CULTURE AND LANGUAGE: THE POLITICAL REALITIES TO KEEP TRICKSTER AT BAY

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Abstract / Résumé

For over 200 years governments in Canada and the United States have enforced policies aimed at assimilating and politically dominating Indigenous North American peoples. This essay discusses several of the political tools used in this regard as a means of highlighting the role that language must come to play in maintaining Indigenous peoples' distinct cultural identity as a *force de resistance* against a long and continuing history of political subjugation.

Depuis plus de 200 ans, les gouvernements du Canada et des Etats-Unis appliquent des politiques visant l'assimilation et la domination politique des peuples autochtones d'Amérique du Nord. Cet article étudie plusieurs des instruments politiques utilisés à cet égard pour souligner le rôle que la langue doit parvenir à jouer pour soutenir l'identité culturelle distincte des peuples autochtones, identité ici entendue comme une force de résistance contre une longue histoire, toujours en cours, d'assujettissement politique.

The Canadian Journal of Native Studies XX, 1(2000):181-196.

Introduction

In the wake of over a hundred years of political and cultural suppression, Indigenous North American cultures are still under assault. An underlying focus of this paper will be to examine how language and identity may represent the last significant political reality to anchor Native cultures against the policies and practices of governments that have historically advocated the assimilation of Native peoples into its own ideological collective. Before moving into such a discussion, however, the paper will briefly examine the legal and political subjugation Indigenous North Americans have experienced by framing an initial discussion of contact and conquest within the genre of the "Trickster" tale.

The application of a Trickster motif rests upon its wide-spread use within many Native American stories. Traditionally, Trickster tales have been used to illustrate improper behaviour in such a way that they had served to teach what Native communities have viewed as proper behaviour. Among many Native American groups Trickster most commonly represents a character who is always getting into some type of mischief or stirring up trouble. If Trickster discovers a skill or the property of another he always wants to claim it for himself. Whenever Trickster sees something that he likes he is sure to conjure up some trick in order to obtain what he desires as his own. He always tends to see himself as better than those around him, so in effect Trickster works well within the context of this paper. There is one other reason for utilizing a Trickster motif. History, as recorded by those who colonize, is always told from a different perspective than the history that is remembered by those who have been colonized. Hence, the Trickster tale serves both to represent an Indigenous perspective within the tale itself, and to cue the reader that an underlying interpretation and analysis has been set within the framework of an Indigenous perspective throughout the presentation of this essay.

Through the use of a Trickster motif this paper will aspire to open up a small window for the reader to get a glimpse at another cultures' "emic," or Native perspective, regarding why it is necessary to keep Trickster at bay. This in turn will help to bring a level of understanding pertaining to the role that language must ultimately play in keeping Native American culture from being totally subjugated and absorbed by the dominant culture that would seek to exploit all with its "Midas" touch in the name of development and progress.

When Trickster Found His Way to Turtle Island

Long ago when Trickster still only lived within the land of his people, he was very restless and wished to explore beyond the limits of his world. It had come to his attention that there existed a land known as Turtle Island far beyond the great waters, and he became desirous to discover what he could gain in this new land. When Trickster finally made it to this land, he found it to be very different from his own homeland. Trickster thought the climate harsh and unsuitable, and viewed the mannerisms and lifestyles of the lands' inhabitants to be crude and inferior to his own. In truth the people of the land also found the mannerisms of Trickster to be shocking and worth their ridicule. And so it was that each had viewed the other through the ethnocentric eyes of their own cultures' values.

Now although Trickster had always viewed himself as a clever fellow, when he first arrived he knew nothing of the land, the people or the environment that he had entered. As a result he found himself relying upon the land's Indigenous people in order to learn what resources could be harvested for food, clothing and profit. Trickster wanted to make a home for himself and his people in this land, so being a clever fellow he brought seeds from his homeland to plant for his food, but his crops, like his efforts, withered in an environment to which both he and his crops were foreign. For more than 100 years, 1497 to 1602, although many others from different Trickster clans tried to create a piece of their world within the new land, none were ever able to make an impact upon the people or land that would come to be known as North America.

