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John F. Leslie

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# 1

## **The Policy Agenda of Native Peoples from World War II to the 1969 White Paper**

*John F. Leslie*

The two decades following the end of the World War II are critical to our understanding of modern Canadian Indian policy development. In these years the trends and portents of contemporary Native policy issues—policy consultation, band governance, settlement of land claims, and the assertion of treaty and Aboriginal rights—became discernible. How these issues were viewed by the public and handled by policy-makers is instructive, since elements of this Indian agenda persist as unfinished business.

During the quarter century from the end of World War II to the publication of the *Statement of the Government of Canada on Indian Policy* (the White Paper) in June 1969, Indian leaders, bands, and regional and national political organizations presented to the federal government (in parliamentary and other official fora) a national political agenda. This agenda included proposals to revise the *Indian Act*, improve reserve conditions, enhance economic opportunity, expand social and health care services, restructure Indian education, and to advance reserve-based “self-government.” More controversial, and of less interest to non-Native policy actors, were persistent Native demands for discussion of Aboriginal rights, the recognition of treaty rights and the concept of a treaty relationship, and the settlement of longstanding land claims.<sup>1</sup>

Many of these policy initiatives had been developed by Indian leaders and their political associations—at local and national meetings throughout Canada—during the 1920s, 1930s, and early 1940s.<sup>2</sup> However, the war and severe economic depression had effectively stifled their articulation to a broader audience. Towards the end of World War II, Canadian politicians and bureaucrats gathered to discuss post-war social and economic reconstruction.<sup>3</sup> It was within the political context of rebuilding modern Canada that the conditions of Aboriginal peoples, and their reform agenda, came to the attention of the general public.<sup>4</sup>

In the immediate post-war era, the fundamental message of national Indian leaders—the likes of Andrew Paull, John Tootoosis, Rev. Peter Kelly, John Gambler, William Scow, Joe Dion, and George Manuel—to politicians and Indian Affairs Branch officials was that Indian people wanted to retain their “Indianness” and not assimilate into the dominant society.<sup>5</sup> On occasion, traditionalist Iroquois groups asserted a more aggressive “autonomist” position that reflected their historic role as military “allies,” not subjects of the Crown.<sup>6</sup> Common to all tribal groups was the desire to retain their distinctive traditions, culture and languages; treaty rights and benefits; and other inherent rights accruing to them as Aboriginal peoples.

The problem for Native peoples throughout this period, and beyond, was that they remained on the periphery of political power and decision making. Political neophytes on the national stage—lacking sustained funding for associational activities—they were subject to the whims of the government agenda and to the machinations of Indian Affairs Branch staff. To be sure, individuals including Tommy Douglas, John Laurie, Morris Shumiatcher, Ruth Gorman, and John Diefenbaker could be relied upon to provide timely political support.<sup>7</sup> Later in the 1950s, philanthropic groups such as the National Commission on the Indian Canadian (1954) and its successor, the Indian-Eskimo Association of Canada (1960), took up various aspects of the Indian cause.<sup>8</sup> Academics—Tom McIlwraith, R. W. Dunning, Harry Hawthorn, Stewart Jamieson, and Cyril Belshaw—also became active in the 1950s and 1960s.<sup>9</sup> They produced important anthropological and sociological studies that supported Native cultural retention, and suggested new strategies to facilitate political, social, and economic integration. On a regular basis, journalists such as Dick Snell of the *Calgary Herald* wrote articles describing atrocious reserve conditions and bungled Indian departmental operations.<sup>10</sup>

