

Encounters: Colonization and Human Rights

Colonialism is the establishment, maintenance, acquisition, exploitation, and expansion of colonies in one territory by people from another territory. It is a set of unequal relationships between the colonized and the colonial power.

The process of colonization began with the first arrival of Europeans in the Wabanaki homeland. Believing they were justified in the eyes of a Christian god, colonial powers sought to assimilate or destroy Wabanaki cultures and people. Colonizers believed in a cultural superiority that privileged them over Indigenous peoples.

The impact of ongoing colonial relationships in the U.S. can be seen when the human and collective rights of the Wabanaki are violated.

Right column:



Signing the Maine Indian Claims Settlement Act, 1980. Courtesy of Butch Phillips.

Deep in the subconscious of many Native people is the unfinished story that begins with the exploration of the European powers and the way things could have been before that. Today's Native people will continue to adapt to the existing conditions, as our ancestors adapted to the changes in their environment, for the future survival of the Wabanaki people. –Donald Soctomah, Passamaquoddy Tribal Historic Preservation Officer, 2005

Next:

Find out about the changing nature of relationships between the Wabanaki and the state of Maine.

Changing Tribal-State Relationships

While it is easy to think of colonization as something that happened a long time ago, current state government actions and policies in Maine perpetuate colonial perspectives and continue to restrict the sovereignty of the Wabanaki Nations.

The Passamaquoddy and Penobscot tribes announced on May 26, 2015, that they were withdrawing their representatives to the Maine Legislature. The two tribes have had non-voting representatives in the legislature, off and on, since 1823. The withdrawal was driven largely by growing concerns about Governor Paul LePage's lack of respect for tribal sovereignty.

Right column:



The rally outside the Maine Statehouse, May 26, 2015. Photo by Mark Bryant, Maine Insights.

The Maine tribes have reached a very critical juncture in our history. As sovereign nations we must find a better path forward — one that respects our inherent tribal authority and allows for all of our people to prosper in all areas of their life.

-Wayne Mitchell, Penobscot Nation Representative

In Depth: Current Tribal-State Relationship

The Passamaquoddy and Penobscot tribes announced on May 26, 2015, that they were withdrawing their representatives to the Maine Legislature. The two tribes have had non-voting representatives in the legislature, off and on, since 1823. The withdrawal was driven largely by growing concerns about Governor Paul LePage's lack of respect for tribal sovereignty.

"The Maine tribes have reached a very critical juncture in our history," said Penobscot Nation Representative Wayne Mitchell, shortly before leaving the chamber. "As sovereign nations we must find a better path forward — one that respects our inherent tribal authority and allows for all of our people to prosper in all areas of their life."

The rift between Governor Paul LePage and the tribes climaxed in April 2015 when the governor rescinded his own three-year-old executive order that recognized the "special relationship" between the State of Maine and Indian tribes. The original executive order had created a consultation policy for tribal input before laws, rules, and policies affecting them were passed. Tribal leaders believe the governor took the new position in retaliation for tribal and federal challenges to state water quality standards. The governor, at least in part, blamed the tribes for failed attempts at collaboration and communication with the state.

LePage's new executive order was issued on April 16, 2015, and is called, "An Order Respecting Joint Sovereignty and Interdependence." The name is misleading, as the document asserts the state's jurisdiction over the tribes. It also rejects tribal sovereignty over tribal lands held in trust by the federal government.

"What they are saying, at the end of the day, is that we will respect your sovereignty as long as you do what we tell you. That's not how sovereign relationships work," said Kirk Francis, chief of the Penobscot Nation, in the Bangor Daily News.



Members of Maine's Native American tribes rallied outside the State House on Tuesday, May 26, 2015, after tribal representatives in the House of Representatives resigned from their seats over conflicts with state government and Gov. Paul LePage. Christopher Cousins photo, Bangor Daily News.

A day after the Passamaquoddy and Penobscot tribes announced that they were withdrawing their delegates to the Maine Legislature, they along with the Micmac tribe, signed a joint declaration affirming their right to govern themselves. They also called for a congressional inquiry into state actions.

