

The Devil's Northern Triangle: Howard Adams and Métis Multidimensional Relationships with and within Colonialism

by

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Abstract

This dissertation deploys the life's work of Métis scholar and activist Howard Adams to show that his binaristic positioning of Métis people within the colonial world is first productive for elucidating and analyzing the devastation wrought on his people by the processes of colonization, and second an incomplete analysis of Métis political relationships with and within colonialism. Adams' thought contains an uncomfortable positioning whereby the Métis are framed as colonized subjects while also being the products of the racist and destructive processes of colonialism. Adams does not interrogate this uncomfortable positioning in his work. Instead, he reinforces Métis people as exclusively colonized subjects. This dissertation posits that being the products of colonialism while also being colonized subjects opens a space to examine the range of relationships Métis people have with their kin in other Indigenous nations. I argue that looking at inter-Indigenous politics through this complex positioning shows how Métis interact and resist the ideology and processes of colonialism that seek to terminate and dispossess them from their territories, while also illuminating the way Métis political actors engage in zero-sum—and in some cases, colonial—relationships with other Indigenous peoples. I examine this through the critical juncture formed during the Red River Resistance in 1869-70: in the process of resisting the advancement of the Settler state, Métis political actors attempted to set up a sphere of power at Red River to the exclusion of most other Indigenous peoples. I then examine the reproduction of the legacy of zero-sum relationships in the formation and breakup of the Indian and Métis Conference (forerunner to the Manitoba Métis Federation), followed by the attempt by Métis and other Indigenous peoples to strategically deploy the law. The examination of these strategic deployments is informed by the interaction between Métis and Treaty 1 peoples at the Manitoba Court of Appeal hearing of *MMF v. Canada*. I conclude that embracing the discomfort in Adams' positioning helps inform Métis political engagements with other Indigenous peoples. The benefit of this positioning is that it contributes to building informed inter-Indigenous decolonizing movements.

Preface

This dissertation is unpublished, independent work researched and written by Daniel Voth.

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Chapter 1: Introduction

“I wept with bitterness when I thought about how I had never heard about the great hero my great-grandfather was [Maxime Lepine], and the noble guerrilla warrior that he had been. A man so courageous, so knowing, so committed. His history was hidden from me. I was as ashamed as all my relatives were of him. I didn’t know why, but obviously he had done something terribly immoral. I dared not ask. And he had lain and rotted in that little unknown grave for eighty years before I discovered his greatness and what he had stood for as leader of Native people. And as I ran back over the trail of my life, I realized the hideous things that I had done, in some ways that had disgraced the great deeds of my great-grandfather. I was horrified to think that I had not come to understand earlier in my life that there are two very different civilizations, and that I had walked between the two of them for years without noticing the crossovers.”

—Howard Adams: OTAPAWY, 2005, pp. 215-216

The above text was written by Métis scholar and activist Howard Adams and published by the Gabriel Dumont Institute after Adams passed away in 2001. It was taken from a collection of random sheets and journal entries left on Adams’ desk. This particular entry was written after Adams viewed the film *Out of Africa*. In this text, one can see many aspects of Adams’ critique of colonialism that constituted much of his life’s work. In particular, this passage captures the imposition of the colonizer’s rendering of history on Native people. However, it also captures Adams’ understanding of the colonial world as being divided in two. Invoking an understanding within this colonial landscape akin to that of Albert Memmi (2003), Adams seems to struggle with his positioning within the binary he has identified. Yet he leaves unresolved the management of this awkward and multidimensional positioning. In this quote, he seems to set up a relationship between himself and the broader process he is critiquing, whereby

he walks between two civilizations. Nevertheless, he leaves the contours of such a relationship uninvestigated.

Adams uses his familial relationships in the above epigraph and his published work to ground his critique of colonialism as well as his own identity. In Indigenous scholarship, relationships—familial relationships in particular—are deployed conceptually to help enunciate Indigenous worldviews. Consider, for example, Brenda Macdougall's book *One of the Family*. Macdougall quotes Lawrence Ahenakew of Sandy Point as understanding his identity to be rooted in family. She argues "[f]amily is central to Ahenakew's sense of self, which he expresses in his simple yet eloquent statement, 'I'm one of the family'" (Macdougall, 2010, p. 1). Macdougall uses the Cree/Michif word *wahkootowin* as a conceptual and theoretical anchor for her work when looking at Métis culture and history in nineteenth-century Saskatchewan. While *wahkootowin* has been translated as "relation" or "relationship" in English, Macdougall points out that this is the barest of understandings. She argues "*wahkootowin* contextualizes how relationships were intended to work within Métis society by defining and classifying relationships, prescribing patterns of behaviour between relatives and non-relatives, and linking people and communities in a large, complex web of relationships" (Macdougall, 2010, p. 8). This understanding of relationality through kinship forms a key part of Indigenous worldviews.

However, kinship ties do not end with human relations. Indeed, something that had a significant impact on my life while I was growing up was my family's understanding of the intersection of family, community, and creation more broadly. My parents emphasized the importance of connection to one's relations in the same way

Macdougall describes. While family linkages with relatives and kin all over Manitoba's interlake region were important, they were not the only set of relationships that one had to keep in mind.

Understanding what Adams and Macdougall are trying to convey requires an appreciation that one's relations are made up of a multitude of relationships. "Relations," in Indigenous communities, refer to family and familial connections along with a connectedness to community. Blood connections are important, but they are not the only requisites for family. Family need not stop with other humans. The idea of "relations" can easily include non-human animals, as well as natural geography and plants. Indeed, spirituality uncomplicatedly includes relationships with trees, grass, and land itself. Such a worldview places at its centre one's relationships with the surrounding world. Invoking "all my relations" in Indigenous circles references, in part, the fullness of the body of relationships with which Indigenous peoples have always lived.

One aspect of kinship ties includes how one engages with those one dislikes or disapproves. Macdougall notes this with her emphasis on the complexity of relationships in her study. She argues that "[i]t is important to remember that while *wahkootowin* was the ideal by which individuals and whole communities formed alliances with other individuals, communities, and institutions, the ideal was not always the achievable reality" (p. 10). Métis people, in times of hardship, were forced to make "life-and-death decisions about who most needed the available food" (p. 10). The point that Macdougall is making is that socio-cultural norms for familial interaction sometimes break down due to exogenous factors. Not all of "*all my relations*" encompass uncomplicated connections. Adams seems to capture part of this in the above epigraph. His words

suggest there may be relationships with broader processes that are awkward, complicated, or difficult to handle, that may strain other ties or drive an interaction to be combative or fractious. These are often not the types of relationships that come to mind when one invokes “all my relations.”¹ However, relationships that strain rather than bind are relationships nonetheless.

This dissertation is about those awkward relationships: namely, the complex one the Métis have with colonialism. This dissertation will argue that the Métis are involved in multidimensional relationships with and within colonialism. Howard Adams’ work provides a useful framework for examining complex and contradictory relationships. Adams made important interventions into the lives of colonized people generally and Métis people in particular. As the epigraph above suggests, over the course of Adams’ life, he set up a binary that allowed him to simultaneously hate the process of colonization while expressing deep filial love for the colonizers he identifies as the progenitors and oppressors of his people. Embracing this contradiction opens a space to examine the complex political relationships Métis people find themselves in within a colonial context. On one hand, the Métis have sought to colonize shared Indigenous spaces and, on the other, have endured the ravages of colonialism as colonized subjects. The Métis asserted themselves politically and economically in relation to other Indigenous peoples also living in North America. In some cases, the act of asserting Métis political goals places Métis claims and actions in opposition to the aspirations and goals of other Indigenous peoples. As these conflicts unfold, Métis actors inadvertently

¹ I do not believe Macdougall would disagree with this formulation. As she notes, the concept she is deploying contains idealized notions of relationships within a complex lived experience.

lubricate the machinery of Indigenous land dispossession, while overtly seeking the dispossession of non-Métis Indigenous peoples' to support the advancement of Métis claims. These dynamics manifest alongside the dispossession of Métis lands and the broader colonization of Métis spaces by Settler society. The result of these complex political relationships is that Métis political claims become framed in zero-sum terms that pit Indigenous peoples against each other within colonial and Settler colonial contexts.

This dissertation will re-examine and re-situate Métis politics by developing a theoretical framework that incorporates the diverse political relationships lived by Métis peoples. While Adams' captured Métis people as colonized subjects well, I explore conflicting inter-Indigenous relationships of colonization and the resulting zero-sum politics they engender in Indigenous and non-Indigenous political worlds. By examining critical junctures in the Métis political past to elucidate these complex positionalities, I offer insights into the negotiation of political conflict between Indigenous peoples within a colonized and Settler-colonized world. The insights and contradictions gleaned by looking at Adams' work will be deployed to key moments in Métis history to show how Métis people resist colonial aggression, contribute to the dispossession of other Indigenous peoples, and frame Métis political organizing in a way that does more to divide than unite Indigenous peoples.

Methodological Orientations

As will be discussed in the next chapter, Adams' thought possesses a troubling gendered dimension. In his deployment of his phenomenological methodology, Adams articulates an understanding of colonial power that manifests problematically in the lives of Indigenous and non-Indigenous women. He advances a highly sexualized construction of colonial power that serves to condition Native male desire away from one's people

(particularly women) and towards Settler people (again, particularly women). This view suffers several structural and normative problems that will be explained in the next chapter. However, I raise it here as an opportunity to heed the intersection of power with other forms of domination in the lives of peoples struggling under colonial and other forms of oppression. As Glen Coulthard has argued in his critique of the economic dimensions of Settler colonialism, one cannot overlook the myriad of oppressive powers that intersect at the nexus of Indigenous peoples' lives. Specifically, he argues:

Of course capitalism continues to play a core role in dispossessing us of our lands and self-determining authority, but it only does so in concert with axes of exploitation and domination configured along racial, gender and state lines. Given the resilience of these equally devastating relations of power, our efforts to decolonize must directly confront more than just economic relations; they must account for the complex ways that capitalism, patriarchy, white supremacy, and the state interact with one another to form the constellation of power relations that sustain colonial patterns of behavior, structures, and relationships. (Coulthard, 2013 November 5, para 13; please also see Coulthard 2014, pp. 14, 171-172).

This “constellation of power relations” is clearly at play in Adams’ work. I critique his negotiation of these gendered power dynamics to bring together several of the components of Coulthard’s “background field,” where a number of power structures “*converge* to facilitate a certain power effect—in [the case of Indigenous peoples], the reproduction of hierarchical social relations that facilitate the dispossession of our lands and self-determining capacities” (p. 14-15, emphasis original).

My primary focus in the pages that follow is the political relations between Métis and other Indigenous peoples, rather than the economic relations discussed by Coulthard. However, in light of the compelling notion of the convergence of power relations noted above, Adams’ weaknesses on gender seems to buttress the notion that the

colonial project is unfolding in ways that are explicitly and violently gendered. This phenomenon has been well documented through the loss of status for some Indigenous women and the political-legal fight to regain it. While many scholars have argued the construction of Indigenous identities are wrapped up in gendered forms of oppression, Bonita Lawrence has pointed out, “[l]oss of status was only one of many statutes that lowered the power of Native women in their societies relative to men. Because of the many ways in which Native women were rendered marginal in their communities, it was extremely difficult for them to challenge the tremendous disempowerment that loss of status represented” (2003, p. 8). Thus, examining Adams’ personal as well as intellectual weaknesses on gender ought to draw one’s attention to the broader gendered dimensions of inter-Indigenous political conflict.

As will be shown below, part of colonialism’s power is to naturalize not only state imposed identities, but also the power relationships that reproduce Indigenous division and oppression. Understanding these power relationships requires one to also pay attention to gendered understandings of these processes. This involves listening carefully when women and queer Indigenous actors speak, but also casting a suspicious eye to political interactions dominated exclusively by Indigenous and Settler men. Dawn Martin-Hill (2003) has argued that Indigenous tradition can be deployed to silence and disempower Indigenous women. Martin-Hill’s concern is that women are pushed by Indigenous and non-Indigenous men to the background of Indigenous life and struggles. Over time, their position as seen, but not heard, in the colonial background comes to be understood as the natural order of the Indigenous world. Martin-Hill’s point ought to draw one’s attention to absences of gender diversity in the sources one consults. Thus,

attention will also be paid to moments within the dissertation where diverse gendered voices are conspicuously absent. These moments are important to mark because they possess the potential to normalize colonial power dynamics through categories of gender.

On the economic front, in my examination of the deliberations among Métis about their relationship with Canada in the nineteenth century, I attempt to preface these discussions with the economic relations of the buffalo hunt in the same time period.² I view Coulthard's intervention to be an orienting methodological statement. I take this orientation seriously and hope to offer an argument sensitive to the range of power serving to oppress Métis people.

This dissertation deploys insights from Indigenous methodologies and critical junctures literature. As will be shown in the following chapter, Indigenous methodologies offer important orientations to history and the general project of engaging with the past from an Indigenous perspective. The insights of Linda Smith, Keith Basso, Vine Deloria, and others are used to help orient history away from linear expressions of time that serve to position Indigenous peoples as less evolved versions of their European oppressors. This work also places a significant emphasis on a relatedness to community. While this dissertation does not deploy direct participatory community methodology, it takes seriously Indigenous scholars and, in particular, a Métis scholar. This approach is situated in the community of Indigenous scholars engaged in the explication of phenomena in their respective communities. Further, I shared the orientation and

² I am currently working on a project to draw the political and economic dimensions of Métis buffalo hunting brigades together with a Métis understanding of claims to the land enunciated through Indigenous women.

findings of this dissertation in my engagement with my Métis community, though I do not write about those interactions in this work.

Ruth Berins Collier and David Collier's (1991) explanation of critical junctures helps organize my historical intervention while orienting me to the examination of alternative hypotheses to my arguments. Collier and Collier define critical junctures as "large forces of change which occur in distinct ways in different countries, and that these differences played a central role in shaping the national political arena in the following decades" (p. 29). Many scholars will be familiar with the use of this work in cross-national comparative research and its pairing with causal process tracing. This dissertation is concerned with the elucidation of relationships between Métis and other Indigenous peoples within a single case. Collier and Collier offer that "[t]hough the importance of this [critical junctures] perspective is particularly evident in studies based on cross-national comparisons, it also plays a role in research on long term patterns of change within individual countries and in studies of electoral realignment in the United States" (p. 28). Furthermore, when critical junctures are used in this way, "less systematic (or implicit) comparisons are made . . . with earlier historical episodes in the same country" (p. 29). It is this use of critical junctures that is deployed in this dissertation.

