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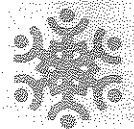
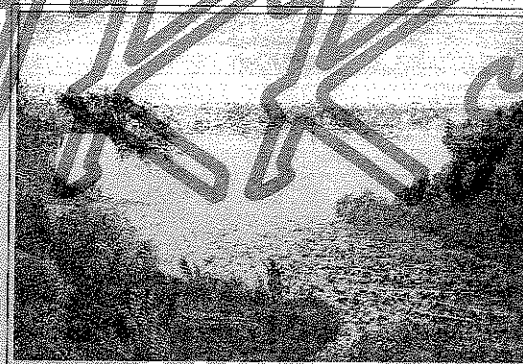
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YOUR INVITATION TO ONTARIO'S BICENTENNIAL

It's a once-in-a-lifetime opportunity to get to know ourselves and one another and to celebrate together where we have come from, who we are, and where we are going.

It's a rare chance to set aside for a year our customary reticence and share the pride in our achievements as a people and the spirit of starting fresh which has brought us to this point and holds such promise for the future.

1984 marks the 200th anniversary of the first major settlements in this province, but reaches beyond this commemorate alike Natives and Newcomers, Voyagers and Localists, artists and artist, entertainer and inventor, people from around the world who have journeyed here, shaped and shared in our community life, and enlarged our sense of the possible.

And more than this, 1984 affords the unique opportunity to rediscover ourselves, and explore both our heritage and our broadening horizons.

We will remind ourselves of the early French explorers, traders and missionaries as we will honour all those who have settled here as well as our Native Community who have more than 10,000 years of living in harmony with the land.

We invite each of you now to the powwows, pageants and parades that are being planned in cities, towns and villages across Ontario.

And we invite you all - citizens, community groups, municipalities, and service organizations - to join in, and play your part and share your plans for this very special year.


Hon. William G. Davis Premier

Hon. Margaret Birch Minister

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FARE

1784 – 1984, CELEBRATING TOGETHER?

BY

TONY HALL

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Hon. William G. Davis
PremierHon. Margaret Birch
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THE CONSERVATIVE GOVERNMENT in Ontario is spending 10 million dollars to make this year the province's bicentennial. 1784 has been designated as year one of the land's officially authorized history and, we are told, it is time to "celebrate together." Why? Because, states Premier William Davis, "1984 marks the 200th anniversary of the first major settlements in the province."¹ And the creators of these "first major settlements," we are informed further in a variety of government-sponsored publications, are the United Empire Loyalists. For instance, we find the following on the inside-front cover of the richly illustrated book, **Ontario: A Bicentennial Tribute**:

It is with pride that Ontario marks its Bicentennial from the arrival in 1784, at the end of the American Revolutionary War, of the United Empire Loyalists. A major movement of people, the Loyalists' trek was motivated by a spirit of hope, fresh opportunity and freedom. This continuing tradition has brought independent folk from every part of the globe to seek new beginnings here.²

By expanding upon the idea in the final sentence of the above passage, government officials have attempted to broaden the concept of the bicentennial to include the great mass of the people in Ontario. The United Empire Loyalists, the American losers of the trans-Atlantic civil war which gave birth to the United States, are cast in the role of the founding mothers and fathers of the province. Their decision to flee the new republic south of the Great Lakes and head northward to the British territory which would later be known as Ontario, is characterized as a freedom-loving act. And their spirit is said to have imbued all subsequent immigrant groups who came to Ontario to make it the multicultural mosaic that it is.

The legend is an appealing one which has long been nurtured in Ontario by various self-serving interest groups.³ The present Conservative government, which will soon be calling a provincial election, is not the first to exploit the Loyalist myth. They are, however, currently disseminating an updated version of it with an unprecedented concentration of state resources behind them. For example, over two million copies of Robert Choquette's **Ontario: An Informal History of the Land and Its People**, have been published for the Ontario Ministry of Education as a bicentennial project. The book opens with statements by Bill Davis and Education Minister Bette Stephenson and ends with a paragraph which includes the following sentence:

All the groups who have come to the province at various points in its development have come in search of freedom in one of its many forms — freedom from

*political oppression, freedom from religious persecution, freedom from racial discrimination, freedom from the bondage of poverty.*⁴

Certainly these are noble ideals — strong values which truly are integral to the moral fabric of most of the people of Ontario, whatever their background. But have we really come as far as we must in creating the authentic social context of individual and collective freedom here? The answer, as the following pages will attempt to demonstrate, is an overwhelming NO. And the line of analysis to illustrate this assertion will be directed at evaluating the assumptions underlying Dr. Choquette's previously-cited remarks about the quality of freedom in Ontario. What seems fundamental to his writing, and indeed to the whole government-inspired bicentennial enterprise, is the overemphasis on the contributions and accomplishments of those who arrived in the Ontario area *after* 1783. Try as some government spokespeople might, the very concept of the province being two hundred years old necessarily implies an historical devaluation of the people and the cultures that were here long before the arrival of the United Empire Loyalists.

Certainly this criticism could be made with respect to the early French settlers who moved throughout the Great Lakes area since the early seventeenth century. There seems to have been considerable sensitivity to the delicate side of this question in government circles, however, for Dr. Choquette, the author selected to write the basic school text for the bicentennial, is himself French Canadian with particular expertise in Franco-Ontarian questions. But how is the bicentennial idea to be squared against the living presence of Native people on this land for tens of thousands of years before 1784? Why should the arrival of English-speaking white-skinned colonizers (although there were black slaves and Indians among the United Empire Loyalists) be celebrated as the most significant beginning of Ontario's history when the continuity of Indian settlement here remains continuous from time immemorial to the present day?

It would be misleading to suggest that these considerations have entirely escaped the architects of the bicentennial. In setting the literary stage for the arrival of the Loyalists, for instance, the authors of *Ontario: A Bicentennial Tribute* write that before 1784 "the Great Lakes region had been the domain of a few migrant tribes," and the merchants, *coureur des bois* and soldiers who dealt with them.⁵ Similarly, the Premier and his chief bicentennial organizer, Margaret Birch, refer in a joint statement to "our Native Community who have more than 10,000 years of living in harmony with the land."⁶ This comment, however, follows the above-mentioned blunt declaration that "1984 marks the 200th anniversary of the first major settlements in this province." Thus the Indians, however harmonious, are relegated to a status of something other than "settlers," and their communities something less than "major." Furthermore, the description of "our Native Community" suggests something of the colonial attitudes which still inform the opinion of the province's officialdom towards Indians, however sweet-sounding the phraseology might otherwise have become.

Of all the publications considered thus far, Robert Choquette's *Ontario* affords the most space to Native people. The author follows a similar line to the Premier,

noting that "by respecting nature and its inherent harmony, it was possible [for Indians] to live in peace with it and obtain spiritual well-being." Furthermore, the land to them "was not hostile but . . . a bounteous garden to be harvested with care and wisdom." In view of the environmental, social and military turmoil brought to North America by newcomers over recent centuries, such observations undoubtedly cannot lightly be dismissed. But Choquette cannot seem really to internalize the significance of the noble phrases he uses to describe tens of thousands of years of human experience here. The Ontario area before the arrival of white-skinned people is still, under his pen, "a wilderness of trees"⁸ — "a primeval forest."⁹

Choquette seems to have forgotten entirely his comments about the balanced relationship of Native people with the land by the time he reaches his chapter on "Industrial Ontario." He begins this traditional eulogy of "progress" by noting

*At the dawn of the nineteenth century, Ontario's great economic potential had scarcely been tapped. The province was a vast unexplored treasure house of resources and opportunities; all that was needed to unlock it were new people and new markets.*¹⁰

Clearly this perception of the land as "an unexplored treasure house of resources and opportunities" is the one which prevails throughout most of Choquette's history. Indeed this is the major underlying assumption of the bicentennial celebration just as it is of our society at large. The concept of the land as a "bounteous garden to be harvested with care and wisdom," although still a powerful living force in the minds of many Native people today, is buried under the glorification of a very narrow vision of economic development.

What Choquette has written for his Conservative patrons, then, is a text which, on the subject of Indians at least, follows old and antiquated models.¹¹ With literary strokes Native people are once again painted into the landscape as one element of a vast primeval wilderness. Their story is related as the prelude to progress and development, contributions which are characterized pretty much as the exclusive accomplishments of the newcomers. There are, it is true, a few sweeping phrases in the book about Indians living in harmony with nature. But these words seem offered almost as a form of consolation to historical losers. In the chronology of Choquette's narrative, the Indians are written out of the picture by the early nineteenth century. So totally are they forgotten by the end of the book that Choquette's major closing paragraph makes the spirit of Ontario entirely synonymous with the values of those who came to this land from elsewhere. It is the promise of freedom which attracted the people of Ontario here, he asserts, implying further that this promise has in large part already been realized. But at what cost? And to whom?

The remainder of this pamphlet will be devoted to a testing of Choquette's claims about the quality of freedom in Ontario, against a consideration of the historical treatment dealt to the Native people of this land by immigrant groups and their descendants. While the mass of newcomers to Ontario may indeed have been able to carve out reasonably prosperous lives for themselves, and at the same time to secure a degree of personal and collective liberty, how has their success affected the lives of those who were here first? If the gains made were at the expense of the original

people, what is the real quality of the personal and collective freedom capable of being expressed here? To what extent have Native people over the last two-hundred years enjoyed "freedom from political oppression, freedom from religious persecution, freedom from racial discrimination and freedom from the bondage of poverty"?

If genuine public concern can be generated for difficult questions such as these, then perhaps the bicentennial celebration will in the end have served some useful purpose. After all, it is important that all of us resident in the province put our minds together at some point to reflect on our past and on our future. Such a real sharing, however, will only be possible if the people of Ontario have the courage to face the reality of their actual heritage and not some government-sanitized version of it as presented thus far in official bicentennial publications. Perhaps then we can look forward to the next two-hundred years with hope and optimism, secure in who we are and comprehending of where we have come from.

FREEDOM FROM POLITICAL OPPRESSION?

The deeply-rooted ability of Native North American societies to balance individual freedom with the collective needs of the group has long been a marvel for observers from other nations. The early European explorers to arrive on this continent, after all, were representatives of nations where the power of the monarch was still almost absolute. It came as a tremendous revelation for them to discover societies where prisons and police forces were not needed to create law and order. Where the cohesiveness of their own European communities depended largely on the imposition of authority from above, these witnesses sometimes noticed a degree of equality and sharing among the Indians that much impressed them. Politics was often largely by consensus, for without police forces decisions were workable only if there was a general agreement among members of any particular Native group.

