

INTRODUCTION

NATIVES & SETTLERS-NOW & THEN

Refractions of the Colonial Past in the Present

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ON APRIL 17,2000, the Medieval and Early Modern Institute presented the interdisciplinary conference "Natives and Settlers Now and Then" at the University of Alberta, featuring several distinguished scholars in the area of Indigenous Studies: now-deceased Aboriginal political leader, Harold Cardinal, who in 2001 was awarded the Lifetime Achievement Award from the National Aboriginal Achievement Awards for his significant contributions to Aboriginal and treaty rights in Canada; Patricia Seed, professor of history at the University of California, Irvine, and author of several highly acclaimed books; Frank Tough, professor of Native Studies at the Faculty of Native Studies, University of Alberta, and principal investigator of the Metis Archival Project; and Cree lawyer Sharon Venne, recipient of numerous awards and author of influential studies in the area of oral traditions and Indigenous rights.

I was honoured to have been invited to help organize this event. I had recently completed my doctoral studies in English at the University of Alberta, with a focus on representations of Aboriginal peoples in early-modern European colonial writings. As a student of early colonialism and a person of Aboriginal ancestry, I had often been struck by the ways in which the historical past continues to exert pressure on the lives of present-day Aboriginal peoples. It had often seemed to me that the historical, political, and legal issues surrounding North America's colonial past and neocolonial present were not often discussed at the post-secondary level, not in the humanities, even though these issues are of increasing relevance to many of us whose work crosses various disciplines and borders. So the idea of an interdisciplinary event that drew attention to historical

and contemporary issues of continuing relevance to Aboriginal peoples struck me as exciting and innovative.

The conference was dynamic, charged with ideas, enjoyed by and of benefit to students and faculty from various departments and to members of the larger community. Addressing such subjects as treaties, treaty-making, Aboriginal rights and title, land claims, identity, representations, education, and nation-building in the Canadian context, the event had an international scope as well, through Sharon Venne's years of experience at the United Nations and Patricia Seed's comparative studies of European colonialism and of treaties in Canada, the United States, and New Zealand.

These presentations and discussions, first recorded and transcribed, and now revised, updated, and printed here for the first time, seem even more relevant today than they did when first delivered. It is clear that, while there have been several developments at the political and legal levels in recent years, the majority of Aboriginal peoples are still unable to access the benefits, rights, and privileges enjoyed by other Canadian citizens. The codes and texts through which racism and xenophobia are perpetuated may have shifted, but there is little evidence that most Native peoples are not still bound by old and familiar patterns of perception. Talk of the "postcolonial" in this country, as in other formerly colonized countries, is academic: on the few occasions when the term "postcolonial" is employed by Indigenous thinkers, it is used either to denounce the terminology of an ill-fitting Western theoretical discourse or to describe a hypothetical route to an imaginary future. As Mi'kmaq educator Marie Battiste writes in *Reclaiming Indigenous Voice and Vision*, the Indigenous scholars in her collection use the term "postcolonial"

to describe a symbolic strategy for shaping a desirable future, not an existing reality. The term is an aspirational practice, goal, or idea...used to imagine a new form of society that they desired to create. Yet we recognized that postcolonial societies do not exist. Rather, we acknowledged the colonial mentality and structures that still exist in all societies and nations and the neocolonial tendencies that resist decolonization in the contemporary world, (xix)

Battiste's words convey a hopeful skepticism shared by many Aboriginal peoples, who critique the postcolonial on the grounds that its theoretical discourses fail to describe adequately the experience and reality of those who continue to be subject to colonialist processes and strategies here in Canada.

The need today to shape a society that resists colonial mentalities and structures as it encourages the full participation of Aboriginal peoples is foregrounded by increasing disparities between Native and settler peoples. The threat of globalism to indigenous cultures and languages is by now well understood. Less considered in academic contexts are the material realities existing in Canada that signify an abysmal failure on the part of our institutions, particularly our educational systems. Despite the so-called "progress" of contemporary society, the statistics relating to every aspect of Aboriginal peoples' lives and livelihood in Canada today—statistics on education, poverty, housing, crime, employment, and health indicate that the present conditions and future outlook for the majority of Aboriginal peoples are deplorable and grim. In the province where I live, Manitoba, the average life expectancy of Aboriginal people lags behind the general population by eight years for men and seven for women; mortality rates for Aboriginal children aged one to four are four times higher than the Canadian average; suicide rates among youth aged 15-24 are five times the national average for males and seven times for females; the Aboriginal proportion of the prison population is about 70 percent for men, higher for women; Aboriginal peoples are far less likely than the general population to complete high school and attend university and far more likely to contract serious illnesses such as diabetes and heart disease; Aboriginal peoples living on reserve often live in delapidated, overcrowded homes (*Aboriginal People in Manitoba*). According to a recent study by the Institute of Urban Studies, while many Aboriginal peoples move to Winnipeg in search of a better life, nearly 50 percent end up homeless because they are unable to find work and adequate housing (O'Brien). On September 27, 2006, several hundred First Nations people marched to the Manitoba Legislative Building as part of a nationwide protest against cutbacks in federal health and other programs, at a time when the Canadian Cancer Society has reported alarming increases in the number of Manitoba Aboriginal people diagnosed with breast, prostate, lung, and colon cancer.¹

Such present-day realities have a long trajectory in North America, dating to a time before the federal government's implementation of the Indian Act of 1876 and the colonial strategies engendered by that paternalistic legislation, such as residential schools. As the following essays demonstrate in different ways, the present is heavily informed by the earliest encounters between Aboriginals and Europeans, when Western assumptions about non-European "savages" began to take shape as colonialist ideology. The contradictory tropes of the noble and ignoble Indian first articulated in the writings associated with Columbus's four voyages, reinforced by sixteenth- and seventeenth-century English writings on

America and its peoples, gave rise to the racist stereotypes and assumptions that made post-Enlightenment colonialism possible, even perhaps inevitable. And the assumptions about Good and Bad Indians that evolved during the Renaissance, static ideas about welcoming, friendly Indians on the one hand and ignorant savages on the other, remain with us in numerous contemporary configurations (see Francis).

