



Circles for Reconciliation Gathering Theme

Violations of the Spirit of Treaties

(A summary of a series of our themes)

Increased settlement by Europeans was the reason both Indigenous people and governments wanted to have treaties. There were the friendship treaties with the Mi'kmaq and others in the East, which predate the numbered treaties in the West by at least one hundred years, and the Robinson Treaties of 1850 around lakes Huron and Superior. However, the numbered treaties contain much more explicit promises made by the Crown than previous treaties (Mcleod, 1999). Today's theme briefly summarizes seven major violations of the intent of the treaties to recognize, respect and acknowledge each Indigenous nation. Each of these violations can be studied further as individual themes.

1. The Indian Act (1876)

The *Indian Act* was created in 1876 by the federal government of Canada for the purpose of gaining legal power and control over the “rights and identities of First Nations Peoples” (Patzner, 2020, p. 6). The *Indian Act* “is one of the most archaic and assimilative laws on the books, and the Government of Canada continues to rely on that piece of legislation to really disadvantage First Nations peoples” (Robertson, 2020).

Here are a few samples from the *Indian Act*, which has been modified many times over the years:

- In 1880, the *Indian Act* was revised so that any Indian who earned a university degree or any Indian woman who married a non-Indian or an unregistered Indian, would lose their Indian status. This Loss of Status amendment lasted for 105 years until 1985.
- According to article 32 (1) of the *Indian Act*, a band member was not allowed to complete any business transaction with their cattle, grain, plants or products with anyone outside of their band unless the superintendent approved it in writing.
- In 1884, the *Indian Act* introduced prison sentences for anyone participating in potlatch, or other traditional Indigenous ceremonies.
- In 1927, Indigenous people were denied their right to organize politically.
- Also in 1927, it was made illegal for First Nations people or communities to hire lawyers or bring about land claims against the government without the government's consent.

- Many Indigenous veterans fighting overseas for Canada during the Second World War, returned home to discover they had lost their status, because the *Indian Act* specified that Indians absent from the reserve for four years were no longer Indians.

2. Residential School System (1883-1996)

Residential schools were first established in 1883 with the last one closing in 1996. The federal government estimated that at least 150,000 First Nations, Métis and Inuit children passed through the system. The purpose of the residential schools is summed up best by a statement made by Sir John A. Macdonald to the House of Commons in 1883:

When the school is on the reserve, the child lives with its parents who are savages; he is surrounded by savages, and though he may learn to read and write, his habits and training and mode of thought are Indian. He is simply a savage who can read and write. It has been strongly pressed on myself, as the head of the Department, that Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes of thought of white men. (TRC, 2015, p. 3)

3. The Pass System (1885)

Sir John A. MacDonald also signed an order in 1885 which prevented Indigenous people from leaving their reserves without permission. This system was first designed as a temporary emergency response to the Red River Rebellion of 1869–1870 and the North-West Rebellion in Saskatchewan in 1885, both led by Louis Riel. The Canadian government was concerned resistance could grow out of control if Indigenous people began leaving their reserves to join in further resistance.

A pass was required to leave the reserve in order to go hunting, fishing, sell produce or even get married, or as one Indigenous woman recounted, “to take my children to town to get some ice cream.” A pass to get off reserve would only be issued at the pleasure of the local Indian Agent, a man who controlled every aspect of First Nations’ lives, holding legal power. It was not unheard of for an Indian agent to ask for sexual favours before he would allow women to leave the reserve. The Pass System lasted nearly 60 years without ever getting officially approved by Parliament. It was a policy that created a tremendous sense of shame and dependency among Indigenous people.

