FROM MARSHALL TO MAYHEM:
MI’KMAQ E’PIJIG/WOMEN OF ESGENOÖPETITJ/BURNT CHURCH
RESISTANCE AND CHANGE FOR TOMORROW

A Thesis Submitted to the Committee on Graduate Studies
In Partial Fulfillment of the Requirements for the Degree of Master of Arts
In the Faculty of Arts and Science

TRENT UNIVERSITY
Peterborough, Ontario, Canada

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Canadian Studies and Native Studies MA Program
May 2004
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This thesis examines acts of resistance organized by the Mi’kmaq women of Esgenoôpetitj during the “lobster wars” of 1999-2001 and is based on the 1999 Donald Marshall Jr. ruling by the Supreme Court of Canada. Framed in Indigenous theory and methods, in conjunction with interviews with the people of Esgenoôpetitj, this work examines the historical and contemporary responsibilities of Mi’kmaq women in the context of resistance, decolonization and activism during this event. Additionally, it questions that changed relationship between Esgenoôpetitj/Burnt Church and surrounding Miramichi region as a result of this event and whether the portrayal of the women by print media had a part in this change.
ACKNOWLEDGEMENTS

There are many to whom I am deeply thankful too for their support, First and foremost, to Miigam’Agan and gkisedtanamoogk without your guidance and wisdom this work would have never begun. To the people of Esgenoõpetitj, thank you for allowing me to come to your territory to learn from you. For Miigam’Agan, Pam Mitchell, Lisa Lambert, Ron Kelly, Clifford Larry, Pattie Joe, Sgoagani, Jeannie Bartibougue, and Elaine Simons thank you for sharing your stories with me, I hope I have treated your words with the respect they deserve.

To the many Native women who over the years have been my friends and teachers, I thank you. This work is about the hurdles Native women face in striving to re-balance their communities, to the teachers, mothers, activist and academics, too name but a few, your efforts are appreciated. There is one woman who has faced more trauma and adversity than anyone else I know and is still dedicated to the lives of her children, her family and her nation. Trisha D. Doxtator-Whiteye. I dedicate this work to you, your daughter, and in memoriam to your mother who passed on this January. The joy, wisdom, dedication and humour she instilled in you, I have seen you pass on to Justice. Your family is the embodiment of Native women’s resistance.

To my parents, Dorothy and Gilbert, to my brother John, sister-in-law Eileen, to my niece Marissa Nicole, and to my family, thank you for your unending support and encouragement! To the gang out west, down east, in ptbo, at Six Nations, at ISP and UWO, thank you.

I would also like to acknowledge the roles of my thesis committee and Supervisor
at Trent, your individual dedication to this work in not forgotten. I also extend a thank you to the Frost Centre’s Winnie Janzen, the department of Native Studies and to the Graduate Studies staff.
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<td>ARC</td>
<td>Aboriginal Rights Coalition</td>
<td>AIM</td>
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<td>AFN</td>
<td>American Indian Movement</td>
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<td>CPT</td>
<td>Assembly of First Nations</td>
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<tr>
<td>DFO</td>
<td>Christian Peacemakers Team</td>
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<td>EFN-FS</td>
<td>Department of Fisheries and Oceans</td>
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<td>MFU</td>
<td>Esgeoopetitj First Nations Fishing Strategy</td>
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<td>RCAP</td>
<td>Maritime Fisherman’s Union</td>
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<td>WARN</td>
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Chapter 1: Understanding Esgeoôpetitj:

Introduction:

In the autumn of 1999, an event occurred that has destroyed the relationship between the maritime Mi’kmaq Nation of Esgeoôpetitj/Burnt Church and the surrounding Canadian fishing community in the Miramichi region. In September 1999, the Supreme Court of Canada issued a ruling which, at the outset, offered hope for economic development for all maritime Native communities. In what has become known as the “Donald Marshall Jr. decision,” the Supreme Court recognized that Donald Marshall had the right as a member of the Mi’kmaq Nation to fish for sustenance and livelihood according to the 1752 Peace and Friendship Treaty. Encouraged by this ruling, the community of Esgeoôpetitj¹ began the process of establishing a fishing industry. However, the misleadingly titled “Peace and Friendship Treaty” resulted in violent confrontations primarily between the Maritime Fisherman’s Union (MFU) and Native fishers.

Native women were very much involved in the ‘lobster wars’, and I believe that their involvement was significant. However, as the case with the political activism of Native women in general, the work of Mi’kmaq women has largely been ignored by both scholars and community members. The primary focus of this work is to examine the historical and contemporary responsibilities of Mi’kmaq women in the context of resistance and activism implemented by these women during the ‘lobster wars’ of Burnt Church/ Esgeoôpetitj, New Brunswick following the Supreme Court’s Marshall Decision.

The work contained within this thesis relates to many areas of relevance for both Canadian and Native societies. One area of inquiry lies in the field of social justice as it pertains to the actions invoked when dealing with Native peoples’ by the state. Often, these inconstancies in justice not only have a direct impact on the quality of life experience by Native peoples’ but also contribute to a negative atmosphere between Native and non-Native communities and serve as a classic example of the failure of Canadian policies to create a

¹ Esgeoôpetitj/Burnt Church is located on the North Eastern coast of New Brunswick.
balanced nation.

Relationships between the colonizer and the colonized are often steeped in mutually exclusive ‘truths’ as it relates to the historical relationships from which present societies are based. The presentation of two canons of truths’ that articulate values, fundamentals, and societal foundations on which Canada has been formed, results in a volley of accusations regarding these ‘truths’. In order for the issue of social justice to be resolved, the parties first and foremost, must re-examine and re-evaluate the ‘truths’ presented by the opposing society.

It is within this context of societal sameness and difference that Native studies and Canadian studies come into play. Each discipline is dedicated to the understanding of the epistemology’s from which current societies operate. These fields examine the social, political, economic and spiritual realities in both a historical and contemporary context. Moreover, each field examines the international relationships it participates and negotiates in. Arising from these fields are interdisciplinary works such as this, so that we may better understand the roles, responsibilities and relationships that occur within the Canadian landscape.

The primary focus of this work is to discuss issues of decolonization, resistance, and activism initiated by Native women. Looking at decolonizing processes is necessary for the continued development of healthy Native peoples and communities both internally and externally. One way in which this process can occur is through the use of resistance as a means to which the current systemically oppressive structures used by the state in its relationships with Native peoples’ can be altered. Moreover, Native peoples’ in their activism are reinforcing and reintegrating values of their traditional culture thereby continuing to restate their sovereignty.

Another point of inquiry in this work is the exploration of Native women’s resistance portrayed through mainstream media. In examining their portrayal in juxtaposition to their responsibilities within their nation we are presented with issues of misrepresentations by the media. This not only provides a context for Native/Canadian relations but also demonstrate the nuances, both positive and negative of Canadian society.

What is the significance of Mi’kmaq women’s resistance? First, a discussion of
resistance reveals that Canada is still a colonizing and oppressive state. In a country known globally for its acceptance of diverse peoples’ the conditions in which Native peoples’ exist in comparison to the mainstream population are deplorable. As Canadians we advocate freedom of diversity within our cultural pluralities and pride ourselves on our social, political, economic and religious systems. This however falls short when we discuss First Nations, Native, Inuit and Métis people. By becoming aware of Native peoples’ concerns we can begin to understand the context in which the current relationship between Canadians and Native peoples exists. I believe this is possible in part by listening to the voices of those in Esgenoôpetitj who experienced and resisted state forms of power during the ‘lobster wars.’ Second, I believe that Native women’s voices are of particular importance because they are often the most marginalized and silenced. Their views often go unheard. To combat this oppression it is necessary to have their voices brought to the forefront. One way this can be achieved is by allowing researchers such as me to develop projects that focus on their concerns. It is my hope that in working with the women of Esgenoôpetitj, their point of view, often hidden to mainstream society, will become available. Furthermore, it is hoped that this work will be examined and built upon by others seeking to understand and better the relationships between Canadians and Native peoples.

My research looks at the following questions: What are the impacts of Native women’s resistance on the relationship between Canadians and Native peoples’, specifically Esgenoôpetitj and surrounding communities, and what are the reactions to such impacts? And what role do women play in subverting the preconceived ideas of the Native woman?

For the purpose of this work I define resistance as any activity perpetrated in order to make a statement, change the current status of Native women, create awareness, appose current oppressive policies and improve the current conditions of a community. This definition applies to acts ranging from, organizing group protests to photography to home schooling to the use of mother tongue in the home. Additionally it is any process or system utilized in order to aid in the process of decolonization. Decolonization is defined as any process or event that relates to the dismantling of the current oppressive and continually colonizing practices of state. Additionally,
I consider any processes or events implemented by Native peoples within their own communities to weaken and disengage current patriarchal trends a form of decolonization.

Whenever possible, when speaking about or referring to a Native person, I will refer to their Nation, whether they are Mi'kmaq, Maori or Anishnabe. If this is not possible, I will then use the term Native or Native peoples’ or Aboriginal to represent the diverse nations within Canada. This will include all individuals regardless of status. Due to the issue of status, I have refrained when possible, from using the term First Nations, also keeping in mind the exclusionary nature of this label. When speaking on a global scale, I will use the term Indigenous as a means of addressing the original inhabitants of colonized lands. I will also predominate refer to Burnt Church by its Mi’kmaq designation of Esgenoôpetitj, thus, demonstrating my respect for the community as well eliminating confusion over white Burnt Church and the reserve.

**Literature Review:**

This brief review will examine and evaluate current literature in three key fields that have inspired this study: the lobster dispute itself; the current literature surrounding Native women’s resistance; and Native women and print media.

There are three recently published texts that deal directly with the Marshall decision: K. Coates, *The Marshall Decision and Native Rights*², *The Mikmaw Concordat*³ by James (Sakej) Youngblood Henderson and William Wicken’s text *Mi’kmaq Treaties on Trial: History, Land and Donald Marshall Junior.*⁴ While Coates provides a useful chronological account of the history of the Mi’kmaq up to the present situation, he fails to provide a discussion of the Mi’kmaq perspective in relationships with the French, as a result, this omission is apparent in his treatment of Native peoples’ and conversion to the Catholic faith. He states: “When a priest

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cured Membertou from a severe attack of dysentery, the chief urged his people to join the Catholic faith.” Coates continues, “The Catholic Church, initially acting in a close concert with French authorities, also did a great deal to support the Mi’kmaq people during times of great difficulty. The missionaries’ presence among the First Nations and their tangible support during both good and difficult times, convinced many Aboriginal people to remain loyal to the Catholic faith.” What Coates fails to do is present the Mi’kmaq perspective on the friendship with the French and adoption of some Catholic rituals. As stated in the Mikmaw Concordat, the acceptance of Catholicism and alliance with the French was, among other things, a tool of survival and a means by which they could protect their lands from the encroaching settlers.  

Henderson’s legal history of the Mi’kmaq nation in its relationship with the French, British and Catholic See does, however, provides a discussion of the Concordat, and demonstrates the legal, political and economical acuity of the Mi’kmaq. As stated by Henderson, “[The Concordat] was developed through a treaty process. The treaty process was based on Aboriginal imperium, dominium and rights. However, in the changing world order, the context and meaning of the Concordat became a hidden relic of the past….the Concordat has again become an important constitutional issue.” The text treats the negotiations and relationships between the Mi’kmaq and the newcomers as formulated on a nation to nation basis. Moreover, the Concordat itself reconfirms the established sovereignty of the Mi’kmaq and Wabanaki Confederacy. Henderson’s text provides a more culturally appropriate interpretation of the treaties.

Wicken’s Mi’kmaq Treaties on Trial: History, Land and Donald Marshall Junior is extremely helpful in interpreting the historical importance of the Peace and Friendship treaties

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5 Coates 29
6 Coates 30
7 Henderson 87-90
8 Henderson 101
and the treaty making process. Treaty interpretation has played a significant role in the Marshall decision and Wicken raises several valid points in his discussion of language. For example, what role does the season and delivery of the treaty plays in its message? Were the Mi’kmaq negotiators able to understand the clauses laid out by the British in either English or French? Does the signing of the treaty by the use of the mark x suggest limited comprehension? Did the English understand the points made by the Mi’kmaq and Abenaki? Which is a more valid record of the treaty, the often ambiguously worded written account or wampum belts/collars created by an individual and hand delivered? These are important questions when considering the true meaning of the clauses contained within the treaties. If at this point in time we are unable to garner a consensus on what the true intent was, how can we expect the original written record to be the only true source?

There is one particular component of this text that I wish to address and that is Wicken’s discussion on the ‘language of communication’. Wicken argues.

The different languages used by the British and the Wabanaki in 1726 limited their ability to form a perfectly mutual understanding of each article of the treaty . . . For the British, the written word would become the principal arbiter for understanding the treaty’s meaning. Not so with the Abenaki and Mi’kmaq, who formed their understanding during the oral discussions that preceded, the treaty’s signing.  

It is therefore ironic that Wicken does not use oral evidence, nor does he consult the Mi’kmaq in his text. Therefore, I am attempting to rectify this type of bad methodology in my own work. There is one final point that needs to be addressed, while discussion of the Mi’kmaq is the focus, these authors continue the process of silencing of Native women. Women’s voices are glaringly missing from these works.

This thesis is situated within the literature on Native women and resistance and touches on current developments in the field in the areas of authenticity and Aboriginal women’s identity, sexism in Aboriginal communities, efforts to resist effects of colonialism on the roles of

\[ \text{Wicken 48} \]
Aboriginal women, and forms of political resistance undertaken by Native women.

Like Kim Anderson and Bonita Lawrence's *Strong Women Stories: Native Vision and Community Survival*,\(^{10}\) I will endeavour to provide a discussion about not only acts of resistance employed by Native women to rebuild their communities, but also issues surrounding their place and sense of self within the community. Notably, a discussion on the abuse of the term 'traditional' woman is addressed. This is a highly contentious platform from which Native women are speaking to address the misuse of the responsibilities a woman traditionally had in her society by males in order to keep them in a state of oppression and subjected to their personal agenda. Artist Lisa Fontaine suggests that "her goal is to re-evaluate, reframe and ultimately reclaim her Aboriginal identity and womanhood from colonialism, racism and sexism . . . She has begun to confront what she sees as the patriarchy that has seeped into these long-held beliefs, ceremonies and gender roles."\(^{11}\) It is with this resistance to sexism and colonialism that women such as Fontaine and the women of Esgenoðpetitj are resisting through the work, whether it is artist, photographer, or mother.

Another text that speaks directly to my work is Devon Abbott Mihesuhak’s *Indigenous American Women: Decolonization, Empowerment and Activism*.\(^{12}\) This book attempts to rectify misrepresentations of Native women that occur in both, mainstream society and Native society. Scholar Mihesuhak states,

Frustrating tribal issues and blatant misrepresentations of Natives in the media, entertainment industry, and scholarly literature concern us enough that we continue to teach, write, and fight resistance to our endeavours. Following through with these efforts is no small task. Feeling obligated to correct false histories and to express discontent with misinformation can be stressful and dangerous. Anytime an Indigenous woman

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writes something political or personal she becomes target for speculation. And criticism.

Mihesuah’s statement is applicable to the women of Esgenoôpetitj. A majority of the women experienced harassment when standing up to the colonized males in the community, namely, the current band council. One woman was continually criticised for her attempts to reintegrate traditions within the community. Moreover, when Esgenoôpetitj women, such as the appointed spokesperson for the band, tried to express their knowledge to the mainstream through the media, their voices are marginalized if not completely missing from most of the coverage. This response by some community members and mainstream press to the women’s actions effectively takes the movement toward decolonization backwards and adds further barriers for the women to overcome.

Mihesuah also stresses the importance of recognizing the absorption of patriarchy into the community. She explains, “students must be taught that colonialism and patriarchal thought affected-and still affect-Indigenous women.”

A critique of patterns of male dominance within the community has been an important aspect of this research, as many men are still unable to recognize, publicly, women’s traditional responsibilities and positions of power within the community. Often at gatherings the men will demonstrate their superiority or authority for the audience, but will then defer to the women in private settings or in small numbers.

Some of the most prominent Native women scholars and speakers are now addressing the effect of colonialism on Native women’s roles in their communities. Miller and Chuchryk suggest, in Women of First Nations: Power, Wisdom and Strength, that “colonialism has resulted in an attenuation of women’s roles in tribal societies, endangering women both within the larger society and within their own communities.” Although, “many indigenous cultures embrace women as nurturer’s, care givers and leaders, and strive to strengthen women’s roles

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13 Mihesuah 24
14 Mihesuah 34
within their communities,"\textsuperscript{16} they find that the "roles of women have either been ignored altogether or placed in a position of subservience and/or secondary importance."\textsuperscript{17} What this means is the position Native women once held have been weakened while at the same time there is resurgence in the respect given to responsibilities they carry. This type of situation is also in play at Esgenoôpetitj, where some members of the band council want women to maintain their current standing as second-class citizens while at the same time traditional members of the community are striving to re-balance the positions of power and responsibilities and instil in the next generation a positive image of women.

\textit{Recognition of Being: Reconstructing Native Womanhood}\textsuperscript{18} is a crucial text in understanding Native women’s resistance to colonization, stereotypes, and the oppressive political and social forces that are dominant today. This work draws heavily on interviews and in particular outlines women’s responsibility to the next generation, a theme that motivated many of the women of Esgenoôpetitj in their acts of resistance. In Anderson’s book, Sylvia Marcle shares a story with Anderson about the ways in which an eagle prepares its young for life outside of its mothers nest, she translates this story to the current situation facing Native children, stating,

I don’t think Native women are doing that any more [teaching self-reliance]. I don’t think we are raising our young men in the same way we raise our young women. I don’t think we are equipping them to live, to be independent, to be self-reliant, and to leave her house. And to leave her house doesn’t mean I go and find a woman and I move into her house, and she does all those things for me that my mom did.\textsuperscript{19}

What this statement suggests, rightly so, is that you cannot successfully achieve decolonization if the boys are not provided with the same tools as the girls. As Joe and Miller argue in “Cultural

\textsuperscript{16} Miller & Chuchryk 4

\textsuperscript{17} Miller & Chuchryk 6

\textsuperscript{18} Kim Anderson. \textit{A Recognition of Being: Reconstructing Native Womanhood}. Sumach Press, Toronto: 2000

\textsuperscript{19} Maracle in Anderson 243
Survival and Contemporary American Indian Women in the City,” the same priorities are held by Native women in urban areas. Similarly, the women of Esugonoopetitj did not differentiate between boys and girls in their motivation for resistance.

There are also many instances of organized forms of political resistance by Native women, such as the band office occupation and march on Ottawa by Tobique women in New Brunswick who sought redress for gender discrimination in the Indian Act. In Enough is Enough: Aboriginal Women Speak Out, Janet Silman presents the voices of women as they share their experiences in trying to secure adequate housing in the community. The women spoke of fighting the discriminatory practices of the band council and Indian Act. This discrimination manifested itself when women were being ejected from their homes by the males, often an abuser, and left homeless with their children. Or as in some cases, non-Native women who had gained status through marriage were occupying houses on the reserve. Two key points to this text are 1. Placing the women’s voices foremost in the work, similar to the method I have employed and 2. They touch upon Colonialism as an umbrella term that houses patriarchy, patriarchy in-of-itself houses, physical, mental and verbal abuse, poverty, homelessness, oppression, and alienation.

One prominent area of discussion in the field of Native women’s political resistance is grassroots movement. Articles such as Victoria Seggerman’s “Navajo Women and Resistance to Relocation”; Duane Noriyuki’s “The Women of Wounded Knee”; Sandie Johnson and Loraine Hutchins “Black Hills: the Ties that Unite and Divide Us”; and M.A. Jaimes Guerrero

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"Exemplars of Indigenism: Native North American Women for De/Colonization and Liberation"25 all speak of the organization and action of Native women from a grassroots level. Together, these articles offer vital information about Native women’s organizing. They deal with the re-emergence of Native women as leaders and activists, address the types of harassment Native women experienced by state officials and other citizens when working towards strengthening their communities, and suggest that through grassroots movements, it is possible to resist the imagery and misconceptions of Native women put forth by institutions such as mainstream media. Aspects of these articles are similar to the Eschten’petitj case, such as the struggles over the infringement of rights and the question of an alliance between Native and non-Native women in light of cultural differences and diverging priorities.

A seminal work often cited when discussing issues surrounding Native women is Paula Gunn Allen’s, *The Sacred Hoop: Recovering the Feminine in American Indian Traditions*.26 This text provides an excellent overview of the issues facing Native women, tackling such topics as the appropriation and misuse of the traditional standing of Native women by white feminism, identity and the future position of Native women. Allen’s work on the roots of feminism is particularly useful in framing research on Native women’s issues. Gunn-Allen’s critique of the Suffragettes’ use of Sacagawea as an embodiment of the equal, independent and powerful women, for example, is a reminder for researchers to not try to fit Native women into an idealized or romanticized image we have hoped to find in our work.

Similarly, Lisa J. Udel’s “Revision and Resistance: The Politics of Native Women’s Motherwork”27 stresses the need for a historical separation and investigation of women’s groups

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in their quest for equality. Udel identifies mainstream feminism as a problematic reductivist tool of inquiry into Native women and women of colour. She contends that the decolonization process must involve “restructuring and reinforcing Indian families and that “... If Native women are to fulfill traditions of female leadership ... Native men must reclaim their responsibilities so that the enterprise supporting Indigenous survival and prosperity can move forward.” Part and parcel of the decolonization process is the healing of all. Udel’s model suggests that Native women heal Native communities and non-Native women heal non-Native communities and that the foundation for the relationship between the two needs to come with an understanding and respect for the differences between a Native and western approach to motherwork.

Linda Tuhiwai Smith has provided both the means and an example of how to resist colonizing research practices still in use. Her text Decolonizing methodologies: Research and Indigenous Peoples, not only pushes the social norms of women’s roles, but also challenges the academic oppression faced by women. Smith’s text provides a framework for researchers to use to conduct research in Indigenous communities. She insists that research techniques be inclusive of the community’s protocols and take into account the researcher’s place within the work.

Another important aspect of Smith’s work is her discussion of the term post colonialism. She addresses the ineffectiveness of this concept when she contends that Naming the world as ‘post-colonial’ is, from indigenous perspectives, to name colonialism as finished business... there is rather compelling evidence that in fact this has not occurred. And, even when they have left formally, their institutions and legacy of colonialism have remained. Decolonization, once viewed as the formal process of handing over the instruments of government, is now recognized as a long-term process involving the bureaucratic, cultural, linguistic and psychological divesting of colonial power.

28Udel 47


30Smith 98
It is this full definition of decolonization that is employed by the women of Esgenoôpetitj and is the central argument to my resistance thesis. To successfully empower Native communities and create an environment of stability, control over all aspects of society, including education, health care and justice systems, need to be placed in the hands of the nations. What can be said for these works are a movement away from passive resistance by Native women. Native women are actively engaged in removing themselves from the margins to a place where their voices can be heard. This project also speaks to a new field of scholarship that deals with Native women and print media. There are two overlapping themes highlighted by scholars in this field: the exclusion of Native women’s voices by the media, and the representation and misrepresentation of Native women by the media. The work of both Barbara Freeman “Same/Difference: the Media, Equal Rights and Aboriginal Women in Canada,”31 and Debbie Wise Harris “Colonizing Mohawk Women: Representation of Women in the Mainstream Media,”32 addresses the overshadowing of Native women’s concerns in Canada by the media’s image of the sexualized Native female. Harris’ work brings the important media trend of representing Native women as a nonentity. In discussing the media’s relationship to women activists’ Harris states,

[Women are] not considered active revolutionary agents, women are newsworthy when they are located outside the boundaries of the events . . . The women who have not ‘fled’ the ‘crisis’ are ‘hidden’ from the news frame. The occasional reference to the women who are ‘left’ behind the barricades again constructs them as playing only a supportive role, and depicts their behaviours as relational to the men. Women in the news frame are merely the vulnerable property of men.33

This is also the case with the women of Esgenoôpetitj, as they too in the context of the ‘lobster wars’ are nonentities, a marginalized voice seen as a colourful backdrop to the authoritative and vibrant warriors.


33Harris 17
Another problem confronted by Native women in their work with the media is pointed out by Harris. She suggests that “the news sample is quite particular in its selection of who may legitimately speak as a Native woman in the patriarchal/racist hegemonic discourse of the press.” Harris continues quoting Rayna Green, “Indian women have to be exotic, wild, collaborationist, crazy, or ‘white’ to qualify for white attention.” It is a rarity to find a strong, intelligent Native woman in the press, not because there is a lack of such women, but because the media tends to rely on the imagined Native woman. The following is how the regional paper depicted Miigam’Agan, a strong, intelligent woman. This example is derived from a quote that occurred on October 12, 1999 in the Telegraph Journal, where we are presented with the headline “Native women take to water to protests Ottawa’s imposition of 600 trap ceiling.” Again, the authority or reliable source in this article is male. The one quote we do see from Miigam’Agan, is preceded by the following text,

Miigema’agan, [sic] a traditional native woman, was one of the 12 women and one young girl who headed out from Burnt Church yesterday for a symbolic lobster-fishing expedition. Before heading out, she leaned over the edge of an aging wooden boat and extended a grapple over the grey water. Her arms twisted awkwardly as she tried to hook a lobster trap buoy. She missed the line and the boat churns past the trap.

The only words accredited to her are, “It’s a good thing I don’t have to provide for a family.” This is directly followed with “she laughed.” This certainly undermines her position as a respected authority figure in the community and demonstrates the media’s reliance on the sexist stereotype of the ‘simple’ Native women which is opposite to her role of a respected matriarch in the community. Overall, it can be said that media in its coverage of Native resistance, specifically, opposition by Native women is fundamentally flawed in its presentation.

Ultimately, my thesis will add to the literature on the Marshall decision by respectfully

34 Harris 17
35 Telegraph Journal October 12, 1999. Section A:1
36 Telegraph Journal October 12, 1999. Section A:1
37 Telegraph Journal October 12, 1999. Section A:1
listening to Native perspectives on key issues and placing Native women front and centre in the story. Additionally, it will draw from and contribute to the literature on Native women’s resistance at the community level and finally, it will demonstrate the problematic nature of print media representation of Native peoples’, specifically women.

Methodology

I developed this study within an Indigenous theoretical and methodological framework. This framework has led me to emphasize the organized efforts of the Mi’kmaq women to heal and decolonize their community in their quest for sovereignty. Furthermore, it has forced me to think about my place as a non-Native researcher working within a Native community. In this section, I will outline the principles of Indigenous methodology, including oral research, responsibility to the community, the centrality of sovereignty and reciprocity, which have guided my research.

To understand or apply an Indigenous approach it is necessary to understand Indigenous epistemologies. The Maori peoples have an expression. “He aha te mea nui o te Ao? He tangata, he tangata, he tangata: What is the most important thing in this world? It is the people, it is the people, it is the people.”38 Given this is a Maori belief, it is one that crosses many nations and is the foundation to which my analysis occurs. It suggests that the people, the collective, and the community are priorities of many Indigenous peoples and should therefore be central to my examination of resistance at Esgenoöpetitj.

