

## **First Nations and the Federal Franchise: 1960**

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*The extension of the federal franchise to Canada's registered aboriginal population in 1960 was the culmination of several years of controversial debate and a century of animosity between First Nations and the administration that controlled them.*

*Enfranchisement of First Nations was a complex issue tied to a convoluted federal definition of aboriginal status. Complications arose with attempts to hammer out 'one-size-fits-all' legislation at a time when race relations were coming under intense international scrutiny. This paper explores the nature of the debate surrounding the passage of Bill C-3 by the Diefenbaker government, and attempts to clarify the attitudes and concerns that informed the discourse surrounding aboriginal rights, Charter rights, and the notion of citizenship between 1960 and 1990.*

The granting of the federal franchise to Canada's registered aboriginal population in 1960 was the culmination of several years of debate and a century of animosity between Canada's First Nations and the federal administration that controlled them. This discourse occurred at a time of intense public scrutiny of race relations in the context of explosive demonstrations against apartheid in South Africa and the violent fight for civil rights in the American South. Some viewed Bill C-3 as little more than a band-aid for the deep cultural wounds inflicted by the Indian Act. Public opinion in the days before and after the bill's passage reflected a reluctance to accept that its architects had achieved anything monumental.<sup>1</sup> At issue were the implications enfranchisement had for native people in the past for native people (i.e. loss of treaty rights and exemption from

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<sup>1</sup> "Indian Rights," *Ottawa Journal*, 16 March 1960, 6.

tax pertaining to on-reserve income), and complications arising from a somewhat convoluted federal definition of aboriginal status.<sup>2</sup> Bill C-3 was not universally regarded as a panacea for native communities afflicted with egregious socio-economic problems, but was lauded as a tentative first step toward equal rights for aboriginal people in a country that was only beginning to formulate a Bill of Rights for all its citizens.<sup>3</sup>

Canada's aboriginal policy has been labeled as a form of apartheid by its critics,<sup>4</sup> and its main instrument of control was the Indian Act.<sup>5</sup> Since its beginnings in the years prior to Confederation, the Indian Act of 1876 reflected the paternalistic legislation of its time.<sup>6</sup> An Act for the Gradual Civilization of Indian Tribes of the Canadas (1857) is but one example of the original plans for assimilation. Its enfranchisement provisions, which granted full citizenship to adult males who dropped their claims to aboriginal status and treaty rights in exchange for twenty hectares of reserve land in fee simple, remained in place until 1960.<sup>7</sup> This legislation was designed to eventually eliminate the need to keep reserves for native use, since it was assumed that the transition to fee simple ownership would eliminate the need for them.<sup>8</sup>

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<sup>2</sup> *Report of the Joint Committee of the Senate and the House of Commons, Minutes and Proceedings of Evidence* No. 4 (Ottawa: Queen's Printer, 1959), 78-81.

<sup>3</sup> Canada, House of Commons, *Debates*, 10 March 1960, 1958.

<sup>4</sup> Daniel Raunet, *Without Surrender, Without Consent* (Vancouver: Douglas & McIntyre, 1996), 167-168.

<sup>5</sup> James S. Frideres, *Native People in Canada: Contemporary Conflicts* (Scarborough: Prentice-Hall Canada Inc., 1983), 33. "It has become the most vicious mechanism of social control that exists in Canada today. On the one hand, it has accorded Indians special status, legally and constitutionally; on the other, it has denied them equality in any realm of Canadian life."

<sup>6</sup> *Ibid.*, 23.

<sup>7</sup> Olive Patricia Dickason, *Canada's First Nations: A History of Founding Peoples from Earliest Times* (Toronto: McLelland & Stewart Inc., 1992), 250.

<sup>8</sup> *Ibid.*, 251.

