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CITIZENSHIP AND TREATY RIGHTS

THE INDIAN ASSOCIATION OF ALBERTA AND THE CANADIAN INDIAN ACT, 1946-1948

LAURIE MEIJER DREES

In the spring of 1946, J. Allison Glen announced a public inquiry into Canada's federal administration of Indian Affairs and the Indian Act. In Parliament on 13 May 1946 this minister of Mines and Resources responsible for Indian Affairs moved "That a joint committee of the senate and house of commons be appointed to examine and consider the Indian Act . . . with authority to investigate and report upon Indian administration in general" including treaty rights, band membership, enfranchisement of Indians, Indian

schools, and "any other matter or thing pertaining to the social and economic status of Indians and their advancement."¹ This much-awaited announcement led numerous members of Parliament to rise to their feet and congratulate the minister on his motion that day. Following lengthy discussions, both sides of the House enthusiastically endorsed the proposal. For once, concern with Indian peoples seemed deep and widespread in Canada.

The Special Committee appointment, workings, and final report are significant for a number of reasons. The creation of the Special Committee reflected the Liberal government's response to pressure to "improve," or address, the condition of Indian peoples in Canada. As the committee worked through its mandate, its vision of Indian peoples' role as workers and citizens in postwar society emerged. This investigation process also represented one of the first opportunities for Indian groups across the country to publicly air their views on their place within Canada. Although the Canadian government had received petitions from Indian leaders across Canada on a variety of issues, the Special

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Committee hearings represented one of the first times the federal government actively canvassed Indian views on Indian Affairs nationwide.

The hearings of the Special Committee are considered here because they reveal Indian and federal government views on the relationship between Canadian citizenship and treaty rights at a particular point in Canadian history. In fact, the dialogue initiated at these hearings between Indian leaders from Alberta and the Special Committee contained important ideas that still continue to resonate in political discussions to the present, albeit in a modified format. The purpose of this investigation is to analyze the workings of the committee and to reveal one particular First Nation's perspective on treaty rights in the 1940s. More specifically, it aims to highlight Alberta Indian leaders' views on Treaty rights in the 1940s as documented in their submissions to the Special Committee and other available records, official and unofficial. To date, specific analyses of either the committee or of First Nations presentations before the committee have yet to be done.

At a time when the practical legal status of treaty rights was unclear in Canada, the Indian Association of Alberta (IAA) argued before the Special Committee that treaty rights could be reconciled with citizenship. It suggested that the treaties between Indian peoples and the Crown were the *source* of citizenship rights for Indian peoples. The IAA outlined in its brief submitted to the Special Committee that the treaties already promised certain rights to Indian peoples, including full rights to education and social security, so that Indian people might take their place as citizens within Canada. In the words of the IAA: "It was then clearly the objective of the Treaties to promote progress among the Indians and make them self-sustaining, loyal citizens of the Crown."² At this time, Indian leaders in the IAA were requesting the treaties be considered a source of rights because the federal government had, until that time, denied Treaty Indian peoples "full" citizenship rights by

placing them under the restrictive jurisdiction of the Indian Act.

The committee was also concerned with Indian peoples' assumption of full citizenship rights. However, committee members believed that Indian people could assume full citizenship rights only when, in the members' views, they were first "educated" in their civic duties, and second, only when they were "fully contributing" to the Canadian economy. The committee did not view the treaties as the basis for full citizenship for Indian peoples. Instead, Committee members supported the long-standing government policy that Indians should remain wards of the Crown under the Indian Act until they had acquired the standards of Canadian citizenship. Members of the committee were, at the start of the hearings, certainly not interested in treaties.

Although the two parties had different perspectives on citizenship and its meaning, both believed that gaining social rights for Indian people was necessary before full political rights could be granted. Consensus on these ideas formed the basis of a common dialogue between Indian leaders and the federal government at this time. Historians have at times emphasized the antagonistic nature of discussions between Indian leaders and the federal government; however, I see in the set of submissions an attempt by an Indian political group to initiate a discussion along common lines in the 1940s. IAA leaders were answering a government call for input with language that matched government concerns but still emphasized that Treaty Indian peoples' access to citizenship derived from a unique source. In this way, prairie Indian leaders were pioneering a public discussion on treaty rights in a manner unprecedented in the history of Indian-government relations, and at a time when discussion of treaty rights was unpopular.

The Special Committee issued a series of reports on its findings between 1946 and 1948, and its final nonbinding recommendations were made public in 1948. In the end, the committee's work represented a conservative critique of Indian administration in Canada

and eventually led to full-scale policy and legislative changes in Indian administration. Although the IAA did not affect Indian Affairs policy on a grand scale, their points were noted by the committee, and their brief did bring to light an interesting set of arguments revealing how Indian groups utilized and interpreted their treaty rights in the past. The single notable impact of the IAA's brief can be measured by the fact that the Special Committee, in its final report to Parliament, called for an investigation of treaty rights.

TREATY RIGHTS AND GOVERNMENT: EXISTING STUDIES

A growing body of literature addresses the history of treaties on the Canadian prairies, particularly Indian perspectives on the original promises contained within the treaties, and the signing process. Works by the Treaty Seven Elders and Tribal Council (1996), Hugh Dempsey (1987), Richard Price (1986), John Snow (1977), and Harold Cardinal (1969) all deal to varying degrees with Indian interpretations of the western treaty process. As Sarah Carter, Walter Hildebrandt, and Dorothy First Rider point out in their analysis of Treaty No. 7, the research of historians on these subjects generally corroborates the views of elders,³ and thus a consistent history of the treaty-signing process has emerged for the Canadian West.

In contrast, little research has been done into the history of the dialogue on treaty rights between Indian groups and government following the conclusion of these agreements. The intellectual history of treaty rights in Canada is thin. Harold Cardinal's work *The Unjust Society* (1969) and research on the Saskatchewan treaty rights movements by historian John Tobias (1985) stand virtually alone in their attempts to describe historical *interpretations* of treaty rights by government and Indian peoples. Despite the lack of scholarly attention to this subject, there are many questions that can be asked: How have Indian groups and government portrayed treaty rights

in the twentieth century? What has been the significance of treaty rights at various times in Canadian history? How have discussions of treaty rights affected Indian policy? An investigation of the Special Committee hearings in the 1940s gives some insights into how Indian leaders promoted their treaty rights and how government viewed those rights.

Similarly, analyses of the Special Committee are also few in number. Ian V. B. Johnson has written a short, general overview of the origins and workings of the Special Committee.⁴ His work, however, does not specifically analyze the individual submissions of First Nations to the committee. Other general descriptions of the committee's activities can be found in the *Historical Development of the Indian Act* (1978), which discusses the evolution of Indian legislation in Canada, and in John Leslie's *A Historical Survey of Indian-Government Relations, 1940-1970* (1993).⁵ There do exist a handful of references to specific aspects of the committee's actions,⁶ but to date in-depth investigations into specific Native groups testifying before the committee and the nature of their presentations are lacking.