When discussing Indigenous methodologies it is important to distinguish between Indigenous knowledge and Indigenous methods. Battiste & Henderson describe Indigenous knowledge as:

…(1) knowledge of and belief in unseen powers in the ecosystem; (2) knowledge that all things in the ecosystem are dependent on each other;(3) knowledge that reality is structured according to most of the linguistic concepts by which Indigenous describe it;

(4) knowledge that personal relationships reinforce the bond between person, communities, and ecosystems; (5) knowledge that sacred traditions and persons who know these traditions are responsible for teaching “morals” and “ethics” to practitioners who are then given responsibility for this specialized knowledge and its dissemination; and (6) knowledge that an extended kinship passes on teachings.\(^{39}\)

The words of Miigam’Agan cited in this work is the production of Indigenous knowledge through an Indigenous methodology. That is to say, the methods used to gain this information stemmed from an Indigenous methodology, but it is the words produced by the Mi’kmaq people that is indeed Indigenous knowledge.

Indigenous and decolonizing methodologies have incited discourse in academia. While Indigenous methodology is considered new in terms of a western perspective and traditional disciplines, it is important to recognize that the field has existed since time immemorial in Indigenous cultures. Indigenous methodologies are a way of being and integral to their world views. Lui-Chivizhe and Sherwood, two scholars in the field of Indigenous methodologies, argue that despite the popular perception that Indigenous paradigms have never before been practiced, “We are simply articulating, as we must in the academic and western world constantly, a textual construction and practice utilising Indigenous knowledge that has always been present.”\(^{40}\)

What is Indigenous methodology? This question elicits various answers depending on the nation or community you ask. However, the following description of Kaupapapa Maori methodology carries many of the commonly found principles of Indigenous methodology, whether in Canada, Australia, or the United States. Henry and Pene state, “..kaupapa Maori


methodology, as a set of methods and procedures, is shaped by our assumptions about what is ‘real’ and what is ‘true’, which in turn shapes our perceptions of what is ‘science’ and how we do it.”¹¹ This perception of what is real and true is a fundamental found across the literature. Real and true as defined by Indigenous scholars is not necessarily the same as it would be defined in a western context. In understanding that most Indigenous societies see the world as living and interacting with each other - plant, animal, human and forces of nature -- it is understandable how this does not parallel western ideologies of science. It is within this ideological realm that the conflict and barriers are most strong.

Indigenous methodologies as I have come to understand it is an approach that respects the cultural differences of Indigenous peoples. It is a method that allows the researcher, whether they are an Indigenous or a non-Indigenous person, to frame a study that is cognizant of colonialism and its steadfast place in Indigenous societies. In addition to being founded on the principles of the nation and not on a western conception of Indigenous nations. Moreover, it recognizes the principles of Intellectual property, wherein, ownership, control, access and permission remain controlled by the people and community.

As an approach, Indigenous research/methodologies are based on key fundamentals. Research conducted in Indigenous communities, by or about Indigenous peoples, should first have the research project approved by the community and its chosen form of leadership. The researcher has to establish a community contact and develop a relationship of respect and reciprocity.

The next step in an Indigenous framework involves establishing a place within the community. This would come from spending time with the people, developing a sense of the landscape and the general structures supporting that particular society. The researcher during this process would then spend the majority of their time listening.

From the establishment of a relationship to data gathering and up to and including the

writing, reporting and storage of data, the researcher must at all times adhere strictly to the protocols of that particular community. This applies not only to reserves/reservations and settlements, but also to urban communities. Each culture has its own set of guidelines and it should not be assumed that one set of protocols is applicable to all communities. It is the duty of the researcher to search out the guidance and support of the community to ensure that all cultural protocols are met. Protocols for the Cree Nation are not the same as for the Mohawk Nation. To assume that guidelines established for Native Peoples in Canada is the only knowledge necessary for doing research is as backward and oppressive as some of the previous methods employed by the Social Sciences and Humanities. Each nation must be recognized for the cultural specificity that exists in the community.

Research within Indigenous communities involves a profound commitment. For far too long, researchers have gone into communities, conducted their research, and then are never heard from again, often having established careers on their work within a community. Work with a community should involve a life commitment to maintain contact once the initial project is completed, and to aid the community or nation at times of need. As Peacock contends, “Historically, American Indian communities have endured inaccurate and damaging findings in research studies because of (among other reasons) unrestricted access, questionable methodologies, broad cultural generalizations and a disregard for the cultural and spiritual beliefs of tribal communities,”42 thus, limiting the possibility for future research. It is necessary for the researcher to maintain a relationship of reciprocity. The process must be equal regarding what is shared with the researcher and what or how the researcher gives back to the people.

Some common shortcomings of past and current “Indigenous” research are: one-sided and incomplete research; failure to adhere to the protocols of the community or nation; failure to uphold community commitments; the manipulation of the original expressed intent of the work; and the appropriation of intellectual property by the researcher. These problems lead to

complications in policy and relationships for the community or nation and do little to enhance the reputation of Indigenous methodology. Intellectual property rights are a major issue that is currently being discussed on a global context, dealing with issues of ownership, control, access and permission and are in the forefront of existing debates regarding Indigenous research.\textsuperscript{43}

Tresch in discussing Kuhn’s work on the researcher in non-western cultures states, “a study of the accounts and reception of researchers who have undertaken such investigations could provide a series of exemplars by which the concept could be redeemed and developed, while pointing out the particular paradigmatic commitments that have given such criticisms force.”\textsuperscript{44} This supports one of the fundamental notions of Indigenous methodology, which is the recognition of past investigative tools embedded in research paradigms that can be utilized to decolonize western methods. However, it must be conceded that researchers, while sensitive and knowledgeable of Indigenous methodologies, are still presenting their views as perceived, interpreted and produced through their own lens. This caution must be acknowledged to avoid mirroring past misconceptions. As suggested by Lui-Chivizhe & Sherwood, it is the responsibility of the researcher/research project and approving committee,

\begin{quote}
[To] ensure cultural safety; foster Indigenous employment where possible; establish partnerships and equitable outcomes for participants and researcher, and enable the sharing of information in a way that recognizes Indigenous concerns about knowledge ownership and respects the way knowledge is transferred by Indigenous peoples.\textsuperscript{45}
\end{quote}

Thus, while focusing on bridging western and Indigenous thought, Indigenous methodology is also about the mending of the relationships between the two.

Frequently, the assumption is made that Indigenous methodology is designed for the non-Native researcher in order to enable them to learn from former methodological errors and to adopt ways of sharing protocols that are more culturally relevant to Indigenous communities and

\textsuperscript{43}See Battiste and Henderson, \textit{Protecting Indigenous Knowledge and Heritage}


\textsuperscript{45}Lui-Chivizhe & Sherwood 4
nations. Good Indigenous methodology is designed to question the historical imperialism of past research methods and allows new data to be retrieved that is relevant and factual of the issues or peoples to whom it speaks.

When discussing methods it is necessary to discuss issues of validity and reliability, particularly as they apply to the issue of translation. Weber-Pillwax, when discussing an article based on an interview between her grandfather and a non-Native researcher, states;

The article was a description of my grandfather in his home along with a verbatim transcription of his Cree words shared in an interview with her. Then followed the translation of the Cree into English. The English was not an accurate translation or interpretation of what my grandfather had said in Cree and this was the primary source of my anger. ́

It is apparent that any analysis or statistical procedures conducted through translations and cross-cultural research risk being either invalid or unreliable if appropriate methodology is not used. For example, Brayboy and Deyhle suggest that “analyzing data with the participant allows the researcher to illustrate the range and variation in how events are interpreted.” Not only do Indigenous methods permit the non-Indigenous researcher to undertake more reliable research, they make the researcher aware of racialized colonial practices within their own systems.

There are a variety of benefits to using Indigenous methodologies. First, methods that stem from Indigenous world views, approaches, languages, customs and belief practices are specific and directly relevant to the Aboriginal communities. Moreover, Indigenous methods are integral to decolonization and the progressive movement of nations in their quest for sovereignty. Research conducted by Indigenous scholars is often performed with the understanding that they are working towards the strengthening of the nation and the development of all social, political and economic spheres of the community. Indigenous methods are not just “new” approaches customized for the Indigenous researcher but are approaches used to dismantle the imperialistic

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structures of past research and the oppressive structures academia has on the “colonized.” Indigenous research is working with communities to understand issues of relevance for the people. This research can be conducted by Indigenous researchers of that particular nation or community, Indigenous researchers from other communities or nations or non-Indigenous researchers.

Another benefit of Indigenous methodologies is that they can bridge previously isolated disciplines, promote intellectual reciprocity and create an interdisciplinary space for future discussion. Colorado in her article “Bridging Native and Western Science” suggests, ‘a bicultural research model must be both valid and reliable; strengthen traditional Indian science and enhance cross-cultural communication and understanding’ while at the same time promote the growth of both sciences.”\(^{48}\) She continues, “synthesizing diverse systems of thought will require an infrastructure to provide opportunities for cross-cultural scientific exchange, consultation, cooperation and collaboration. Both the framework and methods of participatory research suggest its suitability as a bicultural [sic] scientific synthesizer.”\(^{49}\) It is with the idea of bridging disciplines that the development of a partnership of sorts can occur. And in doing so, Indigenous peoples will be able to actively take a position on the type of research that is being conducted in their communities.

Lastly, and perhaps most important, Indigenous methodologies are important because they are perceived to be part of the decolonization process. Lester Irbinna Rigney, a leading advocate of Indigenous methodology, argues that for the most part, the current western methodologies in use were created by and for non-Indigenous Australians which serve to keep the Aborigine’s in their current conditions and do little to aid in the goal of self determination and continue to treat Indigenous epistemology’s and methodologies as irrelevant. This pattern, he finds, can be resisted and de-constructed through the implementation of Indigenous


\(^{49}\)Colorado 62
methodology. For Rigney, “the Indigenous context of knowledge production and research methodologies is about countering racism and including Indigenous knowledge’s and experiences for Indigenous emancipation.” This sentiment is echoed by Lui-Chivizhe & Sherwood who states; “The utilisation of this methodology is essential for self-determination and to carry us beyond mere survival. It is undertaken in order to assist communities in enhancing social change, cultural maintenance and revitalisation, rather than to fill libraries and sustain even more conferences.” Still, others promote Indigenous methodologies for similar reasons. Some Indigenous scholars perceive the need of Indigenous research and methodology as a way to compensate for the past treatment of researched Indigenous communities. Brayboy and Deyhle suggest,

Just as the exploitation of American Indian land and resources is of value to corporate America, research and publishing is valuable to non-Indian scholars. As a result of racism, greed and distorted perceptions of native realities, Indian culture as an economic commodity has been exploited by the dominant society with considerable damage to Indian people. Tribal people need to safeguard the borders of their cultural domains against research and publishing incursions.52

I contend that Indigenous methodologies can serve to benefit both western and Indigenous researchers and those societies they study. With the inception of Indigenous methodologies we can move past the often flawed research methods of the past and present to research methods that are beneficial for all involved. These methods serve to bridge the often dichotomous relationships between the methodologies by utilizing research tools that are decolonizing in their practices. Indigenous methodologies recognize Indigenous knowledge, promote a movement of autonomy for Indigenous communities and are a means by which to better understand and acknowledge ideologies and practices that are different and equally as


51Lui-Chivizhe & Sherwood 4

52Brayboy & Deyhle 163
important as a western perspective.

The greatest challenges for any field researcher are gaining access and acceptance into a community. I was very fortunate to have the opportunity to discuss my ideas with two members of Es[geno]petitj. I met with gkisedtanamoogk and Miigam’agan while they were in Peterborough as guest speakers at Trent University, and later at an informal meal with a mutual friend. It was at this point that I told them about my desired research. During our conversation we discussed where I was coming from and where I had been. While it was easy to discuss landscape and place the real test came from my understanding of Native peoples’.

It is here that I must stress my gratitude to my friends and educators from the Indigenous Studies Programme at McMaster University and members of the Six Nations of the Grand River Territory. Had it not been for my years of friendship and involvement with people from both communities, which provided me with a new and broader understanding of Native peoples’ and specifically Haudenosaunee Peoples’, I am sure the opinions of gkisedtanamoogk and Miigam’agan would have been different. It is also from my time at the Indigenous Studies Programme that I learned of the Gustewanah or Two Row Wampum belt. This is an agreement based on the concept of separate but equal relationships between Natives and the colonial government, as I have interpreted it, that has formed my approach to understanding the relationship between Native peoples’ and Canadians.

After sharing our expectations of the research, it was decided that I submit my proposal to them for further discussion. At this point, gkisedtanamoogk also agreed to be a member of my

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53 I would like to stress that I am not claiming expertise as a non-Native community researcher, or even as someone who can profess extensive/moderate knowledge of Haudenosaunee culture, but rather as someone who has been trained, educated and privileged with friendship and understanding that I hope translates in this work.

54 The Two Row Belt shows two rows of purple beads on a white background. One row represents the Ongwehonwe peoples came and the other the colonists’ ship. It states that the two nations shall reside beside each other but never interfering in the others. Two boats travelling the same path are stable, but if one has a foot in a boat and a foot in the other, the boat then will become unstable. I have used this concept as a means of understanding the significance of recognizing nationhood for the Ongwehonwe and Canadians and as a means of interpreting the problems that have occurred in the political, social, spiritual and economic spheres of each nation when, as Canadians, we have placed a foot in their canoe.
thesis committee, to which I am deeply indebted. My proposal was taken by gkisedtanamoogk and put forth to the community to evaluate. This protocol of community awareness, discussion and expectation is integral for all researchers. Even though at this point I had already passed the ethics committee of the university and followed closely the Tri Council Guidelines on ethical research as well as the guidelines listed in the Royal Commission on Aboriginal Peoples (RCAP), I required approval from the governing body of the community in which I wished to work. Had the council decided that my project would be harmful or damaging to the community I would not have been able to do any research.

At this point it is important to refer back to the previous discussion on the different protocols for various nations and acknowledge the distinction between them. Protocols for one nation do not necessarily translate into the knowledge of another. An example of this occurred when I had wanted to give a community member some tobacco as a sign of my respect and appreciation for her thoughts and friendship. My understanding of protocols stemmed from a Haudenosaunnee interpretation of using tobacco. Under this protocol I could not, at that particular time, handle the tobacco, therefore, I was in a (self-imposed) an awkward situation on how to present the tobacco to her. I explained to her my intent at which point she smiled and said, “you are in Mi’kmaq territory” and shared their views on this matter. This, while humorous and humbling, illustrates a very important aspect of community research. Each territory has their own protocols and you must respect and use the protocols of the community. This, as I understand it, applies to both Indigenous and non-Indigenous persons.

In September and November of 2001, I was very fortunate that Miigam’Agan and gkisedtanamoogk opened up their home to me, allowing me to stay with them while I was in the community for a period of one week each trip. During this time I participated fully in daily activities such as cooking and cleaning and was just one of many people who had been hosted by the family. As a researcher I was aware that I did not garner special status, an example of which can be seen through my experience one evening. I had gone to sleep on a futon with one small child beside me on the floor with his friend and woke up with the same child asleep across my
head. gkisëdtanamoogk spent a great deal of time speaking with me, showing me around the community and surrounding area and sharing with me a perspective of the community I would not have known had I just drove in for interviews and left right after. I would caution any researcher who is not prepared to adapt and work within the situation as needed away from this type of research. During my two trips to the community I met many people, and I consider myself honoured to be able to call some of them friends. I had wished to spend more time in the community during this period, but academia, location and finances limited this possibility.

I would also like to stress the importance of maintaining a relationship. I can only speak for myself, but I certainly wish to maintain contact with the people I met and the friends I have made. Often, once their project is completed, researchers leave a community and sever all ties. I had expressed in the beginning to gkisëdtanamoogk my desire to establish a relationship of reciprocity, which is a relationship that is mutually beneficial to all parties involved and is not limited in its time frame. So far, this will occur through copies of my thesis being given back to the community to be used however they see the need. Additionally, articles will be submitted from this work for publication and any financial benefit I may gain through future publications will be given to the community. Other avenues of reciprocity may occur through future research projects at which time I can offer my skills in this area. I have returned to the community to visit since the interview process ended and I am currently arranging a gathering so that I may express my gratitude to community.

Linda Tuhiwai Smith, in her text, *Decolonizing Methodologies: Research and Indigenous Peoples*, speaks on the importance of protocols and relationships.

In First Nations and Native American communities there are protocols of being respectful, of showing or accepting respect and reciprocating respectful behaviours, which also develop membership, credibility and reputation....Indigenous methodologies tend to approach cultural protocols, values and behaviours as an integral part of methodology. There are “factors” to be built in to research explicitly, to be thought about reflexively, to be declared openly as part of the research design, to be discussed as part of the final results of a study and to be disseminated back to the people in culturally appropriate ways.
and in a language that can be understood.\textsuperscript{55}

I contend that my methodology has incorporated concepts put forth by Smith as well those by Roxanne Struthers, in her article "Conducting Sacred Research, An Indigenous Experience",\textsuperscript{56} where she also stresses the importance of protocols. She states: "Following indigenous cultural protocol . . . the researcher talked to various elders, community people, and some of the healers. This process was done to gain permission to conduct the research and access approval to record the research findings."\textsuperscript{57} There are many more instances that I could share regarding research protocols but it is important to move forward and further discuss the application of Indigenous methodology.

I chose the research technique of participant/observer for my role as a qualitative field researcher. In this role I participated fully with the members of the Esgenoôpetitj community, but I also made it clear that I was undertaking research. After spending time within the community in order to gain a sense of place and cultural understanding, I began interviewing community members,\textsuperscript{58} focussing on the voice, roles, responsibilities and concerns of women for my thesis.

I had used the standard sociological field research techniques of quota sampling and snowball sampling to gain interviews and develop my data base. Quota sampling is done by interviewing persons representing all different participation categories. I interviewed leaders and non-leaders, men, women, young and old. Snowball sampling is the concept of a subject(s) either giving names of other persons to contact or directing subjects to come forward for interviews.\textsuperscript{59} Through this process my database expanded to different facets of the community,

\textsuperscript{55}Smith 15


\textsuperscript{57}Struthers 129

\textsuperscript{58}See appendices II Interviewee Characteristics

creating a representative database.

Of the nine people I spoke with in the community seven were women and one was a young female youth. Each has her own story and experiences, but all share in the impacts of the ‘lobster wars’. These women were chosen based on their range of professions, age and different roles in the community as well as their willingness to be interviewed. Of the total population of Esgenoôpetitj, according to the 2001 Canada Census, there is a total population of 1,005 Mi’kmaw in this community. Removing all persons between the ages of 1-19* and 65+, the remaining population, females only, between the ages of 20 and 64 is a total of 240. While the number of interviews conducted cannot be deemed representative of the total female population of this cohort, they do represent a broad range of professions, human capital, social capital, age, positions within the community, and socio-economic status.

Of the six adult women; all had children. Three hold university degrees; one is a journeyman carpenter, one is a professional photographer, one is a community activist/worker in the Esgenoôpetitj cultural centre, and one owns an independent business. Four of the women are active in the community working towards social cohesion, cultural retention and child/youth development. Two are fishers. Three have immediate family involved in the fish industry. Four spoke Mi’kmaq; two spoke French and all spoke English. Four were married or had a live in partner, of the remaining two; no mention was given to their marital status. The one female youth* spoke Mi’kmaq and English, was home schooled and an artist. She was also active in the traditions and practices of her culture. All the women were from the reserve. Some had at various times lived away for the community for the purposes of work or school.

While I do recognize that this sample is limited in size, what lacks in quantity of interviews is more than compensated for in the richness and depth found in the responses shared with me. This small group size allowed for longer periods of time spent with the interviewees, leading to the development of a more trusting and open relationship. All information to be discussed was stated by the respondents during their interview. No background data was gathered by the researcher, therefore, this information is provided to give the reader some
understanding of their social characteristics, but is by no means complete.

Within the context of the interviews, I used an open discussion format. Past experience has shown that when interviewing in a First Nations community it is more culturally respectful to allow the people to share what they want you to know rather then to direct the conversation. I provided each participant with a copy of the interview questions and asked that they keep them in mind as they spoke. While I did not formally direct each participant in a question/response manner, each interviewee in the course of his or her conversation addressed all the questions listed. My approach to the interviews helped balance the level of power traditionally associated with interviews to one that is more equal to both parties, thus, it was the interviewee who directed the flow of discussion. This approach often resulted in an abundance of information, which, had they been restricted to a question and answer structure, may not have been shared. As a result of this technique, I was able to listen to a speaker, and respect their freedom to discuss, unconstrained, their thoughts and not to interject or direct their voice. This format is used by Hermes who states,

my “method” or way of asking in these cases was guided more by cultural protocols than a particular methodology. I was grateful and listened to whatever I was told and never consciously tried to guide discussion or interrupt with questions. Even the “formal” interviews I conducted after three years of working with Elders took on these forms of narrative or storytelling. 60

Once the interviews were completed and transcribed, I sent each participant a copy of his or her transcript which he or she could edit or add any information he or she wished. I also provided letters of consent for the interviewees to sign and negotiated their vision of the work. I kept Wilson’s following questions in mind throughout the data-gathering process:

What is my role as a researcher and what are my obligations? … Does this method allow me to fulfill my obligations in my role… does this method help to build a relationship between myself as a researcher and my research topic? Does it build respectful relationships with the other participants in the research? Relationships with the idea or topic, as well as with the people or mice or trees or whatever you are working with, have

60Hermes 6
to be considered.\textsuperscript{51}

It is this process of questioning your agenda and approach as well as incorporating the fundamental principles of Indigenous methodology that is necessary for conducting research with Indigenous communities.

To look at the type of representation women resistance received by print media, I examined headlines from three different papers during a three-month period from August to October for each year, 1999 through to 2001. The first was the Miramichi Leader, a weekly local paper servicing the community and surrounding area. The provincial daily was the Telegraph Journal and the second daily was the national newspaper, The Globe and Mail. In choosing these three papers I felt I would discover a sampling of the representation emerging from mainstream media.

Having discussed the objectives of this work it is important to discuss its limitations. The major limitation to this work was my ability to spend time in the community. While I have been continually in verbal and written contact with the community, my actual physical presence in the community was limited to two trips. The cause of this limitation was based solely on the distance of my home and institution from the community and the lack of the necessary finances to spend any prolonged period of time there. A second limitation is my inability to communicate in Mi’kmaq. While all the people interviewed spoke English fluently, it would have been more profound and respectful to be able to hear the interviewee’s responses in their language and thus record and integrate the nuances of meaning that may have been lost in English. Third, the number of community members I was able to interview was limited by not only time and financial constraints, but also the general exhaustion of the community resulting from various other inquiries.

This thesis will attempt to place the experiences and resistance of Mi’kmaq women of Esquimalt at the centre of a broader analysis of the Lobster Wars. In demonstrating the levels

\textsuperscript{51} Wilson 178
of activism and resistance within the community the underlying process of decolonization will emerge. In chapter two I will provide some background information about traditional Mi’kmaq society, describe relationships and agreements made after contact with Europeans, discuss how contemporary Mi’kmaq life has been shaped by policies and events, such as the Indian Act, decreased land base, current economy and language retention and the Marshall Decision, and finally examine responsibilities of Mi’kmaq women in traditional and contemporary settings.

Chapter three will provide a more specific historical account of the laws and treaties surrounding Marshall, and chapter four will follow with outline events that have occurred since Marshall and introduce the various organizations involved in the dispute, including The Maritime Fisherman’s Union (MFU), Department of Fisheries and Oceans (DFO), Aboriginal Rights Coalition (ARC), Christian Peacemakers Team (CPT) and the Assembly of First Nations (AFN). For each group I will outline what their mandate was and how they have interacted with Esgenoópetitj over the three year period. It should also be noted that the Royal Canadian Mounted Police (RCMP) and Canadian Coast had a presence in the Miramichi.

Chapter five highlights a general history of Native women and resistance before examining the specific acts of resistance by Mi’kmaq women in the dispute? It will also consider the responsibilities of women within their nations and communities, issues of marginalization and villianization of “tradition women” activists as well as the impacts of resistance felt by the community. Contained within this chapter are discussions on questions of authority, the use of the expert, and the missing voices of youth and Elders, specifically in relation to print media. I conclude in chapter six with future avenues of research stemming from this work as well as recommendations put forth by the community.
Chapter 2: The Mi’kmaq Nation: Past and Present

In order to understand how the women of Esigenoîpetitj have resisted the oppressive forces of colonization it is necessary to discuss their relationships prior to and during the early years of colonization. The changes that have occurred within the nation will then shed light on the reasons why decolonization is important to the women and indeed to all Indigenous women who have organized acts of resistance throughout history.

Esigenoîpetitj is the Mi’kmaq nation commonly referred to as Burnt Church.\(^\text{62}\) The residents of this community have inhabited the east coast of Canada since time immemorial. To understand how this event, the “lobster wars”, began it is important to first look at the groups involved. In discussing the historical context of the Mi’kmaq- through the generations to contact- and arriving in the contemporary setting the reader will have a comprehensive understanding of the character of the Esigenoîpetitj community, as well as the responsibilities Mi’kmaq women have had within the community in both a historical and contemporary context.

I will begin by briefly highlighting various aspects of the traditional Mi’kmaq community. This will encompass the political, economic, social and spiritual foundations of the community and beliefs which continue to inform the contemporary social environment. In this discussion, I will look at the relationship women had within the community examining the ways in which traditional aspects of Mi’kmaq women’s responsibilities occurred as well as forms of resistance by Indigenous women.

The Historical Mi’kmaq Nation

The Mi’kmaq of eastern Canada has had contact with Europeans for centuries. Some of the earliest records indicate that contact was first made by a Portuguese man named Fagundes around 1525, followed by Cartier in 1534 when he entered the Miramichi and St. Lawrence.\(^\text{63}\) At

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\(^{62}\)Murray [British officer] on an expedition (1758) from Louisbourg to wipe out the Acadians in this region, burned the church at the place now known as Burnt Church (Wallis 46).

\(^{63}\)Wallis 42
this point in time, the Mi'kmaq nation was densely populated with an estimate of around 10,000 people. Unfortunately, due to European disease, the population decreased roughly by 50-60%. This estimate is also interestingly remarked upon by Grand Chief Membertou when he stated, "that in his youth he had seen Indians 'as thickly planted there [Port Royal] as the hairs upon [my] head." Moreover, with the arrival of settlers, Europeans encountered highly complex political structures.

