

**DOES INDIGENOUS ACTIVISM,
ENGAGEMENT, AND INVOLVEMENT MATTER?
INDIGENOUS PARTICIPATION AND REPRESENTATION IN
CANADIAN ELECTORAL INSTITUTIONS**

*ASSESSING THE FORTY SECOND FEDERAL ELECTION AND
PARLIAMENT*

By:

Chadwick R. J. Cowie

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Department of Political Science
University of Alberta
Nehiyaw Territory/Treaty 6
Edmonton, Alberta

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ABSTRACT

This doctoral thesis seeks to consider whether or not Indigenous activism, engagement, and involvement in the Canadian federal electoral system drives change. In order to answer this question, this doctoral thesis will first analyse the complex relationship between Indigenous peoples, and their respective nations, and the Canadian state. In doing so, the traditional western understanding of citizenship and civic duty do not fit into the Indigenous psyche when looking at said participation – especially when considering concepts such as reconciliation. Additionally, the question of whether or not change and reconciliation can be achieved by casting ballots in high numbers will be examined through a specific focus on the 2015 Canadian federal election and the first term of the Justin Trudeau-led government. Furthermore, in discussing and assessing Indigenous participation during the Trudeau government's first term, the use of interviews with Indigenous peoples who were active participants will be included as their responses assist with offering understanding from first-hand accounts of involvement at a time that reconciliation was promised and promoted not only within platforms but also while campaigning. Despite the promises made, and the initial hope of many of those who participated, this doctoral thesis will conclude that the form of reconciliation that is actually in practice comes specifically from Indigenous participants as they seek to reconcile with Canada's top-down approach and the slow pace of progress that Canada practices.

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DEDICATION

As was the case for my Master of Arts Thesis, I dedicate my Dissertation Thesis to my nephews and nieces: Tyson Weekes, Trent Weekes, Amilee Weekes, Brayden Brett, and Brooklyn Brett. You each inspire me to continuously push for better understanding between Indigenous peoples and Canadians – to push for a better future for each of them, their children, their generations, and the generations to come who share this territory. Additionally, during the period of working towards my Doctor of Philosophy, I have had to cope with the loss of key figures who have had a direct impact on my life and academic pursuits. Therefore, I also dedicate this Dissertation Thesis in the name of three individuals who have gone to the spirit world since I began this journey: My dear friend Joyce (Thomas) Rood, my Mother-in-Law Linda (Hume) Brett, and ngashi (my mother) Beverly Ann-Mary Cowie/Msko Nimkii Binessii Kwe. I am so thankful for the time I had you each in my life. To my mother especially:

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Introduction:

On January 18, 2024, Canadian news media and social media was abuzz with what many deemed a historic and monumental event. The territorial government of Nunavut, Nunavut Tunngavik Inc, and the federal government of Canada announced that Prime Minister Justin Trudeau, alongside Nunavut's Inuk Premier, P.J. Akeeagok, had formulated a devolution agreement. The agreement, signed in the territory of Nunavut's capital of Iqaluit, reflected a final agreement that gave the territory more control and decision-making power over large swaths of the territory.¹ According to the PMO and Prime Minister Trudeau, "It's the largest land transfer in Canadian history ... two million square kilometres of land and water."² In reviewing the devolution agreement, CBC News highlighted how the "239 page document outlines how Canada will give control over Nunavut's land resources to the government of Nunavut."³ April 1 2024 will mark the date that the agreement will come into effect – which also marks twenty-five years since the territory was created.

The devolution agreement for the Canadian state is historic and also for the Inuit of the territory of Nunavut. Nunavut is one of four Inuit regions of shared territory with the Canadian state. In relation to all four regions,⁴ modern land claims were sought and formulated following the patriation of the *Constitution Act, 1982* – in fact, it was negotiations with the Inuk MP for the area, in order to obtain their support for patriation, that led the Canadian state to even agree to an Inuit land claims process. The first step of the Inuit land claim process was to agree to the

¹ Emma Hunter, "It's High Time: Nunavut Officially Takes Over Land Resource Responsibilities from Feds," *CBC News* (January 18 2024), accessed: February 4, 2024, <https://www.cbc.ca/news/canada/north/nunavut-trudeau-sign-devolution-agreement-1.7086272>.

² Hunter, "It's High Time."

³ Ibid.

⁴ Note: The four regions and Inuit/Canadian relations will be further discussed in Chapter Two of this Dissertation.

eventual creation of a new territory: Nunavut. Thus, one could argue that the process to the devolution agreement being celebrated on January 18 2024 began long before the creation of Nunavut and right back to a period of constitutional change in the 1980s. Furthermore, one could argue that the push for the recognition over land, in which the Inuit have called their homelands for centuries, has been ongoing since the start of European encroachment and the claims of sovereignty over the area by the Canadian state.

The lands and waterways upon which the territory of Nunavut is situated have been an area of importance and habitation for the Inuit long before the creation of the Canadian state – a state that has, with the support of interpretations by Crown representatives, claimed ownership over Inuit territories since 1867. Inuit lands, such as Nunavut, had never been surrendered and thus a land claim process with the Inuit became important for solidifying Canadian sovereignty in the Arctic and a way for bringing many Inuit into the Canadian confederation. Other parts of land that the Canadian state claims as its territory also face claims of improper surrender by Indigenous nations and peoples in which the Canadian state is built upon. In many cases, the unilateral imposition of the Canadian state on these nations has meant that the Canadian state's relationship with said nations is lost; one of confusion, and a top-down approach. Furthermore, it becomes a relationship where Indigenous peoples find themselves pushing back in various ways – such as with forms of political engagement within and outside of the Canadian state as citizens of said state, their own nations, or both. Such consideration is an area I have been assessing both on a personal level and on a professional and academic level.

Thus, in the autumn of 2021, I was approached by *The Conversation Canada* to write an article in relation to Indigenous peoples and voting. More specifically, I had piqued interests of some in previous media interviews when highlighting that for many Indigenous peoples,

Canadian citizenship was not something that brought equality and representation but was rather a tool of the Canadian state used for its own ambitions of legitimacy and sovereignty.⁵ This intrigued some who read the article, as well as those with whom I have talked about this because, for the majority of the existing body of research on the topic of Indigenous *political participation*⁶ and inclusion in Canada's institutions has, for decades, been dominated by discussions surrounding the administration of Indigenous peoples, and their citizenship in the Canadian state.⁷ As an *Anishinaabe-inini*⁸ and as a political scientist, topics such as Indigenous representation, governance, nationhood, and the colonial relationship that continues to exist in the state of Canada towards Indigenous nations and peoples are especially pertinent to me, as they should be for others in Canadian politics. This has led me to write and research on Indigenous perspectives regarding healthcare, provincial relations with Indigenous nations, the

⁵ Chadwick Cowie, "A Vote for Canada or a Vote for Indigenous Nationhoods? The Complexities of First Nations, Métis, and Inuit Participation in Canadian Politics," *The Conversation Canada* (November 1 2021), accessed: June 8, 2022, <https://theconversation.com/a-vote-for-canada-or-indigenous-nationhood-the-complexities-of-first-nations-metis-and-inuit-participation-in-canadian-politics-169312>

⁶ Note: "Political participation focuses in particular on activities affecting politics. The meaning includes four specific commonly agreed characteristics: 1) Active action like casting a vote or addressing a political representative in contrast to passive behavior as watching political debates on TV; 2) Comprises activities by private citizens as opposed to politicians or lobbyists, for example; 3) Is not enforced or required by law but voluntary action; and 4) Aims at the political system by influencing either the selection of (governmental) personnel or their actions and decisions. In sum, political participation refers to voluntary activities by private citizens that aim directly or indirectly at the political system or processes" (Nissen, "Political Participation," pps. 665-675). Furthermore, when utilizing this with Indigenous peoples, this also includes impact on policy development as well as diplomatic and international relations due to the nature of colonization and continued pushback against the imposition of Settler-Colonial states such as Canada.

⁷ Royal Commission on Aboriginal Peoples (RCAP), *Report of the Royal Commission on Aboriginal Peoples*, (Ottawa: Canada Communications Group, 1996); Alan Cairns, *Citizens Plus*, (Vancouver: UBC Press 2000); John Borrows, "Measuring a Work in Progress: Constitutionalism, Citizenship, and Aboriginal Peoples," in *Box of Treasures or Empty Box? Twenty Years of Section 35*, Eds. Ardith Walkem and Halie Bruce, (Vancouver Theytus Books Ltd, 2003); Kiera Ladner, "Treaty Federalism: An Indigenous Vision of Canadian Federalism," in *New Trends in Canadian Federalism 2nd Ed*, Eds. Miriam Smith and Francois Rocher, (Peterborough: Broadview Press 2003); Peter Russell, *Canada's Constitutional Odyssey: Can Canadians Become a Sovereign People*, 3rd Ed, (Toronto: University of Toronto Press, 2004); Kiera Ladner, "'Take 35: Reconciling Constitutional Orders.'" In *First Nations First Thoughts*, ed. Annis May Timpson, (Vancouver: UBC Press, 2009); Kiera Ladner, "Ayaska'paykinit: Contesting the Rope Around the Nations' Neck," in *Group Politics and Social Movements in Canada*, Ed. Mariam Smith, (Toronto: University of Toronto Press, 2013); Kiera Ladner, "Taking the Field: 50 Years of Indigenous Politics in the CJPS," in *Canadian Journal of Political Science* (2017), 163-179.

⁸ Note: The term 'Anishinaabe-inini,' when translated into English, means Anishinaabe Man.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), as well as in relation to citizenship, and participation in Canada's state institutions.⁹

An example of my past research on citizenship and participation within Canada's federal political institutions is my Master of Arts (M.A.) thesis, which focused on the validity and potential of the Indigenous vote in Canada. This work concluded that through the recognition of joint sovereignty and dual citizenship, Indigenous peoples could vote in Canada's federal electoral process without undermining their own Indigenous nations. In particular, by voting as a dual citizen, Indigenous-inclusive change could be implemented in Canada.¹⁰ However, I also concluded that more research was required to further detail to what extent the Indigenous vote could have impact, and whether it had impacted outcomes within Canada's institutional structures. I also highlighted the potential impact of the Idle No More movement, which was still in its early stages of development as I was writing my M.A. thesis, and pondered whether or not it would impact Indigenous turnout in the upcoming federal election in 2015.

The impacts of the Idle No More movement did indeed showcase the feelings of discontent with the Harper government and the direction it was taking when it came to Indigenous/Canadian relations, legislation, and policies. The reenergizing, or reawakening, of Indigenous peoples through Idle No More became more apparent throughout 2014 and 2015 as the Liberal Party of Canada (LPC), the New Democratic Party (NDP), and the Green Party of Canada (GPC), began courting Indigenous people for their support in the federal election of 2015. Indigenous organizations such as the Assembly of First Nations (AFN), the Union of British Columbia Indian Chiefs (UBCIC) and various other grassroots organization also, for the

⁹ Chadwick Cowie, "Validity and Potential: Dual-Citizenship and the Indigenous Vote in Canada's Federal Electoral Process." Master of Arts Thesis, Political Studies, University of Manitoba, 2013.

¹⁰ Ibid.

first time, advocated for Indigenous peoples to vote in order to oust the Harper government.¹¹ In addition, the Truth and Reconciliation (TRC) released its findings in June 2015 in advance of the election, which in turn further influenced the LPC, NDP, GPC, as well as the Canadian media in discussing subject matter such as Canadian/Indigenous relations, reconciliation, government policy, and how Indigenous issues were covered in the platforms of the major federal political parties for the 2015 election. The TRC, in its report, defined two key terms that will be of importance for this work, and for assessing political responses in 2015 and during the 2015 to 2019 period: 1) Reconciliation, and 2) Nation-to-Nation relations.

According to the TRC, “reconciliation is about establishing and maintaining a mutually respectful relationship between [Indigenous] and [non-Indigenous] peoples in [Canada]. In order for this to happen, there has to be awareness of the past, an acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour.”¹² In addition to its explanation and recommendation on how reconciliation should be established in Canada, it also highlighted Call to Action 45. Call to Action 45 specifically discusses the need to re-establish and formulate a new proclamation that would renew nation-to-nation relations and thus mean “that Indigenous nations and the Crown would be understood as two nations of the land and would each have rights to self-governance [and that] Indigenous peoples were already living here on Turtle Island when Europeans settled here.”¹³ Both terms, reconciliation and nation-to-nation relations, were being utilized by the majority of Canada’s major federal political parties leading up to, and during the 2015 Canadian federal election.

¹¹ Emma McIntosh, “Why Did so Many Indigenous Voters Take Part in the 2015 Election?” *The Calgary Herald*, (June 3, 2016).

¹² Truth and Reconciliation Commission of Canada, *Final Report of the Truth and Reconciliation Commission of Canada*, Winnipeg: Truth and Reconciliation Canada, 2016.

¹³ Truth and Reconciliation Commission of Canada, *Final Report*, 2016.

Additionally, for the first time in the history of Canadian politics, not only did the Green Party of Canada (GPC), Liberal Party of Canada (LPC), and New Democratic Party of Canada (NDP) begin to discuss the potential of Indigenous voters but so did the Canadian media. Articles were released with titles such as: “The Aboriginal Vote: Can Indigenous Canadians Swing the Election,”¹⁴ and “Mulcair, Trudeau Vie for Votes as Aboriginal Voters Told to Make a Difference in Federal Election.”¹⁵ Despite this historic first, the reigning orthodoxy in the Canadian mainstream media, as well as Canadian political science itself, takes the view that Indigenous peoples are no more than a special interest group within the confines of Canadian citizenry. As a consequence, we have yet to have a fulsome discussion assessing Indigenous participation in the federal election of 2015 from the vantage point of key issues of concern to Indigenous peoples.

Due to my own personal experiences with grassroots Indigenous communities and various Indigenous activists, I was dismayed to see such limited attention to this momentous election. There had been no research that further delved into Indigenous voting (and non-voting) behaviour or that more thoroughly included Indigenous perspectives on the Canadian/Indigenous relationship, the Canadian state, its institutions, and their own rationales for participation or non-participation. My own experiences during the Idle No More movement and what followed in the lead-up to, and throughout the 2015 election, led me to hypothesize that the high turnout amongst Indigenous peoples¹⁶ was a result of two key drivers: 1) The Harper government was viewed as a common enemy to Indigenous peoples and nations; and 2) The potential of true

¹⁴ Lee Bethiaume, “The Aboriginal Vote: Can Indigenous Canadians Swing the Election?” *The Ottawa Citizen*, (June 28, 2015).

¹⁵ Graeme Hamilton, “Mulcair, Trudeau Vie for Votes as Aboriginal Voters Told to Make a Difference in Federal Election,” *The National Post*, (July 7, 2015).

¹⁶ McIntosh, “Why Did so Many Indigenous Voters Take Part in the 2015 Election?”

reconciliation through resurrecting the nation-to-nation relationship understanding was put forth by the LPC, NDP, and GPC, making the electoral process uniquely attractive to engage with. Thus, a core interest of this dissertation relates to participation of Indigenous peoples in formal electoral and parliamentary politics – such as mainstream matters of voting, volunteering, running for office, and serving in Parliament and cabinet.

In turn, the approach taken in this dissertation on political participation highlights how Indigenous peoples understand their motivations and goals for political engagement as centred in their aspirations for their nations within and in relation to the Canadian state. This, influences my overall research question: *Does Indigenous activism, engagement, and involvement in the Canadian federal electoral system drive change?* In reflecting on this research question, additional questions must also be considered to properly assess and consider Indigenous activism and involvement:

1. What is the history of Indigenous engagement and how has engagement involved for First Nations, Métis, and Inuit.
2. How has the development of the Canadian state, settler-colonial responsible government, and the concept of Canadian citizenship impacted Indigenous engagement since Canada's creation in 1867?
3. Additionally does Indigenous activism and involvement contribute to progress on reconciliation and change, especially in relation to the promises made by the Trudeau government between 2015 to 2019?
4. Furthermore, does Indigenous activism and involvement actually entail that it is they who must reconcile with not only the slow pace the Canadian state takes but also with it having to be based on what Canada lists as options for doing so?

To fully assess and seek answers to the aforementioned primary and secondary questions, this dissertation will analyse the complex relationship between Indigenous peoples, and their nations, and Canada. In doing so, I will argue that traditional components of citizenship and civic duty do not account for Indigenous experiences and agency when looking at participation in Canada's federal electoral institutions. Additionally, I will examine the question of whether or

not change and reconciliation can be achieved by turning out in high numbers at the polls through a specific focus on the results of the 2015 Canadian federal election and the first term (2015 to 2019) of the Trudeau government. Furthermore, in discussing and assessing Indigenous participation between 2015 to 2019, the use of interviews with ten Indigenous peoples who were active participants (whether as volunteers, candidates, or elected MPs) will be included, as their responses assist with offering understanding from first-hand accounts of involvement at a time when reconciliation and change were a cornerstone in electoral promises made to Indigenous peoples. Despite the promises made, and the initial hope of many of those Indigenous peoples who participated in Canada's electoral process, especially during the first term of the Trudeau government, this dissertation concludes that the form of reconciliation that is truly being utilized comes specifically from Indigenous participants as they seek to reconcile not only with the approach taken by the Canadian state but also with the Canadian state's slow pace of progress.

This dissertation research will be developed in the following manner. The first chapter will argue, and highlight, that while the standard focus of Canadian Political Science (CPS) starts its story with the formation of the Dominion of Canada, as well as key constitutional documents such as the Royal Proclamation, it is traditionally an approach that erases Indigenous histories as well as Indigenous legal, social, and political structures. Thus, in order to fully conceptualize Indigenous participation, chapter one reviews the legal, social, and political structures of the Haudenosaunee, Anishinaabeg, and Siiksikaawa confederacies. Following this review, Chapter One then considers the nation-to-nation relationship with European powers, as well as the emergence of Settler-Responsible Government and its impact on the nation-to-nation relationship. Chapter One concludes that during the period prior to the formation of the Dominion of Canada, Indigenous societies and political structures were, and continue to be,

carefully constructed, thought-out, and detailed in relation to law, citizenship, as well as diplomacy. Such notions, although not fully understood by Europeans, were of importance to the formation of the Canadian state. As time passed, the relationship turned from one of nation-to-nation relations to one of subjugation – where participation was no longer viewed by the *Settler-Colonial*¹⁷ structure as one of equal nations, but of one of being in the way of progress and civilization.

The second chapter delves further into this change in relationship and participation, and does so by giving an understanding of the diversity in relations with the Canadian state from 1867 to 1991. More specifically, Chapter Two argues, by examining the evolution of Indigenous engagement, that the different experiences of Indigenous nations and peoples, in relation to the evolution of the Dominion of Canada and its push for further legitimacy, sovereignty, assimilation, and control over the participation of Indigenous peoples, was to serve the interest of the Canadian state and its process of nation building. In relation to First Nations, the period between 1867 to 1991 highlights a focus of relegating them to being wards of the state and then utilizing citizenship as a way for further absorb them into the Canadian state – leading to a consistent and ongoing internal conflict amongst First Nations about whether participation furthers the deconstruction of their own nations and confederacies. In relation to the Métis, the concept of participation is, at least at the beginning, one that quickly goes from partners in

¹⁷ Note: When utilizing the term settler-colonial, this dissertation is referencing the definition provided by Mahmood Mamdani in “Settler Colonialism: Then and Now.” According to Mamdani, Settler-Colonialism is “a distinct type of colonialism that functions through the replacement of Indigenous peoples with a settler society that, over time, develops a distinctive identity and concept of their sovereignty. Settler colonialism can be distinguished from other forms of colonialism in the following ways: 1) Settler colonizers come to stay; 2) Settler colonial invasion is a structure, not an event; 3) Settler colonialism seeks its own end ... unlike other types of colonialism in which the goal is to maintain colonial structures and imbalances in power between colonizer and colonized settler colonization trends towards the ending of colonial difference in the form of a supreme and unchallenged settler state and people.”

Confederation to one of subjugation by the Canadian-English majority and then eventually to an expansion of recognition. The Inuit, on the other hand, are ignored until the 1920s and then are given a ‘fast track’ of colonization. That said, by the 1950s the need for the Inuit to assist with Canadian sovereignty claims to the north led to citizenship being granted more in order to treat them as human flagpoles. Despite such use of Inuit as human flagpoles, by 1991 they were self-represented in the House of Commons. Overall, by 1991 Indigenous peoples were seeking multiple ways of participation in order to further protect themselves, their peoples, and their rights.

Chapter Three seeks to analyse such growth and change in First Nations, Métis, and Inuit participation between 1991 and 2015. In doing so, Chapter Three argues that the 1990s and early 20th century, in relation to Indigenous engagement, demonstrates a renewed interest in meaningful ‘reconciliation’ that is to be based on nation-to-nation relations. Thus, the first section of Chapter Three examines changes that occurred between the start of consultation sessions of the *Charlottetown Accord* and up to the introduction of the *Royal Commission on Aboriginal Peoples* (RCAP), and its findings, to the House of Commons in the Autumn of 1996. Then, focus and assessment in relation to Indigenous participation will be given to the Chretien and Martin years, before turning to the impacts of the Harper government from 2006 up to the emergence of the #IdleNoMore movement. Such analysis of this period, especially between 1991 to 2013, is imperative to comprehending the actions taken by Indigenous peoples leading up to and during the 2015 Canadian federal election. Chapter Three concludes that over the twenty-year period from the 1992 *Charlottetown Accord* to the early days of #IdleNoMore in 2012, Indigenous participation and political power were growing with the utilization of multiple methods to push for change and to protect their rights and nationhoods. The multiple methods

utilized would be important, and line up, with the Opposition parties in not only their policy making and party platform development, but also for the recruitment of candidates and getting Indigenous voters to cast a ballot.

Upon understanding the period from the *Charlottetown Accord* to the rise of #IdleNoMore, one is able to fully consider not only the impacts of Harper legislation but also the sleeping dragon that was awoken, and which would influence the 2015 Canadian federal election. Thus, Chapter Four allows the reader to follow along as the #IdleNoMore movement grows, leading to teach-ins and mass protests, using social media to mobilize. Such mobilization contributed to the Harper government's loss, and the election win of Justin Trudeau and the Liberal Party of Canada. In order to show this impact, Chapter Four first assesses the Canadian/Indigenous political climate from the introduction of the *Jobs and Growth Act*, Omnibus Bill C-45, as well as Indigenous reaction to said legislation. Additionally, Chapter Four looks at the level of engagement taken by Canada's major political parties in relation to the impact of #IdleNoMore and Indigenous mobilization. In doing so the ability to delve into, and consider, recruitment of Indigenous candidates and responses of Indigenous peoples to the 2015 Canadian federal election. What becomes clear is that #IdleNoMore was key to assisting in formulating grassroots organizations to push for higher Indigenous voter turnout, and to increasing the number of Indigenous candidates running for election, while simultaneously seeking to oust the Harper government from power – more so than in support of the Canadian state. In doing so, Chapter Four introduces, and showcases to, the reader to the unique realities of Indigenous partisan activists being both enfranchised Canadian citizens and citizens of Indigenous nations and sets such understanding for Chapters Five and Six.

The 2015 Canadian federal election not only triggered a change in the government for Canada and also witnessed historic turnout for Indigenous voters, as well as twelve Indigenous MPs elected to the House of Commons – with ten elected to the LPC caucus and thus to the governing benches. The number of Indigenous MPs elected, and Indigenous relations, are therefore the focus of Chapter Five. The purpose of Chapter Five is to assess the first term of the Justin Trudeau government regarding Indigenous relations, rights, and reconciliation – arguing that the Trudeau government’s approach was more Canadian-centric than nation-to-nation. The first section of Chapter Five reviews and assesses the formation of the Trudeau government’s first Cabinet as well as the budget introduced in 2016. Chapter Five then considers and reviews the policy decisions and movements utilized that impact and relate to Indigenous peoples, rights, consultations, and concepts of reconciliation. Lastly, Chapter Five assesses how such Canadian-centric approaches by the Trudeau government led to a decline in Indigenous support and volunteerism, a decline which was further impacted due to the treatment towards Hunter Tootoo and Jody Wilson-Raybould. As such developments occurred, and policies that focused more on administration and services were pursued rather than focusing on nation-to-nation relations, Indigenous support waned – but little to no attention has been given specifically to those directly involved, and some of whom are still involved. Thus, consideration of those Indigenous peoples directly involved at this time is of utmost importance to showing a more robust understanding of Indigenous participation.

While the previous chapter highlights the first term of the Trudeau government as one that continues a *Canadian centric*¹⁸ approach in relation to Indigenous peoples and relations,

¹⁸ Note: When utilizing the term Canadian-centric, this dissertation is referencing forms of settler-colonialism that gives precedent of power, control, jurisdiction, and decision-making that further assists with legitimizing the Canadian state and requiring Indigenous nations to agree to policy and decision-making procedures that require them to view Canada as such.

Chapter Six seeks to bring in voices and experiences of those who were not only involved as volunteers, but also as candidates and sitting MPs between 2015 to 2019. Chapter Six first introduces the author's experience as a long-time volunteer and how such involvement influenced not only their interest in electoral participation by Indigenous peoples, but also the questions put to potential Indigenous interviewees. Additionally, Chapter Six examines the questions, methodology, and details in regard to those contacted and those who responded. In doing so, the personal experiences of Indigenous volunteers, candidates and MPs will showcase and offer insight from those directly involved and what their experience entailed and whether Indigenous involvement mattered.

Based on the interviewees and my analysis, Chapter Six addresses the key research questions posed in this study. For many Indigenous peoples who become involved, what is being reconciled is not the Canadian state to Indigenous peoples but rather Indigenous peoples having to accommodate the Canadian state's slow pace of progress, as well as an approach that focuses on solidifying its own legitimacy, since its inception, in its relationship with Indigenous Nations. In turn, while Indigenous involvement does have an impact, there is a constant struggle and ongoing questions Indigenous participants encounter throughout their involvement – whether as a volunteer, candidate, or MP. What Indigenous peoples seem to straddle is the fine line between being involved with the operation of the Canadian state while also having responsibility to their own nations. Such responsibility is passed down through the generations of a nation – especially due to the impacts of colonialism that has permeated over the centuries and decades since European encroachment on Turtle Island. As Jody Wilson-Raybould states:

What have I learned in my short time in regional and national politics and working in my open community is that before there can be any significant social change on the ground in implementing our Aboriginal Title and Rights, our people have

to support it, not just verbally and politically through elected leaders that share the same vision, but they actually have to exercise their franchise and vote in favour of change. They have to vote for social change. The twisted reality of our postcolonial transition is that our people have to vote the colonizer out. As you are all aware, this is because the colonizer – in our case, Canada – has a fiduciary relationship to our people and cannot simply legislate the Indian Act away until our people tell them it is ok to do so. Perverse but true.¹⁹

In order to fully comprehend Wilson-Raybould's point, it is important to not only understand Indigenous structures, such as government and diplomacy, but also the development and evolving relations with European powers and the eventual development of the Dominion of Canada which Chapter One addresses.

¹⁹ Jody Wilson-Raybould, *Indian in the Cabinet: Speaking Truth to Power* (Toronto: Harper Collins Publishers Ltd), pp. 20.

Chapter One: **Forms of Indigenous Political ‘Participation’ Before the Dominion’s Encroachment**

1.0: Introduction:

Indigenous political participation within, alongside, and outside of settler-states such as Canada has taken various forms since the arrival of non-Indigenous peoples on the shores of the Americas/Turtle Island. Over the last fifty years, the lens through which questions regarding Indigenous peoples and the Canadian state has generally been centred on Canadian citizenship, special interest groups, public policy, as well as through legal interpretations. Such aforementioned interpretations are especially common in CPS and Canadian politics in general. Although the research ethos and the mentality underpinning it is changing in many fields of study, CPS and Political Science in general have been slow to bring in Indigenous perspectives.²⁰ By not doing so, CPS and Political Science are limiting themselves to a narrow discussion in relation to such diverse areas as federalism, diplomacy, international relations, as well as representation and participation in political structures. Further inclusion of Indigenous histories and understanding on societal, legal, and political structures will only grow CPS and bring further understanding to the full potential of Political Science in relation to Turtle Island.

In this chapter I argue that while the common focus of CPS starts with 1867 and the formation of the Dominion of Canada, it is an approach that erases not only Indigenous histories but also Indigenous legal, social, and political structures. Additionally, this chapter also sets the stage for understanding a common thread of Indigenous/Settler history – one that reflects a

²⁰ See: Joyce Green, “The Difference Debate: Reducing Rights to Cultural Flavour,” in *Canadian Journal of Political Science* Vol. 33, Iss. 1 (2000): pps. 133-144; Kiera Ladner, “Taking the Field: 50 Years of Indigenous Political Science in CJPS,” in *Canadian Journal of Political Science* Vol. 50, Iss. 1 (2017): pps. 163-179; Chadwick Cowie, “Reconciling Canadian Political Science: Including Indigeneity in the Discipline,” In *Learning the Truth, Seeking Reconciliation: Understanding the Historical Relationship Between Canada and the Indigenous Peoples of Turtle Island*, edited by Ian Peach, Montreal: McGill-Queen’s University Press, (Forthcoming).

history of Indigenous engagement that expects a positive nation-to-nation relationship. In order to fully and properly assess and conceptualize Indigenous participation, this chapter will first review the legal, social, and political structures of three Indigenous Confederacies: the Haudenosaunee, Anishinaabeg, and the Siiksikaawa. Following a review of these three Indigenous Confederacies, this chapter will then look at relationship building with European powers and the emergence of Settler-Responsible Government²¹ - especially the impact that this evolving nation-to-nation relationship had on Indigenous nations and Confederacies from the 1840s and up to the Dominion of Canada's formation in 1867. Understanding Indigenous legal, social, and political structures is imperative when assessing both nation-to-nation diplomacy and relations between not only Indigenous nations but also between Indigenous and Europeans following contact.

