

# CHANGES IN THE POLITICAL POSITION OF NEW BRUNSWICK ABORIGINAL PEOPLE DURING THE PAST 25 YEARS

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The Indian people, in particular the Micmac and Maliseet of New Brunswick, have come a long way both socially and politically. They have come from dirt floor houses and outdoor toilets, in the 1950s and 1960s, to some very fine homes with modern features in the 1990s. They have come from being forced to accept a Grade 3 education and the prospect of a hard life of work in the woods, to receiving college degrees and pursuing good lives as well paid health care professionals and band administrators. They have come from being refused a drink of alcohol or a haircut in non-Indian business establishments to the point where some of them now own business establishments or have become judges, lawyers, doctors and teachers in non-Indian society.

After World War II, the Indian people in New Brunswick were mainly concerned with protecting what little they had. We were fearful people and that fear made us cautious. After all, we had lost so much over the years. In the 1800s our treaties were ignored, requiring us to ask the provincial government to give us a number of land reserves near our traditional hunting and fishing places. However, our reserve boundaries were ignored by non-Indian squatters, and the province took huge parts of our reserves away from us and gave that land to the squatters. The reserve at Big Cove was reduced from 52,000 acres to about 2,000 acres.

The Canadian government became master over Indian Affairs and continued the policy of reducing the size of our reserves. However, Canada did not take the land away from us in the same manner as the provincial government. Canada usually forced the Indian people to sign land surrender documents that we could barely understand, and then paid us in pennies for the camping places and hunting grounds used by our people for over 10,000 years.

Clearly, Canada was trying to destroy Indians by taking away one of the most important things that makes a person an Indian – the land. One of our Micmac chiefs once told the British Governor of a new town called Halifax that “... this land where you want to become an absolute master is my land. I have come out of it like the grass.” Indians still feel that way about their land. We are part of the land, and the land is within us.

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When we lost our traditional hunting grounds to the non-Indians, our reserves became the last places of protection for Indian languages and cultures and the Roman Catholic religion we had practised since the French time. However, the reserves were also places of extreme poverty and hardship. The reserve system treated Indians like stupid children, instead of men and women from a proud race. Yet the reserve system and the *Indian Act*<sup>1</sup> were the only things we had. They were like an old blanket that we could not throw away. The blanket was dirty, it was full of holes, and it did not protect us very well from the cold, but at least we could say that it belonged to us. The Micmac and Maliseet Nations are very old societies in this land. Indians of these nations always knew they were basically different from non-Indian people. The reserve and the reserve system kept us poor and sick, but it also kept us different, and we thanked God for this small gift.

Before 1982, the Indian people had become very good at believing that the reserve system and the *Indian Act* were based on our Indian rights. British Governors, in the name of the King or the Queen, always promised the Indian people friendship and protection. The only source of protection we ever knew, however, was the *Indian Act*. We saw it as a way in which the Crown would make good its promises of protection. The only problem with our thinking was that the *Indian Act* primarily protected us from ourselves. It seemed at times that we could not go to the toilet without the permission of the Minister of Indian Affairs. However, we held on to our protection as tightly as we could. The New Brunswick Chiefs became very conservative. In our rush to protect the little we had, the Indian people ended up on the same side of political issues as the individuals who hated Indians and loved Ottawa's control over us.

In 1969, our Chiefs received the first of two big shocks. The Trudeau government came out with its "White Paper on Indian Affairs" which called for an end to special status for Indians.<sup>2</sup> I believe that the Trudeau government did not intend to hurt our people with the White Paper, but hoped to end discrimination against Indians and solve the problem of poverty on the reserves. The Indian Chiefs of Canada organized themselves and fought back against the White Paper, forcing the government to withdraw it. A few of our Chiefs learned a great deal from this experience. They came to realize that the *Indian Act* could disappear over night, taking with it the little bit of legal protection we had. The Chiefs started to become more interested in other ways of protecting Indian rights. They looked to the United Nations, the courts, and strong national and provincial Indian organizations.

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<sup>1</sup>R.S.C. 1952, c. 149 [hereinafter *Indian Act*].

<sup>2</sup>Canada, Department of Indian and Northern Development, *Statement of the Government of Canada on Indian Policy, 1969* (Ottawa: Queen's Printer, 1969) [hereinafter *White Paper*].

The second big shock to our Chiefs came in the early 1980s when Trudeau announced that his government was bringing the Canadian *Constitution* back home from England. The Native groups who had very little to lose, such as the Métis people, rushed to support Trudeau and, at the same time, tried to have their rights recognized in the new *Constitution*. Micmac and Maliseet Chiefs, however, saw Trudeau's move as a real danger. Our treaties were made directly with the Crown and our promises of protection were directly from the Crown. In the minds of our Chiefs, the Crown was a real person – the Queen – and she had protected our rights all the way across the ocean from England. If Canada and the provinces gained total control over the Canadian *Constitution*, the Queen or Great Britain could never again help us to fight for our rights. Our treaties would come to an end, and our people would disappear at the hands of unfriendly Canadian governments.