The Indian reliance on sympathetic “outsiders” had implications for the course and content of Indian policy throughout the 1950s and 1960s. Indeed, the various “Friends of the Indian” associations had their own particular ideas and plans for Native people, which were often at odds with the Native viewpoint.<sup>11</sup> As a general rule, elements of the Indian agenda that promoted integration into Canadian society were supported by non-Natives. This political support and pressure translated into government action. Beginning in the mid-1940s, and in years thereafter, various pensions, allowances, and social services were gradually extended to Native peoples living on reserves.<sup>12</sup> There was some modest government support for economic development projects and reserve infrastructure was improved. In addition, there was more money to enhance and promote Indian education. In keeping with “training for citizenship,” and the Aboriginal desire for greater “self-government,” additional powers were delegated to band councils so that they could operate along the lines of rural municipalities. Even the new Indian Act of 1951 contained reforms: discretionary ministerial powers were reduced,

many penalty clauses were eliminated, and the historic ban on dances, traditional ceremonies, and land claims was lifted.<sup>13</sup> Later, in the early 1960s, under John Diefenbaker's Progressive Conservative government, Indian people obtained the federal vote (1960) and compulsory enfranchisement was removed as a provision of the *Indian Act* (1961).

There were certain planks in the Native agenda that were not enthusiastically received by non-Native supporters. These were assertions of Aboriginal rights, demands that Indian treaty promises be honoured, and calls for the settlement of land claims. Many decision-makers looked askance at these rights demands because, in their view, and in the view of many White supporters, a "rights agenda" was socially and politically disruptive, and, as such, did not fit with the major policy thrust of the federal government, which was Indian integration. Throughout the 1950s and into the 1960s, Native people battled to have the discussion of Aboriginal rights, recognition of treaties, and land claims issues placed on the federal government's political agenda. They met with varying degrees of success.

The notion of Aboriginal rights was not on the government's policy radar screen in the late 1940s or 1950s. The idea that a particular group in society should have special rights because they were the first arrivals was anathema to mainstream thinking.<sup>14</sup> In the period under discussion, Aboriginal rights were asserted in relation to land and natural resources—for example the unresolved B.C. land question.<sup>15</sup> Rights were also asserted in regard to border-crossing privileges under the guise of the 1794 Jay Treaty.<sup>16</sup> Aboriginal rights in the form of assertions of tribal sovereignty were proclaimed by certain traditional Iroquois nations in Quebec and Ontario.<sup>17</sup> These "pretensions" were dismissed by the bureaucrats and only served to confound politicians who were having trouble fathoming treaty issues. In 1948, Dr. Hugh Keenleyside, then Deputy Minister of Mines and Resources (Indian Affairs was a branch), characterized Indian leaders who espoused a treaty and Aboriginal rights agenda as "venal and self-serving."<sup>18</sup> During the 1950s, every effort was made by government officials to head off the discussion of Native rights at consultation meetings, even if that meant predetermining the agenda, the shape of the negotiating table, Aboriginal seating arrangements (1951),<sup>19</sup> and altering *post-facto* the minutes of the actual meetings (1953).<sup>20</sup>

The discussion of Aboriginal rights, and what these rights might encompass, remained a thorny political question throughout the 1960s. In the minutes of the 1968 consultation meetings on the *Indian Act*, Indian leaders requested constitutional protection for their Aboriginal and treaty rights. These demands were totally dismissed in Trudeau's White Paper on Indian policy.<sup>21</sup> It was not until 1973, when the Supreme Court of Canada handed down a decision in the *Calder Case*, that the national political and legal debate concerning Aboriginal rights was renewed with greater intensity.

The settling of land claims had a more satisfying outcome for Native people. The Special Joint Committee on the *Indian Act* (1946–1948), after three years of hearings, recommended the establishment of an Indian Claims Commission.<sup>22</sup> In 1949, the Indian Affairs Branch conducted a search of its files and archival records and prepared a lengthy report on the potential nature of these claims. The author noted that many were of a “specific” nature relating to reserve land surrenders, unfulfilled treaty provisions, and the misappropriation of band trust funds. Other claims related to areas of Canada where there were no land cession treaties. There the Indian residents claimed they still had unextinguished rights to the land and natural resources. British Columbia was cited as a prime example, as well as areas of Atlantic Canada and the North.<sup>23</sup>

