PERSISTENCE OF COLONIAL PREJUDICE AND POLICY IN BRITISH COLUMBIA'S INDIGENOUS RELATIONS:

Did the Spirit of Joseph Trutch Haunt Twentieth-Century Resource Development?

GEORGE ABBOTT*

In 2003, British Columbia's twenty-seventh lieutenant-governor, Iona Campagnolo, in a rare departure from her office's customary diplomatic language, delivered a scathing rebuke of her "least illustrious" predecessor, the province's first lieutenant-governor, Joseph Trutch. In her assessment of blame for the "prejudices and injustices that stain our provincial history," Campagnolo argued that Trutch "cemented a negative attitude" against Aboriginal rights and title that "continued to haunt" British Columbia "for at least the next 120 years."[1] Her rebuke was fitting. Trutch consistently and contemptuously dismissed Indigenous people as "utter savages,"[2] who "really have no right to the lands they claim."[3] For Trutch, Indian land – even in the form of small and scattered reserves – was wasted land; he worked doggedly "to allow part of the lands now uselessly shut up in these Reserves to be thrown open to

* The author would like to thank the anonymous reviewers at *BC Studies* as well as James Tully, Jamie Lawson, Millie Nickason, and Brant Abbott for their advice and suggestions. The invariably generous assistance of staff at Library and Archives Canada, British Columbia Archives, and the BC Hydro and Power Authority Archives was much appreciated, as was Mary Koyl's advice and access to her collected archival materials.

1 Cited in Hamar Foster, Heather Raven, and Jeremy Webber, *Let Right Be Done: Aboriginal Title, the* Calder *Case, and the Future of Indigenous Rights* (Vancouver: UBC Press, 2007), 217.

2 Trutch to Sir John A. Macdonald, 14 October 1872, Library and Archives Canada (LAC), Sir John A. Macdonald Papers, vol. 278, cited in Robin Fisher, "Joseph Trutch and Indian Land Policy," *BC Studies* 12 (Winter 1971-72): 5. In the same article, Fisher quotes Trutch in an 1850 reference to Indigenous people of the Oregon Territory: "I think they are the ugliest & laziest creatures I ever saw." See Trutch to Charlotte Trutch, 23 June 1850, UBC Library Special Collections, Joseph Trutch Papers, 5.

3 Trutch to the Colonial Secretary (William Young), 28 August 1867, British Columbia, *Papers Connected with the Indian Land Question, 1850-1875* (hereafter *Papers Connected*) (Victoria: Queen's Printer, 1987), 42.

pre-emption."[4] These beliefs were far from unique. British Columbia's tiny white population was very much a "fragment" of the culture from which it was drawn – Victorian Great Britain, a society firmly convinced of white biological and moral superiority.[5] Trutch not only shared these beliefs but also possessed the power to shape and promote them, aided and abetted by governments of similar bent. This article surveys his prejudices and policies, as articulated in British Columbia's late colonial era, and their persistence across two periods of the province's history: first, the turbulent years following entry into Confederation (1871 to 1876) and, second, the era of postwar hydroelectric development (presented as case studies unfolding from 1951 to 1989).

With its entry into Confederation, British Columbia assumed jurisdiction over public lands ("assumed" may have a double meaning given the Supreme Court's 2014 *Tsilhqot'in* decision) through section 92 (5) of the Constitution Act, while the federal government undertook responsibility for "Indians and lands reserved for Indians" under section 91 (24). Governmental conduct of Indigenous relations was further guided by Article 13 of the Terms of Union Act, which committed the Dominion to "a policy as liberal as that hitherto pursued" by colonial governments, supported by a concomitant provincial obligation for periodic transfer of public lands to the Dominion in pursuit of that goal.[6] Those arrangements quickly brought competing provincial and federal approaches to "the Indian land question" into overt conflict. In 1871, and for more than a century thereafter, the province saw its future prospects – through settlement, agriculture, and resource development – as inextricably linked to those public lands. For Trutch and post-Confederation BC governments, the addition of new reserves and the expansion of existing reserves represented an ongoing diminution of those prospects.

---

[4] Trutch to W. Moberly, 10 October 1865, *Papers Connected*, 31. Pre-emption was the opportunity to take up public land and convert it to fee simple ownership by meeting some minimal conditions. Generally, it involved 160 to 320 acres (65 to 130 hectares) of land, depending on location.

[5] The reference to "fragment" is drawn from Louis Hartz, *The Founding of New Societies* (New York: Harcourt, Brace and World, 1964). Population figures are presented in Jean Barman, *The West beyond the West: A History of British Columbia*, rev. ed. (Toronto: University of Toronto Press, 2004), 379. In 1871, the white population was 8,576 out of a total population of 36,247. The Native Indian population was estimated at 25,661, the Asian at 1,548. For the permeation of racialist ideas in the mid-1800s, see R. Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver: UBC Press, 2002), 9-11.

[6] Article 13 was the object of considerable debate between the Dominion and provincial governments. See, for example, *Papers Connected*, 143 and 152. As Paul Tennant notes, *Papers Connected* "remain a permanent antidote to Trutch's revisions of history." See Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver: UBC Press, 1990), 21.

Suggestions from the Dominion government, detailed below, that British Columbia's reserve size should better align with more generous land allocations east of the Rocky Mountains were quickly and definitively dismissed.

Trutch's reserve policies – and the beliefs that spawned them – were also well evident during the second period canvassed in this article, 1951 to 1989, when Indigenous people suffered dispossession and dislocation stemming from the province's postwar drive for hydroelectric development. The Cheslatta and Ingenika bands were both abruptly uprooted from their homes and reserve lands by the Kemano and W.A.C. Bennett dams, respectively.[7] Persistence of policy and prejudice during the period was reflected in two core themes: first, that Indigenous interests were subordinate to governmental interests (replacement of reserves lost to flooding was at best an afterthought, a cursory legal obligation to be fulfilled *after* substantive resource development decisions had been made);[8] second, that government knew best what was good for Indigenous people (what the latter needed or wanted was irrelevant or inconsequential). Imposition of governmental judgment was a ready surrogate for respectful engagement. A century after Confederation, governments remained insensitive to Indigenous attachment to the lands of their ancestors – and to the physical, social, and emotional consequences of dislocation. Despite the extraordinary price the bands paid for the province's economic and industrial expansion, governments treated the loss of homes, reserves, and livelihoods with disdain, disrespect, and parsimony.

Was this treatment rooted in the colonial policy and prejudice of Joseph Trutch? Did the spirit of Trutch, as Campagnolo suggests, haunt British Columbia's Indigenous relations long after his death? Trutch enjoyed great power in colonial British Columbia as chief commissioner of lands and works from 1864 to 1871. He used that power to systematically and substantially reduce the size and quality of Indian reserves created by his

[7] This article uses band names as they appeared in the archival record of the period. The Cheslatta are known today as the Cheslatta Carrier Nation, with 340 members based on the south shore of Francois Lake, twenty-three kilometres south of Burns Lake. The Ingenika (earlier known as the Fort Grahame Band) are known today as the Tsay Keh Dene Nation, with approximately five hundred members based at Tsay Keh village located at the north end of the Williston Reservoir.

[8] To what extent did governmental attitudes reflect those of the broader public in the 1950s and 1960s? Although not a definitive answer, J.E. Windsor and J.A. McVey note in "Annihilation of Both Place and Sense of Place: The Experience of the Cheslatta T'En Canadian First Nation within the Context of Large-Scale Environmental Projects," *Geographical Journal* 171, 2 (2005): 152, that 93.6 percent of the public supported Alcan's Kemano project in May of 1949. See also discussion on pro-Kemano editorial comments in the Vancouver *News Herald*.

predecessor. He was largely unconstrained in his work due, most notably, to the retirement in 1864 of Governor James Douglas, a colonial leader who took a markedly different approach to Indigenous relations. Douglas was far from forgotten as British Columbia entered Confederation. He soon became the prime exemplar for Dominion officials seeking a more generous and enlightened approach to Indigenous relations than that set out by Trutch.

TRUTCH, DOUGLAS, AND DIVERGENT RESERVE POLICIES

Tensions between the BC and Dominion governments over Indigenous lands policy emerged soon after Confederation. Much of that tension flowed from conflicting interpretations of Article 13 and its key phrase: "as liberal as that hitherto pursued." If the colonial policies pursued by Trutch as chief commissioner of lands and works from 1864 to 1871 were the sole comparator, then post-Confederation governments may have met that paltry goal. If, however, the policies of Governor James Douglas from 1851 to 1864 are considered in the comparison, claims to achievement of "liberal" Indigenous policy fall well short of the mark.