The 1869 Enfranchisement Act<sup>9</sup> instituted the status provisions that were to create severe problems for many aboriginal women and their children until Bill C-31 was passed in 1985.<sup>10</sup> Thus arose the notion that the government that gave citizenship rights with one hand took away aboriginal rights with the other. This became one of the main objections to the 1960 amendment regarding the federal franchise.<sup>11</sup>

Skeena MP Frank Howard (CCF) introduced Bills C-24 and C-25 to the House for first reading in November of 1957.<sup>12</sup> The legislation was intended to remove the statutory waiver, which required surrender of aboriginal rights and status in exchange for the federal franchise. Howard introduced a complementary bill, Bill C-7, on 15 May 1958<sup>13</sup> in tandem with Bill C-8 to amend the Canada Elections Act. Bill C-3 (which became Bill C-7 in its final form) was passed to give First Nations the right to vote in federal elections “without any interference with or detraction from their treaty, aboriginal or hereditary rights.”<sup>14</sup> It became law on 10 March 1960.

The year 1958 was significant for two reasons: it saw Alberta native James Gladstone become Canada’s first aboriginal senator,<sup>15</sup> and John Diefenbaker led the Conservatives to power

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<sup>9</sup> Frideres, *Native People in Canada*, 23.

<sup>10</sup> J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada* (Toronto: University of Toronto Press, 1991), 241-242. Unfortunately, Bill C-31 created a whole new set of problems for aboriginal women.

<sup>11</sup> “Canadian Indians Shun Equality – It’s Privilege They Claim,” *Vancouver Sun*, 5 February 1960, 5.

<sup>12</sup> *HCD*, 5 November 1957, 755.

<sup>13</sup> *HCD*, 15 May 1958, 91.

<sup>14</sup> *HCD*, 24 February 1959, 1336.

<sup>15</sup> R. Douglas Francis, Richard Jones and Donald B. Smith, eds., *Destinies: Canadian History Since Confederation* (Toronto: Harcourt Brace and Company Canada Inc., 1992), 469.

after twenty-two years of Liberal government.<sup>16</sup> MP Frank Howard represented a strong CCF presence in British Columbia, the first province to allow aboriginal people to vote. Frank Calder served as its first native MLA in 1949.<sup>17</sup> Liberal MP J.W. Pickersgill, who administered Indian affairs as Minister of Citizenship and Immigration<sup>18</sup> under St. Laurent, admitted that it had been a mistake not to solve the enfranchisement issue when it first came up in 1952.<sup>19</sup>

Pickersgill, a veteran politician since his days with Mackenzie King, sat with Howard on the Joint Committee of the Senate and the House of Commons under Gladstone's leadership. He was instrumental in devising strategy for the Liberals during Diefenbaker's tenure and must have been truly delighted at the vociferous opposition directed at Bill C-3 by the First Nations themselves.<sup>20</sup> Many native leaders were naturally suspicious of the government's intentions in granting the right to vote in federal elections, despite the repeated assurances of the new Prime Minister that they would not lose their traditional rights in the process.<sup>21</sup> Much confusion arose regarding the meaning of the term "enfranchisement."<sup>22</sup> Prior to Bill C-3, "enfranchisement" involved surrendering treaty rights and tax exemptions in exchange for full Canadian citizenship. Amendments to the Indian Act in 1880 gave the government increased powers to arbitrarily appoint band councils. They also provided for the automatic "enfranchisement" of any native person aspiring to the professions or the clergy, a measure which effectively discouraged possible incursion by aboriginal people

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<sup>16</sup> *Ibid.*, 490.

<sup>17</sup> *HCD*, 2 June 1959, 4259.

<sup>18</sup> Frideres, *Native People in Canada*, 28. Indian affairs were transferred from Mines and Resources to this department in 1949.

<sup>19</sup> "Betrayed Indians' Promised Action, Shamefaced Commons Agrees to Start Another Study," *Vancouver Sun*, 10 March 1960, 7.

who wished to retain their identity.<sup>23</sup> Aside from the semantic confusion, there were other reasons for First Nations to be wary of federal legislation surrounding loss of status triggered by compulsory enfranchisement.<sup>24</sup>

Section 112 was still a sore point with the aboriginal population in 1960,<sup>25</sup> and it was raised by Yukon MP Eric Nielsen (PC) during the June 1959 debate on Bill C-13:

To the Indian...enfranchisement is a threat rather than a privilege and a section of the Indian Act which allows an individual or a whole tribe to be forced into enfranchisement without their consent is truly a threat over their heads.

