Sovereignty and Nation to Nation Dialogue: Six Nations and Canada

Introduction: A topic that has come to the fore during the current Caledonia land dispute is the assertion by the protesters that the Six Nations are a sovereign people, who had a Nation to Nation relationship with the British Crown, and since 1867 with the Federal Government of Canada. Hence this conceptualization posits that they are a Nation within a Nation. It is the view of many that they were and are allies of the Crown and its successors, and as such are independent and thus not subject to the laws imposed by the Government of Canada. The goal of the present study is to explore the evidence in support of this claim.

Definition of Sovereignty: Referring to the Merriam – Webster Dictionary, sovereignty can occur when there is:

1) "*supreme power especially over a body politic*", the latter being defined as, "*a people considered as a collective unit".*
2) "*freedom from external control: autonomy*". Autonomy is defined as, "*the quality or state of being self – governing*".
3) "*controlling influence*".

The problem at Six Nations is that there are two major factions claiming the right to govern the "body politic" – the Elected Council and the Hereditary Council. Six Nations is also not free from external control since they accept, and require, transfer payments from the Canadian Government (Canadian taxpayer).

Definition of a Nation: In turning to the Merriam – Webster Dictionary again, they list two potential criteria to determine whether an entity is a Nation.

1) *A community of people composed of one or more nationalities and possessing a more or less defined territory and government*. If this were the only criteria then Six Nations might fit the mold. However Quebec might argue that they are a Nation based on this definition. At least at present they are a Province within the Nation of Canada.
2) *A territorial division containing a body of people of one or more nationalities and usually characterized by relatively large size and independent status*. Six Nations falters with this version since they occupy about 53,000 acres (less than 10 miles square) and it would be unusual for a group with a population of 27,000 comprising 0.01% of the Canadian population to be on an equal footing with the Nation of Canada with 32,000,000 people. Furthermore, as to having an independent status, the only source of income for schools, infrastructure and virtually everything at Six Nations comes directly from the Canadian taxpayer via transfer payments. This issue will be discussed further below. Since the old Six Nations Trust fund is likely defunct (an audit would need to confirm its status), and since they have no other source of income (since earnings or businesses on the Reserve are not taxed), it begs the question as to where the "Nation's" flow of cash, not coming from Canada (a "foreign country"), will be found.

Despite not meeting any clear criteria for being considered a sovereign nation, at Six Nations this assertion of sovereignty is tightly woven around the conceptualization of the "Two Row Wampum" of 1613. Due to this strong belief it must be brought into consideration.

Two Row Wampum (Guswhenta) and the Agreement of Tawagonish - 1613:

The "ship" and "canoe" analogy emerging from this conceptualization has become something of a "sacred cow" at Six Nations – and many believe that it should not be questioned. The basis of this belief is found below.

An agreement was purportedly made between those of the "Long House" (four signers) and the Dutch of New Netherlands (two signers). The latter arrived in the Colony in 1609, but had little presence there until 1614 with the establishment of Fort Orange (later Albany). This "agreement" is supposedly the foundation for all other agreements with European governments, including the Covenant Chain Agreement of 1676-77 enacted between the Five Nations and the British (who captured New Amsterdam in 1664). Most outside Six Nations assert that the 1613 agreement, if it existed, is only a trade deal, not a treaty, as some insist.

The evidence or facts which are brought forward in support of this agreement is a document dated to 1613 written in Dutch, oral history, and a wampum belt made primarily of white beads, but including two "stripes" of purple beads (the more valuable of the two colours) which form five parallel stripes running the length of the belt. The topic is of such interest to scholars and local historians that, on the four hundred year anniversary of this concept, an entire issue of the ***Journal of Early American History*** (August 2013) was devoted to the subject. These articles can be viewed here.

The real question here is whether there was ever a "Two Row Wampum" agreement, and whether, even if it could be proved that such an agreement did at one time exist, would it apply as interpreted by Six Nations today.