Douglas provided the most complete articulation of his reserve policies in correspondence written in 1874, a decade after his retirement as governor. "The principle to be followed in all cases," he wrote, "was to leave the extent and selection of the land entirely optional with the Indians who were immediately interested in the Reserve."[9] The historical record as embodied in *Papers Connected with the Indian Land Question, 1850–1875* confirms Douglas's recollections. In 1861, he directed his officials to define the "extent of the Indian reserves … as they may be severally pointed out by the Natives themselves."[10] Two years later, he pointedly reminded officials of his instruction that "the wishes of the Natives themselves, with respect to boundaries, should in all cases be complied with." Despite that instruction, Douglas wrote, "I hear very general complaints of the smallness of the areas set apart for their use."[11] He demanded "instant measures to inquire into such complaints" and enlarge such reserves. Two weeks later he followed up with a blunt reminder that past instructions must be "carried out to the letter, and in all cases

[9] Douglas to Israel Powell, 14 October 1874, British Columbia Archives (hereafter BCA), Sir James Douglas Correspondence Outward.

[10] Young to the Chief Commissioner or Lands and Works (R.C. Moody), 5 March 1861, *Papers Connected*, 21.

[11] Douglas to Moody, 27 April 1863, *Papers Connected*, 27.

where the land pointed out by the Indians appears … inadequate for their support, a larger area is at once to be set apart."[12]

Douglas's policies on reserve creation were anchored on a genuine belief that Indigenous people "should in all respects be treated as rational beings, capable of acting and thinking for themselves." His conception of reserves as "entirely self-supporting" engaged policies more liberal and generous than those of Trutch.[13] Douglas also supported the right of Indigenous people to pre-empt public land "on precisely the same terms and conditions, in all respects, as other classes of Her Majesty's subjects," a policy that was "for its time … radical and unique."[14] Although he was not entirely removed from the dominant prejudices of his day, Douglas "displayed a spirit of tolerance, compassion, and humane understanding" during a period when public sentiment held scant sympathy for Indigenous people.[15]

The personalized and informal character of Douglas's approach to reserve creation proved central to its undoing. Shortly before his retirement in 1864, Douglas told the Legislative Council that, during his tenure, reserves had in no case exceeded "the proportion of ten acres [four hectares] for each family concerned." His comment was likely aimed at refuting claims that his reserve policies were exceedingly generous, but others construed it to mean that ten acres was a desirable or acceptable standard.[16] As a result of Douglas's failure to formalize his reserve policies while still in power, Cole Harris notes, "his successors were presented with a formula – ten acres per family – that made it easy for them to miss or ignore the essence of Douglas's Native land policy."[17] During Trutch's tenure as chief commissioner, the ten-acre formula became the specious pretext for widespread reserve reductions: "Instead of using the ten acres as a minimum as Douglas had intended, Trutch used it as a maximum figure."[18]

---

[12] Young to Moody, bearing instructions from Douglas, 11 May 1863, *Papers Connected*, 28.

[13] Douglas to E.B. Lytton, 14 March 1859, *Papers Connected*, 17. Not all of the Douglas reserves were equally generous, particularly on Vancouver Island. See Harris, *Making Native Space*, 27. See also discussion of Canada's numbered treaties and the debate over appropriate reserve size per capita.

[14] Tennant, *Aboriginal Peoples,* 30. The opportunity for pre-emption by Indigenous people was unique to British Columbia under Douglas. British Columbia's Legislative Council effectively eliminated such opportunities after Douglas retired.

[15] Tennant, *Aboriginal Peoples*, 29.

[16] Cited in Harris, *Making Native Space*, 43. Douglas later denied that a ten-acre maximum allocation was ever his intent. Douglas to Powell, 14 October 1874, BCA, Sir James Douglas Correspondence Outward.

[17] Harris, *Making Native Space*, 43.

[18] Fisher, "Joseph Trutch," 17.

Trutch began his work as chief commissioner in April of 1864, just as Douglas was retiring as governor. Unlike his predecessors, Trutch did not have to deal with a governor possessing deep experience and pronounced views on Indigenous relations. Douglas's successors typically deferred to Trutch on those matters.[19] The new chief commissioner was never reluctant to offer up his views: "the claims of Indians over tracts of land, on which they assume to exercise ownership, but of which they make no real use, operate very materially to prevent settlement and cultivation."[20] Reserves constructed under Douglas's direction, Trutch argued, contained much land of good quality "and it is very desirable, from a public point of view, that it should be placed in possession of white settlers as soon as practicable."[21] He sought to discredit the Douglas reserve allocations without attacking the former governor directly; instead, he questioned the judgment of the surveyors who had followed Douglas's instructions. For example, Trutch claimed in 1865 that the Kamloops and Shuswap reserves laid out by W.G. Cox were "entirely disproportionate to the numbers or requirements of the Indian Tribes to which they are represented to have been appropriated."[22] Substantial reserve reductions soon followed.

In 1867, Trutch turned his attention to Fraser Valley reserves, on this occasion with the explicit support of the Legislative Council.[23] He again argued that reserves laid out on Douglas's explicit instructions were "out of all proportion to the numbers or requirements of the tribes to which they were assigned," with blame ascribed to surveyor William McColl.[24] In response to a suggestion from the colonial secretary that McColl had "entirely misinterpreted" Douglas's instructions, Trutch advised that "McColl had no authority for laying off the excessive amounts of land included by him in these reserves, and … his action in this respect was entirely disavowed."[25] Trutch's aim was once again to liberate lands "trapped" in reserves and "of no real value to the Indians and utterly unprofitable to the public interests."[26] In October of 1868,

[19] Harris, *Making Native Space,* 45.

[20] Trutch to Young, 20 September 1865, *Papers Connected*, 30. At that point in time, the Colony of British Columbia had a white population of only several thousand, much of it gathered on southern Vancouver Island. Pressures on available land offered no justification for Trutch's views. See note 5.

[21] Trutch to Young, 17 January 1866, *Papers Connected*, 32-33.

[22] Ibid., 32.

[23] Harris, *Making Native Space*, 56.

[24] Trutch to the Acting Colonial Secretary, 28 August 1867, BCA, *Papers Connected*, 42.

[25] Young to Trutch, 6 November 1867, and Trutch to Young, 19 November 1867, BCA, *Papers Connected*, 45, 46.

[26] Trutch to the Acting Colonial Secretary, 28 August 1867, BCA, *Papers Connected*, 42.

Surveyor-General H.M. Ball proudly reported that all Fraser River reserves, with one exception, had been reduced to ten acres per adult male and that several hundred acres "of good agricultural and pasture land have consequently been thrown open for pre-emption, which has hitherto been locked up and unused by white settlers."[27] Trutch's team aimed to ultimately "throw open about 40,000 acres for settlement by white men."[28]

DID TRUTCH HELP CEMENT A NEGATIVE ATTITUDE IN CANADA'S NEW PROVINCE?

Joseph Trutch's interest in Indigenous relations did not fade on assuming the role of lieutenant-governor in 1871. When asked by the prime minister of Canada for his opinion of the Dominion's new Indian superintendent, Trutch responded that Dr. Israel Powell was "in very good standing here," but his understanding of Aboriginal matters was limited and "for some time to come at the least the general charge of all Indian affairs in BC should be vested in the Lt. Governor."[29] Sensibly, the prime minister declined to extend him that power, although Trutch nevertheless remained influential, even joining Powell and his deputy superintendent on the federally established Indian Board in 1874-75.[30] Powell was likely a reluctant recipient of Trutch's advice. Particularly in his early years as superintendent, Powell was to prove far more amenable to the Douglas approach to Indigenous relations, even seeking the former governor's advice at points. The provincial government, on the other hand, firmly held to the spirit and direction established by Trutch in the late colonial period. The politics of obfuscation that Trutch had practised so consistently soon became its stock-in-trade.