STATUS OF INDIAN PEOPLES IN CANADA TO 1946

During the decades leading up to the committee's hearings, Indian peoples living in reserve communities across Canada held an unusual position in Canadian society: specifically, they were subject to the Indian Act, while many were also simultaneously party to treaties between their nation and the Crown. Together, the act and the treaties bestowed upon Indian peoples unique rights, and these were drawn to the committee's attention as a result of the IAA's submissions.

The Indian Act at this time was a formidable piece of federal legislation outlining the special legal rights and restrictions faced by registered Indian peoples nationwide. First formulated in 1876 as a consolidation of pre-existing Indian-related legislation and periodically amended, it regulated the existence

of Indian peoples in various ways. This statute defined who could be considered an "Indian" and thus be considered "registered" or "status;" who could live on the reserve; it controlled band membership; it regulated the education of Indian children, the use of reserve lands, and the sale of agricultural products and other resources produced on reserve; it outlined the activities of local governing band councils; and even regulated the movements of Indian peoples. Significantly, Indian peoples were designated "wards" of the Crown under the act. As legal historian Sidney L. Harring points out, beginning in 1858 with the passage of one of the pre-Confederation Indian Acts, "the inferiority of Indians in regard to their legal rights and liabilities as compared with Her Majesty's other subjects" was acknowledged.⁷ Under the 1857 Indian Act, a system of legal dualism was initiated in which Indians held different legal rights than non-Indians and in which Indians were viewed as "wards." This principle was maintained in subsequent Indian Acts passed through Canada's Parliament following Confederation.

From its inception, the Indian Act did outline a process by which Indian wards could divest themselves of their "registered" status and assume their full citizenship rights. This process, known as "enfranchisement" under the act, was one whereby a status Indian person would be removed from under the jurisdiction and restrictions of the Indian Act, thereby gaining the same voting, property, tax-paying, and social rights as non-Indian citizens. The enfranchisement process was meant to "advance" those individuals who were deemed no longer requiring the protection of federal legislation, and who were deemed assimilatable into Canadian political life. Between 1919 and 1922, "enfranchisement" could be involuntarily bestowed upon Registered Indians by the Department of Indian Affairs, and although the act was amended to eliminate involuntary enfranchisement for a decade, the process was reestablished between 1933 and 1951. At the time of the committee hearings, Indian people were still considered

unable to fully assume their rights to vote (provincially and federally) and were further denied access to the public education system, full property rights, and the newly emerging social welfare programs such as Old Age Pensions, Mother's Allowances, and Indigent Relief as a result of the existence of this act. In short, the Indian Act controlled virtually every aspect of Indian peoples' lives, including the composition of their communities, their governments, and their economies.⁸ Overall, the notion that Indian communities were incapable of governing themselves or their resources was implied by the structure of the act. As Arthur Ray notes, "the act created a special class of people designated solely on the basis of their race, and it established a means for governing them autocratically."⁹ Reserve communities across Canada were all governed by this same piece of legislation. During the interwar years, Indian peoples living in the province of Alberta viewed the act as restrictive and incomprehensible; in particular, Alberta Indian leaders viewed the act as in conflict with their historic treaties.

The terms of nineteenth-century treaties signed between local Indian leaders and dominion government also influenced life in many Canadian reserve communities. Treaty terms differed across Canada, but they did confer a unique relationship on the Crown and Treaty Indian peoples. In the prairie west, treaties included those numbered one through seven, signed between 1871 and 1877. Fundamentally, the prairie treaties promised Indian signatories rights to hunt and fish, land for reserves, European-style schools and education, assistance with agriculture, and a payment of annuities and gratuities. From the perspective of the Crown, the underlying aim of the prairie treaties was to encourage Indian groups to assume a sedentary lifestyle based on agriculture, or in the north, to continue their subsistence hunting and fishing as long as possible. In Alberta specifically, Treaty No. 6 and No. 7 resembled each other closely, both containing promises to assist Indian communities to begin farming or ranching.¹⁰ Treaty No. 8,

in turn, followed the general outline of the previous treaties; however, treaty commissioners were authorized to exercise a larger degree of discretion in negotiating reserves than in the earlier treaties since there existed widespread opposition to the reserve system in the middle north where local economies were firmly rooted in subsistence hunting, trapping and fishing (see map).¹¹

The oral and written promises made by the treaty commissioners and contained within the treaties were imbued with great significance by the leaders of the bands who signed the agreements. Cree historian Stan Cuthand suggests that the promises were viewed as “sacred” but not in the European sense of the word. According to Cuthand, those who signed Treaty No. 6 believed the treaty promises to be based on goodwill and trust, statements to be dealt with wisely and cautiously and forever binding in mythological terms.¹² Indian Association of Alberta leaders were particularly concerned with their specific treaties, No. 6, No. 7, and No. 8. For these leaders, the treaty promises were viewed as the foundation of the relationship between Indian peoples and the Canadian government. The treaties were perceived as negotiated and concluded in good faith, and each of the terms was subject to fulfillment as part of the whole. Clearly, the treaties promised Indian peoples a relationship with the Canadian government based on trust, protection for their Indian lands, support for their economies, and education of their children.

To Alberta Indian leaders in the war and immediate postwar years, the treaties and the Indian Act appeared to be in conflict with one another in many ways. The act controlled and regulated Indian life, while the treaties had promised a relationship based on mutual respect and consideration of interests between government and Indian groups. At the same time, the act was viewed by many in Alberta reserve communities as protecting treaty promises.¹³ Since both determined life in reserve communities—one by establishing the relationship with government and providing some

of the basics of community life including reserve lands, education, and monetary assistance, while the other by regulating everyday affairs—the act and the treaties were of daily significance.

THE INDIAN ASSOCIATION OF ALBERTA: BACKGROUND

The Indian Association of Alberta was neither the only nor the first Indian political association on the prairies to concern itself with treaty rights. Before World War II Indian political organizations on the Canadian prairies were small in size, informal, and limited in their activities. Before the war, groups formed and split up, as communities had great difficulty carrying on political meetings when resources were scarce and travel between communities difficult and costly. One organization, “The League of Indians in Western Canada,” did manage to function successfully as an early and popular arena for discussions on reserve social conditions, government policy, and treaties for many reserve communities in Saskatchewan and Alberta. Founded in eastern Canada in 1918 by the Mohawk war veteran Fred Loft, the league managed to establish itself on the prairies by 1920. Separate Alberta and Saskatchewan divisions of the league formed in 1932, but by 1939 conflict between leaders led to the formation of a separate and distinct political union in Alberta, the Indian Association of Alberta. Initially the IAA largely represented bands from central Alberta and Treaty No. 6 regions, but by 1946 had members in southern and northern Alberta reserve communities in Treaty No. 7 and Treaty No. 8 areas, respectively.

