

Treaty 6 Education: In Search of Her Majesty's Bounty and Benevolence

Sheila Carr-Stewart

University of Saskatchewan

On December 4, 1876, Alexander Morris, Lieutenant-Governor of the North-West Territories and Her Majesty's Chief Treaty Commissioner, reported that he had successfully negotiated Treaty 6 (in meetings held at Fort Carlton and Fort Pitt) "in compliance with the request of the Privy Council that I should proceed to the west.... as promised the Plain Crees" (Morris, 1880/1991, p. 180). Treaty 6, a formal and binding contract between two nations, dealt with the "important matters" related to "Reserves, schools, the amount of the money gratuities and annuities made or secured to the Indians" (Indian Affairs, 1877, p. xi). Treaty negotiations were held during August and September 1876. The Crown representatives and their entourage numbered approximately 100 people whereas Cree Chiefs, Headmen, and their people were estimated at 5,000. Together the two entities met, negotiated, and finalized Treaty 6. It was a process of treaty-making between the British Crown and First Nations that spanned 1871-1921 and the establishment of mutual treaty obligations agreed to and confirmed in Treaties 1 to 11.

Treaties 1-11 are often referred to as the numbered or post-confederation treaties. Each "treaty is unique in terms and scope of application [and] Aboriginal understandings of the treaties are relatively uniform" (Henderson, 1994, p. 152). Henderson argued that the numbered treaties "were consensual arrangements between nations for the sharing of a territory and creating a new order" (p. 53); however, over the past century, First Nations and Canada have often debated the "original intent and spirit" of the treaties and found little consensus in their understanding of the treaty commitments (Treaty 7 Elders and Tribal Council, 1996). Opepokew (1994) argued that cultural and linguistic differences "compounded the divergent interpretations of what was negotiated by [the] treaty-making parties" (p. 196).

First Nations were oral societies that relied on their word and the word of those with whom they negotiated to be their "document." At the Treaty 3 negotiations, the Saulteaux tribal members "selected ... an Indian reporter, whose duty was to commit to memory all that was said" during the negotiations (Morris 1880/1991, p. 48). In contrast, representatives of the Crown, as was their custom, prepared written documents to itemize and define the negotiations. The Crown identified the purpose of the Treaty negotiations as:

Obtain the alliance and promot[e] the welfare of the Indian tribes in the North-West of Canada, and ... open ... up the Territories for settlement, by obtaining the relinquishment of the natural title of the Indians to the lands of the Fertile Belt on fair and just terms. (preface)

The Canadian courts called upon from time to time to determine the meaning of the treaties have affirmed that each party negotiated in good faith. In *R. v. Badger*, the Supreme Court of Canada stated,

It must be remembered that a treaty represents an exchange of solemn promises between the Crown and the various Indian nations ... [the Crown] always intends to fulfill its promises. (Elliott, 1994, p. 45)

Promises to First Nations in the numbered treaties were for “allowances ... to count upon and receive from Her Majesty’s bounty and benevolence” (Morris, 1880/1991, p. 351) not just “for today or tomorrow only but should continue as long as the sun shone and the river flowed” (p. 208). The Queen’s “bounty and benevolence” was to “promote the welfare of the Indian Tribes” and to enable “the people ... to live and prosper and provide like the white man” (p. 28). In order to fulfill such promises, among other services the Crown undertook to provide educational services on each reserve whenever requested to do so by First Nations communities. Furthermore, not only the written words recorded by the Crown representatives, but the oral history of the First Nations give force to the true intent of the treaties. In 1997 in this context, the Supreme Court of Canada’s decision on Gitksan and Wet’suwet’en Aboriginal title stated,

Notwithstanding the challenges created by the use of oral history as proof of historical fact, the laws of evidence must be adapted in order that this type of evidence can be accommodated and placed on an equal footing with the types of historical evidence that courts are familiar with, which largely consists of documentary evidence. (Pape & Salter, 1998, p. 3)

Written documentation and oral history relating to each of the numbered treaty negotiations confirm that education was raised by both parties during the treaty negotiations. Furthermore, the Crown was committed to providing such services whenever an individual reserve demanded them (Morris, 1880/1991; Cardinal, 1969). Although there are similarities relating to the treaty discussions on education, the specific area of focus of this article is the provision of education in the context of Treaty 6, 1876. This research situates the treaty right to education in historical and present-day formal and Indigenous educational understandings, practices, and delivery. I argue that (a) despite the Crown’s constitutional responsibility to provide Western education, it failed to honor its commitment to provide educational services “equal to the whites”; and (b) the Crown’s educational policy of assimilation negated its treaty commitment that educational services would not impinge on Indigenous teaching and learning practices (Morris; Carr-Stewart, 2001; Macklem, 2001).

Treaty-Making

Historically, both European and Indigenous peoples entered into treaties with their respective neighbors for a variety of purposes including economic agreements, military alliances, the establishment of territorial boundaries, and for specific mutual benefits. First Nations people established diplomatic and political protocols for reaching peace and economic agreements or treaties with other First Nations (Ray, Miller, & Tough, 2000); similarly, nations in Europe treated with each other. In international law, a treaty is defined as a "compact made between two or more independent nations with a view to the public welfare ... [and] establishes rules" (Yogis, 1995, p. 227). The word *treaty* is synonymous with or used to mean "agreement, pact, protocol, charter, statute, act, covenant, or declaration" (p. 227).