The Document: Prior to 1968 a Dutch scholar, a Professor Van Loon, apparently was given a manuscript or document located among the Mississauga of the New Credit (a Reserve with adjoins the Six Nations of the Grand River Reserve) by a Van Loon relative who was supposed to be an Indian Department official (unverified to date). It was written in Dutch, and dated to 21 April 1613. It is a trade agreement between the newly arrived Dutch, and the "native inhabitants" (people of the "Long House") signed at Tawagonshi (a hill near what is today Albany). However, recognized experts in the history of New Netherlands and the Colonial Dutch language have examined the document and, with the exception of one respected historian (Venables), found a number of "irregularities". For example, it is written in a mixture of modern Dutch and early Dutch, and with an implement not available in those times. In what is essentially a consensus, scholars such as Gehring, Starna and Fenton view the document as a fake or hoax.

The provenance of the various copies existing today is largely unknown. While Van Loon stated that the original given to him was two pages in parchment, no such item has surfaced to date, despite extensive searches in North America and the Netherlands, although photocopies do survive. Van Loon was known to have forged other documents, thereby calling into question the authenticity of the document on that basis alone.

Also, supposedly scholarly research shows no recognizably Mohawk names found on the document, and the only Native words included are place names in the Hudson Valley. However, as seen in the document below, there are a wolf, a turtle and what appear to be two bear totems beside which are Indian (apparently Iroquoian, based on my experience) names - all presented in a typical format for an agreement or treaty. The names of these four "*chiefs of the Long House*" signers are: *Garhat Jannie, Caghneghsattakegh, Otskwiragerongh, and Teyoghswegengh*. In the opinion of the present author, these names as written are all are consistent with the orthography of Iroquoian (Mohawk) names to this day, as phonetically filtered through Dutch ears and seen with similar names written later in the century in the baptismal records of the Dutch Reformed churches in Albany and Schenectady.

It should be noted that at this time the Mahicans were a powerful force in the area and in a state of war with the Mohawk, who would not obtain the "edge" over their enemies until about 1630 or later. It does not make a lot of historical sense that the Dutch would make a treaty of this nature at this time with the weaker of the two contenders (at the time the Mahicans resided in the immediate vicinity and succeeded in keeping the Mohawk from having exclusive or preferred access to the Dutch markets).

The question as to how the Mississauga would have possession of this document in the 20th Century and have preserved it, considering their turbulent history since 1613, is important. To be fair though, the descendants of Jacob Brant, son of Captain Joseph Brant who was the most influential Mohawk of all time, reside at New Credit to this day. However, there is no evidence that the Dutch had any contact at all with others of the Five Nations at this time, so to say that it was an agreement between the Haudenosaunee and the Dutch is really stretching the credibility of those who have any even rudimentary knowledge of Colonial American history. At any rate the document, shown below, apparently a photocopy (but conforming to the two-page parchment description given by Van Loon), is now in the possession of the Onondaga of Upstate New York, the traditional keepers of the wampum for the Five (later Six) Nations. The manuscript is truly an enigma! However interesting this item is, it is difficult to see any way that a trade agreement between two recent arrivals to New Netherlands, and four Native occupants, could be amplified into evidence of sovereignty by the Haudenosaunee.

Hier op Tawagonshi vergadert met ons ondergeschreven Jacob Eelckens ende Hendrick
Christiaenssen per haere gauthoriseerde ende gelast de handel met de wilde Inwoonders dighe
[illegible] heerschap van 't landt hierontrent [illegible] te gaen ende informeere het Compact [illegible] met
de [illegible] sal sijn tot besluyt te comm[illegible] de Rogaensen der Ketinonghshijoni (Garhat) [illegible]
[illegible] alleenlijk [illegible]
[illegible] dat sy alles daervan [illegible] Participanten [illegible]
[illegible] hun volck [illegible] sal [illegible] soolangh [illegible]
Participanten [illegible] Participanten de voorRight
[illegible] uyt [illegible] mitsgaders te brengen mits dat [illegible] Coop Verdragh [illegible]
[illegible] afgesproken worde: ende worden 3: [illegible] geloft worden [illegible]
[illegible] betaling mits dat [illegible] wordt door de Indianen
[illegible] wy wedersijdt geschickt Coopverdragh opgemerckt wordt: ende worden 4: Dat wy Partici
panten [illegible] in geval van gebrecken [illegible] sal elckander [illegible] noodigheden
te helpen: ende worden: 5: In Casu van meningverschil betreffende [illegible]
[illegible] Participanten [illegible] dat deze als Auspicia [illegible] sal blijven [illegible]
[illegible] van [illegible] door de Vergaderingh Commissarissen
sal [illegible] gebraght worden om het alles te [illegible]