"We do not recognize the authority of the State of Maine, its Governor, Legislature, or Courts to define our sovereignty or culture or to interfere with our self-governing rights," the tribes wrote in their declaration. "We recognize the Maine Indian Claims Settlement Act of 1980 and the Aroostook Band of Micmac Settlement Act of 1991."

It is important to understand the current situation in Maine in a wider context. For the majority of federally recognized Indian tribes in the U.S., states have no jurisdiction over tribal matters. As sovereign nations, tribes have an established government-to-government relationship with the federal government.

This text is based substantially on the article "LePage pushed Native American representatives to leave the Maine Legislature," by Ramona du Houx, *Maine Insights*, Issue 46, 1/16, <http://maineinsights.com/lepage-pushed-native-american-representa>



The rally outside the Maine Statehouse, May 26, 2015, where it was explained why two of Maine's tribes pulled their representatives from state government. Photo by Mark Bryant, Maine Insights.

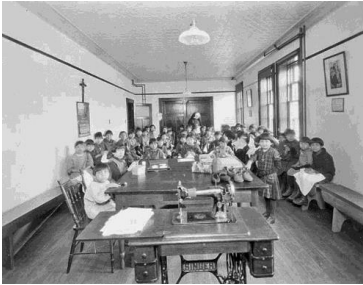
Next:

Dig deeper and learn about how residential schools harmed Wabanaki families.

Residential Schools

Residential schools were one of the most destructive tools used in both Canada and the U. S. to disrupt the passing on of Wabanaki culture from one generation to the next, and to force the assimilation of Native children. Some Wabanaki children from Maine were taken to the Carlisle Indian Industrial School in Pennsylvania, but the greatest impact of the residential school on Wabanaki children took place at the Shubenacadie Indian Residential School, Nova Scotia, between 1930 and 1967.

Right Column:



Mi'kmaq girls pose for a photo during a sewing class at Shubenacadie Indian Residential School in Nova Scotia in 1929. Courtesy of Library and Archives Canada.

Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

- Article 7 (2), United Nations Declaration on the Rights of Indigenous Peoples

In Depth: Residential Schools

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Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such :

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

- The Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly in 1948



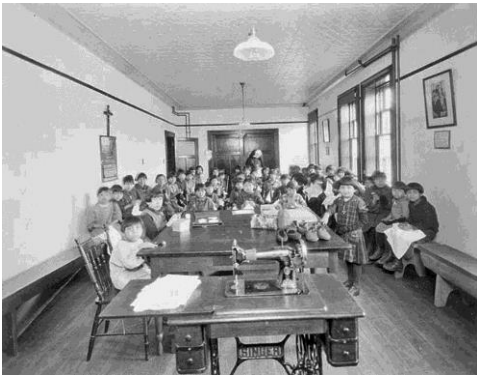
Shubenacadie Residential School. Photo courtesy of the Chronicle Herald.

Over the almost four decades it was in operation, it is estimated that approximately 1,000 First Nations children, primarily Mi'kmaq and Maliseet, attended the school. The exact numbers are not known because most of the school's records were intentionally destroyed in a bonfire by Father Collins, the priest in charge of the school when it was closed in 1967. Some children were orphans, some were taken from homes deemed to be unfit by government workers, and others were brought by parents who were led to believe that their children would benefit from the education the school was offering.

While not all the nuns at the school were cruel, it was profoundly confusing to us that Father Mackey and the nuns directly in charge of both girls and boys, far from being examples of Christian love and forgiveness, were for us objects of terror. What continues to mystify many of those who endured the school is the depth of some nuns' hatred for the children. –Isabelle Knockwood, Mi'kmaq, in *Out of the Depths*, 2001

In reality, life for students at Shubenacadie more closely resembled life in contemporary prisons than what would be expected in an educational institution. The building was cold and damp. Food was frequently inadequate for growing children. Physical, psychological, and sexual abuse occurred on a daily basis. Children were punished, often for offenses they did not understand, with strappings and beatings, withholding food, public humiliation, or being locked in a windowless closet for several days, only let out briefly for a meal of bread and water. Between 1948 and 1952, students at the school were used in experiments on the effects of various nutritional supplements on undernourished children—which meant the students were intentionally kept undernourished.