From its inception, the Indian Association of Alberta emphasized the need to improve social conditions in reserve communities and called for revision of Indian administration and federal Indian policies. The observance of treaty rights was also part of its agenda. In 1944 Metis leader and IAA organizer Malcolm Norris wrote to members of the Blackfoot community that IAA aimed for “the betterment of

their [Indian members] social and economic conditions as promised under the Proclamation and Treaties."¹⁴

The importance of the treaties was widely understood by Indian leaders at the community level, but these agreements had not received a great deal of public attention or government consideration before World War II. In part, negligence of treaty rights was a result of standard government policy. Until the 1950s the sentiment prevailed that treaties were not law and could therefore be ignored, and that treaty rights were vague and difficult to realize. Contemporary court rulings underscored this mindset. For example, in *Rex v. Commanda*, a 1939 hunting rights case heard in the Ontario Supreme Court, the judge ruled "it does not matter whether the Indians have any rights flowing from the reservation in the Robinson treaty or not. Such rights (if any) may be taken away by the Ontario Legislature without any compensation."¹⁵ Similarly, those who concerned themselves with Indian political activity and treaty rights believed that asserting treaty rights might lead to their degradation or erosion.¹⁶ Plainly, the idea that treaty rights could and should be supported by government or the courts was not popular at the time. As a result, it also seems that Indian leaders themselves were reticent to focus their attention on rights that were perceived as unassertable outside Indian communities.

Despite the general reticence to deal with treaty rights, IAA leaders did attempt, in a very conservative manner, to bring treaty-related issues to government attention in the closing years of the war. It seems that at this time the political climate was favorable for discussing rights of citizens and the role of citizens in national reconstruction. IAA executive leaders noted this opportunity, and in 1944 and 1945 the IAA sent formal petitions in the form of "Memorials" to the federal government, calling for reform in Indian Affairs. The petitions emphasized social and economic reform in Indian Affairs, but also made brief and understated references to treaty rights.

The petitions were well-received in Ottawa, and when Mackenzie King's Liberal government announced its intention to investigate and reform Indian Affairs in 1946 as part of its postwar reconstruction plans, IAA leaders were invited to present their concerns before the committee. By linking treaty rights to government discussions on social and political rights, IAA leadership was able to open treaty rights up for public consideration and attention.

CREATING THE SPECIAL JOINT COMMITTEE

The creation of a Special Committee to investigate the Indian Act and Canada's Indian administration was in part a result of concerns within government circles over the role of Indian peoples in postwar Canadian society. Government discussions questioning the role of Indian peoples in reconstruction programs began before the end of the war. As early as 1944, for example, the Special Committee on Reconstruction and Reestablishment heard witnesses speak on plans for the inclusion of Indian peoples into Canada's postwar economy. At this time many felt that Indian peoples could best be kept self-sufficient on their reserves or in their communities. It was believed that Indian workers could best be recruited into schemes related to their traditional pursuits, as returning Indian war veterans would experience too much competition with non-Indians in more "preferred employment." In addition, the committee noted that Indian workers would most likely be the first to lose their jobs when the war ended and non-Native veterans returned to the domestic workforce. Failure in urban areas would probably lead them to want to return back to their communities.¹⁷ In the words of one of the witnesses before the committee, "That is what we have to guard against in the immediate post-war years."¹⁸

Thus anticipating changes in Canada's economy and Indian unemployment, the government planned to initiate programs encour-

aging Indian peoples to work in their own communities in the areas of fur-trapping, handicrafts, and housing projects. Cooperative fur conservation and production programs were promoted for northern parts of the prairie provinces, including Alberta, and handicraft industries would be encouraged across the country. Housing projects, in turn, "would take care of the returned soldiers among the Indians pretty well, and it would do a remarkable job in clearing up the deplorable conditions which exist in many Indian communities as to housing."¹⁹ Government concern was squarely focused on encouraging unskilled and seasonal work in Indian communities, not training Indian workers for skilled positions off-reserve.²⁰ This attitude toward Indian labor was a carryover from before the war, and it remained unchallenged until late 1945 when sectors of Canadian society—and the IAA—began to demand changes to the policy.

Outside government circles there was also public demand for the reform of Indian Affairs. Historian J. R. Miller notes how Canadian society became more "human rights conscious" following World War II, and that this contributed to a public perception that Canada's paternalistic Indian policy was unacceptable.²¹ Historian John Tobias similarly indicates that "the public was generally concerned with what was regarded as the treatment of the Indian as a second-class person and with the fact that the Indian did not have the same status as other Canadians."²² Indian participation in the war effort was often touted as the basis for their rights to full citizenship and thus the need for reform. The popular publication *Newsweek* reported in 1946, "More than 2600 Indian men and women served in the armed forces. Thousands took various war jobs. Many Canadians believe Indians should possess full rights of citizenship."²³ One published opinion poll even heralded that 85 percent of Canadians surveyed believed Canadian Indians had come into their own and had equal rights to their non-Indian fellow citizens.²⁴

Canadians thus concerned themselves with Indian issues immediately after the war be-

cause they also wanted to see Indian workers take their full place in the workforce and see communities improve their condition. The *Edmonton Bulletin*, for example, asked the federal government "to educate the Indian along lines of self-help to assist them in holding their own in industry" because it was feared this group of people might otherwise "fall into a state of decadence or complete obliteration."²⁵ In a postwar economy that seemed to hold a myriad of opportunities for all citizens, the general public believed that Indian peoples should also contribute or they might fall behind or fail to advance themselves. Rather than see Indian peoples become or remain state-dependent, citizens wanted government to press for the "improvement" of Indian peoples by giving them work, preferably in industry.

Human rights, a full economic role for Indians in the workforce, and a desire to improve Indian community life—all these factors motivated Indian Affairs reformers at this time. It was recognized that Canadian governments and society had a responsibility to better the state of Indian communities since "the shameful conditions under which many of these people live . . . is ultimately the responsibility of all Canadians."²⁶ At public meetings, average citizens and professionals alike deplored the social dependency of Indian communities and called for measures to alleviate the situation. It was clear that Indian peoples were not expected to remain on reserves because that would only hamper their ability to contribute to the Canadian economy.

Thus, economic considerations were a significant factor leading to the creation of the Special Committee. Government policy inadequately dealt with the economics of reserve life and at this time the public demanded Indian peoples no longer be kept apart and "dependent." In addition, the mood of the federal government and policy makers was changing after years of receiving petitions from Indian communities through organizations such as the IAA and other similar unions in British Columbia, Saskatchewan, and Ontario.

In May 1946 the Liberal government sponsored the formation of the Special Committee composed of twenty-two ministers of Parliament and twelve senators. The Liberals chose a parliamentary committee over a royal commission, as they felt that since Indians were constitutionally a federal responsibility an analysis of Indian affairs should not involve other divisions of government.²⁷ The federal government had invoked committees since Confederation for purposes of examining and processing legislation without placing increased demands on the House of Commons. Special committees also gave government some opportunity to research policy issues in greater depth since the committee process allowed for the hearing of witnesses on certain questions and provided civil servants the chance to contribute to government policy formation. Finally, committees also allowed work to be completed by government in a less partisan atmosphere than existed in the House.²⁸

Despite these advantages of the committee system, C. E. S. Franks has pointed out how, until the late 1950s, "committees were generally not active nor were they an important part of parliament."²⁹ Until the reform of the committee process in the 1960s, other problems also prevailed. Committees, for example, were prevented from acting in any independent fashion because they were tightly controlled by government and generally composed of individuals sympathetic to existing government practice and policy.³⁰ Furthermore, committee members were notorious for their low attendance records, and members were frequently inadequately briefed on matters they were appointed to consider.³¹ Not surprisingly, the Special Committee on Indian Affairs displayed all these problems.