1.1: Confederacies, Representation, & Belonging: Indigenous Political Constructs Pre-1492

Indigenous political, legal, economic, and societal structures have been intricate and highly developed, long before European encroachment and colonization. If one looks at a map of the Canadian state, the territory within the settler-constructed boundaries of Canada also reflects almost sixty (60) different Indigenous nations whose history and existence predate the Canadian

²¹ Note: What is meant by Settler-Responsible government relates to the definition of responsible government used in western political structures, and highlighted by Peter H. Russell in *Constitutional Odyssey: Can Canadians Become a Sovereign People? Third Edition*, Toronto: University of Toronto Press, 2004. More specifically, Russell explains that "although responsible government is the essential democratic principle in parliamentary/cabinet government, it lends itself to a highly centralized, executive-dominated form of democracy. By requiring that the executive be directed by leaders of the majority in the legislature, it fuses executive and legislative power." (pp. 16).

state.²² Additionally, some of these nations represent the first confederations formed on earth.²³ Within these confederacies were forms of representation and laws that not only governed those within them but also membership qualifications within these confederations. In order to show that Indigenous governance structures were very complex and intricate, examples from eastern, central, and western Turtle Island will be highlighted.

1.1.1: Je Me Souviens: The St. Lawrence Valley & The Haudenosaunee Confederacy:

One of the most well-known confederacies, the Haudenosaunee Confederacy,²⁴ was already in place for at least a century prior to Christopher Columbus' infamous travel to what is today referred to as the Bahamas.²⁵ Haudenosaunee history states that the Confederacy was formed out of the efforts of a prophet named Peacemaker as a way to bring an end to war and distrust between the five founding nations: the *Kanien'kéha:ka*,²⁶ *Onayota'a:ka*,²⁷

²² Chadwick Cowie, "Validity and Potential: Dual-Citizenship and the Indigenous Vote in Canada's Federal Electoral Process," A Masters of Arts Thesis Submitted to the Department of Political Studies and Faculty of Graduate Studies, University of Manitoba, 2013; NOTE: For the purpose of this paper, my focus is on three specific confederacies as volumes could be written on each nation and confederacy that have existed prior to, and in many cases continues to exist since, non-Indigenous settlement occurred. I specifically focus not only on my own Confederacy but also one each from the eastern and western parts of present-day Canada in order to show that complex political structures are not fixed to just one region of Turtle Island.

²³ According to Reeta Chowdhari Tremblay, André Lecours, Csaba Nikolényi, Bassel Salloukh, and Francesca Scalla, *Confederation* is "a set of sovereign states [which] decide to create a union for the realization of specific goals (e.g., economic, military, etc.). The sovereign states delegate a certain number of powers to the government of the union. The states reserve the power to secede from the confederal system" (pp. 480). In relation to *Federalism*, Chowdhari Tremblay et al. state that it is "a principle of government that seeks to reconcile unity and diversity through the exercise of political power along multiple autonomous levels" (pp. 481).

²⁴ As highlighted by Wahéshon Shiann Whitebean, the term Haudenosaunee translates to: 'Peoples of the Longhouse' (Guest Lecture, January 19, 2022).

²⁵ Whitebean, *The Haudenosaunee Confederacy*, 2022.

²⁶ Note: Kanien'kéha:ka is what the Mohawk call themselves in their language (Whitebean, *The Haudenosaunee Confederacy*, 2022).

²⁷ Note: Onayota'a:ka is what the Oneida call themselves in their language (Whitebean, *The Haudenosaunee Confederacy*, 2022).

Ononda'gegà,²⁸ *Gayogohó:no*,²⁹ and *Onöndowaga*.³⁰ The Haudenosaunee Confederacy was viewed as a way to both unite the original five nations and to allow for their peoples to live in harmony and make decisions peacefully. The political structure of the Haudenosaunee Confederacy reflected, and continues to reflect, one of equal representation, balance of law and tradition, as well as consensus.³¹ Each nation had a role within the governing structure of the confederacy. For instance, the Ononda'gegà were the 'keepers of the fire' and their nation was where the political representatives of the Haudenosaunee would meet, and still do.³² The Kanien'kéha:ka were, and are, the warriors and guardians of the eastern side of the confederacy while the Onöndowaga were, and are, of the western side.³³

Until recent times each of the nations within the confederacy had a role. They also had their own Council and Chief. The Clan Mothers, as a check and balance, would approve who would be Chief and sat on said council.³⁴ In other words, although many Indigenous nations had a hereditary system in place for who would be Chief, the nations within the system had means to remove individuals who were not deemed appropriate, of sound mind, or not representing their peoples via the Clan Mothers. In addition, each nation had a delegation of representatives,

²⁸ Note: Ononda'gegà is what the Onondaga call themselves in their language (Whitebean, *The Haudenosaunee Confederacy*, 2022).

²⁹ Note: Gayogohó:no is what the Cayuga call themselves in their language (Whitebean, *The Haudenosaunee Confederacy*, 2022).

³⁰ Ibid; John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010), pp. 72; Kayanesenh Paul Williams, *Kayanerenkó:wa: The Great Law of Peace* (Winnipeg: University of Manitoba Press, 2018), pp. 60-61 & 78-82; Note: Onöndowaga is what the Seneca call themselves in their language (Whitebean, *The Haudenosaunee Confederacy*, 2022).

³¹ Ibid; J.R Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (Toronto: University of Toronto Press, 2009), pps. 37-38.

³² Ibid.

³³ Ibid.

³⁴ Susan Hill, *The Clay We Are Made Of: Haudenosaunee Land Tenure on the Grand River* (Winnipeg: University of Manitoba Press, 2017), pps. 65, 69, & 226-227; Borrows, *Canada's Indigenous Constitution*, pps. 42 & 72-77; Williams, *Kayanerenkó:wa*, pps. 303-308; Whitebean, *The Haudenosaunee Confederacy*, 2022.

alongside each nation's Chief, that would attend central meetings of the confederacy.³⁵ The Confederacy Council's function was, and remains, to discuss and come to a consensus on all matters that impact the harmony, peace, and external relations with other nations and confederations. Meanwhile the individual councils focused on all items relating to each nation internally.³⁶ All decisions reflected the laws of the Haudenosaunee Confederacy which fell under the 'Great Law of Peace.'³⁷

The Great Law of Peace not only assisted with governing but also in making decisions for all members that were within the Haudenosaunee Confederacy's 'boundaries.' In looking at a present-day map, these boundaries included much of present-day New York state as well as parts of the St. Lawrence Valley in present-day Quebec. Thus, when reflecting on Haudenosaunee territory it is important to note that the settler-cities of Quebec City, Trois-Rivieres, Montreal, Sherbrooke, Albany, and Rochester were built, and exist, on Haudenosaunee Confederacy territory.

1.1.2: Friendly Manitoba & A Place to Grow: Central Turtle Island & the Anishinaabeg:

The Haudenosaunee Confederacy also shared territory and boundaries with another, confederacy: the Anishinaabeg. The Anishinaabeg is comprised of nations including the Bodewadami, Algonquin, Odawa Nishnaabeg, Chippewa'ag Nishnaabeg, and the Michi Saagiig Nishnaabeg.³⁸ When looking at a present-day map of North America, the traditional territories of

³⁵ Williams, *Kayanerenkó:wa*, pps. 294-296; Whitebean, *The Haudenosaunee Confederacy*, 2022; Miller, *Compact, Covenant, Contract*, pps. 37-38.

³⁶ Ibid.

³⁷ According to Susan Hill, the *Great Law of Peace* is what governs the Haudenosaunee Confederacy and its member nations. It was brought forth in order to have member nations return to the right path that the Creator had produced for for them and thus establish a form of Haudneosaunee Peace, Order, and Good Governance for those nations who came together to form the Confederacy (Hill, *The Clay We Are Made Of*, pp.27-29); Also see Williams' *Kayanerenkó:wa* for a full assessment and understanding of the Great Law of Peace.

³⁸ Doug Williams, *Michi Saagiig Nishnaabeg: This is Our Territory* (Winnipeg: Arbeiter Ring Press, 2018), pps. 119-124; Borrows, *Canada's Indigenous Constitution*, pps. 77-78; Donald Smith, *Mississauga Portraits: Ojibwe Voices*

the Anishinaabeg Confederacy include portions of Western Quebec, much of Ontario, Southern Manitoba, as well as sections of Wisconsin, Minnesota, and Michigan. Thus, including Ottawa, Toronto, Detroit, Minneapolis, Milwaukee, and Winnipeg are situated on the traditional territories of the member nations of the Anishinaabeg confederacy.

Like the Haudenosaunee, the utilization of clans, or *dotems*, were/are significant and important to the political, legal, and sociological constructs within the nations of the Anishinaabeg. Each dotem reflected an animal which inhabited territory or waters that the Anishinaabeg call home. The type of animal tended to be categorized into those with ‘hooves’, ‘sea creatures’, ‘paws’, and those that fly. Each dotem had important duties within the nations of the confederacy, such as these can be compared with Ministries or Departments we see existing within many settler states like Canada. For instance, Lawrence Henry Sitting Eagle, in a document prepared for the Anishinaabeg community of Roseau River, explains that dotems that are named after animals that fly, such as the Crane and Loon clans, reflect leadership roles. Those in the Crane and Loon dotems, as Sitting Eagle specifies, “should know everything about everything, [hold] knowledge of statesmanship ... [and] must be knowledgeable in negotiations, plan[ning], [as well as] strateg[izing].”³⁹ More specifically, Sitting Eagle explains that the Crane dotem is a combination of the Canada’s Prime Minister’s Office (PMO) and Department of Foreign Affairs, while the Loon dotem connects with Intergovernmental affairs.⁴⁰ Other dotems that reflect those that can fly, such as the Bald Eagle, Golden Eagle and Hawk, focused on

from *Nineteenth-Century Canada* (Toronto: University of Toronto Press, 2013), pp. 33); Donald Smith, *Sacred Feathers: The Reverend Peter Jones (Kahkewaquaonaby) and the Mississauga Indians* (Toronto: University of Toronto Press, 2013), pps. 1 & 17; Also See: George Copway, *The Traditional History and Characteristic Sketches of The Ojibway Nation* (Toronto: Propsero Canadian Collection, 2001).

³⁹ Lawrence Henry Sitting Eagle, *Clan Responsibilities: Ojibway Clan Systems: The Seven Original Clans* (Prepared for Roseau River/Roseau Rapids Anishinabe Nations, 2011), pps. 1, 27-28.

⁴⁰ Ibid, 27-28.

understanding the natural landscape, the flora and fauna that grow on it, harvesting, spirituality as well as knowledge.⁴¹ Clans such as the Bald Eagle, Golden Eagle, and Hawk thus can be linked with spirituality, agriculture, and education.

Sitting Eagle continues his explanations, highlighting that dotems which reflect those with paws, such as the Marten, Muskrat, Beaver, and Wolf, are responsible for not only strategizing but also for providing sustenance, peacekeeping, policing, as well as the adoption of newcomers and the enforcement of rules and laws.⁴² Thus, in a comparative sense, Sitting Eagle's explanation of dotems reflecting paws are more similar to Canada's Ministries of Justice and Defence. Additionally, Bear dotems, although also assisting with policing and peacekeeping, are considered to be the healers and those with knowledge of medicine.⁴³ According to Sitting Eagle's explanation, the Bear dotems are most similar to a Ministry of Health.⁴⁴

In relation to dotems that represent sea creatures, such as fish, turtle, and snake, Sitting Eagle describes their duties as caretakers of water, assessing changes in the seasons, and stargazing.⁴⁵ When comparing sea creature dotems to a ministry, they would encompass what is referred to as science and technology. Lastly, the dotems that fall into the category of 'hooves,' such as elk, moose, and deer, tend to not only have the gift of visual and performing arts but also the gift of sound.⁴⁶ Furthermore, hoof dotems assist with settling disputes and the social welfare of the community.⁴⁷ The most comparable ministries to the hoof dotems would thus be social services and heritage. Sitting Eagle summarizes that the dotem system creates the ability for

⁴¹ Ibid, 32.

⁴² Ibid, 31.

⁴³ Ibid, 33.

⁴⁴ Ibid.

⁴⁵ Ibid, 29.

⁴⁶ Ibid, 30.

⁴⁷ Ibid.

“every person to belong with a role and status ... [where] we [are] collectively promulgated and taught so that particular talents might radiate among our people, yet at the same time maintaining personal identity of the individual.”⁴⁸

In addition to being giving tasks and responsibilities, the dotem system, like the clan system of the Haudenosaunee, were/are consensus based and represented in the governance structure of the Anishinaabeg. Furthermore, those representing the clans and nations could also remove Chiefs from their positions if the latter were deemed unfit to govern.⁴⁹ Thus, although a person could become Chief because they were a descendent of the previous Chief, it was not an absolute right and a person could be easily replaced. Preventing an ‘absolutist’ form of power and control was key, allowing all Anishinaabeg to have a say, and the right to belong within the confederacy and the member nation of which they were a part.

The Anishinaabeg understanding of belonging to a community, nation, and within the confederacy has never been simply based on a birthright. As Leanne Simpson points out in her book *Dancing on our Turtles Back: Stories of Nishnaabeg Re-creation, Resurgence, and a New Emergence*, systems of adoption and immigration were just as important for belonging within the social, political, and legal order of nations within the Anishinaabeg confederacy. Simpson points out that the system for immigration was a lengthy process because of what needed to be achieved to prove one’s ability to live up to the standards of Anishinaabeg belonging.⁵⁰ An individual, whether adopted, married in, or a descendent of Anishinaabeg parents, proved their belonging by their commitment to the values and philosophies of *mino bimaadiziwan*.⁵¹

⁴⁸ Ibid, 20.

⁴⁹ Ibid; Also see Borrows, *Canada’s Indigenous Constitution*, pps. 77-84.

⁵⁰ Leanne Simpson, *Dancing on Our Turtle’s Back: Stories of Nishnaabeg Re-Creation, Resurgence, and a New Emergence* (Winnipeg: Arbeiter Ring Press, 2011), pp. 90.

⁵¹ Ibid; Borrows, *Canada’s Indigenous Constitution*, pp. 81; Cowie, “Validity and Potential,” pp. 14; John Borrows, *Seven Generations, Seven Teachings: Ending the Indian Act* (Research Paper for the Nation Centre for First Nations

In explaining mino bimaadiziwan, John Borrows highlights that it represents “principles that respect and facilitate stewardship, such as loyalty, patience, and bravery.”⁵² These are the Seven Grandfather teachings,⁵³ important tenets to establishing fairness, respect, and order amongst Anishinaabeg people. In doing so, as Borrows further explains, the process, and the rules relating to belonging, are a way not only for people to prove themselves but also to show they truly mean no harm to the Anishinaabeg people and their existence.⁵⁴ Additionally, if one did not agree to the required standards of what it meant to be Anishinaabeg, they also had the opportunity to leave and remove themselves from the system and could therefore freely leave their clan, nation, and by extension the confederacy. In other words, like many modern Liberal states today, the Anishinaabeg allowed for immigration to, and emigration from, their confederacy. Thus to be Anishinaabeg required an agreement to fulfill the duties of what modern states and political scientists define as citizenship.

1.1.3: Wild Rose Country: The Siiksikaawa Confederacy:

Confederations, such as the Anishinaabeg and the Haudenosaunee, were not just a political construct in the eastern part of Turtle Island. Indigenous nations in the west also came together, such as under the *Siiksikaawa*⁵⁵ Confederacy. The Siiksikaawa Confederacy includes

Governance, 2008), pp. 1; Note: Mino bimaadiziwan, when translated from Anishinaabemowin to English, means: “following the right path/good path.” (Simpson 2011, pp. 90)

⁵² Borrows, *Canada’s Indigenous Constitution*, pp. 81.

⁵³ Note: The Seven Grandfather teachings are key to Anishinaabeg belonging because it taught Anishinaabeg important aspects of citizenship and how to live together with the concepts of *nbwaakaawin* (wisdom), *zaagidwin* (love), *mnaadendimowin* (respect), *aakwadeewin* (bravery), *dbaandendiziwin* (humility), *gwejwaadiziwan* (honest), and *debwein* (truth). In many of Borrows’ writings, he discusses how the Seven Grandfathers are a key part of citizenship because it not only dictates how citizens relate to one another but also key to foundations of Anishinaabeg law, governance, and the interdependence ideals of the nations within the Confederacy. (See: Borrows’ *Seven Generations, Seven Teachings*, 2008).

⁵⁴ Borrows, *Canada’s Indigenous Constitution*, pp. 81.

⁵⁵ Note: The term Siiksikaawa, when translated into English, refers to the Blackfoot (Ladner 2003, pp. 125)

the Siksika, Kainai, and Peigan nations.⁵⁶ The traditional territories of the nations which form the Siiksikaawa, if one looks at a present-day map, include much of Southern Alberta and Northwestern Montana. Thus, present day cities such as Calgary and Lethbridge are situated within the Siiksikaawa Confederacy's territory.

In examining the legal, political, and socio-economic order of the Blackfoot, Kiera Ladner points out that their governance structure should be seen as “an expression of and as a relationship to the local ecosystem.” Furthermore, Ladner explains that the Siiksikaawa “lived freely as individuals without a coercive system of governance but had a collective system with an elected internal structure that engaged all members of their society.”⁵⁷ In living freely, each individual within the Siiksikaawa Confederacy could control and seek out their own paths. In other words, as Ladner explains, there was no definitive form of hierarchy in the political structure, allowing all people to share in the institutionalization and operationalization of the Confederacy and territory they shared.⁵⁸ In short there was not a single leader but many who worked together in order to make the best decisions.

Similar to the Haudenosaunee and Anishinaabeg, the Siiksikaawa also utilized a clan system. The Siiksikaawa clan system helped with forming consensus and making sure everyone was heard equally. In explaining the duties of the Siiksikaawa clans, Ladner highlights that it was ta clan's responsibility to ensure decisions within the nations and confederacy as well as the day-to-day needs of their communities.⁵⁹ Such decisions, as Ladner also points out, would be impacted by ecological and seasonal factors and thus showing that the Siiksikaawa also governed

⁵⁶ Kiera Ladner, “Governing Within an Ecological Context: Creating an AlterNative Understanding of Blackfoot Governance,” *Studies in Political Economy*, 70 (2003): pp. 142.

⁵⁷ Ibid, pps. 132-134.

⁵⁸ Ibid, pp. 139.

⁵⁹ Ibid, pp. 143.

within an ecological and sustainable context. Therefore, as Ladner concludes, the Siiksikaawa structure of governance has been in a “relationship with the circle of life [and] all beings within [their] territory, and ... about people establishing a relationship with a territory and learning about that relationship.”⁶⁰ In other words, cohesion and respect between the Siiksikaawa and their surroundings were, and continue to be, key to the existence of those within the confederacy.

1.1.4: Understanding Indigenous Governance Structures:

Understanding governance structures in Turtle Island, such as those of the Siiksikaawa, Anishinaabeg, and Haudenosaunee, is important when discussing Indigenous political participation and when discussing Canadian political science because it highlights that Indigenous governance structures are far more complex than they are ordinarily assumed to be. By highlighting the Haudenosaunee, Anishinaabeg, and Siiksikaawa confederacies, one is able to get a glimpse into governing bodies that included structure, consensus, representation, and citizenship. Additionally, by understanding Indigenous governance structures, especially in relation to their forms of citizenship, representation, and the importance of consensus, one is able to better assess the relationships and ways of participation that Indigenous peoples utilized when the British and French began to colonize Turtle Island specifically. Such participation by Indigenous peoples was never as subjects of a European crown or western structures of governance, as is often asserted in Settler cultures, but rather nation-to-nation - whether as allies or as enemies.

1.2: From Allies and Enemies to Settler ‘Responsible’ Government

As we are taught in rhymes and history classes during our childhood, we are reminded

⁶⁰ Ibid, pp. 125.

that in 1492 Christopher Columbus made a journey across the (blue) Atlantic Ocean that would lead to numerous societies and nations, coming in contact with each other – whether as trading partners and allies or as competitors and enemies. As Kiera Ladner reminds us, “the Indigenous inhabitants of Turtle Island discovered in 1492 a very lost and starving Christoble Colone searching for a new route to India.”⁶¹ Following Columbus’ accidental arrival to the Americas, the next two hundred years saw a diversity of approaches by European monarchs as they sought to reap the benefits of territory in which they had yet to have a permanent presence. For Europeans, there was shock in coming to learn of lands and peoples that the bible had never mentioned as already existing. Thus, during the last years of the 15th century, how to approach and obtain the Americas dominated discussion not only amongst European merchants and nobility, but also the Catholic Church.

1.2.1: The Word of God: Papal Bulls and Indigenous Nations in the Americas:

The Catholic Church eventually came to be the major arbiter in the debates and discussions surrounding how to approach the Americas, having already been an important voice in European encroachment into Africa through the *Papal Bull Romanus Pontifex (1455)*. Feuding between Portugal and Castile was rampant as they each claimed possession of colonial territories along the African coast. Both Castile and Portugal argued their actions were to spread Christianity and thus were granted approval by the Church.⁶² The *Papal Bull Romanus Pontifex* is important, for Portugal utilized it to bolster its point that Castile could not have sole claim over

⁶¹ Kiera Ladner, “Rethinking Aboriginal Governments” in *Reinventing Canada: Politics of the 21st Century*. Edited by Janine Brodie and Linda Trimble, pps. 43-60 (Toronto: Pearson Education Inc, 2003), pp. 44.

⁶² Ladner, “Rethinking Aboriginal Governments,” pp. 45; Francisco de Vitoria, in *Political Writings*. Edited by Anthony Pagden and Jeremy Lawrence (Cambridge: Cambridge University Press, 1991), pp. 277-292; Note: Due to the Papacy’s claim to spiritual lordship of the whole world and of its role in regulating relations amongst Christian nations and between Christians and non-believers, such a claim of spreading Christianity in order to encroach upon territories of non-believers was welcomed.

the Americas.⁶³ Thus, in 1493 the Catholic Church established the *Papal Bull Inter Caetera*, also known also as the *Doctrine of Discovery*. The *Doctrine of Discovery* divided the Americas originally between Portugal and Castile, more specifically Portugal and Spain once the union of Castile and Aragon was completed. The *Doctrine of Discovery* established that any land not inhabited by Christians are thus available to be "discovered," claimed, and exploited by Christian rulers.⁶⁴ Additionally, the *Doctrine of Discovery* declared that "the Catholic faith and the Christian religion be exalted and be everywhere increased and spread, that the health of souls be cared for and that barbarous nations be overthrown and brought to the faith itself."⁶⁵ Thus, the *Doctrine of Discovery* became the basis of European claims and land grabs in the Americas.

As the Spanish and Portuguese began colonizing and invading Indigenous nations and their territories throughout the Caribbean, as well as South and Central America, first-hand recording of atrocities was also documented. Such documentation of atrocities added to the debate over the humanity of Indigenous peoples. Priest Antonio Montesinos, who was situated in the now colonized and Spanish controlled island of Hispanola, brought his concerns directly to Pope Paul III.⁶⁶ In turn, the Catholic Church outlined how Christian nations were to approach Indigenous peoples within the *Papal Bull Sublimas Dei* (1537). The *Papal Bull Sublimas Dei* stipulated that the Indigenous peoples of the Americas were indeed human but not civilized to the extent of Christian nations in Europe.⁶⁷ Therefore, in order to continue obtaining land in the

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Pope Alexander VI, "Inter Caetera: Division of the Undiscovered World Between Spain and Portugal," *Papal Encyclicals Online: Your Guide to Online Papal and Other Official Documents of the Catholic Church*, accessed June 23, 2022, <https://www.gilderlehrman.org/history-resources/spotlight-primary-source/doctrine-discovery-1493>.

⁶⁶ Cowie, "Validity and Potential," pps. 16-17.

⁶⁷ Pope Paul III, "Sublimus Dei: On the Enslavement and Evangelization of Indians," *Papal Encyclicals Online: Your Guide to Online Papal and Other Official Documents of the Catholic Church*, accessed June 23, 2022, <https://www.papalencyclicals.net/paul03/p3subli.htm>.

Americas, Christian nations of Europe must declare war and conquer Indigenous nations or formulate treaties with said nations.⁶⁸ Furthermore, an Indigenous nation, and its peoples, were to be given the opportunity to convert prior to being invaded in order to receive additional protection under the eyes of God, and thus the Catholic Church.⁶⁹ For Indigenous nations and peoples, the debates, *Doctrine of Discovery*, and the Papal Bulls were unknown. Instead their own laws that dictate nation-to-nation relations were the basis for their relations with those representing European nations whom they met on their shores and territories.

1.2.2: Nation-to-Nation Relations: The French and British Encroachment on Turtle Island:

For Indigenous nations of Turtle Island, nation-to-nation relations were constantly being modified and formed through alliances, trade, war, and peace. Participation in establishing relationships, negotiations, or terms of peace, when considering territories of Turtle Island specifically, came in many forms of covenants and treaties, one being *Wampum*, or *Wampum Belt*. For many Indigenous nations and confederacies in the Northeast areas of Turtle Island, such as the Haudenosaunee and Anishinaabeg, *Wampum* symbolized participation in international relations. As John Borrows, Lynn Gehl, and Alan Corbiere have discussed and outlined in research, *Wampum* traditionally was utilized for sharing resources on territories nations shared, outlining the peace agreements of warring nations, and as a way to govern relations between different nations.⁷⁰

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid; Lynn Gehl, *The Truth the Wampum Tells: My Debwewin on the Algonquin Land Claims Process* (Halifax: Fernwood Publishing, 2014), pps. 72-74, Alan Corbiere, "Naadowek: An Anishinaaabe Perspective," in *On The Trails of the Iroquois*, ed. Sylvia S. Kasprzycki, pps. 34-38 (Bonn: Kunst-und Ausstellungshalle der Bundesrepublik Deutschland GmbH, 2013), pp. 36.

One important example of a treaty between Indigenous nations and confederacies is the *Dish with One Spoon*. The *Dish with One Spoon*, to this day, governs territory shared between both the Haudenosaunee and Anishinaabeg confederacies. Oral references to *Dish with One Spoon* date back to the 12th century and tells of an agreement for shared territory in relation to hunting and resources.⁷¹ The one spoon, as Leanne Simpson explains, signifies that all peoples sharing the territory between both confederacies are expected to limit the game and resources they take to leave enough not only for others, but also for continued abundance and vitality of the territories into the future.⁷² Such understanding and participation only expanded with the arrival of the English and French.

As the 17th century came, relations between the French and British were extended and established with Indigenous nations in the Americas. With the French arrival to Turtle Island, trade and good relations were forged with the Anishinaabeg and the Wabanaki Confederacy,⁷³ the Huron, and other nations along the St. Lawrence and Great Lakes lowlands. Relations between the French and the Haudenosaunee, however, were not positive. At the time of French movement into the upper part of Turtle Island, the decision to build settlements within Haudenosaunee territory was not welcomed. Although the French did seek approval for the establishment of settlements such as Quebec City, Trois-Rivieres, and Montreal, the approval

⁷¹ Dean M. Jacobs and Victor P. Lytwyn, "Naagan ge Bezhiig Emkwaan: A Dish with One Spoon Reconsidered," in *The Ontario Historical Society*, vol. CXII, iss. 2 (2020): pps. 191-210; Leanne Simpson, "Looking After Gdoo-naaganinaa: Precolonial Nishnaabeg Diplomatic and Treaty Rights," in *Wicazo Sa Review*, vol. 23, iss. 2 (Fall 2003): pps. 29-42; Victor P. Lytwyn, "A Dish with One Spoon: The Shared Hunting Grounds Agreement in the Great Lakes and St. Lawrence Valley Region," in *Papers of the Twenty-Eight Algonquin Conference*, ed. David Pentland, pps. 210-227 (Acton:1997); Hill, *The Clay We Are Made Of*, pps.34, 42-43; Williams, *Michi Saagiig Nishnaabeg*, pps. 44-48.

⁷² Simpson, "Looking After Gdoo-naaganinaa," pps. 37-38; Note: The *Dish with One Spoon* treaty would be renewed, and recorded in French and English documents, in 1701 at Montreal.

