

## **New Socialist Magazine**

### **Grassy Narrows: The 1873 treaty**

#### **A history of state treachery**

**by Dave Brophy**

This is the first of two articles about indigenous struggle in what is now northwestern Ontario. It looks at the history of relations between the Anishinaabe and the Canadian state in the area covered by “Treaty 3” of 1873, and describes how the Canadian state violated the agreement and initiated a campaign to destroy the indigenous economy (an economy that historically allowed the Anishinaabe to be a prosperous and powerful people).

The second article (to be published in the next issue of New Socialist), will focus on Grassy Narrows First Nation. It will provide historical background to, and an analysis of, the community’s current campaign to end clear cut logging on their traditional territory. The significance this struggle has for the broader question of indigenous peoples’ self-determination will also be examined.

Most people who are aware that indigenous peoples preexisted the Canadian state believe in the following Canadian nationalist myth: the indigenous societies encountered by European settlers were traditional and backward, and they disappeared as a result of the advance of “progress” and “civilisation”. The average person does not know about the dynamism of indigenous cultures prior to the arrival of Europeans, or of how native communities were underdeveloped by the settlers.

The nationalist myth leads people to believe that the European domination of indigenous peoples was a good thing, and any resistance (if such resistance existed) by indigenous peoples to colonisation was futile. It follows from this line of thinking that the treaties, the reserve system, and so on are the result of well-intentioned, protective treatment towards weaker peoples by a benevolent Canadian state.

These nationalist myths are debunked by the briefest look at, for instance, the history of relations between the Lake-of-the-Woods Anishinaabe and the Canadian state in the years leading up to and shortly after the treaty they reached (known as “Treaty 3”) in 1873. If we look at the conditions under which the treaty was negotiated, the terms of the treaty itself, and the deterioration of the indigenous economy after the treaty, we get a much different view than is portrayed in nationalist mythologies.

#### **A Prosperous People**

In the 1800s the Anishinaabe of northwestern Ontario had a prosperous and diverse land-based economy that allowed its population to grow and thrive. According to Boyce Richardson, the indigenous population increased approximately five fold between about 1820 and 1870, growing from less than 500 to 2,500 people during that period.

There were few Europeans in the area until around 1850. In the decades prior to the 1873 treaty, though the indigenous peoples still far outnumbered whites, the Anishinaabe had to occasionally re-assert their control of the territory as the number of white settlers and travelers increased.

The Canadian state, competing with the US for the spoils of colonial conquest, was extremely eager to plunder the resources of the northwest and establish itself as the colonial power there before the US did. The expansion of the Canadian state went beyond merely settling the area. If Canada's rulers were to extend control in that direction, negotiations with the indigenous peoples were necessary to avoid a war, as the strength of the indigenous peoples would make such a war too costly.

The need for a treaty with the Anishinaabe became especially urgent when the Canadian government recognised that continued road construction through Anishinaabe territory – later known as the Dawson route – would be impeded without the indigenous peoples' consent.

Dawson himself wrote in 1868 that

“The Anishinaabe of the northwest angle are very intelligent, and are extremely jealous as to their right of soil and authority over the country which they occupy.... They are shrewd and sufficiently awake to their own interests... and they neither reply to a proposition, nor make one themselves, until it is fully discussed and deliberated upon in council of all the chiefs.”

## **Negotiations**

In the late 1860's, representatives of the Canadian government started negotiating with the Anishinaabe to acquire access to their land. However, it took numerous visits to the northwest over a number of years to reach an agreement that set out the terms under which the Canadian government would be permitted to share the land.

It is important to note that, given their wealth and capacity for war, the Anishinaabe negotiated from a position of considerable strength. Their form of democratic collective decision making made them very strong negotiators. Alexander Morris, the unscrupulous commissioner who finally succeeded in negotiating a treaty with the Anishinaabe for Canada in 1873, had to wait four days while 800 Anishinaabe gathered to discuss the treaty before coming to a decision.