Marie Battiste states that colonial structures and tendencies "can only be resisted and healed by reliance on Indigenous knowledge and its imaginative processes" (xix). While an increased awareness of Aboriginal epistemologies and perspectives would undoubtedly encourage positive social change, it is also increasingly important for the mainstream population to better understand the European history of colonialism in North America, and the ways European knowledges intersected, often clashed, with Aboriginal knowledges. The mainstream population knows very little-is being very little taught-about the historic relations between Natives and settlers, and why and in what forms these historic relations continue to play out in the present.

The city where I live, Winnipeg, continues to face the challenges of other Canadian cities with a large urban Aboriginal population. While this heterogeneous community has the potential to be an international leader in the area of human rights,² the day-to-day relations between its non-Aboriginal and Aboriginal populations (comprised mainly of Anishinaabe, Cree, Metis, Dene, and some Inuit peoples) are often strained. A recent controversy involved city council's release in September 2003 of its 15-point strategy to reduce poverty and improve housing and employment for Aboriginal peoples, called "First Steps: Municipal Urban Aboriginal Pathways." A major part of this strategy is urban reserves, something most members of the public know little about but seem to fear a great deal. The main criticism expressed in all public discourses is that urban reserves will give unfair tax advantages and other incentives to Aboriginal businesses, although the tone of the criticism also suggests that many are anxious about the idea of an Indian reserve being built right in our own backyard. City councillor John Angus observed, "The word 'reserve' causes everyone to have fits." Poplar River's Raven Thundersky pointed out that while Saskatchewan has 21 urban reserves, Winnipeggers spring into hostile reaction at the thought of one here (Sanders and "Mayor Will Fight for Urban Reserves"). An editorial in the *Winnipeg Free Press* commented on this "hostile reaction":

The word "reserve" evokes, in some people's minds, an expanse of land where the native people live and where, every now and

then, they set up road blocks to stop traffic on the highway. If you transplant that image into Winnipeg, you get the idea that there's going to be a district of Winnipeg that will be run by a band council, where the city's authority will not run and where people who are not members of the band may not be welcome. ("Reserve Judgment")

Sixty percent of Winnipeggers demanded a referendum on the issue while then Mayor Glen Murray drew much criticism by stating that there would be a plebiscite like the one that blocked an urban reserve casino proposal in Thompson, Manitoba, "over my dead body," adding that he wouldn't let "the tyranny of the majority" overrule rights to which First Nations are entitled through treaties signed generations ago ("Mayor Will Fight for Urban Reserves").³

The linguists Kress and van Leeuwen argue that Western traditions of representing "otherness" through written discourse may be coming to an end and that visual codes are replacing textual ones in late modernity (Hallam and Street 8).⁴ Of course, visual representations of "others" in Western traditions have since ancient times conveyed assumptions both about the centre of humanity and the forms of homomonstrosity imagined to dwell at the centre's edge. Europeans since the earliest contacts in America, and the English since the 1580s, have recognized the ideological value of visual representations of Aboriginal peoples that are unequivocally negative or positive, rarely neutral or what we might think of as realistic (DePasquale, "Re-Writing the Virginian Paradise"). Like the visual codes of the past, today's signifying texts produced by non-Aboriginal peoples include a range of images of romanticized or vilified Indians, commodified in Hollywood movies, sports team logos, and on product labels, or used by media, sometimes only, it seems, to affirm mainstream assumptions. In Winnipeg there are hotels named after Indian nations, located on busy streets-with Indian names, using large neon signs with noble savage imagery to promote lodging, ladies' night, and cold beer sales. An article in the newspaper on Winnipeggers' hostile reaction to the recent ban on public indoor smoking is illustrated by a photo of a group of Natives smoking outside of a casino in wintertime. To promote hydroelectric development in the North, particularly the \$1-billion-dollar Wuskwatim hydroelectric generating project currently under construction in partnership with the Nisichawayasihk Cree Nation, Manitoba Hydro paints a mural on one of its buildings of a young Native female, smiling, arms outstretched in welcoming gesture, a pristine wilderness as background.⁵ The caption, "protect my environment," reflects

a ventriloquism not unlike that deployed by English colonialists of the late sixteenth century who, as a way to promote westward expansion, constructed the image of the welcoming Indian in need of the superior European power's protection and aid. These sorts of everyday representations produced by non-Aboriginals contribute to the misperceptions of a mainstream public that is already uneducated about, but generally disinclined to support, Aboriginal issues.