Collier and Collier argue that "the concept of a critical juncture contains three components: the claim that a significant change occurred within each case, the claim that this change took place in distinct ways in different cases, and the explanatory hypothesis about its consequences" (p. 30). This dissertation deploys the highly developed historical and emerging political work on colonialism and Settler colonialism to situate the 1869-70

Red River Resistance as a critical juncture for Métis and other Indigenous peoples of the North West. The change that occurred was a shift in inter-Indigenous politics. In the antecedent context (Indigenous life prior to the critical juncture), complex political relationships developed between Indigenous peoples, and most importantly, Indigenous peoples possessed a full range of political options for dealing with their kin in other nations. From treaty making facilitated by existing and new kinship ties to military conflict, the organization of inter-Indigenous politics was predominantly Indigenous based. In 1869-70, however, the fundamental change that occurs is the expansion of the Settler state in Canada westward and its entrenchment in the territories of the Indigenous peoples of the North West. This process manifests differently for different Indigenous peoples. For some, it was funnelled through military conflict; for others, treaty making; and for others still, the state's refusal to treat for the land being taken. This dissertation posits that the legacy of this critical juncture is a zero-sum political relationship between the Métis and other Indigenous peoples. This zero-sum relationship is reproduced in an ongoing manner (the mechanism) by the processes and institutions of Settler colonialism.³

I use the Battle of Grand Coteau in 1851 to explore key inter-Indigenous relationships within the context of a distant but restless Settler colonial power before its aggressive expansion in 1869-70. In this way, I am able to examine the Red River Resistance in 1869-70 in relation to its antecedent conditions. After exploring the

³ There is a risk that this type of approach establishes Settler colonialism as an event, rather than an ongoing process. I share Patrick Wolfe's view that the logics of Settler colonialism operate in a continuous and ongoing fashion in the lives of Indigenous peoples. In this orientation, there may be room better theoretically inform critical junctures methodology. However, it is not in the scope of this project to do so.

relationships set down between Métis and other Indigenous peoples at the Convention of 40 in Red River in 1870, the dissertation shifts its concern from the critical juncture to the operation of the legacy in the context of its mechanism of reproduction. To this end, the creation and breakup of the Indian and Métis Conference between 1954-1970, leading to the birth of the Manitoba Métis Federation (MMF), is examined through the lens of the legacy's mechanism. Even though the breakup of the Conference is a key moment in Métis politics, it is not itself a critical juncture. Rather, this event is part of the legacy of zero-sum politics in the light of Settler state entrenchment in Indigenous territories. Finally, the court case and the judgement on the motion to intervene in *MMF v. Canada*—decided by the Manitoba Court of Appeal in 2008—is used to show how the mechanism of Settler colonial courts drive and exacerbate the zero-sum legacy of the critical juncture. In this way, I argue the legacy of the critical juncture shapes the political possibilities of the Métis, and potentially other Indigenous peoples, after the juncture has transpired.

Scholars of critical junctures will note that this is not the conventional fashion by which critical junctures are necessarily studied and defended. Chief among the differences is an absence of the causal process tracing used and advocated by Collier and Collier. However, I believe this can be justified in this case. The literature on Métis politics within an inter-Indigenous political framework is a comparatively small field within Indigenous politics. There is insufficient literature at this time to warrant the full deployment of Collier and Collier's research design. In addition, critical junctures are not this dissertation's only methodological concern. While critical junctures are used to organize my historical intervention, the dissertation is also deploying Indigenous

methodologies and theoretical interventions gleaned by Indigenous scholars with and within those scholars' communities. Although there is a need to engage in the type of causal process tracing recommended by Collier and Collier, in-depth single casework is needed first to identify, develop, and test theoretical concepts and elucidate the relationship between Métis and other Indigenous peoples.⁴

The time frame covered in this dissertation spans 157 years between 1851 and 2008. The full history of a people through this time is not recounted in the pages that follow. Consistent with what Collier and Collier call a “selective treatment of history,” “focused on probing arguments related to our principle thesis” (p. 5), the key events noted above should be seen as snapshots in time that illuminate the legacy of the critical juncture through the contradictions and challenges faced by Métis people in their political organizing alongside other Indigenous peoples. As such, what follows is not an uninterrupted narrative, but rather, a theoretically grounded tracing of relationships between Métis and other Indigenous peoples through a set of temporally bounded but key interactions.

The confluence of history and politics makes colonialism a complex set of relations with which Métis political actors ought to engage through their current political struggles. It is by no means an easy relationship with which to contend. It is full of trauma, hurt feelings, and uncertain contours, as well as resistance and resurgence. By looking at the uncomfortable elements of these relationships, it becomes possible for

⁴ Indeed, as John Hogan has argued, “[i]n political science, while we should not generalize from single cases, a single-case design is appropriate when that case represents an example for testing a theory” (2005, p. 9).

Métis actors to engage in political organization in a way that mitigates divisions from other Indigenous peoples and discourages zero-sum political frameworks.

The geographical area is less expansive than the timespan. The dissertation focuses almost exclusively on the Red River Valley in what is now Manitoba. This choice has been made for several reasons. First, this is where I am from. My family were Métis buffalo⁵ hunters based in Red River from the early nineteenth century. As is true of many Métis people, I have a love and curiosity about the territory marked by the confluence of the Red and Assiniboine rivers. From a systematic perspective, using Red River has allowed the study to focus on the changes colonialism has wrought upon a set of political relationships over time. Furthermore, because this dissertation is concerned with political interactions between Indigenous peoples, keeping those peoples constant by examining the same Indigenous territory ensures the focus on political agitation and organization is not compromised by including different Indigenous peoples with different territories and different relations with their neighbours. The weakness of using a single geography is that it truncates the view of inter-Indigenous relations and limits this work's generalizability. It will be important in future studies to examine the way different territories and relationships with neighbouring peoples shape political organization, in order to test the findings of this dissertation.

This dissertation examines the relationships Métis have with and within colonialism by looking primarily at Métis interactions with other Indigenous peoples within a colonial—and later, an established Settler-colonial—society. Indigenous-Settler

⁵ The term buffalo will be the dominant term used to describe what are properly termed bison. I have done this to preserve the terminology used by Métis people in their hunting brigades and in their communications with each other.

relations have been the dominant theme of studies on Indigenous-state relations. Policy papers, Royal Commissions, litigation, and even parliamentary reform packages all hold Indigenous-Settler dynamics as a key point of focus in political science. This focus has left underdeveloped our understanding of the way Métis interact with colonialism amongst themselves and with other Indigenous peoples in a political context. Important work has emerged, calling for such a focus and developing important theoretical foundations. The work of Howard Adams, Taiaiake Alfred, Glen Coulthard, and the emerging literature on Métis peoplehood by Chris Andersen and Adam Gaudry all place at their centre Indigenous-Indigenous interactions and develop helpful theoretical tools. This dissertation makes its contribution in this vein. In the pages that follow, Settler society is discussed, and in some cases extensively, but there is a compelling need to understand Métis politics from an inter-Indigenous perspective. Settlers ought not to be the only locus of investigation by Indigenous scholars and activists. Indigenous peoples have intellectual and spiritual work to conduct from inside our peoples. Removing the Settler state as a primary focus provides a new avenue to explore potentially fruitful insights into our relationships with colonialism and with fellow Indigenous peoples. This introduction will proceed by defining several key terms, and then outline the content of the chapters.

Key Terms

With colonialism being a central concept in this dissertation, it is important to enunciate what is meant by the word “colonialism.” Part of the struggle with examining colonialism in North America is that the activity of colonizing has unfolded differently in different places. As Olive Patricia Dickason (Dickason, 1982; Dickason, Newbigging, and Dickason, 2010) has pointed out, there were permanent settlements on the east coast

in New France that shaped Indigenous-European interactions, both on the shores of the Atlantic Ocean and in the continent's interior. This was differentiated by interaction in the Hudson Bay basin, where there were comings and goings of Europeans from Indigenous territories but no long-standing permanent European settlements. The absence of settlement leads Jennifer Brown (1980, p. 22) to argue that the Hudson's Bay Company (HBC) was not a colonial company. So how is one to define colonialism?

If one looks at the etymology of the word "colony," two interesting insights can be gleaned. Consider the Greek word *apoikia*, or "a settlement far from home, a colony" (Apoikia, 2007). The word was used to refer to a city-state established abroad by a home city-state or metropolis (a word which literally means "mother city"). The term did not establish a hierarchy between the mother city and the new community. An *apoikia* was distinct from *emporion*. The latter term translates to "a trading place." An *emporion* described as "an ad hoc community where a mixed and possibly shifting population of traders engaged in activities that would be well understood in the quarter of Athens of the same name." The first insight is that the Greeks had unique terms to distinguish between two different colonial endeavours: one of permanent settlement, the other an outpost for trading purposes.

Contrast the Greek terminology with the Latin word *colonia*, meaning "settlement farm." A *colonus* was a tenant farmer and member of a *colonia*. The second lesson from the history of these words is that the word "colony" contained a direct connection to permanent *agricultural* settlement for Romans (Jones & Spawforth, 2009). This linkage between permanent settlement and agrarian labour is particularly important given the stress placed on developing colonies capable of cultivating the land from the

seventeenth to twentieth centuries (Armitage, 2004; Arneil, 1996; Ashcraft, 1986; Keal, 2003; Tully, 1993; Wolfe, 2006; Young, 2001). Thus, for this dissertation, one is required to distinguish not only between different types of colonies, but also their economic *raison d'être* and the ideologies and structures underpinning them. Concepts like colonization, colonialism, empire, and imperialism must all be used deliberately.

Howard Adams argues that “[b]y definition, a colonial situation is created the very instant a white man appears in the midst of a native community” (Adams, 1969, p. 121). In later work, Adams would show himself to be concerned with the combined economic and psychological effects of colonization on the colonized. In a fashion reminiscent of the intersectional orientation offered by Coulthard and discussed above, Adams states that colonialism involves a series of components that manifest in the lives of Indigenous peoples. For Adams, Settler attacks on Indigenous political systems, economies, cultures, and self-esteem—along with the imposition of a racial hierarchy—all intersect to first dominate Indigenous peoples and second undercut any potential pan-Indigenous resistance or resurgence (Adams, 1975; Adams, 1999). For Adams, the acceptance of this order by Indigenous peoples is understood to be internal colonialism, while imperialism was a relationship with a foreign metropole that would take a colonial form. The style of imperial rule from a political metropole radiating outward changed after 1945 and gave rise to neocolonialism. The era of national liberation movements ushered in newly independent post-colonial governments, who oriented themselves less toward old imperial masters and more toward new multinational corporations (Adams, 1999, p. 54).

There are several shortcomings with Adams' concept development. He establishes concepts that readily bleed into one another. Also, his 1969 enunciation of the definition of colonialism sets such a low bar that the concept has been rendered un-operationalizable. However, it is important to keep in mind that Adams' goal is to outline the macro-theoretical contours of the process he works through phenomenologically. His objective is not to establish clear distinctions, but rather, to enunciate the damage done by the broader process and its ongoing effects on Indigenous peoples. The result is that one is left with questions like: was the fur trade in eighteenth-century Hudson's Bay basin colonial? Or did that not become colonial until the mid- to late nineteenth century? How can one account for the difference between settlement in the east and life on the Bay and at Red River? What role does agriculture play? Does it matter if most Europeans in the North West returned to their countries of origin to die after living most of their lives in Indigenous territories, only to be replaced by a new generation of sojourners? Without knowing what colonialism is, one risks overstating the reach of the process. When trying to explicate the relationship between a people and a process, one must provide a clear definition of the process.

Not only is Brown (1980) unequivocal in her belief that the HBC was not a colonial company, she has also shown that in the late seventeenth century, those who believed the company ought to undertake a program of permanently settling colonists lost interest in this endeavour upon realizing that the terrain and climate around Hudson Bay were not similar to that of the Carolinas. Brown points out that one of the original shareholders of the honourable company was the First Earl of Shaftsbury. Shaftsbury became interested in the company for one of its original goals: permanent agricultural

settlement. In the HBC's early days, it was criticised for showing a lack of enthusiasm for improving the land in its holdings, a direct reference to agricultural settlement. Scholars of seventeenth century political thought will recognize this framing as key to John Locke's labour theory of value and Locke's involvement with Shaftsbury's colonial enterprise (Armitage, 2004; Arneil, 1996; Ashcraft, 1986; Keal, 2003; Tully, 1993). However, it soon became clear that the shores of Hudson Bay and, indeed, much of its drainage basin were not suitable for Carolina-style agriculture. Further, when profits and dividends did not materialize, Brown notes the Earl and his fellow aristocrats divested themselves of their HBC shares. The company went through an ownership overhaul within its first ten years of operation. Gone were the most prominent nobles with their interest in permanent settlement and agriculture, and in their wake arrived prudent "financiers . . . willing to forego colonization ventures and concentrate their efforts on the building of a profitable trade" (Brown, 1980, p. 9; Leng, 2011).

What Brown and others miss with their focus on agriculture is, oddly, the central issue of land to fur trade colonization. Many point out that European fur traders in the North West were there for varying periods of time; however, their presence on the land as an entity within Indigenous territory was permanent. Forts were built that stand to this day, place names retained their Anglicized or Francized ascriptions, the Europeans who did leave the North West were replaced by a new generation of Europeans, and—key to this study—the children of Europeans and Indigenous peoples remained permanently an overwhelming majority of the time. All of this is to say that the politics, geography, and economy of the land were changed by the activities of fur trading companies. Fur bearing animals became part of global trade. Politically, a *permanent* Indigenous people

would emerge with meaningful connections to their homeland in the North West. This latter change owes its existence to the advent of Europeans in Indigenous territory.

While colonization as envisioned by Shaftsbury and Locke did not occur immediately in the North West, what Macdougall identifies as “proto people” grew up from the presence of Europeans centred on and in relation to the land.

However, it is difficult to disentangle the importance of land in colonialism from the role of land in the building and maintenance of imperialism. Edward Said argues in *Culture and Imperialism* that “imperialism’ means the practice, the theory, and the attitudes of a dominating metropolitan center ruling a distant territory; ‘colonialism,’ which is almost always a consequence of imperialism, is the implanting of settlements on distant territory” (Said, 1993, p. 9). Said states that while colonialism has largely come to an end, imperialism is very much alive and well. He adds that “[t]o think about distant places, to colonize them, to populate or depopulate them: all of this occurs on, or about, or because of land. The actual geographical possession of land is what empire in the final analysis is all about” (p. 78). Land is central to Said’s understanding, even if he was less perceptive about the pervasiveness of colonialism. In the case of the North West, one can certainly see that land was central to the dynamics between Indigenous and non-Indigenous peoples from the early days of the HBC. Even if a fur trader does not stay permanently, he still conducts his trapping and trading activities on the land and in relation with the other human and non-human animals also living on the land.⁶

While colonization and imperialism were primarily about land, even in the case of fur trade colonization, the emphasis on “improvement” and civilization within

⁶ Not to overlook activities like travelling, eating, and drinking, all of which take place in relation with the land and water flowing over the land.

colonialist literature and activities is also important to Métis people. There is emerging research that suggests proponents of colonialism view land, and in particular the activity of cultivating land, to be imbued with self-bettering properties. One becomes intellectually improved through the cultivation of the land. What this suggests is that while there are clear material implications to the activity of agrarian colonialism and imperialism, there are also perceived psychological and ideational implications for Settler understandings of Indigenous people's minds. However, one does not need settled agrarian colonialism to see that colonialism attacks Indigenous psychologies. Edward Cavanagh has argued that there are elements consistent with a program of civilizing the Indigenous peoples caught in the HBC's direct sphere of influence. He notes that HBC historian E. E. Rich viewed the trade in furs *per se* as ““in a way a civilizing mission . . . [and that] the ordinary trading habits of western peoples on an uncivilised race has as deep and lasting effect as the more self-conscious changes in habits and cultures advocated by priests and educationalists”” (E. E. Rich qtd. in Cavanagh, 2009, p. 90).