News of this unorthodox way of doing things in North America gradually filtered back into a rapidly changing Europe. Baron de Lahontan, for instance, a French soldier who in the late seventeenth century spent much of a decade among the Native people of the Sault Ste. Marie area, came back to Europe with bold declarations. He reported that the Indians' political and social customs seemed to him far superior to the system then practised in France. Compared to themselves, reported Lahontan, the Native people he knew saw the French as slaves — slaves to their monarch, slaves to their clergy, slaves to money, slaves to their class system and slaves to their unrealistic marriage practises.¹ Such ideas were hungrily consumed by the intellectual class in Europe, and especially France where anti-establishment fervour was reaching great intensity.² When revolution broke out in America in 1776, and then in France in 1789, the cry of **liberty, equality and brotherhood** may well have drawn power from an expanding Europe's growing familiarity with the ancient democratic governments indigenous to North America.

Native individuals, clans, villages and nations were linked together by a complex network of alliances and confederacies which also presented outside observers with a variety of examples of social organization new to the political thought of the European tradition. A strong case can be made, for instance, to demonstrate that the League of the **Canonsyoni**, or the Six Nations Iroquois Confederacy as they are known to most of the English-speaking world, exercised a significant example on the men who created the federal system of the United States.³ Other similar alliances, deeply imbedded in the ancient heritage of the Ontario area, did and do bind Native people together in bonds of inter-nation co-operation. The Three Fires Con-

federacy, for example, links the Ojibway, Odahwa and Potawatomi people of the Great Lakes region in a close association created by a compelling shared history. One reflection of this is a living language whose distinctions of dialects are slight enough to make the tongue mutually understandable between members of each nation.⁴

While there has been a great unity of spirit among many Native groups over the centuries, there are also important cultural differences between various Indian communities. As always, adaptation to geography has played an important role in this regard. South of the rocky Canadian Shield many societies have evolved where agriculture played an important role in the lives of people. Just as it is in Southern Ontario today, the abundance of the land formerly enabled many Indian families to live together in sizable towns. North of Toronto in the Pickering area, for instance, evidence has been unearthed to reveal the remains of a 15 acre palisaded village where approximately 2000 individuals lived together in about 50 huge houses. It is thought the community was at full strength around the year 1500 AD.⁵ Thus the Premier and Margaret Birch are simply incorrect when they declare that "1984 marks the 200th anniversary of the first major settlements in the province." It was not for many years after its establishment, for example, that York (which was to be re-named Toronto in 1834) attained anywhere near the population of that Indian village. And there were certainly many others like it.

The countless lakes and rivers, the many thick forests, and the huge granite outcroppings of the enormous Canadian Shield area form the other, and by far the larger, major geographic zone of Ontario. A way of life fairly different from the one practised farther to the South has evolved here among the generation after generation of Native people who have called, and do call, this land home. Hunting and fishing in such a rich environment has proven especially fruitful, although some small-scale gardening too has traditionally been done by the Native residents of the Canadian Shield. And along the shores of the upper Great Lakes the mining of copper has engaged the efforts of some Indians for thousands of years. Three Fires people have always moved widely in this area as have those who are called Cree. Theirs is the territory to the South of Hudson's and James Bay. Applying categories of experience carried with them from Europe, outsiders have called the Indigenous people of the Canadian Shield "nomadic." Because these Indians moved widely following the special seasonal rhythms of the land, it was said that they had no home — that they were not truly "settled." Such ideas, let us remember, were formulated by men and women whose own travels had carried them thousands of miles from their ancestral homelands on the other side of the Atlantic. In the application of the word "nomad" to Indians, the newcomers found an easy rationale to justify their own takeover of the land.

In the Ontario area, then, we might conceive of two major groupings of Native people, each roughly associated with a major geographical zone. In the language of academia, the Three Fires people and the Cree are said to share "Algonkian" dialects, the most widespread language group of Aboriginal North America. Many of the Indigenous people of the more agricultural South are often described as

"Iroquoian," again a linguistic term indicating shared speech forms. This cultural difference is plainly manifest in the way Native people in the Ontario area describe themselves. The Cree and Three Fires people are the **Anishinabek**, while members of the Six Nations Iroquois Confederacy are the **Ongwey Ohongwey**.

It would be wrong, however, if the use of such sweeping categorizations left the impression that there are, or ever were, any rigid lines of cultural differences in the way individual Native people choose to express their own distinctive relationships with the land, with each other, and with members of non-Indian nations. Individuals and groups have united, gone their own way, created new alliances, learned different languages, crossed zones and changed their way of securing a living from the land according to the evolving circumstances of the day. This ever-dynamic adaptation to change — the very stuff of human history — was every bit as real in North America before the arrival of pale-skinned newcomers as it was after 1492. That North America before the arrival of Christopher Columbus has often been described in academia as "pre-historic" suggests something of the blinkered attitudes which have often surrounded the study of Indians by others.

This introduction, then, suggests something of the quality of personal and collective freedom that Native people were able to express on their ancestral lands before the arrival of colonizers from other nations. Their societies were diverse, each with its own special adaptations to the character of the territory in which it was set. At the same time there was a great variety of free associations between individuals, communities, and nations. People were self-determining in the most essential sense. Certainly there was no equivalent, however, to the system in place in North America today where freedom is sometimes equated with individual liberty to secure as much wealth and power as possible. One's responsibilities to the fellow members of the community would not allow for that. Instead, this communal spirit bred distrust of the arbitrary imposition of outside authority. The power of this example on those who came to North America from Europe has already been suggested. Is it mere coincidence, for instance, that the instigators of the famous Boston Tea Party, the act that foreshadowed the American Revolution, decided to dress like Indians in their act of defiance against the British empire? Is it mere co-incidence that the image of North American Indians, as carried to Europe by Lahontan and interpreted by the likes of Rousseau, Voltaire, and Diderot, became perhaps the most potent symbol for social change in the era leading up to the French Revolution?⁷

With these thoughts let us consider our debt to Native North American societies for the degree of freedom from political oppression that many of us today enjoy on both sides of the Atlantic. But what of the Indians themselves? How have they fared as the societies of newcomers, heady with their own sense of superiority, grew around them? More particularly, what has been the historical record with respect to political oppression and Native people in the Ontario area over the last two hundred years? By 1784, let us remember, many Indian communities, and especially those settled in close proximity to major water transportation routes, had been in contact with European immigrants and their descendants for almost two-

hundred years. French, Dutch and English traders had travelled the Great Lakes area competing for the right to trade for furs with the Indians. The French commercial empire in America, whose heart was the St. Lawrence Valley but whose hinterland penetrated far into the continent's interior, was especially dependent on the quality of the diplomacy its envoys were able to practise among the Indians. Catholic missionaries were particularly active in this role.⁸

The first two hundred years of contact with the exported cultures of Europe were especially tumultuous for Native people. The most devastating influence was the introduction of new disease strains for which they had no immunity. Indian population strength dramatically dwindled as Native societies became increasingly caught up in the imperial struggle of European states for strategic control of the North American continent. In this contest Indian leaders were extremely cognizant of the fact that the military strength of their people represented the balance of power. Often they expertly played French and British interests against each other to their own advantage. The Six Nations Iroquois of upper New York state are particularly renown for their astute use of military force coupled with ingenious diplomatic manoeuvres during this period.⁹

Although French Indian diplomacy was far superior to that of the British in North America, the tables began to turn in the mid-eighteenth century. Assaulted all along the western frontiers of their Thirteen Colonies, British military personnel began to understand that they would have to earn better relations with the Indians if they wanted to retain a presence on the continent.¹⁰ The way to do this, they discovered, was to respect the national and territorial rights of potential Native allies. This policy was one of several factors which enabled them to emerge victorious over the French in 1763.¹¹ That same year King George III formalized the Crown's commitment to the Indian nations of the interior in the form of a Royal Proclamation. By that document the land west of the Appalachian Mountains, which includes much of present-day Ontario, was reserved for the exclusive use of Native people. Their rights to the occupancy of specific areas of land, however, declared King George, were only purchasable by representatives of the British Crown. Thus both private individuals and agents of particular colonies were prohibited from buying land directly from Indians. Rather, this privilege, a vastly important one for the geopolitical future of the continent, was put in the hands of the highest level of central government in the British empire.

Currently there is much controversy surrounding the legal interpretation of the Royal Proclamation, for it proved to be an enormously influential document in the establishment of a future basis of relations between Indian nations and Crown officials. Some argue, with good justification, that the Proclamation itself is not to be interpreted as the source of legal rights, but rather simply as an affirmation of inherent aboriginal rights which exist by simple virtue of an Indian nation's ancient attachment to an area of land. Furthermore, some can find no ethical or legal justification that can legitimize the King's assertion of ultimate title to Indian lands, which also constitutes a part of the Royal Proclamation. With all its shortcomings, however, the document has by and large been accepted by Indian people, for it has helped them to maintain their relationship with the Crown on nation to nations footings.

The Royal Proclamation was soon followed by the American Revolution, which in turn brought the United Empire Loyalists into the Ontario area. This movement included many Six Nations Iroquois who had fought hard under the Union Jack,¹³ as well as the personnel of the British Indian Department in America.¹⁴ In 1784 the whole area west of the Ottawa River was described in many maps as an "Indian Reserve." In 1791, however, the region was made a separate administrative unit within the British empire. Upper Canada, as it was titled, became the inheritor of the old British Indian policy of the northern Thirteen Colonies. Added to this, it was the key military base on the western frontier of British imperial aspirations in America. Thus Indian affairs proved to be a major area of responsibility within the government structures of the new province. Great emphasis was placed on maintaining the goodwill of Indian nations as long as relations with the new republic of the United States remained unsteady.¹⁵ This policy was handsomely rewarded during the War of 1812 when British interests were again saved by the military intervention of allied Indian nations. Using the opportunity to use British resources in their continuing struggle against the expansionism of the land-hungry Americans south of the Great Lakes, Native people rendered invaluable military service. Without them the British would have probably been defeated, and the whole northern part of the continent would today be part of the United States.¹⁶

The period between 1755, when a centralized British Indian Department was founded, and the completion of the War of 1812 marks the high point of good relations between the Indian nations of the Great Lakes area and the Crown. Shared strategic aims, which evolved into a common campaign to limit the power of the emergent United States, linked the interests of many Native people to those of the remaining representatives of British authority in America. Most of the Crown's most enduring commitments to respect in perpetuity the integrity of Indian societies as well as their right to a secure homeland were made in the martial climate of these times. Similarly, many of the constitutional guarantees of the rights of French Canadians have their roots in this same period, for Britain went to significant lengths to prevent the colony of Quebec from joining forces with the revolutionary Americans. Because some in positions of responsibility had the finesse to make lasting promises to the Indians and to *les canadiens*, the British presence continued in North America and the stage was set for the later creation of the New Dominion of Canada in 1867.

