order to define where their legitimate interests in the land stop and start. That is an interesting position, for it contradicts the belief by Europeans about former land uses by northern Aboriginal people, which is that Aboriginal people who lived by hunting, fishing, and gathering were *nomadic*, a problematic term which meant, to Europeans, that they did not truly occupy the land but simply “roamed over” it, having no specific land they could call their own. For example, when Alfred von Hamerstein testified about the Athabasca District before the Select Committee of the Senate in its 1906-07 hearings, he tried to distinguish between “‘white half-breeds’ and ‘Indians’” on the basis of whether or not they were permanently settled. He said: “Some of the half-breeds live a white man's life, and others live like Indians; that is, they are on the move all the time” (Chambers 1907:43). Even today, the *Canadian Oxford Dictionary* defines a “nomad” as a “member of a people roaming from place to place for food or fresh pasture,” or “a wanderer” (Barber 2001:987). “Roaming” and “wandering” both connote randomness.

The tendency by some social scientists today to contrast Aboriginal societies to so-called “settler societies” when talking about incoming Europeans denies implicitly that Aboriginal people themselves “settled” the land.<sup>69</sup> At issue is a European concept of settlement that means a sedentary life lived on a bounded piece of land, with an agrarian base. It posed a problem for Charles Mair, who accompanied the Half-breed Scrip Commission to northern Alberta in 1899

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<sup>69</sup>To Philip Arnold, occupation of land “...is not only the mechanics of how a land is settled by human beings, but refers to the all-encompassing, ongoing interpretive labors required to live in a place” (2001:18). Such a concept allows us to move beyond the narrow concept of settlement to a more useful concept of occupation, of which agricultural settlement would be only one type.

and observed the parallel Treaty No. 8 Commission at Lesser Slave Lake Settlement. Mair compared many “white settlers” he had seen unfavorably to the “Indians” he saw at Lesser Slave Lake, whom he considered superior “in sedateness and self-possession” (1908:54). He looked for but did not see “some savage types of men” among the Indians and indeed expressed disappointment at the ordinary scene before him (*ibid.*:54-55). They were, instead, “commonplace men” (*ibid.*:55), which surprised him “for there was, as yet, little or no farming amongst the old ‘Lakers’” (*ibid.*: 73). It has been difficult for Euro-Canadians to come to grips with a system of territory and occupation that was not based on sedentary settlement but on “wandering.”

Associated with the concept of Aboriginal nomadism and their lack of permanent residences in the past was the idea that the boreal forest, including the lands of northern Alberta, was a “tractless wilderness,” a vast expanse of wild lands. In 1899, the treaty commissioners found it difficult to contemplate that Indians would or even could be displaced from such lands anytime soon. In fact, in their report they said that they did not expect the Indians in the Athabasca and Slave River areas to take up the provisions in the treaty to support farming, because “It does not appear likely that the conditions of the country on either side of the Athabasca and Slave Rivers or about Athabasca Lake will be so changed as to affect hunting or trapping, and it is safe to say that so long as the fur-bearing animals remain, the great bulk of the Indians will continue to hunt and to trap” (Govt. of Canada 1966:7). That is, they equated the persistence of the intact boreal forest landscape with the exercise of rights to hunt and trap under Treaty No. 8. They also pointed out that “the extent of the country treated for make it impossible to define reserves or holdings” (*ibid.*). Charles Mair, who was part of the Half-breed

Commission, wrote about “primeval masses of poplar and birch foliage” (1908:41); the word “primeval” implies untouched wilderness. As recently as 1997, a brief survey of Canadian Indian culture areas described the western Subarctic as a bleak, forbidding land “of dark forests, barren lands and the swampy terrain known as muskeg” (Indian and Northern Affairs Canada 1997:9), a specific kind of wilderness.

Yet to Chipewyans and Crees, northern Alberta was neither “tractless” nor “wilderness.”<sup>70</sup> In addition to the better-known water routes, it was covered by a network of overland trails that were well-known to local people.<sup>71</sup> At least some of these trails were maintained by controlled burning. These travel routes were their grids. While they revealed the ways by which people traveled in the country and the lands they knew and used, they were not boundaries that restricted where they could live or how they could use the land. It is true that most Chipewyans and Crees did not have permanent, year-round settlements until recently, but they does not mean they were “nomads” in the “random use” sense of that term.<sup>72</sup> First Nations used and occupied the land and its resources in an orderly and methodical manner, based on their highly detailed knowledge of specific landscapes and plant and animal behavior and interaction, their ability to predict ecosystem dynamics, their practices of environmental

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<sup>70</sup>The word “wilderness” does not even have direct Chipewyan or Cree linguistic equivalents.

<sup>71</sup>For example, Athabasca Chipewyans know and still use a trail that goes from the Athabasca River to Ronald Lake and into the Birch Mountains (Candler *et al.* 2011:80). There are many other trails that provide overland connections across the entire region. Some of these can be found marked on old maps, but most of them can be known only through the oral traditions, and knowledge about these trails is disappearing.

<sup>72</sup>“Nomad” is a good example of a term frequently used even today for Aboriginal people of an earlier day that we should either redefine or stop using.

management through controlled burning, the rules of their societies, and their spiritual beliefs and practices

To the Chipewyans who traveled on them, trails were more than simply access routes to resource areas. Trails and travel were intimately involved with the production of Chipewyan knowledge. According to David Turnbull, “We make our world in the process of moving through and knowing it,” and he points to the “‘topokinetic’ nature of knowledge through movement” known from many cultures, including those of North American Aboriginal people (2007:142). This approach is evident among the Dakelh First Nations in British Columbia, who were formerly known as the Carrier, another Athapaskan-speaking group. Their term for territory is *keyah*, a word that means “within the feet,” which could also be translated as “the area in which one walks” (Larsen 2006:316). Many Dakelh place names, or toponyms, were “...mnemonic devices for detailed family stories of events that connected the family to the area in question” (*ibid.*:317), just as they are for other Athapaskan/Dene peoples, from the Subarctic to the Southwest. The idea of trails and walking as a source of knowledge relates directly to Chipewyan values about the benefits of travel; as Thanadelthur explained to Knight, a great traveler was also a great leader. Travelers were able to learn first hand about other people and landscapes, and it afforded them opportunities for a wide range of spiritual experiences related to particular places. Travel was related directly to the generation and expression of their oral traditions, which encapsulated their cultural knowledge:

Paths, tracks and trails are inherently performative; the cognitive connections, the social interactions, and the relationships that they bring into existence, are themselves marked by trails and movements and actions along them. For this reason they are deeply

intertwined with songs, stories and narratives [Turnbull 2007:143].<sup>73</sup>

Knowledge about the land involved more than simply the physical features that can be empirically discovered and charted. It was knowledge of “landscape,” which is “how people meaningfully occupy land” in order to survive (Arnold 2001:17). That entails an important interpretive role, much of it articulated through ritual relationships between Chipewyans and spiritual entities present on and under the land. Chipewyan statements about how the land is “sacred” relate to these relationships. Henry Sharp has provided the most recent discussion about this knowledge and these relationships, with specific reference to the Chipewyans of Black Lake (which he called Mission Lake).<sup>74</sup>

Animals, ordinary animals that The People hunt, trap, and eat, have a simultaneous dual reality - existence - as both natural and supernatural beings. As animals, they are the physical beings upon whose bodies the Dene depend for their own subsistence and survival. As supernatural beings, animals participate in *inkoze*, and it is in that realm that they have their “true” existence. This duality of being dominates traditional Dene thought, experience, and interaction with animals and is one of the root paradigms of Chipewyan culture [Sharp 2001:58].

*Inkoze* is a greater realm that contains human life and experience within it. Its nature is dynamic, convoluted, and beyond human understanding” [*ibid.*:50].

At times it seems as if the Dene recognize that the physical universe we experience is only part of a greater connected universe(s) we are unable to perceive” [*ibid.*:172].

[It is]...the system of causality and being from which the Dene emerged as human beings” [*ibid.*:58].

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<sup>73</sup>See also work by Bettina Koschade and Evelyn Peters about indigenous knowledge and the environment with respect to Algonquin concepts of jurisdiction over land. The land used and occupied by the Ardoch Algonquin First Nations and Allies is “...the embodiment of their indigenous knowledge of the land” (2006:304).

<sup>74</sup>David M. Smith provided an earlier summary of Chipewyan “magico-religious beliefs” based on his research with Chipewyans at Fort Resolution; he used the term *i'ko'ze*, which people explained as “to know something a little” (1973:8). There is a wide literature about such beliefs among northern Athapaskan peoples that is not reviewed here.

The Dene know that the homes of the giant beings beneath the lakes and rivers of Dene country are pathways between the realms maintained by the power/knowledge of those beings of inkoze [*ibid.*:173].

People themselves can acquire the power and knowledge that is part of inkoze through dreams, visions, and direct encounters with animal-persons (also, non-human persons) (*ibid.*:79). They have *relationships* with these animal-persons that involve an on-going reciprocity in which the spiritual figures continue to provide power and knowledge and the people who have been granted these gifts observe whatever rules and food restrictions are required to maintain their relationships. In turn, people with such power can use it to help (or harm) other people, actions which in turn binds them into inter-human relationships that must be reciprocated with gifts (*ibid.*:79-80; see D. Smith 1973:9).

These are not just beliefs of the past, but ongoing parts of Chipewyan awareness, spirituality, and religion. Work by Philip Arnold has been helpful in thinking about the relationships between Aboriginal people, including Chipewyans, and the land as shaped by an understanding of the land as “...an autonomous living being” (Arnold 2001:17). Just as humans have relationships with other human beings, they must also have relationships with the land. They achieve such bonds through “ritual,” which is “...a performative process by which meaningful orientation to the landscape is promoted and sustained” (*ibid.*:15). That is, people do not just think about the land, but they visit it and do things on it which relate to the reciprocity between themselves and the spiritual entities that inhabit the land. The set of beliefs and rituals involved in “...the human interaction with an exterior material world...” can also be construed as a religion (*ibid.*:19).<sup>75</sup>

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<sup>75</sup>Arnold (2001) distinguishes this approach to religion from those of more narrowly-based European Christianities, which at the time of European contact with Aboriginal people in

Sharp and Smith have provided some evidence for how these rituals work among Chipewyans. Events involving mythical or spiritual figures could occur at any place or time (Sharp 2001:92).<sup>76</sup> Hunting is of paramount importance, in that “a hunt is a ritual encounter between a Dene seeking the life of an animal/person whose power/knowledge is greater than his own. Any encounter with an animal/person is precarious. ... Beyond the peril of dealing with a being of greater power/knowledge is the never-absent chance that the animal/person may be a being of inkoze” (Sharp 2001:63). Inkoze also enters into the gathering of medicinal plants, which “...must be given a return in the form of a gift slipped into the ground among its roots...” (*ibid.*:79-80). In fact, an animal spirit might show the person the place in the bush where medicinal plants could be found. “When gathering this medicine, a person was always very careful to ‘pay the ground.’ Shaving a little tobacco on the spot where roots were taken, for instance, was a proper ‘payment” (D. Smith 1973:8-9). Inkoze is the reason that people and animals can both be reincarnated (*ibid.*:68), and reincarnation provides another level of connectedness among human and non-human persons. Finally, people with inkoze still act as curers, which connects those being healed with the animal-persons who provide the power (e.g., see D. Smith 1973:10-14).

Sharp has worried that this approach to Chipewyan spirituality may lead some people to

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the Americas were based primarily on written texts (various versions of the *Holy Bible*) and promoted a utopian ideology - a better world or God’s world - largely removed from specific places. This freeing of religion from place was part of the process of “modernization.”

<sup>76</sup>These experiences were and are not talked about publicly but could be learned about by others by close observation of a person’s behavior (D. Smith 1973:8). In my experience, people are reluctant and even unwilling to speak about such things. It is considered dangerous to do so, may pose a risk of losing one’s powers, and requires special protocols. Hence, it is highly unlikely that such information would appear in traditional land use studies, even when spiritual encounters are related to particular places identified in such studies.

think of them as “...going off the deep end toward the mystical and the romantic” (2001:177). Chipewyans and other Aboriginal people are highly aware that their beliefs have been marginalized and denigrated as “superstitions” or worse by Euro-Canadians, not seen as equivalent to Christian beliefs. Their beliefs were strongly opposed by the Oblate priests and Anglican ministers who evangelized them, and their reliance on traditional curing practices was opposed by missionaries (when they involved spiritual curing methods) and Canadian medical personnel (when they involved herbs and roots) (e.g., D. Smith 1973:20). It is therefore not surprising that Chipewyans fear disbelief or ridicule if they talk about their beliefs to outsiders and are often unwilling to do so. Yet both Sharp and Smith consider Chipewyan beliefs to be fundamentally “pragmatic” (D. Smith 1973:19):

The Dene are an eminently practical and empirical people who do not run around in a romantic fog seeing spirits, auras, or mystic forces in every action they take or in every thing they observe. The relationships between Dene thought about inkoze and about animals are much more subtle than that [Sharp 2001:176].

Men may dream how to accomplish the task they have in mind, but they carefully observe the results of their efforts and incorporate those results into their future efforts [ibid.:97].

Collectively, this pragmatic and spiritual knowledge about land and landscape is today called “traditional environmental knowledge,” “traditional ecological knowledge,” “indigenous knowledge,” or simply “local knowledge.” Fikret Berkes defines such knowledge as “a cumulative body of knowledge, practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings (including humans) with one another and with their environment” (1999:8; italics removed). It is “both cumulative and dynamic, building on experience and adapting to changes” (*ibid.*). For Athabasca Chipewyans, implicit but unsaid is that their traditional knowledge includes elements

related to inkoze.<sup>77</sup> Thus, contributing to the decisions they made about land use were factors generated by the forces of production - the kinds of resources they needed or wanted at specific times of the year; the social relations of production - social factors that motivated people to use certain places and resources rather than others; and the spiritual dimension - beliefs about inkoze.

The hallmark of the domestic mode of production and the successor fur trade mode of production was that no one could control critical resources, which were available to everyone in the local society. That included access to spiritual power, which was available to anyone who could establish a connection with a spiritual being, but which also required regular access to the bush. Animal-persons might be anywhere, and the more travel one does in the bush, the more likely it is that one will have the kinds of encounters that will enable the individual to engage with power. In this vein, it is a common aspect of northern Aboriginal discourse in northern Alberta for people to say that they do not own the land, but rather use and look after it, which speaks to their sense of relationship, reciprocity, and stewardship vis-à-vis the land and its resources.

Aboriginal people have always been opposed to attempts to break up and subdivide the vast expanses of land upon which they depended for livelihood, although such statements have normally been framed to Euro-Canadians as related to the physical, not the spiritual, dimension of the land. In 1899 and 1900, when they talked to the treaty commissioners about what entering into treaty would mean for them, they made it clear that they would refuse the treaty if

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<sup>77</sup>The extent to which spiritual beliefs are part of traditional knowledge has been an unresolved point of conflict over how and when to use traditional knowledge to affect policies about land uses and animal management policies.

it meant that their freedom to use the land would be restricted in any way, by being forced either to live on reserves or to obey game regulations. Aboriginal resistance to such potential changes in the land appeared even earlier, however, when the first surveyors came onto their traditional lands. For example, on 7 February 1883, W. T. Thompson, who was surveying in the Lesser Slave Lake area:

...was interviewed by the head man of the Indians (self elected), his sons and grandsons following in the wake, who informed him that they were perfectly aware that he was passing through the country to spy out the nakedness of the land, intending next summer to take this land to himself, and that he [the head man], as lawful possessor of the soil, forbade Mr. Thompson to proceed any farther [EB, "Slave Lake," 17 March 1883:3].<sup>78</sup>

Alexandre Laviolette, who later became the first chief of the Chipewyan Band at Fort Chipewyan, issued a similar challenge in 1897 on the occasion of the first patrol by North-West Mounted Police to Fort Chipewyan and points beyond. He wrote a letter, stating: "Who told you to come out here. I would like to know that. Am sure it is'nt [sic] God. God let this country [be] free, and we like to be free in this Country. I don't want any of you people; to come a[nd] bother us in this Country" (3 Feb. 1897, typed copy in LAC RG18 v. 128; full quote in McCormack 2010:95).

During negotiations for Treaty No. 8 in 1899 and 1900, the question about whether or

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<sup>78</sup>While Treaty No. 11 was not negotiated along the Mackenzie River until 1921, land surveys occurred there before World War I which seem to have been just as contentious as the survey near Lesser Slave Lake in 1883. In 1914 at Fort Simpson, Indian Agent Thomas W. Harris wrote to the Assistant Deputy and Secretary of Indian Affairs that local Indians wanted to know why the surveys were being undertaken. "I have answered that so far as I know it is to protect the rights of the settlers who may come in at a future date. This does not seem to satisfy them and all sorts of absurd rumours are current, and a certain amount of dissatisfaction is expressed" (in Fumoleau 1975:117). Harris, along with many other government agents, tended to dismiss the legitimacy of Indian concerns when they did not accord with his own understandings.

not Indians would find their land uses restricted after entering into treaty arose over and over again. The treaty commissioners assured them that they would not have to live on reserves and that “...they would be as free to hunt and fish after the treaty as they would be if they never entered into it” (Govt. of Canada 1966:6), an assurance predicated on the idea of an intact land base. As well, “...we had to solemnly assure them that only such laws as to hunting and fishing as were in the interest of the Indians and were found necessary in order to protect the fish and fur-bearing animals would be made...” (*ibid.*). Evidently they did not anticipate that such land uses would impinge in any major way on Indian uses of the land and its resources.