Britain and the Indigenous people residing in the vicinity of the eastern seaboard entered into military alliances and peace and friendship treaties from the time of contact and in so doing established a nation-to-nation relationship. In 1754 Britain appointed two officials to manage its relationship with the tribes on the eastern seaboard. A decade later King George III issued the 1763 Proclamation, which recognized Aboriginal right to the land and established that First Nations people "had a pre-existing interest" in the land (Elliott, 1994, p. 23), and furthermore land set aside for Indians "could be purchased only by the Crown" (p. 23). Such tenets formed the basis of the Crown's treaty-making with Indigenous people across Canada as Euro-Canadian entrepreneurs and settlers moved westward.

Throughout time the Cree whose traditional lands were situated in much of the present-day western provinces adapted their lifestyle to the changing environment and economic opportunities. Trade for the Cree was a reciprocal arrangement. Thus with the arrival of Euro-Canadian fur traders in their lands, the Cree formed new trading alliances, particularly with officials of the Hudson Bay Company (HBC), which enabled them to exchange furs and their services for European tools and supplies and incorporating such into their own daily life. They also diversified their trading patterns by trading European goods with other First Nations (MacGregor, 1966/1998). As a people they were instrumental in the success of the fur trade and respected in their role as the middlemen between the HBC and the western tribes (Dempsey, 1979/1997).

In 1868 the HBC relinquished its royal title to the vast lands of the Northwest and the Imperial Order-in-Council dated June 23, 1870 instructed Canada:

That upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for purposes of settlement will be considered and settled. (Cumming & Mickenberg, 1970, p. 148)

The Numbered Treaties

The Cree Chiefs cognizant of the Queen's representatives treating (Treaty 1-5) with other tribes (Christensen, 2000), sent a message to

His Excellency Governor Archibald, our Great Mother's representative at Fort Garry, Red River Settlement.... we invite you to come and see us and to speak with us ... when we come to settle treaty with you. (Ray, 1998, p. 171)

In response the Privy Council instructed the Lieutenant-Governor "to convey to these Indians [the Cree] the assurance that Commissioners would be sent this summer, to negotiate a treaty with them" (p. 172). The negotiations associated with each of the specific numbered treaties varied in length from a number of days to weeks and were concluded with solemn ceremonies and pageantry: Chiefs and Headmen smoked the pipe with the Treaty Commissioners, the Union flag flew above the celebrations, and the band of the North-West Mounted Police played. It is these events that help to establish the totality of treaty-making. Isaac (1995) wrote, "In addition to actual terms of a treaty, the minutes of meetings at which negotiations took place and events leading up to the signing of a treaty have been interpreted to convey rights" (p. 236). To support his argument, Isaac referenced *R. v. Taylor*, 1981, whereby the Ontario Court of Appeal found that

Although the written terms of an 1818 treaty did not contain a guarantee of hunting and fishing rights, the minutes of the council meeting between the Deputy Superintendent of Indian Affairs and the chiefs of the six tribes who were parties of the treaty reveal that hunting and fishing rights on Crown lands in areas covered by the treaty were retained by the tribes. (p. 236)

The Numbered Treaties and Education

Both the oral history and the written treaty documents indicated that specific discussions relating to education formed a part of each of the numbered treaty negotiations. In 1975 Treaty 6 Elder Fred Horse recounted that his father told him "Education was discussed" at the treaty negotiations (Price, 1980, p. 125). At the Treaty 3 negotiations, "the Chief of the Lac Seul band ... stated [his people] wished a school-master to be sent them to teach their children the knowledge of the white man" (Morris, 1880/1991, p. 49). In response, Morris assured the Chief, "I have the authority to make reserves ... and establish schools whenever any band asks for them" (p. 58). Ahtahkakoop, one of the Treaty 6 negotiators, identified that he wanted his "people to be taught how to read, write, and farm" (Christensen, 2000, p. 202). The Crown representatives identified their commitment to provide education in their written documents: "You ask for school teachers ... I had already promised you that when you settled down, and there were enough children, schools would be maintained" (p. 217). The Minister of Interior David Mills noted in his 1877 report that the Cree asked "for teachers and for persons to instruct them" (Indian Affairs, *Annual Report*, 1877, p. xii).

Although each of the numbered treaties contained a written reference to education, the specific wording varied. The Crown committed in Treaties 1 and 2 (1871) "to maintain a school on each reserve hereby made, whenever the Indians of the reserve should desire it." The Qu'Appelle Treaty Number 4 (1874) confirmed: "Her Majesty agrees to maintain a school in the reserve, allotted to each band, as soon as they settle on said reserve, and are prepared for a teacher." Treaties 5 and 6 stated:

Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to her Government of the Dominion of Canada may seem advisable, whenever the Indians of the reserve shall desire it.