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...quite conceivably substantial disadvantages might accrue to the Canadian Indian people if the bill were to pass in its present form without very searching consideration being given first to all the relevant provisions of the Indian Act.<sup>26</sup>

Section 112 was finally removed in 1961 at the request of the Joint Committee.<sup>27</sup>

Nielsen's argument extended to the status issue. In the debate of June 1958, he described aboriginal women who lost aboriginal and treaty rights through marriage to non-native men

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<sup>20</sup> "Diefenbaker Drop Dead," *Ottawa Journal*, 19 January 1960, 5.

<sup>21</sup> "Vote Won't Affect Indian Treaty Rights," *Macleans*, 19 January 1960, 10.

<sup>22</sup> *HCD*, 10 March 1960, 1958.

<sup>23</sup> Chief Joe Mathias and Gary R. Yabsley, "Conspiracy of Legislation: The Suppression of Indian Rights in Canada," *In Celebration of Our Survival: The First Nations of British Columbia* (Vancouver: UBC Press, 1991), 38.

<sup>24</sup> Miller, *Skyscrapers*, 206.

<sup>25</sup> "'Many Guns' Makes Plea for Honourable Treatment," *Ottawa Journal*, 18 March 1960, 7.

<sup>26</sup> *HCD*, 2 June 1959, 4257.

<sup>27</sup> *HCD*, 18 January 1961, 1172.

as being “betwixt and between.”<sup>28</sup> Since the proposed legislation did nothing to reinstate those rights, they would be excluded from any benefit to registered band members as defined under the Indian Act. Nielsen clearly believed that the bill was premature, since the people it would affect had not been consulted as to whether or not they understood the meaning of the franchise, or even desired the right to vote in the first place.<sup>29</sup> He questioned whether Howard’s bill represented any actual progress on the issue,<sup>30</sup> and called for further amendments to the Indian Act prior to the franchise being granted in order to avoid problems with the conflicting provisions contained within it.<sup>31</sup>

Calgary MP A.R. Smith (PC) addressed compulsory enfranchisement concerns of Alberta’s aboriginal population, presenting a resolution that had been brought to him by his native constituents:

That no section of the Indian Act should compel an Indian to become enfranchised without his consent and that no power to compel enfranchisement should exist in the minister. The threat of compulsory voting rights is presently holding back the progress of the development of the Indians and, therefore, any compulsory section should be removed.<sup>32</sup>

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<sup>28</sup> *HCD*, 10 June 1958, 1010.

<sup>29</sup> *Ibid.*, 1010-1011.

<sup>30</sup> *Ibid.*, 1012.

<sup>31</sup> *Ibid.*, 1011.

<sup>32</sup> *Ibid.*, 1013.

These concerns were not unfounded; Alberta's impoverished Michel Band had been pressured and deceived into surrendering their reserve and accepting enfranchisement through a lack of understanding of the process of band election:

When a vote was called, 15 of the 17 adults put their hands up in the air, thinking they were agreeing to further discussion. ... The judge, the lawyer and the Indian Agent all shook hands and drove away, followed by the farmers and the priests. Only the priests shook their heads.<sup>33</sup>

The band subsequently received a payout, but lost all rights to its reserve lands. The enfranchisement of the band acted in tandem with the status provisions to further impoverish the children of a white woman who had previously had them illegally enfranchised when she divorced her native husband:

She had had Bob, Harvey and Dorothy enfranchised at the time of the divorce, and by doing so, Mary was in fact in violation of the Red Ticket Act (1951). Somebody could have pointed out that she couldn't do that anymore. But no-one had.