Indeed, the shortcomings of the Special Committee on Indian Affairs became visible from the moment of its first convening. To begin with, the Liberal government strategically appointed Liberal member D. F. Brown as co-chair together with Liberal senator J. Fred Johnston. Together, these individuals

controlled a rather large committee composed of twenty-two Liberals, eight Progressive Conservatives, two Cooperative Commonwealth Federation members, one Social Credit, and one Independent member. Obviously, the committee was far from balanced in terms of partisan politics and this served to limit its capacity for critical policy and legislative analysis. Committee members were also poorly informed on matters of Indian policy, history, and contemporary issues. As the hearings of the committee progressed, members struggled to understand the history of Canada's treaty signings, the contents of the Indian Act, and the nature of Indian communities across the country. As the committee engaged in its business, members who revealed themselves most interested in reforming existing government practices were the CCF representatives, W. Bryce and G. H. Castleden.

The Special Committee began its investigations in May 1946 by questioning Indian Affairs civil servants. Next, it held consultations with government-designated "experts" on Indian issues. Finally, Indian representatives were called to speak before the committee, starting with the North American Indian Brotherhood's veteran leader Andrew Paull from Vancouver in June 1946.³² The Indian Association of Alberta leaders followed in May 1947. Witnesses from Native communities were called last because committees generally consulted those who implemented policy and legislation first—the administrators.³³ From its inception, the policy of this committee was that it "should not call witnesses from outside points until after it has completed the hearing and examination of officials of the Indian Affairs Branch and other government agencies"³⁴ because "We want to know what the picture is generally from the departmental point of view."³⁵ However, Indian representation was not ignored, and the committee recognized its obligation to afford every opportunity to receive submissions from outside interests.

Throughout their sitting, committee members expressed an overriding concern with the nature of Indian citizenship in Canada. Time

and time again they questioned witnesses on Indian education, the state of their economies, and band governments. Not surprisingly, all of these issues related directly to a Liberal concept of citizenship that emphasized the importance of a minimum living standard for all, government responsibility for protecting its citizens from outside exploitation, and the redistribution of wealth within society. These Liberal ideas stood in contrast to classical liberalism, which emphasized personal freedom in a *laissez-faire* economy, and limited government.³⁶

In postwar Canadian society the idea prevailed that government had a positive role to play in society and the economy for the purpose of improving the lives of its citizens. It was a strongly held sentiment in intellectual and government circles that the responsibility for human welfare lay squarely on the shoulders of government; that government should actively remove any obstacles in society hampering human welfare.³⁷ According to this view, the rights of citizens included the right to benefit from government protection and the exercise of political rights. Notions of citizenship rights therefore encompassed both social and political rights. According to sociologist T. H. Marshall, this idea of expanding citizenship beyond its purely political function was partially a result of postwar prosperity. In his view, the diminution of economic inequality strengthened the demand for its abolition. The incorporation of social rights into citizenship rights was viewed as one way to reduce economic inequality.³⁸ Governmental concern with the notion of citizenship is not surprising given that in this in this same time period, Canada's Parliament enacted its first Citizenship Act (1946), illustrating the concern of this issue generally.

Immediately, the Special Committee recognized Indian peoples to be existing in a state of fundamental inequality. The granting of citizenship rights, including both social and political rights, was viewed by committee members as the answer to Indian peoples' problems. The politicians believed it imperative

that Indian communities have access to their social rights derived from a stable economic base and use their own local governments in a self-determining manner. Through the attainment of citizenship Indians could become truly "free" and fully functioning members of the Canadian community. At the same time, the committee also believed Indian peoples would not be able to assert citizenship rights until they had been suitably and sufficiently educated. This position was revealed by the lengthy committee discussions on the poor state of Indian education. In the eyes of the government, only formal education would properly prepare First Nations for their civic duties. When Special Committee Member Case stated "I can understand why Indians might not administer their own affairs"³⁹ during the committee hearings, his understanding was doubtlessly that Indian peoples were not prepared for such duties.

INDIAN REPRESENTATIONS TO THE SPECIAL COMMITTEE

The involvement of Indian peoples in the committee's investigation process began in 1946. In order to canvas input from Indian communities across the country, the committee empowered its counsel, Norman E. Lickers of the Six Nations on the Grand River and Ontario's first Status Indian lawyer, to act as its liaison officer.⁴⁰ In early June 1946, Lickers sent a circular letter to Indian bands across Canada requesting their views on the eight separate issues within the committee's mandate. Over the ensuing months, Lickers received many replies, all filed for later consideration. Most submissions were relatively short, answering directly and in a few sentences the questions posed by the committee.

No attempt was made by the committee to ensure that Indian communities understood what was being asked of them, and the committee solicited little direct contact with Indian communities. All communications between the committee and Indian peoples

was directed to Liaison Officer Lickers. Jim McMurtry suggests that Indian submissions to the committee are questionable because they were most likely written by missionaries, lawyers, and others "largely due to the substandard English writing skills and lack of political sophistication of the greater number of Indian leaders."⁴¹ In Alberta, Indian leaders may have received assistance from "outsiders"; however, they certainly lacked neither political sophistication nor an understanding of their position, as the submissions of the IAA indicate.

The IAA stood poised to address the Special Committee at an early date. Since 1945 it had petitioned for an investigation of the Indian Act and Indian administration, presenting Indian Affairs members of government with its second "Memorial" that year. Over the winter of 1945-46, the leaders of the IAA continued to formulate material on the Indian Act and the needs of reserve communities. With the sitting of the Special Committee the Alberta group finally saw an opportunity to present some of its concerns directly to government. Unlike some other Indian groups in Canada, the IAA considered its brief to the committee for months prior to receiving government requests for input. In this way, the IAA represented a pioneering force in Canadian Indian political activity.

Interestingly, the IAA executive leadership did not prepare its submissions in isolation. In fact, the submission of another Indian political group, the Union of Saskatchewan Indians (USI), was written together with that of the IAA. In mid-winter, the IAA's Executive Secretary John Laurie participated in the organizational meeting of the Union of Saskatchewan Indians in Regina. There, newly elected socialist Saskatchewan Premier Tommy Douglas worked together with Indian leaders from across the province in the hope of establishing a provincial-level Indian union that could work to assist Status Indians to assert their rights with the federal government.⁴² Douglas hoped to model the union on the IAA, and IAA Secretary Laurie provided Douglas and the USI organizers with a copy of the IAA

constitution to copy at this meeting.⁴³ Laurie's attendance at the meeting was critical to the IAA's involvement with the Special Committee because through it he reestablished contact with a former acquaintance, Morris Schumiatcher, who now worked as a lawyer for Premier Douglas. Schumiatcher subsequently became involved in writing the IAA's brief to the Special Committee as a result of this contact.