⁷³ Note: The Wabanaki Confederacy included the Mi'kmaq, Maliseet, Abenaki, Passamaquoddies, and Penobscot Nations. The territory of the Confederacy includes present-day Maine, the present-day provinces of Nova Scotia, New Brunswick, and Prince Edward Island. The territory of the Wabanaki Confederacy also included the Gaspésie region of the present-day province of Quebec, as well as portions of New Hampshire (Henderson, *Wabanaki Compact*, pps. 2-5).

was granted from the wrong nations.⁷⁴ In fact, the approval of these first French settlements came from nations at odds with the Haudenosaunee and thus this brought the French and Haudenosaunee into direct conflict and war.⁷⁵ Although the Haudenosaunee and Anishinaabeg had treaties such as the *Dish with One Spoon*, the two were not allies and had a history of conflict with one another. Thus, the Anishinaabeg, and other nations such as the Huron, formed alliances with the French not only as nations who were friendly with one another, but also to protect trade routes and trade agreements established between themselves and the French.⁷⁶

The French and British were already foes back on the European continent and this only escalated in the Americas. Since the French were not friends of the Haudenosaunee, a natural alliance formed between the Haudenosaunee and the British. While the French and British fought for resources, dominance and land, the Haudenosaunee and Anishinaabeg would join their allies due to their nation-to-nation relationship. Therefore, it is important to understand that in the feuding between the British and French, the Haudenosaunee and Anishinaabeg, like other Indigenous nations, would discuss, debate, and come to their own conclusions, within their own nations and confederacies, on whether or not to join their European allies in times of war. Thus, Indigenous political participation at this time continued to be as citizens and members of their own self-governing nations.

The formation of nation-to-nation relations continued throughout the 18th century as well. As the British grew in dominance and power in the Americas, Indigenous nations with which they were in contact also took different forms. As the power and territorial claims of the French

⁷⁴ Chadwick Cowie, "Quebec Sovereignty and Indigenous Nationhoods: Critiquing the Quebec Secessionist Movement from an Indigenous Lens," in *Journal of Australian, Canadian, and Aotearoa New Zealand Studies*, vol. 1, iss. 1 (June 2021), pps. 18-19.

⁷⁵ Cowie, "Quebec Sovereignty and Indigenous Nationhoods," pps. 18-19.

⁷⁶ Ibid; Williams, *Michi Saagiig Nishnaabeg*, pps. 36-48

dwindled in present-day North America, its Indigenous allies also faced consequences. Members of the Wabanaki Confederacy, such as the Mi'kmaq nation, sought ways to protect themselves from European encroachment. For instance, to avoid further encroachment by the French the Mi'kmaq converted to Catholicism.⁷⁷ Conversion allowed the Mi'kmaq to garner additional protection from other Catholic nations appropriating its territory.⁷⁸ Due to the *Treaty of Westphalia*, Catholic nations could not encroach upon the sovereignty of other Catholic nations without the approval of the Church.⁷⁹ The English, however, were not bound by the sanctioning of the Catholic Church as Protestantism was now their state religion.⁸⁰ Thus, relations with the British continued to also rely on separate agreements and treaties. The separate relations with the British only grew in importance within Indigenous politics as the power of the French in North America lessened from war.

Although war and rivalry between the French and British continuously flared up, the Seven Years War (1756-1763) highlighted that political participation by Indigenous nations continued to be one reflecting nation-to-nation relations, alliances, and diplomacy. With all-out war occurring between France and England, various Indigenous nations kept their agreements with their respective European allies. The Seven Years War only increased tension amongst Indigenous nations who were at war with one another. Haudenosaunee, Huron, and Anishinaabeg settlements, alongside French and British settlements, were attacked, destroyed, and many of their respective inhabitants killed. Although the Seven Years War concluded with the British being victorious and the French effectively losing any form of power and control in North America, a realignment of nation-to-nation relations was also going to be formulated in

⁷⁷ Henderson, *Wabanaki Compact*, pps. 353-373.

⁷⁸ Ibid.

⁷⁹ Ibid, pps. 224-229.

⁸⁰ Ibid.

not only a proclamation, but also in treaty and other legal forms that would impact future British/Indigenous relations and governance.

1.2.3: From the Treaty of Niagara to the Gradual Civilizations Act:

The Seven Years War was brought to an end with the *Treaty of Paris*, which effectively pushed the French out of North America and surrendered New France to the British. In addition to the *Treaty of Paris*, the British advanced *The Royal Proclamation of 1763* as a way to establish rules and laws over New France but also to rectify and re-establish relations with Indigenous nations who fought with and against the British. *The Royal Proclamation of 1763* outlined in detail the British/Indigenous relationship and rules relating to interaction and territory – reflecting mutual respect, peace, friendship, and not to interfere with each other's governance and laws. As Jody Wilson-Raybould, the former Minister of Justice and Attorney General, explained in a speech relating to *The Royal Proclamation of 1763*:

In Canada, the relationship with the settler government was somewhat different by the time the British arrived. The Crown, rather than simply dismissing our presence out of hand through theological and other arguments, recognized our existence and required that before its subjects could settle our land, the lands would need to be acquired lawfully from us by an official representative of the crown. Through this process of treaty-making, lands were identified as ours, based upon historical occupation of our peoples' Traditional Territories, with the balance of the lands continuing to have certain ongoing rights attached to them – the right to hunt, fish and so on. I am, of course, talking about the process of treaty making as set out in King George III's Royal Proclamation of 1763.⁸¹

In other words, land surrender by Indigenous nations could only be done to representatives of the British Crown and not to individual subjects. In turn, the process as highlighted by Wilson-

⁸¹ Jody Wilson-Raybould, *From Where I Stand: Rebuilding Indigenous Nations for a Stronger Canada* (Vancouver: Purich Books, 2019), pp. 30.

Raybould establishes not only the continued use of Peace and Friendship Treaties but also the British legal terminology that would eventually lead to land surrender treaties.

Wilson-Raybould's assessment of the Royal Proclamation of 1763 is important when discussing whether Indigenous nations and peoples considered themselves under the realm of the British or alongside the British in a nation-to-nation understanding. When first reviewing *The Royal Proclamation of 1763*, one would assume, as John Borrows highlights, that the proclamation reflected Britain's unilateral control. However, in order to fully unpack and highlight how Indigenous participation at this time reflected nation-to-nation understandings of peace and friendship, it is important to review another important document: The 1764 *Treaty of Niagara*. John Borrows compares the significance of the *Treaty of Niagara* alongside that of *The Royal Proclamation of 1763*. Borrows explains that "The Royal Proclamation is part of a treaty between First Nations and the Crown which stands as a positive guarantee of First Nation self-government and determination... the other part of the treaty is contained in an agreement ratified in 1764: Treaty of Niagara."⁸² Furthermore, without understanding the Treaty of Niagara, clauses and wording⁸³ within the Royal Proclamation remain misunderstood and not implemented to their full intent.

The *Treaty of Niagara* is considered a covenant of a chain of friendship, a peace and friendship treaty, alongside a *Wampum Belt* that did not subjugate either side to the other's dominance. As Gehl and Borrows both elaborate, the *Treaty of Niagara* was a treaty of offensive

⁸² John Borrows "Wampum of Niagara: They Royal Proclamation, Canadian Legal History, and Self-Government." In *Aboriginal and Treaty Rights in Canada: Essays on Law, Equality, and Respect for Difference*, ed. Michael Asch, pps. 152-172 (Vancouver: UBC Press, 2002), pp. 152.

⁸³ Note: Borrows highlights that although the Royal Proclamation implies that no lands would be taken from First Nation peoples without consent – in order to consolidate the Crown's position in North America, according to Borrows, there were additional words added like 'dominion' and 'sovereignty' over the territories that First Nations occupied. Additionally, the implication of British and Criminal jurisdiction furthered the muddling of items as the British began to impose their control and want in North America by the 1840s.

and defensive alliance that would include British promises to assure them of a free, fair, and open trade alongside free intercourse and passage into ‘Indigenous territories.’⁸⁴ Furthermore, it further explained that no settlements or encroachments by British subjects were allowed without permission or treaty.⁸⁵ Such understanding of the *Treaty of Niagara* is noticeable when assessing the *Wampum Belts* that accompany the treaty and further highlights who was included.

The *Treaty of Niagara*, as Lynn Gehl highlights, was facilitated by the Algonquin and included representatives from twenty-four other nations, such as the Anishinaabeg, and Haudenosaunee, as well as the British.⁸⁶ On one of the *Wampum Belts*, the twenty-four nations are represented by a figure. The figures in this belt are holding a rope. This rope connects the ship at one end of the belt to the land at the other end of the belt.⁸⁷ In the event that the British forget their responsibilities of providing gifts, Indigenous nations were to tug on the rope thus guiding the ship in their direction. Additionally, as Borrows explains, “representatives of the nations assembled at Niagara in 1764 touched this ‘belt of peace’ as a symbol of friendship and a pledge to become united.”⁸⁸

Thus, the spirit and intent of autonomy and jurisdiction of Indigenous peoples is best viewed through the *Treaty of Niagara* as it is not only the treaty that goes alongside of the *Royal*

⁸⁴ Borrows “Wampum of Niagara,” pps. 152-172; Lynn Gehl, *The Truth the Wampum Tells*, pp. 72.

⁸⁵ Ibid.

⁸⁶ Gehl, *The Truth the Wampum Tells*, pps. 18 & 60; Also see: Borrows, *Canada’s Indigenous Constitution*, pp. 262; Paul Williams, “Over 10,000 Beads Sealed Ojibway-British Covenant.” *Anishinabek News*, March 8, 2006; Cole Kirkby, “Reconstituting Canada: The Enfranchisement and Disenfranchisement of ‘Indians’ Circa 1837-1900,” in *University of Toronto Law Journal*, (Fall 2019): pp. 515.

⁸⁷ Gehl, *The Truth the Wampum Tells*, pp. 16; Kirkby, “Reconstituting Canada,” pp. 515. Note: As Borrows Describes it: “a ship woven into one end of the belt with its bow facing towards Quebec. At the other end of the belt is an image of Michilimackinac, a place in the centre of the Great Lakes regarded as the heart of the Chippewa-Anishinaabe homelands. Between the two objects were woven twenty-four Indians holding one another’s hands, with the person furthest to the right holding the cable of the ship, while the one on the extreme left has his foot resting on the land at Quebec (“Wampum at Niagara,” pp. 264).

⁸⁸ Borrows, “Landed Citizenship” pp. 335.

Proclamation but also defines the relationship between Indigenous nations and England. Wilson-Raybould also adds:

The principles embodied in the belt are a set of rules governing the behaviour of the two groups. The Wampum Belt tells us that neither group will force their laws, traditions, customs, or language on each other but will coexist peacefully.⁸⁹

Therefore, Indigenous nations who committed to the Royal Proclamation and Treaty of Niagara regarded both as an agreement that affirmed their powers of self-determination, governance, law, as well as land allocation – continuing the view of Indigenous participation as separate nations establishing, or further entrenching, relations with the British.

Although understandings from Indigenous nations were ones that reflected nation-to-nation relations when considering Indigenous participation, such understanding was quickly eclipsed as British power continued to spread in North America and particularly with the formation of the United States of America. The American Revolution led thirteen British colonies to revolt. The thirteen colonies sought representation and pushed back on the British Crown for imposing taxation upon them. The slogan espoused by those in the colonies who supported revolution was no taxation without representation, even if the taxation was to pay for the thirteen years war which the colonies had requested to occur in order to protect them from the French. The resulting formation of the United States birthed a competing force to British dominance in North America. For Americans, the belief in ‘manifest destiny’ became a calling for the right of the United States to expand from sea to sea. For Indigenous nations, the formation of the United States and manifest destiny created additional constraints and issues of participation. These impacts varied depending on the Indigenous nation in question.

⁸⁹ Wilson-Raybould, *From Where I Stand*, pp. 30.

For instance, the Haudenosaunee Confederacy could not form a consensus in their deliberations over whether to support those settlers revolting against the British Crown or to support the British Crown as their ally. Thus, internal disagreement led to the Confederacy splintering, with some supporting the British and others supporting the settlers who were revolting.⁹⁰ Those who supported the British Crown were forced from their territories and given the ability to settle on territory the British believed to be theirs – such as the Six Nations of the Grand River. Other nations faced forced relocation. Some were considered threats to British and American interest. This included trade, treaties, and other agreements with either or both the British and the Americans. As a result, the view of Indigenous nations as allies from separate nations began to lessen as both the United States and the British were in a battle for influence and control over resources and expanding further into the territories of North America. The competition between the United States and Great Britain would further the need for more treaties that not only strengthened their place as power in North America but also western understanding of control and sovereignty over Indigenous lands. Additionally, such expansion was expected due to the growing belief that Indigenous peoples had limited time left in their existence – whether by assimilation, forceful subjugation, or extinction.

Following the formation and recognition of the United States, both Great Britain and the United States sought further control and influence over territories in North America. Thus, new laws and legislation tended to reflect western dominance and legitimacy of North American territories, resources, and peoples. Great Britain's focus on governing subjects tended to focus on questions relating to its French subjects. The focus on French subjects existed prior to the American revolution with the implementation of the *Quebec Act of 1774*. The *Quebec Act*

⁹⁰ Hill, *The Clay We Are Made Of*, pps. 129-131.

specifically acknowledged the difficulty of assimilating its newly acquired French subjects and thus countered the assimilationist points of the Royal Proclamation by acknowledging the importance of the Catholic faith and Civil Law for its French subjects.⁹¹ Following the American Revolution, the *Constitution Act of 1791* separated the former French colony into two separate colonies that would each be given representative institutions. Following the Upper and Lower Canada rebellions of 1837 and 1838, further adjustments and amendments to the laws and structures of the British North American colonies in the formation of the *Lord Durham Report* of 1839 were made. In response, Lord Durham recommended that both Upper and Lower Canada be reunited and that the colonial government reflect representative and elected institutions, as well as carry responsibility for all local matters.⁹² Thus, much of Great Britain's focus on institutional development and participation in its colonies during this time was focused on trying to navigate and find a way to govern what they considered to be to classes of civilized groups of people: French and English subjects. At first glance, political participation, consideration, and inclusion of Indigenous peoples during this time would seem to be non-existent. However, Indigenous participation can be easily observed as, again, being nation-to-nation by assessing the *Jay Treaty*, *War of 1812*, as well as new treaties, such as the *Robinson-Huron* and *Robinson-Superior* treaties, formulated from the 1790s to the 1850s.

The *Jay Treaty of 1794* is an important document that yet again symbolizes not only nation-to-nation relations but also a recognition of Indigenous rights and territories. The *Jay*

⁹¹ Cowie, "Quebec Sovereignty and Indigenous Nationhoods," pp. 2021; Alain Beaulieu, "An Equitable Right to Be Compensated: The Dispossession of Aboriginal Peoples of Quebec and the Emergence of a New Legal Rationale (1760-1860)," in *The Canadian Historical Review*, vol. 94, iss. 1 (2013): pp. 8; Peter Gossage and J.I. Little, *An Illustrated History of Quebec: Tradition and Modernity* (Oxford: Oxford University Press, 2012), pp. 60.

⁹² Peter Russell, *Canada's Constitutional Odyssey: Can Canadians Become a Sovereign People?* (Toronto: University of Toronto Press, 2004), pp. 14; Jennifer Smith, "The Constitutional Debate and Beyond," in *New Trends in Canadian Federalism*, eds. Mariam Smith and Francois Rocher, pps. 45-63 (Peterborough: Broadview Press, 2003): pps. 46-49,

Treaty established agreed-upon boundaries of British North America and the United States at the time of its formation.⁹³ Additionally, it recognized the right of Indigenous peoples to be able to pass freely between these boundaries without reprisal, especially for those from nations whose traditional territories were now located on both sides of the British North American and United States borders.⁹⁴ Both the British and the Americans followed the *Jay Treaty* until the War of 1812. The War of 1812 witnessed hostilities renewed between not only Great Britain and the United States, but also Indigenous allies. Although popular understanding of the War of 1812 tends to focus on a feud between Great Britain and the United States, the participation and impact of Indigenous nations as allies is of similar importance. Indigenous peoples tend to be viewed in much commentary on the War of 1812 as subjects of either the British or Americans. In fact, Indigenous peoples participated in the war as separate nations defending their own interests as well as defending their allies. The fact that Indigenous nations participated as allies is most noticeable when looking at the end of the War in 1814. Although hostilities ended between Great Britain and the United States, some Indigenous nations continued with hostilities – requiring separate agreements throughout 1814 and 1815.⁹⁵

Additionally, treaty making between Great Britain and Indigenous nations continued to be an ongoing process prior to and after the War of 1812. For instance, the spirit of the Royal Proclamation and the Treaty of Niagara are front and centre throughout the treaty making process of the 1836 Manitoulin Island Treaty. The Manitoulin Island Treaty continued the view of separate nations who were equal.⁹⁶ This understanding shifted following the Durham Report

⁹³ Marcia Yablon-Zug, "Gone But Not Forgotten: The Strange Afterlife of the Jay Treaty's Indian Free Passage Right," in *Queen's Law Journal*, vo. 33, iss. 2 (Spring, 2008): 565-617.

⁹⁴ Ibid.

⁹⁵ Williams, *Michi Saagiig Nishnaabeg*, pps. 55-57.

⁹⁶ Borrows, "Wampum at Niagara," pp. 165-166.

and the Act of Union – neither of which acknowledged Indigenous peoples. Instead of recognizing Indigenous peoples and European peoples as two different peoples, the report of Lord Durham focused on the differences between the English and French. Furthermore, the participation of Indigenous peoples was assumed to be that of colonized subjects of the British Crown that must live according to the structures of the British Empire. Indigenous peoples were no longer considered nation-to-nation allies, per se, but rather uncivilized and unChristian peoples who were in the way of the inevitable dominance of European/Western ways of existence. Thus, Treaties began to shift in focus to ones of land surrender and presumed control by the British.

The Robinson-Huron and Robinson-Superior Treaties of the early 1850s became the first treaties that reflect this move towards land-surrender and supposed agreement to being controlled and subjected to the British. This shift in mentality can be attributed to the increase in a Eurocentric-mindset⁹⁷ as well as the shift in numbers of British subjects and military personnel that now existed within British North America. Such shift would be the beginning of a shift of Indigenous peoples being inferior and in the way of progress. Additionally, due to the impacts of disease from Europe, Africa, and Asia, it was assumed what was left of Indigenous societies were on borrowed time – that it was only a matter of time before all Indigenous peoples would become extinct in the Americas.

Although it was assumed Indigenous peoples would no longer exist, there became a push to further assimilate those deemed to now be civilized - those who met the criteria for what was considered to equate being civilized by British elites. The introduction of the *Enfranchisement Act of 1857* by the Canada colony offered a chance for Indigenous peoples who met the criteria

⁹⁷ Such mindset includes the concept of Darwinian Theory, such as 'survival of the fittest,' and thus the view that Indigenous peoples were of weaker DNA and thus bound to die off.

of being civilized to apply for enfranchisement. Many British elite thought that Indigenous peoples who met the criteria would jump at the opportunity to enfranchise and that many others would thus strive to achieve the criteria needed. In turn, the *Enfranchisement Act of 1857* was an option that was elective. In other words, it was not mandatory. To the shock and dismay of those who believed in the Enfranchisement Act, only one single Indigenous person utilized it.⁹⁸

1.3: Conclusion:

The change relating to Indigenous participation from within their own nations and between each other as nations to that of assumptions that they are inferior is glaring when a review is taken of not only Indigenous social, economic, legal, and political structures, but also the European/Indigenous relationships from period leading to 1867. Indigenous societies and political structures were, and continue to be, carefully built, thought out, and detailed in relation to law, citizenship, as well as diplomacy between themselves and other nations. Such notions of diplomacy, although not fully understood by European arrivals, were of importance for not only beginning relationships with Europeans but also entrenching longstanding feuds in both continents. As time passed, the nation-to-nation relationships that Indigenous nations believed to have with European nations, specifically with the French and British, turned to one of subjugation, and settler-colonialism. Such mindset change would continue through the *Enfranchisement Act of 1857* as Settlers sought further control and rights over the territories that they had moved on to and encroached upon.

Negotiations had begun in relation to formulating a dominion of British colonies in North America. Those meeting to formulate a dominion of such colonies, John A. MacDonald being one, believed in the formation of a dominion that would also stretch from coast-to-coast.

⁹⁸ Kirkby, "Reconstituting Canada," pps. 502-503.

Additionally, such dominion would need to deal with Indigenous peoples and their place on lands treated and yet to be treated. The approach that would be taken by the newly formed Dominion of Canada would vary by region and treaty, but in the end would focus on subjugation, control, cultural genocide, death, and forced enfranchisement – rather than political participation.

Chapter Two: **The Evolution of the Dominion and the ‘Indigenous Voice’ (1867-1991)**

2.0: Introduction:

July 1st, 1867 represents the coming together of Nova Scotia, New Brunswick, Lower Canada (Quebec), and Upper Canada (Ontario) to form the Dominion of Canada. Although for most non-Indigenous Canadians Confederation is perceived positively as the founding date of their state, for Indigenous peoples, especially First Nations,⁹⁹ it represents further colonialism and a transformation of their relationship with the Crown to one of unilateral control by the Canadian state. The Constitution Act, 1867, also known as the British North America (BNA) Act, was agreed to by the Colonies and the Crown, stipulating that the Dominion of Canada would have provincial and federal jurisdictions. For instance, Municipal institutions, resources, health, and education are listed as being under provincial jurisdiction.¹⁰⁰ Regulation of trade and commerce, postal service, currency and coinage, as well as defence were delegated to the newly formed federal government of the Dominion.¹⁰¹ Foreign affairs were under the Crown until the *Statute of Westminster*. Additionally, Section 91(24) stipulated that the Federal government, on behalf of the Crown has jurisdiction over “Indians and Lands reserved for the Indians.”¹⁰²

Although Section 91(24) ‘gave jurisdiction’ to the Federal Government of Canada, it is important to highlight that no Indigenous representatives were part of the Confederation discussions or planning of the Constitution Act, 1867. Thus, section 91(24) can be viewed as a

⁹⁹ Note: First Nation, for the purpose of this thesis, reflects those who are listed, under Canadian Law as ‘Status-Indian’ under Section 27 of the *Indian Act*, those who are listed as ‘non-Status Indian,’ as well as those termed ‘Indian’ in literature that historically discusses those who come from nations and communities that come to be referenced as ‘Indian’ under Section 27 of the *Indian Act*, 1876.

¹⁰⁰ Adam Dodek, *The Canadian Constitution*, (Toronto: Dundurn, 2013), pp. 63.

¹⁰¹ Dodek, *The Canadian Constitution*, pp. 61.

¹⁰² *Ibid*, pp. 62.

unilateral imposition upon Indigenous peoples, especially First Nations. Additionally, Section 91(24) gave the Federal Government of Canada the unilateral right to negotiate additional treaties with Indigenous peoples on behalf of the Crown. This was important for the Founding Fathers, and especially Canada's first Prime Minister John A. MacDonald, who wanted to build a confederation that went from coast-to-coast-to-coast. As Canada grew in size, negotiations and colonization of both the Métis and Inuit occurred alongside that of First Nations peoples – leading to three different experiences. This chapter not only continues to show that the not only was the Indigenous approach one of seeking a positive nation-to-nation relationships, but also examines how the evolution of Indigenous engagement is impacted by the restrictive nature and evolution of settler citizenship rights. Such restriction is apparent due to the policies utilized by settler society in what is the present-day Canadian state in order to control and assimilate Indigenous peoples. Thus, this chapter will argue that the differing experiences of Indigenous nations and peoples, in relation to Canada's push for sovereignty, assimilation, as well as limiting, and then allowing, influence and participation, was to serve the interest of the Canadian state and its process of nation-building. In making this argument, this chapter is organized in relation to three sections covering the 'political participation' of First Nations, Métis, and Inuit – providing evidence that although the experience of Canadian settler-colonialism sought the same end-result, the process and experiences of each group was unique.

2.1: First Nations 'Political Participation:' From Wards of the State to Conflict Over Involvement

The majority of the literature and research that exists regarding First Nations political participation from the formation of the Dominion of Canada up to the present reflects the idea that First Nations could only participate when the settler majority considered them 'civilized' or

post 1960 when the right to vote federally was granted to all First Nations on reservations without having to give up their identity. Although the aforementioned points are important caveats when reflecting on First Nations participation within the federal electoral process of Canada, the period between 1867 and 1900 is also worth reviewing. Cole Kirkby's article, "Reconstituting Canada: The Enfranchisement and Disenfranchisement of 'Indians,' Circa 1837-1900" reviews a period when First Nations peoples, specifically First Nations men with land, were able to vote, not lose their identity, and also impact the outcome of some of Canada's earliest federal elections.

As Kirkby highlights, "the full story of the Indian franchise remains untold because most historians assume there is no story to tell."¹⁰³ Kirkby focuses specifically on the 1887, 1891, and 1896 federal elections and how the Haudenosaunee and Anishinaabeg impacted the outcome of at least twelve (12) electoral races.¹⁰⁴ Kirkby highlights that the ability of First Nations men to participate in the three elections was purely by coincidence and due to a loophole that would quickly disappear by 1900.¹⁰⁵ Following the formation of the Dominion of Canada, the British North America (BNA) Act outlined the requirements for voting to reflect what had already been in place for each of the four colonies that joined confederation. Thus, as Kirkby highlights, "Indian men at first remained disenfranchised due to their inability to meet the various provincial property tests while living on reserves."¹⁰⁶ This, alongside the Gradual Civilization Act of 1857 deterred other First Nations men from participating as a man would have to renounce his identity and "become severed from his nation."¹⁰⁷ The MacDonald government sought to hasten the

¹⁰³ Kirkby, "Reconstituting Canada," pp. 498.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid, pp. 503.

¹⁰⁷ Ibid.

process of assimilation that MacDonald had encouraged in 1857 by introducing the *Gradual Enfranchisement Act* (GEA) in 1869. In the MacDonald government's haste, the GEA inadvertently allowed for the enfranchisement of some First Nations men without having to renounce their identity and, Kirkby argues, this was the catalyst for a renewal of Anishinaabeg and Haudenosaunee politics within Upper (Ontario) and Lower (Quebec) Canada.¹⁰⁸

Prior to Confederation, there were a some of examples of the Haudenosaunee and Anishinaabeg seeking to be heard within Upper and Lower Canada. For instance, an important figure within the Kanien'kéha:ka community of Tyendinaga was elected to the Legislative Assembly of Upper Canada in 1831 – only to have his election overturned with claims that many of the men who voted for him were not property holders.¹⁰⁹ This type of interaction and participation was sporadic from Haudenosaunee and Anishinaabeg peoples but was noticeably increased with the creation of The Confederacy Council. The Confederacy Council brought together representatives from not only the Nations within the Haudenosaunee but also the Anishinaabeg.¹¹⁰ The opening of the Confederacy Council reminded those participating, and the British who were watching, that a nation-to-nation relationship continued to exist.¹¹¹ This nation-to-nation relationship was again highlighted when the MacDonald Government enacted the GEA of 1869 as it also granted the Governor General, and thus the federal government of Canada, sweeping new powers over First Nations peoples and their lands. Those within the Confederacy Council rejected these reforms but the Council itself remained divided on the ability to vote.

The division within the Confederacy Council was noticeable between Haudenosaunee and Anishinaabeg representatives, partially connected to their long history of competing interests

¹⁰⁸ Ibid, pp. 504.

¹⁰⁹ Ibid, pp. 505.

¹¹⁰ Ibid.

¹¹¹ Ibid.

and war as well as their view on the relationship with the Canadian state and Crown,¹¹² leading to its splintering. The Haudenosaunee continued to utilize approaches that showed a complete nation-to-nation approach to the Crown. The Anishinaabeg also tried to show its nation-to-nation relationship with the Crown by utilizing participation within the Canadian structure at the beginning of the confederation period. That said, it was the introduction of the Indian Act that led to the influence that both Haudenosaunee and Anishinaabeg men would have in the 1887, 1891, and 1896 elections according to Kirkby.

The introduction of the *Indian Act* in 1876 by the Mackenzie Liberals was considered approval of the MacDonald government's approach to First Nations, and also a way to lump all decisions and treaties under one document. The document also furthered the aims of the GEA of 1869 and extended control of the Canadian government over the lives of First Nations peoples. As previously mentioned, the BNA Act, under section 91(24) gave control of First Nations (Indians) to the newly formulated Federal Government. Jody Wilson-Raybould, in a speech to the Aboriginal Financial Officers Association Conference, reminds those listening that this was a key cornerstone that not only paved the way for the *Indian Act* but also the harsh assimilation and colonial laws that would be used against First Nations peoples. Wilson-Raybould stated:

“[T]he most insidious of tools used to propagate this policy was the 1876 Indian Act – a law that applied to all Indians who under Section 91(24) of Canada's Constitution are the responsibility of the federal government. Rather than being citizens or members of a Nation, or Tribes of Indians ... under the Indian Act all 'Indians' were made wards of the state with the [Canadian] government being our trustee.”¹¹³

As wards of the state, Canada unilaterally obtained control over those who not only had already treated, but others considered within territory in its sphere of influence that had yet to be

¹¹² Ibid.

¹¹³ Wilson-Raybould, *From Where I Stand*, pp. 32.

treated. The imposition of the Indian Act would be utilized to continue tightening Canada's grip over First Nations peoples, their ability to exist, and who is defined as First Nations. Although unilateral control and stricter monitoring was sought by the Canadian state, when the Indian Act was first introduced there was an ability to vote for those First Nations men who had property.

