

Best Historical Research Practices

by

Dr. Reginald Good

Don't Breach Confidentiality

Why respect confidentiality?



- 1) Breaching confidentiality may be grounds for dismissal.
- 2) Disclosing confidential information may cause financial harm to your employer.
- 3) If in doubt about what information is confidential, please **ASK!!!**

Don't Steal Documents, Data or Reports



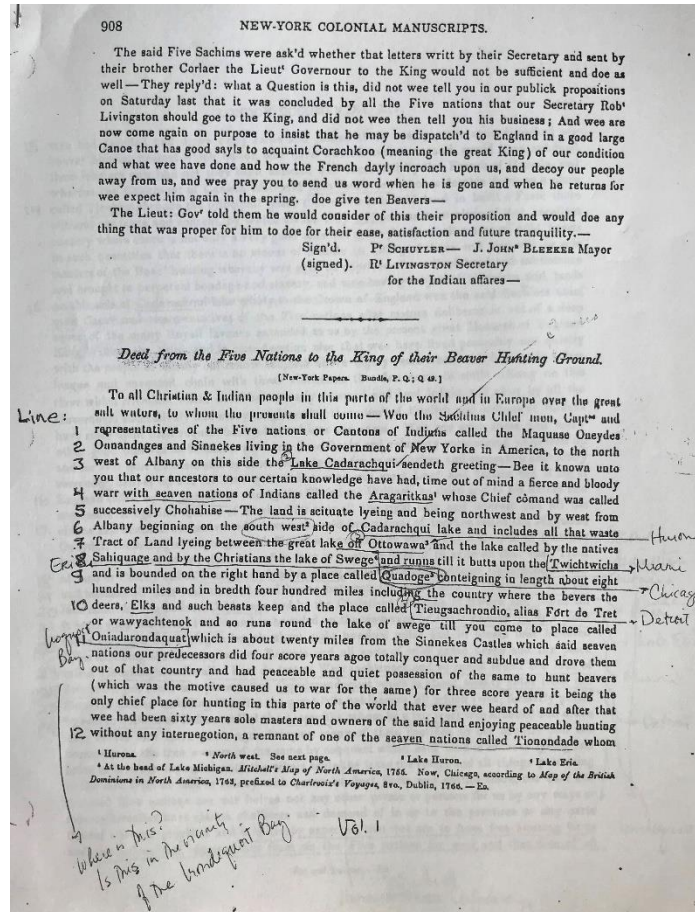
- 1) Clarify who owns the physical documents that a researcher retrieves at the employer's expense.**
- 2) Clarify whether the researcher can purchase, or otherwise acquire, duplicate copies of the retrieved records at his or her own expense.**
- 3) Clarify who owns the copyright of reports written by the researcher at the employer's expense.**

Don't Begin Research Before Identifying Your Subject



What is the geographical extent of territory described in The 'Deed from the Five (Later Six) Nations to the King of their Beaver Hunting Ground,' 19 July 1701?

Don't Rely on Transcriptions of Original Documents



This transcription of the 1701 deed, first published in 1854, was the one relied on by experts in all 20th century court cases involving Six Nations / Mohawk hunting rights. The title is an addition. The text contains many errors and omissions.

Don't Pretend to be a Lawyer



Historians and lawyers have different roles and perform different functions. A basic rule of thumb is that historians deal with facts and lawyers deal with law. However, remember that historians deal with both “historical” facts and “legal” conclusions. An example of a “legal” conclusion is that the 1701 deed constitutes a binding “treaty”.

Don't Use Legal Terms unless Quoting Documents



“[T]hey delineated upon paper ... the limits of what they called their hunting grounds ... The sole and absolute property of this Country they desired might be secured to them ... A Treaty was accordingly entered into and concluded upon these terms”.