Although the record is incomplete, USI lawyer Schumiatcher had been preparing the IAA brief in the summer of 1946. At the IAA annual general meeting on the Peigan reserve that same summer, IAA President Callihoo emphasized the importance of the committee hearings to the future of Alberta's Indian population. In his opening address to attending delegates he pleaded with them to consider carefully their statements to the committee: "I beg you to think clearly and to speak wisely in these matters. You must keep in your mind that you are going to be blamed or praised by your great-grandchildren for what you have done this year . . . I say think carefully and speak wisely." In addition, he announced that an official brief was being prepared by the IAA for the committee: "A very clever lawyer has been hired to work on a Brief for presentation to the Parliamentary Committee in Ottawa. He is one of the cleverest young lawyers in Canada and is in full sympathy with the aims of the Indian Association of Alberta. This Brief will be presented at the proper time."⁴⁴ The young lawyer was Schumiatcher. This is one of the few indications we have as to how the IAA brief was created.

It is important to note that the technical process involved in the creation of the IAA's brief saw only limited input from IAA locals; this was not a document explicitly relating grassroots concerns. Although Schumiatcher was already writing the IAA Brief in July 1946, IAA locals around the province did not begin to consider the request for information by the committee until Lickers circulated his letter that same month. As a result, the brief was created more by the IAA executive leadership

than by the locals. In order to assist the communities in preparing responses to the government call for submissions, IAA Secretary Laurie and President Johnny Callihoo spent the summer touring the northern part of the province and visiting bands, offering help. Laurie and Callihoo tried to convince the various communities to let the IAA speak for them before the committee, but they were not completely successful. Laurie's idea of having the IAA speak for band councils did not appeal to all chiefs, and the Blackfoot and Blood reserves submitted their own briefs to the committee.

In the end, the IAA submission to the Special Committee was one of the most extensive and in-depth of all those made by Indian groups across the country. In addition to the official brief, IAA locals contributed supplementary briefs including a survey of education, housing, health, and agriculture in Alberta's reserve communities.⁴⁵ The IAA also submitted yet another copy of its 1945 Memorial on Indian Affairs to the committee.

The IAA's official brief focused on three main issues: the concept of treaty rights, gaining social benefits for Indian peoples, and the shortcomings of the Indian Act. In many ways, the content of the brief stood in stark contrast to the survey material; the survey results represented the daily concerns of the communities while the legalistic brief represented the theoretical recognition sought by Indian communities and their leaders and supporters. The brief asserted that government was obligated, through the treaties, to include Indian peoples in Canadian society and give them increased self-determination.

The heart of the brief's argument was treaty rights. Specifically, this document emphasized that treaty rights were the foundation upon which the relations between government and Indian communities rested, and that treaty rights were originally intended to give the Indian equality: "as early as 1873 in Canada the Crown applied the concept of Brotherhood of Man to the Indians living among the whites. The Indian was to be elevated from the status

of a serf and was to be educated so that he might be able to compete on equal terms with the white man."⁴⁶ The treaties were less important for their recognition of Indian nationhood and special or distinct rights than for their recognition of Indians as full and loyal citizens. In the words of the brief, "It was then clearly the objective of the Treaties to promote progress among the Indians and make them self-sustaining, loyal citizens of the Crown."⁴⁷ The crucial inclusion of the words "self-sustaining" acknowledged the importance of the treaties in sustaining the economies of Indian communities. Economic success and citizenship were related through the treaties. Finally, the brief employed the treaty-given right to education as the basis for arguing that only a program of education and technical training would assist Indian peoples to become full citizens, as "only by fitting themselves to discharge the responsibilities of modern civilization can they hope to take their place in society today."⁴⁸

These interpretations of the treaties formed the critical basis of the entire thesis of the brief: that Indian peoples had the right to be treated as Canadian citizens with the full array of political and social rights being granted to other non-Indian citizens in Canada in the late 1940s. The brief also addressed head-on the public outcry over Indian exclusion from Canadian society. In postwar Canadian society, the public and politicians alike were concerned that Indian peoples did not enjoy living standards at the social minimum. As previously mentioned, freedom from poverty and ignorance were deemed necessary for Indian peoples if they were to participate fully in the nation's affairs. In Canada the institution of the welfare state during and after the war was an expression of the state's responsibility to its citizens, in return for their active participation in national life, yet this principle had been denied Status Indians because they were viewed as federal "wards" protected by the Indian Act and therefore not requiring access to public social welfare programs. Here the brief provided the reasoning to include Indian

peoples in Canada's citizenry: the treaties promised and intended this to happen. Through the treaties the IAA was seeking equality in law for its people.

This focus on treaties was not surprising: it represented the primary concern of the IAA's founders. IAA leaders had a longstanding concern with the neglect of treaty rights, and they viewed this committee as the opportunity to raise this concern while the issue was not popular in legal circles. Luckily, the IAA found a sympathetic assistant in the Saskatchewan lawyer.

Schumiatcher's ability to highlight these unique treaty rights could very well have been related to his own understanding of the treaties. Ten years after contributing to the IAA Brief, Schumiatcher himself published an article dealing with the treaties and citizenship in the popular magazine *The Beaver*. Surprising for the time in which it was written, Schumiatcher promoted his view that the treaties were compatible with citizenship:

he [the Indian] is prepared to be a citizen. Unfortunately, at the present time, becoming a citizen means that he must renounce the rights which his ancestors secured from the Queen almost a century ago. The Indian is given the hard choice of either remaining treaty bound—without status as a citizen—or of becoming a Canadian citizen by forsaking the rights guaranteed him by treaty. To me, there appears nothing inconsistent or contradictory in the concept of Indian Canadians sharing in the rights of citizenship and at the same time enjoying the special benefits that treaties grant them.⁴⁹

Although Schumiatcher was not so bold as to suggest in his 1946 brief what in the 1960s would come to be understood as a "citizens plus" view of Indian people and their rights, the roots of this idea were present in 1946. Tempting as it is in the 1990s to view the Special Committee hearings as a time when Indians leaders first aired a notion that they

possessed rights beyond those accorded nonaboriginal citizens, the IAA was still only promoting the idea that they had the right to an adequate education and equality before the law based on the treaties.

Discussions pertaining to social legislation and the Indian Act further supported the brief's fundamental thesis. Extension of social legislation to Indian peoples was necessary as part of the state's duty to its own citizens. The Indian Act, in turn, needed to be reformed in recognition of the self-determining abilities of Indian communities and individuals. In the brief, recommendations respecting the Indian Act emphasized the importance of self-government through band councils and the need to remove or change restrictive and controlling clauses within the act. The act was viewed as legislation that interfered with the treaties and their promise of progress, advancement, self-reliance, and equality for Indian peoples.

Overall, the entire document was a complex argument against dependency. Herein lay the primary significance of treaty rights to the entire committee process: this was an issue the public, politicians, and Indian peoples could all agree on. Both parties—government and the IAA—appeared to agree that employment, education, and self-determination were fundamental to improving the condition of Indian peoples in Canada. The IAA based this reasoning on the treaties; government based its arguments on a liberal democratic view of citizenship. Reform Liberalism of the Mackenzie King government of the day held that state intervention was necessary to ensure the sharing of wealth within the national community and a minimal standard of living for all. Through its brief, the IAA reconciled Indian leaders' desire for recognition of treaty rights and self-determination with the liberal political ideals *en vogue* at the time.