Kirkby explains that the newly included representatives from the new additions to the Dominion of Canada (British Columbia and Manitoba, to be specific) were the main opponents of allowing First Nations, even those with property, to vote.¹¹⁴ Representatives from rural areas of Ontario were the key supporters of First Nations voting, and this support very much relates to the fact that First Nations' support benefited them specifically.¹¹⁵ Kirkby analyzed three elections following 1884, when the MacDonald government tightened the rules that required First Nations men who intended to vote to prove the territory under their name was indeed theirs – this required a three year probation under the *Elections Act*. Thus, the first election First Nations men could directly impact in Canada was the federal election of 1887. By the 1887 election, a number of Haudenosaunee and Anishinaabe men had requested the ability to vote and were granted the ability to do so once it was verified that they owned land and had done so for the last three years.¹¹⁶

The 1887 Federal Canadian election saw a slim win for the Conservative Party. Although they did not have majority status in any district at this time, the slim win and tight races in a number of districts for the Conservatives, as Kirkby highlights, were due to Anishinaabeg men

¹¹⁴ Note: The reasons why representatives from Manitoba and British Columbia were against First Nations men with property being allowed to vote will be further explained in section 2.2: Métis Participation: From Tyranny of the English Majority to Ongoing Recognition.

¹¹⁵ Kirkby, "Reconstituting Canada," pp. 512.

¹¹⁶ Ibid, pp. 516. Note: Although the Haudenosaunee and the Anishinaabeg had diverged in their tactics on how to deal with the Canadian state (with the Haudenosaunee opposing any use of voting), some Haudenosaunee did opt to utilize the vote to influence who was elected in the region that Six Nations of the Grand River was situated.

who cast ballots. The Conservative Party of Canada (CPC) incumbents in Algoma, Muskoka and Parry Sound, Northumberland West, and Peterborough West each won their races.¹¹⁷ Kirkby further explains that had those Anishinaabeg voters been prevented from voting, the Conservative incumbents would not have won re-election. For instance, in Algoma, the vote margin was 18 votes and 719 Anishinaabeg men were estimated to have cast a ballot, with almost all going to the Conservative incumbent.¹¹⁸ The riding of Peterborough West¹¹⁹ had a vote margin of 16 votes and 16 Anishinaabeg men had cast ballots – all in favour of the Conservative incumbent.¹²⁰ Another notable riding was Haldimand where the margin of victory was one vote. Kirkby lists Haldimand as a district that the Haudenosaunee swayed.¹²¹ However, due to the actual location of the district and the Anishinaabeg community of New Credit falling within its boundaries, I would argue that it is another district that the Anishinaabeg influenced to allow for another Conservative incumbent to be returned to the House of Commons.

Kirkby lists 356 First Nations men as being registered to vote for both the districts of Brant South and Haldimand.¹²² In 1887, Peter E. Jones, a member of New Credit was one of the few men from the Michi Saagiig Nishnaabeg community of New Credit who had the ability to vote and who was an ardent supporter of the Conservative candidate.¹²³ Thus, it is likely the men from New Credit who voted would have voted with Peter Jones for the Conservative Candidate. In turn, the support from Anishinaabeg men who had property were the reason for a

¹¹⁷ Kirkby, "Reconstituting Canada," pp. 520.

¹¹⁸ Ibid.

¹¹⁹ Note: The district of Peterborough West includes the Michi Saagiig Nishinaabeg communities of Hiawatha and Curve Lake First Nations

¹²⁰ Kirkby, "Reconstituting Canada," pp. 520.

¹²¹ Ibid

¹²² Ibid

¹²³ Alan Sherwin, *Chief Peter E Jones, 1843-1909: Bridging Two Peoples*, (Waterloo: Wilfred Laurier University Press ,2012), pps. 121-140. Note: Peter Jones was both a former Chief of New Credit and was a friend of John A. MacDonald's.

Conservative victory in the district of Haldimand. The Liberal Party of Canada (LPC) candidate in Brampton South benefited from Haudenosaunee support, as did the Liberal candidate in the district of Hastings East from Haudenosaunee voters in the community of Tyendinaga.¹²⁴ It is important to note, that although it seems that party support was different between Haudenosaunee and Anishinaabeg men in relation to federal districts in Ontario, Kirkby notes that it was not partisan politics that led to their voting behaviour but who the local representative was and their relationship with the communities in their districts.¹²⁵ In fact, Kirkby stresses that the Liberal candidate in Hastings East, Samuel Burdett, claimed to have Kanien'kéha:ka lineage and hypothesizes that such claim may have further influenced those from Tyendinaga who could vote in his favour.¹²⁶

The 1891 and 1896 elections saw little difference and almost the exact same influence on the same candidates in each district highlighted from 1887. However, there are six notable changes. The first change relates to the district of Peterborough East which was no longer a district influenced by Anishinaabeg voters. The second change from 1887 was the decrease of influence in Northumberland West of Anishinaabeg voters. In both districts there had been a large increase in non-First Nations peoples relocating to the area. This undercut Anishinaabeg voter influence. The third change reflects the riding of Parry Sound and Muskoka, which was redrawn into more than one riding. The riding that contained the majority of Anishinaabeg voters following redistricting became Bruce North. The fourth and fifth changes relate to the district of Renfrew North, which included the Anishinaabeg community of Golden Lake.

¹²⁴ Kirkby, "Reconstituting Canada," pp. 520; Note: 102 men from Tyendinaga had registered to vote and the margin of victory was 64.

¹²⁵ Kirkby, "Reconstituting Canada," pp. 522.

¹²⁶ Ibid. Note: I concur with Kirkby's hypothesis due to the influence that future Indigenous candidates have had on Indigenous turnout when they are the only Indigenous candidate in a district with a high percentage of Indigenous voters.

In the 1891 federal Canadian election, the Conservative incumbent for Renfrew North, had a victory margin of 79, which was also the number of Anishinaabeg men from Golden Lake who were granted the right to vote.¹²⁷ However, by the 1896 election, Anishinaabeg voters from Golden Lake no longer had the numbers to influence the electoral outcome in the district of which they were a part. Lastly, the sixth noticeable change was the outcome in the district of Brant South. The former mayor of Brantford, Robert Henry was well known to the Haudenosaunee at Six Nations, and as the Conservative candidate also took their influence and vote seriously. In turn, Henry won over the Liberal incumbent with the support of Haudenosaunee voters at Six Nations.¹²⁸ The results for Brant South are even more intriguing as the LPC under Wilfrid Laurier won the 1896 election and would go on to form government. The Haudenosaunee voter turnout and influence in turfing a Liberal incumbent in an election that gave the Liberals government highlights the importance of not only relationship-building but treating First Nations voters as equally important as non-First Nation voters.

Following the election of the Laurier government in 1896, the support for much of Canada's 'Indian' policy continued to be similar between both of Canada's main governing parties – one that focused on assimilation of First Nations and one that further gave the Canadian state stricter control. As Canada grew with the implementation of the Numbered Treaties between 1871 and 1921 (Treaties 1 through 11), Canada also continued to strengthen its imposition and control of Status First Nations peoples and, at the same time, legislated them towards non-existence. In 1898, the Laurier government fulfilled one of its promises that related to amending the *Elections Act*.¹²⁹ Included in the amendments made in 1898 was the removal of

¹²⁷ Kirkby, "Reconstituting Canada," pp. 524.

¹²⁸ Ibid, pp. 525-526.

¹²⁹ Ibid, pp. 535

any and all Status First Nations men with property from having the franchise unless they were also deemed civilized and gave up their identity (or status).¹³⁰ In doing so, status First Nations people were now denied the right to cast a ballot and unable to do so for the next sixty-two years.¹³¹

Over the next sixty-two years Canada further outlawed First Nations ways of existing and sought control over every aspect of First Nations lives. For example, to be civilized meant being educated in the English language and exist within English speaking institutions or businesses. If a status First Nations man went on to become a Priest, or obtain any form of a professional degree, the *Indian Act* dictated that they were no longer First Nations in the eyes of Canadian law.¹³² If status First Nations people had served in the World Wars, they also had to give up their identity in order to obtain Veterans' benefits.¹³³ Eventually, First Nations women who married non-First Nations men also were forced to give up not only their identity but also that of their descendants.¹³⁴ Canada also made it illegal for status First Nations people to seek legal counsel, outlawed cultural practices, and imposed a system of governance that must be accountable to not only the *Indian Act* but the Department of Indian Affairs.¹³⁵ Furthermore, Indian Affairs also now had the authority to remove anyone from the Chief and Council system who was deemed to be unfit to be in such a role. What constituted a status First Nations person as being unfit varied and usually reflected if they were considered a threat to Canada's Indian policy of forced

¹³⁰ Ibid; Note: It is important to highlight that some status-First Nation women were able to vote when women obtained the right to vote federal in 1917. This was a result of serving in World War 1. However, little to no information currently exists on this aspect of First Nations participation and further in-depth research is required.

¹³¹ Note: An exception was granted to First Nations Veterans from WWI who also lived on reserve in 1924 (this concession did not extend to veteran benefits however).

¹³² Bob Joseph, *21 Things You May Not Know About the Indian Act: Helping Canadians Make Reconciliation with Indigenous Peoples a Reality* (Port Coquitlam: Indigenous Relations Press, 2018), pp. 29-30.

¹³³ Joseph, *21 Things You May Not Know About the Indian Act*, pp. 29.

¹³⁴ Ibid, pps. 19-21; Note: This would change in 1985 but with other forms of limitations that continue to isolate and remove descendants from being recognised by the Canadian state in relation to their First Nations identity.

¹³⁵ Joseph, *21 Things You May Not Know About the Indian Act*, pps, 15-19, 70, & 73-74.

assimilation or what I term ‘legislative genocide’.¹³⁶ In addition to the actions taken by Canada through the *Indian Act*, if any First Nations person wanted to leave their community boundaries, they had to be given permission and First Nations women required a male escort.¹³⁷ Therefore, participation for First Nations peoples within Canada and the electoral system was not a matter of choice let alone a process respectful of nation-to-nation relationships following 1896.

The debate concerning First Nations men and women in relation to enfranchisement and potentially altering the laws would not return to the forefront of discussions until after the 1957 federal general election. Following twenty-two years of LPC governance, the Progressive Conservative Party (PC), under the leadership of John Diefenbaker, obtained the most seats in the House of Commons, forming a minority government. Diefenbaker, as an MP for Prince Albert, was first elected during the federal general election of 1940. While serving as MP, Diefenbaker worked with and interacted with many First Nations and Métis.¹³⁸ Diefenbaker believed a path to success for First Nations peoples was the need for enfranchisement without losing their identity and pushed heavily for this once he became Prime Minister.¹³⁹ By the late 1950s many changes in relation to identity, society and politics were evolving – including in relation to Indigenous peoples. For instance, many Canadian citizens did not previously see enfranchisement and citizenship for status First Nations people as an issue and the eventual change in mindset in part came from the interaction of Canadians and First Nations during World War II (WWII), and new provisions made for veterans thereafter.

¹³⁶ Note: I use legislative genocide myself and define it as reference to legislation being used to lead to the extinction of a group of people through means considered legal by a settler-colonial state rather than murdering them.

¹³⁷ Ibid, pps. 36-37.

¹³⁸ The Canadian Encyclopedia. “Status Indians Gain the Federal Vote (1960),” *The Canadian Encyclopedia*, accessed June 20, 2020, <https://www.thecanadianencyclopedia.ca/en/article/indigenous-suffrage>; Joseph, 21 *Things You May Not Know About the Indian Act*, pps. 81-82; Cowie, “Validity and Potential,” pp. 26.

¹³⁹ Ibid.

During WWII, First Nations women and men signed up in record numbers to assist with the war effort, whether within the military or on the home front.¹⁴⁰ In fact, the right to vote for First Nations Serviceman, and their spouses, was granted for their support of the war effort in 1944 by the Mackenzie-King government.¹⁴¹ The interaction between First Nations people and Canadian men and women during WWII not only helped to educate Canadians on First Nations peoples but also allowed them to intermingle outside of the strict rules and laws put in place by the Canadian state that effectively had prevented both from doing previously. Thus, following the landslide victory of the Diefenbaker PCs in 1958 to the biggest majority government in Canadian history, Diefenbaker moved on a new form of First Nations participation within Canada's federal representative and elective processes.

For instance, following the 1958 Canadian federal election, Diefenbaker nominated John Gladstone to the Canadian Senate. Following approval by the Governor General on behalf of the Crown, on January 31 1958, Senator Gladstone became the first First Nations senator to not have to give up his identity but also the first member of the Kanai nation and Siiksikaawa Confederacy to be sent into Canada's parliament.¹⁴² Additionally, due to a push for a Bill of Rights by the Diefenbaker government, it was even more important for Diefenbaker to allow for enfranchisement to status First Nations men and women whether on-reserve or not.

Enfranchisement without a loss of identity was enacted by the Diefenbaker government on July 1

¹⁴⁰ Government of Canada, "Indigenous People and the Second World War," *Veteran Affairs Canada*, accessed June 20, 2020, <https://www.veterans.gc.ca/eng/remembrance/classroom/fact-sheets/aborigin>.

¹⁴¹ The Canadian Encyclopedia.

¹⁴² Marie Burke, "James Gladstone was 'the Gentle Persuader' in the Senate," *Windspeaker.com* (April 7, 2017), accessed June 21, 2020 <https://windspeaker.com/news/footprints/james-gladstone-was-the-gentle-persuader-in-the-senate>; Gar Lunney Newton, "Photostory #199: Prairie Farmer James Gladstone: Leaves Alberta Ranch for Senate Chamber," *National Gallery of Canada* (March 3, 1959), accessed June 21, 2020, <https://photostories.ca/explore/photostory-199-prairie-farmer-james-gladstone-leaves-alberta-ranch-senate-chamber>.

1960, granting First Nations men and women the right to vote without having to give up their identity.¹⁴³

Almost a full four months after the Diefenbaker government granted enfranchisement, the *Michi Saagiig Nishnaabeg*¹⁴⁴ communities of Curve Lake and Hiawatha, located in the district of Peterborough, were the first to be able to cast ballots on-reserve – both men and women; whether owning property or not. A by-election had been called for October 31st, 1960 and both Curve Lake and Hiawatha had ballot boxes situated within their boundaries.¹⁴⁵ The Peterborough byelection results were significant as the district handed a defeat to the PCP candidate, and thus the Diefenbaker government. Instead of returning a representative to the government benches, voters elected Walter Pitman and the New Democratic Party (NDP).¹⁴⁶ Although both Curve Lake and Hiawatha became the first two communities to participate in the federal electoral process, little to no data exists as to how high the voter turnout was and who carried both communities. Thus, the impact or level of participation from both communities is unknown.

The issue of data pertaining to Indigenous voters has not been an issue only for the 1960 by-election in Peterborough. The federal elections of 1962 and 1963, saw the Diefenbaker PCs

¹⁴³ The Canadian Encyclopedia. "Status Indians Gain the Federal Vote (1960)"; Chadwick Cowie, "A Vote for Canada or Indigenous Nationhood? The Complexities of First Nations, Métis, and Inuit Participation in Canadian Politics," *The Conversation Canada* (November 1 2021), accessed June 8, 2022, <https://theconversation.com/a-vote-for-canada-or-indigenous-nationhood-the-complexities-of-first-nations-metis-and-inuit-participation-in-canadian-politics-169312>; Cowie, "Validity and Potential," pps. 26-27; NOTE: While Nova Scotia allowed for status-First Nations men, and then women, to vote provincially from 1885 on, Quebec would be the last province to grant Indigenous peoples voting rights in 1969.

¹⁴⁴ Michi Saagiig, in English, translates to Mississauga peoples. The Mississauga nation was a member of the Anishinaabeg Confederacy.

¹⁴⁵ Rhiannon Johnson, "The 1st First Nations to Participate in a Federal Election Reflect on the Politics of Voting," *CBC Indigenous* (September 23, 2019), accessed June 21, 2020, <https://www.cbc.ca/news/indigenous/hiawatha-curve-lake-federal-byelection-1.5290370>; Cowie, "Validity and Potential," footnote 58

¹⁴⁶ Pauline Jewitt, "Voting in the 1960 Federal By-Elections at Peterborough and Niagara Falls: Who Voted New Party and Why?," *Journal of Economics and Political Science*, vol.28, iss. 1 (February 1962): pps. 35-53; Johnson, "The 1st First Nations to Participate in a Federal Election Reflect on the Politics of Voting."

reduced first to a minority government and then to the official opposition.¹⁴⁷ However, the turnout and impact of Indigenous voters in their first two general elections is incapable of being fully studied. Additionally, data regarding Indigenous participation in the 1965 federal general election is also difficult to come by. Although both 1963 and 1965 produced minority governments that were led by Lester B. Pearson, the LPC as the governing party during this time set out to study what issues First Nations peoples faced. The study, named the Hawthorne Report, was completed in 1966 and detailed socio-economic issues as the major impediment to First Nations peoples.¹⁴⁸ The findings of the Hawthorne Report would play a major role in policy regarding First Nations peoples in the decades to come, and also helped influence the election of the first status First Nations individual to the House of Commons: Leonard Marchand.

Marchand's 1968 victory in the district of Kamloops-Cariboo not only reflected the first status First Nations person to be elected into the House of Commons but also the first Indigenous person to become a parliamentary secretary.¹⁴⁹ Marchand, as a member of the Liberal Caucus headed by Prime Minister Pierre E. Trudeau following the 1968 election, also pushed the government on issues of land settlements between First Nations and the Canadian state. Marchand's focus on land settlements only gained traction following two specific events: the *1969 White Paper* and the *1973 Calder Decision*.

¹⁴⁷ Note: The data may exist and would need to be very carefully and meticulously studied poll by poll in relation to Inuit communities, Métis settlements, and First Nations communities to consider potential understanding of participation by Indigenous peoples. It is important to also note that said data would not only reflect Indigenous voters as some polls would also allow and have non-Indigenous voters casting their ballots at the same poll.

¹⁴⁸ Government of Canada. "A Survey of the Contemporary Indians of Canada: Economic, Political, Educational Needs and Policies." Edited by H.B. Hawthorn. Government Report. Ottawa, October 1966; Note: A main contributor and researcher for the Hawthorne Report was Alan Cairns, who would utilize the research from the Hawthorne Report to put forth an argument for recognizing First Nations as "Citizens Plus."

¹⁴⁹ Len Marchand and Matt Hughes, *Breaking Trail* (Prince George: Caitlin Press Inc, 2000), pps. 60-79; The Canadian Encyclopedia, "Len Marchand," The Canadian Encyclopedia, accessed: June 21 2020, <https://www.thecanadianencyclopedia.ca/en/article/leonard-stephen-marchand>; Note: Marchand become the Parliamentary Secretary to Jean Chrétien, who was the Minister of Indian Affairs and Northern Development between 1968-1974.

Following the 1968 election, and a majority government being elected under Pierre Trudeau, the government sought input on what to do regarding Canada's 'Indian' policy and the socio-economic issues that were outlined by the Hawthorne Report. Jean Chrétien, then Minister of Indian Affairs and Northern Development, held consultation meetings in many different First Nations communities. Such consultations, although a form of participation, ignored the nation-to-nation relationship and considered status First Nations as only citizens of Canada. When Chrétien announced his findings and the government presented the White Paper in 1969, the Trudeau Sr. government looked to implement the full assimilation of First Nations peoples.¹⁵⁰ The White Paper sought to abolish the *Indian Act*, treaties, as well as to absorb First Nations into the Canadian populace as if they were no different than those who immigrated post-1867 or those who were the descendants of settlers.¹⁵¹

Although introduced in the House of Commons in 1969, the *1969 White Paper* had come into existence as a policy idea six years earlier. During the 1963 New Democratic Party (NDP) Convention, attendees advanced a similar policy that was debated and approved by attendees and members of the NDP.¹⁵² The NDP, the successor to the Co-operative Commonwealth Federation (CCF), had a policy that specifically advocated for:

“[T]he repeal[ing] of the Indian Act and the elimination of all government activities which place Indian people in separate groups; introducing self-government to reserves; the transfer of responsibility from Indian Affairs to provincial governments [and] launching an aggressive program for educational integration.”¹⁵³

¹⁵⁰ John Tobias, “Protection, Civilization, and Assimilation,” in *Sweet Promises: A Reader on Indian-White Relations*, ed. J.R. Miller, pps. 127-144 (Toronto: University of Toronto Press, 1991), pp 141; Ladner, “Rethinking Aboriginal Governance,” pp. 50; Cowie, “Validity and Potential,” pps. 27-28.

¹⁵¹ Ibid.

¹⁵² Frank James Tester, Paule McNicol, and Jessie Forsyth, “With an Ear to the Ground: The CCG/NDP and Aboriginal Policy in Canada, 1926-1993,” in *Journal of Canadian Studies*, vol. 34, iss. 1 (Spring 1999): pp. 59.

¹⁵³ Tester et al, “With an Ear to the Ground,” pp. 59.

In turn, the Trudeau Sr. government, following the consultations done by Jean Chrétien, retitled the NDP policy and added additional points and clarification to the policy. When introduced as legislation in the House of Commons The NDP Indian Affairs Critic, following the White Paper's introduction, boasted about what it presented and proposed:

The Honourable Member for Peace River and I had the opportunity in 1959, 1960, and 1961 of participating in the joint Senate and House of Commons Committee on Indian Affairs ... the report of which committee contained the same ideas and concepts that the Minister has now outlined. Even though it has taken some period of time to get a cabinet minister to agree with those concepts, it is still welcomed.¹⁵⁴

Opposition to the 1969 White Paper was strong from First Nations peoples and this came as a surprise to those who advocated and supported it. The opposition from First Nations peoples should have been expected as the policy introduced did not actually reflect what was heard during the consultation process.¹⁵⁵ The pushback led the NDP to abandon its support of the policy and to call on the government of Trudeau Sr. to do the same.

Originally, Trudeau Sr., Chrétien, and the government sought to continue with the plans of the White Paper. During a meeting, Chrétien was asked by a protestor of the 1969 White Paper “when did we lose our identity?,” referencing the planned assimilationist components of the white paper.¹⁵⁶ Chrétien responded, “when you signed the treaties.”¹⁵⁷ Chrétien’s comments went uneasily alongside Trudeau Sr.’s push for ‘a just society’, based as they were on ignoring the historic and contemporary actions of colonialism as well as the fact that participation for First Nations peoples was one of nation-to-nation relations.

¹⁵⁴ Ibid, pp. 60.

¹⁵⁵ Ibid.

¹⁵⁶ Lawrence Martin, *Chrétien: The Will to Win*, (Toronto: Lester Publishing, 1995), pp. 195.

¹⁵⁷ Martin, *Chrétien*, pp. 195.

Two major responses emerged from First Nations in response to the 1969 White Paper. One response was Harold Cardinal's book very tellingly titled: *The Unjust Society*. At the time of the White Paper, Cardinal was the elected leader of the Indian Association of Alberta (IAA) and had participated in the consultations held by Chrétien when in his region. Cardinal's writing reflected much of what had been forgotten by the settler population and its representatives, and it assisted in educating many Canadians at the end of the 1960s and early 1970s.¹⁵⁸ Additionally, Cardinal's work contributed to the second response: various policy papers by First Nations organizations. For instance, both the Union of British Columbia Indian Chiefs (UBCIC) and the IAA developed powerful counter-proposals calling for the confirmation of treaty rights, protections of First Nations rights, and to deal with issues of land.¹⁵⁹ The UBCIC's *Brown Paper* and the IAA's *Red Paper* were instrumental in how the National Indian Brotherhood (NIB)¹⁶⁰ also pushed back on the Trudeau Sr. government, with the NIB adopting the IAA's Red Paper as its official response. The organized counter-response and opposition by First Nations eventually led to the Trudeau Sr. government shelving the White Paper in the early 1970s.¹⁶¹

At the same general time of the White Paper's shelving, the Calder Case was also winding its way through to Canada's Supreme Court. In 1969, Frank Calder, a citizen of the Nisga'a Nation, and the Nisga'a Nation's Tribal Council sued the province of British Columbia and the Canadian state over its usurpation of Nisga'a land because the Nisga'a had never entered

¹⁵⁸ Harold Cardinal, *The Unjust Society* (Seattle: University of Washington Press, 1969).

¹⁵⁹ The Union of B.C. Indian Chiefs, "A Declaration of Indian Rights: The B.C. Indian Position Paper, Report, Vancouver, November 17, 1970; Sally M. Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1976-1970* (Toronto: University of Toronto Press, 1981): pps. 183-185.

¹⁶⁰ NOTE: The NIB is the predecessor to the Assembly of First Nations (AFN).

¹⁶¹ Pamela D. Palmater, *Beyond Blood: Rethinking Indigenous Identity* (Saskatoon: Purich Publishing Limited, 2011), pp. 68.

into a treaty with the Crown or its representatives.¹⁶² The 1973 ruling by the Supreme Court of Canada (SCC) recognized that Indigenous title did exist at the time of European contact, and in the case of the Nisga'a that the Royal Proclamation of 1763, with its emphasis on "nations within," showed this.¹⁶³ The division by the SCC was regarding whether or not such title still existed. Despite such a division by the SCC on whether or not Nisga'a title still existed, the Calder Case led the Canadian state to begin taking issues of land and improper seizure of land more seriously. With the persistence of Liberal MP Marchand at this time, the Trudeau Sr. government began the process of dealing with land claims made by First Nations.¹⁶⁴ Thus, it was following the Calder Case, that the Canadian state began to look more deeply at its assumed territorial integrity and began to settle issues of Indigenous lands, specifically in areas that had not been surrendered with the use of a treaty as had been expected by the Royal Proclamation of 1763.¹⁶⁵

Unfortunately, the 1764 Gus Wen Tahs of Niagara were not included or read into the Calder Case, nor considered by the Canadian state at this time. In turn, participation and negotiations were approached from a Eurocentric approach which continued to view First Nations people as no more than citizens within the Canadian state whom Canada could infringe upon rather than as citizens of distinct and separate nation that had not agreed to a federation. Despite the way of approaching the issues of land claims stemming from Calder, one must wonder if MP Marchand had not been in the House of Commons, and a member of the Trudeau

¹⁶² Thomas Isaac, *Aboriginal Law: Commentary, Cases and Materials* (Saskatoon: Purich Publishing Limited, 2004), pp. 7; John Borrows and Leonard I. Rotman, *Aboriginal Legal Issues: Cases, Materials & Commentary* (Markham: LexusNexus Canada Inc., 2007), pps. 221-241.

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Borrows and Rotman, *Aboriginal Legal Issues: Cases, Materials & Commentary*, pps. 241-242; Cowie, "Quebec Sovereignty vs. Indigenous Nationhoods," pp. 28.

Sr. government, at this time if such a process would have even been considered by the Canadian state. Thus, it is possible that without the participation of Marchand, one of two Indigenous MPs¹⁶⁶ in the House of Commons following the 1972 and 1974 elections, that little to no movement and understanding would have occurred regarding the improper usurpation of land that had not been treated.¹⁶⁷

Throughout the rest of the 1970s little consideration for First Nations were given outside of the land claim process. The focus of the Trudeau Sr. government turned to questions and plans of Constitutional amendment to make way for “patriating” the constitution from the UK by allowing for amendments to be done in Canada. The focus on Constitutional politics grew with the election of the Parti Québécois to government within the province of Quebec as one of their promises was to have a referendum on separating from Canada and becoming an independent state. Although questions of Quebec’s place in Canada is an important and significant component of discussion and research in Canadian political science, and Canadian politics in general, little to no consideration was given regarding First Nations who share territory with Quebec. The assumption from both Canada and the provinces, such as Quebec, was that elected officials in each jurisdiction were representing First Nations and thus did not need additional consultation. This general attitude would continue through the 1979, 1980, 1984, and 1988 elections.

In relation to participation, the 1979 election, which brought in a short-lived minority government under Joe Clarke and the Progressive Conservative Party (PC), concluded with Marchand not returning to the House of Commons. The lack of First Nation representation

¹⁶⁶ Note: Wally Firth, a Métis individual, was elected to Canada’s House of Commons in 1972 as an NDP Member for the district of Northwest Territories (English Encyclopedia, “Wally Firth,” *English Encyclopedia*, accessed June 24 2020, https://www.encyclo.co.uk/meaning-of-Wally_Firth).

¹⁶⁷ Note: This was an important movement forward that would lead to the Modern Treaty Process as witnessed with not only the James Bay Northern Quebec Agreement (JBNQA) but also the Nunavut Land Claims Agreement, to name but two.

continued through the 1980 and 1984 federal elections as well. The lack of First Nation representation, alongside the federal Canadian and provincial government's mindset that they were the top-tier of elected representatives of First Nations peoples between 1979-1988. This was especially problematic as this period was one that related heavily to constitutional patriation and what Peter Russell has called mega-constitutional discussions.¹⁶⁸

During the 1980 federal election, the concern of the Trudeau Sr. Liberals was on promising Quebec that if Quebecers voted for them, it would not be for the status quo.¹⁶⁹ Trudeau Sr.'s plan to show Quebec had not voted for the status quo was to look at Constitutional changes as well as the patriation of the constitution to Canada. In turn, during their first referendum on separating, Quebecers voted close to sixty percent against it.¹⁷⁰ Following Quebec's first referendum on separation from Canada held in 1981, a set of federal-provincial meetings were held in Ottawa to discuss constitutional matters.¹⁷¹ Leading up to these discussions, First Nations pushed back against the planned meetings. The pushback from First Nations reflected concern and frustration over the lack of Canada, and the Crown, following its obligations to treaties formulated as well as nation-to-nation relations.¹⁷² It was during the early plans of these meetings that it was expressed to First Nations who were frustrated and angry to take it to their Premiers in each province. This led to further anger and frustration.