As Richardson notes, a clear priority for the Anishinaabe in the negotiations was for them to maintain control of their land (a territory of 55,000 square miles) and ensure that their

hunting and trapping activities would not be hampered by any treaty. Charles Wagamase (a former high school teacher on the Grassy Narrows reserve who also served on the Treaty 3 Grand Council in the early 1990s) explained it this way:

“We have researched the conditions at the time that we signed our treaty in 1873.... Our people were well aware of what the treaty was, and were perfectly content with how they were living. It was not a life of drudgery and suffering. There were a lot of beautiful songs and ceremonies. There is a lot of evidence people were living a good life here which they did not want to change.”

Though the Anishinaabe wanted to negotiate a treaty that would protect their prosperous way of life, they also sought provisions that would allow the land to be shared. They anticipated that they would need to expand their agricultural production, which already provided for about half of their subsistence food needs, to accommodate the increased pressure on the land that would result from the settlement of whites. Thus, one of the conditions for a treaty was that they receive tools and instruction in farming.

Thus, it was no easy task for the Anishinaabe to agree to a treaty with the Canadian government. They had concerns about how their society might be adversely affected, but they also saw potential benefits from cultural exchange. In the end, they made an important collective decision that Charles Wagamase summed up as follows:

“We find out [the white man] needs a place to live, to raise his kids. He says, ‘I want to come and live with you people.’ He wants to share this beautiful country with us, every square foot of which we use. Every little pond, somebody travels it and knows it.”

“We take it back and think about it. We know what is going on. There is active trading all over North America. We have made deals in the past with the Sioux and Mohawks. We are well aware of the Indian wars. We can use violence and eject him, or come to some kind of arrangement. That’s what we did.”

The practical, even generous approach the Anishinaabe had in their dealings with Europeans, however, was not returned in kind. Before Treaty 3 was signed, the Canadian government had already begun legislating policies that were completely at odds with the agreement they were to make. But even after the treaty, the Canadian government continued to pursue its colonialist course in blatant disregard of the treaty.

The first major attack on the indigenous economy was the destruction of the Lake of the Woods sturgeon fishery. Canadian negotiator Alexander Morris had understood the indigenous peoples’ demands around hunting and fishing rights, and assured them that their hunting and fishing would not be affected by the settlement of whites in the area. But an influx of commercial fishers beginning shortly after Treaty 3 and the subsequent pillaging of the sturgeon fishery proceeded without any intervention from the Canadian state. Before, the bountiful yet sustainable catches of fish had helped the Anishinaabe prosper and were a long-time staple of the indigenous economy. But the resource was destroyed following a short bonanza for white fishermen.

A second major attack took place in 1881. As noted above, at the time of the 1873 treaty the Anishinaabe already were producing significant amounts of food through agriculture, especially wild rice, potatoes, and corn, and they wanted to expand their endeavours. The treaty stipulated that the indigenous peoples would be designated “wild land reserves” as well as “farming reserves”. With this arrangement, it would appear that the Anishinaabe were well placed to continue diversifying their economy by furthering agricultural production.

However, an 1881 amendment to the Indian Act (initially created in 1876) systematically discriminated against indigenous peoples. The amendment prohibited “western” Indians, including the Treaty 3 Anishinaabe, from selling any agricultural produce. This measure undermined the Anishinaabe efforts to extensively expand their agricultural production – efforts that had been underway for 10 years.

A third major colonialist attack came in the 1890s, when Ontario’s northwestern boundary was extended to the far side of the Treaty 3 area. In 1894 the federal government had transferred the natural resources on “Crown” land to the provinces. This provided the federal government with a loophole that allowed it to avoid meeting its legal obligations to indigenous peoples who had signed treaties. The federal government’s assurances of indigenous land rights were clear under the treaties (even though the federal government ignored those obligations whenever it was convenient). But when management of “public” lands was transferred to the provinces, there were no explicit stipulations made to clarify what level of government would be responsible for upholding indigenous peoples’ treaty rights.

