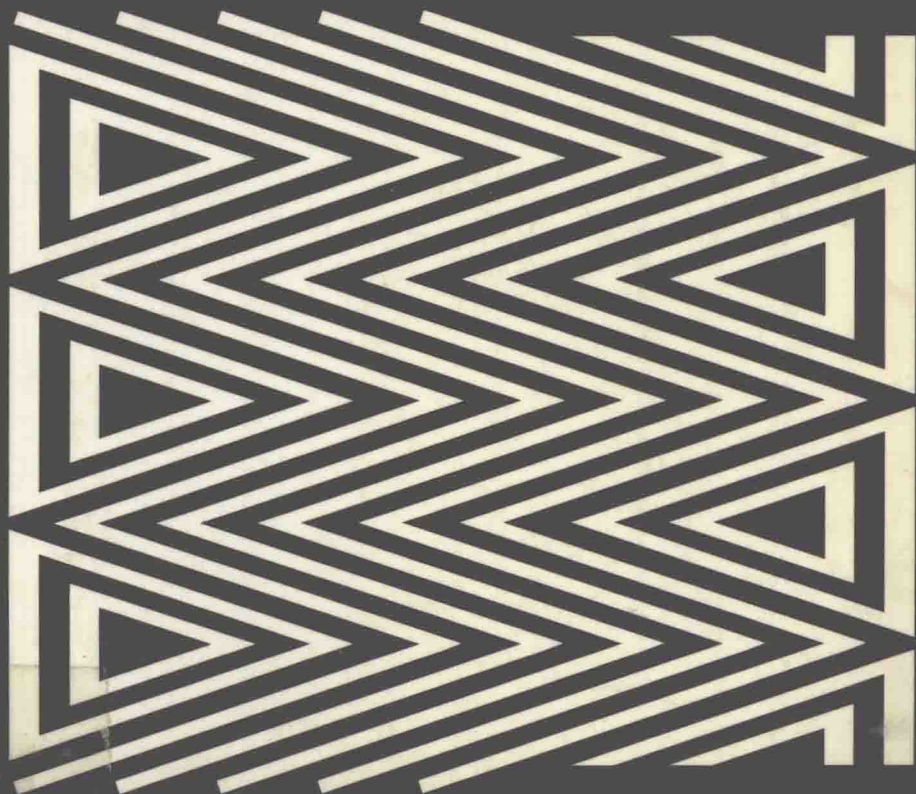


Aboriginal Peoples *and* Politics

The Indian Land Question in British Columbia, 1849-1989



Paul Tennant

Aboriginal Peoples *and* Politics

*The Indian Land Question in
British Columbia, 1849-1989*

PAUL TENNANT

University of British Columbia Press
Vancouver

© The University of British Columbia Press 1990
All rights reserved
Printed in Canada on acid-free paper ∞

ISBN 0-7748-0347-9 (cloth)
ISBN 0-7748-0369-X (paper)

Canadian Cataloguing in Publication Data

Tennant, Paul, 1938–
Aboriginal peoples and politics

Includes bibliographical references.

ISBN 0-7748-0347-9

1. Indians of North America – British Columbia –
Land tenure. 2. Indians of North America –
British Columbia – Claims. 3. Indians of North
America – British Columbia – Government relations.
4. Indians of North America – British Columbia –
Political activity. I. Title.

E78.B9T45 1990 333.2 C90-091301-0

This book has been published with the help of
a grant from the Social Science Federation of
Canada, using funds provided by the Social
Sciences and Humanities Research Council of
Canada.

UBC Press
6344 Memorial Rd
Vancouver, BC V6T 1W5

*For Laura Lee Antoine, Stefany Mathias, Harry Nyce, Jr.,
William Wilson, Jr., and Christopher, Douglas, Matthew, and Jonathan*

Preface

The Indian land question is as old as British Columbia itself. The question remains as critical as it has ever been, and it is today more controversial than it has been for over a century. The Indian peoples of British Columbia have constantly sought to have the question resolved; their efforts to do so have been at the heart of their modern political history. White government officials have as constantly ignored, suppressed, and distorted the question. With very few exceptions, white scholars have avoided both the land question and modern Indian political history; implicitly, but effectively, they have sustained the official view and hindered informed public debate. My intent in this book is to remedy some of the deficiency. My purpose is not to test or demonstrate academic theories, nor is it to provide any detailed comparison with other jurisdictions. My purpose is to describe the history of the land question in British Columbia and to reveal something of the remarkable achievements of the Indian peoples in their steadfast pursuit of their land rights through peaceful political means.