They offered such assurances, which treaty signatories considered to be promises, despite explicit provisions in the written version of the treaty that specified:

And Her Majesty the Queen HEREBY AGREES with the said Indians that they shall have right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the Government of the country, ... and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering, trading or other purposes” [*ibid.*:12].<sup>79</sup>

Pierre Mercredi, a long-time Hudson’s Bay Company officer who interpreted Chipewyan for the treaty discussions at Fort Chipewyan in 1899, later said that he did not interpret any clause ““which said they [Indians] might have to obey regulations about hunting”” (ACFN 2003a:59). He claimed that it was added subsequent to the negotiations in Fort Chipewyan. ““It was not there before. I never read it to the Chipewyans or explained it to them”” (*ibid.*).

Aboriginal stewardship over the land was both ideological and practical. To the extent

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<sup>79</sup>At the time, lands used for the purposes named in the treaty - settlement, mining, lumbering, trading - were small and localized. “Lumbering” had not even begun, mining was in its infancy in the north, and the Canadian oil industry did not develop in a major way until the 20<sup>th</sup> century. Neither the treaty commissioners nor the Indian representatives anticipated the expanding industrial presence that is found on treaty lands today.

that people practiced controlled burning, which was a widespread practice, they were actively managing habitats to produce the conditions that supported the animals they hunted and trapped. They handled animals and plants in culturally-defined ways that were intended to manage the availability and abundance of game. Even their spiritual powers were recruited to manage animals; people with *inkoze* were reported to be able to dream about the animals that they then hunted successfully or directed others to hunt. Such beliefs were and are not only part of the spiritual systems of Aboriginal people, they have been part and parcel of their empirical ecological practices and land management. Their very lives depended upon their being able to feed themselves at all seasons of the year, and for the most part, they were highly successful. As well, these landscapes contained a wide range of culturally important sites, such as preferred residential sites,<sup>80</sup> burials, and sites with spiritual associations, mostly linked together by the system of overland trails and water routes. These places would have been named. People learned the place names and their associated stories by hearing the oral traditions about them, especially when they traveled across the land. They also visited places that would today be thought of as archaeological sites and about which the original stories had been lost. “These places...are noted by the Dene and treated with respect for the power/knowledge that has flowed

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<sup>80</sup>Residential sites ranged from temporary over-night camp sites to longer-lasting settlements. By the late 19<sup>th</sup> century, many people had begun to build log cabins at those important locations as a base of operations for winter and other seasons. Settlements along the Athabasca River were described by travelers, such as Inspector A. M. Jarvis, who made the first North West Mounted Police patrol to northern Alberta in 1897 (McCormack 2010:94-95). The locations of some of these settlements are discussed in McCormack 1984:338-347; see also ACFN 2003:51. I was able to visit some bush settlements when I conducted research in Fort Chipewyan. Many settlements had associated cemeteries, although burials still occurred in the bush when people were traveling. As industries expand their operations into the Athabasca Chipewyan traditional lands, the safety of these isolated burials are a source of concern for the First Nation members.

between human and nonhuman within them” (Sharp 2001:41). Some of these sites became “...the loci of worship and communion with the sources of power/knowledge that animate this land” (Sharp 2001:41). In short, Chipewyan history, culture, and religion are both encoded and demonstrated in the geography of their traditional territory.<sup>81</sup>

Ironically, the same Europeans who relied on Aboriginal assistants and guides when they traveled on the land and on Aboriginal production of food provisions to survive at the posts commonly belittled Aboriginal beliefs as “superstitions.” Euro-Canadians government agents and scientists spent virtually no time on the land and had little real knowledge about boreal forest ecosystems and the dynamics of animal populations, yet they were confident that the land-use regulations they devised and imposed were appropriate. Aboriginal protests were almost always dismissed. Euro-Canadians prided themselves on their rational science, while historically the regulations for hunting, fishing, and trapping, both federal and provincial, were in fact based on poor science overall (for examples, see McCormack 1984; 1992; 2010; Sandlos 2002; 2003; ACFN 2003a:99).

While the lands under Aboriginal stewardship were broad, the specific practices of stewardship were implemented on the particular places where members of local bands lived and worked during the course of each year. Their traditional lands comprised the lands they were using actively, lands they had used in the past and that were known to have been used by their ancestors, and the lands they might wish or need to use in the future. This knowledge seems to have been largely addressed in general terms, presumably for the reasons stated in the

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<sup>81</sup>The Athabasca Chipewyan First Nation has not yet done a place name inventory, although the diversity of the locations that are culturally-significant are suggested by their traditional land use surveys.

*Athabasca Chipewyan First Nation Traditional Land Use Study*, which stated simply:

In the context of the large nomadic territory likely occupied by the Chipewyan people, and the context of the continually evolving culture and adaptations of these Aboriginal people, it is inappropriate to speak of boundaries. It may however, be appropriate to look at the likelihood of territorial occupation at any particular time [ACFN 2003b:147].

In a parallel publication, *Footprints on the Land*, former chief Archie Cyprien wrote, “The core area of the traditional lands of the ACFN is identified in the map presented on the opposite page,” which is shown in Figure 1. The core lands he identified were those lands that members of this First Nation had come to use regularly as a result of their involvement in the fur trade. They continue to be important today because “the land is the essence of Athabasca Chipewyan First Nation (ACFN) culture, values and spirituality” (ACFN 2003:5).<sup>82</sup> This map encompasses the lands surrounding much of the north shore and most of the south shore of Lake Athabasca, as well as lands west of the lake as far as Peace River and west of Athabasca River into the Birch Mountain (*ibid.*:4). Chief Cyprien added that “ACFN land use was not limited to this area...” (*ibid.*: 5).

Clearly, Chipewyan traditional territory has a dynamic quality that parallels the dynamic quality of their traditional knowledge.<sup>83</sup> It seems unlikely today that the northern-most extent of the traditional territory of pre-contact Chipewyans, now located in Nunavut, would be considered part of the traditional territory of modern Athabasca Chipewyans, which indicates

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<sup>82</sup>To a large extent, Athabasca Chipewyans equate loss of the land-based experience with loss of their cultural traditions and traditional knowledge. As elder Alex Bruno said, “Today, a lot of the kids don’t have the slightest idea of what living out on the land is all about. You want your children to know all about their culture and traditional way of life” (ACFN 2003:89).

<sup>83</sup>Koschade and Peters (2006:300) prefer to use the term indigenous knowledge rather than traditional knowledge. They argue that “...the word ‘traditional’ can be misleading” because it can often imply “...a static and nonadaptive form of knowledge.” In contrast, “indigenous knowledge” is seen as “diverse and malleable.”

that the traditional territory can shift. Pre-contact Chipewyans probably did not use the lands of the Clearwater River or the Birch Mountain, while Athabasca Chipewyans now use those areas, which indicates that their traditional territory has expanded southward and westward. The core areas of the different Chipewyan groups across their entire range will differ from group to group, though always overlapping from one group to the next.

The Athabasca Chipewyan First Nation statements and understandings about their traditional lands are echoed in the statements of other First Nations who are facing similar intrusions into their own lands. For example, the Cowichan First Nation of British Columbia explain in a website, “Our traditional territory is the geographic area occupied by our ancestors for community, social, economic, and spiritual purposes” (Cowichan Tribes 2005). That definition speaks to a breadth of landscape that extends beyond any specific region occupied by a set of families at any one time.

The Katzie First Nation, a Salish First Nation in the Fraser River region of BC, has taken two different approaches to defining traditional territory. First and foremost, it is “that territory granted by the Creator, to the descents of Oe’lecten and Swanaset - the Katzie people.” This meaning resonates with the Cowichan definition. The second definition, intended to meet “the purposes of the BC Treaty Commission process,” defines Katzie traditional lands as encompassing “all those lands, waters, and natural resources used and occupied by the Katzie First Nation, and owned by the Katzie First Nation, according to Katzie customary law” (Katzie First Nation 2002; bolding removed). This definition seeks, unsuccessfully, to distinguish between lands that are considered to be “shared territory” with other first nations” and lands that are exclusively those of the Katzie First Nation. It notes that some members may consider

those shared lands “to be properly Katzie territory.” Similarly, with respect to the idea of overlapping territories, other First Nations may have “rights and interests” in the Katzie Nation lands, and Katzie Nation members may have rights and interests in the lands of other First Nations. The First Nation points to its “long-standing ties within this larger [Coast Salish] cultural family. The ambiguities in this definition stem from an attempt to reconcile an Aboriginal concept of territory that is broad in nature with a Euro-Canadian concept of territory that is intended to erect boundaries and confer restricted rights of ownership and use, the difference between lands “we use” and lands “used by others,” when the “we” versus “them” opposition is itself a consequence of government definition rather than First Nation cultures and understandings. In its website, the Katzie First Nation addresses this problem indirectly by noting the existence of important cultural differences in articulating the concept of traditional territory:

At the outset, it is important to state that aboriginal concepts related to title, rights and territory do not easily conform to European or Canadian terms such as “territory” and “boundary.” This difficulty is apparent in misunderstandings such as the existence of apparent ‘overlapping claims.’”

Discussions with Katzie elders clearly show that the English language and European concepts are limited in their ability to articulate the nature of the Katzie First Nation’s traditional view of “ownership” [*ibid.*].

The traditional territory of the Aboriginal people who constitute the Athabasca Chipewyan First Nation is geography defined by social networks -their long-standing ties with other Chipewyans and with some non-Chipewyan Aboriginal people, especially Crees. It did not in the past nor does it now have clear boundaries that can be surveyed. The multiple kinship relations that existed among members of the local bands of northeast Alberta and adjacent areas - the on-the-ground co-residential groups - defined the extent of on-going and potential land use

by members of those groups. In these societies, any person was entitled to move to and join any group to which he or she could demonstrate or establish a primary kinship tie. This “custom” or practice was part of what today would be called Chipewyan customary law. The kinship system was a flexible one that easily accommodated new people by extending terms of primary kinship to both more distant kinsmen and non-kin.

That can be seen even from Charles Mair’s narrative about Treaty No. 8 negotiations at Lesser Slave Lake. When talks began, Keenooshayo, an important Cree leader and spokesman, challenged the claim by the treaty commissioners that they were “brothers” (Mair 1908:59). As negotiations moved forward, Moostoos, the other major Cree spokesman, extended kinship terms to the commissioners: “You have called us brothers. Truly I am the younger, you the elder brother. Being the younger, if the younger ask the elder for something, he will grant his request the same as our mother the Queen” (*ibid.*:60). While the commissioners may have considered such terms to be simply flowery oratory, the Crees took them seriously as defining formal relationships with attached rights and duties, which Moostoos explained when he instructed the commissioners in their behavioral meanings.

Even today, Aboriginal people living in northern communities talk about how everyone is related, and that is true. Newcomers who enter these areas and become engaged in the local Aboriginal social network will eventually find themselves defined as various kinds of relatives. The Euro-Canadian emphasis on actual biological ties or “blood” is not significant in traditional Chipewyan and Cree kinship systems. As relatives, they have rights and duties vis-à-vis one another. In the past, those rights included the right to join a local band if they had a kinship connection to that band and wished to do so. That meant that they had the right to enjoy all

land-based activities - hunting, fishing, gathering, trapping - on those lands. They had a right to share the food that was produced by the other families with whom they lived, and those families enjoyed similar rights in the production of the newcomers. Mutual cooperation and sharing in production and consumption were fundamental to the local bands. While local bands, as land-based entities, do not exist in the larger residential centers where virtually everyone lives today, the network of kinship ties still functions in these towns and affect how people work together, assist one another, and share material possessions and bush foods.

These relationships were not restricted to the local bands that constituted a regional band but extended to the members of all local bands with whom one might have contact. As June Helm pointed out (2000:10), the regional band was an amorphous entity which:

...lacks continual nucleation of camp or settlement. Its members are commonly scattered over its range in smaller groups. The dimensions of the regional band's range are defined in terms of its "roads," the main routes of movement for its constituent groups. The regional band's zone of exploitation thus has axes rather than boundaries or edges. We may speak of a regional band's traditional range as its territory, but it is territory without territoriality. Ties of amity and kinship bring people from one regional band to another, free to use its resources.

Before fur trade posts entered the region and became a focus of interaction, said Helm (2000:18), there would have been "flows of personnel between regional and supraregional populations and, sometimes, shifts of exploitative ranges of groups."

These "flows of personnel" did not stop once people were involved in the fur trade or even after they entered into Treaty No. 8. Throughout the 20<sup>th</sup> century, members of neighboring local bands were engaged with one another along a variety of what Helm termed "axes," the major orientations to travel that channeled human interaction throughout the region. The large rivers - Peace, Slave, and Athabasca - comprised three significant axes that linked together the

members of the local bands along these routes or in their vicinities. Settlements occupied by local bands were located along all of these rivers as well as on lakes and smaller rivers of the region. The Birch River was a significant axis for Chipewyans, along with Lake Athabasca, which extended west to east. The major overland trails or “roads” constituted additional axes. One of the most important of these was the system of trails from the Birch River over the Birch Mountain and to the Athabasca River that linked together people from the Fort MacKay and Fort Chipewyan regions. People regularly walked across the Birch Mountain to visit one another and use the resources in these different regions, just as they traveled by boat along the Athabasca River. Namur Lake and Gardiner Lake on the Birch Mountain were important locations for people from both Fort MacKay and Fort Chipewyan in the past, just as they are today, and from those lakes people could travel easily to Birch River or the Athabasca River (see Figure 5). Trails also linked Birch River and Lake Claire to the Peace River, and the Peace River to the northern bison range and Great Slave Lake, as well as to Slave River on the east and the Caribou Mountain on the west.<sup>84</sup>

It was not uncommon for people who occupied settlements that were often far removed from one another to be related in some way. These kinship ties can be seen in genealogies and treaty pay list information (McCormack n.d.b; LAC RG10 Treaty Pay Lists). It was this network of kinship that tied together the local bands and provided the vehicle for people to change their band affiliations.

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<sup>84</sup>I first learned about the overland trails from stories told to me by local First Nations residents at Fort Chipewyan and other northern Alberta Aboriginal people. They are poorly documented overall, but evidence exists in older maps, travellers’ accounts, and interviews done for traditional land use studies of both Athabasca Chipewyan and Mikisew Cree First Nations. This diverse information has yet to be compiled.

A good example is the Piché family. When North West Mounted Police Inspector A. M. Jarvis made the first police patrol into this portion of northern Alberta, he stopped at the Little Red River settlement on the Athabasca River, where he spoke with residents, one of whom was a local leader, Chrysostom Pische (Jarvis 1898:158) (Chrysostome Piche in the Oblate genealogies; McCormack n.d.b).<sup>85</sup> The founder of this family, and probably Chrysostome's grandfather, was François Piché, the man who had fled to live with the Chipewyans in 1787. He later worked at a number of trading posts, including Fort Chipewyan (Duckworth 1990:163-4). He took at least one Chipewyan wife and founded a large Piche family with a Chipewyan identity. Descendants lived in the Fort McMurray, Fort MacKay, and Fort Chipewyan regions. Members of this family married into both Chipewyan and Cree families. For instance, Charlot Piche, Chrysostome's brother, married Josette Martin in 1862. Josette was the daughter of Job Martin and Anne Iyisaskew, the second generation of one of the biggest Cree families in the lower Athabasca, and probably one of the Cree families for which the fur traders had continued to maintain a separate post. Job Martin appears to have married all of his children strategically, to both Chipewyan and Cree men and women, thereby gaining access to all those lands for all of their families and the local bands in which they lived. The linkages of the Martin family just at that generation included Grandjambes, Wabistikwans (Whiteheads), and Gibbots - all Crees - and Bouchers, Egus, and Dzenk'as (Ratfats) - all Chipewyans, along with Tourangeaus - usually considered to be Métis. One of Job Martin's sons, and Josette's brother, was Justin Martin, who in 1899 became the highly respected first chief of the Cree Band, due to his age, his

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<sup>85</sup>This settlement should not be confused with Little Red River on the Peace River, in the Fort Vermilion vicinity. In 1912, Little Red River on the Athabasca was renamed the MacKay River. It is situated near the Fort MacKay hamlet (Heritage Community Foundation n.d.).

connectedness to other families (both Cree and Chipewyan), and his great spiritual power. Similar ties can be traced among other families of the first chiefs and headmen (McCormack 2010:179-182; n.d.b).

Neil Reddekopp (1994) has traced some kinship connections of two other families - Grandjambes and Bouchers - from the perspective of their ties to the Fort McMurray-Fort MacKay area. The earliest Grandjambe in the Fort Chipewyan genealogical records was Siyakwatam *dit* (called) Grandjambe. The marriages of this family seem to have been made primarily with other Crees for at least the first two generations of descendants. Reddekopp looked at the history of Albert Grandjambe, who was born at Fort Chipewyan in 1893, and whose father Baptiste (Jean Baptiste) entered into treaty there as an original member of the Fort Chipewyan Cree Band. Baptiste moved around, working for the Hudson's Bay Company at Little Red River, where he married Caroline Sakiskanip, from an old Cree family now known as Gibbot. Several of Jean Baptiste's brothers and one sister married into families at Tallcree and Little Red River. By 1919, Albert, then about 26 years old, was at Fort MacKay, where he married Marie Rosine Kokan; they made their home there for the rest of their lives. The descendants of this family are intermarried with members from Athabasca Chipewyan families (Nicole Nicholls, personal communication, 23 June 2011).