Dit bovenstaende beloven wy Participanten [illegible] in Amitie ende Vriendtschap wel te houden ende
te [illegible] [illegible] als een bewijs van Eere ende Toegenegenheijdt [illegible]
[illegible] silver ketting door de [illegible] [illegible] ende kennisse der [illegible] deses onder
teekent door de Participanten op deses 21 Aprille 1613

Jacob Eelckens

Hendrick Christiaenssen

Garhat Jannie [illegible]

Caghneghsattakegh [illegible]

Otskwirakerongh [illegible]

Teyoghswegengh [illegible]

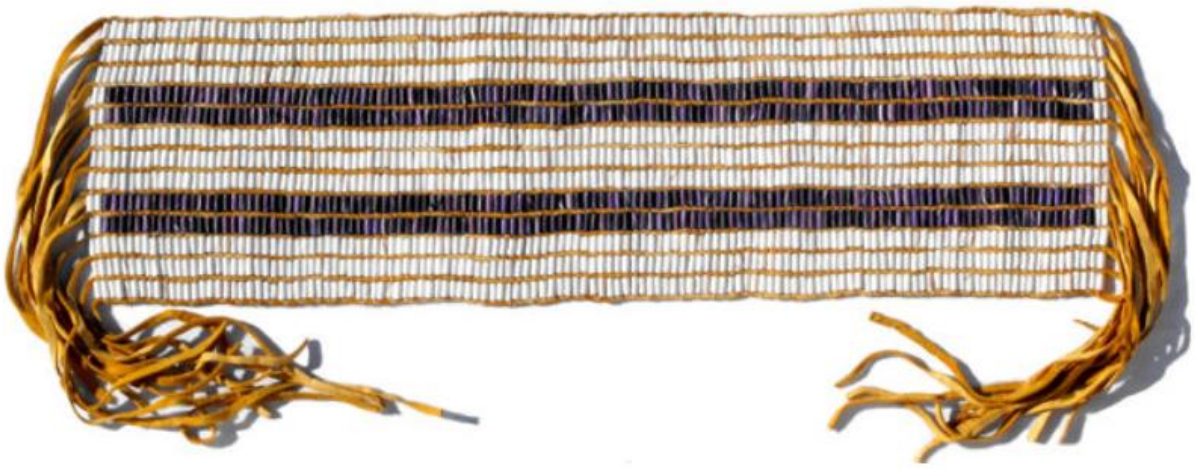
Oral History: Many Haudenosaunee believe that even if the document is a complete fabrication, this does not diminish the robust oral history connected with the document or the story the document appears to convey. Oral history is certainly one line of potential enquiry, but it tends to be the softest form of evidence due to the fact that human memory is subject to known distortions, aptly described in the work of Dr. Elizabeth Lofthus of University of California Irvine. Considering the disruptions in Iroquoia since 1613 with the loss of more than half of the population due to disease and warfare, often removing the elders who were the keepers of such knowledge from the Mohawk villages, there is scant likelihood that specific details about a puzzling piece of paper will have survived to the present day. The more realistic scenario is that a story was made up to construct facts useful to the promotion of Six Nations sovereignty - rather than "merely" trade, which is the purpose of the supposed agreement. The Onondaga's claim that the oral tradition that accompanies the document noted above attests to the validity of the latter. It is entirely unclear though as to how the information was transferred by the Mohawk to the Onondaga, or how in some very enigmatic way, the Onondaga have kept this information alive and intact for 400 years. Also one must question how the latter have come to obtain specific information about an obscure item that did not come into their possession until 1978. Oral history / tradition, is really quite dangerous without supporting evidence since the possibility of "creating a convenient version of history" is an ever-present danger. It is unclear whether the purported 1613 document is an independent source, and whether the story was simply a recollection of what the Onondaga were told when assigned custody of the document. Since the oral tradition cannot be cross validated with other evidence sources it cannot be taken at face value except by "believers" who are not likely to be swayed by any rational arguments.