When the... reserve was broken up and sold, none of their names were on the Band Register, since they had been struck from the list when Mary became enfranchised. ...none of the treaty obligations, such as the right to a free education, applied to them... Taking his first halting steps in

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<sup>33</sup> Robert Hunter and Robert Calihoo, *Occupied Canada* (Toronto: McClelland and Stewart Inc., 1991), 40.

search of his official identity, Bob Roger discovered that he literally didn't have one.<sup>34</sup>

This is a clear illustration of the type of incident that could and did bring about an atmosphere of intense distrust of federal enfranchisement policy that Frank Howard considered completely justifiable.<sup>35</sup>

Howard addressed another sensitive area, the issue of taxation. Registered aboriginals were exempt from tax on income generated on reserve lands subject to section 86, subsection 1 of the Indian Act.<sup>36</sup> Obviously this was an exemption they were anxious to retain, yet the current legislation required them to relinquish it by signing a waiver if they wished to vote federally.<sup>37</sup> Howard emphasized that despite the fact that the subsection applied only to a very few, since most band members had to seek employment off the reserve, and despite a 1951 committee recommendation that it should be removed, it was important to take into account "the psychological attitude of the Indian"<sup>38</sup> when considering the issue. Manitoba MP G.C. Fairfield (PC) appeared to agree, but his remarks were couched in racist language:

Any time that you give the Indians anything they begin to look for the joker or the nigger in the woodpile. In this instance I would like to know more fully...what the general attitude of the

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<sup>34</sup> *Ibid.*, 68-69.

<sup>35</sup> *HCD*, 19 May 1959, 3813.

<sup>36</sup> *Ibid.*, 3812-3813.

<sup>37</sup> " 'Many Guns' Makes Plea for Honorable Treatment": "They remembered in the past the only way an Indian on a reserve could get the vote was to start paying income tax. They feared trickery."

<sup>38</sup> *HCD*, 19 May 1959, 3813.

Indian is toward this modification or amendment to give him the franchise in the future.<sup>39</sup>

Fairfield went on to point out that, regarding provincial aboriginal voting rights granted in 1954:

I find that the Indian has not taken the greatest advantage of that enfranchisement other than the fact that he may now enter the white man's pub.<sup>40</sup>

Fairfield also brought up the issue of sovereignty, citing the example of the Six Nations, who wished to establish their own nation.<sup>41</sup> The sovereignty of the Six Nations had come up in an earlier debate when Brantford MP Jack Wratten (PC) had pointed out that the reserve was divided between the elected band council, which he felt would be in favour of accepting the franchise, and the council of hereditary chiefs, who saw no sense in seeking the franchise because they considered themselves a separate entity whose only allegiance was to the Crown.<sup>42</sup> A Six Nations brief presented to the Joint Committee emphasized that "...a state makes treaties only with a sovereign state and not with its wards."<sup>43</sup> The Six Nations had been protesting their wardship for years, seeking support for their cause from the League of Nations and the UN Assembly,<sup>44</sup> believing that their status as warriors and their alliance with the British during the American Revolutionary War had set them apart from the rest of Canada's

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<sup>39</sup> Ibid.

<sup>40</sup> *HCD*, 19 May 1959, 3814.

<sup>41</sup> Ibid., 3814.

<sup>42</sup> *HCD*, 24 February 1959, 1340.

<sup>43</sup> *Joint Committee, Minutes of Proceedings and Evidence No. 4*, 23 June 1950, 96.

<sup>44</sup> "The Unconquered Warriors of Ohsweken," *Macleans*, 12 November 1955, 92.

aboriginal people.<sup>45</sup> They were especially militant because they had lost much of their original Grand River land grant to the Province of Ontario after Confederation, and were consigned to “a flat, dejected little island landlocked by lush hills and the bustle of industrial plenty.”<sup>46</sup> Despite the imposition of an elective council in 1924, many inhabitants of the reserve still supported their hereditary chiefs. That the elected council might accept the franchise was a moot point, since there were doubts as to whether the decisions of the council accurately reflected the wishes of the people.<sup>47</sup>