To counteract the negative public image of urban reserves, the *Winnipeg Free Press* printed information about the Manitoba Treaty Land Entitlement Framework Agreement (MTLE FA), which makes the creation of urban reserves possible. Signed in 1997 between 19 First Nations (which became 20 when one split into two), Canada, and Manitoba, the agreement makes land available to the 20 First Nations in an effort to settle the debt owed because these nations did not receive all land promised under Treaties 1, 2, 3, 4, 5, 6, and 10.14 signatories to the MTLE FA have begun settling their claims, and six are eligible to build an urban reserve in any city or town in Manitoba. Manitoba is the only Western province without an urban reserve; British Columbia has about 30, Saskatchewan 20, and Alberta one (Sanders; Sinclair). The paper also published details of a public forum organized by city council to reassure Winnipeggers that urban reserves would not lead to what many said they feared: a depressed eyesore with derelict cars and house trailers, a place of lawlessness, cigarette smuggling, gun running, or businesses that led to increased taxes or the failure of non-Aboriginal businesses. "I learned a lot," said one retired woman from the affluent neighborhood of Tuxedo. "Some people came here rather afraid, but we'll go home feeling much different. I have a better understanding of the issue" ("Public Forum Eases Urban Reserve Fears"). Once historical facts and actual experiences were made available, the controversy surrounding urban reserves eased up a little and currently awaits the outcome of several proposals by Manitoba bands, not without ongoing public criticism.⁶

The urban reserve controversy suggests that a significant obstacle to the socio-economic health and revitalization of Aboriginal peoples today is not always a lack of political will, for both Winnipeg's former mayor Glen Murray and present mayor Sam Katz have publicly stated their support for urban reserves, but, rather, deeply engrained assumptions held by mainstream peoples. The challenge is one of education: with few exceptions, the non-Aboriginal students I teach have had little or no introduction before university to the kinds of issues that might encourage an understanding of the realities facing Aboriginals. For example, I have often wondered how it is possible that here in Winnipeg, the city with the

highest percentage of First Nations and Metis people in Canada and the birthplace of Manitoba's founder Louis Riel, so few students are taught anything before university about the Manitoba Metis Federation's quarter-century-old land claim, currently in the courts, to about 1.4 million acres of land in and around Winnipeg, a claim amounting to several billions of dollars. That mainstream peoples routinely inhabit and travel on lands once belonging to Aboriginal peoples, travel on streets with Aboriginal names, without considering the historical processes that made the land available for settler peoples, suggests the ongoing failure of our educational systems.⁷ Students seem to hear even less about national issues, unless, of course, media reports some crisis that only confirms stereotypes of Aboriginal peoples as easily agitated and prone to violence, such as the recent Six Nations blockade of disputed lands in Caledonia, Ontario.

Similar attitudes are reflected in a broader North American context that tolerates and even supports ignorance on the subject of Aboriginal issues. While most recognize that overt forms of racist thought are no longer acceptable, many support implicit forms, such as the continuing appropriation of Aboriginal images and voices by a wide range of non-Aboriginal industries—Hollywood movies, automobiles, oil and gas, tobacco, sports, food and health, and even flooring materials. Such industries profit from the production of images that are often historically and culturally inaccurate and sometimes demeaning of the peoples represented. Mainstream North America largely ignores or elides Aboriginal perspectives and actively disavows its colonial legacy. For example, a tourist could take the guided walking tour of Historic Jamestowne in Virginia, the site commemorating the first permanent English settlement in America founded in 1607, jointly administered by the Association for the Preservation of Virginia Antiquities and the National Park Service, and not hear anything unless he asks about the powerful Powhatan Algonquian peoples who occupied and controlled much of the eastern seaboard at the time of English arrival, or their near-genocide by settler peoples.⁸ I was surprised on a recent tour when our guide stopped at the rather imposing statue of Captain John Smith, gazed up admiringly, then announced that Smith was his favourite of all English explorers. Our guide spoke enthusiastically of the lively and youthful Pocahontas, who at around thirteen years of age performed cartwheels in the nude right around this very spot to entertain her English guests. He offered, "To the ladies present, I invite you to perform a few cartwheels of your own if you would like to re-enact that early moment in our great nation's history." Our tour ended at William Ordway Partridge's statue of Pocahontas, arms outstretched in her famously welcoming, calmly submissive gesture.⁹ We were then

invited to have a look around the gift shop, where visitor's are greeted by rows of smiling Indian dolls, hair in braids, wearing beaded headbands and buckskin dresses, with names like "Smiling Beauty" and "Baby Indian Princess." If, as Stuart Hall believes, communication is always linked to power and meaning is in part evoked by what is not said (see *Representations*), then it is easy to understand the need to disavow the history of colonialism and make Aboriginal peoples complicit in and even somehow forgiving of their fate. Among the results of this disavowal in the United States today is a lack of constitutional protection for the legal rights of American Indians and their treaties so that current definitions of Indian rights and sovereignty are largely inconsequential (see Deloria and Wilkins).

Here at home, because young people are taught little about Canada's colonial history, even many intelligent, well-intentioned undergraduates bristle when informed that the federal government spends over \$8 billion every year on programs such as education, health, social assistance, and housing. The majority arrive at university steeped in all the negative assumptions and stereotypes, believing on some fundamental level that Aboriginal peoples themselves are responsible for the high rates of unemployment, poverty, incarceration, and poor health in their communities. It is often a challenge to encourage students to engage in a process of "decolonizing the mind," a process that for Metis scholar Melissa Nelson includes "questioning my certainty about things [and asking,] where do my thoughts and ideas come from?" (116). The things that young non-Aboriginal peoples often regard as "handouts" to Aboriginal peoples—education, medical care, and social assistance—are, from the perspective of many, rights promised under the terms of the historic treaties.