Now the wants of Trickster have always been great, and he remained determined to learn the ways of the people in order to gain a strong hold upon the land. Finally, in 1603, members of a particular Trickster clan established a small settlement in the northeastern region of the land at a place that they would call Canada. Only a few years after this, members of another Trickster clan began a colony at a place they called Roanoke. Now the members of these Trickster clans were so centered in their own particular culture ways, that they viewed all other people and culture ways as inferior to their own. Driven by the forces of their own ethnocentrism the two clans battled each other until, in 1759, one defeated the other and the winner claimed dominion over all the land and its people. The Trickster wars, however, had not ended. The rules that gave order to their society began to break down. Conflict and turmoil increased and eventually culminated with the Trickster uprising of 1776. When the dust had finally settled, the land had been divided between the two clans, America in the south and Canada in the north, and from these peoples' lack of forbearance the world of Indigenous North Americans would forever be changed.

How Trickster Shaped the Course of History

Historically, the focus of many of the changes enforced upon the people indigenous to North America has been to try and mold Native culture into an image of Anglo-European culture. This is most commonly referred to as assimilation. Early on it was realized, much to the disappointment of government officials, that efforts to bring about assimilation were not having the results that had been hoped for. Instead of becoming assimilated, a number of Indigenous groups adapted elements of Anglo-European culture to fit the framework of their own particular cultures, and demonstrated advancements that at times successfully competed against Anglo-Europeans. When this occurred political leaders in both Canada and the United States turned toward implementing legislation to bring about their desired results. When legislation did not always achieve the results sought after, the courts became the next battleground. Between the forces of legislation and the courts, governments in both Canada and the United States had acquired the necessary tools to politically subjugate Indigenous North America. The support of this claim will come with a closer look at the tools and strategies historically utilized by American, British and Canadian governments to claim an absolute dominion over the peoples and lands of Indigenous North America.

In 1759, after a French defeat in an area near Quebec called the "Plains of Abraham," the British remained concerned over the threat of continued Indian military activity. In an attempt to quell such threats, the British issued a series of proclamations as a measure to control its own citizens. The most familiar of these is the Royal Proclamation of 1763. This document explicitly states that the peace and security of Britain's North American colonies and plantations greatly depended upon the goodwill and alliance with the several Indian Nations bordering the colonies. While this document has found its way into Canadian litigation, both to support and argue against the existence of Aboriginal rights, most attribute a force to this single piece of paper as possessing an ability to bring North America under the laws and government of Britain. However, when the Proclamation is placed in context with certain events and conditions that existed during the period, a very different impression emerges. A momentous event, that should not be overlooked when considering a potential cause and effect relationship upon the final drafting of the Proclamation, occurred in the spring of 1763.

During the months of May and June, warfare erupted along the frontier and a fighting force of Indigenous people, under the leadership of an Ottawa chief known as Pontiac, captured 9 of 11 British forts. With the exception of Forts Ligoner and Pitt, the Indigenous nations of the Western Confederacy were largely successful in regaining control over their traditional lands

in the upper Great Lakes region. From May until October, Confederacy warriors militarily maintained an effective offensive posture. By the fall of 1763, Indigenous nations of the Confederacy had either captured or destroyed every post west of Detroit. It was not the superiority of the British military, however, that eventually contained the Indigenous war effort, but the spread of a smallpox epidemic that finally enabled Superintendent of Indian Affairs Sir William Johnson to arrange a truce. It is worth mentioning that some believe this epidemic possibly resulted from the deliberate distribution of infected "dress" goods such as handkerchiefs, various items of clothing and blankets from the smallpox hospital at Fort Pitt. The fact that the effects of this Indian resistance have largely gone unaccredited as having any significant impact upon the final drafting of the Royal Proclamation of October 17, 1763, illustrates how ethnocentrism has colored the writing of history and has strengthened and perpetuated a myth of the superiority of Anglo-European culture during that period.

