

← 1872

**The Kaswentha
or
Two Row Wampum**

Lying close to the beginning, and to the heart of the relationship between the Haudenosaunee and the British Crown is the Kaswentha, also known as the Two Row Wampum.

The symbol of the relationship is a wampum belt nine rows wide, with two parallel rows of dark wampum running its entire length. The two dark rows symbolize the sailing ship of the British and the bark canoe of the Haudenosaunee. Their paths are parallel because, while they are to remain close allies, they are not to interfere in each other's course. The three white rows separating the two dark rows signify peace, trust, respect and friendship (that is, trust and friendship can be interchanged). These three concepts, it is said, are what keeps the two craft close together, yet at a respectful distance from each other. They are also the links of the Covenant Chain.

Chief William Jacobs of the Grand River Territory explained the relationship in a letter to the Superintendent General of Indian Affairs on May 7, 1872:

You sail your own Boat and we'll paddle our own canoe Side by Side I was not to enter in your Craft and you was not to enter in my canoe. Gale and calm we must be side by side...when the pail face man saw my laws he says to the read man's face your laws of the Six Nations is good that your forefathers made for you we will always keep our laws seperate from your laws.

The pail face man said to the read fase I don't understand the way your canoe ruls the Six Nations chiefs said I don't understand the ways of your boat ruls the pail fase said to the read man I don't understand the Birch Canoe ruls if I enter in it it might up sett, the read man says yes if you enter in my Birch Canoe it will up sett the Read man said to the pail face that is the ruls and laws the Grate Spirit gave us...

[NAC RG 10 Vol. 1862, F. 239]

There are several wampum belts which illustrate the Two Row concept. Probably each one was given to reinforce, restate or "repolish" the original commitment.

The principles embodied in the Kaswentha are also to be found in written agreements, as well as in other forms.

Perhaps the most dramatic and graphic illustration that the British knew and accepted the meaning and spirit of the Kaswentha is the personal seal that Sir William Johnson designed for himself as Imperial Superintendent General of Indian Affairs. The seal is full of symbols that would be recognizable to the Haudenosaunee, and the record indicates that Johnson sent a picture of it to the Oneidas. Around the outside of the seal is an "endless chain", grasped by seven arms (one of them, wearing a shirt and coat, must be Sir William himself, and the others the Six Nations); within the circle formed by the chain---no doubt the Covenant Chain---are a pine tree (the Tree of Peace), a pipe (the calumet or pipe of peace, a lodge (the council house)---and a sailing ship and a canoe, side by side [*Sir William Johnson Papers, University of the State of New York, 1965, Vol. XIII, p. 98*].

The first written agreement consistent with the principles in the Two Row Wampum is the Treaty of Fort Albany of September 24 and 25, 1664, made between Colonel George Cartwright, the commanding officer at Albany, and sachems of the "Maquaes" and "Synicks":

That if any English, Dutch, or Indian (under the protection of the English) do any wrong, injury or violence to any of ye said Princes, or their Subjects, in any sort whatsoever, if they complained to the Governor at New York or to the Officer in Chief at Albany, if the person so offending can be discovered, then that person shall suffer punishment and all due satisfaction shall be given, and the like shall be done for all other English Plantations.

That if any Indians belonging to any of the Sachims aforesaid, do any wrong, injury or damage to the English, Dutch, or Indians under the protection of the English, if complaint be made to ye Sachims, and the

person be discovered who did the injury, then the person so offending shall be punished and all just satisfaction shall be given to any of His Majesties subjects in any Colony or other English plantatton in America.

[NYCD, London Docs. I, pp. 67-68]

The terms which governed the Two Row Wampum and the Covenant Chain both created a situation in which jurisdiction over, and responsibility for the actions of individuals belonged to their nations. Separate personal jurisdiction in criminal matters suited both the British and the Haudenosaunee. For the British, it meant leverage: it meant that the entire Confederacy would be responsible for atoning for the actions of any wayward individuals. British law for at least a hundred years after 1664 was not in a position to enforce criminal sanctions in the frontier territory. For the Haudenosaunee, it was an extrapolation of a principle of the *Kayanerekowa*: just as the clan was responsible to other clans for actions and injuries of its members, and the nation was responsible to other nations, so was it true at the international level between the British and the Haudenosaunee. Separate criminal jurisdiction, with each side liable to give "satisfaction", was consistent with the spirit and intent of the Great Law of Peace, and another indication that the British were governing themselves by the spirit of that law. Separate jurisdiction meant that territory was irrelevant: it was the individual, rather than his location, that mattered.

Thomas Gage wrote to Guy Johnson on September 18, 1774:

I imagine there must be some Mistake in what you mention respecting the Indians of Canada being subject for the future in all Things to the Laws of England. Indians are commonly left to their own Usages and Customs in most things; perhaps they may have been informed that in Cases of Murder, or Robbery, they wou'd be tried agreable to English Law.

[Sir William Johnson Papers, Vol. XIII, p. 680]

In 1872, George Monture, a sachem of the Grand River Territory, wrote to Queen Victoria:

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encroachments [on] the rights of your petitioners by your subjects and servants administering the gov't. of the Canadas. It was granted to your Red Children the right to enjoy their religion and the customs of their fathers without molestation of your subjects in Canada. In short your children was "to paddle their birch canoe" so long as the "sun shines, the grass grows and water runs" along with your white subjects who sail in great ships.

[NAC RG10 v. 1869 F. 598 1/2]

In 1890, the Chiefs of the Confederacy at the Grand River Territory explained to the Governor General:

And we always want to be free and satisfied to be governed by our own laws and customs; for we have laws of our own. And those that are in favour of your laws and customs we have nothing to do with suppose they are to be governed by it. But we cannot help them in no way, for they broken our word rules and customs. Here is law of our forefathers laid down for us.

Wampum belt having two white rows, parallel and represents the two Governments, namely the Five Nations and the British Government will exist and will not interfere with each other. Of which the British made an illustration that the British will remain in their vessel, that is their government. while the Five Nations will also abide in their birch bark canoe, meaning their Government. The British will never make compulsory any door way laws for the Five Nations to enter in so that should become a British subject.

[NAC, Record Group 10, p. 2102]

The statement explains that people who pass from the Haudenosaunee canoe to the sailing ship---who place themselves under British law---have "broken our word, rules and customs" and cannot be helped.

In modern explanations of the Two Row Wampum, speakers sometimes refer to the people who have one foot in the canoe and one in the sailing ship. They say that there will be high winds coming, which will buffet both watercraft. The people who are between the ship and the canoe will be swept away.

In 1983, the House of Commons Committee on Aboriginal Affairs produced a report "on Indian Self-Government" (known colloquially as the Penner Report, after Keith Penner, the chairman of the Committee). Its cover was a painting by Leo Yerxa, an Algonquin artist, showing the two purple rows of the *Kaswentha*, against a distant sunrise. The symbol was used deliberately: the Committee was recommending that the principles of the Two Row Wampum should guide Canada in its dealings with aboriginal nations. A decade later, the Indian Act had been amended to permit limited taxation powers for band councils; a proposal to recognize an inherent right of aboriginal self-government had failed to receive approval along with the rest of the Charlottetown Accord, and the Government of Canada was willing to negotiate "self-government" with Indian bands in a limited

sort of way, working from the assumption that the extent of its power was a "devolution of authority". There have been few takers, on those terms.

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