Sexual and physical abuse was not the only abuse that the survivors experienced in these institutions (...) Abuses included such things as being incarcerated through no fault of their own; the introduction of child labour; the withholding of proper food, clothing, and proper education; the loss of language and culture; and no proper medical attention. – Nora Bernard, Mi'kmaq, 2005 testimony before the Canadian House of Commons (at Shubenacadie, 1945-1950)



Mi'kmaq girls pose for a photo during a sewing class at Shubenacadie Indian Residential School in Nova Scotia in 1929. Courtesy of Library and Archives Canada.

Children as young as eight or nine were required to work: agricultural work and stoking the furnace (boys), kitchen work with large, sharp knives and hot stoves (both boys and girls), and laundry with dangerous machines (girls). For most children, more time was spent working than in the classroom. Students who did move from the residential school into public schools found themselves far behind their classmates, the result of an education that was well below the standards of the time.

One of the most culturally and emotionally destructive practices at Shubenacadie was the prohibition on children speaking their Native language. Many of the children arrived at the school speaking only Mi'kmaw or Maliseet. While they were not actively taught English by the school, the students still were expected to use only English, and were quickly and often violently punished if they spoke their Native language. As a result, children in the school eventually forgot how to speak the language. When they went home for vacations, and when they left the school as teenagers, they returned to communities where their families were still speaking the Native language and found they could no longer communicate with their own people. This also meant that they lost the connections that would have allowed them to learn cultural knowledge and traditions from their elders, robbing them of their heritage.

Please don't blame yourselves for what happened at the Indian Residential Schools, for the Great Spirit's sake, we were only children.

Scared and frightened children were taken hundreds of miles away from home. We were beaten to learn and live a different culture, children who were forced to speak English and Latin instead of Micmac.

It's time to be heard by the people of Canada. Only the ones who went to the Indian Schools know what went on because we lived it. We've lived it every day of our lives. – Imelda Brooks, Mi'kmaq, Big Cove, New Brunswick, 1991



Nora Bernard, circa 2000. Photo courtesy of the Aboriginal Multi-Media Society.

In 1995, Subenacadie survivor Nora Bernard started the Association for the Survivors of the Shubenacadie Indian Residential School. For decades, almost nobody talked about what happened in the residential schools, but this would change. Over 900 First Nations survivors joined the group, and in 1997, they filed a class action lawsuit against the Canadian government. This group then brought in 79,000 Indian residential school survivors from across Canada, and the resulting 5 billion dollar settlement was the largest historical redress agreement in the world.

Officially established on June 2, 2008, the Truth and Reconciliation Commission of Canada (TRC) was a truth and reconciliation commission organized by the parties to the Indian Residential Schools Settlement Agreement. The commission was part of a holistic and comprehensive response to the charges of abuse and other ill effects for First Nations children that resulted from the Indian residential school legacy. In June 2009, Canadian Prime Minister Stephen Harper apologized for the role of past governments in administration of the residential schools. The “truth” part of the TRC’s work was completed in June 2015. The process of reconciliation is ongoing.

Next:

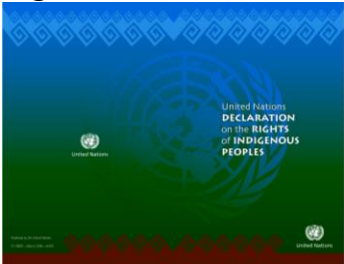
See how Wabanaki collective and human rights are being considered in international contexts.

United Nations Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is the result of more than 25 years of work by the UN to address the individual and collective rights of indigenous peoples.

The Wabanaki Nations recognize that a number of the rights and practices addressed in the *Declaration* are relevant to ongoing challenges the tribes are encountering with the state of Maine, and to some extent, the U.S. and Canadian governments. It is hoped that as international, national, and local communities engage with the *Declaration*, official governmental policies and practices will move towards its intentions.

Right column:



Indigenous people have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. –Article 3, UNDRIP

In Depth: United Nations Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is the result of more than a quarter century of work by the international body to address the **individual** and **collective** rights of indigenous peoples, as well as their rights to lands, territories, resources, culture, identity, language, employment, health, education, and other issues. For Indigenous peoples around the world, it validates their place as sovereign nations whose Indigenous (group) rights and human rights should be seen in the framework of international rights and laws.



