

In the Matter Of:
The Chippewas of Saugeen First Nation et al. v.
Attorney General of Canada et al

VOL 28 DAY 28
July 16, 2019



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1 Court File No. 94-CQ-50872CM

2 ONTARIO

3 SUPERIOR COURT OF JUSTICE

4 B E T W E E N:

5 THE CHIPPEWAS OF SAUGEEN FIRST NATION, and THE
6 CHIPPEWAS OF NAWASH FIRST NATION

Plaintiffs

7 - and -

8 THE ATTORNEY GENERAL OF CANADA,
9 HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, THE
10 CORPORATION OF THE COUNTY OF GREY, THE
11 CORPORATION OF THE COUNTY OF BRUCE, THE
12 CORPORATION OF THE MUNICIPALITY OF NORTHERN
13 BRUCE PENINSULA, THE CORPORATION OF THE TOWN OF
14 SOUTH BRUCE PENINSULA, THE CORPORATION OF THE
15 TOWN OF SAUGEEN SHORES, and THE CORPORATION OF
16 THE TOWNSHIP OF GEORGIAN BLUFFS

Defendants

17 Court File No. 03-CV-261134CM1

18 A N D B E T W E E N:

19 CHIPPEWAS OF NAWASH UNCEDED FIRST NATION and
20 SAUGEEN FIRST NATION

Plaintiffs

21 - and -

22 THE, ATTORNEY GENERAL, OF CANADA and HER MAJESTY
23 THE QUEEN IN RIGHT OF ONTARIO

Defendants

24 -----

25 --- This is VOLUME 28 / DAY 28 of the trial
proceedings in the above-noted matter, being
held at the Superior Court of Justice, 330
University Avenue, Courtroom 5-1 Toronto,
Ontario, on the 16th day of July 2019.

B E F O R E:

The Honourable Justice Wendy M. Matheson

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A P P E A R A N C E S :
Benjamin Brookwell, Esq., for the Plaintiffs,
& Roger Townshend, Esq., The Chippewas of
& Chris Evans, Esq., Saugeen First
Nation, and the
Chippewas of Nawash
First Nation.

Michael Beggs, Esq., for the Defendant,
& Michael McCulloch, Esq., attorney General
& Barry Ennis, Esq., of Canada.

David Feliciant, Esq., for the Defendant,
& Jennifer Le Pan, Esq., Her Majesty the
& Richard Ogden, Esq., Queen in Right of
& Julia McRandall, Esq., Ontario.

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1 --- Upon commencing at 10:03 a.m.

2 THE COURT: Hopping still, counsel?

3 MS. PELLETIER: Yes, Your Honour, but
4 feeling much better.

5 THE COURT: Just before we begin, I
6 have a judicial meeting across the street at --
7 which means our break for lunch would be at
8 either quarter to 1:00 or 10 to 1:00, whatever
9 makes sense for whoever is on their feet at that
10 point, rather than 1:00 o'clock.

11 MS. PELLETIER: That's fine, thank
12 you.

13 THE COURT: So I can get across the
14 street. Please go ahead, counsel.

15 MS. PELLETIER: Thank you, Your
16 Honour. Just testing the mic. It's not
17 working.

18 THE COURT: Counsel, it doesn't stop
19 us from getting your witness sworn in or
20 affirmed.

21 MS. PELLETIER: Sure.

22 THE COURT: So if you could call him
23 or her to come forward.

24 MS. PELLETIER: I call Joanne Keeshig.

25 THE COURT: And do keep your voice up

10:04:26 1 for the court reporter.

10:04:51 2 HELENA JOANNE KEESHIG:

10:04:56 3 SACRED EAGLE AFFIRMATION.

10:04:59 4 THE REGISTRAR: Do you affirm that
10:04:59 5 this Eagle Feather symbolizes your direct
10:04:59 6 connection to the Creator for your people and
10:04:59 7 you hold it in the spirit of honour and truth
10:04:59 8 and the evidence you shall give in this matter
10:04:59 9 shall be the truth, the whole truth and nothing
10:04:59 10 but the truth? Msit No'kmaq.

10:05:27 11 EXAMINATION IN-CHIEF BY MS. PELLETIER:

10:05:32 12 Q. Good morning, Ms. Keeshig.

10:05:37 13 THE COURT: Ms. Keeshig, we're just
10:05:38 14 trying to get our microphone's working. No
10:05:42 15 problem with respect to me hearing you. How are
10:05:44 16 we doing there? There we go. So we're all set.
10:05:52 17 Please go ahead.

10:05:52 18 BY MS. PELLETIER:

10:05:53 19 Q. Ms. Keeshig, I'm going to start
10:05:55 20 by asking you some questions to introduce you to
10:05:57 21 the Court. Firstly, what First Nation are you a
10:05:59 22 member of?

10:06:00 23 A. I'm a member of the Chippewas of
10:06:01 24 Nawash Unceded First Nation.

10:06:04 25 Q. And where did you grow up?

10:06:06 1 A. Chippewas of Nawash Unceded First
10:06:09 2 Nation.

10:06:09 3 Q. And have you lived in the
10:06:10 4 community as an adult?

10:06:11 5 A. I have.

10:06:12 6 Q. And how old are you now?

10:06:14 7 A. I'm 60 years old.

10:06:16 8 Q. And do you have an Anishinaabe
10:06:18 9 name?

10:06:19 10 A. I do.

10:06:19 11 Q. And what that?

10:06:20 12 A. Bzauniibiikwe, my Anishinaabe
10:06:25 13 name I'm called Peaceful Water Woman.

10:06:29 14 Q. Thank you. And do you have a
10:06:30 15 clan?

10:06:31 16 A. I do. I'm a member of the wolf
10:06:33 17 clan.

10:06:36 18 Q. And who taught you the knowledge
10:06:37 19 you are going to share with us today?

10:06:39 20 A. Some of the knowledge I was
10:06:41 21 raised with in my family; the more cultural
10:06:47 22 knowledge, Anishinaabe teachings and practices,
10:06:49 23 I learned through the Three Fires Lodge because
10:06:52 24 I'm a member. I'm a third degree Midewin woman.

10:06:58 25 Q. And how long have you been a

1 member of the Three Fires Midewin Lodge?

2 A. Since 1991.

3 Q. Thank you. I'm going to ask you
4 some questions now about the relationship
5 between women and water. So, first, can you
6 begin by telling us, why is water important?

7 A. Water is important -- I was
8 thinking this this morning, and water is
9 important because it holds memory; it feeds our
10 spirit; it's directly connected to our creation
11 as human beings. Our water is -- if we don't
12 have water we don't have life.

13 Q. Can you tell us how water and
14 women relate in the Creation Story?

15 A. So how this happens, and this
16 goes back to -- in our teachings when we are in
17 ceremony and we talk about these things, we talk
18 about in the beginning before the beginning.
19 And that talks about any kind of life that there
20 was just darkness.

21 And in the beginning before the
22 beginning there was a sound, and it was a sound
23 like a shake or rattling. And what that talks
24 about is the thoughts of the Creator, the one
25 who sits at the centre.

1 And there was a question that was
2 asked. There was a question that was asked
3 about whether or not it was time for the
4 children? And that's a reference to people
5 being placed upon the earth, the human being,
6 the creation of the human being. But there had
7 to be a place.

8 And so there were elements that were
9 gathered up throughout all of creation and
10 molded into a sphere, to a round shape. And
11 that shape was then wrapped in water. And when
12 it was time for the earth's children that water
13 was lifted by the spirit to a level above the
14 earth, thus creating what we talk about,
15 waasaygaming, the sacred, shimmering, shining
16 lake where all life flows from.

17 But it also talks about the birthing
18 of our mother, shkikimikwe, the earth mother,
19 and that's our connection.

20 When women carry life, create life,
21 that life is carried in water, and we know that
22 that is the truth. We see that that is borne
23 out in sonographs and those kind of things when
24 women are pregnant.

25 We also know that through the birthing

1 process that it is the water that comes before
2 the life is born. So then too that is our
3 connection.

4 And then even more than that, it also
5 talks about our first blood is also water. And
6 it is the same as the life blood of our mother,
7 shkikimikwe. The water that runs in the rivers
8 and streams, and the lakes, and the oceans, that
9 is evident in the clouds, and the rain, and the
10 snow and the ice. All of those things are
11 water.

12 Q. Thank you. I'd like to ask you
13 some questions about women's responsibilities
14 for water. What specific responsibilities do
15 women have for water?

16 A. When we're in ceremony it is
17 women that conduct that particular ceremony. We
18 ensure that the spirit is petitioned.

19 So usually there will be a grandmother
20 or a speaker of the language who will talk to
21 the Creator, gizhe manidoo, but also will talk
22 to the one who sits with Creator, they call her
23 nitaawbiikwe; and there are other spirits that
24 are there.

25 And they're talked to so that we can

10:11:44 1 have the blessings upon the water. We need to
10:11:47 2 acknowledge those spirits that are there. It's
10:11:51 3 important that we do that. So the water prayer
10:11:59 4 is offered.

10:12:01 5 And then in that ceremony you will see
10:12:05 6 that there were women that held copper vessels,
10:12:09 7 and so that's lifting the water. And while
10:12:15 8 they're holding that water they are also praying
10:12:20 9 with their individual prayers, their own
10:12:24 10 knowledge about water and asking for the
10:12:27 11 blessings upon that.

10:12:29 12 And while they're holding that water
10:12:31 13 there is a song or a number of songs that can be
10:12:34 14 sung for the water that raises its vibration so
10:12:40 15 that it -- it's higher in terms of, say,
10:12:45 16 positive, okay? So the vibration becomes more
10:12:50 17 positive.

10:12:52 18 And then when that song is finished
10:12:54 19 you will have seen the women, they would have
10:12:57 20 lifted their vessels four times, like this and
10:13:01 21 to their heart. Again talking about that
10:13:04 22 connection, you know, that we have with that
10:13:07 23 nibi, that most sacred water, the life blood of
10:13:11 24 our mother, the earth. And that is raised to
10:13:14 25 the fourth level of creation.

1 And then -- and then it is lowered to
2 the earth where it is -- where it is, where the
3 earth is given then a drink of water.

4 Once that's been done then the water
5 is shared. And it moves in a particular
6 fashion. Our teachings tell us that water never
7 follows backwards; to do so would mean that the
8 Creator then is taking back the promise of
9 gaagiige bimaadiziwin, the forever life for the
10 people.

11 So when women do this work we try, as
12 much as possible, to emulate that understanding
13 to ensure that life will always flow towards the
14 people.

15 So that's why women's connection to
16 water is so important, because we do that.
17 We're connected to water by the fact that we
18 carry life in water and we birth life, you know,
19 from water.

20 And we're also socialized to be
21 caregivers, and we do that on a basis that's
22 24/7, 365 days a year. And I'm a mother and I
23 will always be a mother. So I will always
24 carry -- care for my children and my
25 grandchildren. I don't think that ever stops.

1 And so that's why we do that, we ensure that for
2 those generations that are coming behind us.

3 Q. And who gives you these
4 responsibilities for water?

5 A. I think that Creator has given me
6 this responsibility. It's contained in my name.
7 And the more that I walk in this world and live
8 my life, and the more I understand what that
9 means to be Bzauniibiikwe, the peaceful water
10 woman, in the -- in my own naming ceremony.

11 So I was a young woman by that time
12 when my name came. And in my naming story the
13 namer had seen this woman that knew how to look
14 after herself. And she could be, say, in the
15 bush, she could be in the prairie, and as she
16 walked through all of these the places she
17 turned over every little stone and leaf and
18 stick and looked at it very carefully and placed
19 it back.

20 And finally when he saw her the last
21 time she was sitting beside the lake. And the
22 lake -- the water was calm and peaceful. And he
23 was told, This is what you call her,
24 Bzauniibiikwe.

25 And as I work and do my work as

1 Anishinaabe kwe, as Midekwe, that story talks to
2 me about being thorough, being careful with
3 life, with everything that is there; being
4 compassionate, kind, and always looking forward,
5 looking ahead to the needs of the people in that
6 way.

7 Q. And how do you ensure the
8 teachings you have about water are passed on?

9 A. I do it in my work. I'm a
10 registered early childhood educator. I have a
11 background in social service work. I have four
12 years at Bay Mills Community College as a
13 language immersion, Anishinaabemowin language
14 immersion. So I've been working to learn more
15 about my cultural heritage.

16 And the gift that I have as an early
17 childhood educator is that I can take this
18 knowledge and I can bring it to a level that is
19 developmentally and age-appropriate for the
20 children that I work with. So I can insert
21 understandings about who we are as Anishinaabe
22 people and talk to the children about just basic
23 things about water and why that is important.

24 I also do full moon ceremonies. I
25 help in sweat lodges and any of the other

1 ceremonies. I'm a fasting teacher. We put
2 people out to fast. And that process alone --
3 how would you say that? Is -- when you're
4 fasting you're going without food and water, and
5 there's a reason for that; because you're
6 praying over life and water is life. So you
7 give up those things that are life giving, even
8 the company of others so that you may have life.
9 You go and look for those answers.

10 So that's a really important part of
11 what it is that we do. Water and tobacco they
12 are the balance. They are male and female
13 responsibilities. So you can't have one without
14 the other. So they work in tandem to bring
15 harmony, you know, for people for
16 minobimaadiziwin.

17 Q. Thank you, Ms. Keeshig. You
18 mentioned water ceremonies. Could you tell us
19 what is a water ceremony?

20 A. Water ceremony is a blessing upon
21 the water. And it's a blessing on the water and
22 it's the work that women to lift the water to
23 ensure that prayers is done, the water is
24 lifted, the songs are sung and that it's shared.

25 But, you know, it could be as simple

10:19:25 1 as going to a lake, or a river, or a stream, or
10:19:27 2 a small creek or something and placing your
10:19:31 3 tobacco in that water and giving thanks and
10:19:36 4 being grateful that we have water. It's so, so
10:19:43 5 important because if we don't have that then
10:19:49 6 we're going to have lots of trouble.

10:19:56 7 Q. You said a little bit about this
10:19:56 8 already but I'm wondering if you would like to
10:19:57 9 say more about the women's role at a water
10:20:00 10 ceremony?

10:20:01 11 A. Well, the women's role, well they
10:20:03 12 facilitate that. We have -- what we try to do
10:20:14 13 in the water ceremony is to emulate that first
10:20:18 14 birthing of our mother the earth. And at the
10:20:22 15 birth of our mother there was present nbaan
10:20:24 16 giizis, the grandmother moon, and then the
10:20:31 17 helpers, the midwives that helped to lift that
10:20:34 18 water.

10:20:38 19 So when we're in the water ceremony
10:20:39 20 you might notice that there might be grandmother
10:20:42 21 women, you know, who offer the prayer. The
10:20:44 22 younger, say, young mothers, who hold the
10:20:47 23 vessels. And then you have -- you might have
10:20:52 24 little girls, could be toddler, could be older,
10:20:58 25 still young women who haven't menstruated, who

1 will go and deliver the cups to people who are
2 in that ceremony.

3 You might see that there's a little
4 girl or a young girl in the east with a water
5 stick turning. And what that does is that
6 particular part is reminding people to pay
7 attention to life, pay attention to the water
8 because water is life.

9 Water is always going to flow.
10 Regardless of whether or not you're sitting
11 there talking to somebody else, life will always
12 happen, same as water does.

13 So the job of that little girl, or
14 those little girls is to keep people's attention
15 on the sacredness of life; to make sure that
16 everyone is paying attention and has good
17 intention. Because as the water is being
18 distributed to the people who are present the
19 teachings about the water are being given, or
20 the teaching about the song that was lifted is
21 given so that people will understand what it is
22 that we're doing and why it is we do what we do.

23 Q. Now, when this court was sitting
24 at Nawash a sunrise ceremony was held on the
25 first day, and that included a water ceremony.

1 Can you tell us what the significance is of
2 having everyone drink a bit of water?

3 A. So the sunrise ceremony itself is
4 a reenactment of the teaching where the human
5 being, the earth's children, had forgotten their
6 ways and had begun fighting with each other.
7 And Creator was upset that his children, her
8 children had forgotten their original teachings
9 and was going to destroy the earth; and was
10 going to do that by calling upon the spirit of
11 destruction.

12 And so if we go back to the beginning
13 before the beginning we're also told that
14 Creator would call all of the animal life
15 together in a great council. And it so happened
16 that Anishinaabe and migizi, the eagle, sat
17 beside each other in those meetings that would
18 happen and they became good friends.

19 And so migizi was, you know, disturbed
20 that Creator was considering destroying the
21 earth, and pleaded with Creator to give him the
22 opportunity to go and find that there was
23 evidence that the people still remembered their
24 ways that were given to them.

25 And it was on that last day that the

1 Creator was going to call upon the spirit of
2 destruction; and it was that last day that there
3 was something that caught migizi's attention and
4 he went to go and see, and what he saw was the
5 smallest plume of smoke. And at that smoke he
6 saw an old man and an old woman, a little boy
7 and a little girl. And the old man was teaching
8 the children how to use their tobacco, and the
9 old woman was teaching the little girl about how
10 to look after the water.

11 So when we do that ceremony and you
12 have them together then we are all
13 participating; we are all become those children,
14 you know, from that teaching; we all become
15 that. And it's way of reminding us that we are
16 all connected, that we are all from water and
17 that we need water for life.

18 We're also told that this water, once
19 it's been lifted and prayed for and sung for it
20 becomes medicine water, midewaabo. And we're
21 told we only need a small drop of what is that
22 water to heal our bodies. So if we have an
23 illness that we can direct that water to that
24 location within our physical vessel to ask for
25 healing of that.

1 Q. With the origins of the sunrise
2 ceremony what is the significance of it
3 happening at sunrise?

4 A. It's because that doorway is
5 open. When that -- we're told that there's
6 three times during the day when you have what's,
7 like, a direct connection to gizhe manidoo. And
8 that is as the sun is just on the horizon and
9 it's not fully up yet that doorway is open. If
10 you were to go and put your tobacco there at
11 that time then it goes directly to Creator; same
12 as at noon time and at sunset in the same
13 fashion.

14 Q. What would happen if you didn't
15 conduct water ceremonies?

16 A. Then we would become
17 disconnected. We would become disconnected from
18 life and what our true intent or our true
19 purpose for our life. Because everyone comes in
20 with a purpose, into the physical world a
21 purpose to fulfill. And we lose sight of that
22 and we get caught up and sidetracked in other
23 things that have -- are not significant, could
24 be trivial, trivial things. We get caught up in
25 the material world and it's like then life

10:27:28 1 becomes disposable.

10:27:33 2 Q. Where in the territory are water
10:27:35 3 ceremonies held?

10:27:38 4 A. Well, they could be anywhere in
10:27:39 5 the territory. Most people will go to Lake
10:27:43 6 Huron or Georgian Bay. I know for us at Nawash
10:27:52 7 in particular we go to Nochimowanaing in the
10:27:57 8 spring and do a land and water offering for
10:27:59 9 Nochimowanaing.

10:28:00 10 Q. And can you tell us about the
10:28:01 11 water ceremonies at Nochimowanaing?

10:28:11 12 A. So we were given -- we were given
10:28:12 13 this water ceremony by Baudwayvidan Banaise when
10:28:21 14 he -- how would you say, when -- he had come to
10:28:36 15 visit, he had been invited and to look at all of
10:28:38 16 these artifacts that had were lifted through the
10:28:40 17 discovery or the exploration of
10:28:40 18 Nochimowanaing --

10:28:42 19 Q. Sorry, Ms. Keeshig, I'm just
10:28:43 20 going to interrupt you there. Could you tell us
10:28:45 21 who that is?

10:28:46 22 A. Baudwayvidan Banaise? His
10:28:52 23 English name is Eddie Benton-Banai, and he is
10:28:56 24 the Grand Chief of the Three Fires Midewin
10:28:58 25 Lodge.

1 Q. Thank you, continue.

2 A. And so Nochimowanaing is a piece
3 of land; it's a sacred site that went out of our
4 hands as a First Nation when the land was sold
5 by the Indian Agent to his daughter for \$13.
6 And it came back in to our attention when the
7 land -- current land holder was developing the
8 land and he unearthed an infant burial, and as a
9 result of that they had to contact the First
10 Nation.

11 And that's where we became involved
12 and the archaeological exploration happened.
13 And there were some items there, and that's why
14 Baudwaywidan was asked to come in. And of those
15 items there was about 14 to 16 items that he
16 identified as being Midewin.

17 And he then gave us a ceremony
18 because -- because of our proximity to
19 Nochimowanaing we were given or charged with the
20 responsibility to care take for the sacred site.

21 We know that through our oral history
22 that Anishinabek people from all across the
23 Great Lakes would come to Nochimowanaing for
24 healing. And it's described by Irene Akiwenzie
25 and how that might have taken place, the healing

10:30:34 1 for these people. And she talked about someone
10:30:38 2 being -- the ill person being put into a canoe
10:30:41 3 and being pushed out towards the whirlpool. And
10:30:44 4 if that canoe came back to the shore then there
10:30:46 5 was a good chance that that person could be
10:30:50 6 healed; if it didn't then there was no hope for
10:30:52 7 that person.

10:30:57 8 So we were charged with that and we
10:30:59 9 lost the title to that land. And then when
10:31:02 10 Alton Hunter dug up that infant burial we became
10:31:08 11 reconnected and started asking these questions.

