

Student Handout: Unit 5 Lesson 1



How Aboriginals Struggle to Be Equal

Suggested time: 2 Hours

What's important in this lesson:

The purpose of this lesson is to provide you with an opportunity to understand the struggles Aboriginal Canadians must overcome to be considered equal citizens in Canada.

Complete these steps:

1. Your teacher will lead a discussion around the following questions:
 - How do you know when you're not being treated fairly?
 - What do you think life is like for Aboriginals in Canada today, especially when their ancestors were the first occupants of this land?
 - "Who should look after the 'rights' of Canadian Aboriginals – the public, the government, the court system, or the Aboriginals themselves?"If your teacher is unable to lead a discussion, do a quick-write and, if possible, share your thoughts with a partner.
2. Read Handout 1 "The Proud First Nations." This is one way to research the issues central to today's lesson.
3. Supplement your research by looking through other available resources, for example, a Canadiana Scrapbook or a History textbook.
4. Based on the information in the handout reading and your additional research, write a one-page response to Jasper Cinquet, explaining what you think Canada should do to help his people.
5. Before you make your final copy of your response to Jasper Cinquet, ask to see the Response Rubric. The criteria on the rubric will give you ideas about how to improve your response.
6. Write and hand in the final copy of your response to Jasper Cinquet.

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Hand-in the following to your teacher:

- Final copy of your response to Jasper Cinquet

Questions for the teacher:

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The Proud First Nations

--by Jack Nahrgang

An Open Letter to My Canadian Brothers and Sisters,

In 1982, Canada's Charter of Rights and Freedoms established protection for all Canadians' civil rights. Or so it seemed.

One of the most important parts of the new Charter was Section 22, which recognized and affirmed existing Aboriginal and treaty rights. Sadly, the meaning of this section was debated by your politicians and my Aboriginal leaders in the years that followed. Most agreed that the terms of existing treaties with Aboriginal tribes could not be changed or broken by the government. But many of my people still suffer in poor living conditions, with high rates of infant mortality, disease, and suicide. How can their lives be improved? We are tired of being ajutsak (poor).

Today discrimination continues to be a problem for all Aboriginal Nations. Have you not persecuted us enough? In the late 1980s Canadians were told that even the justice system was guilty of racism.

In Nova Scotia, it was revealed that Donald Marshall Jr., a member of the proud Mi'kmaq First Nation, had been in prison for 11 years for a murder he did not commit. Over the years, the police and courts had suppressed evidence and failed to follow proper procedures. A Royal Commission investigating the case reported that the criminal justice system had repeatedly failed Marshall, due in part at least, because he is an Aboriginal.

Sadly, my brothers and sisters, In The Pas, Manitoba, a Cree high-school student, Helen Betty Osborne, was brutally murdered in 1971. The police investigation was half-hearted, and no one was ever charged, even though it was widely believed in the community that four young White men were involved. In 1987, a newly assigned police officer decided to reopen the investigation and to break the "conspiracy of silence" that surrounded it. Eventually one of the four men was convicted. My people began to ask if justice would have been so delayed had Osborne not been Aboriginal.

During this debate an incident on a Winnipeg street added to suspicions that the police treated Aboriginal people differently. In March 1988, Winnipeg police were pursuing a teenaged car thief. An officer stopped J.J. Harper, a 39-year-old pedestrian, for questioning. Harper, like the suspect, was Aboriginal and wore a dark jacket, but there was no other resemblance. A prominent Aboriginal leader, Harper objected to his treatment, and a few minutes later he lay bleeding to death on the sidewalk, shot by the officer's revolver. A speedy investigation cleared the officer of misconduct, but the Aboriginal population accused the police of homicide.

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Against the background of frustration Aboriginal people were feeling, one incident escalated into a national issue. In the summer of 1990, in Oka, Quebec, the town council decided to expand a golf course onto land that Mohawks at the nearby Kanesatake reserve considered sacred. The ownership of the land had been long disputed.

The Mohawk warrior society decided to stop construction of the golf course by blockading the land. In response, the mayor of Oka called in the Quebec Provincial Police to remove the blockade. On July 11, the police advanced on the Mohawk lines, gunfire broke out, and an officer was killed. It was not clear which side fired the fatal shot. From that point, events grew quickly out of control. The police blockaded Kanesatake. Mohawks from the nearby Kahnawake reserve barricaded the road to the Mercier Bridge, which ran through their reserve, blocking access to part of Montreal.

There were nightly violent confrontations involving the population of nearby Quebec communities, the police, and the Mohawks. Across Canada, other Aboriginal groups demonstrated their support by blockading highways and railway tracks that ran through their reserves. I, too, took part in such protests.

As the tense standoff at Oka continued, Quebec Premier Robert Bourassa called on the Canadian army for help. Troops with heavy weapons moved into the area. The confrontation that followed through August and September made news around the world. Negotiations to end the crisis were tense. Towards the end of September, members of other Canadian bands persuaded the Mohawks of Kanesatake to end the standoff. Eventually the disputed land was purchased by the federal government and given to Kanesatake. The crisis passed, but the point made by the conflict hit home. Oka was a wake-up call to the government and people of Canada. Canada's Aboriginal Nations have demonstrated that we are prepared to fight for their rights.

Oka became a symbol of the ongoing dispute between the government and Aboriginal Nations over Aboriginal rights. We must ask ourselves: what are the rights of the people who were the original inhabitants of this land? The courts have ruled that existing treaty rights allowing hunting and fishing on crown land cannot be overruled by provincial licensing and conservation laws. But is this enough for my people? Do you think it is too much?