Cavanagh identifies an important aspect of ideology writ large. Here, the point is that a colonial ideology need not overtly attempt to change the mindset and worldviews of Indigenous peoples through settled agriculture. It can be done, and done to effect, simply by shaping the economic order in which Indigenous peoples must interact. Cavanagh also notes that this was not done without political and coercive force. He makes the argument that the HBC charter in fact gave the company dominion, and perhaps ownership, over the Indigenous peoples integral to its trading enterprise. The Company was able to hang three Cree men for killing HBC employees after the chief factor at Henly House refused to provide provisions during a harsh winter (Cavanagh,

2009, p. 91-92). The HBC convened a makeshift court, extracted confessions, found the three Cree men guilty, and hanged them. There is a palpable insider/outsider dynamic that is supported by a colonial power authority. Both the ideological impetus of colonialism and the implementation of a sphere of political and coercive control are able to exist without an agricultural settlement. It seems here that rather than *settlement* as a driving aspect of colonization, one ought to point to a *settled* presence. However, as the Henly House conflict demonstrates, one must be more than just settled. There needs to be a sphere of coercive control complete with an imposed insider/outsider dynamic. This distinction allows for the compelling case made by historians and political scientists that agrarian labour was important to colonization, while also including cases where colonialism was present without the operationalization of ideology through agrarian settlements.

There is also a noteworthy distinction in the literature between colonialism and Settler colonialism. Lorenzo Veracini (2010) argues in his book *Settler Colonialism: a Theoretical Overview* that while colonialism and Settler colonialism exist with and within each other, there is reason to think about Settler colonialism differently from colonialism. Distinguishing between the two terms is important to this project because the time frame covered includes both the colonial and Settler colonial contexts of what is now Canada. Veracini argues that some definitions of colonialism are rooted in demographics, whereby foreign Settlers form a minority and impose their will upon an Indigenous majority. Veracini argues the challenge with this is that as soon as Indigenous people are no longer numerically superior, they cease to be involved in a colonial relationship. Veracini also notes that Settlers stay in one place, whereas “colonial sojourns” (such as

military personal, missionaries, adventurers, and administrators) return to the metropole. The distinction here is that “Settler colonialism is exercised from within the bounds of a Settler colonising political entity, colonialism is driven by an expanding metropole that remains permanently distinct” from its settlement (Veracini, 2010, p. 6).

An analytical distinction can also be made between colonialism and Settler colonialism. Where colonialism is structured around a reinforced hierarchy between colony and metropole, Settler colonialism seeks to “ultimately supersede the conditions of its operation . . . [whereby] [c]olonialism reproduces itself, and the freedom and equality of the colonised is forever postponed; Settler colonialism, by contrast, extinguishes itself.” (Veracini, 2011, p. 3). Thus, the orientation of Indigenous peoples and non-Indigenous peoples to each other is different. Though the fur trade persists to this day and still considers Métis and other Indigenous people as integral to its operation, contemporary life in the Hudson Bay drainage basin has changed. While the freedom and equality of Indigenous peoples vis-à-vis the Settler society is deferred, there is a permanent Settler authority seeking to shake off its colonial trappings—the two elements co-existing, as Veracini suggests, since colonialism and Settler colonialism are intertwined. The difference between the two is an analytical distinction, not the creation of watertight compartments. For the purposes of this dissertation, a Settler colonial dynamic is defined by the permanent imposition of an order distinct from both a colonizing metropole and the Indigenous orders. This permanent Settler colonial order seeks to realize an end state, whereby the Settler entity no longer sees itself as Settler.⁷

⁷ I have chosen to deploy a definition that is better suited to examining inter-Indigenous political relations within a colonial and Settler colonial context. The weakness of definition is that it misses some of the complex ways Settler colonialism operates in the

The challenge with this analytical framework is it becomes difficult to discern when to apply one category with or over the other.⁸

Coulthard has situated Settler colonialism as a relationship “characterized by a particular form of *domination*; that is, it is a relationship where power—in this case, interrelated discursive and nondiscursive facets of economic, gendered, racial, and state power—has been structured into a relatively secure or sedimented set of hierarchical social relations that continue to facilitate the *dispossession* of Indigenous peoples of their lands and self-determining authority” (2014, pp. 6-7, emphasis original). This formulation better captures the ongoing process of Settler colonialism first as a structure of Indigenous domination and second as intersected with other forms of power. Coulthard argues that “colonialism, as a structure of domination predicated on dispossession, is not ‘a thing,’ but rather the sum effect of the diversity of interlocking oppressive social relations that constitute it” (p. 15). This framing is key to an intersectional analysis of power at the heart of Indigenous domination and dispossession.

Similar to Veracini’s work on separating colonialism from Settler colonialism, Robert Young (2001)—in his extensive study on the historical development and impetus

expression of its desire to cast off its Settler past. It should be noted that this break happens through the “repress[ion], co-opt[ation] and extinguish[ment] of [I]ndigenous alterities” (Veracini, 2011, p.3).

⁸ Robert Young makes clear an analytical quagmire for peoples caught between metropole and Indigenous societies, creating an unclear category of coloniser and colonized. He notes that these societies, which have grown out of generations of colonization, could experience protection just as easily as oppression by the metropole. However, these Settler peoples also displaced and dominated Indigenous peoples, in order to obtain and secure the land for their Settler society. In a similar vein as Veracini, Young argues that these peoples “now speak of themselves as having been formerly colonized . . . [making] the marker of ‘postcoloniality’ that whereas in the past such people tended to identify themselves as colonizers, increasingly today they claim to constitute the colonized” (Young, 2001, p.20).

of post-colonialism—distinguishes between imperialism as an ideological/financial undertaking driven and managed by a political centre, and colonialism as an economic undertaking often locally driven and better seen as a practice than an ideology:

Here a basic difference emerges between an empire that was bureaucratically controlled by a government from the centre, and which was developed for ideological as well as financial reasons, a structure that can be called imperialism, and an empire that was developed for settlement by individual communities or for commercial purposes by a trading company, a structure that can be called colonial. (Young, 2001, p. 16)

Young draws on the historical practices of colonialism and argues these forces had colonies of exploitation and settlement in defining both “imperial” and “colonial.”⁹ The point here is that while Europeans exported people to places under European rule for domestic, social, and external political reasons, they also developed colonies for simple economic reasons through trade companies. Some of these companies did become involved in settlement colonization; Young notes the Virginia Company and the HBC could be on this list. However, they both started out primarily interested in trade.

For the purposes of this dissertation, I define colonization as a practice that establishes a settled outsider presence beyond the outsider’s territories (both physical and conceptual) for permanent agricultural settlement (dispossession of peoples already there) and trade/resource extraction (engagement within and exploitation of Indigenous peoples and their territories). Colonialism is the body of ideas informing the practice and includes the belief that individuals, peoples, and land can be improved by the adoption of

⁹ It is worth noting Young’s point that for the Indigenous people living under British rule, these types of distinctions were not particularly meaningful. While the British Empire was diverse in location, type, and treatment of its overseas possessions, “from the point of view of the indigenous people who lived their lives as colonial subjects . . . such distinctions have always seemed rather more academic. As far as they were concerned, such colonial subjects lived under the imposition of British rule” (Young, 2001, p. 18).

agrarian labour and land use models, as well as by interaction with a European-dominated economic structure.¹⁰ Colonialism contains a paradox in that it espouses improvement in those it colonizes; however, it possess a built-in hierarchy designed to reproduce the inferiority of the colonized and the virtue of the colonizer in an effort to maintain colonial power, social, and economic dynamics. At the point when a settlement comes to assert its own control over its surroundings and seeks to supersede its colonial features, it can best be described as Settler colonial. Thus, I will use the term “Settler colonial state” to refer to Canada and the United States. Imperialism will be used sparingly to describe the bureaucratic management of foreign spaces by a central government for ideological and financial reasons.

The other key term that needs to be defined is “Métis.” The question “who is Métis?” has been a controversial topic, as scholars try to negotiate a number of historical interpretations and contemporary challenges with Métis identity. Questions of race, mixedness, cultural influence, kinship ties, and geographical distinctiveness have all formed important and controversial objects of study concerning the genesis and consciousness of the Métis. Situating who this study understands to be Métis is linked with—and is as important as—defining colonialism.

Identity and colonial processes are intimately linked for Indigenous peoples as well as Settlers. Michael Hardt and Antonio Negri (2000) make an important point about the way colonialism shapes identity development for both the colonized and the colonizer. They examine the role played by race in the construction of the colonizer’s identity and

¹⁰ This point also does not indicate the success of the ideology in practice. In the fur trade, some Europeans took on the world-views of the Cree or Métis people with whom they interacted.

argue social control is not the only reason racial hierarchies are key to the colonial project. By creating a debased and uncivilized colonized other, the metropole comes to define itself as the opposite. The colonized, in being morally corrupt and evil, comes to explain the European as good and virtuous (Hardt and Negri, 2000). The result is that the racial boundaries between the colonizers and the colonized must be very rigidly regulated (Hardt and Negri, 2000, p. 127).¹¹

Many scholars have noted colonial binaries do not always fit situations inside colonial contexts. Indeed, Hardt and Negri argue that the colonial world never actually fits into an unimpeded binary. However, they do clarify:

Our argument here, however, is not that reality presents the facile binary structure but that colonialism, as an abstract machine that produces identities and alterities, imposes binary divisions on the colonial world. Colonialism homogenizes real social differences by creating one overriding opposition that pushes differences to the absolute and then subsumes the opposition under the identity of European civilization. (Hardt and Negri, 2000, p. 128)

In Hardt and Negri's examination, I am reminded of the comments made by Canadian Prime Minister John A. Macdonald during the House of Commons debate on the 1885 Rebellion. He was asked to reflect on the Manitoba Act 1870 and where he understood the place of the Métis within the Indian/European character of Canada and the North West. He stated: "If they are Indians, they go with the tribe; if they are half-breeds they are whites, and they stand in exactly the same relation to the Hudson Bay Company and Canada as if they were altogether white" (Hansard, July 6, 1885, p. 3113). What I think

¹¹ This is also a good example of the relationship between imperial and colonial processes, where imperialism uses colonization to create and reinforce the identity of the metropole.

this shows is that Macdonald is trying to fit the Métis into a binary that does not exist for Métis people in reality.¹²

Part of the project of both Métis identity literature and Métis historiography has been to dispel the belief that Indigenous and European peoples exist in a watertight compartment. Just as Hardt and Negri suggest, compartmentalizing Métis identity into Indian or European served to homogenize real social differences as well as similarities within a complex and dynamic environment. Believing there to be only one category of Indigenous peoples living on the land needed by the Settler state allows a colonizer to dispossess efficiently. Perhaps reacting to the over simplification of a colonial binary, Heather Devine has pointed out that after 1870, officials from Ottawa dispatched to deal with Indigenous title to the land became aware that there was diversity and complexity with the Indigenous peoples in the North West (Devine, 2004).

Recent scholarship has stressed the myriad of relations Métis people have with other Indigenous peoples, to the effect that the distinctions between Métis and First Nations people made by early and mid-twentieth century historians were—in some cases—without merit. In 1988, J. R. Miller openly questioned “how much longer [scholars] . . . [can] allow obsolete statutory distinctions that were developed in Ottawa in pursuit of bureaucratic convenience and economy to shape their research strategies” (p. 18). Responding to this, Nicole St-Onge (2006) argued that the Métis in their actual, lived context had fuzzy identity boundaries, which can be seen by Métis-Saulteaux marriages. She argues that “prior to 1870, ethnic identities were fluid, relational and

¹² Also note Thomas Flanagan’s assessment of Macdonald’s change of heart between 1870 and 1885, when in 1870 Macdonald argued: “This reservation is for the purpose of extinguishing the Indian title. . . . Those half-breeds had a strong claim to the lands, in consequence of their extraction, as well as from being Settlers” (Flanagan, 2000, p. 68).

situational. Unlike hats, a person could and did wear several ‘ethnic’ identities at once. Individuals having family ties linking them into far flung Saulteaux and Métis kinship networks could easily pass from one to another depending on circumstances” (St-Onge, 2006, p. 9). Heather Devine argued that Métis ethnogenesis was different in different places. While a clear distinction was made between Métis and First Nations people in Red River, in what is now north-central Alberta and Saskatchewan, Métis identity did not take on a distinctiveness until the mid- to late-nineteenth century, in part due to the necessity of economic inter-connectedness between Métis and First Nations people (Devine, 2004). Brenda Macdougall showed how kinship ties between Métis and First Nations people in the English River District served to make the organizing feature of Métis communities their connectedness to family and kin, including First Nations peoples (Macdougall, 2010). Robert Alexander Innes has used the term “multi-cultural” to frame the vast array of kinship ties linking Métis and First Nations people. He points out that scholarship on Métis peoples has missed the very close ties between the Métis and Plains Cree, Assiniboine, and Saulteaux peoples (2012). All of this is to say that being Métis is complex and full of varied relationships, making some of the identity distinctions in law and scholarship less than reflective of lived experiences.

However, this is not to say that there is no distinction. Indeed, all the above authors note that there is uniqueness to being Métis and state that the Métis are their own people. But who is Métis? The 1996 Royal Commission on Aboriginal Peoples (RCAP) in its chapter on Métis perspectives found itself in the middle of this hotly debated topic. From a constitutional perspective, when Section 35(2) declared that the ““aboriginal peoples of Canada includes the Indian, Inuit and Métis peoples of Canada,” did this mean

only the Métis of the historic North West? Or did it also mean that there were Métis who had no connection to Red River and the North West? The commission opted for the safe route and believed that while nobody would question the identity of the historic Métis in the West, there were likely other peoples in Canada who could claim to be Métis in accordance with section 35(2) (Canada, 1996). For example, the commission believed that the Labrador Métis had a strong claim to the identity. This was despite the admission in the Labrador Métis' submission to the commission that they had only started calling themselves Métis since 1982 (Canada, 1996, p. 238). Chris Andersen has argued convincingly that the people calling themselves Métis of recent vintage ought to stop using this term and use their own names and naming traditions (Andersen, 2011, p. 48).

David Boisvert and Keith Turnbull (1985) argue that relationships between the Micmac and Abenake peoples and the French prior to 1775 are proof that mixed-blood peoples can appear anywhere, with or without permanent agricultural settlement. Further, by virtue of ongoing intermarriage between First Nations and Europeans—a process which resulted in the loss of status for First Nations peoples, particularly women—Métis people continue to develop in the modern era. While they spend a significant amount of time outlining the importance of history to the identification of Métis people, a history which focuses almost exclusively on the North West, they problematically conclude Métis people exist in places that have not historically used the term “Métis.”

Part of what Boisvert and Turnbull get caught in is an inability to disentangle “Métis” from “mixed.” In their book on Métis peoples, Jacqueline Peterson and Jennifer Brown (Brown & Peterson, 1985) contextualize their work as being about mixed bloods who are not necessarily Métis. The essays in the book use a small case “m,” because a

capital “M” denotes national identities. They quote the Métis National Council (MNC) statement to the United Nations Working Group on Indigenous Populations in August of 1984: “Written with a small ‘m,’ metis is a racial term for anyone of mixed Indian and European ancestry. Written with a capital “M,” Metis is a socio-cultural or political term for those originally of mixed ancestry who evolved into a distinct indigenous people during a certain historical period in a certain region in Canada” (p. 6). Their decision to use a small case “m” reflected their belief that the essays in the book referred to peoples who may not fit into the Métis Nation.

Andersen takes the literature on the nontribal Indigenous Great Lakes peoples to task, pointing out that in order to attribute a capital “M” Métis to these Indigenous peoples, one must reduce the complexity of Red River Métis to their mixed heritage and non-contextually “transla[te] . . . historical outsider terms like ‘half-breed’ into apparently less ignominious terms such as ‘Métis’ (Andersen, 2011, p. 44). The challenge with an “m” analytical versus an “M” political distinction is that it “seems to naturalize the purities of progenitor collectivities,” which proves less than helpful when trying to understand the complexity of Indigenous peoples in the Great Lakes (Andersen 2011, p. 55). However, it does prove useful in Andersen’s eyes for distinguishing between analytical metis and political Métis, which lends itself to a relational examination of peoples.