**British Board of Trade Report on 1701 Deed
Responding to complaints by Teedyuscung
1 June 1759**

Don't Take “Legal” Conclusions for Granted



In *R. v. Barberstock* (2013) the Crown's expert witness argued that previous legal decisions, with respect to the 1701 deed, should be overturned because the said deed “was not seriously intended by either side to be a real treaty.” This argument was rejected by the trial judge at the time but it *could* be reconsidered later by a higher court.

Don't Be Blindsided by Tunnel Vision



It is useful to have a research trajectory. But also be sensitive to peripheral vision. Retrieve, or at least keep a record, of all documents peripherally related to the main subject of your inquiry. Trying to find a document after the fact might be like looking for a needle in a haystack.

Don't Hesitate to Consult Peers, Librarians, Archivists



What are the relevant search engines, databases and paper finding aids?

What are the relevant bibliographies, books, articles, legal cases and research reports?

Don't

Forget the Sources You have Eliminated as Irrelevant



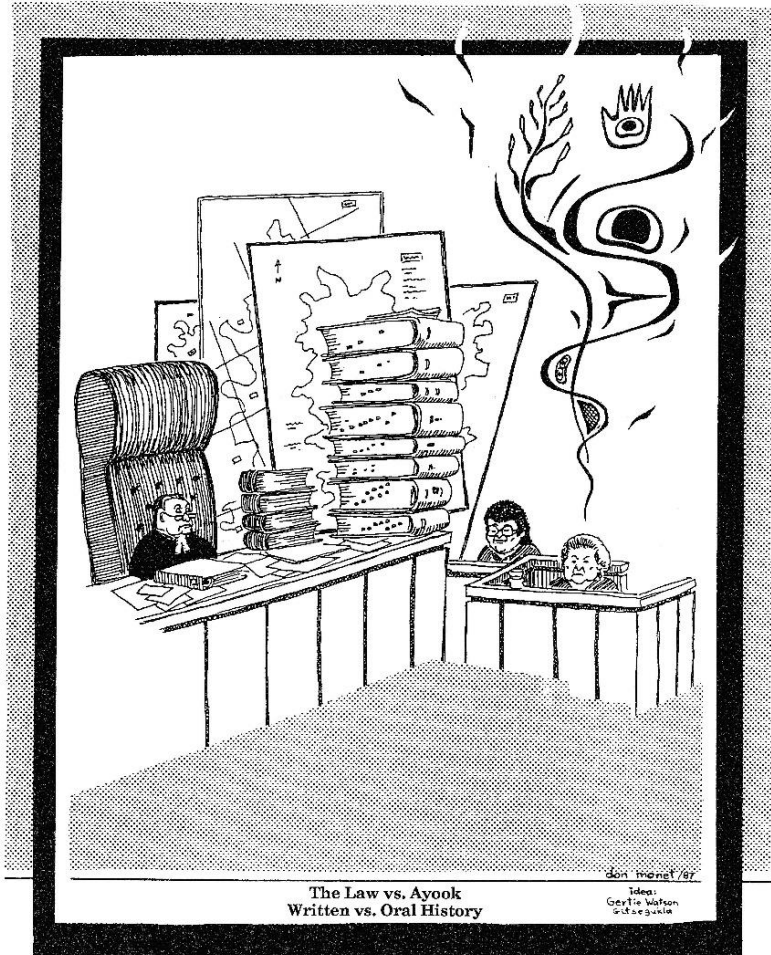
Research involves consulting a maze of resources. If you don't keep a record of where you have been you run the risk of repeating your efforts.

Don't Overlook Unusual Historical Sources



- 1) Local history records
- 2) Newspaper articles
- 3) Maps
- 4) Oral documentation
- 5) Council minutes
- 6) Photographs
- 7) Wampum Belts

Don't Exclude Indigenous Perspectives



The Gitksan and Wet'suwet'en have distinctive protocols and rituals for the performance of their law. This drawing by Don Monet, who covered the *Delgamuuk* trial as a free-lance artist, captures one of the moments highlighting the cultural difference, when - to the consternation of the trial judge - Mary Johnson, chief Antgulilibix of the Firewood clan, *sang* part of the oral tradition known as the *adaawk* (which is part of Gitksan *ayook* or law).