James Anaya, Professor of Human Rights Law and Policy at the University of Arizona and United Nations Special Rapporteur on the rights of Indigenous peoples (2008 to 2014) and other participants in the UN Permanent Forum on Indigenous Issues Expert Group Meeting Dialogue on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples, 2015. Photo courtesy of the World Conference on Indigenous Peoples.

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communities engage with the *Declaration*, official governmental policies and practices will move towards its intentions.

Penobscot Nation Representative Donna Loring introduced a resolution stating the Maine Legislature's support of the *Declaration*, co-sponsored by Passamaquoddy Tribal Representative Donald Soctomah. The Legislature unanimously passed the resolution on April 18, 2008. The Maine Indian Tribal-State Commission has taken the position that given the Maine Legislature's official support for the UNDRIP it should be used as the baseline when considering the rights of the Wabanaki tribes in their relationship with the State of Maine.

The process of creating the UNDRIP began when the United Nations Economic and Social Council (ECOSOC) set up a Working Group on Indigenous Populations (WGIP) in 1982, tasked with developing human rights standards that would protect Indigenous peoples. The WGIP began work on drafting the *Declaration* in 1985, and the draft was approved by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities in 1994. The *Draft Declaration* was then referred to the Commission on Human Rights, which established another working group to examine its terms. The final version of the *Declaration* was adopted on June 29, 2006, by the 47-member Human Rights Council (the successor body to the Commission on Human Rights). It was adopted by the General Assembly on September 13, 2007, by a majority of 144 states in favor, four votes against (Australia, Canada, New Zealand and the United States), 11 abstentions, and 34 absent.



The first World Conference of Indigenous Peoples at the General Assembly at the United Nations, September 22, 2014. Photo courtesy of the World Conference on Indigenous Peoples.

It is worth noting that all four member countries that voted against the UNDRIP have their origins as colonies of the United Kingdom, and have large non-indigenous immigrant majorities and small remnant indigenous populations. Since then, all four countries have moved to endorse the *Declaration* in some informal way, but not to the extent that it would actually become binding law pleadable in court.

Next:

Understand how Wabanaki people build relationships of trust within and between groups.

Koluskap and the Whale

Before the arrival of Europeans, the Wabanaki recognized the importance of sustainable, positive relationships within and between groups. Over the generations, they had developed cultural systems and symbols to maintain these relationships.

In the story of *Koluskap* and *Putep* (the whale), Koluskap offers his pipe to Putep as a sign that each of them upheld their end of the agreement; this exchange, often referred to as the First Treaty, is where Wabanaki people learned to share the pipe when agreements are reached and is often credited as the reason Pipe Ceremonies were an integral part of treaty negotiations with European powers.

[video]

<https://vimeo.com/139891336>



Putep, by Gina Brooks, Maliseet, 2016.

In Depth: Koluskap and the Whale

During his pursuit of *Pukcinsqehs*, the witch that kidnapped his family, *Koluskap* enlisted the help of *Putep*, a young whale who carried him across the ocean. Before embarking, Putep made Koluskap promise that she would not be run ashore, to which Koluskap agreed. As they approached the opposite shore, the clams in the sand sang out to Putep to warn her that she was getting too close and would beach herself; when Putep asked Koluskap if this was true, he lied and assured her that they were still far from their destination— not speaking the language of the clams, Koluskap was unaware that they had warned Putep. Eventually, the whale ran ashore, cursing Koluskap for lying to her. Then, Koluskap used his bow to push on Putep's forehead and send her back out to sea. As a sign that their agreement had been kept, Koluskap offered Putep his pipe and she swam away happily smoking the tobacco. It is said that this story, which tells of one of the first treaties made in the Dawnland, is where Wabanaki people learned the tradition of sharing a pipe as a sign of an agreement.

In Wabanaki culture, the pipe is an important symbol that represents multiple cultural teachings depending on the context in which the symbol is used. In some cases, pipes represent prayer and ceremony, while other times pipes are seen as the sign of an agreement between two parties.