In the atmosphere of increasing peace between the United States and British North America, however, the outside assault on the way of life of the Indians of the Great Lakes area became intense. As more settlers flowed into Upper Canada the outnumbered Indians were pushed into smaller pockets of land called reserves. In the changed landscape hunting was no longer such a viable way to secure a living. Increasingly, government and church agents set to work to attempt to re-shape the way of life of Indians to meet colonial standards. Native forms of self-government, spiritual expression and social organization were trampled upon in efforts to "civilize" them.¹⁷ The arrogance of the assumptions of racial superiority generally practised as Indian policy over these decades found powerful expression in the Indian Act of 1876, legislation of the new federal parliament of the Dominion of Canada. With some minor modifications this legislation is still in force today.

The Indian Act undermined traditional forms of internal autonomy among Native people and set in their place a band council system modelled on municipal government. This elected council, however, was given few real powers.

The ultimate responsibility for almost all major decisions affecting the day-to-day lives of people on the reserves was put in the hands of the government-appointed Indian agent. Furthermore, by the terms of the Act the central government took unto itself the power to determine who is or is not an Indian in law. In the long run this has probably had the most crippling effect on the self-determination of Indian communities, for they have been robbed of their power to decide who properly belongs among them according to their own criteria. And the federal government has in turn taken advantage of its assumed authority by creating a bewildering array of legal categories of Aboriginal people, and then playing the old game of divide and conquer through the manipulation of funding procedures.

But it was the creation of a provincial level of government within the new federal system of 1867 which in the long run has perhaps posed the biggest threat to the interests of Indian people in the Ontario area and across the country. Let us remember that before 1867 there was no jurisdiction known as Ontario. Upper Canada had been a separate colony directly under the rule of the British Colonial Office. In 1841 it had been joined with Lower Canada to form a single united province known as Canada. Then in 1867 Upper and Lower Canada had again been broken into two separate legislative and administrative units, known now as Ontario and Quebec. And these provinces had been joined with the colonies of Nova Scotia and New Brunswick to form the new Dominion of Canada. According to section 91 (2) of the British North American Act, legislation of the British parliament which gave birth to the federal system in which we now live, "Indians, and Lands reserved for Indians" were made the responsibility of the central government in Ottawa. In section 109, however, "All Lands, Mines, Minerals and Royalties" were described as the property of the provinces.

This has created much constitutional uncertainty and almost automatically placed the interests of the provincial governments, including Ontario, in a contrary position to those of Native people. Stated simply, Indian land rights, affirmed in treaties conducted with the British Crown, stand in the way of the monopoly control of public lands which the provinces seek. This is especially apparent in the instance of Indian hunting and fishing rights, often guaranteed to them by treaty throughout the whole expanse of their ancestral lands. Ontario authorities, like those in other provinces, have again and again denied the legality of Indians' full freedom to secure a living in this way and have used the courts to enforce their position. Provincial officials have repeatedly taken the stance that they are in no way bound to recognize the full provisions of Indian treaties, which were generally executed before Confederation gave birth to the sweeping powers that they have claimed as a result of their constitutional control of public lands.¹⁸

The full force of the provincial government's hostile approach to the reality of Aboriginal land rights was first revealed between 1887 and 1889, in a major court case with the unlikely title, *St. Catharines Milling and Lumber Company vs The Queen*.¹⁹ The Dominion government had attempted to license the company to cut timber in an area to the west of Lake Superior. They claimed this power because in 1867, when the BNA Act was passed, no treaty had been made with the Indians of this region. The Ottawa government therefore argued that the territory was in their jurisdiction because section 91(24) gave them responsibility for "Indians and Land reserved for Indians." The provincial government challenged this position, claiming that their control of public land gave them pre-eminent title over the area in question. The case went as far

as the Supreme Court of Canada and finally, in 1889, to the Judicial Committee of the Privy Council in England. At the time this body was the highest judicial authority on constitutional questions in Canada. The lawyers for the province argued generally against the idea that Indians had any right whatsoever to continued possession of their ancestral homeland. They maintained, for instance, that since Indians had no internal rules or regulations governing their societies, any attachment to land could not be considered legal. They asserted further that Indians possessed no legitimate land title beyond that of simple occupancy, which the Crown had no legal necessity of respecting in any case.²⁰ The provincial government won their case and henceforth federal jurisdiction over Indian lands was interpreted to apply only to territories within the confines of Indian reserves. This constitutional decision was to prove of enormous significance for the future of all Canadians, for it secured to the provinces control of natural resources. The result has been to make the provincial governments the most powerful foci of decision-making within the federal system.

Given the threatening dimensions for them of provincial powers in Canada, Native people over the last century have by and large held fast to the principle that their historic relationship with the Crown flows exclusively through the federal level of government. But from time to time Ottawa has made arrangements with Ontario officials which seem a betrayal of their trust relationship with Native people. The 1924 Land Agreement between Canada and Ontario appears as one such example. As a result of negotiations between the two levels of government, in which Indian representatives were given no part, it was agreed that the ultimate title even of Indian reserves lay with the province. Furthermore, it was agreed that the right to fifty per cent of the royalties generated by the exploitation of mineral resources on any Ontario Indian reserve would go to provincial coffers!²¹ Again, the 1924 Land Agreement is still being applied, although like so many unjust Indian laws that have been imposed unilaterally on Native people, it is currently "under negotiation."

This, then, suggests a few of the major outlines of the political oppression of Native people in the Ontario area over the last two hundred years. They had no role whatsoever in the political processes which produced the Indian Act, the British North America Act, the *St. Catharines Lumber Company vs the Queen* findings, or the 1924 Land Agreement. Indeed, it was not until 1960 that Indians could even vote in federal elections. All the laws, decisions and regulations listed above, however, have had, and continue to exercise, enormous effect on the personal and collective freedoms of Indian people. Where is there any true recognition of the principle of self-determination for Indian nations in Ontario or beyond? Where is there any substantial recognition of the assistance rendered by Indian nations to the British Crown when its very future in North America was imperilled, first by the hostilities of France and then by those of the United States?

The firm grip that the Ontario government continues to enforce on Crown lands has not ceased to threaten the survival of Indian nations. The positions of Ontario lawyers in various land claim cases, such as the protracted one being tenaciously pursued by the Bear Island people, has not really changed substantially from arguments advanced by provincial attorneys in the *St. Catharines Lumber Company* case. Certainly all the onus is placed on the Indian nations to prove first that they exist, and then that they have some rights to their ancient homeland. Where is the provincial government required to make its legal and ethical case describing from whence it feels its land title comes? In the vast watershed area which drains into Hudson's and James

Bay—the land of the Nishnawbe-Aski Nation—provincial control of Crown lands particularly endangers the future of thirteen Indian communities. These settlements, are being denied reserve status because the province will not co-operate in sharing the land with the Indigenous people.²² What is the quality of freedom from political oppression in Ontario?

FREEDOM FROM RELIGIOUS PERSECUTION?

IN 1852, shortly before his death at age 28, William W. Warren, an Ojibway Indian and member of the Minnesota legislature, wrote a deeply insightful book. **History of the Ojibway Nation** describes the scope, detail and human drama of past experience which had shaped the very character of his people. In researching the work it is clear that Warren, himself a fluent speaker of several Algonkian dialects, had trusted access to some of the most knowledgeable Ojibway elders of his era. The seat of much of their learning and spiritual accomplishment was the Midewiwin Society, and this inner sanctum of Ojibway culture Warren describes with much respect and care. In a slightly ironic remark he notes: *"There is much yet to be learned from the wild and apparently simple sons of the forestland the most which remains to be learned is to be derived from their religious beliefs."*

Recent developments in this century suggest the prophetic nature of Warren's comments. Sincere seekers after truth from many nations on earth are looking increasingly for inspiration to the purity of spiritual expression as still practised by some Native North Americans. In a world teetering on the brink of environmental disaster, social breakdown and economic collapse, there are growing numbers who perceive an inner integrity in Indian belief systems that has been lost to those societies which have been almost entirely engulfed in the race for industrial progress. This trend has become manifest in a variety of ways, especially among the young of North America and Europe. One indicator is the enormous popularity of books such as **Black Elk Speaks**, **The Sacred Pipe** and the several works of Carlos Castaneda. These describe in uplifting terms the various states of expanded consciousness and spiritual awareness attainable within Indian understandings of the true nature of reality. The phenomenon is not to be easily dismissed as a passing fad or that of a cult. Professionals of many callings, for instance, such as psychologists, medical doctors and environmentalists, are looking to Indian teachings to expand the fields of knowledge of their disciplines. Perhaps one common thread that runs through all these individual efforts for better understanding is the will to more fully appreciate the inter-relatedness of all things. It is this perspective that some Indians have been able to retain through an era in history where fragmentation and specialization of knowledge has proceeded at a fantastic pace.

If today the integrity of Indian spiritual expression is seen by many as a balm for the ills of a troubled world, it was certainly not always so. In fact, the suppression of the traditional practises of Native people was the virtual aim of government Indian policy until quite recently. Consider the following passage from an article written in 1945 entitled "Canada's Indian Administration: Basic Concepts and Objectives." The author, Allan G. Harper, writes:

In Canada the civilization of the Indian is made synonymous with his Christianization. Indian missions, in fact, enjoy government favor; the aboriginal religious and ceremonial practices are officially discouraged. Next to the attainment of the goal of self-support, the Indians's conversion from pagan belief to Christianity is the most important criterion for judging his fitness to assume an equal place in the White man's society. On the reserves it is expected that Agent and missionary shall cooperate with each other and lend support to each other's functional purpose.²

Religious freedom, it is plain, has been quite consistently denied to Native people in the Ontario area, and indeed throughout the country. The roots of this obsession to convert Indians to Christianity goes back to the beginnings of Europe's efforts to colonize North America. The French efforts to evangelize the Native people of the Great Lakes area were led by the powerful and capable Jesuit order. By the 1640s they had established a major mission, Ste. Marie, among the Huron Indians of Georgian Bay. The Jesuits are generally considered to have been the vanguards of the Counter-Reformation, that is the Catholic reaction to the threatening challenge to their authority posed by the growth of Protestantism in Europe. The Jesuits sought to humanize Catholic religion and expand its worldwide base. It is this mission that took them into the Great Lakes area.³

In the seventeenth and eighteenth centuries there was much resistance to the religious ideas brought by the Jesuits. By recognizing the value of many aspects of the Indians' own cultures, however—by learning Native languages, for instance—some Jesuits gradually succeeded in introducing a few Catholic concepts to the people among whom they lived. Their approach to their work drew much criticism in Europe, where the Jesuits were accused by right-wing Catholics of being too accomodating of the Indians' traditions. But the Jesuits persevered and planted the seeds of a religious movement that continues yet. Accordingly, many Native people are among the most devoted and sincere Roman Catholics in the province today. Recognizing the truly universal qualities in the fundamental teachings of all great world religions, they have often succeeded in actively practising their Catholicism while at the same time giving expression to many forms of spiritual observance which have their roots in the ancient and sacred heritage of this land. Rarely, however, have the ecclesiastical organizations set up around religious ideals been able to live up to the highest principles of Christianity. The relationship between the Catholic Church itself and Native people has not always been a happy one. Protestant denominations, too, began to touch the lives of Indian people in Ontario by the early nineteenth century. These churches initially thrived among the Loyalists and those who followed them to Upper Canada. And it was soon recognized how beneficial it would be for these religious organizations if Indians could be brought under the umbrella of Protestantism.