In the summer of 1950 the Indian Affairs Branch prepared a one-page Cabinet submission, which neither recommended nor rejected the idea of establishing a claims commission.<sup>24</sup> Minister Walter Harris did not like the idea of an expensive claims commission, preferring to remove Section 141 from the *Indian Act*, which would permit Native claimants to take their grievances to the Exchequer Court (now the Federal Court). Harris favoured court action to settle Native claims because Indian people would gain experience in using the judicial process, an option available to all Canadian citizens.<sup>25</sup> The experience would be citizenship training for Indian people and promote their political integration.

For about a decade claims matters rested. Then, around 1960, the Blackfoot (Siksika) Indians brought a series of claims before the Exchequer Court via a Petition of Right. About the same time, the Six Nations at Brantford, Ontario, submitted land claims and related issues dating from pre-Confederation times. These Native initiatives, coupled with a positive recommendation for a claims commission from a second Joint Committee on Indian Administration (1959–1961), prompted politicians and civil servants to reassess the merits of a commission.<sup>26</sup> With Prime Minister Diefenbaker enthusiastic, Minister Ellen Fairclough engaged, and a somnolent bureaucracy mobilized, the establishment of an Indian Claims Commission became a government priority in the early summer of 1961.

In June 1961, Dr. George Davidson, Deputy Minister of Citizenship and Immigration (Indian Affairs was a branch in 1950), presented Minister Ellen Fairclough with a lengthy memorandum that provided a rationale for government action.<sup>27</sup> The memorandum was prepared by Indian Affairs Branch staff and it reflected the prevailing corporate wisdom: Indian people would be more willing to integrate into Canadian society, and have greater trust in Indian administration, if longstanding claims and grievances relating to land and treaties were dealt with by an independent body. In other words, Indian people had to settle with the past in order to come to terms with their future progress. The minister’s reaction, written on the upper right-hand

margin was: “Okay. Let’s do it then.” The Canadian land claims experience had begun.

It is useful to briefly examine the Commission’s proposed Terms of Reference, which were approved by Cabinet in October 1962. There were four categories of claims:

1. any claim arising out of the acquisition of original Indian lands where the Crown and Indians did not come to an agreement for the extinguishment of the so-called Indian interest or title to the lands;
2. claims based upon alleged non-fulfilment of terms of a treaty;
3. claims based upon any alleged violation of trust arising out of any treaty or surrender in relation to the use, management, or disposition of Indian lands or money; and
4. other claims that might have no foundation in law or might be open to defeat upon a technical or formal objection, but which might merit consideration upon grounds of honourable dealings and fairness and good conscience.<sup>28</sup>

A three-person commission would hear evidence (including oral testimony) relating to the above claims and render expeditious judgements. The claims commission was to have a life expectancy of ten to fifteen years. There were no settlement cost projections.<sup>29</sup>

Draft Bill C-123 was prepared for presentation to Parliament. However, Diefenbaker’s government fell in February 1963 and was subsequently defeated at the April general election. The Liberals resurrected the idea of a claims commission and prepared draft legislation in the form of Bill C-130. Extensive consultations with Indian people were launched in 1964. However, a federal election was called in 1965, and, once again, claims commission legislation died on the House of Commons Order Paper. It is interesting to note that when the subject of Native claims again came up for review in the winter of 1969, the Trudeau government (primarily officials in the Prime Minister’s Office and Privy Council Office) totally dismissed Aboriginal rights and title claims, and reduced the scope and focus for other claims to address “lawful obligations.”<sup>30</sup> This narrow legal definition is still at the heart of the Specific Claims policy and process.