Defining such benefits has remained elusive (Cardinal, 1969); however, the British Columbia Supreme Court provided guidance in defining this area in its ruling on *Claxton v. Saanichton Martina Ltd*:

Treaties must be construed, not according to the technical meaning of their words but in the sense that they would naturally be understood by the Indians. (Isaac, 1995, p. 104)

Regardless of the words or phrasing in the written treaty documents, the Crown's obligation and fiduciary responsibility for education was identified. From Treaty 1 onwards, the Crown's commitment established both the treaty right to and the policy context for the provision of formal educational services: services to be provided whenever requested by First Nations.

The Future: Formal Education

The Crown's commitment to the provision of formal education was in addition to traditional educational practices, which were "interwoven into the life of the tribal society" (Snow, 1977, p. 6). Mista-wa-sis at the Treaty 6 negotiations stated, "the Great White Mother has offered us a way of life when the buffalo are no more" (Christensen, 2000, p. 252). At the negotiations, Red Pheasant informed the Commissioners, "He was glad to see the Government coming ... as it would improve his means of living" (Morris, 1880/1991, p. 193), and Sweet Grass wished to thank the Queen for the treaty because it would "help my children so that they may prosper" (p. 191). First Nations representatives informed the Treaty Commissioners that they desired "instruction" and the "knowledge of the whiteman" (p. 49) in order to be prepared for the changing economy. Cree Chiefs negotiated the opportunity "to send their children to school" (p. 204), and Morris noted that he "was agreeably surprised to find so great a willingness on the part of the Cree to commence ... to have their children instructed" (p. 194). Morris informed the Cree, "Your children will be taught, and then they will be as well able to take care of themselves as the whites around them" (p. 213).

The two treaty partners each to varying degrees understood the purpose of formal education. The Treaty Commissioners, who all spoke, read, and wrote English and had attended Western educational institutions,

were cognizant of the purpose and practices of formal education. Their formal education had enabled them to secure employment and a comfortable lifestyle, and they understood the Crown's commitment to provide formal education. Contact and relationships with explorers, fur traders, and missionaries provided the Cree people, albeit to a lesser degree, with an understanding of the practices and purpose of formal education. As the Cree met and guided explorers such as Anthony Henday, Peter Fidler, and David Thompson, they taught them "in the Indian manner" (Belyea, 1994, p. 241), and as they shared their food and teepees with the explorers, they observed the Western practice of keeping written accounts of their travels. Contact between First Nations people and Euro-Canadians increased with the growth of the fur trade. As did other Indigenous people, the Cree visited the trading posts to sell furs and buy European goods and in so doing observed a variety of signs itemizing goods for sale, and as HBC storekeepers maintained company logs itemizing goods traded, the custom provided direct experience of the Western practice of maintaining written records. The HBC trading posts established a system of communication by which information and correspondence were sent from one post to another. Cree and other First Nations people were hired to deliver the mail between posts: HBC journals record numerous entries of "Indians on horse back with letters" arriving and leaving for various forts in the mid-west (Carr-Stewart, 2001, p. 89).

From the 1800s onward, diverse groups and various individuals journeyed across the prairies. In 1840 the HBC invited the Wesleyan Methodist Church in England to send missionaries to the western outreaches of its territory (Nix, 1960). For the next eight years, the Reverend Robert Terrill Rundle divided his time between (a) conducting religious services and teaching children of Company employees at Fort Edmonton; and (b) traveling among the Cree, Stoney, and Blackfoot people (Dempsey, 1977). Initially Rundle used interpreters, but later learned Cree. He taught lessons from the scriptures and prepared individuals for baptism: once adults successfully passed the examination, he baptized them and presented them with baptismal certificates written in a combination of Cree syllabics and English; he also distributed hymnbooks among adherents (United Church of Canada, 1940, p. 20). He taught children and wrote to his fellow missionaries asking, "Could you send me, if you pls [sic], a few small children's books" (Dempsey, p. 149). Rundle recorded in his journal that he often instructed groups of 20 or more both during the day and in the evening and "held English school" or "read a chapter in English" to his pupils, taught groups to sing—particularly women and children—and taught children and adults to read and write "small words" (United Church, p. 31). He became "accustomed to hold[ing] a kind of school during five days a week" and wrote "several things for Indians" (pp. 111-123). Instruction was related to his mission to baptize children

and adults, yet his religious activities were not separate from the teaching of the rudiments of Western education of reading and writing.

A decade after Rundle returned to England, the Palliser Expedition, 1857-1860, surveyed the prairies and noted that the Cree "were well disposed towards the [Expedition] party ... [and] education had made some progress with them, thanks to the Wesleyan missionaries" (Spry, 1995, p. 172). A steady stream of religious representatives traveled across the prairies, and by the 1860s they had established a number of schools. In teaching the young and old alike, missionaries taught in a mode similar to the Cree concept of lifelong learning. Writing from Battleford two years after the signing of Treaty 6, David Laird, Lieutenant-Governor of the North-West Territories stated, "Quite a number of Crees have been taught by the Missionaries to read and write syllabic characters [and they] correspond with each other in their own languages and with the missionaries" (Indian Affairs, 1877, p. 64). Although certainly most Cree could neither read nor write, they nevertheless gained an ever-increasing knowledge of Western educational practices, and by the time of the Treaty 6 negotiations, the Cree people understood and were involved in the duality of education: using both Indigenous and Western educational practices to benefit their people in a changing economic and social environment.