Less than two years after joining Canada, the provincial and federal governments were locked in a protracted dispute over reserve size. From the date of his appointment, Powell was regularly in receipt of requests from provincial officials to resolve "apprehended difficulties with Indians" and to facilitate white settlement. Powell, supported by Ottawa, suggested that the key to removing "any spirit of discontent" would be a reserve allocation of eighty acres per family – a figure consistent with treaty discussions in the North-West Territory.[31] Robert Beaven, British

---

[27] Ball to Governor Seymour, 17 October 1868, BCA, *Papers Connected*, 52.
[28] B.W. Pearse to Trutch, 21 October 1868, BCA, *Papers Connected*, 53.
[29] Cited in Robert E. Cail, *Land, Man, and the Law* (Vancouver: UBC Press, 1974), 297.
[30] Ibid., 189.
[31] Powell to Beaven, 17 April 1873, BCA, *Papers Connected*, 114.

Columbia's new chief commissioner of lands and works, rejected that suggestion as "far too large," particularly given the province's current average of six acres per family.[32] On 28 July 1873, Powell was advised of British Columbia's decision – enacted through order-in-council – that "land to be reserved for Indians should not exceed twenty acres of land for each head of a family of five persons" and "all future reserves … [would] be adjusted on the basis of twenty acres of land for each head of a family of five persons."[33] The Dominion minister of the interior reluctantly accepted British Columbia's position based on the assumption that, where reserves fell short of the twenty-acre formula, land would be provided by the province to correct the shortfall.[34]

The agreement was soon tested. On 31 July 1874, Powell advised Beaven that, based on his survey of the Musqueam Reserve, both of area and population, an additional 1,197 acres drawn from adjacent public lands would be required to meet the formula. Surveyors, he further advised, were on site and ready to proceed.[35] Beaven responded immediately. "How [did] you ascertain the actual number of families?" he asked, to which Powell replied "by counting."[36] His straightforward reply was greeted with further obfuscation. The province, Beaven argued, "should know who supplied the information, whether it was taken under oath or how, and whether any penalty can be imposed for making a false return." Curiously, the remarkable confidence that British Columbia enjoyed regarding Indigenous population numbers while reducing reserve size in the pre-Confederation period entirely evaporated in the wake of agreement with the federal government to expand reserves.

The province's supposed commitment was short-lived. On 10 August 1874, Powell was advised by Beaven that the twenty-acre formula would be applied only to the creation of new reserves; expansion of existing reserves would be contingent upon a formal Dominion commitment to reduce reserves where the twenty-acre standard was exceeded and on a "guarantee that the Indians [would] agree quietly to reduction."[37] Powell would not and could not provide such an undertaking, knowing

[32] Beaven to Powell, 30 April 1873, BCA, *Papers Connected*, 115. An excellent account of the development of the numbered treaties in the North-West Territory is found in Michael Asch, *On Being Here to Stay: Treaties and Aboriginal Rights in Canada* (Toronto: University of Toronto, 2014), 73-115.

[33] Provincial Secretary to Powell, 28 July 1873, BCA, *Papers Connected*, 119.

[34] Powell to Provincial Secretary, 15 May 1874, BCA, *Papers Connected*, 131. Even twenty acres was a small fraction of the 160 to 320 acres available to whites through pre-emption.

[35] Powell to Beaven, 31 July 1874, BCA, *Papers Connected* , 134.

[36] Beaven to Powell, 6 August 1874, and Powell to Beaven, 7 August 1874, BCA, *Papers Connected*, 134-35.

[37] Beaven to Powell, 10 August 1874, BCA, *Papers Connected*, 135.

full well the intense anger of Interior bands over access to range lands. He had no choice but to call in the survey parties. In a bitter note to provincial secretary John Ash, Powell lamented British Columbia's failure to adjust "all Reserves upon the basis … mutually understood and agreed upon."[38] Ash's response was as disingenuous as the province's twenty-acre proposal. "Said Order", he wrote, "was not intended to affect or unsettle Reservations already established," only those created since 1871. This was proof, Ash claimed, that the province had "been more liberal than it was called upon to be by the Terms of Union."[39]

The shift in BC's position prompted a stern rebuke from the Dominion minister David Laird: Aboriginal people had been promised "the liberal policy heretofore pursued" before union and BC's ten-acre formula was "little short of a mockery" of that promise. His hopes that a "calm review" by the province would produce "a spirit of equal liberality" proved entirely unfounded.[40]

The province's formal response to Laird's rebuke was embodied in *Report of the Government of British Columbia on the Subject of Indian Reserves.* The report argued that the Dominion's expansive reserves promoted "a concentration of Indians upon Reserves," whereas BC's smaller reserves "invited and encouraged" Natives "to mingle with and live amongst the white population with a view of weaning them by degrees from savage life." Small acreages unsurprisingly necessitated off-reserve employment and Indigenous people would "prove invaluable" as labourers in the emerging economy. Large reserves might be fine in Ontario, "where there is abundance of good agricultural land," but would be "fraught with mischief" and "worse than useless" due to "Indian indolence" in British Columbia.[41] The report was an aggregation of self-serving prejudices entirely consistent with the minimalist reserve policies of Joseph Trutch.

---

[38] Powell to Ash, 28 September 1874, BCA, *Papers Connected*, 140, 142-43.

[39] Ash to Powell, 28 September 1874, BCA, *Papers Connected,* 143.

[40] Enclosure No.2 from the Minister of the Interior, in E.J. Langevin, Under Secretary of State, to the Lieutenant-Governor, 14 October 1874, BCA, *Papers Connected*, 151-55. Laird was a minister in the Liberal government of Alexander Mackenzie, which took office in November 1873.

[41] "Report of the Government of British Columbia on the Subject of Indian Reserves," 18 August 1875, BCA, *Papers Connected*, 2, 7-8, appended to BCA, *Papers Connected*, 171-86. The apparent contradiction between "indolence" in agriculture and "invaluable" in wage employment was not explained. They were, as John Lutz wryly notes, "placed in a functional role that Karl Marx referred to as the 'reserve army of the unemployed.' Only in this case, 'reserve' would have a double meaning." See John Lutz, *Makúk: A New History of Aboriginal-White Relations* (Vancouver: UBC Press, 2008), 104.

Dominion demands for reserve reform in British Columbia would quickly wane. The Joint Indian Reserve Commission, 1876-78, dissipated federal political energies and was rendered ineffectual by provincial obstructionism. By 1879, Cole Harris notes, "men who had fashioned late colonial Indian land policy … were back in control." Prime Minister Macdonald instructed Powell to consult on all important policy questions with his "Confidential Agent" Joseph Trutch as well as with the BC premier; the "provincial triumph was complete."[42] As a consequence, provincial politicians – at least until the late 1980s – continued to justify Paul Tennant's apt characterization of their approach to Indigenous issues: "there is no problem and if there is a problem it is a federal responsibility."[43] That approach was well-evident in BC's drive for post-Second World War hydroelectric development.

ALCAN: BC'S DREAM BECOMES CANADA'S PROBLEM AND CHESLATTA'S NIGHTMARE

Discussions aimed at attracting Aluminum Company of Canada (Alcan) to British Columbia began in 1947 and were led by E.T. Kenney, minister of lands and forests. Cheap power was the cornerstone for attracting Alcan, enabled by the Industrial Development Act of March 1949.[44] An agreement between the province and Alcan was signed in 1950, providing Alcan with the right to store, divert, and use water under the Water Act as well as the opportunity to both occupy and purchase as much Crown land as was required for its project. British Columbia, Kenney said, provided "the perfect setting" for Alcan: "The combination of aluminum and hydro power … go together as naturally as ham and eggs or Blondie and Dagwood." The project was "an augury" that British Columbia would become "the leading industrial province in Canada" and Kitimat would grow to be the province's third-largest city of "perhaps 50,000 people."[45]

All this great promise was threatened by a stipulation that "plans must be submitted to various government bodies," including the federal

[42] Harris, *Making Native Space*, 164. In the federal election of 1878, the Liberal government of Alexander Mackenzie was defeated and the Conservative government of Macdonald returned to power. The latter was less inclined to challenge provincial policy.

[43] Paul Tennant, "Aboriginal Peoples and Aboriginal Title in British Columbia Politics," in *Politics, Policy, and Government in British Columbia*, ed. R.K. Carty (Vancouver: UBC Press, 1996), 45.

[44] The *Act* provided some hefty incentives for Alcan, as noted in Bev Christensen, *Too Good to Be True: Alcan's Kemano Completion Project* (Vancouver: Talonbooks, 1995), 64, 74-75. Kenney was a Coalition and (after its break-up) Liberal minister.