Behind the Protestant drive to convert Indians in the nineteenth century lay a dynamic similar to the Jesuits efforts of evangelization in the seventeenth century. While the Jesuits came to the Great Lakes as part of a great movement of reaction to the growing tide of Protestantism, the Protestant missionary drive of the nineteenth century was an aspect of a great mobilization of energies against the revolutionary forces unleashed in France. Napoleon Bonaparte had marshalled the fervour of the cry of **liberty, equality and brotherhood** into a great military campaign aimed at world conquest. Britain and the United States were swept into a great war fought

not only with men and weapons but with ideas. In this struggle for survival Protestantism was linked with particular effectiveness to patriotism. And missionary work among those who stood outside the Christian world was made a national priority in Britain and the United States.⁴ Thus, much as they had in the seventeenth century, clergymen once again swarmed to the Great Lakes to convert Indians there. But this time it was Protestant missionaries with most of the weight of support behind them.

This missionary push took place simultaneously with an important change in British Indian policy in 1830. Because the military alliance of Native people no longer seemed so important as the border with the United States became more peaceful, many officials felt it was time Indians put aside their tools of the hunt to take up those of farming. And as tens of thousands of new settlers were moving into Upper Canada looking for new land to cultivate, it certainly was true that Indian people, now vastly outnumbered south of the Canadian Shield, had no real choice but to drastically change their way of life. The solution which colonial officials settled upon was to create small reserves where Indians could be, as was said in the language of the times, "civilized." By this it was meant that Indians should be Christianized, instructed to read, write and farm, and taught the value of "private property."

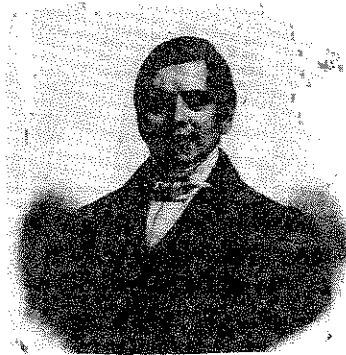


British Indian Department officer in uniform, circa 1823

The government made its first major concerted effort to "civilize" the Indians of Upper Canada on a reserve created between Lake Simcoe and Georgian Bay. The settlement of Coldwater was established as an Indian Department headquarters. At the eastern extremity of the reserve was the Narrows, now Orillia, where the Indians led by Chief Yellowhead established a community. Soon there was great conflict between missionaries representing competing religious denominations. Most of the Indians chose to ally themselves with the Methodists, while government officials attempted to coerce some Native people into joining the Church of England.

The Catholic Church too made missionary initiatives to win Indian adherents.⁶ The religious strife at Coldwater and the Narrows unfortunately set the pattern for many decades to come. The differences between the various kinds of Christianity have been the cause of many bitter splits among the Indian people of the Ontario area. The experiment at Coldwater and The Narrows lasted only seven years. The Native people there were forced to leave the reserve in 1837. Their cleared land, houses, barns, churches, school houses and roads were taken over by White colonists. The acreage was felt to be too valuable to remain in the possession of Indians. The Upper Canada Indian Department then moved its northern headquarters to Manitowaning on Manitoulin Island. Department officials hoped they could work closely with Church of England missionaries to establish a model community, away from the Methodists, of "civilized" Native people.⁷ Their plans, however, were spoiled by major developments in the United States which were to introduce a strong Roman Catholic influence to Manitoulin Island.

In the late 1830s and early 1840s the American government was busy enforcing a brutal policy aimed at pushing all Indians east of the Mississippi to the territories of Oklahoma and Kansas on the other side of the river.⁸ Rather than be forced westward by the American army, many Native people chose to come North within the protection of the British Crown.⁹ Those groups who had fought with particular valor on the British side in the War of 1812 were most prone to follow this course.



Kahkewaquonaby, Rev. Peter Jones, converted many other Indians to Methodism in the 1820's and 1830's

They were the subject of especially vengeful assaults from American officials in the name of the Indian removal policy. Thus a large influx of Three Fires people—Ojibways, Odahwas and Potawatomis—moved into the Ontario area. Their ancestral homeland, of course, encompassed the whole Great Lakes region over which they travelled most widely. In the early nineteenth century, however, many were keeping primarily to their settlements along the southern shores. Accordingly, their migration northward should not be seen as an "immigration" in the same sense that the word is applied to inflowing non-Native settlers.

Many of the Indians to enter the Ontario area were practising Roman Catholics. Included among them was a large community of Odahwa Indians who moved from Arbre Croche in Michigan to the eastern end of Manitoulin Island. The settlement they established there became known as Wikwemikong. And their arrival was roughly concurrent with the resurgence of strength of the Jesuit order in Canada. The Holy Cross mission at Wikwemikong was made the Jesuits' main base in Canada and from there they spread out into the region to the north and west of the upper Great Lakes in their missionary endeavours.¹⁰

There was a very intense struggle for the allegiance of the Indians between the Anglican Indian Department officials at Manitowaning and the Jesuit priests at Wikwemikong. It was soon evident, however, that the Catholic influence was far more powerful among the Indians than was that of Protestantism. The report of several commissioners investigating Indian affairs in 1857 suggests something of this. They noted that the Wikwemikong Odahwa were among the most hard working and organized Indians they had seen in their tour of the province. The community was managing major maple sugar and commercial fishing enterprises. The Catholic school was well attended, and the houses and farms were neat and well kept. Most went to mass regularly, while at the same time maintaining links of continuity with their deeply rooted Native heritage.¹¹ A testament to this is that the Odahwa tongue is to this day the major language of day-to-day life among most of the residents of Wikwemikong.

Christianity, then, was and is accepted by a great number of Native people in the Ontario area. By and large their choice to embrace Christian teachings was made freely, usually with the recognition that the really essential ideas of spirituality are universal to all humanity. New forms of religious expression could be adopted without abandoning many of the old understandings of spirituality. Among the Protestant Methodists, it was largely Indians themselves who, beginning in the late 1820s, became missionaries to their own people. The expansion of their work into the western prairies was an important part of a strengthening Upper



Miscomomon, Miscomomon Chief, in traditional dress, circa 1830

Canada's reach towards control of that region. Furthermore many Native preachers, such as Peter Jones and John Sunday, often travelled to major American cities and to Britain on enormously successful fund raising tours. The Methodist Indian work which began in Upper Canada and later spread throughout most of the new Dominion, in fact, became a major source of pride for the Church and one key cause of its wealth and wide power.¹²

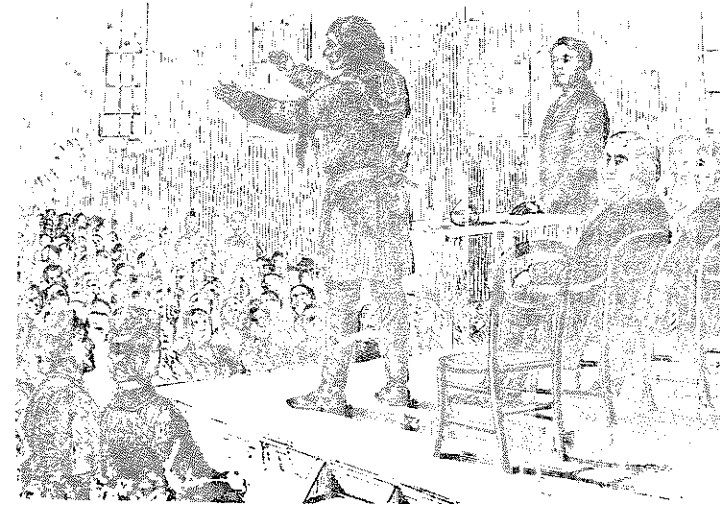
But the makers and implementors of Indian policy in Ontario and throughout Canada were not satisfied at seeing Native people stop at accepting the Christian religion. The ultimate goal was to push Indians to completely abandon their Indianness and to mix in fully with the society around them. Allan Harper's previously-cited 1945 article states this design candidly. The purpose of Canadian government Indian policy, he states, is *"to lead [Indians] by degrees to abandon their aboriginal inheritance and to adopt the culture and religion of the dominant society. The ultimate end is 'emancipation,' i.e., the admission of Indian people into full citizenship and their biological absorption."*¹³ Within this framework of thinking, the adoption by Indians of Christianity was not seen as an end in itself. Rather Christianity was seen as an important means of imposing the norms of non-Native society on Indians, so that they would eventually become indistinguishable as a distinctive group within a mass standardized society. The word often used to describe this process is "assimilation."