Next:

Learn about legislation in Maine that continues to challenge Wabanaki sovereignty and well-being today.

Maine Indian Claims Settlement Act

In the late 1970s the Wabanaki and the state of Maine negotiated the unprecedented and flawed Maine Indian Claims Settlement Act (MICSA) and the state Act to Implement the Maine Indian Claims Settlement (MIA). A combination of centuries of struggles by the Wabanaki to protect their sovereignty and deep-seated but often unrecognized biases and misunderstandings about Native people in Maine created a high-stakes political and cultural environment for the negotiations. The Wabanaki were also part of a global movement for Indigenous rights that began to grow in the 1960s.

Right column:



Peter Dana Point's tribal governor John Stevens and Regina Nicholas participate in a sit-in on U.S. Route 1 to protest the cutoff of state benefits, particularly milk for children and medical help for the elderly, 1969. Bangor Daily News photo.

There is no greater a sovereign act than to assert your sovereignty in the face of oppression. We don't need permission to be sovereign. Our sovereignty is inherent and we retain it. -James Eric Francis, Sr., Penobscot, Tribal Historian, Penobscot Indian Nation

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The Passamaquoddy Tribe, the Penobscot Nation, and the Maliseet Tribe are asserting claims for possession of lands within the State of Maine and for damages on the ground that the lands in question were originally transferred in violation of law, including, but without limitation, the Trade and Intercourse Act of 1790 (1 Stat. 137), or subsequent reenactments or versions thereof. –MICSA

Substantial economic and social hardship to a large number of landowners, citizens, and communities in the State of Maine, and therefore to the economy of the State of Maine as a whole, will result if the aforementioned claims are not resolved promptly. –MICSA

In exchange for dropping their claim to 12.5 million acres of land—land taken through treaties that were never ratified by the U.S. Congress in violation of the Trade and Intercourse Act of 1790—the tribes agreed to a cash settlement. The Penobscot and Passamaquoddy tribes each received \$26.8 million for the purpose of buying back more than 300,000 acres of land from the state and paper companies. The Houlton Band of

Maliseet Indians received \$900,000 to acquire land. The settlement also included an additional \$13.5 million for the Passamaquoddy and Penobscot tribes to be held in a federal trust account, from which the tribes may draw interest for use without restriction. One million dollars was earmarked to fund projects that benefit tribal elders. The Maliseet did not receive a trust fund. While it had been the state (Massachusetts and then Maine after 1820) that had taken the land, it was the federal government that paid out the settlement in 1980.

In truth, the state gave very little to the tribes in the Settlement Acts, and it is questionable to many Indian people how much the tribes actually “gained” through the agreements. –Mark A. Chavaree, Esq., Penobscot, 1988

Also included in the Settlement Acts were sections addressing state and tribal jurisdiction. It is in large part these aspects of the acts that have led to the ongoing violations of tribal sovereignty in Maine.

In a number of instances since the Settlement Acts were passed, the state government as well as state and federal courts have used their interpretation of the legislation to take or support actions that have led to repeated challenges to the sovereignty of the Wabanaki Nations. Many of these contentious decisions have resulted from “gray areas” in the acts, either where wording is unclear or missing or where there are differences between the federal and state acts. Frequently, government or court decisions in Maine have been contrary to or inconsistent with broader federal Indian law.

Examples of some of the conflicts that have arisen from the Settlements Acts are shared throughout this exhibit. Take a look at the **Penobscot River: Clean Water Act** story and the **Allies & Adversaries: Elvers** story to learn more.



Trevor White, environmental director of the Passamaquoddy Tribe in Indian Township, protests a judge's 2007 ruling as tribal members hold a news conference outside the Androscoggin County Courthouse in Auburn. Bangor Daily News, photo by Bob DeLong.

The Land Claims Settlement Act was a state’s dream. The federal government paid every penny, the state kept most of its jurisdiction, and most important of all, the state was held harmless for all its past injustices and abuses. –Donna Loring, Penobscot, 2004



Wabanaki representatives shake hands with President Jimmy Carter following the October 10, 1980 signing of the Maine Indian Claims Settlement Act. Photo courtesy of Butch Phillips.