Andersen’s important critique seems to point out that the “m” metis literature oversimplifies the complex political development of a people, while reifying the mixedness associated with metis. “Mixedness” is part of many descriptions and analytical frameworks for studies on Métis identity and ethnogenesis. However, mixed

does not a Métis make. And as Paul Chartrand has argued, nor do deep familial kinships a people make (Chartrand, 2007, p. 6). Chartrand argues that “[i]f we look elsewhere around the world, there is not much to support the idea that ‘mixed-ancestry’ people automatically become, and are recognized as, a new people” (2000, p. 6). Indeed, Andersen asks rhetorically that in a world full of mixed heritage peoples who do not use the term Métis, why does being mixed count for so much among the Métis (Andersen, 2010, p. 29)? However, to engage in a relational analysis, one must be open to examining the relationship between peoples and between broader political and economic processes. This dissertation’s contribution is to elucidate the political relationship between Métis people and the political/dispossessive process of colonization. Such a study requires some attention to the Indigenous and European origins of the Métis.¹³

In her work on the Métis of the English River District, Macdougall (2010) notes that the literature has been gripped with trying to determine how much French blood it takes to make a Métis, or how British a person needed to be before they were not Métis, or what percentage of Indian blood was required to count oneself as Métis. She argues that this results in a tunnel vision of sorts with “race” as the focus, to the exclusion of culture. She believes the way out of this racial paradigm is “to move past this preoccupation with whether the Métis were more European than Indian or more French than British because it undermines the authenticity of their identities as Aboriginal people who established a culture intrinsically linked to their homeland” (Macdougall, 2010, p. 14).

¹³ A set of origins which are not unique to Métis peoples within an Indigenous world.

Macdougall's view rises out of, in part, a debate between Frits Pannekoek and Irene Spry. Pannekoek suggested "that perhaps the mixed-bloods of Red River should not be seen as a monolith, but rather as two communities with two separate identities. The one, the English speaking mixed-bloods, sided with the Canadians, while the French speaking mixed-bloods, the Metis, accepted Riel's leadership against the cultural and racial bigotry of the Canadians and, unfortunately, their own English speaking mixed-blood brothers" (Pannekoek, 1976; Pannekoek, 1991; Pannekoek, 2001, p. 114).

Spry tackles this point directly in her work (1985). She argues that both oral tradition and the historical record contain evidence that casts significant doubt on Pannekoek's argument. She identifies individuals fluent in both languages, marriages between the two language communities, and complex economic and political cooperation. Spry notes that the Protestant Halletts married into the French Catholic community, as did many others.¹⁴ To emphasize her point, Spry states that "[o]f greater importance than evidence of mixed parties, freighting, travelling and emigrating from Red River Settlement is the story of the joint mixed-blood-métis struggle against the claim of the Hudson's Bay Company to the exclusive right to trade in furs in Rupert's Land" (p. 108). This included English Protestant involvement in agitation for open commerce and greater say on matters of governance.

Pannekoek acknowledges that his is not a widely accepted view. Interestingly, he argues that Irene Spry provided "the best refutation" of his thesis" (2001, p. 114). Spry "saw the mixed-bloods regardless of their heritage, as united. They were a classless and

¹⁴ I am implicated in this discussion as I am descended from the Halletts that Spry discusses. Gehard Ens also points out that two generations of Halletts married into the French speaking community (Ens, 1996). This also means I have something to lose by not being Métis in the historically consistent terms I am advocating.

free society working in complete harmony with nature” (2001, p. 114.) However, this has not been the last word on the debate. Macdougall’s use of Spry has come under scrutiny, particularly as it pertains to the inclusion of the non-Catholic, English-first-language community in the nineteenth century as Métis. Darren O’Toole (2013) spells out in some detail the dominant strain in the Métis historical literature that distinguishes between the French-speaking Catholic and English-speaking Protestant communities. He takes aim at Macdougall’s argument that the use of terms like ““French-speaking, English-speaking, mixed-blood, Métis, Halfbreed, country born, Catholic Métis, or Protestant Halfbreeds”” in the contemporary historical literature is problematic. O’Toole argues that Spry’s work does not do what Macdougall claims it does, namely ““refut[e] the existence of racial and/or cultural divisions along French and British lines”” (Macdougall qtd. in O’Toole, p. 159). O’Toole believes that Macdougall overlooks Spry’s cautions about her data. He argues Macdougall’s analysis reproduces the very divisions she seeks to eschew.

O’Toole is correct that Spry is cautious about her findings. However, O’Toole appears to deploy Spry’s work problematically, resulting in an overemphasis on the contingent nature of Spry’s data. For the record, Spry states that “[t]hese data, fragmentary and incomplete as they are, cannot be conclusive, but, as far as they go, they do suggest an intermingling of mixed-bloods and métis, fellow feeling and cooperation between the two groups, *not separation* or hostility” (p. 111, emphasis added). Here, one can see that Spry’s point went further than the hostility argument advanced by Pannekoke. And while Spry seems to agree with Pannekoke that the divisions between Halfbreeds and Métis are sectarian, Spry does so with two caveats. First, she stresses how cautious

one must be in using clerical sources, noting that outside of these sources “[v]ery little evidence of conflict, let alone ‘hatred,’ has come to light” (p. 97). Second, her agreement with Pannekoek is a statement of relativity: “[s]uch antagonism *as there may have been* between French- and English-speaking communities was, indeed, largely sectarian” (p. 97, emphasis added). This is not exactly a ringing endorsement of a deep sectarian cleavage in this community. Spry’s concluding remarks seem to temper even her cautions about her data: “[a]s Jennifer Brown concludes in *Strangers in Blood*, the ‘half-breed’ descendants of the men of both the North West and Hudson’s Bay Companies combined to define and defend common interests and finally to take military action in the Rebellions of 1869 and 1885” (p. 113). The point here is that Spry’s analysis does not want for a friend.

Finally, O’Toole seems to miss that if Spry’s analysis does not support Macdougall, its presence ought to cast doubts on the dominant Catholic linguistic trend. Spry’s 1985 work was not supposed to be the last word on sectarian/linguistic cleavages in Red River. It provides reason to be sceptical of O’Toole’s point that “[s]uffice to say, we can more or less take for granted in scholarly works that the Métis and Half-Breeds formed two distinct peoples” (p. 161). Instead, the point of Spry’s intervention is that one has ample reason to be suspicious of this dominant trend, and the question is by no means settled.

Another challenging area to navigate in Métis identity is the use of the term “Half-breed.” Gregg Dahl argues that this term fits his past and identity better than Métis. Dahl sees the word as “historically accurate” (2013, p. 127) and notes that it possessed a

pejorative meaning when used by outsiders in the nineteenth century.¹⁵ As will be shown in the subsequent chapters, the term Half-breed was used in 1870 with a sense of collectivity and pride. However, some of the use here is likely the result of first language preference. As Dahl pointed out, the Manitoba Act of 1870 uses Half-breed in the English text and Métis in the French text. As will also be shown, the English community was working to protect their “Half-breed rights” in 1869-70. More to the point, in Dahl’s bibliography, the work of Irene Spry is conspicuously absent. Given his intervention, one would expect that attention would be paid to the individual who raises the spectre that his interpretation of his ancestors’ separation from the French-speaking Catholic community might be overblown.

Dahl also notes that “[m]eaning is a fluid aspect of words, especially those words used as typological labels for people. Because they are used to sort people into different types, the words can change according to the social categories of the era in which they are used” (p. 127). The literature on the history of ideas has some experience with this orientation. Quentin Skinner has argued that “the understanding of texts, I have sought to insist, presupposes the grasp both of what they were intended to mean, and how this meaning was intended to be taken. It follows from this that to understand a text must be to understand both the intention to be understood, and the intention that this intention should be understood, which the text itself as an intended act of communication must at least have embodied” (1966, p. 48). Skinner believes that an important part of the interrogation of ideas is to try to understand “this complex intention on the part of the author” (p. 49). One of the upshots of Skinner’s intervention here is that words do not

¹⁵ Also see Foster (Foster, 1978, pp. 86-87).

maintain their meaning across time. Rather, they are complexly situated within a host of relations and interactions. Looking at the term “Half-breed” and taking into consideration the term’s pejorative use by outsiders, its reclamation, its fall into disuse, and the evidence on French-English relations at the time, it is possible that the word Half-breed in a nineteenth century context would be recognized as what Métis means today. It is worth noting that a similar variant of this argument can be made about the terms “Indian” and “Aboriginal” in the British North America Act 1867 and the Canada Act 1982.

The point of all this is not to definitively settle the question of Métis etymology, but rather to ensure that the use of a key term is fully enunciated. Being from Red River and part of what some scholars call the “Scrip Métis,”¹⁶ I have elected to engage my own people in this dissertation. I will use the term Métis with the acute accent to refer to a community from Red River, consisting of both Catholics and Protestants of various occupations, including buffalo hunters, fur traders, cart brigades, canoe brigades, and—to a lesser extent—farmers. The use of the French accent here is done out of deep respect to an important part of the genealogy of this word and respect for my French Catholic relations. If the historical record requires it, I will qualify my use of the term or use the term Half-breed. I will use a capital “M” Métis, denoting a complex political community with a national identity. This does not imply political or social unity within this

¹⁶ Scrip refers to both a process and a document. The Canadian government used scrip to extinguish Indigenous title to the land held by Métis people. This was done by issuing a promissory certificate redeemable for land and, in some cases, money. Also see the work of Joe Sawchuk (Sawchuk, 2001).

community.¹⁷ Métis will be used to refer to people originating from the historic community at Red River and other places in the North West, who traded with peoples from the Great Lakes through to the Rocky Mountains. These people possessed kinship ties to other Indigenous peoples around them and developed a unique culture, language, political structure, and self-awareness towards being Métis. While there are many Métis people who can trace their origins to family who took scrip pursuant to the Manitoba Act 1870 and/or the Dominion Lands Act, scrip is by no means the only or the best way of supporting Métis identity. Factors like acceptance from one's people as being Métis are—in many ways—better markers of Métis identity. Being of mixed ancestry does not necessarily mean you are Métis, though this is not to say that a person of mixed ancestry cannot be Indigenous, just that they may not be Métis.

Structure of the Dissertation

The next chapter engages with the thought and work of Howard Adams. Adams was a leader and well-known activist in Métis political and academic life. On top of having a controversial political career, he also had a controversial academic career. Growing out of the Métis political movement led by Jim Brady and Malcolm Norris, Adams emerged in the crucible of radical Indigenous political action, along with Métis writer and activist Maria Campbell. Despite being a known quantity in Indigenous

¹⁷ As will be seen, both the French-speaking and English-speaking communities in 1870 have divisions and disagreements, but as Jean Teiller argued at a talk at UBC, the different first-language groupings were working together as a community. Teiller also argued that a number of the professions of the Métis were not permanent. One could run buffalo for part of the year, then work on the canoe brigades, and then trap for a time, all quite seamlessly. While settled agriculture may be controversial here, there are several examples of Métis who owned farms and also engaged in the hunt and other more traditionally viewed Métis occupations. Prominent Métis people like William Hallett, James McKay, and George Flett all farmed and ran buffalo, as well as trading and guiding on the plains.

political circles, his scholarly work is under appreciated. Adams made helpful and intuitive interventions into the life of the colonized in Canada, while at the same time providing analytical shape to the oppression wrought onto the colonized by historical and institutional domination. However, Adams was less insightful about his own people's relationship with colonialism. Rather than connect his interventions about the historical rootedness of colonial oppression to himself and his people, he instead ran a binary through his work, where the Métis were depicted almost exclusively as colonized people. Adams' ability to advance this argument relies on the view that the Métis were actively prevented from being part of the incoming Settler colonial paradigm. In the chapter that follows, I posit that while Adams' critiques of colonial power and processes captured well an element of Métis relationships with colonialism, a contradiction in Adams' work allows for Métis to possess a relatedness to the colonial enterprise. This uncomfortable positioning is important because it opens a space to examine the greater complexity within Indigenous polities that has not received significant attention in Métis political scholarship.

Chapter 3 explores my theoretical assertions through two illustrative examples from the nineteenth century. The first is the Battle of Grand Coteau in 1851, where the Métis entered Sioux territory in search of buffalo, then engaged and defeated a much larger force of Sioux. I argue that this Métis-Sioux engagement inadvertently weakened the ability of the Sioux to resist American expansionism and undermined Sioux territoriality, thus lubricating the colonial project moving across the United States. The second moment is the well-known Red River Resistance of 1869-70. Over the course of this conflict, Métis relationships with other Indigenous peoples were the subject of

considerable debate. During the drafting of the Bill of Rights in the Convention of 40, the Métis—without the presence of their trading allies and kin—attempted to dispossess most other Indigenous people in the North West in their effort to create a Métis seat of power at Red River. These examples are used to illustrate that in these complex events, the Métis are at once involved in a relationship with colonialism, where they acknowledge they are produced by it, yet make choices that advance their own interests over those of their kin and other Indigenous allies. As a result, Métis create a divisive inter-Indigenous political framework, where Métis claims are framed as zero-sum. Métis people advance their interests in the land to the exclusion of other Indigenous peoples' equally demonstrable interests in the same shared territory. The intention of the delegates at the Convention of 40 was to secure a Métis sphere of power at Red River (at minimum), prior to the full scale arrival of Settler peoples in the North West. In the end, pursuing their exclusive interests did not protect them from the force that made the Métis landless in their own territories.

Chapter 4 looks at the complexity of inter-Indigenous political relationships within the Settler colonizing order of the twentieth century. The power dynamics present in the nineteenth century, which allowed the Métis to negotiate away the interests of other Indigenous peoples, is gone. However, the zero-sum political framework within which inter-Indigenous politics unfold is retained. This chapter examines the creation and break-up of the Indian and Métis Conference between 1954 and 1969. In this annual gathering, the Métis confront the complexity of their position within the Settler state, which has been made more difficult by new layers of legal categories dividing Indigenous peoples. Métis delegates at the Conference find themselves unable to advance their aims

in a Treaty-Indian-dominated organization. This, coupled with the Treaty community's desire to agitate without their Métis kin, leads to the breakup of the Conference and the establishment of the Manitoba Métis Federation.

This fourth chapter argues that there was an effort over the life of the Conference to create an Indigenous political organization based in Winnipeg. After describing this drive, I look at four ways to make sense of the politics behind the breakup. First, Howard Adams' intervention into the power dynamics between colonizer and colonized suggests the breakup is part of a complex and multifaceted colonial divide and rule tactic that implicates Indigenous leaders. Second, Bonita Lawrence's work suggests that Métis people within the Conference are embracing and organizing around imposed colonial identities. Third, the legal and historical contributions of Paul and Larry Chartrand suggest that the breakup was inevitable, because as a distinct people, the Métis need their own vehicles for political agitation. Finally, cutting across the previous three, the politics of the breakup represent a failure to see the zero-sum political relationships at play in inter-Indigenous politics. Unlike the events at the Convention of Forty, the Métis in the Conference do not attempt to colonize, intentionally or unintentionally, a particular space. However, like the Convention of Forty, they are engaged in complex anti-relational politics that reproduce and reinforce zero-sum inter-Indigenous competition. The Conference heralds the beginning of formal political organizations designed to promote Métis interests ahead of their kin and other colonized Indigenous peoples.

