

Life on the 18th Hole

DAVID NEEL

“Systems, such as the education, political and judicial system are being made to work in our favour. There is much to overcome, but I see hope.”

DAVID NEEL is from the Kwagiutl nation and inherited the name Tlat'lala'wis' from his father. David comes from a well-known family of totem pole carvers and makers of traditional Kwagiutl regalia, and this is the direction he has followed in his art work. As his ancestors did, he works mainly in wood, creating masks and regalia from Kwagiutl mythology and potlatch culture. David is also a well-recognized photographer specializing in photographing people, most often in black and white and usually combined with commentary from the subject.

* * *

Oka, who now does not know that word and the struggle for justice that took place? The words and images of the long summer have left an indelible impression on the minds of Canada and the world. Few events in recent history have been so divisive for the nation. For three months the stand-off between determined Mohawks and the Canadian government was in the headlines and the lead story on our television sets. It became a symbol and a rallying point for natives across Canada in their efforts to have long-standing issues brought to Canada's attention.

For non-natives, it was another episode in the government's mishandling of aboriginal affairs, leaving a black mark on our international image. For the federal government and the Department of Indian Affairs, it was an old wound proving itself not yet healed, a thorn in the side to be removed as quickly and quietly as possible. In British Columbia, the crisis had special significance because the majority of the province is not under any treaty obligations. Natives have long been pressing for negotiations and defending disputed territory.

So now that the long, hot summer is over and the dust has settled, where did the seeds of the dispute begin, and why was it to become a symbol of a bigger issue? Now that we have been left with this as part of our Canadian heritage, where do we go from here? The governments made claims that native issues are overdue for settlement and that both levels of government,

as well as the Canadian people, are ready to act. Was this crisis rhetoric, or are we entering a new era of native/white relations?

The record of the Canadian government in following through on promises made to aboriginal citizens is not reassuring. The dispute has, however, left us with the hope that the sacrifices of the Mohawks will push forward the process of fair negotiations. Hope is the major thing to come out of the stand-off. As the aboriginal people of this country followed the events, we felt somehow stronger. As though the strength of these men and women was our strength. The opponent was unbeatable in numbers and resources, but there was hope. As we rallied, marched, organized, and blockaded we felt strong. Like this was a turning point in our history. We had regained the strength and gained the knowledge to help our Mohawk brothers and sisters and ourselves at the same time. Who could have known that the dispute would galvanize the many nations into a group working towards the same goal — a just and peaceful settlement in Oka, Quebec?

These were heady times. Fresh from Elijah Harper's victory over the Meech Lake accord, we could smell the winds of change. Our chiefs went east and met in an attempt to find a peaceful settlement. They marched, they met with the minister of the Department of Indian Affairs, and the dispute rolled on. We had peace camps of people from many races. Hundreds of American Indians came but were turned back at the Canadian border.

Oka became the common bond, a symbol of the struggle we all endure, that our parents and their parents endured. The Canadian public also became aware. Aware of the high price of "progress," aware that its government was not settling long-standing grievances with First Nations people. And we all stood by our televisions watching the latest developments. Nothing makes news like a man with a gun. The foreign news loved it — an American magazine referred to it as "Canada's civil war."

It seems so ironic that the dispute arose out of an expansion of a golf course. On one hand there is a group of people willing to take up arms and die to protect territory they feel is theirs, and on the other side an expansion of a recreational facility. This is indicative of the way both federal and provincial governments handle land issues: one interest group is told negotiations will be held while at the same time title or resource rights are given to another interest group. Both groups are thus pitted against one another, leaving the government standing on the side lines with the Canadian people the loser.

Take as an example the Tsitika watershed, currently the subject of a dispute between MacMillan Bloedel and the Musgamagw tribal council.

