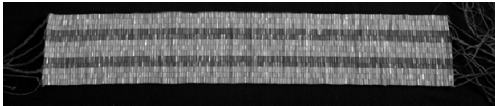


INDG419 / Crim419 Fall/2023

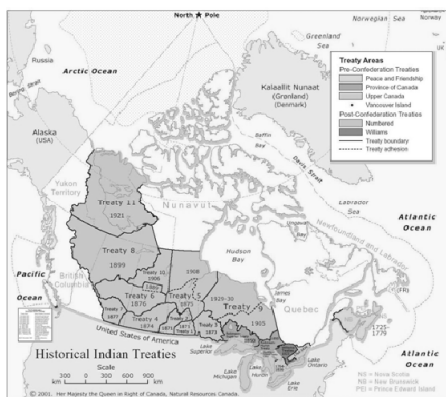
Policy



Contact & Conflict

Contact

- Early history saw Britain, France, Holland in nation-to-nation interaction with Indigenous peoples, create formal treaties of friendship/trade
 - e.g., two-row wampum, covenant chain, written agreements, Treaty of Niagara
- Recognition of Aboriginal title; policy of mutual trade, friendship, non-interference
- Treaties are sacred agreements for “As long as the sun shines and the rivers flow”



The Meaning of Treaties



A Relationship of Trust?

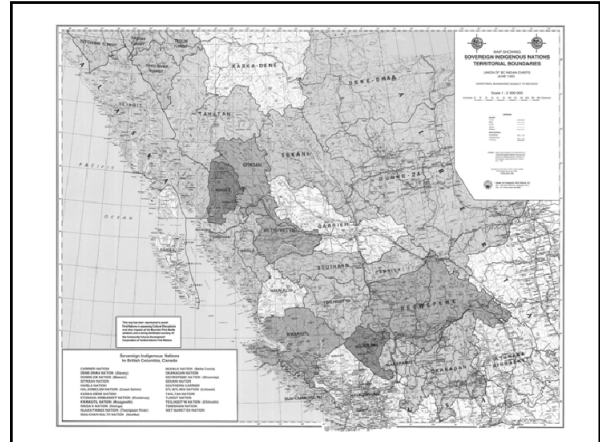
- As Canada begins, the unique status of Indians is reflected in S. 91(24) of the *BNA Act* (1867), which affirms federal jurisdiction for “Indians, and Lands Reserved for Indians”
- Ottawa seizes control over who “Indians” are; definition racializes Indianness
- You are “Indian” or Canadian, not both

Enfranchisement Anyone?

- Early legislation assumed Indians would be lining up for enfranchisement. For example,
 - The Governor General in Council may on the report of the Superintendent General of Indian Affairs order the issue of Letters Patent granting to any Indian who from the degree of civilization to which he has attained, and the character for integrity and sobriety which he bears, appears to be a safe and suitable person for becoming a proprietor of land ... [shall be] declared to be enfranchised [and] shall no longer be deemed [an] Indian within the meaning of the laws relating to Indians
 - the *Act for Gradual Enfranchisement of Indians*, 1869
- From 1857 to 1918 only 102 persons enfranchised

From Nations to First Nations

- European countries originally dealt with Indigenous peoples on a nation-to-nation basis
- The *Indian Act* used “divide and conquer” to create “bands,” now “First Nations”
 - e.g., in BC, 30 Nations have become 207 “First Nations”



Genocide by Bureaucracy

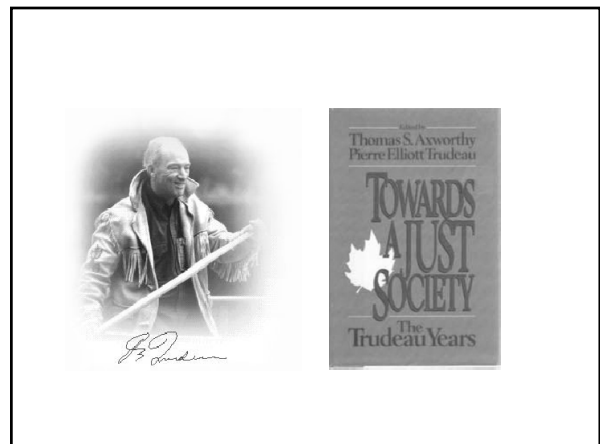
- From 1876 to 1951 *Indian Acts* become progressively more oppressive as Indigenous peoples resist assimilation
 - Govt defines who “Indians” are; patrilineage replaces matrilineage
 - Illegal to hire a lawyer
 - Governance limited and controlled by Indian Agents; DIA “democracy”
 - Banning the Potlatch, Sundance
 - Location tickets
 - Birth to death control
 - Residential Schools
 - Destruction of language
 - Destruction of family

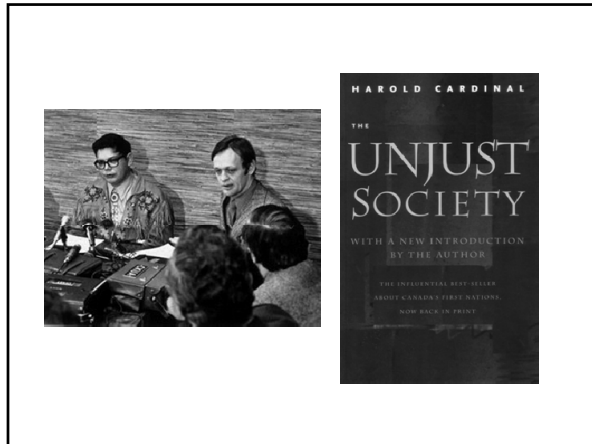
Residential Schools...