Carolyn Sakiskanip had two brothers, Adam and Joseph, who both married Chipewyan women. Adam Sakiskanip's family line is particularly interesting, because he was reputed to have had a dispute with other Crees and made a decision to join his Chipewyan relatives (McCormack 1989). The family name became "Adam," and the marriages of his children were all to Chipewyan men and women. They joined the Chipewyan Band at the time of treaty.

Boucher is another family with French origins. Several Bouchés appear in the Athabasca region, working for the North West Company (Duckworth 1990:137-8). Joseph Boucher was born about 1851 and later married Madeleine Piché, joining him to this large Chipewyan family. Their children found both Chipewyan and Cree husbands and wives. Family members can be found from Little Red River/Fort Vermilion to Fort McMurray.

Reddekopp also named five women from the Cree Band at Fort Chipewyan who married into the band at Fort McMurray and who subsequently were transferred to that band's treaty pay list, following the Indian Act requirement prior to 1985 that a married woman's legal status derive from that of her husband (Reddekopp 1994:37). That speaks to sufficient movement within the area that such marriages could be arranged, and in fact travel between Fort McMurray and Fort Chipewyan was frequent. Men traveled to the areas where the women lived, for work, to visit, or even to look for wives, or families with marriageable daughters visited places where these men were living to the south. Both possibilities are likely.

Tracing the kinship connections of these apparently different families shows that dividing the world of Aboriginal people into Chipewyans and Crees is misleading in terms of social connections and traditional territory. These extended families provide examples of how kinship ties connected the local Chipewyan and Cree bands (and also Métis families) across the vast landscape of northeast Alberta and beyond, into northern Saskatchewan and the southern North-West Territories.

In short, "traditional territory" for the Athabasca Chipewyan First Nation constitutes the totality of the lands used by the ancestors of the Athabasca Chipewyan First Nation and those lands used by their descendants over time. They included not only lands actually in use, but lands abandoned for a period of time because the resources had diminished there or because

other lands were seen as more attractive, or because a social reason had led a family to relocate. They included all those lands that were not only used but *potentially* might be used by its members as a result of their kinship ties.

There were reasonable limits, but no clear boundaries, to this traditional territory. The fringes of the traditional territory in the past were governed solely by the desire and ability of Chipewyans and Crees to travel to areas where they had or could establish kinship ties. While people at Fort Chipewyan could travel to more remote locations, such as Edmonton, those were special trips, done rarely, and therefore those locations would not be part of their traditional lands. The extent of the Athabasca Chipewyan traditional lands presented here is based on accounts in their oral traditions about travel and residence, the location of Chipewyan settlements, the extent of kinship connections, and some documentary information. Their lands extended south to at least to Fort McMurray and possibly as far south as Janvier. They encompassed the Birch Mountain and the lands between the Birch Mountain and the Athabasca River. They extended west to encompass the areas around the Peace River to at least Jackfish River and probably to Little Red River. They extended into the lands of the Northwest Territories north of Peace River and included at least the eastern edge of the Caribou Mountain. Finally, they extended east into Saskatchewan at least as far as the Fond du Lac-Black Lake region. People had multiple possibilities for the lands they chose for their subsistence and trapping activities; they operationalized certain possibilities according to their own personal and family strategies and the resources available to them.

People changed the lands they used for many reasons. The most obvious reason was that resources had grown scarce, and people using those lands would move to other areas where they hoped to find an adequate resource base. To some extent, once people began to trap, they seem

to have rotated their use of the land, a strategy that was practical as long as people were not displaced from the land and there were no competing land uses. I have heard Chipewyan, Cree, and Métis men talk about trapping an area for a period of time, then leave enough animals to provide “seed” so that the animal populations would grow, while they moved to other areas to hunt and trap.

People also moved for a variety of other culturally-defined reasons. Marriage was a typical reason, in that marriages normally occurred between a man and woman from separate local bands. That meant that one party - usually the new husband - left his natal band and joined that of his wife (contrary to the practice embodied in the *Indian Act* membership provision). The husband thereby learned first-hand the details of the landscape and resources of an area that may have been new to him. Another reason to move was to deal with conflict or potential conflict. A person who was uncomfortable with or not getting along with someone in the local band might choose to move as a way to deal with the problem; direct confrontations were not considered appropriate behavior. Chipewyans placed a high value on travel, in large measure because it increased one’s personal knowledge about other places and people and opportunities to access new sources of power. Those individuals who traveled widely enjoyed enhanced personal prestige. If they found wives or adopted children from different localities, these relationships provided the formal links that allowed them access to those lands. People also placed a high value on visiting, which was not only enjoyable but also important for sharing information and arranging marriages. They might live with distant relatives for a lengthy time. Finally, people often left an area after a family member had died there. People have talked about being “too sad” to continue to live in those places. For example, the Chipewyan communities at Birch River were abandoned as residential sites in the early 20<sup>th</sup> century due to

disease epidemics that claimed many lives there. While by the end of the 19<sup>th</sup> century Chipewyans and Crees living in the bush were erecting wooden houses, they did not live in them year-round, and the existence of these houses was not enough to keep people from leaving for a time, or permanently, for another part of their traditional lands, for any of the reasons given above.

When Treaty No. 8 was negotiated in 1899, the treaty party never bothered to identify the lands used by specific bands. There was no discussion that suggested that individuals might have to restrict their treaty rights of hunting, fishing, gathering, and trapping to areas surrounding the communities where they took treaty and that the commissioners had used as the locus for each band. In fact, there is nothing in the treaty literature to suggest that the commissioners knew much at all about Aboriginal land use or felt they needed that information in order to negotiate the treaty. The lands available for use were all considered to be encompassed in the broad treaty lands shown on the map that accompanied the treaty (Figure 4).<sup>86</sup> However, the division of the collective Aboriginal population into several specific legal bands in the vicinity of fur trade posts suggests that the treaty commissioners believed that a territorial reality underlaid each band. To some extent, that was true - in 1899. The newly-created bands may have been a fuzzy snapshot of the social arrangements among the Aboriginal people and their economic links to particular posts in that year. Each band list was oriented to a particular post; the lists themselves created the fiction of a band that enjoyed a real identity, instead of an identity constructed at one moment in time by a representative of the Department

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<sup>86</sup>It is a weakness in the system of numbered treaties that the Treaty Commissioners never addressed: determining the lands used by peoples of specific regions and the areas of potential overlap with other peoples with whom they had not yet negotiated treaties.

of Indian Affairs. By creating legal Indian Bands - bands defined by the rules of the *Indian Act* - and then drawing up band lists, the Department of Indian Affairs set in place a legal structure that presumed a relatively static system of land use and that was expected eventually to be realized in reserves.

Reddekopp (1994:2) has contrasted what he calls “the relationship between the well-ordered world of Band membership as envisaged by the *Indian Act* and the demographic realities of the Treaty 8 area.” The demographic and social reality was that people moved around a lot and did not necessarily stay in the vicinity of specific posts. If the treaty had been negotiated five years earlier or five years later, the configuration of people on each band list would have differed. The way the Indian Agents dealt with such changes after the fact was to remove those individuals from the pay lists of their original bands and add them to the pay lists of the bands in the land where they were now living. Reddekopp (1994) pointed to many such changes, and I saw them when I had an opportunity to review Treaty No. 8 pay lists from the Northwest Territories as well as the pay lists for the two Indian Bands at Fort Chipewyan. For example, Isadore Simpson was originally on a band list at Fort McMurray (presumably the Cree-Chipewyan Band), but he was living in the Peace River region by the time Wood Buffalo Park was created in 1922. In 1930, he was formally transferred to the Chipewyan Band. In 1934, he became one of the band’s two headmen, representing the Chipewyans from the band who lived in the south part of the park (LAC RG10 Treaty Pay Lists). By permitting these inter-band transfers, the Department of Indian Affairs was recognizing the reality that people moved to lands other than those they had used earlier; band territories were not fixed.

Useful evidence for such movements in the 20<sup>th</sup> century exists in the oral traditions about past and present land use documented in six Traditional Land Use Studies commissioned by the

Mikisew Cree First Nation, discussed and assessed by Peter Douglas Elias (2010). It is directly relevant to a discussion of Athabasca Chipewyan First Nation members because many of the Mikisew Cree members were Chipewyan culturally, members of the Chipewyan Band who lived in Wood Buffalo National Park and who did not become part of the Cree Band until 1946. At least initially, the shift in band affiliation was strictly a legal development; those Chipewyans did not suddenly assume a Cree identity. I identified several people who were interviewed for these land use studies as having Chipewyan backgrounds, based on their surnames and my personal knowledge. The discussion that follows outlines some of this information, drawn from the Mikisew Cree First Nation Traditional Land Study that was done for the Total Joslyn North Mine Project by the Calliou Group (2009), one of the projects reviewed by Elias. The data collected from interviews done for this study were added to the land use data from the other studies to construct maps showing collective land use by people born in the decades 1920, 1930, 1940, 1950, 1960, and 1970. These maps were presented in Elias' report. He proposed that people would normally begin serious land use in the second decade of life, in their teens, so these maps show collective land uses from the 1930s to today. It is not surprising, but expected, for Elias' map 7 to show heavy land use within Wood Buffalo National Park, especially oriented to the rivers, and in the area surrounding the west end of Lake Athabasca, much of which was the resource-rich Peace-Athabasca Delta.

Figures 3 and 4 in Elias' report were drawn from that collective body of data to focus on land uses from the Birch River and mouth of the Athabasca River to the south. Figure 3 shows information about travel routes taken from the Calliou Study and the PAC Team Study. Figure 4 shows landscape use south of Wood Buffalo National Park.

Much evidence exists for the great water highway and traditional use corridor that was

and still is the Athabasca River. It can be found in reports done for Athabasca Chipewyan First Nation and Mikisew Cree First Nation and in a recent report prepared for both First Nations, “As Long as the Rivers Flow. Athabasca River Knowledge, Use and Change” (Candler *et al.* 2010). There is year-to-year evidence in the Chipewyan Band treaty pay lists, which show that band members were often paid at other locations, especially Fort McKay, Fort McMurray, Fort Fitzgerald, and Fort Smith (LAC Treaty Pay Lists). There were several Chipewyan settlements along the Athabasca River: Jackfish (Richardson) Lake, Poplar Point, Point Brûlé, Lobstick Point, and Little Red River (about 35 miles north of Fort McMurray).<sup>87</sup> Some of these settlements later became part of Chipewyan Band (now, Athabasca Chipewyan First Nation) reserve lands. Most of the people who were interviewed for both sets of projects spoke about the historic and on-going importance of the Athabasca River for travel, hunting, fishing, and gathering. The river was a way to access lands both west and east. However, with the expansion of industrial projects, participants in the Calliou study also spoke about how they have had to travel further inland to hunt, due to a shortage of game close to the river, a decline in the quality of the remaining resources, and their fear of “diseased or polluted resources” (Calliou Group 2009:38). A further complication today is that many areas people used in the past are leased areas that may restrict access. The Athabasca River was identified as an important corridor that “should be protected from further industrial development,” but “it may already be too late” (Roy Campbell, *ibid.*:36).<sup>88</sup>

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<sup>87</sup>The settlement of Embarras was also located on the Athabasca River, but it was mainly a Cree settlement.

<sup>88</sup>Chipewyans have always considered themselves to enjoy a close relationship to caribou and wolves, symbolically as well as behaviorally. Such statements about it being “too late” for Aboriginal people to be able to continue to use these lands resonates with fears about the future

An “Integrated Knowledge and Land Use Report and Assessment for Shell Canada’s Proposed Jackpine Mine Expansion and Pierre River Mine” (Candler *et al.* 2011) provides information about Athabasca Chipewyan land uses west and east of the Athabasca River based on studies and interviews conducted in 2002, 2007, 2008, and 2010 (Candler *et al.* 2011:40-42). The report contains a series of maps that extend the information provided by the Mikisew Cree studies about land use by the collective body of Chipewyans and Crees.

The Calliou study identified two other major harvesting corridors that was and is important to both Chipewyans and Crees: one is the corridor from Fort MacKay westward to Namur and Gardiner Lakes, which includes the important Ells River. The second is the corridor east from the Athabasca River to Marguerite River Wildlife Provincial Park. Figures 5 and 6 shows the collective information from all studies about land use by Mikisew Cree First Nations people in these areas, as far north as the Birch River; this region is traditionally Chipewyan territory and is part of the Athabasca Chipewyan Cultural Protection Areas. Elias’ maps 8 and 9 provide greater detail (Elias 2010:29, 30), which is supported and enhanced by the study, “As Long As the Rivers Flow” (Candler *et al.* 2010). All studies done for the Athabasca Chipewyan and Mikisew Cree First Nations show that their members continue to use extensive areas on both sides of the river for hunting, fishing, and gathering, although only people with Registered Fur Management Areas are allowed to trap, and only in those specific areas (Govt. of Alberta 2010a). They are all concerned about increased difficulties they face in finding or accessing areas for hunting, fishing, and gathering. They express the same fears about declining quality and quality of resources, including medicinal plants. There are at least three kinds of problems

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of the caribou and the government plan to kill wolves in caribou ranges.

with access: some areas are restricted by fences and gates, others are so distant that they take a long time to reach, and still others can no longer be reached due to low water levels. A fourth problem with access relates to fears by Aboriginal people for their own safety when they are in the bush, as a growing non-Aboriginal population in the Fort McMurray region goes hunting in lands now available to four-wheel drive vehicles, quads, and snowmachines by roads and survey lines built to support industrial expansion. I have heard some First Nations members talk about how they avoid some areas for this reason. They are also worried for the integrity of burial sites that are distributed throughout the entire area as non-Aboriginal people move across the land and the industrial footprint increases.<sup>89</sup> Yet these lands south and east of Wood Buffalo National Park are not diminishing in importance for the Athabasca Chipewyan or Mikisew Cree First Nations. Instead, they are becoming more important, as many First Nation members now live at Fort McMurray and Fort MacKay and are still looking to use the resources of the land for food, medicines, and spiritual reasons. The land is important culturally and spiritually in that it continues to connect First Nations members to the land and to one another.

## **7. 20<sup>th</sup> Century Restrictions Imposed on the Traditional Lands and Land-based Activities of the Chipewyan Band/Athabasca Chipewyan First Nation**

The *extent* of the traditional lands of the Athabasca Chipewyan First Nation has been obfuscated by a series of events that occurred in the 20<sup>th</sup> century, especially the creation of

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<sup>89</sup>Burial sites may be marked by grave markers, fences, and items left by mourners and family members. I have heard accounts by First Nations people in Fort Chipewyan about pilfering by Non-Aboriginal people as they encounter Aboriginal occupation sites on the land and have seen what I considered to be evidence of grave-robbing in the Arctic by a highly-placed provincial government official. It happens.

Wood Buffalo National Park in the 1920s, the setting aside of lands for a Chipewyan reserve in the 1930s, the creation of a system of registered trap lines in the 1940s, and more broadly, the expansion by federal and provincial governments of an overall and increasingly complex regime of regulation of land-based resources. It has also been complicated by the transfer of a significant proportion - about 40 per cent - of Chipewyan Band members - to the Cree Band in 1946. Collectively, these events represent a century of progressive dispossession from their traditional lands, sanctioned and/or mandated by federal and provincial governments. The *nature* of those lands and the resources they contain have been harmed by activities of White trappers in the 1920s and 1930s, by some former policies of Wood Buffalo National Park, by the W.A.C. Bennett Dam in 1968 and the years that followed, by industrial expansion and pollution since the 1970s, and arguably by modern global warming.<sup>90</sup> The beginnings of these events are outlined in *Fort Chipewyan and the Shaping of Canadian History, 1788-1920s* (2010:chps. 5, 9). The later sequence and impacts of these events (excluding recent industrial expansion) are detailed in my Ph.D. thesis, in an article published in *Arctic* in 1992, and in two unpublished works currently in preparation: a paper on controlled burning and a second book that takes Fort Chipewyan history to the 1970s (McCormack 1984; 1992; 2007; n.d.a).

The single event that made these events possible and opened the door to new and competing economic activities in northern Alberta was the signing of Treaty No. 8 by First Nations people (then known solely as “Indians”) with representatives of the federal government in 1899 (see McCormack 2010:chp. 8). Before the treaty, the federal government was unsure about the extent of its authority in lands not yet ceded by Aboriginal occupants. As late as 1898,

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<sup>90</sup> Reliable data on the local impact of global warming are unavailable. Whether or not global warming is in fact affecting the region is a debated issue.

following the first Northwest Mounted Police patrol into the north, Indian Commissioner A. E. Forget acknowledged that the federal government still exercised only “some measure of authority” in the region (Forget to J. D. McLean, Sec. DIA, 12 Jan. 1898, LAC RG 10 v. 3848).

After the treaty was made, the government treated the lands involved as fully under Canadian sovereignty, which greatly exaggerated Canadian control at the beginning of the 20<sup>th</sup> century but would eventually become the northern reality. In 1905, the Provinces of Alberta and Saskatchewan were created, with jurisdiction over wildlife but not over other lands and resources.<sup>91</sup> Although the federal government retained jurisdiction over status Indians, confusion or grey areas existed as to the extent of provincial authority vis-à-vis wildlife with regard to status Indian trappers (McCormack 2010:216-221).<sup>92</sup> Both the federal and provincial governments created systems of regulations that restricted and constrained Chipewyan and Cree hunting and trapping practices and land use practices. Key developments are summarized in this section.