Increasingly the government directed its efforts at imposing forms of Christian "education" on Native youths in order to separate them from the roots of their heritage. While missionary-run day schools on Indian reserves became common in Upper Canada, many clergymen complained that they could not sufficiently "civilize" their Indian students with access to them for only several hours a day. They wanted total control of young Indians so that the Native youths could be more fully indoctrinated with the ideas and the techniques of the increasingly dominant society. The "ultimate solution" seemed to lie in the creation of large church-run boarding schools, or industrial residential schools as they came to be called, where Native students could be totally isolated from the influences of their families and communities. Again, Harper's statement on the basic concepts and objectives of Canada's Indian Administration as of 1945 gives plain articulation to the stark reality of the situation. He writes: *"The boarding school that takes the [Indian] child from his family and environment has been deemed the most efficacious method of breaking him out of tribalism and putting him in the culture of the Whites."*

The first Church-run industrial residential schools in Ontario were Methodist establishments. Alderville reserve in the Kawartha Lakes region was the home of one such institution. And in 1847 the Mount Elgin Ojibway Industrial School was started on the Munsey reserve near London. Many more industrial residential schools were built for Indian people over the next decades. Near Sault Ste. Marie, for instance, the Anglicans' Shingwank Home for boys was opened in 1875. Shortly afterward a sister school, Wawanosh House, was added. At Spanish, Ontario the Roman Catholic Church had a similar institution for Native youths. These institutions, although operated by religious organizations, were financed large with government grants.¹⁵ The marriage of church and state in the conduct of Indian affairs was absolutely complete in this instance. And like so many facets of Indian affairs administration, the system of boarding school education that had evolved in

the Ontario area was exported to the Canadian West in the second half of the nineteenth century.

In light of the Christian education system imposed on Native people (in many cases forcefully) over more than a century, then, the record on freedom from religious persecution is shameful. Not only were children taught in these residential schools that their heritage was one of savagery and paganism, but they were deprived of the practice of virtually all their cultural inheritances. Use of Native languages, for instance, was usually brutally prohibited in Indian boarding schools. All this was done with the full power of the state behind the dictates of the ecclesiastics who ran these religious institutions.



Methodist Indian missionaries, such as Peter Jones and John Sunday, raised large sums of money in Britain and the United States for the Upper Canadian missions.

While the residential schools represent the most repressive example of religious persecution, this has not been entirely absent virtually anywhere where Indians, government and ecclesiastics have co-existed in the Ontario area over the last two hundred years. Harper cites approvingly, for instance, a source that reports: *"to the missionary, the dance, the masks, the feastings and fastings [of Indians] are about as abhorrent as base paganism which should be extirpated by the roots."*¹⁶ Under these circumstances the practice of Indian spirituality in its purest sense was forced underground to be practised secretly. Those who had the courage to follow this course bore the risk that, if discovered, they would be branded either as lunatics or as witches practising black magic.



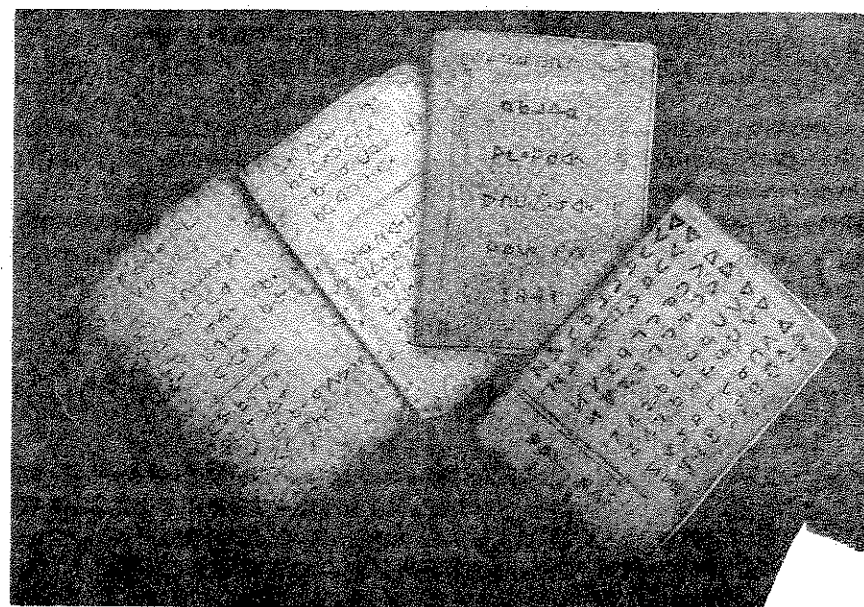
Six Nations Iroquois Confederacy Chiefs in Council House around the year 1910. Onondaga Chief near centre holds a sacred wampum string, an important record of the people's history.

In the early twentieth century legislation was passed actually outlawing some traditional ceremonies of Native people. This mood of religious repression touched the Six Nations Indians settled near Brantford, Ontario with particular vengeance in 1923. Before that time these Iroquois people had managed to maintain their traditional form of self-government in spite of the external dictates of the Indian Act. Their internal form of decision making, of course, had been deeply bound up with their own understanding of history and spirituality. It is sometimes said among them that politics is the highest form of religion, and certainly the way they traditionally determined and exercised leadership constituted a clear demonstration of this. In 1923, however, the government used its military power to enforce the Indian Act on them. The traditional institutions of Six Nations self-government, a form of spiritual expression among them, were repressed and a form of administration external to the culture was imposed in their place.

The oppression of the spiritual expression of Native people in Ontario, it is true, has lessened over the last three decades. The industrial boarding schools, for instance, which were run entirely within the jurisdiction of the federal level of government, have been closed. The variety of *ad hoc* arrangements to fill their place, however, manifest an array of new problems of their own. In many areas Native youths are now bused to regular integrated high schools administered through municipalities and the Ontario Ministry of Education. These institutions, however, generally lack the resources to meet the special needs of Indian students. There are almost no programmes

of instruction in Native languages, for example. Instead, Indian students are told that bilingualism means the learning of French and English, and that the development of fluency in their own ancestral tongues must take second place to this priority. Beyond this, in virtually all the humanities — History, English literature, Geography etc. — they spend the vast proportion of their time learning about cultures other than their own. While no one would argue against the importance of studying the background of foreign societies, there are very few resources within the provincial education system to enable Native students to develop a very clear sense of the particular tides of history which made them who they are. The results of this tragic lack of access to the tools of self-awareness are unfortunately all too evident in the statistics cataloguing suicide, alcoholism and drug abuse among Native youths. Without a far greater degree of control over their own education there can be no real self-determination for Indian nations. There can be no true freedom from political oppression.

The catalogue of shortcomings in the education system with respect to Native people could go on and on. Certainly the kind of image of Indians given to non-Native students is often damaging. The example of Robert Choquette's bicentennial text, **Ontario: An Informal History of Its Land and People**, demonstrates clearly the way students in Ontario schools are often taught to associate Indians with a time now lost. There is very little to help students understand the current hopes, aspirations and fears faced by their Native contemporaries. The problem runs throughout the entire system. At the great University of Toronto, for instance, there is presently no full credit course designed to help students develop real fluency in any Algonkian or Iroquoian



Part of the Cree syllabics collection at the Pratt Library, Victoria College, University of Toronto. Cree Syllabics is much used at this time throughout Northern Ontario.

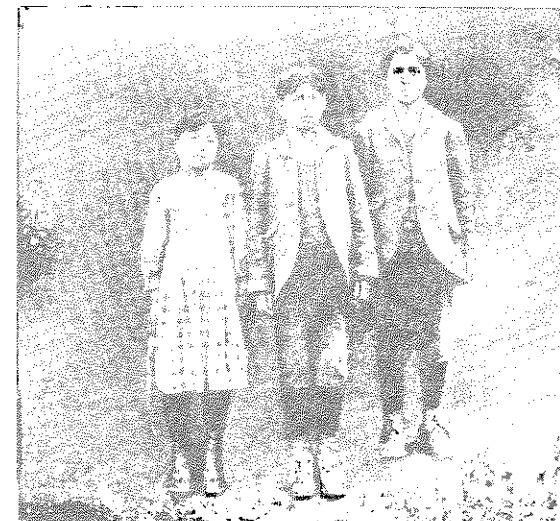
dialects. Given the wealth of that institution and the huge range of languages taught, how can it be justified that the Indigenous languages of the land are so ignored? At the U. of T. as well, is a major collection of writings in Cree syllabics. This is as authentic a body of Canadian literature that could ever exist. And yet no one connected with the collection can even speak the language, let alone read or evaluate it.

While the University of Toronto has shown little ability to respond to the living essence of Native culture in Ontario, it has showered considerable resources over many decades on studying Indians here as a dead relic of the past. How many skeletons—literal skeletons!—of Indian people are being stored in closets at the University of Toronto and at the Royal Ontario Museum? In the name of science sacred Indian burial grounds have been dug up for more than a century to be studied and catalogued. What greater evidence could there be of one society's arrogant contempt of the religious principles of another culture? The reconstructed Ste. Marie among-the-Hurons, one of the Ontario government's most richly funded tourist attractions, represents a more subtle, but every bit as real, a form of religious persecution in the name of science. The very conception of the project, after all, reflects a kind of celebration of the colonizing of the Huron people by the forces of French Catholicism. The reconstruction, which is of very dubious authenticity in any case,¹⁷ places the great weight of emphasis on promoting the understanding of the conceptions which the Europeans brought with them to America. While some small efforts at improvement have been made, the design of the structure itself stands in the way of advancing true appreciation of the conceptual world of the people for whom Huronia was an ancient homeland.

Here, then, are some reflections on the religious persecution of Native people in the Ontario area over the last two hundred years. Although the most blatant forms of this may have disappeared, it would be difficult to say that "freedom" has yet been achieved either. A good test of this is the situation in federal and provincial jails across Ontario. As many will be aware, there is an obscenely high percentage of Native inmates in these institutions in proportion to their overall numbers. And while some improvements have been made, those Native people inside who wish to follow their traditional forms of spiritual expression cannot do so with the same freedom as Christians or Jews. There are many things yet to be done before we in Ontario can congratulate ourselves on the freedom from religious persecution enjoyed here.



THREE LITTLE INDIANS—WILD AND UNTAMED



THREE LITTLE INDIANS—INSTITUTE PUPILS

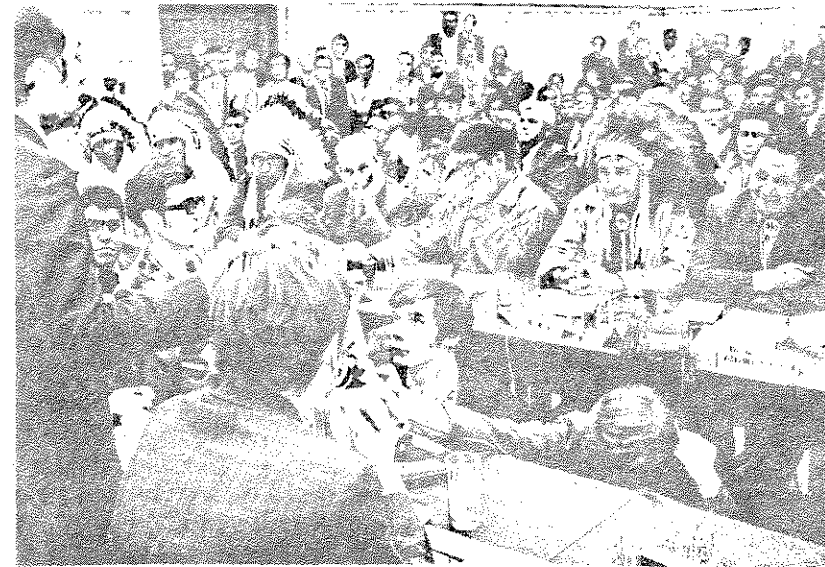
This kind of "before and after" photograph was quite popular in the missionary literature of Ontario around the turn of the century. The comparison is designed to advertise the success of church-run Industrial Boarding Schools in "civilizing" young Native people.