While Native claims arising from the non-fulfilment of treaty provisions were to be dealt with through a prospective claims commission, the role and place of Indian treaties—both in Aboriginal and Canadian society—remained unresolved and was a contentious issue for non-Native policy actors and various “Friends of the Indian” groups.<sup>31</sup> During the years from 1945 to 1968, however, there was a perceptible evolution in public thought regarding Indian treaties, treaty rights, and Native peoples. For most of the

1940s and the 1950s, politicians, bureaucrats, and philanthropic bodies regarded the formal recognition of historic Indian treaties, and a treaty relationship, as a barrier to the social and political integration of Aboriginal peoples because, in their view, treaties harkened back to “the old days and old ways.”<sup>32</sup> In these early years, the focus of government officials was the practical implementation of treaty rights to hunt, fish, and trap. This was to ensure that Indian families in remote areas did not starve or have to go on provincial welfare rolls.

In western Canada, the comprehensive numbered treaties presented problems on a number of fronts. Six numbered land cession treaties had been negotiated in the period between 1871 and 1876 when there was no consolidated *Indian Act* legislation. For many Plains groups, the treaty relationship—not the *Indian Act*—defined their special “nation-to-nation” relationship with the Crown. In their view, the *Indian Act*, Indian administration, and the system of Indian agents were illegitimate.<sup>33</sup> Two respected Saskatchewan Indian political organizations, which espoused a “treaties only” relationship with the federal government, were the Queen Victoria Treaty Protective Association (representing seventeen Indian bands) and the Qu’Appelle Indian Advisory Council (representing six Indian bands).

To influential non-Native policy actors, and social organizations such as the Indian-Eskimo Association, the treaty relationship perpetuated the wrong-headed notion of a special political and legal status for Indians, not their political and social integration.<sup>34</sup> Second, and this argument cut to the philosophical heart of the problem, the promotion of Indian treaties and treaty rights as a vehicle for defining social relations suggested that “treaty Indians” enjoyed an enhanced degree of citizenship within Canadian society. They possessed rights and benefits not available to non-treaty Indians and Whites. At the time, despite the pluralistic nature of post-war Canadian society, the concept of an asymmetrical Canadian citizenship was at odds with the liberal democratic values of most decision-makers (indeed society at large), which emphasized equality before the law.<sup>35</sup>

For the historian concerned with the evolution of “ideas,” it is often difficult to identify the precise moment when society’s “thinking” changes on a particular subject. However, this process did occur in the late 1950s in regard to recognizing the potential “integrative” value of the treaty relationship. How did this come about? The political context is most important. The emergent post-war welfare state sponsored social programs and benefits, which not all Canadians enjoyed or were entitled to; for example, veterans payments, mothers’ allowance, pensions for the elderly, and blind persons benefits.<sup>36</sup>

Academics such as Dr. Harry Hawthorn, Cyril Belshaw and Stewart Jamieson also contributed to the debate. In the mid-1950s, Dr. Hawthorn and his research team at the University of British Columbia was commissioned by the Department of Citizenship and Immigration to prepare an in-depth study of Indian administration in British Columbia. In his thousand-page report, Dr. Hawthorn proposed measures to advance Indian integration. Implicit in Hawthorn's analysis was that many B.C. Aboriginal societies—including other groups across Canada—saw themselves as distinct political entities with unique rights, economies, cultures, collective goals, and citizenship. Hawthorn's message, of course, challenged Canadian post-war sociopolitical values that emphasized equality and a common citizenship. However, the theory had been advanced by a credible outside authority that Indian integration could be hastened if their respective rights, cultures, and traditions were assured of retention. Dr. Hawthorn's research was formally published in 1958 by the University of Toronto Press as *The Indians of British Columbia: A Study of Contemporary Social Adjustment*.