After the United States was born as a nation, America's leadership began to recognize the sovereignty and rights of Aboriginal peoples through various treaties. This however was soon followed by the United States government exercising its own brand of colonial control. In 1789, under section 8 of the United States Constitution, the newly formed government claimed itself to possess certain powers, specifically: "To regulate Commerce with foreign Nations, and among the several states and with the Indian Tribes" (Chandler, Enslen and Renstrom, 1987). From this clause it has been interpreted that the United States government possessed broad powers to regulate and manage all affairs over Indigenous North Americans. It must be noted that even though the words "Indian tribes" appear on the same line with "foreign Nations," logic fails to explain the fact that while this clause could not endow the United States with any specific power to manage the affairs of foreign nations, it nevertheless is claimed to have endowed the American government with explicit powers to manage the affairs of Indigenous nations who, like foreign nations, had not been incorporated into the American State. Furthermore, at the time the American Constitution was adopted, the notion of managing the internal affairs of Aboriginal populations was contradictory to the very spirit of the several treaties the United States had already entered into with Indigenous nations. Twenty years later, 1809, the American Commerce and Non Intercourse Acts declared that Indian people needed protection from the practices of unscrupulous Whites, and resulted in Congress legislating the power to manage the affairs of Indians. Thus with these endorsements, Indigenous people from sea to sea, without their knowledge or consent, had traditional

territories, property rights and liberty subsumed as the exclusive responsibility of the United States government.

Governments in both Canada and the United States have worked to create an inaccurate image of the political subjugation they exert over Indigenous North Americans. In the United States this illusion was first propagated in 1831, when Supreme Court Chief Justice John Marshall claimed that the Indians were in a state of pupillage, a claim that has been used since that time to undermine any actual realization of self-determination for Indigenous Nations.[1] The case was Chief Justice John Marshall's first discourse on his principle of "discovery" in which he made his famous statement that though the Cherokee could not be considered foreign nations, "they may, more correctly, perhaps, be denominated domestic dependent nations."[2]

In Canada, the government has at times utilized this state of tutelage concept as a means to an end. That being, to redefine Indigenous Canadians as "non-Indians." This was accomplished through legislation which asserted that once a "Status" Indian attained a certain level of education they attained citizenship.[3] The Catch 22 was that once they had become a citizen of Canada they were no longer considered to be Indians. They summarily received notice of citizenship and by virtue of such notice all treaty benefits were abrogated. Though much different in approach and perspective, the end result was the same; an act created by an alien culture arbitrarily defining who and what is Indian, for the purpose of disempowering and controlling the lives and resources of Indigenous North Americans. In spite of the controlling force of Canadian and American governments, it is significant that there still exist areas in North America which Indigenous peoples have occupied exclusively for thousands of years, and wherein Anglo-peoples have never really resided. Counter to this fact, however, governments have revealed a stance which proclaims that land and resources can be taken from First Nations' peoples by simply enacting legislation to accomplish this end. It is for this reason, in part, that Indigenous peoples have undertaken efforts to empower themselves through a political medium of self-government and self-determination. Unfortunately, language has not historically been given any significant position within these efforts. One of the first efforts aimed at self-empowerment was initiated by the Cherokee in the 1831 Supreme Court case of *The Cherokee Nation* vs. The State of Georgia.[4]