10:31:09 12 And then Baudwaywidan came and he told
10:31:13 13 us that we had to make an atonement to the
10:31:16 14 spirit of the land and the spirit of the water.
10:31:19 15 And he gave us this water ceremony to do. And
10:31:22 16 we were instructed to feast the land and the
10:31:25 17 water four times within a short period of time
10:31:28 18 before the spring.

10:31:32 19 And he told us that we would be given
10:31:35 20 a sign that the spirit acknowledged our
10:31:36 21 atonement. And that came in the fall of the
10:31:40 22 year, in September, when there was sighted off
10:31:46 23 the reserve, all the way around the reserve in
10:31:48 24 fact, a number of water spouts that sprung up
10:31:51 25 all over. And it had everyone talking back and

10:31:55 1 forth, people who lived on the reserve and
10:31:57 2 people who lived in the city, this conversation
10:32:00 3 was happening because it was an event, something
10:32:03 4 unexpected.

10:32:07 5 So this water ceremony that we do it
10:32:10 6 is the making of a food bundle for the land and
10:32:16 7 the water. And each of these bundles -- one is
10:32:19 8 identified for the land and that is the men that
10:32:22 9 look after that bundle.

10:32:29 10 And attached to that are tobacco ties.
10:32:33 11 There's -- that are part of our prescription
10:32:36 12 that we were given, and then we extended that.
10:32:39 13 So those tobacco ties, like these ones let's
10:32:44 14 say, would be strung all together on one string,
10:32:50 15 just like this.

10:32:52 16 When our prescribed ties are completed
10:32:55 17 then we open it up to everyone else who's there
10:32:57 18 to make their own ties for their family members.
10:33:03 19 And then they're all strung together, all of
10:33:05 20 these prayers, and they're placed on the land
10:33:08 21 asking for prayers and wellness for loved ones
10:33:12 22 who might be struggling.

10:33:16 23 So I've done that work here in the
10:33:17 24 city and I've extended it in some of the work
10:33:21 25 that I've done in the past, and having children

10:33:24 1 make tobacco ties.

10:33:26 2 And knowing that the families I work
10:33:28 3 with are high risk, so we take that tobacco ties
10:33:32 4 for the children's prayers and take it to the
10:33:34 5 best place I know for healing is Nochimowanaing.

10:33:40 6 The second bundle is for the water.
10:33:43 7 And in that bundle, again, it's food and
10:33:47 8 tobacco. In this particular one we put a rock
10:33:51 9 in it so that it will be weighted and it will
10:33:54 10 go, you know, down into the water. And this
10:33:57 11 ceremony is -- part of this ceremony is
10:34:00 12 conducted by the women. So the women will sing
10:34:02 13 the water songs; the women will paddle the canoe
10:34:07 14 out to the whirlpool; and then they will lift
10:34:11 15 that food bundle and they will mark those levels
10:34:14 16 and place it into the water.

10:34:19 17 This past spring my granddaughter, who
10:34:22 18 was fasting for the first time, so she's
10:34:25 19 beginning to look to her life as a woman. She's
10:34:30 20 not a woman yet but we're getting her ready. So
10:34:34 21 she was getting ready for her first one-day and
10:34:36 22 one-night fast. And she was the one that
10:34:38 23 offered the bundle of food to the water.

10:34:40 24 And from the women that were in the
10:34:42 25 canoe helping her she did exactly as she was

10:34:46 1 instructed; she marked those four levels and
10:34:51 2 then she placed that bundle in the water. And
10:34:54 3 the woman that were there said the bundle
10:34:57 4 hovered, floated on the water and then it
10:35:01 5 dropped.

10:35:05 6 Because I've done that offering myself
10:35:07 7 and I've watched it swirl like this. So it's an
10:35:10 8 amazing experience to have and to continue
10:35:17 9 doing.

10:35:17 10 The significance of that too is that
10:35:20 11 we've been doing this ceremony since maybe
10:35:24 12 around 1994, and there's a number of things that
10:35:32 13 have come out of that experience. One is, our
10:35:39 14 teaching lodge now that we have over -- not
10:35:42 15 in -- not at Nochimowanaing but across the Bay,
10:35:46 16 still on reserve land. We have a teaching lodge
10:35:49 17 there now and it's been there since 19 -- since
10:35:51 18 2007. And we launch fasters from there in the
10:35:56 19 spring and the fall.

10:35:57 20 And during one of our fasting camps we
10:36:01 21 had a woman come from another First Nation
10:36:05 22 because she had something to tell us. And she
10:36:11 23 told us that she was given a dream and she had
10:36:13 24 to come and see where we were.

10:36:15 25 And my brother walked her back to the

10:36:17 1 escarpment so that she could look over the Bay,
10:36:21 2 over towards Nochimowanaing. And in her dream
10:36:25 3 she was shown how that water at Nochimowanaing
10:36:29 4 was used for healing and wellness.

10:36:31 5 I'm just going to leave that at that
10:36:34 6 point or this much because we still have a lot
10:36:38 7 of work to do and that's still -- that's very,
10:36:47 8 very sacred.

10:36:49 9 Q. Thank you, Ms. Keeshig. You
10:36:51 10 mentioned that you learned some of the history
10:36:53 11 of Nochimowanaing from Irene Akiwenzie?

10:36:57 12 A. Yes.

10:36:57 13 Q. Who is Irene Akiwenzie?

10:36:59 14 A. Irene Akiwenzie was my
10:37:01 15 grandmother's sister.

10:37:02 16 Q. Can you tell us about full moon
10:37:05 17 ceremonies?

10:37:07 18 A. So, very generally, full moon
10:37:09 19 ceremonies are a healing ceremony for women.
10:37:14 20 Because we know that our work as women is never
10:37:17 21 ever done. You never stop being a mother. You
10:37:19 22 never stop being a caregiver for your family.
10:37:22 23 We are on call all the time so this ceremony is
10:37:34 24 for that. The origin of that ceremony comes
10:37:36 25 from the western doorway in our lodge.

1 There was a woman, Nozhoquay, Mary
2 Roberts, she was a grandmother in our lodge and
3 she fasted. And while she was fasting she was
4 visited by Mashkode Bezhiikii, a buffalo. And
5 in that first fast that buffalo came without any
6 legs. And Mary had asked her, Nozhoquay had
7 asked her why that was? And the response was,
8 Because the people have forgotten their ways.
9 They have forgotten their language, their songs,
10 their teachings, their practices. That's why I
11 am like this.

12 And she asked Mary to continue to sit
13 upon the earth in this fashion of fasting for
14 the next four years because that would help her.

15 So during that time, you know, every
16 time that Mary came out she had that buffalo
17 come to visit her. And every time that buffalo
18 came one of her legs would reappear.

19 On that last time out then Mary,
20 Grandma Mary, I should say, realized that this
21 buffalo, this Mashkode Bezhiikii, was a woman.
22 And how she knew that was because that buffalo
23 brought her calf.

24 And in the gratefulness for Mary
25 sitting upon -- Grandma Mary, Nozhoquay, for

10:39:21 1 sitting upon the earth she gave her this full
10:39:23 2 moon ceremony to do and to teach women about.

10:39:26 3 Because women are just like Mashkode.
10:39:27 4 Bezhiikiikwe, we are in need of healing with all
10:39:34 5 of the cultural oppression that we've
10:39:36 6 experienced in the creation of this country, and
10:39:44 7 the things that were taken away from us;
10:39:46 8 colonization, how it impacted us. We need to do
10:39:50 9 that healing for ourselves as well.

10:39:51 10 So that's what was given to us. So
10:39:54 11 that we could take care of ourselves, take care
10:39:58 12 of our children and take care of our family.

10:40:07 13 Now it's even evolved to the point
10:40:09 14 that in the winter months we are able to invite
10:40:12 15 our significant male others in our families to
10:40:15 16 come and be with the women at their fire and to
10:40:21 17 make that reconnection for themselves with the
10:40:24 18 grandmother.

10:40:24 19 Q. And how do full moon ceremonies
10:40:27 20 relate to water?

10:40:28 21 A. Well, we know that the moon -- we
10:40:30 22 know that the moon affects the tides, so we know
10:40:38 23 that. And we're water and we carry a moon
10:40:41 24 cycle. We menstruate once a month. And that's
10:40:45 25 one of the main reasons that we do that, that's

10:40:47 1 our connection, that's our own life blood is
10:40:50 2 similar to the life blood of our mother the
10:40:53 3 earth, the water. And we're impacted by the
10:40:58 4 moon in the same way.

10:41:03 5 Q. Thank you, Ms. Keeshig. I'd like
10:41:06 6 to ask you a few questions now about water
10:41:08 7 walks. What are water walks?

10:41:10 8 A. Water walks are a promotion and
10:41:12 9 an awareness event to bring people with them up
10:41:19 10 to the importance and significance of water,
10:41:20 11 that what's happening to the water impacts
10:41:25 12 everyone in the world.

10:41:28 13 I think Canada is one of the few
10:41:29 14 places that has lots of fresh water. And we
10:41:33 15 were told I'm thinking it was back in -- the
10:41:39 16 year 2000 that we were given the prophecy that
10:41:43 17 an ounce of water would soon cost more than an
10:41:47 18 ounce of gold, and I believe that that's bearing
10:41:49 19 out.

10:41:50 20 And you just take a look at what is
10:41:52 21 happening in the economy right now and most
10:41:54 22 people are buying their water now, whereas that
10:42:02 23 was something that was given to us as human
10:42:04 24 beings, that is a human right.

10:42:06 25 So water walks -- if we don't have

1 clean, fresh water to drink we are going to
2 be -- we are going to be ill, we are going to be
3 sick. And this is a legacy that we are passing
4 on to our children.

5 So it's really important that we do
6 water walks or create that awareness and have
7 people understand, you know, their own
8 connection to water, to the earth.

9 The human being is the only creature
10 on earth who is dependent upon everything else
11 for life. If the human being wasn't here the
12 earth would go on being itself; trees would
13 continue to grow and multiple, as would the
14 animals, the plants, the bugs, the swimmers, the
15 flyers, they would continue to be who they are.
16 Whereas the human being we just -- we rely on
17 all of this for life.

18 And I think that's so, so important.
19 And we act like we don't and that's really,
20 really sad because this is a legacy that we are
21 leaving for the next few generations.

22 So we need to do it right. We need to
23 be able to get back on track as to why water is
24 important because it impacts everyone.

25 Q. What was the first water walk

10:43:39 1 that you participated in?

10:43:40 2 A. The first water walk that I
10:43:41 3 participated in was Bkejwanong. This water walk
10:43:48 4 was originally supposed to go around Lake
10:43:50 5 Michigan, but Baudwaywidan had received a
10:43:55 6 message from the spirit that the water walk to
10:43:56 7 the south of Michigan wasn't going to be safe
10:44:03 8 for the women to do. Instead he offered us an
10:44:05 9 alternative to walk across the State of
10:44:07 10 Michigan.

10:44:10 11 And so this water walk began in
10:44:13 12 Walpole Island; it began at their recreation
10:44:18 13 centre, which is on the east side of the island.
10:44:24 14 So they were going to -- let's see, walk
10:44:27 15 across -- so Walpole Island is here. And they
10:44:33 16 were going to walk across the island, go across
10:44:36 17 the ferry, and then up Michigan and then come
10:44:39 18 through this way. And that was the first one
10:44:43 19 that I went on.

10:44:44 20 I was originally coming to help
10:44:46 21 because my work in the lodge is a singer. I sit
10:44:49 22 with one of the drum placements. So I was going
10:44:53 23 to help and send the walkers off by using my
10:45:00 24 voice and singing the songs.

10:45:01 25 And then everyone was invited to

10:45:03 1 escort the walkers across the island. So I
10:45:07 2 thought, oh, I can walk. I can do this. This
10:45:09 3 is something that's doable. So I did that.

10:45:15 4 And then the next thing I knew I was
10:45:16 5 in a car going across on the ferry. And then I
10:45:20 6 was in Michigan and I was walking and carrying
10:45:23 7 water and we were headed to Port Huron.

10:45:26 8 And when we got to Port Huron it's
10:45:29 9 like, I need to go home and get a bag. I'm
10:45:32 10 coming back and I'm going to help this water
10:45:37 11 cross, you know, the State of Michigan.

10:45:41 12 So you know, it was amazing. The
10:45:43 13 things that I experienced there were just
10:45:48 14 amazing. And I was so surprised or awed that I
10:45:53 15 could not stop myself from walking.

10:45:56 16 There is a pull that happens to you
10:46:02 17 when you pick up that water and know that you
10:46:04 18 are doing what Creator intended you to do as a
10:46:07 19 life giver that carries water; and I could not
10:46:15 20 shake that.

10:46:16 21 And it was the most amazing feeling
10:46:18 22 and a sense of accomplishment to pick up that
10:46:21 23 water pail, to put all of my intention and
10:46:25 24 prayers into that water, into my tobacco, and to
10:46:31 25 carry that water and to be part of something

10:46:34 1 greater than myself.

10:46:37 2 Q. What year was this?

10:46:38 3 A. That would have been 2004.

10:46:40 4 Q. What is the first water walk that
10:46:42 5 you participated in in your territory?

10:46:46 6 A. Would have been in 2005? 2005 --
10:46:50 7 I think it was 2005, 2006. Josephine Mandamin,
10:46:54 8 the grandmother of the walker walks, was walking
10:46:59 9 around Lake Huron; and they started in Sault
10:47:03 10 Ste. Marie. And I knew that I couldn't go north
10:47:05 11 to do that because I had other responsibilities,
10:47:09 12 but I knew that they would be coming through our
10:47:16 13 territory. And they were coming through our
10:47:17 14 territory at the time that we were doing the
10:47:20 15 Nochimowanaing water ceremony.

10:47:24 16 And so that was my responsibility to
10:47:25 17 make sure that everything that we needed for
10:47:30 18 that ceremony was in place, that tobacco had
10:47:30 19 been extended to those ones that would come and
10:47:30 20 help us do this work. So the little boy water
10:47:30 21 drum and those kinds of things.

10:47:40 22 So when Josephine came she was
10:47:43 23 extended the invitation to come and participate
10:47:48 24 in the Nochimowanaing water ceremony. And she's
10:47:58 25 the one who made the food offering to the water

10:48:01 1 on our behalf. She even emptied her bucket and
10:48:04 2 filled the bucket up again with water from
10:48:07 3 Nochimowanaing to continue that walk around Lake
10:48:11 4 Huron.

10:48:13 5 And then once my responsibilities for
10:48:16 6 that ceremony were completed, I told my brother,
10:48:21 7 I'm going -- I'm done doing whatever I'm doing
10:48:25 8 here because I'm on this walk.

10:48:27 9 Q. Can you tell us what a water walk
10:48:29 10 looks like?

10:48:30 11 A. Well, a water walk is, from my
10:48:40 12 experience, is like a relay. So we have a group
10:48:45 13 of people -- in my experience in these -- the
10:48:49 14 two water walks that I participated in we had a
10:48:52 15 man and a woman walking together. And the man
10:48:57 16 would be holding the eagle staff and the woman
10:49:00 17 would carry the water pail.

10:49:01 18 This water walk -- these water walks,
10:49:07 19 I'll say, helped us to understand and clarify
10:49:09 20 our roles as women and as men. Every time that
10:49:11 21 a water walk happened you learned something new
10:49:15 22 about the water and about your role as a man or
10:49:19 23 your role as a woman.

10:49:26 24 And in that Lake Huron water walk it
10:49:29 25 became really evident that men were required to

10:49:32 1 be part of that walk; it was pivotal for them to
10:49:35 2 be there so that the women could do their work,
10:49:37 3 and that is to focus their attention, their
10:49:41 4 intention on the water and the work that they
10:49:48 5 were doing so that they could be of positive
10:49:50 6 mind, you know, and to be able to carry those
10:49:52 7 teachings in a good way.

10:49:54 8 And so she needed to be sheltered.
10:49:57 9 She needed to have that protection of the nini,
10:50:01 10 the man, to shield her from whatever. Because
10:50:06 11 in our experience in water walks, especially the
10:50:12 12 one we did from SON, some of our people were
10:50:15 13 spit at carrying the water pail, or they were --
10:50:18 14 had garbage thrown at them and derogatory names
10:50:23 15 be called to them as they were doing this work.
10:50:28 16 So that's why having the eagle staff and the men
10:50:31 17 do their work. So they walk together.

10:50:37 18 And we're placed in intervals so that
10:50:39 19 as you walk you're walking towards another
10:50:43 20 couple; but you're also carrying your water
10:50:46 21 pail, you're carrying your tobacco, you're
10:50:49 22 singing or you're praying for the water.

10:50:52 23 If that water happens to be down a
10:50:54 24 hill or something like that then the women will
10:50:57 25 pass their tobacco on to the man who will go

10:51:03 1 down there and put that tobacco at the water.

10:51:06 2 Because our teachings are the water never stops

10:51:09 3 flowing so it never stops moving. So we try to

10:51:11 4 emulate that in the walks of the water so that

10:51:13 5 the water continues to flow forward, never moves

10:51:16 6 backward, doesn't stop.

10:51:19 7 And then when you've completed your

10:51:22 8 leg of the walk you're handing off the water

10:51:24 9 pail and the eagle staff to the next set of

10:51:29 10 walkers. And you pick up that vehicle and you

10:51:32 11 go to the front of the line and you wait for

10:51:34 12 your turn.

10:51:35 13 All the time, you know, you are

10:51:37 14 praying. A water walk is a ceremony, it's like

10:51:42 15 fasting. It's keeping your intention and your

10:51:45 16 focus on the water as much as possible.

10:51:49 17 Q. Why do women carry a bucket of

10:51:51 18 water?

10:51:53 19 A. Bucket of water -- well, we use

10:51:56 20 buckets of water or copper vessels to hold our

10:52:00 21 water because we know that copper does have a

10:52:04 22 positive impact on the water itself, helps to

10:52:09 23 cleanse it. But it's also, for me, a symbol of

10:52:13 24 the fact that as women we carry water already.

10:52:17 25 So that's just, say, an outward expression of

10:52:22 1 what we carry on the inside.

10:52:24 2 Q. And how do the water walks help
10:52:26 3 the water?

10:52:28 4 A. By creating awareness in everyone
10:52:31 5 and not just indigenous people. For us, because
10:52:39 6 we have this connection with the water -- and we
10:52:42 7 were kind of told this in the beginning too
10:52:44 8 that, you know, there's prophecy that people of
10:52:48 9 all colours would come and be on Turtle Island.

10:52:51 10 And the reason for that is because we
10:52:52 11 are still closely connected to our original ways
10:52:55 12 despite, you know, all the things that have
10:52:58 13 happened in our history that would oppress the
10:53:01 14 practices of our language, our songs and things
10:53:03 15 like that.

10:53:04 16 But we're still connected; we're not
10:53:06 17 that far away. We've almost lost everything.
10:53:12 18 And what you see now this is evidence that we
10:53:14 19 still hold this.

10:53:16 20 And so because we have this experience
10:53:23 21 as indigenous people as Anishinaabe, this
10:53:26 22 cultural oppression, I think we know the
10:53:29 23 preciousness of life. We understand it to a
10:53:32 24 degree that maybe some people might not.

10:53:34 25 And for me I know that I can still

1 reach backward and have compassion, because life
2 depends on all of us working together. And
3 water walks, that's what they do. Because there
4 is a way to conduct ourselves on the earth that
5 isn't destructive, that doesn't destroy the
6 environment, that doesn't put oil over water,
7 you know, those kinds of things.

8 Because those are things -- water is
9 such a necessity for life. It's hard to think
10 that there would be people that would think
11 otherwise.

12 So water walks they do that, and they
13 do it in small ways and maybe in some big ways.
14 But it's about a personal commitment, personal
15 understanding. You would participate in a water
16 walk because it calls to you. It's something
17 that you need to learn.

18 And sometimes you learn for yourself,
19 but most times you're learning because then you
20 can share what it is that you've learned about
21 the water and its sacredness and how to look
22 after that.

23 I'm 60 years old. I could say that
24 I'm in my declining years, but I'm not because
25 I've determined that I'm going to live to be

1 over a hundred years old because I have
2 important work to do. And it is this work,
3 creating that awareness and teaching how to look
4 after life in a good way. And it's not just
5 personal life, it's life of the earth, of all of
6 the things that are in creation.

7 How do we live in balance with what is
8 here? Because if we don't do that then I would
9 say that the extinction of the human being is
10 very real. Like I said before, the human being
11 is the only creature on earth that is dependent
12 upon everything else for its very life.

13 The trees create the air that we
14 breath; if we don't have that we have nothing.

15 Q. How have the water walks helped
16 you understand your responsibilities as a water
17 carrier?

18 A. It's strengthened my resolve to
19 be the best that I can be, to do the work that I
20 do. This is my life. This is how I live my
21 life. And every step that I take, every action
22 that I do is about living this way to be a role
23 model for future generations, my children, my
24 grandchildren, my great grandchildren.

25 It strengthens my determination to be

1 a steward of the land and to reclaim all of
2 those things that we have let go. In my new
3 work that I -- and it's been happening for a
4 while. Because I have memories of -- in my
5 early childhood we carried water because we
6 didn't have running water. We chopped wood
7 because we had a wood stove. That was our
8 reality.

9 And in those early years I don't think
10 you really understand as a child the
11 significance of what you've been given.