As a result, under Ontario’s jurisdiction, indigenous land rights, even in legal terms, went completely unrecognised. In the name of slowing rampant depletion of animal and fish populations, the Ontario government enacted laws limiting hunting and fishing that were to be applied equally to Indians and whites, even though the animal and fish stocks had been stable until the arrival of the settlers. Not only did these laws violate the Indians’ treaty rights; they were also enforced unequally against them, as they are to this day.

Furthermore, during these years various industries expanded into the Treaty 3 area. There was a rapid expansion of logging, mining, hydro-electric projects, and later, the development of tourist lodges and the cottage industry. However, because of the racist hiring practices in these industries, the Anishinaabe found it increasingly difficult to secure employment despite all this growth. And while native people were being excluded from the wage labour opportunities that came with this economic expansion, alternatives to wage labour were disappearing as the land base continued to deteriorate with the growth of industry.

In 1946, Treaty 3 Grand Council spokesperson Tom Roy had this to say to members of the federal parliament in Ottawa:

“We contend that the terms of our treaty were violated or abrogated by the federal government on or about April 16, 1894 when, without notifying the Indians, the federal

government transferred the natural resources to the provinces, with whose laws we have to comply [sic] since then. The Indians have tried to protest against this; they have made trips here to Ottawa asking the Indian department for protection. The answer has been: ‘This comes entirely under the provincial governments, and there is no authority whatever vested in our department to change their laws’.”

Today, the Grassy Narrows First Nation leads the current struggle of the Anishinaabe of the Treaty 3 area against colonisation of their lands. The refusal of the federal government to make good on its part of the treaty agreement continues to fuel the Ontario provincial government’s relentless attack on the indigenous economy. The resistance of the Anishinaabe at Grassy Narrows is a reassertion of the legitimacy of indigenous peoples’ rights after years of colonialist repression. That resistance will be taken up in the next issue of *New Socialist*.

*Dave Brophy is a member of Friends of Grassy Narrows Winnipeg*

### **Recommended Reading**

*Research for this article was from the following sources:*

Boyce Richardson, *The People of Terra Nullius*

Deborah Lee Simmons, *Against Capital: The Political Economy of Aboriginal Resistance in Canada*

### **Grassy Narrows: History of the fight**

#### **GRASSY NARROWS: HISTORY OF THE FIGHT Mercury poisoning, clear-cutting and government collusion**

**by Dave Brophy**

*This is the second of three articles about Indigenous struggle in what is now known as Northwestern Ontario. The [first article](#), in the [Feb/March/April 2005 issue of NS](#), briefly examined the relationship between the Anishinaabe of the lake of the woods region and the Canadian state during the years leading up to and following the signing of Treaty 3 in 1873. The article described how the Canadian state violated the agreement and initiated a campaign to destroy the indigenous economy that had historically allowed the Anishinaabe to be a prosperous people.*

*This article will examine how the Canadian state continues to undermine the livelihoods of the Anishinaabe and the political factors that are shaping Grassy Narrows’ present fight for their lands.*

A reasonable starting point for sketching the historical background to the present struggle of Grassy Narrows is the hydro development on Anishinaabe lands in the 1950s. Ontario

Hydro built two major dams at Ear Falls and Whitedog, causing significant and unpredictable fluctuations in water levels which affected wild rice beds, the habitat of fur-bearing animals and the local fishery.

In the 1960s Grassy Narrows was relocated by Indian Affairs so that it was more affordable to provide services to the community. Although the move wasn't far from the original site it had a considerable impact on the community. For the first time, there was a school on-site, which meant the kids were no longer taken by the government and sent to far-away residential schools. But the move also meant the community was now accessible by road, which caused considerable social upheaval.