The present author finds it very interesting that the Haudenosaunee tradition also includes the following words that seem very "convenient" in light of present controversies - especially since the words stand without support except in belief. The oral tradition supposedly says that, *You say that you are our Father and I am your Son. We say 'We will not be like Father and Son, but like Brothers.' This wampum belt confirms our words. [...] Neither of us will make compulsory laws or interfere in the internal affairs of the other. Neither of us will try to steer the other's vessel."*

Wampum Belt: The third source used by Six Nations to "validate" the concept of the Two Row Wampum is the wampum belt itself. I have seen the purported original, which is produced by Six Nations on various occasions (e.g., in front of Provincial and Federal Government representatives there to celebrate the Bicentennial of the Battle of Queenston Heights). It is a belt the width of a large man's hand, comprised of white beads (three rows) and purple beads (two rows), supposedly illustrating the essence of the purported 1613 agreement where a ship and a canoe are travelling side by side, but in such a manner that the people in each do not

interfere with those in the other vessel, but may interact in ways that are mutually agreeable and beneficial (e.g., via trade).

The "original" belt (shown below) is apparently in the custody of the Onondaga Longhouse at Six Nations, returned some years ago from the museum which had purchased it from a Six Nations member in the 19th Century - but the details are not clear. What is seriously lacking is provenance. The belt is of unknown age and origin. There are also a number of copies that are claimed to be the "original". Each one would have to be analyzed as to date. In the view of the present author, none seem to have the wear or "patina" one might expect of an object of such antiquity. Furthermore, wampum is rare to non existent on Five Nations archaeological sites before 1630, so that the belt (or belts) as now exist, generally in excellent condition, are very unlikely to be the original - and it is doubtful that there was ever a belt dated to 1613. However it is impossible to rule out the existence of a copy that was made for example when the earlier version began to fall apart. I know of no report that has analyzed the supposed original artifact and offered a good description of its probable age and place of origin. It would be helpful if for example experts at the Smithsonian Institute could weigh in to provide these answers. The chance of that ever happening now is remote to zero - Six Nations have too much to lose - there is already sufficient controversy surrounding the artifact. However, even if one were shown to date to the early 17th Century, two purple rows could mean many things - the detail is so simple and thus open to many different interpretations. Five stripes of two different colours do not provide sufficient specificity.



Clearly there is no general consensus in the matter, although well known scholars tend to see it as a concocted false story with shadowy support from a document and a wampum belt that do not appear to conform to the 1613 date appearing on the former. We are thus left with an oral history from the Onondaga of New York where the origins of the oral record are also shrouded in uncertainty. No historian worth their salt is going to put their stamp of approval on the purported validity of this package - which is precisely the case to this date. So there is a camp of believers

and others who are more sceptical.

The Covenant Chain: This arrangement, established formally between the Five (later Six) Nations and the British in 1676-77, is an agreement in the same genre as the Two Row Wampum, but the author not aware of instances where it has been used as a pretext to claim sovereignty (yet). Perhaps the lack of an attempt to use this to claim sovereignty is that it has more validation as to specifics "merely" as to a renewable mutual aid agreement (against common enemies such as France), and as a trade agreement. The Covenant Chain emerged out of the pre-existing agreements between the Eastern Seaboard Colonies and the Native peoples residing there. It is more difficult to use as "proof" of sovereignty than the supposed Two Row Wampum "treaty" which is fuzzy and easily open to challenge and various interpretations, and thus can be used in the court of public opinion to sway beliefs. As a matter of fact, in the renewal of all the various Covenant Chain treaties and agreements the King of England was always recognized as "our great Father" - hardly a term that underscores sovereignty of the Six Nations. The formally recognized liaison between Great Britain and the Six Nations, the Superintendent of the Northern Department of Indian Affairs was Sir William Johnson who used the term, *the Covenant Chain of love and friendship* - there being absolutely no hint of any sovereignty of the Six Nations in anything Johnson ever said in his 14 volume Papers and Records collection (which the author has read).