12 But I also can remember when plastics
13 started to be introduced to society, and even
14 the first disposable diapers, the flush-a-by's.
15 And we look at those things now filling up our
16 landfills, and the plastic bottles that are
17 being used for water and -- but I can also
18 relate that to what has become of society. And
19 we have become a disposable society, not just in
20 the material possessions but we are disposable
21 of other people and other beings. I mean, look
22 at the animals that have become extinct because
23 of our actions as human beings.

24 So water walk has strengthened my
25 resolve to learn as much as I can, and to share

10:58:15 1 what I've learned, and to advocate on behalf of
10:58:19 2 the environment, and to advocate on behalf of
10:58:22 3 our children because they deserve better than
10:58:25 4 what we're giving them and what we're leaving
10:58:28 5 behind.

10:58:29 6 They're going is to have to clean this
10:58:31 7 mess up; that's what we've left. And so my
10:58:41 8 determination is through our original teachings,
10:58:43 9 as much as I can recover, that's my intention is
10:58:45 10 to be able to extend it into the future.

10:58:51 11 Q. Thank you very much.

10:58:53 12 Ms. Keeshig, those are my questions, Your
10:58:56 13 Honour.

10:58:57 14 THE COURT: Thank you, Ms. Pelletier.
10:58:58 15 Canada?

10:59:02 16 MR. McCULLOCH: Your Honour, I will be
10:59:03 17 asking questions, Michael McCulloch.

10:59:05 18 THE COURT: Mr. McCulloch, please go
10:59:06 19 ahead.

10:59:08 20 CROSS-EXAMINATION BY MR. McCULLOCH:

10:59:17 21 Q. Ms. Keeshig, when you were
10:59:18 22 talking about the work you were doing on the
10:59:22 23 lodge, the learning lodge, the teaching lodge,
10:59:24 24 you said you were going to leave it at that
10:59:27 25 because it was very, very sacred.

10:59:29 1 A. Uhm-hmm.

10:59:30 2 Q. So I'm aware that there are some
10:59:32 3 issues, some matters that are too sacred for
10:59:38 4 discussion of a public place like this. So I
10:59:41 5 would ask you, in advance of any questions, that
10:59:44 6 if I, through ignorance, ask you about something
10:59:51 7 that should not be discussed here you will let
10:59:54 8 me know and I can withdraw the question. And I
10:59:56 9 apologize in advance if that happens.

11:00:00 10 A. All right.

11:00:07 11 Q. I have a number of small
11:00:08 12 questions, nothing very large.

11:00:10 13 I was particularly interested when you
11:00:12 14 talked about how copper has as positive effect
11:00:16 15 on water. Could you explain or expand on that?

11:00:19 16 A. Copper is a vessel we've always
11:00:21 17 used. I know that there's more people -- people
11:00:24 18 more learned than I am about copper. I've just
11:00:29 19 accepted the fact that we use copper in our
11:00:32 20 ceremonies. But there are -- and I'm sorry that
11:00:36 21 I can't quote exactly where the science is on
11:00:40 22 copper. It's stuff that I've seen and heard
11:00:44 23 people talk about that copper does cleanse the
11:00:48 24 water, purifies it. That's the extent of my
11:00:53 25 knowledge.

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Q. Thank you.

A. It would be something I would have to learn more of.

Q. You talked a number of times about women's responsibility for water.

A. Uhm-hmm.

Q. Does that include Indigenous and non-Indigenous women?

A. Yes.

Q. So that Indigenous and non-Indigenous women can they join in the ceremonies?

A. Yes, they can.

Q. And you hope that they will be able to learn from these ceremonies?

A. I would hope so. And I'm just going to answer like this, in the creation of the human being, before they populated the earth and were placed here, we have our own story about the creation of Anishinaabe, Miskogaabowit. And in that same teaching we are made aware that the four colours of the human being were created and each of them was given a gift.

And so the four colours were given a

1 gift. And the Caucasian-coloured human being
2 was given the gift of movement. And when it
3 came time for them to be upon the earth that one
4 took off like a shot. And the other ones left
5 as well, the yellow man and the black man.

6 But it was Miskogaabowit who stood
7 there and looked back at the centre to the
8 grandfather and asked, Are you sure you want me
9 to go over there? Are you sure? Who is going
10 to look after you? And four times, you know,
11 the grandfather shoed that one, Miskogaabowi,
12 to go upon the earth. And four times
13 Miskogaabowi turned around and asked that
14 question, Grandfather, are you sure? So that
15 tells us about Anishinaabe's connection to the
16 earth, to original ways.

17 We have a prophecy, and there's a
18 medicine wheel that talks about the placement of
19 those colours. And the placement of those
20 colours has the white colour in the north, the
21 yellow in the east, the black in the south and
22 the red in the west. And that talks about world
23 history.

24 How we know it to be where when that
25 white man began to journey across the earth

11:03:49 1 where he went first was to the east; and then he
11:03:53 2 went to the south to the land of the black
11:03:56 3 people and enslaved them and then carted them
11:04:00 4 across the ocean to Turtle Island and came here.

11:04:05 5 So there is a prophecy that tells us
11:04:07 6 that there would come a time when the four
11:04:10 7 colours of the human being would be on Turtle
11:04:12 8 Island. And we know this to be true because
11:04:15 9 it's evident. This is the evident truth of
11:04:18 10 that.

11:04:23 11 And we were told that this would
11:04:25 12 happen and that our role in all of that was to
11:04:28 13 help people reconnect to their original
11:04:31 14 teachings that were given at the time of their
11:04:34 15 creation.

11:04:40 16 So that's why I take the stance that I
11:04:42 17 do; that when I share what I understand it is in
11:04:43 18 the hopes that the people of those other colours
11:04:46 19 will reconnect to their own spirit and begin to
11:04:50 20 look for their original teachings in the way
11:04:52 21 that the Creator gave it to them, so that we can
11:04:56 22 bring balance and harmony to the earth.

11:05:06 23 Q. Thank you. I have one last
11:05:08 24 question and, again, you can tell me if it's not
11:05:10 25 an appropriate question. And I'm going to use

11:05:12 1 the English names because I'm afraid I would
11:05:15 2 embarrass myself and perhaps show a lack of
11:05:18 3 respect by trying to pronounce the Anishinaabe
11:05:23 4 names.

11:05:24 5 You mentioned that Benton-Banai and
11:05:28 6 Mary Roberts gave ceremonies to help the
11:05:34 7 recovery of the Anishinaabe identity. Do you
11:05:39 8 expect that there will be more ceremonies
11:05:41 9 introduced?

11:05:44 10 A. I would think that that's the
11:05:46 11 possibility. The resurgence of the Three Fires
11:05:52 12 Lodge began in the 1970s with a small group of
11:05:55 13 people, and now our lodge is full to
11:06:04 14 overcapacity. And there are lodges all over
11:06:05 15 practicing our ceremonies, speaking our
11:06:14 16 language, singing our songs. There's still more
11:06:16 17 to come. And I think that that's an unfolding
11:06:18 18 of life.

11:06:23 19 I think that when the spirit is ready,
11:06:25 20 when the spirit feels that the human being is
11:06:27 21 ready then those ceremonies, whatever it is that
11:06:30 22 we need to bring balance and harmony to our
11:06:37 23 life, then they will appear, they will happen.
11:06:41 24 I have no doubt that that will happen.

11:06:45 25 And I'll share this much, in my early

1 days I was really hungry for language, for
2 Anishinaabemowin, and I would travel all over
3 the place looking and learning about
4 Anishinaabemowin. And I've had some experiences
5 in my life of late that have dampened that want,
6 right?

7 But I've also learned something too
8 and that is that language is going to come for
9 me and it will come from the spirit; and I know
10 that so I'm going to trust that.

11 There are other things that I need to
12 do to make ready. And when my vessel is ready
13 then more of that language, and then I will be
14 that fluent speaker. I have no doubt.

15 There are just right now things that I
16 need to put my focus to and part of it is
17 unfolding my bundle with this -- whatever it is
18 that I know that's inside of me, to be able to
19 share and make a difference in the lives of not
20 only Indigenous children but other children as
21 well.

22 Q. Ms. Keeshig, I would like to
23 thank you for sharing your teachings with us.

24 Your Honour, those are my questions.

25 THE COURT: Thank you, counsel, for

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1 Ontario.
2 Ms. Le Pan, who is going to be getting
3 up?
4 MS. LE PAN: Good morning, Your
5 Honour.
6 CROSS-EXAMINATION BY MS. LE PAN:
7 Q. Good morning, Ms. Keeshig. I'm
8 Jennifer Le Pan. I'm counsel for Ontario. I
9 just have a few quick questions for you today.
10 If you need me to speak up or if you
11 don't understand my questions please just let me
12 know. I want to start by asking you a few
13 questions about your family just to situate you.
14 Is your father Donald Keeshig?
15 A. He is.
16 Q. And is your mother Keitha
17 Keeshig?
18 A. She is, was.
19 Q. And do you have eight siblings?
20 A. I do.
21 Q. And is Karl Keeshig who testified
22 earlier in this trial is he your brother?
23 A. He is.
24 Q. And is Lenore Keeshig who will be
25 testifying later in this trial your sister?

11:09:19 1 A. She is.

11:09:20 2 Q. And is Ted Johnston your uncle?

11:09:23 3 A. He is.

11:09:23 4 Q. And would that make Darlene
11:09:24 5 Johnston your cousin?

11:09:26 6 A. She is.

11:09:27 7 Q. And are you related to Paul
11:09:29 8 Jones?

11:09:30 9 A. I am.

11:09:30 10 Q. How would you be related?

11:09:41 11 A. So Paul's dad was my
11:09:43 12 grandmother's brother, so Uncle Fred.

11:09:48 13 Q. Thank you.

11:09:50 14 So now I want to turn and ask you some
11:09:52 15 questions about the water ceremonies.

11:09:54 16 A. Okay.

11:09:56 17 Q. So when would you decide to
11:09:57 18 conduct a water ceremony? Are there particular
11:10:00 19 occasions?

11:10:03 20 A. We try to do the Nochimowanaing
11:10:07 21 ceremony in the spring as soon as the ice flows.
11:10:15 22 Originally that's kind of when things would
11:10:16 23 happen, when the waters begin to flow again
11:10:19 24 would be in the spring when the ice is starting
11:10:22 25 to break up. That was one of the original

11:10:24 1 teachings so we tried to keep it as close to
11:10:28 2 early spring as possible.

11:10:32 3 I know that for the healing ceremonies
11:10:38 4 for Nochimowanaoing we'd have to kind of wait
11:10:41 5 until the water's a little bit warmer for it to
11:10:48 6 be used for that intention because it's pretty
11:10:50 7 cold.

11:11:04 8 But water ceremonies can happen as a
11:11:06 9 group, it could happen as individuals. I could
11:11:09 10 walk out to Lake Ontario and make that a water
11:11:13 11 ceremony and offer tobacco to that water and
11:11:15 12 say, Migwetch, for its life or ask for healing
11:11:19 13 for that water. I could go to the Don River or
11:11:21 14 the Humber River and do that ceremony over there
11:11:24 15 as well. It is not confined to just a specific
11:11:29 16 time and a place.

11:11:32 17 And in the times that we live in I
11:11:34 18 would say that we need to do those more often,
11:11:36 19 because that too is creating that awareness to
11:11:43 20 the sacredness of life, of water. We need that.
11:11:46 21 Everyone needs to be aware and to be able to act
11:11:50 22 on that.

11:11:57 23 Q. When you conduct water ceremonies
11:11:59 24 do you give thanks to the water more generally
11:12:02 25 then? All water?

1 A. No. In the water prayer there
2 contains the names of the spirits that look
3 after the water. So you are talking directly to
4 them on behalf of the human being, on behalf of
5 all of creation; petitioning those spirits for
6 blessings upon the water.

7 Q. And they take care of all waters,
8 the water spirits for all waters?

9 A. Yes.

10 Q. And who from the Chippewas of
11 Nawash attends the water ceremonies? Is it
12 everyone or just a portion of them?

13 A. It's open to everyone. Not
14 everybody attends. It's like -- because those
15 are personal choices. And being Anishinaabe you
16 respect individual choices. Even though that we
17 are a collective we also recognize people's
18 individuality or their autonomy to act for
19 themselves, to choose for themselves.

20 We hope and we pray that more people
21 will come and participate and learn about the
22 water, about the ceremonies that we do. We've
23 worked with -- we never turn anyone away.

24 We work with our community as the
25 Nawash Three Fires group to help people who are

1 looking for their names, who are looking to be
2 connected to their clans, who are looking to
3 fast. All of those things we help. So -- and,
4 yeah, so we reach out. That's our job. We're
5 supposed to do that.

6 Q. Thank you. And do other
7 Anishinaabe communities also conduct water
8 ceremonies?

9 A. I think that they do.

10 Q. And when they conduct water
11 ceremonies would it be fair to say that
12 similarly they give thanks to the water spirits
13 who protect all the waters?

14 A. Uhm-hmm.

15 Q. And when you conduct water
16 ceremonies where does the water come from?

17 A. Well, I have water right here and
18 I could do a ceremony with this water and this
19 water came from a tap.

20 Q. Okay.

21 A. There's -- I don't know if you've
22 ever heard of Site 41 but it was a proposed
23 garbage dump in Tiny Township. And that Tiny
24 Township they sit on a pond, an aquifer, that
25 pumps, you know, thousands of litres of water

11:15:14 1 into Georgian Bay.

11:15:16 2 And those women carry the same
11:15:18 3 teachings that I carry; and the strength of
11:15:20 4 those teachings helped to stop Site 41 and the
11:15:25 5 building of it. And it took those Anishinaabe
11:15:31 6 kwe three months to do what the Tiny Township
11:15:35 7 residents had been trying to do for 25 years.

11:15:38 8 Q. Earlier today you were talking
11:15:41 9 about the relationship between women and water
11:15:44 10 and the responsibilities that women have to
11:15:47 11 water. Do other Anishinaabe communities also
11:15:54 12 have those responsibilities or have that special
11:15:56 13 relationship between women and water?

11:15:58 14 A. I would think that they do,
11:16:00 15 because it's part of our life.

11:16:08 16 Q. And do you have to be in a
11:16:10 17 specific place to fulfill those responsibilities
11:16:11 18 or, similar to the water ceremonies, can you be
11:16:14 19 anywhere really?

11:16:17 20 A. Yes and no. To do the
11:16:21 21 Nochimowanaoing ceremony we have to be at
11:16:25 22 Nochimowanaoing to be able to do that.

11:16:29 23 You know, I would think that if we
11:16:31 24 wanted to pray for the water at Bruce Nuclear we
11:16:34 25 would have to be over there so that we could

11:16:37 1 talk directly to that place about what it is
11:16:39 2 that we're intending.

11:16:42 3 So it just depends on what it is
11:16:45 4 you're doing and why you're doing what you're
11:16:47 5 doing.

11:16:51 6 Q. So I want to turn now and talk to
11:16:58 7 you about water walks, and these are my last set
11:16:59 8 of questions.

11:16:59 9 When you conduct water walks, where
11:17:02 10 does that water come from that you put in the
11:17:04 11 pail?

11:17:05 12 A. From your starting point. We
11:17:07 13 conducted a water walk around the SON territory
11:17:10 14 in 2017 and that water pail was filled at
11:17:15 15 Nochimowanaoing; it seemed like the most likely
11:17:18 16 place to begin.

11:17:20 17 Our endeavour was to walk the
11:17:22 18 perimeter of our territory, along the shores and
11:17:25 19 as close to the water as we could to create that
11:17:28 20 awareness for the people; and to pray for the
11:17:32 21 land knowing that we're in this place of land
11:17:38 22 claim.

11:17:39 23 We wanted to reconnect with the land
11:17:44 24 and the water and to even offer our own
11:17:49 25 atonement for not knowing as much as we should

11:17:52 1 know about our territory. It was a good walk.

11:18:00 2 It was a very good walk, very strong walk and a
11:18:04 3 very powerful walk for us to be upon the land
11:18:08 4 and to be present because a lot of people think
11:18:11 5 we're extinct.

11:18:13 6 My little granddaughter who lives in
11:18:16 7 the city came home to the reserve, and she was
11:18:19 8 just chatting and she was all excited and she
11:18:21 9 goes, Coco, I'm so excited. I'm so excited.

11:18:25 10 And I said, What are you excited about? I
11:18:28 11 thought she was excited to come home. And she
11:18:30 12 says, I'm excited to be Anishinaabe. And I
11:18:33 13 said, Really? And she said, Yeah.

11:18:36 14 And she told me about this experience
11:18:37 15 in the park that she had and this little friend
11:18:39 16 that she made asked her, you know, what was her
11:18:43 17 background? And she says, Well, I'm First
11:18:45 18 Nations. And the little person asked her, said,
11:18:48 19 You can't be First Nations because First Nations
11:18:51 20 are extinct. And my little granddaughter was,
11:18:57 21 No, we're not extinct. She says, There's lots
11:18:59 22 of us. And she says, Coco, I couldn't
11:19:03 23 understand why someone would think that First
11:19:04 24 Nations don't exist.

11:19:08 25 So, and that's a reality. So that's

11:19:12 1 why we do these walks. We need to be present
11:19:16 2 and upon the land. We need to be present on the
11:19:20 3 water. We need to pick up and restore our
11:19:25 4 responsibility.

11:19:28 5 Q. Thank you. So is it right then
11:19:31 6 to say that if a water walk started in Quebec,
11:19:33 7 the water for that water walk would come from
11:19:36 8 the starting place in Quebec?

11:19:39 9 A. When Josephine Mandamin did the
11:19:42 10 water walks that she has done, the one in
11:19:46 11 particular was the Four Directions water walk
11:19:49 12 that started from the east coast, and started
11:19:55 13 from the west coast, started from Churchill, and
11:19:59 14 started from the Gulf of Mexico. So when those
11:20:03 15 water walks -- because they walk together at the
11:20:06 16 same time, they picked up the water from those
11:20:10 17 places and brought them in to Lake Superior at
11:20:13 18 the centre of Turtle Island at Bad River where
11:20:17 19 we have our Medewin full lodge ceremonies, and
11:20:25 20 that water was brought there.

11:20:27 21 Q. So speaking about Josephine
11:20:28 22 Mandamin, she is an Elder from the Wikwemikong
11:20:40 23 First Nation, is that right?

11:20:44 24 A. She is -- was. She's passed.

11:20:46 25 Q. And is my understanding correct

11:20:47 1 that she was the first Elder to conduct a water
11:20:50 2 walk?

11:20:50 3 A. That's true.

11:20:51 4 Q. And it was her water walk, and I
11:20:53 5 think it was 2003, which inspired other
11:20:56 6 Indigenous communities to begin conducting water
11:20:59 7 walks, is that right?

11:21:01 8 A. Yeah. I think -- you could say
11:21:02 9 that. To my knowledge that was the first water
11:21:07 10 walk that took place. It was acknowledged -- at
11:21:11 11 the beginning of that walk -- Josephine had told
11:21:14 12 us after that walk had finished that at the
11:21:18 13 beginning of the Lake Superior walk when they
11:21:22 14 were getting ready to set off they were visited
11:21:26 15 by an old man who had someone drive him to where
11:21:30 16 the water walkers were going to start. And he
11:21:35 17 got out of the car and he walked up, and he was
11:21:37 18 in tears talking to Josephine, and telling her
11:21:44 19 that his grandmother had told them that there
11:21:46 20 would come a time that one day the women would
11:21:49 21 be carrying water around the Great Lakes. So
11:21:52 22 that was an affirmation that the work that we
11:22:00 23 were doing that we were on track.

11:22:02 24 Q. So water walks themselves are
11:22:04 25 really something that's begun in the last 15 or

11:22:07 1 so years?

11:22:14 2 A. Yes, and it's because of
11:22:15 3 Josephine. She was spurred into movement by a
11:22:18 4 prophecy that was given by Baudwaywidan Banaise
11:22:20 5 who told us that -- what did he say? He said,
11:22:21 6 in 30 years time an ounce of water would cost
11:22:24 7 more than that an ounce of gold.

11:22:27 8 And earlier in that year the water
11:22:33 9 bundle was lowered to the women of the Three
11:22:36 10 Fires Lodge, so giving them the right to conduct
11:22:42 11 the water ceremonies, to take responsibility of
11:22:45 12 that bundle, the prayers, the songs, the
11:22:48 13 protocols, the processes of taking care of the
11:22:51 14 water.

11:22:53 15 So he asked us directly, What are you
11:22:57 16 going to do about it if in 30 years time that an
11:23:01 17 ounce of water is going to cost more than an
11:23:04 18 ounce of gold? What are you going to do about
11:23:06 19 it? And he asked Josephine to convene a meeting
11:23:09 20 of the women to talk about what was possible,
11:23:12 21 what could be done.

11:23:14 22 And I can speak to that because I was
11:23:16 23 at that meeting and the walk was talked about at
11:23:20 24 that time.

11:23:29 25 Q. So I think it's clear already,

1 but just to make sure, there's lots of
2 communities that are participating in water
3 walks all over Ontario and Quebec and on the
4 east coast of Canada, is that right?

5 A. It is spreading, the awareness to
6 the importance of water and water walks. It is
7 creating that awareness.

8 It's something that is a doable thing.
9 It doesn't cost you anything to go and pick up a
10 pail of water and join in that prayer that's
11 being made for the earth and for the water.

12 It doesn't -- if anything it
13 strengthens your spirit, it reconnects you to
14 your original purpose as a human being upon the
15 earth.