[45] Kenney, undated speech textually linked to the 29 December 1950 announcement, BCA, Kenney Papers, 5, 10, 12, 21.

Department of Fisheries (DOF). Just six weeks after the Alcan agreement was signed, Kenney complained to a federal MP that "it [was] rather exasperating after all the ground work that ha[d] been done to find the Federal Fisheries obstructing" the project. He was "amazed at the deductions" drawn from "meagre information"; if the DOF persisted with its "fanciful objections," Alcan advised "that the project is out as far as they are concerned."[46]

The fate of the Kemano project, and its subsequent impact on the Cheslatta Band, was not finally determined until fifteen months after British Columbia and Alcan signed their agreement. On 30 July 1951, Indian Commissioner W.S. Arneil notified the Indian Affairs Branch (IAB) headquarters in Ottawa of Alcan's advice that, should the DOF's issues be resolved, portions of two Cheslatta reserves would "likely be flooded," with a more precise determination to follow.[47] On 28 March 1952, the DOF and Alcan reached agreement on a remedy for the anticipated impact of the Nechako Canyon Dam on migrating salmon: a reservoir for strategic cold water release created by inundation of Murphy and Cheslatta lakes. Alcan also advised the IAB that flooding would now consume several Cheslatta reserves, nine hundred acres, forty buildings, and two graveyards.[48] The DOF's solution immediately became the IAB's problem and, all too soon, the Cheslatta's nightmare.

Prior to their forced relocation, the Cheslatta Band occupied reserves adjacent to Cheslatta Lake, located south of Burns Lake in north-central British Columbia. The Cheslatta drew their livelihoods from ranching, in combination with traditional pursuits of trapping, hunting, and fishing. Their isolated reserves enjoyed no urban services and could not be accessed by road; IAB records suggest only one band member spoke

---

[46] Kenney to E.T. Applewhaite, 8 February 1951, BCA, Kenney Papers. Kenney also expressed "a great deal of confidence" in C.D. Howe and felt sure that he would overcome the fisheries' objections. The stipulation to refer project plans to agencies was noted in the speech of 29 December 1950.

[47] W.S. Arneil to Indian Affairs Branch, 30 July 1951, LAC, Indian Affairs Branch Records (IAB Records), RG 10, accession PV13515, vol. 1, file 985/34A. Arneil was the senior IAB official in BC. During the 1950s the IAB was part of the Department of Citizenship and Immigration.

[48] Alcan to Arneil, 28 March 1952, LAC, IAB Records, RG 10, vol. 11074, file 161/341A pt 2. See also C.E. Webb of Alcan to Arneil, 12 October 1951, LAC, IAB Records, RG 10, vol. 11074, file 161/341A pt. 2, and a report entitled "Flooding of Indian Reserves on Cheslatta Lake Due to Spillway from Tweedsmuir Park Reservoir." The two graveyards were submerged in 1952, but the scouring effect of periodic high water at high velocity eroded the soil that covered the graves. An IAB superintendent, Burns Lake Agency, reported that seventeen graves washed away in 1957. See W.J. Desmarais to W.S. Arneil, 7 May 1957, LAC, IAB Records, RG 10, accession PV 13485, file 985/30-3. And, more recently, see the *Globe and Mail* online, 31 May 2012.

English.[49] That isolation was soon breached by governmental and corporate decisions over which the band had neither knowledge nor control.

There is no evidence within the archival record to suggest IAB officials ever considered opposing the Alcan plan. This absence of opposition was notable, but perhaps not surprising. Fisheries had filed an objection to issuance of Alcan's provincial water licence based on the threat posed to migrating salmon. Opposing the proffered solution, and at least temporarily blocking the massive project, would have been challenging indeed.[50] Nor is there evidence to suggest that the IAB at any level considered utilizing any leverage it possessed in Alcan's regulatory approval processes. Shortly after the reservoir plan and consequent reserve flooding were officially confirmed, the provincial comptroller of water rights contacted Arneil regarding impact on the Cheslatta. Arneil quickly responded that negotiations under way with Alcan "[would] ensure that the rights of the Indian owners … [would] not be adversely affected through the raising of the lake."[51]

A discomfiting "government-knows-best" theme permeated the IAB approach between 30 July 1951, when Alcan first flagged the possibility of flooding two reserves, and 27 March 1952, when it confirmed that seven reserves would definitely be inundated. The IAB appeared far more preoccupied with preparing mutually acceptable appraisals with Alcan than with preparing the Cheslatta for the physical and social consequences of flooding. The archival record also reveals that, at least four months before the final decision was reached on the Murray-Cheslatta lakes reservoir, the IAB had reached agreement on a compensation plan with Alcan *without* consulting the Cheslatta.

On 12 October 1951, Alcan advised Arneil of its "desire" that Alcan and the IAB "be able to agree on compensation in the field for all of the various items concerned."[52] Two weeks later, after a joint field

[49] W.J. MacGregor, Regional Supervisor of Indian Agencies, "Memorandum of Preliminary Meeting Held April 3rd and Surrender Meetings Held April 20th and 21st re Acquisition of Cheslatta Indian Reserves by the Aluminum Company of Canada" (hereafter "Memorandum"), n.d., LAC, IAB Records, RG 10, accession PV 13485, file 985/30-3. The interpreter was Abel Peters, Cheslatta member and a Second World War veteran.

[50] Even the Superintendent of Reserves and Trusts in Ottawa, who advocated a harder line against Alcan later in the drama, noted on 1 December 1951: "I do not assume we should stand in the way of a development such as that proposed by the Company even though it may mean the Indians will lose two or three small Reserves." See D.J. Allan to Arneil, 1 December 1951, LAC, IAB Records, RG 10, accession PV13515, vol. 1, file 985/34A.

[51] Arneil to R.H. Tredcroft, 29 April 1952, LAC, IAB Records, RG 10, vol. 11074, file 161/341A pt. 2.

[52] Webb to Arneil, 12 October 1951, LAC, IAB Records, RG 10, accession PV13515, vol. 1, file 985/34A. On 7 September 1951, Arneil advised the IAB superintendent of the Stuart Lake Agency "to value the land and improvements to avoid any last minute rush and the possibility

visit, Arneil wrote to Superintendent Howe of the Vanderhoof Agency expressing concern that Alcan and the IAB may have emerged with differing appraisals. He urged Howe to immediately contact Alcan and "endeavour to arrive at mutually acceptable values."[53] Howe's response was reassuring: "The only difference is in the valuation of the whole acreage of each Reserve on our lists, whereas [Alcan] only appraised the acreage which may be flooded … Otherwise, our appraisals are identical."[54] Even though reserve relinquishment would necessitate evacuation and relocation of the Cheslatta, Alcan hoped to pay only for the area ultimately flooded, not for the broader area in which occupation would be prohibited (remarkably, its lower figure was tendered at "surrender meetings" with no apparent objections from the IAB).[55] Arneil was undoubtedly relieved to advise IAB headquarters on 5 December 1951 that "valuations have been made and compensation agreed upon."[56]

There is no evidence to suggest that the Cheslatta were warned that their dispossession and dislocation might be imminent. IAB and Alcan officials reported no interactions – adverse or otherwise – with band members during their October valuation visit. Further, the IAB reported that, in light of Alcan's 27 March confirmation of flooding, a meeting with the Cheslatta "was necessary to inform the Indians of this sudden turn of events."[57] This "turn of events" would see the Cheslatta immediately dispossessed of their homes, reserves, and livelihoods by a process from which they were excluded, for a price they had no role in negotiating, followed by relocation to a place as yet undetermined. The Cheslatta's interests were overtly subordinated to those of Alcan and government through a process that left the band with no genuine choices.

---

that some flooding might occur before the valuations are made." Webb to Arneil, 12 October 1951, LAC, IAB Records, RG 10, accession PV13515, vol. 1, file 985/34A.

[53] Arneil to Howe, 26 October 1951, LAC, IAB Records, RG 10, accession PV13515, vol. 1, file 985/34A.

[54] Howe to Arneil, 31 October 1951, LAC, IAB Records, RG 10, accession PV13515, vol. 1, file 985/34A.

[55] Webb to Arneil, 23 November 1951, LAC, IAB Records, RG 10, accession PV13515, vol. 1, file 985/34A. The adjustment moved the Alcan appraisal from $113,900 to $107,830.

[56] Arneil to IAB, 5 December 1951, LAC, IAB Records, RG 10, accession PV13515, vol. 1, file 985/34A.