In the 20<sup>th</sup> century, the first major interference with Aboriginal access to their resource base was Section 28 of the Alberta *Game Act*, which prohibited the killing of beaver and several other species (McCormack 2010:219).<sup>93</sup> When provincial officials sought to enforce this section

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<sup>91</sup>For many years, the Province of Alberta exercised this jurisdiction through its Department of Agriculture.

<sup>92</sup>Although the federal government was bound by the treaties and the *Indian Act*, it appears that no serious thought was given to jurisdictional issues regarding status Indians and treaty promises.

<sup>93</sup>The *Unorganized Territories Game Preservation Act* of 1894 (S.C. 1894 [57-58 Vict.] c. 31) had prohibited hunting bison, although it was not enforced until NWMP officers began to make northern patrols. None of its other provisions seem to have been enforced locally. Aboriginal people believed that when bison populations increased, hunting bison would again be allowed, but that has never happened in Wood Buffalo National Park. Recently, the prevalence

in the Fort Chipewyan region, the First Nations there interpreted it as a violation of the treaty. It contributed to “destitution” and outright starvation in the Fort Chipewyan region (McCormack 2010:219, 252-3). Chief Alexandre Laviolette of the Chipewyan Band challenged this law in 1912 by breaking the law. He was fined a nominal amount of one dollar and refused to pay the fine for a very long time. He followed up on 2 January 1913 with a written letter of protest to the Superintendent-General of Indian Affairs. The reply from Ottawa was that while the Indians had to follow the provincial regulations - actually not a clear-cut matter at that time - they were nevertheless allowed to kill beaver for food, a weak response that did not address the fundamental issue over treaty raised by the chief (McCormack 2010:253-4).

Other restrictions were imposed by the federal government at about the same time. They included fires prevention measures to protect timber resources, which eventually ended the practice of controlled burning; a continued prohibition on hunting bison and the beginnings of a bison warden service; and the international Migratory Birds Convention Act of 1916 (McCormack 2010:chp. 9).

### *Wood Buffalo National Park*

Wood Buffalo (National) Park was created in two steps, in 1922 and 1926. The impetus for the park was the invasion of northeast Alberta and other northern areas by White trappers after World War I. Fur prices soared at the same time as a post-war depression in prairie

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of disease in park herds and the likelihood of neighboring bison carrying disease outside the park has led the Province of Alberta to introduce a measure to control disease by allowing uncontrolled hunting of bison outside a specific bison management zone in northwest Alberta. These bison are not considered to be “wildlife” in the Alberta *Wildlife Act* (Govt. of Alberta 2011a:8; Mitchell and Gates 2002:8, 9).

agriculture occurred. Many of the White trappers were immigrant homesteaders, who were hoping quite literally to capitalize on the fur boom, to help support their farms and families located elsewhere. They left their families behind when they went trapping in the north to make as much money as they could. In short, they operated as capitalists, even though they were trapping. On the surface, it might appear that they were living off the land much as Aboriginal people were, but this appearance was deceptive. They invested in the tools of production, especially traps, and have been described as mining the land for fur, with little or no regard for conservation. They were unconcerned about whether or not they would leave behind any animals, and they either disregarded or tried to intimidate the Aboriginal people already living in the north. Chipewyans remember that the White trappers violated game laws and sometimes even removed traps set by Aboriginal trappers (ACFN 2003a:63). White trappers did not go to areas no one was using but set up their trap lines in the most productive fur regions they could find, which were the same regions used by Aboriginal hunters and trappers. In the eyes of local Aboriginal people, they were trespassers (*ibid.*). Some White trappers were reported to have been very aggressive in trying to prevent Aboriginal people from operating on lands that White trappers now considered to be “theirs.” No restrictions were placed on their activities by the provincial government. It was culturally very difficult for local Aboriginal people to oppose them directly, and they were mindful that when they took treaty they had promised to live peacefully with newcomers (McCormack 1984:chp. 4; 1992:369). However, the arrival of White trappers led to on-going protests by members of both First Nations, channeled through their Indian Agent.<sup>94</sup>

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<sup>94</sup>At the same time that White trappers began to enter the region, so too did several Métis families from the Lac La Biche region. While Chipewyans initially objected to their presence,

The federal government was worried that these White trappers would poach bison, and it finally decided to create Wood Buffalo Park in 1922 in lands north of the Peace River, to provide protection for the last surviving wild bison in North America (Figure 7). Although the federal government would have preferred forcing all people out of the park, Treaty No. 8 Indians were allowed to remain, but all other people were forced to leave, including mixed-ancestry people who were not First Nations (i.e., came under the treaty and were on the Indian Register) but who may have had a long history of use in that region. For a brief period, any Treaty No. 8 Indian was allowed to enter the park as a user (McCormack 1984:chp. 4; 1992:368).

The following year, the federal government began to import plains bison from the Wainwright Bison Park to what it considered to be relatively empty bison lands in Wood Buffalo Park. This decision was a political one, made over the objections of biologists. When the bison moved outside the park boundaries, the federal government expanded the park, annexing land south of the Peace River in 1926 (Figure 7). A different access rule was used, presumably responding to pressure from residents of the settlement of Fort Chipewyan, who lived on the edge of the new park and used those lands, but mostly did not have treaty status. It allowed anyone who was in the “new” park or “annex” in 1926 to remain thereafter, which included treaty Indians, Métis, and White trappers. If someone was not resident in the new park in 1926, even if he had used the park the previous year or his family had a history of park use,

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these Métis were operating by means of a fur trade mode of production, they established permanent residences with their families that were basically local bands, they began to marry into the local Indian bands, and eventually they were integrated into the social formation of the community. They never posed the same threat to the resource base that White trappers did (see McCormack 1984:108-111).

he could not gain entry to the park (McCormack 1984:chp. 4; 1992:369-370). Women's access was governed by their fathers or husbands; they were not allowed to hold park permits in their own names unless they were holding them on behalf of a son (i.e., a future trapper).

Virtually all the Crees on the Fort Chipewyan Cree Band list must have been in the park at this time, because they were allowed to continue in the park. However, the Chipewyan Band membership was divided in half: approximately half of its members were living in the park, and they were therefore allowed to stay in the park. They were the Chipewyans with settlements at Birch River and on the Peace River. The other half - those living at places such as Old Fort and settlements along the Athabasca River - were denied access to park lands in the future.<sup>95</sup> Thus, the creation of the park divided the Chipewyan Band into two segments, which I call the park Chipewyan and the delta Chipewyan, that henceforth would face different regulatory systems and different social, economic, and political pressures. As a direct result, in 1946 the Chipewyan Band membership would lose about 40 per cent of its members, who joined the Cree Band in that year, generating a new regional dynamic between the two First Nations (McCormack 1989).

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<sup>95</sup>There are strongly-held beliefs in Fort Chipewyan that when the park was created, one of two things happened to the Chipewyans living in the area of the park. One belief is that all Chipewyans were forced to leave the park; the other is that all Chipewyans were forced to become Cree when the park was created (a version of this story can be found in Candler *et al.* 2011:29). The first belief probably relates to the fact that many Chipewyans were not allowed to enter the park after 1926; the second, to the fact that the decision to transfer band members from the Chipewyan Band to the Cree Band in 1946 seems to have been made by the Indian Agent and the two chiefs, with the involvement of local Oblate priest Father Picard. The chiefs presumably consulted at least their headmen and some respected members of their respective bands, but possibly not widely. In Fort Chipewyan, knowledge about this transfer is marked by its absence. Even local people whose band membership had been changed seemed unaware of what had happened. My impression has been that the change was done quietly; if so, that was probably because it had serious implications for strategizing by the chiefs and the Indian Agent for a reserve within park boundaries.

This important provision for access to park lands meant that people in the park, including Chipewyans, were largely protected from the exploitation of the resource base by White trappers outside the park. There is some evidence to show that annual incomes of people within the park were markedly better than those outside the park. Given the climate of intense competition by White trappers for furs and meat, the park boundary was a device that encouraged park users to restrict their land uses to the park lands. Despite this situation, Aboriginal people from the park still traveled south across the Birch Mountain, and there were some Aboriginal people from the south of Birch Mountain who entered the park, albeit illegally.

Chipewyans outside the park still considered lands within the park to be part of their traditional lands, and they continued to ask for access to those lands, which would have afforded them some economic assistance from the economic competition posed by White trappers. A test application was made in 1928 by Jonas Laviolette, the new chief of the Chipewyan Band. He was refused a park permit, presumably because his name did not appear on a list of treaty Indians eligible for park permits that had been prepared for the park by the Department of Indian Affairs. He applied again in December, 1932. Park Warden Mike Dempsey expressed his fears:

There is no doubt that at Richadson [*sic*] Lake [Jackfish Lake] where Jonas Lavoilette [*sic*] lives there are a large number of treaty indians who are in the same position as Mr. Laviolette as to having at some time trapped or hunted in the areas which is now the park, whose applications would follow closely upon the granting of a permit to Jonas Laviolette [letter from M. J. Dempsey to J. Milner, 1 March 1933, LAC RG 85 v. 1213 file 400-2-3 pt. 2, in McCormack 1984:190].

Another applicant, also refused, was Isadore/Isidore Voyageur, who wrote: "I was a small child when my parents died and I have lived at Jackfish Lake with different people. Fur is scarce over there and I am now old enough to look after myself." His uncle, Fred (Pedlic) Takaro, a man with park privileges, was one of his references (LAC RG 85 v. 845 file 7744 pt. 1, in

McCormack 1984:191). Isidore was baptized in 1910, which means that he was only about 16 years old when the new park was created (McCormack n.d.b). He became Chipewyan by customary adoption and was later transferred to the Chipewyan Band list. Today Voyageurs are still members of the Athabasca Chipewyan First Nation and have a firm Chipewyan identity, despite their Cree origins.

A man could not become eligible for a park permit through marriage to a woman who was herself in a park family, although marriage was a traditional means of establishing a tie with the spouse's band, and in the Chipewyan culture the husband was normally expected to live with his wife's family, at least at the beginning of a marriage. The park access rule meant that such a marriage would force the wife, even if she were very young, to leave the park in order to live with her husband (and his family), denying her the security of being surrounded by her own close relatives as a new wife and new mother. As a result, women in the park may have been reluctant to marry men without permits, and such men would not have been preferred sons-in-law, because they could not fulfill their customary duties to their wives' families. In short, the park's access rule severed the usual marriage universe of the Chipewyan Band, while at the same time it contributed to closer ties between Chipewyans and Crees in the park, who now shared common interests (McCormack 1984:192; see 1989).

The exclusion of approximately half of the members of the Chipewyan Band from the park meant that over time they became increasingly impoverished, due to the heavy competition they faced from White trappers throughout the 1920s and 1930s. Their economic difficulties were not eased by the eventual provision of a series of small reserves, with the biggest one in

the Athabasca Delta.<sup>96</sup>

### *The Chipewyan Reserves*

The arrival of the White trappers led to the first Chipewyan and Cree requests for reserves. As Indian Agent Gerald Card explained the circumstances:

...I wish to report that at the council, or pow wow, preceding treaty [i.e., the paying of treaty annuities], on the 23<sup>rd</sup> of June [1922], the chief, headmen and Indians brought before me a fact, of which I was previously cognizant, that a serious encroachment had be[en] made on their main trapping and hunting grounds, by a rather poor type of white man, a considerable number of them are reported to be Americans and people of foreign extraction. The influx is a possible [*sic*] result of unemployment and the general economic conditions “outside”. These men got together money enough to get to the end of the steel, at McMurray, and float down the river until they come to a location among the Indians that suits them, put up a log shack, and begin their operations, without any apparent regard to the prior rights of the Indians. The latter sought my advice, and I told them, that, in my opinion, the only effective way to protect their interests would be to apply for a hunting and trapping Reserve in that district in which they have their houses and have always lived [Card to DIA, 5 July 1922, LAC RG10 v. 7778 file 27134-1].

Card called these newcomers “trespassers” and wanted them to be prosecuted by the Royal Canadian Mounted Police. “I say the R.C.M.P. because the Alberta Provincial Police seem to lack interest in matters pertaining to Indians” (*ibid.*).

Card wrote that a request was made by the approximately 300 members of the Cree Band and “...some 50 members of the Chipewyan Band, living at the mouth of Birch River” (*ibid.*). It seems that the two different groups were asking for the same broad area as a reserve, which makes sense, because they were both using the same broad land base. Card proposed providing a much larger area than allowed for by the treaty, because it was mostly “...swamp and marsh

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<sup>96</sup>When I first went to Fort Chipewyan in 1968, Chipewyans, but not Crees, were pointed out to me as being very poor. That means that the impoverishment that began in the 1920s had not abated 40 years later, despite having reserves.

ground, not suitable for farming or grazing” (*ibid.*). He called it a “trapping” reserve and attached a map that contrasted the two amounts of land.

Card also received a written request, dated 1 July 1922, from the chiefs and headmen of both bands for a “hunting reservation, according to the size of the population of the two tribes at the present time.” They specified the land that it should include: “From the old Fort on the Athabasca River, to Jack Fish Creek, on the Peace River, down to the Junction of the Peace and Athabasca River, from there to Big Bay on the north shore of Athabasca Lake, and across the Lake to the south shore, and up to the boundary, and back to the old Fort” (LAC RG10 v. 7778 file 27134-1). As with the other request, the asked-for land included areas they were using in Alberta (but not land they used in Saskatchewan), but it far exceeded what had been promised by Treaty No. 8. This request was also directly linked to the disruptive presence of White trappers: “There are lots of white men who are trapping during the closed Season, we want them stoped [sic]” (*ibid.*).

No action was forthcoming immediately from the federal government, although it appears that discussions about the reserve began. On 20 October 1924, Card wrote a letter to Charles Stewart, the Minister of the Interior, advising that he had spoken about setting aside “a hunting and trapping preserve” for the Chipewyan and Cree Bands at Lake Athabasca with Mr. Hoadley of the provincial Department of Agriculture, the department responsible for wildlife. Evidently Hoadley told him that the province had not yet received any formal request for a reserve or preserve. Card wisely recommended that steps should be taken prior to the “Natural Resources question” being decided (Card to Stewart, 20 Oct. 1924, LAC RG10 v. 6732 file 420-

2B).<sup>97</sup> He followed up with a letter to Duncan Campbell Scott, the Deputy Superintendent General of Indian Affairs, in which he explained that he had discussed the matter with Stewart, that he still recommended a larger area than allowed under the treaty, and that if nothing were done, "...in a short time it [the land] will be useless for this purpose and the Indians will have to be wholly maintained by the Government, if a Preserve for them is not set apart before the white trappers exterminate the game" (Card to Scott, 28 Oct. 1924, LAC RG10 v. 6732 file 420-2B).

Once the park was in place (by 1926), the federal government would no longer contemplate carving out a reserve from park lands. To government officials, the Chipewyans and Crees living in the park were considered to be beneficiaries of the protection provided by park boundaries and therefore no longer in need of reserves. As well, they still hoped that one day all Indians and others living in the park would be removed, in order to turn the park into a complete game sanctuary.

Outside the park it was a different matter. Chief Jonas Laviolette wrote directly to the Department of Indian Affairs on 20 Feb. 1927, bypassing Agent Card. He outlined the on-going plight of the Chipewyans who lacked park access. The existence of the park meant that White trappers who might have used park lands in the past now crowded onto the lands in the Athabasca Delta - the lands of the Chipewyans: "...they stop in my country and try to crowd my people out," wrote Chief Laviolette (Laviolette to DIA, 20 Feb. 1927, LAC RG10 v. 6732 file 420-2B). He wrote convincingly about their plight, about how "poor and miserable" they were.

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<sup>97</sup>Card was talking about the negotiations that would result in the transfer of other resources from the federal to the provincial government in 1930 through the *Natural Resources Transfer Agreements*. The federal government had a great deal of power over disposition of Crown lands in Alberta prior to this legislation, and it could have chosen to provide more lands than specified in the treaty. After, it would be forced to negotiate with the Government of Alberta, which was not always cooperative in providing land for reserve purposes.

He referred to letters of support provided by the Hudson's Bay Company and the Roman Catholic Mission. He ended with a plea: "This makes five letters I have had my interpreter [*sic*] write for me and I do hope and pray that this one is going to the right place..." (*ibid.*). On 27 June 1927, Card met with Chief Laviolette and the headmen. He reported that they had decided to ask the government to create reserves at Jackfish Lake (10 families), Big Point (5 families), Old Fort (3 families), and Poplar Point (13 families), in order to protect their homes - that is, the log cabin settlements - although they needed and wanted a much larger hunting and trapping reserve, which they considered a separate issue.<sup>98</sup> "They are asking for the former first as they feel that, it being a Treaty obligation, the Provincial Government cannot rightly object, nor delay action" (*ibid.*).