Like most white British Columbians, I was raised and educated in ignorance of both Indians and the land question. In Kamloops, where I grew up, the Whites lived on one side of the river and the Indians lived on the other. The Indian reserve was the centrepiece of the local landscape, and the red-brick Indian residential school was for years the most prominent building in the valley. Yet, from the perspective I acquired, the Indians could have been on another planet. Only much later, as Indian students began to appear in my university classes and as they and other students turned to aboriginal issues, did I come to appreciate the creative political vitality of the Indian peoples of British Columbia and to see the need for a comprehensive examination of the Indian land question and Indian political activity.

My own research began in 1979. A visiting research scholarship,

awarded by the University of Victoria and funded by the Canada Council, enabled me to spend much of 1980 travelling throughout the province interviewing Indian leaders, attending meetings, and examining documents in the offices of tribal councils and Indian organizations. During 1980 and subsequent years I attended meetings and assemblies of more tribal councils, forums, and Indian organizations in the province than did any other person, Indian or non-Indian.

I was the first political scientist to conduct such field research in British Columbia. I was welcomed almost everywhere; often I was the only non-Indian present. During this period I was also allowed access to the Department of Indian Affairs regional archives in Vancouver, and there I examined official records and correspondence dating from the mid-1950s to the late 1970s. My explanation of public policy and Indian politics during the contemporary period is thus based on my own contact with the major political leaders, upon my own examination of the relevant written material, and upon my own direct observation of all the important political developments during the last decade.

Since 1982 I have been an adviser to the Council for Yukon Indians as that organization and its member communities have gone about arranging their future through one of the great modern land claim agreements. My view that similar agreements are appropriate and feasible in British Columbia is thus based on direct knowledge of what has occurred in a neighbouring jurisdiction, where, aside from the absence of a provincial government, the historic circumstances are similar to those in British Columbia.

The literature on the subject in British Columbia begins with a remarkable volume, *Papers Connected with the Indian Land Question, 1850-1875*.¹ Put together more than a century ago as the product of white opposition to provincial government policies,² it contains a complete record of the beginnings and early history of the issue. Later, when white politicians thwarted the Indians by denying them access to it, the volume played its own part in the unfolding of events.³ Happily, it has recently been reprinted under the auspices of the Provincial Archives and is now widely available.

Three scholars stand above others in having established the present-day foundations for study of the land question and of Indian history in British Columbia.⁴ The late Wilson Duff, anthropologist, published *The Indian History of British Columbia* in 1964;⁵ it is a brief introduction to the subject. Robin Fisher, historian, published *Contact and Conflict: Indian-European Relations in British Columbia, 1774-1890* in 1977;⁶ it provides a substantial and authoritative treatment. Although I disagree with Duff and Fisher on some points, notably concerning the motives and policies of James Douglas, my intellectual debt to them is great.

Rolf Knight's *Indians At Work: An Informal History of Native Indian Labour in British Columbia, 1858-1930* was published in 1978.⁷ Although focusing on labour from an economic perspective, Knight provides a broad, and indispensable, introduction to modern Indian history. Knight is sceptical of established academic interpretations. He regards Indians not as mere objects of history but as ordinary human beings who adapt, cope, and decide. Knight intends his book to do justice "to the lives and accomplishments of previous generations of Indian working people" and to acknowledge the potential of future generations.⁸ Although my focus is on politics rather than economics, my approach and intent are similar to Knight's.

Among more recent studies, Brian Titley's biography of Duncan Campbell Scott presents much of relevance.⁹ Insightful also, and as much for the present as for the future, is Frank Cassidy and Norman Dale's *After Native Claims? The Implications of Comprehensive Claims Settlements for Natural Resources in British Columbia*.¹⁰

Some words which I use in this book may need comment. "Aboriginal" is now permanently enshrined in Canadian usage through the Constitution, which recognizes the Indian, Métis, and Inuit peoples as the "aboriginal peoples" of Canada. "Aboriginal" does not mean first on the scene; it means, rather, present when modern history began or when colonizers arrived. Indians were and are the aboriginal peoples of British Columbia.¹¹ "Indian" and "aboriginal" and "native," as adjectives and nouns, are thus synonymous within British Columbia; each is commonly used by Indians and others; none has any pejorative connotation.

"Whites" is a trickier term. Until recent decades British Columbia Whites openly identified themselves as "Whites" or "white people." The fourteen early treaties, for example, state that the purchased Indian lands are to become the "property of the White people for ever." Until the late 1940s Whites in the province were eager to distinguish themselves from non-Whites and to protect white political interests, as they did in denying Indian claims, curbing Asian immigration, and prohibiting major non-white groups from voting.