Don't Ignore Contextual Documents

THE TWENTIETH CENTURY

By the 20th century, the old agreements made between aboriginal nations and witnessed by the French and English were forgotten by the new governments in Canada and the United States. Instead, American and Canadian governments enacted laws and regulations which prevented aboriginal people from hunting and fishing freely as they had done in the past. Protests and petitions from aboriginal leaders fell on deaf ears as state and provincial authorities deliberately targeted aboriginal hunters and fishermen for transgressing against their regulations. For example, in 1915

A DISH WITH ONE SPOON

225

a petition to King George V was written by Seth Newhouse on behalf of the Six Nations protesting against the game laws of the provincial government of Ontario. Newhouse referred to the 1701 Beaver Hunting Treaty in which the British Crown pledged to protect their hunting rights. He called it their "Charter", and asked the King to

send the 'Charter' to us, for we want to use it to protect ourselves against the Ontario Government, for they have already victimized us concerning our Wild Games... Please have Your Majesty's picture taken and have the 'Charter' unrolled in your hand and send Your Majesty's picture to us.
[NAC, RG 10, v. 6743, file 420-8-3]

The letter was intercepted by the Indian Affairs Department in Ottawa, and government officials refused to send it to the King. In addition to the government's inadvertence, other factors rendered their protests ineffective. Heavy fines, confiscation of hunting and fishing equipment and, in some cases, imprisonment, made it difficult for aboriginal people to exercise their treaty-protected rights.

Contextual documents, filed with the particular one in which you are interested, may shed light on *why* it was written and/or *how* it was received. Therefore, always try to examine the contextual documents. This may necessitate ordering a microfilm or attending an archives to view the originals.

Don't Retrieve *Only* One Edition of a Document

Transactions and Collections of the American Antiquarian Society (1911), 212-18 [this edition is taken from the Patent Roll].

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under Our Sovereignty, Protection, and Dominion, for the Use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three New Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West, as aforesaid;



October 7, 1763



December 24, 1763

Don't Lose Track of a Document's Creation Details

The image shows a form with a yellow background. At the top left, there are two checkboxes: "To be retrieved" and "Transcribed". Below these are several input fields: "Date of Creation" and "Estimated Date" (with a checkbox), "Document Type", "Title", "Creator:", "Recipient", "Copied to", "Summary" (with a small "0" in the top left corner), "Edition Statement", "Edition Date" and "Estimated Edition Date" (with a checkbox), "Edition Title", "Statement of Responsibility Relating to the Edition", "Recipient of Edition", "Edition copied to", and "Source".

The meaning and significance of a document cannot be properly evaluated until we know *who* wrote it, *for whom* it was written, and, perhaps most importantly, *why* it was written. Also, keep track of whether a document is an *original* edition and, if not, the circumstances under which particular copies of the originals were produced.

Don't

Forget to Record a Document's Custodial History

NATIONAL ARCHIVES / ARCHIVES NATIONALES
OF CANADA / DU CANADA

This copy is provided for research purposes only. Responsibility regarding questions of copyright that may arise in the use of this document is assumed by the recipient.

Cette copie est fournie pour fins de recherche seulement. Le récipiendaire assumera la responsabilité de régler toute question de droits d'auteur connexe à une utilisation subséquente de ce document.

TITLE/TITRE _____
RG 10 MG _____ R- _____ SERIES/SÉRIE _____
ACCESSION _____ VOL 6743 PAGE(S) 6
BOX/BOÎTE _____ REEL/BOBINE _____
FILE/DOSSIER 420-8 part 3
DATE 5/12/03

Not all documents are authentic (what they purport to be). And if they are not authentic, they cannot be relied on. Keeping a record of all that is known about a document's custodial history – and keeping that information with the document – can make the difference as to whether adverse parties will challenge its authenticity.

