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BECOMING CANADIAN

**Federal-Provincial Indian Policy and the Integration of Natives, 1945-1969:
The Case of Ontario**

By

Karl Carisse

**A Thesis submitted to
the Faculty of Graduate and Post-Doctoral Studies
in partial fulfillment of the requirements for the
Master of Arts degree in History**

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ABSTRACT

Since Confederation, the federal government has pursued a policy of assimilation toward Canada's First Nations. Measures such as the *Indian Act*, the creation of reserves, and numerous treaties were implemented to "civilize" Natives, dispose of Aboriginal land rights, and ultimately integrate Natives within Canadian society. However, by the Second World War, most federal authorities realized that the government's policy had failed. Thus, other means were adopted to achieve the goal of assimilation. The new method, first elaborated in the late 1940s, proposed that the federal government devolve its jurisdiction over First Nations to the provincial governments so that Natives could receive provincial services on the same basis as non-Natives and thus be considered "normal" citizens. Consequently, federal Indian administration, the *Indian Act*, and the special status of Natives could be abolished since they had received full citizenship with all its benefits and responsibilities. Throughout the 1950s and 1960s, the federal and provincial governments signed agreements to arrive at this end with Ontario leading the way. However, in 1969, this method of integration met the same forsaken fate as its predecessors. This thesis will examine the federal government's integration policy from 1945 to 1969 by focusing, but not limiting itself, to the agreements that were signed between Ontario and Ottawa regarding the delivery of social services. The study will also look at the Native reaction toward this policy and the rise of opposition which led to its demise.

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Introduction

Since Confederation, the federal government's policy regarding Canada's First Nations was that of complete assimilation. Measures such as the *Indian Act* and the various treaties implemented between the 1870s and early 1900s were designed to dispose of Aboriginal land rights and integrate Natives within the larger Canadian population. However, by World War II, most federal authorities realized that the government's policy had failed. Therefore, other means were adopted in the postwar period to achieve the government's agenda of Native assimilation.

Until the Second World War, Indian affairs was a federal jurisdiction and the provinces were satisfied to deal with the Native population within their borders through the federal government. After 1945, the situation changed as the federal government began to devolve some of its authority over Natives to the provinces, and the provincial governments tried to gain more powers as well as control over areas such as Indian lands and resources.

From 1945 to 1969, the federal government pursued its policy toward Natives but had altered its previous methods in order to mollify the provinces' drive for more rights and authority and appease Natives and non-Natives who were pressing the government to take action in improving the miserable state of Canada's First Nations. Instead of imposing a unilateral policy of Native assimilation, the federal government decided to systematically devolve its jurisdiction over Indian affairs to the provinces. Thus, the provinces would be satisfied by receiving more jurisdictional powers, Natives would benefit from programs under provincial jurisdiction such as social services, and the federal government would extricate itself from a drain on its treasury. The federal

government attempted to integrate Natives and eliminate Indian status through the gradual integration of Aboriginal people into existing provincial services. In 1969, the federal government produced its *White Paper on Indian Policy* which intended to complete the hundred year old assimilation policy by having the Department of Indian Affairs extinguished and all matters relating to Natives handed over to the provinces.

Numerous papers and reports have been written on the 1969 White Paper and the federal government's assimilation policy, but no one has yet systematically analyzed the devolution of the federal government's jurisdiction of Indian affairs to the provinces and the various agreements that were made between both levels of government from 1945 to 1969 in order to arrive at the White Paper. This study will thus fill a gap in the literature by exposing the federal government's integration plan during that period and the agreements that were developed to accomplish this goal. Exhaustive study on this process would certainly surpass the limits of an M. A. thesis. Therefore, this work will primarily focus, but not limit itself, to the province of Ontario and agreements that were made concerning social services, such as income support, care for the elderly and disabled, and children's aid societies.

Ontario was chosen as the subject province for the thesis because it had historically led the movement for provincial rights¹ and it was the first province to sign major agreements with the federal government for the delivery of social services to Natives. Other domains such as education and economic development were discussed by Ontario and the federal government, but with the

¹ On provincial rights in Ontario see: H. V. Nelles, The Politics of Development: Forests, Mines and Hydro-Electric Power in Ontario, 1849-1941. Toronto: Macmillan of Canada, 1974; and Christopher Armstrong, The Politics of Federalism: Ontario's Relations with the Federal Government, 1867-1942. Toronto: University of Toronto Press, 1981.

postwar era there emerged the Canadian social state and social welfare became a most important issue for both Natives and non-Natives. It is not surprising that the major agreements between Ontario and Ottawa during the period of study dealt with the welfare and well-being of Natives.

This study will therefore look at the social services agreements made between the federal and Ontario governments to prove that they were implemented to achieve a predetermined political agenda. The new arrangements, though helping the overall situation of Ontario's Native population, nevertheless followed the federal government's agenda of assimilation via the devolution of its jurisdiction to the province, and the Ontario government's agenda of increased provincial rights and powers. It is not the intent of the thesis to study the agreements in minute detail but rather to expose the reasons why they came about and their underlying goals. The thesis will also look at the Native perspective toward these new arrangements and the general goal of the federal government to devolve its jurisdiction.

Before proceeding with the body of the thesis, a quick note concerning the terminology used in the study as well as an historical background will be given. Until the 1980s the usual term utilized to express the federal government's Native policy was "assimilation." Since then writers have opted more often for "integration." These terms have also been used as synonyms. For the purpose of the years examined in this study, the term "integration" will be used. Assimilation may in fact have been the proper term in earlier years for it implied the eventual extinction of First Nations in Canada. However, the government's policy evolved and authorities no longer pressed for the disappearance of Natives but rather applied methods to integrate Natives socially, politically and economically

within the non-Native population in order that they would eventually be recognized as "normal" Canadian citizens.

Another term to specify is the designation of Canada's first peoples. Beginning in colonial times, the word "Indian" was most often used to designate as a whole the people who inhabited the land of what is now Canada before the arrival of Europeans. Though it was a case of mistaken identity, as the word was meant to designate Indians from India, this appellation became widespread, particularly among Aboriginal peoples themselves. However, recently historians and writers have been using other terms which are less Euro-centric or generic. For instance, more and more when writing about the indigenous people of North America, one encounters terms such as First Nations, Native, Native people, Aboriginal people, people of a certain area, and Native American. Some have also begun to use the French term Amerindian which specifies Indians from America. By far the best strategy, when possible, is to name these people by their tribal names. In this thesis, in order to avoid excessive repetition, the terms Natives, First Nations, Native people, and Aboriginal people will be used interchangeably to refer to persons and communities of Aboriginal origin. However, when possible the actual name of a band, people or reserve will be used. Indian will only be used when quoting archival records or secondary sources, when referring to Indian bands, reserves, or the domain of Indian affairs, or when it is included in the name of an organization, branch, or department, such as Indian Affairs, the North American Indian Brotherhood and Union of Ontario Indians.

To understand the reasons why the federal government decided to devolve its jurisdiction over Indian affairs after the Second World War, and the integration policy in general, it is essential

to look at more distant years. Policies and events during the pre-Confederation period were instrumental in shaping contemporary political relations between Aboriginal peoples and Canadian governments. A quick glimpse at the evolution of Indian affairs, federal-provincial relations, and relevant aspects of Ontario history, will help shed some light on later events and expose the continuity which exists in the administration of Indian affairs. This background will focus primarily on the European or non-Native context of Indian affairs because the voice of Natives throughout Canada was seldom heard, especially when dealing with the government's policy agenda.

During the French Regime, and the British Regime until the end of the War of 1812, Indian affairs was primarily a military matter. Natives were used as allies in colonial battles to try to obtain control over the land. The policy followed at that time was to keep First Nations subservient to the Crown and protect them in specified lands.² For instance, in 1763, three years after the French had surrendered New France to their English foes, British officials passed the *Royal Proclamation* which protected Indian lands by declaring that they could be ceded only to the British Crown.³ Adherence to the principles of the *Royal Proclamation* of 1763 would remain the basis of Britain's Native policy for more than half a century and contributed significantly to the success of the British in maintaining Aboriginal people as allies in Britain's wars in North America during that period.

After 1815, Native-European relations shifted to a more malevolent phase. The end of the War of 1812 ushered in enduring peace between the United States and British North America and Natives were no longer needed as allies and military partners. Furthermore, as the fur trade declined

² David Cameron, Jill Wherret, and Ann Brascoupe, Research Associates, New Relationships, New Challenges: Aboriginal Peoples and the Province of Ontario. Royal Commission on Aboriginal Peoples Project on Canadian Governments and Aboriginal Peoples. Final Report, February 1995, p. 9.

³ *Royal Proclamation of 1763*. NAC RG 10, Vol. 2030, File 8946, Part 3.

and immigration and agricultural settlement speeded up, Natives as commercial partners became much less attractive to the colonists.⁴ Consequently, since Aboriginal people were no longer needed for military or commercial purposes, Britain adopted a policy based on "civilizing" Native people through British agricultural and religious training.⁵

However, it soon was obvious that the policy was not succeeding because Natives did not choose to become self-sufficient small-scale farmers. In 1836, Sir Francis Bond Head, Lieutenant Governor of Upper Canada, abandoned the civilizing program. He intended instead to remove First Nations from settled Upper Canada to Manitoulin Island, thus segregating them from settlers and letting them continue to exist by hunting, tending gardens and fishing. Bond Head had also anticipated, given the devastating effects of diseases, that Natives would eventually die out at that location.⁶ The establishment of Indian bands on isolated reserves where Aboriginal people could be prepared for coping with Europeans became the new basis of Canada's Indian policy.⁷ The settling of Natives on reserves would also free up the land they were using or controlled, that is, land not ceded by treaty or surrendered, for the use of white farmers, timber companies, or other settlers.

By the 1840s Indian reserves were overrun with squatters and the government was besieged with complaints from Aboriginal people. In 1844, a commission on Indian affairs recommended that reserve lands be granted to individual Natives in fee simple. First Nations protested this

⁴ J. R. Miller, "Introduction". J. R. Miller, ed., Sweet Promises: A Reader on Indian-White Relations in Canada. Toronto: University of Toronto Press, 1991, p. XI.

⁵ Ian V. B. Johnson, Helping Indians to Help Themselves: A Committee to Investigate Itself. The 1951 Indian Act Consultation Process. For Treaties and Historical Research Centre, DIAND, 1984, p. 3.

⁶ Sidney L. Harring. White Man's Law: Native People in Nineteenth-Century Canadian Jurisprudence. Toronto: University of Toronto Press, 1998, p. 30.

⁷ John L. Tobias, "Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy". J. R. Miller, ed., Sweet Promises: A Reader on Indian-White Relations in Canada. Toronto: University of Toronto Press, 1991, p. 129.

recommendation because individual ownership of property was inconsistent with the traditional law of the various Native nations. Furthermore, it was also a thinly veiled land grab; after individual allotments were granted, the remaining reserve lands would be immediately given to squatters.⁸ By 1850, legislation was passed to protect Indian lands from white encroachment⁹ and the first major treaties covering large land areas of Ontario were concluded. The Robinson-Superior and Robinson-Huron treaties, between the Crown and the Ojibwa who lived on the northern shores of Lakes Superior and Huron, covered about 54,200 square miles which were surrendered by the Natives to the Crown for a number of reserves.¹⁰

Ironically, disenchantment with the efforts to settle Natives on isolated reserves manifested the same year as the above-mentioned treaties. The technique of isolating Aboriginal people was questioned because American experiences in Michigan showed that where reserves were surrounded by white settlements, Natives were being assimilated into the communities bordering the reserves. Thus, the government decided to work with smaller reserves for individual bands located next to or near European-Canadian communities. It was thought that Euro-Canadians would serve as an example of what Natives should become and they would eventually be led astray from the reserve and assimilated in the neighboring communities.¹¹

This brought a change in the ultimate goal of British Indian policy. No longer was the end result simply to teach or civilize Aboriginal people to cope with Euro-Canadians; rather, they were

⁸ Sydney L. Haring, White Man's Law, p. 31.

⁹ Ian Johnson, Helping Indians Help Themselves, p. 4.

¹⁰ David Cameron, Jill Wherret, and Ann Brascoupe, Research Associates, New Relationships, p. 10.

¹¹ John L. Tobias, "Protection, Civilization, Assimilation", p. 129.

to become European and be fully assimilated into the colonial society.¹² Thus, protection of Natives and their lands gave way to a process of civilization which then emerged into a policy of assimilation. These priorities were retained by the new national government under the authority of the 1867 *British North America Act* (hereinafter referred to as the "BNA Act").

The BNA Act divided the jurisdiction of both the federal and provincial governments under a set number of areas. "Indians and Lands reserved for the Indians" became a federal responsibility under section 91(24). The decision to place Natives and their lands under the jurisdiction of the federal government was motivated by a concern that the provinces, who held authority over lands and resources, could not be trusted to treat Aboriginal people justly.¹³ This proved a legitimate concern because the provinces were very protective of their monopoly on natural resources and provincial governments, Ontario in particular, sought to expand its jurisdiction and power over Natives and their traditional homelands in an effort to access the natural resources on those lands.¹⁴

The next major piece of legislation affecting Indian affairs was the *Indian Act*. During the 1870s the federal government and various First Nations negotiated treaties to open land for settlement and mineral development and to respond to Native concerns for protecting their hunting grounds. For the surrender of their lands, Natives were placed on reserves, given yearly subsidies, and retained fishing and hunting rights.¹⁵ Canada's territorial expansion complicated the federal

¹² Ian Johnson, *Helping Indians Help Themselves*, p. 4.

¹³ J. Anthony Long and Menno Boldt, "Introduction". J. Anthony Long and Menno Boldt, eds., *Governments in Conflict? Provinces and Indian Nations in Canada*. Toronto: University of Toronto Press, 1988, p. 3.

¹⁴ Fiona A. Sampson, "An Historical Consideration of Ontario Aboriginal Policy". Bruce W. Hodgins, Shawn Heard, and John S. Milloy, eds., *Co-Existence? Studies in Ontario-First Nations Relations*. Peterborough: Frost Centre for Canadian Heritage and Development Studies, 1992, p. 12.

¹⁵ David Cameron, Jill Wherret, and Ann Brascoupe, Research Associates, *New Relationships*, p. 10.

government's management of Indian affairs. The federal laws and regulations applicable in various provinces and the negotiation of treaties with numerous tribes necessitated a consolidation of all Native legislation up to the 1870s.¹⁶ Thus, to fulfil its responsibilities toward First Nations, the government passed in 1876 the *Act to Amend and Consolidate the Laws Respecting Indians*, commonly known as the *Indian Act*, which laid down the foundation for Canada's future Native legislation and policy.¹⁷

Though many revisions have been made, the *Indian Act* remains largely intact to this day. The main purpose of the Act, as stated above, was to consolidate the many laws relating to Aboriginal people into a single piece of legislation. Another and even more important aspect was to prepare Natives, through education and any other possible means, to become enfranchised and assume the privileges and responsibilities of full citizenship.¹⁸ It became clear that the government was determined to integrate and mould Native people into imitation Europeans. Moreover, not only were First Nations as distinct cultural groups to disappear, but their land base would also see the same fate, for as Natives were enfranchised, that is assimilated, they would take with them their share of the reserve.¹⁹ Consequently, when all Indian bands had been enfranchised, there would no longer be any reserves.

Concerning the province of Ontario, in the years following Confederation to the middle of the twentieth century, its interest in and association with Aboriginal people was mostly indirect

¹⁶ The Historical Development of the Indian Act. Ottawa: Treaties and Historical Research Centre, P.R.E. Group, Indian and Northern Affairs, August 1978, p. 52.

¹⁷ Ian V. B. Johnson, Helping Indian Help Themselves, p. 6.

¹⁸ Wayne Daugherty and Dennis Madill, Indian Government under Indian Act Legislation 1868-1951. Treaties and Historical Research Centre Research Branch, Corporate Policy, DIAND, 1980, p. 3.

¹⁹ John L. Tobias, "Protection, Civilization, Assimilation", p. 132.

through the federal government. Ontario was happy to let the responsibility for Natives rest in federal hands while it enjoyed the economic benefits of the lands and resources appropriated from them. Since Confederation, it had, in direct violation of the *Royal Proclamation*, expropriated and leased to third parties Native lands not formally ceded to the federal government.²⁰

Therefore, Ontario's early involvement in Indian affairs was derivative of resource development concerns. Provincial jurisdiction over lands and resources set the stage for an adversarial relationship between First Nations' desires to protect their treaty rights and their interest in ancestral lands, and provincial interests in obtaining resource revenues.²¹

One of the most famous disputes regarding the control and ownership of lands and resources in Ontario was the St. Catherine's Milling Case.²² In 1873, the federal government signed Treaty No. 3 which covered territory in northeastern Ontario and parts of Manitoba. Subsequently, the Dominion government granted to the St. Catherine's Milling and Lumber Company a timber lease on an extensive tract of pine lands in northeastern Ontario. The federal government claimed that it had received the lands from the Saulteaux Ojibwa through their land surrender in Treaty No. 3. However, Ontario claimed that the property was provincial Crown land because Natives held no title to their lands, only a lesser right of use and occupancy.²³

²⁰ Radha Jhappan, "The Federal-Provincial Power-Grid and Aboriginal Self-Government". Francois Rocher and Miriam Smith, eds., *New Trends in Canadian Federalism*. Peterborough: Broadview Press, 1995, p. 166.

²¹ David Cameron, Jill Wherret, and Ann Brascoupe, Research Associates, *New Relationships*, p. 10.

²² *Ibid.*, p. 11.

²³ Sidney L. Haring, *White Man's Law*, pp. 130-131.

The dispute was brought before various courts and was finally taken to the Privy Council in London in 1888. The final decision supported Ontario's claim that Crown lands in Ontario were under the jurisdiction of the provincial government. However, the Privy Council did not accept the view that Natives had no property rights. It was stated that Aboriginal people in Ontario - and the rest of Canada - had a legal right of occupancy but not ownership of their lands.²⁴

While the St. Catherine's Milling case tried to settle the broad question of Ontario's ownership of Crown lands within the province, it left unresolved a whole range of complex questions concerning Indian reserves.²⁵ Interestingly, by the early 1900s, the reserve system was being questioned as a means of achieving the assimilation of Natives. In fact, many regarded reserves as preventing assimilation by physically separating Natives and as being a check on the economic development and growth of areas where they were located. This led to amendments to the *Indian Act* designed to remove the protection which the reserve system seemed to provide to Natives and force them off reserves. Assimilation was no longer regarded as a long-term goal; it was one that could be attained immediately if Aboriginal people were removed from the protective environment of the reserve.²⁶ In 1905, a measure was adopted by the Indian Affairs Branch which permitted Natives to be removed from any reserve next to or partly within a town of 8,000 inhabitants or more if the Exchequer Court so desired.²⁷ These assimilation pressures intensified as abandoned lands were seized by resource hungry provincial governments.

²⁴ *Ibid.*, pp. 142-143.

²⁵ *Ibid.*, p. 143.

²⁶ John L. Tobias, "Protection, Civilization, Assimilation", p. 136.

²⁷ Olive Patricia Dickason, *Canada's First Nations: A History of Founding Peoples from Earliest Times*. Toronto: McClelland & Stewart Inc, 1992, p. 323.

Though no formal agreement was ever signed during these years between the Dominion government and Ontario concerning the policy of Native integration, undoubtedly the new measure adopted by the federal government would have been enthusiastically supported by the provincial government.

Another incident which appears to indicate a certain collusion between both governments regarding the fate of Indian affairs came the following year. Consequent to their continuing conflict over the northwestern boundaries of the province and the ownership of lands and resources covered by Treaty No. 3, in 1906, Ottawa and Ontario concluded Treaty No. 9 with the Cree-Ojibwa Nations of northern Ontario.²⁸ What was significant with this treaty was that for the first time a provincial government participated in the negotiations of an Indian treaty. This right was entrenched in an 1894 agreement between Ottawa and the Ontario government whereby the province was guaranteed to be a party to land surrendered under treaties in order to protect its interests in provincial Crown lands.²⁹ Ontario and Ottawa negotiated another major treaty in 1923 with the Chippewa and Mississauga Nations of southern and central Ontario.³⁰

Provincial claims to ownership of reserves and Native traditional homelands, especially to the mineral rights on these lands, led to the 1924 *Canada-Ontario Indian Reserve Lands Agreement*, which transferred all rights and interests of the province in reserve lands and resources to the federal

²⁸ David Cameron, Jill Wherret, and Ann Brascoupe, Research Associates, *New Relationships*, p. 11.

²⁹ J. M. T. Ovens, *Federal-Provincial Relations in Indian-Affairs. A Report on Highlights of Provincial Positions Regarding Status Indians*. Corporate Policy, Department of Indian Affairs and Northern Development. October, 1979, p. 20.

³⁰ Francis Abele and Katherine Graham, "High Politics is not Enough: Policies and Programs for Aboriginal Peoples in Alberta and Ontario". David C. Hawkes, ed., *Aboriginal Peoples and Government Responsibility: Exploring Federal and Provincial Roles*. Ottawa: Carleton University Press, 1989, p. 149.

government to be administered for the benefit of bands, but entitled the provincial government to fifty per cent of the proceeds from mineral sales. Moreover, the Act provided that in the event a band should become extinct or a reserve was no longer required for a band, the land "shall thereafter be administered by, and for the benefit of, the Province of Ontario."³¹ Therefore, the complete integration of Aboriginal people would lead to Ontario controlling all reserve lands in the province.

As well as enacting legislation to appropriate Native lands, the federal government enacted measures to hasten the integration of First Nations. In 1920, the Superintendent General of Indian Affairs was empowered to enfranchise Natives whom he considered qualified, whether or not they desired such. These individuals were given title to the reserve lands they occupied and their share of band money,³² thus eliminating them as status Indians³³ and freeing their share of band lands from reserve status. Duncan Campbell Scott, then the Superintendent General of Indian Affairs, clearly enunciated the purpose of the Department of Indian Affairs³⁴ at that time, namely: "to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department."³⁵

When the federal government decided to consolidate all its Native legislation in 1927, Canada was enjoying a period of prosperity both at home and abroad, but within two years the government's attention focussed on the Great Depression.³⁶ By 1938, the Indian Affairs Branch

³¹ *An Act for the Settlement of Certain Questions Between the Governments of Canada and Ontario Respecting Indian Reserve Lands. Statutes of Canada, 1924, Chapter 15.*

³² Olive Patricia Dickason, *Canada's First Nations*, p. 327.

³³ Any Native who falls under the rules and regulations of the *Indian Act* is considered a "status Indian".

³⁴ From 1880 to 1936, Indian Affairs had its own Department. In 1936, it became a Branch of the Department of Mines and Resources, and then in 1950 it fell under the Department of Citizenship and Immigration. In 1966, the Department of Indian Affairs and Northern Development was established.

³⁵ Olive Patricia Dickason, *Canada's First Nations*, p. 327.

³⁶ *The Historical Development of the Indian Act*, p. 122.

realized that many provisions of the 1927 *Indian Act* were not adequately meeting Native problems. Thus, Indian Affairs officials began an internal review of the Act and Native administration. However, the search for a revival in the integration policy and a new legislative revision was cut short by the outbreak of war. Native issues were placed on the political back burner as the federal government had more urgent needs.³⁷

As for social services in pre-Second World War Canada, the federal government's involvement in this domain was nominal. The provinces had jurisdiction over health, education, and welfare fields, but many social needs were still provided by either family, churches, or privately funded charities. The federal government did not enter this realm in a notable manner until the 1930s when the Great Depression put multitudes of Canadians in dire need of help.³⁸ Though First Nations received welfare assistance through the Indian Affairs Branch, they were even more disadvantaged than other Canadian citizens because they were excluded from the programs that the provincial governments were beginning to put into place.³⁹ The provinces had been very interested in assuming ownership over Native lands and resources but far less interested in assuming responsibility for providing services under their jurisdiction, such as health, education, and welfare, to First Nations. The extension of provincial services to Aboriginal people living on and off reserves would become a major theme in federal-provincial Native relations in the post-war years.⁴⁰

³⁷ John F. Leslie, A Historical Survey of Indian-Government Relations, 1940-1970. Paper prepared for the Royal Commission Liaison Office, December 1993, pp. 1-2.

³⁸ Gerald Bernier and David Erwin, "The Politics of Intergovernmental Transfers". Francois Rocher and Miriam Smith, eds., New Trends in Canadian Federalism. Peterborough: Broadview Press, 1995, pp. 290-292.

³⁹ H. B. Hawthorn, A Survey of the Contemporary Indians of Canada. A Report on Economic, Political, Educational Needs and Policies in Tow Volumes. Indian Affairs Branch, October 1966, p. 314.

⁴⁰ J.M.T. Ovens, Federal-Provincial Relations in Indian Affairs, p. 13.

The Second World War ushered in the beginnings of a noticeable change in attitude toward Native people. Despite the fact that they were not treated as citizens of the state, Natives enlisted for military service in proportionately higher numbers than any other segment of the general population. When they returned to civilian life, the restrictions and inequities which they had been used to on reserves before the war became glaringly evident to Veteran's organizations and church groups, especially as Natives were not given equal access to Department of Veterans Affairs programs. A campaign was mounted to help Native peoples' plight which resulted in the establishment of a joint Senate and House of Commons committee to investigate the *Indian Act*.⁴¹ The proceedings of this committee and its recommendations will be the major focus of the first chapter of the thesis.

