

## 13



### Conclusions

I want to get rid of the Indian problem. I do not think as a matter of fact, that the country ought to continuously protect a class of people who are able to stand alone...

Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill.<sup>1</sup>

**RARELY HAVE THE PREVAILING** assumptions underlying Canadian policy with regard to Aboriginal peoples been stated so graphically and so brutally. These words were spoken in 1920 by Duncan Campbell Scott, deputy superintendent general of Indian affairs, before a special parliamentary committee established to examine his proposals for amending the enfranchisement provisions of the *Indian Act*.

This statement, redolent of ethnocentric triumphalism, was rooted in nineteenth-century Canadian assumptions about the lesser place of Aboriginal peoples in Canada. Far from provoking fervent and principled opposition to the assimilationist foundation of his testimony, Scott's statements were generally accepted as the conventional wisdom in Aboriginal matters. Any dispute was over the details of his compulsory enfranchisement proposals, not over the moral legitimacy of assimilation as the principle guiding relations between the federal government and Aboriginal peoples.

That a Canadian official could speak such words before the representatives of the Canadian people in the twentieth century without arousing profound and vehement objections is equally noteworthy. It was taken for granted that Aboriginal peoples were simply a minority group of 'inferior' peoples, internal 'immigrants', in effect, in a country ready to accept them on equal terms only if they renounced their Aboriginal identity and demonstrated in terms acceptable to non-Aboriginal society that they were fit for the 'privileges' of enfranchisement and fuller participation in the more evolved, more 'civilized' society that had overtaken and grown up around them.<sup>2</sup> In other words, the false premises that underlay so much of government policy toward Aboriginal peoples were alive and well in the third decade of this century.

Impassioned opposition to Scott's proposal, from Indian interveners appearing before the special committee, was ignored, and the amendment allowing enfranchisement of Indians

without their consent was passed with minor procedural modifications. Despite continuing Indian hostility to its destructive intent, it was given royal assent and became law on 1 July 1920.

Thus, on the day commemorating Canada's own emergence as a distinct political entity in the broader world community, Canada adopted a law whose avowed goal was the piecemeal but complete destruction of distinct social and political entities within the broader Canadian community. This relatively minor episode perhaps best encapsulates the core injustice that had been building for close to 100 years. That was the continuous and deliberate subversion of Aboriginal nations — groups whose only offence was their wish to continue living in their own communities and evolving in accordance with their own traditions, laws and aspirations.

In the first part of this volume, we traced the evolution of the relationship between Aboriginal peoples and the new arrivals from Europe, following it through four distinct but overlapping periods and trying to capture the experience and perspectives of Aboriginal peoples. We showed how, during the period we call displacement and assimilation, new philosophies that trumpeted the superiority of 'civilized' Europeans over 'uncivilized', even 'savage', Aboriginal peoples, swept the British Empire. The policies resulting from these ethnocentric philosophies — represented for the First Nations by enfranchisement and similar measures and for the Métis people by individual land allotments and subsequent land losses in the west — undermined the tripartite relationship between Aboriginal peoples, the colonies and the imperial Crown, and paved the way for the attempted destruction of Aboriginal societies.

Having come upon diverse societies possessing their own long-established laws and customs, the newcomers from Europe were forced to justify their failure to continue to accord Aboriginal nations the respect that initially guided relations between them. Former commercial and military allies, original full-fledged partners in a joint enterprise, Aboriginal peoples came to be seen by increasingly ethnocentric and intolerant colonial and Canadian authorities in an entirely different and contemptuous light.

It was a light, moreover, that seemed deliberately to leave in the shadows Aboriginal peoples' actual status as nations and as peoples and their legitimate demands to participate as constitutional equals to the colonies that eventually federated to become Canada. Only now have the shadows cast by the false assumptions of decades of Canadian Aboriginal policy begun to lift, to reveal the true contours of the Canadian federation.

The unflattering and misleading image of Aboriginal people promoted by the new generation of Canadian nation builders is nowhere better captured than in the annual report of the department of the interior for 1876, the year the first *Indian Act* was adopted. That image recast Aboriginal people in the role of wards or children of the state, requiring of federal officials that "every effort should be made to aid the Red man in lifting himself out of his condition of tutelage and dependence" because "that is clearly

our wisdom and our duty, through education and other means, to prepare him for a higher civilization..."<sup>3</sup>

Our focus in this second part of this volume has been on what transpired when the initial consensus supporting the alliance between Aboriginal nations and settler governments died, and the balance of power shifted decisively in favour of colonial and Canadian authorities. With the political and economic ascendancy of the new Canadian state confirmed, there was no effective challenge to the validity of the false premises generated by the ethnocentric certainties of the nineteenth century.

These premises provided sufficient moral and philosophical foundation to justify the broad consensus, across all sectors of Canadian society, that put the actions examined in the last four chapters beyond challenge. This gave government the licence to treat a category of people in a way that would never have been tolerated, even in the more constrained political environment of the day, if it had been practised against the Canadian population as a whole. Such an orientation, it is clear to us today, was profoundly racist.

The legacy is still with us. The *Indian Act*, the centrepiece of federal legislation, continues to interfere profoundly in the lives, cultures and communities of First Nations peoples today. We believe there can be no real change within the confines of this act. We discuss more fully in Volume 2 what should replace it. We acknowledge the profound mistrust that causes many communities to hold onto the *Indian Act* in the absence of any process assuring them that their historical rights will be respected. We believe that recognition by the Canadian people of the profound injustices visited on Aboriginal peoples over the decades by this legislation will lead to a demand that governments commence a process that will lead to a new legal basis for the relationship.