Don't Believe Everything you Read

Your petition of the 12th ultimo, addressed to His Majesty, the King, on the subject of the hunting and other rights of the Six Nations Indians under an agreement entered into with them, has been transferred to this Department, with a request that you be informed that the original deed from the Five Nations to the King asked for by you cannot be removed from the Record Office.

As regards the agreement of 1701 to which reference is made in your petition it may be stated that it related to lands which are now in the United States and which have not been in the possession of the Indians since the Revolutionary war. Neither the British nor the Canadian Governments has therefore any control over those lands and cannot regulate as to fishing, hunting or other rights thereon.

“As regards the agreement of 1701 to which reference is made in your petition ... it related to lands which are now in the United States ... Neither the British nor the Canadian Governments has therefore any control over those lands and cannot regulate as to fishing, hunting or other rights thereon.”

Don't Be Constrained by Leading Questions



= Normal Question



= Leading Question

Example of a leading question:

1. What evidence supports the theory that the territory described in the Deed of 1701 is located exclusively within the boundaries of present day USA?

Don't Limit Yourself to One Line of Inquiry



In a series of hunting / fishing cases tried in the 1990s, expert witnesses adduced evidence based on separate - but single - lines of inquiry to estimate the boundaries of the 1701 deed:

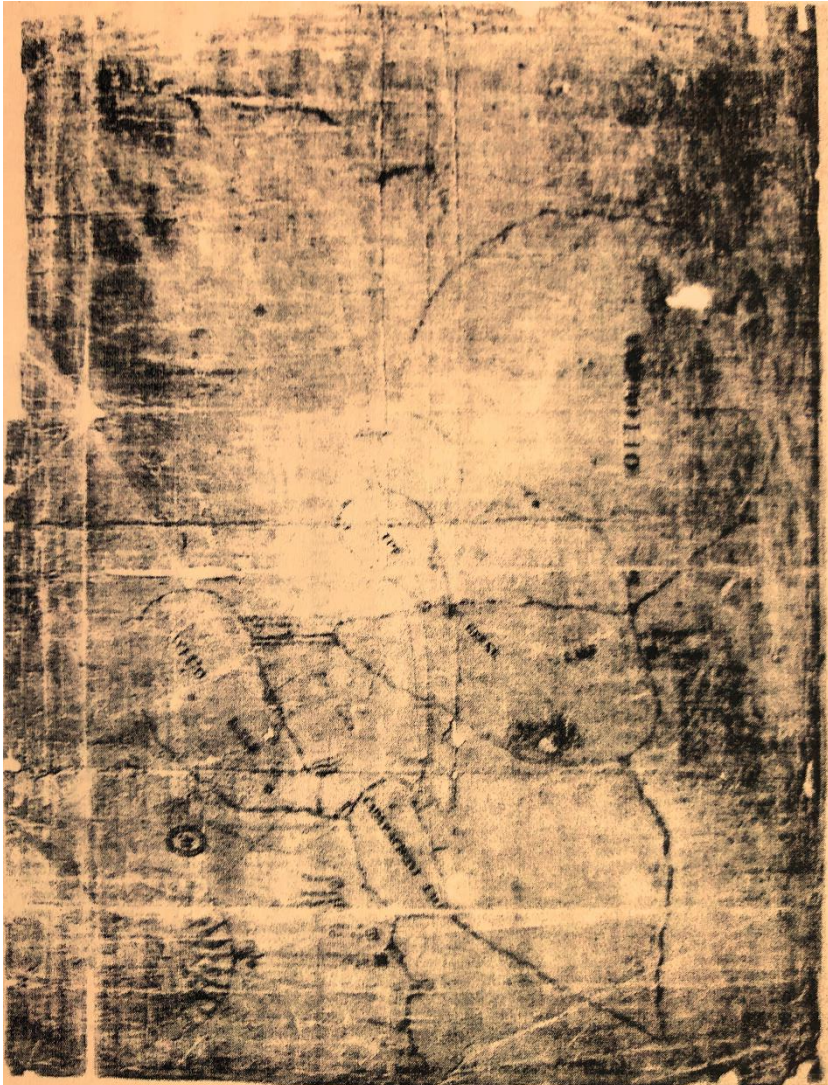
- 1) The habits of the animals described in the deed (beavers, deer and elk *alias* moose);
- 2) The territories occupied by the Indigenous peoples who were conquered by the Five Nations;
- 3) Locating place names and distance logs on current maps.