16 Q. Thank you. Just a moment.

17 Thank you, Ms. Keeshig, those are all
18 my questions.

19 THE COURT: All right.
20 Re-examination?

21 MS. PELLETIER: No questions, Your
22 Honour.

23 THE COURT: Ms. Keeshig, I have one
24 question. I think I may have discerned the
25 answer just now but I'm going to check with you.

11:24:33 1 You were asked in your examination
11:24:34 2 in-chief, and again in cross-examination, about
11:24:39 3 the location of water ceremonies. In your
11:24:45 4 examination in-chief you mentioned that most
11:24:47 5 people go to Lake Huron or Georgian Bay. In
11:24:50 6 later questions you talked about -- in one
11:24:56 7 question you said the answer was yes and no, and
11:24:59 8 you talked about how water ceremonies are not
11:25:03 9 confined to a specific time or place.

11:25:06 10 THE WITNESS: Uhm-hmm.

11:25:07 11 THE COURT: And then you went on and
11:25:08 12 talked about a specific water ceremony where you
11:25:11 13 said, and this is my words, to be effective you
11:25:13 14 had to be there in that spot.

11:25:14 15 THE WITNESS: Uhm-hmm.

11:25:17 16 THE COURT: So I think in exam
11:25:20 17 in-chief Ms. Pelletier also mentioned that a
11:25:23 18 water ceremony was conducted at Cape Croker --

11:25:26 19 THE WITNESS: Yes.

11:25:27 20 THE COURT: -- in advance of the
11:25:28 21 hearings in this trial.

11:25:30 22 THE WITNESS: Uhm-hmm.

11:25:31 23 THE COURT: And that location, that
11:25:32 24 community centre is not on the shoreline of any
11:25:38 25 water.

11:25:38 1 THE WITNESS: No.

11:25:39 2 THE COURT: So I just wanted to
11:25:40 3 clarify from you if -- it seems that water
11:25:43 4 ceremonies are not necessarily required to be at
11:25:46 5 the edge of the water.

11:25:48 6 THE WITNESS: No.

11:25:49 7 THE COURT: Thank you for clarifying
11:25:50 8 that.

11:25:51 9 Now, I'm just going to ask counsel if
11:25:53 10 they have any follow-up questions.

11:25:55 11 Ms. Pelletier?

11:25:57 12 MS. PELLETIER: No, Your Honour.

11:25:58 13 THE COURT: Ms. McCulloch?

11:26:00 14 MR. McCULLOCH: No, Your Honour.

11:26:01 15 THE COURT: Ms. Le Pan?

11:26:03 16 MS. LE PAN: No.

11:26:03 17 THE COURT: Thank you very much. You
11:26:04 18 may step down into the courtroom.

11:26:07 19 THE WITNESS: Miigwetch, Your Honour.

11:26:24 20 THE COURT: Looking at the time, and I
11:26:25 21 see there is people in the public body of the
11:26:27 22 courtroom, Mr. Townshend and Mr. Brookwell as
11:26:30 23 well. Which plaintiff's counsel is calling the
11:26:35 24 next witness?

11:26:38 25 MR. TOWNSHEND: I will be.

11:26:38 1 THE COURT: Waiving at me from the
11:26:38 2 back, sir. C'mon forward.

11:26:38 3 MR. TOWNSHEND: Your Honour, that will
11:26:49 4 be Lenore Keeshig.

11:26:54 5 THE COURT: Is she here?

11:26:54 6 MR. TOWNSHEND: Yes, she is.

11:26:54 7 THE COURT: So what we'll do, since
11:26:54 8 it's almost 11:30, we'll take the morning break
11:27:09 9 and then resume with the next witness.

11:27:12 10 You weren't here, sir, so I'll repeat
11:27:12 11 what I said first thing this morning, which is
11:27:12 12 that I have a judge's meeting across the street
11:27:21 13 so I have to -- instead of stopping on the dot
11:27:21 14 at 1:00, around quarter to 1:00 or 10 to 1:00,
11:27:21 15 depending on whatever counsel is asking
11:27:21 16 questions, depending on whatever makes most
11:27:21 17 sense for their questions. So you can plan on
11:27:22 18 that. We'll take the morning break at this
11:27:24 19 time.

11:52:18 20 -- RECESSED AT 11:27 A.M. --

11:52:18 21 -- RESUMED AT 11:52 A.M. --

11:52:25 22 THE COURT: Please go ahead, sir.

11:52:28 23 MR. TOWNSHEND: I would like to call
11:52:29 24 Lenore Keeshig. She wished to take the oath
11:52:47 25 with tobacco.

11:53:00 1 THE REGISTRAR: Can you please state
11:53:00 2 and spell your name for the record?

11:53:05 3 THE WITNESS: My name is Lenore
11:53:11 4 Keeshig, spelled L-E-N-O-R-E, last name
11:53:17 5 K-E-E-S-H-I-G.

11:53:32 6 THE REGISTRAR: You may continue with
11:53:33 7 your oath.

11:53:35 8 THE WITNESS: I can make it up?

11:53:44 9 With these tobacco ties I vow to help
11:53:56 10 you as much as I can with my words and with my
11:54:01 11 knowledge, and I do this in a good way for
11:54:10 12 Anishinaabe.

11:54:41 13 THE COURT: Go ahead.

11:54:42 14 LENORE KEESHIG:

11:54:42 15 SELF-AFFIRMED ON THE TOBACCO TIES.

11:54:15 16 EXAMINATION IN-CHIEF BY MR. TOWNSHEND:

11:54:43 17 Q. I would like to start with some
11:54:46 18 introductory questions. Can you tell us when
11:54:47 19 you were born?

11:54:48 20 A. I was born October 7th, 1950.

11:54:54 21 Q. And where were you born?

11:54:56 22 A. I was born -- I was born in
11:54:58 23 Wiarton, Wiarton Hospital.

11:55:04 24 Q. Can you tell us who your parents
11:55:06 25 are?

11:55:06 1 A. My parents are Donald Keeshig and
11:55:09 2 Keitha Keeshig, nee Johnston.

11:55:14 3 Q. And Donald's parents are?

11:55:16 4 A. Donald's parents are Gregory
11:55:18 5 Keeshig and Mary Keeshig.

11:55:26 6 Q. And Keitha's parents?

11:55:29 7 A. Alex Johnston and Beatrice
11:55:31 8 Johnston.

11:55:34 9 Q. Now there have been some
11:55:35 10 questions in this case about who is related to
11:55:39 11 whom. Could you say of the people who now live
11:55:43 12 on the Nawash reserve what proportion of them
11:55:48 13 would be related to you?

11:55:49 14 A. Well, pretty close to maybe even
11:55:55 15 more than one third of the people in the
11:55:58 16 community, or who are Nawash members I'm related
11:56:04 17 to.

11:56:06 18 Q. What do you consider your tribal
11:56:08 19 identification?

11:56:09 20 A. My tribal identification is
11:56:16 21 Anishinaabe. I'm a citizen of the Saugeen
11:56:18 22 Ojibwe Nation.

11:56:26 23 Q. What is your clan?

11:56:27 24 A. My clan is ma'iingan, the Wolf.

11:56:29 25 Q. And can you tell us what periods

1 of your life you have lived at Nawash?

2 A. I have lived most of my life at
3 Nawash. In childhood there may have been maybe
4 two or thee years when I was very young when we
5 lived in Owen Sound; and then we moved back
6 Neyaashiinigmiing.

7 I was there until I was about 13 or 14
8 and I went off to Loreto Academy in Niagara
9 Falls. I believe I was there for two or three
10 years and then came back to Neyaashiinigmiing.

11 Left in '69, came to Toronto; and I
12 returned to Neyaashiinigmiing in 1993 and I've
13 been there since.

14 Q. And can you tell us about your
15 education?

16 A. My education. I was educated at
17 the two schools in Neyaashiinigmiing. Sydney
18 Bay School, which is up on top of the big hill,
19 the stone building that's now empty and falling
20 apart; and then went to school at St. Mary's
21 Mission School down near the Catholic church.

22 After that I went to Loreto Academy in
23 Niagara Falls for about three years. I returned
24 home, went to Wiarton District High School and
25 then I dropped out of school.

1 And when I was -- no, in 1977 I
2 went -- I got accepted at York University as a
3 mature student and I completed a degree in Fine
4 Arts there.

5 I believe it was '09, '10 that I went
6 to the University of Toronto and I worked on a
7 degree towards -- a masters towards geology. I
8 did not finish that. I finished all the course
9 work I just did not write the thesis.

10 My education has been, in other ways,
11 through Elders in our community and Elders at
12 the -- through the greater or the larger Native
13 community in Ontario and Canada, my children,
14 for example. And my education has been through
15 reading and talking with people, listening to
16 stories, a lot of listening, and reading, and
17 fasting, dreaming.

18 Q. Can you name a few of the Elders
19 from whom you've learned?

20 A. Elders whom -- I have learned
21 from, the number one Elder that comes to mind is
22 Gladys Kidd [ph], and I apologize but I don't
23 remember her Anishinaabe name. Another Elder
24 that comes to mind is Rose Nadjiwon, she was a
25 language Elder on Neyaashiinigmiiing. And my

12:00:52 1 father, I think I've learned a lot from my
12:00:54 2 father because he is a story teller.

12:00:55 3 And various other people, various
12:00:57 4 other, I would say, Anishinabek artists and
12:01:01 5 story tellers and authors. And I should say
12:01:12 6 that there I used "Anishinaabe" in the generic
12:01:17 7 sense, meaning other Aboriginal authors or
12:01:20 8 authors from other tribal affiliations.

12:01:37 9 Q. Can you talk about how your
12:01:39 10 father translated Anishinabek and understood it?

12:01:47 11 A. Yes, my father has always loved
12:01:52 12 Anishinaabemowin, our language. And even though
12:01:57 13 he only had a Grade 8 education he -- I think he
12:02:03 14 was a deep thinker.

12:02:08 15 He took it upon himself to translate
12:02:10 16 "Anishinaabe", and it took him about two weeks.
12:02:15 17 And he told me how he did that; that he broke it
12:02:18 18 down into its smaller parts and then he looked
12:02:21 19 at each part very carefully. And his
12:02:25 20 translation of Anishinaabe is "good of the
12:02:29 21 earth", which I think is a beautiful, beautiful
12:02:37 22 translation.

12:02:40 23 And having grown up in mission school
12:02:41 24 I can say that there's no hint of original sin
12:02:46 25 in his translation, or in Anishinaabe view of

12:02:51 1 how we see ourselves. We are good people.

12:03:00 2 Q. Can you tell us about some of the
12:03:01 3 jobs you've been employed at?

12:03:03 4 A. Well, food serving was not very
12:03:24 5 good. I worked for a magazine called "Ontario
12:03:31 6 Indian", this was a publication for the Union of
12:03:35 7 Ontario Indians. This was back in the early
12:03:43 8 '80s. I worked there as an editor and as a
12:03:46 9 writer.

12:03:55 10 A group of us had tried to establish
12:03:58 11 another Aboriginal magazine called "Sweet Grass"
12:04:04 12 after "Ontario Indian" ceased publication. The
12:04:08 13 attempt at "Sweet Grass" did not work very well.

12:04:12 14 I went on to then work as an advocate
12:04:19 15 for Native artists and artists of colour in
12:04:23 16 Toronto.

12:04:40 17 Is this paid or unpaid employment?

12:04:44 18 Q. Whatever you like.

12:04:47 19 A. A lot of the stuff I did was
12:04:49 20 unpaid. I helped the Writers Union of Canada
12:05:01 21 establish the minority writers committee and
12:05:14 22 worked in those areas.

12:05:16 23 When I returned back to
12:05:17 24 Neyaashiinigmiing I worked as an antiracism
12:05:27 25 worker for Nawash. I then went on to work as a

12:05:38 1 day care worker, a school-age teacher.

12:05:42 2 Later on I was a college professor for
12:05:50 3 George Brown College here in the City, up at the
12:05:55 4 Casa Loma campus. I taught Native studies and
12:05:59 5 fundamental English grammar and strategies for
12:06:04 6 student success.

12:06:09 7 I worked at the -- I worked for Parks
12:06:11 8 Canada up in Tobermory as an interpreter, and I
12:06:18 9 still work there now.

12:06:27 10 And I guess I could say I've done,
12:06:29 11 like, other freelance stuff as a writer, as a
12:06:33 12 narrator, as a workshop facilitator.

12:06:47 13 Q. When did you first hear stories
12:06:50 14 of Nanabush?

12:06:54 15 A. When did I first hear stories of
12:06:54 16 Nanabush? When I was a child. I heard these
12:06:56 17 stories from my -- from my father. And those
12:07:03 18 were around the family dinner table when my
12:07:06 19 father would tell these stories. So I guess for
12:07:14 20 me he was the primary story teller for many of
12:07:18 21 to the Nanabush stories.

12:07:23 22 Q. What do Nanabush stories mean to
12:07:27 23 you and your people?

12:07:39 24 A. Nanabush stories are very
12:07:41 25 important for Anishinaabe people. Nanabush is a

12:07:47 1 trickster teacher and so we learn through those
12:07:54 2 stories.

12:07:55 3 When Nanabush is being a trickster, we
12:07:57 4 learn not to do those silly things, those
12:08:03 5 foolish things. Of course, you know, some of us
12:08:05 6 still continue and hopefully we learn from our
12:08:10 7 mistakes.

12:08:12 8 From the good things Nanabush has done
12:08:14 9 we learn to emulate those things and to behave
12:08:18 10 and to be in a good positive way of living.

12:08:30 11 Q. Can you tell us how you became a
12:08:32 12 story teller?

12:08:38 13 A. Yes. I -- how I became a story
12:08:42 14 teller. There are a couple of ways I've become
12:08:48 15 a story teller. One is -- one is through my
12:08:54 16 father, because my father is a story teller and
12:09:00 17 I've heard him tell stories since my childhood.

12:09:08 18 He had -- he had a really wonderful
12:09:12 19 way of finding stories. And they weren't -- and
12:09:15 20 I'm not just talking about traditional stories,
12:09:17 21 I mean, even contemporary stories, and stories
12:09:21 22 maybe about himself, and stories about our
12:09:23 23 family, and things that were happening in the
12:09:27 24 community.

12:09:29 25 He had this real gift to -- like, for

12:09:31 1 example, be out in the community in the middle
12:09:34 2 of whatever was going around and find a story.
12:09:41 3 And then he'd come home and he'd tell us and it
12:09:44 4 would just unfold like a -- just a really good
12:09:46 5 narrative, a really good story of what he saw
12:09:50 6 and his interpretation of that.

12:10:00 7 My mother, she was a story teller in
12:10:03 8 another way. And her stories were mostly kind
12:10:04 9 of like about family and stuff like that. And
12:10:06 10 she did a lot of reading to us since she had a
12:10:12 11 high school education. So she was familiar with
12:10:17 12 a lot of the Western European literature, so a
12:10:23 13 lot of poetry and stuff like that.

12:10:25 14 In fact my name, "Lenore", comes
12:10:27 15 from -- comes from the raven. And maybe some
12:10:31 16 people would think that's kind of awful to come
12:10:34 17 from a raven, but the raven or the crow for us
12:10:38 18 is a messenger.

12:10:42 19 So she read poetry to us. And she --
12:10:46 20 and there were times when both her and my dad
12:10:49 21 would read stories to us, like, from stories
12:10:54 22 from Reader's Digest Condensed.

12:11:04 23 The other way I became a story teller
12:11:08 24 is I made a choice. When I was at university
12:11:18 25 being a "modern student" and telling stories I

12:11:25 1 was there to learn about creative writing and
12:11:27 2 writing poetry. And I came to a realization
12:11:32 3 that whatever I was writing about that the
12:11:36 4 source of that, the source of what I was writing
12:11:41 5 about came out of the stories, came out of our
12:11:46 6 traditional stories, stories of Nanabush and
12:11:49 7 other tribal stories. So I realized I wanted to
12:11:57 8 be a story teller then.

12:11:59 9 So I approached my Elder, Gladys Kidd,
12:12:03 10 and we talked. And I told her that I wanted to
12:12:09 11 be a story teller but I didn't know how to
12:12:12 12 become a story teller, but I think the way for
12:12:19 13 me to do it was to fast and I asked her to help
12:12:27 14 me fast to be a story teller.

12:12:29 15 I told her I wanted to fast for the
12:12:30 16 stories that I tell and the stories that I'm
12:12:37 17 going to tell. And she agreed to help me.

12:12:39 18 I went on a two-night and two-day fast
12:12:45 19 to become a story teller.

12:12:53 20 So when one goes on a fast one goes
12:12:55 21 and sits out on the land. And so I was sitting
12:13:01 22 out on the land and I dreamed. The first dream
12:13:11 23 that came to me when I was in my lodge is that
12:13:20 24 these tiny little men had somehow come into my
12:13:23 25 lodge and they were wrestling my legs, and I was

12:13:27 1 afraid. And so I'd wake myself up and then I'd
12:13:35 2 fall asleep again.

12:13:36 3 And again those little men were in and
12:13:39 4 they were wrestling my legs, like, trying to
12:13:43 5 hold my legs down. And I -- and I couldn't
12:13:47 6 understand because my Elder had told me that I
12:13:53 7 would be safe and yet there were these little
12:13:58 8 creatures there tormenting me, teasing me.

12:14:05 9 My Elder had bid me to fill up a small
12:14:10 10 plate of food before going into the lodge, and
12:14:12 11 to take that small plate of food and take it out
12:14:17 12 some distance from where my lodge was and to put
12:14:19 13 it down with some -- with some sema, some
12:14:26 14 tobacco, and that would take any of the spirits
12:14:28 15 who might want to tease me, that would keep them
12:14:32 16 away from my lodge.

12:14:34 17 When I went into my lodge I created
12:14:37 18 two rings around my lodge; there was a ring of
12:14:43 19 cedar and then there was a ring of tobacco, and
12:14:51 20 that was to keep me safe. And so I couldn't
12:14:53 21 understand why these little men were tormenting
12:14:55 22 me, until I realized that they were the -- they
12:15:01 23 were my fears, that they came into the lodge
12:15:07 24 with me in my heart.

12:15:11 25 And once I realized that they were my

1 own fears and that I had carried them in there
2 they disappeared. And as soon as that happened
3 and I started falling asleep this tiny little
4 mouse came rushing into the lodge and jumped
5 into my hair and started dancing around in my
6 hair and then dashed out.

7 And then I dreamed. I dreamed that a
8 spirit man came and he gathered up two of my
9 lodge poles, and those were the two lodge poles
10 that were made out of maple, and he carried
11 those away.

12 My Elder interpreted the spirit man as
13 accepting my offering of accepting my fast.

14 The second night I spent in my
15 lodge --

16 THE COURT: I'm just going to
17 interrupt you for a moment, Mr. Townshend. It's
18 difficult for the witness. It wasn't really
19 what you asked her about.

20 MR. TOWNSHEND: I was expecting this.

21 THE COURT: You were. Okay. Because
22 the answer is not in relation to this, but if
23 this is what you were expecting then I would
24 like to give the witness a moment to collect
25 herself.

1 You can go back to the question if
2 this is what you were hoping for the witness to
3 talk about.

4 When you are feeling a little
5 collected, madam, please go ahead and finish
6 your description of the situation.

7 THE WITNESS: Yes, thank you.

8 I dreamed the second night. I dreamed
9 that I could -- I dreamed I could dance in the
10 sky, and I call it like fly dancing. It was
11 just this fluidity of movement through and about
12 the sky, over the ground and around the trees.
13 And it was an incredible feeling; something that
14 I could do; something beautiful that I could do.

15 And then I was with a group of people,
16 other people who could also sky dance, or dance
17 in the sky. And it was really nice that we
18 were -- we were all together talking about our
19 fly dancing or talking about our art.

20 And we found ourselves looking for a
21 place where we could go do sky dancing together.
22 And we found ourselves in a building, a stone
23 building similar, I guess, to the buildings at
24 UofT. You know, the beautiful architecture,
25 the shiny wooden floors, the long corridors, the

12:19:48 1 tall ceilings. And we found ourselves wandering
12:19:52 2 through this building, these corridors, looking
12:19:56 3 into rooms, looking for this place where we
12:20:01 4 could express our sky dancing.

12:20:07 5 And we wandered for quite some time
12:20:10 6 going up and down staircases, along these
12:20:13 7 corridors, looking into rooms and not finding
12:20:16 8 this place.

12:20:19 9 And at one point, I think it felt as
12:20:22 10 if we were on the lower level, and we could
12:20:27 11 hear -- we could hear music off in the distance.
12:20:31 12 And so one of our numbers there, this one
12:20:35 13 person, decided that he would go and
12:20:38 14 investigate. And he decided that he would go
12:20:46 15 into that place and he would do his sky dancing
12:20:50 16 there. That place was kind of like -- kind of
12:20:54 17 like a pub or a club, something like that.

12:21:05 18 And we pleaded with him not do that,
12:21:06 19 but if he stayed with us we would surely find
12:21:10 20 this place where we could sky dance. But, no,
12:21:17 21 this one person would not, would not join us.

12:21:22 22 And so we continued our search and
12:21:25 23 eventually we did find, we did find a place
12:21:28 24 where we could do sky dancing. It was kind of
12:21:31 25 like an outdoor stage, and beyond, when you are

12:21:39 1 looking out from the stage, it was like -- it
12:21:43 2 was like a garden, like a walled garden, a
12:21:47 3 nicely manicured garden. And in the distance
12:21:50 4 there was this great stone wall on the perimeter
12:21:54 5 and beyond that was the sunset, the sunrise, the
12:22:00 6 sky.