Thus, from colonial times until the end of the Second World War, the domain of Indian affairs underwent many changes. At first colonial governments needed First Nations as allies against their European foes and hostile Natives, as well as for economic partners. However, once the threat of wars had passed and the fur trade declined, it was decided that Aboriginal people should be "civilized" and eventually assimilated into the body politic of the nation one way or another and their lands freed up for non-Native use. Though the Dominion government's policy and ultimate goal of integrating Natives into Canadian society persisted, factors such as the demand for better social services, the constant pressure from provincial governments for more jurisdiction over resources, and the continuing failure of assimilation schemes, forced the government to yet again realign its methods to achieve this goal in the years following the Second World War.

⁴¹ Olive Patricia Dickason, Canada's First Nations, p. 329.

Chapter 1: The Special Joint Committee of the Senate and House of Commons, and the New *Indian Act*, 1945-1951

When Prime Minister Mackenzie King opened the Dominion-Provincial Conference on Reconstruction on August 6, 1945, he carried a heavy burden on his shoulders consequent to the demands from Canadians for social and economic reform, including greater assistance in matters falling under provincial jurisdiction such as health and welfare services. The proposal of the Liberal government for the well-being of the country was a comprehensive plan to restructure Canadian federalism to give the central government the financial power and the legislative authority to guide the economy through the perils of depression, while protecting individual Canadians against disease, old age, and unemployment.¹ What people wanted, Ottawa told the provinces, was security and stability and the federal government knew how to provide these demands.²

The provinces were not too receptive to the federal government's plan. George Drew, the Conservative Premier of Ontario, expressed his province's tradition of asserting provincial rights at the 1945 conference. He claimed that the federal government was scheming to replace the provinces with a unitary government, contrary to the expressed federalist wishes of the Fathers of Confederation. He warned the other provinces of Ottawa's centralizing encroachments. In his view, the provinces would bear the primary responsibility for post-war social policy, and for that purpose they would need more, not less, revenue and power.³ Thus, the federal government would have to

¹ Robert Bothwell, Ian Drummond, and John English, Canada since 1945: Power, Politics, and Provincialism. Toronto: University of Toronto Press, 1981, p. 91.

² Ibid., p. 94.

³ Ibid., pp. 95-96.

fight in order to convince the provinces to agree to social security, including its applicability to First Nations who fell under federal jurisdiction.

Though the government's plan for an expanded and comprehensive welfare system to ensure Canadians against want was substantially curtailed, the seeds of the welfare state were planted and its ideals would be pursued.⁴ The development of the Canadian welfare state from the outset of the war represented an important shift in the relation between state and citizen. It symbolized a deviation from social provision based on benevolence to one based on justice.⁵ However, this justice was not equally administered to all.

Natives on reserves suffered much more serious health problems than the rest of Canadians and they were receiving inadequate services from the federal government through the Indian Affairs Branch.⁶ In 1946, the 125,000 Natives situated on 2,200 reserves across Canada were the poorest and un-healthiest inhabitants in the country.⁷ The death rate from tuberculosis on reserves was fourteen times higher than for other groups in Canada; the Native infant mortality rate was 180 per 1,000 as opposed to 54 per 1,000 for non-Natives; there was serious problems of malnutrition; and Natives endured dilapidated, unsanitary, and overcrowded housing. Furthermore, among Natives there was lax care for the elderly as well as inadequate adoption and delinquent treatment practices.⁸

⁴ *Ibid.*, p. 161.

⁵ Leon Muzynski, "Social Policy and Canadian Federalism: What Are the Pressures for Change?". Francois Rocher and Miriam Smith, eds., New Trends in Canadian Federalism. Peterborough: Broadview Press, 1995, p. 295.

⁶ David Cameron, Jill Wherret, and Ann Brascoupe, Research Associates, New Relationships, p. 13.

⁷ John F. Leslie, A Historical Survey, p. 7.

⁸ H. B. Hawthorn, A Survey of the Contemporary Indians of Canada, p. 314.

The realization that severe health and economic problems existed in Aboriginal communities and the extent of the disparity between reserve conditions and the condition in non-Native communities pointed to the inadequacy of the federal government as a provider of services to First Nations. Furthermore, the federal government could not attempt to provide the quality and range of services to Native people equivalent to the services beginning to be provided by the provinces to non-Native Canadians without considerable costs and duplication.⁹

There was an urgent need for better services but the mechanism to put such services into place would necessitate cooperation between a strong central government and provinces who were determined to receive greater powers. In addition, Ottawa and the provinces would have to deal with their respective jurisdictional authority over a growing number of Natives who were leaving their reserves in search of a better life in the city.¹⁰ Under which umbrella would these people fall under? The federal government's policy was that federal responsibility and jurisdiction, with a few exceptions, extended only to Aboriginal people residing on reserves, while it was the general responsibility of provinces to look after the needs of Natives living off reserves.¹¹ However, provincial governments did not agree with the federal government's interpretation. Thus, off-reserve Natives were sometimes excluded from federal programs and on-reserve Natives were excluded from provincial programs.¹²

⁹ J. M. T. Ovens, Federal-Provincial Relations in Indian Affairs, pp. 1-2.

¹⁰ Frances Sanderson, "Introducing the Meeting Place". Frances Sanderson and Heather Howard-Bobiwash, eds. The Meeting Place Aboriginal Life in Toronto: in Celebration of the Native Canadian Centre of Toronto's 35th Anniversary. Toronto: Native Canadian Centre of Toronto, 1997, p. 28.

¹¹ David Cameron, Jill Wherret, and Ann Brascoupe, Research Associates, New Relationships, p. 1.

¹² Douglas Sanders, "The Constitution, the Provinces, and Aboriginal Peoples". J. Anthony Long and Menno Boldt, eds., Governments in Conflict? Provinces and Indian Nations in Canada. Toronto: University of Toronto Press, 1998, pp. 159-160.

Regarding more specifically the province of Ontario, during the initial years following the Second World War, the provincial government began its own social security campaign. Premier George Drew promised a plan for the advancement of social welfare¹³ and promised to draft programs which would assure social security for all the citizens of Ontario.¹⁴

As the quality of life in Ontario steadily improved, the federal and provincial governments increased their efforts to enhance the economic conditions in Native communities. Residents in relatively isolated reserves were connected to the modern world with the introduction of roads, airfields, telephones, and the reception of radio followed by television. These new technologies often challenged the cultural and political autonomy of many reserves with frequent unfortunate results. The limited educational and economic resources of the reserves left the people ill-prepared to cope with the industrial world growing around them.¹⁵

The federal government also made an effort to improve the health and welfare of First Nations, especially in northern Ontario, where nursing stations and two hospitals were built. However, the services provided to most Native communities remained inadequate and the absence of doctors forced many Natives to rely on their traditional cures and remedies.¹⁶ Thus, while other citizens of Ontario were beginning to receive greater social and medical services, Aboriginal people within the province continued to lack basic and essential care.

¹³ Joseph Schull, Ontario Since 1867. Toronto: McLelland and Stewart Limited, 1978, pp. 312-313.

¹⁴ Ibid., p. 326.

¹⁵ Harvey McCue, "The Modern Age, 1945-1980". Edward S. Rogers and Donald B. Smith, eds. Aboriginal Ontario: Historical Perspectives on the First Nations. Toronto: Dundurn Press, 1994, pp. 377-378.

¹⁶ Ibid., p. 378.

A new social awareness followed the Second World War out of which emerged greater public interest in social welfare, civil rights issues, and Indian affairs.¹⁷ Native participation in the Second World War effort had been strong and this helped foster a new attitude toward improving their living conditions.¹⁸ Numerous social organizations, churches, veterans association, and interest groups pressed the federal government to remedy the deplorable state of Canada's First Nations.¹⁹ These groups also called for a royal commission to investigate the administration of Indian Affairs and conditions on Indian reserves, as well as to revise the *Indian Act* and end discrimination against Natives²⁰ who were yet to be considered citizens of Canada by virtue of their legal designation as Indians under the *Indian Act*.

For instance, in April 1946, C. W. M. Hart, Associate Professor of Sociology at the University of Toronto, O. M. Martin, Brigadier and Police Magistrate of York County, Mrs. John T. McCay, Founder and Director of the Vancouver Folk Festival, and T. F. McIlwraith, Professor of Anthropology at the University of Toronto and Associate Director of the Royal Ontario Museum of Archaeology, petitioned Prime Minister Mackenzie King for the government to take action regarding Canada's First Nations. The petition mentioned the Native participation in the last two wars and insisted that something "ought to be done NOW for our Native Canadian Indians for the improvement of their way of life and indirectly tb [sic] so doing be for the good of Canada as a whole." The petitioners then submitted recommendations in the fields of education, health, and

¹⁷ John F. Leslie, A Historical Survey, p. 10.

¹⁸ The Historical Development of the Indian Act, p. 132.

¹⁹ Ian V. B. Johnson, Helping Indians to Help Themselves, p. 15.

²⁰ Wayne Daugherty and Dennis Madill, Indian Government under Indian Act Legislation, p. 66.

welfare, and urged the government to adopt a policy aimed at assisting Natives toward becoming citizens.²¹

Similar proposals were made in a letter by the Alberta Teachers' Association to the Indian Affairs Branch. The teachers suggested the establishment of a royal commission for the purpose of recommending measures "to remedy immediate needs, and of laying plans for the best development of the Indians, and for their attainment of rights that are extended to all other inhabitants of Canada." They also recommended that the Commission include enough Native counsel to ensure an Aboriginal point of view.²²

By this time the federal government intended to spend a considerable sum of money for the benefit of First Nations in the domain of social welfare.²³ However, before any money would be spent the government needed to learn more about the present situation of Aboriginal people. Thus, as a response to public pressures and as a means of establishing a plan of action, the *Special Joint Committee of the Senate and House of Commons Appointed to Continue and Complete the Examination and Consideration of the Indian Act* (hereinafter referred to as the "1946-48 Committee") was established in May 1946 to study the conditions of Canada's First Nations, consider amendments to the *Indian Act*, and make recommendations on various issues affecting the lives of Native people.²⁴ The Committee began hearings in the summer of 1946 and continued until 1948.

²¹ C. W. M. Hart, O. M. Martin, Mrs. John T. McCay, and T. F. McIlwraith, to Prime Minister Mackenzie King, April 23, 1946. National Archives of Canada (NAC), Record Group (RG) 10, Vol. 6811, File 470-3-6, Part 1, Reel C-8534.

²² Alberta Teachers' Association to the Indian Affairs Branch, June 15, 1946. NAC, RG 10, Vol. 6811, File 470-3-6, Part 1, Reel C-8534.

²³ W. E. Gervais, Secretary of the Gogoma Board of Trade, to the Department of Mines and Resources, Indian Affairs Branch, April 1, 1946. NAC, RG 10, Vol. 6811, File 470-3-6, Part 1, Reel C-8534.

²⁴ John F. Leslie, *A Historical Survey*, p. 3.

During that time, it held 128 meetings, heard from 122 witnesses and received over 400 briefs from government officials, churches, Indian bands and associations, and various concerned individuals.²⁵

Many of the briefs and presentations decried the wide gap in social and economic conditions between Natives and other Canadian citizens and recommended numerous legal changes to remove disadvantages of Indian status and improve services to Aboriginal people.²⁶ The Committee was given figures showing the dreadful living conditions of First Nations in Canada and was informed that Natives were not only excluded from many normal federal programs and from all provincial programs, but the services they did receive were in most cases inferior to those available to other Canadians.²⁷

It should be noted that prior to the 1946-48 Committee being established, the federal and provincial governments had planned a conference to discuss, in part, the existing division of responsibilities and activities between the Dominion and provincial governments.²⁸ J. F. Delaute, Secretary of the Committee of Dominion-Provincial Relations, wrote to the Deputy Minister of Mines and Resources²⁹ asking him to submit a report stating if his department was involved in any federal-provincial cooperative arrangements.³⁰ The Deputy Minister submitted his reply three days later, listing the arrangements by province. According to this memorandum, the only federal-

²⁵ *Ibid.*, p. 6.

²⁶ Social Development Directorate, Indian and Inuit Affairs Program, Interpretation of the Legal Mandate and Responsibilities of Federal, Provincial, Municipal and Indian Band Governments for Social Services to Indian People with Special Reference to the Canada-Ontario Welfare Services Agreement of 1965. July 24, 1984, p. 22.

²⁷ J. M. T. Ovens, Federal-Provincial Relations in Indian Affairs, p. 4.

²⁸ Indian Affairs Branch memorandum, June 26, 1945. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

²⁹ The Indian Affairs Branch was under the Department of Mines and Resources at this time.

³⁰ J. F. Delaute to the Deputy Minister of Mines and Resources, July 6, 1945. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

provincial arrangements concerning reserves in Ontario dealt with trapping and fur conservation.³¹ Thus, one can assume that the federal and provincial governments were yet to be involved in any major joint programs concerning the provision of social services to First Nations. However, such arrangements were beginning to be considered by Indian Affairs officials.

A 1945 Indian Affairs Branch memorandum stated that in the administration of Indian affairs the "co-operation between Provincial Governments and the Dominion has always been and still is in evidence." The memorandum added that Natives living off reserves for a period of eighteen months or longer were not recognized under the existing legislation as a Dominion responsibility because "we have not the administrative machinery to provide for the needs of Indians living in Cities, Towns, Villages or Rural Municipalities throughout the Dominion."³² It is little wonder then that the delivery of provincial social services to Natives would become a key issue in the briefs and presentations to the 1946-48 Committee.

The first witnesses to appear before the Committee in 1946 were senior officials from the Indian Affairs Branch. Their critique focused on the need for administrative, legislative and educational reforms. The Committee was advised that Native people throughout the country were the poorest people in Canada and the Indian Affairs Branch lacked the political stature, funds, and qualified human resources to deliver services and oversee reserve reconstruction activities. Furthermore, the *Indian Act* was portrayed as out of date and existing systems were not promoting Native integration.³³

³¹ Memorandum by the Deputy Minister of Indian Affairs to the Committee on Machinery of Dominion-Provincial Relations, July 10, 1945. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

³² Indian Affairs Branch memorandum, circa 1945. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

³³ John F. Leslie, A Historical Survey, p. 7.

Concerning integration, the various members of the 1946-48 Committee already held strong views on the general administration of Indian affairs and these views would pre-determine many of the recommendations the Committee was to make in 1948. In 1946, one member stated that the objective of the government's Native policy "consists basically in assisting the Indian to assist himself to absolute equality in Canadian society."³⁴ The co-chairman of the Committee, D. F. Brown, made this predilection more specific when he stated to the Committee:

And I believe that it is the purpose of this committee to recommend eventually some means whereby Indians have rights and obligations equal to those of all other Canadians. There should be no difference in my mind, or anybody else's mind, as to what we are, because we are all Canadians.³⁵

This paternalistic disposition on their task was accentuated by the Committee's decision to hear evidence from government officials and expert witnesses before listening to Native concerns. The Native point of view was almost absent until the second year of the proceedings. Nonetheless, the Committee had asked the Indian Affairs Branch to send notice to bands throughout Canada to prepare written submissions for the Committee and send representatives from every reserve to present their concerns.³⁶

One Native who spoke in June 1946 was Andrew Paull, President of the North American Indian Brotherhood, who began by expressing his concern that the Committee had no Native representation. Paull then indicated his distress with the government's integration policy. He advised the Committee that world history would show them that "eolitic man" - those who survived

³⁴ Ian V. B. Johnson, *Helping Indians to Help Themselves*, p. 17.

³⁵ Minutes of proceedings, August 6, 1946. Special Joint Committee of the Senate and House of Commons Appointed to Continue and Complete the Examination and Consideration of the Indian Act. Minutes of Proceedings and Evidence, 1946. Ottawa: Edmond Cloutier, Printer of the King's Most Excellent Majesty Controller of Stationery, 1946, p. 744.

³⁶ N. E. Lickers, Liaison Officer of the Joint Committee on Indian Affairs, to Minister of Mines and Resources, June 17, 1946. NAC, RG 10, Vol. 8583, File 1/1-2-16, Part 1, Reel C-14219.

by agriculture - had always exterminated the "paleolithic man" - those who survived by hunting and fishing. He stated: "That has happened time and again; and you are going to do it now." However, Paull asserted that the Committee members could stop this pattern and save Aboriginal people from extermination. According to Paull, the solution to First Nations' plight was to lift their morale and the only way to do this was to let Natives look after themselves.³⁷

In response to his speech, Committee member B. H. Casteden introduced a motion that five Natives representing the distribution of First Nations throughout Canada be invited to monitor the Committee's proceedings. However, other members opposed this resolution; some uttered their antagonism in blunt terms such as Tom Reid who stated: "I think it is useless to have Indians sitting around here."³⁸

Another Native who presented in 1946 was Brigadier O. M. Martin, Magistrate of the County of York and member of the Six Nations Band. Martin emphasized the general distrust among Natives toward the Indian Affairs Branch and mentioned some personal experience depicting the intolerable situation facing First Nations concerning the delivery of social services. He related how his sister had become ill and died because of a jurisdictional dispute between the federal and provincial health authorities. His sister had been sent to the Toronto General Hospital by her doctor at the Six Nations Reserve, but she was refused treatment because she was Native and under federal

³⁷ Andrew Paull's speech to the Committee, June 27, 1946. Special Joint Committee of the Senate and the House ... 1946, pp. 419-429.

³⁸ Ian V. B. Johnson, Helping Indians to Help Themselves, p. 21.

jurisdiction. Martin blamed the system which required authorization from Ottawa to admit a Native into a provincial hospital, even in an emergency, for this unfortunate incident.³⁹

During the 1946 proceedings numerous Ontario bands submitted proposals to the Committee. For the most part they opposed compulsory enfranchisement and taxation, called for a stricter adherence to treaty provisions, for better health and welfare conditions, and sought more control over their own affairs.⁴⁰ The Committee had provided eight points of inquiry upon which First Nations could express their views: 1) treaty rights and obligations, 2) band membership, 3) liability of Aboriginal people to pay taxes, 4) enfranchisement of Natives, 5) eligibility to vote at Dominion elections, 6) encroachment by white persons onto Native lands, 7) operation of day and residential schools, and 8) any other matter pertaining to the social and economic status of Natives and their advancement which should be included in the revised *Indian Act*.⁴¹ Though bands throughout the country sent submissions to the Committee, only the briefs from Ontario bands will be studied in keeping with the focus of this thesis.

The Lake Constance Band's brief responded to several matters raised by the Committee. Concerning enfranchisement and the right to vote, the Band stated: "We would like very much to have voting rights but without changing our present status." Regarding social conditions, the Band stated that more help and consideration should be given to families when the father fell ill.⁴²

³⁹ Speech of O. M. Martin to the Committee, August 8, 1946. Special Joint Committee of the Senate and House of Commons ... 1946, pp. 744-766.

⁴⁰ The Historical Development of the Indian Act, p. 135.

⁴¹ Memorandum by Norman E. Lickers, Liaison Officer of the Committee, June 17, 1946. NAC, RG 10, Vol. 6811, File 470-3-6, Part 1, Reel C-8534.

⁴² Abraham Sutherland, Lake Constance Indian Reserve, to the Committee, July 13, 1946. Special Joint Committee of the Senate and House of Commons ... 1946, pp. 862-863.

The brief from the Islington Band expressed much of the same view. The Band desired better social conditions such as having a medical nurse on the reserve provided by the federal government, better housing, economic development assistance, and old age pension. The Band also wanted the right to vote in Dominion elections.⁴³

The Mississauga Band's brief declared that treaty Natives should not vote in Dominion elections. However, the Band agreed that enfranchisement should be voluntary. It also stressed that social and economic conditions on reserves were deplorable. As such, it suggested that the government should at all times "aid those of us who are conscientious and anxious to better ourselves, whether from a social or economic point of view."⁴⁴

The Mississauga Band's opinions were supported in a joint submission from the Garden River, Spanish River, Serpent River, Batchewana, and Michipicoten Bands. The five bands were against the right to vote in Dominion elections at the present time and emphasized the need for better social welfare conditions in their communities. The bands asked for old age pensions, doctors on site, qualified teachers, housing assistance and financial aid.⁴⁵

The Chief and Councillors of Big Trout Lake Reserve also sent a brief to the Committee. It stated that the Band was "most anxious to continue in the present status of Treaty Indians, - i.e. [as] wards of the Government under the direct supervision of your appointed Indian Agent," and

⁴³ Islington Band to the Committee, July 13, 1946. Special Joint Committee of the Senate and House of Commons ... 1946, p. 861.

⁴⁴ Simon Saugause, Chief of Mississauga Band, and Councillors to the Committee, July 16, 1946. Special Joint Committee of the Senate and House of Commons ... 1946, p. 866.

⁴⁵ Garden River, Spanish River, Serpent River, Batchewana, and Michipicoten Bands to the Committee, July 29, 1946. Special Joint Committee of the Senate and House of Commons ... 1946, pp. 886-887.

none of their members had expressed a desire to become enfranchised. As for social and economic conditions, the Band required a hospital and trained nurses.⁴⁶ It is interesting to note that the Band wanted to remain "wards of the government." Thus, integration into Canadian society would not have been acceptable by the members. Their negative view of enfranchisement was also expressed in the St. Regis Band's brief to the Committee, who preferred to keep their current treaty rights and privileges.⁴⁷

Many of these briefs from First Nations in Ontario to the 1946-48 Committee mentioned the relationship between the federal and provincial governments and Native bands. The Lac Seul Band stated that since its members had made a treaty with the federal government, "we believe we should not be forced to have any dealings with the Province of Ontario." As for their status, the Band was against enfranchisement, fearing this would deprive members from the benefits of the treaty. Furthermore, the Band felt that any member should have the right to vote in Dominion elections if they so desired, but the vote should not be compulsory. Finally, the brief noted that more attention should be paid to the health of their people.⁴⁸

Regarding enfranchisement and the right to vote, the brief from the Walpole Island Grand General Council stated that members did not emphasize the need for enfranchisement, but this matter could be left to the discretion of each Native. As for the vote, the members did not care much about this right but if the federal government wished to grant it to them "it should not become a reason to

⁴⁶ Chief and Councillors of Big Trout Band to the Committee, July 29, 1946. NAC, RG 10, Vol. 6811, File 470-3-6, Part 1, Reel C-8534.

⁴⁷ St. Regis Band to the Committee, August 12, 1946. Special Joint Committee of the Senate and House of Commons ... 1946, pp. 879-880.

⁴⁸ Lac Seul Band to the Committee, September 16, 1946. Special Joint Committee of the Senate and House of Commons ... 1946, pp. 1428-1431.

encroach upon our treaty rights." The brief also expressed the members' views regarding section 91(24) of the BNA Act,⁴⁹ stating: "The above said section 91, subsection 24 of the B.N.A.A. should be abolished as ... this is the root of the Indians' downfall." Unfortunately, the members did not expand on this comment. The brief also mentioned the need for better medical services and pensions for the elderly.⁵⁰

The Wahnapiatae Band's brief expressed strong views against integration, stating such in its comments pertaining to enfranchisement: "We want to remain as Indians, keeping all our rights intact. We don't want to be forced to become white people, but we feel if any member of our band want to enfranchise individually, he can do so." The band members were not anxious to receive the right to vote because this would entail the loss of some of their privileges. As with other bands, they ended with requests for medical doctors and dentists.⁵¹

These three basic demands - no forced enfranchisement, refusal of the right to vote if this entailed the loss of treaty or aboriginal rights and privileges, and the need for better health care and social services - were repeated in numerous briefs. The following figure will illustrate these demands as found in the submissions from bands throughout Ontario.

⁴⁹ Section 91(24) stated that "Indians and Lands reserved for the Indians" were under federal jurisdiction.

⁵⁰ James Fox, for the Grand Council of Walpole Island, to the Committee, May 3, 1947. Special Joint Committee of the Senate and House of Commons Appointed to Continue and Complete the Examination and Consideration of the Indian Act. Minutes of Proceedings and evidence, 1947. Ottawa: Edmond Cloutier, Printer of the King's Most Excellent Majesty Controller of Stationery, 1947, pp. 1363-1364.

⁵¹ Wahnapiatae Band to the Committee, circa 1947. Special Joint Committee of the Senate and House of Commons ... 1947, pp. 1351-1352.

Briefs from Ontario bands to the 1946-48 Committee

band name	right to vote	enfranchisement/ integration	treaty/aboriginal rights	social/medical services
Constance Lake	yes	right to vote should not change present status	return to the original benefits of treaty	more help to the family when a father is ill
Islington	yes		right to harvest rice without a license	hospital, nurse, old age pension
Mississauga	no	enfranchisement should be voluntary	desire to keep all present rights, right to trap without a license, right to fish and hunt at any time	government should furnish economic and social aid
Garden River Spanish River Serpent River Batchewana Michipicoten ⁵²	not at this time		treaty rights be recognized and respected by federal and provincial governments	old age pension on equal basis with non-Natives, better accessibility to doctors
Big Trout Lake	no	no member has expressed a desire to be enfranchised	wish to continue in the present status of treaty Indians	hospital, nurses
Lac Seul	yes, but not compulsory	members should not be enfranchised	terms of treaty to continue	hospital, nurses
Walpole Island	did not care	enfranchisement should be voluntary	maintain treaty rights and obligations, right to vote should not encroach on treaty rights	hospitals, old age pension
Wahnapitae	not anxious	enfranchisement should be voluntary, want to remain Indians with all rights intact and not be forced to become white people, feared that the right to vote would entail the loss of privileges	maintain treaty rights	doctors, dentist, old age pension, more money for the elderly and those on relief
Sheshegawning	yes	members be left free to accept full citizenship when ready to do so	should not have to pay for hunting and fishing licenses	old age pension on equal basis with non-Natives

⁵² This was a joint submission to the 1946-48 Committee.

band name	right to vote	enfranchisement/ integration	treaty/aboriginal rights	social/medical services
Serpent River	yes		treaty rights and obligations should be strictly adhered to by federal and provincial governments	doctor, dentist, old age pension and mothers' allowances on equal basis with non-Natives, home for the elderly
Whitefish River	no	enfranchisement should be voluntary	treaty rights and obligations be respected and recognized by federal and provincial governments	more financial assistance
Chippewas of Samia	yes	enfranchisement should be voluntary	provisions be made in the new <i>Indian Act</i> to continue treaty rights and obligations	old age pension as well as blind persons' and mothers' allowances on equal basis with non-Natives
Nipissing	no	enfranchisement should be voluntary	all treaty rights and privileges should be respected	
Chippewas of Georgina Island	yes	enfranchisement should be voluntary	all treaties should be reviewed and new interpretations devised to coincide with present-day conditions	old age pension, mothers' allowances, small hospital
Chippewas of the Thames	no	member of the band must dispose of his land before becoming enfranchised voluntarily or not	treaty obligations should be fulfilled	relief for the sick and the elderly on equal basis with non-Natives
West Bay	some desire it	a better understanding of enfranchisement responsibilities is needed	feared that the right to vote would lead to the loss of treaty rights	old age pension on equal basis with non-Natives

Sources: Special Joint Committee of the Senate and House of Commons Appointed to Continue and Complete the Examination and Consideration of the Indian Act. Minutes of Proceedings and Evidence, 1946. Ottawa: Edmond Cloutier, Printer of the King's Most Excellent Majesty Controller of Stationery, 1946, pp. 861-3, 866, 886-7, 1425-6, and 1428-31.