The reasons given for why the franchise should *not* be granted were varied and creative. The debate of June 2, 1959 centred upon Bill C-13, which proposed revisions to the Canada Elections Act, and the accompanying Bill C-15, which would revise the Indian Act. Nielsen brought up the point that the revisions to Bill C-15 referred to “Indians as defined in this act,” a definition which he believed to be somewhat inaccurate because status was a fluid categorization that could easily be misinterpreted.<sup>48</sup> While he supported Howard’s motion on principle, Nielsen mentioned three categories of Indians who were excluded from having status because they did not live on a reserve, had mixed blood, or were women who had married out. Nielsen reiterated his stance from the previous year that the bill was premature,<sup>49</sup> and that it should be postponed until the Joint Committee of the House and the Senate had an opportunity to thoroughly review the Indian Act.<sup>50</sup>

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<sup>45</sup> *Joint Committee, Minutes of Proceedings and Evidence No. 5*, 24 June 1959, 110. Mrs. Ella Worthington referred to the Grand River Iroquois as “the first of the United Empire Loyalists.”

<sup>46</sup> “Unconquered Warriors,” *Macleans*, 92.

<sup>47</sup> *Ibid.*, 93-94.

<sup>48</sup> *HCD*, 2 June 1959, 4256.

<sup>49</sup> *HCD*, 10 June 1958, 1011.

<sup>50</sup> *HCD*, 2 June 1959, 4258-4259.

There was clearly opposition to granting the franchise on the grounds that aboriginal people were not sufficiently sophisticated, being supposedly incapable of coping with life in modern society. MP J.N. Ormiston (PC) questioned whether enfranchisement was the most logical or rational choice.<sup>51</sup> As debate on Bill C-3 drew to a close in March of 1960, Hull MP Alexis Caron (LIB) voiced his objections, saying “I am of the opinion that most of the Indians in the province of Quebec at least do not accept the bill.”<sup>52</sup> He based his objections on the fact that his Indian constituents had not been consulted and that there was the possibility that compulsory voting could become a reality in the future. Frank Howard chided him, saying that he was “a bit out of date in this particular case.”<sup>53</sup> The Hon. Ellen Fairclough (PC, Minister of Citizenship and Immigration) pointed out that native groups had been consulted by committees looking into the question in the late 1940s, with a majority of thirty to four in favour of the federal franchise.<sup>54</sup> Caron remained doubtful that native voters would exercise their new franchise.

A prolonged discussion regarding taxation took place prior to the bill being given its third reading. Since 122 native people had already signed waivers relinquishing their tax-free status in order to vote,<sup>55</sup> several MPs wanted assurances that the waivers would be nullified upon passage of the new revisions. Pickersgill in particular was most adamant that the reversal of the waivers be written into the legislation in order to assuage native voters’ fears about government trickery.<sup>56</sup> The bill went to a third

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<sup>51</sup> Ibid., 4262.

<sup>52</sup> *HCD*, 10 March 1960, 1954.

<sup>53</sup> *HCD*, 2 June 1959, 1955.

<sup>54</sup> Ibid., 1956.

<sup>55</sup> ““Betrayed Indians’ Promised Action,” *Vancouver Sun*, 10 March 1960, 7.

<sup>56</sup> *HCD*, 10 March 1960, 1947.

reading, with Fairclough's assurances that the waivers would be nullified before receiving royal assent.<sup>57</sup>

Despite these assurances, the importance of a "writing" to native people was not to be underestimated, as the Joint Committee discovered during the course of its hearings. One witness testified:

...my people are hard to convince. ... They would like to have, in the form of a writing, a letter, something telling them they will not lose their rights as Indians, so they can go and vote.

...

They have a doubt in their mind as to what it is, and it is hard for me to explain it to them.<sup>58</sup>

The committee also heard from those whose wishes were more basic:

There is quite an uneasiness among Indians. We think it might come from an inadequacy of the Indian Act, though we are unprepared to understand it well. *It has never been explained to us in our own language.* Practically, to us the Indian Act amounts to this: avoid offending the Indian Agent and the Hudson[']s Bay Company to make sure we get the necessities of life.<sup>59</sup>

[Emphasis added]

Other submissions contained urgent requests for heating oil because winter was approaching, and a query regarding a tractor

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<sup>57</sup> *Ibid.*, 1957.