Dr. Hawthorn's investigation was timely because John Diefenbaker, a Prairie populist familiar with Native concerns, had recently become prime minister. Moreover, a second Joint Committee was scheduled to begin investigative hearings into the state of Indian administration in 1959. The first parliamentary committee, which sat from 1946 to 1948, had recast the traditional nineteenth-century policy paradigm of Indian assimilation into one of Indian integration. The second committee, which sat until 1961, heard testimony from Indian leaders and Aboriginal political associations concerning the importance to Indian people of the treaty relationship. In its final report, committee members implicitly endorsed the notion of a differentiated Indian citizenship.<sup>37</sup> This idea was not based on a new, emergent concept of "Aboriginality," or on any formal recognition of Aboriginal rights. In part, the transformation occurred because members of the dominant society had finally acknowledged Canada's cultural pluralism (through the indirect help of the Massey Commission), and the potential contribution non-traditional cultures could make to the social and political mosaic. The committee's musings and policy recommendations were not official government policy. However, by the early 1960s, the concept of Indian people as "citizens plus" had been broached.

When the Liberals under Lester Pearson came to power in the spring of 1963, the political dynamics in Canada had altered considerably. Separatism was on the rise in Quebec. Concerned with issues of national unity and political survival, the federal enthusiasm for Indian policy issues waned. Instead, Privy Council officials recommended that Indian conditions should be studied within the context of a Canada-wide "war on poverty." As a consequence of these deliberations, in 1964 the Hawthorn-Tremblay Commission was established to study Indian social, economic, and political issues.



When the commission reported its findings in 1967, one of its recommendations was that Indian people should be accorded status as “citizens plus.”<sup>38</sup> By this term they meant that Indian people should receive the same social benefits and economic opportunities as other Canadians, but, at the same time, they could retain any rights-based benefits accruing to them as “Indians”; for example, no taxation on reserve income, and any special considerations contained in the provisions of historic Indian treaties and other agreements with the Crown. The Hawthorn-Tremblay report also recommended an activist role for the newly created Department of Indian Affairs and Northern Development (1966) to promote Indian advancement and special status.<sup>39</sup> In a significant way, the Hawthorn-Tremblay Commission endorsed the revised course of Indian policy, which had been gradually taking shape since the late 1950s.

Within two years the progress and trust that had been developing for twenty years evaporated. In the summer of 1969, after more than a year of *Indian Act* consultation meetings across Canada, the federal government brought in its *Statement of the Government of Canada on Indian Policy*. The “new policy” was straight nineteenth-century Indian assimilation: the concept of Aboriginal rights was denied, treaty rights would be terminated, land claims would be adjudicated by a Claims Commissioner, Indian status was to be eliminated, Indian reserve land tenure revised, and the operations of the Indian Department brought to a close within five years. A termination psychosis gripped Native people. A flood of Indian-authored “Red,” “Beige,” and “Brown” policy papers, demonstrations, and university teach-ins forced the formal withdrawal of the White Paper proposals a year later.<sup>40</sup> The White Paper fiasco had revealed the bankrupt state of federal Indian policy.

What Indian people and their supporters failed to negotiate in the 1960s, judicial activism eventually attained. In the last thirty years a distinct body of Native case law has emerged that has established the criteria for demonstrating proof of Aboriginal title and rights (who holds these rights is still in question), and how provisions of the historic Indian treaties are to be viewed and interpreted.<sup>41</sup> These Supreme Court decisions have helped Canadians to understand better the social and political implications of Section 35 constitutional rights. It has been the high courts with the help of legal scholars—not parliamentarians, public servants, or interested citizens engaged in public debate—who have been active in framing the political agenda and related issues.<sup>42</sup> These judicial pronouncements have encouraged Native peoples and their leaders to seek a greater share of political power and decision making. A permanent Standing Committee on Aboriginal Affairs, comprehensive land claim negotiations, inherent right to self-government discussions, joint Indian-government policy task forces, and Indian program devolution hold out the prospect, if not the promise, of Native people gaining control over their own destiny.