Chapter 5 examines the complex relationship with colonialism through one of the most important land claims cases in Manitoba since 1870. The Manitoba Métis Federation brought suit alleging that the Manitoba Act 1870 was implemented improperly,

resulting in the loss of Métis land. The land covered in the case is most of present-day Winnipeg. The courts, by virtue of their zero-sum design, provide an uneven arena for zero-sum inter-Indigenous competition to unfold. I argue that looking at the interaction between the MMF and Treaty 1, peoples seeking leave to intervene illuminates the way courts exacerbate zero-sum political dynamics already at play in a colonized inter-Indigenous political world. By interrogating the important interventions made by Andrea Smith on the moral limits of the law, I show that a further consideration of using law as a strategic tool also includes the way legal institutions structure relationships between Indigenous peoples within the uneven and shifting ground of court litigation. Further, by using the courts, the Métis continue to negotiate badly their complex relationship with colonialism and place added stress on their relationship with other Indigenous peoples. The intention of this chapter is to caution against litigation-based political action for Métis people.

The dissertation concludes by returning to the work of Howard Adams to argue that there is political utility in embracing the awkward and contradictory framework he sets up and I build on. Inter-Indigenous political coordination and collaboration is key to challenging the colonial enterprise; however, such a solidarity must be relational in its orientation. Decolonizing Métis politics can, counterintuitively, be aided by embracing the space opened by Adams' thought. Appreciating the long and complex relationship with and within colonialism lays the groundwork to engage with decolonization in a fashion that is informed and sensitive to the pitfalls of zero-sum political engagement. The point of this dissertation is not to paralyze Métis political action, but to ground it relationally. This is a view Adams would have appreciated, given his passion for

interrogating the historical dimensions of colonialism as well as his belief that Indigenous unity was a major threat to the colonizer's legitimacy and control over the land.

Chapter 2: Howard Adams and Métis Relationships with Colonialism

“In the forest, on the river, and across the western plain,
As the white man journeyed westward to the land of the Indian.
A new race was created, a new nation rose up strong.
Hardship as its destiny, and its curse to not belong.

In the land from which they came, in the land they helped to build.
They found themselves the alien, found their vision unfulfilled.
And despite their valiant effort, to defend what they believe.
When at last the battle ended, they were only left to grieve.”

—Proud to be Métis (The Metis National Anthem) (1991)¹⁸
Lyrics by Clint Buehler, Music by Dennis Charney

There are a number of reasons Howard Adams makes sense for this project. First, he is Métis and dedicated his intellectual career to unpacking the oppression of his people within the Canadian colonial context. Ron Laliberte (2007) credits Adams with being the first Métis to earn a PhD. Adams was a major leader in the field of applying important insights gleaned in colonial Africa to the North American context. Second, while he devoted intellectual energy to understanding Métis oppression, he also invigorated Métis political movements and sharpened the focus of Métis activism on processes of colonialism in the 1960s and 1970s. Adams was a seminal figure both in Native activism and Indigenous thought. Right up until his death, Adams was engaged in political struggles and establishing Métis organizations designed to pursue the interests of his

¹⁸ It is important to note that there are several anthems with which Métis people may identify. The Red River Jig is often described as the unofficial Métis anthem, while others may point to the music and poetry of Pierre Falcon, who is sometimes called the bard of the Métis Nation.

people. The combination of his scholarship and activism shines a light on the untold story of Métis oppression by processes of colonialism and Settler colonialism as well as the important ways that oppression can be resisted. He also is instructive on the kinds of political action that undermine Métis and Indigenous resistance movements. His work, drawn from a phenomenological methodology as well as the work of other activists and thinkers, provides a still salient examination of the interplay between history, politics, and colonialism.

The other reason that makes Adams worthy of examination is his failings on issues of gender. Adams, in both his personal life and thought, advances a brand of sexism that depoliticizes Indigenous and non-Indigenous women. His line of argument misses the important insights offered by Maria Campbell on the fashion in which colonial violence manifests in predatory and violent forms in the lives of Indigenous women. Worse, Adams constructs Indigenous resistance to colonial power in a way that adds to these horrendous experiences of colonial domination. He also builds a heteronormativity directly into his thought that further narrows his political usefulness. While I offer that Adams' interventions here may not be salvageable, I would also offer that it is imperative in our examination of important scholars that we appreciate their failings on gendered politics as an opportunity to build gender-inclusive political and decolonizing strategies.

While authors like Frantz Fanon, Maria Campbell, Jim Brady, Malcolm Norris, Albert Memmi, Taiaiake Alfred, Glen Coulthard, and others have contributed to understanding oppression in colonial contexts, Adams' approach makes him particularly germane to this dissertation. Thinkers like Campbell, Brady, and Norris are all Métis and place Métis experiences at the centre of their writing and/or activism. However, Adams

includes an important blend of Métis historical illustration with two other elements: his phenomenological approach to understanding colonization in Canada and theoretical interventions on the ideational project of colonialism. Certainly, anyone familiar with the work of Maria Campbell and the excellent contribution made towards understanding the colonial experience through the eyes of Métis women will point out that *Halfbreed* contained the first element. However, Campbell does not link her work well to the history of the Métis in the North West. Adams makes a great effort to weave his phenomenological approach, theoretical interventions, and the broader history of his people together.

From a young age, Adams was concerned with the political happenings in his life. It was after completing his doctorate on the history of education in 1966 at the University of California Berkley that Adams returned to Saskatchewan, where he was quickly swept up into Métis politics of the day. He became the president of the Métis Society of Saskatchewan from 1969 to 1970 and was instrumental in organizing Indigenous peoples' conferences and gatherings. Adams took over the political fight from Malcolm Norris and Jim Brady, who had been organizing Métis communities in Alberta and Saskatchewan since the 1930s (Dobbin, 1981, p. 236). Like Norris, Adams was reluctant to take government funding for fear of what this would do to the independence of the movement (Pitsula, 1997). Adams' insight into the way Settler-colonial governments take control of Indigenous political institutions remains relevant and certainly has been noted by other Indigenous scholars (Alfred, 2009; Campbell, 1973; Coulthard, 2007; Coulthard, 2014).

Adams is an example of the way intellectual interventions can be combined with activism to challenge colonial power relations. Intellectual interventions need not be

paralyzing to political change; on the contrary, Adams shows how action can mix with research to inform the decisions one makes. Different theories and research serve to inform activists about the dangers and pitfalls of engagement with the state. The challenge, and this was true for Adams, is to be aware enough to make connections between one's activism and one's research. A weakness in Adams' analysis is the way he effaced the complicated position Métis find themselves in within a colonial framework.

This chapter will argue that while Howard Adams made particularly insightful interventions on the psychological and political aspects of colonial oppression, his analysis of his people's history was characterized by a binary: while productive, this binary shrouded important complexities in Métis experiences with Settler colonialism by promoting one facet of the Métis-colonial relationship over others. Specifically, Adams' use of a Native/Settler binary constituted Métis as colonized subjects; however, his approach could not account for other relationships with colonialism. The fallout, for the purposes of this chapter, is that Adams cannot accommodate different and complex Métis positionalities within the theory or lived politics of colonialism. This intervention stems from an unexamined contradiction within Adams' work, whereby he sets up his people to be the subjects of European colonial domination while also using laudatory terms to describe his European fur trade progenitors, without connecting the two points. I offer that this contradiction in Adams' work unearths a complex and multidimensional relationship with colonialism for Métis people, where they are colonized subjects while also being the products of colonialism. The utility of the contradiction in Adams' work is that it provides space to examine and decolonize Métis political relationships. My intention in this chapter is not to paralyze Métis activism; rather, I hope to better inform

the action taken by Métis people and to encourage political agitation to be sensitive to the myriad of colonial relations within which Métis live. Counterintuitively, looking at the contradictory relationships in which Métis people are embedded leads to a greater possibility for engaging in pan-Indigenous political agitation. Adams himself would be pleased with such a project, given his interest in building greater Indigenous unity.

Colonialism as Understood by Howard Adams

In *Prison of Grass* (Adams, 1975; Adams, 1989), Adams outlines the components of colonialism. The first is an attack on Indigenous peoples' political systems. He describes the pre-contact political structure, highlighting the communal orientation of Indigenous political systems where a chief is a relatively unimportant actor. Instead, familial clans were organized into tribes, which were governed through a tribal council. The council made decisions through consensus in public assemblies. Europeans amplified the role of chiefs as a tool to control Indigenous societies, where "chiefs supported by whites took power beyond that traditionally accorded to them by Indian government; furthermore, Europeans recognized chiefs in capacities not rightfully acknowledged within the Indian system" (Adams, 1989, p. 21). Thus, the first project of colonialism in Adams' view is to undermine Indigenous governing structures such that European ones can be inserted for ease of control of Indigenous populations.¹⁹

Adams makes an important point here about the operation of colonial dynamics on Indigenous governance structures, though exploring a Métis political institution like

¹⁹ As a Marxist, for Adams to suggest that Indigenous political institutions are attacked before economic institutions may seem unusual and less than compelling. However, the components examined by Adams are not interesting for their inaccuracies of rank. Whether they are ordered correctly or not is less important to my argument than the gaps created by Adams' analysis about how his people interact with those components.

the buffalo hunt may have forced Adams to accommodate greater complexity in his argument. The buffalo hunt was a central Métis political organization that combined military and political structures to ensure order in the hunting camp. An organized hunt was key to the success of an expedition and provided protection from external threats. External threats often referred to other Indigenous peoples that a hunting party may encounter while out on the plains (Bumsted, 2003; Daniels, 1979). This organization and political structure proved important both at the Battle of the Grand Coteau in 1851 and at the Battle of Batoche in 1885 (Morton, 1970). The destruction of the herds, in which Settlers are implicated to no small degree, was devastating to the Métis Nation because the hunt played a key institutional and economic role.²⁰ However, the organizational premise of the hunt and its constitutive components were also used to defeat other Indigenous peoples on the plains (Miller, 2004; Morton, 1970). In this case, it is unclear how Adams would respond to the use of a Métis political structure as a military tool against other Indigenous peoples. This question starts to show the political and military complexity of the fur trade era, a period that Adams would have identified as deeply colonial. Further, an examination by Adams of the hunt might have yielded a strong link between the first and second stages of colonialism.

Adams argues that the second stage of colonialism is economic subjugation. From the early days of the fur trade, Adams identifies the racist attitudes among European adventurers and traders that provided the moral certitude to rig the mechanics of trade against First Nations peoples. Weights and measures were tampered with to

²⁰ By examining Métis political structures like the hunt, Adams might have made interesting connections with the interaction of contemporary Indigenous organizations and the Settler state. There is evidence that suggests the Settler state engages in exactly this type of co-optation of Métis governing structures (Morrison, 1995; Pitsula, 1997).

provide inaccurate trade ratios, and trading posts were strategically positioned to act as military bases in addition to economic hubs deep inside Indigenous territory. Adams argues that the activity of trapping furs itself resulted in disruptions to First Nation societies, as men left communities to live on trap lines and would come to be dependent on trapping and on the fur trade companies (Adams, 1989, pp. 27-28).

Adams believes the third stage of colonialism involves undermining Indigenous culture. Adams is adamant that if cultural activities were undertaken by Indigenous peoples with their original intent, those activities would still be banned and discouraged by the Settler state. The point of culture was to bring strength to Indigenous peoples and their struggles. The types of cultural practices on display at events like the Calgary Stampede, according to Adams, are colourful yet depoliticized displays and receive the blessing of white authorities because they do not challenge white supremacy in Indigenous communities. Without the strength derived from culture, Indigenous peoples are placed on display as relics of a primitive past, where Settler society “come[s] to regard Indians as quaint barbarians” (Adams, 1989, p. 36).

Here, Adams is again quite insightful. He takes aim at sterilized culture in a number of publications and laments that what is done today by Indigenous peoples has been stripped of its political significance, even going so far to argue that if Indigenous peoples practiced culture with its political intent, the Settler state would be forced to imprison every dancer, singer, drummer, fiddler, and jigger (Adams, 1989). Adams targets the Calgary Stampede, but one could just as easily insert the province of Manitoba’s Louis Riel holiday in February. Here, the province celebrates Riel as the founder of the province without making any connection to the political conflict over the

survival of a Métis territory in the North West, which was a central part of Riel's 1869-70 resistance. A concerted effort to see this day in its Métis political spirit would be inherently destabilizing to the legitimacy of the Settler state in its provincial form.

Adams sees the internalized derogatory images as the final act of colonial oppression. He argues:

Also injected into the views of native culture was the belief that Indians and Métis lack moral values. White-supremacy claims that natives have always been immoral and dishonest and that it is a losing battle to attempt to make them live up to decent moral standards. Frustrated and confused by their state of powerlessness and oppression, native people sometimes turn to social behaviour consistent with racial stereotypes. Indians and Métis become subservient and grateful and therefore vulnerable to manipulation and exploitation by the authorities. In this way, native people weaken themselves politically. Some weaken themselves further by internalizing such racial images as the drunken, irresponsible, and shy native. Consequently, whites can claim that their stereotypes are correct, which, in turn, reinforces their racist attitudes. (Adams, 1989, pp. 42-43)

Adams connects this to his project of explaining history from a Native point of view. He says that the colonial project is designed to deny Indigenous peoples a history of which they can be proud. The result is that the only history to be told is one in which Indigenous peoples are forced to see themselves in the images advanced by the colonizer, and when Indigenous peoples themselves accept those images and reject their "Indianness, it is a sure sign that colonizing schemes of inferiorization have been successful" (Adams, 1989, p. 43).

For Adams, colonialism takes on a psychological and historical orientation. Indeed, many of the thinkers who influenced his life were also committed to these same intellectual interventions. Adams quotes and paraphrases Frantz Fanon and Malcom X extensively (Simmons, 2002). His use of his experiences in his hometown of St. Louis,

Saskatchewan, allows him to identify the racism of his “Halfbreed ghetto” and understand that racialized space is created by colonization. Indeed, Adams can also be seen as part of an intellectual tradition that has taken the psychological and historical dimensions of colonial oppression of Indigenous peoples seriously. After the publication of *Prison of Grass* in 1975, Adams became an important driving force behind applying the insights gleaned by Fanon in Algeria to the experiences of colonial domination in North America.²¹ This trajectory of thought from Fanon to Adams continues to be re-examined and refined in the work of other Indigenous scholars like Taiaiake Alfred (2005) and Glen Coulthard (2009, 2014). Adams’ use of his and his people’s experiences captured the important and devastating inferiorization stemming from colonial renderings of Métis history, an insight derived directly from Fanon’s work. Illuminating and overcoming this dynamic has been essential to the work of subsequent Indigenous thinkers.

Who the Métis Are for Adams

As outlined in the introduction, there are many different and contentious ways to situate Métis identity and Métis genesis. For Adams, the question becomes important given the conundrum identified in his analysis of the first and second parts of colonial domination. Like Fanon, Linda Smith, and Vine Deloria, history in Adams’ work takes on a political dimension as he links history, and especially the telling of history, with the effort to keep Indigenous peoples in positions of weakness vis-à-vis colonial and Settler

²¹ While Canada was Adams’ primary focus of inquiry, he did examine the bureaucratic authoritarianism within the Bureau of Indian Affairs in the United States. Mexico appears in his work as an example of the third world’s struggle with what Adams came to understand as neo-colonialism. In today’s parlance, many would recognize his analysis as a critique of neo-liberal economics.

colonial powers. Adams states that “[w]hite supremacist academics and quasi-apartheid institutions have vested interests in maintaining and controlling Indian and Métis people and their intellectual thought” (1999, p. 29). History is also important for its ability to help situate oneself within a complex web of interactions. Adams uses history in this way to explain the development of Métis people and, as was mentioned above, the historical dimensions of colonial oppression.