The immediate issues and circumstances surrounding this case stemmed from Georgia's legislation of a series of Acts intended to annex Cherokee land to several counties within the state and coerce the Cherokee into emigrating out of Georgia. Georgia's Governor, George Gilmer, legis-

lated a series of acts which reportedly gave Georgia's government the last word in regulating all laws regarding Indians within the boundaries of the state. The legislation asserted Georgia's right of the boundaries of the state, and asserted Georgia's right to title to Cherokee lands, made null and void all Indian customs and laws, and declared it illegal for Indians to testify in court cases in which Anglo-Americans were involved. Governor Gilmer justified his actions on the basis of a land cession the State had made to the United States government in 1802. The land cession had been backed by the government's promise that as soon as the Cherokee were persuaded to peacefully give their land up, Indian title would be extinguished and the Cherokee would then be removed outside the borders of Georgia.[5] In the end Chief Justice John Marshall was able to refuse jurisdiction over this case on the basis of his opinion that the Cherokee did not constitute a foreign state within the United States. "The Court has bestowed its best attention on this question, and... the majority is of an opinion that an Indian tribe or nation within the United States is not a foreign state, in the sense of the constitution, and can not maintain an action in the Courts of the United States."[6]

One year later the Cherokee again pressed the Court into deliberating upon their rights as an independent sovereign people. In this case, *Worcester* vs. Georgia, as with the previous, the Governor of Georgia refused to appear.[7] Almost enigmatically Chief Justice Marshall presented arguments which supported protecting the Cherokee from Georgia's unconstitutional act. Repeatedly Marshall stressed that Indigenous nations were distinct independent political communities, completely separate from the states. Marshall argued that the relationship between Indian nations and the United States was that of a nation receiving the protection of a more powerful nation, and not that of individuals having to abandon their national character or having to submit themselves to the laws of a superior.

Although the Supreme Court moved to protect the rights of the Cherokee, the protection of Native rights was secondary to the Court's more pressing issue of protecting the nation's federal rights against Georgia's upsurgence for state rights. This is further supported by the fact that Georgia continued to assert its unconstitutional laws over the Cherokee and the federal government, protecting its own, forced the issue and removed the Cherokee to Oklahoma. While the Marshall cases have been credited as establishing the existence of Aboriginal rights within American law, in Canada the existence of Aboriginal rights was not legally pursued until the 1970s.

The existence of Aboriginal rights in Canada are well contrasted when compared to American Aboriginal rights issues. In the United States, legal

tradition regarding Aboriginal rights evolved through several court cases which ultimately led the United States Supreme Court, under Marshall's tenure, to elevate a theory of conquest over a principle of discovery. By Marshall's reasoning, the "discovery principle" was only extended to European nations and conferred upon them an exclusive right to determine which European nation could acquire Indian land through either purchase or conquest. With regard to conquest Marshall claimed: "Conquest gives a title which the courts of the conqueror cannot deny, whatever the private and speculative opinion of individuals may be..."[8] In comparison, the emergent legal tradition of Canadian courts regarding Native people's rights and entitlement to land seems to have remained fixed upon a doctrine of discovery rights to justify dominion over the peoples indigenous to Canada. The Doctrine of Discovery, which is deeply rooted in Anglo-European beliefs of the supremacy and right of Christian-bearing cultures to subjugate and claim dominion over non-Christian cultures, sadly still continues to have a strong presence in both legal theory and the minds of American and Canadian jurists.

When comparing the extension of Anglo-European rule in Canada to that of the United States, a significant difference is immediately observed. In Canada, unlike in America, the subjugation of Indigenous Canadians resulted almost entirely through legislative acts. These acts served to self-empower British dominion on a single premise; that as a superior culture, Britain's discoveries in North America guaranteed the exercise of its rule over the land and the original occupants whom the government perceived as an inferior people. One of Canada's most shocking examples of subjugation through legislation was formulated in 1876 and called the Indian Act.[9]