Legislative Authority for First Nation Education

The British North America Act of 1867 (Constitution Act, 1982) gave each of the newly created provinces jurisdictional authority over education, whereas constitutional responsibility for all matters (including education) relating to "Indians, and Lands reserved for the Indians" (Section 91:24) was a federal area of jurisdiction. A decade after Confederation, the Canadian government enacted the Indian Act, 1876, as the administrative mechanism to fulfill its constitutional responsibilities relating to First Nations people. There is no record that the 1876 Indian Act was ever discussed during the Treaty 6 negotiations of the same year, yet the Act would have a profound effect on the Cree people as well as all other First Nations people across Canada. The Indian Act unilaterally established a Canadian Indian policy of "protection, civilization, and assimilation" (Tobias, 1992, p. 207) and determined the level and type of services to be available to Indian people, thus ignoring the Crown's numbered-treaty obligations.

Day Schools

Following Treaty 6 negotiations, the promise of education and the opportunity to participate in the new economic order faded as prairie First Nations people not only faced starvation and disease, but also the Crown's indifference to implementing its treaty obligations. Two years after the signing of Treaty 6, reserve lands had "not been allowed" or surveyed (Indian Affairs, 1877, p. 46). Gradually reserves were set aside, and chiefs

from the Assiniboine, Cree, and Blackfoot nations demanded farm implements and schools as promised in the treaties.

Although "different bands of Indians ... [demanded] to have schools erected on their reserves, to educate their children" (Indian Affairs, 1880, p. 102), Canada left the construction of schools to religious organizations, and furthermore, Indian Affairs gave "any religious denomination that be carrying on mission work upon a Reserve a reasonable quantity of land for buildings" (Glenbow Museum, Dewdney Papers, vol. V, pp. 1119-1120). This practice was in contrast to land set aside for provincial school construction. The 1872 Dominion Lands Act specified that when land was surveyed for settlement, separate parcels of additional land were to be set aside for provincial or territorial educational endowment in Manitoba and the North-West Territories (Statutes of Canada, 35 Victoria, Chap. 23, Sec. 22).

Indian Affairs initiated a data base of schools attended by First Nations students (the forerunner of today's Nominal Roll). Using the data, Indian Affairs noted that the only schools in the Treaty 6 "superintendency ... are [sic] Mission schools" (p. 57) established "by various religious denominations" (Indian Affairs, 1877, p. xiv). Although White Fish Lake School in Saskatchewan was praised for its efforts, it was noted nevertheless that the school "does not receive Government aid, though attended by a large number of pupils" (Indian Affairs, 1880, p. 106). Mountain Horse (1979), a member of the Kainai First Nation, which signed Treaty 7 in 1877, recalled in his 1935 memoirs, "After we settled on reserves, missionaries visited our Indian camps periodically to enrol pupils [in] the day schools opened by some of the churches" (p. 5).

As early as 1873 the federal government announced a policy of providing grants to on-reserve schools in eastern Canada if "the requisite [sic] average attendance there [of 25 students] has been attained" (Indian Affairs, 1873, p. 17). It was a policy that adversely affected prairie First Nations communities and nullified the treaty commitment to provide a school on each reserve. Often First Nations in Treaty 6 were too small to warrant such enrollments: in 1890 the population of Ermineskin and Louis Bull First Nations was 127 and 71 respectively (Indian Affairs, 1890). The \$300 annual federal grant was, however, only a contribution toward the operation of schools; missionary organizations were required to continue to raise funds for operation and maintenance. The Acting Superintendent for Battleford wrote to the Minister responsible for Indian Affairs, "schools should be established on several reserves, but the Government cannot expect to get capable teachers for \$300 or less per annum" (Indian Affairs, 1880, p. 106). Six years after the signing of Treaty 6, Indian Affairs questioned whether the \$300 granted to schools resulted in a "fair return ... for the expenditure" (Indian Affairs, 1884, p. 103).

By 1882 22 schools had been established in the North-West Territories, of which 13 were located on Treaty 6 reserves. Securing the establishment of a school on reserve was difficult. At the same time, it was also difficult in winter for Cree communities to support their children's attendance at school "owing to a lack of proper clothing" (Indian Affairs, 1885, p. 160). Despite the hardships, children were attending school and mastering the curriculum, which comprised instruction in reading and spelling, writing, arithmetic, grammar, history, music, singing, and drawing (Indian Affairs, 1882).

From Day Schools to Institutions

The Cree neither relinquished self-determination nor parental and community responsibility for their children's education. In 1896 the Samson First Nation school was inspected by the Inspector of Indian Agencies and Reserves, who noted "wood was regularly supplied by the parents" and the school "had been plastered and whitewashed and was [made] more comfortable" by community members (Indian Affairs, 1896, p. 304). Nevertheless, the Department of Indian Affairs argued, "more real benefit was accrued to the Indian children from the expenditure ... in assisting boarding schools than from ... our expenditure upon day schools" (Indian Affairs, 1888, p. 196) and unilaterally decided that day schools were not "a successful medium for imparting instruction" (*Annual Report*, 1896, p. xxii). By 1891 the Department recommended "the system of absorption of Indian children by boarding and industrial training schools should be widely extended" to facilitate the closure of day schools (Indian Affairs, 1891, p. xiii). Thus "industrial and boarding schools [located] at a distance from" the reserves were the "substitute" for the Crown's responsibility for establishing "schools on each reserve" (Indian Affairs, 1896, p. xxii).