The Mi'kmaq are part of the Great Convention Council. This "council was the result of transnational treaties and inapskuk (wampum laws) between the Nikmanaq and neighbouring Aboriginal people," which included,

The Beothuk (upriver people) in Newfoundland; the Wulustukw keuwiuk (beautiful river people, the Maliceet-Pasamaquoddy) of southwestern New Brunswick and northeastern Maine; the Eastern Abenaki, of Maine; various Montagnais (Innu) groups north of the Saint Lawrence River; Inuit in the Strait of Bell Isle; and, in the 1500's The Saint Lawrence Haudenosaunee (Iroquoians).

Furthermore, the organization of the council was commented upon by the priests who "found a natural order and a fairly well-defined system of government, including both international and domestic law." More recently this confederacy known as the Wabanaki Confederacy is comprised of the Mi'kmaq, Maliseet, Passamaquoddy and Penobscot nations of eastern Canada and the United States.

64 Steckley & Cummins 52
65 Chief Membertou was the first Mi'kmaq baptized in New France on June 24, 1610. It was suggested that he was over hundred years old at the time and was given pompous titles to impress the French monarchy. He was also known as the host of the Europeans, an ally and guardian of Port Royal from 1607-1610. He is further accredited with the success of the first French settlement. Based on his connection with the Europeans he was commented upon by his peers as having an advantage in gaining merchandise from the Europeans. Davis 47-48
66 Gonzalez 17
67 Henderson 17
68 Henderson 32
69 Henderson 34
70 Wallis 55
Other aspects of the Mi’kmaq system of government are their use of districts to outline land use (hunting and fishing territories), the placing of chiefs as representatives of these districts and the responsibilities of each district chief and council to their nations. It is also noteworthy that “a chief ruled ‘not with so much authority as our King over his subjects, but with sufficient power to harangue, advise, and lead them to war, to render justice to one who has a grievance, and like matter’.”\(^{71}\) The following description by Henderson details the political governance of the Mi’kmaq.

Within Mikmaki, internal peace was maintained by dividing the national territory into seven sakamowit (hunting districts), each with a sakamow or “chief,” and by acknowledging family rights to certain hunting grounds and fishing waters.... These families formed several small gatherings or councils that came together in the form of the Mawiomi. The Mawiomi recognized one or more leaders (alsusultitikw) to show the people the good path, to help them with gifts of knowledge and goods and to sit with the whole Mawiomi as the government of all the Mikmag. These leaders were called the holy people (aniapsultitikw). These, in turn, recognized a kjisaqamaw (great chief) to speak for them, and spiritual leaders to guide them. From others of good spirit the holy people chose putus (treaty advisers, speakers and story keepers) and the leader of the smaknis (warriors). ...any disputes were arbitrated by the keptin individually or in council. At the present-day meeting the mawiomi reunite the people, ratify births, and deaths and share in prayer and thanksgiving. At this time, the mawiomi also meet to consider laws and policy, to address the people and to remember the wampum laws or symbolic record of the alliances and treaties.\(^{72}\)

Paul continues with a description on the roles of Elders, when he states, “Elders of the tribe both men and women, were accorded the utmost respect. Their advice and guidance was considered to be essential to the decision-making process, and no major decision was taken without their full participation.”\(^{73}\) This form of political system is still used by a traditional group of Mi’kmaq in Esgenoôpetitj who do not accord legitimacy to the band council system imposed by the Indian Act. Another tradition still used by the Mi’kmaq is the consultation with Elders.

\(^{71}\)Upton 7
\(^{72}\)Henderson 17-18
\(^{73}\)Paul 7
Historian L.F.S. Upton, in his text *Micmaes and Colonist*, also comments on the deference to Elders to solve disagreements, when he states, "...the respect with which the older members of the band would be heard essentially meant that an informal council of elders usually carried the burden of decision making."^{74}\n
An additional element in the political structure of the Mi’kmaq nation is the role of the persons the general public would identify as “Warriors”, protectors of the community and its inhabitants. We can see the longevity of this fundamental element in the actions of today’s Warrior society, as described by Steckley and Cummins.

...The Mi’kmaq Warrior Society is more a diplomatic police force than anything else. The members are chosen because they can handle themselves coolly under trying situations. During the tense times at Burnt Church in 1999, they were unarmed. They are asked to keep the peace, to make sure that equipment and boats were not vandalized by outsiders, and to keep tension from getting out of hand.\(^{75}\)

It is also important to note that the Warrior, as defined by the Mi’kmaq, is in contradiction to the imagined warrior of European thought. In asking Miigam’Agan and gkisedtanamoogk about our concept of warrior and how this translated into the Mi’kmaq understanding they stated,

The term warrior doesn’t suit the essence and significance of what the people ask and expect of those who would rise to the occasion....that warrior does not really exist—particularly in historic times. We did fight in wars, we did have individuals and societies that were ready to do whatever was necessary to defend and protect the well-being of the people. Warrior implies one who fights, perhaps also implying that these people like to fight... Fighting was an abomination to the peoples’ lifestyle. [Miigam’Agan] characterized the nature of the Mi’kmaq life as seeking and maintaining balance. A kind of corollary to this idea is the way community structure existed.\(^{76}\)

gkisedtanamoogk provided an example of this structure by explaining that,

...abuse and violence to women was virtually unheard of and on such occasions was repulsive and immediately dealt with. This indicates the nature of Mi’kmaq life, I would

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^74^Upton 9

^75^Steckley & Cummins 225

^76^Personal communication: February 4, 2004
extend this to all First Nations and Natural Human [sic] societies globally, was feminine and society was *ordered feminine.* [emphasis his] Unlike what constitutes Mi’kmaq community life now—a direct consequence of patriarchy brought by the church and social norms imposed by English [sic]—there is no cultural base of the feminine existing for the time being in our communities. I would also extend this circumstance to many eastern communities, perhaps many other First Nations throughout Turtle Island.77

Miigam’Agan further explains the role of persons we identify as warriors as “persons who would be asked by the people to “right” the imbalance before [emphasis hers] the activity would get out of control and spread.”78 Furthermore, Miigam’Agan addressed “the courage of these ones who would have a balanced sense of themselves.”79 Gkisedtanamoogk adds to this stating,

I believe this was a cultivated intergenerational intention of the community—and it is quite possible that the people would ask those ones, especially, to restore harmony—good relationship. Another mode of this action is tantamount to the Plains Warrior’s ability to demonstrate his courage and bravery by touching his adversary, commonly referred to as counting coup. The term the Mi’kmaq have applied to the concept of Warrior is *Sma`gnisg* [SMAH gin nisk]...the inference of touching as, “repulsing” and “making small” 80

Upton remarks upon the Mi’kmaq ethic when he states, “the record shows that the Micmacs were conspicuously law-abiding citizens.”81 The role of the “warriors” in Burnt Church over the last three years exemplifies the pivotal role of traditions as a guiding principle of the Mi’kmaq political system. Given this concept of warrior and of the community structure existing in an ‘ordered feminine’, I contend that the women of Burnt Church have remained active in the maintenance of their community’s harmony and indeed have actively engaged in ‘righting the balance’ by peaceful resistance in order to protect their nation.

The axioms of the political spheres of Mi’kmaq society are closely connected with the economic sphere in the seasonal hunting, fishing and gathering patterns of the Mi’kmaq.

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77 Personal communication: February 4, 2004
78 Personal communication: February 4, 2004
79 Personal communication: February 4, 2004
80 Personal communication: February 4, 2004
81 Upton 148
The people moved with the seasons in a regular cycle. Small bands frequented the coast in January for smelt, tom cod, seals, and walrus. Slightly larger groups spent the critical months of February and March inland, hunting for game: beaver, moose, bear. By the end of March the people were moving back to the coasts to congregate in villages where they lived from April to October taking fish, shellfish, lobster, crabs, and eels in season and intercepting the spring and autumn migrations of wild fowl. From July to September their diet was supplemented by berries, nuts, and roots. As October approached, the village began to break up as the people retired inland in smaller units to hunt, take fish from the rivers, and catch the occasional wildfowl.\(^{82}\)

This account describes the ancestral nature of the fishing industry of the Mi’kmaq. It also counters the argument put forth by non-Native fishers that the Mi’kmaq did not fish lobster historically. The previous description of their trade economy, while illustrating the prevailing fishing industry, does not demonstrate the impact of the colonists on Mi’kmaq communities. In questioning the issue of conservation an interesting argument presents itself in the historical record of hunting in the late 1700’s. It has been recorded that “in the winter of 1789, gangs of English poachers killed off a reported 9,000 moose and caribou in Cape Breton alone. During the next few years, there were reports of starvation among the Mi’kmaq.”\(^{83}\) In addition, the impact of settlers is further commented on by an Indian Commissioner. “The erection of dams across the rivers have destroyed some of the best salmon and alewive fisheries in the Provence.[sic] The best shore fisheries are occupied by the white inhabitants, from which the Indian is some times driven by force.”\(^{84}\) The Commissioner not only describes an impact on the resource by settlers, but also the negative encroachment felt by the Mi’kmaq economy.

Furthermore, through this seasonal cycle, the Mi’kmaq would trade their goods with other Natives in Canada and the United States. Revenue was achieved through vast trading networks among the Wabanaki confederacy along Canada reaching the lower regions of the United States. The generation of revenue was achieved through exchange and gift giving systems used by

\(^{82}\)Upton 2, Steckley & Cummins 52

\(^{83}\)Steckley & Cummins 53

\(^{84}\)Gonzalez 55
Native nations. The generation of commodities was accomplished through the seasonal settlement patterns based on hunting, gathering and fishing seasons. This surplus was then accumulated for trade with other nations in order to meet the needs of the community e.g. trading of coastal fish for corn.

The economic structures of the Mi’kmaq are based on the community. Economy was derived from the need of individuals contained within the whole and their affiliation with other Native Peoples’.

The Tribes of the Americas had economies linked together by need. Horticultural Tribes traded their farm produce for the pelts and meat of the hunting Tribes. Salt and other minerals that were scarce in one Tribe’s territory could be acquired in exchange for products or produce in another’s. In some instances, the Tribes that traded with your own were located halfway across the continent. Their trading patterns were not entirely dissimilar to those among the nations of Europe.\(^{85}\)

These trading patterns amongst various Native Peoples’ pre-date the influence of the European trade system. One could assume that the Europeans, in assessing the trade patterns of Native peoples’, were motivated and eventually successful in the fur trade by offering European trade goods to Native people, within existing Native trade networks.

The Mi’kmaq economy was based on the attainment of food stuffs and necessities that followed a seasonal cycle. However, with the influx of settlers the traditional economic system based on a collectivity could not be retained to any great extent.

The ethnohistorical data from the mid-19th century suggests that while the Micmac ideal continued to be the communal sharing of property, their real behaviour, influenced by governmental pressure and the realities of their economic situation, began utilizing private property as one of their economic mechanisms and the nuclear family gradually grew in importance as the basic economic unit.\(^{86}\)

The change in property from communal to private is also influenced by the settlement patterns of the Europeans as well as the establishment of the reserve system in the 1940’s. No longer were the Mi’kmaq able to travel their hunting and gathering routes as the encroachment of the settler

\(^{85}\)Paul 34

\(^{86}\)Gonzalez 66
made the Mi’kmaq trespassers in their traditional districts. Natural resources that were once readily available to the Mi’kmaq economy became the property of the Crown and/or settler. The land base and access to natural resources by the Mi’kmaq would be determined by the government.

The government of New Brunswick, now for the first time armed with legislative authority, issued its instruction to the several commissioners. The first task was to determine how much of the Indian reserves should be given to the Indians, at the rate of fifty acres per head of family. When this was done, the Indians were not to ‘interfere’ with the balance of the land in their reserves, which would be offered for sale by advertisement in the Royal Gazette.87

Policies such as this reduced the economy of the Mi’kmaq from that of a once thriving community to one that would decline continually over time to its current state. The land base for the Mi’kmaq whose territories once covered the east coast were reduced in 1802 to “9,035 acres on the Tabusintac River, 240 acres at Burnt Church Point, and 1,400 acres on the north side of Burnt church river.”88 The current land base of Burnt Church is 9.57 square miles, an obscene reduction from the original territories.89

This brief look at the political and economic spheres of Mi’kmaq society is further reflected in the social structures of the communities. The social structures provide us with an understanding of the ethical and social construction of the community.

It has been noted that “in Aboriginal civilizations, one competed to provide the most to the community, whereas, in European civilizations, the competition was to see how much one could accumulate for oneself.”90 This practice has often been the basis for misunderstandings between Native and Western societies. Canadian society works on the basis of individualism, whereas some Native societies focus on the benefits of collectivity.

87Upton 108
88Upton 99
89Additional forms of revenue were gained through the use of Mi’kmaw men as guides and the selling of handicrafts produced by the women.
90Paul 7
No personal poverty was found among members of the Tribe because all citizens had access to the same level of support from the community. Each citizen was well aware of the laws of the culture, which dictated that all would be provided for equally and that no one in the community would be neglected or left destitute if their fortune should fail... The social welfare system of Micmac civilization greatly reduced anxiety and provided a ‘safety net’ for individuals.\textsuperscript{91}

This suggests a commitment by individuals to work together for the benefit of the whole community. This holistic approach is fundamental to the worldview of the Mi’kmaq people and was manifested in the communal fishing strategy put forth by the Esgenoôpetitj First Nation.

A realization of how the complexities of a communal society worked can be comprehended when we examine Mi’kmaq society on a micro level. In realizing how the effects of community impact the individual we are better able to understand how individual behaviours are controlled through group influence. Upton provides an explanation of this practice. He states,

With no experience of external restraint, the Micmacs learned to exercise self-discipline. The band was too important to all its members, too dependant on the collaboration of all, to permit much indulgence. If anger was aroused, it was most often dissipated by mocking the antagonist behind his back. Extreme provocation could produce a fight, but it was a purposely ineffectual one...\textsuperscript{92}

This use of humour is a common tactic used by the Mi’kmaq people as a measure of control and healing.

A character trait of Mi’kmaq society is the importance placed on family, extended familial relations and the practices of mothering and marriage. In Mi’kmaq society “The group that ate together was the unit of social life. It consisted of an extended family around a chief and included some of his married sons and daughters and their families and sometimes other relations through either the male or female line....”\textsuperscript{93} This cohort of relations worked towards the common goals of family economy, ceremony and governance. Hence, children were highly prized by Mi’kmaq families and the ideal was to raise many, since “they are [the] maintenance of their

\textsuperscript{91}Paul 14

\textsuperscript{92}Upton 7

\textsuperscript{93}Upton 5
fathers in their old age, whether it be to help them to live or to defend them from their enemies. The cohesiveness of the family unit is fundamental to the interactions of Mi’kmaq society. As stated in the above quote, the children were a necessary part of the societies economy-providing a means of revenue through hunting, gathering and trade- as well as defending their relations from enemy forces.

The Mi’kmaq also had a very different approach than did most Europeans at this time to their children’s autonomy in the practice of marriage.

One of the best examples of individual freedom in Micmac society is found in its courtship customs. If a boy wished to marry a girl, he had to ask the permission of her father before the courtship began... The father would then usually give the young man his permission to approach his daughter to ascertain if she was willing to involve herself romantically with him... The Micmac did not force their children into loveless marriages. Love was the prime factor in creating marital bonds between Micmac couples .... Although not much mention of divorce is found in European records of pre-colonization Micmac, that it was practised is another example of their respect for human rights.  

It can be presumed that with this approach to problematic marriages and the muted levels of physical violence, Mi’kmaq communities of this time had an ideal social system, and, as the current literature on Native societies indicates, have suffered drastic changes with the influence of European ideologies.  

Recognizing the need to assimilate Mi’kmaq into colonial society the government of the time saw an opportunity through the avenues of marriage.

...Some policy makers, particularly within the Whig ministry in London after 1715, hoped that intermarriage would facilitate the absorption of the Mi’kmaq into a protestant colonial population. Phillips became governor with the assimilation of the Mi’kmaq as an official long-term aim. His instruction directed him to offer subsides to any colonists who married Mi’kmaq partners.

94Gonzalez 15

95Paul 11, Gonzalez 15

96 Refer back to page 5 for a discussion of violence in an example by gkiesedtanamoogk. Also see Anderson (2000) 94-98

97Plank 72
It was the belief at the time that the Mi’kmaw person once married to colonials would then choose to become part of that society. It was also hoped that the children of these marriages would be raised in the traditions of the colonial parent, thus becoming further removed from Mi’kmaq traditions and in effect speeding up the process of Mi’kmaq cultural erosion. This concept of assimilation is further addressed in the views of the colonials at that time, for “the whites viewed them with contempt or compassion, but always as a dying breed whose usefulness had passed.”

By highlighting the health policy of Mi’kmaq societies we can begin to grasp the holistic approach to their communities. A fair representation of a community can be seen through its health policy. The following statement was made by a Mi’kmaw man sharing his opinion on health pre- and post-contact. He states,

It is true that we have not always had the use of bread and of wine which your France produces; but, in fact, before the arrival of the French in these parts, did not the Gaspéians [French name for the Mi’kmaq] live much longer than now? And if we have not any longer among us any of those old men of a hundred and thirty to forty years, it is only because we are gradually adopting your manner of living, for experience is making it very plain that those of us live longest who, despising your bread, your wine, and your brandy, are content with their natural food of beaver, of moose, of waterfowl, and fish in accord with the custom of our ancestors and of all the Gaspéian nation. Learn now, my brother, once for all, because I must open to thee my heart: there is no Indian who does not consider himself infinitely more happy and more powerful than the French.

Not only did the Mi’kmaq recognize the impacts of settlers on the health of their community they also recognized the need to heal within the traditions of the nation. “...the Micmacs saw illness as a matter for both physical and spiritual attention. ... [and] the Micmacs had an array of medicines. ...” which they employed with the aid of their traditional healers.

The spiritual beginnings of the Mi’kmaq help us to cultivate an understanding of a Nation
Unlike our own.

Mi'kmaq story keepers or historians say the Mi'kmaq nation forged its origins a thousand years before the rise of the great civilizations of Mesopotamia and Egypt. The ancient ones are said to have returned to the Atlantic provinces of Canada after the Ice Age (Jenu) at least eleven thousand years ago, following the great herds of caribou across the developing tundra. By 5000 BC, the people began calling themselves Nikmaq, a possessive form indicating awareness of their spiritual and collective unity. The concept is roughly translated as “my kin friends.”...Around the tenth century AD, a large number of Ni’kmaq chose to organize themselves into a tighter spiritual and interactive community. Their fidelity to the community was labelled Mi’kmaq-the un-possessed form of Nikmaq-and distinguished the spiritual community from other Aboriginal peoples. The union among the Mi’kmaq or allied people was called Awiktatulik (many families living in one house). It comprised six sakamowit and was the spiritual equivalent of a national confederation.\textsuperscript{101}

This story provides the context in which we can see the application of the traditional grouping patterns of the Mi’kmaq into their current community structures, such as the grouping of family homes into a cluster pattern within the Esgenoôpetitj community.

In discussing the varying aspects of the Mi’kmaq culture an interconnectedness has become evident. The fundamental values of these connections are best expressed in the following: “The worldview of Mikmaki had an order that a respectful human could participate in but not presume to possess or own. The Mi’kmaq had an obligation to protect this order and a right to share its uses; however, only the unborn children in the invisible sacred realm had any ultimate ownership of the land.”\textsuperscript{102} This recognition by the Mi’kmaq of the inability to possess land refers to their belief that “everything, animate or inanimate, had a spirit power, a Manitou, which governed its existence and its relationship to human beings.”\textsuperscript{103} Belief in Manitou’s and the protocols associated with this belief continue to regulate, for many Mi’kmaw, their interactions with the environment. As such, issues of exploitation of natural resources—as put forth in the lobster dispute—are directly in conflict with the fundamental belief of their society.

\textsuperscript{101}Henderson 30

\textsuperscript{102}Henderson 32

\textsuperscript{103}Upton 10
It has been recorded that Mi’kmaq society embraced Christianity more so than most Native nations. While this is true, it is also important to note that some of the Mi’kmaq of current Esogenoopetitj adhere to the fundamental practices of their worldview regardless of the fact that this worldview has been subjected to overwhelming oppression from Colonial governments and present day Canadians. During the colonial era, as stated by Henderson, “the fact that the missionaries were able to pass such basic tests in the arts of prediction and medicine meant that the Indians were willing to gratify them by observing the formalities of the Christian religion.”

Although, “the Mi’kmaq accepted the principle of the universal brotherhood of man, but rejected the ideas that God had a special commitment to any one people and that political control and cultural tutelage resided with the aristocracy, either European or Aboriginal.” This suggests the acceptance of Christianity into Mi’kmaq practices, but not the extinction of their traditional beliefs as recorded in the Mikmaw Concordat.

The Mikmaw Concordat (1610) was an agreement between the Church of Rome and the Mi’kmaq that was recorded in a wampum collar. It symbols recite the points of agreement which ensures the Mi’kmaq the right to accept or deny catechism, the maintenance of their language and traditions as well as retain their imperium, dominum and rights, none of which are to be transferred to the Holy See. They will also retain their seven hunting districts and ceremonies, nationhood, prosperity and sharing. The Mi’kmaq agree to maintain peace with the Church and share the word of Christ with others. They agree to take part in baptism and encourage others to do so as well. Within this agreement the Mi’kmaq state their position as equals to the European leaders and monarchy. This agreement also hinders the Holy See from forcing Catholicism onto the Mi’kmaq in their territory and records the great chiefs’ baptism. The Church also agrees to protect the Mi’kmaq from other European monarchies. Additionally, they may erect churches and attend meetings of the Mi’kmaq. As a result the Mi’kmaq adapted Catholicism into a

104 Upton 22
105 Henderson 95
106 Henderson 88-89
hybrid religious practice.

I have highlighted aspects from the political, economic, social and spiritual sphere of Mi’kmaq society based on textual research. Also noteworthy is the potential of gaining information regarding Mi’kmaq history through the oral accounts traditionally passed on in the community. An example of which is the telling of the Mikmaw Concordat where “oral tradition keeps its terms alive in the Mi’kmaq mind and faith and in Mi’kmaq catechism.” That noted, it can be stated that oppressive, assimilative policies have been forced upon the people of Esgenoōpetitj for centuries and at times have almost consumed the Mi’kmaq person. Fortunately, the people of Esgenoōpetitj have been able to resist these policies and maintain their identity. The resistance to oppressive and assimilative policies is key to understanding the dispute in Esgenoōpetitj, whilst recognizing that the tactics employed by the government and its agents were new attempts at old policies.

**The Contemporary Mi’kmaq Nation**

Having briefly discussed the sovereign Mi’kmaq nation of Gespeog in a historical sense, it is now time to turn to the historical experience of the current residents of Esgenoōpetitj with the French and English settlers and the government from the early twentieth century.

Following contact, Mi’kmaq societies were influenced and subjected to colonial intrusion which was manifested through varying acts and policies designed to eradicate traditional Mi’kmaq structures and assimilate Native peoples into Canadian society.

In 1951, the 1876 Indian Act was replaced with revised legislation which allowed some self-rule within the reserve system. One chief was elected from each band, along with councillors, each of whom represented 100 band members....By 1959, twelve micmac bands were organized by the federal government and control was directed from either the Shubenacadie or Eskasoni agency. It is critical to note that a ‘measure of self rule’ does not mean ruling under the traditional practices of the Mi’kmaq nation, but a self rule that is strictly controlled by the dominant

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107 Henderson 87

108 Gonzalez 98
government within the confines of the political systems of the Canadian nation. The community of Esgenoöpetitj is run under the current Indian Act system of Band Council government. The Band Council is led by its Chief Wilbur Dedam and fellow councilors, although they are not accepted by a small cohort of traditional members of the community as leaders. Moreover, the traditional people within the community adhere to their traditional Mi’kmaq council, but this council is not recognized by the Canadian government in matters of the state.

An additional tactic utilized by the government to assimilate Mi’kmaq people into Canadian citizenry was through the economy. By altering and/or controlling the traditional economy of the Mi’kmaq, the government provided itself with the means to strengthen its assimilative policies. The following is an example of such a tactic.

The Micmac reserve resettlement program of the 1940s coincided with the Colonial Development and Welfare Acts of 1940 which created new techniques for accomplishing the goal of Indian assimilation. Resettlement provided a means to administer centrally the formerly scattered Micmac reserves. Under this program, Native Canadians were ideally to develop their local, indigenous economy based on the reserve resources of fishing, forestry and mineral rights and local talent of, for example, handicraft work. Since Micmac natural resources were few, there was little to develop and the resettlement program resulted not in self-sufficiency, but in extreme dependency upon government social assistance programs.\(^{109}\)

What this translated into, for the residents of Esgenoöpetitj, is a decreased economy by restricting their traditional forms of existence as well as altering their seasonal relationship to the land on which their social and ceremonial systems were based. Moreover, the resulting dependency on assistance programs is evident when examining the demographics of the community in the last decade. The statistics I will address refer to land base, employment, housing and education.

The community itself is small in terms of land base and population. The reserve has a land base totalling 9.57 square miles\(^{110}\) starting from the west, adjacent to New Jersey, running

\(^{109}\)Gonzalez 97

\(^{110}\)See Appendices I for map
east around the bay to Diggle Point and North to Highway 11. The main street, Front street, runs from the Burnt Church wharf across the bridge towards Diggle Point road. This road leads down to the ceremonial grounds and is the location of the arbor that was burnt in 2000. The community is a lightly forested area leading up to the waterfront. The community infrastructure is laid out in circles with the original intent to have clans grouped together in the same cluster and all interconnected. The total population is estimated by Statistics Canada at 1002.

The unemployment rate for 1996 as reported by Statistics Canada was at 35.6%. In 2001 this had increased dramatically to 51.9%. The impact of high levels of unemployment can be seen in the high percentage of homes needing extensive repair. According to the 1996 census, out of the total private dwellings in the community, 59% are in need of major repair decreasing to 49% in 2001. The average total income in 1996 was $10,939 for men and $11,523 for women, with the women being more often employed in white collar work and men in seasonal work. For the 2001 census we see mens income decreasing to $10,474 a difference of $465.00 per year with women increasing to $11,989 a difference of $466.00 per year. Interestingly, the average total income for men in the province, according to the 2001 census is $30,298 and women with 19,024 this is a difference of 19,824 and 17,835 respectively. In understanding the extreme differences in total income for Mi’kmaq persons to New Brunswick’ers it is hard to understand the rhetoric of the “greedy” Native. It also brings to question the assumption and claim made by the non-Native fishers that the Mi’kmaq fishers were going to attain financial rewards that would surpass the standard for the non-Native fishers, so much so that it would be unfair, unequal and unjust. Moreover, a community based report has demonstrated that the actual unemployment rate for the community is between, 70-90% with a full time employment rate of up to 13%, and this is often seasonal. The largest age cohorts are persons aged 25-54 and 5-14 years at 43% in 1996 and 33% in 2001 and 22% in 1996 and 46% in 2001, respectively. These statistics do not present a positive illustration. What can be surmised is a young community of substantial population located on a small land base with little opportunity.