This land has been named as part of a comprehensive land claim; the government has stated a number of times that it is ready to negotiate; at the same time it has given MacMillan Bloedel the go-ahead. In these kinds of circumstances, mistrust is bound to arise. The government must realize that it is in the interest of all parties to settle issues like Oka and the Tsitika through a consistent approach for the benefit of all Canadians. Native people want the opportunity to contribute to and benefit from society, not be excluded from it. The Canadian public is becoming aware of this, yet the Canadian government continues to maintain a policy of exclusion.

Oka was not solely about a golf-course expansion; it was about government inaction in dealing with the concerns of the Mohawks. There is no reason why at this time in Canada's history we should still be fighting over territory. Land claims concern non-native Canadians as much as native: why haven't they been attended to? The feeling all too evident in the past — that if these problems were ignored they would somehow go away — is no longer justified. Statements made by B.C. Premier Vander Zalm, federal Minister of Indian Affairs Tom Siddon, and Canadian Prime Minister Brian Mulroney indicate that they too see this.

It is the sacrifices of the people who manned the barricades in Oka that have helped to push forward our cause and bring the message to Canada and the world. It is in no one's best interest that long-standing disputes like Oka be allowed to simmer until the boiling point. It is up to the governments to see that the needs of the municipality and the Mohawks are met. Simply standing by ready to clean up the mess is not enough. In a democracy the responsibilities lie on the shoulders of the citizens to make our needs known to the public sector and on the elected leaders to respond.

Making the government take action on the needs and wants of the people is not always easy, as any First Nations person can tell you. Since the time of contact every conceivable tactic within the law has been tried. Everything from petitions, public meetings, rallies, delegations to meet the Queen, and court cases, to the cross-country constitutional railway express has been used. Progress has been slow and costly, though we have had our victories. Most recently the Sparrow decision went our way, as did the defeat of the Meech Lake Accord, which would, once again, have left First Nations people out of the process.

In dealing with an unjust bureaucracy, native people are finding it necessary to resort to civil disobedience. The chief advantage of this is that it gives voice to those who have none. Who was aware of the plight of the Mohawk people before the guns were drawn and the press came running? The Canadian government and business interests such as those involved in

developing the eighteenth hole in Oka have standard means and access to getting their message across. Oka is a rare opportunity for studying government public relations strategy during crisis and the role of disinformation. Much can be learned, and I hope we have learned much.

It is difficult to stand on the outside and pass judgement on the use of arms by the Mohawk people. For myself, I can say I do not condone the use of arms, though I can judge no man for defending the land of his ancestors. But why does "the battle of the pines" in Oka affect you and me? No one is taking our land? This is best answered by Jenny Jack, a Tlingit woman from British Columbia who was at the barricades: "If they're going to walk all over people here, they're going to walk all over people in British Columbia."

People did start to realize this, as was demonstrated by committed support from natives and non-natives all across the country. We realized that standing together we are strong, that unified we have a voice that can be heard. "This is finally waking up native people, we're finally starting to fight back," Jenny Jack says.

But there is another important message here that the public missed. When we talk about justice for natives, we are really saying justice for all people.

There is not a separate justice for the Jew, the Arab, the Hispanic, and the Native. If there is indeed "justice" in Canada there is justice for all races or justice for none. This raises another question. Why is there such an imbalance of aboriginal people in the penal system? There is no simple answer. Mr. Mulroney claims Canada has a fair justice system. History does not bear out his claim.

Nor does Mohawk Ronald Crosse's appearance in court, where his badly bruised and battered face told the story of a "rough time and abuse" while in the custody of the *Sûreté du Québec*. His lawyer made claims of physical abuse, but these went unheeded. If the justice system is to retain its integrity, it must not appear to be involved in violence against the powerless. Under Canadian law, a prisoner is a ward of the state and not subject to punishment until found guilty. This is not the first time the *Sûreté du Québec* has shown its true colours. In 1981, the *Sûreté* attacked unarmed Micmac women and children. One officer was seen kicking a three-year-old child, and another was heard yelling, "god damned savages." The most vivid example of *Sûreté* actions is their failure to stop the stoning of women and children as they left the Kanesatake reserve. Long will this leave a stain on Canada's human rights image in the international community.