Because Canada's leadership did not view Indigenous people to be high enough on an Anglo-European perceived scale of civilization, the Indian Act was passed without the knowledge or consent of the Aboriginal peoples it was destined to politically subdue. As a piece of legislation the Indian Act was formulated with a specific objective, to control all aspects of Indian life, with the explicit goal of leading the Indian toward "civilization" and eventual assimilation. The Act itself embodies 60 pages of who, what, where, and how. It codifies who an Indian is, what an Indian can and cannot do, where an Indian can and cannot go, when that can take place, and how an Indian must act. Within these pages can be found 38 headings that address such topics as the "Definition of an Indian," the "Creation of New Bands," the "Sale or Barter of Produce," the "Descent of Property and Execution of Wills," the "Management of Indian Moneys," "Regulations," "Powers of the Council," "Legal Rights," "Trading with Indians," and the

"Removal of Material from Reserves." Each one of these topical restrictions, as well as others not mentioned, continue to have profound effects upon those Indigenous North American peoples the Canadian government has defined as Status Indians. From the time that Canadian Status Indians are born, until the time of their death, nothing affects their lives as much as the Indian Act. It determines where they live, what education they get, how they will earn a living, what land they will own, and who will inherit their earthly possessions when they die,[10] every conceivable facet of one's life—all dictated by a single piece of legislation.

One of the most profound abuses of power in North America, was exhibited by the provincial government of Alberta, Canada in 1973. During this period Indigenous Canadians began to press the courts to arbitrate Aboriginal rights issues. On March 24, 1973, Chief Francois Paulette of Fort Smith, along with 15 other Chiefs, attempted to file a caveat.[11] The purpose of the caveat was to protect certain lands in the Northwest Territories, for continued traditional use, by asserting a claim of interest as an Aboriginal right. While the federal government found itself caught up in this legal battle with the Indigenous peoples of the Northwest Territories, the provincial government of Alberta was facing the threat of a similar situation from a band of Indians called the Lubicon Cree, who had also filed a caveat as a legal manoeuvre to try to protect their traditional lands. The provincial government maintained a strategy to delay any pending court action, and patiently waited for the Court to make its decision on the Paulette case. The Supreme Court ruled against Paulette and the other Chiefs. Going beyond its appointed duties, however, the Court took the liberty to send a message to the Alberta court by declaring that its decision was due to the nature of unpatented Crown lands in the Territories, and most importantly, had such a case occurred in Alberta the province would have been bound by the caveat.[12]

Through strategic manoeuvring the Alberta provincial government was able to delay the case long enough to allow the passage of Bill 29, which changed the wording of the Alberta Land Titles Act, "to prohibit caveats on unpatented Crown land," (Goddard, 1991:51) which then as retroactively applied to a point in time before the Lubicon Cree had attempted to register their caveat. Never before in the history of Government-Indian relations in North America had a government enacted retroactive legislation in order to block the course of justice. Clearly, this action left little doubt regarding the provincial government's ability to utilize its so called "fiduciary" responsibility[13] as a tool to maintain a colonial control over Indigenous people and alienate them not just from their inherent Aboriginal rights, but also from rights that should normally have been granted them as "human beings."

In examining the history of the relationship between Anglo-European governments as colonizer and Indigenous peoples as colonized, an emergent pattern has shown that the colonizing governments have historically done more than merely subject Indigenous North Americans to the values, standards and laws of its culture. In the course of extending dominion over North America, governments have tried to remold Native culture to fit an image of Anglo-European culture and have manipulated laws in order to bring about the assimilation and subjugation of Indigenous North Americans. While most people would like to believe that this is past history, in June, 2000, Alaska's Senator Ted Stevens introduced legislation which has sought to end tribal sovereignty for 23 tribe groups in that state. The threat has gone beyond the state level, as reported by Montana's Senator Max Baucus, who circulated an email affirming that the Washington state Republican Party had recently voted for a resolution supporting the abolishment of tribal governments, thus illustrating the continued threat upon Indigenous sovereignty. One tool that has been used toward this end in Canada was the Indian Act, while in America it was the government imposing blood quantum standards to define who is "Indian." This is particularly significant because the governments of these two countries do not impose qualifying standards to define who represents eligible members of any other culture or ethnic group. Without exception, these governments have claimed the exclusive power to do this for only one people; Indigenous North Americans, as made obvious through legislation such as the Enfranchisement Act of 1869 in Canada, which "stipulated that an Indian woman who married a non-Indian male would, along with her offspring, no longer be considered Indian" (Frideres, 1983:23) and the Federal Acknowledgement Program in the United States.