Special Joint Committee of the Senate and House of Commons Appointed to Continue and Complete the Examination and Consideration of the Indian Act. Minutes of Proceedings and evidence, 1947. Ottawa: Edmond Cloutier, Printer of the King's Most Excellent Majesty Controller of Stationery, 1947, pp. 1337-40, 1343-6, 1351-3, 1359, 1363-4, and 1434-40.

Note: Requests concerning band membership, liability of Natives to pay taxes, encroachment by non-Natives onto Indian lands, and residential schools were excluded for the purpose of the chart.

Now that the 1946-48 Committee had received briefs and was more familiar with the Native point of view, it was prepared to listen to Aboriginal representatives. During the 1947 hearings, delegates from Indian bands and the major Indian rights associations journeyed to Ottawa to express their views. This consultation process was something of an educational experience for both First Nations and the non-Native legislators. The latter had little knowledge of Native history, culture, or reserve conditions, while the former were not used to dealing with politicians or parliamentary committees. The previous year's briefs, and now the presentations by Aboriginal leaders, presented the first comprehensive and formal statement to federal authorities of a Native political agenda.⁵³ This was a ground-breaking achievement in regards to Indian affairs because it also marked the first systematic effort by government officials to consult with Native people.⁵⁴

One Native leader who appeared before the Committee in April of 1947 was Teddy Yellowfly, Chief of the Blackfoot Reserve and spokesman for the Unaffiliated Indians of Alberta. Though he did not represent the Natives of Ontario, Chief Yellowfly's comments regarding the *Indian Act* were shared by a vast majority of Aboriginal people throughout Canada in the mid-twentieth century. He stated:

The *Indian Act*, apart from its relationship to treaties, is in its simplest form and purpose a codified sociological affair. We believe that fundamentally the objet of the *Indian Act* is twofold. Firstly, the Crown through the treaties made certain promises to the Indian people. In order to implement those promises it was necessary to legislate or create an Act respecting Indians, and the treaties. Secondly, to enact laws designed to protect and guide the Indian during the process of his adoption and assimilation of the culture which the Indian had to assume and accept.

The assimilation by the Indian of this so-called western culture cannot be accomplished by regulation alone, but must be done in a sympathetic, understanding and qualified manner, treating the Indians as fellow Canadians with a problem to

⁵³ John F. Leslie, A Historical Survey, p. 7.

⁵⁴ The Historical Development of the Indian Act, p. 133.

attack, not merely as a bunch of savages who must be subjugated and regimented in order to get them to do anything. To-day the conditions are different from what they were in those early days. To-day regimentation and economic frustration tend to create an attitude of dependency on the part of the Indians; this results in feelings of inferiority and inadequacy.⁵⁵

Thus, one can see that Aboriginal people interpreted the *Indian Act* as a device to integrate them into the Canadian society, the government's principal goal in this domain since the period of the British Regime. However, its means to achieve this end would have to change because more and more Natives would no longer accept the treatment they had been receiving from the government.

The request by the 1946-48 Committee for Native presentations actually pushed First Nations across the country to try and come together and express their demands as one cohesive voice. For instance, in May 1947, Henry Jackson, Secretary for the North American Indian Brotherhood and the Union of Ontario Indians, sent out a call to Ontario Native bands and reserves asking that they send delegates to attend the Ontario Indian Convention held at Cape Croker Reserve on July 25 and 26. The purpose of the meeting was to present united demands to the 1946-48 Committee.⁵⁶

Another example of this push for unity came at a conference of Ontario Natives who were to attend and present before the Committee. They put forth the need for a national Indian organization. The notes of their meeting stated: "The aim and object of the meeting as the Chairman declared that it is most necessary and imperative that a strong National Organization be established

⁵⁵ Speech of Chief Teddy Yellowfly to the Committee, April 21, 1947. Special Joint Committee of the Senate and House of Commons ... 1947, pp. 547-554.

⁵⁶ Henry Jackson to the Indian Bands of Ontario, May 26, 1947. NAC, RG 10, Vol. 8583, File 1/1-2-16, Part 2, Reel C-14219.

and that applies to all the Provinces of the Confederation as contributories to a National Organization."⁵⁷

While these Natives were meeting to establish national and provincial organizations, other Ontario Natives presented their demands to the 1946-48 Committee. On May 22, 1947, Reginald Hill of the Six Nations Reserve was called before the Committee. Among his many requests, Hill mentioned the need for better social services and the right to vote. Hill stated that a social service division should be established to supervise and improve living and health conditions on reserves. This division would alleviate much suffering and could provide for old age pensions, widows' allowances, and other benefits now available to those living outside of reservations. As for voting, Hill recommended to the Committee that the revised *Indian Act* "should provide citizenship without loss of lands or rights as at present." Hill related that there was presently an anomaly whereby the government conscripted Natives for military services, demanded income tax, collected certain other taxes, but refused Natives the rights of citizenship, old age pension, and other matters of social security and benefits.⁵⁸

Similar remarks were made by Chief William Meawasige of Manitoulin Island. He stated that all the members of the Manitoulin Island Band were opposed to any idea of compulsory enfranchisement. "We are Indians and wish to remain so," admitted the Chief. As for voting, he specified that members were in favour of voting in federal and even provincial elections "as long as all their present rights and privileges were fully protected and nothing had to be traded in for the

⁵⁷ Conference of Ontario Indians attending the Committee, May 23, 1947. NAC, RG 10, Vol. 8583, File 1/1-2-16, Part 2, Reel C-14219.

⁵⁸ Speech of Reginald Hill to the Committee, May 22, 1947. Special Joint Committee of the Senate and House of Commons ... 1947, pp. 1270-1278.

privilege of voting." Finally, all the members agreed that the Band needed better medical attention and social services, such as: dentists, doctors, old age pensions, mothers' allowances, old age homes, and relief at par with the whites.⁵⁹

From the many presentations, as well as the numerous submissions to the 1946-48 Committee, it could generally be said that the preponderance of opinion among Natives across Canada leaned toward self-government for bands and tribal councils. In addition to this demand for greater control of their own affairs, many briefs and speeches, as previously stated, recommended changes in the administration of Indian Affairs and the need for better services.⁶⁰

Native bands and delegates also identified the conflict between federal and provincial governments over the delivery of services to Natives which caused serious problems at the band level, and complicated the administration of Indian Affairs. The Union of Saskatchewan Indians addressed the issue in their brief to the Committee and demanded that "administration of any joint agreement between the Provincial and Federal Government be carried out in a manner to avoid overlapping duplication."⁶¹

Presentations by non-Native organizations echoed this call for federal-provincial cooperation in the planning and administration of services to Natives. In their joint submission to the 1946-48

⁵⁹ Speech of Chief William Meawasige to the Committee, May 22, 1947. Special Joint Committee of the Senate and House of Commons ... 1947, pp. 1293-1298.

⁶⁰ Ian V. B. Johnson, Helping Indians Help Themselves, pp. 25-26.

⁶¹ Brief of the Union of Saskatchewan Indians to the Committee, circa 1947. Special Joint Committee of the Senate and House of Commons Appointed to Continue and Complete the Examination and Consideration of the Indian Act. Minutes of Proceedings and Evidence, 1948. Ottawa: Edmond Cloutier, Printer of the King's Most Excellent Majesty Controller of Stationery, 1948, pp. 200-204.

Committee, the Canadian Welfare Council and the Canadian Association of Social Workers expressed their view that the only defensible goal for a national program for services to First Nations "must be the full assimilation of Indians into Canadian life, which involves not only their admission to full citizenship, but the right and opportunity for them to participate freely with other citizens in all community affairs." The submission stated that there was a need for closer cooperation between the Dominion and provincial governments both of whom had an important stake in an adequate program of services for the Native population. The fact that the majority of Aboriginal people resided within provincial boundaries but outside provincial jurisdiction created serious problems for provincial governments who could not deal with social or health problems on reserves. The submission added that "the setting aside of large tracts of land as Indian reserves is itself often a problem in relation to the development of the province and its resources." Finally, regarding federal-provincial cooperation, the submission declared:

What these considerations suggest is the desirability of some plan whereby the provinces would share in responsibility for the planning and administration of Indian services. This conclusion receives additional support when one recalls the assistance the provinces are in a position to offer, and especially the programs in the fields of education, health and welfare which have been developed in varying degrees by all of them. For the Dominion Government to provide parallel services within the province for the Indian community involves considerable duplication, with results that are not necessarily more satisfactory.

Having in mind all of these factors, and particularly the goal of ultimate assimilation of ethnic groups set forth at the outset of this submission, we would suggest that conferences be held at once with provincial authorities to determine how far it is practical for them to go at the present stage in serving Indians through their departments of education, health and welfare.⁶²

Federal-provincial conferences discussing the provision of services to Indian reserves were to take place but only in the 1950s. Nonetheless, submissions and presentations which mentioned

⁶² Joint submission to the Committee by the Canadian Welfare Council the Canadian Association of Social Workers, January 1947. Special Joint Committee of the Senate and House of Commons ... 1947, pp. 154-161.

the cooperation of both levels of governments had a great impact on the establishment of these conferences. It was also one of the major recommendations put forth by the Committee in 1948.

Before examining the 1946-48 Committee's recommendations, it is essential to note another presentation that had a particularly strong influence. In March of 1947, the Committee heard from anthropologist Diamond Jenness, Chief of the Inter-Services Topographical Section, Department of National Defence, whose proposals were in direct opposition to Native demands. In his presentation, Jenness began by exposing the government's past attempts to assimilate Natives and compared the condition of First Nations in Canada to the concentration camps in Nazi Europe:

What has taken place in Europe is exactly what has happened to our Indians. We segregated them from the white population for their own benefit. We thought that, since they did not appear capable of taking care of themselves under modern conditions, we would protect them, we would train them and educate them until in time they would become useful citizens. Our intentions were excellent. Unfortunately, instead of educating and training them for citizenship and a free life that was just around the corner, we shut them up indefinitely where they would be out of the way of the white man. We have kept them from starving, it is true, but we have made them pariahs and outcasts. In consequence, they have developed the warped mentality of world outcasts just like the occupants of the displaced persons camps in central Europe.

Jenness then presented his "Plan for liquidating Canada's Indian problem within 25 years." The objective of this plan was "to abolish, gradually but rapidly, the separate political and social status of the Indians (Eskimos); to enfranchise them and merge them into the rest of the population on an equal footing." According to Jenness, the realization of this plan would both improve the social and economic condition of First Nations and abolish the permanent drain of the federal treasury spent on Native administration.⁶³

⁶³ Speech of Diamond Jenness to the Committee, March 25, 1947. Special Joint Committee of the Senate and House of Commons ... 1947, pp. 305-319.

This paternalistic and aggressively integrationist plan was received enthusiastically by the Committee which already held strong beliefs inclined toward the integration policy. Co-chairman of the Committee, T. Reid, stated:

I think I voice the views of all the committee when I say that this is one of the finest talks we have heard, and at the same time we have had presented to this committee a real plan, and with most of what has been said by Dr. Jenness I am personally in entire accord. We might as well make the statement boldly that we have failed in our policy in this regard for the past fifty years. I think the sooner the people of this country admit their mistakes the better, in view of facts that have come before this committee. We now have a real plan with most of which I am in complete agreement.⁶⁴

The Committee reconvened in 1948 with the same terms of reference as in 1946 and 1947, but it held fewer public meetings, heard from fewer witnesses, and mostly held private sessions.

Many of the recommendations made by Natives and non-Natives from 1946 to 1948 dealt with reserve conditions, social welfare, and self-government. Regarding reserve conditions, virtually all submissions detailed deplorable conditions and facilities far below the standard of those available to non-Native communities. As for social welfare, it was noted that some Native families received federally funded family allowances, but additional pension benefits and services available to other citizens were said to be required, especially for the old and the infirm. Furthermore, hospital facilities as well as more frequent visits from nurses and doctors to remote reserves, were said to be essential to help combat the prevalence of tuberculosis, pneumonia, and various other diseases.⁶⁵

⁶⁴ Comment of T. Reid to Diamond Jenness' speech, March 25, 1947. Special Joint Committee of the Senate and House of Commons ... 1947, p. 311.

⁶⁵ John F. Leslie, A Historical Survey, pp. 8-9.

One of the most widely-held opinion among Natives and their supporters was that self-government was a fundamental first step toward acknowledging the treaty relationship and obligations between First Nations and the Crown, and toward resolving the administrative and social problems on reserves.⁶⁶ The right to self-government, which Native representatives referred to as enhanced band council powers and local reserve administration, called for less interference by local agents in the affairs of the band council and for the advanced bands to assume greater control in managing daily reserve operations and authorizing band expenditures. Nonetheless, this did not imply that Natives wanted to be enfranchised or become full citizens by receiving the right to vote in Dominion elections if this meant giving up historic treaty rights, such as the exemption from paying taxes on reserve income and property.⁶⁷

There was a real dichotomy between Native representatives and the members of the Committee and public service personnel testifying before the Committee. While members of the Committee examined the same facts and focused on the same institutions, they did so with a fundamentally different vision of the future for First Nations. The Committee contemplated integration, while Native political leaders argued for self-governance.⁶⁸

After having studied all the submissions and presentations, and taking into account all the various recommendations, the Committee finally submitted its final report on June 22, 1948, which brought to light the many problems of the current state of Indian affairs in Canada. Regarding the *Indian Act*, the Committee stated that it contained "many anachronisms, anomalies, contradictions

⁶⁶ Nin.Da.Waab.Jig, Minishenhying Anishnaabe-akei, Walpole Island: The Soul of Indian Territory. Windsor: Commercial Associates/Ross Roy Ltd., 1979, p. 90

⁶⁷ John F. Leslie, A Historical Survey, pp. 9-10.

⁶⁸ Ian V. B. Johnson, Helping Indians Help Themselves, p. 43.

and divergencies." The Committee deemed it advisable that, with a few exceptions, all sections of the Act be either repealed or amended and suggested that another committee be constituted to revise the Act. It added that "all proposed revisions are designed to make possible the gradual transition of Indians from wardship to citizenship and to help them to advance themselves." In order to achieve this goal the Committee proposed certain measures, including: "That it be the duty and responsibility of all officials dealing with Indians to assist them to attain the full rights and to assume the responsibilities of Canadian citizenship."

The Committee then listed all its recommendations concerning the administration Indian Affairs. One of the major initiatives to Native affairs advocated by the Committee was the recommendation which dealt with the cooperation of federal and provincial governments in the delivery of services to First Nations. It stated: "There are certain aspects of Indian affairs administration which, perforce, require co-operation between Dominion and Provincial officials, to bring about the future economic assimilation of Indians into the body politic of Canada." The Committee suggested that the government consider the desirability of placing on the agenda of the next federal-provincial conference, for the consideration of the provinces, matters such as health and welfare services. The Committee realized that these matters were normally dealt with under provincial legislative powers, but it believed that financial arrangements between the provinces and the federal government could be agreed upon to bring Natives under the scope of such provincial legislation "in order that there be mutual and coordinated assistance to facilitate the Indians to become, in every respect, citizens proud of Canada and of the provinces in which they reside."⁶⁹ Thus, by implementing agreements whereby services to First Nations would be provided by the

⁶⁹ Report of the Committee, June 22, 1948. Special Joint Committee of the Senate and House of Commons ... 1948, pp. 186-190.

provinces and federal government jointly, Natives would be integrated into the Canadian society as citizens of the province in which they resided with the same rights as non-Natives.⁷⁰

In essence, the Committee approved the goal of Canada's previous Native policy of integration, but disapproved the earlier methods to achieve it. It believed that most of the work of "civilization" was now complete and that the protective features of the *Indian Act* could be withdrawn. Furthermore, since integration was soon attainable, the guidelines for new Native policy and the new *Indian Act* stipulated that the federal government should begin to devolve its responsibilities for providing services to the provinces. In this way, the barriers provided by reserves and Native special status under section 91(24) of the BNA Act⁷¹ would be further broken down and integration made all the easier.⁷²

The Committee's recommendation of improving the delivery of health care and welfare services to reserve residents led to a renewed goal of full Native integration. This was the genesis of the federal government's new approach to integration which would see Natives gradually integrated into Canada's institutional structures by phasing out the existing separate system of administering Indian affairs and integrating Aboriginal people into existing provincial services.⁷³

⁷⁰ Ian V. B. Johnson, Helping Indians to Help Themselves, p. 47.

⁷¹ It should be noted that the BNA Act did not require the federal government to provide special welfare services for First Nations, nor did it preclude the provinces from extending their normal welfare services to Natives on reserves. The Indian Affairs Branch's existing welfare expenditures reflected neither constitutional nor statutory responsibilities. They simply reflected historical decisions continuously sanctioned by parliamentary approval for the Branch to play a role in the delivery of services to Natives. These services were voluntarily assumed. [H. B. Hawthorn, A Survey of the Contemporary Indians of Canada, p. 315.]

⁷² John L. Tobias, "Protection, Civilization, Assimilation", p. 140.

⁷³ Menno Boldt and J. Anthony Long, "Native Indian Self-Government: Instrument of Autonomy or Assimilation?". J. Anthony Long and Menno Boldt, eds., Governments in Conflict? Provinces and Indian Nations in Canada. Toronto: University of Toronto Press, 1988, p. 42.

The Committee's suggestion of bringing First Nations under provincial jurisdiction was a complete turnaround from past experience of the federal and provincial governments' dealings with Aboriginal people. Generally, the federal government had argued that it possessed the power but not a responsibility to provide special programs for Natives. The provinces, on the other hand, maintained that Aboriginal people had a special relationship with the Crown and this relationship gave rise to a federal obligation to pay for most or all programs and services for Natives. According to the provinces, if Natives were removed from the normal wealth-collection system of the province, that is, from many forms of provincial taxation, they should also be removed from provincially-funded services.⁷⁴

Thus, the Committee's recommendation, though promoting the federal government's ultimate goal of Native integration, would have to be sold to the provinces who would oppose any arrangements that would see their provincial coffers opened to help persons who were a federal responsibility. The provinces would need to receive certain benefits in order to accept such arrangements, and would be determined to make the best fiscal and jurisdictional deal possible. Simply put, they were unwilling to assume a significant increase in responsibility for First Nations without a satisfactory measure of jurisdiction and management control over Native people and lands.⁷⁵

From the standpoint of Native leaders, the 1946-48 Committee process provided a valuable learning experience and established direct contacts with parliamentarians who could later bring

⁷⁴ Alan Pratt, "Federalism in the Era of Aboriginal Self-Government". David C. Hawkes, ed., Aboriginal Peoples and Government Responsibility: Exploring Federal and Provincial Roles. Ottawa: Carleton University Press, 1989, p. 22.

⁷⁵ Menno Boldt and J. Anthony Long, "Native Indian Self-Government", p. 46.

influence and pressure to bear on Indian Affairs administrators. Furthermore, most leaders would have supported the Committee's recommendations of strengthening economic development and improving health and welfare services to First Nations.⁷⁶ However, Aboriginal people had steadfastly resisted any moves by the federal government to transfer its historic obligations to the provinces. They felt a special bond with the federal government and feared that any move to transfer responsibility to the provinces would jeopardize or even nullify their Aboriginal, treaty, and land resource rights.⁷⁷ While Natives believed they were entitled to all of the provincial services received by other Canadians, they were worried that the gradual assumption of services and programs by the provinces would be used as a pretext for asserting provincial control over their lands, resources, and affairs in general. The provinces had always resisted being burdened with the responsibility for Native people, but they were keen to increase their jurisdiction over Native lands and resources.⁷⁸ This distrust by First Nations of the provincial governments was rooted in past conflicts over their hunting, fishing, and gathering rights, particularly with governments at Queen's Park.

Thus, the federal government would have to formulate an effective political strategy to encourage the process of devolution, and receive the support of provincial governments for having their services delivered to Aboriginal people. The 1946-48 Committee's recommendation concerning the devolution of federal jurisdiction to the provinces would come to revolutionize Indian affairs and serve as the guideline for the Indian Affairs Branch during the next twenty years.

⁷⁶ John F. Leslie, Vision Versus Revision: Native People, Government Officials, and the Joint Senate/House of Commons Committees on Indian Affairs, 1946-1948 and 1959-1961. Treaties and Historical Research Centre Program Development and Implementation Division Comprehensive Claims Branch, DIAND, p. 14.

⁷⁷ J. Anthony Long and Menno Boldt, "Introduction", p. 5.

⁷⁸ Radha Jhappan, "The Federal-Provincial Power-Grid", pp. 168-169.

After the completion of the 1948 proceedings of the Committee, the Indian Affairs Branch was left to its own devices to revise the *Indian Act* based on the Committee's recommendations. Both the Minister and Director of Indian Affairs had hoped to have a draft Act available by late 1948. However, the review process was overtaken by external factors. In 1948, Prime Minister King retired and was replaced by Louis St. Laurent, and there followed a rapid succession of Ministers of Mines and Resources and the Indian Affairs portfolio passed between J. A. Mackinnon (1948), Colin Gibson (1949-1950), and Walter Harris (1950-1954), each of whom had their own views. As well, the Director of Indian Affairs, R. A. Hoey, was replaced in 1948 by D. M. Mackay.

The situation was further complicated when the Indian Affairs Branch was transferred to the Department of Citizenship and Immigration in January 1950.⁷⁹ According to a paper prepared later by Indian Affairs, the primary function of the Indian Affairs Branch under Citizenship and Immigration was "to administer the affairs of the Indians of Canada in a manner that will enable them to make the necessary adjustments to become fully participating and self-supporting members of the communities in which they live."⁸⁰ It was surely not coincidental that Indian Affairs was put under the realm of Citizenship and Immigration at the same time that the federal government's assimilation policy was to reinvent itself and integrate Natives into the Canadian society by making them full citizens of the provinces and of Canada.

For the next three years after the Committee's report, federal and provincial officials reviewed the material and held conferences concerning the implementation of the Committee's suggestions

⁷⁹ John F. Leslie, *Vision Versus Revision*, p. 14.

⁸⁰ Indian Affairs Branch, Department of Citizenship and Immigration, *A Review of Activities 1948-1958*. Ottawa: The Queen's Printer and Controller of Stationery, undated, p. 1.

for the revision of the *Indian Act*. According to Indian Affairs Branch correspondence, it appears that government officials were intent on promoting the Native integration policy and adopting the Committee's recommendation of turning federal jurisdiction to the provinces for that purpose. In November of 1949, D. M. Mackay, Director of Indian Affairs, wrote a memorandum to his Deputy Minister concerning the implementation of the Committee's recommendation dealing with the cooperation of the federal and provincial governments "to bring about the future economic assimilation of Indians into the body politic of Canada." Mackay wondered if these matters should be placed on the agenda of the forthcoming Dominion-Provincial conference to be held in January. Some had suggested that it might be better to defer discussions with the provinces until the revised *Indian Act* had been passed. On the other hand, stated Mackay, it had also been suggested that it might be more helpful to discuss the matter with the provinces beforehand, inasmuch as there could be suggestions made, or agreements reached, which could be implemented in the new Act.⁸¹

In a later memorandum to the Deputy Minister, Mackay advised that it was decided that the January conference would only deal with Constitutional matters. However, the Prime Minister had stated in the House Commons that a Dominion-Provincial conference might be convened the next fall to deal with matters of common concern, such as Indian affairs and social welfare. In view of this, the recommendation of the Committee, referred to in his last memorandum, would be kept in mind.⁸²

⁸¹ D. M. Mackay to the Deputy Minister of Indian Affairs, November 30, 1949. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

⁸² D. M. Mackay to the Deputy Minister of Indian Affairs, December 13, 1949. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

Though Indian affairs was not put on the agenda of the 1950 Dominion-Provincial conference, the revision of the *Indian Act* continued to be discussed by government officials and Native leaders. For instance, Andrew Paull, the President of the North American Indian Brotherhood, who went before the Committee in 1946, drafted his own version of the *Indian Act* which he sent to the Indian Affairs Branch. The first section of Paull's Act stated:

An act to amend, consolidate and clarify the Indian act to accord with Indian Treaties and Agreements;
 To promote and encourage the economic integration of Native Indians with the body politic of Canada by;
 Granting to Native Indians generally the personal rights and privileges enjoyed by all citizens of Canada, without requiring the surrender of Native hereditary rights and privileges over Indian lands and surrendered tribal territories, except by mutual agreement with compensation;
 Conserving and developing Indian lands and resources; ...
 Co-operation between the Government of Canada and the Provincial Governments to give mutual and co-ordinated assistance in Indian advancement, including social benefits ...⁸³

Thus, not all Natives totally opposed the inclusion of provincial governments in the field of Indian affairs. Furthermore, some Natives wanted to be included in the Canadian society as full citizens receiving the same benefits as other non-Natives. However, as Paull stated, these benefits were not to infringe upon Native hereditary rights or lands.