Resistance to change is strongest when people believe that they or their communities will be negatively affected in some way. A good example is the recent controversy that attracted national attention surrounding the name of Morden Collegiate's hockey team, the Morden Mohawks, now renamed Morden Thunder. In 2002, then grade twelve student Meghan Menzies initiated the debate in this small Mennonite farming community in Manitoba after considering that the forty-year-old name and team crest with an image of a screaming Mohawk warrior might be offensive to some. The majority of students and community residents, approximately 86 per cent according to a recent ballot, believe that the name change is an insult to former graduates. "Mohawks are who we are and who we've been," protested one student. Another agreed, "I think our name should stay—our parents graduated as Mohawks." Some feel that the name honours Aboriginal peoples and traditions. "These people

should lighten up," one local resident stated. "[The name] denotes a certain kind of person—there's fear, aggression, respect. You're a hockey team, come on. If I made a hockey team called Mohawks, I'd say 'hey, I've done something.'" Others disagree. Terry Nelson, chief of nearby Roseau River First Nation, questioned, "If I put a team together in Roseau River, how about the Ojibway Mennonites? How about the Morden Jews? The Morden French? If my Ojibway Mennonites team scores a goal and I go [drawing a cross in the air with his hand], do you find that offensive, or am I honouring you?" ("Morden School to Drop Mohawks Name").¹⁰

If the collective will to uphold traditions that engendered the appropriation of Aboriginal imagery for use in sports remains entrenched, the controversy surrounding urban reserves in Winnipeg suggests that settler peoples will vigorously contest Aboriginal entitlement to lands based upon assumptions rooted in the past. A letter to the editor of the *Winnipeg Free Press*, published on October 24, 2003 in the context of public debates about the meaning of the historic treaties, illustrates this tendency:

When I read the treaties covering the area from eastern Ontario to the Rocky Mountains, I see the words "(the Indians) do hereby cede, release, surrender, and yield up to Her Majesty the Queen... all the lands..." in Treaties 1 and 2, and the words "(the Indians) do hereby cede, release, surrender, and yield up...all their rights, titles and privileges whatsoever to the land..." in Treaties 3 to 7. I cannot understand how anyone can claim that the treaties are simply an agreement for peaceful coexistence with an extremely limited transfer of land rights.... Wishful thinking cannot change fact. (Uchtmann)

Government representatives and settler societies have employed this same narrow thinking for years in order to justify the expropriation of Aboriginal lands. As Jean Friesen explains, "To the [treaty] commissioners as to most Canadians then and now, the treaties were considered a 'once and for all' way of clearing the land of the legal obligations of Indian title" (210)."

Several interconnected colonial myths inform the view that Indians gave up their lands at the time of treaty-making. One is the myth of the passive, unsophisticated Indian who easily submits to superior European technologies. This myth entered Western consciousness through Columbus's perceptions of the "simple" and naked inhabitants of the Caribbean, the Taino and Arawaks, who believed, according to Europeans, that the travellers had come from the heavens. The myth of the passive and simple Indian has affected the expectations of travellers, writers,

colonizers, and artists ever since, even though the documentary evidence shows that Aboriginal peoples from the earliest efforts to colonize North America possessed an experience and agency in areas like warfare and trade that seriously undermine claims of European mastery in the new world (DePasquale, "Worth the Noting"). This history is consistent with evidence that suggests that nineteenth-century Indian politicians and diplomats exercised a great deal of agency when they negotiated the historic treaties (Friesen 206).

Another colonial myth is rooted in unquestioned assumptions about the perceived right and legal authority of Christians to occupy foreign territories (Washburn, *Red Man's Land*). English justifications for the expropriation of foreign lands were first expressed in Thomas More's *Utopia* (1516), the earliest English attempt to elaborate a theory of colonization (Quinn). More wrote that land could legitimately be taken "[w]hen any people holdeth a piece of ground void and vacant to no good or profitable use: keeping others from the use and possession of it, which, notwithstanding, by the law of nature, ought therefore to be nourished and relived" (book 2, chapter 5). According to Wilcomb Washburn, colonizers employed three main arguments to expropriate Indian lands, each justified by the Old Testament: God made room for settlers through gift, purchase, or legitimate expulsion of heathens by war. A foreign people could also occupy vacant lands without permission or purchase in order to cultivate them ("The Moral and Legal Justification"). The European assumption of easy and lawful access to lands in America, reinforced by missionary rhetoric, provided the foundation for post-Enlightenment colonialism in North America, engendering processes, such as treaty-making under John A. Macdonald's Conservative government in the late nineteenth century, intended to transfer vast areas of interest and control of lands from Aboriginal peoples to settlers (see Stonechild and Waiser).