In over two hundred years of colonization, governments in North America have steadily worked toward eradicating Indigenous cultures. Today, though Indigenous people drive cars and work in a vast array of professional positions, Indigenous languages in North America remain a constant reminder and symbol of Indigenous peoples' identity. More than anything else it is due to this reality, the role languages play in shaping peoples' identity, that Indigenous people must ultimately embrace the significance of language as a political *force de resistance*.

The Shaping Force of Language

Prior to the birth of the United Nations, language did more than symbolize who a people were. It also played a significant role in defining nations. This is most easily made evident by looking at the names of numerous people, languages and nations. For example, the Chinese speak

Chinese and comprise the nation of China; the English speak English and comprise the nation of England; the French speak French and comprise the nation of France; the Germans speak German and comprise the nation of Germany; the Spanish speak Spanish and comprise the nation of Spain. But language goes far beyond this symbolic reference to a people and their nation. Language also serves a major role in shaping how a people makes sense of and give meaning to the world in which they live. This is known as the linguistic relativity hypothesis, of which Edward Sapir, Leslie Sapir and Benjamin Whorf were its earliest proponents. Edward Sapir noted:

> It is quite an illusion to imagine that one adjusts to reality essentially without the use of language and that language is merely an incidental means of solving specific problems of communication or reflection. The fact of the matter is that the "real world" is to a large extent built up on the language habits of the group... The worlds in which different societies live are distinct worlds, not merely the same world with different labels attached (Sapir, 1956:134).

In *Flutes of Fire*, Leanne Hinton gives examples of how the language habit of a group helped to shape their world with her discussion of Wintu "evidential suffixes." These suffix endings clue the listener with regard to how the speaker came by the evidence for something claimed. For instance, to express something logically deduced through a body of evidence, a suffix ending "re" is added to the appropriate verb. If something was perceived through the sense of taste or hearing, the appropriate verb would take the suffix ending "nte." If something was hearsay, because it was heard from another, the speaker's claim would have to reflect a suffix ending "ke." "Thus any statement a Wintu speaker makes must bear with it the evidence for the speaker's claim..." (Hinton, 1994:66). Imagine how law and history would have been shaped if the English language were guided by the reality of such linguistic rules. Hinton states that many verb suffix endings exist in Wintu that do not easily find translations in English. One suffix ending is used to denote a relationship of great intimacy. Under such conditions, to state in Wintu "My child is ill," would be translated in English as, "I am ill in respect to my child." While this at first glance might seem peculiarly phrased, it is no less peculiar than an English speaker telling a friend "I am parked not far from here," while the two walk to a car which is the actual thing that is parked close by. Other examples given reveal that a Wintu speaker could not state phrases like: "The Chief ruled over the people." "I have a brother." "She took the baby," and "Her dress was striped," but instead must declare "The Chief stood with the people," "I am brothered." "She went with the baby," and She is dress striped." These examples

illustrate a linguistically accepted fact, that each language encodes within it a unique way of perceiving and relating to the world around the people. To try and further illustrate this, and how it is linked to a culture's identity, I will draw upon examples from three different culture groups.