<sup>58</sup> *Joint Committee, Minutes of Proceedings and Evidence*, No. 2, 5 May 1960, 97.

<sup>59</sup> *Joint Committee, Minutes of Proceedings and Evidence*, No. 2, 18 May 1960, 347.

and supplies which had been promised but never sent, accompanied by a hand-drawn map of a shrinking reserve which had been gradually expropriated by the provincial government. Clearly, issues of simple survival were far more urgent than the franchise in the minds of native people.

The *Globe and Mail* duly reported the bill's passage on 12 March 1960, noting that "the debate on Indian matters was relatively free of partisan considerations and gave the impression that the House at last was getting down to business."<sup>60</sup> The Liberal strategy of compliance appeared to be working, since Pickersgill received the most column inches for his views on the importance of education and economic development, and his concerns regarding "the orphans of the administrative and juridical systems," namely the non-status aboriginals who still remained on the periphery of both native and white society.

Pickersgill was fully aware that the granting of the franchise did little to address the deeper socio-economic issues faced by aboriginal people, problems which could not simply be legislated away. When the Liberals regained power and attempted to do away with the "benevolent apartheid" altogether in 1969, the native population recognized it as a move toward total assimilation.<sup>61</sup> The 1969 White Paper was an indication of the federal government's frustration with the conundrum of an aboriginal identity that defied all attempts at integration. It was also a reflection of Trudeau's opposition to the notion of accommodating special interest groups. Inflamed by the Quebec separatist movement, his reaction to First Nations' demands for the right to self-determination and land claims compensation was his now infamous remark: "We can't recognize aboriginal rights

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<sup>60</sup> "The First Canadians Fully Recognized," *Globe and Mail*, 12 March, 1960, 8.

<sup>61</sup> Harold Cardinal, *The Rebirth of Canada's Indians* (Edmonton: Hurtig Publishers, 1977), 13.

because no society can be built on historical ‘might-have-beens.’”<sup>62</sup> Trudeau saw special status for aboriginal people as being the root cause of their problems, and considered demands to retain their unique identity objectionable on the grounds that it would keep them ghettoized on the reserves.<sup>63</sup> Because his government had just come into power, the focus was on forging a policy that would conform to his ideas of what a nation should be.<sup>64</sup>

The aboriginal response to the White Paper was immediate. Deeply offended that the proposal to extinguish their status as “citizens plus”<sup>65</sup> was made without their input, native leaders proceeded to organize politically. This culminated in the formation of the present-day Assembly of First Nations in a push for participation in constitutional reform.<sup>66</sup> Despite concerted stonewalling by the First Ministers, consistent pressure from women’s and native groups resulted in the inclusion of a clause in the Constitution affirming aboriginal rights, although the actual definition of these rights continues to be an item for debate.<sup>67</sup>

The status provisions were not revised until 1985. Bill C-31 came about only after the issue had been brought before the United Nations. The UN Committee on Human Rights pressured the then-Conservative government to revise the act on the basis of a complaint from Sandra Lovelace, who represented a group of women from the Tobique Reserve who had married out and wished to return to their band in New Brunswick. Denied her status and residency rights, Lovelace lobbied for reinstatement

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<sup>62</sup> Miller, *Skyscrapers*, 224.

<sup>63</sup> Kathleen Jamieson, *Indian Women and the Law in Canada: Citizens Minus* (Ottawa: Minister of Supplies and Services Canada, 1978), 77.

<sup>64</sup> Miller, *Skyscrapers*, 225.

<sup>65</sup> Jamieson, *Indian Women*, 76.

<sup>66</sup> Miller, *Skyscrapers*, 238-239.