Cree parents were reluctant to send their children away from home, and even when parents were persuaded to allow their children to move away to industrial schools "some parents ... demand[ed] a return of their children" (Indian Affairs, 1884, p. xi). By 1893 20 boarding schools and five industrial schools were in operation across the prairies compared with two boarding schools and six industrial schools in Ontario (Indian Affairs, 1893). The school day was from 9:00 a.m. to 4:00 p.m. and consisted of instruction in reading, geography, arithmetic, composition, dictation, and history. Although the chores varied from school to school, students who attended boarding or industrial schools were required to work half days in order to maintain "a large herd of cattle (fifty head) ... some oats were grown ... several acres of turnips and potatoes, also a large supply of cabbages, onions, beets" (Indian Affairs, 1885, p. 229). As in other schools, "most all the work on the premises [was] done by the pupils" (Indian Affairs, 1897, p. 334).

The Treaty Commissioners on behalf of the Crown had promised Her Majesty's "bounty and benevolence," but the financial cost associated with

operating an educational program was of considerable concern to Canada: "the cost of educating Indian children is too high, and that it is too doubtful ... whether the results achieved have been commensurate with the outlay" (Indian Affairs, 1897, p. 292). The Department practiced a "rigid economy ... in the management of all schools" (p. 294) and an "Order-in-Council introduced 'forced system of economy first by the assignment of per capita [for] ... industrial schools ... and then by formulations of regulations for the more efficient operation of the schools'" (Milloy, 1999, p. 62). Concerns about the cost associated with industrial schools also arose because of the students' success in the schools.

The question as to the object of industrial training has a very distinct bearing upon the justification of incurring its cost. If it be merely the good of the individual pupils, and to improve their position in life, it has to be carefully considered how far the country can properly be burdened with the cost of giving them superior advantages. (Indian Affairs, 1899, p. xxvii)

Reductions in funding led to the reduction in industrial school programming, and ultimately the schools were simply closed or became boarding schools.

By the 1920s the all-encompassing terminology *residential school* was officially adopted (Titley, 1986), and social and moral education became the focus of the curriculum in these schools. Boarding schools were intended not only to replace industrial schools, but also to facilitate the closure of the lingering day schools: "gradually boarding schools were built along [side] day schools enabling the closure of the latter" (Indian Affairs, 1896, p. 131), despite opposition "still experienced from parents who object[ed] to the removal of their children from the reserves" (Indian Affairs, 1898, p. 217).

By the early 20th century boarding schools were the delivery agent for the Crown's obligation to provide educational services. By 1926 the *Annual Report* stated,

Five years ago the Indian Act was amended to provide for the compulsory attendance at school of all physically fit Indian children from 7 to 15 years of age. This action ... resulted in residential schools being filled to the limit of their capacity. (Indian Affairs, 1926, p. 13)

Although Indian Affairs *Annual Reports* identified that the "provincial curricula" was followed in residential schools (Indian Affairs, 1927), there was a significant difference in daily curriculum offered in the two systems. Unlike provincial schools in which students pursued academic subjects during the entire school day, residential schools operated on a half-day system. Students split their school day between the classrooms and working in or around the residential school, a process that enabled the school to produce enough food to feed the children and also reduced the requirement for staff members; it also certainly reduced the time residential students spent on the academic programs.

Following World War I, "a special effort [was] made ... to improve the program and expand the educational activities" (Indian Affairs, 1926, p. 14), enabling "Indian children throughout Canada [to study] more advanced work than in the past" (p. 13), but the half-day system did not change. By 1927 Indians Affairs reported, "high school work is now being taught at several of the day and residential schools"; however, the levels indicated only went "to grades IV, V, and VI" (p. 13). As indicated in Table 1, the numbers of students attending school and advancing through the elementary grade levels increased between 1919 and 1925.

The increased enrollment was due (a) to the requirement of all children from 7 to 15 years of age to attend school (in 1931 the compulsory age increased to 7-16 years and in special cases a pupil might be kept in school until 18 years of age; and (b) to the "slight increase in the Indian population as compared with previous records" (Indian Affairs, 1926, p. 25). Minimal changes occurred in type or focus of education provided by Indian Affairs in the Treaty 6 area or elsewhere in Canada until the mid-20th century. Funding and hiring of staff continued as major issues in the operation of schools. Canada continued to rely on religious organizations to fulfill its treaty obligation to establish and maintain schools and stated that in order to "secure efficiency ... the four Canadian churches, that are associated with [Indian Affairs] in the conduct of these institutions have all adopted a measure of centralized control which, of course, makes for efficiency" (*Annual Report*, 1927, p. 15). It was not until 50 years after the signing of Treaty 6 that the 1929 *Annual Report* recorded,

The year under review is the first that all expenditure for education has been provided by parliamentary appropriation. The program of free education is now extended to all Indians in Canada. (p. 18)

The decade following 1921 saw an increase in total student enrollment from 13,021 to 17,163 students; and in 1931 in Alberta for the first time six First Nations students were indicated as having reached grade 9 in the residential system and four students attained grade 7 in day school. However, the increase in student numbers and academic attainment did not result in increased funding; rather "Parliament's Appropriation for Indian Education was materially reduced" although it was noted that "the Department has been able to maintain its educational services in full" (Indian Affairs, 1932-1933, p. 10). Despite financial reductions, "it is hoped

Table 1
Enrollment Across Canada 1919-20 to 1924-25

Standard	1	2	3	4	5	6	Total
1919-1920	5,869	2,162	2,018	1,258	618	271	12,196
1924-1925	6,251	2,707	2,250	1,692	836	486	14,222

to prescribe, in the near future, a complete course of students for Indian schools in Canada" (p. 11).