12:22:08 7 And so when we looked around we
12:22:10 8 thought we could do our sky dancing here. This
12:22:12 9 is a good place. We can do it here. And so we
12:22:21 10 started to perform.

12:22:22 11 And that's when I realized that I
12:22:29 12 couldn't do my sky dancing there. That as
12:22:32 13 beautiful as it was, as open as it was it was
12:22:44 14 constricted. It wasn't the same as doing it out
12:22:53 15 in the country. And that's how that dream
12:23:00 16 ended.

12:23:04 17 So it's through fasting and through
12:23:10 18 those dreams, those dreams that I look to for
12:23:16 19 guidance, that I have become a story teller.

12:23:26 20 THE COURT: Do you have another
12:23:27 21 question, Mr. Townshend? You're standing there
12:23:32 22 silently.

12:23:34 23 MR. TOWNSHEND: I was just waiting.

12:23:35 24 BY MR. TOWNSHEND:

12:23:35 25 Q. I do have another question. I

1 just want to say thank you for sharing that with
2 us.

3 A. Uhm-hmm.

4 Q. Can you talk about the
5 responsibilities of a story teller?

6 A. The story teller has a
7 responsibility. The story teller has a
8 responsibility for the stories, for the story
9 listeners and for the profession.

10 For the stories, for example, there
11 are certain stories that are told only during
12 the winter time. And, as my Elder told me, the
13 reason for that is because black flies and
14 mosquitoes like to hear those stories. And so
15 we tell them in the winter time when these
16 little creatures are not around.

17 In regards to the listeners, a story
18 teller has a responsibility when telling the
19 stories to tell it to the best of their ability,
20 to create a safe place for the story listener,
21 to create a safe place for the story to appear
22 and to select words carefully.

23 In regards of the profession, a story
24 teller has a responsibility to act with dignity
25 and respect and goodness of heart.

1 Q. What is different about sacred
2 stories?

3 A. Sacred stories, Nanabush stories,
4 for example, are sacred stories and they are
5 told in -- they're told in the winter.

6 Some of the stories are told only in
7 ceremony, and I don't tell any of those stories.
8 Those are not mine to tell.

9 And the Nanabush stories are like the
10 teaching stories. Sometimes I -- well, maybe I
11 shouldn't say "sometimes".

12 I tell certain stories out of season
13 and I do that very carefully. Because I believe
14 that for certain people they need to hear a
15 story, and so I will use a Nanabush story, a
16 teaching story, to convey a message to people.

17 And when I do that, when I know that
18 I'm going to be telling a Nanabush story I
19 always have tobacco. I always burn tobacco and
20 cedar and I tell the grandfathers, I tell the
21 grandmothers, that I'm telling this story
22 because these people here need to -- these
23 people here need to hear this story and what's
24 in the story. Because I'm not going to see
25 these people again but they need to take

1 something with them. And so that's why I do
2 that.

3 As a story teller I'm also an
4 educator. I'm a teacher and I teach through
5 stories and I teach through words.

6 Q. Can you say a bit more about why
7 stories are important?

8 A. Stories, why stories are
9 important. I have to -- when I think of them I
10 think of -- I think of the Native American poet
11 Leslie Marmon Silko; she has a poem in her book
12 called "Ceremony", and I don't remember all of
13 the poem but I'm just paraphrasing.

14 It's like this, stories are all we
15 have to fight off sickness and death, and yet
16 there are those people who would like to have
17 those stories lost or forgotten because we would
18 be defenceless then. If so that's what stories
19 are.

20 Stories are our life's blood. And if
21 we go back to the mosquito thing and the black
22 flies' thing, mosquitoes and black flies in
23 order to procreate they need to have our blood,
24 that's why they bite you.

25 And if you're sitting around and

12:30:16 1 you're grabbing at mosquitoes, or you're
12:30:18 2 slapping mosquitoes, or you're trying to brush
12:30:21 3 away the black flies then you're not really
12:30:26 4 paying attention to the story.

12:30:29 5 And that analogy even goes further,
12:30:33 6 again back to people who would like to have
12:30:36 7 those stories lost or forgotten and to have us
12:30:40 8 become defenceless. They would do that and they
12:30:47 9 have.

12:30:48 10 And so as a story teller I'm
12:30:50 11 reclaiming, I'm reclaiming our stories. I'm
12:30:55 12 giving strength back to the people.

12:31:07 13 Q. Can you talk about how you
12:31:10 14 understand variations in stories with different
12:31:13 15 tellers or even by the same teller at a
12:31:16 16 different time?

12:31:17 17 A. Okay, by the same teller at a
12:31:19 18 different time, I'll start with that. Nothing
12:31:33 19 is ever the same so circumstances and contexts
12:31:41 20 are different.

12:31:43 21 For example, this courtroom is
12:31:45 22 different than the courtroom up at
12:31:48 23 Neyaashiinigmiing, or at Saugeen, or perhaps
12:31:53 24 some other place. It's different. You can hear
12:31:57 25 different sounds. So it's context and it's a

12:32:07 1 different audience.

12:32:12 2 And different people are coming in
12:32:14 3 with different experiences. And even if they
12:32:21 4 come back to hear the story they still come back
12:32:25 5 with different experiences and different things
12:32:28 6 have happened to them in that duration from
12:32:31 7 hearing the story maybe for the first time and
12:32:34 8 the second time, or the second time and the
12:32:36 9 third time. They come back with a different
12:32:39 10 experience, different understanding, different
12:32:41 11 knowledge. So when they hear the story again it
12:32:45 12 speaks to them in a different way. So stories
12:32:49 13 just don't come out of a vacuum, there's a
12:32:54 14 context there.

12:33:06 15 So if I were telling a story -- well,
12:33:08 16 I'll give you an example. There's a story about
12:33:17 17 Nanabush and how he threw shit on little birds.
12:33:28 18 And when that happened he laughed and he thought
12:33:31 19 it was funny because the birds were defenceless.
12:33:38 20 And he had such a good laugh that he was rolling
12:33:40 21 on the ground and slapping his leg and
12:33:43 22 everything. And, you know, he was -- those
12:33:44 23 little birds they looked so silly with all that
12:33:46 24 shit on them.

12:33:47 25 And when he finished laughing he went

1 on his way going about his own business and
2 eventually came to a creek, and he wanted to get
3 over the creek but he didn't want to get his
4 feet wet.

5 So he tried to jump over the creek.
6 And he tried, two, three, four times. And it
7 was the fourth time after running -- a running
8 leap that he finally was up and sailing over the
9 water when someone called his name, "Nanabush".
10 And he turned to see who it was and that's when
11 he fell, splat, into the middle of the river or
12 the creek and he got wet. And when he looked
13 around to see who caused him to get wet it was a
14 flock of little birds and they were laughing at
15 him.

16 So I could tell that story to the
17 school children at Neyaashiinigmiing, although I
18 might not say "shit" I might say "poop"; but I
19 couldn't tell that in another school, like say a
20 Roman Catholic school. I couldn't use the four
21 letter word, either one of them.

22 So anyhow, again, that's like context.
23 Now, you had another part to this
24 question.

25 Q. How do you understand variations

12:35:31 1 in stories with different tellers?

12:35:33 2 A. Okay, variations in stories.

12:35:35 3 Okay.

12:35:46 4 THE COURT: I'm not sure that was your
12:35:47 5 question, sir, if that was your question.

12:35:50 6 THE WITNESS: No, I understand what he
12:35:52 7 means.

12:35:54 8 THE COURT: Well, I just want to make
12:35:54 9 sure we get an answer to the question, but if
12:35:54 10 you want it that way, sir, that's fine.

12:35:57 11 BY MR. TOWNSHEND:

12:35:57 12 Q. Yes.

12:36:02 13 A. I'm just thinking of what I can
12:36:04 14 use.

12:36:06 15 THE COURT: I'm going to ask
12:36:08 16 Mr. Townshend to repeat the question in an
12:36:12 17 entire sentence, please, so that at least I
12:36:13 18 understand what you're trying to get at here.

12:36:15 19 BY MR. TOWNSHEND:

12:36:16 20 Q. How do you understand variations
12:36:17 21 in stories as they are told by different story
12:36:20 22 tellers?

12:36:21 23 THE COURT: How does this witness
12:36:22 24 understand them? That's a -- how does she
12:36:25 25 understand --

12:36:26 1 MR. TOWNSHEND: How does she
12:36:27 2 understand the variations.

12:36:28 3 THE COURT: She hasn't heard any
12:36:29 4 variations.

12:36:32 5 THE WITNESS: I can explain how --

12:36:33 6 THE COURT: Just wait for a moment,
12:36:34 7 please.

12:36:35 8 I thought your question before, which
12:36:38 9 I understood -- well, okay. I thought you were
12:36:50 10 asking this witness to explain why that might
12:36:53 11 take place? Why different story tellers might
12:36:56 12 tell variations on the same story, but that is
12:36:57 13 not your question, as you've currently phrased
12:37:00 14 it.

12:37:00 15 You're currently asking how this
12:37:03 16 witness would understand the variations that she
12:37:06 17 would hear of a story. I'm struggling with that
12:37:10 18 because --

12:37:11 19 MR. TOWNSHEND: I'll try again.

12:37:12 20 THE COURT: Yes.

12:37:12 21 BY MR. TOWNSHEND:

12:37:14 22 Q. What is the significance in that
12:37:16 23 there may be variations in stories as they're
12:37:19 24 told by different story tellers?

12:37:22 25 THE COURT: Thank you. That is

12:37:22 1 perfectly straightforward.

12:37:30 2 THE WITNESS: Okay. Let me give you
12:37:38 3 an example. Let's say that we are all sitting
12:37:52 4 around a fire and there are a number of rows of
12:37:56 5 us sitting around the fire, and the fire is in
12:38:00 6 the centre and the fire is burning.

12:38:08 7 Now, say that I am in the first row.
12:38:10 8 And when I look at the fire I see one facet of
12:38:16 9 that fire, that camp fire; someone on the other
12:38:21 10 side sees another facet of it; someone in a
12:38:25 11 different position sees another facet of it.

12:38:28 12 Sometimes too there are people who are
12:38:30 13 in front or -- sometimes that their views are --
12:38:38 14 something -- are obscured by someone sitting in
12:38:42 15 front of it, or some object, or something there.

12:38:49 16 So while there may be one story only
12:38:51 17 those people who are closest to it actually get
12:38:53 18 to see a clearer image of the story and have a
12:39:00 19 clearer understanding of the story, whereas
12:39:04 20 those people who are further back and may be
12:39:06 21 obscured, or whose vision is obscured, they see
12:39:11 22 a different part of that story and thus a
12:39:17 23 different understanding or a different
12:39:18 24 interpretation of that story.

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1 BY MR. TOWNSHEND:

2 Q. What does it mean to you to hold
3 a story?

4 A. As a story teller I am a story
5 keeper, a story holder; and I keep those stories
6 in my heart and in my mind, I keep those stories
7 in my body.

8 And when I tell a story what I try to
9 do for the story is to create an atmosphere with
10 my voice, with my being, my spirit, and with my
11 body create an atmosphere to make it safe for
12 the story and for the story teller.

13 And it's as if I hold the story in my
14 hand and I become the vessel and the story just
15 seems to come alive and it starts to move. It's
16 as if I don't have any control over it except to
17 hold it. And when the story is over it comes
18 back into my hand and it comes back into me.

19 That's how I see holding stories.

20 Q. Thank you.

21 I want to shift now to particular
22 stories. And this Court has heard your father
23 on videotaped examination giving -- talking
24 about a story of a tunnel to Manitoulin. So I'm
25 not going to ask you to tell the story again,

12:42:09 1 the Court has heard your father telling it.

12:42:11 2 But I would like you to talk about how
12:42:14 3 you first came to hear that story?

12:42:27 4 A. I actually came to hear that
12:42:29 5 story from Dr. Steve Blasco. This was -- this
12:42:35 6 was after I had arranged for the researchers for
12:42:41 7 the submerged shoreline survey to meet with
12:42:46 8 Elders and community people at Neyaashiinigiing
12:42:49 9 to share -- to share the research.

12:42:55 10 So I just made sure that the people
12:42:57 11 were connected because I was on another job. I
12:43:03 12 was teaching at George Brown.

12:43:06 13 And it was only after -- it was only
12:43:10 14 after that, and I can't even remember when, that
12:43:16 15 I was talking with Dr. Blasco and he's the one
12:43:20 16 that told me that my dad had this story about
12:43:23 17 the tunnel.

12:43:30 18 Q. Did you then speak to your father
12:43:32 19 about it?

12:43:34 20 A. I did. I thought it was pretty
12:43:37 21 amazing. And in retrospect I think that there
12:43:44 22 was a time and place for that story to reemerge
12:43:49 23 and that was the time. And I'm glad it came
12:43:52 24 out, I only wish that I had been there.

12:43:59 25 Q. Maybe you should just fill in who

1 Dr. Steve Blasco is?

2 A. Dr. Steve Blasco is or was the
3 head researcher for the submerged geologic --
4 submerged shoreline survey. He's from the
5 Geologic Survey of Canada and a very famous and
6 well-known geologic researcher.

7 Q. And can you explain how you came
8 to connect him with the Elders at Nawash?

9 A. Yes. I had just started working
10 at Parks Canada up in Tobermory. And every
11 season all the new people, and some returning
12 staff, come and sit through seminars. And this
13 is how we understand the information of the
14 research that's going on at the park and other
15 things that are being monitored and looked
16 after.

17 So, Dr. Blasco was there. They had a
18 PowerPoint, they had all these images coming up.
19 And they were talking about the submerged --
20 they were talking about a time when Lake Huron
21 used to flow into Georgian Bay and Georgian Bay
22 flowed out the French River area into the
23 Mattawa, Ottawa and Champlain Sea. And it was
24 amazing.

25 And when it was over my hand went up

12:46:01 1 and I said, Our people already know this because
12:46:06 2 we have a story about a giant beaver. And, of
12:46:09 3 course, that kind of went over like a lead
12:46:11 4 balloon. There was, like, no response. And I
12:46:14 5 realized that they didn't understand.

12:46:19 6 So I went to my computer on the break
12:46:25 7 and I found information about giant beavers.
12:46:32 8 And I found a story very similar to the giant
12:46:40 9 beaver story that I had heard in childhood and I
12:46:43 10 presented this to Dr. Blasco and I say, Here.
12:46:47 11 He still wasn't persuaded.

12:46:50 12 And I guess the season passed and he
12:46:53 13 had then talked with archeologists and other
12:47:00 14 people. And the following season he and others
12:47:05 15 were more open to listening to Nanabush stories
12:47:17 16 or the traditional -- the traditional knowledge
12:47:20 17 of Nawash and Saugeen.

12:47:28 18 MR. TOWNSHEND: Thank you. Your
12:47:29 19 Honour, would this be a good time to break for
12:47:31 20 lunch?

12:47:31 21 THE COURT: Yes. Now, just for
12:47:42 22 planning purposes you have the rest of the day,
12:47:43 23 sir, so I'm not trying to hurry you, but do you
12:47:47 24 have an estimate of how much time you will need
12:47:49 25 so that other counsel can get ready?

12:47:52 1 MR. TOWNSHEND: I don't think it will
12:47:53 2 be the rest of the day.

12:47:55 3 THE COURT: So other counsel should be
12:47:56 4 ready to go?

12:47:57 5 MR. TOWNSHEND: Yes.

12:47:57 6 THE COURT: Very good. I am going to
12:47:59 7 adjourn to 2:15.

12:48:00 8 -- RECESSED AT 12:48 P.M. --

02:04:31 9 -- RESUMED AT 2:16 p.M. --

02:16:11 10 BY MR. TOWNSHEND:

02:16:11 11 Q. May I have document 1610 please?

02:16:19 12 Ms. Keeshig, have you seen this publication
02:16:21 13 before?

02:16:22 14 A. Yes, I have.

02:16:23 15 Q. And how did you come across it?

02:16:27 16 A. I was doing some research
02:16:29 17 on-line. I think I was looking -- I think it
02:16:35 18 was Griffith Island, I think I was looking for
02:16:40 19 information about their lighthouse and I came
02:16:44 20 across -- I came across this Gazetteer and the
02:16:53 21 information in it was really interesting.

02:16:54 22 Q. Okay. And can we scroll down to
02:16:57 23 the --

02:17:02 24 THE COURT: You haven't indicated on
02:17:04 25 the record what you're talking about.

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MR. TOWNSHEND: I'm sorry.

BY MR. TOWNSHEND:

Q. This is "Smith's Gazetteer and Directory of the County of Grey from 1865-6".

THE COURT: What page number are you on?

MR. TOWNSHEND: It's 121 of the document.

THE COURT: Thank you.

BY MR. TOWNSHEND:

Q. So what was it that took your interest in this?

A. It's this phrase here:
"The Indians have a tradition that all the three islands were once connected with each other and with Cape Croker Peninsula."
And that excited me because it indicated a low water level and could be related to the geologic research up in Fathom Five at the tip of the peninsula.

MR. TOWNSHEND: I would like this added as an exhibit.

THE COURT: Is this the entirety of the book or is this an excerpt?

02:18:21 1 MR. TOWNSHEND: This is an excerpt.

02:18:22 2 THE COURT: Any objection. No?

02:18:25 3 Mr. Registrar, make sure the

02:18:28 4 description reflects the fact it's an excerpt.

02:18:31 5 THE REGISTRAR: Sure.

02:18:32 6 THE COURT: What exhibit number?

02:18:35 7 THE REGISTRAR: 4112.

02:18:36 8 EXHIBIT NO. 4112: Excerpt from

02:18:39 9 "Smith's Gazetteer and Directory of

02:18:39 10 the County of Grey from 1865-6".

02:18:39 11 Document number 1610.

02:18:39 12 THE COURT: Thank you.

02:18:50 13 BY MR. TOWNSHEND:

02:18:51 14 Q. I would now like to talk about

02:18:52 15 the story of the breach of the beaver dam. And

02:18:55 16 before telling it I would like you to say where

02:18:59 17 you first heard it?

02:19:00 18 A. I heard that when I was a child.

02:19:15 19 Q. And is it also written somewhere?

02:19:17 20 A. There's a version of -- well,

02:19:20 21 there's a similar story written in "The

02:19:23 22 Adventures of Nanabush".

02:19:29 23 Q. Can I have document S1613 please?

02:19:37 24 Is this the book you're referring to?

02:19:40 25 A. Yes, it is.

02:19:42 1 Q. And if you scroll past a few
02:19:45 2 pages to the publication date? The next page.
02:19:54 3 That is published in -- can you see the date?

02:19:59 4 A. 1979.

02:20:00 5 Q. Yes. So can you tell us the
02:20:11 6 story as you know it?

02:20:12 7 A. The story is, as I know it,
02:20:18 8 Nanabush and his grandmother were travelling on
02:20:23 9 the south shore of Lake Superior going towards
02:20:28 10 the place that we know today as Sault Ste.
02:20:31 11 Marie.

02:20:33 12 They were tracking the giant beaver.
02:20:36 13 And somewhere along the way they lost -- they
02:20:41 14 lost the trail of the giant beaver and so
02:20:44 15 decided to have some respite. So they built a
02:20:48 16 camp and stayed there for a while.

02:20:53 17 And then they realized that the water
02:20:57 18 level was rising so they broke camp and they
02:21:04 19 travelled east to where the water narrows, and
02:21:09 20 there they saw the giant beaver dam, or a dam
02:21:15 21 that looked like a giant beaver dam. And they
02:21:18 22 figured that the giant beaver was close by.

02:21:21 23 So Nanabush left his grandmother there
02:21:24 24 and he went off by himself to try and track down
02:21:27 25 the beaver because it was much easier and he

02:21:32 1 didn't have to worry about the safety of his
02:21:35 2 grandmother.

02:21:36 3 Now, we don't know how long they were
02:21:38 4 apart but during that time one night the
02:21:42 5 grandmother heard water splashing and she got up
02:21:47 6 to go and investigate, and in the dim light she
02:21:51 7 could discern the outline of the beaver.

02:22:01 8 And so she caught the beaver by the
02:22:04 9 tail, and at the same time she's calling her
02:22:08 10 grandson but he didn't hear her.

02:22:13 11 The beaver could not escape and it
02:22:15 12 tugged and it pulled and it thrashed trying to
02:22:18 13 get out of the trap, the woman's trap. And
02:22:24 14 finally the giant beaver realized that the only
02:22:29 15 way it could escape was to destroy its own dam.

02:22:36 16 And so it started pulling apart the
02:22:38 17 dam and eventually one could hear the trickle of
02:22:45 18 water. And as the beaver worked on his escape
02:22:50 19 the sound of the water got louder and louder and
02:22:55 20 finally the dam was breached. The grandmother
02:23:01 21 had to let the beaver go, let go of the beaver.
02:23:06 22 And the beaver disappeared with the debris and
02:23:10 23 the water from the dam.

02:23:15 24 Nanabush came back to find out and see
02:23:19 25 that his grandmother was safe. And then the two

02:23:22 1 of them went about to investigate the breaching
02:23:28 2 of the dam and discovered islands where there
02:23:31 3 had been no islands before.