For example, the same moral certitude that Adams identifies as key to undermining fair trade with Indigenous peoples is present in the foundation of the European fur trade project.²² In the opening pages of *Tortured People: The Politics of Colonization* (1999), Adams argues:

European pirates claimed that it was their right to conquer and possess whatever land came into their vision. As lords of an aspiring empire, the Hudson’s Bay Company officials were given “possession of all the lands within the drainage basin of the Hudson’s Bay – a vast area which included the greater part of all the prairie provinces as well as the barren tundra of the north.” These English nobles who had never traveled [sic] to North America obtained a charter from the King of England which gave them nearly half of the land of Canada. Europeans, according to their philosophy, had the right to plunder Indigenous lands and seize them as sovereign territory. (1999, p. 3)

Other than the moral certitude informing the ideology of European fur trade activities in his 1975 work, Adams does not connect this statement to anything else. However, reading this in succession with his work on the historical stages of colonialism makes plain an interesting problem: how do his people fit into his own critique of colonialism? If Adams is correct and the fur trade and the racist assumptions attached to its operation

²² For additional information about the relationship between the fur trade and other Métis economic interventions, please see Gerhard John Ens’ *Homeland to Hinterland* (G. J. Ens, 1996).

were destructive forces for Indigenous peoples, how does he situate himself or the Métis people within that history?

Framed this way, the question makes unclear some of Adams' explanations of his own identity. For example, he states, "[m]y mother, a French Catholic Halfbreed, is a descendant from the union of the Coureurs de Bois and a Plains Cree woman. My Father, an English Protestant Halfbreed, came from the gregariousness of the English fur traders and a Swampy Cree women" (Adams, 1999, p. iv). On one hand, he identifies the fur trade as disruptive and destructive to Indigenous societies, and on the other, he uses favourable language to describe the intermarriage with the "pirates" of colonialism. This tension exists in much of Adams work and is never investigated. Adams can be critical of the colonial domination contained in the fur trade and be proud of the "pirates" who perpetrated it without it being a problem.

While he situates his personal identity closely with his European and Cree antecedents, he also places a high degree of importance on this interaction for his people as a whole. He argues that "[t]he Métis emerged in North America as a distinct racial group of people. We are part European, and have been influenced by Eurocentric society, but most of us could never be an integral part of it . . . For us, the world is divided in two and there is no in-between, in one half lives the colonizer, the dominant Euro-Canadians, and in the other lives the colonized and the subordinate Aboriginals" (1999, p. 29). Adams believes that Métis people have been segregated in identifiable Indigenous spaces by Europeans and thus excluded from mainstream society.

This makes Adams' understanding of his place within a Settler colonial space clearer. His assertion that the Métis are the products of intermarriage that have to a

unique and self-aware community is conceptually separate from the larger process of colonization, due to the relegation of Métis peoples to the sidelines of the society emerging after the arrival and permanent settlement of Europeans. If the logic behind the fur trade and the arrival of Europeans generally is “driven by an ideology characterized by an intense racial, cultural and religious superiority” (1999, p. 29), as Adams argues, how can he paint with one hand his and his people’s genesis and with the other underpin the ideology of colonial domination without ever connecting the two? It seems the answer is that he separates the larger process from the relative political power of the Métis, which allows him to avoid talking about how his own people might be connected to the larger process of colonialism.

The formulation of this idea in 1999 had its antecedents in Adams’ earlier work. In 1969, Adams wrote an article in which he started grappling with the meaning of colonialism. The article, titled “The Cree as Colonial People” (1969), was not so much about the specific experiences of the Cree as it was about colonialism and its impact on Métis and other Indigenous peoples. While he does not endeavour to define his community or attempt to distinguish it from other Indigenous communities, he lays down an important part of his understanding of colonialism. He argues that “[b]y definition, a colonial situation is created the very instant a white man appears in the midst of a native community” (p. 121). He goes on to explain the destructive psychological properties of colonialism on Indigenous peoples as well as the economic aspects of colonial domination.

This early examination of colonialism establishes for Adams a binary to which his subsequent work would remain true. Métis and other Indigenous peoples are placed on

one side of a colonial divide and non-Indigenous peoples on the other. It also highlights his first interaction with situating himself and his own people within his explanation of colonial power relationships. Instead of interrogating his relations within a colonial frame, he highlights differences in colonial policy between First Nations, who are forced onto reserves, and Métis, who are driven into the hinterland. This gives the Métis an uncomplicated relationship with the processes that unfolded to not only create them, but also render them powerless in their own territories.

Adams carried on this line of thought in another article, titled *The Unique Métis* (1977). In it, he argued that “[i]n order to understand the unique position of the Métis in Canadian society, separate from both Indian culture and White society, we need to know their [Métis] history” (1977, p. 48). He goes on to argue that the Métis arose out of the fur trade between Indigenous peoples and fur trading companies, like the Hudson Bay Company and the North West Company. While policies towards intermarriage and employee/Indigenous relations differed, a large halfbreed population nevertheless emerged around the trading forts, particularly in Fort Garry or what is now Winnipeg. This formulation remains largely consistent with the views he would express in 1999.

Of particular note is his understanding of Métis vis-à-vis mainstream society and other Indigenous peoples. Adams states:

Regardless of the geographic origins or particular social circumstances of the various Halfbreed groups, they developed as a racial group distinct from “Reserve Indians” and from ethnic immigrants. In addition, they were never assimilated into white society. This is a distinction which cannot be overemphasized. A conquered indigenous race of native people is a very different social phenomenon from Caucasian immigrant Settlers. In the first place, the indigenous race are the original dwellers (in the case of the Métis, their mothers) who are conquered by a more

technologically advanced people, such as western European nations (1977, p. 48-49).

Once more, remaining distinct from the order that was imposed upon them serves to unify Métis people and other Indigenous peoples. This allows Adams to disentangle his people from their fur trade origins and situate them in a “world [neatly] divided in two,” with no “inbetween.” This is also interesting for its location of Métis Indigeneity in the parentage of the mothers who gave birth to the people who would become the Métis. Again, one sees Adams criticizing the presence of Europeans in Indigenous territory, yet there is no further inquiry into the potential connections between children of Indigenous-European unions and the process of colonialism.

It is worth pointing out that Adams’ understanding contains two views that may appear contradictory. On one hand, he argues that the Métis are part of a broader group of colonized people. This broader group includes all Indigenous peoples and is part of a binaristic world with Settlers in one aspect and the colonized Indigenous peoples in the other. On the other hand, he is also arguing that among Indigenous peoples, the Métis are not Indians. Indeed, the point of his article “The Unique Métis” is oriented to making this distinction. While it appears that the diversity within his binary seems to undercut itself, it is important to note that it is not necessary for Adams to see the Indigenous world as homogeneous for there to be a world divided in two. What is interesting here is that he appreciates the complexities of his Indigenous world without seeing the complexity of his people within the colonized world. He instead uses Métis isolation

from the dominant spheres of colonial power to place his own people firmly into the world of the colonized.²³

To substantiate this claim, he goes through the ways Métis and other Indigenous peoples were marginalized by the colonial and Settler colonial powers. He points out the destruction of the buffalo herds along with a “ghettoized mentality” that separated Métis people from white society. He argues Métis people were not given access to full political participation in the new order after Louis Riel was denied his seat in Parliament. Governments attempted several settlement schemes for Métis people, which also kept them isolated from white society (1977, p. 49). All of these examples are deployed to substantiate his claim that the Métis were not part of white society and thus not implicated in the system of colonialism unfolding around them.

He continued this thread in an article titled “The Métis” (1985). He outlines two different Métis genesis stories, one rooted in fur trading in New France and the other in HBC trading on the Prairies. In the summation of his argument, he again claims it is important that Métis are separated from the colonial power:

Halfbreeds were the offspring of Indian mothers and European fathers – in most cases, unmarried – who were “soldiers of fortune.” Hence, most Halfbreed children remained in the Indian society and later became part of the semi-autonomous Halfbreed sub-society. Although the Métis have lived on the border of Mainstream society throughout history, they have remained segregated and isolated from white society. At the same time, they were not an integral part of Indian Reserve society. (p. 79)

Adams first stresses the intermarriage of Europeans and Indigenous peoples that created the Métis and goes on to explain Métis exclusion from both the emerging Settler colonial

²³ This also suggests that Adams has a very clear understanding of the political origins of his people in the North West, as distinct from those of other mixed-blood communities.

society and reserve life. Adams reconciles his understanding of colonialism with his own people by linking Métis genesis to political, psychological, and cultural exclusion from other Indigenous or Settler spheres of power.

Adams' Understanding of Colonial Power and the Gendered Nature of Métis Genesis

Built directly into the preceding understatement of colonialism offered by Adams is a highly sexualized construction of colonial power. While his understandings of Métis and Settler relations are both problematic and insightful, his understanding of colonial power from a gendered perspective is almost exclusively problematic. Colonial power for Adams operates in an overtly gendered fashion. In *Prison of Grass*, Adams gleaned an important insight into the way colonial power constructs Native people generally and Métis women in particular during an interaction with the Royal Canadian Mounted Police in the fall of 1939 (1989, p. 38). Two Mounties drove him to work and ridiculed Métis women as depraved sexual beings. Adams recounts the conversation he had with the Mounties: “Although they seemed to have an obsessive interest in native girls, they were also implying that Métis girls were little more than sluts and too dirty for Mounties. One asked, ‘Is it true that they’ll go to bed with anyone for a beer?’” (pp. 38-39). When Adams threatens to jump out of the moving squad car to escape his tormentors, the Mounties turn up their racist and sexist hate speech:

“Jump off, so that’s it.” They roared on about “jump on, jump off, breed games, up and down, in and out, and halfbreed fun.” Finally they let me out and drove away in a thunder of laughter. I turned and ran down the road with their mockery ringing in my ears. Shame was burning in my mind like a hot iron. I ran as if I was trying to outrun the Mounties’ image of the Métis. I ran till I was exhausted, swearing, spitting, and half crying. That is how

the famous redcoats of law and order respect the native people and their society. (p. 39)

As one can see from Adams' reaction to this exchange, Adams is hurt deeply by the Mounties portrayal of Métis women.²⁴

While this experience shows the gendered element of macro-colonial violence, Adams constructs his own gendered colonized mentality in similar terms. Colonial power for Adams contains a problematic desire for whiteness that manifests in a decidedly gendered way. This desire is more than wanting to become white, it is a sexualized desire for white women and the spurning of Indigenous women. Adams enunciates this dynamic when reflecting on his relationship with his family. He states that his family was an unwelcome reminder that he was Indigenous. He says his family “reminded me of everything that was halfbreed. I was making it in the white world and I didn’t want anything holding me down. *All my friends were white, especially girlfriends*” (Adams, 1989, p. 123, emphasis added). Adams expands on this “especially girlfriends” comment and explains that the desire for white women as lovers, for him and his people (p. 144), is itself an expression of colonial domination.

He describes his overwhelming attraction to white, blonde-haired, blue-eyed women and situates this within a desire for a white ideal that is imposed by white power structures. In the operationalization of this ideal, Native women symbolize oppression and white women symbolize freedom. Adams said the white ideal made him hate those things and people that reminded him of being Native. He explains that “[e]very time I put my arms around a native girl I embraced oppression, but when I hugged a white girl I

²⁴ One year after this interaction, Adams joins the Mounties and serves with them for four years (1940-1944).

hugged freedom. I always felt that I would never have complete freedom until I had a white woman in my arms, in my life, in my bed. Until that day came my entire existence would be plagued with oppression” (pp. 142-143). Adams explicitly grounds this view in Eldridge Cleaver’s *Soul on Ice* (1967). Adams believed he and Cleaver experienced colonial oppression in the same way, where domination makes one’s people—or more precisely, the female members—from his colonial, heterosexual perspective ugly and undesirable.

This formulation becomes even more problematic as Adams constructs Native male desire for Native women as a type of gauge for one’s engagement with one’s colonial mindset. The act of being attracted to a Native woman becomes an indicator that one is confronting their colonized mentality successfully. So, the more Adams came to see Métis women and his people as beautiful (and this includes as objects to be desired), the more he was engaged with resisting the white ideal.

Adams and his thought are gripped by a particular brand of sexual power. On its face, it is heteronormative, sexualized power that constructs women without political agency, and paid no heed to Native women as political leaders in their own right. Indeed, his relationship with Maria Campbell—an accomplished Métis political leader, writer, and committed activist—shows that Adams wrestled to see her as a political figure that contributed to the struggle in which they both were engaged (Adams and Lutz, 2005, p. 242). Further, as we know from Maria Campbell’s *Halfbreed* (1973), Adams missed the way colonial power manifests in a form that is horrendously violent and predatory in the lives of Métis women. Campbell describes how this violence is perpetrated through rape and exploitative sex trade, and, in many cases, at the hands of Indigenous men (Campbell,

1973). To construct Native women as yardsticks of male psychological engagement with colonialism perpetuates additional violence against Indigenous women. While Adams may very well experience colonialism in the terms he describes, the generalization of his particular experience, explicated through a phenomenological methodology, to the whole of the Métis people is not compelling. For these reasons, I do not believe Adams' views on the gendered nature of colonial power are recoverable.

What makes his views here all the more problematic is the genesis narrative discussed in the previous section. The genesis of the Métis people that Adams enunciates contains additional gendered dynamics, whereby Adams and his people come into being through Native women. While there is evidence that fur trade relationships could be and were filled with love and deep affection (Macdougall, 2010; Van Kirk, 1980), the point remains that the colonial domination Adams describes creates his people through unions with Native women. Further, as the next chapter will discuss, this takes on an explicit political dimension when Métis people ground their Indigenous claims to the land through their Indigenous mothers.

Thus, not only is it important to identify the complex and multidimensional political relationships Métis people have with colonialism, but it is also important to identify the way these operate in gendered and heteronormative ways. Adams' handling of gender issues is a critical weakness in his thought. Moreover, from a political perspective, he depoliticizes half of all Native people, making his own goal of broader Indigenous political agitation harder to achieve. Finally, I point out this weakness as an important and potentially productive area of research in Métis politics.

Interrogating the Binary: Shrouding Some Relations While Promoting Others

Adams' framing of Métis history and oppression shrouds some of the complex relationships in which Métis people find themselves while highlighting others. Using a strict binary between Métis as Indigenous peoples and Settler society allows Adams to focus intensely on the relationships of colonial domination that Métis people experience in their communities and in their politics. To be clear, this binary is productive for its ability to frame Indigenous state conflict clearly, while also allowing Adams to address the immediacy of his and his people's political situation. By tracing the racist logics that underpin both the fur trade and Settler efforts to marginalize Métis people and their representatives, Adams provides much needed insight into the way colonialism has brutalized Métis spaces, psychology, and self-esteem. For example, he deftly traces the denial of a Métis power base at Red River after the arrival of Colonel Wolseley's troops and concludes it was an exercise in subduing and agitating native people (Adams, 1975, pp. 61-63). Any disruption to the logic underpinning this imposed order becomes dangerous to the stability of the incoming Settler state and must be pacified. Indeed, his description of Ottawa's effort to purchase Riel's silence shows that colonial violence on Métis people comes in a physical and political form.