The Struggle for Education

In 1926 the Deputy Superintendent General of Indians wrote, "in many parts of Canada, the present younger generation of Indians is clamoring for an education" (Indian Affairs, 1926, p. 14). The Indian Act, however, mandated a system of education that eradicated the very essence of Cree life and was used as an effective tool to eliminate the Cree "mode of living": the Cree language, culture, and spirituality. Hayter Reed, Deputy Superintendent General of Indian Affairs, stated that the acquisition "of the English language was a necessity ... [the student] must be taught the English language" at the expense of their Indigenous language (Indian Affairs, 1896, pp. xxii-xxiv). Residential schools were thus "regarded as the chief factors of the great transformation" by which Cree children would become "English speaking Indians" (p. xxiv). Two decades after signing the Treaty 1-6, the treaty right to education that Chiefs and Headmen had sought as additional to their own Indigenous learning was dismissed, and one system of education was imposed on their communities. Furthermore, the right of First Nations to exercise authority over their children's education was disallowed, as was their right for their children to participate in their cultural, linguistic, and spiritual practices (Macklem, 2001).

Unequal Educational Opportunities

The system of education provided by Indian Affairs did not provide students, other than a select few, with an option to pursue high school and tertiary education. Edwards (2005) argued, "the quality of education at the schools was generally poor ... at best; most students acquired little more than a basic literacy education" (p. 122). By 1930,

It was reported that three quarters of all Aboriginal pupils in Canada were in the grades one through three and only three in every hundred advanced beyond grade six. In comparison, the general average at non-Aboriginal public schools in all the provinces in 1930 indicated that well over half were beyond grade three, with a third studying at levels above grade six. (p. 122)

Following the conclusion of World War II, the 1946-1948 Joint Committee of the Senate and House of Commons was appointed (a) to review the Indian Act; and (b) to recommend appropriate administrative and policy changes, including the operation of day and residential schools. The Indian Association of Alberta's (IAA) submission drew the Joint Committee's attention to the requirement for "academic education" in First Nations schools, for unless "the Indians are to be intentionally maintained as an inferior race," it was essential for the federal government "to acknowledge its duty and responsibility" for First Nation education and fulfill its commitment as "promised in the Treaty" to provide "free education" (Special Joint Committee, 1946, p. 803). The IAA stated: "much work

is to be done" and argued that the provision of education by Canada was "inadequate for the needs of people in a changing world" (p. 803). The Member for Yorkton added to the bleak picture of on-reserve education when he spoke in the House of Commons:

While there are 130,000 Indians in the country, our education and training of these people take care of only about 16,000. Of this number enrolled, only 883 reach grade 7, 324 reach grade 8, and seventy-one reach grade 9. I notice in three of the provinces there are no grade 9 students. (Castledean, House of Commons Debates, 1946, p. 5489)

The Indian Act was revised in 1951 and established a system of Indian day schools operated on Indian reserves and residential schools conducted under joint departmental and religious auspices "and the provision for entering into agreements with provincial authorities, public or separate school boards, and religious or charitable organizations, for the education of Indian children" (Indian Affairs, 1951/1952, p. 43).

In 1959 the Joint Committee of the Senate and House of Commons on Indian Affairs once more studied First Nations education. Appearing before the Joint Committee, the Deputy Minister of Indian Affairs noted,

I am sure that if Indians were given similar chances in becoming educated and trained in trades and professions and were treated as equals they would ... [be] able to achieve. (p. 13)

In June 1969 the Minister of Indian Affairs stated, "Indian people have the right to full and equal participation in the cultural, social, economic and political life of Canada" (Chrétien, House of Commons Debates, 1969, p. 10582). Chrétien proposed transferring responsibility to provincial governments for all programming including the provision of education. First Nations' reaction was swift. The IAA stated, "To us who are Treaty Indians there is nothing more important than our Treaties" (Indian Chiefs of Alberta, 1970, p. 1) and argued, "Our education is not a welfare system. We have free education as a treaty right because we paid in advance for our education" by sharing our lands and by so doing "we expect that the promises made when we signed the treaties ... will be honoured" (pp. 14-15).

A Treaty Right to Education

As noted above, the 1928-1929 fiscal year was the first time that Indian Affairs acknowledged, "all expenditures for education had been provided by parliamentary appropriation" (Indian Affairs, 1928-1929, p. 18). Not only did Parliament reiterate its obligation to provide the financial costs associated with educational services, it recognized that by doing so it was covering the costs "heretofore borne by Indians" and religious organizations (p. 14). Fifty-three years after the signing of Treaty 6, Canada recognized that free education for the Indians was imposed by treaty in some provinces and by usage in others and that "in future the education of those Indians shall be carried on with out cost to them, thus completing a system of free education to all the Indian wards of the Crown of Canada" (p. 14).