In the never-ending government quest to end the cycle of dependency, to somehow incorporate Indian people into Canadian society, an often acrimonious public debate concerning the question of individual rights versus collective Native rights—derived from Indian treaty rights and the treaty relationship, modern land claims settlements, and self-government agreements—has surfaced and threatens to poison Aboriginal relations with the dominant society. Whether contemporary Canadian society, still imbued with the liberal democratic principles espoused by the White Paper, can accommodate collectivist Native aspirations and notions of asymmetrical citizenship is a moot point.<sup>43</sup> Until this fundamental issue is resolved, Indian policy will remain a highly contentious and problematic field of Canadian public policy.

## Endnotes

1. For an overview of the period see J. F. Leslie, "Assimilation, Integration or Termination? The Development of Canadian Indian Policy, 1943–1963" (Ph.D. diss., Carleton University, 1999).
2. See article by S. Cuthand, "The Native Peoples of the Prairie Provinces in the 1920s and 1930s" in *One Century Later: Western Canadian Reserve Indians Since Treaty Seven*, ed. I. Getty and D.B. Smith (Vancouver: University of British Columbia Press, 1977), 31–41; J. Goodwill and N. Sluman, *John Tootoosis: Biography of a Cree Leader* (Ottawa: Golden Dog Press, 1982); and P. Kulchyski, "A Considerable Unrest: F.O. Loft and the League of Indians," *Native Studies Review* 4 (1,2): 95–117.
3. House of Commons, Special Committee on Reconstruction and Re-establishment, *Minutes of Proceedings and Evidence*, 1944.
4. For example, see H. Robinson, "Blueprint for the Redman," *Canadian Forum* (January 1946): 233–234; and H. Glynn-Ward, "Canada's Indian Problem," *Dalhousie Review* 25 (April 1945): 42–47.
5. For biographies of select Indian leaders see, J. Dion, *My Tribe the Crees* (Calgary: Glenbow Museum, 1979); P. Patterson, "Andrew Paull and Canadian Indian Resurgence" (Ph.D. diss., University of Washington, 1962); H. Dempsey, *The Gentle Persuader: A Biography of James Gladstone, Indian Senator* (Saskatoon: Western Producer Prairie Books, 1986); and P. McFarlane, *Brotherhood to Nationhood: George Manuel and the Making of the Modern Indian Movement* (Toronto: Between the Lines, 1993).
6. Leslie, "Assimilation, Integration or Termination?," 140–142, in particular consult chapter three, footnote sixty-three, for a discussion of Iroquois legal status. See also B. Graymont, *Fighting Tuscarora: The Autobiography of Chief Clinton Rickard* (Syracuse: Syracuse University Press, 1973).
7. See L. Barron, *Walking in Indian Moccasins: The Native Policies of Tommy Douglas and the CCF* (Vancouver: University of British Columbia Press, 1997); R. Gorman, "The Doctor Schweitzer of the Western Plains...Dr. John Laurie," *Canadian Golden West* 9 (Fall 1972): 12–37; D. Snell, "The Housewife Who Fights for the Indians," *Star Weekly Magazine* (4 March 1961); and D. Smith, *Rogue Tory: The Life and Legend of John G. Diefenbaker* (Toronto: Macfarlane, Walter and Ross, 1995).
8. A. Renaud, "A National Commission on the Indian Canadians," *Missionary Information Bulletin* (Oblate Indian and Eskimo Welfare Commission, May 1957), 13–18.