However, it was not until 1931 that H. W. Fairchild, a "surveys engineer," was dispatched to lay out a reserve (various correspondence, June 1931, LAC RG10 v. 7778 file 27134-1). When Fairchild finally got down to the task, he added Point Brûlé (3 families) to the list of reserves (Fairchild to A. F. MacKenzie, Sec. DIA, 13 July 1931, LAC RG10 v. 7778 file 27134-1). The land total allowed for reserves was 42,240 acres, based on the population of the entire Chipewyan Band in 1930, when 330 people were paid annuities (Report of H. W. Fairchild for Season 1931, 16 Dec. 1931, LAC RG10 v. 7778 file 27134-1). That is, this figure included the Chipewyans who were resident in the park, who still wanted their own reserve

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<sup>98</sup>According to *Footprints on the Land*, Jackfish was the most important center, because it was "...located close to excellent fishing and is a convenient base for trapping muskrats during the spring," not just for those living there, but also for other Chipewyans from Old Fort Point and the Athabasca River who went there to carry out spring muskrat hunting (ACFN 2003a:73, 75). Old Fort Point was "...close to good fishing and waterfowl as well as being close to trap lines" (*ibid.*:73). However, each settlement would have had its own unique constellation of features and significance to the families who lived there.

within park boundaries. The land initially set aside for reserves 201A-G in Fairchild's report totaled 1,857 acres. The report was annotated by an unknown hand to add an additional 967 acres to 201G, the land at Poplar Point that was considered to be potentially valuable for agriculture, despite Fairchild's statement that "any additional lands to these two reserves [including 201F, Point Brûlé] would be practically valueless...."<sup>99</sup> Other hand-written annotations are difficult to decipher; by my arithmetic, 39,415.3 acres were still owing for reserve 201, whose boundaries were not yet fixed. Fairchild asked for more land than what was provided by treaty, which he considered to be too limited.

Requests for reserve land were complicated by the fact that John Baptiste Flett was acting - Fairchild said "posing" - as the headman of the people living at Point Brûlé and Poplar Point, which were about 75 miles up the river from Richardson Lake.<sup>100</sup> While Flett did not attend the meeting where the reserve land was discussed, Fairchild was told that he wanted "the entire acreage due these families being laid out at these points." Perhaps it was that consideration that resulted in the increased acreage assigned to Poplar Point.

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<sup>99</sup>The additional acreage was probably added by a bureaucrat in Ottawa. The same annotation appears on a letter by T. R. L. MacInnes, Acting Secretary, to John Harvie, the Deputy Minister of the Alberta Department of Lands, advising him of the lands selected for the Chipewyan reserves (12 Jan. 1932, LAC RG10 v. 7778 file 27134-1).

<sup>100</sup>Jean Baptiste Flett was living at Poplar Point at least as early as 1920, when his first wife, Marie Saturnin, died. He remarried in 1921 to Celine Laviolette, daughter to Alexandre Laviolette's and niece to Jonas Laviolette, so he was strategically placed vis-à-vis other leaders. His eldest daughter died at Point Brûlé in 1934 at the age of 30 years, which suggests that she and her husband continued to live nearby, which was a traditional Chipewyan residential choice. Other children born in the 1920s and 1930s also died at Point Brûlé before growing old enough to marry, which indicates that Flett himself also lived there, perhaps moving between the two locations (McCormack n.d.b). Flett should be considered a traditional Chipewyan leader of the local bands at these two locations. However, the *Indian Act* provisions for headmen did not allow every leader to be named a formal headman.

Another complication concerned the proposal for reserve lands at Big Point. In a memorandum of 14 November 1932, Fairchild wrote:

I am informed that some of the half breeds at Big Point own a few head of cattle and depend upon the lands between the above mentioned channels for hay [“the Easterly boat channel...and the shallow channel”?]. In view of this fact these lands should not be included in the reserve as there [are] not other hay lands within reach of these half breeds as the adjoining lands to the east are ranges of sand hills covered with small Jack pine and brule [LAC RG10 v. 7778 file 27134-1].

While Chipewyans had a long history of residency at Big Point, they were not given priority in the selection of their reserve lands over the recently-arrived Métis from Lac La Biche. In the end, the Chipewyan abandoned Big Point as a place to live, even though they developed social ties with the Métis who settled there.

**Table 4. Proposed Chipewyan Reserves, 1931**

(Report of H. W. Fairchild for Season 1931, 16 Dec. 1931, LAC RG10 v. 7778 file 27134-1)

Number	Location	Acres	Occupation	Terrain
201	The Delta	Not decided; about 39,415		"...lies wholly within 'the Delta' and is without a doubt the best revenue producing tract in the North country, as it is a natural breeding ground for fur bearing animals and game birds...."
201A	Old Fort Point	54	5 houses & a cemetery	"The land is covered with jackpine, poplar and a few spruce; is of little value for farming purposes but the location affords good fishing."
201B	Unnamed	48	4 Indian houses & gardens	"...covered with small poplars, willows and jackpine. The soil is light and sandy but produces good garden roots and vegetables."
201C	Unnamed (Big Point?)	45	Former chief's house (Antoine Laviolette), several gardens, & a cemetery	"There is a poplar ridge running through this reserve...which affords good garden plots, the remainder being low lying swampy land."
201D	Unnamed	10.7	None	"...desired by the Indians for camping purposes, as it adjoins their summer fishing grounds. There is a narrow strip along the shore, wide enough for camping purposes, the remainder being low and swampy."
201E	Unnamed	240	Present chief's house (Jonas Laviolette) & a cemetery	"There is good fishing at the mouth of the river where it flows into Richardson [Jackfish] Lake. ... The soil is light and sandy and is covered with jackpine and poplar, with swamps."

201F	Point Brule	190	4 houses	“...East of the Athabasca River, ...which includes some very fine spruce and birch timber. ... The soil is light and sandy and is principally jackpine ridges burnt over.”
201G	Poplar Point	2237 (initially, 1270)	5 families	“The central part...is sparsely covered with small poplars and affords some good hay. About 300 acres could be broken with little difficulty, the soil in this area being light clay and sandy loam.”

By 1935, the final selection of lands was still on-going. Apparently the province was willing for the Chipewyans to have a “somewhat larger area” for the reserve, because so much of the reserve was not only “marsh and reeds” but was “under water the greater part of the open season,” a circumstance not envisioned by Indian Affairs for reserves. H. W. McGill, the Deputy Superintendent General of Indian Affairs, still thought that the province was doing well in terms of the amount of land it would have to relinquish, and he reminded John Harvie, the Deputy Minister for the Department of Lands, that the Chipewyans could have elected to take their land in severalty, which would have been a substantially larger area (19 June 1935, LAC RG10 v. 7778 file 27134-1).<sup>101</sup>

Yet another problem was identified in 1936: because much of the land was under water, trespass onto the reserve “...would be practically impossible to prove” (letter from H. W.

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<sup>101</sup>In 1934, there were 362 people in the Chipewyan Band. That number entitled them to 70.4 square miles if the reserve was taken as land in common (based on 128 acres per person), or 90.5 square miles if taken in severalty (160 acres per person) (memo from Chief Surveyor to Dep. Supt. Gen. DIA, 3 July 1935, LAC RG10 v. 7778 file 27134-1).

McGill, Dep. Supt. Gen. DIA, to Minister C. C. Ross, Dept. of AB Lands and Mines, 4 Jan. 1937, DIAND 779/30-1, vol. 1). In 1940, Indian Agent P. W. Head at Fort Chipewyan wrote that “non-treaty trappers...claim they have full rights on the river banks, on the reserve side, for a distance of sixty six feet back from the top of the bank. Some have even built on this strip of land and claim that we cannot evict them” (Head to F. H. Peters, Survey Branch, Dept. Mines and Resources, Ottawa, 21 Aug. 1940, DIAND 779/30-1, vol. 1).

The reserves were finally confirmed by Orders in Council P.C. 1954-817, 3 June 1954, and P.C. 1954-900, 17 June 1954. It took more than 20 years of negotiations and surveys to reach this point.<sup>102</sup> By this date serious damage to the land base and the Chipewyan economy had occurred, with virtually no protection provided by either government, and ironically trapping was also in decline in the region.

### *Registered Trapping Areas*

The creation of registered trapping areas or trap lines was the next important step in restricting large blocks of traditional lands to Aboriginal residents by both the provincial and the federal governments. In 1940, the Province of Alberta introduced a system of registered trapping areas (McCormack 1984:260-264). While it was intended to foster conservation of fur and accommodate all the trappers using the land, White and Aboriginal alike, it did not reflect Aboriginal traditions of land use and management. The new registered trapping areas were set up as a kind of non-owned, individual property analogous to a lease of resources to an industry, but with no security of tenure. Only the person in whose name the line was registered, along

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<sup>102</sup>Documenting the full history of the creation of the Athabasca Chipewyan First Nation reserves is beyond the scope of this report and would require additional research.

with his partner or assistant, were allowed to trap fur bearing animals on that land. In theory, treaty Indians were allowed to hunt anywhere, but in reality hunting and trapping were activities that occurred in tandem during late fall and winter. That meant that the registered trapping areas erected some inadvertent boundaries to Chipewyan subsistence hunting.

The provincial regulations provided that people who had park privileges would not be eligible for trapping permits in non-park Alberta, nor could they become partners with Alberta registered trappers, even if they were close relatives. The process of registration is largely unknown, but in 1940 Bishop Breynat informed provincial Game Commissioner W. H.

Wallace:

When visiting Fort Chipewyan, I was surprised of [*sic*] the number of complaints made regarding the attribution of trap lines. It seems that your representative at that post [the Game Guardian] has perhaps favored too much some of his friends and this to the detriment of the Indians [letter to Wallace, 17 April 1940, Archives of the OMI].

His assessment was supported by a letter from Indian Agent P. W. Head at Fort Chipewyan, who wrote in August that “non-treaty trappers” were claiming some of the best trapping lands for their own (Head to F. H. Peters, Survey Branch, Dept. Mines and Resources, Ottawa, 21 Aug. 1940, DIAND 779/30-1, vol. 1). Although Wallace claimed that Breynat had been “...wrongly informed with regard to the issuance of permits for registered trap-lines in the Chipewyan area” and that the government “...is extremely anxious that these permits be issued in a fair and just manner...,” Breynat replied that his sources were reliable and a problem *did* exist (Wallace to Breynat, 24 April 1940; Breynat to Wallace, 11 May 1940, Archives of the OMI). Athabasca Chipewyan First Nation members recall that they suffered “...severe hardship as a result of the game regulations and the often biased enforcement of the regulations in favour of white trappers” (ACFN 2003a:67). Many non-Aboriginal trappers not resident in the region

obtained trapping areas, and they did not welcome Chipewyans on their areas to hunt, even though that was a right that Chipewyans retained through treaty.

The possibility of registered trapping areas in the park was first raised with Chipewyans and Crees in 1944. According to Dewey Soper, a biologist who assisted with the discussions, the Indian bands at Fitzgerald-Fort Smith, Fort Resolution, and Hay River were “definitely opposed,” but “Fifth Meridian and Chipewyan bands were, eventually, after much discussion, in favour of group trapping areas” (letter from J. Dewey Soper to J. Smart, Controller, Nat. Parks Bureau, 18 July 1945, LAC RG85 v. 1214 file 400-2-3 pt. 3). However, without knowing details of the discussions, which have not yet surfaced in archival documents or interviews I did with either Dewey Soper or Fort Chipewyan residents, it seems unlikely that the bands at Fort Chipewyan and Fifth Meridian were genuinely “in favour” of group trapping areas. They would have been especially troubled when the final division of land was made, because a large number of individual trap lines were carved out of the most productive area for hunting muskrats. Originally, it had been “verbally agreed that the Delta area would be left as a reserve open to all to hunt rats on...” (PAA Stewart 30 Jan. 1947), but park officials began to assign land as private lines to trappers mostly (though not entirely) resident in Fort Chipewyan itself (McCormack 1984:288-9). The total body of treaty Indians was divided into group trapping areas. While Indians did tell park officials where they wished their trapping areas to be located, it was clearly not a happy solution, and they continued to protest the imposition of this new system. At the June treaty meeting with the Cree Band in 1947, the Crees “...were very definite about not wanting group areas in the Park” (PAA Stewart 19, 23 June 1947). By this date, “Crees” included the Chipewyans who had been transferred to the Cree Band the previous year. These protests were futile, and on 17 September 1949, the park was officially divided into group and

individual trapping areas (McCormack 1984:289).

The introduction of registered trap lines in Alberta and its restrictive regulations, park policy for punishing violations of its wildlife regulations by cancelling the trapper's park licence, and the desire by Chipewyans and Crees in the park for their own reserve within the park were some of the circumstances that led the Chipewyans living in the park to transfer their membership to the Cree Band (see McCormack 1989; 1984:277-9). On 12 June 1944, the new Indian Agent Jack Stewart, formerly a park warden, reported that he met with the Cree Band, and "Part of the Chipewyan band was also here and they put in an application for a transfer to the Cree band" (PAA Stewart 12 June 1944). The transfer occurred in 1946, when it showed up on the treaty pay lists for both First Nations (LAC RG 10 Treaty Pay Lists).

#### *Elaborating Land Use Regulations and the Introduction of New Industries*

The fourth area of restrictions on Chipewyan land use is all-encompassing, the expanding regulatory regime for land-based resources enacted by both federal and provincial governments. These two governments developed elaborate systems of policies, laws, and regulations for access by Aboriginal and non-Aboriginal people to the resources of northern Alberta. It is beyond the scope of this report to discuss them all (see McCormack 1984). Aboriginal people were never consulted about any of these initiatives, despite the assurance they had been given by the treaty commissioners that "only such laws as to hunting and fishing *as were in the interest of the Indians* and were found necessary in order to protect the fish and fur-bearing animals would be made, and that they would be as free to hunt and fish after the treaty as they would be if they never entered into it." They had also been assured "that the treaty would not lead to any forced interference with their mode of life" (Govt. of Canada 1966:6;

emphasis added). Chipewyans and Crees regularly protested measures to which they objected, but their objections seem never to have been considered seriously by senior officials.

These regulations allowed for, protected, and even encouraged new commercial industries. The first of these was commercial fishing, which was allowed in Lake Athabasca in the 1920s, depleting the lake's fish populations. At this time, fishing in Alberta was governed by federal regulations. After World War II, the federal government allowed and promoted three industries in Wood Buffalo National Park - commercial fishing, bison slaughters, and logging - in the interest of post-war "northern development," and secondarily to provide employment for local people. For the most part, these industries were opposed by Aboriginal people, who benefitted mostly, if at all, from short-term, poorly-paid employment (see McCormack 1984:chp. 7).<sup>103</sup>

Industry was slower to come to northeastern Alberta outside park boundaries, despite a history of early hard-rock mining exploration and development on the Saskatchewan side of Lake Athabasca. There is a long history, not reviewed here, of attempts to develop an industry to extract oil from tar sands, now usually called oil sands. The first provincial oil sands policy was announced by the Government of Alberta in 1962, followed by the first plant in 1967, operated by the Sun Oil Company (later, Suncor). Syncrude Canada began production in 1978. The expansion in the number of companies and the geographic extent of their operations that are seen today has occurred within the past decade and a half (Syncrude Canada Ltd. 2010; Energy

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<sup>103</sup>Briefly, Aboriginal people in the park were worried that commercial fishing would devastate the fish stocks on which they relied, and they believed that they should be allowed to begin hunting bison themselves. While the lumber industry provided the most real benefits to local Aboriginal people, they eventually wanted to operate it themselves and garner all the economic benefits, something that never happened.

Resources Conservation Board 2011). These industries are now provincially and nationally important.

What is remarkable, when one juxtaposes the 20<sup>th</sup> century history of the region with the maps produced by the traditional land use studies, is that Chipewyans (and Crees) never stopped using their traditional lands, including the Birch Mountain region and lands both west and east of the Athabasca River. By the 1950s, people who lived in local bands in bush settlements in the park had begun to move to Fort Chipewyan for permanent residence (see McCormack 1984:chp. 8), yet hunting, fishing, gathering, and trapping continued to be important activities for both subsistence and income. Chipewyans living outside the park tended to relocate to Fort Chipewyan somewhat later, especially in the 1970s, with the difference in dates related to the proximity of their reserves to the town, the very existence of their reserves, and the erosion after 1968 of their ability to support themselves from those lands, due to the impacts of the Bennett Dam (see below). For both park and delta First Nations people, the Athabasca River remained an important route for travel to locations where they would access bush resources.

Aboriginal residents experienced a devastating blow to their resource base in 1968, which was the year that the W. A. C. Bennett Dam on the Peace River in British Columbia began to impound water for its massive reservoir. The loss of water and the subsequent pattern of water releases by the dam interrupted the traditional hydrological regime of the Peace-Athabasca Delta, which is affected by three rivers: the Peace, the Slave, and the Athabasca. Traditionally, these rivers flooded the low-lying lands and perched basins of the delta regularly enough that they maintained highly productive wetlands. The Peace-Athabasca Delta is one of the largest, inland freshwater deltas in the world. In 1982, the delta, which extends beyond the boundaries of Wood Buffalo National Park to include the lower Athabasca River Delta region,

and the Whooping Crane nesting site in Wood Buffalo National Park were formally recognized as Ramsar sites, which mark “Wetlands of International Importance” under the Ramsar Convention (Ramsar Convention n.d.; Parks Canada 2009). The following year, in 1983, Wood Buffalo National Park was named a UNESCO World Heritage Site, at that time only the eighth site in Canada to receive that designation (Parks Canada 2009; UNESCO 1992-2011b). The short “Statement of Significance” lists three broad reasons for this designation:

The great concentrations of migratory wildlife are of world importance and the rare and superlative natural phenomena include a large inland delta, salt plains and gypsum karst that are equally internationally significant.