The Settlement Acts were negotiated between 1977 and 1980 during President Jimmy Carter's administration. Carter signed the MICSA near the end of his term. His successor, Ronald Regan, had publicly stated that he would not support the Wabanaki tribes in this process, so pressure was on to secure the settlement before Carter left office. In the rush, miscommunication and last-minute changes at the state level led to final documents that were not entirely what the tribe's negotiators had intended.

The compromised self-determination of the Maliseets, Micmacs, Passamaquoddies, and Penobscots [through the Settlement Act] has produced, according to the Maine Indian Tribal-State Commission (MITSC), "structural inequities that have resulted in conditions that have risen to the level of human rights violations." - John Dieffenbacher-Krall, Director, Maine Indian Tribal State Commission

The Maine Implementing Act did include a provision to address the implementation and ongoing review of the Settlement Acts. They created the Maine Indian Tribal State Commission (MITSC), which included balanced representation from the tribes and the state. But MITSC has consistently been underfunded, and their recommendations have often been ignored by the executive, legislative, and judicial branches of Maine state government.

Next:

See how the Aroostook Band of Micmacs has developed a different relationship with the state of Maine.

Aroostook Band of Micmacs Settlement Act

The Micmac were not part of the 1980 Settlement Act because “historical documentation of the Micmac presence in Maine was not available at that time.” The Band petitioned for federal recognition, and won in 1991 “to settle all claims by the Aroostook Band of Micmacs resulting from the Band’s omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes.”



Mishun Morey, 9, of the Aroostook Band of Micmacs works in the Band's pea patch at the Micmac Farmers Market, 2011. The farm, which provides fresh produce for both tribal members and other people in the county, is located on land acquired with settlement funds. Bangor Daily News photo, Julia Bayly.

In Depth: Aroostook Band of Micmacs Settlement Act

The Micmac were not part of the 1980 Settlement Act because “historical documentation of the Micmac presence in Maine was not available at that time.” The Band petitioned for federal recognition, and won in 1991 “to settle all claims by the Aroostook Band of Micmacs resulting from the Band’s omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes.”

The purpose of the Act was to “grant the Aroostook Band of Micmacs federal recognition, provide members of the Band with services the federal government provides to all federally recognized tribes, place \$900,000 in a land acquisition fund, and ratify the Micmac Settlement Act, which defines the relationship between the state of Maine and the Aroostook Band of Micmacs.” According to the Micmac, they never ratified the state implementing act. For this reason, they continue to assert that they are not subject to the state’s limits on the exercise of tribal sovereignty that have had such a negative impact on the other tribes in Maine.

Next:

Learn more about traditional Mi’kmaq political structures and how they have adapted to a changing world.

Mi'kmawey Mawio'mi

Colonization had significant impacts on political, cultural, and spiritual structures of Wabanaki nations that can still be seen today. The changing nature of the Mi'kmaq Grand Council, or Mi'kmawey Mawio'mi, is one example.

Traditionally, the Mi'kmaq Grand Council managed both the internal and external workings of the Mi'kmaq Nation, unifying all of the Mi'kmaq across their large territory. Through a system of hereditary leadership, the Grand Chief and members of the Council provided political, social, and spiritual leadership.

The arrival of Europeans brought political, economic, and religious influences that led to significant changes for the Grand Council. Despite 500 years of challenges and change, the Grand Council is still in existence, and continues to provide leadership in both traditional and creative, new ways.

Right Column:



Mi'kmaq Grand Council Flag, a blending of traditional Mi'kmaq and Christian symbols.



Procession of St. Anne, the patron saint of the Mi'kmaq, at Chapel Island in 1981. Leading the procession are members of the Mi'kmaq Grand Council.

In Depth: Mi'kmawey Mawio'mi (The Mi'kmaq Grand Council): Politics and Religion in a Changing World

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The traditional structure and function of the Grand Council was impacted by many aspects of colonization.

Population loss due to disease and the centralization of Mi'kmaq families around trading posts and missions disrupted the extended family relationships that determined who the local chiefs would be.