In Africa there are a people called the Nuer. Historically they are a pastoral people who herd cattle. British Anthropologist Evans-Pritchard relates that the fact the Nuer have hundreds of terms for cattle is indicative of cattle's economic importance to the Nuer as a pasturalist people. Social relationships are defined in terms of cattle such that ties of marriage past, present and future are directly equated with the transfer of cattle from one family to another. Cultural significance can be demonstrated in other ways. Ballads are composed and sung in praise of cattle. Cattle terminology is extensively used in names and titles of address. Girls, boys, woman and men have ox-names. These names were used in all sorts of occasions, at dances among friends, and an individual would traditionally shout out his ox-name when attacking an enemy or an animal when hunting. Cattle are also given social application by linking the living and the dead, by being sacrificed to ghost of the dead, and by being used in ceremonies. In one such ceremony the neck of certain bulls would be punctured. The blood would be mixed with soured milk, which they would then drink.

Another example can be drawn from the plains of North America. Among the Arapaho there is something called *bee'eek*, which describes blood gravy. The old people who talk about the preparation of *bee'eek*, tell how the blood of an animal, like an antelope or a buffalo, would be taken, then mixed and cooked into a kind of broth, which would then be consumed. As in the case given with the Nuer, one would not readily expect anyone from outside of Arapaho culture to eagerly volunteer to eat *bee'eek* if offered. For those who would not jump at the opportunity to taste this delicacy, the obvious question is why wouldn't one want to taste it? There is another dish called *biinee'eek*. *Biinee'eek* is a composite word that comes from *bino*, for a berry also called chokecherry, and *bee'eek*, or blood gravy. Given the opportunity to taste this dish, would one expect numerous volunteers? Of those who wouldn't volunteer, the question again is why not?

Not facing an actual situation makes it easy to delude oneself into believing it would be an easy thing to volunteer for a taste test. While working for the College of Indigenous Australian Peoples in Australia during 1997, however, I actually put a class in this very situation, that of volunteering to taste *biinee'eek*. Out of 28 individuals only three volunteered! In another situation a group of urban Aboriginal students were taken on a field trip to the Northern Territory where they visited a group of Aboriginal people still living in traditional ways. At the end of their visit a feast was organized

in which all traditional Aboriginal foods were prepared. Much to the dismay of the hosts and field trip leaders the students would not eat the foods prepared and complained that they didn't have access to a McDonalds.

Now to return to the discussion about the *bee'eek* and *biinee'eek*. In that discussion some were probably influenced by certain words which helped to shape their perception of what *bee'eek* might taste like. This led some people to semantically categorize *bee'eek* with the taste of blood. Their perception was further reinforced by my discussion of how *bee'eek* was prepared, using antelope or buffalo blood,[14] which in turn was associated with the prior description of the Nuer drinking a mixture of soured milk and blood from a bull. All of this helped to create a false impression of *biinee'eek*, which in its finished form is actually a very sweet mixture. These examples only touch upon the complex subtleties embedded in the transmission of language and culture. To further illustrate this, with Indigenous people's languages, as with many other languages, there are words that carry more than one meaning. In Arapaho for instance, *ciinohwoo* means to pour it, but also means quit dancing, and *henfiseinoo* means I have a cold as well as he is afraid of me. These two phrases illustrate how lacking a fully developed language ability could create some serious misinterpretation, a theme that can be found in a number of traditional narratives (see for example, Barbeau, 1960:40-44). In many Indigenous languages there are numerous words and phrases that reflect multiple meanings. If our Indigenous languages become extinct not only will these distinct forms of words and expressions die, but also the unique way that the culture through its language ascribes meaning to the world of which it is apart.

Our Aboriginal ancestors were the product of the language and culture that was transmitted to them, a language and culture which they in turn transmitted to their children. Through the intervention of a foreign people with a different set of values and a culturally different way of viewing the world, the transmission of Aboriginal language and cultural values has been and continues to be disrupted. The resulting effect has so weakened this transmission process that the very existence of numerous Indigenous people's languages and cultures are now threatened with extinction through the loss of language. The pace of language loss has been staggering, to the point that it has been estimated that for every animal species that has become extinct five of the world's Indigenous languages have also died. It has also been stated that if the present rate of language loss continues the world's 6,000 languages will be reduced to a few hundred over the next two centuries. To relate how this would translate to North America, currently there are approximately 279 languages still spoken in North America. By the year 2025 this number may easily be reduced to less than 40. Clearly

the issues that call for the survival of Aboriginal languages has reached a critical point.