<sup>67</sup> *Ibid.*, 240.

using the equality provisions within the Charter of Rights to fortify her argument.<sup>68</sup> The bill's passage was tainted by the outrage it engendered in bands who insisted that they could not afford to reinstate an estimated 24,000 women, and who held such women (and their 52,000 children) in contempt on account of their mixed-race marriages.<sup>69</sup>

There was a great deal of animosity over the payment of per-capita shares of band monies to women who married out and then chose to return to the reserves. Frustration and anger were expressed as early as 1959 during the hearings of the Joint Committee, when one such woman stated:

I have eight girls, and those eight girls may get enfranchised and then marry Six Nation Indians and come right back on. You take the funds. ...it is just like your government here has got money in the bank: if one of you were to leave the country ...he would not get a share of this money. Well, that is just exactly how our band funds are.<sup>70</sup>

Even more odious was the prospect of supporting the white husbands of the women who brought them back to the reserve:

...we have got men who get a cheap rent on the reserve and get their children educated and work elsewhere. That is what we do not like.<sup>71</sup>

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<sup>68</sup> *Keepers of the Flame* (Montreal, National Film Board of Canada, 1994).

<sup>69</sup> "Amendments to Indian Act Spark Protest," *Calgary Herald*, 12 June 1985, B2.

<sup>70</sup> *Joint Committee, Minutes of Proceedings and Evidence*, No. 4, 23 June 1959, 81.

<sup>71</sup> *Ibid.*, 78-79.

Furthermore, the government's constant tinkering with the definition of status was demeaning; it underestimated the capacity of aboriginal people to think for themselves.<sup>72</sup>

Due to international political pressure, Bill C-31 was passed despite such objections. This resulted in the reinstatement of approximately 100,000 individuals by 1992.<sup>73</sup> Many of the subsequent problems stemmed from the government's unwillingness to allocate sufficient funds to pay for the support and housing of thousands of returnees.<sup>74</sup> The end result was a situation that severely strained the limited resources of many bands, and impoverished innumerable repatriated families who suffered at the hands of band councils that continued to resent them.<sup>75</sup>

The defeat of the Meech Lake Accord in June of 1990 signified a major victory for aboriginal people, since the document failed to acknowledge them as a Charter group along with the English and French.<sup>76</sup> The celebratory mood was marred a month later by the Oka crisis which saw provincial police, the *Sûreté de Québec*, commit human rights violations against Mohawk men, women, and children of the Six Nations Confederacy at Kanesatake, Quebec. The federal government, which continued to deny the concept of First Nations' territorial sovereignty, failed to intervene in the violent confrontation. The

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<sup>72</sup> *Joint Committee, Minutes of Proceedings and Evidence*, No. 2, 5 May 1960, 92.

<sup>73</sup> Pauline Comeau, *Elijah, No Ordinary Man* (Toronto: Douglas & McIntyre, 1993), 60-61.

<sup>74</sup> Miller, *Skyscrapers*, 242.

<sup>75</sup> Shirley Joseph, "Assimilation Tools: Then and Now" *In Celebration of Our Survival: The First Nations of British Columbia* (Vancouver: UBC Press, 1991), 66.

<sup>76</sup> Comeau, *Elijah*, 1.

incident bordered on full-scale civil war, and was indicative of the level of frustration felt by native people across the country.<sup>77</sup>

Despite considerable progress made by some bands in gaining control of their lands, natural resources, and social services, native people continue to live under the Indian Act and must deal with a Charter of Rights which recognizes that the country “is founded upon principles that recognize the supremacy of God and the rule of law.”<sup>78</sup> The language of the Charter, based as it is upon the notion of individualism, does not include the concept of sharing, which is such an essential component of aboriginal philosophy.<sup>79</sup> Canada’s First Nations are engaged in a fight for self-determination based upon regaining control of their traditional land base so that they may fully realize their economic and cultural potential. The restoration and healing of their societies require that they formulate their own constitutions and laws; only then can they begin to wield true power in the place they call home.

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<sup>77</sup> Miller, *Skyscrapers*, 304-306.

<sup>78</sup> Mary Ellen Turpel, “Aboriginal Peoples and the Canadian Charter: Interpretive Monopolies, Cultural Differences” *First Nations Issues* (Toronto: Emond Montgomery Publications Limited, 1991), 42.

<sup>79</sup> *Ibid.*, 53.

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