English treaty negotiators often insisted on working with local or regional leaders (District Chiefs), and then left it to the District Chiefs to convince other Districts and the Grand Council membership to agree to treaty terms. This was as opposed to the traditional practice where the entire Grand Council, under the leadership of the Grand Chief, would initiate, evaluate, and agree to treaties with non-Mi'kmaq political entities.



Mi'kmaq Grand Council Flag, a blending of traditional Mi'kmaq and Christian symbols.

The Catholic Church quickly accessed the Grand Council as a key ally in their mission to convert as many Mi'kmaq to Catholicism as possible. In 1610, Grand Chief Membertou converted and was baptized, and allied the Mi'kmaq with the Vatican through the Condordant of 1610. From that point on, the spiritual role of the Grand Council became a blending of traditional Mi'kmaq practice and Catholic ritual and beliefs. By the 19th century, the annual gathering of the Grand Council was held as part of the celebrations in honor of Saint Anne, the patron saint of the Mi'kmaq, at Chapel Island, Cape Breton. More recently, traditional spiritual practices such as sweat lodges, pipe ceremonies, and smudges have been re-incorporated into Grand Council activities.



Procession of St. Anne, the patron saint of the Mi'kmaq, at Chapel Island in 1981. Leading the procession are members of the Mi'kmaq Grand Council.

The political role of the Grand Council, while it certainly was challenged by earlier colonial practices, saw the most substantial impact with the introduction of the Indian Act of 1876, which established official Canadian government policies in regard to Aboriginal peoples. Of the greatest importance to the Grand Council was that the Indian Act established a system of elected chiefs and councils at the band level, and managed all relationships with Indigenous peoples through the band leadership structure. This completely

disregarded the fact that the Mi'kmaq already had an effective political system in place. The primary goal of the Indian Act was to assimilate Indigenous people into mainstream Canadian society, and undermining the power and influence of traditional political organizations was part of this strategy. Within the Mi'kmaq Nation, however, the Grand Council remained a respected body, and for a time their role shifted more towards cultural and spiritual guidance. In the second half of the 20th century, that trend started to reverse in some ways. By the 1980s, the Grand Council began to re-assert itself in seeking the recognition of rights granted by treaties in the 18th century. The Grand Council also began to submit petitions and send representatives to the United Nations, taking the position that as the leadership body of a sovereign nation, they could assert their treaty rights through international law.



Grand Chief Ben Sylliboy, speaks during a Treaty Day ceremony, 2009. Courtesy of the Province of Nova Scotia.

Today, the Grand Council works with bands and other Mi'kmaq organizations to fight for Mi'kmaw rights, to preserve and pass on Mi'kmaw history and culture, and to provide spiritual guidance and support to the Mi'kmaq people.

Next:

Uncover one way that Abenaki communities adapted to survive colonization.

Abenaki Survival

The English, and later the Americans, used both guns and words as weapons in their attempts to destroy the Abenaki people. They did not succeed. The Abenaki survived the centuries of conflict, but their adversaries relied on misunderstandings to discredit Abenaki claims to their homeland.

Since the 1600s, the Abenaki had been building relationships with the French, while the English had alliances with the Abenaki's rivals to the west, the Iroquois. English raids on the Abenaki killed women and children. Abenaki raiding parties fought back, attacking forts and soldiers.

For safety and survival, Abenakis would temporarily relocate to outlying encampments or other Wabanaki communities when their villages were threatened. Colonists assumed that these departures were permanent and that their territory now belonged to England.

Right column:



Abenaki Couple, an 18th-century watercolor by an unknown artist.
Courtesy of the City of Montreal Records Management & Archives, Montreal, Canada.

In Depth: Abenaki Survival

English, and later American, colonizers in the western parts of the Wabanaki homeland used both guns and words as weapons in their attempts to destroy the Abenaki. They did not succeed.

The Abenaki and their allies in New Hampshire, Vermont, and northern Massachusetts had been involved in a long-running conflict with the Iroquois to their west during the 1600s, at the time when the British started to move into their area. They had also established strong trading ties with the French, and many had been converted to Catholicism by French missionaries. They had likely heard about the Pequot War (1637), so were wary of British intentions. Then, on May 19, 1676, during King Philip's War, a group of Englishmen, having discovered that the Abenaki group's warriors were away, attacked an encampment at Peskeompskut (now called Turner's Falls after the English captain who led the attack) on the Connecticut River in northern Massachusetts, killing more than 300 women, children, and elders while they slept.