There is almost no industry to speak of in the community. There are a few small stores and a gas station located on the reserve. The majority of the inhabitants work in the community in areas of hunting, fishing and logging. There is a school, health centre, meeting centre and community centre located on the reserve. While there have always been fishers in the community, as an industry it has remained minuscule in size.

What is a positive statistic is the high level of language retention and resurgence in the community. In 1996, 49.1% of the community have Mi’kmaq as their first language learned and understood, with 34.4% speaking the language within the home and 62.6% with some knowledge of Aboriginal language. According to the 2001 census this has changed to 47.2% with Mi’kmaq as their first language learned and understood, 46.1% speaking the language at home and 61.1% with some knowledge of Aboriginal language. As stated earlier, Esgenoōpetitj is situated between French and English New Brunswick. What is interesting then is that 49% of the population speak Mi’kmaq and English while only .01% speaks French. The significance of the high level of language retention is twofold. First, the traditions of the community are tied into the language. Orality is the means in which knowledge is shared, including such things as political systems, and ceremonial songs. Second, the maintenance of language can also be seen as a form of resistance to assimilation policies that were active in residential schools.\textsuperscript{112}

These statistics that demonstrate the demography of the community alludes to the significance of the Marshall decision and the changes it will bring demographically. Marshall brought Esgenoōpetitj to the forefront of Canadian media in the fall of 1999. It was then that the Supreme Court’s decision on the Donald Marshall Jr. case recognized, that as a Mi’kmaw man, Marshall had the right to fish for sustenance and livelihood. The courts based this recognition on the 1752 Treaty of Peace and Friendship. It is with the hope stemming from this decision that the people of Esgenoōpetitj began to develop a viable industry for the community, which up to this point had high unemployment rates.

\textsuperscript{112}http://www.statcan.ca/english/profil/Details/details1.cfm?SEARCH=BEGIN&id=282
As I have discussed, the relationship between the traditional Mi’kmaq and Canadian nations has oscillated over the centuries having its stress and strains. In 1999 again it entered a distressing time, but before we can enter into a discussion on the current events of Esenooopetitj, we must first address the essential responsibilities that Mi’kmaq women had and continue to have in Mi’kmaq society. These responsibilities were and continue to be significant in the decolonization of the community.

Mi’kmaq Women: Then and Now

The following discussion of Mi’kmaq women is twofold. First, I will begin with a general overview of the traditional responsibilities women had in the Mi’kmaq nation. This will briefly highlight their involvement in society through the political, economic, social and spiritual spheres. Second, I will then by example discuss the women of contemporary Esenooopetitj. This example was derived from my interactions with the women in the community, through informal conversations and interviews conducted in Esenooopetitj. While this discussion will be brief a comprehensive discussion will take place in chapter five focussed directly on the Esenooopetitj women’s resistance to the current state of colonization.

Historically, women played a vital role in the daily continuum of life processes. The following description addresses the activities women carried out pre- and post- contact. Common responsibilities of women were to “fetch flay game; bring wood; prepare skins-curry and sew them; make rush mats/ storage containers, leather purses decorated with porcupine quills, bark dishes, matacia (decorated jewellery), canoes, small boats and prepared bark for the houses.” These responsibilities ensured the economic survival of the community as well as maintaining a sense of health and well being.

Women further enhanced the community’s economy by participating in hunting and fishing. E. Gonzalez in her text; Changing Economic Roles for Micmac Men and Women

113Gonzalez 19
114Gonzalez 19
While the data for Micmac women's control of distribution is vague, inferences can be made about their position in the distributive cycle. Since women did control most of the food preparations, and were caretakers of the stored goods, it seems likely that they were involved in the distribution of the food on a daily basis.\textsuperscript{115}

This recognition in the distribution process highlights the crucial role of women in Mi'kmaq society. Along with their involvement in the distribution process, Mi'kmaq women aided the economy by the sale of handicrafts to settlers. However, Gonzalez writes, “Micmac women were confined solely to selling their handicraft. While white prejudices towards the Micmac obviously limited Micmac economic participation, the colonial sex division of labour rigidly circumscribed a very narrow sphere of economic activity for Micmac women.”\textsuperscript{116} The economic role women played in the community was not the only statement on their position.

Gonzalez also remarks that “the women in Micmac society were free to divorce without repercussions, participated in the \textit{tabagie} (feast) dancing and could become an \textit{aoutmoin} or shaman.”\textsuperscript{117} Their participation in these roles also illustrates the different position of Mi'kmaq women to their equivalents in colonial society. Women have continually played a vital role in Mi’kmaq communities. This role has been subjected to sexist policies of the colonial government, thereby decreasing their level of autonomy within a community. Additionally, the change of status for the women adversely affected familial and social systems. However, as we progress to the contemporary setting, we see resurgence in their level of autonomy in new, traditional and adaptive roles.

The sex division of labour on contemporary Micmac reserves mirrors that of Anglo populations, with women excluded from jobs requiring hard, physical labour. Micmac women are now allowed in the social or public sphere of the labour market from which they were excluded for the past 100 years, but this inclusion is limited largely to participation in the public service sector.\textsuperscript{118}

\textsuperscript{115}Gonzalez 22
\textsuperscript{116}Gonzalez 64-69
\textsuperscript{117}Gonzalez 19
\textsuperscript{118}Gonzalez 96
It can also be inferred that this relegation to the public service sector is reflected in the current employment rates of Esgenoôpetitj women.

To fully understand an Aboriginal community you must know about its women, and as is common in most Native communities, a major force in community organization is based on the efforts of its women. An example of one such historical female organizer is Seneca activist Alice Jemison. Throughout her life spanning from 1901-1964, Jemison a political activist worked tirelessly to fight the policies of the BIA in the United States, often, as a result of her activism, Jemison was labelled a fascist, traitor and a Nazi spy and put under surveillance by the Federal Bureau of Investigation. It has been said that Jemison "as a Iroquois woman in a matrilineal society with a long tradition of women’s behind-the-scenes political participation, she had the self-confidence that many nonIndian[sic] women lacked during this era." Jemison’s resistance along with her peers decreased the amount of land taken from Native Americans. As an example Jemison’s work evidences my claim that Native women have and continue to be active in resisting the colonizing policies of the state and had began the process of de-colonization before the term was common place. Moreover, as with Jemison’s efforts in fighting for the Seneca nation, the women of the Esgenoôpetitj nation-a few of whom I have been working with-are demonstrating the strength of Mi’kmaq tradition.

Community activist and organizer (described to me as a community matriarch) Miigam’Agan is actively working with the women to provide support in the community during the tense and emotional times since the Marshall decision. Women such as Miigam’Agan and fellow organizer Lisa Lambert have taken active steps of resistance and self-determination by actively pursuing the rights of their community. The following excerpt is just one example of the work these women are doing. This excerpt is taken from a letter titled “Burnt Church presentation to the National Aboriginal Advisory Committee,” sent November 4, 2001.

Miigam’Agan and Lisa state:

The following listing of several complaints from the community is not a complete recording of all complaints and stories but rather serve to demonstrate, in a highlight fashion, the enormity of the risks to the community public trust and positive relationship-building with the RCMP... As of this date, one may be hard-pressed to find any community member willing to work with the RCMP in a trust-building activity.\textsuperscript{120}

The following four instances are samples of the complaints listed in this letter. They are as follows;

At one time, September 16th, white fisherman actually fired semi-automatic weapons at the Esgeno\-petitj fisherman, fisheries officers, and the community, endangering children, elders, women and men who gathered at the shoreline. RCMP did nothing to intervene, move upon, discourage or arrest these fishermen at anytime.

During the 2000 Spring and Fall fishery of Esgeno\-petitj, human rights observer groups recorded federal enforcement officers engaged in hostility, brutality, and violence against Esgeno\-petitj fishermen and duly appointed Community fisheries officers...[confiscation of recordings] The human rights observer requested the return of the equipment and the record. One year later, the video was returned to the observer in a box of completely disassembled parts. Parts of the video record were erased...RCMP has attempted to demand and/or seize the video and audio records of the human rights observers.

The RCMP was equally engaged in ramming Esgeno\-petitj fishing dories, during enforcement activities of the DFO. During the 2000 fall fishery especially, the RCMP were assembled in full combat gear, including high caliber automatic assault rifles (these were recorded on a number of occasions).

\textsuperscript{120}www.aboriginalrightscoalition.ca
[regarding detained Esgenoôpetitj members] Human rights observers were denied by RCMP officers, for their efforts to photograph and record his bruises and condition. The observers were threatened with arrest if they attempted to record.  

Miigam’Agan and Lisa are just two examples of the women dedicated to community organization. These women work toward public awareness and are taking a stance in the fight for just treatment by Canada’s policing agencies.

The Mi’kmaq men and women of Esgenoôpetitj are working towards the re-stabilization of their community through economic, social and cultural development. Many community members are producing measures for future security by drawing on the fundamental principles of their traditional worldview. One measure utilized by the men and women was the development of the Esgenoôpetitj Fishing Strategy, thus allowing the community to begin to repair the damage caused by years of assimilation and acculturation perpetrated by the Canadian government.

The following chapter will discuss in detail the Peace and Friendship Treaties, including the amendments, as well as the translation of its meaning in contemporary times. It will also discuss the decision rendered by the Supreme Court of Canada on the Donald Marshall Jr. case, as well as how this decision is the foundation of the dispute in Esgenoôpetitj and the implied meaning it holds for all Native peoples’ in Canada.

\[121\text{www.aboriginalrightscoalition.ca}\]
Chapter 3. Laws and Treaties -Depending on Who You Ask?

The Maritime provinces of Canada are known for their friendly people, ocean breezes and eclectic culture. More recently, New Brunswick is also known for its “lobster wars” in Burnt Church. Esgeno̱o̱petitj is located on the northeast coast of New Brunswick and is commonly referred to as Burnt Church. It is home to one of the many Mi’kmaq communities residing in the Maritimes. This community is situated between the non-Native-English speaking community of Burnt Church, which consists mainly of retirees, and a French speaking community, Neguac, comprised of blue collar workers, woods-people and fishers. Over the last few hundred years Burnt Church/Esgeno̱o̱petitj and Neguac have generally had a congenial relationship.

During the formative years of the 1600’s the Mi’kmaq realized that a relationship with the French would be necessary due to the large numbers entering their lands. Once the Mi’kmaq communities established a trade association and entered into agreements with the French, the bond of Nation to Nation relations was constituted and a developing sense of loyalty to the French monarchy was established. Subsequently, the Mi’kmaq sided with the French in battles with the English. The Mi’kmaq fought the British in defense of their land, something few Native groups in Canada did.122

The foundation of the relationship between the Mi’kmaq and the French has a long history. It has been noted that:

The winter of 1606-07 was remarkable. It was the first time that the French and the Mi’kmaq lived together. Membertou’s123 village was only about five hundred paces from the French settlement or habitation. The Mi’kmaq visited the habitation daily, and they were included in most of the social activities, including the *order de nos temps* or dining club. Lescarbot124 wrote that the dining club was always attended by the Great Chief and visiting chiefs, as well as by twenty to thirty Mi’kmaq. All the colonists treated Membertou and the visiting chiefs as equal to Poutrincourt, who was the head of the

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122Steckley & Cummins 52

123Membertou’s Village is named after the Mi’kmaq Chief Membertou.

124Marc Lescarbot was a French Lawyer who was put in charge of the Port Royal settlement. Henderson 80
This neighbour-to-neighbour relationship was strengthened by the war against the British. The first war began in 1722, and led to a treaty in 1725 with the British in which the Mi’kmaq exchanged their promise of peace for hunting and fishing rights in their territories. The signing of this Peace and Friendship Treaty was seen as a means of securing land and resources for the Mi’kmaq in the face of the constant encroachment of English colonists, and the failure of the French to hold back the English. The peace did not last long, as is evidenced by a Proclamation issued by Cornwallis, governor of Nova Scotia, on October 2, “to Annoy,[sic] distress, take or destroy the Savages commonly called Mic-macks, wherever they are found.” A bounty of £10 (pounds) was put on their heads, dead or alive. The conflict between the two lasted until November 1752, when the 1725 Treaty was reaffirmed. Peace was re-established in 1762, but the situation became tense when the Americans sought Mi’kmaq aid in the American Revolution.

This brief discussion has led us to the point in which the amended treaties of 1760-61 were signed, and is the focus of the Marshall decision. Before we go any further into the discussion of Marshall, let us return to the period in which the initial treaty was signed. It is imperative to understand the conditions in which the treaty was signed. What was the meaning for the signers? What was the quality-of-life relationships of the parties involved and how, if at all, did this influence the treaty-making process?

Treaties between nations who have different languages and worldviews are often problematic. The definition of a treaty in-of-itself can be fundamentally polar. To understand this polarity and the future problems associated with the interpretation of treaties the following perspective on treaty-making from a Mi’kmaq perspective is illustrated.

125Henderson 80
126Steckley & Cummins 53
127Upton 52
128Upton 52
In speaking with the gkisedtanamoogk and Miigam’Agan\textsuperscript{129} they explained their perspective on treaties and what a treaty means within a Mi’kmaq context.

We feel that the idea of treaty-making was not a development of western understanding, that is, legal and political authority, control, consequential risks, because to an earth-based, balance-seeking harmony, such social orientation, does not produce a product of \textit{ruling by force of violence}. [emphasis theirs] The course of “governance” (even the term “to govern” implies power over and disassociation, hierarchical not balance social context)[sic] is ante thematic to a life system that is collaborative and cooperative, consensus-making decisioning.[sic]\textsuperscript{130}

Miigam’Agan further explained the context of treaties in the Mi’kmaq worldview as being an …idea [that] is really about acknowledging the relationship as whole and inclusive, Creation, and the diverse life around us, provided “instruction” and relationship. The idea then becomes more a \textit{relationship} [of] \textit{connections} [emphasis hers] than the current \textit{law-based} [emphasis hers] ideology of treaties. We have an \textit{understanding} [emphasis hers] with MANITOU that we live according to the life instructions, and in that understanding, there is no place to be violent, aggressive, greedy. At all times, we are living and dwelling in the house of MANITOU, so we thereby, live accordingly. We only had to agree \textit{one time} [emphasis hers] rather than committing to an endless series of treaties that change by human whim, circumstance, and intent.\textsuperscript{131}

What is interesting about her statement is the underlying belief that treaties need only be signed once. Therefore, one could hypothesize that the amended treaties stemming from the 1725 agreement, conducted on a nation to nation basis, were mere protocols of the British in the eyes of the Mi’kmaq, and only served to strengthen the intent of the original agreement.

Miigam’Agan continues in her explanation of the treaty-making process by stating that, the spiritual side of the treaties, were actually the only side, when bringing the \textit{Sacred} [emphasis hers] into the agreement, we understood that the nature of what was said was meant to be kept, adopted into our sense of continuing bond and obligation, the responsibility of keeping one’s word perpetually. Much like wedding vows, one does not enter in and on-going-systemic ritual of vow-making; once said and committed to, is most

\textsuperscript{129}gkisedtanamoogk is a committee member and cultural guide. Miigam’Agan as previously stated is a matriarch in the community, a traditional women and my mentor in the community.

\textsuperscript{130}Personal communication: February 4, 2004

\textsuperscript{131}Personal communication: February 4, 2004
certainly enough, if we value [emphasis hers] our personal integrity and honour.\textsuperscript{132}

The Mi'kmaq sense of responsibility extended beyond the act of treaty-making to the well-being of the Confederacy. This is evidenced by decisions made prior to the treaties of the 1700's by the Mawiomi. "The Mawiomi sought to avoid the Black Legend\textsuperscript{133} and warfare in Mikmaki by bringing its allied people under the protection of the Holy See and into the reformed Holy Roman Empire"\textsuperscript{134} This was based on a new civil code that had been adapted by the Holy See from the Crown of Castile's, \textit{Leyes de la Indians} (1494).

The new civil code, drastically limited any theory of conquest or practice of genocide on Aboriginal Americans. The civil code sought to enfold the rights of Aboriginal peoples in a sacred and profane law....They acknowledged Aboriginal rights on a sound Catholic conception of man and all his qualities in the individual, social and political spheres.\textsuperscript{135}

Furthermore, the Crown, having witnessed the ongoing activities of the settlers in the new world, returned to the \textit{Leyes de la Indians} in 1551 and "eliminated both the word and concept of "conquest"... Additionally, it provided that restitution be made for encroachments on antecedent Indian property."\textsuperscript{136} Unfortunately, this strategic move by the Mawiomi did not protect them or their lands moreover; the civil code did little to protect the rights of the Aboriginal people in the 1700's.

During the years 1722-25, wars were ongoing in North America between the British and the French as well as the Native nations who were allied with them. To end these wars an agreement was reached. "On 15 December 1725, an agreement was signed, though the terms stipulated that each village would have to ratify the treaty....The Mi'kmaq, Maliseet, and

\textsuperscript{132}Personal communication: February 4, 2004

\textsuperscript{133}The Black Legend was the act of self-poising and the fleeing of the Taino peoples to escape the Spanish. Henderson 49

\textsuperscript{134}Henderson 75

\textsuperscript{135}Henderson 53

\textsuperscript{136}Henderson 72
Passamaquoddy were to ratify the treaty at Annapolis Royal in British Nova Scotia." This agreement was the basis of the 1726 Peace and Friendship Treaty that was to be later signed by the Mi’kmaq, among others. Contained within this peace agreement were clauses that guaranteed the Mi’kmaq the same quality of life they had previously enjoyed. As described by Upton,

The treaty of 1726 was confirmed and all recent warlike events ‘buried in Oblivion with the Hatchet’... so long as they Continue in Friendship,’[sic] the band was to enjoy ‘free liberty of Hunting & Fishing [sic] as usual,’ and the Indians were invited to come to Halifax at any time for trade. The Treaty or articles of the Peace and Friendship was quickly embodied in a printed proclamation to ensure the widest distribution.\textsuperscript{138}

This treaty, as described by historian W. Wicken in his text, Mi’kmaq Treaties on Trial, contained two key articles, that of peace by the Mi’kmaq and the reciprocation of that peace by the British. He also notes that this was the first treaty to be made with the British.\textsuperscript{139}

The British wanted the signing of this treaty for many reasons. Obviously one aim was to end the decimation of their numbers, which, with the aid of the treaty would enable them to protest the use of the Mi’kmaq by the French when there was conflict.\textsuperscript{140} This would also secure land and resources for the arriving settlers and allow the fishers of the now eastern United States to move to Nova Scotia to further develop the fishing industry without fear of attacks from the Mi’kmaq, which the signing of the Treaty of Utrecht in 1713 was unable to do. As Wicken states.

Great Britain had obtained from France the right to occupy Acadia ‘with its ancient boundaries’ at the same time, by signing the 1726 treaty with the Mi’kmaq, Great Britain was acknowledging that its dominion in Nova Scotia would thereafter be exercised through the framework negotiated with the region’s indigenous inhabitants, the Mi’kmaq

\textsuperscript{137}William, Wicken. Mi’kmaq Treaties on Trial: History, Land and Donald Marshall Jr. 71

\textsuperscript{138}Upton 54

\textsuperscript{139}Wicken 28

\textsuperscript{140}Wicken 109
and Maliseet.\textsuperscript{141}

To date, the relationship between the Mi’kmaq and the British seems to be one that is mutually beneficial. As Wicken further explains:

The British intended the treaty to regularize relations with a non-Christian, non-European population--in effect, to create a legal relationship between their king and the Mi’kmaq that was different from the one between their king and his natural-born subjects. This legal structure explicitly recognized the Mi’kmaq’s special status as inhabitants of a territory over which Great Britain claimed dominion but who lived outside the boundaries of British civil society.\textsuperscript{142}

Again, the relationship appears to be one of balance, recognizing the Mi’kmaq as a separate and distinct group from the British, and it contains articles that specifically address the needs of the Mi’kmaq and further recognize their entitlement to the land. Wicken continues:

The treaty guaranteed that the Mi’kmaq could continue to exercise customary rights to their ‘lands,’ and restricted the areas where future British settlement could be made. Settlements ‘lawfully to be made’ were those which did not infringe on the areas the Mi’kmaq used for planting, fishing, and hunting. In effect, the treaty placed the onus on the British to determine that the lands they wanted to settle were not being used by the Mi’kmaq.\textsuperscript{143}

The Chiefs representing their districts had a daunting task- they were to obtain the best agreement possible for their communities. Along with guaranteeing a land base on which to live, the Chiefs were also encouraged to secure a means of revenue beyond that of the pre-contact era. For the Chiefs,

...their tribes had not directed them to propose anything further than there might be a Truckhouse established for furnishing them with necessaries, in Exchange for their Peltry, and that it might, at present, be at Fort Frederick. Subsequent passages from the same date suggest that these proposals were integrated into the written text of the treaty, though by implication rather than by including the language of the discussion in the treaty document.\textsuperscript{144}

\textsuperscript{141}Wicken 73

\textsuperscript{142}Wicken 116

\textsuperscript{143}Wicken 127

\textsuperscript{144}Wicken 227
Conversely, the agenda of the British was,

a process that attempted to resolve the fundamental contradictions between a hunting and gathering society in which the spoken word was the principal means of communication and remembrance, and an expansionary trading nation that had reduced its laws to writing and planted them in a legal code intended to defend the economic interests of the country’s political and economic elites.\textsuperscript{145}

As previously stated, the relationship between the Mi’kmaq and the British had entered into a time of peace and a mutual recognition of the others’ society as stated in the 1726 Treaty. Why then was there a need for a renewal of the original treaty in 1760-61?

Historical records show us that the treaties and the clauses contained within were not upheld. More settlers were arriving displacing the Mi’kmaq communities, invading their traditional hunting, fishing and gathering territories and placing boundaries on lands once shared by all Mi’kmaq. This encroachment pushed Mi’kmaq further away from their traditional seasonal cycles and infringed on their quality of life. This then lead to retaliation by the Mi’kmaq.

Not only were the settlers a problem for the Mi’kmaq, British officers also ignored articles of the treaties and incited acts of violence and genocide on the Mi’kmaq. Interestingly, as noted by Upton, “the French at least acknowledged that they were intruders by paying what amounted to a form of rent in the shape of annual presents of arms, ammunition, food, and cloth.”\textsuperscript{146}

This encroachment on lands was felt by the Mi’kmaq of the present day communities of Neguac and Burnt Church, where some 3,500 Acadian refugees settled by 1755.\textsuperscript{147} The Mi’kmaq faced dispossession of their lands and infringement on their natural resources, however, they were also increasingly faced with the racism and prejudices of the settlers. Gonzalez notes, “The

\textsuperscript{145}Wicken 222

\textsuperscript{146}Upton 36

\textsuperscript{147}Wallis 45
Micmac were surrounded by large numbers of unsympathetic Anglo populations who regarded them initially with deep suspicion and hostility, based on their fear of Micmac guerilla attacks and uprisings. Based on the racial panic of the settlers, officials such as Cornwallis and Lieutenant Governor Lawrence were given the opportunity of just cause validating the need to bring violence once more to the Mi’kmak communities. Upton quotes Cornwallis as saying, “when there is a good fort on the Cignecto Isthmus, then it will be possible to ‘harass & hunt them be Sea & Land until they either sue for peace or leave the colony.’” Additionally, Lawrence issued a proclamation which called for “hostilities to be committed on the Indians’ with cash for prisoners or scalps.” These directive were pursued in the hopes of freeing up more lands and natural resources for the good of the empire.

Based on the fears of the settlers and actions of government officials, it becomes clear why the 1760-61 treaties were needed as amendments or re-ratification of the 1725-26 treaties. Also, known as the Maserene Agreement, after Captain Paul Maserene of the Nova Scotia council who was present during treaty negotiations. This agreement was to form alliances and improve relations between the Mi’kmaq/Maliseet and the colonists residing in the areas of New Hampshire and Nova Scotia. The re-ratification of the 1725-26 treaties was conducted in order to ensure continued peace. The British were fearful of the warring prowess of the Natives in the area west of Montreal and needed the Mi’kmaq to protect their place in the Maritimes. Notably, as suggested by Wicken “the process of treaty making was ridden with contradictions, more so when the issues forced the negotiators to grapple with the cultural background of their counterparts. As in 1726, the Mi’kmaq and British had difficulty conceptualizing each other.

148 Gonzalez 49
149 Upton 52
150 Upton 56
151 Wicken 86
152 Wicken 192
The terms of the 1760-61 treaties included eight points of agreement. They were: 1. The renewal of the 1725 Treaty; 2. Any transactions that occurred during the war were to be buried forever and the Mi'kmaq granted favour, friendship and protection; 3. The Mi’kmaq were encouraged to bring tribes into the peace agreement as well as inform the British of any pending attacks; 4. They would retain ‘free liberty’ to continue to hunt and fish, as well as have a ‘truckhouse’ to trade goods and sell the proceeds of their hunting and fishing; 5. Twice a year they were to receive provisions such as flour and bread; 6. Once a year they were to receive tobacco, shot, powder and blankets as a continued sign of their submission and peace; 7. There were to save all persons and goods found shipwrecked and return them to Halifax for reward, and 8. Any conflicts between the Mi’kmaq and the settlers would be settled in the court with equal rights to both parties. 153 (Need footnote). It was this renewal of the earlier treaties in which the Mi’kmaq promised to maintain peace and not molest [retaliate against] any British persons.

It is unfortunate that the Mi’kmaq do not have the ability to revisit that time. I am sure they would have rethought the treaty-making process if they knew that their rights were to be continually denied and the treaties would later be used by the oppressor as a means of imprisonment. This imprisonment took many forms which are still evident today. Their ceremonies were imprisoned, they were imprisoned in poverty, and their children were sent to residential schools, to name but a few. To understand how the process of imprisonment occurred, one just has to understand the perspective of the British. This perspective becomes clear in the following quote. Gonzalez states:

When the Micmac scare waned, British policy focussed on providing the Micmac with supplies—in part to maintain their pacification...While the British characterized these provisions as charity, these goods were in fact payment which the Micmac were to receive in exchange for the cessation of hostilities.154

The perspectives of the groups involved of this time are still present today, and it is the basis for

153 www.mikmaway.ucbc.ns.ca/treaty
154 Gonzalez 50
much of the ongoing dispute in Esénoòpetitj. What is called interpretation by one group is
called misinterpretation by the other. What is clear is that “the nineteenth century saw the rights
of the Mi’kmaq constantly trampled. English squatters moved onto officially declared Mi’kmaq
land, sometimes even taking over Mi’kmaq farms when the owners were away. The Mi’kmaq
fought back through legal channels.” It is through the legal channels that brings us to the
contemporary time of the Donald Marshall Jr. Decision.

**Marshall Decision:**

The Marshall trial took two years to reach a verdict (1994-1996) and another three years
(1999), for the now famous Supreme Court ruling. William Wicken, expert witness in the trial,
describes the foundation of the case. He states:

> To live, Marshall needed an occupation. In 1993 he was fishing, and selling the fish he
cought to purchase things he did not make, including items for his personal use such as
food and clothing. Though Marshall is Mi’kmaq, he was fishing within an economic and
political system based on different precepts than had held during his ancestors’ time.