Indian affairs was eventually put on the following Dominion-Provincial conference agenda and government officials began to focus upon federal-provincial cooperation in that field. In June 1950, N. A. Robertson, Secretary to the Cabinet, wrote to Colonel L. Fortier, Deputy Minister of Citizenship and Immigration, asking him to report on activities of a federal-provincial character in which the Indian Affairs Branch was engaged.⁸⁴ Fortier sent a confidential memorandum to Director

⁸³ Andrew Paull's proposed Indian Act, circa 1950. NAC, RG 10, Vol. 6811, File 407-3-6, Part 2, Reel C-8534.

⁸⁴ N. A. Robertson to Laval Fortier, June 6, 1950. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

Mackay regarding Robertson's inquiry,⁸⁵ and consequently Mackay sent a confidential memorandum to the Superintendent of Welfare Services asking him to submit reports on the activities of a "federal-provincial nature" in which his division was involved.⁸⁶

H. M. Jones, Superintendent of Welfare Services, reported that to his knowledge, the Welfare Services Division was not involved in any federal-provincial cooperation activities. However, he did suggest that old age pension and mothers' allowance should be brought up at the Dominion-Provincial conference.⁸⁷

By mid 1950 the Indian Affairs Branch was barely involved in any federal-provincial activities, but there was a great deal of interest by government officials to have this change. In August 1950, D. M. Mackay, Director of Indian Affairs, sent a memorandum to the Deputy Minister of Citizenship and Immigration regarding the recommendation of the 1946-48 Committee that certain subjects be discussed at a Dominion-Provincial conference. Mackay understood that the forthcoming conference was to deal with social and economic matters of common concern. Thus, he suggested that Indian affairs be placed on the agenda, "as it is thought that a general discussion by federal and provincial authorities on the social and economic problems of Indians would be mutually beneficial and may well prepare the ground work for furthering the interest and welfare of the Indian population."⁸⁸

⁸⁵ Laval Fortier to D. M. Mackay, Director of Indian Affairs, June 13, 1950. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

⁸⁶ Director Mackay to the Superintendents of Reserves and Trusts, Welfare, and Education, June 21, 1950. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

⁸⁷ H. M. Jones to the Director of Indian Affairs, July 18, 1950. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

⁸⁸ D. M. Mackay to the Deputy Minister of Citizenship and Immigration, August 17, 1950. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

While Indian Affairs officials were corresponding on the upcoming Dominion-Provincial conference, Bill 267, the new *Indian Act*, was introduced in the House of Commons on June 7, 1950, by W. E. Harris, the Minister of Citizenship and Immigration.⁸⁹ The main points of Bill 267 were a new definition of "Indian," the creation of an Indian Register to facilitate determination of Indian status and band membership, and the clarification and consolidation of many sections which had become cumbersome over the years. First Nations and the Conservatives demanded that consideration of Bill 267 be remanded until the next parliamentary session when more debate could ensue over the Bill's content.

During that later session, John Blackmore, a Social Credit member representing Lethbridge, Alberta, complained that the Bill showed little sign of the Committee's three years of hard work. Furthermore, he questioned the Minister's failure to have included many of the Committee's recommendations, such as a formula for the gradual but continuous transition of Natives from wardship to citizenship.⁹⁰

W. E. Harris responded that the general intent of the Bill continued to follow the former and current goals of Indian Affairs policy and legislation. The underlying principles of Native legislation through the years had been the protection and advancement of First Nations, but as they became more self-reliant and capable of successfully adapting themselves to modern conditions, more emphasis was being laid on greater participation and responsibility by Natives in the conduct of their own affairs. Indeed, stated Harris, "it may be said that ever since Confederation the underlying purpose of Indian administration has been to prepare the Indians for full citizenship with the same

⁸⁹ The Historical Development of the Indian Act, p. 133.

⁹⁰ Ibid., p. 145.

rights and responsibilities as those enjoyed and accepted by other members of the community." According to the Minister, this aim had not been lost in the preparation of the new Act. He added that the ultimate goal of the government's Native policy "is the integration of the Indians into the general life and economy of the country." However, it was recognized that during a transition period of varying length, depending on the circumstances and stage of development of various bands, special treatment and legislation were still necessary. Furthermore, the Bill would not bring immediate solution to all the problems of First Nations. Its purpose was to revise the *Indian Act* based on an appraisal of conditions as they really were, and modernize and improve existing legislation.⁹¹

Both First Nations and the Conservatives opposed the proposed legislation. For Natives, Bill 267 was a vast disappointment and simply a continuation of the government's integration policy. As for the opposition, John Diefenbaker denounced the Bill as merely a small alteration of the existing *Indian Act* and namely to make Indian Affairs officials more powerful than they had ever been. He also condemned the Bill as contradicting the recommendations of the 1946-48 Committee.⁹²

Bill 267 was eventually withdrawn with the intention of redrafting another and introducing it at the next session of parliament. Plans were also made for meetings with various Native representatives to discuss the revisions to the *Indian Act*. The meetings took place in Ottawa between February 28 and March 3, 1951, and in attendance were the Minister and Deputy Minister

⁹¹ *Ibid.*, p. 145.

⁹² *Ibid.*, p. 146.

of Citizenship and Immigration as well as Native delegates from most provinces.⁹³ The most held opinion among Native representatives was that the federal government should extend self-government to Indian band councils consistent with their demonstrated ability to exercise increasing responsibility. The representatives were also unanimously opposed to the section of the *Indian Act* dealing with enfranchisement.⁹⁴ Ultimately, it was decided between all the members present that First Nations wanted to determine their own fate.

In April 1951, a Special House Committee was appointed to consider the new Bill, entitled *An Act Respecting Indians*. On April 16, W. E. Harris, Minister of Citizenship and Immigration, gave his comments to this committee regarding the 1946-48 Committee's recommendations and their applicability to the *Indian Act*. Concerning the Committee's suggestion that reserves become fully autonomous and integrated within the terms of the municipal acts of the provinces in which they were situated, Harris stated:

It was, I believe, the opinion of the committee that ultimately Indian reserves would be incorporated as municipalities and take their place not under the federal government but under the provincial governments in those cases. There have been efforts along that line and in particular there is one band which has indicated a desire to have this proceeding with respect to it, and the matter is being pursued now.

There is no provision in the bill for this particular recommendation because the law officers of the Crown felt that you could not make reference in the *Indian Act* to the municipal incorporation of an Indian band in that being a municipal matter it would be between the band and the provincial government. The parliament of Canada cannot legislate upon it because it would thereby invade the provincial field.

Harris then commented on the 1946-48 Committee's recommendation that it be the duty and responsibility of all officials dealing with Natives to assist them to attain the full rights and

⁹³ *Ibid.*, p. 147.

⁹⁴ Nin.Da.Waab.Jig, *Minishenhying Anishnaabe-aki*, p. 90.

responsibilities of Canadian citizenship. The Minister agreed with this recommendation. He advised that it was a matter of administrative practice, and instructions had been given to that effect. As for the Committee's recommendation regarding the cooperation of the federal and provincial governments to bring about the future economic assimilation of Natives into the body politic of Canada, Harris noted that this matter required continued consultation with the provincial governments. He affirmed that as a result of the Committee's recommendation there had been a tendency to decentralize the administration of Indian Affairs and find ways whereby the provinces and Ottawa could cooperate to advance the interest of First Nations. The Minister was then given the final paragraph of the Committee's twelfth recommendation, regarding federal-provincial cooperation, which read:

Your Committee realizes that the matters above enumerated are matters which, normally, are dealt with under provincial legislative powers. However, it should be possible to arrive at such financial arrangements between the Dominion and Provincial governments as might bring Indians within the scope of such provincial legislation, in order that there be mutual and co-ordinated assistance to facilitate the Indians to become, in every respect, citizens proud of Canada and of the provinces in which they reside.

To this Harris replied: "I am sorry I did not notice that before but that sums up very well what I have to say."⁹⁵

The House of Commons finally passed Bill 79, the new *Indian Act*, on May 17, 1951, followed by the Senate on June 5, and it received royal assent on June 20. The new Act did not differ in many respects from the previous one. The main elements of the old Act - protection of Indian lands from alienation and depredation, provision for a form of local government, and methods

⁹⁵ W. E. Harris, Minister of Citizenship and Immigration, to the Special House Committee, April 16, 1951. Special Committee Appointed to Consider Bill No. 79 An Act Respecting Indians. Minutes of Proceedings and Evidence, 1951. Ottawa: Edmond Cloutier, Printer to the King's Most Excellent Majesty Controller of Stationery, 1951, pp. 13-22.

of ending Indian special status - were presented intact. However, not since the first *Indian Act* had the powers of Indian Affairs officials and the Minister appeared so limited. Under the new Act, the Minister's jurisdiction was reduced to a supervisory role but with veto power. The Minister's intervention in most band and personal matters now required approval by Native band councils who now had more authority in the management of their reserves.⁹⁶

The new *Indian Act* did include some additions and changes, such as: a legal definition of the term "Indian," the removal of the ban on traditional dances and ceremonies, and the right for Natives to raise money for the purpose of pursuing treaty and land claims in court.⁹⁷ The later proved quite cumbersome to provincial governments who would soon see provincial Crown lands claimed as ancestral Aboriginal lands. However, the primary goal of the new Act, to integrate First Nations within Canadian society, remained the same as the previous one of 1876.⁹⁸

The fundamental change was that integration would no longer be forced upon Natives. Instead, integration would be a gradual process brought about through the transfer of the responsibility for First Nations from the federal to the provincial levels.⁹⁹ To accomplish this transfer of jurisdiction, a certain section was added in the new Act which enforced provincial laws on reserves and gave provincial governments authority over Natives. Section 87 of the *Indian Act* (re-designated as section 88 in 1970)¹⁰⁰ subjected Natives to all provincially enacted laws of general application except when such laws conflicted with the *Indian Act*, infringed on rights protected by treaties, or

⁹⁶ The Historical Development of the Indian Act, p. 149.

⁹⁷ John F. Leslie, A Historical Survey, p. 15.

⁹⁸ Olive Patricia Dickason, Canada's First Nations, p. 283.

⁹⁹ Harvey McCue, "The Modern Age", p. 396.

¹⁰⁰ Venne, Sharon Helen, Indian Acts and Amendments 1868-1975, An Indexed Collection. Saskatoon: University of Saskatchewan Native Law Centre, 1981, pp. 343 and 446.

discriminated against Natives.¹⁰¹ Thus, it was this section, implemented in accordance with the recommendations of the 1946-48 Committee, that became the legal device used by both levels of governments to erode special status for Natives. The section was seen by many legal scholars as the federal government's attempt to make more provincial standards applicable to Natives and transform reserves into something akin to municipalities subject to provincial control.¹⁰²

If Natives were to become full citizens, and if there was to be equality of access for them to health and welfare services, then provincial governments would have to be involved in policy development and service delivery. Ultimately, this meant that the Indian Affairs Branch would retreat from its historic role and responsibilities of servicing the needs of Natives.¹⁰³ The devolution of its responsibility over First Nations to the provinces became the federal government's goal after 1951 and its new means of integrating Natives into Canadian society and eventually abolishing Indian status and reserves altogether. The new *Indian Act* had opened the door for the federal government to make agreements with provincial authorities in order to arrive at this goal. As for the provinces, they would benefit by having their foot in Indian affairs and ultimately perhaps their hands on Native lands and resources, or at least having Native claims to provincial Crown lands denied consequent to Aboriginal people losing their special Indian status.

At the 1951 federal-provincial conference on social security, the provinces agreed to extend old age assistance and blind persons' allowances to Natives on an equal cost-shared basis with the federal government. This was the first time that the provinces had agreed to assume any significant

¹⁰¹ *Indian Act, 1985*, Section 88. Ottawa: Minister of Supply and Services Canada, September 1989, p. 51.

¹⁰² Donald Purich, "The Future of Native Rights". J. R. Miller, ed., Sweet Promises: A Reader on Indian-White Relations in Canada. Toronto: University of Toronto Press, 1991, p. 424.

¹⁰³ John F. Leslie, A Historical Survey, p. 17.

degree of financial responsibility toward assisting the First Nations within their boundaries. After this initial effort, the province of Ontario took the lead in implementing agreements with Ottawa.¹⁰⁴

To summarize, the 1946-48 Committee had decried the wide gap in social and economic conditions between Natives and non-Natives, and it recommended numerous legal changes to remove disadvantages of Indian status and improve services to First Nations. The report ultimately led to the revision of the *Indian Act* and the adoption of a new one based primarily on its recommendations. Though the Committee's report would help the overall plight of Natives, it was not an unqualified blessing for First Nations because the Committee supported and promoted the federal government's goal of Native integration. It would appear that the Committee's recommendations for helping to alleviate some of the woes facing Aboriginal people was also a ploy by the federal government to fulfill its integration agenda. To worsen the Natives' predicament, the federal government had now found an ally with the provincial governments in attaining this goal of integration.

One can sum up the years from 1945 to 1951 by stating that the federal government's century old assimilation policy was ongoing, but the provincial governments were now being used to help achieve this result. The provinces had previously resisted greater responsibility for Native residents within their boundaries and were apprehensive about stepping into the federal government's role. However, they wanted to increase their jurisdiction over Native lands and resources,¹⁰⁵ as well as abolish Native claims to provincial Crown lands. Therefore, provincial governments would agree to take over some of the federal government's fiscal and political burden regarding Indian affairs in

¹⁰⁴ J. M. T. Ovens, Federal-Provincial Relations in Indian Affairs, p. 4.

¹⁰⁵ Anthony J. Long and Menno Boldt, "Introduction", p. 5.

the hope that it would eventually bring them more jurisdiction over valuable resources. The devolution of federal jurisdiction persisted throughout the 1950s and 1960s and most prominent among the provinces to accept and implement the new arrangements was Ontario.

Chapter 2: The Emergence of Federal-Ontario Agreements for the Delivery of Social Services to Natives, 1952-1961

Once the new *Indian Act* was passed, government officials involved in Indian affairs administration were optimistic and confident that a new partnership between the Indian Affairs Branch and various provincial governments could be forged to improve the living conditions on reserves and ultimately promote Native integration.¹ Such measures would coincide exactly with the recommendations of the 1946-48 Committee regarding the extension of provincial programs and services to Natives and the need for social and economic development in Native communities.²

However, by the early 1950s, divisions arose within many Native communities regarding the degree they had to adjust to the dominant Euro-Canadian society. The deterioration of Native institutions and values brought about by the impact of Western culture and technology, coupled with the continued attempt to integrate them into Canadian society, exacerbated the conflict. Many Natives who wished to adopt Euro-Canadian ways had come to dismiss their ancestor's values and beliefs or tried to minimize the loss of their cultural integrity by attempting to blend the new with the old, such as when fusing Christian religious concepts with Native ones. With their traditional institutions in disarray and with the increasing pressures associated with modernization, many Natives became bewildered and confused.³ Therefore, it was a perfect opportunity for both the federal and provincial governments to take advantage of the First Nations' desperate state and throw

¹ John F. Leslie, *A Historical Survey*, p. 17.

² Social Development Directorate, Indian and Inuit Affairs Program, *Interpretation of the Legal Mandate*, p. 25.

³ Harvey McCue, "The Modern Age, 1945-1980", p. 399.

them a lifeline by integrating them into the Canadian society as equal citizens with the same rights, privileges, and services.

The separate system of federal services to First Nations had proven to be, as previously stated, by and large an abysmal failure. While non-Natives were receiving more and more beneficial services from the provinces, Aboriginal people were left in a state of want and suffering from poor levels of social and health assistance. The federal government's devolution of responsibilities for services to Natives would not only help the plight of First Nations, but also divest Ottawa from the spiraling cost of such services. Struggling with a large national debt, huge annual deficits, and dismal economic prospects, the federal government was under great strain to shift a large share of its increasing fiscal responsibilities for Natives to the provinces.⁴ In 1948, the Indian Affairs Branch expenditures were \$10,379,427, but by 1958 this rose to \$27, 851,230.⁵

Another factor which gave the federal government an additional strain to its coffers was the increase in Native population in the 1950s after many decades of decline. In 1951, there were 9,733 Eskimo and 155,874 Native Indians, representing only 1.2 per cent of Canada's population. By 1971, there were 18,000 Eskimo and 297,000 Natives. The Eskimos had kept pace with the national population growth while Natives had outstripped it. Though the impact of modern medicine onto reserves greatly accounted for the Aboriginal population growth, especially the decline in infant mortality, much more social assistance was needed.⁶

⁴ Anthony J. Long and Menno Boldt, "Introduction", p. 5.

⁵ Indian Affairs Branch, Department of Citizenship and Immigration, A Review of Activities, p. 3.

⁶ Robert Bothwell, Ian Drummond, and John English, Canada Since 1945, p. 33.

As for the provincial governments' view point regarding the devolution of services, since Natives were a federal responsibility, they had steadfastly resisted accepting greater responsibility for First Nations within their boundaries. Provincial governments would have fewer qualms about such a transfer of responsibility if Natives came to them as ordinary citizens without any special privileges. Provinces wanted to deal with band councils as they did with municipalities, and with band members as they did with any other citizens. Though the provinces were apprehensive about stepping into Indian affairs, they wanted to increase their jurisdiction over Native lands and resources,⁷ as well as abolish any claim Natives could have on provincial Crown lands. Federal-provincial agreements concerning the delivery of services to Aboriginal people became an easy avenue for provinces to achieve this goal. Furthermore, since provinces were precluded from generating revenue from on-reserve Natives through the taxation system,⁸ control of Native resources would compensate for the increased spending for the delivery of services to First Nations. Thus, the provinces came to accept the federal government's devolution of jurisdiction because any legislation giving them more authority over Natives could eventually bring them more jurisdiction over Native traditional homelands and natural resources.⁹

Throughout the 1950s the field of natural resources was seen as a solution to many problems such as unemployment and slow economic growth, and a debate over the exploitation of natural resources ensued between the provinces and Ottawa. Since provincial governments had jurisdiction over natural resources, they were naturally interested in using them and especially their ability to generate revenue for provincial ends.¹⁰ The boom in new resources during the 1940s and 1950s,

⁷ Anthony J. Long and Menno Boldt, "Introduction", p. 5.

⁸ Alan Pratt, "Federalism in the Era of Aboriginal Self-Government", p. 50.

⁹ Fiona A. Sampson, "An Historical Consideration", p. 12.

¹⁰ Robert Bothwell, Ian Drummond, and John English, Canada Since 1945, p. 459.

such as uranium exploitation in northern Ontario¹¹ and the expansion of hydro-electric power, simply instilled more determination in provincial governments to claim all resources possible within their boundaries.

It was First Nations' good fortune to find themselves occupying lands containing valuable resources as the North American economy boomed after the Second World War. These increasingly valuable resources provided Native bands an opportunity to enrich themselves and create jobs. However, their location was also a misfortune because their rights were often ignored, their demands refused, and their traditional economies and way of life destroyed by provincial governments and developers who wanted to take hold of their resources.¹²

Consequently, First Nations found themselves in a dilemma over the issue of increased provincial responsibility in the realm of the delivery of social services. Natives knew the federal government lacked the necessary finances, infrastructure, and professional resources to bring their social service needs to levels prevailing among Canadian citizens in general. Such a level would require the participation of provincial governments. However, Aboriginal people were worried that the federal government's new Native policy of devolving services and programs to the provinces would be used by provincial governments as a pretext for asserting control over their lands, resources and affairs.

¹¹ *Ibid.*, p. 158.

¹² J. R. Miller, "Aboriginal Rights, Lands Claims, and the Struggle to Survive". J. R. Miller, ed., Sweet Promises: A Reader on Indian-White Relations in Canada. Toronto: University of Toronto Press, 1991, pp. 405-406.

The federal government's new Native policy began to take shape in the years following passage of the 1951 *Indian Act*. The policy claimed that despite section 91(24) of the BNA Act, Natives were not necessarily in a constitutional relationship with the provincial governments different from that of other citizens in respect to the delivery of services. Nothing in section 91(24) prohibited the provinces from extending their services to First Nations. The BNA Act, though authorizing the federal government to provide Natives with services that were otherwise mandated to the provinces, did not require it to do so. Nor did it require the federal government to reimburse provinces for rendering such services.¹³

While the federal government acknowledged a special responsibility for status Indians living on reserves, it denied that the relationship should be exclusive.¹⁴ The federal government stated that Natives were included in the calculation of transfer block payments made to the provinces for the benefit of provincial citizens. It also pointed out that Natives paid most provincial taxes, such as for automobile licenses and gasoline, cigarettes, liquor and entertainment. Thus, the provinces had a responsibility to share in the total cost of providing services to the Aboriginal people within their boundaries, as they did for other non-Native citizens. Ottawa was convinced that the tradition of sole federal responsibility for Indian affairs had inhibited the development of a proper relationship between the provinces and their Native citizens. To change this historical pattern, the federal government was determined to bring services to Natives into alignment with provincial responsibility for other citizens.¹⁵

¹³ Anthony J. Long and Menno Boldt, "Introduction", p. 8.

¹⁴ Douglas Sanders, "The Constitution, the Provinces", p. 160.

¹⁵ Anthony J. Long and Menno Boldt, "Introduction", p. 9.

The federal government's policy emphasized that Aboriginal people were citizens of the nation, province, territory and municipalities in which they resided and, as citizens, they could assume the same responsibilities as non-Native citizens. Accordingly, when in need, Natives would be eligible for assistance and services administered and funded by their respected provincial governments.¹⁶

This policy would also solve the jurisdictional problems facing off- and on-reserve Natives. Whereas on-reserve Natives were excluded from provincial programs, off-reserve Natives were excluded from federal programs.¹⁷ A policy which would see all Aboriginal people under provincially-delivered services would alleviate this unfortunate situation, as well as satisfy the goal of Native integration.

Though the federal and provincial governments would negotiate the transfer of services for First Nations in order for each to reap the most benefits from this endeavor, there was no disagreement between them over the goal of integrating Natives into the Canadian administrative, political, legal and economic framework. Both levels of government wished to have Natives relate to federal and provincial governments as individuals and through the same channels and agencies as other Canadians.¹⁸ By doing so, the federal government would divest itself of a large financial burden and the provinces, by administering to Natives now considered citizens, could more easily enter Indian reserves and ultimately lay their hands on Native resources.

¹⁶ Social Development Directorate, Indian and Inuit Affairs Program, Interpretation of the Legal Mandate, p. 8.

¹⁷ Radha Jhappan, "The Federal-Provincial Power-Grid", p. 167.

¹⁸ Menno Boldt and Anthony J. Long, "Native Indian Self-Government", p. 45.

It is interesting to note that the United States was pursuing a very similar policy toward its Native population from 1953 to 1958. During those years, the United States Congress passed many laws and amendments designed to shift responsibility for Natives from Washington to the various state governments.¹⁹ In 1953, Congress adopted an approach to Indian affairs known as the "termination" policy. The United States government had proposed to settle all outstanding claims and eliminate reserves as legitimate political entities. To further encourage the integration of Natives into the mainstream society, the government also offered small subsidies to families who would leave the reserves and relocate in the cities. Though promising more freedom, this new policy actually victimized Natives who traded reservation poverty for urban poverty. Furthermore, with their lands no longer federally protected and their members deprived of treaty rights, many bands became victims of people who wanted to seize their land and resources. Amid much Native protest, the government finally abandoned its "termination" policy in 1958.²⁰ Disregarding the tragic consequences inflicted onto American Natives, the Canadian government would propose its own termination policy in 1969.

The similarity between the Indian Affairs Branch of both countries became much more apparent in the later years of the decade when a second joint committee of the Senate and House of Commons was established to investigate Indian affairs. In 1959, Glenn Emmons, Commissioner of Indian Affairs for the United States, was invited by Ellen Fairclough, Minister of Citizenship and Immigration, to attend the sessions of the committee. Though Emmons declined the offer, in a letter to H. M. Jones, the Director of Indian Affairs Branch, he advised that someone from his staff might

¹⁹ Richard P. Bowles, James L. Hanley, Bruce W. Hodgins, and George A. Rawlik. The Indian: Assimilation, Integration or Separation? Scarborough: Prentice-Hall of Canada, 1972, pp. 213-214.

²⁰ Gary B. Nash, et al., eds., The American People: Creating a Nation and a Society. Vol. 2 - Since 1865, Second Edition. New York: Harper Collins Publishers, 1990, pp. 953 and 1011.

attend. He added that "there are undoubtedly areas in Indian affairs in which we face similar problems and I am sure that observation of the sessions would be helpful to us."²¹ In his reply, Jones stated that if Emmons was ever in Ottawa he would be most delighted to meet and discuss their work.²²

Initial agreements were reached between the federal and provincial governments for the delivery of services to Natives in the early 1950s. As previously mentioned, both levels of government arrived at an arrangement in 1951 whereby old age assistance and blind persons' allowances were extended to Aboriginal people.²³ However, if the cooperation of both levels of government was to succeed, and more substantive arrangements with the provinces agreed upon, the federal government needed to find a process that would enable all governments to effectively consult with Native people and to obtain their compliance with the government's integration program. The method used by the 1946-48 Committee to consult with Natives was deemed unsatisfactory by Senior Indian Affairs Branch officials who claimed that it offered a national political platform for self-serving Native politicians. Thus, in 1953, the Branch started another round of consultations regarding the *Indian Act* using hand-picked Aboriginal leaders invited to Ottawa to discuss ways to "improve Indian administration, to assess the conditions and requirements of reserve residents, and to offer suggestions for future legislative amendments."²⁴ With such Native representation, Ottawa was hoping that recommendations would follow its opinions concerning the future of Indian affairs.