[57] MacGregor, "Memorandum," LAC, IAB Records, RG 10, vol. 11074, file 161/341A pt. 2. J.E. Windsor and J.A. McVey also conclude that the Cheslatta were not informed of flooding prior to 3 April 1952. See Windsor and McVey, "Annihilation," 154.

THE CHESLATTA LEARN THEIR FATE

On 3 April 1952, Superintendent Howe arrived at Cheslatta Lake and delivered the bad news: Alcan "had received instructions from the Fisheries Department at Ottawa to build a dam at the outlet of Murray Lake, in order to catch this spring's run-off."[58] As a consequence, Cheslatta Lake would rise approximately ten feet in ten weeks, prompting "the urgent necessity for evacuation at the earliest possible date."[59] Not surprisingly, band members "were shocked to learn that they should be asked to move on such short notice and at the outset were not prepared to move under any circumstances." Immediate removal held dangers of its own. "The Reserves are not served by a road but there are pack trails and wagon trails which are practically impassable at that time," the IAB regional supervisor wrote. Instead, the move "could be made over the ice on Cheslatta Lake which necessitated immediate removal before the ice broke up. Each family had the necessary sleighs and horses to make the move." The implication of IAB advice was clear: move quickly or face the double jeopardy of drowning. Further, the Cheslatta could look forward to re-establishment in a place "better than their present holdings in an area served by roads, schools, doctors … and other amenities of life not now enjoyed on their isolated Reserves." IAB officials were surprised and frustrated when Alcan's offer of $107,830 was not immediately accepted. The Cheslatta "wanted additional compensation in cash, due to the short notice given and the additional difficulties they would have moving at this time of year due to poor travel conditions."[60] The meeting ended without resolution.

A second meeting was held with the Cheslatta on 20 April, this time with Alcan representatives present. Superintendent Howe was also joined by W.J. MacGregor, regional supervisor of Indian agencies. Alcan reiterated its offer as previously conveyed by IAB officials on 3 April. Alcan's E.A. Clarke "outlined why none of the requests [for additional compensation] could be considered by the company." Alcan's offer, he said, was "fair and just" and "the result of a joint appraisal" with the IAB – suggestions that were repeatedly confirmed by Howe.[61] The Cheslatta, in Howe's view, "countered with fantastic and unreasonable demands, which were definitely out of the question."[62] Negotiations again stalled.

---

[58] Ibid.

[59] Howe to Arneil, 28 April 1952, LAC, IAB Records, RG 10, accession PV13515, vol. 1, file 985/34.

[60] MacGregor, "Memorandum," LAC, IAB Records, RG 10, vol. 11074, file 161/341A Pt2. IAB and Alcan travelled in and out in a helicopter furnished by Alcan.

[61] MacGregor, "Memorandum," LAC, IAB Records, RG 10, vol. 11074, file 161/341A Pt2.

[62] Howe to Arneil, 1 May 1952, LAC, IAB Records, RG 10, vol. 11074, file 161/341A Pt2.

Alcan's hardline stance was bolstered by a fact (overtly at odds with the "urgent necessity for evacuation" noted above) that they shared only with IAB officials at a closed evening meeting: "conditions in the Cheslatta watershed indicated at the moment that the level of the lake would not rise as rapidly as was first anticipated." As a consequence, "they were inclined to hold firm to their present offer." That loss of urgency, in the IAB regional supervisor's words, "would allow us time to have another meeting later with the possibility that the Indians would reduce their demands."

The next morning Alcan reiterated "no further concessions,"[63] then departed. IAB officials stayed on for what they described as "exhausting and gruelling sessions, which lasted for three days and nights. Finally, on the last day, when we were just about to give up, the Indians compromised and agreed to surrender the Reserves for a definite sum for each individual owner of land and improvements."[64] Total compensation was $129,000, including $109,450 for individual holdings and $3,500 for emergency moving expenses. Joseph Trutch would have admired the successful strategy: emphasize the immediacy of danger and the need for evacuation (despite Alcan's latter-day disclosure that water was rising more slowly than anticipated), present the band with "fair and just" valuation and compensation figures (despite being based on Alcan's acreage flooded rather than the IAB's acreage lost), and promise better lives in a new (if as yet undetermined) location.

Despite the successful conclusion from the IAB's perspective, MacGregor noted that "it was most frustrating attempting to negotiate with these Indians. They have lived in an isolated area all their lives, with the result that they are a backward group, have had little supervision and, consequently, little knowledge of the Indian Act and Departmental policies." He added that "the interpreter, Abel Peters, son of the Chief, and a veteran of World War II, was very difficult to deal with, being against any sort of compromise while at the same time not being able to give any basis for the demands he supported." Peters had just completed a new house weeks before being asked to give it up at the "surrender meetings."[65] Similarly, Howe considered the Cheslatta "a very difficult

---

[63] MacGregor, "Memorandum," LAC, IAB Records, RG 10, vol. 11074, file 161/341A Pt2.

[64] Howe to Arneil, 1 May 1952, LAC, IAB Records, RG 10, vol. 11074, file 161/341A Pt2. The margin between individual compensation of $109,450 and total compensation of $129,000 was intended to go to the band, but the margin ultimately was much smaller.

[65] MacGregor, "Memorandum," LAC, IAB Records, RG 10, vol. 11074, file 161/341A Pt2. Despite having just been told to immediately and permanently evacuate their homes and farms, McGregor noted that a "friendly atmosphere prevailed at the meetings."

and intractable Band to deal with."[66] IAB officials apparently enjoyed a much more comfortable relationship with Alcan and vice versa. On 19 May, E.A. Clark noted Alcan's "appreciation of your most helpful assistance and cooperation in all this Cheslatta business."[67]

The loss of reserves due to flooding raised an obvious question: where should the Cheslatta be relocated? IAB officials were well aware of the long and painful history of reserve creation in British Columbia. The superintendent of reserves and trusts in Ottawa flagged the issue with Arneil and suggested the IAB "make it a condition of our consent that the Company arrange to secure from the Province other lands in the district for reserves … [I]t would have the advantage of getting around the executive stop order on new Indian Reserves."[68] Arneil responded that Alcan had been informed of the order and that: "they are prepared to either acquire such lands on our behalf or to persuade the Provincial authorities to waive the Executive Order in these cases."[69] Confirmation of pending reserve inundation left IAB with a short period (ten weeks was Arneil's initial estimate) to secure Cheslatta agreement and facilitate their relocation.

The compressed time frame and the provincial prohibition on creation of new reserves within Crown lands effectively ruled out consideration of replacement reserves within the Cheslatta traditional territories, a situation with longer-term implications for the band.[70] Necessity prompted a novel solution: purchase existing fee simple farms and ranches with Alcan compensation funds, then subsequently convert those lands to reserves.

The Cheslatta were rendered landless and homeless within weeks of the "surrender meetings." Howe noted in late May: "These Indians are still in a very unhappy frame of mind over being uprooted and hastily evacuated from their old established homes and reserves. They are living in shacks and tents and their belongings are scattered all over the country." Howe pushed hard to expedite early band re-establishment, fearing "an ugly and undesirable situation may develop."[71] After frustrating delays, most of

[66] Howe to Arneil, 19 August 1952, LAC, IAB Records, RG 10, vol. 11074, file 161/341A Pt2.
[67] E.A. Clark to Howe, 19 May 1952, LAC, IAB Records, RG 10, vol. 11074, file 161/341A Pt2.
[68] Allan to Arneil, 1 December 1951, LAC, IAB Records, RG 10, accession PV13515, vol. 1, file 985/34A.
[69] Arneil to Allan, 5 December 1951, LAC, IAB Records, RG 10, accession PV13515, vol. 1, file 985/34A.
[70] The band suffered physically, socially, and economically at least for a period after relocation. See Windsor and McVey, "Annihilation," 156-58.
[71] Howe to Arneil, 30 May 1952, LAC, IAB Records, RG 10, vol. 11074, file 161/341A Pt2. Two months later Howe again reported that, although options to purchase had been secured on several properties, the Cheslatta remained in shacks and tents awaiting permission to occupy

the Cheslatta settled in the Grassy Plains and Uncha Lake areas, about fifty kilometres from Cheslatta Lake. Some band members suffered long-term health problems, including tuberculosis, due to prolonged exposure to the elements.[72] Change proved traumatic and destructive for the Cheslatta; they paid an extraordinary price – homes, traditional territories, livelihoods, and sometimes personal health – in British Columbia's drive for development.