Marshall, having been wrongfully imprisoned once before by the Canadian legal system, was
once again imprisoned, this time through circumstances dictated by the economy.  

The Supreme Court decision of September 1999 resulted in the affirmation of treaty
rights. Section 15 of the Supreme Court document refers directly to and emphasizes the
following portion of the treaty. It states:

> It is agreed upon that the said Tribe of Indians shall not be hindered from, but have free
liberty of Hunting and Fishing as usual and if they shall think a Truckhouse needful at the
River Chibenaccadie or any other place of their resort, they shall have the same built and
proper Mechandize [sic] lodged therein, to be exchanged for what the Indians shall have
to dispose of, and that in the mean time the said Indians shall have fee liberty to bring for
Sale to Halifax or any other Settlement within this Province, Skins, feathers, fowl, fish or
any other thing they shall have to sell, where they shall have liberty to dispose thereof to

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155 Steckley & Cummins 53  
156 Wicken 25  
157 Marshall was wrongfully convicted of murder in 1971 of Sandy Seale, a teenager from Sydney, N.S. He served
eleven years in prison.
the best Advantage [their Emphasis added].

This clause clearly defines the right of the Mi’kmaq to sell their goods as well as stating the British responsibility to provide such a place as to conduct sales and exchanges.

To further enhance our historical understanding of the treaties and the Mi’kmaq, we also need to address the Aboriginal rights of the Mi’kmaq Nation. These rights went unrecognized until 1984, when the “‘other side’ of the Mascarene agreement was discovered in the public archives, which spelled out the obligations of the English to respect, among other things, the hunting and fishing rights of the people.”

The Mi’kmaq have always known their rights, how they were given to them from the Creator since time immemorial and recognized by the English Crown in the signed treaties. It is these treaty rights, which have been re-affirmed by Canadian law, that the Mi’kmaq of Eszenoôpetitj are continually evoking in the contemporary context.

When discussing rights it is necessary to differentiate between Aboriginal rights and treaty rights, especially in the case of Marshall and Eszenoôpetitj. Wicken explains the difference as follows:

A treaty right stems from the words used in an agreement between an aboriginal community and a European government....An aboriginal right, in contrast, stems from the fact that aboriginal people were the first inhabitants of North America. Prior occupations of aboriginal communities are thought to provide them with certain rights that non-aboriginal people do not enjoy...Today the treaty and aboriginal rights of Canada’s aboriginal peoples are protected under Canada’s 1982 Constitution. Section 35 (c) of the Constitution reads: ‘The existing aboriginal and treaty rights of the aboriginal peoples of Canada, are hereby recognized and affirmed.’

This complication, the difference between Aboriginal rights and Treaty rights, often results in the

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158 www.droit.umanitoba.ca/doc

159 Further discussion on “truckhouses.” Clause four refers to commerce between the Micmac and the British and begins with the declaration that the natives have “freedom to hunt and fish and that if they deemed a truckhouse necessary for their commerce, such would be constructed on any site they wished... A promise was given the Indians that twice a year they would be provided with bread, flour and other necessitates” Gonzalez 44

160 Steckley & Cummins 131

161 Wicken 6
media reporting misleading accounts and reasoning for the actions occurring in Esbeno-opetitj. This fosters the misunderstanding of the issue by the general Canadian public, often based on the lack of education in the language of Native rights and sovereignty. Consequently, we frequently hear the non-Native saying, “What about my rights?” Before going further into the issues of resistance and the decolonizing methods of the women of Esbeno-opetitj, let me further clarify the meanings attached to the Marshall ruling.

The two most asked questions are: 1) Do the Mi’kmaq have the right to a commercial fishery beyond the needs of sustenance and ceremony? If so, do they have the right to regulate it? 2) Is it clear in the ruling that the Mi’kmaq have the right to fish for both personal and commercial reasons, as well as the right to regulate their own fishery? The first question regards the right to fish for sustenance and ceremony. What needs to be addressed is the interpretation of these rights in a modern context. Community member L. Lambert in an interview states, “but now we want to trade our lobster for money. Oh no! We can’t do that, that’s black marketing. We can’t take our lobsters and go down the road and say- give me what ever you can give me-what do you have for trading-because money is needed to pay the phone bill, pay the cable bill.”

This dilemma is also addressed by the ruling wherein it states:

Treaty rights of aboriginal peoples must not be interpreted in a static or rigid way. The are not frozen at the date of signature. The interpreting court must update treaty rights to provide for their modern exercise. This involves determining what modern practices are reasonably incidental to the core treaty right in its modern context.

The ruling states that it is within their treaty rights.

...The September 17, 1999 majority judgment, the framers of the Constitution caused existing aboriginal and treaty rights to be entrenched in s. 35 of the Constitution Act, 1982. This gave constitutional status to rights that were previously vulnerable to unilateral

162 Lambert 7
163 www.droit.umontreal.ca/doc
extinguishment. The constitutional language necessarily included the 1760-61 treaties...\(^{164}\)

However, a major point of contention by non-Native fishers is the selling of lobster for economic gain, which they feel is beyond necessity. But, also contained within the ruling is a discussion of the term “necessaries.” Section 58 and 59 of the ruling addresses the term “necessaries.” The ruling states:

The concept of ‘necessaries’ is today equivalent to the concept of what Lamber J.A. in R, v. Van der Peet (1993), 80 B.C.L.R. (2d)75 (C.A.), at p. 126, described as a “moderate livelihood”. Bare subsistence has thankfully receded over the last couple of centuries as an appropriate standard of life for aboriginals and non-aboriginals alike. A moderate livelihood includes such basics as ‘food, clothing and housing, supplemented by a few amenities,’ but not the accumulation of wealth. It addresses day-to-day needs. This was the common intention in 1760. It is fair that it be given this interpretation today.\(^{165}\)

Further explanation of the ruling and a statement by Judge Embree includes the following:

the trade clause gave the Mi’kmaq the right to engage in a commercial fishery. On this issue, he accepted the opinion of the three witnesses who had stated that fish would have been one of the items the Mi’kmaq would have traded at the truckhouse: It’s my conclusion that the British would have wanted the Mi’kmaq to continue their hunting, fishing and gathering lifestyle. The British did not want the Mi’kmaq to become a long-term burden on the public treasury.\(^{166}\)

It is clearly stated that the Mi’kmaq have the right to develop and enhance a commercial fishery in their communities, a right that is recognized by the highest court system in the nation of Canada.

The second question, which remains the most problematic, regards the right to regulate. The DFO feel they have the right to regulate and the actions of the residents of Esgenoôpetitj are in opposition to the law. The MFU also feel that the Esgenoôpetitj fishers should be regulated under the same policies that they follow, but the Supreme Court has in this instance, too, recognized Aboriginal treaty rights. “To the Court, the minister’s absolute authority limited


\(^{165}\)www.droit.umontreal.ca/doc

\(^{166}\)Wicken 214
Marshall’s ability to make a moderate living by fishing, and therefore the federal fisheries legislation was an infringement of his treaty right.” The Court also continues to clarify the issue of regulation by stating, “Since such an intervention by the minister would constitute an infringement on a Mi’kmaq community’s commercial rights, the Court stated that the Mi’kmaq must be consulted. If no agreement was possible between the government and the community, the matter would have to be resolved by the courts.” A major problem for the community was the government’s postulations about a negotiated agreement. As stated by gkisedtanamoogk,

There was never [emphasis his] any agreement process—how could the process be labeled such when the fedcan [sic] 1. Unilaterally drafted a document; 2. Would not allow a lawyer for the community to be present and question the document; 3. Would not discuss major alterations; and 4. Was completely adamant about not discussing any other plans—especially the Community’s Fishery Management Plan. This convinced us of the agenda of the fedcan [sic] was particular to closing any venues for a treaty-based fishery.

However, this decision has not been adhered to by the government of Canada. The DFO, while postulating their good faith in negotiations, had never read the Esigoopetitj First Nation Fishing Strategy (EFN-FS). It has been noted that talks ceased, or as in one instance, the Minister—upon seeing a crowd—drove right through the community without stopping. In 2000 there was wide media coverage about the use of a “neutral mediator,” former Ontario Premier, Bob Rae. Intriguingly, the media coverage of his frustration at not being able to mediate an agreement between the two parties regarding the fishery did not include his questionable neutrality. Nor did it include the government’s refusal to have mediators representing both parties. Also, what was not often discussed was the high level of pressure exerted on the residents of Esigoopetitj to sign the agreement that was clearly in favour of the government. This again raises the question of Rae’s neutrality.

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167 Wicken 228

168 Wicken 233

169 gkisedtanamoogk. Personal communication. 2003

170 A community member expressed to me in conversation that Rae pressured the community to agree to the government’s terms.
No matter if we are addressing the matter historically or in a contemporary context, the underlying premise is of interpretation. Was there a clear understanding of the treaties by both parties? If not, how does this impact on the solidity of the agreement? Can we interpret meaning rationally out of context (without the necessary cultural knowledge) at the time of the agreement? What factor does language, in its entirety; play in the meaning attached to the signing? These are large questions with difficult and controversial answers. Wicken attempts to address the issue of language, when he states:

This contradiction between the act of treaty making and the language of treaty making underlines the paradox of British-Mi’kmaq relations. Treaty making made the Mi’kmaq active participants in creating the laws that would govern their relations with British settlers. Yet the language of the treaties, which included references to the ‘submission’ of the Mi’kmaq to the British monarch, suggested that the Mi’kmaq community’s right to exercise a will independent of the colonial polity was being contained.  

As stated in the previous chapter, Mi’kmaq society was based on an advanced democratic process. It is also based on this political structure that the Chiefs had the ability to enter into treaties and negotiate terms and conditions beneficial to the community.

There is no question that the Tribes entered into the treaty making process as independent nations without ever intending to surrender this status. ...(1) the Tribes had fully functioning political and social systems, (2) they had well defined territories under their control and management, and (3) they were responsible human beings who had developed cultures that were meaningful and responsive to the liberty, security, and needs of their people. What else must a free nation possess?  

The Supreme Court ruling is one of the last acts legally confirming Mi’kmaq treaty rights. These rights originate in the eyes of Canada in first the treaty of 1726 onwards to the renewal in 1760. This was followed by the 1984 recognition of the Mascarene Agreement up to the present 1999 decision in which the Crown has continually recognized Mi’kmaq rights for a period of over two hundred years.

While it is impossible to glean the absolute intent of the signatories of the treaties, it is

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171Wicken 218  
172Paul 70
possible to interpret meanings that are reflective of the “state of mind” of the nations involved, regardless of the questions regarding language. What is now a recognized fact is the right of the Mi’kmaq people, as well as the whole Wabanaki Confederacy, to establish a commercial fishery.

Based on this ruling and the sections that I have highlighted, the Mi’kmaq of Esgenoôpetitj began to enhance their fishing industry. Current arguments suggest that the residents of Esgenoôpetitj had exceeded this right and were acting in ways that the non-Native fishers have suggested are greedy. In the proceeding chapter I will discuss the eventual signing of the DFO’s stipulated fishing agreement and the meaning this had for the community. There is one final point reflective of this chapter and the legal relationship between Canada and First Nations. According to Wicken, “At the trial of Donald Marshall Jr, not one Mi’kmaq had testified.”

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Wicken 234
Chapter 4. From Marshall to Mayhem:

A time-line of events and the parties involved.

It is 1999. The Marshall decision has been announced and the people of Esigenoopeditj have begun fishing. For the next three years the landscape of the Miramichi Bay will change into a war zone. This chapter will outline some of those events of the three year period, as well as introduce the different groups of people and organizations involved.

All around the small community wharf in Burnt Church men, women, children, old people, Native and non-Native, English and French had began the process of change. As the fishery debate unfolded, the relationships between Native and non-Native neighbours experienced drastic transformations. I would argue that a significant amount of these changes in the relationships are enhanced by the women’s resistance to the oppressive policies of the DFO in accordance with the mandate of the federal government. The events stem from the Marshall ruling and the rights entrenched in the Peace and Friendship Treaty. Up to this point I have introduced and discussed the Mi’kmaq nation furnishing the necessary history for this story. Now it is time to discuss the change from Marshall to mayhem.

What is unequivocal from the ruling is the undeniable right of the Mi’kmaq to develop a viable economy based on the lobster fishery.¹⁷⁴ This is not to propose an uncontrolled lobster fishery, as the DFO and Maritime Fishermen’s Union (MFU) would suggest, but a fishery regulated by the community. The issue foremost at hand was whose fishing strategy should be implemented, and what did this mean in economic terms for all fishers? Also at issue was a treaty-based management plan that would be controlled by the community without interference from the Canadian government. The DFO demanded the implementation of its strategy, and the Esigenoopeditj residents resisted this plan and wished to implement their own. The key difference between the two strategies lies in the regulation of the fishing, which involves the length of the season, quantity of stocks to be fished and the assertion of sovereignty.

¹⁷⁴This fact has been contradicted by both the MFU and the DFO.
The following is a general time-line of key activities occurring since *Marshall* in the fall of 1999. During October of 1999 the residents of Esgeno-opectij experienced devastating losses when their equipment was destroyed by non-Native fishers,\(^{175}\) predominately orchestrated by the MFU, not excluding other non-Native fishers. The MFU represents over 1,800 fisher owner-operators who reside mostly in the provinces of New Brunswick and Nova Scotia. They work to maintain a sustainable inshore fishery in coastal communities. The MFU was founded in New Brunswick in 1977. Local 1 of the MFU covers the Miramichi region. The organization grew around the Gulf of Saint Lawrence where fishers were fighting the gillnet herring fishery from the intrusive fishery practice.\(^{176}\) They focus on the fishing of lobster, supported by other local fish and shellfish species.\(^{177}\)

The mandate created by the MFU is the protection of the fishing stocks, and in turn the protection of the income of their members. Based on this mandate, the MFU presented a report to the Federal Standing Committee on Fisheries and Oceans.\(^{178}\) Some of the major arguments put forth by the MFU are as follows: The claim that over the last twenty years there was general egalitarianism in the lobster fishing areas, wherein all fishermen had equal opportunity and access to the species. They felt the DFO allowed Esgeno-opectij to drain lobster stocks out of season, and that their fishermen were being displaced. They also claim that Esgeno-opectij represents 10% of the number of operations during the legal season and a potential loss of $20,000 in income per license holder. Interestingly, this decrease in revenue would reduce non-Native fishers to the income level currently attained by the Mi'kmaq. Conversely, this would increase the standard of living for the Mi'kmaq fisher to equal the non-Native fishers. Generally, the concerns of the MFU appear to be fear of a loss of annual income based on-as they perceive

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\(^{175}\) As recorded by observers and media.

\(^{176}\) Gillnet fishing is damaging to various species through needless fishing and endangerment to stock.

\(^{177}\) www.mfu-upm.com

\(^{178}\) www.mfu-upm.com for standing committee report.
it- an unfair, out-of-season access to lobster stocks as well as larger fishing quotas for the Native fishermen. However if we examine the Esgenoöpetitj fishing strategy we are presented with figures significantly lower than the perceived threat on stocks and income as suggest by the MFU. As stated by community member gkisedtanamoogk,

The Fishery Management Plan of Esgenoöpetitj voluntarily self-imposed a use limit of 5600 traps for commercial, food, and ceremonial purposes. This figure represents a total of 4 traps for every women, man and child of a 1400 community population. In comparison to neighbouring fishermen, the percentage is approximately .02%. That represents 2% of the entire Miramichi Bay fishery operations! One might wonder about the concern for the highly publicized “conservation” mandate of DFO and the MFU’s 10%.

On the issue of volatile events in Burnt Church, the MFU claim that they were driven to confrontations based on the government’s (DFO’s) inaction against Burnt Church. They are also alarmed at the possibility that other Natives would benefit from Marshall beyond coastal Mi’kmaq, citing the Maliseet and Passamaquoddy nations. (All three Nations were involved in the treaty). Interestingly, while admitting to confrontation that they were forced into, the MFU chooses not to justify the incidents in which they instigated the violence. The MFU’s statement regarding ‘forced confrontations,’ is the projection of responsibility of their actions onto the DFO as the ones who are accountable for the violence and not the members. The MFU also contends that the DFO has a responsibility to the Mi’kmaq, but only in a paternalistic, fiduciary way. Hence treaty rights should be compensated by the government and all Canadians, thus deflecting the direct impacts felt by the MFU. The MFU is suggesting that the federal government buy the treaty rights of the Mi’kmaq people, therefore satisfying the government’s obligations to the Mi’kmaq without impacting the current lobster fishery.

The activities of the MFU have served to heighten tension, provoking empathy from the audience, as mainstream society was presented with an image of the ‘poor’ non-Native fishers

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179 gkisedtanamoogk, personal communication. 2003
180 home.fox.nstn.ca
trying to make a living whilst the ‘villainous’ Mi’kmaq are destroying lobster stocks. Concerned about the level of violence in the community, and after careful consideration, the community invited the Aboriginal Rights Coalition (ARC) and the Christian Peacemakers Team (CPT) to Burnt Church. Both groups are observers concerned with human rights.

ARC is a coalition of national churches and church bodies working in partnership with Aboriginal peoples and community organizations. Through its actions, ARC seeks to build alliances and solidarity in the struggle for Aboriginal justice in Canada. ARC works on public education and action programs designed to support Aboriginal peoples towards:

- the recognition of Aboriginal land rights and Treaty rights in Canada;
- enhancing the economic and political development of Aboriginal nations;
- realizing the historic rights of Aboriginal peoples which have been recognized in the Canadian constitution and have been upheld in the court, including the right to self-determination;
- reversing the erosion of social rights, including rights to adequate housing, education, health care and appropriate legal systems;
- seeking reconciliation between Aboriginal peoples and the Christian community and Canadian society;
- clarifying the moral and spiritual basis for action towards Aboriginal and social justice in Canada; and
- opposing development and/or military projects that threaten Aboriginal communities and the environment.  

The following excerpt is taken from a letter written by Ed Bianchi, National Coordinator for ARC to Prime Minister Jean Chrétien, and demonstrates a form of support given by ARC. He states,

ARC is writing to appeal to your government to reverse your course of action in the fishing dispute with the members of the Esenosopetitj (Burnt Church) Mi’kmaq

[181]www.aboriginalrightscoalition.ca
community in New Brunswick. Specifically, ARC is requesting that you end all harassment of First Nations fishers and negotiate in good faith with the Burnt Church First Nations, with the goal of implementing the Aboriginal community’s Aboriginal and treaty right to fish.\textsuperscript{182}

ARC not only supports the issue of human rights in the forms of correspondence, members of ARC routinely place themselves within communities to observe ongoing activities. Ron Kelly is one such member and was interviewed by me during the fall of 2000. Ron described the process in which he, as part of ARC, became involved in the community.

The initial stages of his involvement revolved around numerous meetings with the community to clearly define the needs of the people. Members of ARC also participate in training programs specifically geared to working in Native communities. After receiving approval from the community and council, observers then become regular visitors and often establish meaningful relationships within the community. Ron also speaks to the concerns of cultural differences. He found for the most part that once the people of the community understood the intentions of the group, he was welcome and would be hard pressed to recount an instance that would keep him away from the community.\textsuperscript{183}

The Christian Peacemaker Teams (CPT) was also an observer group present in the community of Esgenoôpetitj. The following is taken from the CPT’s EFN [Esgenoôpetitj First Nation] Human Rights Report titled, \textit{Gunboat Diplomacy: Canada’s Abuse of Human Rights in Esgenoôpetitj}.

The CPT is an international violence-reduction initiative of Mennonites, Brethren, Friends and other Christians. CPT was invited by the lobster fishers from Esgenoôpetitj First Nation (Burnt Church, New Brunswick) to be present during the 2000 fishing season in the hopes of helping prevent a recurrence of the violence seen in the previous years fishing.... In the course of the CPT’s six months in the area, the team saw a systematic denial by Canadian government officials of the rights of Esgenoôpetitj First Nation (EFN) to fish under its own Fisheries Act. This report summarizes 22 incidents in which the rights of EFN or its fishers were violated by Canadian officials. EFN fishers were harassed and arrested and EFN fishing traps and boats were confiscated. This

\textsuperscript{182}ww.afn.ca/burnt%20church/letters%00support/ed_bianchi.htm

\textsuperscript{183}Kelly 3
enforcement of Canada’s Fisheries Act, and the over-riding of EFN’s right to fish, were often accompanied by an excessive and even reckless use of force. Throughout the conflict, Canada appeared to be unwilling to engage in any serious dialogue with EFN. Contained within this report are recommendations for a peaceful resolution, a record of human rights violations perpetrated against the people of Esgenoôpetitj and a discussion of international human rights law.

The Department of Fisheries and Oceans works under the guidance of Canadian government and the Department of Indian Affairs. During the period of analysis, the department Minister was Herb Dhaliwal. His agenda was to implement the Aboriginal Fisheries Strategy (AFS) in Esgenoôpetitj. The AFS was created in 1992, in response to the Sparrow decision. The main objectives of the AFS are: licensing of Aboriginal fisheries, conservation, controlled management, increased self-sufficiency of Aboriginal communities and the transfer of current commercial licence from non-Native fishers to Native fishers. Noteworthy is the fact that the 1992 AFS is in contradiction to the ruling of the Marshall decision. This will be discussed by National Grand Chief Matthew Coon-Coome in the section dealing with the Assembly of First Nations (AFN).

The year 2000 still had numerous confrontations. During one such confrontation, the DFO were videotaped ramming a Native fishing boat, sending Native fishers overboard and sinking their vessel. This was shown across the nation through media agencies such as the Canadian Broadcasting Corporation (CBC) and on American TV. This was also one of the few times the media utilized a report that portrayed the level of violence committed by the government. Nevertheless, this did not end the raids and seizures of Native equipment. Furthermore, Minister Dhaliwal imposed a deadline at which time the community had to stop

184 www.cpt.org/canada/enreport.htm

185 Sparrow forced the DFO to respond to the constitutional right of Aboriginal peoples to fish for sustenance, beyond the current practice. The DFO’s answer to the increased involvement of Aboriginal peoples in the fishery was the development of the AFS. Noteworthy, is the ongoing debate surrounding the sale of the fish and all aspects associated with this process.

186 www.dfo-mpo.gc.ca
fishing.

The violence escalated, as communication between the two sides diminished, when the community continued to fish past the deadline imposed by Dhaliwal. In response to the standstill in negotiations, former Premier Bob Rae was sent to mediate between the Mi’kmaq and the government. However, due to the continual impasse in negotiations, Rae quit by September 21. During this time period we also saw a rise in support for the community’s resistance. Other First Nations and non-Native support groups utilized different forms of protest—such as the blockade initiated by a Penticton Chief—to demonstrate the unfair and unjust actions by the government.¹⁸⁷

During this period of mayhem we also saw the MFU demanding action from the government, strongly expressing their desire for a moratorium during the fall fishery. Concurrently, the Mi’kmaq Nation of Esenoõpetitj decided to manage their fishery. The following excerpt was taken from official statements given by Minister Dhaliwal. On September 21, 2000, in response to the community’s decision, he stated,

The government of Canada is committed to successful fisheries for Aboriginal communities. And I personally take that commitment very seriously. The Marshall decision was very clear that the fishery must be regulated, not only for conservation, but also for other justifiable objectives. Those other objectives include economic and regional fairness, and recognition of the dependance of many non-Aboriginal groups on the fishery. And while increasing Aboriginal communities’ access to the fishery, we cannot lose sight of those other important principles [orderly, regulated, and conservation-oriented fishery].¹⁸⁸

The following year, on October 23, 2001, he went on record as saying, “The Burnt Church First Nation has fished lobster under a DFO food licence since August 20th, setting most traps within the authorized fishing zone. When lobster traps were found outside the zone, many Burnt Church fishers voluntarily moved them within the boundaries.”¹⁸⁹ What is not said is how the


¹⁸⁸www.dfo-mpo.gc.ca/COMMUNICAT/statem/marshall-sept21e.htm

boundary line had changed continually at the hands of the DFO officers. Residents often spoke of their frustration of this invisible floating line that seemed to change location with each new wave.190

The previous discussion of the DFO was to highlight some of the issues and ongoing discourse surrounding Native fisheries. It has also provided a brief insight into the perspectives of each group involved in the dispute. While far from encompassing all the nuances of the three year period, it does provide a contextualization of the DFO’s and other’s positions, while we keep in mind the community issues of managing and developing a fishing economy. The final group to be discussed is the Assembly of First Nations (AFN). The AFN is a national organization of First Nations groups across Canada. One of its mandates is the just and equitable treatment of First Nations in Canada, including treaty rights, land claims, social and economic issues, to name but a few. The group is comprised of elected Chiefs from across Canada and is headed by a national Chief. The national Chief at the time of writing was Matthew Coon-Come. Former National Chief Ovide Mecred is also been active in Esgenoöpetitj having spent time in the community since the dispute arose.

The following remarks are directly quoted from National Grand Chief Matthew Coon-Come and his response to the Esgenoöpetitj issue. On August 17, 2000, he stated:

First of all, the people who are saying this is about race-based standards need a basic lesson in Canadian law and their own constitution. We have always been Nations and Peoples. This unique status has always been recognized in Canadian law, and, since 1982, has been entrenched in Canada’s constitution. One aspect of this status it that we enter into treaties with the Crown...The Minister has said that he has offered Burnt Church 17 licences and 5,000 traps. I understand that in this zone alone there are 240,000 traps being used by the non-native fishery. Burnt Church sees a gross disparity between the Mi’kmaq and the non-native fishers in the area, and they seem right...In 1996, the Royal Commission on Aboriginal Peoples called for a fundamental redistribution of natural wealth and resources in this country, to end the cycle of poverty and dispossession faced by our peoples. In the Marshall case, the Supreme Court of Canada took a small step in that direction by affirming the Mi’kmaq treaty to benefit from the Atlantic fishery...In April 1999 the United Nations Human Rights Committee ruled that the Canadian status

quo is a violation of Aboriginal peoples’ most fundamental human rights, including our peoples’ rights to never be deprived of our own means of subsistence.\(^{191}\)

The words of Grand Chief Coon-Come reflect the dichotomy that is ever present in Canadian Native relations. This dichotomy is present between Native peoples’ and Canadians in all levels of society, from social economic status, housing, human resource and development to access to health services. Unfortunately, supporting voices are often lost in the sensationalized activities between the DFO and the Mi’kmaq. However, Esgenoôpetitj has still benefited from having a national organization such as the AFN publicly address the clashes in the community, through its ability to produce positive media coverage which focuses on the questionable actions of the Canadian government and citizens before a national and international audience.