The New Brunswick Chiefs, along with many treaty Chiefs from the West and elsewhere, spent a lot of time and money fighting to keep the *Constitution* in England, and they lost. It was a bitter blow. I, like most of the Chiefs who were involved, felt that Canada would now end the relationship between the Crown and the First Nations. When it was reported to us that Canada was going to hold constitutional talks on Indian rights beginning in 1982, we immediately saw the issues surrounding the 1969 White Paper surfacing again. We wanted no part of this process. Fear and caution led us to boycott these new constitutional talks.

The turning point for many New Brunswick Chiefs came in 1982. As the constitutional process got under way, we came to see that the leaders of our national organization, the Assembly of First Nations, were not just preparing to fight to protect our reserves or our languages and cultures. Rather, they were preparing to make the Canadian government live up to all the historical promises that had been made by the Crown to the Indians. The Indian people had once been promised that our land would not be taken from us except by fair purchase. But our land was gone, and there had been no fair purchase. We had been promised that we could hunt and fish freely. Nevertheless, our people were losing their freedom in provincial jails because they practised hunting and fishing rights that were already very old when our people first discovered Columbus in 1492. We had been told that we were "Nations" and that our customs and laws would be respected by non-Indians, but we were forced to elect our leaders according to the *Indian Act*, which gave our leaders no more power than a dog catcher.

When the leaders of the Assembly of First Nations appeared on television, in the newspapers, and on radio, they made us proud once again to be called the "first people". They showed us a new style of leadership and were not afraid of the powerful non-Indian governments they faced. We began to think less about protecting what little we had and more about forcing Canada to respect all of our rights and all of its past promises.

Earlier, our provincial organization, the Union of New Brunswick Indians, had pulled out of the Assembly of First Nations. Now, one by one, our Chiefs drifted into the national constitutional talks on Indian rights. Instead of thinking only of gaining a little more administrative responsibility for our reserves, of fighting the government's social policies, or of putting forward some local land claims, we began to think in bigger terms: Indian self-government, treaty rights, and comprehensive land claims. Our Chiefs began to realize that we did not need to fear the loss of our rights under the *Indian Act*. Our real rights were our treaty rights, our land rights and our right to self-government. These were our only protection. The *Indian Act* was not a declaration of our rights, but the means of our downfall.

I retired from the office of Chief at Big Cove after twenty-six years of service to my people. One of the main reasons for my retirement was the failure of the *Charlottetown Accord*.<sup>3</sup> I was very disappointed that out of 900 voters in Big Cove, only 266 came out to vote. Of those, 136 said "yes" and 130 said "no". The 130 who voted "no" and the 700 who did not show up to vote knew the problem. They had no homes, no jobs, and they lived in poverty. But they did not know that self-government would be the answer. In preparing for the *Charlottetown Accord*, I spent so much time convincing the federal government there was no need to fear the Indian government that I forgot to win the hearts of my people in Big Cove and help them understand that the only answer was for Indians to control their own lives. In the twenty-five years I was Chief of Big Cove Reserve, I would never go to the Chief's meeting unless it was to be opened by an elder saying the prayer: "Oh Great Spirit, help us to conquer our greatest enemy, ourselves." I never knew what those words meant in my years as a leader. I only now realize what they mean. We may have White enemies out there, but our biggest enemy is ourselves.

The *Charlottetown Accord* held out to Indian people the promise of inherent self-government and a clear recognition of treaty rights. I came to believe strongly in those promises during my career. I also came to believe that only with Indian self-government could the First Nations be born again, and break the chains of poverty, alcohol, suicide and dependence, which drag them down. I am not so sure, however, that Indians will ever achieve self-government or other recognitions of their rights. The failure of two rounds of constitutional talks on Indian rights, the Oka crisis, the Indian suicide problem and the sales tax protest have angered the Indian people and made them very defensive. Once again, many of our Chiefs are fearful and cautious. They have become convinced "self-government" is really another word for Canada ending its historic relationship with Indians, while forcing

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<sup>3</sup>The proposed final text of the *Charlottetown Accord* is reproduced in J. Bakan & D. Schneiderman, eds, *Social Justice and the Constitution: Perspectives on a Social Union for Canada* (Ottawa: Carleton University Press, 1992).

them to build a new relationship with the provinces. Some other Chiefs are convinced that Indians are already a sovereign nation and do not need to ask anyone to respect their right to self-government.

I believe in Indian self-government, but I also believe in facing reality. The reality is that the *Indian Act* never met Indian needs and cannot protect our people. It is also a reality that recognition of inherent, limited Indian self-government in the United States has worked well for some tribes. I believe that the 560 First Nations in Canada can govern themselves in the day-to-day affairs of their lands and people, but those 560 First Nations cannot become 560 sovereign nations that have absolutely no relationship with Canada. Indian people helped to create Canada. Why should we abandon it?

I hope that Indians have not come to a point in their history where they have become so embittered and frustrated that they refuse to even discuss self-government with Canada and New Brunswick. If Indian people draw the wrong lesson from the failure to constitutionalize inherent self-government, then they might be planting the seeds of their own destruction.

I have only one piece of advice for the Indian people. Look to your rights, look to the treaties that have served you so well for 200 years, look to the land and look to your language and to your customs. The answers to our problems lie within these things, if the answers are based on reality. Remember that no right is unlimited, no power is absolute and no single race or people owns the truth.