²¹ Glenn L. Emmons to H. M. Jones, April 23, 1959. NAC, RG 10, Vol. 8583, File 1/1-2-16-1, Part 2, Reel C-14219.

²² H. M. Jones, Director of Indian Affairs, to Glenn L. Emmons, Commissioner of Indian Affairs for the United States, April 29, 1959. NAC, RG 10, Vol. 8583, File 1/1-2-16-1, Part 2, Reel C-14219.

²³ Social Development Directorate, Indian and Inuit Affairs Program, Interpretation of the Legal Mandate, p. 9.

²⁴ John F. Leslie, A Historical Survey, pp. 17-18.

Despite having chosen the delegates, government officials became suspicious that these Native spokesmen were pressing their own political views and did not represent either regional Native viewpoints nor the opinions of Natives on reserves. Dissatisfied with the suggestions proposed by the Aboriginal leaders, in 1955, the federal government decided to hold a series of regional Native conferences across Canada presided over by the Minister and Deputy Minister of Citizenship and Immigration. Official agenda items were set in advance and questions relating to treaty matters, land claims, or special rights were avoided. The focus of discussion was the Branch's administration of the *Indian Act* and the improvement of social services to Natives. As a result of these conferences, officials were able to put together a comprehensive inventory of the needs of First Nations and obtain first-hand evidence concerning local conditions on various reserves.²⁵

Correspondence from the period shows that the federal government's policy of having First Nations included in provincially-delivered social services was well under way. In a July 1955 memorandum, H. M. Jones, Director of Indian Affairs, proposed that Native health and welfare be a subject of discussion at the next federal-provincial conference. Jones asked that the persons receiving the memorandum report to him regarding how the issues to be debated at the conference, including health and welfare services, would affect this matter.²⁶

M. R. Jack of the Indian Affairs' Welfare Division responded to the Director's request. He suggested that health and welfare services be clarified to eliminate the provinces' discrimination against Natives for the delivery of such services and that new arrangements between the provincial

²⁵ *Ibid.*, p. 19.

²⁶ Memorandum by H. M. Jones, July 29, 1955. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

governments and Ottawa be drawn.²⁷ The Director also received a memorandum from J. P. B. Ostrander, Superintendent of Welfare, Indian Affairs Branch, who made similar suggestions. He recommended that the whole subject of residence qualifications by Natives living in non-Native communities and the eligibility of Natives for relief assistance be thoroughly discussed. Ostrander explained how Aboriginal people were encouraged to leave their reserves to search for work in the cities but if they could not find work, they would not be eligible for assistance and were therefore forced to return to their reserves to receive federal support. He proposed that agreements be reached between the federal and provincial governments concerning the sharing in relief costs during temporary unemployment of Natives living off reserves.²⁸ Such agreements, stated Ostrander, would help the government attain its policy of integration.²⁹

It appears that H. M. Jones supported the integration argument put forth by Ostrander. Once he received his reply, Jones wrote a memorandum to Laval Fortier, the Deputy Minister of Citizenship and Immigration, stating that "The complete integration of Indians as citizens of the respective provinces is the objective of the Branch. Insofar as provinces increasingly recognize these people as citizens, they are assisting the integration process." Jones then enumerated the social services that should be delivered by the provinces through agreements with the federal government: rehabilitation assistance, vocational training, treatment of juvenile delinquents, child welfare and mothers' allowance. When discussing the matter of Ontario and Quebec having recognized the citizenship of Natives within their provinces to the extent of making them eligible for mothers'

²⁷ Memorandum by M. R. Jack, August 15, 1955. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

²⁸ He stated that: "As the complete integration of Indians as citizens of the respective provinces is the objective of the Branch, any steps which assist and encourage the provinces to recognize that Indians are citizens will help in promoting the process of integration."

²⁹ J. P. B. Ostrander to H. M. Jones, Director of Indian Affairs Branch, August 17, 1955. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

allowances, Jones added: "Applications of the *Mothers' Allowances Act* to Indians is a further recognition of these people as normal provincial citizens and another step toward their ultimate integration in the community." The basic premise behind all of Jones' recommendations was that Natives should be considered ordinary citizens so that the provinces take responsibility for delivering to them the same services as to non-Natives.³⁰

Laval Fortier reiterated this argument in a September 1955 letter to R. W. Taylor, Chairman of the Preparatory Committee for the Federal-Provincial Conference. Fortier stated that the position of First Nations as residents of the provinces and citizens of Canada should be considered in any discussion of proposed social welfare or economic assistance measures to be introduced at the forthcoming conference. He related that Natives were presently treated as wards of the Crown and did not receive provincial social welfare or economic assistance measures even though they contributed to the revenues of the provinces. According to Fortier, actions that set Natives apart only served to defer the process of their integration. He added that agreements between the federal and provincial governments to include Natives under social welfare and economic assistance measures available to other residents of the provinces "would promote integration and support the theory that Indians have equal rights as citizens of Canada."³¹

The delivery of social services to First Nations continued to be a subject of correspondence until the end of the decade and persisted as a topic of discussion at federal-provincial conferences. For instance, in October 1957, E. D. Fulton, Acting Minister of Citizenship and Immigration, wrote to Donald Fleming, Minister of Finance, suggesting that social services for Natives be included in

³⁰ H. M. Jones to Laval Fortier, August 18, 1955. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

³¹ Laval Fortier to R. W. Taylor, September 16, 1955. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

the topics of the next federal-provincial conference. Fulton related his belief that the inclusion of Natives in provincial services would help their integration as well as the economy:

I say that I am convinced that Indians must share the same services as are provided in the non-Indian municipality and in the provinces. This is not only essential for the achievement of the eventual aim of integration of our first citizens in the Canadian nation and community, but is also dictated by considerations of economy. It is obviously uneconomic to endeavour to establish and maintain parallel services federally for a small widely scattered population when similar services are being provided by the provinces and municipalities for the general body of citizens in areas adjacent to reserves.³²

Now that the general context of the Canada-provincial-Aboriginal relationship in the 1950s has been described, attention can be turned more specifically to Ontario. The 1950s saw Ontario assessing its responsibilities toward First Nations. This resulted in provincial extension of services under general federal-provincial arrangements as well as legislative initiatives to consider band councils as municipalities for program purposes.³³ Ontario took the path of cooperation rather than confrontation with the federal government concerning First Nations because both were pushing for the same goal: the integration of Natives within the Canadian society.³⁴ Though Ontario would continue to claim that Aboriginal people were primarily a federal responsibility, it nonetheless knew the dividends that could arise from its involvement in Indian affairs.³⁵

As previously mentioned, in 1951 agreements were reached between the provinces and Ottawa for the extension of provincial old age assistance and blind person's allowances to Aboriginal people. In 1953, Ontario Conservative Premier Leslie Frost appointed a legislative select committee

³² E. D. Fulton, Acting Minister of Indian Affairs, to Hon. Donald Fleming, Minister of Finance, October 8, 1957. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

³³ Ian B. Cowie and Associates, Federal-Provincial Roles and Responsibilities in the Era of Aboriginal Self Government. DIAND, Ontario Native Affairs Directorate, April 1989, p. 7.

³⁴ Robert Bothwell, Ian Drummond, and John English, Canada Since 1945, p. 192.

³⁵ David Cameron, Jill Wherret, and Ann Brascoupe, Research Associates, New Relationships, p. 89.

to investigate the civil liberties and rights of Natives in Ontario and make recommendations "towards the end that [the Indians] may enjoy improved standards of living and equality of opportunity."³⁶ It was quite evident that the committee would support the goal of Native integration. When announcing the establishment of the committee in the Legislature, Premier Frost stated that "The desire of all of us, I am sure, is to give the Indians the same status which we have given to all our people, that is, that there should be no discrimination on the grounds of race, color or creed."³⁷

The Select Committee Appointed by the Legislative Assembly of the Province of Ontario to Inquire into Civil Liberties and Rights with Respect to the Indian Population Ontario, and Matters Relevant Thereto (hereinafter referred to as the "Select Committee"), held nine meetings, received submissions from thirty-seven bands, and visited sixteen of the twenty-seven Indian agencies in the province. As well, the eleven member Select Committee heard from twenty-eight witnesses.³⁸

As they made their fact-finding tour to various reserves, members of the Select Committee were astonished at their own ignorance of the living conditions of Ontario Natives and their problems of adjustment to modern day living. However, it was not the purpose of the Select Committee to criticize the operations of the Indian Affairs Branch. Rather, it was to see wherein the provincial government "might assist the Indian toward the eventual goal of equality with the non-Indian."³⁹

³⁶ *Ibid.*, p. 13.

³⁷ Report of the Select Committee Appointed by the Legislative Assembly of the Province of Ontario to Inquire into Civil Liberties and Rights with Respect to the Indian Population of Ontario, and Matters Relevant Thereto. Hon. W. A. Goodfellow, Chairman, Presiding, Mr. A. Cloe, Secretary. Toronto: R. C. Sturgeon, 1954, p. 36.

³⁸ *Ibid.*, p. II.

³⁹ *Ibid.*, p. 1.

In its report, the Select Committee made recommendations pertaining to various fields such as voting in provincial elections and health and welfare. Concerning the right to vote, it recommended that Native people in Ontario receive this right after having found that the vast majority of Natives and non-Natives interviewed favored equal voting rights for Aboriginal people. However, many Natives did fear that the right to vote would entail the loss of treaty rights.⁴⁰

Regarding health and welfare, the Select Committee wrote that while the responsibility for providing health services lay entirely with the federal government, the province did enter the picture where no federal facilities were available. The Committee recommended that wherever use was made of provincial services, a charge back be made against the Indian Affairs Branch.⁴¹ As for welfare services, the Committee reiterated the same argument that the province had no legal financial responsibility toward Aboriginal people. Nonetheless, the Ontario government was presently involved in blind person's and old age assistance programs, sharing equally the cost with Ottawa. The Committee recommended that agreements should be made in two other welfare fields, homes for the aged and Children's Aid Societies.⁴²

In its conclusion the Select Committee pointed out that Ontario had ample cause to be proud of its Native population, many of whom were descendants of United Empire Loyalists. It was the hope of the Committee in making its recommendations "that it will speed the integration of the Indian with the rest of the community." The report added: "The time is not far off when the Indian

⁴⁰ *Ibid.*, p. 14.

⁴¹ *Ibid.*, p. 17.

⁴² *Ibid.*, p. 19.

will take his rightful place alongside his non-Indian neighbour with full equality - neither maintaining his present exceptional benefits, nor his almost imaginary disadvantages."

In accordance with the Select Committee's recommendation, the government of Ontario extended the right to vote in provincial elections to First Nations in 1954. This initiative brought Natives of Ontario a step closer to becoming full citizens of the province. In 1956, W. G. Noden, the M.P.P. for Rainy River stated: "This government [of Ontario] both in practice and in spirit is taking the lead in the full recognition of Indians as equals. I have no doubt that the recent progress made in the treatment of Indian citizens in this province ranks among the finest achievements ever made by any jurisdiction in this field."⁴³

It should be noted that in the late 1950s Ontario had the second highest number of reserves per province, 164; the most acreage under reserve status, 1,558,393; and the greatest number of Natives, 41,803.⁴⁴ Furthermore, there were more than thirty treaties in Ontario that covered large expanses of Ontario's land mass.⁴⁵ As well as its constant drive for more authority over its natural resources, these statistics may also have accounted for reasons why Ontario was leading the push to include Natives within provincially-delivered services in order to recognize and treat them as "normal" provincial citizens.

⁴³ Fiona A. Sampson, "An Historical Consideration", p. 13.

⁴⁴ Indian Affairs Branch, Department of Citizenship and Immigration, A Review of Activities, p. 1.

⁴⁵ David T. McNab, "Making a Circle of Time: The Treaty-Making Process and Aboriginal Land Rights in Ontario". Bruce W. Hodgins, W. Shawn Heard, and John S. Milloy, eds., Co-Existence? Studies in Ontario-First Nations Relations. Peterborough: Frost Centre for Canadian Heritage and Development Studies, 1992, p. 28.

The first agreements entered into between Ontario and the federal government, apart from the arrangement arrived at with all the other provinces in 1951, came in 1955. These agreements consisted of the *Disabled Persons Act*, whereby Aboriginal disabled persons would receive the same assistance as disabled non-Natives living in the province,⁴⁶ and an arrangement to extend mothers' allowances to women living on reserves.⁴⁷ The following year, the government of Ontario and the federal government signed the *Child Welfare Agreement*, extending the services of Children's Aid Societies to First Nations. According to the terms of the agreement, the Department of Citizenship and Immigration was to reimburse the province of Ontario, via the Department of Public Welfare, for services of Children's Aid Societies given to Natives. The agreement specified that whereas the province had a responsibility "to all citizens of Ontario, including Indians whether on Indian reserves or in other areas of Ontario," it was desirable that provincial social welfare facilities be made available to Aboriginal people in a manner equivalent to those provided to non-Natives in the province.⁴⁸ By 1957, nineteen Children's Aid Societies of Ontario had agreed to extend their services to Indian reserves.⁴⁹

When the terms of the *Child Welfare Agreement* were being negotiated, H. M Jones, Director of Indian Affairs, sent a letter to W. H. Bury, the Director of Child Welfare in the Department of Public Works for Ontario, stating his support for the extension of child welfare services to Native children in Ontario. Jones hoped that this would "result in negotiations at the Ministerial level by which mutually satisfactory agreements will be reached for adoption of the proposed plan." He was

⁴⁶ John F. Leslie, *A Historical Survey*, p. 31.

⁴⁷ Tripartite Steering Committee, *Report of the Services to Status Indians Working Group*. Undated, p. 43.

⁴⁸ Unsigned agreement between Ontario and Canada regarding Children's Aid Societies, circa 1956. NAC, RG 10, Vol. 8199, File 1/29-16-1, Part 1, Reel C-13752.

⁴⁹ H. M. Jones, Director of Indian Affairs Branch, to the Department Legal Advisor, April 4, 1957. NAC, RG 10, Vol. 8199, File 1/29-16-1, Part 1, Reel C-13752.

also desirous that the plan would "assure Indians living on reserves, who after all are residents of the province, the same consideration as others in all questions concerning the welfare of children."⁵⁰ Thus, both Ottawa and Ontario were prepared to arrive at a mutually satisfactory agreement that would see Aboriginal people, viewed as citizens of the province, enjoy the same benefits as non-Natives.

In 1958, another federal-provincial agreement, the *Hospital Insurance Plan*, provided special reimbursements to provincial hospitals for extending their services to Natives.⁵¹ The following year, the Ontario government agreed to amend its *General Welfare Assistance Act* in order to consider Indian bands as municipalities for the purpose of the Act, and consequently integrate Natives more fully into Canadian society. A new act was signed, the *Indian Welfare Services Act*, which stated that every Native in Ontario was entitled to the benefits of the *Blind Persons' Allowances Act*, the *Disabled Persons' Allowances Act*, the *Old Age Assistance Act*, and the *Mothers' and Dependent Children's Allowances Act*, "to the same extent as any other person."⁵² During the fiscal year 1959-1960, seventeen bands in Ontario, representing thirty-five per cent of the Native population of the province, were authorized by Order in Council to participate in the same manner as municipalities in the administration of this legislation.⁵³ By the mid-1960s, almost half of Ontario's Indian bands were being administered social assistance under this Act.⁵⁴

⁵⁰ H. M. Jones to W. H. Bury, March 15, 1955. NAC, RG 10, Vol. 8199, File 1/29-16-1, Part 1, Reel C-13752.

⁵¹ Tripartite Steering Committee, *Report of the Services to Status Indians Working Group*. Undated, p. 42.

⁵² *The Indian Welfare Services Act*. *Revised Statutes of Ontario, 1960*. Vol. 2, Chapter 183, Sec. 4 (e). Toronto: Queen's Printer, 1960.

⁵³ Social Development Directorate, Indian and Inuit Affairs Program, *Interpretation of the Legal Mandate*, p. 17.

⁵⁴ David Cameron, Jill Wherret, and Ann Brascoupe, Research Associates, *New Relationships*, p. 14.

Though the inclusion of Indian bands in the Act dug into provincial coffers, Ontario's actual share of payment was not excessive. The Act specified that band councils coming under the Act would appoint their own welfare administrator, pay the costs of administration, as well as twenty per cent of the cost of all social assistance payments rendered. Ontario would fund eighty 80 per cent of the payments but in return was reimbursed by the federal government for fifty per cent of the total costs of allowances granted. Thus, the cost to the provincial government amounted to forty per cent of the payments made.⁵⁵ When examining the cost-shared social services agreements signed between Ontario and Ottawa, it is evident that the provincial government ably maneuvered itself by entering these arrangements without unduly straining the provincial treasury.

Thus, by the late 1950s, Ontario had accorded the provincial vote to Natives, entered into agreements for the delivery of services to Aboriginal people, and began treating band councils as municipalities. Though these measures improved Native living conditions, bilateral agreements also furthered the federal government's goal of removing any special privileges for Natives and integrating them within Canadian society as equal citizens.⁵⁶ The policy of the federal government to surrender some of its jurisdiction over Indian affairs was now in full force and Ontario's policy of gaining more authority in the same sphere was beginning to take shape. Both were working hand in hand for the eventual integration of the Native population.⁵⁷

In practical terms, these agreements between the federal government and Ontario did help the overall plight of First Nations. For example, after the Second World War, Walpole Island

⁵⁵ H. B. Hawthorn, *A Survey of the Contemporary Indians*, p. 322.

⁵⁶ Menno Boldt and Anthony J. Long, "Native Indian Self-Government", p. 45.

⁵⁷ Tripartite Steering Committee, *Report of the Services*, p. 41.

Reserve was described by a journalist as "an unorganized, inadequately serviced and ill-housed community of apathetic people." The journalist then mentioned how the situation began to change in the 1950s with the improvements made in buildings and services, which she attributed to a "social, and economic and political revolution in which all citizens have played an energetic role."⁵⁸ However, the question remained: how much would they have to pay for this help? First Nations of Ontario had always been reluctant to have the provincial government fully involved in social services delivered to them for fear that this would lead to Ontario laying hold of Native lands and resources. By the end of the decade, Native fears turned to reality.

In 1959, two of the Islington band's reserves, One Man Lake and Islington, were flooded by Ontario Hydro,⁵⁹ with the support of the provincial government, so that industries in Kenora could have cheap hydro electricity. Both these bands lost their land and livelihood, and the community of One Man Lake was forced to relocate to the White Dog Reserve. The flooding also affected the Grassy Narrows Reserve where a commercial fishery as well as rice and fur crops were flooded. The community was eventually relocated from its original location. To add insult to injury, it was not until 1975 that hydro power was made available to this Reserve.⁶⁰ Thus, the provincial government was asserting authority over Native lands. However, Ontario would never attain complete

⁵⁸ Nin.Da.Waab.Jig, Minishenhying Anishnaabe-aki, p. 95.

⁵⁹ It should be noted that Ontario Hydro is a Crown Corporation owned by the province of Ontario. Furthermore, it is administered by a commission of three, two of whom may be, while one must be, members of the provincial government. [J. R. Whiteway, "Ontario Hydro". *The Canadian Encyclopedia*. Vol. 3. Edmonton: Hurtig Publishers, 1988, p. 1577. Irene M Spry, "Power Commissions, Provincial". *Encyclopedia Canadiana*. Vol. 8. Ottawa: Grolier of Canada, 1977, p. 290.]

⁶⁰ Norman Zlotkin and Donald R. Colborne, "Internal Canadian Imperialism and the Native People". Imperialism, Nationalism, and Canada: Essays from the Marxist Institute of Toronto. Toronto: New Hogtown Press, 1977, pp. 170-171. Final Report: Task Force on Organic Mercury in the Environment, Grassy Narrows & White Dog, Ontario. Health and Welfare Canada. 1977, Appendix A, p.1. *Agreement between Her Majesty the Queen in Right of Canada and Ontario Hydro*. September 28, 1989. Indian Land Registry, Indian and Northern Affairs Canada, registered document no. 127020.

jurisdiction over Native lands and resources unless Natives were fully integrated into Canadian society.

Other provinces had also shown a greater interest in the health and welfare of Native people since the end of the Second World War, but with less concrete achievements. For instance, the Co-operative Commonwealth Federation government of Saskatchewan, elected in 1944, expressed much interest in the well-being of its Native residents and undertook several provincial studies of Aboriginal communities and their local economies. Unfortunately, limited provincial resources prevented the province from assuming a more active role. Likewise, in 1950 the government of British Columbia created a provincial advisory committee on Indian Affairs to investigate and report on the condition and civil rights of Natives.⁶¹ Though the province showed interest in social and cultural initiatives, no specific resolutions were concluded until 1959 when provincial child welfare services were extended to Native children.⁶² By the late 1950s, Ontario remained the only province which had signed numerous social services agreements for Natives with Ottawa.

Returning to the broader federal context of Indian affairs in the 1950s, during the 1957 federal election campaign, John Diefenbaker made a promise to western Native Chiefs that if elected he would launch an investigation into Indian Affairs administration and remove compulsory enfranchisement provisions from the *Indian Act*.⁶³ The Conservatives won the election and in the fall of 1958, Ellen Fairclough, Minister of Citizenship and Immigration, announced in the House of Commons that the government intended to form another joint committee of the Senate and the House

⁶¹ John F. Leslie, A Historical Survey, pp. 20-21.

⁶² J. M. T. Ovens, Federal-Provincial Relations, p. 5.

⁶³ John F. Leslie, A Historical Survey, pp. 28-29.

of Commons to examine the Indian Affairs Branch, Native economic and social conditions, and the *Indian Act*.⁶⁴ Pressure to establish this new committee came from three sources. First, since the enactment of the new *Indian Act* in 1951, there had been piecemeal amendments to the Act and senior Branch officials thought a review of these amendments was timely. Second, the Indian Affairs Branch had received a number of representations from First Nations and their supporters complaining about the inadequacy of existing arrangements. Finally, Prime Minister Diefenbaker was dissatisfied with the Branch's operation and was embarrassed by Native conditions, particularly in light of his efforts to have South Africa reform its system of apartheid.⁶⁵

The *Joint Committee of the Senate and House of Commons on Indian Affairs* (hereinafter referred to as the "1959-61 Committee"), chaired by M. P. Noel Dorion and Senator James Gladstone, a treaty Native from the Blood Reserve in Alberta, was formally established in April of 1959 and began its hearing the following month. The hearings followed the same format as those for the 1946-48 Committee: Branch officials were first to speak, typically elaborating on improvements to the Branch's administration, services and personnel, followed by more critical commentary from Native organizations, band councils, provincial government representatives, churches, and various others voluntary organizations with an interest in Indian affairs. To a great extent therefore, the hearings of the 1959-61 Committee were a repeat of those of the 1940s.⁶⁶

Virtually all Native presentations and briefs to the 1959-61 Committee reiterated longstanding concerns with reserve conditions, administrative red tape, land claims, violation of

⁶⁴ Memorandum by Ellen Fairclough, Minister of Citizenship and Immigration, to the Cabinet, November 24, 1958. NAC, RG 10, Vol. 8583, File 1/1-2-16-1, Part 1, Reel C-14219.

⁶⁵ John F. Leslie, *Vision Versus Revision*, p. 19.

⁶⁶ *Ibid.*, p. 20.

treaty rights and unsettled Aboriginal land title issues. For Native people, the solutions to these problems were increased Native self-government, control of band membership, access to economic development loans, less interference from Branch officials in local affairs, the creation of a claims commission, and the establishment of a government Standing Committee to hear the Aboriginal viewpoint on a regular basis.⁶⁷

However, not all Native bands and organizations were prepared to compromise so extensively with the government. For instance, the Six Nations Reserve of Ontario were much more militant and direct in their demands. In 1959, Chief Joseph Logan Jr. of the Six Nations Reserve sent a letter to Prime Minister Diefenbaker pressing him to abolish the *Indian Act* and recognize the Chiefs of the Six Nations Confederacy as the true government of the Reserve and restore their rightful status as a self-governing nation.⁶⁸ Similar demands were made by a fellow band member, Chief Garlow, in a speech to the 1959-61 Committee. Garlow mentioned the band's desire to govern itself and avoid the federal government's plan of assimilation. He stated that following the Second World War, the Japanese and the Germans were conquered and forced into unconditional surrender. He wondered why they were not assimilated. Garlow added: "If the Germans and the Japanese wished to hold their heritage and nationality, then we want to hold ours. I would be tickled to death if we were given the privilege, because we want to take our part, and this has been a hindrance to our people."⁶⁹

⁶⁷ *Ibid.*, p. 21.

⁶⁸ Chief Joseph Logans Jr. to Prime Minister Diefenbaker, circa 1959. NAC, RG 10, Vol. 8584, File 1/1-2-16-1, Part 3, Reel C-14219.

⁶⁹ Speech by Chief Garlow to the Committee, June 23, 1959. Joint Committee of the Senate and the House of Commons on Indian Affairs, Minutes of Proceedings and Evidence, 1959. Ottawa: The Queen's Printer and Controller of Stationery, 1959, p. 93.