FREEDOM FROM RACIAL DISCRIMINATION?

IN their first flush of power after a resounding election victory, the Trudeau Liberals introduced a document to parliament entitled **Statement of the Government of Canada on Indian Policy, 1969**. Almost immediately this became tagged with the label, "The White Paper Policy." It was one of the first major initiatives of a regime which the newly-elected Prime Minister, a constitutional lawyer from Montreal, had tried to term "The Just Society." The White Paper had as its major theme the necessity of preventing racial discrimination against Indians. "A legal status that sets the Indian apart," it said, "provides dangerously fertile ground for social and cultural discrimination." It went on to proclaim that "we can no longer perpetuate the separation of Canadians. Now is the time to change."¹

When news of the White Paper Policy hit Indian country, there was a loud uproar heard across the land. The heavily-funded public consultation process with Native people aimed at revising the Indian Act had been entirely by-passed. Instead a small group of technocrats had devised the statement behind closed doors.² What they came up with, as Indian leaders were fast to point out, was a policy which would have eventually eliminated the major legal and institutional supports of the anciently-rooted reality of Aboriginal rights in Canada. (as inadequate as these were and are) Indian people rapidly heightened their level of organization to meet the menace of this new threat. Harold Cardinal, a young Native person from Alberta, shot off his rage in the **Unjust Society**, a book which rapidly became a kind of Indian manifesto.³ In the process of protest Indians assumed a far higher process in the Canadian political process. A new era in Canadian life was being ushered in where the Department of Indian Affairs, long a backwater of government and a haven of sinecures, could no longer be hidden away from the spotlight of public attention.

To the average liberal, uninitiated in the esoteric workings of Indian affairs, the White Paper may have seemed relatively inoffensive. But, it was not. As the above-quoted reference to "separation" suggests, Pierre Trudeau was applying to Indians his experience of fighting Quebecois nationalism. This he had begun in the 1940s when the Quebec, then run by Premier Maurice Duplessis, seemed to Trudeau like an antiquated feudal state. The religion of Quebecois nationalism, he felt, was being manipulated by state, church and English-Canadian capitalist enterprise to keep the people poor, isolated, and thus subservient to the bosses of a rotten hierarchy. As a young intellectual full of fighting zeal, Trudeau set out to open Quebec to the outer world and to sweep aside the web of ideas supporting a nationalistic ethos which was to him narrow and constricting.⁴ In so doing he attempted to re-invent Canadian federalism to serve his own purposes. All of Canada is the rightful inheritance of French Canadians, he told Quebecers. And by sup-



1969. An embattled Prime Minister Trudeau tries to defend his White Paper Policy before angry Indian leaders. A young Harold Cardinal sits in the middle.

porting a strong Ottawa government, French Canadians could play an active role in reshaping the Canadian nation into a truly bilingual, bicultural sea-to-sea entity.⁵

An attractive French-Canadian lawyer holding such views had an obvious attraction for the English-Canadian political elite, assaulted as they were during the 1960s by the growing demands of an increasingly nationalistic Quebec government. Out of this context burst Trudeau onto the centre stage of Canadian political life. His emergence, in turn, gave fresh energy to the forces of Quebecois nationalism, a major factor in the election of Rene Levesque's Parti Quebecois.⁶ Within Trudeau's view of federalism, Canada is a state made up of legally equal individuals, each free, however, to practise his or her culture in whatever way he or she might choose. Trudeau outrightly opposed the view of the Parti Quebecois that the collective cultural attributes of a particular nation should be embodied in the organization of a state, i.e. an independent Quebec. It was this polarization of ideas which was to set the stage for many of the most dramatic episodes in Canadian history over the next decade. And the White Paper Policy was a classic example of a federal government initiative whose form was largely shaped by the debate among French Canadians about the place of Quebec in North America.

Besides the reference to abolishing "the separation of Canadians," the passage in the White Paper most reflective of Trudeau's Quebec-oriented attitudes is as follows:

the anomaly of treaties between groups within society and the government of that society will require that these treaties be reviewed to see to how they can equitably be ended.

Such a view was born of a political understanding that sought to undermine any legal basis for the collective national rights of the Quebecois. It is this passage, too,

that perhaps best suggests the very great threat that the White Paper represented to Indian interests. In the name of the elimination of discrimination, a concept which in the 1960s had all the warm glow of the American civil rights movement around it, Indians were to be made regular Canadian citizens—legally equal individuals with no special collective identity recognized in the country's constitutional fabric. The sacred treaties, made in great solemnity in perpetuity, were to be ultimately renounced in favour of a system where the collective rights of nations were to be sacrificed to the primacy of the rights of the individual in law.

What, then, is the precise nature of these treaties that Trudeau found so contrary to his vision of Canada? How did they come into being? What is their status in law? What is the essential spirit of the understanding between peoples that treaties represent? How is "racial discrimination" to be understood in the light of these solemn historical promises? These questions have particular significance in the Ontario context. It was, for instance, in the lands immediately north of the lower Great Lakes that the Crown's approach to making treaties with the Indians, at first set out in the Royal Proclamation of 1763, received its initial extended testing. And it was this system that was later applied to the treaty-making initiatives in the Canadian West. But before proceeding, it is important to note that there are many huge areas in Canada where absolutely no land rights have ever been signed over by the resident Native people. Most of British Columbia, the North West Territories and Quebec are in this category. Some argue that the Indian title to the Maritime provinces, as well, has never been diminished in any way. Nor is all the territorial base of Ontario, for that matter, entirely covered by treaties between the Crown and First Nations people.

The inflow of Loyalists during the 1780s into the Ontario area created a need to secure Indian land for many new settlements. Some very informal initiatives were made to "purchase" the full title for the required territories, as stipulated by the Royal Proclamation of 1763. But clearly this duty was not taken very seriously. Few records were kept, and those that were leave only the vaguest of descriptions of the terms of transactions. Furthermore, there seems to have been very little real effort made to determine who could speak on behalf of the interests of the Native people of a certain area. This slipshod approach to formalizing the early treaties in Ontario was to make the status of land title extremely uncertain along the northern shores of Lake Ontario and the St. Lawrence River west of Quebec for the next century and a half. To this day the legality of the Ontario government's claim, that Indian title to the region has been properly secured, can be easily challenged.³ In one instance an Indian band in the area has recently initiated just such a legal process. But this will be discussed in more detail below.

By 1794 Crown officials began to appreciate the insecurity of their position. It was recognized that Upper Canada's new capital of York, the future Toronto, was situated on land for which no solid documentary evidence existed to show that it had been properly purchased from the Indians. This, noted Lord Dorchester, the Governor-in-Chief of British North America, "throws us entirely on the good faith of the Indians for just so much land as they are willing to allow." He added cautiously, however, that "it will be best not to press that matter or show any anxiety about it."⁴ The following year Dorchester attempted to rectify the situation somewhat by issuing instructions to the responsible Crown officials detailing how treaties with the Indians were to be conducted in the future.

Multiple documentary records of Indian treaties, including maps, signatures and detailed accounts of payments, were to be made and stored in appropriate places. Top ranking officers of the executive and military branches of government, the Governor ordered further, should be in attendance at negotiations where only skilled interpreters were to be employed. Every effort should be made to prevent the use of alcohol during treaty ceremonies. To these and other orders Dorchester added:

*All Purchases are to be made in public Council with great Solemnity and Ceremony according to the Ancient Usages and Customs of the Indians, the Principal Chiefs and leading Men of the Nation or Nations to whom the land belongs being first assembled.*¹⁰

Like the Royal Proclamation, there is specific reference in this document to Indian groups as "nations." Moreover, it is made explicit that the "Ancient Usages and Customs of the Indians" were to be recognized, and it is strongly implied that they were to be afforded a legitimacy in the transaction equivalent to English law. Finally, there is no ambivalence in the statement about the idea of First Nations' original ownership of the land.

In spite of this initiative, however, there was no immediate move to purchase in appropriate fashion the land under which York was growing. The Ojibway Indians in Upper Canada were angry because of the murder of one of their chiefs by a British soldier.¹¹ This motivated them to seek a closer alliance with the Six Nations Iroquois Indians, who had their own grievances about the way the colonial administration was attempting to control their land. The difficulty stemmed from the distinctive nature of Six Nations land tenure on a strategically located tract extending six miles in either direction along the course of the Grand River.¹² This, and another plot of land in the Bay of Quinte area, had been given to the Iroquois to replace the loss of most of their ancestral homeland in present-day upper New York state. Although Crown officials had made repeated promises over several decades to respect Six Nations sovereignty south of the lower Great Lakes, in the Versailles peace settlement following the American Revolution, British diplomats dealt away Iroquois territory in order to prevent too strong an alliance between France and the new republic of the United States. This caused great embarrassment among British officials in America, especially in light of the outstanding military aid rendered by the Six Nations throughout the revolutionary war. Their struggle to maintain their freedom through alliance with the British Crown perhaps best represents the quintessence of the most authentically inspiring side of the United Empire Loyalist spirit.

The Grand Valley lands had been one of those areas "purchased" rather informally from the resident Ojibways in the 1780s. When the region was passed to the Six Nations, their most powerful Chief, Joseph Brant, asserted that the Iroquois were the unfettered masters of their new home. With the power of a still-effective military force behind him, he declared that the stipulations of the Royal Proclamation did not apply to his people. The Iroquois had the full right, Brant maintained, to sell parts of their valuable land holdings directly to whomever they might choose. This right the colonial administration of the day attempted, with little success, to deny him. The alliance of the Six Nations and the Ojibways during the late 1790s in resistance to the land policies of local Crown officials proved most

menacing to them. Peter Russell, for instance, the chief executive officer in Upper Canada, made an emergency request in 1798 for more British troops to protect the tiny settlement of York from an Indian attack.¹³ He then issued the following orders, a record of which he set down in his private papers:

I have likewise in confidence verbally instructed Captain Claus, the [Indian] Superintendent at the Niagara District to do everything in his power (without exposing the object of this Policy to Suspicion) to toment any existing Jealousy between the Chippewas [Ojibways] and the Six Nations; and to prevent them as far as possible any junction or good understanding between the two tribes¹⁴

The strategy of divide and conquer, long an essential aspect of government Indian policy, was again applied. By 1805 the colonial officials felt themselves to be on sufficiently firm ground with the Mississauga Ojibway Indians, the Aboriginal residents of the York area at the time of British settlement, to make a properly documented purchase of the land on which the provincial capital now stood.¹⁵ Nothing was done, however, to secure firm title to all the territory along Lake Ontario to the east of York. Meanwhile, the controversy over the precise nature of the land tenure of the Grand River Indians continued to smoulder for decades to come. It would never be fully resolved.