The above letter also reflects a lack of awareness of contemporary developments in Canadian politics and law concerning the "spirit" of the treaties, as distinct from their written form. In the 1973 "Statement on Claims of Indian and Inuit People," one of the early federal statements on treaty policy in modern times, then Minister of Indian and Northern Affairs Jean Chretien announced that the Canadian government "recognizes the importance of full compliance with the spirit and term of your treaties" (qtd. in Price xiii). Important as an anticipation of future directions, this statement had little effect on the courts because, as Price explains, the Crown tends to limit interpretations of the historic treaties to the strict written terms and is strongly influenced by the Euro-Canadian court system, although the courts have become more open to trying to under-

stand both Aboriginal and government perspectives (Price xiii). In 1996, the Royal Commission Report on Aboriginal Peoples recommended that "[j]ustice requires the fulfillment of the agreed terms of the treaties, as recorded in the treaty text and supplemented by oral evidence" (2.2.2, qtd. in Price ix). The 1997 Supreme Court of Canada *Delgamuukw* decision further supported oral histories by deeming that they need to be taken into account along with other evidence.

In recent years scholars have acknowledged the importance of reciprocity behind the historic treaties and agreements made between the Crown and First Nations across Canada, between, that is, nations considered sovereign at the time of treaty-making, according to interpretations of Section 35 of the Constitution Act of 1982. Part i of this section "recognizes and affirms" the "existing aboriginal and treaty rights of the aboriginal peoples of Canada."¹² The Royal Proclamation of 1763, the first pre-confederation treaty, began the European process of treaty-making in Canada by acknowledging the need for the consent of First Nations in negotiations for their land. Recognizing the role of First Nations as allies in Great Britain's military struggle against France, the Royal Proclamation promised not to allow agricultural settlement of Indian territories until Aboriginal peoples first ceded land to the Crown through treaties. The policy of negotiating for Crown control of Indian lands continued through the late eighteenth and nineteenth centuries with other pre-confederation treaties, such as the Selkirk Treaty of 1817, signed by Saulteaux and Cree First Nations and the Government of Canada; the Robinson Treaty of 1850, signed by Anishinaabe First Nations and the Government of Canada; and the Manitoulin Island Treaty of 1862, signed by Ottawa, Chippewa, and other First Nations and the Government of Canada. Treaty-making was well established around 1868 when the Hudson's Bay Company ceded Ruperts Land and North Western Territory to the Crown (Stonechild and Waiser 6-7).

Following Confederation, eleven numbered treaties between First Nations stretching from James Bay to the Rockies and the Government of Canada were negotiated between 1871 and 1929. In the government view, Aboriginal peoples agreed upon land surrender and the maintenance of peace in exchange for benefits that varied from treaty to treaty but generally included a small cash annuity, reserves of land, schools, agricultural assistance, and hunting and fishing supplies (Taylor 3-7).¹³ More recent comprehensive claims agreements involving land and self-government have been settled since 1973, when the federal government, following the Supreme Court of Canada's *Calder* decision, first recognized Aboriginal land rights based on Aboriginal title. These agreements include the James

Bay and Northern Quebec Agreement (1975), the Northeastern Quebec Agreement (1978), the Gwich'in Agreement (1992), the Nunavut Land Claims Agreement (1993), the Sahtu Dene and Metis Agreement (1994), and the Nisga'a Final Agreement (2000).

For much of the twentieth century the historic treaties have been interpreted by scholars not as the sacred commitments they are to many Aboriginal peoples, but as tragic examples, writes Jean Friesen, "of misunderstanding' or of the ignorance of Indian leaders" (204). This so-called "ignorance," one of the colonial myths I examined above, was recently put into perspective for me by Omushkego ("Swampy Cree") historian Louis Bird, of Winisk First Nation. Bird discussed David Sutherland (ca. 1880-1963), the brother of his grandmother, Maggie Sutherland, and one of three signatories of the Treaty Nine adhesion around 1930, an extension of the 1905 treaty. In 1957, David Sutherland was interviewed by missionaries about his experiences, including the treaty-making. The original reel-to-reel tapes in Cree were destroyed sometime after the Winisk flood in 1986, but an English translation of the interview is part of Bird's oral history collection.¹⁴ Louis Bird explained that some of Sutherland's responses when the priests asked him about the treaty were not recorded and are therefore not part of the historical record. According to Bird, David Sutherland was frustrated and disappointed on the subject of the treaty:

David said,

"I don't understand the treaty. I don't know the meaning of this treaty. He [the commissioner] talks about the land, but that's not the way I see the land. I didn't think anyone possessed the land." [The commissioner] talked about the way he uses the land, and the idea didn't make any sense to David. He just didn't understand. Too much, too far different idea. So he just listened, didn't ask another question. There were three of them, my grandfather too, and also Xavier Patrick. And the three Elders were sitting there, but they didn't understand exactly what the treaty-making mean. And the land? To give the land—your land—in exchange for what? And then the priest asked David,

"Didn't you ask any questions at all to these commissioners?" And he says, "No. No way." After negotiating, they were sent home to go to bed and talk to the people. Which they didn't. They talked about it a little bit amongst themselves. It was too late, and they were so confused, according to them. So finally, "Well, we might as well just sign the papers." And that's how they submit. And

the next morning, the commissioner says, "Okay. You have been informed about the treaty, and the treaty represented the three of you, the three Elders have signed the agreement. Now that's done. Now we have to elect a chief." So they elected a chief. Xavier was elected chief because he was younger. And then after they elected a chief—which they did very quickly—the commissioner says, "Okay. You are the chief. We give you this badge, and this flag, to represent that you submit to this magistrate's government which will protect you, and you abide by the law, and you will be subject." The translator was not saying exactly what the commissioner said. The translator said: "The law will be given and the government will protect you." That's how this treaty was. And then Xavier was asked, "Do you have any questions?" The chief was supposed to speak and question things. He didn't. He was a leader amongst the people. So he was supposed to speak at that time when they were sitting with the commissioners. He was supposed to ask questions, but he didn't. Xavier just submitted, that's what David said. He just said, "Yes, yes, okay," and that's all he said. He didn't ask questions. And after that it was too late to ask because they'd already signed the treaty. David was saying that, in offense [upset, disappointed], when he was talking to the priest. And he says, "Unfortunately, we did not comprehend what was happening."¹⁵