Other Native groups were more accommodating. In its brief to the 1959-61 Committee, the Union of Ontario Indians expressed its view "on improving our status, as Canadian citizens." The members related that First Nations had lost a high percentage of their lands, mineral rights, timber rights, fishing and hunting rights, and were yet to enjoy full civil rights. They demanded that Native bands be given the right of self-government to improve their situation as they desired. The brief then listed a number of amendments and suggestions for improving the *Indian Act*, such as a full investigation on medical and social services for Natives in Ontario.⁷⁰

Pleas for more social assistance were by far the most widespread demand in the briefs from Ontario Native bands to the 1959-61 Committee. For instance, the Attawapiskat Band's brief noted how its members could not sustain themselves from their earnings from hunting and trapping. Consequently, nearly all the families heavily relied on family allowances and nothing had been done by the Indian Affairs Branch to supplement their incomes through alternative employment. The brief also underlined the distressing situation of old people on the reserve.⁷¹

The dependency on social programs was reiterated by the Chief and Councillors of the Albany Reserve band whose brief to the Committee stated that the only thing the band members had to live on during the summer months was the old age pension, widow's allowance and family

⁷⁰ Brief by the Union of Ontario Indians to the Committee, circa 1960. NAC, RG 10, Vol. 8584, File 1/1-2-16-1, Part 5, Reel C-14219.

⁷¹ Chiefs of the Attawapiskat Reserve to the Committee, August 12, 1959. Joint Committee of the Senate and the House of Commons on Indian Affairs. Minutes of Proceedings and Evidence, 1961. Ottawa: The Queen's Printer and Controller of Stationery, 1961, p. 249-250.

allowance, and taken together they were far from adequate. The members needed additional help and pressed the government for more economic assistance.⁷²

The 1959-61 Committee also received a brief from the Temagami Band which stressed the need for more assistance and better medical services. According to the brief, the band members wanted the same privilege as non-Natives regarding medical services. They related that problems still existed where Natives could not be admitted into hospitals as quickly as non-Natives because they were under federal jurisdiction and too much paperwork needed to be filled for their admittance. The procedure for admittance was so inadequate, stated the brief, that a Native in need of medical care at once might die outside the hospital doors before receiving any attention.⁷³

As well as social and medical services, the 1959-61 Committee received briefs from Ontario bands which mentioned the government's integration policy. Frank Pelletier, Chief of the Fort William Band, wrote to the Committee stating that the present integration policy of the Indian Affairs Branch was destined to fail with the inevitable consequence of needless suffering and frustration to First Nations. Pelletier argued:

Unless the policy of integration is based on valid and universally accepted sociological principles this slow and uncertain policy even though backed by the Canadian Government and operated by many conscientious workers is doomed to failure. Integration must come from within the Indian Community, it cannot be imposed from above or outside without the violation of all human rights and the dignity of the human being.

⁷² Brief by the Albany Reserve Band to the Committee, October 5, 1959. Joint Committee of the Senate and the House of Commons on Indian Affairs. Minutes of Proceedings and Evidence, 1960. Ottawa: The Queen's Printer and Controller of Stationery, 1960, pp. 337-338.

⁷³ Brief of the Temagami Band to the Committee, circa 1959. Joint Committee of the Senate and the House of Commons on Indian Affairs ... 1960, pp. 356-358.

As expressed by other Ontario bands in their briefs to the 1959-61 Committee, Pelletier suggested that Native bands be given greater governing powers in order that First Nations could solve their own problems.⁷⁴

Disapproval of the government's integration policy was addressed in a letter from Chief Theodore Simon of the Sheshegwaning Band of Manitoulin Island to the 1959-61 Committee. Though the letter emphasized the issue of education, its comments regarding the integration policy were still important and telling. It stated:

We were doing well enough until Mr. Jones [Director of the Indian Affairs Branch] and that crowd began to push their notions of integration and that's what wrecked the Reserve ... We were going well enough on integrating ourselves with the White population of Canada without Mr. Jones and his hatchet men starting to push us around.

Again, the band's solution to their problems was to have more control over their own affairs. Clearly, they were tired of being at the mercy of the Indian Affairs Branch.⁷⁵

Non-Native groups and individuals also expressed their views regarding the government's integration policy to the 1959-61 Committee. According to their briefs and presentations, Native people would be allowed to retain certain aspects of their treaty rights, but it was expected that they would assume greater responsibilities and rights as full Canadian citizens.⁷⁶ To achieve this goal, many briefs supported the development of greater self-government for Indian bands, the extension of provincial programs and services to Native people, and the need for social and economic development in Aboriginal communities. These briefs also emphasized the advancement of Indian

⁷⁴ Frank Pelletier to the Committee, May 29, 1961. NAC, RG 10, Vol. 8584, File 1/1-2-16-1, Part 7, Reel C-14220.

⁷⁵ Chief Theodore Simon to the Committee, June 22, 1961. NAC, RG 10, Vol. 8584, File 1/1-2-16-1, Part 7, Reel C-14220.

⁷⁶ John F. Leslie, Vision Versus Revision, p. 21.

band councils within the context of Canadian federalism and stated that Aboriginal people should receive assistance and services at the same rates and conditions as non-Native Canadians.⁷⁷

For instance, in 1960, members of the Indian Advisory Committee of the Ontario Department of Public Welfare, presented their views and recommendations on Indian affairs to the 1959-61 Committee. Elliott Moses, Chairman of the Advisory Committee, related the major findings of the 1954 Select Committee, mentioning how surprised the members of the Select Committee were regarding the miserable living conditions on Indian reserves. The Select Committee, according to Moses, had blamed the *Indian Act* for creating second class citizens of Aboriginal people because they were not subject to all the laws and provisions made for people who were full citizens. Thus, the Select Committee had recommended the inclusion of Natives within provincially delivered services, and now, stated Moses, "in so far as the province of Ontario is concerned, all Indians of the province are full fledged citizens."⁷⁸ It is quite remarkable that in the span of such a few years the government of Ontario, as expressed by the officials of the Advisory Committee, had made a complete turnaround and was considering Native people as citizens of the province. Less than fifteen years earlier, the same government would have had nothing to do with First Nations whom it considered, in every sense, solely a federal jurisdiction.

The Indian Affairs Branch prepared a summary of the presentations that were heard in 1959 and 1960. In its opening pages the summary stated that the ultimate goal and central purpose of Indian administration was "to help the Indians move into the mainstream of Canadian economic,

⁷⁷ Social Development Directorate, Indian and Inuit Affairs Program, Interpretation of the Legal Mandate, p. 25.

⁷⁸ Speech by Elliott Moses to the Committee, May 18, 1960. Joint Committee of the Senate and the House of Commons on Indian Affairs ... 1960, p. 305.

social and political life with privileges and responsibilities enjoyed and accepted by other Canadians without loss of special Indian or Treaty rights."⁷⁹ As for the extension of provincial services to First Nations, the summary related that suggestions had been expressed on a number of occasions that Natives should be able to enjoy the same rights and privileges as other non-Native Canadians.⁸⁰

A 1961 Indian Affairs Branch memorandum regarding the above-mentioned summary added some insightful comments concerning the extension of provincial services:

The extension of provincial services to Indians should be the long term objective [of Indian Affairs administration]. Many advances have been made already in some provinces in recognizing Indians as citizens of the Province and rights granted to them to assume responsibilities and to share in benefits on exactly the same basis as other Canadians. This is considered to be one of the most important means for furthering the progress of the Indians and Indian communities in order that they may take their place in the provincial community rather than remain indefinitely as a people apart under federal jurisdiction.

However, the levels of provincial services provided to Natives were not the same in each province and often differed within the same province. Thus, the memorandum suggested that another federal-provincial conference be convened in order to establish a national standard.⁸¹

While the 1959-61 Committee was conducting its hearings, a major legislative change promoting the integration of Natives was enacted. In late 1960, the federal Conservative government granted Native people the right to vote in federal elections without waiving their exemption from taxation.⁸² First Nations in Ontario having received the right to vote in provincial elections in 1954,

⁷⁹ Summary of Submissions to Joint Committee on Indian Affairs, 1959-1960. Prepared at request of Joint Committee by Indian Affairs Branch, p. 1.

⁸⁰ Ibid., p. 12.

⁸¹ Memorandum of the Indian Affairs Branch, circa 1961. NAC, RG 10, Vol. 8584, File 1/1-2-16-1, Part 8, Reel C-14220.

⁸² The Historical Development of the Indian Act, pp. 150-151.

and now in federal elections, were that much closer to being considered "full" Canadian citizens. Nonetheless, Natives were still experiencing, in most instances, inferior living conditions resulting from unequal or lack of access to many benefits and services available to other Canadians.

The 1959-61 Committee submitted its final report on July 8, 1961. The findings of its report were based on ninety-seven meetings and eighty written submissions from Indian bands and organizations, provincial governments, church authorities, and other groups generally interested in the welfare and advancement of First Nations. In the general comments of the report, it was mentioned that the time was now at hand where Natives could be fully integrated into the Canadian society:

The winds of change have been blowing through the ranks of Indian people and that there is also a growing awareness and recognition of their problems and needs amongst the non-Indian population.

The time is now fast approaching when the Indian people can assume the responsibility and accept the benefits of full participation as Canadian citizens. Your Committee has kept this in mind in presenting its recommendations which are designed to provide sufficient flexibility to meet the varying stages of development of the Indians during the transition period.

It was the Committee's view that the federal government should direct more authority and responsibility to band councils and individual Natives with a consequent limitation of ministerial authority and control, and that Natives should be encouraged to accept and exercise such authority and responsibility. The Committee added that the advancement of First Nations toward full acceptance of the responsibilities and obligations of citizenship must be "without prejudice to the retention of the cultural, historical and other economic benefits which they have inherited." The Committee then enumerated and elaborated on its recommendations.

Regarding the recommendations concerning health and welfare, the 1959-61 Committee wrote that in recent years provincial governments had entered into health schemes to cover the care of First Nations. It recommended that the question of the transfer of health services for Natives to the provinces be a subject for discussion at a federal-provincial conference. As for welfare, the Committee noted that there was uncertainty at the present time with respect to social welfare benefits to Natives on and off reserves because of the application of federal, provincial and municipal laws and regulations. In addition, the *Indian Act* did not include any provisions concerning the social welfare field. The Committee believed that wherever possible existing provincial welfare legislation and services should be used for the benefit of the Native population, and recommended that the matter be also placed on the agenda of a federal-provincial conference on Indian affairs "with a view to transferring the social welfare jurisdiction with respect to Indians to the provinces."

In its recommendations regarding general Indian administration, the 1959-61 Committee added that matters which were normally under federal jurisdiction could be transferred to the provinces with a minimum of delay. The report specified that "the transfer be not only mutually acceptable to the Federal and Provincial authorities, but also to the Indian people." It also recommended that another joint Senate and House of Commons committee be appointed within seven years in order that Indian affairs may again be reviewed.⁸³

The recommendations of the 1959-61 Committee were consistent with the federal government's integration policy begun after the Second World War and expressed in the recommendations of the 1946-48 Committee. Natives were to be integrated within the provinces

⁸³ Second and final report of the Joint Committee of the Senate and the House of Commons on Indian Affairs, July 8, 1961. Joint Committee of the Senate and the House of Commons on Indian Affairs ... 1961, pp. 605-618.

through their inclusion in social services and thus become provincial citizens on the same footing as other non-Natives. To help promote this integration, Native band councils would be given more powers in order to act as "normal" municipalities within the provinces.

Thus, from the outset of the new *Indian Act* until 1961, Ontario and the federal government had arrived at agreements providing services to Natives in order to assist them in their miserable living conditions. However, while Ontario Natives received more assistance and a greater and improved range of social services, the agreements implemented had ulterior motives benefiting both levels of government. For Ottawa, the devolution of some of its jurisdiction over First Nations to Ontario would remove some escalating costs while promoting its policy of integrating Natives within Canadian society. As for Ontario, the costs of delivering services would not be too substantive because it already had an infrastructure in place for these purposes and the federal government would share the costs. Moreover, its policy, followed since Confederation, was to gain the most authority possible over the natural resources of the province. By having its foot in the lives of Aboriginal people when delivering social services to Native communities, the provincial government was hoping that this would eventually lead to its laying a hold on Native lands and resources. In addition, the eventual transformation of Natives from wards of the federal government to Canadian citizens, and consequently their loss of special status, would deny any of their claims on provincial Crown lands as traditional Aboriginal lands.

The integration policy by way of the federal government's devolution of jurisdiction over social services to Ontario would continue in the 1960s and a major agreement was signed in 1965.

By the late 1960s the policy appeared to be unstoppable and by the end of the decade, in a major White Paper,⁸⁴ the federal government tried to deliver the final blow.

⁸⁴ A federal White Paper is a document which commits the government to doctrine and policy, yet has no legislative effect. Nonetheless, it can attract attention and focus public and parliamentary debate.

Chapter 3: The Rise and Fall of Ontario-Ottawa Social Services Agreements, and the White Paper, 1962-1969

By the early 1960s, Aboriginal people had received the right to vote in federal elections and some agreements had been entered into to extend provincial services to First Nations, but much more needed to be done if Natives were to become full citizens receiving the same civil rights and social services as non-Natives. Furthermore, government initiatives in the field of Indian affairs were not always well received.

For instance, in May 1962, Ian Drost of the Prime Minister's Office was informed that Maisie Hurley, publisher of the magazine *Native Voice*, and her friends, suspected that the amendment to the *Canada Elections Act* allowing Natives the right to vote "has had the effect of destroying the special rights enjoyed by Indians under the *Indian Act*." It was proposed that the Prime Minister make a statement confirming that the right to vote in federal elections would not constitute enfranchisement within the meaning of the *Indian Act* and thus that none of the rights and privileges of First Nations under the Act would be effected either by the amendment to the *Canada Elections Act* nor by the act of voting.¹

Prime Minister Diefenbaker replied to Maisie Hurley reassuring her that the right to vote for Natives would not affect their special rights. According to the Prime Minister, the government had for the first time "equalized the rights of the Indians with those of all other Canadian citizens." The

¹ Macaulay to Drost, May 3, 1962. NAC, MG 26, Series M VI, Vol. 442, File 635.1, Reel C-8860.

right to vote, added Diefenbaker, was the greatest right of citizenship in a democracy and he hoped that First Nations would use this new-found right.²

Discontent with Indian affairs policy in the early 1960s was also voiced by Senator James Gladstone, the Native from Alberta's Blood Reserve who had co-chaired the 1959-61 Committee. In a letter to Prime Minister Diefenbaker concerning the Committee, Gladstone stated that he had discussed the results of the Committee with Aboriginal people throughout the country and found that "there is no doubt that the Indians generally are dissatisfied with the Report, and I do not blame them." According to Gladstone, the main complaint was that the final report seemed to be based upon the requests and suggestions of the Indian Affairs Branch rather than the proposals of the Natives who gave evidence. Furthermore, continued the Senator, there were a number of recommendations which did not appear in any of the briefs from Native groups. There was now a great fear within the Aboriginal community that changes might be made to the *Indian Act* based upon the Committee's final report.³ Diefenbaker replied to the Senator's letter but he never addressed Gladstone's statement that the recommendations did not respect the wishes of the First Nations who had submitted briefs and made presentations before the Committee.⁴

Though there were some complaints, the federal government's policy of Native integration through the devolution of its jurisdiction over Indian affairs to the provinces remained, and Ottawa could finally see an end to this policy. The inclusion of First Nations in provincially delivered social

² Prime Minister Diefenbaker to Maisie Hurley, May 30, 1962. NAC, MG 26, Series M VI, Vol. 442, File 635.1, Reel C-8860.

³ Senator James Gladstone to Prime Minister Diefenbaker, May 15, 1962. NAC, MG 26, Series M VI, Vol. 442, File 635.1, Reel C-8860.

⁴ Prime Minister Diefenbaker to James Gladstone, Native from the Blood Reserve and Co-Chair of the 1959-61 Committee, June 2, 1962. NAC, MG 26, Series M VI, Vol. 442, File 635.1, Reel C-8860.

services was also becoming an economic necessity. In 1953-54, the federal government had provided \$75 million through conditional cost-sharing programs with the provinces for the delivery of social services. A decade later these expenses had risen to \$935 million. Commonly the provinces were asked to pay fifty per cent of the costs, but their shares were often as low as ten per cent.⁵ By transferring the delivery of social services for Natives to the provinces, the federal government could recover some of its increasingly onerous expenses.

In response to one of the 1959-61 Committee's recommendation, and in order to begin the final phase of Native integration, the federal government proposed to have a federal-provincial conference to discuss the transfer of health and welfare services regarding Natives. Though the Conservative government lost to the Pearson Liberals in the 1963 election, two federal-provincial conferences were held in Ottawa in 1963 and in 1964 regarding this issue. These conferences were indicative of the federal government's resolution to involve the provinces more than ever before in the delivery of social services to First Nations living on and off reserves.

In July 1963, H. M. Jones, Acting Deputy Minister of Citizenship and Immigration, wrote a memorandum to his Minister stating that the Prime Minister was in favour of having Indian affairs on the agenda of the upcoming federal-provincial conference. According to Jones, entering into arrangements with the provinces to provide services to Natives was in line with the government's objective to have First Nations receive the same benefits as other Canadians.⁶

⁵ Robert Bothwell, Ian Drummond, and John English, Canada Since 1945, p. 234.

⁶ H. M. Jones to the Minister of Citizenship and Immigration, July 29, 1963. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

J. E. G. Hardy, Assistant Secretary to the Cabinet, wrote to H. M. Jones regarding the matter. He advised Jones that the inclusion of such a topic on the agenda of the federal-provincial conference was now nearly assured given the Prime Minister's approval and the requests of several provincial premiers. Therefore, he asked that Jones prepare a working paper on the question of Indian Affairs administration for eventual submission to the Cabinet Committee on Federal-Provincial Relations.⁷

A confidential working paper was eventually prepared and sent to the Cabinet Committee.⁸ It mentioned the basic goal of the Indian administration: "the voluntary integration of Indian individuals and Indian communities into the general social and economic life of the country," and related some of the Branch's other aims and objectives. One of these objectives was the extension of provincial services and programs in order that the needs of Native communities may be met on the same basis as other Canadians. It was stated that the Branch could not extend its programs any further without overlapping and duplicating areas of provincial activity. This seemed to indicate the need for a serious and concerted effort to take advantage of all existing provincial services so that from a cost point of view, there would not continue to be a rising demand upon the federal treasury. Thus, the working paper recommended that the federal-provincial conference seek a statement of principle regarding the establishment of a formal machinery to further negotiations between the federal and provincial authorities, and make a firm commitment with regard to another federal-provincial conference within a year devoted exclusively to a comprehensive review of the total problem.⁹

⁷ J. E. G. Hardy to H. M. Jones, Acting Deputy Minister of Citizenship and Immigration, August 16, 1963. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

⁸ H. M. Jones, Acting Deputy Minister of Citizenship and Immigration, to J. E. G. Hardy, Assistant Secretary to the Cabinet, September 4, 1963. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

⁹ Indian Affairs Branch confidential working paper, 1963. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

It is interesting to note that in the section on Lands, Treaties and Rights, the working paper had originally proposed that jurisdiction over Native lands be transferred to the provinces. However, in a letter from Jules D'Astous, Chief, Economic Development Division, to the Senior Administrative Officer of Indian Affairs, D'Astous suggested that "it might be advisable to add at the end of the section on Lands, Treaties and Rights that the matter of transferring jurisdiction over Indian lands to the provinces is not negotiable at this time, at least."¹⁰ Nevertheless, this would coincide with the premise that the transfer of services to the provinces would eventually lead to the provinces having a hold on Native lands and resources.

It was eventually agreed that Indian administration be a topic of discussion at the November 1963 federal-provincial conference.¹¹ The Indian Affairs Branch prepared a confidential report concerning Indian Affairs administration to be used at the conference which stated that services to Natives would soon begin to overlap. Thus, the Branch needed to devolve this responsibility to the provinces. The importance was to avoid segregating Natives into a separate group to whom the ordinary regulations did not apply. After all, related the report, the objective of Indian Affairs administration was the voluntary integration of Natives into the general social and economic life of the country and for them to participate fully in the Canadian community sharing all the rights and responsibilities of citizenship. The report later stated that "the integration of Indian communities

¹⁰ Jules D'Astous to the Senior Administrative Officer, September 18, 1963. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

¹¹ Proposed agenda for the federal-provincial conference, Prime Minister's Office, November 1, 1963. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 2, Reel C-14214.

into the provincial municipal framework of government is obviously of first importance and represents an area where there has, as yet, been relatively little progress."¹²

When the topic of Indian affairs came onto the agenda of the 1963 conference, the opening remarks concerning the subject stated that a number of provinces, Native groups, citizens' associations, as well as the 1959-61 Committee on Indian Affairs, had asked for this item to be discussed. The remark then mentioned that the two most significant developments for Natives in the post-war decade had been the beginning of repatriation of responsibility and authority to Natives themselves, and second, "the increasing recognition by the provinces that the Indian bands living within the respective areas are provincial residents entitled to equality of treatment and having a unique potential for contribution to provincial progress."¹³ Unique was a good choice of words for no other segment of the population actually held such great extent of lands and resources which provincial governments envied and desired to have.

It was primarily in the areas of self-government and the inclusion of Natives as provincial citizens, continued the remark, upon which the future welfare and progress of First Nations depended. The remark noted that Natives were still at the bottom of the economic scale and did not receive complete health, welfare, educational and municipal services through provincial, municipal, or private agencies, as compared to non-Natives. Thus, the government was prepared to discuss

¹² Indian Affairs Branch confidential report, November 1963. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 2, Reel C-14214.

¹³ Opening remarks to federal-provincial conference: Indian affairs item, 1963. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

ways and means, with both Natives and the provinces, whereby provincial services in all or any of the related fields may be extended advantageously to Native communities.¹⁴

It is interesting to note that while the conference stressed that helping Natives attain a better standard of living was the official reason behind the inclusion of Natives in provincial services, backroom politics portrayed another, more controversial, goal being pursued by the federal government. In 1963, R. F. Battle, Assistant Director of Operations for the Indian Affairs Branch, wrote to the United States Assistant Director of Operations of Support Services, Indian Affairs, regarding a proposed conference in Phoenix, Arizona, in which he mentioned this goal. Battle began by stating the proposed subjects for discussion that he supported, including "state and municipal services." He then added: "It would be interesting to compare our respective policies and approaches in the field of the extension of welfare and other services to Indians on reserves." Battle then wondered why the "termination policy" was not included as a point for discussion. According to Battle, "there is nothing basically wrong with the idea of terminating the whole Indian question and problem." In the absence of some kind of long-term goal or objective, he added, "all of our work seems to lack purpose." He finished his letter with these remarks:

I do think that a useful discussion could be developed around this subject. Our aim in Canada is to bring about the full integration of the Indians and their communities and we are now considering research to help us plot such a course. I know this is a sensitive area, even mention of the prospect that some reserves may cease to exist in twenty-five or fifty years leads to considerable debate and often criticism of the whole idea. But surely there is a need to prepare our people to think constructively and rationally about such an objective. I am sure that many Indians now believe firmly that they must work towards the end of the reserve structure as it now exists. There may be a need for deliberate attempt to prepare Indians and non-Indians alike to accept such a course. I think once this has been achieved we may all be better able

¹⁴ Opening remarks to federal-provincial conference: Indian affairs item, 1963. NAC, RG 10, Vol. 8572, File 1/1-2-2-8, Part 1, Reel C-14214.

to make real progress and to feel that there is some sense of direction in everything we do.¹⁵

The following year correspondence began regarding the establishment of another federal-provincial conference to specifically discuss Indian Affairs administration and, in particular, the transfer of services to the provinces. In May of 1964, René Tremblay, Minister of Citizenship and Immigration, sent a confidential memorandum to Cabinet stating that such a conference would be held in the near future. Tremblay related that the federal government had attempted to take advantage of the favourable climate that had recently developed in federal-provincial relations. According to Tremblay, the federal government's goal was to have Natives participate in the social and economic life of Canada on the same basis of equality with other citizens. He contended that to attain this goal, "Indians must have access to the same range and standard of services made available to other citizens by the provinces." This would also avoid unnecessary costs that the federal government would incur by duplicating services to Natives which could have been delivered by the provinces. In recent years, he continued, there had been some progress whereby provincial governments accepted Natives, to a certain extent, as citizens of the province as well as of Canada. However, more formal arrangements needed to be signed with the provinces. Tremblay suggested that the government take a function by function approach with each province for the provision of services to Natives.¹⁶

A federal-provincial conference was convened in October of 1964 to discuss the transfer of services on a "function by function" basis to the provincial governments. This conference signaled

¹⁵ R. F. Battle to the U. S. Assistant Director of Operations, Indian Affairs, February 7, 1963. NAC, RG 10, Vol. 8567, File 1/1-2-2-24 - restricted.