This interpretation of the treaties and their significance was reinforced when IAA representatives testified in person before the committee. In April 1947, a delegation of IAA members boarded the train in Calgary bound

for Ottawa. The government agreed to pay the expenses of three representatives from Alberta to testify, two representing the IAA and one unaffiliated representative, while others could attend as observers if the IAA financed their trip.⁵⁰ Those who boarded the train in April included IAA President Johnny Callihoo, Secretary John Laurie, Bob Crow Eagle from the Peigan reserve, Frank Cardinal from Sucker Creek, Albert Lightening of Hobbema, Mark Steinhauer of Saddle Lake, David Crowchild from the Sarcee reserve, Ed Hunter of the Stony reserve, and finally, James Gladstone, Joe Bull Shield, and Cecil Tallow from the Blood reserve (see photograph). The IAA selected Teddy Yellowfly of the Blackfoot reserve to represent the unaffiliated Indian peoples of Alberta; Callihoo and Crow Eagle were chosen as the official IAA delegates, one for northern Alberta, one for the south. As the men boarded the train, their mood was optimistic. Mark Steinhauer said to a waiting reporter, "You see, we hope to get our rights this time—full implementation of the treaties."⁵¹ In Ottawa the IAA delegates were warmly welcomed by their parliamentary connections, including Member of Parliament Doug Harkness and Senators Dan Riley and W. A. Buchanan, who took time to host the representatives. The Alberta men were also able to tour Ottawa a little, though their stay was brief.⁵²

On their first day before the committee, Callihoo and Crow Eagle presented prepared speeches that summarized the most important parts of the IAA brief. Callihoo emphasized the significance of education and called for improvements in the educational system for Indian children to permit them to gain an education equal to that of non-Indian children. He also stressed the need for reserve communities to be able to govern themselves more freely, both through their band councils and by a loosening of restrictive regulations outlined in the Indian Act such as the permit system. Crow Eagle, in turn, pressed the point that improvements in housing and agriculture were critical to the reserve communities.

In his words, "A successful farming community is the real strength of a country. This is also true if the Indian is to make the progress that our members wish for themselves."⁵³ Neither man added any information to their presentation that was not already in the brief. The committee did not press the IAA delegates for any additional information following their presentations, and Crow Eagle and Callihoo were invited to return the following day for a question period. Both Callihoo's and Crow Eagle's presentations appealed to the committee's concern with citizenship. Both emphasized Indian education for future duties, economic advancement through social legislation, and economic planning for Indian communities so they could and would eventually take their full place in the Canadian political system.

On 22 April, although the question period was intended to focus on the testimonies of the IAA representatives, it quickly turned into a free discussion involving all the Alberta delegates in the room, official and unofficial alike. Questioning became unsystematic, and it covered issues ranging from band membership, trust funds, and education to the powers of band councils. It was clear from the questions posed by the various committee members that their focus was again on matters pertaining to Indian status and the right to vote (franchise and enfranchisement) and the ability of Indian bands to govern themselves in the present and future. All of these issues were related to the concept of citizenship, and all were also related to certain rights outlined in the treaties.

Upon completing their presentations, the IAA members quickly returned home. According to IAA Secretary John Laurie, President Callihoo was not impressed with the proceedings, saying "these people will not be allowed to make any serious and lasting change. I can see that the Federal Government is just going through the motions of satisfying the public."⁵⁴ The impact of the IAA on the Special Committee investigations was not immediately apparent and the IAA

members were initially disappointed. Upon their return to Alberta, the delegation disbanded and IAA business continued where it left off.

THE FINAL RECOMMENDATIONS OF THE COMMITTEE

Despite their frustration with the process, IAA members did see some of their ideas advanced in the closing report of the Special Committee. When the committee made its final representation to Parliament in February 1948 after 128 meetings and after considering over 400 briefs, it concluded that the Indian Act be completely overhauled and it recommended a new Special Committee be struck to formulate a draft bill amending the act. Most significantly, the report emphasized "All proposed revisions are designed to make possible the gradual transition of Indians from wardship to citizenship." Despite the broad mandate of the committee, citizenship eventually became the focus of its attention and the basis for its reformist suggestions. The committee recommended the extension of additional social legislation to Indian peoples, it called for greater self-government within Indian communities through the granting of greater powers to band councils, and it recommended that economic betterment of the communities be a priority.

Surprisingly, perhaps, treaty rights also figured prominently in the final report. As a result of the IAA linking citizenship to treaty rights, the committee also emphasized that the nature of treaty rights be definitely established by government. In its fourth report to Parliament in 1948, it stated openly that government "inquire into the terms of all Indian treaties in order to discover and determine, definitely and finally, such rights and obligations as are therein involved and further, to assess and settle finally . . . all claims . . . arisen thereunder."⁵⁵ Citizenship was a concept that embodied more than the right to vote, and in making its recommendations the

committee acknowledged the importance of social rights and even treaty rights as related to Indians' citizenship rights. This was a concept the IAA had striven to bring to the attention of the bureaucrats. Even more importantly, on the significance of Treaty rights, both the committee and IAA could agree.

Although historian Ian V. B. Johnson has written an excellent overview of the committee's work, his work did not review the specific contents of First Nations' presentations before the committee. Specifically, his concluding remarks that the works of the committee "revealed the fundamental differences in outlook between Indians and government during the post-war period" and that the committee contemplated assimilation for Indian peoples while Indian political leaders argued for self-government and independence does not quite seem to fit given the specific evidence of the IAA presentations. A specific analysis of the IAA's presentations shows a more complex situation. I suggest it might be more interesting to view these events as a case of two parties discussing a shared, not opposite, concern: the nature of Indian citizenship.⁵⁶

The final report of the committee was not particularly extensive or in-depth. Moreover, since its recommendations were nonbinding, its influence was not direct. The work of the committee and its final report were important, however, as a public statement of government intentions to integrate Indian peoples into the Canadian polity and as a new recognition of treaty rights. Before the war, Indian peoples were encouraged to a much larger extent to remain separate from Canadian society as a group, and treaty rights were not subject to any in-depth consideration. The committee's final report represented a change in this line of thinking. As a group, Indian peoples were to be actively prepared and eased into citizenship, and government was reminded of the importance of treaty rights in this process.

CONCLUSIONS

The creation of a Special Committee to investigate the Indian Act and Indian administration in Canada in 1946 marked the beginning of government reassessment of Indian policy and legislation. The committee worked throughout 1946 and 1947 to establish a new direction in Indian policy and legislation through hearings with Indian Affairs civil servants, recognized "experts," and even Indian representatives themselves. Over the course of its sittings, the committee heard from a variety of sources, and the Indian Association of Alberta, Alberta's first provincial-level Indian political group, made a substantive contribution to the committee's investigations with its official brief and supporting materials.

The final report of the committee and the overall thrust of its findings focused on the granting of full citizenship to Indian peoples and on creating an environment to support the exercise and existence of the full range of citizenship rights. It also supported the investigation of treaty rights, a concept largely ignored to that date. As a direct result of the IAA submissions to the committee, the question of rights and their extension to Indian peoples was linked to the concept of treaty rights. In the contemporary context, this linking of treaty rights to the right to full citizenship seems unusual, as treaty rights have since come to be viewed as unique rights, over and above citizenship rights, accruing to Treaty Indian peoples in Canada. The IAA presentations could be considered as revealing the historical precedent of the more contemporary "citizens plus" position on treaty rights.