02:23:37 4 Are those islands, we are told, are
02:23:39 5 the 30,000 islands and the Manitoulin
02:23:46 6 archipelago. So Manitoulin, all those islands
02:23:49 7 up to Sault Ste. Marie, but they also include
02:23:53 8 the Fathom Five islands just off the tip of the
02:23:56 9 peninsula.

02:23:59 10 Q. In the book that is on the screen
02:24:02 11 does that have an additional piece to it? And
02:24:06 12 if you want we can scroll down to it.

02:24:13 13 A. This story has them travel out to
02:24:15 14 the salt water sea, I believe. And it says lake
02:24:25 15 Huron, I believe it says Lake Huron, but it
02:24:28 16 doesn't say if it's the Canadian side or the
02:24:30 17 American side.

02:24:32 18 Nevertheless, Nanabush and his
02:24:34 19 grandmother eventually catch up to the giant
02:24:37 20 beaver, who is out in the water, and Nanabush
02:24:42 21 concedes defeat. And they agree to make peace
02:24:48 22 and be friends and they travel back to the Great
02:24:55 23 Lakes.

02:24:56 24 Q. Thank you.

02:25:00 25 I'd like this book excerpt exhibited.

02:25:08

1

And it is --

02:25:09

2

THE COURT: You've already described

02:25:10

3

it.

02:25:11

4

MR. TOWNSHEND: Okay.

02:25:12

5

THE COURT: This is an excerpt of "The

02:25:14

6

Adventures of Nanabush".

02:25:17

7

MR. TOWNSHEND: Yes.

02:25:18

8

THE COURT: Published in 1979.

02:25:20

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MR. TOWNSHEND: Yes.

02:25:21

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THE COURT: Mr. Registrar.

02:25:23

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THE REGISTRAR: Exhibit 4113.

02:25:25

12

EXHIBIT NO. 4113: excerpt of "The

02:25:27

13

Adventures of Nanabush" [1979].

02:25:27

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Document number S1613.

02:25:47

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BY MR. TOWNSHEND:

02:25:47

16

Q. This court heard a flood story of

02:25:48

17

the diving muskrat from your Brother Karl. Are

02:25:52

18

you aware of other versions of that story?

02:25:54

19

A. Yes, I'm aware of other versions

02:25:57

20

of the muskrat story.

02:26:02

21

The one that I'm really familiar with

02:26:04

22

and the one that I tell has to do with a sky

02:26:07

23

woman; and even then there are versions of the

02:26:11

24

sky woman story.

02:26:18

25

Q. When did you hear the story

02:26:19 1 first?

02:26:20 2 A. I don't know, I think when I was
02:26:21 3 a child. And then -- I mean, I've heard it all
02:26:24 4 my life from different story tellers.

02:26:33 5 Q. I believe you call this "The
02:26:35 6 Turtle Island Story"?

02:26:36 7 A. I call it the Turtle Island
02:26:38 8 story. Do you want me to tell the story?

02:26:42 9 Q. In a moment. I would like first
02:26:43 10 to ask what Turtle Island means to your people?

02:26:46 11 A. Turtle Island?

02:26:47 12 Q. Yes.

02:26:48 13 A. Turtle Island is North America
02:26:49 14 and the Great Lakes seem to be the location of
02:26:55 15 the turtle's heart.

02:26:58 16 So if you were to superimpose an image
02:27:01 17 of a turtle on North America then the head part
02:27:05 18 of the turtle would be kind of pointing up
02:27:08 19 towards the North Pole; the right appendage
02:27:19 20 would be Alaska; the left front would be the
02:27:23 21 Maritimes and Newfoundland; the lower left would
02:27:34 22 be Florida; the remaining one would be the Baja
02:27:37 23 Peninsula; and if I had the tail the tail would
02:27:41 24 be Mexico.

02:27:48 25 Q. How did your father refer to Lake

1 Huron and Georgian Bay?

2 A. My father referred to Lake Huron
3 and Georgian Bay as the heartbeat and the echo
4 of the heartbeat. So Lake Huron was the
5 heartbeat and Georgian Bay was the echo of the
6 heartbeat.

7 And he said that sometimes when he was
8 up at the hunting ground he could hear that. He
9 could hear the heartbeat and then he could hear
10 the echo of the heartbeat and it would just go
11 back-and-forth.

12 Q. So could you tell us the Turtle
13 Island story now please?

14 A. Yes.

15 There was a great flood that covered
16 the ancient land. The only creatures to survive
17 were the water birds and the water animals, and
18 they floated around in the water.

19 And at the same time these water birds
20 and water animals saw that there was -- there
21 was a being in the sky, a woman, a sky woman;
22 and they realized she had a special power. And
23 so they saw she was alone and they asked her if
24 she would come and live with them, and she said
25 she would.

02:29:36 1 And so the birds flew up to ease her
02:29:38 2 descent, and the great turtle rose to the
02:29:41 3 surface of the water so that sky woman, nijiko
02:29:49 4 kwe, could rest on its back.

02:29:55 5 And the animals sensed she had a great
02:29:57 6 power, but they were really happy that she was
02:30:01 7 living with them, going to stay with them. And
02:30:05 8 they wanted to give her something really
02:30:08 9 special, something very special to them. And
02:30:12 10 they realized that what was special to them was
02:30:15 11 that ancient earth that was now at the bottom of
02:30:19 12 the flood waters.

02:30:21 13 And so the different birds and animals
02:30:26 14 dove into the water to try and get some of that
02:30:30 15 drowned earth, and they were all unsuccessful.
02:30:38 16 But it was the muskrat who said that she would
02:30:45 17 try. And she dove into the water and she was
02:30:47 18 gone for a very, very long time. And the
02:30:56 19 animals and the water birds waited and waited.

02:30:59 20 And eventually they could see her body
02:31:01 21 float to the surface of the water. And so they
02:31:04 22 swam out and they brought the muskrat in and
02:31:08 23 pulled her up onto the turtle's shell. She had
02:31:13 24 drowned. They pulled her up onto the turtle's
02:31:17 25 shell, and when they rolled her over there, in

02:31:19 1 her little muskrat paw, were some morsels of
02:31:23 2 that ancient earth.

02:31:30 3 And they took this and they gave it to
02:31:32 4 the sky woman. And the sky woman, she looked at
02:31:35 5 it and she smelled it, and she tasted it, and
02:31:52 6 all the while she was breathing on it and it
02:31:54 7 started to grow. And then she had two handfuls
02:31:57 8 of earth, and then three, and four, and five.

02:32:00 9 And soon he was able to cover the turtle's shell
02:32:03 10 with that ancient earth. And that's when the
02:32:05 11 water birds and the water animals realized that
02:32:08 12 she had the power of recreation.

02:32:11 13 And so they swam out in all directions
02:32:13 14 and they brought back all of the plants that had
02:32:17 15 drowned in the flood waters and they gave these
02:32:19 16 to the sky woman; and she breathed upon these
02:32:24 17 and they started to grow.

02:32:26 18 And then those water birds and water
02:32:28 19 animals took those plants and they went out and
02:32:31 20 they sat them in different places on the
02:32:35 21 turtle's shell. And the turtle shell started to
02:32:39 22 grow, and grow bigger and bigger; and the trees
02:32:42 23 and plants started to grow; and this is Turtle
02:32:46 24 Island.

02:33:01 25 There is another thing about Turtle

02:33:03 1 Island, a prophecy about Turtle Island, is
02:33:07 2 Turtle Island is a place where people from the
02:33:13 3 other parts of the world will come and make
02:33:17 4 Turtle Island their home.

02:33:23 5 So here you are, a living, breathing
02:33:26 6 part of that prophecy.

02:33:34 7 Q. Thank you. There's another flood
02:33:41 8 story involving Nanabush climbing a tree? Do
02:33:45 9 you recall that?

02:33:45 10 A. Yes.

02:33:46 11 Q. When did you hear that?

02:33:54 12 A. I read that in "The Adventures of
02:33:57 13 Nanabush". And it stuck in my mind because
02:34:01 14 of -- again, because it was a flood story, and
02:34:07 15 because it -- because he climbed to escape the
02:34:15 16 anger of the water serpents and the flood,
02:34:20 17 Nanabush climbed a white pine tree.

02:34:28 18 And white pine is the tallest tree
02:34:30 19 that grows in eastern Canada and is the emblem
02:34:48 20 of Ontario.

02:34:48 21 Q. Had you heard this story from
02:34:50 22 other sources as well as the book?

02:34:58 23 A. I can say I heard it in
02:35:00 24 childhood, but I -- I've heard a lot of flood
02:35:06 25 stories.

02:35:10 1 Q. If I can have document SC0761?

02:35:30 2 This is another excerpt from "The Adventures of
02:35:33 3 Nanabush", and this one is called "How Nanabush
02:35:40 4 Created the World". Is this the story you're
02:35:47 5 referring to?

02:35:48 6 A. Yes.

02:35:53 7 Q. This is the document I retrieved
02:35:55 8 just last week and shared it with my friends but
02:35:58 9 I would like this made an exhibit?

02:36:01 10 THE COURT: Seeing no objection,
02:36:02 11 Mr. Registrar.

02:36:03 12 THE REGISTRAR: Exhibit number 4114.

02:36:06 13 EXHIBIT NO. 4114: Excerpt entitled
02:36:06 14 "How Nanabush Created the World", from
02:36:06 15 the book "The Adventures of Nanabush".
02:36:06 16 Document number SC0761.

02:36:26 17 BY MR. TOWNSHEND:

02:36:27 18 Q. And finally I would like to take
02:36:28 19 you to a story about the Bay turning salty. And
02:36:31 20 can you first tell us about how you heard that
02:36:33 21 story?

02:36:35 22 A. Yes. I guess what I'd I would
02:36:43 23 like to say first of all is that everything has
02:36:45 24 context and this has context.

02:36:48 25 So Rose Nadjiwon, Elder Rose Nadjiwon,

02:36:54 1 language Elder, was teaching a language class at
02:36:59 2 Wiarton District High School. And she invited
02:37:05 3 me to come over and give a presentation about
02:37:11 4 how our stories fit in with geologic research.
02:37:20 5 And so I went and I gave a presentation.

02:37:22 6 And afterwards she giggled and she
02:37:30 7 said, You know, I didn't believe those stories
02:37:32 8 were true. I thought my parents just told us
02:37:36 9 those stories to keep us quiet and to make us
02:37:40 10 laugh. And after that she told me this story.

02:37:48 11 She said me that her parents told her
02:37:50 12 this story about Nanabush, that his favourite
02:37:55 13 nephew died and Nanabush cried; and his tears
02:38:00 14 fell like boulders, like rocks, and he cried so
02:38:05 15 much that his tears turned the water in the Bay
02:38:08 16 salty.

02:38:15 17 And because I was familiar with
02:38:18 18 Dr. Blasco's work I remembered there was a
02:38:24 19 mention of some salinity in one of the core
02:38:35 20 samples taken from George Bay. And I said to
02:38:42 21 Rose, I said, Rose, did you know that Georgian
02:38:46 22 Bay was salty at one time, a little bit salty?
02:38:54 23 And, no, she hadn't.

02:38:56 24 Anyhow, I then -- with that little
02:39:01 25 story, that little snippet of a story I went and

02:39:05 1 I was able to get in touch with Dr. Blasco and
02:39:14 2 told him her story about the salty water.

02:39:23 3 Q. And what is your response to Rose
02:39:25 4 having said these stories were just told to make
02:39:28 5 them laugh or keep them quiet?

02:39:31 6 A. Well, my father said a similar
02:39:35 7 thing one time. I was with him and with
02:39:39 8 Dr. Blasco and my dad said, I didn't believe the
02:39:42 9 stories. And Dr. Blasco just kind of went...he
02:39:47 10 was kind of shocked. And then Rose said the
02:39:55 11 same -- basically the same thing.

02:39:58 12 And then I realized that the
02:40:07 13 residential school and the mission school
02:40:15 14 teachings were that our stories -- well, let's
02:40:21 15 put it this way, and I was told the same thing
02:40:24 16 when I went the school, that we were a primitive
02:40:30 17 culture, that our stories were figments of a
02:40:33 18 primitive imagination and we had no
02:40:37 19 civilization.

02:40:39 20 So when I realized then that our
02:40:46 21 Elders kept on to those stories thinking that
02:40:51 22 they were quaint little legends, and didn't
02:40:54 23 really understand, you know, the treasures that
02:41:00 24 they held for us.

02:41:10 25 And I would like to say that both Rose

02:41:19 1 Nadjiwon and my dad, those two in particular
02:41:23 2 because they're closest to me and I know them,
02:41:26 3 died with the knowledge that their stories were
02:41:40 4 real treasures for us.

02:41:49 5 Q. Thank you, Ms. Keeshig, those are
02:41:52 6 all my questions.

02:41:53 7 THE COURT: Which counsel for Canada
02:41:55 8 is potentially asking questions? Mr. Beggs.

02:41:58 9 MR. BEGGS: Yes, your Honour.

02:42:00 10 THE COURT: Please go ahead.

02:42:03 11 CROSS-EXAMINATION BY MR. BEGGS:

02:42:15 12 Q. Good afternoon, Ms. Keeshig.

02:42:25 13 My name is Michael Beggs, I'm counsel
02:42:27 14 with the Attorney General of Canada?

02:42:32 15 A. Okay.

02:42:44 16 Q. Now, you mentioned earlier on
02:42:46 17 that Rose Nadjiwon was a language Elder?

02:42:50 18 A. Yes.

02:42:51 19 Q. Can you tell us what a language
02:42:52 20 Elder is?

02:42:53 21 A. She teaches the language. She's
02:42:56 22 a certified language teacher.

02:43:01 23 Q. Okay. She's also an Elder who
02:43:04 24 knows the traditional stories, or was I should
02:43:06 25 say?

02:43:07 1 A. She knows some traditional
02:43:09 2 stories, but it's mostly language that I regard
02:43:14 3 her as an Elder.

02:43:16 4 Q. Are Elders usually focused in one
02:43:20 5 area or another of specialty?

02:43:23 6 A. Some are, yes.

02:43:29 7 Q. Now, you said that you were an
02:43:31 8 interpreter for Parks Canada. When you say
02:43:35 9 "interpreter" you don't mean a language
02:43:37 10 interpreter, do you? Or do you?

02:43:43 11 A. I work for Parks Canada and I'm
02:43:46 12 an interpreter. What I do is I interpret the
02:43:54 13 resource conservation -- okay, let me see.

02:44:11 14 As an interpreter I interpret the
02:44:16 15 research, the scientific research of monitoring
02:44:20 16 the land and the water to park visitors. I help
02:44:25 17 them understand it in a way.

02:44:27 18 I also interpret Anishinaabe
02:44:30 19 perspective so that they can better understand
02:44:34 20 their connection, hopefully better understand
02:44:35 21 their connection to the land and the water.

02:44:40 22 Q. Thank you. And I think you said
02:44:48 23 you started with Parks Canada in 2001, is that
02:44:52 24 right?

02:44:53 25 A. Yes.

02:44:54 1 Q. And it was right around that time
02:44:55 2 that you first met Dr. Blasco?

02:44:59 3 A. Yes.

02:45:30 4 Q. I wonder if I can call up
02:45:32 5 document SC0793?

02:46:06 6 While my colleagues are doing that, do
02:46:08 7 you recall being interviewed by Ed Koenig?

02:46:14 8 A. Vaguely, yeah.

02:46:15 9 Q. It would have been back in 2006.
02:46:17 10 Does that sound familiar?

02:46:26 11 A. I guess it was.

02:46:30 12 Q. So what I have here is marked
02:46:34 13 SC0793, it's a transcription by Ed Koenig of an
02:46:43 14 interview with yourself on April 4th, 2006. And
02:46:49 15 I just like to take you the a few portions of
02:46:52 16 it.

02:46:54 17 A. Okay.

02:46:55 18 Q. Could I take -- go to page 4 of
02:46:57 19 this document?

02:47:25 20 MR. McCULLOCH: Oh dear.

02:47:25 21 THE COURT: Why do you say "oh dear"?

02:47:25 22 MR. McCULLOCH: This happened before.

02:47:25 23 THE COURT: Stand up, sir, if you're
02:47:25 24 going to say something. There was a document on
02:47:25 25 the screen.

02:47:26 1 MR. McCULLOCH: Yes, and when I tried
02:47:26 2 to move to page 4 the computer froze. You
02:47:26 3 remember that happened last time? I'll have it
02:47:26 4 up as soon as I can.

02:47:52 5 BY MR. BEGGS:

02:47:53 6 Q. I'll move topics while I wait for
02:47:55 7 the computers to catch up.

02:47:57 8 This morning you -- I believe you
02:48:00 9 referred to Anishinaabe but you mentioned the
02:48:03 10 Anishinaabe in a general sense?

02:48:08 11 A. Sometimes I use "Anishinaabe" in
02:48:10 12 a generic sense.

02:48:11 13 Q. And that would be --

02:48:13 14 A. To mean all Indigenous people in
02:48:15 15 the Americas.

02:48:17 16 Q. Okay. And that would include the
02:48:25 17 Six Nations, for example?

02:48:27 18 A. That is correct, yes.

02:48:32 19 I do that because I think all of these
02:48:34 20 cultures have a similar interpretation of the
02:48:36 21 name that they call themselves and that it's,
02:48:39 22 again, related to the goodness of the earth.

02:48:44 23 Q. And that "goodness of the earth"
02:48:45 24 is your father's translation?

02:48:47 25 A. My father's translation.

02:48:48 1 Q. And has it been accepted? Has it
02:48:51 2 been taken up by others as a good translation?

02:48:59 3 A. I would have to say yes, for some
02:49:00 4 people; for other people they prefer a different
02:49:03 5 translation.

02:49:03 6 Q. Okay. Well, if I could, in the
02:49:47 7 meantime, go back to your story of your -- or
02:49:54 8 the story of the giant beaver that was described
02:50:02 9 this "The Adventures of Nanabush"?

02:50:04 10 A. Uhm-hmm.

02:50:05 11 Q. And you mentioned that the --
02:50:16 12 Nanabush and his grandmother first noticed that
02:50:18 13 the waters were rising on Lake Superior, is that
02:50:21 14 correct?

02:50:23 15 A. Sorry, say that again. Sorry,
02:50:25 16 I'm finding the screen really distracting.

02:50:29 17 THE COURT: The problem is we keep
02:50:30 18 seeing a different exhibit, which I'm sure is
02:50:33 19 distracting because it is not the expected one.

02:50:37 20 MR. BEGGS: My apologies.

02:50:39 21 THE COURT: It's all right.

02:50:40 22 Technology being what it is.

02:50:41 23 BY MR. BEGGS:

02:50:44 24 Q. You mentioned that the --
02:50:42 25 Nanabush and his grandmother noticed that the

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02:52:33

1 waters were rising on Lake Superior.
2 A. Uhm-hmm.
3 THE COURT: Excuse me, you have to say
4 "yes" or "no" or some other word. The court
5 reporter doesn't do well with "uhm-hmm".
6 THE WITNESS: Thank you.
7 BY MR. BEGGS:
8 Q. So they then discovered the giant
9 beaver dam?
10 A. Uhm-hmm. I'm sorry.
11 THE COURT: It's okay, it's a
12 difficult situation. Just do your best.
13 BY THE COURT:
14 Q. And the giant beaver dam was new,
15 it had just been built, is that correct?
16 A. I don't know if it was new.
17 Q. Okay.
18 A. I mean, if you understand beaver
19 dams they get built bit by bit.
20 Q. Right. Could I call up Exhibit
21 4113? It was S1613. It was just made an
22 exhibit. It's "The adventures of Nanabush".
23 Now, "The Adventures of Nanabush" you went to
24 the copyright information, the date of 1979?
25 A. Yes.

02:52:33 1 Q. Now, your understanding or --
02:52:39 2 correct me if I'm wrong, but "The Adventuress of
02:52:43 3 Nanabush" was written based on the stories of
02:52:46 4 the Rama First Nation, is that correct?

02:52:50 5 A. The adventure -- yes, that's my
02:52:53 6 understanding.

02:53:09 7 Q. And the Elders that told those
02:53:12 8 stories were Sam Snake, Chief Elijah Yellowhead,
02:53:15 9 Alder York, David Simcoe and Annie King? Does
02:53:20 10 that sound right?

02:53:21 11 A. Yes.

02:53:22 12 Q. And the stories were collected by
02:53:25 13 Emerson Coatsworth?

02:53:27 14 A. Yes.

02:53:28 15 Q. And he collected them sometime in
02:53:30 16 the 1930s?

02:53:31 17 A. I guess so.

02:53:33 18 Q. If you don't know say you don't
02:53:34 19 know.

02:53:34 20 A. I don't know.

02:53:46 21 Q. If we could go to page 18 of this
02:53:47 22 document? Sorry you've gone too far.

02:53:57 23 THE COURT: What's the page number?

02:53:58 24 BY MR. BEGGS:

02:53:59 25 Q. Page 18 on the printed page. So

1 at the top of it it says:

2 "They the had been in their new
3 home about a week [...]"

4 And that this is the home of
5 Nanabush's grandmother's home on Lake Superior

6 "[...] when it suddenly occurred
7 to Nanabush that the level of the
8 water in the lake was rising. He
9 noticed that rocks along the water's
10 edge, which had been quite visible
11 when they first arrived were now
12 several inches under water. Now, this
13 is a strange thing, he said, when he
14 mentioned the matter to Nokomis."