¹⁶ René Tremblay to the Cabinet, May 1964. NAC, RG 10, Vol. 8573, File 1/1-2-2-8-1, Part 1 - restricted.

the serious intent of the federal government to pursue the transfer of the rest of its programs respecting Natives to the provinces.¹⁷ The Indian Affairs Branch enunciated its position that as provincial citizens who paid most of the various provincial taxes, Natives were entitled to the same provincial services as everybody else.¹⁸

An overview of Indian affairs administration was prepared for the 1964 conference which included a foreword by R. F. Battle, Director of Indian Affairs, stating that if Natives were to be associated more closely with the lives of other Canadians in the provinces in which they lived, "correlation of Federal and Provincial policies and responsibilities for health, welfare, education, community development and other services is essential."¹⁹ The overview then gave statistics and general information pertaining to Natives in Canada. Regarding the Indian Affairs Branch's Welfare Division, it was related that its aim was "to assist Indians and Indian communities to achieve and maintain a standard of living comparable to that of non-Indians in similar socio-economic conditions." The overview added that the Indian Affairs Branch promoted the extension of all existing welfare services and social benefits to individual Natives and communities wherever possible through cost-sharing agreements with the provinces, municipalities and private organizations.²⁰ Furthermore, the Branch was committed to the principle that it would be desirable to have public assistance to Natives supplied at the provincial rate through provincial or local agencies. The overview stated that some progress had already been achieved in the province of

¹⁷ Sally M. Weaver, Making Canadian Indian Policy, the Hidden Agenda, 1968-1970. Toronto: University of Toronto Press, 1981, p. 27.

¹⁸ J. M. T. Ovens, Federal-Provincial Relations, p. 9.

¹⁹ Indian Affairs Branch, Canada, The Administration of Indian Affairs: Prepared for 1964 Federal-Provincial Conference on Indian Affairs. Ottawa: Department of Citizenship and Immigration, [1964], p. foreword.

²⁰ Ibid., p. 65.

Ontario which now in many ways recognized Indian reserves as municipalities, but other provinces needed to follow Ontario's lead.²¹

The proceedings of the conference revealed both the federal and provincial governments' intent concerning Indian affairs. In his opening statement to the conference, René Tremblay, Minister of Citizenship and Immigration, stressed the necessity of joining federal and provincial policies and service responsibilities in order to associate Natives more closely with other Canadians. He added that the time had come to find the basis on which the widest possible range of federal, provincial and municipal services could be extended to Natives.²²

L. P. Cecile, Ontario Minister of Public Welfare, gave the opening statement on behalf of his province. Cecile stated that Aboriginal people throughout Ontario, but particularly in the north, were deeply in need of assistance in fields such as welfare services, health programs, housing, employment, recreation and better law enforcement. To remedy the situation, he continued, Ontario had gradually extended a multitude of services to Natives and was already moving forward in community development for northern First Nations.²³

The provinces had come a long way since the early 1950s in concerning themselves with Indian administration and affairs in general. Still, with the exception of Ontario, most provinces continued to argue that Natives were a federal responsibility and they were reluctant to commit

²¹ *Ibid.*, p. 67.

²² Federal-Provincial Conference on Indian Affairs: Report of Proceedings (1964). Prepared by Indian Affairs Branch, Department of Citizenship and Immigration, Ottawa, 1964, p. 3.

²³ Federal-Provincial Conference ... (1964), pp. 4-5.

themselves to any major and formal service delivery programs until provincial Native conditions had been assessed and federal-provincial cost-sharing agreements negotiated.²⁴

For instance, a delegate appointed by the Manitoba government pointed out that a recent study indicated that nearly all status Indians of his province lacked full-time employment and that welfare payments would triple within ten years unless current trends were reversed. Consequently, for Manitoba there was no value in simply substituting provincial services for federal services. It favored a broader approach to federal-provincial social and economic arrangements for Native people.²⁵ Alberta, Saskatchewan and British Columbia, though having signed minor agreements with Ottawa for the delivery of a few services to off-reserve Natives, shared similar views as Manitoba and expressed their concerns and disapproval of cost-shared arrangements and the function by function approach proposed by the federal government.²⁶

In the years following the 1964 conference, the Indian Affairs Branch received much public pressure to undertake a sustained study to determine how First Nations could achieve equality of opportunity with other Canadians. Senior Branch officials, frustrated with the slow pace of Native integration, jumped at the opportunity and convinced Guy Favreau, Minister of Citizenship and Immigration, to commission a full scale national Native survey. Harry B. Hawthorn, an anthropology professor at the University of British Columbia, was chosen to undertake this task.²⁷

²⁴ John F. Leslie, A Historical Survey, p. 42.

²⁵ J. M. T. Ovens, Federal-Provincial Relations, p. 6.

²⁶ Ibid., p. 8.

²⁷ John F. Leslie, A Historical Survey, p 48.

With the assistance of scholars from other universities, a study of the social, educational, and economic situation of Canada's First Nations was initiated.²⁸

In 1966, Professor Hawthorn presented his findings in a two volume report entitled *A Survey of the Contemporary Indians of Canada - A Report on Economic, Political, Education Needs and Policies*. At the beginning of the first volume, Hawthorn related that the Minister of Citizenship and Immigration had asked that this study be undertaken in order to understand the difficulties which Natives in Canada were facing in overcoming some pressing problems and their ramifications.²⁹ According to the report, Aboriginal people wanted the material blessings enjoyed by other Canadians in the way of incomes, houses, cars, clothes, health care, etc., and called for more independence from the special controls of the federal government. Unfortunately, the public knowledge of their conditions that would demand a change in their fate was still scanty and uneven. Not enough was known of Native problems in Canada to create a call for their solution. Furthermore, the public was being misinformed by the media which, it was claimed, propagated the misconception that Natives were less than full citizens and a federal responsibility. The public also knew little of the extent of the services that were given by provincial governments to First Nations. The report made recommendations with the basic goal of finding a course of action which would be profitable for Native people and improve their position to chose and decide among themselves. Another goal of the report was to review the arguments establishing the right of Natives to be "citizens' plus."³⁰

²⁸ Wayne Daugherty and Dennis Madill, Indian Government, p. 75.

²⁹ H. B. Hawthorn, A Survey of the Contemporary Indians, p. 5.

³⁰ Ibid., pp. 5-6.

The term "citizens' plus" would come to represent the plight of Natives in Canada for years to come. According to this designation, the federal government was responsible for the "plus," that is, for the aboriginal specific portion which entailed support for the preservation, enhancement and development of First Nations. Provincial governments were responsible for the "citizens," that is, equity of services equal to and enjoyed by other Canadians. Moreover, the provincial governments were obliged to tailor programs and services to meet the particular needs and circumstances of Aboriginal people.³¹

The report claimed that the research on which the study was based "was not directed towards finding ways in which Indians might be assimilated, or integrated into the Canadian society without their wish to do so, and without leaving traces of their particular and special cultural identities."³² Nevertheless, the federal government's policy of integrating Natives, was promoted in many of the ninety-one recommendations made by Hawthorn and his colleagues.³³ For instance, under the heading "Federal-Provincial Relations," the report recommended:

32. The general policy of extending provincial services to Indians should be strongly encouraged, although due attention must be given to merits of the case in each functional area.

³¹ David C. Hawkes, "Introduction". David C. Hawkes, ed., Aboriginal peoples and Government Responsibility: Exploring Federal and Provincial Roles. Ottawa: Carleton University Press, 1989, p. 11.

³² H. B. Hawthorn, A Survey of Contemporary Indians, p. 10.

³³ It is interesting to note that Professor Hawthorn conducted a similar study in the mid-1950s which investigated the condition of Natives in British Columbia. Regarding social services and welfare, Hawthorn and his colleagues recommended that "negotiations be undertaken with the view of transferring social welfare services for Indians to the Province." [H. B. Hawthorn, C. S. Belshaw, and S. M. Jamieson, The Indians of British Columbia: A Survey of Social and Economic Conditions, A Report to the Minister of Citizenship and Immigration. Vol. 3. The University of British Columbia, 1955, p. 1017.] According to the study's final report, such a transfer would "facilitate the integration of Indians with the whole community." [H. B. Hawthorn, C. S. Belshaw, and S. M. Jamieson, The Indians of British Columbia: A Survey of Contemporary Social Adjustment. Toronto: University of Toronto Press, 1958, p. 409.]

33. Where it is desirable to extend provincial services to Indians, this should be undertaken as expeditiously as possible. Otherwise, as a consequence of the growth in Indian population, the temptation to establish or maintain separate services will become more pronounced and, for technical reason, will appear more defensible.

34. Both levels of government must pool their legislative and fiscal resources to overcome the isolation and poverty of most Indian communities.

35. Provincial governments should be encouraged to make the policy decision that Indians are, in reality, provincial citizens in the fullest sense compatible with those aspects of Indian status found in treaties, the special nature of Indian communities, the particular characteristics of Indian land holdings, and certain historic privileges they have long enjoyed under the Indian Act.³⁴

Recommendations dealing with "Welfare" also followed the federal government's integration policy:

53. Welfare services under provincial control should be extended to Indians as rapidly as possible.

54. It is incumbent on governments to make the necessary arrangements to overcome quickly the discriminatory treatment which Indian still encounter in the welfare field.

55. Emphasis should be placed on the rewards to the provinces of extending their welfare services to Indians.

56. All possible efforts should be made to induce Indians to demand and to accept provincial welfare services.³⁵

Finally, under the heading "Local Government," the following recommendations were found:

72. The partial ad hoc integration of Indian communities into the provincial municipal framework should be deliberately and aggressively pursued while leaving the organizational, legal and political structure of Indian communities rooted in the Indian Act.

73. Indian communities, while retaining their distinct status and remaining anchored in the Indian Act, should be encouraged to develop the same kind of relationship with provincial departments and with developing forms of regional governments as would exist if they were not Indian communities.³⁶

³⁴ H. B. Hawthorn, A Survey of Contemporary Indians, pp. 15-16.

³⁵ Ibid., p. 17.

³⁶ Ibid., p. 18.

Therefore, it is apparent that although the report declared that its intention was not to find means to "assimilate" Natives, its actual recommendations proved otherwise. By making recommendations which encouraged the provinces to accept Natives as full provincial citizens, and to pursue "deliberately and aggressively" Aboriginal communities to enter the provincial framework, Hawthorn was in fact promoting the government's integration policy pursued since the end of the Second World War.

Once all the recommendations had been tabled, each was reviewed in greater detail. The section devoted to welfare services for Natives stated that since 1945, the federal government had accepted general responsibility for high levels of employment, adequate growth rates and public welfare. From that time, Canada, it was claimed, had created a social welfare state which provided a network of security provisions protecting individuals when their capacities proved inadequate to provide minimum standards of living or to finance costly services in times of need. Family allowances, the universal old age pension, hospital insurance and emerging public provision for medical care exemplified the magnitude of the post-war changes.³⁷ However, the report related that in the absence of normal services, Natives had received inadequate and inferior services from the Indian Affairs Branch which lacked both the expertise and inclination to compete in terms of quality with provincial welfare departments.³⁸

Nonetheless, noted the report, improvements in the welfare benefits and services available to Natives were made partly as a consequence of the extension of normal provincial welfare services to Natives. The report added that as part of its general policy of eliminating unnecessary differentials

³⁷ *Ibid.*, p. 312.

³⁸ *Ibid.*, p. 315.

in the treatment of Natives, the Indian Affairs Branch "has attempted to induce the provinces to extend their public assistance to Indians, using provincial regulations and provincial scales of relief payments." Vigorous pursuit of this objective was given additional impetus by the increasing cost of social assistance. However, with the exception of Ontario, the Branch had been unsuccessful in its attempts to convince the provinces to extend their social assistance programs to Natives on reserves.³⁹

The report stated that the ultimate objective of the Indian Affairs Branch was to terminate its welfare services as soon as the welfare programs and services provided to other Canadians were accessible to First Nations. The role of the Branch was thus viewed as transitional, based on the need to overcome the gap in services caused by the unavailability of provincial and other welfare services and on the fact that the special needs of Native communities required, in the short term, special federal services beyond those available from ordinary sources.⁴⁰ According to the report, this short-term period was now over, and the stated policy of the Indian Affairs Branch, accepted in principle by the provinces, was the extension of basic provincial services to Natives.⁴¹

Hawthorn admitted in his report that the study did not investigate the attitudes of Natives to the desirability of either general or specific extension of provincial services; nevertheless, some general comments were made. The report stated that among First Nations there was widespread emotional attachment to the treaties and reserves as a continuing refuge which constituted a home in the advent that all else should fail. For Natives, these continuing aspects of the past constituted

³⁹ *Ibid.*, pp. 321-322.

⁴⁰ *Ibid.*, p. 331.

⁴¹ *Ibid.*, p. 344.

basic items of self-identity. Also, according to the report, changes in identification for First Nations to see themselves as an integral part of the provincial community would come about slowly because Natives had little, if any, emotional attachment to the provincial governments.

The federal government would have to engender into Natives, continued the report, the duality of civic identity as provincial and federal citizens. The completion of this process would take time and for First Nations it would only come about when experiences showed them convincingly that provincial governments could be trusted to act wisely and considerately in dealings with them. At the present time, stated the report, "it can be safely asserted that the response of most Indians to the extension of provincial services rests on calculations of the perceived advantages and disadvantages of receiving particular services from provincial governments."⁴²

By 1967, the Hawthorn report had been printed and handed out. Public awareness of First Nations as poor and powerless minorities was increasing and public opinion was quickly focusing on the *Indian Act* as an instrument of legal oppression and racism. The culmination of public pressure persuaded the Pearson government to revise the Act.⁴³ Thus, the federal government decided to hold systematic consultation meetings with First Nations to discuss its revision.⁴⁴

Before looking into these meetings and their eventual outcome, particular attention should be given to the major social service agreement of 1965 between Ottawa and Ontario. This agreement

⁴² *Ibid.*, p. 349.

⁴³ Sally M. Weaver, "The Hawthorn Report: Its Use in the Making of Canadian Indian Policy". Noel Dyck and James B. Waldram, eds., Anthropology, Public Policy, and Native Peoples in Canada. Montreal and Kingston: McGill-Queen University Press, 1993, p. 81.

⁴⁴ Sally M. Weaver, Making Canadian Indian Policy, p. 10.

became the most encompassing, and also the final, joint agreement intended to devolve federal jurisdiction over Natives to the government of Ontario.

As mentioned earlier, in 1960 the Ontario government passed the *Indian Welfare Services Act* as a result of the 1959-61 Committee's recommendations for more federal-provincial cooperation in the delivery of social services.⁴⁵ The Act stated that every Native in Ontario was entitled to the benefits of the *Blind Persons' Allowances Act*, the *Disabled Persons' Allowances Act* and the *Old Age Assistant Act*, to the same extent as any other citizen of Ontario. Moreover, the Act also granted Native women the same access to the *Mothers' and Dependent Children's Allowances Act* as non-Native mothers in the province.⁴⁶

In 1963, R. D. Ragan, Acting Chief for the Welfare Division of the Indian Affairs Branch, wrote to G. S. Lapp, Regional Supervisor of North Bay for the Branch, proposing a more comprehensive arrangement whereby the Ontario Welfare Department would take over responsibility for all welfare services to Native people in northern Ontario living on and off reserves. Accordingly, the Indian Affairs Branch would provide the provincial Welfare Department with a grant to meet both relief and administration costs. Ragan asked for Lapp's opinion whether such a proposal merited any consideration.⁴⁷

Though no follow-up to Ragan's request was found, the transfer of all services to the province continued to be discussed and promoted by government officials. In 1965, L. P. Cecile, Ontario

⁴⁵ Tripartite Steering Committee, *Report of the Services*, p. 3.

⁴⁶ *The Indian Welfare Services Act*, *Revised Statutes of Ontario*, 1960.

⁴⁷ R. D. Ragan to G. S. Lapp, February 13, 1963. NAC, RG 10, Vol. 6927, File 401/29-1, Part 4, Reel C-10984.

Minister of Public Welfare, commented on the state of Indian affairs in Ontario stating that "the circumstances of the Indian population of Ontario have been, and are, strictly in the forefront of our attention. ... I believe a programme is evolving which will place increasing responsibility on the province in the treatment and needs of the Indians."⁴⁸

Finally, in 1965, Queen's Park and the federal government signed an agreement that made all provincially designed social services available to Aboriginal people of Ontario. The *Indian Welfare Services Agreement* was simply an evolutionary step in the relationship between both governments which had begun in the post Second World War years and had persisted through the 1950s and the 1960s. The agreement was seen within governments as a very progressive measure in ending the discrimination against and the isolation of First Nations as well as furthering federal and provincial government policies of integration.⁴⁹ With this agreement, Ontario was making a commitment that all its social services, present and future, would be provided to every Native living in Ontario. Therefore, from the point of view of the provincial government, Aboriginal people became much like any other provincial residents, with the same rights to the same services.⁵⁰

Under the provisions of the *Indian Welfare Services Agreement*, the province would service a Native band as it would any other municipality in its jurisdiction, but it could claim extra costs beyond those normally required to provide services to other citizens. The terms of the agreement specified that the province would pay eighty per cent of the cost of servicing and the Native bands were expected to absorb the remaining twenty per cent. The federal government would then

⁴⁸ Fiona A. Sampson, "An Historical Consideration", p. 13.

⁴⁹ Social Development Directorate, Indian and Inuit Affairs Program, Interpretation of the Legal Mandate, p. 28.

⁵⁰ Technical Assistance and Planning Associates Ltd., A Starving Man Doesn't Argue. A Review of Community Social Services to Indians in Ontario. July 1979, p. 61.

reimburse the province for fifty per cent of the cost of servicing status Indians equal to the cost of servicing the average citizen, plus 100 per cent of the additional cost of servicing above this average cost.⁵¹

Though it appeared that the federal government was only saving a small percentage of its costs for delivering social services to Natives, these figures are somewhat misleading because one has to take into account the money which the federal government saved by abandoning the infrastructure that it had in place to deliver these services. Furthermore, it was assumed that better social and economic conditions on reserves consequent to the agreement would soon bring down the federal government's reimbursement costs to Ontario. If significant social and economic development took place on reserves, the average cost of social services to Natives might become the same as for non-Natives. In such an event, there would no longer be exceptional costs involved in servicing First Nations.⁵² This principle suggested that the Indian Affairs Branch's responsibility over Natives would exist only as long as First Nations had special needs beyond those of other Ontario residents. Once Natives and non-Native citizens of Ontario were on an equal basis, the Branch could theoretically dissolve itself and transfer all its jurisdiction over Aboriginal people to the provincial government. Thus, the agreement enabled Natives living on and off reserves to have access to comprehensive social services, but its intended outcome was more inauspicious. The *Indian Welfare Services Agreement*, as well as the previous cost-shared arrangements for the delivery of social services to Natives living in Ontario, was to reinforce the complete integration of First Nations.⁵³

⁵¹ Survey of Services Provided to Status Indian in Ontario. Intergovernmental Finance and Grants Policy Branch, Ministry of Treasury, Economics and Intergovernmental Affairs. October 1, 1976, p. 11.

⁵² Technical Assistance and Planning Associates Ltd., *A Starving Man*, p. 65.

⁵³ David Cameron, Jill Wherret, and Ann Brascoupe, Research Associates, *New Relationships*, p. 14.

As for the Native point of view, the services provided under the 1965 Agreement were found to be ineffective in meeting their needs. First Nations experienced disruption in their family and community life caused by these services because they focused on individual problems, missing the fundamental connection between individual, family and community life. A dependence on the services resulted which met neither Native needs nor the government's intention of providing better services to Aboriginal people in order to improve their living conditions.⁵⁴ However, left with the choice of accepting the social services provided by Ottawa-Ontario agreements or nothing at all, Natives accepted what was offered, regardless of the shortcoming.⁵⁵ Thus, it became apparent that the goal of the provincial and federal governments in signing social services agreements were officially to help the plight of First Nations, but also to pursue their policy of integrating Natives into the economic, political, and social life of the nation.

By the end of the 1960s the federal and Ontario governments' agenda of Native integration, despite some Native discontent, seemed to be moving smoothly toward its goal. Social services had been passed from the federal to the provincial government, Natives were beginning to be seen by the Ontario government as full-fledged citizens, and the provincial government was gaining more authority in the realm of Indian affairs. The federal government's *coup de grace* to eliminate Indian status and complete the integration of Natives into Canadian society came in the form of the 1969 *White Paper on Indian Policy* proposed by Prime Minister Trudeau's Liberal government. However,

⁵⁴ Ontario Social Services Review Phase II, Tripartite Task Group on Social Services, Community Care: Toward Indian Control of Indian Social Services. December 1980, p. I.

⁵⁵ Technical Assistance and Planning Associates Ltd., A Starving Man, p. 144.

the outcome of the White Paper could not have turned out any further away from what the federal government had intended; instead of completing the integration agenda, it brought it to a stand still.

When Trudeau came to power in 1968, he began to advocate his vision of individual rights which blended directly with the federal government's policy of integrating Natives by way of citizenship. At the core of Trudeau's vision was the notion that any individual Canadian should have the opportunity for full access to all Canada had to offer.⁵⁶ Trudeau had a vision of a "Just Society" which glorified liberal individualism and promised equality regardless of race, religion, or other such characteristics.⁵⁷ Trudeau believed in the legal equality among all Canadian citizens; there could be no special status for a province, a social group, or an individual.⁵⁸ Therefore, he rejected the concept of Aboriginal rights⁵⁹ and believed that Natives should be integrated into Canadian society as equal citizens.⁶⁰

Furthermore, Trudeau put minimal importance on history for forming current policies. Basically, he did not believe that the future should be fettered to the chains of the past. Policies were to begin with an appreciation of the current political realities, not supposedly outmoded historical constraints.⁶¹ Trudeau's views were well expressed in a speech he delivered in August 1968. He began by stating that Canadians were not too proud about the past ways in which they had treated Aboriginal people who had been set apart as a race and in the ways governments dealt with them.

⁵⁶ Peter H. Russell, Constitutional Odyssey: Can Canadians Become a Sovereign People? Toronto: Copp Clark Pitman Ltd., 1991, p. 80.

⁵⁷ Radha Jhappan, "The Federal-Provincial Power-Grid", p. 167.

⁵⁸ John F. Leslie, A Historical Survey, p. 54.

⁵⁹ Olive Patricia Dickason, Canada's First Nations, p. 387.

⁶⁰ Leon Musynski, "Social Policy and Canadian Federalism", p. 294.

⁶¹ Sally M. Weaver, Making Canadian Indian Policy, p. 54.

They were not, he stated, "citizens of the province as the rest of us are. They are wards of the federal government. They get their services from the federal government rather than from the provincial or municipal governments." Therefore, said Trudeau, the federal government came up with a solution:

We can go adding bricks of discrimination around the ghetto in which they [Natives] live and at the same time perhaps helping them preserve certain cultural traits and certain ancestral rights. Or we can say, "You're at a crossroads - the time is now to decide whether the Indians will be a race apart in Canada or whether they will be Canadians of full status." And this is a difficult choice. It must be a very agonizing choice to the Indian people themselves because, on the one hand, they realize that if they come into the society as total citizens they will be equal under the law but they risk losing certain of their traditions, certain aspects of a culture, and perhaps even certain of their basic rights. This is a very difficult choice for them to make, and I don't think we want to try and force the pace on them any more than we can force it on the rest of Canadians. But here again is a choice which is in our minds: whether Canadians as a whole want to continue treating the Indian populations as something outside, a group of Canadians with which we have treaties, a group of Canadians who have, as many Indian claims, aboriginal rights, or whether we will say forget the past and begin today.

Trudeau added that Aboriginal rights would not be recognized but the government would maintain its obligations under Indian treaties. Nevertheless, he stated that these treaty provisions should not go on forever. It was inconceivable, according to Trudeau, "that in a given society one section of the society have a treaty with the other section of the society." Trudeau concluded the portion of his speech on Indian affairs by stating:

But aboriginal rights? this really means saying, "We were here before you. You came and you took the land from us and perhaps you cheated us by giving us some worthless things in return for vast expanses of land and we want to reopen this question. We want you to present our aboriginal rights and to restore them to us." And our answer - it may not be the right one and may not be one which is accepted; but it will be up to all of you people to make your minds up, and to choose for or against it, and to discuss it with the Indians - our answer is "no."⁶²

⁶² Richard P. Bowles, James L. Hanley, Bruce W. Hodgins, and George A. Rawlyk, The Indian, p. 71.

Trudeau's ahistorical philosophy would have a tremendous impact on Indian affairs which was based primarily on historical dealings, treaties and other longstanding relations between First Nations and representatives of the governing power in the land. For Natives, past agreements were at the core of many of their grievances against governments in Canada. Trudeau's negative views pertaining to historical approaches to policies and his stand against special status for cultural groups provided strong constraints for the Ministers and officials who would create new Indian affairs policy.

It was also in 1968, as previously mentioned, that the federal government began its consultation meetings with Native groups throughout the country to receive their opinions regarding the present state of Indian affairs and the needed revisions to the *Indian Act*. During the consultation process, Natives expressed the view that they wanted their special rights honored and their historical grievances, particularly over lands and treaties, recognized and dealt with in an equitable fashion. Equally important, they wanted direct and meaningful participation in the making of any policy affecting their future.⁶³

From the outset of the meetings, officials in the Privy Council Office questioned the validity of revising the *Indian Act*. Instead, they favored a comprehensive policy review as a strategy for developing a new global policy for all Native people in Canada.⁶⁴ As for the Department of Indian Affairs and Northern Development,⁶⁵ Jean Chrétien, the Minister of Indian Affairs, claimed that the whole purpose of the Indian administration needed rethinking. Chrétien posed two possible

⁶³ Sally M. Weaver, *Making Canadian Indian Policy*, p. 5.

⁶⁴ *Ibid.*, p. 68.

⁶⁵ In 1966, the Indian Affairs Branch was placed under the Department of Natural Resources and Northern Development. Its name was then changed to the Department of Indian Affairs and Northern Development.

alternatives for the new Native policy: the continuation of special privileges for Natives or the granting of full equality based on the total extension of provincial services to them and the removal of all special arrangements.⁶⁶ Chrétien and his aids would set out to write up their own Indian affairs policy while Aboriginal people and other bureaucrats were discussing issues at the consultation meetings.