Canada's policy proposal initiative in 1969 to transfer responsibilities to the provinces for all matters relating to First Nations negated the Crown's treaty right to education obligation and aroused "swift and potent" reaction by First Nations people across Canada (Villeneuve, 2001, p. 6). The proposed change in federal policy served as a catalyst for First Nations to join together in their demand for a new era in education. Together First Nations prepared and endorsed *Indian Control of Indian Education* (National Indian Brotherhood [NIB], 1972) and presented the document in December 1972 to the Minister of Indian Affairs; it was accepted in principle by Canada.

Indian Control of Indian Education (NIB, 1972) identified the roles of parents in setting educational goals for their children: goals that provided "the training necessary for students to make a good living in modern society but also reinforced children's Indian identity" (p. 3). Parental involvement reflected the traditional role of parents and the "right of treaty Indians to choose an appropriate education system for their children" (Henderson, 1995, p. 245). Furthermore, *Indian Control of Indian Education* demanded that the federal government take the required steps to transfer to local band councils the authority and the funds in order for First Nation communities to be involved in and/or gain administrative responsibility for:

Establishing educational priorities

Determining the types of school facilities required to meet local needs

Managing educational financial resources

Hiring educational staff. (p. 6)

The Department of Indian Affairs in existing federal legislation and administrative arrangements and without any significant increase in budgetary levels embarked on devolving schools to First Nations administration. Devolved to First Nations was the "specific operation of the school [teacher salaries]. What was not devolved was an [educational system] which would support the school" (Indian and Northern Affairs Canada, 2002, p. 5).

In 1982, a century after representatives of the Cree people and the Crown's Treaty Commissioners negotiated Treaty 6, Canada reaffirmed its commitment to the numbered treaties and its fiduciary obligation to provide educational services as a treaty right. Canada's Constitution Act, 1982, recognized the rights of the Aboriginal peoples of Canada:

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

The Royal Commission on Aboriginal Peoples (RCAP, 1996), echoing the Chiefs and Headmen who negotiated the numbered treaties, stated that First Nations, "want two things from education ... the skills they need to participate fully in the economy ... [along] with the knowledge of their languages and traditions necessary for cultural continuity" (p. 82). It has,

however, been a difficult struggle. In 2000 the Report of the Auditor General (2000) stated: "Canada cannot demonstrate that it meets its stated objective to assist First Nations students living on reserves in achieving their educational needs and aspirations" (p. 4.5) and noted further,

Closing the education gap for Indian students living on reserves has been unacceptably slow. At the current rate of progress, it will take over 20 years for them to reach parity in academic achievement with other Canadians. (p. 4.5)

Four years later in 2004 the Auditor General argued, "The gap has increased slightly" (p. 1) and added, "education is critical to improving the social and economic strength of First Nations individuals and communities to a level enjoyed by other Canadians" (p. 2).

The numbered treaty rights are constitutional rights "that flow to" First Nations people as a result of agreements between the Crown and First Nations between 1871 and 1921 (Macklem, 2001). The numbered treaties signify "mutual recognition" (p. 155). Macklem argued, "a treaty is an on-going process" that allows for both parties to resolve "disputes that might arise in the future through a process of dialogue and mutual respect" (p. 155). It is time for Canada to fulfill the Crown's numbered treaty educational obligation to First Nations people and fulfill the "spirit and intent" of the treaty negotiations. Profound educational change is required. Canada must negotiate the provision of educational services in the context of the numbered treaties rather than—as it continues to do—in the parameters and confines of its own legislation and policy. Canada must honor its treaty obligation to ensure that teaching and learning enable First Nations people to participate in the "bounty and benevolence" as Indigenous people.

References

- Auditor General. (2000). *Indian and Northern Affairs Canada: Elementary and secondary education*. Ottawa: Author.
- Auditor General. (2004). *Indian and Northern Affairs Canada—Education program and post-secondary student support*. Ottawa: Author.
- Belyea, B. (1994). (Ed.). *Columbia journals David Thompson*. Montreal, QC & Kingston, ON: McGill-Queen's University Press.
- Cardinal, H. (1969). *The unjust society: The tragedy of Canada's Indians*. Edmonton, AB: Hurtig.
- Carr-Stewart, S. (2001). *Perceptions and parameters of education as a treaty right within the context of Treaty 7*. Unpublished doctoral dissertation, University of Alberta.
- Christensen, D. (2000). *Ahtahkakoop: The epic account of a Plains Cree Head Chief, his people, and their struggle for survival, 1816-1896*. Shell Lake, SK: Ahtahkakoop.
- Cumming, P.A., & Mickenberg, N.H. (1970). *Native rights in Canada* (2nd ed.). Toronto, ON: Indian-Eskimo Association of Canada.
- Dempsey, H.A. (1977). (Ed.). *The Rundle journals 1840-1848*. Calgary, AB: Historical Society of Alberta and Glenbow-Alberta Institute.
- Dempsey, H.A. (1979/1997). *Indian tribes of Alberta*. Calgary, AB: Glenbow Museum.
- Edwards, B.F.R. (2005). *Paper talk: A history of libraries, print culture, and Aboriginal people in Canada before 1960*. Lanham, MD: Scarecrow Press.
- Elliott, D.W. (1994). *Law and Aboriginal people in Canada* (3rd ed.). Canadian Legal Studies Series. North York, ON: Captus University Publications.