Wood Buffalo is the most ecologically complete and largest example of the entire Great Plains-Boreal grassland ecosystem of North America....

Wood Buffalo contains the only breeding habitat in the world for the whooping crane, an endangered species brought back from the brink of extinction through careful management of the small number of breeding pairs in the park. The park’s size..., complete ecosystems and protection are essential for in-situ conservation of the whooping crane [UNESCO 1992-2011b].

Under the UNESCO World Heritage Convention, a designated site means that it is considered to be “part of the world heritage of mankind as a whole” and that its “deterioration or disappearance...constitutes a harmful impoverishment of the heritage of all the nations of the world” (UNESCO 1992-2011a).

Sadly, Wood Buffalo National Park and delta lands beyond park boundaries suffered considerable loss from the Bennett Dam, which put an end to regular spring flooding. Local people found their ability to travel by water greatly impeded, and the productive lands of the delta have dried and changed greatly, jeopardizing waterfowl, fish, muskrats, and other animals. Moose and bison benefitted, but only temporarily (McCormack 1984:491-494; Prentice *et al.* 1998). Despite concerns by some federal and Alberta officials about the deleterious impacts of

the Bennett Dam, there were no attempts to prevent the dam, and there seemed to be no political will by either the province or the federal government to address its socio-economic impacts on Aboriginal users. Park attempts to mitigate the hydrological problems were only partially successful and caused other problems in turn. Not only have the problems caused by the dam not disappeared or been resolved, there are now proposals for new dams on the Peace River and the Slave River. Meanwhile, there are disputes about how much water can be safely withdrawn from the Athabasca River for industrial purposes before the delta ecosystem will be harmed. Local Aboriginal people as well as Aboriginal people farther down-river are also worried about water pollution stemming from ever-increasing upriver industrial uses. An altered hydrological regime, reduced water levels, and pollution are all circumstances that could threaten the integrity of the Peace-Athabasca Delta.

In the local Athabasca Chipewyan tradition, the disappearance of muskrats due to the drying of the delta "...was the beginning of the end of trapping" (ACFN 2003a:85). It was after that time that people living in the bush settlements of Reserve 201 began to relocate to Fort Chipewyan; that is, in the 1970s and later. While they continued to hunt, fish, trap, and gather, wage labor became more important than it had been in the past (*ibid.*:86-7; see McCormack 1984:chp. 8). Increasingly, it was men who went to the bush, not families. The ways in which Athabasca Chipewyan talk about living in town make it clear that they do not consider this change to have been desirable or beneficial: the very important and traditional patterns of sharing have largely broken down, individual families are isolated, diets have deteriorated, new diseases have developed, and adults are no longer able to enjoy the same control over how their children are raised as they did in the past. They trace current social problems to town life (ACFN 2003a:88-9).

Most recently, the need for cash income by Aboriginal people living in Fort Chipewyan, combined with industry support for Aboriginal involvement in the oil sands industry as both labor force and entrepreneurs led many people from Fort Chipewyan to participate in fly-in, fly-out employment with Syncrude or to move to Fort McMurray or Fort MacKay for employment. That does not mean, however, that wage-earners abandoned the land-based activities of hunting, fishing, and gathering. People living in these southern centers now turned to lands in those areas to exercise their traditional treaty rights.

Steven High has written about Aboriginal wage labor in what he terms the “era of irrelevance,” by which he means the time after the decline of the fur trade and the rise of capitalist production, the situation that exists today in northern Alberta (1996:243). He claims that the Aboriginal person “...has sometimes appeared as a helpless victim of forces outside of his or her control” (*ibid.*:246), or as someone who either refuses or is unable to find wage labor. These perceptions reflect both common stereotypes about Aboriginal people and the lack of serious study of Aboriginal participation in capitalist economies. However, closer scrutiny has shown that Aboriginal people who became wage laborers did not necessarily abandon “...their traditional way of life” (*ibid.*:252). Many Aboriginal people continued to live by means of a mixed economy, albeit one that now emphasizes wage labor far more heavily than was the case when people lived in the bush and trapping was an important part of their income. High concludes that many Aboriginal people “...not only participated in the capitalist economy (as wage earners and independent producers)...but did so selectively in order to strengthen their traditional way of life” (*ibid.*:263). His analysis fits the situation of the Athabasca Chipewyan, who have survived a century of hardships and marginalization while striving throughout to be active participants, not passive victim. Today, they continue to emphasize the importance of

maintaining their own culture and values, while at taking advantage of new opportunities that they consider to be beneficial. That requires access to *both* their traditional territories and to employment.

## **8. Athabasca Chipewyan Population Growth and Relocation**

An earlier part of this report discussed the various factors that led to the modern Athabasca Chipewyan First Nation. This section samples some of the demographic information available. When Treaty No. 8 was signed at Fort Chipewyan in 1899, 410 Chipewyans and 186 Crees entered into treaty (Govt. of Canada 1966:10). Additional people were added to the treaty pay lists in the years that followed. Despite large numbers of death from epidemic diseases in the years that followed for the first half of the 20<sup>th</sup> century, by 1940 the treaty pay lists had grown to 269 Chipewyans and 273 Crees (LAC RG10 Treaty Pay Lists). In 1946, the mass transfer of those Chipewyan members of the Chipewyan Band who were living in Wood Buffalo National Park to the Cree Band occurred. The Chipewyan Band dropped substantially in number as a result.

Aboriginal populations began to grow markedly all across Canada after World War II. In addition to natural increase, the size of the Chipewyan Band increased after 1985 due to Bill C-31, passed by the federal government to end the involuntary enfranchisement of Indian Status women who had married out of their bands. Not only did Bill C-31 end that practice, it also provided a means for bands to establish their own membership codes. In 1987, Athabasca Chipewyan First Nation developed an “inclusive” membership code, which means that they welcomed back persons who had been forced to leave the band through involuntary enfranchisement of themselves or an ancestor. The size of the First Nation nearly doubled, from

about 300 to 600 persons. In the same year, the Chipewyan Band formally adopted the name Athabasca Chipewyan First Nation, in line with a trend by other Status Indian bands to choose their own names (e-mail message from John Rigney, Athabasca Chipewyan First Nation office, 11 April 2011).<sup>104</sup>

Statistics Canada reported that the Aboriginal population grew six times faster than the growth rate for the non-Aboriginal population of Canada for the years 1996-2006 (Statistics Canada 2009). In August, 2011, the population of the Athabasca Chipewyan First Nation was listed as 923. About 26 per cent (236 people) live in Fort Chipewyan itself, with only 12 people on the Chipewyan Reserve. The remainder live on a variety of other lands (e.g., other reserves, other forms of crown lands) (e-mail message from Nicole Nicholls, 26 Aug. 2011; Indian and Northern Affairs Canada 2011). There are 351 people of “employable working age,” defined as between 18 and 55 years, divided as follows: Fort Chipewyan, 121; Fort McMurray, 114; Fort MacKay, 12; Anzac, 1; Fort Smith, 33; Edmonton, 70 (e-mail message from Nicole Nicholls, 26 Aug. 2011).<sup>105</sup> These figures indicate that while wage labor is obviously an important reason for living at Fort McMurray or Fort MacKay, in the heart of the oil sands industries, a large number of Athabasca Chipewyans still wish to continue to hunt, fish, gather, and trap on their traditional lands, which are now more likely to be accessed from this southern area.

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<sup>104</sup>Within the larger Chipewyan or *Dene Sų iné* community, the Athabasca Chipewyan First Nation is known as *K'ái tailé Dene*, the Flat Willow or Delta Dene (ACFN 2003a:27, 45; also, e-mail message from John Rigney, ACFN office, 11 April 2011).

<sup>105</sup>Figures for the total numbers of Athabasca Chipewyan First Nation members now resident in Fort Chipewyan, Fort McMurray, or Fort MacKay are lacking.

## **9. Maintaining Traditions: Passing on Athabasca Chipewyan First Nation Values and Cultural Practices**

People from Athabasca Chipewyan First Nation and many other First Nations talk with great sadness about the loss of their traditional languages and other cultural practices. Much of the history of their involvement with Europeans (including Euro-Canadians after the sale of the Hudson's Bay Company territories in 1870) involved attempts by those Europeans to undermine Aboriginal practices and beliefs and replace them with those of Europeans, often through legally-enforced policies and programs.<sup>106</sup> This approach has been called assimilation, in that it was intended to allow Aboriginal people to be absorbed into the Canadian citizenry, which was populated largely by people of European ancestry. In northern Alberta, it was both facilitated and directed by processes of internal colonization, which involved the seizure of control over Aboriginal people and their lands by the federal government, which then established a formal system of colonial administration tailored to the "national" interest (see McCormack 2010:58-61). The provincial government played a similar role after its creation in 1905. The people who ran the institutions of the Canadian nation-state, supported by the citizens of Canada with European origins, believed that through colonization, they were "civilizing" Aboriginal people by reshaping "...their family lives, work habits, land ownership practices, and ways of handling conflicts" (Merry 1992:362).<sup>107</sup>

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<sup>106</sup>Christian missionaries played a role in this process from the mid 19<sup>th</sup> century on, but until the 20<sup>th</sup> century they did not have the power of the Canadian nation-state behind them.

<sup>107</sup>Much has been written about colonization, both external and internal (see McCormack 2010 for a discussion about internal colonization at Fort Chipewyan). Canadians should not think that their nation did not engage in this process, just because it is unpalatable to many of us today. First Nations were not allowed to vote until 1960, which meant that they could not participate politically in the process that created and supported the colonial structures to which

Today, much discourse in Fort Chipewyan, as in other Aboriginal communities, is highly critical and accusatory about damage caused by the local residential school. At the same time, it is important to remember that it was the federal and provincial governments that allowed and even facilitated competing land uses and undermined the traditional mixed economy to such an extent that it became difficult to impossible for people to continue living their former way of life on the land in the local bands. Ironically, in the 20<sup>th</sup> century it was often the missionaries who stood up for the rights of their Aboriginal parishioners.

People have struggled to balance their need for wage labor for livelihood with the loss of localized social communities that accompanied first the move from the bush settlements to Fort Chipewyan, and then the relocation of Fort Chipewyan residents to other centers, such as Fort McMurray and Edmonton. Although some information about local traditions is taught in the schools, the provincial curriculum still teaches what is basically a Euro-Canadian centered history that marginalizes Aboriginal people (see McCormack 2005). More and more, it falls to parents and grandparents to try to teach their children and grandchildren aspects of their traditional culture, but in non-traditional settings and in a compartmentalized manner.

In the past, such learning occurred easily and naturally, as children lived on the land with their families. Boys and girls, young men and women learned the basics of living on the land from family members. They went on hunting trips and were instructed in the proper ways to interact with animals, including the ones they killed. They learned how to tie and set nets; they learned how to make and set snares and traps, to prepare furs and hides, and to cut the meat; and

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they were subjected. Although the 1970s saw the beginning of more substantial changes that led Aboriginal peoples to regain some measure of control over their lives, true de-colonization has not yet occurred for First Nations such as those at Fort Chipewyan, where First Nations must still fight over issues such as control of land and the way they wish to live their lives.

they learned about medicines. While they did these everyday things, they also learned physical landmarks and the stories associated with them, which are an important and culturally relevant way of talking about Chipewyan history. They learned how to “read” the land so that they could travel across it safely at all times of the year. They learned about animal behavior and ecosystem relationships by observing them firsthand. They learned oral traditions, both family stories and sacred stories, and they learned how to look for the manifestation of spiritual power. They learned important values, such as the critical importance of generosity and sharing and the theme of non-interference with another person’s decisions. An underlying pedagogical principle seemed to be that children should model themselves after capable people of the past. According to Chipewyan elder François Mandeville, “The old men and old women taught the children. ... It was thought that you should tell the children now about what people had done in the past. If they would act like those who were very capable, then these children could become like those earlier people” (Scollon 2009:199).<sup>108</sup> Similarly, Henry Sharp has explained that “each senior adult is a conduit for the aspirations and judgments of the dead into the lives and actions of the living” (2001:134). The land is implicated in this process. It is “...the living memory of all that has gone before in the living experience of each Dene who sojourns here as well as being the received memory of the stories and experiences of each of those known to them *and* the setting of all that is to come to and for The People” (*ibid.*:41). The so-called “past” is not over and forgotten; knowledge of their history continues to lead Athabasca Chipewyan today and into the future. When people talk about teaching their traditions today, they often speak about hunting,

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<sup>108</sup>Mandeville talked about education in Fort Chipewyan to linguist Fang-kuei Li in 1928. Ron Scollon did a new translation of the original text. See Scollon (2009:199-294) for the entire text about education.

but “hunting” is also a metaphor for a much bigger cultural package - “place-based cultural knowledge” - that continues to be very important (see ACFN 2010:27).

This knowledge is closely related to their traditional territories; it is not transferable to other parts of the northern forests. In fact, the very government regulatory systems that alienated Chipewyans from much of their traditional territory have over time contributed to a diminished ability by Chipewyans to learn about new lands by personal experience, the most important source of this knowledge. When people no longer use lands (or no longer are allowed to use them), eventually even the oral traditions may not be adequate to maintain some measure of knowledge about them. Thus, on-going land use is critical to the transmission of the historic stories, to understanding the relationship of these stories to specific places, and to maintaining the spiritual relationships between people and the land. In turn, these are all crucial for the maintenance of Chipewyan identity and culture. Thus, when land-based knowledge is lost without being replaced by equivalent new knowledge, it amounts to a loss of critical aspects of Chipewyan identity and culture.

While some teaching through oral traditions still occurs in the home, parents and their children face the same barrage of influences as do children elsewhere in Canada, from that of their peers to influences from television and the Internet. That makes time spent on the land especially precious, because it may be the only way in which First Nation members can help their children learn the values of their Chipewyan culture. Today, teaching culture is done deliberately, on weekends and special trips. Yet both Chipewyans and Crees have reported that it is hard to take a child into the bush if it involves traveling much distance and that they are worried about doing so if the food or water they ate there might be tainted (Candler *et al.* 2011; Calliou Group 2009). I have heard the same fears expressed many times from members of both

First Nations members, who are concerned about the safety of taking children into the bush even in the vicinity of Fort Chipewyan itself. In short, the right to transmit their culture to their children relies not only on access to their traditional lands, but also on knowing that those lands are safe for travel and use.

## 10. Competing for Territory

Philip Morris and Gail Fondahl have discussed how social space is altered as societies with different approaches to space and to territory come together. “Multiple influences on the production of social space will produce a hybrid space - in the sense that it is the combination of influences, and also in the sense that it is something new created from their interaction” (2002:109). In northeast Alberta, lands that were “Aboriginal space” were converted over time into what Morris and Fondahl call “government space” by a series of building blocks: land surveys, a treaty that promised reserves, the creation of Wood Buffalo National Park, and the development of a restrictive regulatory system, one component of which was the registered trap line system. Later, leases of rights to companies to exploit oil and gas and forestry resources continued this process.

It is ironic that in the end, registered trap lines came to be seen by most First Nations as lands that were/are still theirs, even though they enjoyed/enjoy no true “ownership,” only use rights.<sup>109</sup> But as Elizabeth Lacorde pointed out, having a trap line is useless for trapping if no animals remain there due to industrial disturbance (Calliou Group 2009:45).

Hugh Brody (1981) has written about how the Aboriginal people of northeastern British

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<sup>109</sup>Such use rights have always been considered secondary compared to rights accorded incoming industries such as oil sands or logging companies.

Columbia tended to move away from the people who moved onto their traditional lands and competed with them for resources. The First Nations who entered into Treaty No. 8 agreed to share their land with newcomers. They could work around a few blocks of land removed from the totality of their traditional lands. Blanketing an entire landscape with industrial lands is a different matter entirely, a kind of industrial clearcutting.<sup>110</sup> As industries in northeast Alberta have expanded their collective “footprint” and built roads to access oil, gas, forestry, and other resources, they have opened the door to additional people moving onto even those lands that First Nations have managed to preserve for their own uses. If this expansion continues unabated, they will run out of lands to which they can move.

There is no evidence that these changes will or even can be compensated for by the provision of wage labor. Government officials have assumed for many years that at some point in the future Aboriginal people will no longer support themselves by “primitive” land-based activities such as hunting and trapping (e.g., Asch and Smith 1993). That does not mean that Aboriginal people hold the same belief about their own future or are willing to abandon activities at their heart of their self-identity as a people. The reality in the north is that even today, there are many people to whom hunting and other land-based activities are important parts of their livelihood and values. Hunting and fishing still provides high-quality food in addition to other cultural and spiritual benefits. People still gather and use medicinal plants. The members of the Athabasca Chipewyan First Nation have not given up on the bush, even though their persistent and extensive uses of it today are not easily seen by outsiders.

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<sup>110</sup>Current maps showing the extent of industrial activity in northeast Alberta show that the land is covered by a mosaic pattern of claims and leases for petroleum, natural gas, forestry, bitumen, coal, and minerals.