The year 1952 brought dramatic and unexpected change for the Cheslatta; it was also a year of remarkable political change with the surprise election of an upstart Social Credit government. In his maiden speech in the legislature, Cyril Shelford, the newly elected Social Credit MLA for Omenica, described the Alcan project as "a terrible tragedy." He deplored its destructive impact on First Nations and the environment, including lakes "filled with standing trees, floating trees, sticks, branches, and such like."[73] Not everyone shared his view. The Vancouver *News Herald* likely reflected a considerable portion of public opinion in asking: "Why should there be any loss as Mr. Shelford fears? The new lake will be much larger, with a greater mileage of shoreline … fish may be counted upon to take care of themselves and actually increase in numbers."[74] The fish would certainly have nothing to fear from fishers. As the new Social Credit forest minister Robert Sommers pointed out in his critique of the former Liberal government's policies, much of the forested land flooded by the Alcan project was never cleared before being submerged.[75] Sadly, the same mistake was repeated by the Social Credit government a decade later in the Williston reservoir behind the W.A.C. Bennett Dam. Even more sadly, Indigenous people again paid the greatest price for expansion of hydroelectric power.

---

the properties: "It is a very unsatisfactory state of affairs, and if something is not done in the near future, the Department will be subjected to adverse publicity and unfavourable criticism." Howe to Arneil, 21 July 1952, 30 May 1952, LAC, IAB Records, RG 10, vol. 11074, file 161/341A Pt2.

[72] Christensen, *Too Good to Be True*,90-91; and Windsor and McVey, "Annihilation," 156-58.

[73] Cyril Shelford, "Maiden Speech in the Legislature," 26 February 1953, LAC, IAB Records, RG 10, vol. 11074, file 161/341A Pt2.

[74] *New Herald* (Vancouver), 17 March 1953, LAC, IAB Records, RG 10, vol. 11074, file 161/341A Pt2. According to Windsor and McVey, "Annihilation," 152, the Kemano project enjoyed 93.9 percent public support in May of 1949.

[75] Unlabelled and undated newspaper article, LAC, IAB Records, RG 10, vol. 11074, file 161/341A Pt2. A 1990s BC government report estimated that 32,000 hectares of unharvested forest land was flooded. Cited in Christensen, *Too Good to Be True*, 56.

HOW THE INGENIKA BECAME REFUGEES ON THEIR OWN LAND

The Ingenika, like the Cheslatta, were uprooted by a massive project that soon became a cornerstone of provincial economic development. Their experiences graphically demonstrated just how readily governments continued to subordinate Indigenous interests to their own and, similarly, how readily officials imposed their own judgment in place of respectful engagement with First Nations. Their stories also reveal one important difference from those of the Cheslatta: in the early 1970s, at least in the case of the Ingenika, the federal government assumed a more determined role in attempting to resolve outstanding Indigenous issues and grievances. Despite the magnitude of the W.A.C. Bennett Dam, and despite its devastating impact on the Ingenika, the province remained remarkably petty, cavalier, and parsimonious in its approach to reserve replacement.

The Rocky Mountain Trench, home of the Ingenika Band, was the object of engineering assessment for hydroelectric development since at least 1958. A report of that year undertaken for the Wenner-Gren BC Development Company described the area, north of Mackenzie, as "virtually uninhabited and almost completely unexplored."[76] The BC Electric Company, prior to its expropriation by the province, also surveyed the area. An internal report noted "a total white population" of seventy-six but made no reference to the hundreds of Indigenous inhabitants.[77] In the wake of Premier W.A.C. Bennett's controversial expropriation in 1961 of BC Electric, dam construction became an immediate political imperative. Even as expropriation hearings were being conducted in Victoria, Bennett expressed his hope "that BC Electric directors will call tenders right away for a pilot tunnel and reservoir clearing."[78] The fate of the Ingenika was sealed long before they were advised of the future dam and reservoir that would consume their homes and reserves.

The archival record demonstrates that the Department of Indian Affairs and Northern Development (DIAND), like its predecessor the IAB a decade earlier, gave up whatever political leverage it enjoyed too early and too easily. On 21 March 1962, the Indian commissioner wrote the superintendent of the Stuart Lake Agency "suggesting Indians be

[76] The British Thomson-Houston Co., "British Columbia Development of Hydro-Electric Power," 1958, Z0812, vol. 1, BC Hydro and Power Authority Archives (BCHPAA). The document references the first memorandum of intent between Wenner-Gren Development Company and British Columbia in November 1956.

[77] W.A. Dow to W.C. Mearns, 3 February 1959, BCHPAA.

[78] Author unknown, "BC Starts Peace River Project," *Construction World*, September 1961, 10, BCHPAA.

advised to object to granting of water licence to BC Electric." Two days later Ottawa ramped up the stakes, with the BC comptroller of water rights asking that the licence be withheld pending assessment of "the extent to which Reserves and the Indian economy will be involved and to make representations to you in this connection." That request became a formal objection to issuance of the water licence on 5 April, a step that elicited the attention of BC Electric. At a meeting of senior officials from DIAND and BC Electric a few weeks later, the latter promised consultation and compensation "to settle trapline and land claims" issues.[79] DIAND's opposition appeared to soften after the meeting. Speaking to the water comptroller's licence hearing on 26 June, DIAND spokesman R. Kendall commended BC Electric "for its constructive attitude" and stated "that the Indians are 'all quite anxious to see that progress is being made.'" Kendall "does not object to the project itself, but he has a number of specific objections to raise with the Comptroller."[80]

A conditional water licence was issued to BC Electric (hereafter BC Hydro) on 21 December 1962, but provincial determination to resolve replacement reserve and compensation issues appeared to evaporate with its issuance. Consultation with the Ingenika was cursory and fragmented. A "cultural chasm," as Mary Koyl argues, fostered misunderstanding and miscommunication.[81] Property issues remained unresolved for years. In September 1966, DIAND reached apparent agreement with BC Hydro on replacement reserves, only to be advised in March 1967 that the province had rejected it. The issue was not finally resolved until January 1969, when DIAND accepted new reserve sites "under protest, due to Mineral rights being retained by the Provincial Government."[82] By that point the Ingenika's former homes at the Finlay Forks Reserve had been flooded for months, necessitating the "temporary" use of "10 x 24 bunkhouse-type dwellings" provided by DIAND. One official, after a 1971 visit, described the dwellings as "one room plywood shacks with no insulation and primitive wood-burning stoves. There is no electricity, running water, sewage disposal facilities or garbage pick-up."[83]

---

[79] District Supervisor A.C. Roach to Regional Director, 5 January 1971, offers extensive chronology of events. Total trapline compensation (and all compensation until 1989) was $33,900. See LAC, DIAND Records, RG 10, file 985/19-4, vol. 1, box 75549. DIAND "Fleury" document offers a similar chronology. See LAC, DIAND Records, RG 10, 4507-609, Pt.2, vol. 1.

[80] Undated notes from the "Two River" Fonds, BCHPAA. Those objections related to "property and compensation for property" and "loss of an age-old pursuit of trapping and hunting."

[81] Mary Koyl, "Cultural Chasm: A 1960s Hydro Development and the Tsay Keh Dene Native Community of Northern British Columbia" (MA thesis, University of Victoria, 1992), 48.

[82] A.C. Roach chronology to Regional Supervisor, LAC, DIAND Records, RG 10, file 985/19-4, vol. 1, box 75549.

[83] A.M. Cunningham to W.I. Coplick, 8 April 1971, LAC, DIAND Records, RG 10, file 985/19-4, vol. 1, box 75549. The dwellings were still in use in 1989.

In a retrospective look at the band's relocation, the DIAND district manager wrote (with intended or unintended irony) that "the planning was good other than being unacceptable to the vast majority of the people."[84] At a meeting with band members in 1965, DIAND superintendent Presloski suggested that they "give consideration to various provincial facilities and utilities such as access roads, schools, power, postal services, telephone communications, job opportunities and various other necessities." He then went on to suggest "that careful consideration should be given to such matters as fishing, hunting, trapping, timber and semi-isolation which are still dear to many Indians."[85] Presloski's suggestions were salutary and his divergent objectives were not necessarily incompatible. But in attempting to combine the best of urban and rural, DIAND achieved neither objective in the new Tutu Creek and Parsnip River reserves.[86] Hunting, fishing, and trapping were sorely limited, while proximity to Mackenzie spawned a host of social problems. In short, "their social and cultural life-styles were radically altered with no serious thought given as to the long term implications of these community disruptions."[87] This led band elders and their families to abandon the new reserves and, with no governmental sanction or support, to return in April 1970 to their traditional lands.