You must listen carefully, my brothers and sisters. The most important disputed rights are land claims and self-government. In the view of many of my Aboriginal brethren, we might be able to earn enough to break the poverty cycle if we could claim ownership of large areas of land and natural resources. Self-government would give us the right to manage resources and to gain control of our education, culture, and justice system.

AngajukKângugasugilikKen? (do you think you are the boss?) We are a proud people, and such control would restore both the pride and hope of our nations.

Land claims are classified into two categories: specific and comprehensive. Specific claims take place in areas where treaties have been signed, but the terms of the treaty have not been kept. Usually the terms that have been broken relate to the size of the reserve. Often highways, railways,

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military bases, golf courses, and parks have decreased our reserve lands. By the 1990s, hundreds of specific claims were slowly making their way through the courts, as reserves demanded additional land or compensation for lands they had lost. Aboriginal people and provincial police clashed over land claims at Camp Ipperwash, Ontario. In this area, the lands of the Stoney and Kettle Point Nations had been taken over for a military base and provincial park. This clash led to the death of a demonstrator, Dudley George.

Comprehensive claims question the ownership of land in large parts of Canada which were never surrendered by treaty. Until the late 1900s, this included most of British Columbia and the North. As Aboriginal Nations, we argue that land not officially surrendered by treaty is ours because we are the original inhabitants. In addition, when the British took over Canada, the Royal Proclamation of 1763 declared that "any lands whatever, which, not having been ceded to or purchased by us [the British], are reserved to the...Indians."

My people have heard the opponents of comprehensive claims argue otherwise. Your people deny that the 1763 proclamation can be valid in parts of Canada, such as the North and British Columbia, which were not known to the British at that time. They declare that Canada exercised the traditional rights of "discoverers and conquerors," that the land ceased long ago to belong to the Aboriginal Nations. In any case, without written records, it is difficult for some of our Aboriginal Nations to prove continuous occupation of land.

British Columbia has become the battleground for an important land claims dispute. The provincial government there had long considered the rich forests, mineral resources, and salmon-fishing streams as its own land. It believed it had the freedom to lease or sell the land to logging and mining companies. But the Aboriginal Nations have insisted that they are the true owners of the land, and that they are entitled to justice.

The Nisga'a, the original occupants of the Nass Valley in northwestern BC, began asserting their land rights in 1887. Have you heard of them? You should -- in 1912, they became the first group to make a land claim against the Canadian government. Even when the your government passed the Indian Act, which made it illegal for them to raise funds for land claims, they continued their struggle.

In 1973, the Nisga'a won a partial victory when some members of the Supreme Court of Canada acknowledged that the concept of Aboriginal title (right to land) did indeed exist. Then, the neighbouring Gitsn and Wet'suwet'en Nations took their land claims to court, in the Delgamuukw case (named after one of the people who made the claim).

Both groups kept at it until they met with success. In the mid-1990s, the governments of Canada and British Columbia decided that the time had come to settle rather than dispute the claims. In 1996, the Nisga'a were offered a settlement that entitled them to 8 percent of their original claimed land, ownership of the forests, and partial profits from salmon fisheries and hydro development. The Nisga'a also won the right to develop their own municipal government and policing. The governments offered to pay the Nisga'a \$190

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million over 15 years, in compensation for lost land. The Nisga'a agreed to become taxpayers, giving up their tax-exempt status under the Indian Act.

In 1998, the Supreme Court of Canada defined "Aboriginal title" in ruling on the *Delgamuukw* case. Aboriginal groups can now claim ownership if they can prove that they occupied the land before the Canadian government claimed sovereignty, and that they occupied it continuously and exclusively. The Nisga'a settlement and *Delgamuukw* decision has stirred up controversy and fear among you. Some businesses feared future court cases over ownership of the land. They began to halt their investments, and jobs were lost in British Columbia. Some landowners feared that they would lose property.

Opponents of the Nisga'a deal argued that there would be further expensive disputes over land and self-government. They demanded that the province hold a referendum on the deal. In a sign of honour that was unexpected by my people, the BC government refused a vote by all the population, arguing that the rights of a minority can never be fairly decided by a vote of the majority. In the last days of 1999, the Parliament of Canada passed the Nisga'a deal over the strong objections of the opposition Reform Party.

As Aboriginal leaders, we have long argued that our people have never given up our right to govern ourselves on our own lands. But what does this mean in practice? What would it look like if you saw it in action? Should band members run Indian reserves be like your municipal or town governments? On some reserves this is now the case, and the Department of Indian Affairs no longer has control. Or does self-government mean that Aboriginal lands and reserves in Canada join together to form something like a province? Does this frighten you?

These are questions that Canadians must ask as this new twenty-first century begins. Perhaps the most significant agreement between the Canadian government and an Aboriginal group was the treaty that resulted in the creation of the territory of Nunavut in 1999. As the largest treaty ever negotiated in Canada, it gave the Inuit of this northern area political control of almost two million square kilometres on the eastern Arctic. Did you do this because you care, or because you believe that a land of ice and snow is worthless?

My brothers and sisters, take note. Aboriginal land claims and self-government will continue to be a powerful force of change in Canadian society. How will you handle such issues? Will you learn from your ancestors mistakes, or will you repeat them, with terrible consequences?

Beware. *Agiutsivunga tâtsuming atsainâlummiik*

Jasper Cinquet