In 1970 the community was faced with another major upheaval, when the government publicly acknowledged that the English-Wabigoon river system had been contaminated by several tons of inorganic mercury, which was being dumped into the water upstream at the Dryden Pulp and Paper Company's mill. Recent media coverage of the impact of the mercury poisoning has drawn attention to the severe, on-going health problems of many members of both Grassy Narrows and White Dog First Nations, the two communities most adversely affected by the contaminated river system. But the impact of the mercury poisoning on the local economy has not received attention for a long time, even though the high rate of unemployment that currently plagues both Grassy Narrows and White Dog can be largely traced back to it.

As noted in the [previous article](#), despite extensive development throughout the Treaty 3 area from the late 1800s onward, racist hiring practices limited employment opportunities for the Anishinaabe. Employment discrimination in white-controlled industries was compounded by the fact that the steady degradation of the land caused by outside development undermined traditional alternatives to waged work. Nevertheless, in the 1960s many members of the Grassy Narrows band were able to earn a decent livelihood as commercial fishers or as fishing and hunting guides for white-owned outfitters.

But this all changed dramatically as a result of the mercury contamination. The employment rate plummeted from about 90% to 10% when the government acknowledged the mercury poisoning and declared commercial fishing on the English-Wabigoon river illegal.

The government was horrendously slow to provide any compensation to Grassy Narrows and White Dog for the enormous economic and health effects caused by the mercury poisoning. Indeed, 15 years passed before Canada, Ontario and the corporate successor of the company that dumped the mercury coughed up about \$10 million for the people of Grassy Narrows and White Dog. This meagre offering, which amounted to about \$10,000 per person, was to make up for destroying the communities' source of water, a major part of their diet and their most important source of income.

Bearing in mind the Dryden Pulp and Paper Company's responsibility for the mercury contamination, we can see that clear cutting of the Whiskey Jack Forest by Abitibi-Consolidated, the most immediate reason for the current logging road blockade at Grassy

Narrows, is only the latest instance of a forestry companies' destruction of Anishinaabe lands in the Treaty 3 area. This should be no surprise. After all, the stakes are high. Across Northwestern Ontario an estimated 15,000 jobs are related to the forestry industry, which also generates about \$600 million in tax revenue for governments.

## **GOVERNMENT COMPLICITY**

The Canadian state is structured in such a way that it undermines Native peoples' self-determination. For treaty peoples, the nation-to-nation agreements that they signed with Canada provide a legal basis for asserting their Aboriginal rights. But when treaty rights concerning traditional land are violated, Natives' demands that these rights be upheld are dodged by the Canadian state through legal obfuscation.

The last article ended with a quote from a speech given in 1946 by Treaty 3 Grand Council spokesperson Tom Roy, addressing members of the federal parliament in Ottawa:

“We contend that the terms of our treaty were violated...by the federal government on or about April 16, 1894 when, without notifying the Indians, the federal government transferred the natural resources to the provinces, with whose laws we have [had] to comply since then. The Indians have tried to protest against this.... The answer has been: ‘This comes entirely under the provincial governments, and there is no authority whatever vested in our department to change their laws’.”

The Grand Chief's words apply just as well today. The blockade at Grassy Narrows went up in December, 2002 but a decade of protest against the clear cutting through official channels preceded it.

The community's concerns about clear cutting by Abitibi-Consolidated have been repeatedly ignored by the federal Ministry of Indian and Northern Affairs (INA) and the Ontario Ministry of Natural Resources (OMNR). INA is officially responsible for upholding the responsibilities of Canada as signatory to the treaties, while OMNR is designated official jurisdiction over land resources in the province of Ontario, and is thus responsible for issuing logging permits.

Before issuing these permits, OMNR is obliged to consult with First Nations, but decisions are often made without the support of the communities affected. This was the case with Grassy Narrows, whose participation in the consultation process with OMNR and Abitibi amounted to tokenism. Despite the community's staunch opposition to clear-cutting, OMNR consistently approved plans that allowed Abitibi to clear-cut on traditional lands.