In the diaspora that followed the 1968 floods, the Ingenika became, in the words of Chief Gordon Pierre, "refugees on our own land."[88] The chief's words were apt; in 1968, the Ingenika were literally refugees from the rising waters of Williston reservoir and they remained in that predicament for another twenty-one years. The Ingenika continued to live in "overcrowded squalor" for close to two decades until a tripartite agreement was concluded in 1989.[89] The band members "endured hardship beyond imagination," in Ed John's words, as they awaited resolution of their dilemma.[90]

---

[84] DIAND "Fleury" document, LAC, DIAND Records, RG 10, 4507-609 Pt.2, box 1.

[85] Cited in the minutes of a meeting between Presloski and band members on 19 February 1965, LAC, DIAND Records, RG 10, file 985/19-4, vol. 1, box 75549.

[86] The new reserves at Tutu Creek and Parsnip River were located, respectively, thirteen kilometres northwest and seventeen kilometres south of the municipality of Mackenzie.

[87] Suzanne Veit, *Draft Report*, 22 March 1977, LAC, DIAND Records, RG 10, V1994-95/559, file 985/19-4-609, vol.1, box 1.

[88] Canadian Press, *Vancouver Sun*, 16 April 1987. Prior to their dislocation, the band followed a traditional and semi-nomadic lifestyle of hunting, fishing, trapping, and trading, supplemented for some by work at the nearby Carrier Lumber mill.

[89] Chief Gordon Pierre, cited in Canadian Press, "Life of Squalor Described as Band Seeks Aid," *Vancouver Sun,* 16 April 1987.

[90] Edward John to Bill McKnight (Minister of Indian and Northern Affairs), 19 June 1987, private collection. John was the lawyer for the Ingenika at that time.

DIASPORA AND THE DILEMMA OF THE LANDLESS BAND

As the water rose in Williston reservoir, so too did confusion over where the Ingenika would relocate. Some set up camp at Ingenika Point, just beyond the final high-water mark for Williston reservoir, and across the water from Finlay Forks, where about thirty band members worked at the Carrier Lumber sawmill. Others moved to the replacement reserve at Parsnip River where DIAND had constructed five houses and planned to build more, and some moved north to Fort Ware. By 1970, the sawmill was forced to shut down due to rising waters and, with growing disenchantment at Parsnip River, the majority of the Ingenika had settled at Ingenika Point. By 1977, all but one family had settled there.[91]

DIAND initially believed that settlement at Ingenika Point would be temporary. After canvassing band members in 1970 and again in 1971, Lakes District superintendent A.C. Roach determined that the majority "strongly prefer Ingenika, but dissatisfaction would probably arise within 2-3 years after relocation because of isolation from services and employment." Roach believed that the band would eventually embrace the new reserves, but "only by first moving to Ingenika will the Indians satisfy their remaining nomadic instincts."[92] Nevertheless, he wanted to quickly establish a reserve at Ingenika Point, allowing DIAND to legally expend funds on housing and related infrastructure: "This can be done by outright purchase, the Province granting the Indians a Reserve site, or an exchange of land." BC Hydro responded on behalf of the province with an offer of five hundred acres at Ingenika Point, contingent upon the return of the new Tutu Creek Reserve (92.3 acres near Mackenzie) to the province. The band met on 16 April 1971 and resolved that a minimum of five thousand acres of additional reserve land was necessary to compensate for their losses. Negotiations stalled.[93]

To break the impasse, DIAND (BC Region) advanced an innovative proposal in 1973: treat the Ingenika like a Treaty 8 band, opening the door to a much larger reserve allotment. BC Region's proposal was well-grounded in history,[94] but it found no enthusiasm at national headquarters. "Although the Ingenika Band may have inhabited an

---

[91] Veit, *Draft Report*.

[92] Roach was cited in a letter from Cunningham to Coplick, 8 April 1971, LAC, DIAND Records, RG 10, file 985/19-4, vol. 1, box 75549.

[93] DIAND "Fleury" document, author(s) unknown, LAC, DIAND Records, RG 10, 4507-609 Pt.2, box 1.

[94] The question of whether the Ingenika Band could or should enjoy the potential benefits of adhesion to Treaty 8 is both important and largely unanswered. The question was considered by the 1913-16 Royal (McKenna-McBride) Commission on Indian Affairs, then later by senior DIAND officials in 1960, but interest appeared to quickly dissipate. See Dennis Madill,

area covered by Treaty #8 in 1899," headquarters noted, "the policy of the Canadian Government at the present time is not to renegotiate the treaties or make new ones."[95] Would a creative local solution be sacrificed on the altar of distant policy? Despite Ottawa's response, two months later DIAND's BC regional director wrote to the provincial deputy minister of lands, forests and water resources and noted that, since "there is some doubt as to whether or not the Ingenika Band can qualify for a land grant under the terms of Treaty 8, we would like to discuss the acquisition of a large tract of land to be converted to Reserve status." The letter requested an early meeting with the deputy to discuss "the ways and means by which both Governments can accommodate those people in their desire to preserve their nomadic life style."[96]

Subsequent discussions led to a meeting of federal and provincial district-level officials with thirty-six band members at Ingenika Point in February of 1974. Officials directly heard the Ingenika story: fragmented consultation, minimal compensation, diminution of water quality, destruction of rivers as a means of trade and transportation, and degradation of fishing, hunting, and trapping. Officials were clearly impressed by the band's stories and, just as certainly, by the living conditions the residents were enduring. The meeting was held in a newly opened school building, constructed only months earlier by volunteers from the band and BC Indian Missions. Officials noted that the community had installed a diesel-powered generator at the school producing "the only electric light in the community,"[97] despite its proximity to a major dam.

When officials met again the next day in Prince George, this time without the band, they offered two "definite recommendations" to Victoria and Ottawa. First, "that various government agencies brook no delay in dedication of an Indian Reserve at Ingenika" and, second, that "a parcel of land of adequate size be set aside for Indian Reserve." Officials defined "adequate" as "the area between 2 Mile Creek to 8 Mile Creek," an area akin to the five thousand acres requested by the Ingenika. "The social disruption to the band has been enormous following creation of Lake Williston," officials noted, and the larger area was required to

British Columbia Indian Treaties in Historical Perspective (Ottawa: Department of Indian and Northern Affairs, 1981), 53-59.

[95] G.S. Brown to W.T. Vergette, 23 October 1973, and J.W. Evans to L.E. Wright, 13 November 1973, LAC, DIAND Records, RG 10, 4507-609 Pt.2, box 1.

[96] L.E. Wright to D. Borthwick, 18 December 1973, LAC, DIAND Records, RG 10, 4507-609 Pt.2, box 1.

[97] G.A. Rhoades to Committee members, "Report on Ingenika Band of Indians in Occupation of Crown Lands at Ingenika River," 19 February 1974, 5, LAC, DIAND Records, RG 10, file 985/19-4-604, vol. 1, box 75549.

restore traditional opportunities to hunt, fish, and trap.[98] Officials had obviously listened respectfully to the band. Was the spirit of Trutch at last giving way to that of Douglas? The answer came six months later in a letter from BC Hydro to the Band Council. Hydro again offered "about 500 acres" subject to release of the Tutu Creek Reserve. The Ingenika Band subsequently rejected the offer, just as it had in 1971.

Frustration with the province led to a more aggressive approach from DIAND, prompted by the intervention of Frank Oberle, MP for Prince George-Peace River. Oberle "felt that Indian peoples' lifestyle had been drastically changed and using the James Bay settlement as an example, felt that negotiations should be reopened and decided by the Courts."[99] Oberle's suggestion was quickly embraced by DIAND minister Judd Buchanan, who ordered that a detailed file review be undertaken to prepare for legal action. On 7 March 1975, DIAND officials advised the Ingenika Band Council that the file review could "support the Band seeking a legal settlement which might possibly be based on the precedent set recently on behalf of the Indian people of the James Bay area."[100] After consideration of the DIAND offer, the chief politely declined: "The people appreciate and trust the good wishes and motives of Indian Affairs but their experiences and association with other agencies has left them quite cold and suspicious. They do not believe the total system cares or is interested in their predicament and consequently treat all offers of legal assistance with disdain."[101] Not surprisingly, a century of deception and obfuscation by government officials was coming home to roost.