4. The Sixties (and 70's and 80's) Scoop & 5. The Child Welfare System

By the 1950's and 1960's, residential schools started to be replaced by public schools, as the general population began realizing the devastating effects on families and communities on the reserves. Social workers, untrained and unfamiliar with Indigenous culture, would enter communities and judge the care given, by typical settler standards. If the food was a traditional Indigenous diet, assumptions were made that the children were not being fed properly. If the community struggled with poverty, unemployment or addiction, social workers stepped in to protect the children. In many cases, Indigenous parents who were living in poverty but otherwise providing caring homes, had their children taken from them with little or no warning and absolutely no consent. In the mid-60's almost all newborn children in B.C. were "scooped" from their mothers on reserves and placed in Euro-Caucasian middle-class families. There are many documented cases of abuse in these homes. On the other hand, many social workers or non-Indigenous families who took in these children behaved with the best intentions. This is a perfect example of "systemic racism," where well-intentioned people are asked to operate in a system that is racist in its roots. It was not until 1980 that the *Child, Family and Community Services Act* required social workers to notify the band council if an Indigenous child was removed from the community.

In 1951, there were twenty-nine Indigenous children in provincial care in British Columbia. By 1964, that number had risen to 1,466. Indigenous children, who had comprised only 1% of all children in care, came to make up just over 34% (Hanson, 2019). In Manitoba today, 90% of the 11,000 children in care are Indigenous.

6. The Justice System

Manitoba continues to be the province that holds the most people in custody for the longest period of time before they are sentenced. On any given day, about 70% of the people in custody are awaiting trial or sentencing. Most people in our provincial jails are not dangerous individuals, but are there for breaking probation conditions, not for committing a new crime.

Wealthier people can count on getting bail because they are viewed as low risk and can afford a lawyer or afford to borrow money to hire one. People in poverty may or may not have a stable home or job and have to rely on an underfunded legal aid system. Because of this, they are usually denied bail.

Here is just some of what we know about the individuals who are currently incarcerated in Canada with some Manitoba-specific statistics:

- Indigenous peoples represent about 5% of the total population, but about 25% of those in jail or prison.
- In Canada, you are 10 times more likely to be imprisoned at some point in your life if you are Indigenous.
- 65% of the men in Stony Mountain Penitentiary were in care when they were children.
- In the prison for women in Headingly, Manitoba, 8 out of 10 inmates are Indigenous.

7. Missing and Murdered Indigenous Women and Girls (MMIWG)

Indigenous women are 4% of the female population in Canada, yet they are 12 times more likely to be murdered or missing than any other woman in Canada. Over 1,000 Indigenous women have either gone missing or were murdered between 1980 and 2012 (MacKenzie, n.d.). Exact numbers are difficult to determine because victims of violence often do not report their victimization and many Indigenous women have gone missing without being counted towards the official numbers.

In Vancouver, the Downtown Eastside became notorious for disappearances of Indigenous women. Police often dismissed cases of missing women, stereotyping the women as sex workers, drug users, and therefore transient women who were not worth searching for. Vancouver Mayor Philip Owen explained that the city, the police, were not running a location service. In other words, the missing women seemed to have “just moved on” and it was not worth the city’s time to go looking for women who may not want to be found. “It is often assumed that [A]boriginals in cities are merely transient, on route to their legislated ‘camp’, which is the Indian reserve” (Peters, 1996).

The violence against Indigenous women and girls can be tied to the history of colonization in Canada. Prior to colonization, many Indigenous cultures had fairly equal roles for the genders. Indigenous communities respected women and the power of women as mothers. This led to their control over material resources and political structures. Women’s ability to bear children was not a hindrance to her public participation—rather it was perceived as so powerful that she needed to be given respect and honour. Grandmother Blu explains: “Our women are so sacred. They control everything. They are the heart of our nations . . . Our women are the ones who are the caregivers, they’re the ones that can bring life forward, they create that new life. Yes, they need another partner to help them do that with, but they’re the ones that carry that life.”

The roles of men and women in society were altered by colonization to favour men's domination and women's submission to them. For example, "treaties and trade could only be negotiated with Indigenous men. Indigenous women were excluded" (Smith, 1999, p. 8). For Indigenous communities, excluding women from decision-making was a significant shift, and it undermined women's ability to speak for themselves. The assault on traditional family relations in some communities devalued women's roles and responsibilities in society (Woolford, 2015, p. 168).

Conclusion

Obviously each of the sections of this theme requires much more attention. Nevertheless, it seemed useful to bring together an overview of policies and practices that have had, and continue to have, such a profound impact on the lives of Indigenous people in Canada.

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**This theme is currently under review and will be available online soon.*

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