This productive binary is what I interpret Glen Coulthard (2014) to mean by his use of Frantz Fanon's "emotional factors" to frame his interventions on resentment (p. 112). Coulthard notes that Fanon sees the colonial world as Manichaeian, meaning divided by the ongoing struggle of two mutually antithetical powers.²⁵ Such a world produces an "internalized negative energy" in colonized subjects (p. 113). These

²⁵ According to Todd Calder, this is sometimes framed as a battle between good and evil. The term contains a theological connotation, where God and the Prince of Darkness engage in war, and Earth is but one venue for this binaristic battle (Calder, 2013).

negative reactions among the colonized drive a desire to have or retake the world of “land, freedom, and dignity” that the colonizer has placed beyond the reach of the colonized (p. 113). Coulthard argues that this resentment lays the psychological groundwork for decolonization:

Although Fanon is quick to insist that the “legitimate desire for revenge” borne of the colonized subject’s nascent “hatred” and “resentment” toward the colonist cannot along “nurture a war of liberation,” I suggest that these negative emotions nonetheless mark an important turning point in the individual and collective come-to-consciousness of the colonized. More specifically, I think that they represent the *externalization* of that which was previously *internalized*: a purging, if you will, of the so-called “inferiority complex” of the colonized subject. (p. 114, emphasis original)

In this way, Adams’ deployment of a binaristic analysis to his and his people’s domination marks his explicit and comprehensive rejection of the imposed psychological violence perpetrated through colonialism. In this light, one can see that Adams’ binary possesses both an analytical utility—it allows him to focus on the subtle and not-so-subtle (historical, economic, ideational, political) contours of Métis oppression—as well as a psychological utility in that it seems to inform Adams’ broader engagement in purging the inferiority complex he identifies throughout his work.²⁶

²⁶ There is a need to further examine the interplay between Adams’ and Fanon’s thought. To emphasize this need, Coulthard’s work offers that the colonized coming to see themselves and their world in binaries is absolutely necessary yet insufficient for achieving a broader movement (both political and physical) away from colonial oppression. Thus, Adams binary is productive, but only to a point. A full rendering of Adams intellectual interaction with Fanon is needed to unlock the full potential of Adams’ binary. This task is made more difficult by Adams’ infrequent use of citations. It becomes challenging to know precisely when and how he is deploying thought from other scholars. In order to better understand the relationship between Adams and other anti-colonial thinkers, a combined methodology of comparative genealogy of thought and historical triangulation may prove helpful for coming to a clearer understanding of Adams’ deployment of Fanon in particular, and to a lesser degree, Memmi.

The binary also allows Adams to see clearly the problem of state-funded Indigenous political organizations. These types of organizations were not a new concern to Métis people, as Malcolm Norris and Jim Brady were leaders in resisting state money in the Métis political movement. However, Adams' binary supported an intuitive scholarly analysis about violence taking the form of Settler-funded Indigenous political organizations. Adams was contributing to both the theory of colonialism as well as the practice of Indigenous resistance when he said the Bureau of Indian Affairs' effort to bestow benefits and government job programs on Indigenous peoples was an attempt to undermine "the popular struggle of the colonized" (Adams, 1984, p. 32). Adams also views the creation of Métis government authorities as the inculcation of Indigenous inferiority into the minds of the colonized, with the result that a new level of Indigenous bureaucrats serve to make the face of colonization Indigenous as opposed to Settler (Adams, 1989; Adams, 1984). Using this intervention, James Pitsula draws on Adams' theory and activism to trace the Thatcher government's use of provincial money in the 1960s to control the agenda of Indigenous political organizations in Saskatchewan. Pitsula shows that, in some cases, colonial violence takes the form of political co-optation through direct grants to Métis organizations, through access to provincial programs and ministers, and through funding organizations that support the government over those critical of its policy. Pitsula identifies a moment where Thatcher points to a Métis organization and declares that the government wishes for them to be the voice of the Métis (Pitsula, 1997).²⁷

²⁷ Adams grew up in this crucible of political contestation and followed very much in the footsteps of Malcolm Norris. Both became stalwart advocates of Métis organizations refusing to take government funding. Indeed, Maria Campbell has written eloquently of

While Adams' addressed an important aspect of Indigenous and Métis experiences of colonization through his binary, he did so by giving primacy to the view that "[i]n spite of checkered isolation and a slight diversity in the details of policy, Natives as a race and class have unity as colonized people" (1999, p. 5). Unified by being colonized is important, as noted above by Coulthard; however, this is not the only aspect of colonialism with which Métis people contend. Adams' understanding of his own people stresses the importance of Settler society rejecting, ignoring, and disenfranchising Métis society, distinguishing them from the expanding Settler state. Historians would support parts of Adams' views on this topic. Brown (1980), Brown and Peterson (1985), and Sylvia Van Kirk (1980) all discuss the return of fur traders to Europe, even after fathering children with First Nations women. They also discuss the inclusion of these children in First Nations society and the marriage customs and worldviews that made this possible.

An analysis arguing there is unity among the colonized has several political and analytical strengths. By grounding his interventions in the experience of being a colonized people, Adams was also able to explain well the obstacles to pan-Indigenous resistance to colonization. Adams pointed out that the state's program of categorizing Indigenous peoples as "different" or "varied" amongst themselves breeds a mistrust, which only serves Settler goals of disunity amongst the colonized. In 1977, he argued that the "typical colonizer promotes the idea among the colonized that they are alone in their social and geographical situation, to create the notion that they are alone in any potential struggle against the colonizer. Hence, Reserve Indians came to think of

the way heroes of her community were consumed by the very people who oppressed them, transforming leaders into people the community no longer recognized.

themselves as living on cultural islands, without Métis friendship or support” (1977, p. 50). In 1999, he cautioned scholars and activists to pay close attention to the sources of inter-tribal conflict, noting that these fights are often over resources that the Settler controls (1999, p. 4). To the extent that Adams acknowledges divisions between Indigenous peoples, he does so to highlight the drive to divide colonized peoples.

Again, these interventions are salient to Indigenous peoples, particularly so for those involved with activism or governance. However, Adams’ continued stress on Métis peoples as colonized—with similar experiences to other colonized peoples—obscures other bodies of relations within a colonial paradigm that position the Métis in a more complex way. Métis people are caught up in a myriad of relations, many accurately captured by Adams’ work. Some escape notice when one looks so intensely through colonial binaries. What is needed is an approach that appreciates the greater complexity in which Métis peoples find themselves.

A Relationship with Colonialism

To say that the Métis came to constitute a new people after the intermarriage of European and Indigenous peoples has become a hotly debated cliché and something of an obligatory statement for the uninformed. Those who know very little about Indigenous peoples are usually given a sketch of Canada’s Indigenous peoples. They are told that Aboriginal groups in Canada include First Nation, Inuit, and Métis, the final group being the children of fur trade marriages between First Nations and Europeans. The question that is not posed in such sketches is what relationships does this create? Indeed, literature on Métis history has laid the groundwork for understanding the interconnectedness of Indigenous families through kinship ties. Van Kirk, Devine, Macdougall, and Innes all

have interesting insights into the kinship ties linking Indigenous peoples. But where do the broader processes of colonialism fit into this story? The initial description used by Adams that a people, in the fullest sense of that word, came into existence following the intermarriage of Indigenous and non-Indigenous people opens a relational space to interrogate Métis political relationships in an ongoing colonial and Settler colonial context.

The literature has had varying levels of success enunciating both the nature and range of relationships between Métis people and colonialism. Brown, while rejecting the notion that fur traders were colonists because they did not intend to stay, also examines how fur traders stayed in Indigenous territory for periods ranging from a year to the rest of their lives (Brown, 1980). However, these varied stays do not factor into her theoretical analysis. In the case of the HBC, Brown states that the “growth of fur trade domesticity in Hudson Bay was not, of course, the result of deliberate policy; in fact, it spread and flourished despite the efforts of a non-colonial company to suppress it” (Brown, 1980, p. 22). While this may be historically accurate, there is a need to look beyond the intent of the company through to the *effect* the company’s presence had on the space in which it operated and the peoples living there. Recall from this dissertation’s working definition of colonialism that it is not so much settlement itself as the existence of a *settled* presence that defines colonization.

It is not as though scholars are blind to the relationship between Métis people and larger geopolitical and economic process. Brown, in her concluding words, agrees:

For the metis, in contrast, their efforts to seek and protect their rights in the Red River region helped to lead to their survival as an entity in Western Canada, albeit with persisting economic and political problems. The buffalo resource failed them and Louis Riel was defeated, but metis communities

persisted as reminders of the Canadian fur trade, of the Indian women who had befriended, tolerated, or endured the white strangers who came for furs, and of the social and racial distinctions that began to pervade the North West in the early to mid-1800s. (p. 220)

Here, one can see that there is an awareness of the connection between this new people, their antecedents, and the larger process of colonialism unfolding at the time. Notice Brown's use of the word "strangers." She is clearly aware that there is a new phenomenon in a space undergoing a significant political and economic change. Yet the two parts are left unconnected. And for Peterson, another well-known scholar on Métis genesis and identity, the seeds of Métis identity were planted in and around the Great Lakes fur trade of the seventeenth and eighteenth centuries. Peterson also traces the development of Métis identities without thinking about them in the larger colonial political context in which they are developing.

In her work on mixed-blood Indigenous peoples in Canada, Lawrence argues that one of the strengths of a large mixed-blood population is its contribution to the destabilization of Settler society. Lawrence states that "in Canada the presence of large numbers of mixed-blood, nonstatus, and detribalized Native people—*the by-product of centuries of fur trade*—has always been seen as a threat to a Settler society that, due to its colonial nature, has been inherently white supremacist" (2004, p. 14, emphasis added). Lawrence also believes viewing status Indians, Métis, and other mixed-bloods as the products of completely different histories overlooks the way colonialism, in particular the Indian Act, has shaped all Indigenous peoples. The Indian Act shaped identities differently, and to treat Indigenous peoples separately employs a logic akin to that of the Indian Act. Like Adams, she argues that the use of tools like the Indian Act serve to drive a wedge between Indigenous peoples.

This is an important contribution and situates the Métis as a “by-product of centuries of fur trade.” However, what Lawrence’s analysis lacks is an appreciation that, in some cases, a deeply political identity emerged from colonial encounters. She uses the term Métis to indicate “primarily . . . those individuals who are mixed-race and non-status from western Canada” (Lawrence, 2004, p. 21). This definition misses the peoplehood linked with the term “Métis” fed by a complex political history. Further, she does not investigate the possibility of an inherent relationship between the Métis *as a people* and the process she is critiquing. A lens that takes this into consideration might show the complexity of inter-Indigenous relations within the context of a colonial paradigm. However, the first step is to appreciate being children of the fur trade, not as a demographic indicator or as inherently challenging to Settler colonial society, but as the catalyst for opening an examination of broad and complex bodies of relations with both Indigenous and Settler peoples in a colonial context.

Ron Bourgeault (1992) started to interrogate such a space when he argued that “[f]undamentally, the birth of the Métis arose from the colonial subjugation and exploitation of the Indian [woman] and stood as a symbol of that subjugation” (p. 161). David Broad pointed out that Bourgeault’s work “focuses on the colonial creation of the Métis people, of mixed indigenous[sic]-European descent” (Bourgeault, 1992, p. 3). Bourgeault examines the colonial roots of capitalist development in Canada, which sought to “fabri[cate] . . . an elaborate constitutional and juridical state system of policies and law designed and directed at the conquest and subjugation of aboriginal peoples, and their subsequent separate administration and segregation from Europeans” (1992, p. 155). Indeed, he points out how a Marxist analysis can be incorporated with Métis history to

situate the Métis people within the unfolding Settler (capitalist) state. While he makes a connection between Métis ethnogenesis and the expansion of an economic order at the expense of other Indigenous peoples, his analysis misses that these economic relations were, in many respects, part of a fabric of inter-Indigenous relations. These relations were indeed economic in many instances, and in others, they were political. In some cases, Métis relationships were about inter-connectedness through kinship ties (Innes, 2012). Bourgeault's strength is his willingness to connect Métis to their colonial origins; however, his argument is overly deterministic and lacks the ability to appreciate the multitude of relationships in which Métis people find themselves. Some relationships are awkward, some are familial, while others are steeped in the destruction of Indigenous modes of production and the rise of capitalism.

If colonialism is an ideology stressing a settled presence rather than an agricultural settlement, the presence of fur trade unions becomes important to the colonial picture. These first children of fur trade unions are called "proto-metis" by Heather Devine, or the "proto-generation" by Brenda Macdougall. Though many fur traders did not live out their time in the North West, many of their children did. The children are one of the legacies of European presence in Indigenous territory. Further, while individual fur traders returned home after their employment term was complete, they were replaced by other individuals working for the same company. Though there may not have been permanent non-Indigenous settlement, there certainly was a permanent non-Indigenous presence. Put differently, the faces changed but the people remained.²⁸ The term "people" here refers not to a group of individual humans, but rather, a broader political category of

²⁸ That the Métis people are Indigenous to the North West is important in that they are *also* the legacy of their Indigenous parents.

outsiders. An existential relationship with colonialism is not an organizing principle of being Métis. Instead, it provides an opening to discuss complex relationships with colonialism. These types of relationships are important for the Métis to interrogate when undertaking decolonizing activities and may be important for other Indigenous peoples as well.

To that end, Brenda Macdougall's work on Métis identity and genesis in what is now Saskatchewan is helpful. Macdougall identifies the region between Moostoos-sipi (in English, the Churchill River) and south of Sakitawak (now called by its French name, Île-à-la-Crosse) as being a borderland that would become a prominent Métis community. She argues that "[d]espite the observations provided by early traders and the subsequent ethnoarcheological research, there is no definitive conclusion about who can claim the immediate region around Sakitawak as their traditional territories" (Macdougall, 2010, p. 31). Macdougall continues, "Whether the territory was initially Dene or Cree is, in many ways, inconsequential—these were peoples who came to be intertwined in complex systems of familial relatedness during the fur trade era and identified themselves as belonging to a particular landscape through a variety of means" (p. 31). When fur traders did arrive, they were "easily integrated into the social landscape of the region" (p. 31).