Two of the consultation meetings were held in Ontario, the first at Sudbury in August 1968, and the other at Toronto in January 1969. At the Sudbury meeting, thirty-nine northern bands sent delegates to present opinions and grievances to the consultation team which included Jean Chrétien. Delegates asked that First Nations be given a copy of the draft *Indian Act* before it went before the House of Commons so that changes could be made. This was supported by Chrétien who stated that "we do not want to get new legislation before having the views of the Indian people of Canada." He added that the government wanted to get Natives involved "and have the feeling that they are part of our society, that they can play a role and that they can make their views known and that their views will be in the law."⁶⁷ Another issue which was mentioned by the Native delegates, and supported by the government officials, was the inclusion of medical and welfare services in the *Indian Act*.⁶⁸

Similar comments and recommendations concerning Native participation in changes to the *Indian Act*, as well as the inclusion of medical and welfare services, were made at the January 1969 meeting in Toronto. In attendance were twenty-nine delegates from Indian bands of southern

⁶⁶ Sally M. Weaver, *Making Canadian Indian Policy*, p. 102.

⁶⁷ Report of the Indian Act Consultation Meeting: Sudbury, Ontario, August 21, 22, and 23, 1968. Department of Indian Affairs and Northern Development, [1968], pp. 15-17.

⁶⁸ Ibid., p. 34.

Ontario, ten delegates from northern bands, several representatives of Native organizations and the usual senior government officials who presided over the consultation meetings. Concerning medical and welfare services, Dr. H. A. Procter, of the Department of National Health and Welfare, stated that the government had presently "engaged ourselves as strenuously as we can in making available to you [Natives] the Health services of the provinces and of the communities close by, in confidence that one integrated service will provide you with a better service over the long pull, than can be done in any other way."⁶⁹ Native delegates then discussed whether health services should be included in the *Indian Act*, that is, whether these services should continue to be the sole responsibility of, and provided by, the federal government. To this effect, Procter expressed the federal government's position that provincially delivered services would better meet the needs of First Nations in Ontario.⁷⁰

The consultation meetings culminated in a formal meeting held in Ottawa in May 1969 and attended by delegates from each of the eighteen regional meetings across the country, representatives from each major Native association and senior government officials.⁷¹ Statements by Minister Chrétien at this and previous meetings had raised the expectations of Native delegates about the nature of the new policy, including the amount of influence Aboriginal people would have in the policy-making process itself. First Nation leaders believed that their concerns and views would be taken into account in the formulation of new policy and legislation. However, the federal government's new policy soon demonstrated that this expectation would not be met.⁷²

⁶⁹ Report of the Indian Act Consultation Meeting: Toronto, Ontario, January 20-24, 1969. Department of Indian Affairs and Northern Development, [1969], p. 53.

⁷⁰ Ibid., pp. 54-55.

⁷¹ Report of the Indian Act Consultation Meetings, Sudbury, p. 14.

⁷² John F. Leslie, A Historical Survey, p. 47.

Within days after the end of the May consultation meeting, Chrétien announced the government's new Indian affairs policy in the form of a White Paper which advocated terminating Indian special status by 1974, dismantling the *Indian Act* and Department of Indian Affairs and treating Natives as ordinary citizens.⁷³ The *White Paper on Indian Policy* was in effect the continuation and affirmation of the integration policy begun after the Second World War and expressed in the recommendations of the Committees of 1946-48 and 1959-61, as well as the Hawthorn Report and by many government officials. The White Paper intended to complete the transfer of services, such as health, welfare and education, from the federal government to the provinces. By adopting this policy and repealing the *Indian Act*, Aboriginal people would be fully integrated into Canadian society.⁷⁴

It was stated in the White Paper that the government's policy must lead to the full, free and non-discriminatory participation of First Nations in Canadian society. Such a goal required a bold break with the past, and it required that Natives' role of dependence be replaced by a role of equal status, opportunity and responsibility. The White Paper added that the policy accepted the fact that the separate legal status of Natives and the policies which flowed from it had kept First Nations apart from and behind other Canadians. It concluded that Aboriginal people had not been full citizens of the communities and provinces in which they lived and had not enjoyed the equality and benefits that such participation offered. The federal government was offering a road to First Nations that would

⁷³ Norman Zlotkin and Donald R. Colborne, "Internal Canadian Imperialism", p. 177.

⁷⁴ John L. Tobias, "Protection, Civilization, Assimilation", p. 140.

lead gradually away from different status to full social, economic and political participation in Canadian life.⁷⁵

In the section entitled "The New Policy" of the White Paper, it was stated that true equality presupposed that First Nations had the right to full and equal participation in the cultural, social, economic and political life of Canada. The government believed that the framework for this required:

1. That the legislative and constitutional bases of discrimination be removed.
2. That there be positive recognition by everyone of the unique contribution of Indian culture to Canadian life.
3. That services come through the same channels and from the same government agencies for all Canadians.
4. That those who are furthest behind be helped the most.
5. That lawful obligations be recognized.
6. That control of Indian lands be transferred to the Indian people.

The White Paper added that the federal government would be prepared to take the following steps to create this framework:

1. Propose to Parliament that the Indian Act be repealed and take such legislative steps as may be necessary to enable Indians to control Indian lands and to acquire title to them.
2. Propose to the governments of the provinces that they take over the same responsibility for Indians that they have for other citizens in their provinces. The take-over would be accompanied by the transfer of federal funds normally provided for Indian programs, augmented as may be necessary.
3. Make substantial funds available for Indian economic development as an interim measure.
4. Wind up that part of the Department of Indian Affairs and Northern Development which deals with Indian Affairs. The residual responsibilities of the Federal Government for programs in the field of Indian affairs would be transferred to other appropriate federal departments.⁷⁶

⁷⁵ Statement of the Government of Canada on Indian Policy, 1969 [White Paper on Indian Policy]. Presented to the First Session of the Twenty-Eight Parliament by the Honourable Jean Chrétien, Minister of Indian Affairs and Northern Development, June 1969, p. 5.

⁷⁶ Ibid., p. 6.

The White Paper, in effect, tried to implement the final phase of a historical process of integration that had begun many years earlier. It also followed Trudeau's ideals of individual rights over group rights. Natives would lose all special status and become provincial citizens equal to all other Canadians. Federal and provincial government officials thought Indian bands would evolve as an entity akin to municipal governments in non-Native communities.

It is interesting to note that only two provinces supported the White Paper, Ontario and Saskatchewan.⁷⁷ Ontario Premier John Robarts called it "a real breakthrough."⁷⁸ This is not surprising considering Ontario had always strongly supported the federal government's policy of integration. Moreover, Queen's Park could definitely foresee the benefits of having Natives completely under its jurisdiction. If its authority was supreme in Indian affairs, the province would have a far better chance of laying its hands on Native resources. According to the White Paper, new legislation would be introduced to enable First Nations to control their lands and acquire title to them. However, without the strong hand of the federal government, these lands would be more at the mercy of provincial governments. Furthermore, consequent to the abolishment of Indian special status, Aboriginal people would no longer be capable of claiming provincial Crown lands as ancestral Native lands.

When Trudeau first came to power he had promised to make government more accessible to people and to give Canadian citizens a sense of full participation in the affairs of government.⁷⁹

⁷⁷ Donald Purich, "The Future of Native Rights", p. 424.

⁷⁸ Sally M. Weaver, Making Canadian Indian Policy, p. 175.

⁷⁹ Ibid., p. 8.

The consultation meetings of 1968-69 with First Nations were supposed to have reflected the importance of participation, but in fact, this never occurred. First Nations were not party to the real, backroom deliberations that produced the White Paper.⁸⁰ Thus, it was with great disappointment that Natives learned of the White Paper which was, by all evidence, written behind close doors by a small number of bureaucrats.

The policy-making process pertaining to Indian Affairs had taken two different paths. Publicly, the Department of Indian Affairs held consultation meetings with First Nations which raised Native expectations that their views on special rights would be considered by the federal government when revising the *Indian Act*. Privately, within the government at the cabinet level, a dramatically different exercise began which raised questions about the ethics of the government. The White Paper had been devised primarily by the Prime Minister's Office (which provided Trudeau and the cabinet with advice on policy) and the Privy Council Office (which provided bureaucratic advice from an overall governmental perspective rather than just from a specific department's perspective).⁸¹ In short, the White Paper was formed without any reference to the large number of presentations made since 1968 by Indian bands and Native groups.

Aboriginal people felt duped by the federal government and were appalled by the government's assertion that the White Paper responded to their needs. First Nations throughout the country decided to voice their anger toward the government and they received strong support from the public. As expressed by the National Indian Brotherhood, the White Paper was "designed to divest us of our aboriginal, residual, and statutory rights. If we accept this policy, and in the process

⁸⁰ *Ibid.*, p. 10.

⁸¹ Sally M. Weaver, "The Hawthorn Report", p. 83.

lose our rights and our lands, we become willing partners in cultural genocide. This we cannot do." The government's proposal to transfer services to the provinces was interpreted not only as a way to sever federal links of responsibility and accountability toward First Nations, but also to convert Indian reserves into a type of municipality under the jurisdiction of the provinces.⁸²

In the face of mounting opposition, the federal government initially defended its policy. In July 1969, Jean Chrétien stood in the House of Commons to praise the benefits of the policy for Natives. He stated:

What the government was doing in issuing this statement was putting forward its view after having been in consultation with Indians for over a year, having listened to what they considered to be the evils and the faults of the present system and having formed its own view in the same connection. The government's view which was incorporated in the policy statement, was deeply influenced by everything that the Indian people have been saying about the Indian Act, about the department, about their separate status, about discrimination, not only in the period of consultation to which I have referred, but for many years.⁸³

Chrétien continued his speech by defending and clarifying the various positions expressed in the White Paper, which according to him, reflected much of what had been said in the consultation meetings throughout the country. As for the transfer of social services to the provinces, Chrétien stated that the government did not want to "dump" any of the programs presently offered to Natives. However, he added that the government, in order to achieve equality of services for Natives and non-Natives, wanted "to give the Indians the same kind of services that the other citizens of Canada have," that is, those delivered by the provinces.⁸⁴ Chrétien expressed the government's position on this issue in the following statement:

⁸² Olive Patricia Dickason, Canada's First Nations, p. 386.

⁸³ House of Commons Debates. July 11, 1969, p. 11142.

⁸⁴ Ibid., p. 11144.

It has been said many times that Indians do not pay taxes. When they go to buy gasoline, or into stores to buy other things they pay the indirect taxes that all other Canadians must pay. They contribute to the provincial treasury in the same way as other citizens. I think it is fair to ask the provinces to extend their services to them. Now, we do not want to transfer responsibility. What we want to do is to ask the provinces to treat the Indians as citizens of the provinces, and we are willing to contribute financially to achieve that. ... I said that we want to contribute, to make arrangements with the provinces, and we will negotiate that. But I hope that there will be a day when Indians within the provinces, will be considered as full citizens of the provinces and will be treated in that manner. I think this is the goal we have to achieve.⁸⁵

Try as he did, Chrétien could not defend the policy enough to bring First Nations on side. In fact, Aboriginal people throughout the country responded with a resounding wave of Native nationalism unparalleled in Canadian history. Native people did not wish to lose their communities, cultures, languages, Aboriginal rights, treaties and special status. Nor did they care to be handed over to the provinces, whom they saw as never having been devoted to their welfare and for whom they would constitute a low priority.⁸⁶ Transfer of services from Ottawa to the provinces would lead, it was perceived, to the abrogation of a historic relationship with the federal government assured through treaties, land surrenders and by the terms of the BNA Act. Thus, the policy continued to be vehemently rejected across the country by Natives and their non-Native supporters who responded with massive protest and numerous opposition papers.⁸⁷

An immediate effect of the White Paper was the enormous increase in research into Indian affairs, not only by academics, government officials and concerned individuals, but also by Natives themselves. Among the numerous reports and papers that resulted, three were adopted as part of the official response of First Nations to the White Paper: the *Brown Paper* from the British Columbia

⁸⁵ *Ibid.*, p. 11145.

⁸⁶ Radha Jhappan, "The Federal-Provincial Power-Grid", p. 168.

⁸⁷ Harvey McCue, "The Modern Age", p. 397.

Natives, *Citizen's Plus* (also called the *Red Paper*) from the Alberta Indian Association, and *Wahbung* from Manitoba Natives. All three favored self-government and argued that local band councils should be given more decision-making powers in order to take the initiative in social, political and economic development. Naturally, the integration policy of the White Paper was utterly condemned in each report.⁸⁸

There were nonetheless some Natives who were sympathetic to the White Paper's goal of equality for all. For instance, Senator James Gladstone stated that Natives were the only ethnic group in Canada with a special act. He felt that the *Indian Act* was a hindrance for First Nations rather than a help because it maintained them as wards of the federal government and prevented them from achieving total equality with non-Natives.⁸⁹ Though other Natives supported his position, the vast majority continued to decry the evils of the White Paper.

In April 1970, David Munro, Assistant Deputy Minister of Indian Affairs, wrote a letter to his Deputy Minister regarding the White Paper. Munro stated that when the government issued the White Paper the previous June, Native leaders were almost unanimously unfavourable. They voiced their rejection of the government's plan in harsh and uncompromising terms, complaining that they had not been consulted and asserting that the government's aim was cultural genocide. Thus, it was now appropriate to review the policy in light of these recent events. According to Munro, the adverse reaction was attributed to three factors. First, the White Paper appeared to put an end to the consultation process and Natives realized that its drafting must have begun some months prior while the consultation meetings were still being held. Second, the statement focussed on the concept of

⁸⁸ Wayne Daugherty and Dennis Madill, *Indian Government*, p. 80.

⁸⁹ Olive Patricia Dickason, *Canada's First Nations*, p. 387.

legal equality and highlighted an intention to end special status for Aboriginal people. Finally, the statement strongly suggested that most of the policy would be implemented within five years. Accordingly, to minimize the difficulties that arose from the White Paper, Munro suggested that the government seek out opportunities for consultation, not on specific policy or the White Paper, but on the future of Native programs and the possibilities of Native development in general. By having more consultation, as well as tweaking some of the White Paper's elements, Munro believed that most of the White Paper's objectives would still be adopted.⁹⁰

However, just two months later, at a meeting with the Indian Association of Alberta and the National Indian Brotherhood, Prime Minister Trudeau gave a speech which leaned heavily toward the government's eventual dismissal of the White Paper. The overall Native attitude regarding the White Paper was expressed by Chief Chonkolay of Alberta who, at the beginning of the conference, returned a copy of the White Paper to Jean Chrétien, Minister of Indian Affairs. The Chief, through an interpreter, stated:

I am returning the paper to the Minister Chrétien. I completely reject it because this was designed by the Government itself. At the same time we have our own set of ideas as to what the Indians should be doing for themselves, and we have come up with a proposal. We do not need this any longer. Our people do not need the Indian policy paper. This is the reason why I am returning it to Mr. Chrétien.⁹¹

To this and other complaints, Trudeau answered that the government issued the policy in order to deliberately and justly solve the problems plaguing Natives and Indian affairs. The government had decided to "do something which may not be perfect, which may not be final, but which is in the way

⁹⁰ Letter from David Munro, Assistant Deputy Minister of Indian Affairs, to the Deputy Minister of Indian Affairs, April 4, 1970. DIAND Library.

⁹¹ Verbatim report of a meeting between the Prime Minister of Canada and several of his Ministers and representatives of the Alberta Indian Association and members of the National Indian Brotherhood. DIAND Library, p. 2.

of a proposal, a suggestion, so that Canadians not only Indian Canadians, but all Canadians can come to face with the problem." Still, Natives rejected the proposal. Surprisingly, Trudeau then confessed some contrition:

We had perhaps the prejudices of small "I" liberals and white men at that who thought that equality meant the same law for everybody, and that's why as a result of this we said, "well let's abolish the Indian Act and make Indians citizens of Canada like everyone else. And let's let Indians dispose of their lands just like every other Canadian. And let's make sure that Indians can get their rights, education, health and so on, from the governments like every other Canadian."

Trudeau agreed that in the process of developing the new policy the government had been a bit too theoretical and not pragmatic or understanding enough. Trudeau offered an olive branch and asked for First Nations' trust and cooperation to arrive at some kind of agreement.⁹² However, Trudeau's efforts failed and consequent to the constant and abundant opposition to the White Paper, the policy was formally withdrawn by Jean Chrétien on March 17, 1971.

A major reaction to the shelving of the White Paper came from the provincial governments and this had a great impact on the provision of social services to First Nations. All bilateral agreements between the federal and the provincial governments pertaining to Ottawa's devolution of jurisdiction over Natives to the provinces, such as the delivery of social services, were halted. Only one agreement, the *Canada-Alberta Blackfoot Band Child Welfare Agreement* of 1974, was negotiated during the 1970s.⁹³ The federal government's efforts to integrate Natives via their inclusion in provincially delivered social services had come to an end. The provinces realized that they had nothing to gain in entering such agreements if Natives were not fully integrated into Canadian society and their lands left unprotected. Provincial governments could not lay hold of

⁹² *Ibid.*, pp. 15-21.

⁹³ Social Development Directorate, Indian and Inuit Affairs Program, *Interpretation of the Legal Mandate*, p. 29.

Native lands and resources, nor reject their claims to provincial Crown lands, if Aboriginal people retained their special rights and privileges.

Though the White Paper fiasco caused First Nations tremendous concern, it also created an awakening among Indian bands and Native groups. After 1969, national Aboriginal organizations were developed and Aboriginal rights and self-government became increasingly popular topics. These events were complimented by political activities ranging from protests and legal challenges, to lobbying strategies in the international arena. In addition, the federal government was forced to develop a new comprehensive land claims policy and different approaches to Native policy in general.⁹⁴ The shelving of the White Paper actually became the first in a series of important political and legal victories for First Nations and helped change the face of Indian affairs policy in Canada.

⁹⁴ Radha Jhappan, "The Federal-Provincial Power-Grid", p. 168.

Conclusion

From the time of the original *Indian Act* in 1876 until 1969, the federal government pursued a policy toward First Nations intended for their total integration within Canadian society. The federal government initially wished for Natives to be assimilated by educating and instructing them into the dominant European ways, but by the Second World War, it was apparent that this method had failed and the government needed to rethink its strategy.

After 1945, both Native and non-Native Canadians began to expect certain assistance from the federal government such as better social services, which were until then mostly provided by religious and private organizations or families. Among those who most needed these services were First Nations who were by far the poorest and least healthy segment of the Canadian society. Since social services, as per the *British North America Act*, were under provincial jurisdiction and Natives were under the federal wing, a jurisdictional problem existed for the provision of these services to Natives living either on or off reserves. Thus, the federal government devised a scheme whereby Aboriginal people could receive these services and be integrated simultaneously.

The solution was first expressed by the Special Joint Senate and House of Commons Committee on Indian Affairs of 1946-48. Until the early 1950s, Indian affairs was strictly a federal jurisdiction and the provinces were quite content in dealing with Native people through the federal government. The 1946-48 Committee put a stop to this and suggested that the federal government devolve some of its authority over Natives as a means of helping the poor state of Canada's Native people and of rectifying the failing policy of Native integration. By having Natives included in

provincial social services and programs, they would gradually become more integrated into the general population and eventually considered "normal" citizens.

As for the provincial governments who would be given the burden of delivering social services to Aboriginal people, they would receive the benefit of having more jurisdiction over Natives which could eventually lead to more authority over their lands and resources. As well, by becoming Canadian citizens and losing their special Indian status, Natives, it was thought, would no longer be capable of pursuing claims on provincial Crown lands. As evidenced numerous times in the past, provincial governments had always pressed for more control over their resources which were often on lands claimed by First Nations or within Indian reserves. The federal government's new integration policy would thus satisfy provincial demands for supreme authority over resources. Furthermore, services to Natives would not create too great of a burden to the provincial treasury since the provinces already had an infrastructure in place for the delivery of services and cost-sharing agreements would be signed with the federal government.

The province which supported Ottawa's integration policy most enthusiastically was Ontario. Ontario provincial officials immediately and readily saw the benefits of such a policy and were therefore willing to enter into arrangements concerning the transfer of services from the Indian Affairs Branch to the province. Several agreements were ratified in the 1950s and then in 1965 a more comprehensive arrangement, the *Indian Welfare Services Agreement*, was signed. This later agreement sealed the relationship between the federal and provincial government pertaining to the fate of First Nations in Ontario. Aboriginal people, from then on, were to be treated and receive the same services as any other non-Native citizen of the province.

As for First Nations, throughout the country they were in a very pitiful state as compared to other Canadians in the post-war years. Natives did not support agreements between the federal and provincial governments because they feared that provincial governments would use their added authority to obtain their lands. Natives however recognized that they needed help from the provinces if they intended to improve their living conditions. Therefore, although the federal government asked for their opinions and participation when discussing changes to Indian affairs and the *Indian Act* from the 1940s to the 1960s, Aboriginal people did not have any choice but to accept what was given to them if they desired better social services.

For almost two decades the federal government's integration policy proliferated and joint agreements were implemented between the provinces, spearheaded by Ontario, and the federal government. Finally, in 1969 the federal government thought the time was favorable to complete Native integration as it proposed the *White Paper on Indian Policy* which would have completely done away with special Indian status and the Department of Indian Affairs.

The White Paper was a consolidation and affirmation of the federal government's integration policy and practices since the end of the Second World War. Federal government officials were hopeful that Indian band councils would evolve into entities with the duties and responsibilities comparable to municipal governments in non-Native communities. Thus, Aboriginal people would become equal to all other provincial citizens receiving the same benefits and services. With such ideals of total integration, it was not surprising that the White Paper was vehemently opposed by Natives and their non-Natives supporters, and eventually withdrawn.

Regarding the transfer of services to Ontario, and the other provinces to a lesser degree, the shelving of the White Paper brought all federal-provincial agreements, except for one agreement in Alberta, to a stop. This would seem to support the premise that Ontario was only interested in the benefits it could receive by extending its services to Aboriginal people. If Natives were not to come under its jurisdiction as provincial citizens, but under the protection of the federal government and prior treaties and other agreements arrived at, the province had less of a chance to get a hold of Native lands and resources. It appeared that the provincial government had no longer anything to gain from such arrangements except the sense of helping a small segment of its population. Thus, Ontario never received the chance to completely benefit from the proposed integration policy because the full integration of Natives, as proposed in the White Paper, was not attained.

Though Ontario extended OHIP premium assistance to Natives in 1972,¹ the province retreated to a more cautious stance whereby the extension of existing services would be available only upon agreement by Native groups concerned. In addition, the province eventually articulated a policy to the effect that the federal government was solely responsible for status Indians living on and off reserves. This return to Ontario's earlier policy regarding Aboriginal people was not well received by Ottawa, and though Ontario Native spokespeople were receptive to Ontario's stance, this was only for tactical reasons. Natives saw this as ammunition in their battle to keep their unique relationship with the federal government.² Finally, in 1977, a Cabinet directive eliminated the provincial government's involvement in delivering services on Indian reserves.³

¹ Tripartite Steering Committee, Report of the Services, p. 45.

² David Cameron, Jill Wherret, and Ann Brascoupe, Research Associates, New Relationships, p. 25.

³ Francis Abele and Katherine Graham, "High Politics", p. 155.

The White Paper had accomplished exactly the contrary of what Ottawa intended it to do. The federal government believed that it would have abolished Indian special status and entered Natives into Canadian society as equal citizens, but this was not to be. The White Paper brought Indian bands and groups together like no other time in the country's history and the policy of integration began to fade, or so it seemed. From then on, new policies regarding Aboriginal people would be carefully scrutinized by various Native groups who pressed more than ever before for their voices to be heard. The White Paper was the first of many political and legal victories for First Nations in the years to come.

Nonetheless, the federal government did not completely abandon its policy of integrating Native people. The 1970s saw a reorientation of methods to achieve this goal. Rather than transferring its responsibility over First Nations to the provinces, the federal government decided to transfer more responsibility to Natives themselves. What the government proposed, and which was supported by Aboriginal people, was self-government.⁴ More determination and control over their own affairs would help satisfy the demands of Native bands. However, this also followed the government's policy stated in the White Paper, because eventually bands might have control of all segments of their lives, like provincial municipalities, and thus the Department of Indian Affairs would no longer be needed and could be abolished, and with it the *Indian Act*. As with all other integration policy methods the government's plan was eventually exposed and this opened the door to much negotiation in the 1980s for the development of a more Native-oriented style of self-government.

⁴ Menno Boldt, and J. Anthony Long, "Native Indian Self-Government", p. 47.

In the last fifty years there have been two significant joint committees of the Senate and House of Commons on Indian affairs; numerous reports by various agencies, groups and individuals; a multitude of conferences and meetings; a myriad of correspondence between government officials, Natives, Indian band councils, Indian organizations, private organizations, etc.; a major royal commission to investigate Indian Affairs; and an exorbitant amount of time and money spent on studying the problems facing Aboriginal people in Canada. One would think, or at least hope, that something positive would have come out of all this effort. Unfortunately, for the most part, Natives remain segregated on reserves and their situation is often misunderstood or even unknown by the general public. Furthermore, they are still the poorest and least healthy segment of Canadian society who suffer excessive levels of unemployment, poor health, incarceration rates, suicide rates and inadequate housing.⁵ One can only hope that time will bring greater understanding toward their plight and that politicians will begin to really listen to what the majority of Natives have always wanted ... a fair opportunity to become Canadian without giving up their historical Aboriginal and treaty rights.

⁵ Fiona A. Sampson, "An Historical Consideration", p. 14.

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