15 And that's his grandmother, correct?

16 That's the term for his grandmother?

17 A. Nokomis?

18 Q. Nokomis.

19 A. Yes.

20 Q. "[...] I must find out what is
21 causing the water to rise. He began
22 to walk along the shore of the Lake
23 toward the eastern end where the lake
24 narrows as you approach Lake Huron.

25 As he reached the narrows Nanabush

02:54:57 1 looked ahead and stood stock still in
02:55:00 2 surprise for there, ahead of him, was
02:55:01 3 a freshly-built dam of giant
02:55:04 4 proportions stretching right across
02:55:06 5 the narrows."

02:55:12 6 And then he noticed that it's built
02:55:14 7 by the giant beaver.

02:55:15 8 So in this version of the story at
02:55:17 9 least the dam was very recently built, is that
02:55:19 10 correct?

02:55:20 11 A. It appears to be that way.

02:55:26 12 Q. And the story continues, as you
02:55:28 13 described already, we don't need to follow the
02:55:30 14 page. But you already told us about how the
02:55:33 15 grandmother fought with the giant beaver and the
02:55:39 16 dam broke, correct?

02:55:42 17 A. I didn't say that she fought with
02:55:44 18 the beaver, I said she caught the beaver.

02:55:47 19 Q. She was holding on to him?

02:55:48 20 A. Yes.

02:55:48 21 Q. And the beaver was trying to
02:55:49 22 escape?

02:55:50 23 A. Yes.

02:55:50 24 Q. And the dam broke in the
02:55:52 25 struggle?

02:55:53 1 A. After the giant beaver tore the
02:55:54 2 dam apart.

02:55:56 3 Q. Okay.

02:55:56 4 A. And the dam was breached.

02:55:58 5 Q. Okay. And that caused the --
02:55:59 6 that caused waters to rush down through?

02:56:02 7 A. Yes.

02:56:09 8 Q. And some islands were created.

02:56:14 9 Now, is it your understanding that the
02:56:16 10 islands were created by pieces of the dam or by
02:56:19 11 just being high lands that were no longer
02:56:21 12 covered by water?

02:56:22 13 A. My understanding is that it was
02:56:24 14 created by high lands.

02:56:35 15 Q. Can we scroll down to the next
02:56:37 16 page? I appreciate that this is not necessarily
02:56:40 17 your version of the story but a variation.

02:56:43 18 A. Uhm-hmm.

02:57:09 19 Q. So in the paragraph beginning,
02:57:10 20 "When the sun rose [...]" I'll skip the first
02:57:15 21 sentence, but it says:

02:57:17 22 "[...] the giant beaver was now
02:57:18 23 several miles away but Nokomis beheld
02:57:22 24 a wondrous sight. There in front of
02:57:24 25 her in the narrows between the two

02:57:26 1 lakes the large mss of sticks, and
02:57:28 2 clay, and mud, and boulders had come
02:57:31 3 to rest. They formed a maze of
02:57:33 4 islands stretching out for miles and
02:57:34 5 miles, further than the eye could see
02:57:37 6 in the narrow channel between Lake
02:57:40 7 Huron and Lake Superior. This chain
02:57:43 8 of islands that came from the great
02:57:45 9 dam of Waub-Ameek is today called the
02:57:49 10 30,000 Islands."

02:57:51 11 So would you way agree that in this
02:57:53 12 version of the story the islands seem, to be
02:57:54 13 created by pieces of the dam?

02:57:57 14 A. That's what this story seems to
02:57:59 15 be indicating.

02:58:00 16 Q. So, in summary, there was no dam
02:58:02 17 between the two lakes. The dam got built, Lake
02:58:06 18 Superior rose, then the dam broke and Lake
02:58:10 19 Superior emptied into Lake Huron, is that
02:58:13 20 correct?

02:58:14 21 A. Say that again.

02:58:16 22 Q. Sure. I'm just summarizing this
02:58:18 23 part of the story, but originally there was no
02:58:24 24 dam between Lake Huron and Lake Superior; then a
02:58:28 25 dam was built between them. The waters rose in

02:58:32 1 Lake Superior. The dam was broken and the
02:58:35 2 waters poured from Lake Superior into Lake
02:58:39 3 Huron. Is that a fair summary of the story at
02:58:42 4 that point?

02:58:43 5 A. Of this, yes.

02:59:11 6 Q. Now, when you mentioned the
02:59:15 7 Gazetteer from Grey County you mentioned that
02:59:24 8 you were excited when you made your discovery of
02:59:27 9 that passage?

02:59:28 10 A. Uhm-hmm, yes.

02:59:31 11 Q. Was it -- was that because the
02:59:35 12 story was new to you? This tradition was new to
02:59:37 13 you?

02:59:38 14 A. Yes, it was new to me. It's the
02:59:42 15 first time I'd heard that or -- well, I didn't
02:59:46 16 hear it but became knowledgeable of it.

02:59:56 17 Q. And you've been able to share
02:59:57 18 that story with others since then?

03:00:00 19 A. With a few people, yes.

03:00:15 20 Q. Do we have that document? Is
03:00:15 21 that document possible? SC0793.

03:00:45 22 You mentioned -- and, I'm sorry, I
03:00:45 23 don't recall his Anishinaabe name but
03:00:45 24 Benton-Banai earlier, is that correct? You
03:00:53 25 mentioned Edward Benton-Banai earlier, is that

03:00:56 1 correct?

03:00:59 2 A. Did I mention?

03:01:00 3 Q. Yes.

03:01:00 4 A. I don't believe I did.

03:01:02 5 Q. You're probably right. I'm

03:01:03 6 probably thinking of this morning's testimony.

03:01:07 7 My apologies.

03:01:08 8 But you're familiar with that --

03:01:10 9 A. Yes, I am.

03:01:12 10 Q. And he wrote a book called --

03:01:14 11 A. Yes, it's called "The Mishomis

03:01:17 12 Book", I'm familiar with that.

03:01:20 13 Q. And so we appear to have the

03:01:22 14 document up. So if I can go to page 4 of the

03:01:24 15 document?

03:01:25 16 THE COURT: Now, just for the record,

03:01:27 17 the document that you currently have is --

03:01:30 18 MR. BEGGS: It's a 2006 interview by

03:01:34 19 Edward Koenig with Lenore Keeshig.

03:01:39 20 THE COURT: All right. Please go

03:01:40 21 ahead.

03:01:45 22 BY MR. OGDEN:

03:01:45 23 Q. So lower down on the story it

03:01:47 24 says, "And when you heard this story[...].".

03:01:51 25 THE COURT: Page? Which page.

03:01:54 1 MR. BEGGS: This is page 4 in the
03:01:55 2 bottom half.

03:01:56 3 THE COURT: Thank you.

03:01:57 4 BY MR. OGDEN:

03:01:58 5 Q. So "EK" I believe is Edward
03:02:00 6 Koenig, and he's referring to the adventures of
03:02:03 7 Nanabush. And EK says:

03:02:10 8 "And when you heard the story do
03:02:12 9 you think it was a story that was part
03:02:14 10 of the tradition that was collected
03:02:15 11 over here at Rama, or do you think
03:02:18 12 somebody had read the book and then
03:02:19 13 told you the story."

03:02:22 14 And I guess you had said what you said
03:02:24 15 today, which is that you had learned the story
03:02:26 16 as a child.

03:02:27 17 A. Uhm-hmm.

03:02:28 18 Q. And you said "it's possible"?

03:02:31 19 A. Yes, I actually remember saying
03:02:34 20 that.

03:02:34 21 Q. Okay. So you don't know where
03:02:39 22 the person, I guess, who told you the story got
03:02:42 23 it from I suppose?

03:02:43 24 A. Most likely in my childhood.

03:02:45 25 Q. Right.

03:02:45 1 A. But then this book came up and he
03:02:47 2 asked this question and I said, it's possible.

03:02:56 3 Q. If I could actually jump down to
03:03:01 4 page 8 at the bottom? Okay, so stop.

03:03:16 5 And this covers the same story you
03:03:25 6 told us earlier about how Rose Nadjiwon had told
03:03:29 7 you about --

03:03:31 8 A. Uhm-hmm.

03:03:31 9 Q. -- the story of the tears.

03:03:33 10 And actually before I jump into this,
03:03:34 11 I'd just like to get a bit more information
03:03:37 12 about the story if you know it from what Rose --
03:03:43 13 did anybody else tell you more about the story
03:03:44 14 or just Rose Nadjiwon?

03:03:47 15 A. This story I heard from Rose
03:03:49 16 Nadjiwon.

03:03:50 17 Q. Okay. And so Nanabush's
03:03:54 18 favourite nephew has died. Did he have a name,
03:03:57 19 the nephew? Was he identified?

03:04:02 20 A. She didn't identify a name in the
03:04:06 21 story she told me.

03:04:10 22 Q. And do you know how he died? Was
03:04:11 23 that part of the story?

03:04:13 24 A. She didn't tell me that.

03:04:18 25 Q. So what we have is the important

03:04:20 1 part of the story?

03:04:21 2 A. We have what Rose Nadjiwon told
03:04:23 3 me.

03:04:23 4 Q. Right, which is this?

03:04:24 5 A. That her favourite -- that his
03:04:26 6 favourite nephew died.

03:04:29 7 Q. So it says, Edward Koenig:

03:04:43 8 "EK: So she said that Nanabush
03:04:45 9 cried so much that..."

03:04:45 10 You answered:

03:04:45 11 "LK: That his tears fell like
03:04:45 12 rocks or fell like boulders. And he
03:04:45 13 cried and much that his tears turned
03:04:55 14 the water salty.

03:04:57 15 EK: I see."

03:04:58 16 So did she say specifically that that
03:05:01 17 -- or did she link that specifically to the
03:05:01 18 waters here?

03:05:02 19 A. She said the water in the Bay was
03:05:04 20 salty or turned salty.

03:05:06 21 Q. Here it says your answer to
03:05:08 22 Mr. Koenig's question was:

03:05:12 23 "No, I did. No, I did.

03:05:12 24 EK: You did. Okay. So it's
03:05:15 25 possible that the story somehow links

03:05:17 1 to salt water in other locations, but
03:05:20 2 it's also possible that it...
03:05:24 3 LK: Well, I guess the assumption
03:05:26 4 here is that, you know, as
03:05:28 5 Anishinaabe-speaking people we've
03:05:30 6 always lived around the Great Lakes.
03:05:31 7 I guess that's what the assumption is,
03:05:34 8 or that's my assumption.

03:05:37 9 EK: Right. Although there's
03:05:39 10 talk of migrations too to the east
03:05:41 11 coast where there's salty water ...

03:05:46 12 LK: Well, at that time there was
03:05:49 13 the Champlain Sea, I mean, it was
03:05:51 14 closer."

03:05:52 15 Actually I don't know the Champlain
03:05:54 16 Sea. Could you tell what that is?

03:05:57 17 A. The Champlain Sea?

03:05:58 18 Q. Yes.

03:05:59 19 A. Let's say back about ten thousand
03:06:01 20 years ago when the Laurentide ice cap was
03:06:08 21 melting that the Champlain Sea was in abatement
03:06:14 22 of the ocean and came in to around the eastern
03:06:20 23 part of Lake Ontario.

03:06:35 24 Q. And is there to a reason why the
03:06:37 25 story couldn't refer to the Atlantic ocean?

03:06:51 1 A. Well, for the same reason that
03:06:53 2 I -- that I answered Ed Koenig, I'll have to say
03:06:57 3 the same to you, that it's possible.

03:07:05 4 Q. Okay.

03:07:08 5 A. But I don't think it -- I mean,
03:07:09 6 really, I don't think it is but I can say it's
03:07:13 7 possible.

03:07:13 8 Q. Okay. I understand.

03:07:21 9 And the last item in this document, if
03:07:25 10 we go to page 11. So again it's with respect to
03:07:33 11 the Mishomis book and Mr. Benton-Banai. So the
03:07:39 12 paragraph beginning, "No, I didn't". And I
03:07:43 13 guess you were discussing locations of falls.

03:07:46 14 A. Uhm-hmm.

03:07:47 15 Q. But you say:

03:07:50 16 "Because of the Mishomis book I
03:07:52 17 believe that the author, and the way
03:07:53 18 that people read and understand that
03:07:55 19 book is from today's landscape."

03:07:59 20 And I guess my question is, is that
03:08:07 21 your view on a lot of these stories? That they
03:08:10 22 can't be understood in the context of today's
03:08:12 23 landscape?

03:08:12 24 A. Well, it depends on which stories
03:08:15 25 you're talking about.

03:08:16 1 Q. Okay.

03:08:16 2 A. So let's say, for example,
03:08:18 3 Nanabush and the legends. I think we have to
03:08:22 4 look at them in a landscape that is not today's
03:08:26 5 landscape.

03:08:30 6 And for the giant beaver dam to breach
03:08:33 7 as it did we would have to look at a landscape
03:08:36 8 that was at least 10,000 years old, that's how
03:08:40 9 the story fits in; but if we looked at it today
03:08:44 10 it doesn't make sense.

03:08:46 11 Q. Okay.

03:08:50 12 A. And that's what I think a lot of
03:08:52 13 people do is they try to fit those stories into
03:08:57 14 today's landscape, which is why then the stories
03:09:01 15 become these quaint imagination -- imaginings of
03:09:08 16 a primitive mind.

03:09:16 17 Q. Okay.

03:09:30 18 Now, did you have a chance to look at
03:09:36 19 a report called "Indigenous Stories and Oral
03:09:38 20 Traditions, Selected Extracts from Giant Beavers
03:09:38 21 and Colossal Dams" by Alexander von Gernet?

03:09:43 22 A. Yes, I did.

03:09:44 23 Q. And you had a chance to read the
03:09:46 24 various stories he refers to in there?

03:09:49 25 A. Yes, I did.

03:09:54 1 Q. I don't propose to take you
03:09:55 2 through it in detail, but in the first -- after
03:10:15 3 the introduction the first section labelled
03:10:18 4 "Myths Inspired by Beaver Bones", Dr. von Gernet
03:10:24 5 refers to a number of records of stories about
03:10:30 6 giant beavers and their bones and fossils?

03:10:34 7 A. Uhm-hmm, yes.

03:10:36 8 Q. And so I'd like to ask you, do
03:10:42 9 you believe that the stories that you told us,
03:10:48 10 or the story you told us today about the giant
03:10:51 11 beaver with Nanabush could be based on
03:10:55 12 observation of beaver fossils and bones?

03:10:59 13 A. Say that again.

03:11:01 14 Q. Do you believe that the stories
03:11:02 15 of the giant beaver that you told us this
03:11:04 16 morning could be based upon observation of
03:11:08 17 beaver fossils and bones?

03:11:20 18 A. Some of the stories in this
03:11:22 19 document appear to be that way.

03:11:24 20 Q. Okay. Dr. von Gernet also tells
03:11:44 21 a story of the Pacific northwest and a hero
03:11:51 22 named Coyote and a giant beaver named Wishpoosh.
03:11:58 23 Do you recall that story?

03:11:58 24 A. I read it in that document.

03:12:11 25 Q. Does that story seem to you to be

03:12:13 1 a variation of the story that you told this
03:12:16 2 morning?

03:12:16 3 A. No.

03:12:17 4 Q. It's a different story?

03:12:18 5 A. It's a different story. It comes
03:12:19 6 from a different place.

03:12:22 7 Q. And he also talks about an Inuit
03:12:37 8 story where the hero is named Mistabeo [ph] and
03:12:43 9 he pursues some giant beavers. You read that
03:12:48 10 story too?

03:12:49 11 A. I read the whole document. I'm
03:12:52 12 familiar with what he wrote in that document.

03:12:56 13 Q. Well then perhaps I'll be more
03:13:02 14 general then. With respect to these stories
03:13:04 15 about heros dealing with giant beavers some of
03:13:11 16 them involve dams some of them don't, but do you
03:13:17 17 believe that they are derived from the same
03:13:20 18 source as your story or do you understand that
03:13:22 19 they are?

03:13:22 20 A. No, I do not believe that they
03:13:24 21 are derived from the same story because there
03:13:27 22 have been giant beaver fossils found throughout
03:13:32 23 North America. And these people have their own
03:13:36 24 stories about giant beavers.

03:13:39 25 Giant beavers co-existed with mammoths

03:13:42 1 and mastodons, and other ice-age critters. And
03:13:46 2 giant beavers -- we are told by the scientists
03:13:50 3 that giant beavers became extinct about 10,000
03:13:54 4 years ago.

03:13:54 5 Now -- and I have read evidence, and
03:14:01 6 I'm sorry on the spur of the moment I can't tell
03:14:03 7 you where, but fossils for mammoths and mastodon
03:14:14 8 have been found with marks from Paleo-Indian
03:14:22 9 spears and lances.

03:14:40 10 Q. So your belief is these stories
03:14:42 11 are other situations where Paleo-Indians
03:14:51 12 interacted with giant beavers, is that correct?

03:14:55 13 A. Yes, it is. That's what I
03:14:57 14 believe.

03:14:59 15 Q. And the stories that involve the
03:15:03 16 hero fighting a giant beaver and the dam
03:15:06 17 breaking and creating islands, you regard those
03:15:12 18 as different stories from your story as well?

03:15:22 19 A. Are you trying to say that there
03:15:23 20 is only one beaver story?

03:15:28 21 Q. No I'm just asking what your
03:15:32 22 understanding is?

03:15:32 23 A. Okay, well, I just want to
03:15:33 24 understand.

03:15:38 25 Canada is a really big country, to say

03:15:40 1 nothing of the United States. And people have
03:15:43 2 lived all over the -- all over the continent.

03:15:52 3 So I don't understand what you're trying to say
03:15:54 4 to me or ask me.

03:16:01 5 Q. I'm asking if these stories that
03:16:17 6 deal with a hero fighting a beaver, and a dam
03:16:21 7 breaking, and a flood creating islands in
03:16:28 8 different locations across North America,
03:16:29 9 whether you understand them to be the same story
03:16:36 10 as yours from the same source or whether you'd
03:16:39 11 understand them to be different?

03:16:41 12 A. Okay, I understand them to be
03:16:42 13 different.

03:16:43 14 And if I knew the geologic history of
03:16:47 15 those specific places I might be able to give
03:16:49 16 you a better understanding of how those stories
03:16:52 17 fit in those places.

03:17:30 18 Q. And Dr. von Gernet also refers to
03:17:33 19 a number of stories which involve Nanabush and
03:17:40 20 take place in Lake Superior with a giant beaver
03:17:46 21 and a dam. Now, those stories have some
03:18:05 22 variation as to, for example, who was with
03:18:07 23 Nanabush, his mother, his grandmother, or
03:18:11 24 someone else. Do you recall that?

03:18:13 25 A. I don't recall reading -- I only

03:18:15 1 read the document once.

03:18:16 2 Q. Okay. And in one of the stories
03:18:50 3 from the Garden River First Nation -- my
03:18:58 4 apologies, that's the same story.

03:19:11 5 You do recall Dr. von Gernet
03:19:13 6 describing some stories around the same area as
03:19:15 7 your story, is that correct?

03:19:17 8 A. Yes.

03:19:18 9 Q. And would those stories be just
03:19:20 10 variations of your story?

03:19:27 11 A. I would have to say yes.

03:19:29 12 Q. Okay.

03:19:29 13 A. And remember the analogy I tried
03:19:31 14 to draw about the camp fire and people sitting
03:19:34 15 around the fire and having different
03:19:35 16 perspectives and only seeing maybe a different
03:19:39 17 facet of the story? I think that's what's going
03:19:42 18 on here.

03:19:49 19 Q. So it's the different people from
03:19:51 20 the different perspectives, some perhaps with an
03:19:54 21 obstructed view?

03:19:55 22 A. Correct.

03:20:05 23 Q. Now, Dr. von Gernet also goes
03:20:07 24 through some stories of migration of the
03:20:14 25 Anishinaabe people?

03:20:14 1 A. Yes.

03:20:16 2 Q. And so in one of those stories

03:20:25 3 the Anishinaabe start to the west --

03:20:29 4 A. They?

03:20:30 5 Q. They start to the west of Lake

03:20:31 6 Huron?

03:20:33 7 A. They start to the --

03:20:34 8 Q. They're farther west than Lake

03:20:37 9 Huron. Do you recall that story?

03:20:42 10 A. Not really.

03:20:43 11 Q. Okay.

03:20:48 12 A. I don't recall when -- when you

03:20:50 13 say "start to the west", does that mean they're

03:20:52 14 going to the west or they started in the west to

03:20:55 15 go east, north south or --

03:20:58 16 Q. They started in the west and

03:20:59 17 moved to Lake Huron, Georgian Bay.

03:21:05 18 A. Okay. That's your explanation,

03:21:07 19 okay.

03:21:08 20 Q. That's the story I'm referring

03:21:09 21 to, yes.

03:21:10 22 A. Okay.

03:21:25 23 Q. Before reading Dr. von Gernet's

03:21:27 24 report were you aware of that story?

03:21:29 25 A. No.

03:21:29 1 Q. You never heard a suggestion that
03:21:31 2 the Anishinaabe came from west of Lake Huron
03:21:35 3 originally?

03:21:36 4 A. I can say that I think that some
03:21:37 5 of our people in recent migrations have traveled
03:21:43 6 from there.

03:21:44 7 Q. That's more recently I understand
03:21:48 8 is what you're saying?

03:21:50 9 A. Yes.