9. As an example, see H. Hawthorn, C. Belshaw, and S. Jamieson, *The Indians of British Columbia: A Study of Contemporary Social Adjustment* (Toronto: University of Toronto Press, 1958). This study was a forerunner of the Hawthorn-Tremblay study of Canadian Indian conditions commissioned in the mid-1960s by Guy Favreau.
10. See D. Snell's six articles on Indian policy in the *Calgary Herald* (14–19 January 1957).
11. See chapter six, "The Joint Committee on Indian Administration and the Indian Act, 1959–1961: 'Winds of Change?'" in Leslie, "Assimilation, Integration or Termination?"
12. H. Shewell, "Social Policy and the Liberal State: A Case Study of the Authority to Provide Social Assistance on Indian Reserves in Canada" (Faculty of Social Work, University of Toronto, 1991); and D. Guest, *The Emergence of Social Security in Canada*, 2d ed. (Vancouver: University of British Columbia Press, 1985).
13. See chapter four, "The Development of the 1951 Indian Act: Patterns from the Past" in Leslie, "Assimilation, Integration or Termination?"
14. See speech by the Hon. Walter Harris, Minister of Citizenship and Immigration, House of Commons, *Debates*, 21 June 1950, 3938. Also see footnote 15.
15. National Archives of Canada, Papers of the Hon. E.D. Fulton, MG 32, B11, Vol. 88, File 1A-12E, "Matters concerning Indians in British Columbia, to be presented to the Federal Government," 16 October 1957. The brief, presented by senior Indian leaders Peter Kelly and Robert Clifton, called for settlement of the B.C. Aboriginal title claim and demanded certain rights and privileges for Indian people including no off-reserve taxation. Special rights were opposed by Cabinet Ministers Alvin Hamilton, Northern Affairs and National Resources; J. Waldo Monteith, Health and Welfare; and William Hamilton, Postmaster General.
16. Joint Committee, *Minutes of Proceedings and Evidence*, no. 2, 5 May 1960, 92–95; also *Minutes of Proceedings and Evidence*, no. 13, 22 June 1960, 1149–1316, and Appendix MI, "The Status of the Six Nations in Canada," 1198–1316. Similar claims had been presented to the first Special Joint Committee in June 1947.
17. Joint Committee, *Minutes of Proceedings and Evidence*, no. 13, 22 June 1960, see also appendices M1 and M4 of the same date. In 1947, and again in 1960, briefs presented by Ohsweken (Six Nations of Brantford), Caughnawaga (Kahnawake), and St. Regis (Akwasasne) were particularly well argued and documented with many historical references.
18. See footnote 143 in chapter three, "The Special Joint Committee Hearings on the Indian Act, 1946–1948: The Search for a New Indian Policy" in Leslie, "Assimilation, Integration or Termination?"
19. Leslie, "Assimilation, Integration or Termination?", 222–224, 257–260.

20. *Ibid.*, 255–256. Memorandum, Laval Fortier, deputy minister to minister, 26 November 1953.
21. S.M. Weaver, *Making Canadian Indian Policy: The Hidden Agenda, 1968–1970* (Toronto: University of Toronto Press, 1981).
22. Special Joint Committee, *Minutes of Proceedings and Evidence*, no. 5, April–June 1948, Appendix, 186–190. See summary chart on page 178 in Leslie, “Assimilation, Integration or Termination?”
23. Department of Indian Affairs and Northern Development, Claims and Historical Research Centre, File J-4, “Indian Bill.”
24. Department of Indian Affairs and Northern Development, File 6-15-1, Vol.2, Memorandum to Cabinet, “Revision of the Indian Act: Indian Claims Commission.”
25. Interview with Hon. Walter Harris, 12 June 1991.
26. National Archives of Canada, Papers of the Hon. Richard A. Bell, MG 32, B1, Vol.100, File IA-653, 1961–1962. Memorandum from Col. H.M. Jones, branch director, to Dr. George Davidson, deputy minister, 6 June 1961.
27. When questioned about the history of the June memorandum, Dr. Davidson informed the author that the initiative came from within the Indian Affairs Branch, whose officials had been convinced for some time that an independent Indian Claims Commission was required to settle longstanding Native grievances.
28. National Archives of Canada, MG 32, B1, Vol.100, File IA-653. Memorandum to Cabinet, 7 March 1962.
29. Métis claims were specifically excluded from the process, since government officials considered that their claims had been dealt with during negotiation of the numbered treaties, or by subsequent Scrip Commissions. Métis were thus seen as a responsibility of the provinces, not the Federal government, under Section 91:24 of the Constitution Act (1867).
30. Queen’s Printer, *Statement of the Government of Canada on Indian Policy*, 25 June 1969. See also Weaver, *Making Canadian Indian Policy*, 166–168.
31. For example, at page eleven, the 1969 White Paper noted “...the anomaly of treaties between groups within society and the government of that society will require that these treaties be reviewed to see how they can be equitably ended.”
32. A good example of this view are the remarks by Liberal M.P. Judy LaMarsh, Joint Committee, *Minutes of Proceedings and Evidence*, no. 6, 23 March 1961, 144–163.