Ingenika land tenure remained unresolved twenty years after flooding had begun. BC Hydro made offers in 1979 and again in 1982, both of which the band rejected.[102] The quantum of land offered grew to nine hundred acres but was contingent upon the return of both the Parsnip River and Tutu Creek reserves.[103] One positive development in the lingering dispute was the creation of a Native affairs secretariat within the Ministry of Intergovernmental Relations in 1987. Perhaps British Columbia had at long last moved beyond eschewal of "the Indian land

---

[98] Ibid., 5-7.

[99] V. Rhymer to L. Wright, 14 January 1975, Ibid. Oberle was a Progressive Conservative, Buchanan a Liberal.

[100] Memo to file, R.M. McIntyre to J. Wilkins, 5 December 1975, LAC, DIAND Records, RG 10, file 985/19-4-604, vol. 1, box 75549.

[101] McIntyre to J. Wilkins, 7 July 1976, LAC, DIAND Records, RG 10, file 985/19-4-604, vol. 1, box 75549.

[102] McIntyre to Edward John, 18 November 1981, LAC, DIAND Records, RG 10, file 985/19-4-604, vol. 1, box 75549.

[103] BC Hydro briefing note, 1987, private collection.

question." The same year, provincial politicians visited Ingenika Point and "were all shaken and shocked by what [they] saw there." Among those shaken and shocked was Stephen Rogers, minister of intergovernmental relations, who was anxious to know "how this particular Indian band managed to fall through the cracks of the social nets that we have."[104] Rogers was instrumental in securing the 1989 agreement that brought long-overdue infrastructure support to the Ingenika.

According to Ed John, then lawyer for the Ingenika, "Rogers expressed the need to do something constructive in short order. The unclean water source at Ingenika made an impression on him … He was genuinely concerned about what he saw."[105] Eric Denhoff, his assistant deputy minister, quickly followed up with a letter to Owen Anderson, DIAND director general for the BC Region, expressing BC's commitment to resolving the Ingenika dilemma, including an enhanced land package. To reinforce the province's good intentions, Denhoff also offered emergency assistance to address housing and water issues, plus $100,000 for community facilities.[106]

Denhoff's letter prompted Anderson to visit Ingenika Point later in 1987. Like those who preceded him, Anderson was struck by the plight of the band and promised Chief Pierre that "action would be forthcoming very soon." Like British Columbia, DIAND offered immediate "good faith" assistance: five mobile homes for "elders who the Band feels should not suffer another winter in their uninsulated cabins," construction of five new homes and repairs to twenty-seven others, and access to potable water from a new well.[107]

Notwithstanding good intentions, negotiations were protracted and difficult. In a letter to Denhoff on 16 May 1988, Manfred Klein of DIAND claimed that, to save time: "we have declined to put forward our preferred position – i.e. the Province/BC Hydro pay for everything – but have chosen instead to convey our rock bottom compromise position." After seven pages reiterating why the province or BC Hydro "should really pay the total cost," Klein notes: "our Minister and senior officials

[104] British Columbia, *Debates of the Legislative Assembly,* 15 June 1987, p. 1763. Rogers was part of the Vander Zalm Social Credit government.

[105] Minutes of Edward John's report to the Carrier Sekani Tribal Council and DIAND, 16 June 1987, LAC, RG 10, 1997-98/230, box 3, file 4527-609.

[106] Eric Denhoff to Owen Anderson, 12 June 1987, private collection.

[107] Memorandum from Marnie Dobell to Eric Denhoff, 20 July 1987, private collection. Dobell joined Anderson, Ed John, and others on the trip to Ingenika and detailed the DIAND commitments.

were struck by the plight of this isolated band" and, hence, were prepared to offer 50 percent of infrastructure costs.[108]

British Columbia undoubtedly moved much further to achieve an agreement than originally anticipated. Rogers (and Jack Weisgerber in the latter stages) likely did not have an easy ride through cabinet. Jack Davis, the minister of energy with ministerial responsibility for BC Hydro, was critical of the proposed settlement: "It is all wrong. Land was set aside and other contributions made by Hydro, years ago. The reservoir issue was settled insofar as Hydro's flooding was concerned … [I]t should not be used as a convenient milk cow by Native Affairs or any other Ministry."[109] Despite such resistance, a tripartite agreement was signed on 5 August 1989, completing a vital first step in what has proven to be a long and continuing journey towards reconciliation.[110]

CONCLUSIONS

This article explores Iona Campagnolo's assertion that her predecessor Joseph Trutch was the author of prejudice and injustice towards Indigenous people that persisted for 120 years of British Columbia's history. The archival evidence presented above suggests her assertion was accurate, if perhaps too narrowly focused. Trutch's beliefs were largely reflective of the nascent white society around him and, indeed, of the governmental assemblies it elected, but few enjoyed his power to shape public policy. Sadly, he used that power to undermine the more respectful and constructive Indigenous policies of James Douglas and systematically reduce the reserves the latter had created.

British Columbia's first provincial government shared Trutch's belief that Indian land was wasted land. The Dominion government and Indian Commissioner Powell pressed hard for reserve reform but were opposed by a provincial administration convinced that minimizing the quality and quantity of reserve lands was consistent with maximizing white settlement and economic returns from public lands. Powell drew

---

[108] Klein to Denhoff, 16 May 1988, private collection.

[109] Jack Davis to Jack Weisgerber (newly sworn in as minister responsible for Native affairs), 8 September 1988, private collection.

[110] The Ingenika received the 3,300 acres, $10.2 million from Canada, and $2 million from BC Hydro for community infrastructure, and they were guaranteed employment on a provincial $10 million fish and wildlife enhancement program for Williston reservoir. Construction of the contemporary Tsay Keh Dene village followed the 1989 agreement. A final agreement between the band and BC Hydro was completed in 2010, including a one-time payment of $20.9 million. See BC Hydro news release online, 2 July 2009, and BC government news release online, 30 January 2010. The Ingenika continue to participate in the BC treaty process.

guidance and inspiration from Douglas, but neither he nor the Dominion government possessed the former governor's steely determination. The pattern that emerged in those early years – later repeated in the Cheslatta and Ingenika stories – was an initial Dominion challenge of provincial policy, followed by retreat in the face of provincial pressure.

The experiences of the Ingenika and the Cheslatta reflected the persistence of colonial prejudices and policies. In the case of the Cheslatta, initial federal opposition to the Kemano project was prompted by concern for salmon, not for Indigenous people. Confronted by the subsequent agreement between the Department of Fisheries and Alcan, the Indian Affairs Branch appeared far more intent on accommodating governmental and corporate interests than on defending a band threatened by displacement. Sixteen years later, the Ingenika lost their homes, reserves, and livelihoods to the W.A.C. Bennett Dam project, then suffered for a generation due to provincial intransigence and parsimony. In both cases, governmental regard for the impact of dispossession and dislocation on First Nations was at best an afterthought, only considered long after substantive resource development decisions had been made.

Changes in governmental policy have been slow and painful, prompting Indigenous political and legal activism that has led in some instances to the Supreme Court of Canada. The Court, in turn, has produced a series of landmark judgments – from *Calder* (1973) to *Delgamuukw* (1997) to *Haida* (2004) – that have clarified and strengthened the governmental obligation to consult and, where appropriate, to accommodate. Whether governments have successfully implemented Court direction remains in dispute, as evidenced by ongoing legal challenges over dam development at BC Hydro's "Site C."

In 2014, the Supreme Court of Canada opened a new chapter in British Columbia's long and often bitter debate on the "Indian land question" with its landmark decision in *Tsilhqot'in v. British Columbia*. The Court reconfirmed the principle of Aboriginal title and – in unanimously rejecting BC's claim that such title applied only to specific, intensively used areas – made an unprecedented declaration of Tsilhqot'in title to approximately nineteen hundred square kilometres beyond their existing reserves. The long journey towards correction of the "prejudices and injustices that stain our provincial history" continues, but the path forward is far clearer with the Court's emphatic rebuttal of the long-running narrative, launched 147 years earlier by Joseph Trutch, that Indigenous people really had no right to the lands they claimed.