03:21:54 10 Q. And Dr. von Gernet referred to
03:21:56 11 "The Mishomis Book" and Mr. Benton-Banai for a
03:22:00 12 story in which the Anishinaabe started on the
03:22:03 13 east coast and worked their way toward Lake
03:22:06 14 Huron and Georgian Bay. Do you recall that
03:22:10 15 story?

03:22:11 16 A. From "The Mishomis Book"? Yes.

03:22:13 17 Q. And do you understand that story
03:22:15 18 to be contrary to your understanding of --

03:22:19 19 A. No.

03:22:21 20 Q. Is it your understanding that the
03:22:22 21 Anishinaabe started in the east coast?

03:22:24 22 A. No. My understanding of
03:22:25 23 migration is that tribal peoples travelled
03:22:34 24 back-and-forth North America, some even
03:22:37 25 travelling south and then coming back north. I

03:22:39 1 have no problem with various migrations; it's
03:22:44 2 very much like what happens today.

03:22:52 3 Q. And Dr. von Gernet refers to a
03:22:55 4 story recorded by Basil Johnston where the
03:23:06 5 Anishinaabe started in the west, went to the
03:23:10 6 east coast and then came back? Do you recall
03:23:11 7 that story?

03:23:12 8 A. Vaguely.

03:23:13 9 Q. Is that the same answer, that you
03:23:15 10 know it as part of the migration of peoples .

03:23:21 11 A. What I'd like to say is that, as
03:23:23 12 a story teller, and the stories that I have
03:23:28 13 heard, the various stories that I heard through
03:23:31 14 my life, there are many migration stories not
03:23:36 15 just one or two. There are many migration
03:23:39 16 stories from different tribal peoples.

03:23:46 17 Q. But with respect to the
03:23:50 18 Anishinaabe, or more specifically the people of
03:23:54 19 SON, are there many migration stories of them?

03:23:58 20 A. Yes.

03:24:00 21 Q. And did Dr. von Gernet miss some
03:24:03 22 of those stories?

03:24:04 23 A. Some of them he doesn't know
03:24:05 24 because they're family stories.

03:24:07 25 Q. Fair enough. So he -- they are

03:24:15 1 stories which he doesn't know, he hasn't
03:24:17 2 recorded?

03:24:19 3 A. Yes.

03:24:50 4 Q. Thank you very much. Those are
03:24:51 5 all my questions.

03:24:52 6 Thank you, Your Honour.

03:24:57 7 My colleague pointed out that I didn't
03:24:59 8 make the interview an exhibit. That was SC0793,
03:25:09 9 the 2006 interview of Edward Koenig with Lenore
03:25:16 10 Keeshig. I would like to ask to make that an
03:25:18 11 exhibit.

03:25:19 12 THE COURT: All right. Mr. Registrar.

03:25:21 13 THE REGISTRAR: Exhibit number 4115.

03:25:25 14 EXHIBIT NO. 4115: 2006 interview of
03:25:28 15 Lenore Keeshig by Edward Koenig.

03:25:28 16 Document number SC0793.

03:25:31 17 MR. BEGGS: Thank you.

03:25:32 18 THE COURT: Just before we break,
03:25:32 19 which counsel is next asking this witness
03:25:36 20 questions.

03:25:42 21 MR. OGDEN: I am, Your Honour.

03:25:44 22 THE COURT: Can you get started or do
03:25:46 23 you want an early break?

03:25:47 24 MR. OGDEN: I will appreciate an early
03:25:50 25 break. I will not be long.

03:25:53 1 THE COURT: Sir, actually I can't see
03:25:55 2 that clock but we'll take the afternoon break at
03:26:01 3 this time.

03:26:01 4 -- RECESSED AT 3:26 P.M. --

03:41:58 5 -- RESUMED AT 3:44 P.M. --

03:41:58 6 THE COURT: Please go ahead.

03:44:01 7 CROSS-EXAMINATION BY MR. OGDEN:

03:44:07 8 Q. Good afternoon, Ms. Keeshig.

03:44:08 9 I have some brief questions for you.

03:44:10 10 Thank you for your evidence today. Miigwetch.

03:44:15 11 My first question is to ask if you

03:44:17 12 have read "The Mishomis Book"?

03:44:22 13 A. Yes, I have.

03:44:23 14 Q. And you have a lot of respect for
03:44:25 15 the book and for its author, Eddie Benton-Banai?

03:44:30 16 A. Yes, I do.

03:44:31 17 Q. And for the record that's Exhibit
03:44:34 18 3955.

03:44:36 19 A short time ago your evidence was
03:44:45 20 that Nanabush stories make sense in a landscape
03:44:48 21 of ten thousand years ago. And these
03:44:51 22 Anishinaabe stories, are they in the sense of
03:44:54 23 people who speak Anishinaabemowin, aren't they?
03:44:59 24 Anishinaabe stories?

03:45:00 25 A. So are you asking if Nanabush

1 stories are strictly for Anishinabek?

2 Q. Well, mostly told by Anishinaabe,
3 am I correct in that?

4 A. That is correct.

5 Q. And so they make sense in this
6 landscape but they only make sense if
7 Anishinabek were on that landscape ten thousand
8 years ago, is that correct?

9 A. It depends on the story.

10 Q. And the stories you've told about
11 the giant beaver dam and the -- Nanabush's
12 tears, do those stories only make sense if they
13 are situated with Anishinabek on that landscape
14 ten thousand years ago?

15 A. Yes.

16 Q. And so when you tell those
17 stories and when you listen to those stories,
18 your assumption is that Anishinabek were on
19 those landscapes ten thousand years ago, is that
20 correct?

21 A. I believe that Anishinaabe were
22 living in North America at that time.

23 Q. But in the location of those
24 stories, you told the stories in respect of Lake
25 Superior and the flooding into Lake Huron, for

03:46:33 1 instance?

03:46:34 2 A. Yes.

03:46:36 3 Q. So any correspondence between the
03:46:41 4 landscape ten thousand years ago and the story
03:46:45 5 depends on the assumption that Anishinabek were
03:46:49 6 on that landscape ten thousand years ago, is
03:46:51 7 that correct?

03:46:52 8 A. Well, according to you it's an
03:46:54 9 assumption, according to me I believe that our
03:46:56 10 people lived there.

03:47:03 11 Q. Yes, thank you.

03:47:13 12 Can we turn now to Exhibit 3945,
03:47:14 13 please? Which is the examination in-chief of
03:47:18 14 Donald Keeshig.

03:47:20 15 THE COURT: Do you mean it's the Rule
03:47:21 16 36 evidence?

03:47:24 17 BY MR. OGDEN:

03:47:24 18 Q. Yes, it's the Rule 36 evidence
03:47:26 19 Your Honour, which has been played in this court
03:47:29 20 and the transcript has been entered as Exhibit
03:47:33 21 3945.

03:47:35 22 And I would like to turn to the bottom
03:47:36 23 of page 9 where Mr. Keeshig relays the tunnel
03:47:39 24 story. And I understand this is the version of
03:47:48 25 the story that the Saugeen Ojibwe Nation is

03:47:50 1 relying on in this litigation.

03:47:53 2 So I'll start near the bottom.

03:47:55 3 THE COURT: Yes, Mr. Townshend.

03:48:02 4 MR. TOWNSHEND: Yes, Your Honour, when
03:48:02 5 getting into what SON is relying on it's more of
03:48:05 6 a question for counsel and not the witness.

03:48:08 7 THE COURT: Well, it wasn't a question
03:48:09 8 at all, it was a statement, and the witness
03:48:11 9 wasn't asked to confirm or deny it so I think
03:48:13 10 we're okay.

03:48:16 11 Counsel has made that statement. If
03:48:17 12 it turns out to be incorrect then whatever the
03:48:21 13 consequences will follow.

03:48:29 14 BY MR. OGDEN:

03:48:29 15 Q. And then he says what he had
03:48:31 16 heard. He said:

03:48:32 17 "Was a person from this side went
03:48:34 18 into that tunnel to see how far it
03:48:35 19 went and he went on and on.

03:48:37 20 And supposedly about half way
03:48:39 21 some place there he met a person
03:48:42 22 coming from the other way and he --
03:48:44 23 they talked.

03:48:45 24 And then they exchanged some
03:48:47 25 things that they had to take back and

03:48:48 1 tell the people where they come from,
03:48:50 2 that they had met somebody from the
03:48:52 3 other side.

03:48:53 4 That means, I guess, what it
03:48:55 5 means is that that tunnel was from
03:48:57 6 Tobermory to Manitoulin Island."

03:49:00 7 And there are two parts in the extract
03:49:03 8 that I just read where Mr. Keeshig referred to
03:49:05 9 the other side.

03:49:06 10 And is it correct in this version of
03:49:14 11 the story that the tunnel goes to the other
03:49:16 12 side? The tunnel goes from one side to the
03:49:18 13 other side?

03:49:21 14 A. Say that again?

03:49:23 15 Q. In this version of the story does
03:49:25 16 the tunnel go from one side to the other side?

03:49:31 17 A. In this version of the story?

03:49:33 18 Q. Yes.

03:49:34 19 A. Yes, that's what it say, right?

03:49:36 20 Q. And it also says that the tunnel
03:49:38 21 was from Tobermory to Manitoulin Island.

03:49:42 22 And so what it's talking about when it
03:49:48 23 says "the other side" is the other side of the
03:49:50 24 lake, isn't it?

03:49:54 25 A. Which lake?

03:50:04 1 Q. Lake Huron, Georgian Bay, that
03:50:06 2 body of water.

03:50:07 3 A. Oh, you mean the stretch of water
03:50:09 4 between the peninsula and Manitoulin.

03:50:11 5 Q. Yes.

03:50:12 6 A. Okay, that's called the mouth of
03:50:13 7 Georgian Bay.

03:50:15 8 Q. Thank you. And so in this
03:50:17 9 version of the story the tunnel goes from one
03:50:20 10 side of that stretch of water to the other side?

03:50:23 11 A. In this version, yes.

03:50:25 12 Q. And in this version the tunnel
03:50:27 13 goes under that stretch of water, is that
03:50:29 14 correct?

03:50:32 15 A. It's now under that water, yes.

03:50:35 16 Q. Well, but in the story as told by
03:50:41 17 Mr. Keeshig, and the events that occur in this
03:50:47 18 story, that there was a tunnel and the tunnel
03:50:50 19 goes under the water. Was that what the story
03:50:53 20 is as relayed by Mr. Keeshig?

03:50:59 21 A. Okay, so I need to understand.
03:51:04 22 What you're showing me here is my father's
03:51:10 23 transcript? Donald Keeshig's transcript?

03:51:13 24 Q. Yes.

03:51:14 25 A. I have not seen this and -- so

03:51:29 1 going under the water is one way of saying it
03:51:32 2 and one way of understanding it in -- I guess in
03:51:38 3 present day.

03:51:41 4 Q. And you tell a version of the
03:51:44 5 story where the tunnel is more like a trench, is
03:51:52 6 that right?

03:51:54 7 A. Let me put it this way, I heard
03:51:56 8 this story actually from Dr. Blasco. And he was
03:52:00 9 very excited about it because there is a
03:52:03 10 geologic feature on the submerged shore, or the
03:52:15 11 submerged lake bed, and that feature is called a
03:52:18 12 "pop up", so it's like a big crevice. You know
03:52:20 13 when the land presses together and to alleviate
03:52:24 14 the pressure it splits open and it creates a
03:52:26 15 crevice? In fact there are crevices all up and
03:52:30 16 down the peninsula.

03:52:31 17 And, anyhow, so when that area was
03:52:39 18 exposed this crevice was there. And so
03:52:43 19 Dr. Blasco explained to me that my father's
03:52:54 20 story fit in.

03:52:55 21 Q. I have to stop you there because
03:52:56 22 there has been evidence in this trial, from an
03:52:58 23 expert, about the geologic features. And so
03:53:01 24 what I'm asking is, in the version that you say,
03:53:04 25 not what Dr. Blasco says to you, but in the

03:53:07 1 version that you tell of the story it's more
03:53:10 2 like a crevice, as you explained it, is that
03:53:13 3 correct? The tunnel --

03:53:15 4 A. That's how I'm explaining it to
03:53:18 5 you, yes.

03:53:19 6 Q. And do you tell the story to
03:53:21 7 other people?

03:53:21 8 A. No, I don't. I think I told Ed
03:53:25 9 Koenig.

03:53:26 10 Q. Okay.

03:53:27 11 A. And that was just a very quick
03:53:28 12 kind of story of -- version of what I thought my
03:53:40 13 dad's story was.

03:53:42 14 Q. Miigwetch. Thank you.

03:53:44 15 Those are my questions, Your Honour.

03:53:46 16 THE COURT: Thank you. Any
03:53:47 17 re-examination, Mr. Townshend?

03:53:48 18 RE-EXAMINATION BY MR. TOWNSHEND.

03:53:54 19 Q. Ms. Keeshig, you had some
03:53:55 20 questions about migrations. Do you understand
03:53:59 21 migrations to be migrations into an empty land?

03:54:04 22 THE COURT: No. There's no objection,
03:54:05 23 sir, but it doesn't help me when you ask leading
03:54:11 24 questions; and in re-examination especially.
03:54:18 25 It's very limited, re-examination.

03:54:21 1 So can you re-do your questions,
03:54:22 2 please, sir, and not suggest the answers.

03:54:34 3 BY MR. TOWNSHEND:

03:54:34 4 Q. How do you understand migrations
03:54:36 5 when you were asked about that? What features
03:54:38 6 do they have?

03:54:39 7 A. How I understand migrations, and
03:54:41 8 I know here that the question is about
03:54:45 9 Potawatami migration. How I understand
03:54:50 10 migration is that people don't migrate into an
03:54:52 11 empty land.

03:54:55 12 To me that's -- that's a -- that's a
03:54:59 13 Euro-western perspective coming into terra
03:55:01 14 nullius, into an empty North America.

03:55:08 15 How I understand migration is that
03:55:10 16 migration happened. And when people migrated
03:55:13 17 they mixed in, they fell in love with people who
03:55:15 18 were already there and became part of that
03:55:21 19 landscape.

03:55:25 20 For example, with the Potawatami
03:55:28 21 migration into our territory here -- and part of
03:55:33 22 my ancestry is Potawatami, I'm not going to deny
03:55:37 23 that.

03:55:38 24 But the thing is too, if you go back
03:55:40 25 to the Gazetteer where that story is, I mean,

03:55:44 1 that story was written before I was even
03:55:47 2 conceived of.

03:55:49 3 That story there about the Indians
03:55:52 4 having a tradition that those three islands were
03:55:56 5 connected to the mainland, I mean how would the
03:56:00 6 Potawatami know that? Unless, you know, unless
03:56:10 7 they were there at that time, or they heard it
03:56:14 8 from people who were there at that time. How
03:56:18 9 would people know that? I don't understand.

03:56:26 10 I do remember though my father
03:56:28 11 explaining to me about the shoal. There's a
03:56:30 12 shoal near White Cloud Island in Colpoys Bay
03:56:38 13 called Gunternson [ph] and I remember my father
03:56:41 14 explaining this to me, and he did it in a very
03:56:44 15 beautiful way, because he juxtaposed present
03:56:47 16 day, the very day it happened to him and his
03:56:50 17 childhood.

03:56:50 18 So he was travelling, he was going out
03:56:52 19 to this place called Gravelly Bay. And he was
03:56:55 20 on an ATV, and he was wearing sun glasses, and
03:56:58 21 he had his rifle would him. And he was on that
03:57:01 22 road and he reflected back the juxtaposition of
03:57:07 23 that; that in his childhood people, our people,
03:57:16 24 would walk that road to Gravelly Bay. And it
03:57:24 25 would be dark in the morning when they walked

03:57:28 1 it, but they would walk there. And they would
03:57:29 2 go out there and they would fish, deliberately
03:57:32 3 fish out in those waters and on that shoal. And
03:57:35 4 when they walked home it would be dark. And for
03:57:38 5 him that image of now and then, you know, very
03:57:43 6 vivid.

03:57:47 7 And later on when information came
03:57:49 8 about -- or the news came about what the divers
03:57:56 9 in the area referred to as the "underwater
03:57:58 10 forest", the trees that were growing in the
03:58:00 11 Gunternson shoal, he asked one of the divers, he
03:58:06 12 said, Did you ever find fish hooks in the shoal
03:58:09 13 when you were diving? And the man said, Yes.
03:58:14 14 And my dad went on to describe a fish hook, he
03:58:18 15 said it was made out of bicycle spokes.

03:58:27 16 THE COURT: Mr. Townshend, I'm sure
03:58:28 17 the witness is trying to be helpful but we're
03:58:30 18 well away from anything that came up on
03:58:33 19 cross-examination. Do you have any other
03:58:35 20 questions?

03:58:36 21 MR. TOWNSHEND: No, those are my
03:58:37 22 questions thank you.

03:58:38 23 THE COURT: Thank you.

03:58:42 24 Ms. Keeshig, thank you very much, that
03:58:44 25 concludes your testimony so you may take a seat

03:58:46 1 back in the public gallery if you wish to stay.

03:58:50 2 Mr. Townshend, I'm not expecting that
03:58:53 3 you have someone in the hallway so you can
03:58:56 4 breathe a sigh of relief.

03:59:11 5 I take it that the next thing we have
03:59:13 6 on our schedule is Canada's motion, is that
03:59:15 7 right?

03:59:15 8 MR. TOWNSHEND: That's correct, yes.

03:59:15 9 THE COURT: And we have that scheduled
03:59:16 10 for Friday. Just wondering if there is any
03:59:23 11 merit to bringing it forward? I recognize that
03:59:26 12 might create problems so I don't want to do
03:59:28 13 that, unless there's a compelling reason to do
03:59:31 14 it. Does anyone have a submission on that?

03:59:36 15 MR. TOWNSHEND: We've been planning it
03:59:37 16 for Friday.

03:59:39 17 THE COURT: Yes, and materials are
03:59:40 18 being prepared so --

03:59:42 19 MR. TOWNSHEND: I think we were also
03:59:43 20 talking about a case conference.

03:59:45 21 THE COURT: Yes, when would the --
03:59:46 22 this is probably really a question for
03:59:48 23 Mr. Beggs, but counsel as a whole, there was to
03:59:57 24 be another draft schedule prepared. Could we do
04:00:00 25 that before -- if we're going to leave the

04:00:01 1 motion on Friday can we do that on Thursday, for
04:00:03 2 example, or tomorrow?

04:00:05 3 MR. BEGGS: Yes, Your Honour, we can
04:00:07 4 do it earlier. Thursday might be better so that
04:00:10 5 I can have more time to discuss it with the
04:00:12 6 other counsel.

04:00:17 7 THE COURT: Does any other counsel
04:00:20 8 have any submission to make about that schedule
04:00:23 9 in question? Mr. Townshend, do you have a
04:00:27 10 submission on that? Wednesday versus Thursday?

04:00:32 11 MR. TOWNSHEND: Thursday.

04:00:33 12 THE COURT: And how about Ontario?

04:00:35 13 MR. OGDEN: We're largely dependent on
04:00:37 14 the information that Canada provides so we have
04:00:38 15 no preference, Your Honour.

04:00:41 16 THE COURT: That's true.

04:00:51 17 I'm reluctant to open the courtroom
04:00:53 18 for that purpose because of the amount of staff
04:00:57 19 that are required. Does anyone are a submission
04:01:01 20 about whether it needs to be in person? We can
04:01:08 21 do it on the telephone?

04:01:13 22 MR. OGDEN: I think the telephone
04:01:14 23 would be fine, Your Honour.

04:01:16 24 THE COURT: Mr. Townshend, is that
04:01:16 25 satisfactory from your standpoint?

04:01:19 1 MR. TOWNSHEND: I think so, yes.

04:01:20 2 THE COURT: Let's leave it for now

04:01:21 3 then. I'll communicate through my assistant

04:01:24 4 with counsel about a proposed time, which will

04:01:28 5 be within the time you were supposed to be here.

04:01:31 6 So I will expect it probably will be fine with

04:01:33 7 everyone, but you should feel free to say so if

04:01:35 8 you have an alternative that you wish to

04:01:38 9 propose. All right? Otherwise I will --

04:01:42 10 Mr. Townshend is right, we do have materials

04:01:45 11 planned and I would perhaps upset the schedule

04:01:48 12 if we changed it so we'll leave the motion on

04:01:51 13 Friday.

04:01:51 14 Now, there was one other matter I did

04:01:53 15 want to hear from counsel about on Friday, I

04:01:56 16 just want to remind you about that.

04:01:58 17 Mr. Townshend has already put his

04:02:00 18 position on the record but the other parties

04:02:02 19 have not yet addressed the issue of those books

04:02:05 20 and records so I'll leave that on Friday as

04:02:08 21 well. But if we have the case conference on

04:02:12 22 Thursday I might be asking for an update on

04:02:15 23 that. All right? Thank you.

24 --- Whereupon the proceedings were

25 adjourned at 4:02 p.m.

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REPORTER'S CERTIFICATE

I, HELEN MARTINEAU, CSR, Certified
Shorthand Reporter, certify;

That the foregoing proceedings were
taken before me at the time and place therein
set forth, the witnesses having been put under
oath;

That the testimony of the witness and
all objections made at the time of the
examination were recorded stenographically by me
and were thereafter transcribed;

That the foregoing is a true and
accurate transcript of my shorthand notes so
taken. Dated this 30th day of July 2019.



PER: HELEN MARTINEAU
CERTIFIED SHORTHAND REPORTER

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