- Glenbow Museum. Edgar Dewdney Papers, M320. Calgary, AB.
- Green, L.C., & Dickason, O.P. (1989). *The law of nations and the new world*. Edmonton, AB: University of Alberta Press.
- Henderson, J.Y. (1994). Implementing the Treaty order. In R. Goss, J.Y. Henderson, & R. Carter (Eds.), *Continuing Poundmaker and Riel's Quest* (pp. 52-62). Saskatoon, SK: Purich Publishing and the University of Saskatchewan.
- Henderson, J.Y. (1995). Treaties and Indian Education. In *First Nations education in Canada: The circle unfolds* (pp 245-261). Vancouver, BC: UBC Press.
- House of Commons Debates*. 1946-1969. Ottawa: Author.
- Indian Affairs. (1877-1970). *Annual reports*. Ottawa: Author.
- Indian and Northern Affairs Canada. (2002). *Interim report joint INAC/treaty First Nations educational review*. Edmonton, AB: Author.
- Indian Chiefs of Alberta. (1970). *Citizen plus*. Edmonton, AB: Indian Association of Alberta.
- Isaac, T. (1995). *Aboriginal law cases, materials and commentary*. Saskatoon, SK: Purich.
- MacGregor, J.G. (1966/1998). *Peter Fidler: Canada's forgotten explorer 1769-1822*. Calgary, AB: Fifth House.
- Macklem, P. (2001). *Indigenous difference and the Constitution of Canada*. Toronto, ON: University of Toronto Press.
- Milloy, J.S. (1999). *A national crime: The Canadian government and the residential school system 1879-1986*. Winnipeg, MN: University of Manitoba Press.
- Morris, A. (1880/1991). *The treaties of Canada with the Indians of Manitoba and the North-West Territories including the negotiations on which they were based*. Calgary, AB: Fifth House.
- Mountain Horse, M. (1979). *My people the Bloods*. Calgary, AB: Glenbow-Alberta Institute.
- National Indian Brotherhood. (1972). *Indian control of Indian education*. Ottawa: Author.
- Nix, J.E. (1960). *Mission among the buffalo*. Toronto, ON: Ryerson Press.
- Opepokew, D. (1994). A review of ethnocentric basis facing Indian witnesses. In R. Gosse, J.Y. Henderson, & R. Carter, R. (Eds.), *Continuing Poundmaker and Riel's quest* (pp. 192-205). Saskatoon, SK: Purich Publishing and University of Saskatchewan.
- Pape & Salter. (1998). *Delgamuukw: A summary of the Supreme Court of Canada decision*. Available: <http://cstc.bc.ca/treaty/degmkwrmry.htm>.
- Price, R. (1980). *The spirit of Alberta: Indian treaties*. Montreal, QC: Institute for Research on Public Policy.
- Ray, A.J. (1996). *I have lived here since the world began: An illustrated history of Canada's Native people*. Toronto, ON: Lester Publishing & Key Porter Books.
- Ray, A.J. (1998). *Indians in the fur trade: Their role as trappers, hunters, and middlemen in the lands Southwest of Hudson Bay, 1660-1870*. Toronto, ON: University of Toronto Press.
- Ray, A.J., Miller, J., & Tough, F. (2000). *Bounty and benevolence a history of Saskatchewan Treaties*. Montreal, QC & Kingston, ON: McGill University Press.
- Royal Commission on Aboriginal Peoples. (1996). *Looking forward, looking back*. Vol. 1. Ottawa: Canada Communications Group.
- Snow, J. (1977). *These mountains are our sacred places: The story of the Stoney people*. Toronto, ON: Samuel Stevens.
- Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act. (1946). *Proceedings*. Report 1-21. Ottawa: Author.
- Spry, I.M. (Ed.). (1995). *The Palliser expedition: The dramatic story of Western Canadian exploration 1957-1860* (2nd ed.). Calgary, AB: Fifth House.
- Titley, E.B. (1986). *A narrow vision: Duncan Campbell Scott and the administration of Indian Affairs in Canada*. Vancouver, BC: UBC Press.
- Tobias, J.L. (1992). Protection, civilization, assimilation: An outline history of Canada's Indian Policy. In R.D. Francis & H. Palmer (Eds.), *The Prairie West: Historical readings* (pp. 207-224). Edmonton, AB: University of Alberta Press.
- Treaty 7 Elders and Tribal Council. (1996). *The true spirit and original intent of Treaty 7*. Montreal, QC & Kingston, ON: McGill-Queen's University Press.
- United Church of Canada. (1940). *Rundle in Alberta*. N.p: Author.

- Villeneuve, J. (2001). *Factors impacting First Nations education in Treaty 6 and Treaty 8 territories: A survey of relevant literature*. Unpublished manuscript.
- Yogis, J.A. (1995). *Canadian law dictionary*. Barrons.