In the 1940s the official IAA brief emphasized the need for expanded social and political rights, specifically additional social welfare, improved education, and increased powers of self-government for Indian communities. Where the Indian Act interfered with reform measures, changes to the act were demanded. Most significantly, the entire argument in the brief was based on the treaties, which, the brief argued, promised to make Indian peoples

"self-sustaining, loyal citizens of the Crown." Although historian John Leslie suggests that the impetus for administrative and legislative reform came primarily from within government circles—with the exception of British Columbia Indian leaders who pressured Ottawa for reform as early as 1943—this history of IAA activity indicates the IAA also played a significant role in the call for reform.⁵⁷

The IAA submissions to the Special Committee of Parliament in 1947 provided important exposure for treaty rights in an era when they were not subject to serious consideration outside Indian communities. By couching its discussions of treaty rights in terms of Indian citizenship, the IAA executive astutely played into existing government concerns, providing the state with sound reasons for extending full social and political rights to its Indian "wards." This provided government with an opportunity to dialogue with Indian leaders on what appeared to be a shared cause. Its insistence on the significance of treaty rights also gave the IAA an opportunity to criticize government Indian administration, and more specifically, the Indian Act. The IAA's discussion of treaty rights in the late 1940s was unusual but boldly hooked into issues of the day, thereby giving its arguments relevance and credibility. By 1951 these arguments provided a foundation for Indian Affairs reform.

The nature of Indian citizenship was the central interest the Indian Association of Alberta shared with the committee. The Committee favored integrating Indian peoples into Canadian society insofar as this meant making the long-denied benefits of "civilization," the material benefits of society, available to this segment of the population through education, increased social assistance, improved health care, and increased self-determination. Similarly, the IAA favored and lobbied hard for just such changes, except it argued that it was through the treaties that Indians became Canadians, entitling them to the material advantages of life in mid-twentieth-century Canada.

The IAA's brief to the Committee is significant because it provides an example of the interpretation of treaty rights at a specific point in Canadian history. Following the negotiation and signing of the treaties in western Canada, these documents and their meaning were given little specific attention by government. Within Indian communities, however, the treaties maintained their significance. It was in the 1940s that the concept of treaty rights and their meaning and application once again became part of a dialogue between government and Indian leaders as Alberta and Saskatchewan Indian leaders pressed for their recognition. This dialogue has continued sporadically since this time and forms part of a long history of the interpretation and application of treaty rights.

REFERENCES

1. House of Commons, *Debates*, 13 May 1946, p. 1446.
2. *Ibid.*, p. 575.
3. Treaty Seven Elders and Tribal Council, with Walter Hildebrandt, Sarah Carter, and Dorothy First Rider, *The True Spirit and Original Intent of Treaty 7* (Montreal: McGill-Queen's University Press, 1996), p. 353.
4. Ian V. B. Johnson, *Helping Indians to Help Themselves—A Committee to Investigate Itself: The 1951 Indian Act Consultation Process*, (Ottawa: Treaties and Historical Research Centre, Indian and Northern Affairs, 1984).
5. John Leslie and Ron Maguire, *The Historical Development of the Indian Act*, (Ottawa: Indian and Northern Affairs, Treaties and Historical Research Centre, 1978), pp. 133-45; John F. Leslie, *A Historical Survey of Indian-Government Relations, 1940-1970* (Ottawa: Claims and Historical Research Centre, 1993).
6. Jim McMurtry, "The 1946-1948 Special Joint Committee on the Indian Act and Educational Policy," (M.A. thesis, University of Alberta, 1985). McMurtry's thesis focuses on the educational policy that emerged from the Special Committee. Of interest in this work is his questioning of Indian participation in the consultation process. See also Peter Kulchyski, "Anthropology in the Service of the State: Diamond Jenness and Canadian Indian Policy," *Journal of Canadian Studies* 28, no. 2 (summer 1993): 21-50. Kulchyski discusses the role of Diamond Jenness in the formation of Indian policy in Canada and gives some insight into the workings of the committee. See also John L. Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy," in *Sweet Promises*, ed. J. R. Miller (Toronto: University of Toronto Press, 1991), pp. 127-54, for a mention of the committee and its works in the context of the history of Indian policy. Tobias gives little insight into the stimuli behind the establishment of such a committee or of the presentations made at its hearings.
7. Sidney L. Harring, *White Man's Law: Native People in Nineteenth-Century Canadian Jurisprudence* (Toronto: University of Toronto Press, 1998), p. 107.
8. Over the decades, the Indian Act evolved into a complex and large statute. With each revision of the act, more provisions were added, serving to further undermine or control the social, political, and economic activities of Registered Indian peoples. For example, in the 1880s the act contained amendments controlling the consumption of liquor by Indians, forbidding the holding of traditional ceremonies and gatherings including the potlatch, and allowing the Indian Affairs administration to override band council decisions. In the 1920s further oppressive measures were inserted into the act, including section 141 (1927) which explicitly forbade the bands from attempting to raise funds for the purpose of pursuing claims against the government.
9. Arthur Ray, *I Have Lived Here Since the World Began* (Toronto: Lester Publishing, 1996), p. 205.
10. Alexander Morris, *The Treaties of Canada with the Indians* (Saskatoon: Fifth House Publishers, 1991), p. 250. For a detailed discussion of Treaty No. 7, see Treaty Seven Elders, *True Spirit* (note 3 above).
11. Abel, Kerry, *Drum Songs: Glimpses of Dene History*, Montreal: McGill-Queen's University Press, 1993. As Abel points out, "Because of the strength of the opposition to the creation of reserves, the treaty commissioners decided to leave the reserve question in abeyance. Although they duly reported that the Natives did not want reserves, the clause stipulating that they were to be created was left in the text of the treaty" (p. 171). Unlike in the southern regions of Alberta, reserve lands were less of an issue within Indian communities in the north since the local economy was firmly based on hunting, trapping, and fishing.
12. Stan Cuthand, "A Sacred Treaty" (unpublished manuscript, no date), in author's collection.
13. Muriel Manywounds, personal communication with author, September 1996. The relationship between the treaties and the Indian Act was a continual subject of discussion in IAA meetings and amongst the leadership.

14. Malcolm Norris to Ben Calfrope, Murray Dobbin private papers, 13 September 1944.

15. *Rex v. Commanda* (1939), 5 *Canadian Native Law Reporter* (1987), p. 372.

16. John Laurie, executive secretary of the IAA from 1944 to 1957, believed asserting treaty rights might do more harm than good. Canadian historian Hugh Dempsey, also a former IAA secretary, confirms the idea that these rights were seen as vague and difficult to assert in the two decades after World War II. This notion is corroborated by the lack of government attention paid to the concept. Hugh Dempsey, personal communication with author, September 1996.

17. Report of the Special Committee on Reconstruction and Re-establishment, *Minutes of Proceedings and Evidence* (Ottawa, 1944), p. 238.

18. *Ibid.*, p. 243.

19. *Ibid.*, p. 253.

20. *Ibid.*, pp. 259, 256.