The metaphor used was a linked chain connecting the British ships in the harbour of New York and the Great Tree of Peace near the Onondaga Council Fire and Longhouse. The links were conceived as being made of silver (although iron was sometimes brought into the picture along with rust), which needed to be "brightened" from time to time (e.g., yearly). This was usually done via a meeting where copious "presents" were distributed to the Five Nations Chiefs - then all was well. On one occasion however, in 1753, the chain was broken by a very frustrated Mohawk Chief Henry Peters Thoyanguen. This created quite a stir and Colonial officials did all in their power to repair the chain and renew the friendship. Damage control was attempted by the Colonies at the Albany Conference of 1754 where every Six Nations individual of any consequence attended. Nothing was really settled however until Sir William Johnson took the reins of the British Indian Department (reporting to the Crown), and his diplomacy skills, along with family connections to the Mohawk (via children from liaisons with a number of Mohawk women, the most notable being Molly Brant), was able to re-establish the Covenant Chain. The metaphor here being of it being attached to "immovable mountains". Johnson let the Six Nations know that he intended to brighten and strengthen the Covenant Chain of friendship (by a liberal distribution of presents).

There is nothing in the concept of the Covenant Chain that can in any realistic way be interpreted as being a successor to the Two Row Wampum, and an agreement between two sovereign peoples. The British Crown did not recognize sovereignty within its realms, or sovereign subjects. The Crown claimed all of North America between the French and the Spanish

possessions. There was no room for sovereignty involving those who were regarded as subjects in the same way as the Colonists were subjects - although the specifics of the relationship was obviously different.

In June 2010, Queen Elizabeth II of Great Britain renewed the Covenant Chain agreements by presenting 8 silver hand bells each to Band Chiefs from Tyendinaga Mohawk Territory and Six Nations of the Grand River in commemoration of 300 years of the Covenant Chain. The bells were inscribed "300 Years" + "of Peace and Friendship" (which was a common term often used throughout history when the Chain was renewed). This marks the most modern renewal of the Covenant Chain agreements between the Haudenosaunee and the Crown of Canada.

Recent Claims of Sovereignty: The concept of sovereignty is complex. In a nutshell, Six Nations claims independent authority over lands that they consider to be their territory. In recent times the most adamant and radical element has asserted that not only does this "authority" extend over the present-day Reserve, but also the original 6 miles on either side of the Grand River from the mouth of the Grand River to present day Elora, Ontario.

If “Haudenosaunee” (or whatever the chosen name might be) was a "country" then where are the consulates? What would happen if a Haudenosaunee citizen ran into difficulties overseas, to whom would they turn for assistance? If they are saying that they are not Canadian, then there is no reason to expect any help from the Canadian Consulate. They don't have their own currency or anything that would signal that they are an independent country. There are no border check points at say the Chiefswood Bridge, or 4th Line or anywhere. Haudenosaunee people do not have an International Airport. They use Canadian infrastructure in getting to any major service such as a hospital. To repeat, they depend on tax dollars from the Ontario Provincial Government and the Canadian Federal Government to function (via Canadian taxpayers). Haudenosaunee do not tax their own people for services such as fire and policing, the funds come from Canadian taxpayers. They are entirely dependent on Canada for their existence. None of this sounds in any way as if Haudenosaunee are a country.