## **GRASSROOTS STRUGGLE**

When Aboriginal and treaty rights of First Nations like Grassy Narrows are not respected by the terms of logging permits issued by OMNR, they are told to consult INA. But when

they appeal to INA, the federal ministry insists that Ontario's jurisdiction over land and resource allocation prevents them from taking action. The collusion of the two levels of government thus creates a situation in which corporations gain easy access to resources in First Nations' territory.

Native peoples' self-determination is further undermined by the Canadian state from within. The Indian Act imposes the elective system of band government on First Nations, which deprives traditional leaders of recognition by insisting that the only spokespeople of the band are those elected according to the Indian Act.

In a community like Grassy Narrows, where there is mass unemployment because people's livelihoods have been taken away from them, the main sources of income are welfare checks and band council jobs, both of which depend on government funds. Obviously, such deep economic dependence on a state that has waged a centuries-long campaign of genocide and assimilation against you is devastating in terms of chronic poverty. But what is just as debilitating is the social stratification that this situation causes. The band council jobs are virtually the only locally accessible means of employment and adequate income, and therefore those who control the band council, the local political class, wield power disproportionately in the community.

Not surprisingly, then, strong resistance from First Nations to exploitation and oppression has not often come from the official leadership. This was true in the 1970s, when there was a major upsurge of militant grassroots action among native peoples throughout North America. The nearby town of Kenora was in fact a focal point of this upsurge in 1974. With the upheaval and repercussions of the mercury poisoning still reverberating acutely through Grassy Narrows and White Dog, protest led to the armed occupation of Anishinaabe Park, which lasted over two weeks in the summer of 1974.

Some of the activists involved in the Anishinaabe Park occupation went on to organise the Native People's Caravan that crossed the country from BC to Ottawa in September of the same year, ending with a march of almost a thousand native people on Parliament Hill. While the natives' anger was directed most forcefully at Jean Chrétien's Ministry of Indian Affairs, there was also much frustration expressed at the grassroots with band councils' failure to take action that properly reflected the radical demands being made by members of their communities.

This is not to say that the official leadership of First Nations in Canada are inherently corrupt. But it is important to note the structural factors that cause band councils to sometimes follow a policy of conservatism that does not properly represent the majority of band member. Overt self-interest may be the cause of this, but most often band councils are simply faced with a great challenge. Given their dependency on Indian Affairs for funds to provide basic services to their impoverished communities, they have to make difficult decisions on if and how to make demands of the state.

At Grassy Narrows, the current blockade was initiated by three young people, who were quickly supported by a core group of other activists in the community. It was a year

before any meaningful response came from Abitibi-Consolidated or the governments. Predictably, it was the Grassy Narrows Band Council, rather than the blockaders, who were approached, even though the former had nothing to do with initiating the blockade and had largely remained aloof from it during the first year.

The relationship between Grassy Narrows community activists who have spearheaded the blockade and the local Band Council has been perhaps similar to the situation at Sun Peaks, where community activists have had to negotiate a delicate relationship with the official leadership of the Shuswap Nation Tribal Council. The blockaders at Grassy Narrows were supported by their Band Council only reluctantly at first, and more recently have been excluded from talks with Abitibi and the provincial and federal levels of government, while the official leadership has gladly taken the opportunity to negotiate, with leverage, on behalf of the community with high-level representatives of the company and governments.

But Grassy Narrows' fight for their homeland is far from over. Talks have so far yielded nothing but a rejection of scant offerings from Abitibi, with INA and OMNR participating solely as passive observers, in keeping with their typical strategy of non-intervention vis-a-vis upholding aboriginal rights. Meanwhile, Abitibi is talking about making further job cuts at the Kenora mill, and politicians are calling for corporate welfare to prop up the forestry industry in Northwestern Ontario.

*The final article in this three-part series, appearing in the July/August 2005 issue of New Socialist, will look at the struggles of Grassy Narrows activists to address these and other recent developments and discuss strategies for activists trying to work as allies to native, anti-colonial movements in Canada.*

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