In channelling that anger and frustration, the President of the Union of British Columbia Indian Chiefs (UBCIC), George Manuel, led a protest to Ottawa in 1980. Manuel and the UBCIC secured two separate Via Rail trains to bring First Nations peoples to Ottawa. Both trains began

¹⁶⁸ Russell, "Canada's Constitutional Odyssey, pps. 74-76.

¹⁶⁹ Ibid, pp. 76; Cowie, "Quebec Sovereignty vs. Indigenous Nationhoods," pp. 29.

¹⁷⁰ Ibid.

¹⁷¹ Note: The first meeting was held September 8-13, 1980. A second meeting was held November 2-5, 1981.

¹⁷² John Borrows, *Freedom & Indigenous Constitutionalism* (Toronto: University of Toronto Press, 2016), pps. 115 & 118-119.

in Vancouver and picked up people along their routes and is referenced as ‘the Constitutional Express.’¹⁷³ Those joining Manuel and other organizers arrived in Ottawa and held a peaceful protest that was largely ignored by the Premiers and Prime Minister Trudeau Sr.¹⁷⁴ The lack of response and consideration of First Nations frustration led to a second round of the Constitutional Express and brought First Nations directly to London, England to bring their grievances directly to the British Government and the Crown (as represented by Queen Elizabeth II).¹⁷⁵ Although the Government of the United Kingdom and the Crown responded that First Nations relations were a jurisdiction under Canada’s federal government, the UK did express the need to include protections of the rights of Indigenous peoples if Canada were to introduce a revamped constitutional document.¹⁷⁶

With a gentle nudge from the UK, what was to become Section 35 of the *Constitution Act* and Section 25 of the *Charter of Rights* were now up for negotiation. One would expect First Nations participation to be a cornerstone of Section 35 and Section 25. However, discussion and decision over what Section 35 and Section 25 spelled out did not include them at the decision-making table.¹⁷⁷ Instead that table was to include representatives from provincial governments, the Premiers of the provinces, members of the federal government, as well as key ministers in the Federal government, including Prime Minister Trudeau Sr.¹⁷⁸ NDP MP representatives listening to First Nations concerns, put forth an alternative form of Section 35 and Section 25 that they

¹⁷³ Borrows, *Freedom & Indigenous Constitutionalism*, pps. 118-119; Note: Although both trains left from Vancouver, one train followed a southern rail route while the other followed the current route of ‘The Canadian.’ Both trains came back together in Winnipeg before continuing on to Toronto and then to Ottawa.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

¹⁷⁷ Note: In relation to First Nations, the Assembly of First Nations (AFN) was given observer status.

¹⁷⁸ Russell, *Canada’s Constitutional Odyssey*, pp. 117

believed would better support and represent Indigenous rights.¹⁷⁹ The NDP version of Section 35 and Section 25 was not acceptable for many Premiers and debate over how to recognize Indigenous rights within a patriated Constitution continued.

Peter Lougheed, then Premier of the province of Alberta, pushed for the term ‘existing’ to be included in references to “Aboriginal rights” in the 1982 *Constitution Act*.¹⁸⁰ The Assembly of First Nations (AFN), AFN Regional structures, First Nations Political Territorial Organizations (PTO), Tribal Councils, as well as many Indian Act imposed governments and hereditary Chiefs spoke out against the lack of inclusion that First Nations were given. Despite disapproval by the majority of First Nations political and community representatives, the wording decided upon by the Premiers and the Trudeau Sr. government was finalized as this:

Aboriginal rights and freedoms not affected by Charter:
25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including
(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and
(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.¹⁸¹

Recognition of existing aboriginal and treaty rights:
35. (1) The existing aboriginal treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.¹⁸²

With the endorsement of representatives within the House of Commons, the *Constitution Act* (1982) and the *Charter of Rights* received royal assent in April of 1982 – without any official support from First Nations.

¹⁷⁹ Ardith Walkem and Halie Bruce, “Forward,” in *Box of Treasures or Empty Box? Twenty Years of Section 35*, eds. Ardith Walkem and Halie Bruce (Penticton: Theytus Books, 2003).

¹⁸⁰ Ibid; Ladner, “Rethinking Aboriginal Governance,” pps. 51-52.

¹⁸¹ Dodek, *The Canadian Constitution*, pp. 101; Ladner, “Rethinking Aboriginal Governance,” pp. 51.

¹⁸² Dodek, *The Canadian Constitution*, pp. 103.

The Trudeau Sr. government, in response to the clear lack of endorsement from First Nations, as well as the Inuit and all but one of the Métis organizations, agreed to hold a set of First Ministers meetings with Indigenous leaders in relation to Constitutional matters. The first meeting, held March 15-16 1983, took place in Ottawa and focused on Indigenous concerns and rights in relation to the Charter of Rights as well as self-government.¹⁸³ This meeting was the only one held with Prime Minister Trudeau Sr, who would resign and leave federal politics soon after. It is also important to note that these meetings focused on the leaders of National organizations, such as the AFN and representatives of Band Council Chiefs and Councils, with many First Nations thus not feeling properly represented or having their traditional and non-Indian Act leaders at the decision table.¹⁸⁴ Additionally, the meeting was the only one held by a Liberal government, who would be returned to the opposition benches in the wake of the September 1984 federal election.

Although the 1984 Federal Canadian election witnessed a landslide victory for Brian Mulroney and the Progressive Conservatives, the win can be attested to Mulroney's courting of dissatisfaction from Quebec and Western Canada. Indigenous perspectives and concerns, as had been witnessed with previous governments and Crown representatives, were of little focus. The 1984 election saw little change in Indigenous representation. Although an additional two First Ministers conference with Indigenous leaders was held in Ottawa between April 2-3 1985 and March 26-27 1987, the focus specifically related to Quebec and how to gain Quebec's signature

¹⁸³ Canadian Intergovernmental Conference Secretariat, "First Ministers' Conferences 1906-2004," a Report prepared by the Canadian Intergovernmental Conference Secretariat (Ottawa, July 2004), pps. 76-78; Robert A. Milen, "Aboriginal Constitutional and Electoral Reform," in *Aboriginal Peoples and Electoral Reform in Canada*, edited by Robert A. Milen, Volume 9 of the Royal Commission on Electoral Reform and Party Financing, pps. 3-65 (Toronto: Dundurn Press, 1991), pp. 13.

¹⁸⁴ Ibid.

to the *Constitution Act* (1982) - an Act the province still has not formally signed on to.¹⁸⁵ The focus on Quebec's acceptance of the *Constitution Act* (1982) would be referenced in Canadian politics as the Quebec Round, which led eventually to the negotiation of the *Meech Lake Accord*. Many First Nations leaders and peoples objected to the sole focus on Quebec, especially as they were left out of the process that led to the changes in 1982. Additionally, frustration was expressed by First Nations, and Canadians alike, over the process being debated and decided upon by over a dozen white men.¹⁸⁶ Opposition from First Nations peoples was met with the promise that once Quebec was brought into the *Constitution Act* (1982) then focus could turn to an Indigenous Round.¹⁸⁷ Such a promise from the Mulroney government was not convincing and First Nations continued to express anger, frustration, and opposition to the focus on Quebec.

Pushback against the *Meech Lake Accord*, in its early form, as well as the *North America Free Trade Agreement* (NAFTA) led to a decline in support for the Mulroney government in the 1988 Federal Canadian election. Although there was a decline in support, and thus the number of elected PC MPs, there was a number of firsts for First Nations participation in the Canadian electoral process. Not only did the 1988 election see, for the first time in Canada's federal electoral process the election of three (3) Indigenous MPs, but more specifically two (2) First Nations MPs. Both Willie Littlechild, elected as the PC MP for the riding of Wetaskiwin, and Ethel Blondin-Andrew, elected as the Liberal MP for the Western Arctic, entered the House of Commons for the first time. Blondin-Andrew also symbolized the first time a First Nations

¹⁸⁵ Ibid, pps. 78-80, 81-83, & 85-87; Milen, "Aboriginal Constitutional and Electoral Reform," pps. 25-29

¹⁸⁶ Russell, *Constitutional Odyssey*, pp. 134.

¹⁸⁷ Ibid, pps. 87-100; Russell, *Constitutional Odyssey*, pp. 127; Peter C. Newman, *The Secret Mulroney Tapes: Unguarded Confessions of a Prime Minister* (Toronto: Random House Canada, 2005), pp. 121; Rand Dyck, *Canadian Politics: Critical Approaches*, 4th Edition (Toronto: Thomson Nelson, 2004), pp. 103.

woman was elected to the House of Commons.¹⁸⁸ Although Littlechild's election brought a First Nations voice to the Mulroney government, Blondin-Andrew's election also brought a First Nation voice to the opposition benches in relation to the *Meech Lake Accord*. In addition to Blondin-Andrew's vocal opposition, Elijah Harper, an Indigenous member of the Manitoba Legislature's opposition also used his place to oppose the *Meech Lake Accord* on behalf of Indigenous peoples across the territory they shared with the Canadian state.

In order for the *Meech Lake Accord* to be approved and implemented each of the ten provinces of Canada needed to pass it within their legislatures by the end of June 1990. Elijah Harper, who was a mix of Anishinaabeg and *Nehiyaw*¹⁸⁹ member of the Manitoba NDP, who were the official opposition in the Manitoba legislature at this time, continued to be vocal against the *Meech Lake Accord* due to its lack of consideration of First Nations peoples.¹⁹⁰ In reflecting on the *Meech Lake Accord*, Harper stated:

Well I was opposed to the Meech Lake Accord because we weren't included in the Constitution. We were to recognize Quebec as a distinct society, whereas we as Aboriginal people were completely left out. We were the First Peoples here ... we were the ones that made treaties with the settlers that came from Europe. These settler people and their governments didn't recognize us as a Nation, as a government, and that is why we opposed the Meech Lake Accord.¹⁹¹

Harper pushed for the ability for Indigenous leaders, experts, and every-day individuals to come testify to the Manitoba legislature. The requests being denied by the Manitoba government.¹⁹² In

¹⁸⁸ The Canadian Encyclopedia, "Ethel Blondin-Andrew," *The Canadian Encyclopedia*, accessed June 23, 2020, <https://www.thecanadianencyclopedia.ca/en/article/ethel-blondin-andrews>; Indspire, "Dr. Wilton Littlechild," *Indspire*, accessed June 23, 2022, <https://indspire.ca/laureate/dr-wilton-littlechild/>.

¹⁸⁹ Note: The term *Nehiyaw*, when translated into English, relates to the Cree; Harper, more specifically is referenced as Oji-Cree

¹⁹⁰ Note: Elijah Harper represented the northern Manitoba district of Rupertsland in the Manitoba legislature from 1981-1982.

¹⁹¹ CBC Archives, "All Our Relations," *CBC*, accessed June 23, 2021, <https://www.cbc.ca/news/canada/manitoba/25-years-since-elijah-harper-said-no-to-the-meech-lake-accord-1.3110439>.

¹⁹² *Ibid*.

response Harper, twelve days prior to the ratification deadline, with eagle feather in hand, began a filibuster in Manitoba's legislature.¹⁹³ Harper's filibuster, in the end, prevented the Manitoba legislature from being able to have enough time to vote on the Meech Lake Accord, which in 1990 required unanimous consent of all those sitting in its legislature.¹⁹⁴ Following this, the Premier of Newfoundland and Labrador, Clyde Wells, cancelled their legislature's planned vote and this brought an end to the *Meech Lake Accord*.¹⁹⁵ Harper's participation in the Manitoba legislature was significant for raising awareness of issues pertaining to Indigenous rights amongst settlers. But it should be considered a critically important moment for Indigenous peoples who had become increasingly frustrated with the lack of consideration and lack of nation-to-nation relationship with the settler-state of Canada because it suggested an alternative avenue to advance claims.

The tension between First Nations and the Canadian state was not only noticeable in relation to First Nations opposition to the *Meech Lake Accord*. Tension and frustrations were highlighted by former AFN National Chief Georges Erasmus following the 1988 election as well. Erasmus stated:

Canada if you do not deal with this generation of leaders and seek peaceful solutions, then we cannot promise that you are going to like the kind of violent political action that we can just about guarantee the next generation is going to bring to you.¹⁹⁶

Erasmus' point came to fruition in July of 1990 due to the planned expansion of a golf course by the town of Oka, Quebec, on unceded territory considered sacred to the Kanien'kéha:ka of Kanehsatà:ke.. On July 11th, Kanien'kéha:ka from Kanehsatà:ke and Kahnawá:ke, along with

¹⁹³ Russell, *Constitutional Odyssey*, pps. 151-152; Cowie, "Validity and Potential," pp. 30-31.

¹⁹⁴ Russell, *Constitutional Odyssey*, pp. 152.

¹⁹⁵ Ibid.

¹⁹⁶ CBC Archives, "Georges Erasmus: Deal With Us Now!," *CBC*, accessed June 23, 2021, <https://www.cbc.ca/player/play/1687814085>.

First Nations across Turtle Island in support, pushed back against the continued encroachment of provinces and the federal Canadian government on their territories, their broken promises, and their lack of nation-to-nation understanding. *The Kanien'kéha:ka Resistance at Kanehsatà:ke* was a major turning point.¹⁹⁷

In addition to the Kanien'kéha:ka resistance at Kanehsatà:ke, Siiksikaawa resistance to the development of a Dam on the Old Man River, territory shared with the province of Alberta, had also come to a head. Like the anger over Oka's encroachment on Kanien'kéha:ka sacred territory, the Siiksikaawa were frustrated with the province of Alberta's movement on a dam that would not only flood Siiksikaawa territory but also sacred sites.¹⁹⁸ In solidarity, protests and blockades went up in many parts of the territory shared with Canada. In relation to the Kanien'kéha:ka resistance at Kanehsatà:ke, the Sûreté du Québec was called in to counter the blockades put up by some Kanien'kéha:ka and their allies around the territory that had led to the resistance. When the Sûreté du Québec moved forward to remove the blockade, fighting broke out and a Sûreté du Québec Officer was killed.¹⁹⁹ In wake of the death of the Sûreté du Québec Officer, the Canadian Military was called in by Prime Minister Mulroney and negotiations were held to end the resistance. On September 26, 1990, the barricades came down following the cancelling of the expansion of the golf course by the town of Oka. The Federal Government of

¹⁹⁷ NOTE: Canada refers to this as the Oka Crisis.

¹⁹⁸ Yale D. Belanger, "The Oldman River Dam and the Lonefighters' Response to Environmental Incursion," in *Blockades or Breakthroughs? Aboriginal Peoples Confront the Canadian State*, eds: Yale D. Belanger and P. Whitney Lackenbauer, 222-252 (Montreal & Kingston: McGill-Queen's University Press, 2014).

¹⁹⁹ Russell, *Constitutional Odyssey*, pp. 155; Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press, 2014), pps. 152-153; Michael Murphy, "Civilization, Self-Determination, and Reconciliation," in *First Nations, First Thoughts: The Impact of Indigenous Thought in Canada*, ed: Annis May Timpson, pps. 251-278 (Vancouver: UBC Press, 2009), pp. 268; Kiera L. Ladner and Leanne Simpson, "This is an Honour Song," in *This is an Honour Song: Twenty Years Since the Blockades*, eds: Kiera L. Ladner and Leanne Simpson, pps. 1-9 (Winnipeg: Arbeiter Ring Publishing, 2010), pp. 7; Note: The Sûreté du Québec Officer killed was Corporal Marcel Lemay.

Canada, in turn, purchased the territory in question to assist the town of Oka.²⁰⁰ Both examples of resistance highlight frustration and a form of participation that expressed an unwillingness to accept the status quo of Canada moving forward without consideration of nation-to-nation relations – that the newest generation of First Nations in 1990 would no longer wait or be considered in an after-thought.

The Kanien'kéha:ka resistance at Kanehsatà:ke was a shock for Canadians as it marked the first time that such a clear confrontation between the Canadian state and Indigenous nations was presented to them live on their television screens and in newspaper images. Such action by First Nations peoples, alongside the failure of the *Meech Lake Accord* led the Mulroney government to agree to a more inclusive approach to a new Constitutional accord as well as a plan for a Royal Commission into Indigenous/Canadian relations – an inclusive approach that also considered more thoroughly the Métis and Inuit. In relation to the Métis, when considering their inclusion, it is also important to understand not only their formation but also their relationship with the Canadian state following its creation in 1867.

2.2: Métis 'Participation:' From Tyranny of the English Majority to Ongoing Recognition

The existence of the Métis people predates the Canadian state's birth and tends to be linked to the Red River Valley area – territory that the Anishinaabeg and Nehiyaw are the traditional stewards of. Both Chris Anderson and Jacqueline Peterson explain what the term Métis references in their respective research.²⁰¹ The Métis people, as Anderson, explains are not

²⁰⁰ Ellen Gabriel, "Epilogue: Fraudulent Theft of Mohawk Land by the Municipality of Oka," in *This is an Honour Song: Twenty Years Since the Blockades*, eds: Kiera L. Ladner and Leanne Simpson, pps. 345-348 (Winnipeg: Arbeiter Ring Publishing, 2010); Note: The territory in question is still held by the Federal Government of Canada and has not been handed over to the Kanien'kéha:ka of Kanehsatà:ke. Additionally, the Siiksikaawa Resistance at the Old Man River Dam had also been brought to an end.

²⁰¹ Note: For the purpose of focusing on participation within Canada's federal electoral process, my focus on 'Métis will relate to the definition of Métis that is recognized by the Métis National Council (MNC)

simply a mix of Indigenous and European background. Anderson further explains that the Métis are not:

“[M]erely biracial, multilinguistic and bicultural, but proud owners of a new language; of a syncretic cosmology and religious repertoire; of distinctive modes of dress, cuisine, architecture, vehicles of transport, music and dance; and after 1815 of a quasi-military political organization, a flag, a bardic tradition, a rich folklore, and a national history – sprang only metaphorically from the soil.”²⁰²

Peterson adds to the aforementioned point and emphasizes “self-consciousness as Métis as an essential element of Métis identity,” leading her to agree that the Métis homelands can be found around the Red River settlement area and thus a key component of Métis self-identification.²⁰³

The Métis connection to the Red River settlement area is crucial in understanding their ‘participation’ within Canada.

The importance of Métis peoples in the region was especially noticeable as the Canadian state looked to expand westward into not only the territory of Prairie nations but also the homelands of the Metis. In 1869, the Hudson Bay Company transferred to Canada the territory known as Rupert’s Land. Rupert’s Land, if looking at a present-day map of Canada, comprised much of Northern Quebec, Northern Ontario, Manitoba, Saskatchewan, Alberta, Nunavut, the Northwest Territories, as well as segments of British Columbia and the Yukon.²⁰⁴ The transfer of Rupert’s Land to the Canadian state was met with resentment and opposition from Métis.

The Métis opposition specifically related to them not being included in the negotiations and further anger only grew when Canadian land surveyors were sent out to divide up the land

²⁰² Chris Anderson, *“Métis:” Race, Recognition, and the Struggle for Indigenous Peoplehood* (Vancouver: UBC Press, 2014), pp. 46; Also see Jaqueline Peterson, “Many Roads to Red River: Métis Genesis in the Great Lakes Region, 1680-1815,” in *The New People: Being and Becoming Métis in North America*, eds: Jacqueline Peterson and Jennifer Brown, pps. 37-72 (Winnipeg: University of Manitoba Press, 1985), pp. 64.

²⁰³ Anderson, *“Métis,”* pp. 46.

²⁰⁴ Jean Teillet, *The Northwest is Our Mother: The Story of Louis Riel’s People, The Métis Nation* (Toronto: Harper Collins Publishers Ltd, 2019), pp. 161.

for settlement. In turn, the Métis pushed back on Canadian encroachment, leading to the Métis-led Red River Resistance.²⁰⁵ In turn, a provisional government, led by Louis Riel, was formed. The provisional government reflected equal representation of Protestant and Catholics as well as English and French speaking settlers of the area.²⁰⁶ As Jean Teillet expresses, such representation highlights that “Riel ... had democratic notions that were well in advance of the politicians of his day.”²⁰⁷ Such inclusion of the different factions of the Red River settlement area can be considered an early form of Metis participation in relation to the Canadian state. The Riel-led provisional government not only tried to counter Eastern Canadian encroachment but also was recognized by the Macdonald government – paving the way for negotiations to recognize Manitoba not only as Canada’s fifth province but also a Metis province.

The Riel provisional government had drafted a ‘List of Rights’ that included recognition and protection of the French language, religious rights for both Catholic and Protestant, recognition of Metis homesteads, as well as pushed the Canadian state to formulate treaties with First Nations²⁰⁸ The List of Rights were central to negotiations between the Riel provisional government and the Canadian state. The representatives of the Riel provisional government were able to secure much of their List of Rights, leading the MacDonald government and the Canadian House of Commons to pass the *Manitoba Act* of 1870, leading to the creation of Manitoba on

²⁰⁵ Note: This is also referred to in Canada as the Red River Rebellion.

²⁰⁶ Teillet, “The Northwest is Our Mother,” pp. 160-161; Barry Ferguson, “The Formation of Manitoba,” *Canadian Issues: Thèmes Canadiens* (Spring/Summer 2021), pp. 19; Nathalie Kermoal, “Métis Lands in Western Canada: An Unresolved Issue,” *Canadian Issues: Thèmes Canadiens* (Spring/Summer 2021), pg. 45; Jean Teillet, “Louis Riel and Canada: A New Relationship, 150 Years in the Making,” *Canadian Issues: Thèmes Canadiens* (Spring/Summer 2021), pp. 59.

²⁰⁷ Teillet, “Louis Riel and Canada,” pp. 58

²⁰⁸ David Chartrand, “The Métis People: An Inconvenient Nation,” *Canadian Issues: Thèmes Canadiens* (Spring/Summer 2021), pp. 34; Ferguson, “The Formation of Manitoba in 1870,” pp. 19; Kermoal, “Métis Lands in Western Canada,” pp. 46

July 15, 1870.²⁰⁹ Manitoba's creation was originally welcomed by the Metis as a way to protect their territorial claims as well as their unique culture. Additionally, Manitoba's creation granted voting rights to Metis men, who thus were able to participate in future federal Canadian elections.

Metis voices came to the House of Commons on March 3, 1871 when Pierre Delorme and Angus McKay were elected as Conservative MPs from Manitoba.²¹⁰ Although the elections of Delorme and McKay are significant for Indigenous representation in Canada's federal electoral process, their involvement and time in the House was short as neither sought re-election in the federal election of 1872.²¹¹ Although other Metis men did run in districts that represented Manitoba, no Metis men were elected and thus there was no Metis representation until the following year when Louis Riel, as an Independent, won a byelection in the district of Provencher.²¹² Despite Riel's win, he was unable to take his seat.

Riel's inability to take his seat in the House of Commons as the representative for Provencher was a result of the repercussions and changes that were taking place in Manitoba towards Metis peoples as additional English-speaking settlers migrated from central parts of Canada. Not long after the creation of Manitoba, Riel and others were forced to flee. Riel and his family, fearing for their safety and the warrant for his capture fled to the Montana territory.²¹³

²⁰⁹ Robert Wardaugh, "Lament to Manitoba," *Canadian Issues: Thèmes Canadiens* (Spring/Summer 2021), pp. 4; Ferguson, "The Formation of Manitoba in 1870," pp. 20-21; Chartrand, "The Métis People," pp. 34; Kermoal, "Métis Lands in Western Canada," pp. 45; Teillet, "Louis Riel and Canada," pp. 59.

²¹⁰ Dictionary of Canadian Biography, "McKAY, ANGUS," *Dictionary of Canadian Biography*, accessed June 24, 2021, http://www.biographi.ca/en/bio/mckay_angus_12E.html; Dictionary of Canadian Biography, "Delorme, Pierre," *Dictionary of Canadian Biography*, accessed June 24, 2021, http://www.mhs.mb.ca/docs/people/delorme_p.shtml; Note: Pierre Delorme was elected to represent the district of Provencher and Angus McKay to represent the district of Marquette.

²¹¹ Note: The impact both Delorme and McKay may have had on policy and legislation not only within the House of Commons but also the Progressive Conservative Party is limited to non-existent and thus I am unable to assess their involvement at the time of writing this chapter.

²¹² Teillet, "Louis Riel and Canada," pps. 59-60.

²¹³ Teillet, "The Northwest is Our Mother," pp. 326.

Many Metis faced persecution and attacks, which were emboldened by John A. MacDonald himself. As Jean Teillet points out:

Sir John A. Macdonald sent troops and instigated a reign of terror in [Manitoba] that lasted for almost three years. He had already given notice of his intentions when he wrote that the Metis were wild people, miserable, and impulsive half-breeds that he wanted put down, kept down, and kept quiet ... Winnipeg, under Canada's new rule, disintegrated into a violent, racist turmoil. Metis, French, and Catholics were beaten, their daughters raped, their houses burned, and their lands stolen. Men were viciously assaulted, some left for dead. The troops burned opposition presses and held Metis women at gunpoint while they ransacked their homes. Metis leaders were exiled and nine men who had participated in good faith in the negotiations of Manitoba were murdered by the troops ... Sir John A. Macdonald, did nothing to reign in the troops or stop the violence. The men who initiated the violence then moved into positions of power and were appointed as the Chief of Police, the Mayor, and the Lieutenant Governor...²¹⁴

In order to avoid such state-sanctioned persecution, many Métis fled further west as well, resettling in areas that would eventually be divided into the provinces of Saskatchewan and Alberta.

As Canada continued to expand westward, frustration was reaching a boiling point from the Métis who had fled westward. Many Métis, fearing the continued westward expansion of Canada sought to force Canada into another round of negotiations to protect themselves by fighting back through force. In turn, many components of Métis leadership requested Riel's return to lead the Métis Nation.²¹⁵ Riel agreed to return and lead another provisional government and thus the push against Canada's lack of respecting the Métis nation, peoples, and rights. As such, Métis participation in relation to Canada during the 1880s is best reflected specifically in relation to the Northwest Resistance of 1885.

²¹⁴ Teillet, "Louis Riel and Canada," pp. 60.

²¹⁵ Chartrand, "The Métis People," pp. 35; Kermoal, "Métis Lands in Western Canada," pp. 47.

The Métis Resistance of 1885 related to armed conflict and battles between the Métis nation and the Canadian state. The Métis looked at this resistance as no different than the Red River Resistance sixteen years earlier – that they would hold power and be able to force Canada to the negotiation table.²¹⁶ However, during the sixteen years since the Red River Resistance, much had changed. Not only had British Columbia and Prince Edward Island joined confederation, but Treaties 1-7 were completed, assisting the Canadian state to begin building its national railroad line from the Atlantic coast to the Pacific coast.²¹⁷ The near completion of the railroad line assisted with bringing soldiers to the Prairies in order to push back the Métis and bring them to subordination. The Canadian state did what it sought out to do and thus had the upper hand in dictating the terms to the Métis, which led to little recognition of their rights, longstanding persecution, and little recognition of the Métis as a distinct people.²¹⁸ Additionally, despite the Métis fighting as their own nation, Riel and other Métis men were found guilty of treason and hung.²¹⁹ Following the Northwest Resistance, many Métis hid their identity in order to avoid attacks. As David Chartrand explained, “fearing persecution, those who could hide, did so. They hid their identity for fear of retaliation by the government of the day. Many either allowed or actively encouraged others to think of them as French-Canadians.”²²⁰

With many Métis hiding their identities, and a lack of willingness by the Canadian state to list and consider them as a distinct identity or peoples, little information relating to Métis political participation exists between the 1890s and 1991. Since Métis men were granted the

²¹⁶ Anderson, “Métis,” pp. 116; Teillet, *The Northwest is Our Mother*, pps. 160-161 & 174-175.

²¹⁷ Robert J. Talbot, *Negotiating the Numbered Treaties: An Intellectual & Political Biography of Alexander Morris* (Saskatoon: Purich Publishing Limited, 2009), pps. 39-42; James Daschuk, *Clearing The Plains: Disease, Politics of Starvation, and the Loss of Aboriginal Life* (Regina: University of Regina Press, 2013), pps. 108-109.

²¹⁸ Chartrand, “The Métis People,” pp. 36.

²¹⁹ Ibid; Kermoal, “Métis Lands in Western Canada,” pp. 47.

²²⁰ Chartrand, “The Métis People,” pp. 35.

right to vote in 1870, and no laws were put in place to prevent Métis people from participating, it can be assumed that Métis women obtained the right to vote in 1917, when other women with citizenship, were granted the right federally. How Métis voted or if they stood for office was not recorded or kept track of prior to 1948 as well.

A 1948 byelection in the former federal district of Rosthern,²²¹ led to the official return of Métis representation in the House of Commons. William Boucher, the LPC candidate, not only won the 1948 byelection for Rosthern but also re-election in the 1949 Canadian federal election.²²² Boucher did not seek re-election in 1953, but was appointed to the Senate in 1957 on the advice of Prime Minister Louis St. Laurent.²²³ Métis representatives again returned to the House of Commons in 1962, when Roger Teillet was elected in the district of St. Boniface for the LPC, and in 1963, with the election of Eugène Rhéaume in the district of Northwest Territories for the PCs.²²⁴ Although Rhéaume was not re-elected in 1965, Teillet represented St. Boniface until losing the LPC nomination to Joseph-Phillipe Guay in the 1968 Canadian federal election.²²⁵ Although little information seems to be readily available regarding Boucher and Rhéaume and their time in the House of Commons, there is more relating to Teillet. On April 22 1963, Teillet was appointed as Minister of Veterans Affairs by Lester B. Pearson.²²⁶ Teillet's

²²¹ Note: The federal electoral district of Rosthern existed from 1935-1968 and was within the province of Saskatchewan.