The treaty relations and negotiations between Natives and settlers from the nineteenth to the early twentieth centuries were unequal, guided by two very different sets of principles regarding land ownership. While traditional Aboriginal relationships with the land were communal and conservationist (Usher), Euro-Canadians were motivated primarily by private and commercial interests. From the perspective of many who have traditionally viewed Aboriginal peoples as stewards of the land for the Creator, it is inconceivable that those at the time of the treaty could possibly have agreed to "cede, release and surrender and yield up to the Government of the Dominion...all their rights, titles and privileges..." as is written in the treaty texts (Price xiv) .^T The knowledge and values of Aboriginal peoples that shaped principles antithetical to European objectives should certainly not be misinterpreted as an indication of ignorance.¹⁷

With numerous outstanding grievances in Canada today, including a backlog of over 1,000 unsettled land claims cases affecting much of Canada and most of British Columbia, we are at a critical period in Native and settler relations today. Expectations—and doubts in this post-Kelowna

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Accord era—are high today for the resolution of outstanding grievances. Aboriginal peoples first took collective action in an effort to redress treaty issues when Chief Beardy of the Willow Cree hosted a council in the summer of 1884 (Stonechild and Waiser 60). In June 1970, Harold Cardinal suggested to Prime Minister Pierre Trudeau that Indian claims be handed over to an impartial claims commission for settlement. Many years later it remains to be seen if effective change can be implemented at the political and legal levels. The ongoing confrontations between residents of Caledonia, Ontario, and members of the Six Nations highlight the mistrust that still-exists between Native and settler peoples today, the volatile nature of that mistrust, the failure of governmental policies past and present, and the urgent need for resolution ("This Land is My Land"). Given the uneven distribution of resources and opportunities existing in the nation-state, and increasing tensions on all sides, it requires no stretch of the imagination to say that the safety, well-being, and livelihood of many Canadians are at stake today.¹

Along with effective resolution, what is needed is an informed, educated citizenry aware of the ways in which past colonialist tendencies and practices continue to shape the realities of Aboriginal peoples. A sustained willingness to engage in education of this kind will help make developments at the political and legal levels meaningful to the majority of Aboriginal peoples, whose access to rights and benefits is often denied not simply by colonialist governments and structures, but by persistent modes of thinking in the broader society.

The following essays and discussions will not resolve any of these tensions, but it is hoped that they will contribute to ongoing debates and raise awareness of the historical and contemporary issues affecting present-day Native and settler peoples.

Natives and Settlers Now and Then: The Essays

In *Indigenous Difference and the Constitution of Canada*, Patrick Macklem argues that Aboriginal participation in treaty-making, along with their status as distinct cultures that occupied and exercised sovereign power over specific territories prior to contact, constitute what he calls "Indigenous difference." Sharon Venne's essay, "Treaties Made in Good Faith," shows that Aboriginal peoples did not merely participate in the treaty-making process; they had developed it long before contact with Europeans as a way to co-exist with neighbouring nations. Venne discusses the meaning and terms of treaty-making in the context of Treaty Six as she has learned it from her Cree Elders. The words the Elders often repeat, "as long as the waters flow," refer, Venne explains, to the Plains Cree belief

that the treaty their ancestors negotiated in 1876 at Fort Carlton and Fort Pitt, Saskatchewan, would last for as long as water flows when women give birth. She contextualizes her Plains Cree understanding of Treaty Six by referring to the two agreements Cree peoples reached long ago in present-day Alberta with Blackfoot and Dene peoples. The demarcations imposed by these "living spirits," the peace treaties, continue to be acknowledged by many Aboriginal peoples today. Drawing on her extensive participation with the Working Group on Indigenous Peoples at the United Nations, Venne then offers a promising examination of how international mechanisms are contributing to a better understanding of the importance of Canada's historic treaties.

The colonizer's preoccupation with land is nothing new, as Patricia Seed shows in "Three Treaty Nations Compared: Economic and Political Consequences for Indigenous Peoples in Canada, the United States, and New Zealand." England has in fact been preoccupied with land ownership since the Middle Ages. She traces the foundation of the English legal system to ownership of soil and finds that the first official legal acts of English sovereignty in the New World, Queen Elizabeth's letters patent in the late sixteenth century, established this pattern by entitling Sir Humphrey Gilbert and Walter Raleigh to "have, hold, occupy, and enjoy all the soil" in the newly discovered territories. Land ownership constituted the cultural heart of the English invention of America as theirs. Since occupation of the soil and distributing it according to English law were the officially designated goals of English colonization, it is not surprising that the central concern of Aboriginal peoples subject to an English colonial system is to restore land and resource ownership in the present day.