During 2001 we saw continued acts of violence and confrontation. The media arrived with the fall fishing season and began its mass coverage. Also occurring during this time period was the imposition of fishing limits on the Burnt Church fall food fishery by the DFO. These limits greatly reduced the amount of lobster the community could access. They restricted their fishing operation to the use of small boats with 900 traps to catch lobster for food and ceremonies. Moreover, none of their catch could be sold, it had to have DFO tags and all the fishing had to occur within the one week. However, Esgenoôpetitj resisted these limitations and continued to fish. The DFO’s response was to extend the fall food fishery to the end of October.

Throughout the fall fishery, the community was in a continual state of chaos. Police were set up in strategic groupings in all areas of the reserve and the surrounding outskirts. DFO officers were pervasive on the waters patrolling the small bay. They were also flying overhead hourly in order to monitor activities. MFU fishers and other non-Native fishers were continually arriving in flotillas, staging ‘protests’ and charging the wharf. Observers were stationed throughout the community, as well as varying onlookers interested in the events. Beyond these groups there were also groups of warriors and rangers patrolling the community.

When a newsworthy event occurred, within this highly charged environment, the

\(^{191}\)www.afn.ca/press%20releases%20&%20speeches/remarKks_of_national_chief
community was overwhelmed with even more media personnel and locals. Often, any activity, even one as innocent as two neighbors parked on the road chatting, sent the whole population into a state of panic. Basic activity in the community was altered and daily functions took on new meaning and considerably more effort. What is startling is the contrast between the state of mayhem that occurred during the fall fishery and the physical tranquility that arrived when it ended. As a means of coping with this state of chaos the community, in trying to maintain a normal quality of life, organized and successfully implemented a Cultural Camp for the children of the Esgeoôpetitj.

The cultural camp was held on nearby reserve lands in Tabusintac. I claim that this camp is in itself an act of resistance to the oppressive force used by the state. This event organized by the women and other community members is part of the decolonization process. During the period of the camp the children experienced numerous aspects of their culture. For some this was a revitalization of previous cultural knowledge for others it was an introduction to Mi’kmaq epistemology. Of further importance to the activities of the cultural camp was the mending of previous misconceptions that many of the children may have had based on the role of the armed forces of Canada in relation to Canadian/First Nations relations. A group of soldiers from the Gagetown base were active in the proceedings of the camp. Thus, the children were presented with an image of the Canadian policing state that was not directed at them as a means of control and terror, but as a means of friendship and cooperation. The cultural camp was a resounding success, enabling the children to escape from the terrorization occurring in the community and to gain knowledge of their life ways.

On August 1, 2002 an Agreement-in-Principle was signed between Burnt Church and the DFO. It should be noted that many of the people I worked with in Esgeoôpetitj were opposed to the signing of this agreement by the Band Council. The agreement states that the Mi’kmaq will have 21 multi-species licenses, totaling 34 licenses along with boats and fishing gear. They will also receive an increase in their snow crab quotas by 225 tons as well as the necessary vessel for fishing. Next, funds will be allotted for upgrading vessels as well as training both onshore and at
sea. In terms of economic development for Tabusintac, the government will provide for a resort feasibility study. Also contained within the agreement is the funding of cooperative science projects, as well as cooperative fisheries management capacity. Additionally, funding will be provided for fisheries guardians for the first two years. Moreover, the DFO will enter a conservation protocol with the band. In regards to the much debated fall food fishery the agreement states that they can have 25,000 pound of lobster for food with an additional 5,000 for ceremonies. Fishing during this time will be heavily regulated and monitored with a limit of six weeks or reaching their quota. The spring fishery consists of one trap per person and ten traps per boat. In both the fall and spring fishery the sale of their catch is prohibited. One final component of the agreement is the allocation of funds for community outreach projects.¹⁹² At this time the impact of this agreement has not been fully actualized. It will be interesting to see how effective and viable the government fishing plan is in juxtaposition to the forecasted results of the community’s fishing strategy.

Throughout this chapter I have outlined the progression from Marshall to mayhem as well as introduced other key groups involved in the ‘lobster wars’ of the Miramichi. In sketching out the groups it is my hope that the reader will have a solid grasp of the setting for which the discussion of resistance and decolonization will take place. At this point I would like to turn the discussion towards the women of Esgeoçoëpetij.

¹⁹²http://nbenrenb.elements.nb.ca
Chapter 5: The Untold Story Told:  
E’piijig/Women’s Resistance and Activism in Esgeoôpetitj

How do we define resistance? Is it the act of a blockade, a march to parliament hill or can it be defined as one woman home schooling her children or another speaking her language? Resistance takes many forms from the smallest act by an individual to a gathering of nations to protest an event. For the people of Esgeoôpetitj resistance manifested itself in many activities from 1999-2001. These activities stemmed from a women-based and organized grassroots movement to stop the government and the Chief and council from reneging on treaty rights acknowledged by the Supreme Court of Canada following the 1999 Marshall decision. Moreover, the interpretation by the DFO of the ruling on issues of regulation and trade contradict the very foundation in which the 1760-61 treaty was negotiated and does little to recognize the spirit of an international treaty between nations. They also sought to empower and return women’s standing within the community to the level of respect inherent in their traditions thus enabling them to re-establish a whole and healthy community to raise their children in. Additionally, they working towards gaining their independence and sovereignty from the Canadian state, thus regaining control of their economy, government, social structures and spirituality.

I will specifically explore the women’s activities within this community throughout this chapter. A great deal of the information will be drawn directly from the voice of the women interviewed for this work, complimented by the current literature surrounding this area. I will begin with a brief discussion of decolonization as presented through Native women’s activism and the issues surrounding it. This will be followed by a general history of Native activism narrowing to specific sites of Mi’kmaq resistance. This will be followed by a discussion highlighting Native women’s relationships with their nations and then more specifically to Mi’kmaq women’s responsibilities within their nation. Having looked at this relationship and their participation within their communities I will explore the effects of colonization and patriarchy on the community and how these effects have altered the relationships between men
and women.

Having discussed the community’s internal relationship and current state I will then focus on why the women of Esgenoôpetitj are resisting the structures that surround them, for reasons such as child welfare and political equality and how they are engaged in acts of decolonization. The community’s activism resulted in changes within the relationships between the nations within Canada and indeed within the community. One key factor in the changing relationship between Esgenoôpetitj and the outside community was the influence of print media’s representation of Burnt Church resistance. This will be addressed two fold: first, how the relationships have changed between the people of Esgenoôpetitj, and second, changing relationships between the Mi’kmaq and outside communities, as perceived by the residents.

To set the contexts in which the discussion surrounding Esgenoôpetitj activism takes I will briefly discuss Native women’s resistance in general. Indigenous resistance is occurring globally and the process of decolonization is central to the Indigenous resistance movement. Native women activists are taking a leading role in the healing of their families and thereby healing of their communities and nations. Overall it can be said that Indigenous resistance and activism is a means of reinstating their desire for independence from the colonizing state. This resistance would then result in nations that are established on their traditional definitions of nationhood and moving away from the damaging effects colonization.

**Decolonization:**

Decolonization is a process to which a colonized people seek to dismantle the oppressive policies and structures. It is a means to re-examine these complex policies and structures in which their self determination is impeded by their ability to control social, economic, political and spiritual components of their society. Moreover, it has to have societal systems that are reflective of their worldviews, practices and rights from their perspective. This would then enable them to deal more effectively within their own systems such as, education, political, economic, and social health and welfare. It is a move to exert their legal sovereignty, independence, and a rediscovery of their own value and justice systems.
Decolonization, while beneficial for the colonized, is not without its problems. In seeking independence and a return to traditional ways of knowing the degree to which they return is often debated. Some may seek an idealistic return to the ‘old’ ways while others within a community may wish to see an integration of the fundamentals of tradition adapted to current circumstances. Additionally, while working towards independence from the colonizer, the community or nation also has to address issues of internal colonization that have become ingrained within their communities.\textsuperscript{193}

Misogyny, capitalism, and individualism are all western constructs that are now ingrained, to some degree, within Native communities, each with their own course of action and resulting reaction to dismantle their hold. This is often problematic, decades of the colonized mind set have ingrained principles that can not be fixed quickly and some may aspire too, or be resistant too, changing ways that have, to some degree, benefited them. If we look at Burnt Church we can see instances of this occurring within the government system, wherein band council, a state-controlled agency, has afforded particular members of the council a satisfactory lifestyle and they may not wish to return to a traditional form of government where their position of power will be reduced.

Furthermore, generations of some Mi’kmaq men, have accepted and practised patriarchy and are accustomed to the male- female imbalance currently in place. Other issues surrounding decolonization are the impacts it will have on the economy. Can the community sustain itself free from government support? Is it possible to decolonize but still receive government funds? When one considers options such as Treaty Federalism, the Native communities do not ‘drop out’ of Canadian society which means that they do not necessarily lose government funding. ‘Government support’ is very vague and the idea of what, if any, of it remains after decolonization is an important question. What are the governments responsibilities to treaties, how can they deal with Native communities, and are they willing to deal with Native

\textsuperscript{193} See Poka Laenui in Battiste & Henderson. \textit{Reclaiming Indigenous Voice and Vison}.
communities as nations? These are but a few of the questions that arise from decolonization. Moreover, the women of Esgenoôpetitj have determined that decolonization is the best solution to move from a state of assimilation to a healthy community and as evident by their actions, a process for which they are willing to make sacrifices. Scholar Jaines-Guerrero suggests,

In such a liberation movement, Native women can be seen as proactive agents of change leading the way as ‘exemplars of indigenism. This indigenous movement is about our decolonization; it is focussed on the recovery of our health and respective cultures, the healing of our mind, body and spirit among our kinship relations of both genders and all ages. Such a movement exists in reciprocity with our natural environment, and is part of our reclaiming our respective homelands for our liberation through decolonization.\(^{194}\)

The desire to see positive changes occur within their nations is a common goal of the Mi’kmaq women. They seek to create and re-establish communities in which respect and responsibilities to the whole stems from the epistemologies of their nation and not from the assimilated, colonized mind-set in which many have resided. Their sisters in Tobique, through their quest for equality and re-recognition of their authority, have created some of the most salient changes to the oppressive polices founded in the Canadian state against Native peoples. Similarly, Fay Balney in discussing the *Aboriginal Women’s Action Network* states.

Ultimately, decolonization cannot be achieved with a top-down approach. Capitalist systems ravage our collective ways of being. And within that capitalist framework, collectivities rank low in priority. Capitalism sustains patriarchal models, and patriarchal models that uphold nuclear families also ravage our collective ways of being. As Aboriginal women, who simultaneously experience colonization and neo-colonialism, misogyny and poverty, our challenge in resisting each of these forms of oppression is great. Our political activism teaches us that one form of oppression is never the same as another form of oppression.\(^{195}\)

Like the women of this organization and other Native women’s groups, many Mi’kmaq women are working towards the awareness and acceptance of their rights as Native women and away from the oppression they face daily.


\(^{195}\)Fay Balney in Anderson & Lawrence 168
A Brief History of Native Activism:

Before we can begin a detailed discussion of the acts of resistance organized and executed by the women of Eslenūpetitj, let us first look at a brief history of activism by Native women throughout the 1970's, 80's and 90's in both Canada and the United States. This will provide a basis of comparison for Mi'kmaq women’s activism, as well as insight into how a colonizing state reacts to resistance. This will be followed with the words of the Eslenūpetitj women as they share with me their stories of the “lobster wars.”

During the 1970's the American Indian Movement (AIM) were key players in the standoff at Wounded Knee, South Dakota. AIM was an organization created to challenge the states control over Native Americans and the treatment of their treaties. At this time the women were involved in the protest against the Bureau of Indian Affairs (BIA) and tribal council, namely Richard (Dick) Wilson and his goon squad. The women formed their own organization in response to the siege at Pine Ridge as it had become apparent that it was dangerous to be affiliated with AIM at that time. These Native American women formed WARN-Women of All Red Nations--becoming a national organization that worked towards the improvement of living conditions on reservations throughout the United States. WARN over the years has actively engaged in protests that seek to decolonize the conditions in which they live. They have been active in protests such as the occupation of Alcatraz in 70's and the genocidal practice of sterilizing Native women by Indian health services. Based on a grassroots movement these women work together in order to re-balance the relationships and reintegrate the leadership roles women play within their nations whether it be based on economic, social, environmental or political issues.196

Often, grassroots organizations created by Native women go on to become national organizations that work towards the betterment of Native women’s standing in society. These

organizations such as Friendship centres, mentor programs and Native women’s associations have been birthed from the notions of responsibilities and relationships. Furthermore, Native women see themselves as guardians of these notions. As Sylvia Maracle describes,

Their services started with tea and talk, and ultimately grew into sophisticated counselling and referral agencies. They gradually grew into the role of community development centres, attracting other Native women who were able to envision, and ultimately create, community-based agencies to look at specific needs in the areas of housing, employment and addictions treatment, to name a few. Many women provided important economic support to themselves and their families as they began to earn salaries in Aboriginal community organizations. These emerging organizations were symbols of pride in our communities. Out of nothing but a dream, an idea, hard work and the creativity of community women, they became our social safety nets, cultural education centres and agents of change.197

Like the Native women who worked to organize the urban community, women who lived on reserves also organized in order to defend, protect and educate. Women from nations across all of North America have gathered together in times of protest and resistance in order to provide support, leadership and strength to the communities in need. Evidence of these actions were prominent at Ipperwash and Oka. Women seeing the need to protect their children and preserve their culture have gone to exhausting lengths to see changes in their communities.

Mi’kmaq Resistance:

One such change was the creation of community based school. An example of this is found in the Mi’kmaq community of Indianbrook, during 1997 who, dissatisfied with the current education and treatment of their children, organized and successfully ran a culturally-based school within their community.198 Furthermore, Miigam’Agan made the important decision to resist state-imposed regulations and chose to home school her children, starting with her oldest child in the 1980’s. As she states,


I’m from Esgeomopetitj, I am a mother of three children and I home school all of them. I don’t know why I say home school because I just, I don’t know, just to accommodate, but I have taken full responsibility of raising my children. I have lived in Esgeomopetitj all my life.199

This statement is a reflection of one of the responsibilities Mi’kmaq women have within their nation. Within Mi’kmaq culture taking responsibility for your children is so much more than the term ‘home schooling’ implies because it transcends beyond the western notion of ‘school’ and encompasses a complete learning process based within Mi’kmaq culture that is incorporated into all aspects of home life’. But, in this case, I believe the term is used more so for the reader’s benefit so that we may understand the concept of which she speaks.

In the late 1970’s and early to mid 1980’s a small group of women from the Wabanaki Confederacy residing on the Tobique reserve in New Brunswick brought Native women’s rights to the forefront of national attention when they organized an occupation of the band office on their reserve. Initially, this group of women were seeking changes to the lack of housing in their community which placed them in dehumanizing conditions in which they and their children had to live. This grassroots movement continued onward leading up to the protest in Ottawa of the Indian Act’s institutionalized racism and sexism with its policy on the loss of status to Native women who married non-Native men. This small group of mothers, aunts, grandmothers, sisters and cousins--in their dedication and perseverance--effectively brought shame to the Canadian government on an international scale for its policy regarding Native women’s rights. The accumulation of their efforts and the efforts of other Native women and supporters brought about changes to the Indian Act which resulted in Bill C-31.200 Notably, this policy is still extremely problematic in its calculation of who is a status Indian in Canada. Moreover, “the Chief and council in maintaining the policies and acts of Ottawa testify to their wilful misogyny in denying status to their people” 201

199Miigam’Agan 1


201Gkisedtanamoogk, personal communication The children of Native women and the women themselves who regained their status through Bill C-31 were unable to pass on their status to the next generation.
While these women fought for better social conditions later in the decade both men and women were fighting for their treaty rights. On September 17, 1988, Hunters Mountain, Nova Scotia was a scene of resistance when Mi’kmaq hunters, under the regulation of their traditional council, and within their treaty right, participated in a Treaty Moose Harvest. Predictably, the state reacted quickly to this action with arrests and orders to stop the hunt. This demonstration and resulting reaction by the state is similar to acts of resistance that led to the Simon Decision in 1985, and a precursor to the Marshall Decision. All of these events were founded on rights entrenched within the 1725 Treaty. This action, like others, was a motivator for the summit that was to take place a year later. In 1989 Mi’kmaq communities gathered together in order to discuss treaty issues and all that is contained within. The end result was a “Declaration of Mi’kmaq Nation Rights, which reaffirms the Mi’kmaq commitment to the principles of self-determination, sovereignty, and self-government.... [And] a fair share of the natural, economic, and fiscal resources of this land called Canada.”

Access to and the sharing of resources has led to other acts of resistance. Alanis Obomsawin in her film, Incident at Restigouche documents such an event. In 1981, on the Restigouche reserve in Quebec, many Mi’kmaq began fishing salmon for food and income, and the government imposed regulations that where counter to the rights guaranteed within their treaties. Moreover, like Esgeoöpetitj, the women were active in this event by coming together to aid in this stand. It is startling to see the similarities of this event with those of Burnt Church, wherein, violence and confrontations between the Mi’kmaq and non-Natives ensued and previously recognized treaty rights were brought into question.


203The Supreme Court overturned the provinces charges against Simon, recognizing that he had a treaty right to hunt as established in the 1725 Treaty.

204Richardson 104

205Obomsawin, Alanis, Incident at Restigouche. National Film Board of Canada. 1984.45:57
Responsibilities of Native Women:

To understand how resistance and activism has impacted the women and community of Esengeoétitj it is necessary to understand the relationships between women and the social, political, spiritual and economic world wherein they exist. For many Indigenous women their relationship to the nation is based on an inherent tie to mother earth. She acknowledges her place within the broader spectrum of life and works towards fulfilling this relationship of reciprocity. First and foremost she has the responsibility to nurture the children and in doing so nurture the community, as explained by Rebecca Martell.

My mother helped me to realize that the foundation of a woman’s power begins with her own creation. This power grows when we carry the future of the people under our heart and is magnified in our service to family and community.\textsuperscript{206} Therefore, by instilling the teachings of her nation, it can be said that as a Native woman she is thus solidifying the place of cultural lifeways for future generations.

The film, \textit{Mi’kmaq Family - Migmaoei Otjiosog}, looks into one Mi’kmaw woman’s quest to learn and reaffirm her identity and traditions at the annual gathering at Chapel Island, in Cape Breton which began in 1740’s and is held each year in July. This film demonstrates the important relationships women have in maintaining their culture. Mi’kmaq women are the keepers of tradition within their communities. Often, younger women turn to the elder women to learn of these traditions and values so that they to may pass them on to their children. An example is of an elder lady sharing with the film maker the importance of remembering that what is spoken is heard by the child in the womb. Additionally, she speaks of how children are encouraged to explore their surroundings, through the example of a church, and ask questions as a method of learning.\textsuperscript{207}

Women are also directly and inexplicably involved in the social, political and economic


\textsuperscript{207}Martin, Catherine. \textit{Mi’kmaq Family- Migmaoei Otjiosog}. National Film Board of Canada, Atlantic Centre in association with Health Canada. 1995. 32:20.
decisions of their community. Prior to colonization, in most Indigenous nations gender was not used as a means of oppression but rather as a method to delineate responsibilities. In *Indigenous American Women*, Mihesuah refers to Katsi Cook, an activist in the Mohawk nation, as she describes traditional gender roles:

Mohawk women as 'having relationships, not roles, within the universe and within society. Within these relationships, there were responsibilities that were met as mothers, grandmothers, aunts, and daughters. From the bodies of women flow the relationships of the generations both to society and to the natural world. In this way is the earth, our mother, the old people said. In this way we as women, are earth.' She is also quick to say that despite this female power pervading the tribe, men and women have equal powers: 'the men have their council fire and the women have their council fire. This is a reflection of the balance and harmony between the genders.'

This concept of creation and women's responsibilities within creation is echoed throughout the interviews I conducted within the community.

During my time in Esqennopeetihi I found the women to be constantly active. These activities took many forms, such as: wife, mother, warrior and mediator. It was also apparent that the energy of this community was running dangerously low. While the people were always willing to share a story or a laugh you could also see the exhaustion in their being. As I proceed through this story the reasons for such exhaustion become apparent.

The remainder of this story draws heavily from the words of the Mi'kmaq women, men and supporters. This is their story therefore to show respect I have limited my summation of their words in order for the reader to learn about their lives, from their voice, during the 'lobster wars'. The following is how Miigam'Agan introduced herself for the interview and I feel it is an excellent foundation for the stories to follow:

In Mi'kmaq I would say that I was born here and my work is here, [this is] one level of translation, its just so much more than that. That's just maybe one percent of the meaning of what that is, it talks about that I choose to serve at this point of creation and that I have taken on, that I carry a responsibility in harmony in an equal way with the rest of creation that's my part, ...its connected with all that our spiritual responsibility and how

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we contribute to nurture this part of creation. [it] Is something that is all within and that we will give back, we were nurtured here and that we will give back and in most cases we will die here and nurture the land back, that’s giving back, so that’s a big part of a whole picture.209

In speaking with Miigam’Agan about the representation she felt the women of the community received she stated,

When the women are contacted there’s a label. Like most places women are not heard solely because of woman, being women. They have to be in a profession or they have to be in a certain title, which again moves a woman away from her primary role, which is far bigger than her role or the title that is placed on her. And you know, for us, most of the women in the community, we are not properly represented. There was such a focus on the male warriors, the male politicians and that’s just one area. And here in our community like most First Nations communities, the women are never represented and if they are, they are misrepresented because of the fact there’s the value, the larger societies value of women. I think about one of things that has to be remembered, that when you talk about women that’s community, that’s community in a very wholesome way, when you say women you look at the family unit and you look at generations and you look at the Elders because that’s a very big part of our life ... Representing the community in a more natural sense-- and a more accurate way-- are the women in the community.210

Miigam’Agan addresses the very real problem of the status of women in Canadian society and even more so when dealing with Native women’s activism and resistance in the press. She also speaks to the concerns which are faced by a majority of Native women. Native women are often seen as lower class citizens. In our society, we tend to view women who aspire to the more ‘traditional’ role as being oppressed by the male counterparts, and marginalized by society. This is possibly due to their perceived subsidiary role as they are often seen in the background of a news item and this is observed as a reflection of their standing in the community.211 The realization that, these women are very much the core of the community and if they were approached, a broader breadth of knowledge regarding an event could be obtained are frequently neglected.

Women are not solely window dressings or adjectives, but are indeed warriors--such as

209 Miigam’Agan 1
210 Miigam’Agan 4
211 Freeman 88-90
the women I met in September—and organizers of most of the activities. One example is when the women went out on the water and placed messages in the traps. What society and media failed to understand is that by focusing on the men, and authoritative leaders, as perceived by them, they were missing out on the true administrators of the community. According to Harris, “the exclusion of women from the frame of the “war,” which pits Warriors against the Canadian army, bears closer examination: it is here that we will find both the power of news-discourse to construct a hegemonic reality of the situation, and the power of Mohawk women to resist this power.”

This applies to the Mi’kmaq women as well. While the men are seen, their actions are often facilitated by the women’s ability to mediate between the community members on actions or inactions, which need to be taken, depending on what is best for the community. This mediation helps to achieve consensual agreement on strategies based for the community’s benefit. Miigam’Agan shared a story with me that exemplify this role.

We [the women] were telling them that, ‘you got to remember that the decisions that you are making here first of all, are not community decisions, and this is just one council and this is from you the warriors and rangers, and some of the young men are looking here and are following you,’ ... so we were trying to reason with them and reminding them that we didn’t agree with that and that we felt that our voice was just as equally important if not more because we were speaking on behalf of our children and our parents and our grandparents. I said that ‘you guys are taking a lead in this and you guys are taking this as individuals, which you will be responsible for everyone here and that you will have to be accountable and answerable to our people tomorrow morning,’ ... So when they started marching out I said, ‘we’re not going, if you guys go the women are staying back because we do not support it.’ So they said, ‘we will go,’ and marched out. They knew they were against the will of the people, some of the people, so they were already hesitant, so we knew at that point and I just reassured some of the women they won’t go because they need us to be there. ... Just to go back to my statement of women being natural representatives of the people, of the community, we got calls at my home ...they were reassuring us that they were not going to go out but they couldn’t say it at that time. But they called us and let us know that they were not going to go out there and they felt in there heart that what the women were saying at the public meeting made more sense to them.

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212 Harris 19

213 Miigam’Agan 5
This story tells us many things such as the intricacies of Mi’kmaq society, the formation of their governing body and the protocols used in decision making. These men, while putting on a show of bravado, in the end listened to what the women had to say. For the men in the story, the recognition of women’s roles is apparent and akin to the traditional structures of their society. In light of this story, the reader is now aware of how Canadian perceptions of Mi’kmaq women are often incompatible with the structures that form this community.

Colonialism and Patriarchy: Who is a ‘Traditional’ Woman?

Through history we are presented with a series of events that have shaped the way in which Native communities exist. The impact of the Canadian state on Native Peoples’ has corroded some of the fundamental teachings of the different Nations. Due to this corrosion Native women have taken a stand against the state. Like the women of Tobique, they have fought against sexist policies contained within the Indian Act. They have protested against the use of sacred lands for the trivial pursuits of non-Native citizens, such as the Oka event. They have formed organizations such as Native Friendship centres, the Aboriginal Women’s Action Network and the list goes on.

The women of Esgenoôpetitj have worked together to assert their place within their nation by taking a stand that has often left them isolated, saddened, and questioning their ability to continue on. As stated by Lisa,

If you feel something in side of you don’t ignore it. Like you said [Pam], you always questioned what was said to you ...it just took you and that’s another example of inner strength of women, because, she went ahead and looked for answers. You take a guy...they’ll prefer to laugh at it because they don’t really know or the will go to their sister and say hey what’s going on? The men always refer back to the women for advice or counselling or anything...it’s the women who should be given credit, you know I consider us the real warriors, they just, we just send them out there.\textsuperscript{214}

Because of their beliefs and responsibilities as Mi’kmaq women, the government and non-Native community were faced with the determination of a community group to protect their rights; The

\textsuperscript{214}Ibid 5
right to provide and care for their children and community, their right to re-balance the relationships within their community that have been corroded by patriarchy and misogyny. Their rights as women to regain the equality and authority they had before the devastating effects of colonialism and assimilation. The women of Esgenoópetitj actions and resistance to the oppressive structures surrounding them are not used to rid themselves of oppression only to place it on another, but to heal and continue to move forward in the teachings of their nations.