After this period of trial and error, the system of treaty making with Indians in the Ontario area became a more standardized process. Treaties were executed so that the Crown's land supply would remain just slightly in excess of the demands of inflowing settlers. The great mass of territory of present-day Southern Ontario was secured during the years immediately following the War of 1812. The death in the conflict of the great Shawnee Chief Tecumseh, perhaps the most visionary prophet of Indian unity ever to live, symbolized a significant decline in the geopolitical power of First Nations in the Great Lakes area. Suffering greatly from disease, poverty, alcoholism and social dislocation in a countryside rapidly being reshaped by aggressive foreigners, the Native people in Upper Canada by and large took whatever material considerations were offered to them in treaty negotiations. For many the only real options available were to accept the Crown's terms or to die. Most of the treaties allowed not only for immediate payments to particular Native groups, but for the yearly distribution in perpetuity of goods such as tobacco, fish hooks and guns. While the amount of these "annuities," or yearly payments, was generally small, they nevertheless symbolized the acceptance by the British Crown of a lasting commitment to respect the collective existence of a particular First Nation community, and of the continuing reality of a Native group's special relationship with their ancestral homeland.

It would be wrong, however, to generalize too sweepingly about Indian treaties as they have been conducted in the Ontario area. The negotiation of each one had its own dynamics, just as their interpretation overtime varies with the particular perspective of each generation. The treaty conducted in 1836 with the Indians of Manitoulin Island, for instance, is quite an exceptional one reflecting the peculiar historical circumstances out of which it grew.¹⁶ Conducted by Sir Francis Bond Head, a rather eccentric Upper Canadian Lieutenant-Governor, it formalized an agreement that the whole island was to be opened to any Indians who wished to settle there. Manitoulin would be preserved "forever" to the Indians as their reserve. At the same time, Bond Head had connived treaties with several other

Native groups living farther to the south, on the theory that they would leave their good agricultural lands to move to Manitoulin Island. The enticement, however, for one of these groups, the Saugeen Indians, was really quite different. Basically they gave up their rights to a million and a half acres of good arable land for the simple promise of their being protected in perpetuity from theft of their remaining territory north of Owen Sound.¹⁷ But for the Saugeen Indians "forever" was to mean until 1854, when a treaty was forced at them and ratified, if with very questionable legality. Similar tactics involving clearly documented cases of coercion and corruption were employed in 1862, when a treaty was made with some of the Indians of the larger western portion of Manitoulin Island.¹⁸ The Odahwa of Wikwemikong however, resisted to a person all the pressure that was put on them to sign the treaty. It is for this reason that Wikwemikong is today described as an "unceded reserve."

Around the northern shores of the upper Great Lakes the major treaties with the resident Indians were conducted in 1850 by William Benjamin Robinson. Native people, it had long been known, had for many centuries mined raw copper from these mineral-rich lands. By the late 1840s commercial mining interests to the south were already beginning to exploit these same resources. A treaty was needed to give the operation of these businesses better trappings of legality. In negotiations near Sault Ste. Marie, it was decided that two separate treaties would be made. The first, the Robinson-Superior Treaty, covers 16,700 square miles north of the largest of the



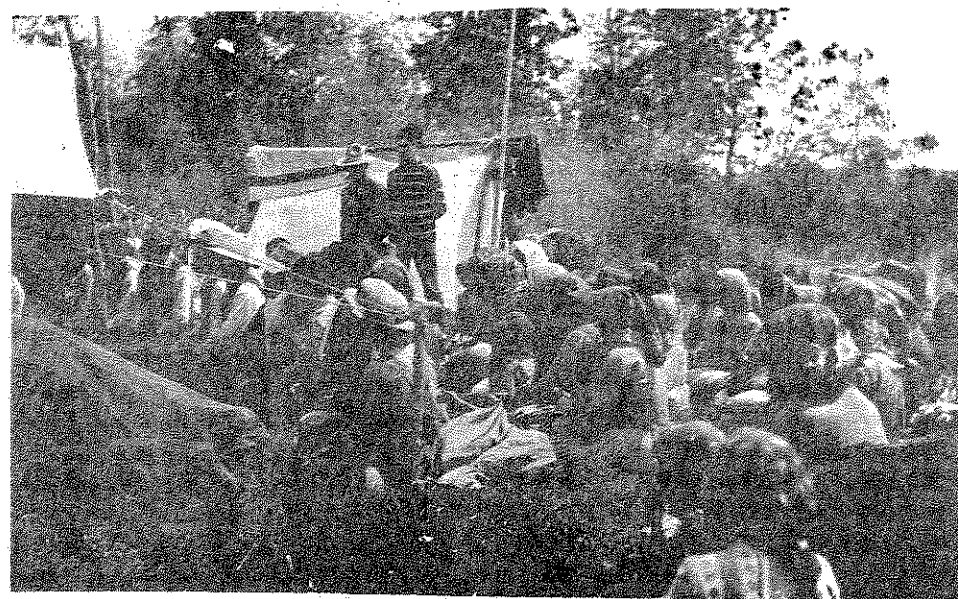
Thomas Gummersall Anderson, circa 1890. Anderson was an important fixture in the Upper Canadian Indian Deputations.

Great Lakes. The land was ceded for \$2000 in initial payments and an annuity was set at \$500. Three reserves were established by the deal. As it turned out, however, there were several Indian groups living in the Robinson-Superior area who had no

role in the making of the treaty. Although reserves were subsequently established for them, they have never been extended any real opportunity to negotiate how their Aboriginal inheritance can be passed along to help assure the continuing survival of their posterity as Indians.

The Robinson-Huron treaty covers 35,700 square miles around Georgian Bay. The terms of the agreement were roughly similar to the Robinson-Superior Treaty, although the outline of twenty-one separate reserves were detailed in this document. Robinson explained to the Indians his expectations for the future of the ceded lands as follows:

Whereas the lands now ceded are notoriously barren and sterile, and will in all probability never be settled except in a few localities by mining companies, whose establishments among the Indians, instead of being prejudicial, would prove of great benefit as they would afford a market for any things they may have to sell, and bring provisions and stores among them at reasonable prices.¹⁹



1905. Treaty 9 negotiations taking place at Flying Post, Ontario

In order to be sure that the Indians had "no claims of support" from the government,²⁰ Robinson saw that the Indians' retention of hunting and fishing rights on ceded land was made explicit in the treaty. They could continue to practise these activities "as they have heretofore been in the habit of doing."²¹ The document, of course, said nothing about how this could be done when the rivers were polluted and many of the forests levelled.

The Robinson-Huron and Robinson-Superior Treaties are generally acknowledged to be the models for the numbered treaties. Eleven of these were signed between 1871 and 1923, covering a vast stretch of territory from the Quebec border to the Rocky Mountains. Signed in 1873, Treaty 3 describes a large region to the west of Lake Superior, land which would presently be annexed to the growing province of Ontario. The vast region north of the Hudson's Bay-Great Lakes watershed—the land of the Ojibway and Cree Indians of the Nishnawbe-Aski Nation—was the subject of Treaty 9 negotiations conducted in 1905 and 1906. Because of several court decisions the government of Ontario was a party to the deal, one which few members of the Nishnawbe-Aski Nation today feel was a fair one.



Chief Shingwauk and his wife of the Garden River Reserve near Sault Ste. Marie, Ontario

At this point Ontario officials left the treaty making field, probably content in their minds that, to use their own jargon, all the land in the province had been "freed of the burden of Indian title." Spurred largely by a major controversy over Indian affairs in British Columbia, however, Ontario attorneys discovered in the early 1920s that Aboriginal title was still in place along the northern shore of Lake On-

tario, and in the seven townships north of Toronto!²² While it had been recognized in 1805 that the informal and poorly documented land deals of the 1780s were of no legal force, the treaty made that year covered only the Toronto area west of the Don River. A three man federal-provincial commission chaired by A. S. Williams was charged with the responsibility of purchasing Aboriginal title to this land, which in 1923 was among the most valuable real estate in the country. At the same time the commissioners were negotiating a treaty for the land north of the forty-fifth parallel between Georgian Bay and the Ottawa River. The Robinson-Huron Treaty, they discovered, had not included several Ontario Indian groups who had traditionally hunted on that land. Furthermore, there was a large area west of the Ottawa River that had never been covered by any treaty.

The Commissioners managed to disguise their negotiations for the Lake Ontario shore and the townships north of Toronto in their more public efforts to obtain full title to the territory further to the north. Apparently they were successful in this, perhaps with the aid of \$30,000 simply designated for "cash payments" in their negotiations. The total amount paid to the various Indian groups involved was \$500,000. When that sum came up for federal parliament approval, however, only the more northerly lands were mentioned. There the matter has stood until recently.

But the Williams Treaty of 1923 covers a four mile stretch along the Lake Ontario shore only as far eastward as the Trent River. Farther east, Aboriginal title has never been purchased except for the informal and largely undocumented Indian land negotiations of the 1780s. Their lack of legal force is clearly revealed by the fact that the 1805 and 1923 treaties were felt to be necessary. Ottawa itself stands on land where Aboriginal title still seems to be firmly in place. The nearby Golden Lake Band, for instance, have recently included the city site in a comprehensive land claim they have made. The treaty making experience in the Ontario area is thus not one which ended in the days of our grandmothers and grandfathers. It is a perpetually renewing process by which we celebrate the continuity we have been able to maintain between the present and the ancient heritage of this land. It is a sacred trust that we keep alive so that our posterity's roots in the land will be strong—so that our future development as peoples can remain flourishing.