The preoccupation with land ownership led to the development in the late nineteenth and early twentieth centuries of processes, such as the numbered treaties, intended to extinguish Aboriginal title. Often overlooked are similar strategies the Crown implemented in order to extinguish Metis Aboriginal title. In "The Rights to the Land May Be Transferred': Archival Records as Colonial Text—A Narrative of Metis Scrip," Frank Tough and Erin McGregor provide the first in-depth examination of the Metis of Northwest Saskatchewan's land claim against the governments of Canada and Saskatchewan. By reconstructing the paper trail relating to Eli Roy, a Metis man who in 1906 was granted, but never received, 240 acres of land, Tough and McGregor expose the realities and inequities of the colonial scrip system that prevented many Saskatchewan Metis from taking ownership of lands to which they were entitled,

Discussing the "predatory mentality of Eurocentric thought" in Western academic disciplines, Marie Battiste and James (Sa'ke'j) Youngblood

Henderson in *Protecting Indigenous Knowledge and Heritage: A Global Challenge* (2000) deconstruct this cognitive imperialism in an effort to negotiate a path for Indigenous heritages and perspectives. John Borrows, in *Recovering Canada: The Resurgence of Indigenous Law* (2002), uses examples from Ojibwe oral traditions and the Six Nations Two-Row Wampum to indicate ways in which First Nations and Canada can integrate competing worldviews into a renewed vision of Canada's constitution. In his essay "Nation-Building: Reflections of a Nihiyow [Cree]," Harold Cardinal reflects on his many years of experience as a political leader and scholar of both Western and traditional Cree knowledges. The process of decolonization and nation-building is fairly new in Canada, slowly underway since the patriation of the British North America Act in 1982. Aboriginal peoples today must examine several important questions. Because of the negative effect on communities and families of legal definitions of "Indians" under the Indian Act, including Bill C-9, the most urgent question, according to Elders, is *Awina maga kee anow*, or "Who is it that we really are?" Cardinal discusses the lessons to be learned from a comparative analysis of Western and Aboriginal knowledges, and shows how Elders can be involved in the process. Examining the most comprehensive doctrine of law among Cree peoples, known as *Wa-koo-to-win*, the law governing human relationships, Cardinal explains the continuing vitality of this doctrine in an era of treaty implementation and a newer understanding between nations.

About the Editorial Process

Harold Cardinal and Frank Tough's original presentations were delivered with the use of only a few notes, and, in Tough's case, overheads. Sharon Venne used no notes during her presentation, preferring, she explained to me afterward, to speak without notes as a way of exercising the abilities the Creator gave her. Patricia Seed spoke informally and read from parts of her book *American Pentimento: The Pursuit of Riches and the Invention of "Indians."* The audiocassette recordings of the original presentations, questions, and discussions were transcribed by Nancy Van Styvendale. These transcribed talks were then sent to the contributors with a request for correction and revision. Frank Tough enlisted the assistance of Erin McGregor to help develop his presentation into essay form. The individual essays went back and forth between me and the contributors many times, with comments and suggestions intended to improve the flow and understanding of material for readers, including students and non-experts. Contributors were invited to maintain the informal diction and other oral qualities of their original presentations, since all involved

agreed from the beginning that the finished book would do well to reflect the sense of dialogue and ongoing discussion that made the original event so rewarding and memorable.

The terminology Aboriginal peoples use to describe themselves and their communities varies widely and has not been standardized. I have left such decisions, including decisions about which words to capitalize, up to the contributors. Also, I have not imposed guidelines that might have resulted in greater consistency between the essays; because of their unique subject matter and the expertise and interests of individual contributors, they vary in both form and content. Despite their many differences, the essays gathered here tell a coherent and mostly lamentable story about the interactions between Native and settler peoples in historical and contemporary times.

NOTES

- 1 On the "disgrace of the third-world conditions" in Aboriginal education, employment, and health in Manitoba, see "Aboriginal Schooling." See also Michael Lawrenchuk's documentary on the living conditions in northern Manitoba, *As Long as the Sun Shines*. See also Aboriginal Task Group, Rabson, and Skerritt.
- 2 Still in the works despite government cutbacks to museums across the nation are plans to build the Canadian Museum for Human Rights, projected to open in Winnipeg in 2010 at a cost of over \$300 million (www.canadianmuseumforhumanrights.com). The museum is expected to educate over 100,000 visitors each year about historical human rights abuses in Canada and around the world. The museum has been called "Canada's gift to the world, a means of high lighting this country's dedication to the belief that human rights are inalienable, the cornerstone of peaceful and civilized society" ("A Liberal Contribution").
- 3 On the criticism against Murray, see "Mayor Defends Reserves" and the letters to the editor devoted to the controversy in the *Winnipeg Free Press*. 13 Sept. 2003: A1. Glen Murray defended his position in "Treaty is a Treaty, Deal is a Deal."
- 4 Stuart Hall regards visual media as the privileged sign of late modern culture. See Hall, "Representation and the Media"; and Hall, *Representations: Cultural Representations and Signifying Practices*.
- 5 Construction of the controversial generating station on the Burntwood River in northern Manitoba began on August 1, 2006, after much debate and division among members of northern communities still affected by Manitoba Hydro flooding at Cross Lake over 25 years ago. The mural can be viewed at http://www.manitobawildlands.org/develop_hydro.htm.
- 6 See, for example, Herb Schulz's letter to the editor of October 2, 2006, "Urban Reserves a Tax Dodge." For details about the history of urban reserves and highly successful models in Saskatchewan, see F. Laurie Barron and Joseph Garcea, eds., *Urban Reserves: Forging New Relationships in Saskatchewan*.
- 7 In a 2002 telephone survey of over twenty non-Aboriginal businesses and institutions listed

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in the Winnipeg white pages with the word "Dakota" in their name, several located on busy Dakota Street along the Assiniboine River, not one representative could say why the word "Dakota" was in their business's name, or anything beyond the simple association of "Dakota" with "a tribe of Indians." Taking a guess at why the word "Dakota" appears in his own school's name, one senior administrator offered, "We're located on Dakota Street—I'm assuming that's how it works."

