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Broken Treaties: United States and Canadian Relations with the Lakotas and Plains Cree, 1868-1885. By Jill St. Germain.

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revitalization, within the tribe and imposed from outside, as well as throughout a constant changeover of folks participating in the effort. More important, he brings a uniquely Arapaho inside view of the language, which is supported by material and insights provided by his deceased brother Richard and many other consultants in the study. Though difficult to express in social scientific terms, the spirit of the language that many Arapaho speakers refer to—and at times doubt can be rendered in print—does come through in this volume. The collaboration results in a synthesis of the analytical, pragmatic, and poetic sides of the Arapaho language.

Although many still defend the borders of academic versus local or Native versus non-Native scholarship, the expediency and immensity of the task of language and culture revitalization require collaboration and cooperation among elders with various types of knowledge, tribal scholars with diverse sorts of expertise, and academic researchers from many disciplines. *The Arapaho Language* is an excellent example of what can happen through cooperative, concerted endeavors.

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Broken Treaties: United States and Canadian Relations with the Lakotas and Plains Cree, 1868–1885. By Jill St. Germain. Lincoln: University of Nebraska Press, 2009. 504 pages. \$60.00 cloth.

The study of treaties has long been recognized as one of the unique pillars of Native, American Indian, and indigenous studies scholarship. The legacy of comparative analysis of treaties and the wider scope of diplomatic history run deep within indigenous peoples' relations with settler colonial societies and become a recurring historiographical theme in the examination of political confrontations experienced by most indigenous peoples in the invasion of the Americas. The perception about treaties being successfully implemented or falling short contributes to the assessment among the parties as to whether promises are kept or broken, or obligations are met or foregone.

Jill St. Germain, building upon her earlier contribution about comparative treaties dynamics in North America, *Indian Treaty-Making Policy in the United States and Canada 1867–1877* (2004), has followed with her more specific and concentrated study of the 1868 Fort Laramie Treaty with the Lakota and the Canadian Numbered Treaty, Number 6, negotiated in 1876 mostly with the Plains Cree. In the case of both treaties, St. Germain has drawn extensively on the published record. For example, she has utilized

documentary evidence of the US Congress and the Parliament of Canada ranging from various reports to legislative bodies to the published hearings to floor debates, and this is further embellished with documents from newspaper accounts and opinion pieces to the individual statements of various politicians and leaders of nonpolitical organizations found in a variety of sources. It is important to differentiate that St. Germain does not rely upon oral testimony from the perspectives of treaty signers or leaders, or their descendants, unless already published. Rather she engages in a textual analysis of the treaties and the elements included in these representative documents, and wherever Indian or Métis voices appear in the officially recorded testimony, these are discussed and evaluated as are those among the other players and parties to negotiations or their later interpretations.

St. Germain provides detailed context about how the Canadian Numbered Treaties were pursued without placing them before the Parliament of Canada for ratification under the authority of the British North American Act, an important point for understanding the implementation of Treaty Number Six. The use of the “bounty and benevolence of the Crown” as a basis for its discourse allowed the Dominion of Canada’s representatives to deflect attention from the treaty’s key intent, the surrender of lands in exchange for reserves and particular benefits, not as particular obligations, but rather as forms of generosity provided in the name of the Crown (Queen Victoria). Therefore, it was not entrenched in legislation, as was the first consolidated Indian Act enacted in April 1876, which was also not mentioned or explained to the Indian parties entering into the treaty. Given form in official text, the treaty was limited to the prevailing interpretation of the government of the day. Although a good many suggestions made by the chiefs were discussed in the meetings at Fort Carlton and Fort Pitt, the commissioners accepted only a few suggestions for inclusion in the treaty text. The chiefs were left with the distinct impression that the treaty included the gist of their discussions, and this fostered an atmosphere of misunderstanding that gave rise to later issues of implementation and interpretation. It did not take long for the Indians of the Treaty Number Six area to realize the narrow limits the Indian Department placed upon a literal implementation of the terms.

In contrast, St. Germain also presents a thorough examination of the end of US treaty making, which emerged as a result of the political struggle to implement the Fort Laramie Treaty with the various Lakota tribes. She demonstrates how the matter of constitutional authority for appropriations originating in the House of Representatives was undermined by the treaty commissioners under the authority of the executive branch, and reinforced by the prerogative of the Senate to ratify treaties, often making unilateral changes, many of these affecting matters of appropriated funds. The political

and logistical struggles around levels of rations being supplied to the Lakota under the Fort Laramie Treaty of 1868 directly contributed to the end of treaty making in 1871, demonstrating how treaty making had become government. This made no sense to the Lakota who saw the shortfall in meeting obligations as broken promises in the fulfillment of the treaty.

Both treaties produced eventual reactions to the prolonged and difficult circumstances epitomized by reserve and reservation life, inevitably fostering various forms of resistance to it. Select Indian participation in the resistance of 1885 and the US efforts to bring in the hostiles among the Lakota to the Great Sioux Reservation meant these particular treaties and their flawed implementation had not resolved the Indian problem. Legislators in both countries fundamentally demonstrated their misunderstanding of the treaties when confronted with the expenditures for food supplies, which were not seen as a means of exchange for Native title, because they were not willing to view any “apparent return for their investment of food” in the form of appropriations as anything but social welfare (183).

St. Germain has produced a stimulating and descriptive study of the two treaties and their respective contexts that will be important to anyone interested in a critical reading of the treaty dynamic. Her extensive analysis explores the motivation and interest; action and reaction; and spirit and intent of the treaties compounded by the necessary messiness and degrees of fitness surrounding the expectations of the parties to a treaty.

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Canada's Indigenous Constitution. By John Borrows. Toronto: University of Toronto Press, 2010. 427 pages. \$80.00 cloth; \$35.00.

This is a challenging book, and I think an important one. The reader of John Borrows's *Canada's Indigenous Constitution* has to be willing to accept his contention—at a minimum for the sake of argument—that contemporary Canada features three legal traditions: common law, civil law, and indigenous law. Anyone unalterably opposed to the inclusion of the third element is unlikely to spend the time required to read this dense and carefully documented work of scholarship. I read it with two bookmarks: one in the text and the other in the 129-page footnote section. Borrows calls upon evidence from a wide variety of sources and cites them meticulously and fair-mindedly; many of the footnotes have considerable intellectual content of their own.