This, then, presents some rough outlines of how the treaties with different Indian nations in Ontario were made. Certainly it is not, as many authors have often asserted, an entirely noble story of enlightened benevolence to our Red brothers and sisters. The hues of fraud, greed, and even violence have often coloured these agreements with Native people. But, on the other hand, the treaties, with all their problems, do reflect a recognition on the part of immigrants and their descendants that there are ancient nations here whose continuing reality should be reflected in the fabric of the larger society's legal system. The precise legal status of the treaties, of course, can be the subject of endless debate. But such controversy generally leads attention away from the more essential consideration of the fundamental spirit of these understandings. At core, these agreements signify a willingness on the part of some Native people to **share** (not surrender) the good things that our Mother the Earth so freely gives. Such a simple and yet powerful belief is not one which a legal system imported largely from England can easily accommodate. And yet any truly just interpretation must comprehend the reality which treaties embody of the co-existence here of different ways of life and different systems of understanding.

In order to administrate the treaties, and to live up to the promises and obligations made in them, large government mechanisms have grown up. And legislation such as the Indian Act has been passed. As suggested in the earlier essays, these facets of government activity have been directed largely at the colonization of Native people. This being said, however, they also are the inheritors of the few means, as inadequate as they are, to fulfill the government's special obligations to Indian nations as sometimes formalized in part in treaties. Thus the outcry in 1969 when the abolition of the Department of Indian Affairs and the Indian Act was projected with nothing but provincial jurisdiction to replace them. As Trudeau told a Vancouver audience in 1969, "Indians should become Canadians as all other Canadians," adding:

*We must be all equal under the laws and we must not sign treaties among ourselves . . . I don't think that we should encourage the Indians to feel that their treaties should last forever within Canada.*²³

Thirteen years later the resilient Pierre Elliot Trudeau—the victor of a monumental showdown between federalist and independentist Quebecers—experienced the crowning moment of his political life. The Queen signed into law the Constitution Act of 1982. Near its intellectual centre is section 15, which sets Trudeau's vision of empire Canada on very firm ground. It proclaims:

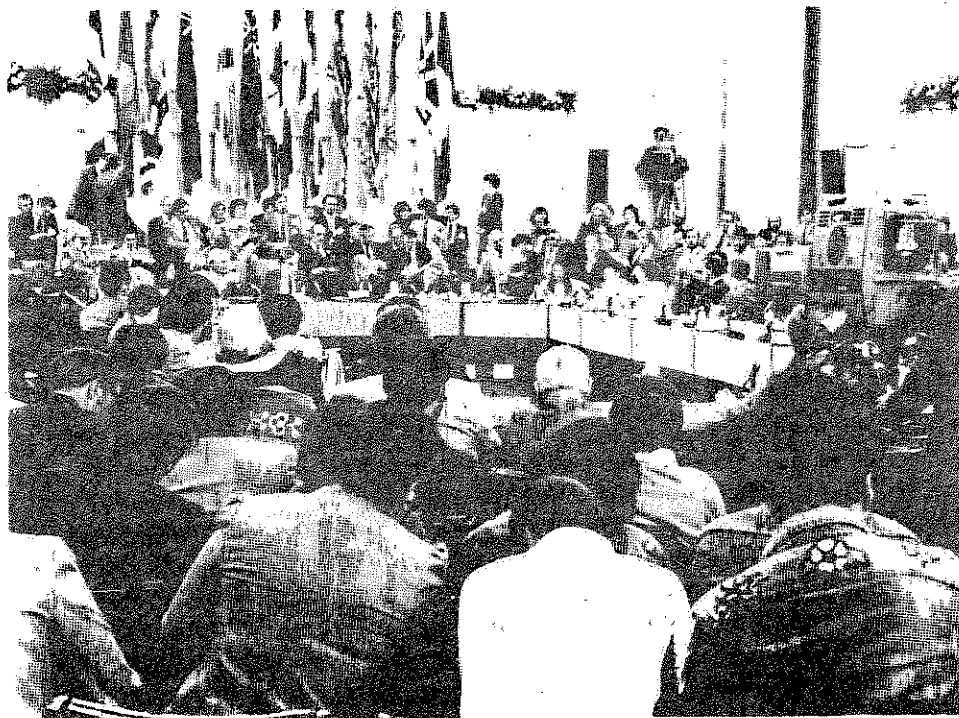
Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Section 15 of the Constitution Act, which declares itself "the supreme law of Canada," threatens menacingly the fragile strand of collective rights which runs through the constitutional fabric of our history. And it is Indian people, the First Nations of this land, who perhaps are ultimately most imperilled. Their special ongoing rights as the original nations of this land, their special ongoing rights as formalized in treaties, and their special requirements with respect to government administration all run counter to the concept of individual equality before the law.

This danger in the Constitution, of course, was recognized in the negotiation process which produced it, one in which Indian, Inuit and Metis delegates played a small part. The New Democratic Party intervened on their behalf forcing the Liberals to introduce a section to the proposed constitution reading "*aboriginal and treaty rights of the aboriginal people of Canada are hereby recognized and affirmed.*" On the night of November 5, 1981, however, when the federal government and nine of the provinces made their final deal on the constitution, the positive affirmation of aboriginal and treaty rights was ripped from the document. **November 5, 1981!** This brutal act, a denial of history and a renouncement of the sacred trusts passed down to us in treaties by our forefathers, stands as one of the truly dark moments in Canadian history. Nine premiers, including Davis of Ontario, and one Prime Minister agreed that the rights of Native people (as well as those of the citizens of Quebec) could be sacrificed in the interests of "national unity." What kind of national unity would they have imposed on us if there had been no protest?

But there was! In as authentic a show of public outrage as has ever been demonstrated in this country, men and women of all backgrounds stood up to be counted.²⁴ Aboriginal leaders led the way in a mass protest clearly demonstrating a tremendous force of public will. Many non-Natives seemed to be saying to themselves, if this is the treatment to be dealt to the original people of this land, what can the rest of us expect from the so-called Charter of Rights and Freedoms. The affirmation of Aboriginal and treaty rights was accordingly re-inserted into the constitution. This time, however, largely through the insistence of British Columbia and Alberta it seems, the word "existing" was placed before the phrase "aboriginal and treaty rights." The way the courts will eventually interpret the word "existing" is at this point any one's guess. But almost certainly attempts will be made to use the term to attempt to limit the concept of Aboriginal rights.

Since 1982, two First Ministers conferences on Aboriginal rights have taken place in Ottawa. Two more are planned by 1987. Aboriginal representatives, however, do not sit at the negotiating table as equals with the Prime Minister and the premiers. Constitutional amendment, the supposed goal of these meetings, is the monopoly of the federal and provincial governments at this time. Any change requires support of the federal parliament, and seven of the ten provincial parliaments whose constituents together make up more than fifty per cent of Canada's population. Accordingly, the First Nations must continue to watch others taking the assumed power in their hands to decide their political destinies. And



March, 1984. The second First Ministers Conference on Aboriginal rights. The first and second meetings have been televised live in their entirety.

what is more disturbing by putting Aboriginal rights in a forum where the provinces are firmly in control, the important principle of "Indians and land reserved for Indians" being the exclusive domain of federal jurisdiction can easily be lost. We have already seen many examples of how the province's control of public lands almost automatically sets them in opposition to the concept of Aboriginal rights. Remember November 5, 1981!

To conclude, then, the self-proclaimed goal of preventing "racial discrimination" can easily be used to undermine the collective Aboriginal rights of Indian people in Ontario and beyond. In 1969, when Trudeau attempted to abolish in Canadian law institutional and legal supports of special Aboriginal status, he did so in the name of the prevention of discrimination. And it remains to be seen to what extent the Constitution Act of 1982 might realize the aims of the White Paper. While we all dislike being stereotyped or held back because of the racial prejudices of others, we must be careful also not to go to the other extreme of denying the historical significance of the deeply different experiences which have made us who we are. In the diversity of our racial characters is a precious inheritance which, when constructively perceived, can strengthen the bonds of our shared humanity.

FREEDOM FROM THE BONDAGE OF POVERTY?

Section 15(1) of the Constitution Act, declaring the equality of individuals before the law, is qualified by a second sub-section. Equality under the law, it asserts *does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.*

Behind these words is a view of Canada which conceives of a particular standard, or way, of life as suitable for all who live here. Any individual or group who does not conform to this standard, section 15 (2) further implies, should be classified as "disadvantaged." Any disadvantaged group, so the logic continues, requires government programmes and activities to make them conform to standards considered to be appropriate for all in Canada.

Without doubt the application of this philosophy has resulted in a significant diminishment of some of the worst forms of human misery and suffering among us. This can hardly be denied. But the kind of government that grows out of such a social philosophy is also one prone to interpret cultural differences too quickly as categories of economic disparity. Native people in particular have often been the subject of such assimilationist assumptions on the part of government social scientists. So often their "problems" are viewed too narrowly simply as ones of unemployment, alcoholism, poor housing etc. etc. And certainly the shocking statistics on any number of these indexes of human experience would seem to support such perspectives. Native people are seven times more likely to go to prison than non-Natives in Canada.¹ They are six times more prone to suicide,² four times more likely to die during infancy³ and eight times more often taken into government-operated child care services.⁴ They have one-quarter the chance of graduating from grade twelve.⁵ Only 45% of their homes have indoor toilets and running water compared with 95% nationally.⁶ For every one Indian earning a regular wage there are ten dependents, while the average of employed to dependent individuals across Canada is 1:2.7 While these statistics are national in scope, there is no reason to think that the situation in Ontario is much different.

Certainly these hard facts represent a fundamental challenge to the very ethics of a society which allows such inequities to exist. The rush to change the numbers, however, has often justified the creation of expensive new government programs directed largely at making Native people like everyone else. If only they could have good houses and more jobs and better education and less alcoholism, it seems to be assumed, then the "problem" would be solved. But would it? Where does the root of the real problem lie? Let us think about this as we in Ontario "celebrate together."

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- 5 *Ibid.*, p. 49
- 6 *Ibid.*, p. 31
- 7 Paul Driben and Robert S. Trudeau, *When Freedom Is Lost: The Dark Side of the Relationship between Government and the Fort Hope Band*, University of Toronto Press, 1983, p. viii

A Declaration of The First Nations

We the Original Peoples of this land know the Creator put us here.

The Creator gave us laws that govern all our relationships to live in harmony with nature and mankind.

The laws of the Creator defined our rights and responsibilities.

The Creator gave us our spiritual beliefs, our languages, our culture, and a place on Mother Earth which provided us with all our needs.

We have maintained our freedom, our languages, and our traditions from time immemorial.

We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the land upon which we were placed.

The Creator has given us the right to govern ourselves and the right to self-determination.

The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other Nation.

Assembly of First Nations Conference
December, 1980