The threat that Indigenous North Americans face today is one of our most serious and most challenging, that of keeping our languages from becoming extinct and in so doing preserving the essence of our cultures. To ensure that our Aboriginal languages survive, Aboriginal peoples must now empower themselves to meet the challenge of this responsibility while our Elders, who stand as custodians of our languages and cultures, are still here to serve as resources.

It has been said the Elders from among different Indian communities speak of a time when a person from the government will go to Indian communities to determine if they meet the government's standard that defines who and what is Indian. In the face of governments that have historically sought to rid themselves of their "Indian problem," and have demonstrated a pattern of arbitrarily writing legislation to meet their own ulterior motives, the warnings of our Elders resound with the message that our languages may represent the strongest political reality to keep this Trickster at bay.

Notes

1. See the *Cherokee Nation* v. *The State of Georgia*, 30 US (5 Pet, 1831). Making citations to this case can be a bit tricky as the report's pages carry a different number at the top of the page from what is noted at the bottom of the page. On the pages itself, however, are numbers that follow a left bracket and an asterisk. Quotes have thus been cited according to these reference marks.
2. *Ibid* at [*17.
3. The Canadian Constitution distinguishes among three groups of Aboriginal peoples, Indian, Inuit and Métis. The government further distinguishes between Status Indians, who are legally and constitutionally Aboriginal people, and non-Status Indians who are not. The latter are considered entitled to Status, but must jump through many bureaucratic hoops to obtain it. Many are unable to provide the non-Native proofs necessary to do so.
4. See 30 US (5 Pet., 1831)
5. See Georgia Cession, April 26, 1802, in American State Papers: Public Lands 126 (Washington: Gales and Seaton, 1832.)
6. *Cherokee Nation* v. *The State of Georgia*, 30 US (5 Peters, 1831) at [*17. The Court was actually split: On the issue of jurisdiction four to two stood against the Cherokee, on the merits which could not officially be addressed, four to two in favor of the Cherokee cause. Burke

(1969), has also drawn attention to the fact that Marshall, although ostensibly speaking for the Court majority, was actually speaking only for himself and Justice McLean.

7. See *Worcester* v. *Georgia*, 31 US (6 Peters, 1832). The message of Governor Wilson Lumpkin was reported in the October 29 issue of the Nile's Weekly Register (1831) at 174, column 1.
8. *Johnson and Graham's Lessee* v. *William McIntosh*, 21 US (8 Wheaton, 1823) at 587-588 [emphasis mine]. Nine years after the "Johnson" decision Marshall's thoughts regarding the principle had radically altered and his decision in *Worcester* v. *Georgia* was supported in part by Marshall strongly arguing against the discovery principle. See *Worcester* v. *The State of Georgia*, 31 US (6 Peters, 1832).
9. Indian Acts and Amendments, 1868-1950. Treaties and Historical Research Centre, Research Branch Corporate Policy, 2nd edition Department of Indian and Northern Affairs, Canada, 1981.
10. See "The Indian Act: The Fact, The Fears, The Future, A Nation in Transition". Ken Murch Productions: London, Ontario, copyright 1989, Walpole Island First Nations.
11. See Re Paulette's Application to file a Caveat, 6, *Western Weekly Reports* (1973).
12. See *Paulette et al.* v. *The Queen*, 2, Supreme Court Records (1977).
13. Derived from Roman Law, the term refers to a person or institution acting in the capacity of a trustee. See Black's Law Dictionary (1991).
14. Over the years I have conducted this exercise in a number of different classes. Students are always reluctant to taste this blood-rich looking mixture, and always seeming to forget that the gravy they like to pour over their steaks is made from the blood of a cow.

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