Since that time there has been growth in the degree of white racial tolerance and in the size of the non-white, non-aboriginal population of the province. "Whites" has vanished entirely from official use and largely from public discussion. Whites, however, do continue to use the word privately among themselves, and they use it publicly in places where the land question is a controversial local issue.

Whites continue to occupy almost all positions of political power in the provincial and federal governments. In addition, as I show in Chapter 17, the pejorative image of the Indian long held by Whites still

underlies provincial government policy. In fact, the Indian land question remains, as it has always been, a question between Indians and Whites.

Indians refer to "Whites" in both ordinary conversation and public statements. Often they use the word to mean all non-Indians, but this usage is hardly satisfactory. In New Zealand the Maori word "Pakeha" is widely used by everyone to refer to non-Maori.¹² Having an equivalent word in British Columbia would ease the discussion of aboriginal matters and obviate any need for the awkward and negative terms "non-Indian" and "non-aboriginal." Perhaps Indians could bestow a suitable name upon their fellow British Columbians (a name chosen after land claim settlements would perhaps prove more congenial than one chosen earlier). Those Whites who would hesitate to accept and use such a name would be showing their true colour.

"Politics" is the first and the final word pertaining to the land question. Politics is the fundamental human activity; politics is driven by the passions of peoples and the powers of governments; politics brings out the best and the worst in human beings. Defined drily by social scientists, politics is the identifying of, and dealing with, the fundamental issues and beliefs facing peoples or governments. Peoples can have politics whether or not they have formal governments. Governments cannot avoid politics; it is what they do. Issues cannot be dealt with until they are identified or, as is sometimes said, until they are put on the public agenda. Whether an issue is to be on that agenda is often a more controversial matter than is dealing with it once it is on. In British Columbia the land question has always been at the top of the agendas of the Indian peoples. Provincial government politicians have always denied that it belongs on theirs. The year 1989, however, did bring the first ever signs that the British Columbia government might be preparing to change its historic position.

My approach in this book is for the most part chronological. The first chapter describes the Indian peoples themselves, discusses aboriginal rights and land claims, and outlines the common Indian and non-Indian perceptions of those rights and claims. The next three chapters focus on the actions and omissions of governments from 1849, when the first colony was created, to 1887, by which time the Indian land question was firmly established in its present form. Chapter 5 examines the events of 1887, in which traditional Indian leaders presented a comprehensive set of demands and began the development of modern political forms and strategies.

Chapter 6 pauses in the chronology to consider the factors governing those forms and strategies; the chapter is thus an introduction and guide to Indian political activity during the present century. Chapters 7

and 8 examine the attainment of the first, and fragile, province-wide Indian unity and its curtailment by Parliament's outlawing of Indian claims activity in 1927. The following two chapters deal with the differing nature of political developments among coastal and interior Indians over the next four decades. Chapter 11 examines federal government policies of the 1960s that came to have quite unintended effects upon contemporary Indian political development.

Chapters 12 to 15 deal with the 1970s and 1980s, the tumultuous two decades in which communities and tribal groups wrested political control from the big province-wide Indian organizations, renewed the land claim struggles that had been interrupted in 1927, and turned to the courts. Chapter 16 analyses the major court cases and considers the province's legal arguments against aboriginal title. The final chapter examines the province's political arguments and assesses the likelihood of change in the province's denial of title and refusal to negotiate.

Acknowledgments

I am pleased to acknowledge the assistance of many persons and to mention first those who began as my students and remained willing to share their first-hand knowledge. They include Ardyth Cooper, Isabel Harrison, Darcy Mitchell, Bill Wilson, and Dave Zirnhelt, as well as Anne Atleo, Terry Brown, Phyllis Bonneau, Hugh Braker, Carole Dickie, Brian George, Ken Harris, Guy Lavallee, Milly MacKenzie, Robert Matthew, Henry Michel, Marion Mussell, Mike Nichol, Harry Nyce, Sr., Joe Williams, Edna Rose, Vern Salonas, Beverly Scow, Gordon Sebastian, Dolly Watts, and the late Greg Enright. Among other students whose research was of particular benefit are Wendy Aasen, Michael Bryant, Vincent Buckle, Pamela Bush, Jill Christensen, Grace Francescato, Stephen Fudge, Anthony Glavin, Stephanie Hudson, Radha Jhappan, Paul Kopas, Risë Massey, Wendy Morrison, and Andrew Webber. Invaluable assistance under provincial government student support programs was provided by Kenneth Anderlini, Kelly Clark, Charlotte Fincham, Mary Goldie, James McLennan, Lisa Spitale, Karen Trautman, and Lee Yow.