The *Sûreté* was not alone in its disregard of the Canadian law. The

military was also reportedly acting above the law at Oka, as if the Emergencies Act had been invoked. According to University of Ottawa law professor Bradford Moses, "it seems the military is very clearly acting in violation of its own authority. It's completely unregulated." The army also violated the human rights of the Mohawk people. As André Paradis of the Quebec Civil Liberties Union put it, "the actions of the army are in violation of constitutional rights." This did not go unnoticed internationally: Archbishop Desmond Tutu spoke out publicly against the handling of Oka, as did American black activist Jesse Jackson, who also visited Kanasatake but was not permitted to visit the Warriors. Even the Pope questioned Prime Minister Mulroney about human rights violations at Oka. Canada has simultaneously lost its naivety about the concerns of its first citizens and sustained damage to its image as a supporter of human rights.

To better understand the Mohawk stand-off at Oka, it is necessary to know a little of the history of the Six Nations Confederacy and its relationship with Canada. In 1664, the Six Nations Confederacy signed a treaty expressly detailing its sovereignty. The Six Nations were British allies against the French, and later the Americans. They were not subjects of the Crown: they were referred to as "His Majesty's allies," and their lands were theirs to "enjoy forever," under the King's "protection." This promising beginning was not maintained. By the early nineteenth century native Indians had become subordinate, and the federal Indian Act of 1876 continued the encroachment and bureaucratic control over their lives.

In 1890 a petition by the hereditary chiefs demanded recognition of their autonomy and their exemption from the Act. At this time a long-standing system of hereditary chiefs was in place, and there were reformers interested in replacing this system with an elected system. The reformers got their way. An 1890 amendment to the Indian Act permitted the Department of Indian Affairs to install this system without band consent. In 1894, 212 Six Nations men sent a petition to Ottawa demanding an elective council. Opponents of the hereditary system were known as the Dehorners, Six Nations Rights Association, Indian Rights Association, or the Warriors Association.

The days of the hereditary system finally drew to a close with the appointment of Colonel C. E. Morgan as Indian superintendent at Brantford in 1923. He was a veteran of the Boer War and had worked as a colonial administrator in South Africa. His was a policy of firm action and constant police vigilance. On October 7, 1924, Colonel Morgan, along with a number of armed Mounties, arrived at a council meeting with an order-in-council abolishing the ancient hereditary system. An election was called, in

which only 16 to 30 percent of the eligible voters participated, resulting in a primarily Christian band council. Under the elected system Six Nations autonomy continued to dwindle and bureaucratic control increased. Ongoing attempts at regaining control were undertaken by the chiefs. These included petitions, legal actions, and trips to London and Geneva.

The Canadian government continues to deny the sovereignty and right to self-government of native peoples, despite the requirements placed on it by its own laws. The Canadian Constitution, section 35(1), recognizes and affirms "existing aboriginal and treaty rights of the aboriginal peoples of Canada." But it is only through the long and costly system of the courts that exactly what this means is being defined, as in the Sparrow case. Further, the Canadian government assumes a "fiduciary responsibility" under the Indian Act in which it purports to uphold and look out for the rights of first citizens. By attempting to override native self-government, the provincial and federal governments have exceeded their own constitutional jurisdiction. It can be argued that at Oka the Mohawks were defending legitimate constitutional jurisdiction and that the government has been illegally enforcing usurpation of that jurisdiction.

The situation of the Six Nations is not unlike that of British Columbia's native people in that they too have never surrendered their land and sovereignty. By Canada's own laws and by international law a sovereign association exists. Here again, the common ground occupied by British Columbians and those involved in the situation at Oka becomes apparent. As we watch the court battle unravel, we should see legal argument brought out that pertains to the land/sovereignty question across Canada.