The Assimilation Agenda

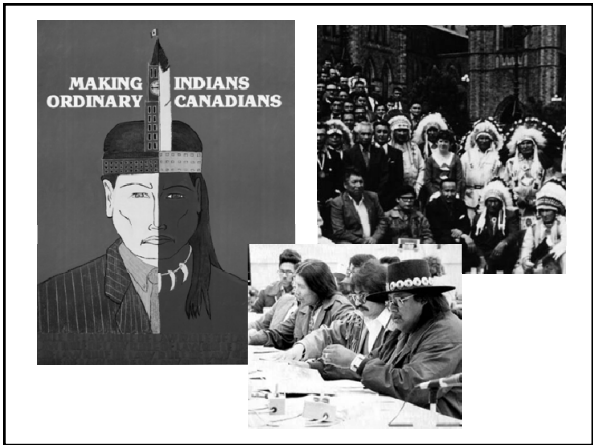
- Was the focus in the late 1800s; the assumption was that Indigenous peoples would be lining up to assimilate
- Was the focus of successive *Indian Acts* from 1876 to at least 1951 by force
- And then came Pierre Elliott Trudeau and his promise of a “Just Society”





- “The history of Canada’s Indians is a shameful chronicle of the white man’s disinterest, his deliberate trampling of Indian rights and his repeated betrayal of our trust.”

-- Opening sentence of
The Unjust Society, by Harold Cardinal, 1969



A Contemporary Resurgence

- Resistance by Canada’s Indigenous people/s to the White Paper initiated a contemporary resurgence of the assertion of Indigenous rights that has changed the face of Canada and advanced dialogue around the world
- The Trudeau-Chretien White Paper was formally withdrawn

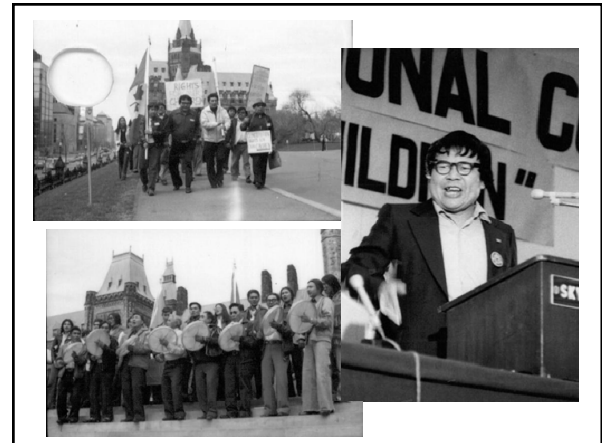
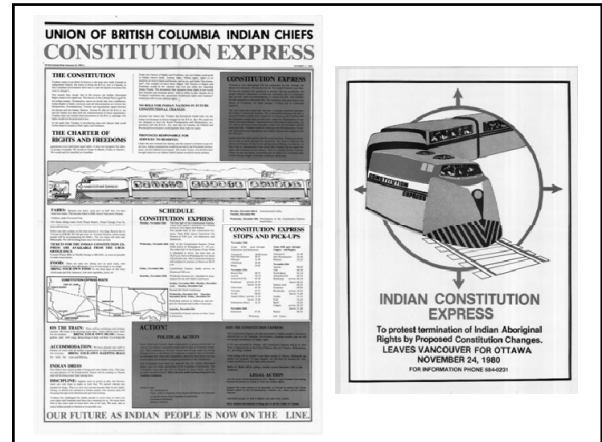
George Manuel (1921-1989)

- *At this point in our struggle for survival, the Indian peoples of North America are entitled to declare a victory. We have survived. If others have also prospered on our land, let it stand as a sign between us that the Mother Earth can be good to all her children without confusing one with another. It is a myth of European warfare that one man's victory requires another's defeat.*

— From *Fourth World: An Indian Reality* by George Manuel and Michael Posluns, 1974

Trudeau & the Constitution

- Trudeau sought to repatriate the constitution
- George Manuel realized that, if it went ahead, Aboriginal rights might be lost forever
- He began to organize interventions in both England and Canada to ensure the Constitution did not come to Canada without recognition of Aboriginal rights



Canada and its Constitution

- Canada would get its constitution
- Aboriginal Peoples would get section 35
- However, "Aboriginal rights" were left undefined



Section 35

- (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
- (2) In this Act, "Aboriginal Peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.
- (3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.
- (4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

Dancing Around the Table



Assimilation in Another Guise

- Canada has officially withdrawn from the policy of assimilation, but continues it in various other guises:
 - A “pan-Indianism” that speaks of “Aboriginal” or “Indigenous” peoples as one ethnic minority rather than diverse nations/peoples;
 - Creating “Aboriginal” programs but keeping the power of definition and setting of priorities within federal control;
 - Gradually divesting the federal government of its responsibilities under the BNA Act by transferring jurisdiction to the Provinces

Alfred & Corntassel: Resurgence

- They talk about identity in a broader sense, i.e., what does it mean to “be Indigenous”
- Rules to live by/basis of resurgence:
 - Land is Life (reconnect with terrain)
 - Language is Power (get outside of colonial frameworks)
 - Freedom is the Other Side of Fear
 - Decolonize your Diet (be more self-sufficient, natural)
 - Change Happens One Warrior at a Time (mentor, be mentored, engage the collective)

Alfred & Corntassel: Resurgence

- “Bringing it all together, being Indigenous means thinking, speaking and acting with the conscious intent of regenerating one’s indigeneity. ... We do not need to wait for the colonizer to provide us with money or to validate our vision of a free future; we only need to start to use our Indigenous languages to frame our thoughts, the ethical framework of our philosophies to make decisions and to use our laws and institutions to govern ourselves.” (p.614)