At the University of Victoria's BC Project, early support was given by Mercedes Ballem, Frances Bird, Terry Morley, Karen Ort, Jeremy Wilson, Norman Ruff, Neil Swainson, the late Walter Young, and, especially, Andrea Smith, my research associate.

Among those who went out of their way to provide assistance, information or interviews during my research were Dorothy Albert, Owen Anderson, Gordon Antoine, Max Beck, Bess Brown, the Honourable Thomas and Beverly Berger, the Honourable Frank and Tammy Calder, Stan Charles, Frank Collison, Ray Collins, Katie Cooke, Lori Davis, Jon Evans, Robert Excell, Dianne Fouladi, the Honourable Davie Fulton, Delbert Guerin, Guujaaw, John Hall, Ron Hamilton, Jan Hanna, Lillian Howard, Jennie Jack, Gene Joseph, Shirley Joseph, Clarence (Manny) Jules, Jeannie Kanakos, Manfred Klein, Nelson Leeson, Terry Leonard,

Francis Lewis, Bill and Lavina Lightbown, Carey Linde, Harold and Betty-Lou Linville, Beverly Lopez, Brian Maracle, the Honourable Leonard Marchand, Nathan Matthew, Bert McKay, Bill Mussell, Ed Newman, Stephen Olson, Art Pape, Frank Parnall, Gary Patsey, Sophie Pierre, Wilfred Price, Miles Richardson, Jean Rivard, Ron Rose, Rick Salter, Robert Simon, Francis Smith, Don Sneddon, David Sparks, Vina Starr, Neil and Barbara Sterritt, Peter Stone, Terry Stone, William Tatoosh, Kathryn Teneese, Betty Tennant, Katie Thomas, Lulu Tizya, Don Ursaki, Rueben Ware, Bob Warren, Hugh Watts, Fred Walchli, the Honourable Guy Williams, Ed Wright, Vicky Wong, and the late George Manuel.

A number of people helped in particular ways. Doreen Mullins provided pivotal prompting. Hubert Doolan, Gloria George, Leonard and Kitty Maracle, and the late Butch Smitheram lent me their personal papers; the Maracle Papers now form part of the University of British Columbia Special Collections. Noel Bayliss gave me access to the Department of Indian Affairs Archives in Vancouver. Susan Anderson was a constant source of information. Bruce and Jan Cottingham eased my way into the Nass Valley. Among the Nisga'a the late James Gosnell made me welcome and opened many doors there and elsewhere. Ray Jones was an insightful guide to the Upper Skeena and to Indian politics. Ethel Pearson and Shirley Scow were as generous with smoked salmon as with information. Ardyth Cooper, Joe Mathias, George Watts, and Bill Wilson were as warm in their hospitality as they were patient in responding to my endless questions.

In the University of British Columbia Library George Brandak, Robyn Fisher, Iza Laponce, Mary Luebbe, Tom Shorthouse, Alan Soroka, and Frances Woodward were unfailingly helpful.

I am indebted as well to my fellow academics Robert Bish, Dale Kinkade, Delloyd Guth, Michael Kew, Orest Kruhlak, Robert McDonald, Sam LaSelva, Michael M'Gonigle, Evelyn Pinkerton, Jay Powell, Patricia Shaw, Robin Ridington, Sam Stevens, Wendy Wickwire, and, especially, to Keith Ralston and Douglas Sanders. I am doubly grateful to Alan Cairns, Frank Cassidy, Robin Fisher, and Arthur Ray for commenting on the entire manuscript and to the anonymous reviewers for the University of British Columbia Press and the Social Science Federation of Canada for their very worthwhile suggestions.

None of these, however, should be held responsible for my interpretations or for errors in fact or conclusion.

Finally, several people were helpful in very special ways. Naida Hyde gave good counsel. Jane Fredeman provided expert editorial guidance from the beginning. Jean Wilson guided the manuscript through the University of British Columbia Press. Mary La Liberté gave unfailing support and encouragement.