²²² Lawrence Barkwell, "William Albert Boucher, M.P., Senator. (1889-1976)," Report for the Louis Riel Institute, accessed June 24, 2021, <https://www.metismuseum.ca/media/document.php/13834.William%20Albert%20Boucher.pdf>.

²²³ Ibid.

²²⁴ Lawrence Barkwell, "Roger Teillet, M.L.A., M.P., P.C. (1912-2002), Report for the Louise Riel Institute, accessed June 24, 2021, <https://www.google.ca/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwin1fGU-Lz4AhUFHs0KHXFqCIIQFnoECAQQAQ&url=http%3A%2F%2Fwww.metismuseum.ca%2Fmedia%2Fdb%2F12137&usg=AOvVaw101UHI7bgp89INP9NG7Xbv>

²²⁵ The Canadian Press, "Former Métis MP Eugene Rheaume Passes Away in British Columbia," *CTV News* (November 2, 2013), accessed June 24, 2021, <https://www.ctvnews.ca/politics/former-metis-mp-eugene-rheaume-passes-away-in-british-columbia-1.1525221>; Note: Rhéaume became the first Indigenous person to be elected in the North.

²²⁶ Barkwell, "Roger Teillet."

appointment thus reflected not only the first elected Métis person in Cabinet, but also the first Indigenous person to serve as Minister of Veteran's Affairs.

After Teillet's nomination loss and decision not to run in the 1968 Canadian federal election, Métis participation and representation in the House of Commons would be non-existent until 1972. In the Canadian federal elections of 1972 and 1974, Wally Firth was elected and re-elected for the NDP in the electoral district of Northwest Territories.²²⁷ Firth opted to not seek re-election for the Canadian federal election of 1979.²²⁸ Like Boucher and Rhéaume, little is recorded regarding Firth's time in the House of Commons. Despite the lack of information of Firth's time in the House of Commons, his win in 1972, alongside Len Marchand's re-election that same year, was historic for Indigenous participation as it marked the first time in Canadian federal electoral politics that two (2) Indigenous peoples were elected to the House of Commons.

Métis MPs returned to the House of Commons in the 1980 Canadian federal election with Cyril Keeper's win as the NDP candidate in the electoral district of Winnipeg-St. James.²²⁹ Keeper's win in 1980 is important as he was the only Métis individual in the House of Commons during the planning of the *Charter of Rights* and the *Constitution Act, 1982*. Between 1980 and 1982 the Métis Nation, and its provincial structures, consistently pushed the Trudeau Sr. government to say that the term 'Aboriginal' included Métis. Due to the erosion of Métis recognition and rights from the 1870s on, little to no recognition of the Métis had been legislated federally. The *Constitution Act, 1867*, only referenced 'Indians'. Upon the patriation of the *Constitution Act, 1982*, and the *Charter of Rights*, the Métis were officially included under the

²²⁷ DBPedia, "Wally Firth," *DBpedia.org*, accessed June 24, 2021, https://dbpedia.org/page/Wally_Firth.

²²⁸ Ibid; NOTE: Firth did seek the nomination for the NDP in 1980, within the electoral district of Western Arctic, and then again in 2004, within the electoral district of Yukon. Firth was unsuccessful in both nominations.

²²⁹ Lawrence Barkwell, "Cyril Keeper, M.P. (b. 1943)," Report for the Louis Riel Institute, accessed June 24, 2021, <https://www.metismuseum.ca/media/document.php/14224.Cyril%20Keeper.pdf>.

term Aboriginal.²³⁰ Despite such inclusion, it is important to note only the Metis Nation of Alberta endorsed the *Constitution Act, 1982*, and the Charter of Rights – the other provincial sections of the Métis nation and the Métis National Council (MNC) did not.²³¹ Despite a lack of full endorsement from the Métis and its political structures, the inclusion of Métis in Section 35 and 25 would contribute to positive advancement of Métis rights, recognition, and participation.

Keeper's role and influence in relation to the *Constitution Act, 1982*, and the *Charter of Rights* remains undiscussed and thus further research is needed when assessing his role. Despite the lack of information on Keeper's role, Keeper was again returned to the House of Commons in the 1984 Canadian federal election; this time as the NDP MP for Winnipeg North Centre.²³² Keeper's 1984 win was important when looking at the population of Winnipeg North Centre, which had a sizeable urban Indigenous population. The above-average turnout of Indigenous voters in the district, according to Keeper, assisted his win.²³³ Although statistics relating to how Indigenous peoples voted in Winnipeg North Centre are not broken down and researched, Keeper believes that being Métis led to that increased turn in his favour.²³⁴

During Keeper's second term, little is documented. However, an article by the *Globe and Mail* in October of 1987 highlights that Keeper supported the *Meech Lake Accord*.²³⁵ Although Keeper supported the *Meech Lake Accord*, general support from the Métis provincial organizations and the MNC was similar to that of First Nations. Keeper lost his re-election bid during the 1988 Canadian federal election; whether or not that was due to a decline in Indigenous

²³⁰ Russell, *Constitutional Odyssey*, pp. 122; Chris Anderson and Maggie Walter, *Indigenous Statistics: A Quantitative Research Methodology* (New York: Routledge Taylor & Francis Group, 2013), pps. 123-127.

²³¹ Russell, *Constitutional Odyssey*, pp. 122.

²³² Barkwell, "Cyril Keeper, M.P. (b. 1943)."

²³³ Cyril Keeper, Michael Mackenzie, and Jim Silver, "A Very Hostile System in Which to Live: Aboriginal Electoral Participation in Winnipeg's Inner City," Report, Winnipeg, May 2005.

²³⁴ Ibid.

²³⁵ Graham Fraser, "Waddell Decides to Vote Against Meech Lake Pact," *Globe and Mail* (October 2 1987).

support and for his support of the *Meech Lake Accord* is an item that requires further in-depth assessment. Keeper also sought the NDP nomination for Winnipeg North Centre prior to the 1993 Canadian federal election but was unsuccessful. Following Keeper's 1988 loss, Métis were again absent from the House of Commons.

Although Métis representation was non-existent in the House of Commons following the 1988 Canadian federal election, Métis made their voices heard in two other ways prior to 1991. One example of Métis participation continued through the utilization of their own political and governing organizations, such as the MNC and its provincial counterparts. Both the MNC and its provincial counterparts grew in importance and negotiating power with Métis recognition in the *Constitution Act, 1982*, and the *Charter of Rights*.²³⁶ The second example of participation relates to the 1991 Census, which was the first time Métis were included as a distinct identity and peoples. Métis inclusion in the findings of the 1991 Census further assisted Métis recognition and negotiating power for their inclusion provided quantitative results to be referenced and studied. Such recognition of Métis, and their growing influence is important as it no doubt assisted with making sure the Métis were a part of the inclusive approach taken by the Mulroney government when establishing the Royal Commission on Aboriginal Peoples (RCAP) in 1991. In order to delve further into RCAP and post-1991 Canadian electoral participation of Indigenous peoples, it is imperative that a separate assessment of Inuit participation is also reviewed.

2.3: Inuit 'Participation:' From Human Flagpoles to Self-Representation in the HoC

Inuit participation has taken many forms when we assess their relation to their territory, contact with settler societies, and the Canadian state. If looking at a present-day map of the Canadian state, Inuit territories are reflected as four regions: Nunatsiavut, Nunavik, Nunavut, and

²³⁶ Anderson and Walter, *Indigenous Statistics*, pps. 123-127.

Inuvialuit. The Inuit spanned these regions for centuries and participated in their own forms of legal, political, and socio-economic structures. Settler societies and the Canadian state have given little attention or understanding to Inuit structures of existence.

Despite Inuit relations with settler societies, in many ways, being similar to that of First Nations and Métis, there were differences. Unlike First Nations and Métis though, Inuit participation and interaction did not come to the forefront when relating to Canada until the 1920s. Prior to the 1920s, Inuit were ignored and avoided other than relating to the fur trade or the need of guides when exploring and charting the north. Although participating in the fur trade and assisting as guides were the primary interactions for Inuit with settler societies prior to the 1920s, it is relevant to consider three Acts by the Canadian state that impacted them: the *Rupert's Land Purchase (1869)*, the *Quebec Boundary Extension Act (1898)*, and the *Quebec Boundaries Extension Act (1912)*.

Like First Nations and Métis, the *Rupert's Land Purchase* of 1869 also related to territory the Inuit are the traditional stewards of. Additionally, like First Nations and Métis, the Inuit were not in the negotiations or decision-making tables when it came to the purchase – nor had the Inuit surrendered any relationship to the territory. The lack of inclusion and participation of Inuit also persisted as the Canadian state grew, not only as additional provinces joined but also as the province of Quebec expanded. Relating to Quebec, both the *Quebec Boundary Extension Act (1898)* and the *Quebec Boundaries Extension Act (1912)* led to the current form of Quebec.²³⁷ Both Acts led to the inclusion of Nunavik into Quebec's jurisdiction and did so without treaties. Originally, both Acts required Quebec to formulate treaties with both the Inuit of Nunavik and

²³⁷ Government of Canada, "James Bay and Northern Quebec Native Claims Settlement Act," *Ministry of Justice Canada*, accessed September 23 2021, <https://laws-lois.justice.gc.ca/eng/acts/J-0.3/FullText.html>; Cowie, "Quebec Sovereignty and Indigenous Nationhoods," pp. 24.

the Cree of Eeyou Itschee, but the province of Quebec never fulfilled this obligation.²³⁸ Like the *Rupert's Land Purchase (1869)*, the *Quebec Boundary Extension Act (1898)* and the *Quebec Boundaries Extension Act (1912)* did not witness participation by Inuit.

By the 1920s, concerns over the formation of the Union of Soviet Socialist Republics (U.S.S.R), led the Canadian state to push further into Inuit territories and the beginning of forced re-settlements in order to further Canadian claims of sovereignty. Alongside the forced settlement of Inuit, many were given Dog Tags with a number on it – symbolically highlighting the Canadian state's view of the Inuit.²³⁹ Such movement towards the idea of Canadian sovereignty was further bolstered by the *Statute of Westminster (1931)*, which allowed the Canadian state full control over its foreign affairs. As the Canadian state's autonomy increased, the question of what to do with the Inuit also grew more pertinent.

The Canadian state, under a Conservative government lead by R.B. Bennett, sought to further prevent any Inuit participation with the *Dominion Franchise Act* of 1934. The *Dominion Franchise Act* effectively barred, and made it illegal, for Inuit to vote in Canadian federal elections, leaving the power of who becomes the elected representative for the Inuit territories to that of non-Inuit citizens of Canada.²⁴⁰ Additionally, during the 1930s, a jurisdictional feud over who was responsible for the Inuit came to a head between the province of Quebec and the Canadian state. In relation to the feud, neither the Canadian state nor the province of Quebec wanted jurisdiction over the Inuit in the Nunavik region, claiming that the other had jurisdiction

²³⁸ Ibid.

²³⁹ Frank Tester, "Colonial Challenges and Recovery in the Eastern Arctic," in *Inuit Quajimajatuqangit: What Inuit Have Always Known to be True*, eds: Joe Kareteak, Frank Tester and Shirley Tagalik, pps. 20-40 (Halifax: Fernwood Publishing, 2017); Note: The numbered Dog Tags were in lieu of actual names.

²⁴⁰ Tester, "Colonial Challenges and Recovery in the Eastern Arctic;" Milen, "Aboriginal Constitutional and Electoral Reform," pp. 5.

instead.²⁴¹ The jurisdictional feud between Quebec and Canada would lead to the 1939 Supreme Court of Canada ruling that all Inuit within the boundaries of the Canadian state were the responsibility of the Canadian federal government.²⁴² Again, the Inuit did not participate in the decision making or discussion over who's jurisdiction they were under – nor was their own agency even considered.

Little action was taken by the Canadian state following the Supreme Court of Canada ruling due to WWII. Canada's interaction with Inuit territory, and the Inuit themselves, involved primarily sending military personnel to the north in order to protect Canadian interests and its claims of sovereignty from Germany, Japan, and their allies. Additionally, Canada allowed the development of American military bases in Inuit territory, such as the current location of Iqaluit.²⁴³ Following WWII, Canada sought to further defend its sovereignty and interests in the north against the U.S.S.R by establishing additional military personnel in Inuit territory as well as to further force the settlement of Inuit, utilizing them for the interest of Canadian. Claims of sovereignty over Inuit territories.

To further extend Canadian sovereignty, the Canadian state under St. Laurent, extended citizenship and enfranchisement to Inuit in 1950.²⁴⁴ Granting citizenship to Inuit allowed for greater credibility to Canadian sovereignty, whether Inuit agreed with becoming Canadian citizens or not. Furthermore, the Canadian state continued to dictate and control much of

²⁴¹ Ibid.

²⁴² Ken Harper, *In Those Days: Collected Writings on Arctic History, Book 1: Inuit Lives* (Toronto: Inhabit Media Inc., 2013), pps. 149-155; Ken Harper, *In Those Days: Arctic Crime and Punishment, Book 2: Collected Writings on Arctic History* (Toronto: Inhabit Media Inc., 2013), pps. 111-117.

²⁴³ City of Iqaluit. "About Iqaluit: History and Milestones," *Iqaluit*, accessed September 23, 2021, <https://www.iqaluit.ca/visitors/explore-iqaluit/history>; Tester, "Colonial Challenges and Recovery in the Eastern Arctic," pp. 23.

²⁴⁴ Cowie, "A Vote for Canada or Indigenous Nationhoods?," Cowie, "Validity and Potential," pp. 1; Milen, "Aboriginal and Constitutional Electoral Reform," pp. 5.

everyday Inuit life, and the ability for Inuit to vote from the 1953 federal Canadian election until the late 1970s was limited due to the unwillingness of the Canadian state to send ballots and ballot boxes to Inuit territories.²⁴⁵ In other words, although citizenship was granted to Inuit by the Canadian state in 1950, the ability of Inuit to participate by casting a ballot was prevented well into the late 1970s.

The unwillingness to make sure ballots and ballot boxes were available in Inuit communities post-1950 highlights how the Inuit were used to continue Canadian territorial claims in the north rather than as equal citizens. Having already forced Inuit into permanent settlement, concerns of a lack of communities on islands such as Ellesmere Island, led to the St. Laurent government to recruit Inuit from Nunavik and the north shore of Baffin Island to relocate to further north, such as on the south shore of what is labelled today as Ellesmere Island.²⁴⁶ Originally, the recruitment of Inuit to relocate was voluntary and thus participation was up to the Inuit individuals and families who opted to relocate. Promises of supplies to build shelter, food, as well as stories of similar resources and climate that Inuit were used to was utilized to convince those Inuit who agreed to relocate to do so.²⁴⁷ Upon arriving in the new locations, it became clear that such promises and stories were untrue. Despite many of those who relocated wanting to return home, the Canadian state would ignore the requests.²⁴⁸ Thus, the relocation of those Inuit in 1953 and 1955 were actually forced relocations with false promises and stories utilized to convince them to move. Those Inuit who were prevented from returning home obtained the nickname of 'human flagpoles' as it became clear their relocation was to

²⁴⁵ Cowie, "A Vote for Canada or Indigenous Nationhoods?;" Milen, "Aboriginal and Constitutional Electoral Reform," pp. 5.

²⁴⁶ Tester, "Colonial Challenges and Recovery in the Eastern Arctic," pp. 23-24.

²⁴⁷ Ibid.

²⁴⁸ Ibid.

further Canadian sovereignty in the North while also establishing clear western lines during the Cold War.²⁴⁹ Inuit pushback against Canadian actions came to head as Inuit organized in the 1970s.

Like the AFN and MNC, the Inuit also formulated their own political organization. In 1971, the Inuit Tapiriit Kanatami (ITK)²⁵⁰ was created. The ITK's role is to serve "as a national voice protecting and advancing the rights and interests of Inuit"²⁵¹ who share territory with the Canadian state. In order to advance a national voice, the ITK includes representation and seeks participation from the four regions of Inuit territory. The development and growth of the ITK in the 1970s is an important form of Inuit political participation as it became a key organizer and voice on the Inuit land claims process that also develops following the 1973 *Calder Decision*. Like the Cree in Eeyou-Itsee, the Inuit of Nunavik were at the negotiation table relating to the *James Bay and Northern Quebec Agreement* (JBNQA).²⁵² The inclusion of Inuit of Nunavik was a historical moment for Inuit participation for it recognized Inuit territory. Such inclusion only further increased forms of Inuit participation, especially as the 1970s drew to a close.

The 1979 Canadian federal election was also a historic election for Inuit participation as it marked the election of not only the first Inuk MP, but also the first Inuk MP for the district with a majority of Inuit people living within it: Nunatsiaq.²⁵³ The election of Peter Ittinuar, as an NDP MP was significant as it marked a changing attitude towards Inuit participation. The 1979

²⁴⁹ Ibid; Cowie, "A Vote for Canada or Indigenous Nationhoods?"

²⁵⁰ Note: The ITK went by the previous names of: Inuit Tapirisat in Canada and the Eskimo Brotherhood of Canada.

²⁵¹ Inuit Tapiriit Kanatami, "Who We Are," *Inuit Tapiriit Kanatami*, accessed September 24, 2021, <https://www.itk.ca/national-voice-for-communities-in-the-canadian-arctic/>.

²⁵² Cowie, "Quebec Sovereignty and Indigenous Nationhoods," pps. 28-29; Government of Canada, "James Bay and Northern Quebec Native Claims Settlement Act."

²⁵³ Note: The electoral district of Nunatsiaq is the former name of the current electoral district of Nunavut. Additionally it is important to note that 1979 marks the beginning of continuous Inuit representation of Nunatsiaq (Nunavut).

Canadian federal election also saw ballot boxes finally being distributed in many parts of Inuit territory.²⁵⁴ Ittinuar was re-elected as an NDP MP in the 1980 Canadian federal election and was a key voice for the Inuit during the discussions and patriation of the *Constitution Act, 1982*, and the *Charter of Rights*.²⁵⁵ Ittinuar utilized his position as an elected MP to push the Trudeau Sr. government on not only the rights of Inuit but also for a land claim agreement to be formulated for the area he represented. Ittinuar's persistence led the Trudeau Sr. government to agree.²⁵⁶ In turn, Ittinuar crossed the floor and joined the Liberal caucus in 1982²⁵⁷ – had Ittinuar not been an MP at the time of patriation, one must question whether or not the creation of Nunavut would have occurred. Although Ittinuar's work was a key component to the Nunavut Land Claims process, he was not re-elected in the 1984 Canadian federal election.

Alongside Ittinuar's lobbying for the Nunavut Land Claims Agreement, the ITK and its regional sections were also key to the inclusion of Inuit voices in relation to the *Constitution Act, 1982*, and the *Charter of Rights*. Discussions with the ITK and its regional structures were small but effective. Due to the rising political clout of the Nunavik region following the negotiations of the JBNQA, the inclusion and participation of Inuit may have been important not only for Canadian claims of sovereignty but also to keep the Inuit on side with the Canadian state during the 1980 Quebec Referendum. Unfortunately, there is virtually no research relating to the impact of the Inuit vote on the 1980 Quebec Referendum and needs to be further studied. The impact of the ITK is important, however, as it would use its power and status in the four regions of the

²⁵⁴ The Canadian Encyclopedia, "Peter Ittinuar," *The Canadian Encyclopedia*, accessed September 24, 2021, https://www.thecanadianencyclopedia.ca/en/article/peter-ittinuar?gclid=Cj0KCQjw2MWVBhCQARIsAljbwoM1zsrYeaHai0jNWE0cemW87ldPpq1seggwpgIIUBHyC4nclz7aKYMaAtUtEALw_wcB.

²⁵⁵ Ibid.

²⁵⁶ Ibid.

²⁵⁷ Ibid.

Inuit territory to further pursue Inuit interests and rights as additional constitutional and policy decisions of the Canadian state were explored.

Inuit participation in the Canadian electoral process continued with the election of Thomas Suluk as the MP for Nunatsiak. Suluk was elected as a PC MP in the 1984 Canadian federal election and sat as a backbencher. Suluk's focus during his term was primarily on the continued movement of the Nunavut Land Claims process, Suluk opted to not seek re-election in the 1988 Canadian federal election.²⁵⁸ The reasoning for Suluk's choice not to run for re-election in 1988 is difficult to find in literature or other written accounts – therefore whether it is related to the *Meech Lake Accord*, and opposition from the ITK, or *NAFTA* is something that needs further exploration. Following Suluk, Jack Anawak was elected as a Liberal MP in the 1988 Canadian federal election.²⁵⁹ Anawak's win, alongside that of First Nations MPs Blondin-Andrew and Littlechild, marked the first time three Indigenous MPs were elected to the House of Commons in the same Canadian federal election. Anawak, like the ITK, was opposed to the *Meech Lake Accord* due to its lack of Inuit inclusion and Anawak and the ITK found reason to welcome the promise of a Royal Commission on Aboriginal Peoples following the 1990 Kanien'kéha:ka resistance at Kanehsatà:ke.

2.4: Conclusion: Reflecting on First Nations, Métis, and Inuit 'Participation' (1867-1991)

Between 1867 to 1991 there were major changes, and potential changes, not only relating to the Canadian state but also in relation to Inuit, Métis, and First Nations interactions with

²⁵⁸ Nunavut Tunngavik, "NTI Expresses Condolences to the Family of Thomas Suluk," *Nunavut Tunngavik – Media Centre* (October 15, 2018), accessed September 24, 2021, <https://www.tunngavik.com/news/nti-expresses-condolences-to-the-family-of-thomas-suluk/>.

²⁵⁹ Parliament of Canada, "Jack Iyerak Anawak, M.P., *Parliament of Canada: Parlinfo*, accessed September 24, 2021, https://lop.parl.ca/sites/ParlInfo/default/en_CA/People/Profile?personId=7084; Note: Anawak served as the Critique for Northern Affairs from 1988-1993. Anawak was re-elected in 1993 and opted to not seek re-election in 1997.

Canada. Following the formation of the Canadian state in 1867, Canadian and provincial governments sought control of Indigenous nations and territories, but also their complete submission and inability to protect themselves. From First Nations and Inuit being legislated as wards of the state to settler society moving further west to outnumber the Métis, it is clear the Canadian state did not seek to make room for Indigenous peoples unless they assimilated. For First Nations, Métis, and Inuit, participation between 1867 to 1991 was through forms of violence, colonialism, and a settler-colonial mentality that dictated to them who they were, what they were allowed to do, who governed them, and who was allowed to represent them. That said, First Nations, Métis and Inuit political participation also was not completely controlled or defined by colonial structures despite the colonial violence – even if in response to said colonial violence and settler-colonial imposition.

Noticeable change began to occur following WWII as Métis are again elected to the House of Commons and both Inuit and First Nations are granted citizenship and the right to participate in federal elections without having to give up their identity. For First Nations, the election win of Len Marchand, their organization against the *1969 White Paper*, as well as the 1973 *Calder Decision* would usher in forms of participation through First Nations organization, a land claims process, as well as First Nations participation in Canada's electoral process. Furthermore, Elijah Harper's actions in relation to the *Meech Lake Accord* was significant in preventing its ratification. Furthermore, Harper's presence is another key example of Indigenous participation, and representation having an ability to impact the end result of the Canadian state's colonial actions. Had Harper not been elected, one must wonder if the *Meech Lake Accord* would have been implemented.

In relation to the Métis, participation not only comes from their return as electoral representatives in the House of Commons, but also through their political and organizational structures. Such participation and representation in relation to the Métis assisted in their recognition in not only the *Constitution Act, 1982*, but also further recognition of their rights and the colonization they too have faced since 1869. Lastly, for Inuit, the changes in relation to their forms of participation are most noticeable during the 1970s due to their inclusion at the negotiation table for the JBNQA, the formation of the ITK, the inclusion of ballot boxes, and ballots, for the 1979 election, as well as Peter Ittinuar's 1979 election win. Ittinuar's place as an elected MP in the House of Commons was key for negotiations that would lead to the process of not only a land claim agreement for Inuit in the north, but specifically in relation to the territory that reflects the Territory of Nunavut.

Additionally, the mega-constitutional debates and negotiations of the 1980s only fueled the different forms of Indigenous political participation that had developed between the 1950s to the end of the 1970s. The anger by Indigenous peoples towards the *Meech Lake Accord* only added to frustration over the *Constitution Act, 1982*, and the *Charter of Rights*. Despite Indigenous anger and frustration, the 1988 Canadian federal election was historic as not only did two First Nations MPs and an Inuk MP become elected to the House of Commons, but also the first female Indigenous MP: Ethel Blondin-Andrew. Although 1988 marked a historic election relating to Indigenous participation in Canada's federal electoral process, the focus on the Canadian state's nation-building process continued to be evident. Furthermore, it did not subdue the frustration and anger which came to a head in 1990, despite promises by the Canadian state to establish a Royal Commission on Aboriginal Peoples – ushering in the next period that will be assessed: 1991 to 2015.

Chapter Three: **From Charlottetown and Political Shock to Increased Presence (1991-2013)**

3.0: Introduction:

The election of Jack Anawak, Ethel Blondin-Andrew, and Willie Littlechild in the 1988 Canadian federal election reflected a historic moment for Indigenous participation in formal electoral and parliamentary politics. The election of Anawak, Blondin-Andrew, and Littlechild not only represented the first time three Indigenous MPs were elected in the same election, but also the first Indigenous woman in the House of Commons. The summer of 1990 was also a historic moment of Indigenous political participation beyond the confines of formal electoral politics, as it showcased strong resistance by Indigenous peoples for being treated as an afterthought as well as for the Canadian state's unilateral imposition on First Nations, Métis, and Inuit.²⁶⁰ Following the summer of 1990, an era of assessment and debate relating to Indigenous/Canadian relations began.

In addition to a new era of assessment and debate relating to Indigenous/Canadian relations following the summer of 1990, a period of amplifying the historic claims, power, and presence of First Nations, Métis, and Inuit began to grow. Such amplification must also be assessed and considered in order to understand the nuances of Indigenous participation. In turn, chapter three will seek to highlight a useful portrait of the varied nature and extent of Indigenous engagement, while highlighting in particular the increased participation in parties and parliament within the Canadian federal electoral process. Such movement in relation to Indigenous involvement is related to the continued desire for a positive nation-to-nation relationship while also seeking a interest and movement in relation to reconciliation based on such a relationship.

²⁶⁰ Note: As highlighted in previous chapters of this dissertation, opposition, pushback, and resistance to Canadian and European imposition has long occurred.

Therefore, the purpose of this chapter is to analyse the growth in First Nations, Métis, and Inuit participation between 1991 and 2015. In order to review such growth between 1991 and 2015, this chapter will first examine changes that occurred between the start of consultation sessions of the *Charlottetown Accord* to the introduction of *RCAP* and its findings to the House of Commons in the Autumn of 1996. Next, this chapter will assess not only the period of Jean Chretien's Prime Ministership, but also that of Paul Martin. Lastly, this chapter will assess the period from the 2006 Canadian federal election win of Stephen Harper and the CPC, to Indigenous rebuke of the Harper government with the emergence of #IdleNoMore. The analysis of the period from the *Charlottetown Accord* to 2013 is important for understanding not only how #IdleNoMore is significant for participation and mobilization by Indigenous peoples, but also how it, alongside the *Truth and Reconciliation Commission* (TRC), assisted with Indigenous turnout in the 2015 Canadian federal election. If this is the main argument make it more explicit.

3.1: From 'Listening' to Looking the Other Way: Charlottetown to RCAP

A period of assessment and debate on the Indigenous/Canadian relationship, as well as how to increase Indigenous presence and participation in Canada's electoral process, was noticeable during the 1990s. The first assessment of participation and the Canadian/Indigenous relationship was that of the Royal Commission on Electoral Reform and Party Financing (RCERPF) in 1991. Scholarly studies by Valerie Alia, Augie Fleras, Roger Gibbins, and Robert Milen, in Volume Nine of the RCERPF, is especially pertinent to Indigenous representation and participation. While Alia assessed communication and advertising for elections in relation to Indigenous peoples,²⁶¹ Milen's focus was looking at the potential changes to constitutional and electoral law

²⁶¹ Valerie Alia, "Aboriginal Peoples and Campaign Coverage in the North," in *Aboriginal Peoples and Electoral Reform in Canada*, edited by Robert A. Milen, Volume 9 of the Royal Commission on Electoral Reform and Party Financing, pps. 105-152 (Toronto: Dundurn Press, 1991).

that would be required to further cement Indigenous inclusion in Canada's federal electoral process.²⁶² Fleras and Gibbins, on the other hand, debated between one another on whether Aboriginal Electoral Districts (AEDs) should be introduced in order to secure Indigenous representation in the House of Commons.²⁶³ It is important to note that although Volume Nine focused specifically on Indigenous peoples, no Indigenous scholars, or individuals assisted with the research and writing of Volume Nine of the RCERPF. Additionally, nothing suggested or advanced in Volume Nine would be implemented by the Canadian state, and additionally translation into Indigenous languages became the responsibility of a candidate or the federal political parties.