Allies with the British beginning with the Treaty of Paris in 1763 and loyal throughout the American Revolution in 1776 and in the war against Britain in 1812, Dakota peoples were stripped of their vast lands through several treaties with the Americans from 1815 to 1851. Seeking refuge from American persecution south of the border, the first bands of Dakota reached the Red River settlement in the early 1860s, inhabited parts of the city along the Assiniboine River, and eventually re-settled on several Dakota reservations throughout Manitoba as the city of Winnipeg grew (Eliasg-ig).

8 On the precontact history of Powhatan peoples, see Helen C. Rountree, *Pocahontas's People and The Powhatan Indians of Virginia*.

9 An online tour of Historic Jamestowne is available at <http://www.apva.org/tour/pocastat.html>. Not surprisingly, at this website celebrating the English settlement there is an absence of information about the significance of Powhatan Algonquian peoples and their near genocide, though readers will find links to details about the frequently romanticized life of Pocahontas and numerous references to ambushes, attacks, and killings by Indians (see <http://historicjamestowne.org/index.php>). Gearing up for the 400th anniversary of Jamestown, much is made, however, of the discovery since 1994 of over a million objects relating to the English colonists and their way of life at James Fort. The most celebrated discovery to date is the remains of a high-ranking colonist, possibly Captain Bartholomew Gosnold, the principal organizer and administrator of the early Jamestown effort.

The Pocahontas statue was planned in 1906 to mark the 300th Jamestown anniversary but not unveiled until 1922, due to the difficulty of securing funding for the project in an era when, according to William Rasmussen and Robert Tilton, "Pocahontas had two strikes against her: she was an Indian and an independent woman" (44). For details on the statue's "dramatic, theatrical stance" and "visually appealing" but culturally inaccurate dress and design, see Rasmussen and Tilton 43-44. Their book, *Pocahontas: Her Life & Legend* (1994), published by the Virginia Historical Society with support from The Walt Disney Company, concludes with a glowing assessment of Disney's animated film, *Pocahontas* (1994).

10 See also "Board Tells School to Pick Team Name" and "Morden's Mohawks are History."

11 The following three paragraphs are a development of my response to this letter, "Recognize Spirit of Treaties."

12 For debates surrounding the issue of Aboriginal self-government arising out of Section 35 of the Constitution Act, 1982, see the bibliography at http://www.ainc-inac.gc.ca/pr/trts/hti/bib/con_e.html.

13 The texts of the Selkirk Treaty, the Robinson Treaty, the Manitoulin Island Treaty, and treaties one through seven are available in Morris. For useful timelines, maps, and full text versions of many historic treaties, see http://www.ainc-inac.gc.ca/pr/trts/hti/site/mainindex_e.html. Aboriginal and treaty rights and the issue of compensation are examined in Mainville.

14 John Long discusses treaty-making at Winisk and the 1957 interview with Sutherland in "Who Got What at Winisk, Treaty-Making, 1930."

15 Interview with the author. Bird reflects on the effect of the treaty on his people in chapter 9 of *Louis Bird, Telling Our Stories: Omushketjo legends and Histories from Hudson Bay*.

16 The Ontario District Court in *R. v. Battisse* (1978) held that in the case of Treaty Nine itself "the parties to the Agreement were on grossly unequal footings. Highly skilled negotiators

were dealing with illiterate people, who, though fearful of losing their way of life, placed great faith in the fairness of His Majesty, as represented by federal authorities" (qtd. in Imai 31). For a history not unlike that related by Louis Bird, see the details of the Sayisi Dene's signing of the Treaty Five adhesion in 1910, which made land in northern Manitoba available for the northern extension of the railroad from The Pas to Churchill, in Tough "As Resources Fail" 99-113 and Bussidor and Bilgen-Reinart 25-28.

17 Not all treaty negotiations were as one-sided, of course. Eyewitness accounts of the words, actions, and counterdemands of Cree leaders such as Mistawasis, Poundmaker, The Badger, and Ahtahkakoop during Treaty Six negotiations suggest that these leaders were highly aware of the issues and often forthright with their perspectives and concerns (Stonechild and Waiser 5-26).

18 I am also aware that the successful implementation of agreements already reached, such as the Nisga'a and Nunavut Agreements, is another matter entirely. See the keynote addresses and other texts from the "Achieving Objectives" conference, June 27-30, 2006, hosted by the Land Claims Agreement Coalition, available at <http://www.consilium.ca/alcc2006/main.html>. For a disturbing picture of the obstacles impeding the implementation of "just" Article 23 of the Nunavut Land Claims Agreement, "to increase Inuit participation in government employment in the Nunavut Settlement Area to a representative level," see Thomas Berger's keynote address, 8-14.