Abenaki Couple, an 18th-century watercolor by an unknown artist.
Courtesy of the City of Montreal Records Management & Archives, Montreal, Canada.

Abenaki tactics focused on attacking English military targets (forts, outposts, groups on the move) to protect their homelands from encroachment. They did eventually resort to raids on civilian targets, such as the raid on Deerfield (just south of Turner's Falls) in 1704.



Western Abenaki territory, ca. 1600. Courtesy of Nikater, via Wikimedia Commons.

Throughout almost a century of intermittent war, the Abenaki in western and southern Maine, New Hampshire, Vermont, and Quebec developed a strategy that helped them survive. This strategy had the unintended consequence of being used by non-Natives in the newly formed United States as justification for taking Abenaki land. Because Abenaki villages at Missisquoi and Cowasuck were along the routes traveled by battling French and English, and later American and English forces, villagers would periodically move out of the villages, either to outlying encampments or to the Abenaki village at Odanak (St. Francis), Quebec. Then during periods of relative peace, they would move back into their village and resume as normal a life as possible. But when American settlers began to lay claim to these areas following the Revolutionary War, the settlers regularly referred to all Abenaki in the region as St. Francis Indians, identifying them all as “Canadian Indians.” In this way, they tried to discount the fact that this was their homeland, not unsettled land free for European settlement.

Next:

Find out more about how religion influenced colonial actions beginning in the 15th century.

Doctrine of Discovery

Underlying the colonial practices and policies of Europeans in the Americas, and continuing to play an important part in Indian law in the United States and Canada, is a series of decrees issued by the Roman Catholic Church in the 15th century that established the Doctrine of Discovery.

The concept and legality of the divine right to conquer lands on behalf of European powers was established by the Catholic Church in a series of 15th century papal decrees, issued in an effort to create standards by which competing European powers could claim newly “discovered” lands that were already occupied by Indigenous peoples.

Right column:



Romantic view of the arrival of Christopher Columbus to America, San Salvador Island. Dióscoro Teofilo Puebla Tolín, 1862.

This legal decision [Johnson v M’Intosh, 1823] says Indigenous Peoples have no legal title to the land they lived upon for hundreds or sometimes thousands of years, only a mere right of occupancy. Several provisions of the Maine Implementing Act, a law passed in 1980 as part of the Maine Indian Land Claims Settlement, reflect a Doctrine of Christian Discovery worldview. - John Dieffenbacher-Krall, Director, Maine Indian Tribal State Commission

In Depth: Doctrine of Discovery

In 1452 Pope Nicholas V declared war against all non-Christians throughout the world, specifically calling on Portugal to colonize and exploit non-Christians and their territories. Spain and Portugal began to compete for colonized lands and resources, and a papal bull (or decree) was issued by Pope Alexander in 1493 dividing the hemispheres for the two countries. Part of this bull stated that the “Christian Law of Nations” asserted a divine right to claim absolute title and authority over any newly discovered non-Christian lands and inhabitants. This belief gave rise to the Doctrine of Discovery, used by Spain, Portugal, England, France, and Holland as they claimed title to lands in North America. The Doctrine claimed that non-Christian lands were owned by no one, and once a Christian monarch had claimed the right of dominion, that claim was transferred to other political successors. United States Indian policy is built on this concept, solidified by the Supreme Court in 1823 by Chief Justice John Marshall in Johnson v. M’Intosh. The Doctrine continues to be a part of U.S. Indian law, and was cited as recently as 2005 in the decision City Of Sherrill V. Oneida Indian Nation Of New York.

We grant you [Kings of Spain and Portugal] by these present documents, with our Apostolic Authority, full and free permission to invade, search out, capture, and subjugate the Saracens and pagans and any other unbelievers and enemies of Christ wherever they may be, as well as their

kingdoms, duchies, counties, principalities, and other property [...] and to reduce their persons into perpetual servitude. -1452 Papal Bull, Pope Nicholas V