No segment of our research aroused more outrage and shame than the story of the residential schools. Certainly there were hundreds of children who survived and scores who benefitted from the education they received. And there were teachers and administrators who gave years of their lives to what they believed was a noble experiment. But the incredible damage — loss of life, denigration of culture, destruction of self-respect and self-esteem, rupture of families, impact of these traumas on succeeding generations, and the enormity of the cultural triumphalism that lay behind the enterprise — will deeply disturb anyone who allows this story to seep into their consciousness and recognizes that these policies and deeds were perpetrated by Canadians no better or worse intentioned, no better or worse educated than we are today. This episode reveals what has been demonstrated repeatedly in the subsequent events of this century: the capacity of powerful but grievously false premises to take over public institutions and render them powerless to mount effective resistance. It is also evidence of the capacity of democratic populations to tolerate moral enormities in their midst.

These were also acts of profound cruelty to individuals: children (now adults) and their families and communities. A public inquiry is urgently required to examine the origins, purposes and effects of residential school policies, to identify abuses, to recommend remedial measures and to begin the process of healing.

The history of relocations compounds the malaise and explains poignantly the social dysfunction that has become widespread in many Aboriginal communities. Again we see the impunity with which public institutions can act when buttressed by erroneous premises. As shown in Chapter 11, Aboriginal people were moved because they were moveable. The intentions of those who made the policies and those who implemented them may have been just in their own eyes, but Aboriginal peoples could be treated in this way only because different standards applied to them than to other Canadians. Decisions could be made for them — token consultation was all that was required. To do anything else would jeopardize the desired outcome. And these moves were undertaken, it is now apparent, with no understanding of their profound and debilitating impact on almost all aspects of the relocatees' lives.

As with the residential schools policy, profound damage was done to the human rights of Aboriginal Canadians in the course of many relocations. It is true that our sensitivity to and understanding of human rights has progressed significantly in recent decades. But many of these relocations occurred well after Canada's endorsement of the Universal Declaration of Human Rights in 1948. We believe that the right approach to accountability and compensation is a process of inquiry through the Canadian Human Rights Commission to assess each case on its own merits and judge, among other things, whether the accepted standards of the day were applied in the design and implementation of the relocation. Coupled with this process for redress, governments should adopt relocation guidelines that explicitly incorporate the highest standards of human rights.

The final chapter in this sad era of dispossession is equally poignant. Despite all that had gone before, Aboriginal men and women volunteered in remarkable numbers to serve in the armed forces in both world wars. Motivated in some cases by ancient traditions, a continuing sense of obligation to act when an ally is threatened, or the opportunity to earn a living, they found in wartime service acceptance and equality. They served with great distinction. But when they returned to private life, they again faced discrimination and deprivation. Many were denied access to assistance equivalent to that received by their comrades unless they abandoned their home communities. Valued by their comrades on the battlefield and hailed at home for their contributions to defence industries and wartime charities, when the peace was won, Aboriginal people were again relegated to the margins of society, with the apparent acquiescence of Canadians.

We believe that Canadians and their governments must recognize and honour these men and women for their extraordinary acts of patriotism on behalf of a country in which they were not yet, for the most part, full citizens. Canadians owe them a particular debt of gratitude and special recognition of their participation in the struggle for freedoms that they themselves were denied when they returned.

All who read these accounts will be disturbed. Many exposed to these events for the first time will urge us to forget the past: building for the future is what counts, they argue; preoccupation with past injustices and compensation can only continue to embroil the relationship in blame and confrontation.

But as Aboriginal people have told us, the past might be forgiven but it cannot be forgotten. It infuses the present and gives shape to Canadian institutions, attitudes and practices that seriously impede their aspirations to assume their rightful place in a renewed Canadian federation. Only if Canada admits to the fundamental contradiction of continuing colonialism, they assert, can true healing and true reconciliation take place.

The social, economic and political weaknesses of most modern Aboriginal communities stem from the failure of imperial, colonial and Canadian authorities to respond to Aboriginal peoples' request for the opportunity to evolve in harmony with the growth of the non-Aboriginal society emerging around them. Having wilfully abandoned and marginalized Aboriginal peoples, and deliberately undermined their social and political cohesiveness, non-Aboriginal governments cannot now plead the passage of time and the institutional weaknesses of present-day Aboriginal nations as an excuse for inaction.

As we move through the current period of our shared journey together — the stage of negotiation and renewal — we urge governments and the Canadian people to undertake a comprehensive and unflinching assessment of the unstable foundations of the relationship that developed during the period of displacement and assimilation. We can no longer afford merely to 'manage' the continuing crisis in the relationship by mediating potential areas of conflict while leaving unaltered the foundation on which that conflict inevitably arises.

## Notes:

**1** Duncan Campbell Scott, deputy superintendent general of Indian affairs, testimony before the Special Committee of the House of Commons examining the Indian Act amendments of 1920, National Archives of Canada, Record Group 10, volume 6810, file 470-2-3, volume 7, pp. 55 (L-3) and 63 (N-3). See John Leslie, *The Historical Development of the Indian Act*, second edition (Ottawa: Department of Indian Affairs and Northern Development, Treaties and Historical Research Branch, 1978), p. 114.

**2** Enfranchisement was referred to explicitly in the *Indian Act* as a privilege. See, for example, the *Indian Act*, R.S.C. 1906, chapter 81, section 108, regarding Indians of “sufficient intelligence to be qualified to hold land in fee simple, and otherwise to exercise all the rights and privileges of an enfranchised person.”

**3** Department of the Interior [Indian Affairs Branch], *Annual Report* (Ottawa: 1876), p. XIV. See Wayne Daugherty and Dennis Madill, *Indian Government under Indian Act Legislation, 1868-1951* (Ottawa: Department of Indian Affairs and Northern Development, Research Branch, 1980), p. 3.