What will be most instructive at this point is to examine the history of sovereignty claims in Ottawa, London or even Geneva to obtain confirmation on the perspective of these parties on this contentious issue. Bear in mind that by accepting the assertion of sovereignty, it would mean that Six Nations and Canada are on an equal footing, with neither having "dominance" over the other. In the minds of many Six Nations, their relationship is with the historical ally, the British Crown. Thus when they make no headway with Canada, petitions will be sent to the entity with whom the Six Nations have had a long and formal relationship. It does make some sense in that the British Crown was the other party involved in key agreements up to the series of surrenders in the 1840s. Canada became an independent country with a Constitutional Monarchy at Confederation in 1867, and the powers that once involved the British Crown directly were transferred to Canada - who now have jurisdiction. Thus in a legal sense, it was the Government of Canada that Six Nations had to deal with after 1867, although this fact has not stopped

individuals or groups from approaching the British Crown to settle their disagreements with Canada. The result has always been the same. Some historical perspective is needed here.

To summarize, although Britain knew that they needed to tred lightly after their conquest of New Amsterdam from the Dutch in 1664, they never held any illusions about their own sovereignty by right of conquest, it extended as far as the French settlements along the St. Lawrence River and west to the French settlements of the Ohio Valley. At various times official maps of their dominions would be published, including their claims at the time of the American Revolution. Maps from 1774, immediately prior to the Revolution, show that the British concept of dominion included all the lands of the Six Nations. In none of the present author's extensive readings of the history of the years leading up to the American Revolution has he seen a document which unequivocally acknowledges Six Nations sovereignty. Nothing. What one will find are documents where the British and Six Nations agree to be allies against the French or the Americans, but the British Crown is always referred to as, "our Great Father the King" and such expressions. High Government officials, even the Governor or New York or Pennsylvania, as well as the representatives of the Crown such as Sir William Johnson were referred to as "Brother", and those one step down the ladder such as the Delaware, were "Nephews". Everything appears to reflect the British perspective that they have an unchallenged right (via conquest or treaty) to the lands wherein the Six Nations resided. There can be little wiggle room here, the Six Nations recognized the King of Great Britain as their sovereign - but every so often the matter must be revisited, perhaps because a new generation has forgotten the Court rulings that have been filed in answer to this question!

Court Rulings: The concept of sovereignty is complex. In a nutshell, Six Nations claims independent authority of lands that they consider to be their territory. In recent times the most adamant and radical element has asserted that not only does this "authority" extend over the present-day Reserve, but also the original 6 miles on either side of the Grand River from the mouth of the Grand River to present day Elora, Ontario. The present author has presented data, which includes that accepted by the Federal Government, to the effect that the only lands that the Six Nations can lay claim to is IR40, the Six Nations of the Grand River Reserve – and nothing beyond these bounds. See here for that manuscript.

The matter of sovereignty is found embedded in various publications such as Elizabeth Tooker, "*The League of the Iroquois: Its History, Politics, and Ritual*", in William C. Sturtevant (Ed.), "*Handbook of the Indians of North America, Vol. 15, Northeast*", Washington D.C., Smithsonian Institute, 1978.

The British wanted to ensure that all understood what their claims were, and as early as 1684, at a council between the Five Nations (the Tuscarora had not yet become the Sixth Nation) held at Albany they demanded that the Five Nations cease their attacks on Virginia and Maryland, the

British claiming the Iroquois as her subjects. Tooker did express the opinion that, however, it is doubtful that the Iroquois fully understood what the British meant by this assertion of sovereignty. In more formal treaties, such as the Treaty of Utrecht of 1713, the Iroquois were acknowledged to be British subjects (p. 432).

The Haldimand Proclamation was issued in 1784, providing Crown purchased land (from the Mississauga) on which the Six Nations were given a tract of land on which they could settle. Never does the words granted, deed in fee simple, or any such expression appear in this document under Haldimand's own personal seal. It has been described in numerous Court cases (see below) as little more than a "location ticket", or a document that gives permission to occupy lands.