Don't

Expect Differing Lines of Inquiry to Agree in Result (Therefore, Analyze Competing Results)

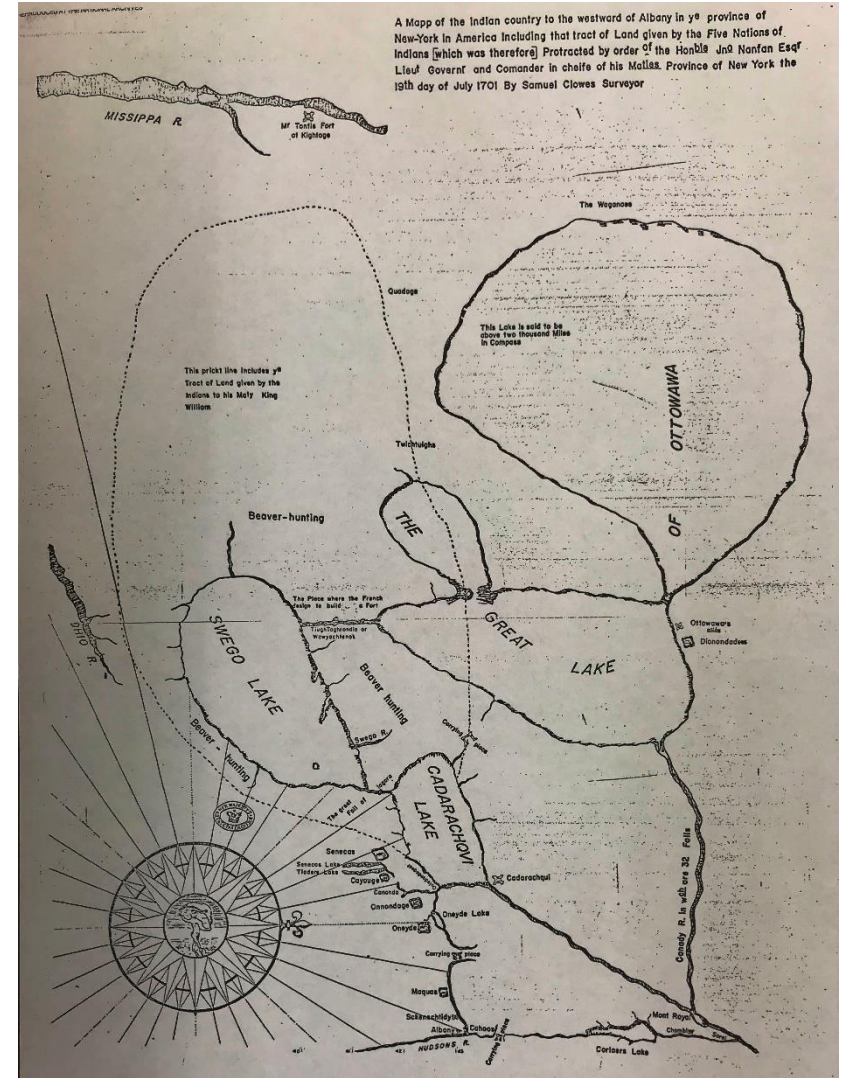


Don't Be Afraid to Think Outside the Box

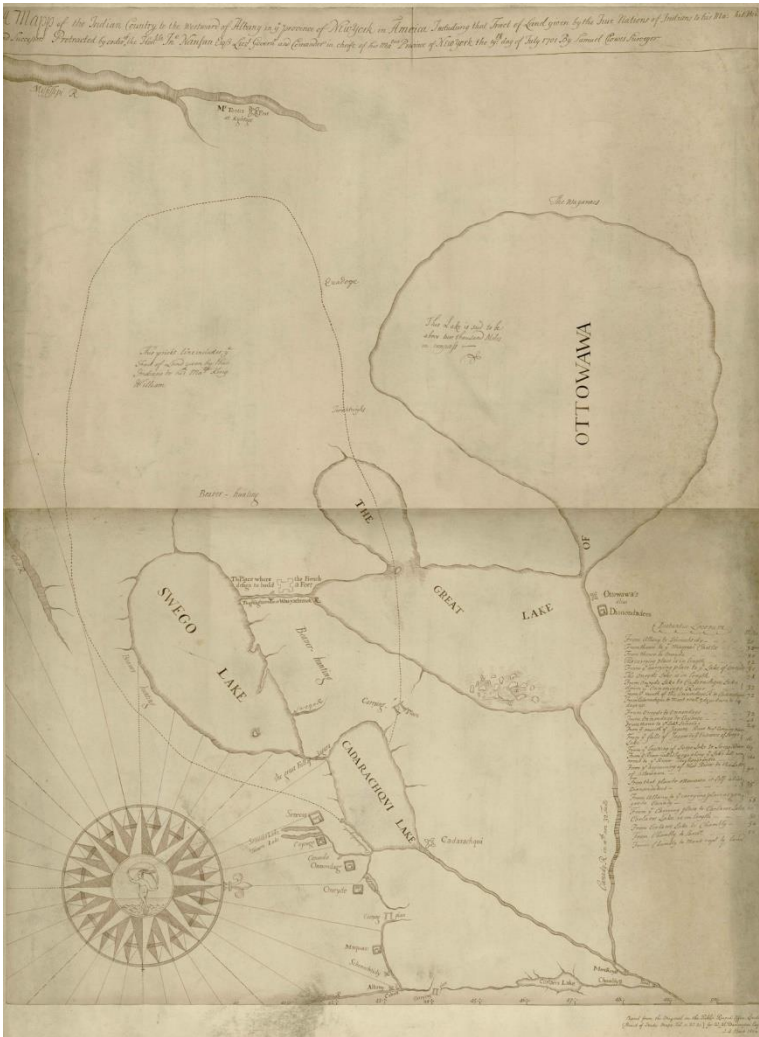


In 1999 Peggy Blair, a lawyer representing the Saugeen Ojibway First Nation, accidentally rediscovered a contemporaneous copy of a map which accompanied the original 1701 deed (left).

Also in 1999 I independently rediscovered a photocopy of an undated tracing of the map which accompanied the original 1701 deed (right).