The findings and recommendations from the RCERPF were articulated while outreach and negotiations were occurring for the *Charlottetown Accord*, the successor to the failed *Meech Lake Accord*. The *Charlottetown Accord*, like the *Meech Lake Accord*, was the Mulroney Government's solution to not only bringing Quebec into the *Constitution Act, 1982*, but also a solution that included the input of every-day Canadian citizens, experts, and organizations, and eventually a nation-wide referendum. Rounds of consultation sessions also included Indigenous organizations, leaders, and communities – marking the first time First Nations, Métis, and Inuit were included in discussions of major Constitutional changes.²⁶⁴ Although included, it is important to note that the approach utilized for Indigenous input into the *Charlottetown Accord*

²⁶² Milen, "Aboriginal Constitutional and Electoral Reform."

²⁶³ Augie Fleras, "Aboriginal Electoral Districts for Canada: Lessons from New Zealand," in *Aboriginal Peoples and Electoral Reform in Canada*, edited by Robert A. Milen, Volume 9 of the Royal Commission on Electoral Reform and Party Financing, pps. 67-103 (Toronto: Dundurn Press, 1991); Roger Gibbins, "Electoral Reform and Canada's Aboriginal Population: An Assessment of Aboriginal Electoral Districts," in *Aboriginal Peoples and Electoral Reform in Canada*, edited by Robert A. Milen, Volume 9 of the Royal Commission on Electoral Reform and Party Financing, pps. 153-184 (Toronto: Dundurn Press, 1991); Note: Fleras argued for A.E.Ds while Gibbins argued against A.E.Ds.

²⁶⁴ Russell, *Constitutional Odyssey*, pps. 193-199; Borrows and Rotman, *Aboriginal Legal Issues*, pp. 719; Newman, *The Secret Mulroney Tapes*, pps. 294-295; Wilson-Raybould, *From Where I Stand*, pp. 59.

was through the lens of Canadian Citizenship, Canadian national organizations, and as one of Canada's minority groups. In other words, Indigenous participation continued to be through a Canadian-centric and settler-colonial lens and did not include a nation-to-nation understanding.

Although Indigenous participation continued through a Canadian-centric lens, some of the agreements outlined in the *Charlottetown Accord* were significant. If approved, the *Charlottetown Accord* would have secured the right to self-government, and thus allowed Indigenous governments to be recognized as a third order of government in Canada.²⁶⁵ Indigenous legislation put forth by Indigenous governments would still have to follow Canada's peace, order, and good government customs and conventions.²⁶⁶ In addition to self-government and Indigenous governments becoming a third order of government in Canada, a more thorough definition of existing treaty rights would be entrenched in relation to First Nations, Métis, and Inuit. How this would relate to unceded land, appropriated land, and treaty rights was not clearly defined. In turn, many First Nations, Métis, and Inuit were wary of the lack of clarity regarding their concerns and thus worried the *Charlottetown Accord* would limit their rights and recognition as nations. Indigenous wariness, alongside that of the general Canadian population, was shown when the *Charlottetown Accord* was put to a referendum, in June of 1992. The *Charlottetown Accord* failed to garner the needed approval from a majority of Canadians and a majority of the provinces. Indigenous peoples who participated by casting a ballot in the referendum, voted overwhelmingly against the accord, with over sixty per cent voting no.²⁶⁷ Indigenous distrust towards the Canadian state as well as the Canadian state's lack of nation-to-

²⁶⁵ Ibid.

²⁶⁶ Borrows and Rotman, *Aboriginal Legal Issues*, pps. 719-726.

²⁶⁷ Christ Scholtz, "Aboriginal Communities and the Charlottetown Accord: A Preliminary Analysis of Voting Returns," a research paper presented to the *Canadian Political Science Association* Annual Meetings (Vancouver, June 2008), pp. 6; Russell, *Constitutional Odyssey*, pp. 194; Cowie, "Validity and Potential," pp. 31

nation approach likely played a major role in Indigenous peoples not trusting the process of the *Charlottetown Accord* or what it promised to implement.

In addition to the work and research done with the RCERPF and the *Charlottetown Accord*, the LPC established an Indigenous Peoples' Commission (IPC) at their national convention in 1990. The IPC, formerly the Aboriginal People's Commission until May of 2016, was established to bring Indigenous voices into the LPC structure, to assist with building relationships between the party and Indigenous peoples and to develop policies.²⁶⁸ The I.P.C was the first Indigenous-led section of one of Canada's national federal parties. On the policy front, the IPC was key in assisting those (particularly Elijah Harper) in advancing the LPC's election manifesto Red Book, titled *Creating Opportunity*.²⁶⁹ The first Red Book was the 1993 election platform for the LPC under Jean Chrétien. In total, the Red Book was a 112-page booklet that was considered the first form of a contract with the public through promises in a platform.²⁷⁰ The Red Book's full details of consultation and inclusion of Indigenous peoples was limited. Thus, an understanding of the full impact of the IPC and the extent of the influence of LPC MPs who were Indigenous, in contributing to the Red Book was limited. Despite the aforementioned limitation on information regarding outreach and inclusion of Indigenous peoples by the LPC in the 1993 Canadian federal election, there was significant impacts following the election of October 25, 1993.

By the 1993 Canadian federal election, Brian Mulroney had stepped aside as Prime Minister and leader of the PCs. Kim Campbell, who served previously as the Minister of Justice

²⁶⁸ Indigenous Peoples' Commission, "About Us," *Liberal Party of Canada*, accessed January 19, 2022, <https://ipc-cpa.liberal.ca/about-us/>.

²⁶⁹ Liberal Party of Canada, "Creating Opportunity: The Liberal Plan for Canada," *Liberal Party of Canada*, accessed January 19, 2022, https://web.archive.org/web/19961109135653/http://www.liberal.ca/english/policy/red_book/red_index.html.

²⁷⁰ Ibid.

and Attorney General²⁷¹ and then as Minister of National Defence and Veterans Affairs,²⁷² succeeded Mulroney in June of 1993. Despite the change in leadership, there was significant anger towards the PCs and the 1993 Canadian federal election is generally considered a major ‘political earthquake’ in Canadian politics because of changes to the party system itself. Not only did the Chretien Liberals win a majority government on October 25, 1993, but the PCs were reduced to just two (2) seats, thus losing official party status.²⁷³ The PC loss can be attributed to the rise of both the Bloc Quebecois, who became the Official Opposition, and the Reform Party – leading to the dissolution of the political alliance Mulroney had built between Western Canada and Quebec.²⁷⁴ Additionally, the NDP were reduced to eight (8) seats – also losing official party status.²⁷⁵ The aforementioned points are well documented by political analysts, journalists, and Canadian political scientists.²⁷⁶ What is largely unexplored is the impact and role Indigenous voters and candidates played in the 1993 election.

What is noticeable for Indigenous participation and representation in the 1993 Canadian federal election is how many Indigenous MPs were elected and re-elected, and which party they represented. Both Jack Anawak and Ethel Blondin-Andrew were re-elected as LPC MPs, thus also sitting on the governing benches under Chretien.²⁷⁷ Alongside Anawak and Blondin-Andrew

²⁷¹ Note: Kim Campbell served as Minister of Justice and Attorney General from February 23, 1990 to January 3, 1993.

²⁷² Note: Campbell served as Minister of National Defence and Minister of Veterans Affairs from January 4, 1993 to June 25, 1993.

²⁷³ Alan Cairns, “An Election to Remember: Canada 1993,” *Canadian Public Policy*, Volume 20, Issue 3 (September, 1994), pp. 222.

²⁷⁴ Cairns, “An Election to Remember,” pps. 222 & 231-232.

²⁷⁵ Ibid, pp. 222.

²⁷⁶ Lisa Young, *Feminists and Party Politics* (Vancouver: UBC Press, 2000).

²⁷⁷ John Geddes, “From Residential School Runaway to Trailblazing MP: Ethel Blondin-Andrew, This Year’s Maclean’s Lifetime Achievement Award Winner,” *Maclean’s* (December 4, 2019), accessed January 19, 2022, <https://www.macleans.ca/politics/ottawa/from-residential-school-runaway-to-trailblazing-mp/>; Jim Bell, “The Federal Election and Nunavut,” *Nunatsiaq News* (April 25, 1997), accessed January 19, 2022, https://nunatsiaq.com/stories/article/65674the_federal_election_and_nunavut/.

was a third Indigenous MP elected under the LPC as the MP for Churchill: Elijah Harper.²⁷⁸

Harper's election victory marked the first time a Cree person was elected to the House of Commons as well as the first time three Indigenous MPs had been elected under the banner of a single Canadian political party. Willie Littlechild, the other Indigenous incumbent from the 1988 election opted to not run for re-election.

Although three (3) Indigenous MPs were originally elected in 1993, a byelection on March 26, 1996 would mark the first time in Canadian politics that four (4) Indigenous peoples would not only sit in the House of Commons, but do so on the governing benches. The election victory of Lawrence O'Brien, who was Métis, in the electoral district of Labrador increased the number of LPC Indigenous MPs to four (4).²⁷⁹ Notably for it was a historic moment that First Nations, Métis and Inuit were each represented in the House of Commons at the same time. In addition to Canada having four (4) Indigenous MPs in the House of Commons in 1996, RCAP's findings and recommendations were released that November.

The RCAP final report comprised over four thousand pages and set out a twenty-year plan for implementation of the recommendations it made.²⁸⁰ Additionally, RCAP Commissioners were a mix of non-Indigenous and Indigenous peoples, including former AFN Chief George Erasmus, Bertha Wilson, and Paul Chartrand, marking the first time Indigenous peoples were involved in a commission or government report at such a level.²⁸¹ The 440 recommendations contained in the RCAP called for many changes to the relationship between Indigenous peoples,

²⁷⁸ The Canadian Encyclopedia, "Elijah Harper," *The Canadian Encyclopedia*, accessed January 19, 2022, <https://www.thecanadianencyclopedia.ca/en/article/elijah-harper>.

²⁷⁹ Bruce M. Hicks, "Liberals Sweep Canadian By-Elections," *UPI* (March 25, 1996), accessed January 20, 2022, <https://www.upi.com/Archives/1996/03/25/Liberals-sweep-Canadian-by-elections/5252827730000/>

²⁸⁰ Royal Commission on Aboriginal Peoples (RCAP), *Report of the Royal Commission on Aboriginal Peoples*, Volumes 1-5 (Ottawa: Canadian Communications Group, 1996).

²⁸¹ *Ibid.*

non-Indigenous peoples, provincial governments, and the federal government of Canada. The most significant recommendations put forth included:

- 1) Establishing a new Royal Proclamation stating Canada's commitment to a new relationship;
- 2) Legislation setting out a treaty process and recognition of Indigenous nations and governments;
- 3) Recognition of an Indigenous, or third order of government;
- 4) Replacement of the Department of Indian Affairs with two separate departments: Crown-Indigenous Relations and Indigenous Services; and
- 5) The creation of an Indigenous parliament.²⁸²

Additionally, RCAP pushed back on the view that Indigenous peoples could simply be seen through the lenses of policy, administration, and Canadian citizenship. While RCAP's recommendations and summary were significant for bringing Indigenous experiences in Canadian history, and Canadian contemporary actions to the forefront of discussion, the report was put aside by the Chretien Liberals.

3.2: What RCAP? Fiscal Austerity, Court Cases, and Jean Chretien's Retirement

At the time of the tabling of RCAP's findings and recommendations, the Canadian state was also facing large financial deficits, a lowered credit rating, exhaustion from the mega-constitutional period of the 1980s and early 1990s, as well as secessionist woes with Quebec. In turn, the Chretien Liberal government was not keen on advancing RCAP's recommendations, citing concerns over the costs of implementing the recommendations.²⁸³ Rather than implement RCAP recommendations, such as those focused on bridging the socio-economic gap relating to funding for First Nations, Métis, and Inuit, annual funding caps implemented in the 1996 federal

²⁸² Ibid; Note: The suggestion of an Indigenous Parliament, also a third level of government/an Indigenous House of Commons, was a suggestion put forth that reflected Sami Parliaments in the Scandinavian Countries of Finland, Sweden, and Norway.

²⁸³ Kyle Muzyka, "How the Legacy of the Royal Commission on Aboriginal Peoples Lives On, 25 Years Later," *CBC Radio* (November 19, 2021), accessed January 21, 2022, <https://www.cbc.ca/radio/royal-commission-aboriginal-peoples-25-1.6243545>; Cowie, "Validity and Potential," pp. 32.

Canadian budget, introduced in March of that year, were retained. It should be noted all federal departments and federal spending/transfers witnessed budget cuts at this time. Focus by the Chretien government, and Finance Minister Paul Martin, was on restoring a balanced budget at the federal level of the Canadian state. In relation to Indigenous peoples, specifically First Nations, this meant a two per cent (2%) cap in the growth of the funding for areas such as housing, education, and services.²⁸⁴ Although all areas of federal spending faced budget cuts, frustration from Indigenous peoples relating to a continued two per cent cap on annual funding increases of the growth despite RCAP's recommendation was apparent. That said, little to no pushback seems to have been recorded from Indigenous MPs Blondin-Andrews, Anawak, Harper, and O'Brien.²⁸⁵

Although there seems to have been little public pushback by those Indigenous MPs in the House of Commons at the time fiscal austerity was utilized in the 1996 and 1997 federal budgets, the Canadian federal election in June of 1997 advanced some minor changes relating to Indigenous participation and representation. The results of the 1997 Canadian federal election led to another majority for the Chretien Liberals and a continued representation of four (4) Indigenous MPs in the House of Commons. Both Blondin-Andrew and O'Brien were re-elected in their electoral districts²⁸⁶ Harper, although seeking a second term, was defeated by the NDP's

²⁸⁴ Don Drummond and Ellen Kachuk Rosenbluth, "Working Paper 49: The Debate on First Nations Education Funding: Mind the Gap," (Queen's University: School of Policy Studies, 2013), pp. 5; Assembly of First Nations, "Fact Sheet: First Nations Education Funding," *Assembly of First Nations*, accessed January 21, 2022, https://www.afn.ca/uploads/files/education/fact_sheet_-_fn_education_funding_final.pdf.

²⁸⁵ Note: Further research on the negotiations and place of the four Indigenous MPs at the time fiscal austerity was introduced needs to be further assessed and studied, especially as Harper and Anawak did not return to parliament following the 1997 Canadian federal election.

²⁸⁶ Government of Canada, "Thirty-Sixth General Election 1997: Official Voting Results: Synopsis," *Elections Canada*, accessed January 21, 2022, https://www.elections.ca/content.aspx?section=res&dir=rep/off/dec3097&document=res_table12&lang=e.

non-Indigenous candidate, Bev Desjarlais.²⁸⁷ Additionally, Anawak chose to retire from federal politics and thus left a vacancy for the renamed district of Nunavut. With Anawak's retirement, the Liberals kept their hold on the northern electoral district, which came to be represented by Nancy Karetak-Lindell.²⁸⁸ Karetak-Lindell's win in Nunavut was a historic moment for not only Inuit representation but specifically representation of Indigenous women. Karetak-Lindell's win not only marked the first time in Canadian political history that two Indigenous women had been elected to the House of Commons at the same time, but it also marked the first time an Inuk woman was elected to the House of Commons.

In addition to Karetak-Lindell, another new Indigenous MP was elected to the House of Commons in the 1997 Canadian federal election: Rick Laliberte. Laliberte, a member of the Métis nation, won in the northern Saskatchewan electoral district of Churchill River²⁸⁹ under the NDP banner.²⁹⁰ Although elected as an NDP MP for the district of Churchill River, Laliberte crossed the floor to join the Chretien Liberals in September of 2000 and was re-elected to the House of Commons in the 2000 Canadian federal election.²⁹¹ In addition to Laliberte's re-election, Blondin-Andrew, O'Brien, and Karetak-Lindell were also returned to the House of Commons.²⁹² The re-election of all four Indigenous MPs to the House of Commons not only marked a return to a governing party with four Indigenous representatives but also symbolized

²⁸⁷ Government of Canada, "Thirty-Sixth General Election 1997;" Note: Further research is needed specifically to Harper's time as a Liberal MP and whether him being associated with them following the cuts and caps of 1996 contributed to him losing in 1997.

²⁸⁸ Ibid.

²⁸⁹ Note: Churchill River is the former name of the current electoral district of Desnethé-Missinippi-Churchill River

²⁹⁰ Government of Canada, "Thirty-Sixth General Election 1997."

²⁹¹ CBC News, "NDP MP Defects to Liberal Party," *CBC News* (September 28, 2000), accessed January 21 2022, <https://www.cbc.ca/news/canada/ndp-mp-defects-to-liberal-party-1.205152>; Note: Laliberte's reasoning for crossing the floor to join the Chretien Liberals is not detailed. CBC News highlighted that it was a point to make to the NDP that they will never be able to form government.

²⁹² Government of Canada, "Thirty-Seventh General Election 2000: Official Voting Results: Synopsis," *Elections Canada*, accessed January 21, 2022, <https://www.elections.ca/content.aspx?section=res&dir=rep/off/37g&document=index&lang=e>.

little change or any further increase in Indigenous representation. Indigenous participation in relation to voting or volunteering during the 1993, 1997, and 2000 Canadian federal elections was not assessed or, even tracked, and thus the impact of Indigenous turnout and influence in specific districts, based on satisfaction or dissatisfaction with the Canadian state, is unknown.

Although there is little understanding of the impact of Indigenous voters throughout the 1990s and early 2000s, legislation and policy plans by the Chretien Liberals following the 2000 Canadian federal election continued a Canadian centric and settler-colonial approach. The two per cent cap on annual funding increases towards Indigenous peoples continued into the new millennium, and additional paternalistic policies were introduced in the House of Commons. For instance, in 2003 the First Nations Governance Act (FNGA) was introduced and the Chretien government argued it was to assist with not only modernizing the Chief and Council system, but establishing more accountability and autonomy.²⁹³ The input and influence of the four Indigenous MPs, as well as the LPC's IPC, has yet to be explored and thus their involvement, and whether they supported the legislation in its entirety is not clear. A majority of First Nations peoples, communities, and organizations were opposed to the FNGA as it further entrenched a Canadian-centric.²⁹⁴ The Chretien government looked certain to implement the FNGA, but a shift in approach by the LPC came following Chretien's retirement in December of 2003.

²⁹³ John Borrows, "Stewardship and the First Nations Governance Act," *Queen's Law Journal*, volume 29 (2003), pp. 106.

²⁹⁴ Kim Lunman, "Martin Scraps Bill to Change Indian Act," *The Globe and Mail* (January 9, 2004), accessed January 21, 2022, <https://www.theglobeandmail.com/news/national/martin-scraps-bill-to-change-indian-act/article1125291/>.

3.3: The Martin Blip: A Positive Change in Indigenous Relations and Participation?

Replacing Chretien as LPC Leader, and Prime Minister, was Paul Martin. Martin, as Prime Minister, sought a different approach to relations with Indigenous nations, organizations, communities, and peoples. Upon replacing Chretien, Martin scrapped the FNGA for more appropriate consultation and inclusion of First Nations leaders and communities.²⁹⁵ In relation to participation in the electoral process, Martin sought to not only expand the strength of the IPC but also to make it easier for Indigenous peoples to cast ballots.²⁹⁶ Furthermore, Martin actively pushed for the recruitment of Indigenous candidates to run for the LPC.²⁹⁷ Martin, in explaining why he was seeking input and inclusion of Indigenous peoples, often expressed that First Nations, Métis, and Inuit understood their needs and the issues facing them better than Non-Indigenous peoples and thus their voices, presence, and input was needed.²⁹⁸ In other words, Martin's approach shifted towards partnerships where Indigenous peoples were to be included and at the table as equals within the Canadian state. This was considered an important step in moving forward on social and economic disparities that were impacting Indigenous peoples and communities. Some Indigenous peoples felt Martin's approach did not go far enough, nor that it reflected a nation-to-nation approach. Despite the aforementioned points, Martin's approach was still considered the closest to nation-to-nation understandings and thus was a step in the right direction.

²⁹⁵ Lunman, "Martin Scraps Bill to Change Indian Act."

²⁹⁶ Kiera Ladner and Michael McCrossan, "The Electoral Participation of Aboriginal People," *Working Paper Series on Electoral Participation and Outreach Practices* (Ottawa, Elections Canada, 2007), pps. 31-32.

²⁹⁷ ICT Staff, "Former Prime Minister Paul Martin Honoured for Aboriginal Relations," *Indian Country Today* (September 15, 2011), accessed January 24, 2022, <https://indiancountrytoday.com/archive/former-prime-minister-paul-martin-honored-for-aboriginal-relations>; Note: Martin's push for further inclusion and recruitment of Indigenous peoples will be further explored in the coming chapters of this dissertation.

²⁹⁸ ICT Staff, "Former Prime Minister Paul Martin Honoured for Aboriginal Relations."

Although the Martin government was reduced to minority status in the June 2004 Canadian federal election due to the emergence, and growing understanding, of the Sponsorship Scandal, its relationship with Indigenous peoples showed promise. Martin's commitment to nation-to-nation relations, as well as an increase in representation and participation of Indigenous peoples did produce results in the 2004 Canadian federal election. Although Elections Canada had already established an Aboriginal Community Relations Officer Program (ACROP) and an Aboriginal Elder and Youth Program (AEYP) in the 1990s, the focus for the 2004 election related to party outreach and relationship building. Such relationship building had a noticeable and positive affect for those parties that sought to build better relations and increase Indigenous representation and participation. For instance, the 2004 Canadian federal election had a total of 27 Indigenous candidates seeking election to the House of Commons.²⁹⁹ Of the 27, 10 ran for the LPC, 3 of which were incumbents, and another 8 for the NDP.³⁰⁰ In relation to the other 9 Indigenous candidates, 4 ran for the GPC, 3 for the CPC, 1 for the BQ, and former NDP turned LPC MP Rick Laliberte ran as an Independent.³⁰¹ Of the 28 candidates, 23 were the sole Indigenous candidate in the electoral district they were seeking to represent.³⁰² In the two remaining ridings, there were multiple Indigenous candidates competing against one another. In relation to the northern Alberta electoral district of Athabasca, the NDP and GPC each had an Indigenous candidate.³⁰³ In the electoral district of Churchill River, Laliberte, LPC candidate Al Ducharme, and NDP candidate Earl Cook competed with one another.³⁰⁴

²⁹⁹ Loretta Smith, "Mending Fences: Increasing Aboriginal Representation in Canada," A Research Paper Presented to the *Canadian Political Science Association* Annual Meetings (Toronto, June 2006), pps. 3-5.

³⁰⁰ Smith, "Mending Fences", pp. 4.

³⁰¹ Ibid.

³⁰² Ibid.

³⁰³ Ibid.

³⁰⁴ Ibid.

In addition to the number of candidates, both the LPC and NDP led the way in the seeking better relations with Indigenous peoples and their inclusion leading up to, and during the 2004 Canadian federal election. Despite such outreach, the NDP did not see a gain in Indigenous representation within their caucus. Unlike the NDP, the LPC, continued with four Indigenous MPs elected to its caucus. Blondin-Andrew, Karetak-Lindell, and O'Brien were re-elected, keeping their electoral districts as Liberal seats.³⁰⁵ Joining these three Liberal incumbents was David Smith, who self-identifies as Métis, as the MP for the electoral district of Pontiac.³⁰⁶ In addition to the 4 LPC Indigenous MPs, a fifth was elected to the BQ caucus: Bernard Cleary in the electoral district of Louis-Saint-Laurent.³⁰⁷

Although little looked to have changed following the 2004 Canadian federal election in relation to Indigenous representation and participation, this was not the case – 2004 also led to several important 'firsts.' Both the Cleary and Smith wins marked the first Indigenous candidates were elected to the House of Commons from electoral districts in Quebec, with Cleary also being the first Innu elected in Canadian electoral history.³⁰⁸ Cleary's win in Louis-Saint-Laurent also marked the first time an Indigenous person was elected under the BQ banner and into the BQ caucus.³⁰⁹ In turn, the 2004 Canadian federal election marked the first time that 5 Indigenous people were elected to the House of Commons in an election. Lastly, the focus in relation to the number of Indigenous candidates running and being elected in a Canadian federal election also

³⁰⁵ Ibid.

³⁰⁶ Ibid.

³⁰⁷ Ibid.

³⁰⁸ Bea Vongdouangchanh, "Meet Canada's First Innu MP, the Bloc's Bernard Cleary," *The Hill Times* (November 8, 2004), accessed January 24, 2022, <https://www.hilltimes.com/2004/11/08/meet-canadas-first-innu-mp-the-blocs-bernard-cleary/4273>.

³⁰⁹ Vongdouangchanh, "Meet Canada's First Innu MP."

came to be more thoroughly noted not only Canadian media but also by Elections Canada and Canadian Political Science.³¹⁰

Despite the Martin government being reduced to a minority government, much was pushed for in relation to Indigenous representation, participation, and nation-to-nation relations. In relation to nation-to-nation relations, Martin became the first Prime Minister in Canadian history to establish a Senior Indigenous Policy Advisor role within the Prime Minister's Office (PMO). Furthermore, Martin required the Senior Indigenous Policy Advisor to be filled by someone who was Indigenous³¹¹ Such a position, and it being filled by an Indigenous person, was suggested and pushed for by Indigenous organizations, including the AFN, ITK, and MNC. The significance of the Senior Indigenous Policy Advisor was instrumental in the planning and negotiations of one of Martin's most noticeable pieces of policy that he sought to have implemented: *The Kelowna Accord*.

The Kelowna Accord, officially known as "First Ministers and National Aboriginal Leaders Strengthening Relationships and Closing the Gap," was announced in November 2005, following 18 months of negotiations and roundtable discussions between the Premiers of the provinces and territories, the Prime Minister and other key Federal Ministers of Canada, as well as the 5 national Indigenous organizations recognized during the negotiations.³¹² The Kelowna Accord looked to bring an end to not only the funding gaps that existed in relation to Indigenous communities but also bring health care, education, and infrastructure funding within Indigenous communities to parity with non-Indigenous communities and Canadians. Furthermore, the Kelowna Accord also was unique for advancing a platform where all Premiers, the Federal

³¹⁰ Cowie, *Validity and Potential*.

³¹¹ Paul Martin, *Hell or High Water: My Life In and Out of Politics* (Toronto: McClelland & Stewart, 2008), pp. 415.

³¹² Martin, *Hell or High Water*, pps. 418-425; Cowie, "Validity and Potential," pp. 125; Note: The 5 national Indigenous organizations include: AFN, ITK, MNC, NWAC, and the Council of Aboriginal Peoples (CAP)

Government of Canada and the National Indigenous organizations agreed on a way to move forward. Thus, the Kelowna Accord was significant and also considered by many Indigenous leaders and peoples as a positive step forward not only in nation-to-nation relations, but also regarding consultation, and partnership.

While the Kelowna Accord was considered a step forward by many – there was criticism of it as well though. Some hereditary Chiefs, Indigenous academics, and grassroots leadership were quick to point out that there was no nation-to-nation representation at the negotiating table. Concern related to the fact the AFN represented the Indian Act Band Chief and Council system and each band specifically, rather than nations, confederacies, and hereditary governance structures was highlighted by some individuals.³¹³ Such concern related to the fact that because the AFN did not truly represent each nation, but rather the Indian Act communities, that the *Kelowna Accord* continued the process of ignoring the actual nation-to-nation relationship that First Nations believe exists due to the original treaty relationship. In the end, the Kelowna Accord failed to be passed in the House of Commons due to the Martin government losing the confidence of the House of Commons at the end of November 2005, triggering the 2006 Canadian federal election.

The Martin government's work to further increase representation and participation was noticeable during the 2006 Canadian federal election. Additional supports were put into place through Elections Canada to not only increase the number of Ballot Boxes available within Indigenous communities but also in areas of urban centres with a high number of Indigenous peoples. For instance, the 2006 Canadian federal election witnessed an increase in advanced

³¹³ Carey Hill, Trevor Lynn, and Jonathan MacFarlane, "Dangling Participants: Is the Kelowna Accord Constitutionally Binding as a Federal-Provincial Agreement?," A Research Paper Presented to the *Canadian Political Science Association* Annual Meetings (Victoria, 2013), pp. 2.

voting options for Indigenous communities as well as Ballot boxes at Indigenous Friendship Centres.³¹⁴ Furthermore, outreach sessions were further planned in order to increase Indigenous voter turnout and party outreach to increase Indigenous candidacies for the 2006 Canadian federal election also saw a small increase.