Another woman I spoke with also addressed the issue of respecting women and the changes that the process of respect has gone through in their nation. Pam states,

....our being Native, we were a matriarchal society not patriarchal, it was brought on to us that we were, no men are the rulers and women are down here you know. Before they [Colonist] came we were up here. [Men] had a great respect for us, mother earth.... [were] the carriers and the care givers and everything. But now women were being put down and beating stuff like that by our own men... That kind of never left us, that’s probably why we are so stubborn today and that’s slowly coming back. I noticed they’re starting to respect women a little more than they did.\(^{215}\)

Pam’s statement demonstrates the growing respect, or a resurgence of respect, for the women by the community’s male members. The relationship between Native men and women has indeed gone through many changes as noted by Scholars M. Braveheart- Jordan and L. DeBruyn in their article, “So She May Walk in Balance: Integrating the Impact of Historical Trauma in the Treatment of Native American Indian Women.” They state, “The role of modern Native women illustrates the shift from role complementarity’s in the past to hierarchical relationships with Indian men in the present.”\(^{216}\)

The emphasis within many Indigenous communities is not the sole separation of man and women but the joint effort of healing both genders, this issue is not one singularly focussed on moving women towards equality and beyond man but to regain the respect and relationships that is within their culture. Conversely, mainstream feminist movements have oft times portrayed the

\(^{215}\) Mitchell 2

\(^{216}\) Braveheart-Jordan & DeBruyn 352
man as the enemy and has excluded them from their agenda. This movement away from the collective well being of society has effectively stifled the steady progression towards whole healthy communities.

A further hindrance to achieving respect and equality by Native women often occurs through the manipulation of the term and subsequent definition of the traditional women. This term which once spoke of a relationship between a Native woman and her community, has at times become misshapen through the influence of colonization, by some Native men as a means of justification for the subservient and silenced role as a ‘traditional’ women, a role which a good ‘traditional’ women is expected to adhere to. Scholar Martin-Hill describes the manipulation of the ‘traditional’ women, whom she has coined ‘She no speaks’, she states,

‘Traditionalism’ has been transformed into severe oppression with the active assistance of the West. Women and children all too often become the target of these colonialist-induced regimes...their perversion of traditional beliefs strips women of their historical roles and authority, transforming their status from leaders into servants.\(^{217}\)

In using the rhetoric of the ‘traditional’ women Native men are able to disqualify and defame women who speak out against the men who are working counter to the betterment of the community. During an interview a respondent discussed with me how Miigam’Agan, who is described by some as a respected traditional woman, was ostracized and labelled for her efforts to return to the relationships Mi’kmaq women traditionally held in the community. This criticism came from members of the government influenced band council who were more inclined to sign the fishing agreement. This reflects the ongoing battle Native women have with men in the communities when trying to remove the influence of colonization and subsequently patriarchy from the mind sets of the assimilated in the community.

Another factor, lending itself to the defacement of traditional Native gender practices is residential schooling and adoption of Native children. Carl Fernandez states,

...gender imbalance through the theft of children ripples through the community in other

\(^{217}\)Dawn Martin-Hill in Anderson & Lawrence: 107
ways. With so many children absent from the communities, the elders had no one to pass the teachings and values on to. Because of this, not only was much knowledge lost, but the role of the elders was also devalued. As a result, the important roles those elders had played, especially in providing advice and balance to younger married people and helping them treat one another with respect, were disregarded.\textsuperscript{218}

Fernandez addresses the vital need of Elders in a community and how their relationships were and are integral to the well being of the nation. Furthermore, the children of residential schooling were also agents of resistance. And as with Helen Thundercloud it was her grandmothers’ words that helped her in her resistance. The influence of her grandmother is described in a discussion with Kim Anderson,

when Thundercloud was later scooped from the sanatorium and placed in a residential school, her grandmother’s words were essential components in the foundation of her resistance to the dismantling and negation of her identity. Thundercloud resisted ‘learning’ much of what she was expected to internalize throughout her ten years of residential schooling.\textsuperscript{219}

What is evident is the necessary, positive influence of Elders in the ability to resist the oppressive forces, designed by the state to weaken, if not dismantle, Native identity. The distancing of respected community people and Elders from younger people was employed by the state as a tool of assimilation. Lisa describes her experience with her Mi’kmaw identity, she states, “things started falling into place after I found who I was as a Native woman and then, after, it was so, just the way I looked at life after was so much more, okay, in more perspective kind of thing, not so lost.”\textsuperscript{220} Like other women in Esgeñoopetitj Lisa was subjected to the colonized practices integrated into the community. Her identity as a Mi’kmaq woman should have reflected the respect and equality previously associated with this identity. However, due to the influx of patriarchal practices her identity was first formed as a woman of subservient status. And it is after the dismantling of those practices and the acceptance of the positive traditional Mi’kmaq


\textsuperscript{220}Lambert 16
identity that she was able to approach life in a more healthy way. Interestingly, when Miigam’Agan first began the reintegration of her culture within the community she was labelled as a ‘witch’ as Lisa recalls,

our community has come along way but I still feel that we have to bring our culture in more, but we just can’t bring it in because when Miigam’Agan brought it in she was just like the witch or something, “well what she doing bringing that witchcraft over here.” And then I heard myself say ‘aren’t you an Indian’? Yeah but we don’t use that was a long time ago we don’t do that anymore. That don’t matter you are an Indian, ’but it was like no talking to my parents its just like what they know is what they live by.... I would say that was the problem, the unknown is feared and that was the unknown for them.  

It can be said that a strong sense of identity is necessary for a healthy life. However for women who have been subject to abuse, this identity often deteriorates to nothing more than scarps of self worth. Frequently, in the case of Native men this cycle of abuse stems from the impacts of colonization and the acceptance of paternalism. Since contact Native men have witnessed the treatment of non-Native women by non-Native men. They have seen them treated as property under which the man has ultimate control. They have witnessed men’s work as valuable and their place within the political system as natural leaders with women’s place first, completely removed from economic and political decisions, towards a position of marginality to finally inching into partial equality.

Consequently, Native men, resulting from this influence of politics, religion and schooling have internalized these notions of heightened male worth and have therefore devalued women’s worth in the same areas. And in devaluing women, they have devalued the family, community, the nation and confederacy as well as themselves. Thus, Mi’kmaq women who once held a place of equality and respect are now seen as secondary citizens. If we look at Burnt Church we can also see how mainstream media placed value on the opinions of the males in the community while ignoring the voice of the women, thus, feeding into the patriarchal mind set of male domination, authority and prestige, all of which continues to oppress the women of the

\footnote{Lambert 4}
community. The irony of course is that while the men now perceive themselves as powerful, they are still a colonized and oppressed group. This often results in anger and frustration that is a precursor to the violence and abuse within the community.

One of the women I spoke with address this issue of male abuse, Lisa explains her view on male violence by them stating.

Yet again, you have to go back and try and understand were their coming from. Here we are trying to beat it into their heads, understand us, that’s all you have to do is respect us, but then you take a man who beat his wife and then we look at him like, “what an asshole he’s a wife beater, why does he do that, is he that angry.....I know when I get mad, I can just rip somebody apart. But that’s what anger is like, then I usually kick a chair or if my dog is in the way just kick it out of the way and after I feel bad, it’s the same thing with the men after they have done what the done, they do feel bad and how sincere they are you do not know because it is continual thing, but as far as I know now the abuse is not as much as used to be.”

Mi’kmaq social worker Cyndy Baskin speaks on this issue, she states:

My activism in family-violence interventions focuses on my role and responsibilities as an Aboriginal woman, an auntie, a sister and a mother. It does not focus predominantly on liberation from male domination, but rather on liberation from colonial policies and oppression of Euro-Canadian society and governments. It includes the healing of our male abusers and the active assistance of our healthy men.

Why Mi’kmaq Women Resist:

Knowing the problems that Native women are faced with within their communities and outside of their communities why in today’s complex reality are Native women subjecting themselves to further harassment, racism and sexism through the instigation of protests and other forms of activism? The answers are many and ties to the community are just one. Dignity and the respect accorded to ones individual nationality is a basic right all persons should have. However, Native women in Canada, regardless of education and experience, often find themselves subject to racism and sexism where basic human dignities are often denied.

Lambert 2

Gertrude Mae Muisé poignantly addresses this issue when speaking on the barriers she faced in gaining employment in a non-Native community. These barriers were solely based on her being woman and a Mi'kmaw woman, hence deemed undesirable to employers, thus exemplifying why Native women are speaking out against the astronomical levels of racism and sexism they face. Muisé states, "I did not lose my 'status,' instead my identity as a Mi'kmaw was stripped and stolen from me and from my community. An identity I have since reclaimed and would die to protect." She further adds, "We exclude, isolate and weaken ourselves to conform and please the government at the expense of future generations and at the expense of our very own existence." Muisé's statements clearly define why Native women are unwilling to remain silent and are willing to undergo further indignities in order to change the oppressive practices of mainstream society, and consequently, remaining true to common epistemology's found in Native societies regarding their relationship with their nations and communities.

The oppressive practices found in non-Native communities are not exclusively their domain. Oppression of Native women has occurred and continues to occur in Native communities by Native men. These forms of oppression can be linked to the impacts of colonialism, as addressed by Chief Wilma Mankiller, who states,

our tribe and others which were matriarchal have become assimilated and have adopted the cultural value of the larger society, and, in so doing, we've adopted sexism. We're going forward and backward at the same time. As we see a dilution of the original values, we see more sexism....The thinking that people come to in a patriarchal society is crazy."
Thus, Native women are not only faced with the onerous task of decolonization in non-Native communities, they must also address the residual effects of colonization within their own nations.

It is a fair assumption to make that we are predominately the creatures of our upbringing. The home life is a very important aspect of Mi’kmaq life and the role of mother is deemed a position of honour. While Canadian society tends to extol the virtues of the ‘superwoman,’ Mi’kmaq society extols the importance of child rearing and family care. This extends beyond the nuclear family to grandparents, aunts and uncles as well as nieces and nephews. The role of mother and the dedication to that position motivates the respect that has been revitalized. An example of this can be seen in the values and respect Pam teaches her son. She says,

I basically tell him how you treat girls; look at them like you would look at me. Would you treat me like that? ‘No I wouldn’t,’ then I say you don’t treat any other women like that. He just looks at me and I said just always keep that thought in mind, would you treat your own mother like that?

We have seen the importance of women as equals in the community decision-making process. We have also seen how important her role is in the family unit. The strength of the women comes from their understanding of a Mi’kmaq worldview. Scholar Paula Gunn-Allen in her article, “Angry Women are Building: Issues and Struggles Facing American Indian Women Today” speaks of the challenges faced by Native women. She writes, “American Indian women struggle on every front for the survival of our children, our people, our self-respect, our value systems, and our way of life. The past five hundred years testify to our skill at waging this struggle: for all the varied weapons of extinction pointed at our heads, we endure.” 228 Gunn-Allen’s words can easily speak of the challenges faced by Mi’kmaq women. The strength and dedication these women have not only stems from their world view but also for the future of their nation. These women are fighting for their rights and the rights of their children, grandchildren and great grandchildren for the next seven generations. As Jeannie declares,

Our treaties are the most important; right now that’s keeping us afloat! And they’re trying
to take that away ...they're going against their own law ...and that's how I see it. If I should, if I die tomorrow, I would at least want my kids to know that I fought for whatever I can, not just for my children but the community, the whole community's children, our generations, seven generations. That I did something about it, or am doing something, try to do something about it. Because as long as there's some fight in me yet I'll probably still be standing out there!\textsuperscript{229}

The impact of these words and their deeper meaning will become clear when discussing the acts of terror that have occurred in Esgenoôpetitj in response to the resistance put forth by the community against the oppression of the state and surrounding non-Native communities.

The place which a Mi’kmaq woman operates from is beyond the self or even the nucleus of her family. She understands her place to be within a design put forth by the Creator and the direction she must take. Jeannie continues,

the point is that we're looking forward, we're not, we can turn around and look in the past and say, 'yeah well, this is what you did and this is how you treat us', but that's not where our spirituality is at, that's not where our spiritual growth is at. If we're gonna [sic] keep going back and saying, 'this is what you did' and 'no way', that's not what the Creator had planned for us. I think to me that, everything that is set in front of us is for us to become stronger, that's what I believe.\textsuperscript{230}

Is it fair to claim that Jeannie is representative of the women in Esgenoôpetitj, or is she the exception? Based on conversations I had with the women, Jeannie is indeed representative of what the women want for their families and community. It is my hope that the reader, when hearing more of her words, will understand how stereotypes are unfounded and damaging. The following excerpt from the interview illustrates the many roles a woman may have in the community.

I also have a lot of knowledge of my own, our own government. When you look at the voices of the women in our community here, I think to me their voices are not heard as much as they should be heard. Our youth, their voices need to be heard. Our Elders voices need to be heard. There's not been a big representation when you look at the women. In our own community we know that we are the care-givers of this community, and we still today struggle to try to continue raising our children the way we feel is gonna [sic] be, they're gonna [sic] be our leaders, and we have a lot of men supporting us but we

\textsuperscript{229}Bartibogue 6

\textsuperscript{230}Ibid 7
have a lot that don't understand either, our way of life. I did women's circles before in the past. I still work with the women and I'm a big supporter of the women's support group, the decisions that the women make. With the youth, I work with a lot of youth, I dealt with a lot of Elders and spoke with them, mainly listening to them in the past, and I used to go out there and visit them before, that was one of my jobs that I did and that was something that I should have continued, ongoing, because a lot of our Elders are dying off. With the youth, you hear a lot because I went to the high school to go and talk with the youth, they told us what they wanted. The thing is that not too many people are listening.\textsuperscript{21}

**Mi’kmaq Women’s Resistance and Print Media:**

Throughout this work, media and state representation of resistance tends to divide an issue, especially when dealing with minorities or Native Peoples’. This division occurs with the categorization of Native Peoples’ as the “other,” as being different from us, therefore it is presumably justifiable in its portrayals of the “other” as villains. This provides the ‘self,’ mainstream society, with the tools and/or justifications necessary to accept the obscene levels of violence initiated by the government on this community.

The stories mentioned above have given us a glimpse into the women of Eskenoôpetitj. The following commentary is from C. Larry a community member as he addresses media representation of Mi’kmaq women.

No, they’re not, they do not want [to] talk to them, that’s for sure, the women, they’ll do the little happy stories with youth, with the women, youth not a chance. Elders, they won’t even go there... there’s a deep rooted problem, a deeper rooted problem in Canada anyway because when it comes to women. Women are second, treated like second and third class citizens right, so I mean if you take a look at that in the larger society, if you look at women like that, you’re going have to expect that in First Nations community there not even going to put them on, there not even going to register on the serious scale really. Even though for some reason or another, I don’t know what happened last year, we had Karen [Sommerville] as our spokesperson; she actually did a good job though. But that’s not because the government was open to her, that’s because what she was saying was true, how could you argue with someone, her overall presentation of herself, it was hard to challenge her, the government had a hard time challenging her.\textsuperscript{22}

There are three major points Clifford raises. A) The treatment of Native women in the media is

\textsuperscript{21}Ibid 5

\textsuperscript{22}Larry 5
indicative of the mainstream; B) due to this perception of women, it can only be concluded that Native women would be seen as less than their White counterparts, and C) even when the media is directed to a spokesperson for the community, if that person is female, they will avoid accessing her knowledge. All of these points reflect the inherent problems of print media, and the overarching problem of Native women’s oppression as well as the force in which dominant society dictates a person’s path through societal structures in which they have the power.

It is the tendency of the media to depict Native women as victims, as hapless creatures unable to control their own destiny. However, if the media were to interview the women and community members they would soon learn that this is far from the reality, at least for the women I spoke with. Miigam’Agan was my mentor in the community. She is deeply respected for her views and is noted for her attempts to revitalize traditions within the community. She is also pivotal in the organization of community resistance and community well being. The following story is a perfect example of how women in the community work together to resist the agenda of the state and to demonstrate their position.

The women organized themselves. They, we got a boat, one of those boats in the community, one of those big boats and we took twenty traps and took them out when we knew that they were going to sign, and it was decided they might be able to persuade our men to cooperate but were not going to give this life up anymore, so we went out, we had a beautiful ceremony, the community was there, the politicians left and we went out, and then we had a lot of the helpers, the young men who were very influential too in our community, who operated the boat and helped to bait the traps for us and we just threw the traps in and I was on the boat each time and they did the physical labour for us, so we did that, so we put the message out to Dhaliwal that we the women were going to continue to fish under our own inherent right which is supported in the treaties, so that’s the position we took and I’ll tell you it was lonely, it was really hard.

This story reflects the strength of the women. It also provides a deeper understanding of what this issue is really about—sovereignty. While this story is portrayed in mainstream society as one about the lucrative lobster trade, it is evident that it is far more complex than what the

233Freeman 96; Acoose 64

234Miigam’Agan 11
average Canadian believes it to be. This issue on one hand is very complex and on the other is rather simple. The complexity is the many tangled layers of issues—layers which encompass the political, economic, social and spiritual—all of which are affected in many poignant ways, and as seen in the Mi’kmaq worldview each layer is part of all the layers, the political is the spiritual and the economic the political whereunto comprising a whole. The simplicity is often overlooked for its meaning carries heavy consequences in the oppressors view. This issue is about sovereign rights. If the recognition it has been given was actually adhered to, then the political, economic, social and spiritual realms would be smoothly woven. As Pam explains,

were not signing, we out there fighting for our rights, it does my heart good to see that. I was born and raised here, seeing how things have slowly been changing since I have been growing up, some of the women have been more ‘I’m not going take that from you’. I can respect you for that... [things are] slowly changing around here and its all for the good. The children need to see that because we have been kicked around by the government for so long and so that you know you not going to kick us around. I can kind of understand why neighboring communities would be peeved because for them its just the lobster, its not the principle.235

The women of this community are working under duress, trying to stand up for their rights and the rights of their future generations. Often, the media panders to the ‘victim’ stereotype. As stated by Harris when discussing the representation Native women received during the “Oka” crisis, “the media continually ignores and minimizes the disruption, constructing women as pawns, and thus excluding them from the construction as though they are not agents in the struggle.” 236 The organization and demonstration by the women explicitly denies this image. While the coverage of the ‘lobster wars’ did feature a few stories about non-Native women fishers, Native women fishers are seen as prototypical to the ‘victim’ ideology. An instance of this can be seen in the words of Miigam’Agan. According to her,

I don’t want to be a victim, and I don’t wanna carry myself in that light. Its hard to look at the reality, the reality here is just, as a Mi’kmaw woman, they just don’t love me. They don’t love us, it is basically what it spells it out to be in every direction we look, even

235Mitchell 16

236Harris 19
though we have good support, good people out there, what's that famous song? where were you when we needed a friend, it's the same old stuff, its hard for us as a community to see that and I've gone out, I've gone outside that circle. Last month I was just, you know, having really hard time to look around to see why should I wanna live, you know, kinda think if I'm not able to get out to see the support and meet other people than I would be convinced that there's no love for us and that's so important.\textsuperscript{237}

Miigam’Agan’s words illustrate the level of personal trauma she has experienced. Her sentiments were also echoed by fellow interviewees. While all the stories shared with me are strong in different ways, one thing that stood out was the humble words of Elaine, who said, “I’m not really a political person or anything like that. I’m just a mother that worries what’s going on out in the water.”\textsuperscript{238}

\textbf{Esgenoôpetitj, the Untold Story:}

In the next section the people of Esgenoôpetitj tell the untold story. This is done in order to gain a perspective that mainstream society did not have access to. To understand the level of terrorism and questionable manoeuvres by the government in response to the resistance put forth by the community, accounts from the interviews have been chosen, that were told to me by men, and women community members and an observer. To begin this story I have selected three recollections from the interviews. For the sake of integrity I have left the renditions as they appear in the transcripts and are presented to you as they were presented to me.

The first story I wish to share was told to me by Kelly who is a member of ARC and an observer in the community.

\textit{Just that level of recklessness was an indicator early on in the fall for how things might go and of course things did escalate further. Canadians ended up seeing footage of DFO running into a Native craft and Native people having to jump from the boats into the water, and also the RCMP have been involved. In some situations like the one [where] one of our observers was on a boat that was rammed by the RCMP and was thrown into the water and subsequently had their video camera taken by the police and the video tape taken and that was never returned. The camera was returned in pieces, there is quite a concerted effort and at times it seems last year that the DFO were the people that were exerting most of the force against the community to curtail their fishing activities. This}

\textsuperscript{237}Miigam’Agan 8

\textsuperscript{238}Simon 4
year, it seems like they’re sitting back and it seems to be more of an RCMP presence and also there seems to be an increase level of involvement from the local non-Native communities as was witnessed a number of days ago on a Sunday evening when a flotilla of non-Native boats came in and cut, I have heard the number of upwards to 500 traps.

The second story I wish to share was told to me by a young fishermen’s mother.

They surrounded [him] that time and I was kind of scared and when he told me they surrounded him he said he stood in the cabin doorway and he said, ‘I just stood there’, and he said he braced himself, like he thought they were really gonna jump on the boat and start hitting him because that’s what they did to another guy. He said ‘Mom, I just stood there and I braced myself’ and he said ‘I was waiting for them to attack’ but he said they didn't, all they did was they kept on yelling at him ‘Get down, get down' and so finally he just got down and had to, you know, but he said they didn't handle him or anything like that. There was quite a few of them, I think there was like six of those vehicles all surrounding him.

The third story is from a fisher woman, wife of a fisherman and sister to fishers and tells us of her experience with police/peacekeeping force.

I know at one incident, there was about nine boats coming from Neguac area and myself and a peacekeeper and my sister and one of our family friends came with us to the police where they were located at the wharf, and we went and told them that there's nine big vessels coming, and that we were really worried about what might happen to any of our fishermen that were out there, and we told [asked] them what they were gonna do about it and they said, 'what can we do about it?' They were very, they didn't do anything! ... They weren't there to protect us. They were still at the wharf and they didn't do anything. You know, we went there and we asked for their help and they didn't help us. And a second time again, this year, when there was over fifty-three boats, if not more, that came in and they started just cutting our traps and shooting. And, most of the men in those boats that were shot at were my brothers, and I think my, one of my brothers being one that’s been very, been the advocate of the fishing, was targeted. And I felt like that’s who they were after. And you could see, one of the films that was taken by, from the video camera, the bullets coming from their boats. And nothing was done.

I would argue that these acts of dehumanization, racism, vigilantism, intolerance, and oppression would affect you, your family, community and nation. In the beginning of this section the importance of children, Elders and the community for Native women was discussed.

239 Kelly 2

240 Simon 1

241 Bartibogue 2
A shared belief of the Esgenoôpetij women was the process of looking forward to the next generation and indeed to the next seven generations.

Resistance occurs in many forms, artists and musicians through their songs and work also speak to conditions in which Native women exist. Activism and activists are found working in all areas of society. Some activist's like Anna Mae Pictou-Aquash, a Mi'kmaq women working with the AIM and WARN organizations, have given their lives in order to protest, inform and seek changes for future generations. Scholar Mihesuah, states.

The reality is that she [Anna Mae] has become a symbol of Native female activism. She dealt with chauvinism among male AIM leaders, she survived verbal and physical abuse by both her husbands, and she was ostracized by Lakota women who disapproved of a Mi'kmaq women encroaching into their South Dakota AIM territory. Anna Mae kept striving for racial equality that, in theory, could eradicate gender oppression among Natives. If she had not been executed, her family firmly believes she would still be fighting for Native rights today.242

Others, such as Cherokee Chief Wilma Mankiller and Mohawk Chief Roberta Jaimeson have worked within the political system to bring about change. And yet, there are many more Native women activists, women who have dedicated years of their lives to become doctors, lawyers, social workers, scientists and professors in order to work towards the goal of decolonization.

As previously stated acts of resistance take many forms. One woman felt that the best way to resist the representation put forth by non-Native society was through her work as a photographer. Initially Pam felt that she could not make a difference in her community, however, through her work and in working with documentarian Alanis Obomsawin she brought forth the Mi'kmaq perspective to Canadian society. The following is Pam's thoughts on her role as an activist.[my label] "I didn't think I could make a difference in the community, okay, I'll start and try and make difference here somehow. I'm into photography... trying to get it out my way, from my point of view, from living here."243 She continues stating, "I get to have my


243Mitchell 18
photographs out there, in a way, the media she’s [Obomswain] doing a documentary. You can’t go much higher than the NFB [National Film Board] of Canada. So I am hoping I can bring it from the Native perspective, as to what all went on around here. I would like to see it get done in a good way.”244 In utilizing a medium that has often been responsible for stereotyping Pam has found an effective means to present a reality unknown to Canadians en mass.

Another form of resistance used by the women of Esgenoópetitj was the dispelling of myths that had surrounded Burnt Church during the dispute. This was done by local business women who deals with the general public and tourists. She recalls an experience she had when dealing with tourists.

There was a couple from Germany that came down and they were told not to come on the reserve, that it was dangerous, by a tourist information group. They went there to ask how to get to the non-Native side, and the lady had told her ‘don’t go down there, oh my goodness don’t go down there, it’s so dangerous and whatever you do don’t go out on the boat because they’ll shoot you down’, and she was kind of scared, she was thinking what is she getting into and then when they came down they saw all the police, they were scared, she was telling her husband, ‘what did we get ourselves into?’ This was supposed to be their vacation. Anyway she ended up meeting up with my mother who straightened her out and then she was so hurt, how they were treating us that she even said, ‘how am I supposed to go back to Germany and explain to the people how they’re treating the Native people down there’. She had heard about it, but she was just so puzzled that it was the other way around, that it was us that was treated awful.245

Patti’s story shares with us the damaging effects misrepresentation has for everyone. The Mi’kmaq are portrayed in an unfavourable manner as well as Canada in its obvious racism. One of the themes that emerged from the interviews was the need to dispel the ‘myth’ of the ‘villainous’ Native through public awareness. Fellow community member Jeannie describes this goal.

That’s the role of the women in my community were putting lot of time to try and communicate to the general public who we are and why this so important to us, and this is not about lowering another race of people or another group of people to rise above. Its just about respect and understanding and coexistence, there is a way, we all know that, but

244Mitchell 24

245Joe 1
its just about the slow introduction, we know about everything in the Canadian culture, the US culture and European culture, everything about what structures their society, yet they don't know nothing about us.\textsuperscript{246}

Both women understand the importance of education as an effective tool of resistance. This tool is also utilized within their own communities. As explained by Pattie who states.

I have a four year old and a two year old, and I always had them out in the front, well right at the shore anyway. But I always had them there, and my father had told me, 'you shouldn't have them there, its dangerous' and I said 'no, this is what we're fighting for, this is for our children too, and I want them to see what's going on'. A lot of times they didn't understand, so we tried to explain to them, and my husband was one of them that was on the boat when it got rammed and they had to jump off the boat. When it was on the news, my four year old saw it and she used to be upset, she was like, 'we should go and scare the DFO'.\textsuperscript{247}

By exposing and educating her children to the reality that is and continues to be, she is demonstrating the importance of resistance, to fight for who you are, the rights that you have, and to work towards achieving sovereignty.