Nevertheless, the default position by governments setting policies for industrial expansion across much of northern Canada is that it is inevitable that northern hunters will or must one day stop hunting and move fully into a capitalist mode of production as wage laborers or business owners.<sup>111</sup>

J. E. Windsor and J. A. McVey (2005) have written a troubling account about the Cheslatta T'En, or Carrier, of British Columbia, who were displaced by the Bennett Dam when their traditional lands were destroyed by flooding to create the reservoir. In the process, they were treated differently from Euro-Canadians in terms of the notification and financial compensation they received, their intact economy was destroyed, their graveyards were damaged and even destroyed, and overall they suffered greatly as a result of the forced relocation. Before, they were largely self-sufficient hunters and trappers; after, they were forced to rely on social assistance and experienced profound social dysfunction. Windsor and McVey concluded (2005:158):

The displacement of the Cheslatta was, we believe, the result of a *lack* of sense of place of the part of Alcan, the federal and provincial governments and their agents. Additionally, the displacement of the Cheslatta and especially the relative ease with which it was effected (as well as the seeming unwillingness of governments - especially the federal government - even to accept that harm has been done), can be seen as a result of power imbalances in society and differing attitudes as to what constitutes progress. The Canadian government and its corporate supporters have always been much better at dam construction than at understanding the consequences of such projects.

Federal and provincial governments of Canada expect that the labor force is willing to be mobile. The federal government has policies to bring in temporary workers from other parts of the world, and even within Canada people will move great distances to look for work or begin

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<sup>111</sup>Notably, in the oil sands area First Nations are expected only to engage in businesses that are auxiliaries to the major corporations. They are not expected to own oil sands projects.

new jobs. Clearly the concept of rootedness has little relevance for managers of oil sands projects who utilize a highly mobile labor force, with people coming from as far away as Newfoundland and even from international locations for employment. At best, these managers may wish to create a sense of place for these workers in Fort McMurray or Fort MacKay itself. But as other single-industry towns have experienced, once the industry closes, the workers and their families are expected to move elsewhere, as evidenced by the shutting down of Uranium City in northern Saskatchewan after the uranium mines closed in the early 1980s.

Such mobility of labor has been part of the process of modernity, and one consequence has been to dismantle the kinds of social communities that have been characteristic of Fort Chipewyan and its outlying settlements. As Arturo Escobar has said, "...for some, placelessness has become the essential feature of the modern condition, and a very acute and painful one in many senses..." (2001:140). The Cheslatta T'En would probably agree. Escobar connects a lack of place to globalization: "the transnational flows of people, media, and commodities characteristic of global capitalism mean that culture and place become increasingly deterritorialized" (*ibid.*:146).

The processes of globalization are directly challenged today by many indigenous peoples. Not only do they *not* want to become placeless, they want "...to reverse long histories and geographies of dispossession. They are struggling for differential geographies: that is, the right to make their own places, rather than have them made for them" (Castree 2004:136). They want to reclaim what has been taken away from them, which usually includes at least some measure of renewed control over their traditional lands. Noel Castree points out that while governments have been willing to acknowledge the existence of distinct peoples, "...they have been resistant to...those groups' right to redistribution of economically valuable resources and

assets,” which are of real or potential national and even international significance (2004:160).

Castree could have been writing about the dilemmas confronting the Athabasca Chipewyan First Nation, who have been trying to find some reasonable compromise or middle ground between their own concerns and the economic agendas of the provincial government and the corporations operating in the oil sands region. If the members of the Athabasca Chipewyan First Nation are forced to give up the use of their traditional lands, the source of their distinctive culture and identity, they may have no choice but to become a mobile labor force along with all the non-Aboriginal workers who now flow into the oil sands projects. It will be a form of forced assimilation little different from the assimilation of an earlier time when the Canadian government unabashedly restricted Indians to small reserves and required Indian children to attend residential schools. One wonders if the “existing aboriginal and treaty rights” of Aboriginal people that are enshrined in the *Constitution Act 1982* (Sec. 35.1) include the right to make their own decisions about the extent to which they must transform their culture, including the nature and expression of their spirituality. And, Treaty No. 8 promised that the Indians “...shall have right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered...” (Govt. of Canada 1966:12), as well as documented the assurances made by the treaty commissioners “...that the treaty would not lead to any forced interference with their mode of life...” (Govt. of Canada 1966:12, 6).

In 1899, Keenooshayo at Lesser Slave Lake had tried to ensure that what they agreed to verbally was also what was included in the written treaty: “We want a written treaty, one copy to be given to us, so we shall know what we sign for” (Mair 1908:62). After the treaty was finalized, copies printed on parchment were sent to each official chief for his band. The original typed treaty text was identical to the printed document. What the Indians believed were other

“promises” appear only in the Commissioners' report and in the oral traditions as verbal assurances made to the Indians. Given this immense gulf in understanding, it is not surprising that Indians continue to view the imposition of game regulations and other regulations impeding their access to land and resources and the degradation of the resource itself as violations of treaty promises.

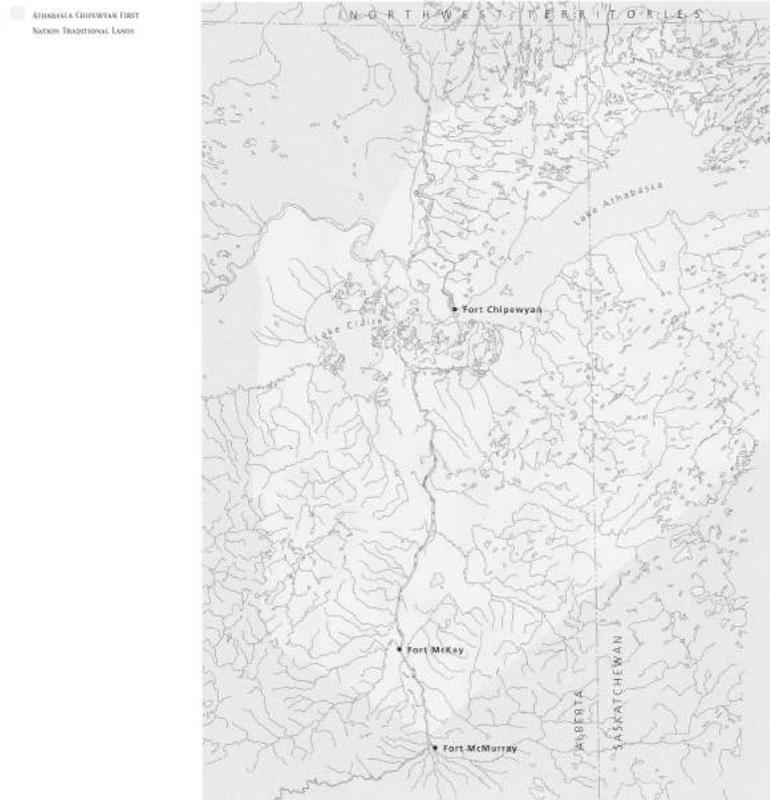
It is tempting to speculate that most government officials responsible for the region of Treaty No. 8 were themselves unfamiliar with the terms of the treaty. Even those familiar with it - mostly Department of Indian Affairs officials - either did not take it seriously as a legal, enforceable document or were relatively powerless vis-à-vis other government agents, such as those in Alberta. With some exceptions, there is little evidence that anyone in government thought about how its “spirit and intent” clashed with federal and provincial laws. There is little evidence that high level Indian Affairs bureaucrats made much effort to support treaty Indians in their dealings with hostile or indifferent provincial governments, which is why today the Athabasca Chipewyan First Nation, along with other First Nations, is forced to resort to the courts and to environmental assessment tribunals to address these issues and to recruit legal assistance for interventions into industrial initiatives to which they are opposed.

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**Figure 1. Athabasca Chipewyan First Nation Core Lands (ACFM 2003a)**

**Athabasca Chipewyan First Nation Traditional Lands** This map presents the core area of the traditional lands of the ACFN which has been used by the Athabasca Chipewyan people for hundreds, if not thousands of years. While ACFN land use was not limited to this area, the map represents a reasonable estimate of the more intensively used lands.



**Figure 2. Athabasca Chipewyan First Nation Cultural Protection Areas (ACFN 2010)**

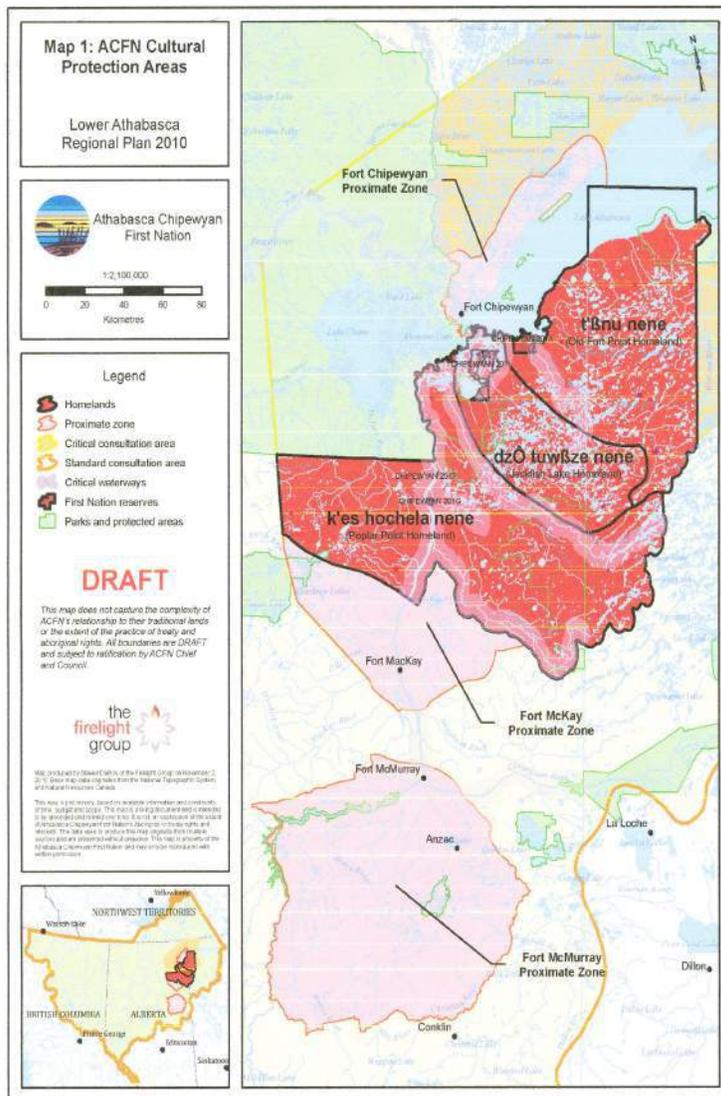


Figure 3. Chipewyan Lands (Gillespie 1975:381)

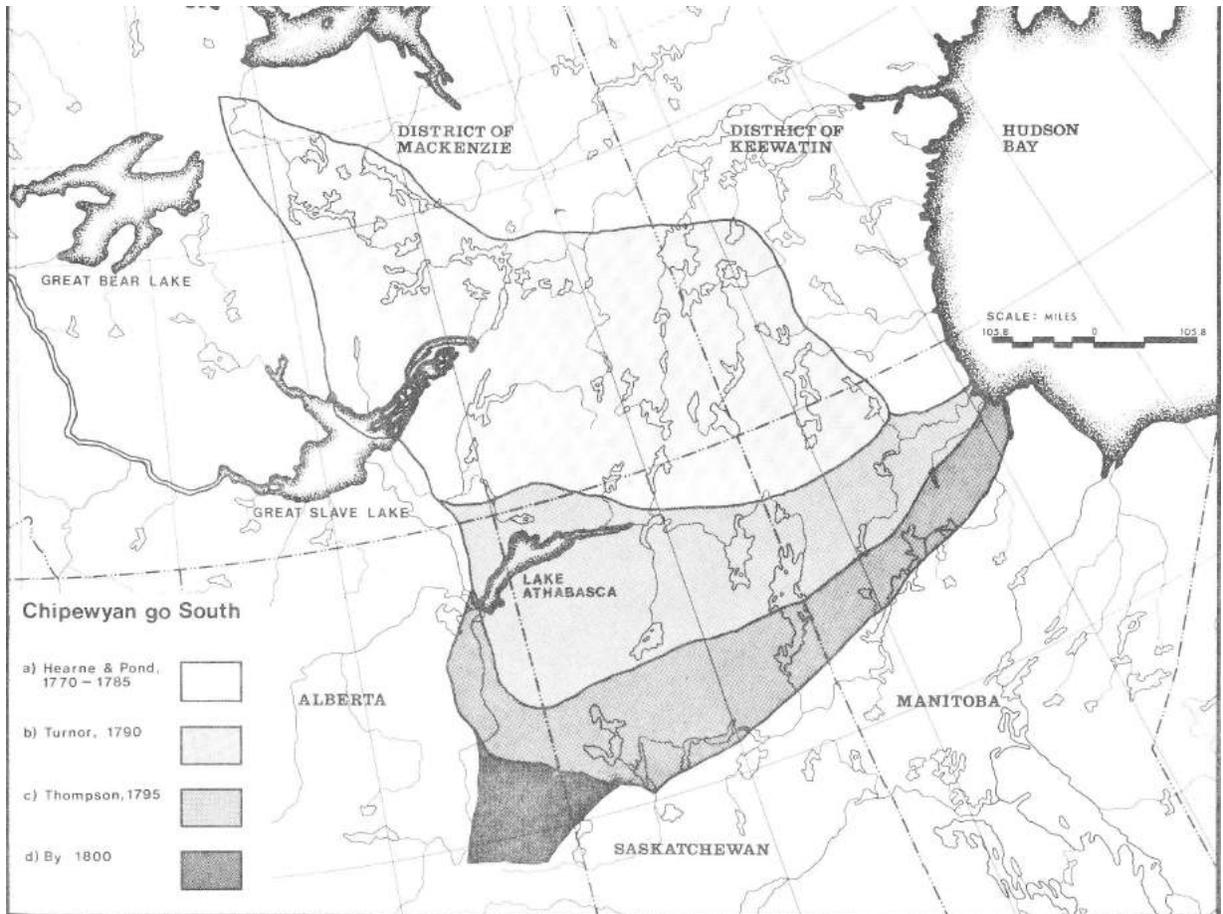


Figure 4. Treaty No. 8 (Govt. of Canada 1966)

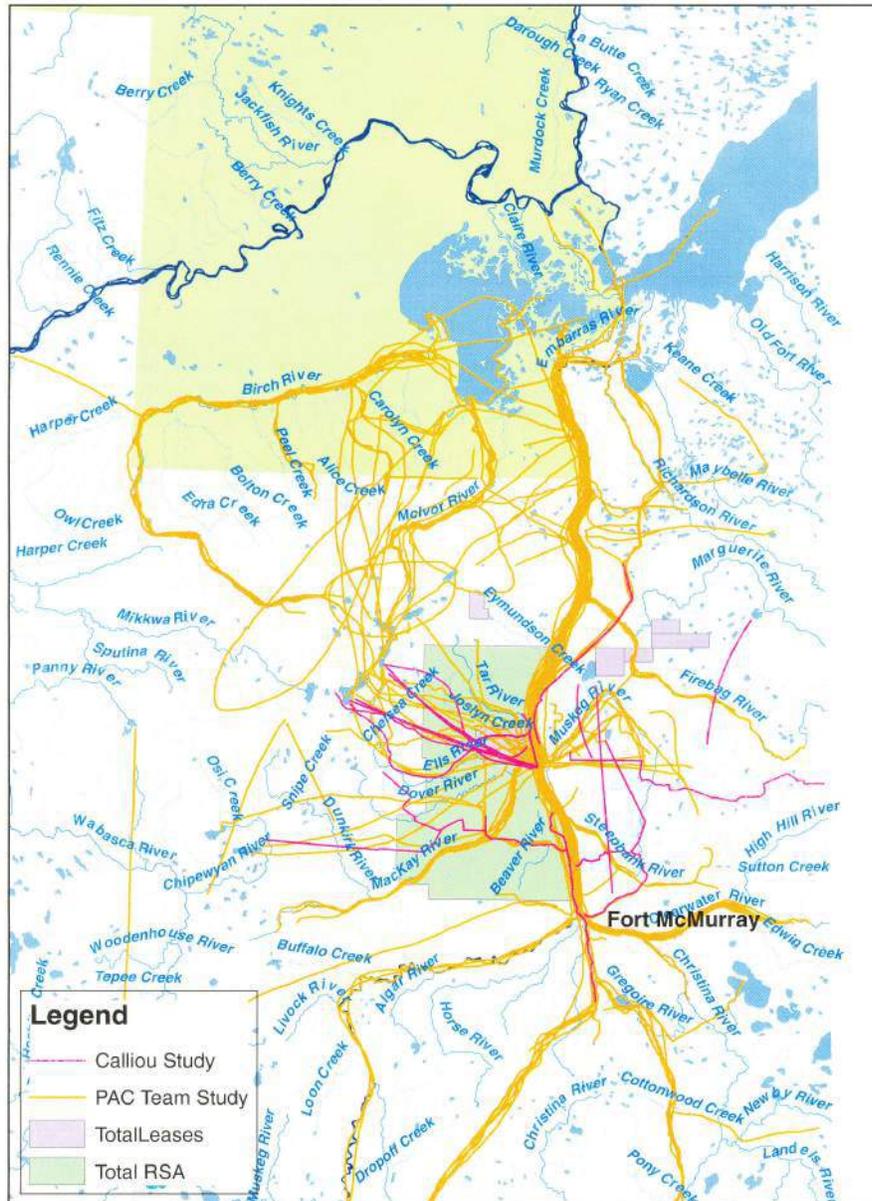


2

Dave Leonard photo

**Figure 5. Travel Routes South from Birch River and Lake Athabasca**

(Based on the Calliou Study and PAC Team Study)