In relation to the number of Indigenous candidates, there was a small increase from the previous 27 in 2004 to a total of 20 in 2006. When looking at Indigenous candidates within the political parties, the LPC led again with 16, an increase of 5 from 2004.³¹⁵ The CPC and NDP, both with five candidates each – a decrease of 3 for the NDP and an increase of 2 for the CPC.³¹⁶ The GPC, had 3 Indigenous candidates while the BQ had 1.³¹⁷ Of the thirty Indigenous candidates, 16 were the sole Indigenous candidate in the electoral district they were seeking to represent in the House of Commons. In five electoral districts, there were two Indigenous candidates competing for the same seat³¹⁸ while the electoral district of Nunavut had three Inuit candidates, representing the CPC, GPC, and CPC.³¹⁹ Of the 5 Indigenous incumbents,³²⁰ 4 were challenged by another Indigenous candidate – David Smith did not face another Indigenous candidate in Pontiac.³²¹

Despite the number of Indigenous candidates, the House of Commons continued to have only 5 Indigenous MPs following the 2006 Canadian federal election. Karetak-Lindell and Todd Russell were the only Indigenous incumbents re-elected in their electoral districts. Cleary, Smith,

³¹⁴ Ladner and McCrossan, "The Electoral Participation of Aboriginal People," pps. 31-32.

³¹⁵ Smith, "Mending Fences," pp. 7.

³¹⁶ Ibid.

³¹⁷ Ibid.

³¹⁸ Ibid; Note: The five electoral districts include: Fort MacMurray-Athabasca, Desnethé-Missinippi-Churchill River, Louis-Saint-Laurent, Labrador, and Western Arctic

³¹⁹ Smith, "Mending Fences," pp. 7.

³²⁰ Note: LPC MP Lawrence O'Brien passed away from cancer in December of 2004. LPC candidate Todd Russell, who is also Métis, won in the electoral district of Labrador in a byelection on May 1, 2005.

³²¹ Smith, "Mending Fences," pp. 7.

and Blondin-Andrew each lost their seats. Blondin-Andrew's loss brought an end to her 17 years as MP, holding the title of longest serving Indigenous MP in Canadian electoral history. Joining Karetak-Lindell and Russell in the LPC caucus were Cree MPs Gary Merasty, Desnethé-Missinippi-Churchill River, and Tina Keeper, Churchill. Alongside the aforementioned LPC MPs, CPC candidate Rod Bruinooge, a member of the Métis Nation, was also elected in the electoral district of Winnipeg South. Bruinooge's win meant he became the sole Indigenous MP in a minority-government led by the CPC's Stephen Harper.

3.4: From Partners to Idle No More: The Harper Years

The change in government in January 2006, and the start of the Harper Conservative minority government led to changes in policy and outlook not only between Indigenous peoples and the Canadian state, but also Indigenous/Canadian relations. Harper specifically sought to 'redo' Canada and much of how the Canadian state worked – federally, internationally, and ideologically. Indigenous/Canadian relations and policy was once such plank within the overall plan of change put forth by Harper.

The Harper government quickly shelved the Kelowna Accord and expressed that although the goals set out in relation to the Kelowna Accord were supported by the Harper government, the methods put forth in the Accord for obtaining them were not.³²² Many Indigenous political organizations, Band Councils, communities, and individuals expressed anger over the change in direction, due to the fact the Kelowna Accord was such a historic agreement.

³²² Brian Laghi, "Harper Not Bound By Liberal Initiatives," *The Globe and Mail* (January 13, 2006), accessed January 24 2022, <https://www.theglobeandmail.com/news/national/harper-not-bound-by-liberal-initiatives/article964946/>; Lori Curtis and Terry Mitchell, "Canada, First Nations Have a Road Map, it Was the Kelowna Accord," *The Globe and Mail* (January 11, 2013), accessed January 24, 2022, www.globeandmail.com/commentary/canada-first-nations-have-a-road-map-it-was-the-kelowna-accord/article7210814/.

The Harper government's move away from the Kelowna Accord also marked a return to a more aggressive Canadian centric and settler-colonial approach in Indigenous/Canadian relations.

In addition to the Kelowna Accord being shelved, the Harper government also opted to cut funding for Indigenous languages and continued to impose the two per cent cap on annual funding increases that had been in place since the Chretien years. Further cuts were made to Indigenous engagement initiatives relating to voting and federal elections – almost all such activities implemented by the Martin government were removed prior to the 2008 Canadian federal election, including early voting at Friendship Centres, and programs in place to engage Elders and Youth.³²³ Lastly, changes to the *Elections Act* in 2007, through Bill C-31, further complicated Indigenous participation in the 2008 election as new rules not only made it difficult for Indigenous voters to validate their location but also led to lower turnout in key ridings such as Nunavut and Desnethé-Missinippi-Churchill River.

Although the main purpose of Bill C-31 was pushed was as a way to ensure additional accountability for those casting ballots, it also disenfranchised elderly, rural, and Indigenous voters. Bill C-31 specifically stated that in order to vote:

[E]lectors must prove their identity and residential address by providing one piece of government-issued photo identification showing their name and residential address, or two pieces of identification authorized by the Chief Electoral Officer of Canada, each of which establishes their name and at least one of which establishes their residential address.³²⁴

Such requirements, as was highlighted by the IPC of the LPC were problematic for Indigenous voters. For example, the IPC made it a point that such changes did not take into consideration the

³²³ Ladner and McCrossan, "The Electoral Participation of Aboriginal People," pps. 41-42; Cowie, "Validity and Potential," pp. 33.

³²⁴ Government of Canada, "Changes to the Canada Elections Act." *Elections Canada* (2007), accessed January 24, 2022, <http://www.elections.ca/content.asp?section=loi&document=index&dir=2007&lang=e&textonly=false>.

lack of identification that existed for Indigenous peoples.³²⁵ Furthermore, many Indigenous peoples on-reserve or in rural areas did not necessarily have the type of expected address to be able to obtain proof for voting, not to mention many not living in a permanent location.³²⁶ In turn, the 2008 Canadian federal election witnessed frustration from many Indigenous voters towards the Harper government but also a higher than normal downturn in Indigenous voters participating.

In the 2008 Canadian federal election, which led to another Harper minority, there was a five per cent overall decrease in voter turnout between the 2006 and 2008 elections when considering participation of eligible Canadian voters; ridings with a high Indigenous population saw an even higher decrease.³²⁷ For instance, there was a 14% decline in the riding of Churchill, and a 13% decline in the riding of Desnethé-Missinippi-Churchill River.³²⁸ In ridings that had slightly less than a majority of their citizens being Indigenous, there were also substantial decreases. The riding of Kenora saw a drop of nine percent, while the riding of Labrador saw a significant decline of 19%.³²⁹ Such decreases did benefit the Harper Conservative government, which actually won a larger number of seats than they had in 2006. The drop in voter turnout, in Nunavut, Churchill, and Desnethé-Missinippi-Churchill River led to the loss of all three electoral districts for the LPC and gains for the CPC and NDP, leaving Todd Russell as the lone

³²⁵ Indigenous Peoples' Commission of the Liberal Party of Canada.

³²⁶ Government of Canada, "Changes to the Canada Elections Act."

³²⁷ Government of Canada, "Thirty-Ninth General Election 2006: Official Voting Results," *Elections Canada*, accessed January 24 2022,

<https://www.elections.ca/content.aspx?section=res&dir=rep/off/39gedata&document=byed&lang=e;>

Government of Canada, "Fortieth General Election 2008: Official Voting Results," *Elections Canada*, accessed January 24 2002,

<https://www.elections.ca/content.aspx?section=res&dir=rep/off/40gedata&document=index&lang=e>.

³²⁸ Ibid; John H. Pammett and Christopher Dornan, "Appendix B: Percentage of Votes Received by Constituency," in *The Canadian Federal Election of 2008*, edited by John H. Pammett and Christopher Dornan (Toronto: Dundurn Press, 2009), pps. 335 & 337. Note: These results were done by comparing the voter turnout in each election of each riding cited.

³²⁹ Ibid; Pammett and Dornan, "Appendix B," pp. 315.

Indigenous MP within the LPC caucus. Leona Aglukkaq, Nunavut, and Rob Clarke, Desnethé-Missinippi-Churchill River both joined Bruinooge, who was re-elected, in the CPC caucus.³³⁰ In addition to Aglukkaq, Clarke, and Bruinooge was Shelly Glover, who won in the electoral district of Saint Boniface.³³¹

Although Indigenous turnout dropped compared to the 2008 Canadian federal election, there were historic firsts as well. Glover's win marked the first time a Métis woman was elected to the House of Commons in Canada. Additionally, Glover, Bruinooge, Clarke, and Aglukkaq's election wins also marked the first time four Indigenous MPs were elected to the CPC caucus. Furthermore, their election wins alongside the re-election of Russell marked the first time five Indigenous MPs were elected to the House of Commons. Lastly, although the NDP failed to secure a win for any of its Indigenous candidates, the party officially established its own Aboriginal Commission within the party structure. Therefore, the 2008 Canadian federal election had many historic moments despite the decline in Indigenous voter participation.

Following the 2008 Canadian federal election, the Harper government continued to push with a Canadian centric and settler colonial approach to Indigenous communities, policies, and relations. Unlike between 2006 and 2008, when the CPC had a lone Indigenous MP and an additional four Indigenous MPs sitting in Opposition, the Harper government not only had the majority of Indigenous MPs sitting with their caucus but also had representation from Métis, Inuit, and First Nation MPs.³³² With Russell now as the lone Indigenous MP in the Opposition, it became difficult to contest the Harper governments approach to Indigenous peoples as anytime Russell or non-Indigenous MPs from the Opposition side spoke up, they were reminded by the

³³⁰ Ibid; Pammett and Dornan, "Appendix B," pps. 336, 337, & 344.

³³¹ Ibid; Pammett and Dornan, "Appendix B," pp. 336.

³³² Note: Clarke is Nehiyaw, Aglukkaq is Inuk, and both Bruinooge and Glover are Métis.

Harper government that they had the majority of Indigenous MPs.³³³ In addition to the aforementioned point, the Harper government also utilized the CPC Indigenous MPs to speak publicly in favour of the government's approach to Indigenous peoples. Two examples of such mindset is especially noticeable when looking at the response to the economic downturn of 2008 and the Harper governments Matrimonial Real Property legislation.

In late 2008, it became clearer that the world has entered an economic downturn that impacted not only the Canadian state but also Canadian society. Alongside the economic downturn was heavy opposition from the opposition parties to the 2008 budget, leading to the potential of coalition government of the LPC and NDP, with support from the BQ. The Harper government sought to prorogue parliament in order to prevent such a coalition government, arguing it would bring forth instability within Canada – especially as it included the BQ, a separatist party. With proroguing of parliament being agreed to by the Governor General, it allowed the Harper government to avoid losing the confidence of the House of Commons and the potential of being replaced by an LPC/NDP coalition government.³³⁴ Additionally, the period of prorogation allowed for the Harper government to put forth its response to the economic downturn: The Economic Action Plan (EAP). Originally, the EAP did not include or reference First Nations, Inuit, or Métis communities. The lack of consideration or inclusion of Indigenous communities led to expressions of anger and outrage from not only Indigenous organizations, leaders, and peoples, but also the opposition parties.

³³³ Rachel Giese, "Stephen Harper is Failing Indian Canadians," *Chatelaine* (June 11, 2015), accessed January 31 2022, <https://www.chatelaine.com/living/stephen-harper-is-failing-indigenous-canadians/>.

³³⁴ Peter H. Russell, and Lorne Sossin, "Introduction," in *Parliamentary Democracy in Crises*, edited by Peter H. Russell and Lorne Sossin (Toronto: University of Toronto Press, 2009), pp. xiii; Michael Valpy, "The Crisis: A Narrative," in *Parliamentary Democracy in Crises*, edited by Peter H. Russell and Lorne Sossin (Toronto: University of Toronto Press, 2009), pps. 9-18.

In response to the anger and outrage, the Harper government added a section to reflect Indigenous communities. Projects considered for the purpose of the EAP in relation to Indigenous communities were expected to already be fully detailed and thus only projects that had already been fully assessed were to be considered.³³⁵ Projects that were approved were decided upon by the Canadian state with little input or prioritization for items desperately needed. The impact of the EAP in relation to Indigenous communities has yet to be fully assessed and questions relating to how helpful it had been, the percentage of projects approved, and which regions or nations mostly benefited from it need to be assessed and reviewed.

The mindset and approach to the EAP in relation to Indigenous communities was a common approach during the Harper government's second minority government. To further bolster their action and plans, CPC Indigenous MPs and Senators were utilized to express approval of said plans and policies. While Clarke, Bruinooge, and Glover were used to tour and vocally express support and approval of the governments approach, Senator Patrick Brazeau, a member of the community of Kitigan Zibi, did so in Ontario and Quebec.³³⁶ Such an approach was especially and clearly noticeable when putting forth matrimonial real property legislation in relation to First Nations communities.

Another piece of legislation that reflects the Harper governments approach to Indigenous policy and Indigenous relations that many were at odds with, specifically First Nations, was Bill C-47: Family Homes on Reserves and Matrimonial Interests or Rights Act (MIRA). MIRA, as expressed by the Harper government, was to protect both sides of a couple if a divorce or

³³⁵ Government of Canada, "Long-Term Effectiveness of Canada's Economic Action Plan," Report to the Public Accounts Committee, *House of Commons*, accessed January 31 2022, <https://www.ourcommons.ca/DocumentViewer/en/41-1/PACP/report-10/response-8512-411-167>.

³³⁶ Bev Shipley, "Minister Flaherty Pre-Budget Consultation Release," Letter prepared by Bev Shipley, M.P. for Lambton-Kent-Middlesex, *Bev Shipley, MP Lambton-Kent-Middlesex* (February 1, 2011), accessed January 31 2022, http://www.bevshipley.ca/media/_/press-releases/minister-flaherty-pre-budget-consultations-release/

separation occurred. Utilizing the Indigenous MPs on the governing side, the Harper government pushed the rhetoric that MIRA was to prevent First Nations women from being removed from property in the case of divorce, whether status-Indian or not.³³⁷ MIRA specifically related to First Nations communities, and the utilizing of CPC Indigenous MPs to push support for it, was a concern for many First Nations as only Clarke was First Nation. Additionally, the communities used as examples to bolster support for MIRA were not reflective of the majority of communities, many of which already had their own policies in place.³³⁸ For many First Nations leaders, communities, and individuals, MIRA was considered another attempt to further assimilate First Nations peoples into the Canadian state and also a step to implementing a form of private property.³³⁹ Despite these concerns from First Nations, the Harper government pushed ahead with it, and utilized its messaging to appeal to the support of Canadians in pursuing such legislation and titled MIRA in such a way that allowed communication to focus on this being a benefit to First Nations women, a tactic that would continue to be utilized following the 2011 Canadian federal election.

The 2011 Canadian federal election, which led to a Harper majority, witnessed a dramatic shift in Canadian politics, and a couple of firsts for Indigenous participation. Prior to the 2011 Canadian federal election, the LPC replaced Stephane Dion, who had replaced Paul Martin in December of 2006, with Michael Ignatieff as party leader in May of 2009. During the summer of 2010, Ignatieff held a bus tour across much of Canada as a way to hear from Canadians and Indigenous peoples. Ignatieff's bus tour marked the first time since the Kelowna Accord that

³³⁷ Stacey L. MacTaggart, "Lessons From History: The Recent Applicability of Matrimonial Property and Human Rights Legislation on Reserve Lands in Canada," *Western Journal of Legal Studies*, vol. 6, iss. 2, (2015), pp. 1.

³³⁸ McTaggart, "Lessons from History," pps. 8-9.

³³⁹ Karen Whonnock, "Matrimonial Real Property on Reserve in Canada," *The Scow Institute* (March 2008), accessed February 21 2022, http://scow-archive.libraries.coop/library/documents/Matrimonial_Property.pdf, pps. 17-22.

Indigenous communities were included in the outreach at such a level.³⁴⁰ Although the inclusion of Indigenous communities and peoples can be viewed as positive, the question of how well Ignatieff and LPC policymakers listened was not answered until the release of the LPC platform. Ignatieff's focus was on education funding, despite hearing from Indigenous Liberals and peoples that infrastructure, healthcare, and housing also must be addressed in order for the education promises to succeed.³⁴¹ Promises such as removing the two (2) per cent cap on education funding, funding for a Métis scholarship, and re-funding the First Nations University of Canada (FNUC) proposal were the key promises promoted during the election.³⁴² In comparison, the CPC platform only included Indigenous peoples at a minimal level – focusing on policy relating to economic opportunities. The CPC platform focused on land management, incentives for Indigenous peoples to go into the trades, and to recognize Indigenous contributions in the War of 1812.³⁴³ Platform promises by the GPC and NDP for the 2011 Canadian federal election were limited, and in relation to the NDP less noticeable as it sought votes from Quebecers.

Regarding overall Indigenous participation, there was again an increase in the number of Indigenous candidates seeking election. In total, thirty-five (35) Indigenous candidates sought election to the House of Commons in the Federal election of 2011. All four Indigenous CPC incumbents (Aglukkaq, Bruinooge, Clarke, and Glover) were seeking re-election.³⁴⁴ In addition

³⁴⁰ Joan Bryden, "Bus Tour Boosts Liberal Support but not Ignatieff's, Poll Suggests," *The Globe and Mail* (August 27, 2010), accessed February 21, 2022, <https://www.theglobeandmail.com/news/politics/bus-tour-boosts-liberal-support-but-not-ignatieffs-poll-suggests/article1378469/>.

³⁴¹ Jorge Barrera, "Our Children Are Not Being Treated Fairly," *APTN National News* (September 21, 2010), accessed February 21, 2022, <https://www.aptnnews.ca/national-news/our-children-are-not-being-treated-fairly-2/>.

³⁴² Tim Fontaine, "An Aboriginal Who's Who of Canada's 2011 Federal Election," *MedialIndigena: Interactive Indigenous Insight* (April 7, 2011), accessed February 21, 2022, <https://mediaindigena.com/an-aboriginal-who-s-who-of-canadas-2011-federal-election/>.

³⁴³ Fontaine, "An Aboriginal Who's Who of Canada's 2011 Federal Election."

³⁴⁴ Ibid.

to the four Indigenous CPC incumbents, was the CPC's fifth Indigenous candidate: Peter Penashue. Penashue, a member of the Innu nation, sought to represent the electoral district of Labrador.³⁴⁵ In turn, Penashue would be seeking to unseat Russell, who going into the 2011 election, was still the lone Indigenous LPC MP. In addition to Russell, the LPC also had seven other Indigenous candidates seeking election to the House of Commons while the GPC also had eight candidates who had self-identified as Indigenous.³⁴⁶ Additionally, there was an Indigenous candidate running as an Independent as well as one each seeking election for the First Peoples National Party of Canada, the Communist Party of Canada, and the Marxist-Leninist Party of Canada.³⁴⁷ The NDP, replacing the LPC as the party with the most Indigenous candidates seeking election to the House of Commons, had a total of ten.³⁴⁸

Although the 2011 Canadian Federal Election marks the first time there was an active willingness to present a list of Indigenous candidates from the major federal political parties, little focus was given to Indigenous issues, rights, or relations. Despite the lack of focus, 2011 marked another significant moment for Indigenous representation. All five Indigenous CPC candidates won their seats, marking the highest number of Indigenous MPs elected to the CPC caucus to date.³⁴⁹ In turn, Penashue's win meant Russell's loss and with it any Indigenous representation within the LPC Caucus – which had been reduced to third-party status and its

³⁴⁵ Ibid.

³⁴⁶ Ibid.

³⁴⁷ Ibid.

³⁴⁸ Ibid; Note: In total, when breaking down the number of Indigenous candidates running in the 2011 Canadian federal election, there were: 3 Inuit, 9 Métis, and 21 First Nations (7 Nehiyaw, 6 Anishinaabeg, 3 Innu, 2 L'nu, 1 Dene, 1 Gitksan, and 1 Cherokee). 2 candidates did not state which Indigenous nation they were identified with.

³⁴⁹ Government of Canada, "Forty-First General Election 2011: Official Voting Results," *Elections Canada*, accessed February 21 2022, <https://www.elections.ca/content.aspx?section=res&dir=rep/off/41gedata&document=byed&lang=e>; John H. Pammett and Christopher Dornan, "Appendix B: Results by Constituency," in *The Canadian Federal Election of 2011*, edited by John H. Pammett and Christopher Dornan (Toronto: Dundurn Press, 2009), pps. 333, 353, 354, & 361.

worst showing since prior to 1867.³⁵⁰ Joining Aglukkaq, Bruinooge, Clarke, Glover, and Penashue in the House Commons were Romeo Saganash and Jonathan Genest-Jourdain, both elected as NDP MPs in the ‘orange wave’ that saw the NDP form the Official Opposition for the first time in its history.³⁵¹ Therefore, the 2011 Canadian federal election was significant for not only being another political earthquake in Canadian politics, with the NDP forming opposition and the LPC being reduced to third-party status, but also because the number of Indigenous MPs jumped from five to seven.

Despite the increase in Indigenous representation in the House of Commons following the 2011 Canadian federal election, it is important to note that the Harper Conservatives also won a majority. Following the election, Aglukkaq continued as Minister of Health.³⁵² Joining Aglukkaq in Cabinet was Penashue, who Prime Minister Harper appointed as the Minister for Intergovernmental Affairs and President of the Queen’s Privy Council for Canada – marking the first time an Innu person was given a position in Cabinet.³⁵³ The CPC majority meant there was no need to rely on other parties for support in passing legislation. Furthermore, the CPC was able to boast that, with the most Indigenous MPs, they had the support of Indigenous voters.³⁵⁴ In

³⁵⁰ Brooke Jeffrey, “The Disappearing Liberals: Caught in the Crossfire,” in *The Canadian Federal Election of 2011*, edited by John H. Pammett and Christopher Dornan (Toronto: Dundurn Press, 2009), pp. 70.

³⁵¹ Government of Canada, “Forty-First General Election 2011;” Pammett and Christopher Dornan, “Appendix B: Results by Constituency,” pps. 335 & 339; David McGrane, “Political Marketing and the NDP’s Historical Breakthrough,” in *The Canadian Federal Election of 2011*, edited by John H. Pammett and Christopher Dornan (Toronto: Dundurn Press, 2009), pps. 77-109; Note: Saganash, who is Cree, was elected in the electoral district of Abitibi-Baie-James-Nunavik-Eeyou. Genest-Jourdain, who is Innu, was elected in the electoral district of Manicouagan.

³⁵² DBpedia, “Leona Aglukkaq,” *DBpedia.org*, accessed February 21 2022, https://dbpedia.org/page/Leona_Aglukkaq.

³⁵³ Samantha Wright Allen, “Timeline: Canadian Parliamentary Firsts for Visible Minorities and Indigenous Peoples,” *The Hill Times* (June 19, 2019), accessed February 21 2022, <https://www.hilltimes.com/2019/06/19/timeline-canadian-parliamentary-firsts-for-visible-minorities-and-indigenous-people/204369>.

³⁵⁴ Josh Wingrove, “Record Number of Aboriginal MPs Heading to Ottawa,” *The Globe and Mail* (May 9, 2011), accessed February 21 2022, <https://www.theglobeandmail.com/news/politics/record-number-of-aboriginal-mps-heading-to-ottawa/article599246/>.

turn, policy relating to Indigenous peoples not only continued in a Canadian centric and settler-colonial approach, but also relied on the Indigenous CPC MPs and Cabinet Ministers to publicly endorse and speak in favour of such policies. Such endorsements were essential for the Harper government to continue claiming that it had the support of Indigenous peoples as they pursued their policy and legislative agenda.

Following re-election and securing a majority of the seats in the House of Commons, the Harper government reintroduced its proposed MRP legislation despite the high level of First Nations opposition. In addition to MRP, the Harper government implemented additional legislation and policy ideas that were heavily opposed by many Indigenous leaders, organizations, and peoples. For instance, Bill C-27, *First Nations Financial Transparency Act*, was touted as a way to prevent money mismanagement amongst the over 600 Indian Act Bands.³⁵⁵ Many First Nations were quick to point out many checks and balances were already in place and that approval for most budgetary items in a Band must be approved by the Canadian state via its Department of Indian Affairs.³⁵⁶ Another piece of legislation, Bill C-428, *Indian Act Amendment and Replacement Act* - put forth by CPC MP Clarke, also raised concern and frustration from First Nations. Bill C-428 directed the Minister of Indian Affairs to seek a replacement to the *Indian Act* and to thus work “with those willing to do the work.”³⁵⁷ Concerns highlighted from First Nations related to questions around whether or not Reservations would become Municipalities, the impact on communal land control and ownership, as well as further

³⁵⁵ Assembly of First Nations, “Bill C-27: First Nations Financial Transparency Act: Overview of Act,” *Assembly of First Nations*, accessed March 14 2022, <https://www.afn.ca/uploads/files/parliamentary/analysisbillc-27.pdf>.

³⁵⁶ Ibid; Note: Indian Affairs, since 2017, has been divided into the Departments of Indigenous Services (DIS) and the Department of Crown/Indigenous Relations & Northern Affairs Canada (CIRNAC).

³⁵⁷ JFK Law LLP “Summary of the Act to Amend the Indian Act,” *JFK Law LLP* (February 2, 2015), accessed March 14 2022, <https://jfkllaw.ca/summary-act-amend-indian-act/>.

jurisdictional complications because of little to no consultation with First Nations people in relation to the formation of Bill C-428.³⁵⁸

Furthermore, the Harper government sought to move forward on policy relating to First Nations property and ownership. The *First Nations Property Ownership Act* (FNPOA) did not make it very far in being introduced to the House of Commons, but sought to fundamentally change the laws and rules relating to First Nations territory. The FNPOA looked to divide First Nations lands, labelled as within the Reservations system into parcels of land that would be privately owned like land deemed by Canada to be non-First Nations.³⁵⁹ The newly divided up lands would also then fall under provincial laws and provincial registries and a community would have to surrender all land within the community.³⁶⁰ In turn, many First Nations strongly and adamantly opposed the FNPOA. The final limit that many Indigenous peoples reached came at the end of 2012.

At the end of 2012 the Harper Government introduced sweeping changes in relation to waterways and changes to the Indian act regarding lease and surrender of First Nations lands. *Omnibus Bill C-45* made First Nations lands easier to surrender and no longer needed Cabinet approval.³⁶¹ In relation to waterways, amendments to the *Navigable Waters Protection Act* included removal of federal environmental oversight from most lakes and rivers.³⁶² Furthermore, it gave the Minister of Transport authority to approve development projects like mining, bridges,

³⁵⁸ Ibid.

³⁵⁹ Michael P.C. Fabris, "Beyond the New Dawes Act: A Critique of the First Nations Property Ownership Act," Master of Arts Thesis Submitted to the Faculty of Graduate and Post-Doctoral Studies (Vancouver: University of British Columbia, 2016), pps. 17-25.

³⁶⁰ Fabris, "Beyond the New Dawes Act," pps. 17-25.

³⁶¹ Ken Coates, *#IdleNoMore and the Remaking of Canada* (Regina: University of Regina Press, 2015), pp. 2; Tabitha de Bruin, "Idle No More," *The Canadian Encyclopedia* (April 12, 2013), accessed May 16, 2022, <https://www.thecanadianencyclopedia.ca/en/article/idle-no-more>; Note: This was considered a stepping point to introducing private property in First Nations communities.

³⁶² Coates, *#IdleNoMore and the Remaking of Canada*, pp. 70.

building, and pipelines – no longer needing to take into account First Nations rights, title, or perspectives when approving such developments.³⁶³ Indigenous peoples were not consulted on such changes nor was their approval sought. For Indigenous peoples, the consistent Canadian centric and settler-colonial approach and lack of nation-to-nation approach by the Harper government had been too much and organization in order to push back against not only the Harper government's actions, but also to the Canadian state's actions since its formation began taking form. One such formation came at the end of November 2012: #IdleNoMore.

3.5: Conclusion:

From the onset of consultations for the *Charlottetown Accord* to the early days of #IdleNoMore, Indigenous participation, presence, and their political power was growing with the utilization of multiple methods. Whether through Indigenous organizations, protesting, or increases in representation in the House of Commons, Indigenous presence was growing and becoming amplified. Although amplified, the period between the *Charlottetown Accord* and *RCAP*'s findings and recommendations being introduced into the House of Commons, witnessed much input from Indigenous peoples but little movement on key items that were highlighted. Furthermore, the Chretien years saw similar standstill while the Canadian state dealt with, and reined in, spending and made its priority fiscal austerity. The Martin years saw a change in approach with Indigenous-Canadian relations. Martin sought to not only have Indigenous nations at the table as equals, but also to increase Indigenous participation and representation within the House of Commons and his government.

Following Martin's election loss in 2006, and the election of Stephen Harper, another change relating to Indigenous-Canadian relations took place. The Harper government's approach

³⁶³ Ibid.

to Indigenous-Canadian relations returned to a much stricter Canadian centric and settler-colonial style of governing, eventually utilizing its increased share of the vote, number of seats in the House of Commons, and the number of Indigenous MPs in the government, to move forward on policies and legislation that were heavily criticized and opposed by most Indigenous peoples. After securing a majority government in the 2011 Canadian federal election, the Harper government further sought to implement its Indigenous policies and utilized its status as a majority government to do so. For many Indigenous peoples, the breaking point was the unilateral imposition of policies by the Harper government which took place following the introduction of the Omnibus Bill C-45. With the Harper government's unilateral removal of important parts of consultation with First Nations, Métis, and Inuit in relation to territory and waterways, mobilization in response was beginning to take form in #IdleNoMore – mobilization that would not only lead to Indigenous responses to the Truth and Reconciliation Commission (TRC), but also the formation of Indigenous grassroots organizations which sought to increase Indigenous participation in the 2015 Canadian federal election.