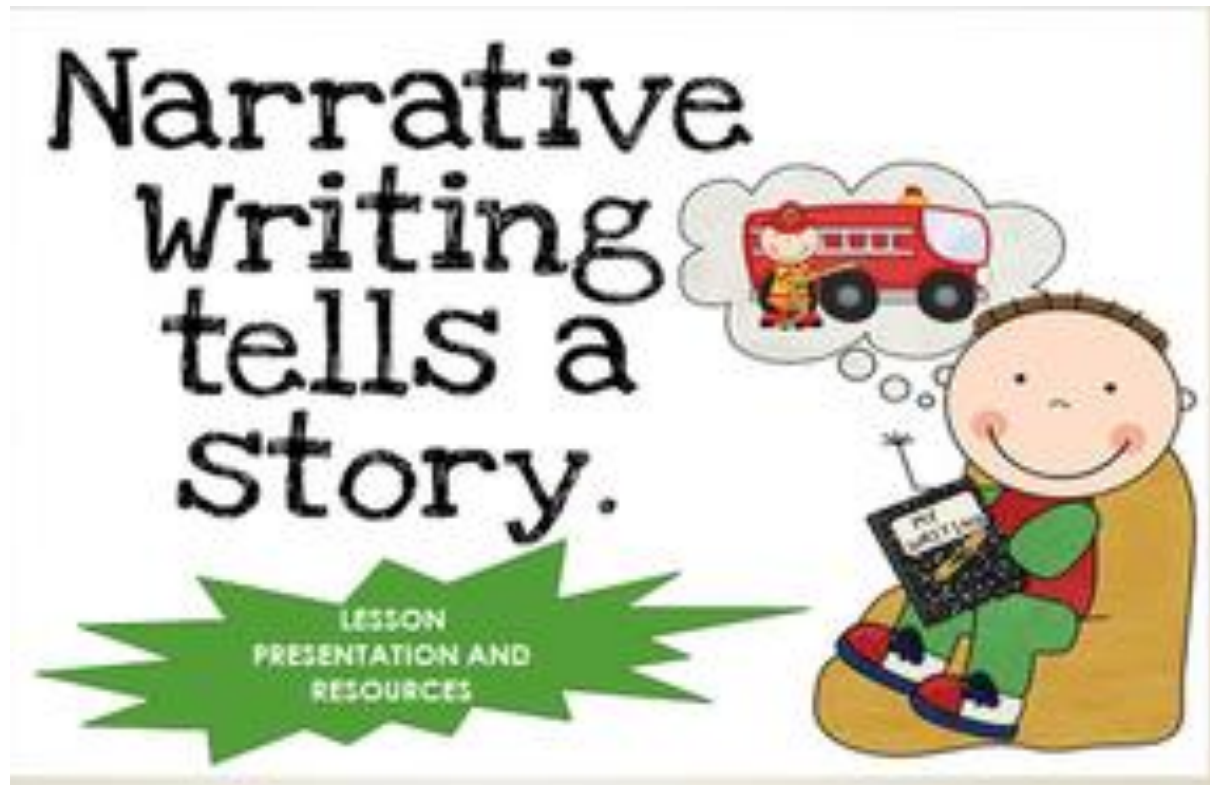


Don't Give up!



In 2008 the University of Pittsburgh posted online the original tracing of the contemporaneous copy of the 1701 map that accompanied the 1701 Deed of the Five (later Six) Nations Beaver Hunting grounds. It had been traced in 1884 by J.A. Burt for William M. Darlington. Darlington had been an attorney in Pittsburgh and a collector of colonial American artifacts, including maps.

Don't Conclude Your Research Before Writing a Narrative of Events



A narrative is a sequential story with a beginning, middle and end. Writing a narrative about the events you have researched is a good way to discover what facts are missing or require further corroboration.

Don't

Use a Cut/Paste/Blend Methodology



Removing a document from its context enables subsequent readers to distort its meaning. Therefore, always include contextual information that will enable readers to evaluate the credibility, perspective and significance of cited documents. Where you provide an editorial opinion, always provide evidence for it.

Don't Cherry-Pick Self-Serving Document Excerpts

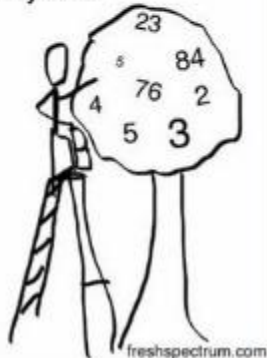
Cherry-Picking

"The idea is to try and give all the information to help others to judge the value of your contributions; not just the information that leads to judgement in one particular direction or another."

~Richard P. Feynman

This is not data analysis...

Try to grab that 84,
it would look really
good in our report



For example, the historical section of Mr. Justice McEachern's reasons for judgment, in the Delgamuuk case, consists of long successions of quotations from original sources strung together with the judge's commentary.

Don't Hide Relevant Data (Key Words, Quotations)



“Under the new system in Specific Claims, every document must be copied, every page transcribed and most documents quoted in full in the reports. Everything will be lost in a swollen report that will be less focused, take more time to prepare, and will be far less helpful to all concerned.”

**Anonymous Researcher
Specific Claims Department**

Don't Jump to Conclusions



Evidence can be misleading. Therefore, always seek corroborating documentation. A good rule of thumb is to be able to cite 3 primary sources as evidence to prove every contentious fact.