21. J. R. Miller, *Skyscrapers Hide the Heavens*, (Toronto: University of Toronto Press, 1989), pp. 220-21.

22. Tobias, "Protection" (note 6 above), p. 139.

23. National Archives of Canada (NAC), Record Group 10, vol. 6811, file 470-3-6, part R, (Reel C-8534), *Newsweek*, 15 April 1946.

24. *Ibid.*, *Vancouver Sun*, 15 May 1946, David Spencer Inc. Poll.

25. *Ibid.*, *Edmonton Bulletin*, 15 December 1945.

26. *Ibid.*, unidentified Victoria clipping, 15 March 1946.

27. House of Commons, *Debates*, J. A. Glen, 13 May 1946, p. 1447.

28. See C. E. S. Franks, *The Parliament of Canada* (Toronto: University of Toronto Press, 1987), especially chapter 8.

29. *Ibid.*, p. 162.

30. *Ibid.*, pp. 164, 166.

31. *Ibid.*, pp. 167, 169.

32. The North American Indian Brotherhood was given an early hearing because it was conveniently in Ottawa in June 1946 for an NAIB conference. In order to accommodate the NAIB, the Special Committee agreed to hear from two delegates of the Indian organization, Andrew Paull and Thomas Jones. Peter Kelly of the Native Brotherhood of British Columbia was also heard at this time. British Columbia Indian groups were therefore among the first to be recognized and to represent their claims to government.

33. See Franks, *Parliament* (note 28 above), pp. 161-85.

34. Special Joint Committee of the Senate and the House of Commons Appointed to Consider the Indian Act, *Minutes of Proceedings and Evidence*, (Ottawa, 1946-49), 14 June 1946, p. 217.

35. *Ibid.*, 21 June 1946, D. F. Brown, p. 266.

36. For a description of reform and classical liberal ideologies see Mark O. Dickerson and Thomas Flanagan, *An Introduction to Government and Politics: A Conceptual Approach*, (Scarborough: Nelson Canada, 1990), pp. 94-116. Mackenzie King's Liberal federal government has been identified as a reform liberal government.

37. See S. K. Jaffary, "The Social Services," in *Reconstruction in Canada: Lectures Given in the University of Toronto*, ed. C. A. Ashley (Toronto: University of Toronto Press, 1943), pp. 104-20, especially pp. 119-20. In a lecture at the University of Toronto on the reconstruction of Canada after the war, Jaffary emphasized the role of government in delivering social services and preventing unemployment. Jaffary's lecture is revealing of liberal reform thinking of this time period. Doug Owram, *The Government Generation: Canadian Intellectuals and the State, 1900-1945* (Toronto: University of Toronto Press, 1986), pp. 121 and 189, identifies similar trends in thinking as characteristic of Canada's Liberal party and civil service.

38. See J. M. Barbalet's discussion of T. H. Marshall in Barbalet's, *Citizenship: Rights, Struggle and Class Inequality* (Milton Keynes: Open University Press, 1988), pp. 45-51.

39. Special Joint Committee (note 34 above), p. 141. There was an error in the minutes. Case later revised his statement to read "I can understand . . ." (see p. 218 of *Minutes*).

40. Norman Lickers studied law at Osgoode Hall in Toronto and later acted as a consultant to the federal government on amendments to the Indian Act in 1951. In 1969 he participated in protesting the Liberal White Paper on Indian Affairs. See the *Brantford Expositor*, 16 March 1987; *Tekawennake*, 19 March 1987.

41. McMurtry, "Special Joint Committee" (note 6 above), p. 40. Apparently, translation of Lickers' circular letter was a problem in some communities. Hugh Dempsey remembers the chiefs of the Blood reserve in Alberta struggled to have the questions made clear to them. Only with the help of the local Indian agent and IAA member James Gladstone, who was fluent in English and Blood, were they able to successfully answer the questions.

42. The histories of the IAA and the Union of Saskatchewan Indians (USI) are intertwined. Both organizations originated with the League of Indians in Western Canada, and although their relationship was not close in the 1940s the founding of the USI reestablished bonds between Indian leaders in both provinces. For a history of the USI see articles by Pitsula, James M., "The CCF Government and the Formation of the Union of Saskatchewan Indians," *Prairie Forum*, Vol. 19, No. 2,

Fall 1994, pp. 131-52. James Pitsula, 1994; Rauncie Murdoch, "The Union of Saskatchewan Indians" (unpublished manuscript, 1995). For more information on the CCF's involvement with Aboriginal people see F. L. Barron, *Walking in Indian Moccasins: The Native Policies of Tommy Douglas and the CCF* (Vancouver: University of British Columbia Press, 1997).

43. Meeting minutes of the Union of Saskatchewan Indians, 4 January 1946, R834, f.37, Saskatchewan Archives, Regina, SK.

44. President's message, 7th General Meeting of the IAA, 1946, Murray Dobbin private papers.

45. With their surveys, the IAA locals made their most direct contribution to the Special Committee investigations. Previously, the IAA executive circulated a questionnaire on agriculture and housing to its various locals, and the returns were collated for the committee into a comprehensive survey of contemporary conditions in those communities. A short discussion of reserve health care needs was later added to the survey findings. In this way IAA locals and members across the province were able to submit short statements outlining their views on housing and agricultural problems. These statements were probably the most direct evidence the committee received from a grassroots level, and they revealed firsthand many practical issues confronting reserve communities. The IAA strategically chose agriculture and housing as issues for discussion not only because of practical reality, but also because these were two areas were primary concerns of the Indian Affairs Branch. The surveys appealed to issues already considered important to the branch, and thereby

contributed to the credibility of the IAA's presentations.

46. *Ibid.*, p. 574.

47. *Ibid.*, p. 575.

48. *Ibid.*, p. 577.

49. Morris Schumiatcher, "The Buckskin Curtain," *The Beaver*, Outfit 290 (autumn 1959): 12-15; 14.

50. Dempsey, Hugh A. *The Gentle Persuader: A Biography of James Gladstone, Indian Senator*, Saskatoon: Western Producer Prairie Books, 1986, p. 115.

51. *Calgary Albertan*, 19 April 1947, NAC, RG 10, vol. 6811, file 470-3-6 pt. 2 (reel C-8534).

52. *Ibid.*, *Lethbridge Herald*, 8 May 1947.

53. Special Joint Committee, *Minutes* (note 34 above), 21 April 1947, p. 545.

54. John Laurie, "The Indian Association of Alberta," John Laurie Papers, M656, f. 22, p. 29, Glenbow Archives, Calgary, Alberta.

55. Special Joint Committee, *Minutes* (note 34 above), 4th report, 22 June 1948, p. 187.

56. Johnson, *Helping Indians* (note 4 above), p. 43, 53, 54-55. McMurtry (note 6 above) also suggests the aim of the committee was the "assimilation" of Indian peoples, stating, "Assimilation was truly the Committee's primary goal" (p. 50).

57. Leslie, *Historical Survey* (note 5 above), pp. 3-5. Leslie suggests that changes in Indian Affairs staff and the Liberal postwar reconstruction agenda both contributed primarily to the reform of Indian Affairs. In his view, Minister J. A. Glen initiated reform in Indian Affairs. It is suggested here that the minister was more likely responding to outside pressures from various sources including the IAA, rather than acting in an innovative manner.