In Weaver's article in the same publication as noted above (Sturtevant), we spring ahead in time and place to 1793 and the Haldimand Tract. Governor Simcoe maintained that, The Crown held that the land was not alienable by the Indians and that the Proclamation did not recognize political sovereignty of the League. In 1793, determined to reinforce the Crown's trusteeship interpretation of the title, John Graves Simcoe, lieutenant governor of Upper Canada, drafted the Simcoe Patent which stipulated that all land transactions of the Six Nations had to be approved by the Crown (p. 525). The Simcoe Patent did include the great seal. The Six Nations, however, have never accepted this document as pertaining to their people.

Thus the British government authorities and the British Crown had from the earliest days of their conquest of the Dutch, maintained that the Six Nations were subjects of the Crown. This relationship, however, did not interfere with the concept of the Six Nations being allies of the British in times of War - meaning that they would side with and support the British cause against the French or the American Rebels. However after the War of 1812, even this concept of allies had withered away. Being allied in a common cause does not imply sovereignty, although many today at Six Nations appear to see the two in a conflated way.

Over the years at Six Nations, the Hereditary Council attempted to assert their rights as a sovereign people. For example, in 1830 Council denied that the Indian Act applied to them, since they considered themselves to be a sovereign nation, however, the government has consistently maintained that the act applied with no exceptions to the Six Nations of the Grand River Iroquois (Weaver, 1978, p. 526).

A ruling in 1835 speaks directly to the issue. Here in Jackson v. Wilkes, Upper Canada King's Bench, Judges Robinson, Sherwood and Macaulay provided the following opinion in relation to the Haldimand proclamation: "*We have ascertained that there was a great seal in use in the Province of Quebec in 1784, when the instrument of General Haldimand bears date; that grants of land, of which few were made by the British Government before the year 1795, were made by letters patent under the great seal, and that had been uniformly held in the courts of Lower Canada that grants of waste lands of the Crown would not be made in any other manner*". The

ruling goes on to say that since the great seal was not used in the Haldimand document of 1784, those to whom he granted the land cannot presume to possess any interest beyond that of a mere license of occupation (Doe Ex Dem, Jackson v. Wilkes (1835), 4 U.C.K.B (O.S.) 142).

The matter was supposed to have been settled for once and for all in 1839 where, The J.B. Macaulay Report, 1839 (Vols. 718-719) contains the seminal judgement denying political sovereignty to the Six Nations (p. 536).

Despite the clearest possible statements at various points in time by both the British Crown and the Canadian Government, the Six Nations Hereditary Council continued to push the issue of sovereignty, culminating in what to Canada was a slap in the face when in 1923, the Cayuga Chief Levi General Deskahe travelled to London to present their case to the British Crown, and to Geneva to assert sovereignty before the League of Nations. Needless to say, he did not make many friends among either the Canadian government or the "progressive" elements on the Reserve who wanted the Hereditary Council removed and replaced by an elected system to address rampant corruption and nepotism.

The sovereignty issues continued to surface, often embedded in the protracted continuing acrimonious disputes between the elected and hereditary councils and their supporters. As part of the case involving Logan v. Styres et al. in 1959, addressed by what was then known as the High Court of Ontario (Judge King), the judge ruled on the question of sovereignty as follows:

The purpose of the Simcoe Deed would seem to be to confirm the grant already made by the Haldimand Deed. In each of these deeds it is made clear that those of the Six Nations Indians settling on the lands therein described do so under the protection of the Crown. In my opinion, those of the Six Nations Indians so settling on such lands, together with their posterity, by accepting the protection of the Crown then owed allegiance to the Crown and thus became subjects of the Crown. Thus, the said Six Nations Indians from having been the faithful allies of the Crown became, instead, loyal subjects of the Crown. See here for detailed discussion.

More recently, in 1974 the Supreme Court of Canada rules in the Isaac et al. v. Davey et al. case as to "ownership" of the Haldimand Tract. In the ruling the Judge stated that, "*I have concluded that the tract in question is vested in the Crown*". The original report can be seen here. In this said document, where members of the Elected Council took those of the Hereditary Council to Court for interfering with their right to govern Six Nations. The allegation of national sovereignty was made in this very action but abandoned at trial.