So where do we go from here? We have seen a perhaps unprecedented galvanizing of natives from across the country. One woman commented to me recently that she wished we could retain that feeling, that momentum. Perhaps we can. We have seen Six Nations men and women risk their lives and the security of their future for something they believe in. This is something I was brought up to value and admire. We have witnessed a time of crisis, the government inaction that led up to it, and the military aftermath. We are about to witness a legal extravaganza as the battle is brought into the courtroom. Canada is perhaps not as close-lipped, blind, and deaf to native concerns as it was. We have seen that government handling of First Nations issues has not progressed.

On one hand government will promise the world and with the other it will "expropriate" your land. Since the surrender of Kanesatake there have been two orders-in-council expropriating native reserve land in British Columbia — one involving the Mount Currie Indian Band, and the other

the Boothroyd Indian band. This from a government promising to put native land claims as first priority. It is interesting to note that when the government takes land from natives it is "expropriation," and when the natives resist it is "militancy." One thing we can learn from Oka is that the government will do as it pleases. It is only by bringing public attention to Canada and what is happening here that we will focus attention on our needs. We must take our message beyond the borders of Canada and seek support internationally. The African National Congress, so widely recognized and supported, has over thirty offices worldwide.

Oka was about justice. Native sovereignty and self-determination are about justice. We are at a point in Canadian history where it is no longer as easy for government bureaucrats to suppress the needs of the first citizens. As stated by columnist Stephen Hume,

This, the first generation since Louis Riel to dare to dream big dreams, was nurtured by powerful born-again cultural pride. Its young people transcend a century's attempts at assimilation. They are the best educated youth in Canadian history; they have computers and cellular phones. Tiny isolated reserves are integrated into national political awareness.

As I sit working at my computer, I like to think that we are learning, that the sacrifices made at Oka will not be wasted, that my children will be living in a more just Canada. Education is changing the way native people relate to the larger society. Elders from across this province have told me education is the key. Systems such as the educational, political, and judicial system are being made to work in our favour. There is much to overcome, but I see hope.

A passage from the Two Row Wampum Treaty of the Six Nations reads:

These two rows will symbolize two paths or two vessels, travelling down the same rivers together. One, a birch bark canoe, will be for the Indian people, their laws, their customs and their ways. The other, a ship, will be for the white people and their laws, their customs and ways. We shall each travel the river together, side by side, but in our own boat. Neither of us will try to steer the other's boat.

In Canada we have seen a rocking of these boats.

SOURCES

Clark, Bruce. Indian Heroes, Government Outlaws. *Globe and Mail*, 26 September 1990.

Hume, Stephen. Black Eye for a Mohawk Is a Black Mark for Justice. *Vancouver Sun*, 3 October 1990.

- It's Time to Reshape a Shattered Illusion. *Vancouver Sun*, 31 August 1990.
- We Will Never Know Innocence Again. *Vancouver Sun*, 21 September, 1990.
- Mathew, Keith. *Koyote Tales*. Kahtou. November 1990.
- O'Neil, Peter. Woman Defied Armed Might. *Vancouver Sun*, 4 September 1990.
- Ottawa Citizen*. Army Claimed Acting Above Law in Oka Row. *Vancouver Sun*, 20 September 1990.
- Ripstein, Arthur. The Use of Violence Advances No Cause. *Globe and Mail*, 11 September 1990.
- Titley, Brian. *A Narrow Vision. Duncan Campbell Scott and the Administration of Indian Affairs in Canada*. University of British Columbia Press, 1986. Vancouver, B.C.
- Wright, Ronald. Does Canada Want a Wounded Knee? *Globe and Mail*, 30 August 1990.

Three Musts

The Yakwiimit did it,
Perhaps even as a lifestyle.
The ones that made first contact did it;
We are the living proof of that.
Each generation that followed
Did the same;
They all survived.
We must struggle to survive.
Our life? . . . a struggle for survival.

We need to protect our lives.
We must protect our children.
We have to protect our communities.
We have so much to protect.

Sobriety is a development,
Learning is a development,
Solidarity is a development,
Protest is a development,
Awareness is a development,
Discussion is a development
Our lives must be development.