Contents

Preface ix

Acknowledgments xv

- 1 Aboriginal Peoples and Aboriginal Claims 3
- 2 The Douglas Treaties and Aboriginal Title 17
- 3 The Douglas “System”: Reserves, Pre-Emptions, and
Assimilation 26
- 4 Segregation and Suppression, 1864–87 39
- 5 Demands for Title, Treaties, and Self-Government, 1887–99 53
- 6 The Politics of Survival 68
- 7 From Intertribal to Province-Wide Political Action, 1900–16 84
- 8 Cut-Offs, Claims Prohibition, and the Allied Tribes, 1916–27 96
- 9 Coastal Politics: The Native Brotherhood and Tribal Councils,
1931–58 114
- 10 Interior Politics and Attempts at Province-Wide Unity,
1958–68 125
- 11 Federal Government Initiatives, 1960–9 139

12	The Formation of the New Organizations, 1969-71	151
13	Big Money and Big Organizations, 1972-5	165
14	Tribalism Re-Established, 1976-9	181
15	Forums and Funding, Protests and Unity, 1980-9	196
16	Aboriginal Title in the Courts	213
17	The Province and Land Claims Negotiations, 1976-89	227
	<i>Notes</i>	239
	<i>Bibliography</i>	281
	<i>Index</i>	289

Aboriginal Peoples and Politics

Aboriginal Peoples and Aboriginal Claims

The northwest coast of North America was a place of peoples. In the portion that would become coastal British Columbia, along the contorted shoreline, on the countless islands, and far inland along the many rivers, there was an extensive maritime population. Nowhere north of Mexico were there greater numbers or denser concentrations. To the east, across the great plateau of the interior, and north into the western reaches of the continental plain there were other peoples, but less numerous. Whites have consistently underestimated the original aboriginal population of British Columbia. Until recently the accepted estimate was less than 100,000.¹ The low number resulted in part from failure to recognize the extent of early post-contact epidemics and in part from the scarcity of archeological research, but it served as well the implicit purpose of demeaning aboriginal claims and buttressing white myths. In the 1970s and 1980s the estimates of the pre-contact population rose steadily. Today the estimate is between 300,000 and 400,000 for all of British Columbia.²

The aboriginal past is closer in British Columbia than almost anywhere else on the continent. Whites began to arrive in significant numbers only in the 1850s, and not until the 1890s did effective white control extend to the last of the major aboriginal groups. In almost every Indian community there are still elders who as children were taught by parents or grandparents who had grown to adulthood in self-governing communities free of control by Whites. Moreover, although the Whites brought devastating diseases and disruptive change, there was no armed conquest, no widespread displacing of villages, and relatively little forced admixing of differing communities. The aboriginal past was not cut off. Many aboriginal communities remained resident on ancestral sites. They could thus more easily keep alive their ways, their memories, and their ideals.

At the time the Whites arrived there were more than thirty separate aboriginal groups in what would become British Columbia. Each had a unique linguistic and cultural identity, as well as a name for itself and a territory which it made use of. The groups were as distinct from one another as were the various European nations of the time. While several of the smaller groups died out after contact, most survived. Today's groups are listed in Table 1.³

What to call these groups is an important consideration, for ambiguity or misunderstanding can easily occur. British Columbia Indians themselves refer to the groups as "tribes," "peoples," "nations," or "tribal groups," but none of these is completely satisfactory as a generic word. "Tribe" is the most ambiguous, for it is also applied by Indians to kin-groups and to local communities, while "people" (as in "my people") can mean anything from a kin-group to all British Columbia Indians. "Nation," which was commonly used in the last century by colonial officials, missionaries, and other white observers, does remain suitable, but ambiguity arises from the common use of "first nation," which normally refers only to the local community and not to the entire culture group. "Tribal group" is perhaps the best, since it is the only one of the four which is never applied to local communities, at least in British Columbia usage. It has also been the term most commonly used during recent years by those Indians seeking a greater political role for the language or culture groups. "Tribal group" will thus be used throughout this book. It must be emphasized that the purpose of using this term is to distinguish the groups listed in Table 1 from less inclusive entities such as kin-groups, bands, or local communities. "Tribal group" therefore has the same meaning as "nation" had in the last century; it refers to only one specific type of group; it is not a general term for collections of Indians.⁴ The tribal groups are today the predominant political units among British Columbia Indians, and it is vitally important that they not be confused with other, less inclusive groups.⁵

From the beginning Whites have known most of the individual tribal groups by their correct Indian names. In some cases, however, Whites either got the name wrong or gave the group an English name. Among the best-known wrong names was "Nootka," which Captain James Cook applied to the people of the west coast.⁶ One Indian explanation for the error is that Cook took the Indians to be calling out their name as his ship approached; in fact, the shouted phrase that could be taken as "Nootka" was a warning to watch out for underwater rocks.⁷ The people's own name for themselves is "Nuu'chah'nulth." The English word "Carrier" was given to the Dakelh⁸ and remains the common name in English. "Carrier" was also applied rather broadly; today the Wet'suwet'en and the Babine are recognized as distinct groups. Another well-