In responding to the Amicus Report of 2009, submitted to Justice Harrison Arrell of the Superior Court of Ontario, relating to an injunction being sought by the Corporation of the City of Brantford, the court spoke to the matter of sovereignty. Their opinion was recorded as, "*Canadian courts have held that the Haldimand Proclamation and the Simcoe Patent essentially conferred upon the Six Nations personal and usufructuary rights and not a conveyance of land in*

the English sense". Nothing was found that would support the Six Nations case, other than their beliefs. See for example Horsnell's 2011 study here.

Haudenosaunee Passports: If a Nation was sovereign then there should be border crossings (e.g., at the Chiefswood Bridge) and other signals of independence. There is nothing existing in the category.

One requirement of a sovereign Nation in modern times is that it will issue passports, and that other Nations will accept these passports as valid and allow citizens to enter their jurisdiction. Their pitch was not accepted by Nations outside Canada, and so if readers wish to learn the details when the acceptance of Haudenosaunee passports was tested in 2015, they can refer to the experiences of a women's athletic team. The U-19 Women's Lacrosse Team were to compete internationally and wished to travel and gain entry to European countries based solely on the possession of a Haudenosaunee passport. This is an interesting case, and the story is worth describing in full. However it is a detailed story, but interested readers will find it here.

Sovereignty and Hypocrisy – the Haudenosaunee Development Institute: There is another topic that is related to the subject under consideration, but is lengthy reading although worth including in a separate paper for those who wish to delve into this detailed matter. This is the concept of "Canadian when convenient" as shown in the actions of the Haudenosaunee Development Institute, the (former?) enforcement branch of the Hereditary Confederacy Chiefs Council. Those interested in reading further about this topic can find the information here.

Conclusion: Fast forward to 2020 - nothing has changed - despite the ruling of the Supreme Court of Canada. It does not matter a whit how many judgements there have been over the years. They have failed to in any way offer encouragement to the belief that the Six Nations are a sovereign people, and so a large cadre of individuals continue to press forward with the issue. This is seen across a whole spectrum of issues, even with the Women's Lacrosse teams as noted above.

Despite the facts, the sovereignty issue is not going to go away. It is part of the ingrained identity of Six Nations. Hence the author does not know what the answer as to changing opinions is here. If facts are worthless to some, then I am at a loss. To my understanding, **given the facts, the people of Six Nations are Canadian**, with all the rights and responsibilities this entails - plus of course the entrenched "rights" or entitlements mandated by the Indian Act.

The matter of the acceptance of the facts and the weight of evidence is aggravated by a group of White youth whose adolescent ardour has no time for an analysis of the facts, only the belief that the Six Nations are a downtrodden people, under the Colonial thumb of Canada, and need help in fighting this "colonialism". Additionally, large unions such as C.U.P.E. and radical anti-establishment Marxist groups under the general rubric of "Antifa" have become "supporters". Most recently, a New Democratic Member of Parliament for Hamilton East has stepped forward to "support" Six Nations, and has donated to the legal defense fund for those engaged in the

illegal occupation of a housing development site south of Caledonia. Their involvement, despite the facts lends apparent legitimacy to causes not rooted in historical reality.

So while the belief in "sovereignty" feeds the ego of some at Six Nations, **the concept of sovereignty does not stand on any historical or legal footing** and is doomed to be nothing more than a festering sore into the distant future. Facts are ignored in the service of maintaining long-standing beliefs that have become entrenched and unshakable.

What can be said with confidence is that over the years many Six Nations have been unconcerned with the sovereignty question such as when Six Nations men volunteered for service to fight for Canada during both World War I and II. They fought, in in some cases gave their lives, for Canada and to stop the rule of tyranny, fascism and Nazi horrors at a time when the freedom of the entire world was at stake. They are honoured for their role. These brave men did not serve as foreigners in some French Foreign Legion unit, they fought and died as a band of brothers, as Canadians with their countrymen, in lands far from home - under the Canadian and British flags, not the flag of the Six Nations Confederacy.

Respectfully submitted,

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Caledonia, Ontario
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