33. The Queen Victoria Treaty Protective Association (QVTPA) was the most vocal exponent of this position. The QVTPA was formed by Indian dissidents under Arthur Favel who objected, among other things, to CCF influence in forming the Union of Saskatchewan Indians in 1946. The QVTPA made presentations in 1947 and in 1960 to the Parliamentary committees investigating Indian affairs.
34. See the submission by the Indian-Eskimo Association to the Joint Committee on Indian Administration, *Minutes of Proceedings and Evidence*, no. 5, 19 May 1960, 361–427.
35. R. Bothwell, I. Drummond, and J. English, *Canada Since 1945: Power, Politics, and Provincialism* (Toronto: University of Toronto Press, 1981); and P. Litt, *The Muses, the Masses, and the Massey Commission* (Toronto: University of Toronto Press, 1992).
36. The argument and rationale for viewing Indian people as “citizens plus” was based in part on the policies and practices of the emergent post-war welfare state. Regina lawyer Morris Shumiatcher made this argument to Prime Minister John Diefenbaker in a letter dated 15 June 1959. In part, the letter read: “I base this argument [for Indians as citizens plus] on the principle that many groups in our society receive special aid, among them, veterans, mothers, in receipt of mothers’ allowances, the blind, the aged, certain farm groups, etc. Since the Indian requires something more by way of assistance than other citizens of Canada why not, I ask, accord him the rights of citizenship, together with these additional benefits (treaty rights, tax exemption, etc.) he now enjoys.” Shumiatcher’s letter enclosed a copy of his recent CBC radio talk, “Full Citizenship for Canada’s Indians,” aired 15 May 1959. See National Archives of Canada, MG 32, B11, Vol. 88, File IA-12F, 1957–1961.
37. Joint Committee, *Minutes of Proceedings and Evidence*, no.16, 30 May–7 July 1961, 605–618.
38. H.B. Hawthorn, ed., *A Survey of the Contemporary Indians of Canada: Economic, Political, Educational Needs and Problems*, pt. I (Ottawa: Queen’s Printer, 1967), 262.
39. H.B. Hawthorn, ed., *A Survey of the Contemporary Indians of Canada: Economic, Political, Educational Needs and Problems*, pt. II (Ottawa: Queen’s Printer, 1968), 12.
40. The most influential of the many Indian submissions came from the Indian Chiefs of Alberta presented to the Federal government in 1970 as *Citizens Plus*.
41. The best compendium of information is S. Imai, *Indian Act and Aboriginal Constitutional Provisions*. The latest Carswell edition is 2002.
42. In this regard, a useful read is W.C. Wicken, *Mi’kmaq Treaties on Trial: History, Land, and Donald Marshall Junior* (Toronto: University of Toronto Press, 2002).

43. For examples of the contemporary debate read T. Flanagan, *First Nations Second Thoughts* (Montreal: McGill-Queen's University Press, 2002); and M. Smith, *Our Home and Native Land? What Governments' Aboriginal Policy is Doing to Canada* (Victoria: Crown Western, 1995); and on the other side, A.C. Cairns, *Citizen's Plus: Aboriginal Peoples and the Canadian State* (Vancouver: University of British Columbia Press, 2000). The issues surrounding recognition of special status and rights for groups versus individual rights are neatly summed up in M. Ignatieff, *The Rights Revolution* (CBC Massey Lecture Series, 2000).