The women, knowing that the ultimate goal of independence and sovereignty recognized the importance of not signing the fishing agreement. Therefore, they organized in order to prevent their Band Chief and councillors from succumbing to the governments' agenda of the continued control of Native peoples' and to further remove any opportunity of acquiring sovereignty. Miigam'Agan shares the strategy the women employed while the Chief and councillors attended a meeting in Halifax, She explains,

I know Wilbur is probably going to be famous to the rest of Indian country and you know that he is going to be labelled as the Chief that stood up, but in this case it was the community and it was such a strong stand and unfortunately it had to have the community to make a strong stand against the leadership with the support of the majority of the council. To make this stand the women, there was about maybe a half a dozen or a dozen women in the community along with a lot of our helpers, the men, who called every ten minutes to Halifax to remind our leaders over there not to sign the agreement and not to be convinced by the others, because we know that the spotlight and the media will come to you if you say what they want you to say and we were there to remind them that we were here watching, and that they have to come home so make the right decision, for

\textsuperscript{246}Bartibogue 11

\textsuperscript{247}Joe 4
what you were sent there for.\textsuperscript{248}

This recount reminds us of the relationships and responsibilities Mi’kmaq women have with their nation and how they work as a collective to ensure that the community’s interest are being served in the best possible way.

Not all acts of resistance are as subtle as the ones discussed. Often, it is the physical, demonstrative acts, acts that effect non-Natives, which receive the greatest amount of attention. During the ‘lobster wars’ the Mi’kmaq implemented many strategies in order that their silenced voices be heard. The following two events drew attention to the issues at play in Burnt Church. The first act was the construction of a blockade and as Pam describes, its effect was felt by all. “I imagine they got really upset last year because we blocked off the highway. You know, the highway runs right through our reserve so they couldn’t do much. I think this is another reason why it got really tense last year. The fight on the water came out onto the land instead.”\textsuperscript{249}

Strategically, when a minority or oppressed group brings the issues to the laps of the majority or oppressor, the point is made. It is tragic that this has to be done in such a dramatic way for the oppressing society to take notice to the injustice and indignities that are occurring in their back yard. Tensions did rise due to the tactic, however, awareness also rose.

Awareness is paramount when trying to engage in a dialogue between two divergent groups. Historically, Native issues have been presented as male centred and warrior based. Not often are the actions of women heard in non-Native Canada. Moreover, access to the voice of the Mi’kmaq women was deafly silent. The second manoeuvre that brought volume to the voice of the Esgenoôpetitj women is described by Jeannie.

I was one of the women out there in the waters, demonstrating and bringing out our traps. The first time that I, we, went and set out our traps, the next day unfortunately they were all cut. So, mainly the women of the community were the first ones to bring out the traps that went out there in the waters and it was just the next day, we didn’t hear nothing about

\textsuperscript{248}Miigam’Agan 11

\textsuperscript{249}Mitchell 21
it, I guess the media knew more about it than we did, of what was coming, that I know of, that there was gonna be a raid on our traps. And sure enough, they did...I only had eight traps out there, and they cut my traps out that first, that was my first outing (laughs). And for myself, I wanted to go out there to demonstrate that we have our right.\textsuperscript{250}

The previous discussion has looked at the various ways the women of Eskennoopetiij have worked together and organized strategies to protect their community. The reasons for their resistance can be seen as 1) a way to dispel myths and educate the public, 2) a response to government oppression, 3) economic need and 4) community well being.

\textbf{Changing Relationships:}

There is something profoundly sad when education of the general public in anti-racist rhetoric has to come from those whom the rhetoric is directed. Throughout this whole event, moreover, throughout Native-Canadian relations there has been an ongoing discrepancy between what is truly the concerns of Native Peoples’ and the concerns told to mainstream society by the state. This discrepancy, if not a manipulation, is the basis for the extreme conditions in which Native resistance is illustrated, consequently increasing the levels of racism Native Peoples’ must experience in order to protect their rights. In knowing this we understand why the Mi’kmaq need to dispel myths. The following three quotes illustrate the problematic nature of state illustrated First Nations resistance.

They [non-Natives] don’t have an understanding of who we are, they can say that its about the money or its not about the money or they can say were fighting for lobsters, we were not fighting for lobsters were fighting for treaty rights we’re fighting to be recognized, we’re fighting to be respected.... They shift it around its like we’re criminals or something, criminals on our own land.\textsuperscript{251}

I would like to state to them [non-native neighbours]; enough! our fights not with you guys, we’ve all gotten along all these years, now all of a sudden this. Our fights with the government not with you people. Some of them can’t look at it like that and that part goes back to greed, because there so worried about lobster, like were going to take all the lobster.\textsuperscript{252}

\textsuperscript{250}Bartibogue 1

\textsuperscript{251}Lambert 11

\textsuperscript{252}Mitchell 21
A lot of people when they see it on the news, especially when they see the warriors they think that we are out for trouble. I find a lot of places and people think that we like trouble, that this is the only reason why we're doing it, just to get our way. They don't understand it's our right, we're doing this for our future also.253

The previous accounts demonstrate why the women of Esgenoôpetitj are working together in order to subvert the misrepresentations that are produced around them. As a result of the fishing dispute and the ongoing biased portrayal of events, a once harmonious relationship between the neighbouring communities has become tense and violent. And, as addressed by the people, the goal of the dispute is to achieve and maintain recognition of their rights. Furthermore, the ongoing tension is stemming from misinformation. The people of Esgenoôpetitj are not interested in maintaining a hostile relationship with their neighbours. They are only trying to stand up against the oppressor, the Canadian state. And as so aptly put, the fight is not with them but with the government. Overall, we see the consequences of ignorance in its manifestation of violent confrontations and verbal abuse, as described by ARC observer, Ron.

It felt like this community was being invaded. I happened to be here observing at the time and it was a night raid by DFO and RCMP and they came in a big bank of boats with all this gear, they had people on their with riot gear, they had divers on the boats presumably to go down and bring people up if people were shot or anything. They were armed with heavy gun power, rifles, semi automatics, automatics, all sorts of stuff. They came into the community and a number of people from the community went out in their very small boats and went and sort of confronted them, meet them and it was sort of like this thing, it was sort of normal when the authorities came in. Although what was not normal about this situation was the show of force and guns that were raised by the authorities and pointed at the Native fisherman as they turned and came back into the shore.254

The government has demonstrated its might through the use of unnecessary force to intimidate and suppress the community’s resistance. Earlier in the work the treaty and fishing agreement was discussed showing the perspectives of the government and Burnt Church. The following quotes illustrate the residents of Esgenoôpetitj point of view in response to the state controlled actions and agenda during the events at Burnt Church. Jeannie describes her thoughts on the

253Joe 2
254Kelly 10
measures utilized by the government in dealing with this issue. She states.

You know what their [government] tactic is, is to do away with whatever we had as Native people, and it's been like that for the past five hundred years. They're not gonna see us succeed, they're not gonna allow us to succeed....They don't respect our culture and what we're here for. I think it's always been a tactic in the government's viewpoint to get rid of us. ...That's it, but you know, in the long run, when you really think about, when it comes to fighting for our rights, our voice, it's our voice that's been the strongest within our own peoples. We know where we stand, we know what our rights are, and we know what we're fighting for.\(^\text{255}\)

Jeannie addressed the ongoing agenda of the Canadian state and the department of Indian Affairs, and that is the desire to rid Canada, if at least on paper, of its moral and financial obligations to First Nations. From the White Paper on to the First Nations Governance Act, the state has continually tried to manipulate through the written word the “special” rights and “privileges” of Native peoples’. Often, the tactics used are covert in their manner, sequestered away from the eyes of joe public. Jeannie argues from her perspective one such manoeuvre. She states.

Anything, anyone that tried to come in to help us, we didn't get funding, we got cut back, they held back our funding for different programs. The Canadian government, what they're doing is, 'okay, let them suffer a little bit more'. Nothing different than it was 500 years ago. Let's let them suffer and let them starve a little bit and then they'll come crying to us. It's exactly what they're still doing to us today. Let's cut their funding, let's cut their education, let's cut their.... and we'll see how they'll come crying to us and sign some agreements.\(^\text{256}\)

Economics is a common tool used to control a population. If, like the Mi’kmaq of Esgenoôpetitj, your are semi dependant on the state for program funding, you are in a position of powerlessness due to the fear of retribution in response to your actions. While the state has control of fund allocation the ebb and flow of monies from the government can be altered based on the agenda of the state, regardless of their fiduciary responsibilities to Native peoples’ stemming from treaties and monies held in trust. It is far easier to cripple a resistance if you decimate the economy. The resistance put forth by Burnt Church is based partially on this reality. While they are indeed

\(^{255}\text{Bartibogue 4}\)

\(^{256}\text{Bartibogue 6}\)
being crippled economically by the state for their opposition to the fishing agreement, they are nonetheless striving to gain economic independence.

Miigam'Agan addressed the previous problems that have occurred when fishing agreements of the past have been signed with the government. She argues.

The community made a decision that were not going to go into an agreement that is going to minimize, jeopardize, our rights and we have been assured by our own leaders across this country and Native organizations, that’s not going to happen and when, how as a community we’ve not experienced anything different, we have gone into fishing agreements in the past and it just dwindled down to nothing everyone knows that the Atlantic region is economically deprived already and then us. So where does the Indian stand in this, in the economic level, there’s no opportunities for us, it just the reality and when we go into agreements that a bulk of money going to certain members, which is so against our own belief, that it’s a shared economic culture.\(^{257}\)

Based on this history the residents of Esogenouspetitj feel that signing any fishing agreement is detrimental to their economic independence. Experience has shown that the economic gains from such agreements are short term and add nothing to the community’s long term economic health. Resident Clifford Larry interprets the economics of Burnt Church in relation to other countries. He asserts.

Look how were affected now right, were in a situation were financially and economically were totally decimated, we don’t even have economics here in Burnt Church, there is no economic development and we don’t want economic development with government defined economic development....Were a fourth world country here, a fourth world community and were trying to raise our standards, elevate our standards back up to be based on our needs, being able to trade in the manner were supposed to trade as opposed to these trade sanctions that are opposed on us, which is what they are, trade sanctions.\(^{258}\)

Clifford articulates a very crucial point, the current living conditions for Native Peoples’ in Canada is substandard on an international scale. This is more so when we break down Native populations into gender categories. The levels of poverty for Native women are staggering. Furthermore as a community trying to achieve a moderate standard of living which is available to mainstream Canadians they are dealt with the same kind of treatment that the state utilizes

\(^{257}\text{Miigam'Agan 6}\)

\(^{258}\text{Larry 2}\)
against factions in times of aggression. A factor that is often associated with poor living
conditions is dissension within a community. The resistance put forth by the community has
resulted in a form of dissension, or contradiction if you will. On the one hand, Pattie reasons,

I find that it [stand against signing] has brought the community closer, because when this
is going on I find even the people that don't get along all through the year, when the
conflict is going on, they see them all together. People that don't really talk to each other
all year, they're there and they're talking and it is good to see that. I mean, that is the only
good thing about what's going, is that the people come together. It is just unbelievable
how much, and they help out, people that you don't even expect to help out are donating
or making food for the people. They're welcoming people in their house, they're just
helping out so much, and they don't expect anything from it, and they're proud of the
rangers being out there, and they give things out to them and they help out a lot, it's just
so great. 259

On the other hand, the overall outcome of such an emotionally and physically draining period of
time has impinged upon the community's well being. Miigam'Agan interpreting this phase
suggests that,

the community is exhausted, everything just gets internalized. When a human being is
operating on minimal rest, you're impaired and so, were looking at a community that is
impaired, we're not able to see clearly, our relationships have been so severely affected
that we don't have much patience for each other, a lot of our focus was based on taking
care of each other, you know, feelings, accommodating, just being there for each other, so
we are interpreting that as no longer caring or so you don't like me, you know its that
inner stuff coming out, a lot of hurt, its torn the community apart and I mean you can't see
it as a visitor, but if you lived here all you life you can see its broken the community
apart. We already have internal issues, just in politics and all that but it's nowhere to
what's happened to us in this kind of crisis. 260

Beyond the distress to the community as a whole, other consequences have arisen from the
community's resistance to the state. One of the most alarming repercussions of this whole
'lobster war,' beyond the elucidation of racism in Canadian state and society, is the affect on the
children. Pam describes to me the dialogue that occurred between herself and her children when
the DFO were present in the community.

259 Joe 11

260 Miigam'Agan 7
Mom, the helicopters back, you know that look on their faces, and I’m like, no don’t worry about it, trying to calm them down even that night a couple a weeks ago when all that was going on out in the water. I tried to keep it as normal as possible in my house. I was closing up curtains and closing everything down so they wouldn’t have to see the cars going by constantly... I didn’t want them to get scared and worried and everything on everything that has been going on. I know it has affected my kids, in that way. You know they were always on edge, always worried that something was going to be a big happening, on a daily basis.\footnote{Mitchell 26}

This child was scared because the sound of the helicopter meant that a relative would soon be in danger. This child, like others in the community, knew that the sound of a helicopter or the sight of police/government people meant that someone in the family would more than likely end up hurt or in jail. This child and other children of Esgenoöpetitj are confused by their non-Native neighbours who are taking away their loved ones, who, in their eyes, are only trying to feed their families and provide a future for them. It is a very sad statement when children living within Canadian borders experience panic when they hear a helicopter or see our peace keepers in their community. As Miigam’Agan states,

this confusion leaves significant impressions on the children, its total mix messages, for my children... the fear and the anger has got them to turn against the White people and the Canadian courts, you know, they’re very aware of them, in particular ways and they’re angry and that’s all because of what their life experience is, being assaulted and intimidated and for them it’s to see their gods, their parents, --because that is how all of our children look at us at a young age, we are their gods --how this force can impact, hurt or humiliate their parents. That’s all built up and they become very racist against White people, that is where it originates from, out of experience.\footnote{Miigam’Agan 7}

Obviously, consequences such as these are working against the values and traditions Miigam’Agan and community members are striving towards. A measure implemented to remove the children from this harsh environment was the Cultural Camp in Tabusintac.\footnote{Tabusintac is another parcel of reserve land located a short distance from Burnt Church. The camp was a huge success, resulting from the combined efforts of the women, community cultural centre, volunteers and soldiers from Gagetown, an army base located roughly three and half hours away near Fredericton} Here, the children were able escape the trauma of the community and act like the other children in the area,
swimming, making crafts and engaging in physical sport. It is disappointing that the media did not focus on this aspect of the community enabling them to present an image of the Native person outside of the villain stereotype.

The youth are an important part of any community and like the generations before and after them they too suffer the repercussions of fighting for their rights. Sgoagani is a young woman whose family I stayed with during my trips to the community. During my time with her family I often wondered what it would be like to be a young adolescent of sixteen, constantly having a stream of men and women coming and going from my home. I was very fortunate that this bright, thoughtful, young woman shared some of her experiences with me.

During discussions with her I had asked how this affected her life. She told many stories about life for her and her friends at school, and both in and outside the community. One such experience was when she and other teens and children were down at her grandmother’s house, which is located on the waterfront, when the non-Native fishermen arrived and began shooting. She recalls taking the children and hiding behind her grandmother’s house for an extended period of time, distracting the smaller children and protecting them from activities in the front of the house. She also explained how her relationships outside the community had changed. The ways in which people dealt with her when she was in French or English communities tended to occur in negative ways such as verbal assaults.\textsuperscript{264} She also expressed the strain experienced by her peers in school, with kids from the surrounding communities citing the confusion and anger of the ‘lobster wars’ as reason for this change. She further stressed how the local paper \textit{Miramichi Leader} seemed to like the non-Natives better than the Mi’kmaq in the articles she had read.

Adults often reminisce about their youth as a time of freedom, freedom from the stress and tension that soon awaits them when reaching adulthood. One can only imagine the level of tension that she was exposed to daily. One story that I found particularly fascinating and certainly an example of turning media onto itself occurred when an observer in the community

gave a video camera to the young people to use. With camera in hand these young people set out to do their own reporting, interviewing the different people who had come to Burnt Church during the dispute. She and her friends got together to watch the finished product, and laughed over their experiences as reporters. I would suggest that the process of acting out the role of a reporter, being on the other side of the microphone or camera, would be an empowering exercise indeed.

The influence of the ‘lobster wars’ has impacted many people in many different ways. One woman I spoke with told of how her young son joined the Marines. His reason for moving to the United States was simple, but deeply profound. “He was tired of fighting for his food.”

Over the course of time that I have spent with the people of Esgetoòpetitj I have heard many powerful statements, but this one stands above most. Canadians have to take time and truly grasp the enormity of Native issues such as treaty rights. What does it say about Canadian society, when a young man has to leave the country in hopes of obtaining a lifestyle that will meet his needs without having to fight for it?

There is a common belief across societies that older people should be respected. Would the following story be an example of respect by the police for an older person?

I just can’t take this anymore and it just broke my heart when I felt the will in me, the life in me, was just sucked right out when I found Marina, one of the Elders, was pulled over with this blue unmarked suburban with the riot squad and they were just told to get out of the car...One of the grandsons, a young man, was thrown on the ground and hit his head, the back of his head, face down, on the ground and there’s about three/four of these dark suited men with their face partially covered with their pump action rifle and their checking the car...and I was saying, this too much you know, they tell us that they’re all part of the community to protect, to make sure that everyone is safe, but they’re terrorizing the community and driving around all night with their unmarked [cars], air patrol helicopters start around five o’clock in the morning.

The treatment shown to this elderly woman is questionable. What is also significant is the lack of attention surrounding stop and searches such as this. In examining all the articles found

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266 Miigam’Agan 8
during my time frame there was not one headline that discussed this and similar events in any form. Additionally, the extent to which media has interviewed Elders in the community is indicative of the diverging perceptions of 'newsworthy' events between western and Indigenous society.

Was resisting the state worth the terror the people of Esgenoôpetitj experienced? This is a question that only they can answer. As outsiders to this event we can offer our opinions, make suggestions, and draw conclusions. However, having not lived through the experience we would have to question our accuracy. Throughout this chapter I have looked at resistance by Native Peoples', beginning with a general discussion of Indigenous resistance on a global scale moving towards a brief history, highlighting some of the key activists and organizations that have formed over the last thirty years. The discussion then narrowed its focus to examine the relationships Native women have with their communities and nations and the various reasons they have actively resisted the policies of the state. From this point a detailed discussion of Mi’kmaq women of Esgenoôpetitj/Burnt Church took place illustrating the complexity of resistance from one community’s perspective. This discussion also provided a forum in which the voice of the Mi’kmaq could be heard in order to create awareness for the reader on the reality in which they exist. In the illustration of the reality faced by the Esgenoôpetitj residents the problematic nature of state control and print media representation was demonstrated. Moreover, an opportunity to learn from the lived experiences of the activists themselves was gained.

It is apparent at this time that Native women are active agents in their quest for sovereignty. As we have seen with the women of Esgenoôpetitj they have faced years of terrorism at the hands of their once friendly neighbours as well as the “peacekeeping”/police forces in Canada. Their activism has brought awareness to the many issues facing Native Peoples’ today. In light of their dedication and sacrifices to their communities it is necessary for mainstream society to take an active stance with their government to support the equitable and just treatment of Native women and Native rights. Interestingly, the fines and sentences levied for the acts of violence in Burnt Church showed a large discrepancy between those of the non-
Native communities and “peacekeepers” to those of the residents of Esgenoôpetitj.

In the next chapter concluding thoughts will be discussed looking over the many facets involved in Native resistance, Native women’s resistance, the states role in Native-Canadian relations as well as the part that treaties, history, law and organizations have played throughout the ‘lobster wars’.
Chapter 6. A Symbol of Sovereignty - the Lobster!

Summation of findings:

This study provides a forum in which the acts of resistance initiated by the Mi'kmaq women of Esgenoôpetitj are examined during the "lobster wars" following the Marshall decision. In placing women's voices foremost within this work the reader is able to understand how Native women's concerns are often relegated to the margins. Additionally we see how Native women's subjection through colonialism is twofold, first, within the broader context of mainstream Canada and second, within the instilled patriarchy of their communities. Resulting from patriarchy, we can see to some degree, how it has effectively manipulated the concept of the traditional women. Moreover, outside of this concept the responsibilities of women within creation and her ties to the earth are emphasized. Thus, the goal foremost in their agenda is to achieve whole and healthy communities for their children and the generations to follow. Often, to achieve this goal Native women assume many identities in order to decolonize their nations.

In sampling print media I have found that the medium does little to alter the level of misrepresentation ascribed to stereotyped Native females. Native women are not often presented as working within their communities alongside the men and Elders as a method to gain inroads into their nation's sovereignty. Furthermore, the relationship between Native peoples and Canadians in general, and Esgenoôpetitj and surrounding communities specifically, are constantly oscillating between congeniality when the status quo is maintained and hostility when Native Peoples' assert their rights. Finally, Native women in sharing their experiences with other Native Peoples' and Canadians are using these experiences as an efficient decolonizing tool in which the reader is able to discern the often hidden truths of Native/Canadian relations.

An important framework that needs to be used in understanding issues such as the ones surrounding the Marshall decision is the distinction between ethnicity and nation. When a western society perceives and categorizes a nation as an ethnicity all attempts to understand and improve a relationship is impossible. A shared landscape cannot have an equal and just existence
when one half of the relationship maintains its powerful and oppressive position over the other half. Had the general public, press and government recognized Mi’kmaq nationhood, as demonstrated in the treaties, the “lobster wars” need not have happened. Instead, the production, reception and processing of western hegemonic ideologies by non-Native groups involved with this issue, in their actions and public statements, would not have re-affirmed the oppressive state by denying Treaty, Aboriginal and human rights under the guise of economy and conservation. It is of the utmost urgency that Canadians gain a better understanding of Native peoples’ as distinct and separate nations and having constitutionally recognized and affirmed rights within the Canadian landscape, so that another community is not subjected to the heinous acts of violence and oppression the people of Esjenoôpetitj have gone through. It is my hope that by utilizing an Indigenous theoretical and methodological framework as a tool to understand how these systems function, western audiences will have a new framework by which to interpret Canadian/ Native relations.

In order to arrive at these conclusions I first discussed the Esjenoôpetitj, Kespegeaog, Mi’kmaq ‘ik, Oetjkoapenekeoag- people of the dawn in three sections. First, I looked at traditional Mi’kmaq society, discussing the political, social, economic and spiritual foundations of Mi’kmaq life, as well as the effects of contact and the resulting trade relationships and agreements. Second, I discussed contemporary Mi’kmaq life and how it has been shaped by policies and events, such as the Indian Act, decreased land base, current economy and language retention, and the Marshall Decision. And third, I explored the responsibilities of Mi’kmaq women in both traditional and contemporary settings.

I then moved forward to discuss the laws and treaties surrounding Marshall, specifically the 1725, 1752 and amended 1760-61 Peace and Friendship Treaties as well as agreements entered into by the Mi’kmaq. Moreover, a discussion on the treaty-making process from a Mi’kmaq perspective was presented. I also addressed the Mi’kmaq people’s relationship with the French, English and the encroachment of settlers on to their lands. This then led to the Marshall decision and the implications this has had for Treaty and Aboriginal rights.
Having set the foundation for the Marshall decision I then chronologized the events that had occurred in Burnt Church from 1999-2001. This included a discussion of the various organizations involved in the dispute. Namely, The Maritime Fisherman’s Union (MFU), Department of Fisheries and Oceans (DFO), Aboriginal Rights Coalition (ARC), Christian Peacemakers Team (CPT) and the Assembly of First Nations (AFN). For each group I outlined their mandate and how they have interacted with Esgenoôpetitj over the three year period.

Then I discussed Epijig/women’s resistance and activism in Esgenoôpetitj. I began with a discussion of decolonization and its issues moving towards a general history of Native women and resistance. I then turned to specific acts of resistance by the Mi’kmaq nation. This was followed with a examination of the responsibilities of women within their nations and communities. Issues of marginalization and villianization of the non “traditional women” were also discussed. Next, I examine the impacts of resistance felt by the community. This contains discussions on questions of authority, the use of the expert, and the missing voices of youth and Elders. This was followed with an analysis on the acts of resistance exhibited by the women of Esgenoôpetitj, and their reasons for doing such acts. I conclude with a description of the changes in relationships within the community of Esgenoôpetitj, and their relationships with Burnt Church and Neguac. Additionally, I examined the influence print media has had in this change.

Concluding thoughts:

Paula Gunn-Allen aptly describes experiences of Native women.

We survive war and conquest; we survive colonization, acculturation, assimilation; we survive beatings, rape, starvation, mutilation, sterilization, abandonment, neglect, death of our children, our loved ones, destruction of our land, our homes, our past, and our future. We survive, and we do more than just survive, we bond, we care, we fight, we teach, we nurse, we bear, we feed, we earn, we laugh, we love, we hang in there no matter what.\textsuperscript{267}

This description by Gunn-Allen of women’s strength can easily be applied to the women I had

\textsuperscript{267}Gunn-Allen 190
met within the community. Indeed, with many women of all nations that I have encountered.

What can be said about Native women? While I do not wish to generalize and recognize that these statements do not differentiate between nations, I have found over time and through this project that Native women are often mothers who work tirelessly for the benefit of their children and nation. Native women are continually faced with barriers of patriarchy, sexism, racism, and poverty, yet they persevere all of these barriers in their dedication to their children, traditions, and collective education with the ability to be strong and work towards the decolonization of their communities. Their reward, as I perceive it, is the joy they receive in their children’s and grand children faces as they see their values and morals passed on through their teachings. Even when they are experiencing, anger and frustration at the systems they are fighting against, Native women’s hearts are often welcoming and they demonstrate a level of compassion and understanding that many only dream of achieving. While the pain and loss in their communities, families and nation are their own, those of us who have been impacted by their kindness, thoughtfulness and knowledge should not forget our part in this relationship.

This work is for the woman who works tirelessly for her community. We are long past the time in which, as Canadians, we can stand by and let Native women fight alone. We must develop relationships with Native women by working with and supporting them in their mandate as they endeavour to end the oppression, poverty, sexism, patriarchy and racism their communities. As a society we must continue to move towards equality, the recognition of Native peoples’ sovereignty and respect for our neighbours. Native women should not have to face violence from their neighbours and their children should not have to fear Canada’s peacekeeping agents.

Communities need to exist in healthy environments. The earth must be protected and we must begin to work together to achieve these goals. The health of Native Communities does not lie solely within those communities but also lies within Canadian society; we must tell our politicians that we no longer accept the oppression of Native peoples’. Native women must continue to emerge from the margins, their voices must be heard and their concerns taken
seriously and their leadership must be supported and recognized. Print media can no longer be forgiven for its racist portrayal, whether it is unintentional or not. As neighbours we need to learn, listen and support. Moreover, we need to understand that ignorance is not longer an acceptable position for or attitudes. The women of Esgenoôpetitj have been terrorized, they have been emotionally and physically harassed, their spirituality was attacked and their responsibilities questioned. Decolonization must happen and we all must work together to see this happen. This story is for the children and I hope they know they are loved, may their future be fair and kind. Lastly, it is my hope that this work promotes further research into the various questions I have raised.
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Appendix 1.
Map of Burnt Church

Map 2. New Brunswick

Maps courtesy of Mapquest.