**Figure 6. Land Uses South of Wood Buffalo National Park**

(Based on Deer Creek Study Cohort Group)

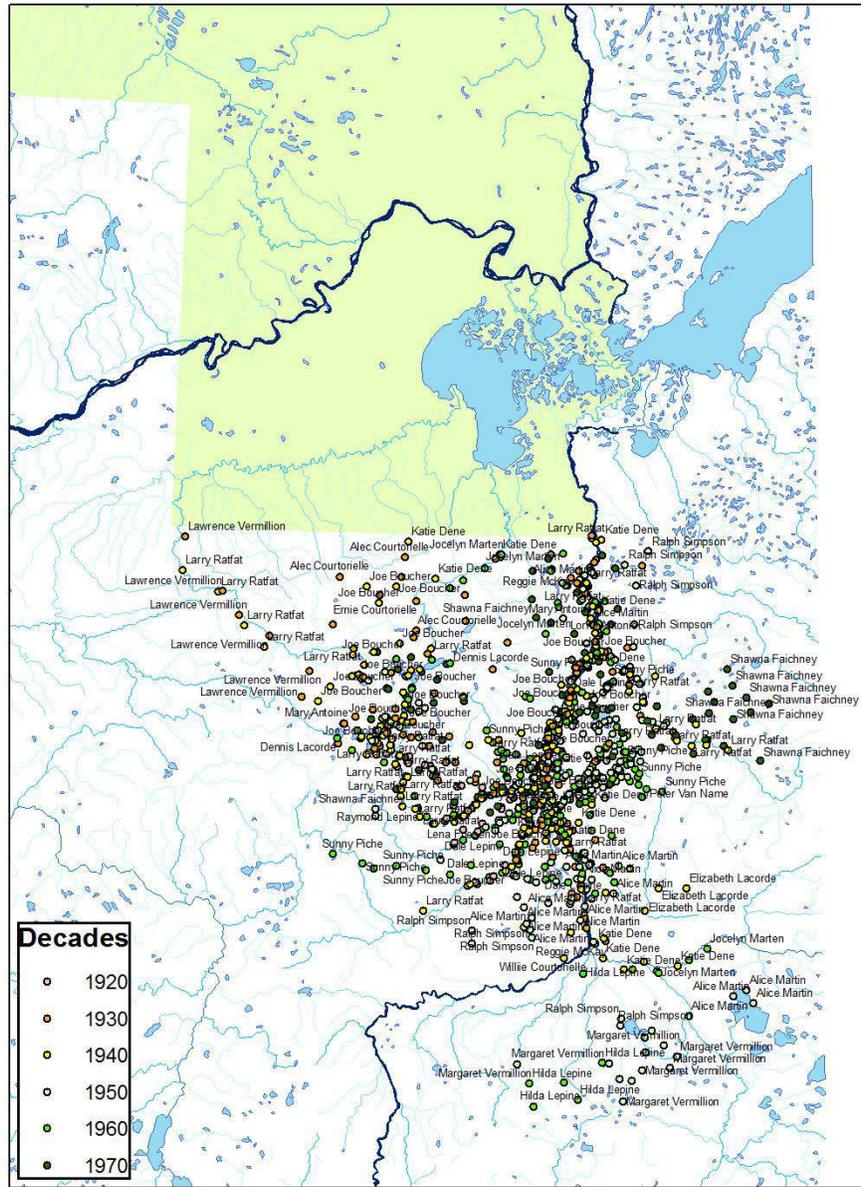
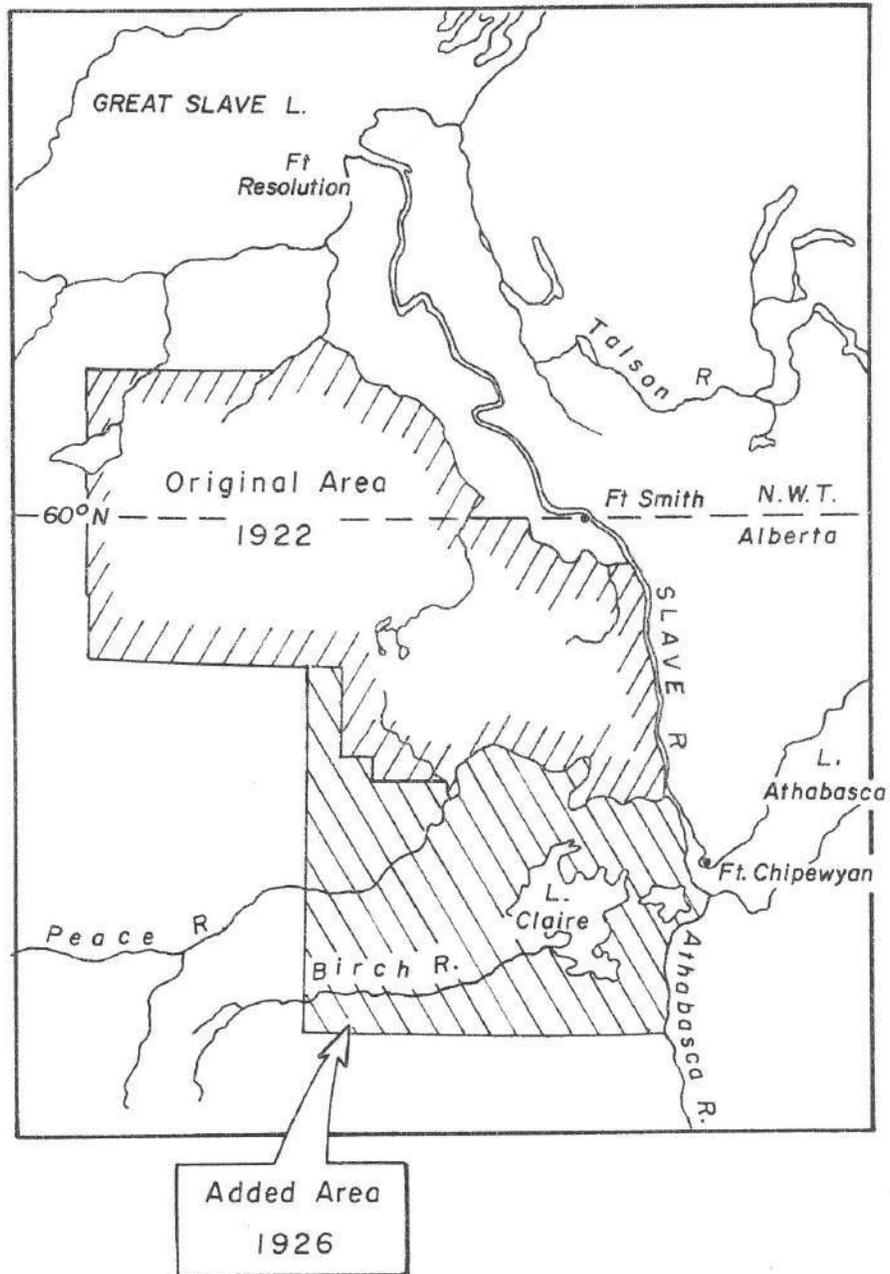


Figure 7. Wood Buffalo Park (McCormack 1992:370)



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**Appendix 1.****List of Publications, Papers, and Exhibits about Fort Chipewyan****Refereed Publications**

- 2010 Fort Chipewyan and the Shaping of Canadian History, 1788-1920s: "We Like to be Free in this Country." Vancouver, BC: UBC Press.
- Lost women: Native wives in Orkney and Lewis. *In* Sarah Carter and Patricia A. McCormack, eds., *Recollecting. Lives of Aboriginal Women of the Canadian Northwest and Borderlands*. Pp. 61-88. Edmonton, AB: AU Press.
- 2000 Overcoming the differences of treaty and scrip: the Community Development Program in Fort Chipewyan. *In* Duff Crerar and Jaroslav Petryshyn, eds., *Treaty 8 Revisited: Selected Papers on the 1999 Centennial Conference*. *Lobstick*. 1(1):277-295.
- Northern Metis and the treaties. *In* *Picking Up the Threads; Metis History in the Mackenzie Basin*. Pp. 171-201. Yellowknife, Metis Heritage Association of the Northwest Territories.
- 1996 The Canol project at Fort Chipewyan. *In* Bob Hesketh, ed., *Three Northern Wartime Projects*. Pp. 183-199. CCI Occasional Publication No. 38. Edmonton: Canadian Circumpolar Institute, University of Alberta, and Edmonton & District Historical Society.
- 1994 Linking bush and town: the mixed economy of the Aboriginal peoples of Fort Chipewyan. *In* *Proceedings of the 8th International Abashiri Symposium on Peoples and Cultures of the Boreal Forest*. Pp. 21-33. Hokkaido Museum of Northern Peoples, Abashiri City, Hokkaido, Japan.
- 1993 Romancing the northwest as prescriptive history: Fort Chipewyan and the northern expansion of the Canadian state. *In* Patricia A. McCormack and R. Geoffrey Ironside, eds., *The Uncovered Past: Roots of Northern Alberta Societies*. Pp. 89-104. Circumpolar Research Series No. 3. Edmonton: Canadian Circumpolar Institute, University of Alberta.
- Co-editor with R. Geoffrey Ironside. *The Uncovered Past: Roots of Northern Alberta Societies*. Includes the "Introduction" and "Conclusion." Circumpolar Research Series No. 3. Edmonton: Canadian Circumpolar Institute, University of Alberta.
- 1992 The political economy of bison management in Wood Buffalo National Park. *Arctic*. 45(4):367-380. Nominated for the Eleanor B. Leacock award.
- 1991 "That's a piece of junk": issues in contemporary subarctic collecting. *Arctic Anthropology*. 28(1):124-137.

1989 Chipewyans turn Cree: governmental and structural factors in ethnic processes. *In* K. S. Coates and W. R. Morrison, eds., *For Purposes of Dominion: Essays in Honour of Morris Zaslow*. Pp. 125-138. North York, Ont.: Captus Press.

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1987 Fort Chipewyan and the Great Depression. *Canadian Issues*. 8:69-92.

1984 Becoming trappers: the transformation to a fur trade mode of production at Fort Chipewyan. *In* *Rendezvous, Selected Papers of the Fourth North American Fur Trade Conference, 1981*. Pp. 155-173. St. Paul, Minnesota: North American Fur Trade Conference.

### **Other Publications**

2002 Introduction: "A promise by any other name..." Treaty No. 8 and taxation. P. 283. With Gordon Drever. Imposing tax: taxation in the Northwest Territories and Aboriginal fears in the Treaty Eight region. *In* David G. Malaher, compiler, *Selected Papers of Rupert's Land Colloquium 2002*. Pp. 309-315. Winnipeg: Centre for Rupert's Land Studies, University of Winnipeg.

2001 Genealogical studies in community-based research. Proceedings, Canadian Indigenous/Native Studies Association Annual Conference. CD ROM.

1996 The Athabasca influenza epidemic of 1835. *Issues in the North*. CCI Occasional Publication No. 40. Pp. 33-42. Edmonton: Canadian Circumpolar Institute, University of Alberta.

1995 Revision of the entry on "Chipewyan" for the *Canadian Encyclopedia*, originally written by James G. E. Smith (deceased); revised version carries both names as co-authors.

1990 Government comes to Fort Chipewyan: expansion of the state into the heart of the fur trade country. *In* Patricia A. McCormack and R. Geoffrey Ironside, eds., *Fort Chipewyan-Fort Vermilion Bicentennial Conference Proceedings*. Pp. 133-137. Edmonton: Boreal Institute for Northern Studies.

1988 Northwind Dreaming: Fort Chipewyan 1788-1988. Exhibit catalogue. Provincial Museum of Alberta Special Publication No. 6. Edmonton: Provincial Museum of Alberta.

### **Exhibits**

1999 *Treaty No. 8 and the Northern Collecting of Dr. O. C. Edwards*

500 square foot centennial commemoration exhibit developed in cooperation with NS480 students. Designed by Bernd Hildebrandt. School of Native Studies and Museums and Collections Services, University of Alberta.

- 1989 *Northwind Dreaming: Fort Chipewyan 1788-1988*  
500 square foot traveling exhibit, for venues in Alberta, NWT, Yukon, B.C., Sask., and Manitoba, 1990-94. Designed by Vic Clapp. Provincial Museum of Alberta, Edmonton.
- 1988 *Northwind Dreaming: Fort Chipewyan 1788-1988*  
3,000 square feet feature exhibit commemorating the bicentennial of the founding of Fort Chipewyan, Alberta's oldest, permanently occupied community, and celebrating the lives of the Indian, Metis, and non-Native peoples who have made their homes there for 200 years and longer. Developed in collaboration with community residents. Contained over 400 artifacts, many borrowed from collections in Canada, U.S., and Scotland. Designed by Vic Clapp. Provincial Museum of Alberta, Edmonton.
- 1986 *Trapping in Transition: Native Trapping in Northern Alberta*  
1,000 square feet exhibit depicting the roles of trapping in Aboriginal economies in northern Alberta in the years before World War II and in the present. Designed by Shelby Craigen. Provincial Museum of Alberta, Edmonton.

### **Selected Papers**

- 2010 Research report. An ethnohistory of the Mikisew Cree First Nation. Prepared for Janes Freedman Kyle and Mikisew Cree First Nation, for a submission to the Joslyn North Mine Project Hearing.
- 2007 Deconstructed Canadian subarctic grasslands. Prepared for the European Environmental History Conference, Amsterdam, 5-9 June 2007.
- 2004 The economic history of the Mikisew Cree First Nation, late 19<sup>th</sup> century to c.1970. Prepared for Rath & Company and Mikisew Cree First Nation.
- 2002 Imposing tax: taxation in the Northwest Territories and Aboriginal fears of the state in the Treaty Eight region. Co-authored with Gordon Drever. Prepared for a book about the Benoit case.
- 2001 Expanding the boundaries: studying Dene kinship. Presented as part of "Dene Kinship and Ethnohistory," at the 100<sup>th</sup> Annual Meeting of the American Anthropology Association, Nov. 28-Dec. 2, 2001, Washington, D.C.

Canadian nation-building: a pretty name for internal colonialism. Presented at "Nation Building," British Association for Canadian Studies 25<sup>th</sup> Annual Conference, April 11-14, 2000, University of Edinburgh, Scotland.

- 1998 Smith's Landing/Fort Fitzgerald: an economic history. Prepared for the Smith's Landing First Nation, October 23, 1998.
- 1994 James and Isabella Thomson: a Lewis family in the Canadian fur trade. Presented at the Sixth Biennial Rupert's Land Research Centre Colloquium, Edmonton, May 25-27, 1994.
- Two solitudes: museum displays and Indians in the fur trade. Presented at *Inventing Fur Trade Traditions*, a session organized by Patricia A. McCormack and Robert Coutts for the Fifth Biennial Rupert's Land Colloquium, Winnipeg, Feb. 6-9, 1992.
- Expanding state regulatory systems and their impacts on northern and Native peoples. Presented at *Symposium on Contemporary and Historical Issues in Legal Pluralism: Prairie and Northern Canada*, organized by the Canadian Institute for Advanced Research, Law in Society Program, Winnipeg, Nov. 7-8, 1992.
- The Canadian fur trade: the Orkney connection. Presented at *Focus on the Forks*, a conference on the historical significance of the forks region, Winnipeg, April, 1991.
- 1990 Northern boats: Native lake skiffs and their possible Orkney origin. Prepared for the Orkney Museum Service and presented in Orkney, Scotland, September, 1990.
- The Orkney Islands and the Canadian fur trade and Native communities. Presented at *Partnerships: Museums and Native Living Cultures*, Alberta Museums Association Professional Development Series, Edmonton, Dec. 3-4, 1990.
- 1989 From their labor: a material slant to ethnohistorical research. Presented at the American Society for Ethnohistory Conference, Chicago, Nov. 2-5, 1989.
- Reviving contemporary collecting: the Fort Chipewyan collection at the Provincial Museum of Alberta. Presented at *Collecting the Objects of Others*, a special session of the 88th Annual Meeting of the American Anthropological Association, Washington, D.C., Nov. 15-19, 1989.
- Hub of the North: Fort Chipewyan 1788-1988. Presented at the Rupertsland Colloquium, Winnipeg and Churchill, June 29-July 3, 1988.
- 1986 Rooted in the past: the modern community of Fort Chipewyan. Presented at the Boreal Institute for Northern Studies 25th anniversary conference, *Knowing the North*.
- 1982 Fur trade society to class society: the development of ethnic stratification at Fort Chipewyan, Alberta. Presented at the Canadian Ethnology Society meetings, Vancouver, B.C.
- 1979 The Cree Band land entitlement in Wood Buffalo National Park: history and issues. Presented at the Edmonton Chapter of the National and Provincial Parks Association of

Canada.

**Expert witness reports**

- 2001 Treaty No. 8: rebuttal report. Co-authored with Gordon Drever. Prepared for Karin Buss, Ackroyd, Piasta, Roth & Day, in conjunction with *Benoit et al v. the Queen*. 20 March 2001.
- 1999 Treaty No. 8 and issues of taxation. Co-authored with Gordon Drever. Prepared for Karin Buss, Ackroyd, Piasta, Roth & Day, in conjunction with *Benoit et al v. the Queen*. 30 April 1999.