Macdougall's argument fits well with her belief that the proto-generation is not Métis. Her understanding of Métis genesis is rooted in the opening created by the special confluence of land, religion, newcomers, economics, and—most importantly—worldview. Remembering that colonialism is a process, not an event, Métis genesis is also a process, not an event. Macdougall makes clear that "[i]n the northwest, Métis identity emerged

slowly after the initial marital and sexual unions in the proto-generation of the late eighteenth and early nineteenth century” (60). And more specifically:

In the proto-generation, outsider male employees of various fur trade companies entered the region to work and, in the process, helped lay a foundation for the emergence of the Métis. In subsequent generations, this connection between land and economy was further entrenched as people maintained their employment in the trade *while living in the homeland opened to them by their maternal connection to the land*. Although the relationship of the Métis to their homeland was shaped by their maternal heritage, it was also strengthened by travelling and working on the land in occupations that supported the trade economy, which was an important aspect of their paternal heritage. (p. 88, emphasis added)

There are two important insights from Macdougall’s work. First, she is involved in the task of outlining peoplehood, or the birth and development of a new people, to a region in conjunction with their relatedness to the people and world around them. These people are connected to both of their progenitors’ way of life and are a unique people in their own right. Second, she outlines this process without connecting it to the broader political process unfolding at the same time. Colonization, as described in the previous chapter, takes the form of a permanent settled order, rather than a permanent agricultural settlement. One of the legacies of this order is this new people. As Macdougall eloquently discusses, Métis peoplehood is predicated upon the ability to claim a homeland by virtue of a maternal connection to the land *and* by virtue of a paternal, non-Indigenous presence. However, as Adams eloquently points out, the non-Indigenous presence is justified by an ideology stating Indigenous peoples could not possibly refute a civilized people’s desire to take foreign lands. Here, one can start to see the onset of a complex and multidimensional relationship with colonialism.²⁹

²⁹ In addition, Macdougall is enunciating an incredibly important process of gendered connection to the land. Again, this helps re-focus Adams’ understanding of gendered

Andersen (2011) has pointed out many Indigenous peoples have mixed heritage, not just the Métis. Indeed, it is a problematic feature of Métis research that this mixedness has come to mean so much. For the Métis, and indeed Adams, the process of Europeans arriving in North America and creating a permanent non-Indigenous presence seems to suggest a relationship with the larger process of colonization.³⁰ My point is that by separating Métis politics from the arrival of Europeans and colonialism, Adams and others leave an important aspect of inter-Indigenous and Métis-Settler political relations uninterrogated. Thinking about Métis colonial fur-trade relationships as a catalyst to confront difficult questions—rather than *the* organizing category of being Métis—operationalizes the space opened by the contradiction in Adams’ thought and begins to set up the ability to decolonize inter-Indigenous political relationships.

Taiaiake Alfred (2005) points out that confronting difficult pasts is central to the process of decolonization. Alfred argues that Settler society is founded on a Euroamerican arrogance that refuses to think about itself with reference to decolonization. He argues that decolonization and “justice must become a duty of, not a gift from, the Settler. And for this to happen, Settler society must be forced into a reckoning with its past, its present, its future, and itself” (Alfred, 2005, p. 113). Alfred’s criticisms of colonialism in Canada are insightful and can have decolonizing effects for Métis people as well. By interrogating Adams’ construction of his people in this same light, Métis

power. It is worth adding that in chapter 4, I examine the way this logic appears in the lead up to the 1869-70 Red River Resistance. Métis there also attempted to articulate their connection to the land via their Indian mothers. While this framing has come under scrutiny from legal scholars, it does provide an explicitly gendered analysis from which to orient Métis politics and, importantly, connections to the land. It also helps build kinship ties across Indigenous peoples.

³⁰ It may also do this for other Indigenous peoples as well.

political actors are provided the space to confront the role that Euroamerican arrogance plays in their interactions with other Indigenous peoples. Fur trading companies believed they could dispatch their employees to make claims to Indigenous territories. The type of arrogance to which Alfred refers informs such claims. Adams links himself and his people to that historical and contemporary attitude. The decolonizing properties come from being in an intellectual space that allows for a full, critical examination of multidimensional—and in some cases difficult—relationships with and within colonialism. By “within colonialism,” I mean the political interactions amongst Indigenous peoples of which the Métis are one people. Political strategies and agitation oriented in this light allows for decolonizing action informed by the fullness of one’s relationships, rather than being centred on Adams’ construction of his people as exclusively colonized Indigenous peoples. Thinking through the ways Euroamerican arrogance penetrates inter-Indigenous politics is central to the process of political reckoning Alfred is talking about. This is not to say that Métis people are beholden to a type of political culture stemming from being fragments of two different societies.³¹ Rather, by using Adams to open up this type of examination with and within colonialism, one can begin to engage with complex and multidimensional relationships that were obscured by Adams use of a colonial binary.

But what of the micro- and familial relations between traders and Indigenous peoples? Others have pointed out the relationships formed between Indigenous and European people could be loving and meaningful for all involved, and the economic

³¹ This may sound vaguely familiar to political culture scholars. Canadian politics and political thought spent a large amount of time examining the Hartz-Horowitz debates, where North American political culture was explained as being fragments of European cultures.

relations were mutually beneficial and respectful in many cases. Sylvia Van Kirk shows that Indigenous women deliberately sought out fur traders to become their partners in life, love, and business (Van Kirk, 1980, p. 78). She also argues that for the European men in the fur trade, it was important to find love and companionship in Indigenous territories. Indeed, the title of her book, *Many Tender Ties*, suggests this close and intimate connection (p. 36).³² However, one must not lose sight of the larger process stemming from the establishment of a permanent European presence in Indigenous territory. It would attack the foundations of Indigenous societies while subjugating Indigenous peoples, eventually becoming a force seeking their elimination from their territories (Wolfe, 2006). The connection is that these are the same racist logics used to justify the European presence in Indigenous territories in the first place. Adams explicitly roots his and his peoples' genesis within this process. Thus, these micro- and familial relationships must be appreciated within the broader logics and contexts in which they are being experienced.

Put simply, the counterintuitive decolonizing potential of the contradiction in Adams' work lay in the opening it creates to interrogate relationships with both the

³² Further, Van Kirk argues that "white and Indian met on the most equitable footing that has ever characterized the meeting of 'civilized' and 'primitive' peoples. The fur trader did not seek to conquer the Indian, to take his land or to change his basic way of life or beliefs. The Indian in Western Canada was neither subject nor slave. Even as late as the mid-nineteenth century, the Hudson's Bay Company did not exercise direct authority over the tribes in Rupert's Land. Governor Simpson testified at the Parliamentary Enquiry in 1857 that the fur trade had created a mutual dependence between Indian and white" (Van Kirk, 1980, p. 9). However, as E. E. Rich pointed out, some of the elements of "civilizing" the Indigenous peoples come not from concerted, obvious oppressive activities, but from the subtle impositions of non-Indigenous spheres of power and economic structures. Howard Adams (1989) critiqued the activity of trading and building forts in Indigenous territory for its obvious establishment of non-Indigenous spheres of political and economic power well inside Indigenous territories.

Indigenous and European aspects of Métis history. Truncating either the Indigenous or non-Indigenous aspects of Métis relationships forecloses the possibility of an earnest engagement with the process of political reckoning. This process includes relationships that are awkward and problematic for Métis people. According to Kinsey Howard, Louis Riel said:

It is true that our savage origin is humble, but it is [fitting] that we honour our mothers as well as our fathers. Why should we concern ourselves about what degree of mixture we possess of European or Indian blood? If we have ever so little of either gratitude or filial love, should we not be proud to say, “We are Métis!”? (Howard, 1952, p. 46)

I would offer that one honours one’s mother and father by earnestly interrogating the relationships represented by each parent, even if those relationships are difficult to confront.

History from an Indigenous Point of View and Limitations to the Relationship with Colonialism

Implicit in the premise that relationships with processes like colonialism are important to interrogate is a particular orientation to time. It is important to make this orientation to time and political history explicit prior to developing an alternative to binaristic Métis relationships with colonialism. Recognizing that the proto-generation were not Métis, as Macdougall argues, the need to interrogate the relationship between Métis and colonialism is set up by both Métis and other Indigenous peoples’ conceptions of time and history. Macdougall states that “[t]he cultural identity of Aboriginal peoples hinged on their ability to connect the present and future to the past, and their relationship to place served as the common thread integral to all stories” (p. 243). There is a clear orientation to time in Macdougall’s statement. Her point that Métis people relate the

present and future to the past establishes one's place within the flow of time and is rooted in relationships with the land. This is a feature of many Indigenous worldviews. Keith Basso has pointed out that place-based knowledge is important for providing meaning to peoples and linking past, present, and future (Basso, 1996). Vine Deloria, in discussing the lessons science can draw from Indigenous worldviews, notes that "[p]art of the experience of life is the passage of time . . . As the universe was known by the Indians to be alive, it followed that all entities had some memory and enjoyed the experience of the passage of time. Thus relationships were understood as enduring in time and were characterized by the same kinds of disruptive historic events as we see in human history" (Deloria, 1999, pp. 55-56). Linda Smith (1999) expends a great deal of energy interrogating the intellectual exercise of history and its relationship to Indigenous peoples. Like Macdougall, Smith argues that "[t]he story and the story teller both serve to connect the past with the future, one generation with the other, the land with the people and the people with the story" (Smith, p. 114).³³

Smith situates history as an important concept for Indigenous peoples when she states:

'Why . . . has revisiting history been a significant part of decolonization?' The answer, I suggest lies in the intersection of indigenous approaches to the past, of the modernist history project itself and of the resistance strategies which have been employed. Our colonial experience traps us in the project of modernity. There can be no 'postmodern' for us until we have settled some business of the modern. (p. 34)

³³ Here, "community is defined or imagined in multiple ways, as physical, political, social, psychological, historical, linguistic, economic, cultural and spiritual spaces" (Smith, p. 125). This is a frame that will be immediately recognizable to Métis historians looking into the kinship relations of Métis people.

Smith makes an important distinction here when she frames history as “the past” and then locates Indigenous struggle in dealing with the “happenings” of the past as well as the representation of that past. She also calls “[c]oming to know the past” a central part of decolonization (1999, p. 34, emphasis original). There is a particular relationship to “the past” with which Indigenous worldviews are concerned. These authors enunciate a relationship to the past and the people who lived it. Thus, if one believes that history creates these connections and that there are lessons for the present and future in one’s connections to the past, one can start to perceive complex and multidimensional relationships with and within colonialism.

This being said, a relationship with colonialism does not a colonist make. A relationship in this case is an expression of connection, not a statement of being. In saying this, one should not confuse the point to be that the Métis are Settlers. If one returns to this dissertation’s discussion of colonialism’s definition, one will recall that it is not enough to simply be in a place for colonization to occur, as was suggested by Adams in his early work. This creates too low a threshold and erases the distinction between migration and colonization, such that any movement becomes colonization (Veracini, 2010). If one conflates movement with colonization, all Indigenous peoples would be colonizers and the concepts of colonization and colonialism would lose their analytical potency. Rather, as will be discussed in chapter 3, it is in political interactions with other Indigenous peoples that one begins to see Métis facilitate, often unknowingly, activity leading to the colonization or Settler colonization of other Indigenous peoples. What I have tried to posit here is that the Métis are an Indigenous people with a relationship with colonialism that is far more complex and potentially problematic for

Métis politics than Adams appreciated. Where Adams saw a clear binary with Métis firmly in the colonized column, there is in fact a deeply complex and multi-dimensional relationality with the process of colonialism laid bare by Adams' problematic situation of his and his people's genesis. Adams is not wrong that the Métis experience oppressive colonization. However, there is more to Métis relationships with colonization than being colonized subjects.

Conclusion

One must not confuse this chapter's argument as an intellectual exercise in imposing political paralysis. Saying there is a need to keep one's multidimensional relationships in mind when undertaking action is a pro-activist statement. Taiaiake Alfred (2005) makes clear that his notion of action collapses an ends means distinction where if one understands the concept of action as combining behaviour, the methods one uses, one's goals, and one's desires, and then expresses them all in relationships with other peoples, one begins to approach a far more ethically grounded notion of action. This concept of action is what espousing a complex relationship with colonialism is trying to encourage. Without engaging the relationships in Métis lives and history, including the relationships to forces like colonialism, Métis people cannot take action in a form appropriately grounded in their past and their Indigeneity.

Adams was aware of the need to act against colonialism. All of his work serves to inform a type of action, which he insisted was needed to challenge the racist-fuelled domination inherent in colonialism. He lived his life by combining education with activism. However, he did not fully articulate the complexities of Métis positionality within colonialism. Adams was faced with the immediacy of engaging colonialism in

Canada. He returned to Canada only a few years prior to the introduction of the Trudeau/Chretien White Paper on Indian Policy. When this white paper was tabled, it sharpened all Indigenous activists' focus on the oppressive and immediate dimensions of their struggle. Adams also was aware that Métis people were facing devastating levels of poverty in their communities. Perhaps in part due to the dire political and economic situation of his people, he sought to articulate resistance to colonization as his first priority and a binaristic analysis that allowed for a sharp focus on colonial oppression.

On one hand, though Adams does not make connections between his views on Métis genesis and his views on the underpinning ideology and practice of colonialism, on the other, he does take to task Indigenous political struggles. Adams argued that Indigenous political organizing lacked consideration of colonial power dynamics. Towards the end of his 1999 work, Adams makes an important observation that “[b]y keeping Native populations fighting among themselves, their focus is diverted from the real enemy, multinational corporations and their allies” (p. 124). Adams’ focus in this statement is Africa, Asia, and South America, but he notes this is also done in North America by mainstream governments through funding grants designed to give the state control over Indigenous peoples’ organizations. Adams’ point is that Indigenous peoples fight amongst themselves to access state resources, without concern for the independence they surrender. This dissertation will elaborate on this point and offer that not paying attention to complex and uncomfortable relationships risks pitting Indigenous peoples against each other. The outcome of this is a zero-sum inter-Indigenous politics that creates clearly delineated winners and losers. In this dynamic, the Métis facilitate the

colonization of other Indigenous peoples in the pursuit of their own interests. This assertion will be illustrated in the following chapter.

This chapter has argued that Adams' work, while insightful, needs to be supplemented by engaging with the full array of Métis relationships with and within colonialism, both historically and in the present. By taking into consideration relationships with colonialism, one can engage with one's people and the other Indigenous peoples around them in a fashion that is attentive to the complexities of being Indigenous in a colonized space. Such openness provides the potential to foster stronger unity amongst Indigenous peoples, a task which was at the heart of Adams' scholarship. Being open about one's relationships with and within colonialism could make it easier to foster understanding amongst Indigenous peoples, as well as provide ethically grounded action in support of other peoples resisting colonization.

The preceding sections have argued that being a colonized subject is an important element in Métis politics; however, it is not the only element. Being framed as a product of the colonial enterprise opens an intellectual space to engage with the complexity of inter-Indigenous political relationships in a colonial and settler colonial context. The contradiction in Adams' work serves to open a space to interrogate difficult relationships that divide rather than unite Indigenous peoples. In the next chapter, I will argue that the elevation of Métis interests above those of the other Indigenous peoples and the political strategies deployed by Métis people against the people they live with set them up to unwittingly and wittingly colonize shared Indigenous space.

Chapter 3: The 1870 Resistance and Making Manitoba

Métis

“I respect the Indians and all that live in the country. But at the same time I do not want to be deprived of my rights until the Indian claim is satisfied. I could go farther, and say – one quarter of me is Indian; and if the Indian title is to be respected, the rights of one-quarter of my person must be respected (cheers and laughter).³⁴ I am not at all afraid but that in my dealing with the Indians, I can satisfy them without robbing them of any of their titles (cheers). (The hon. gentleman repeated his address in Indian in which he is a very fluent and eloquent speaker.)”

—James McKay in his address to the Legislative Assembly of
Assiniboia
New Nation, May 6, 1870, p. 2, column 2-3

I turn now from the interesting puzzle opened by Howard Adams’ work to the empirical and historical examination of the multi-dimensional nature of Métis relationships with colonialism. The previous chapter emphasized that while Adams’ analysis lacks sensitivity to the relationships between Métis people and colonialism, he provided important illustrations of his theoretical analysis through the unfolding of colonial history and the way it oppressed Native peoples. The historical record is full of complex interactions between the Settler state and Indigenous peoples as well as amongst Indigenous peoples. The Battle of Seven Oaks in 1816, the Battle of Grand Coteau in 1851, the Red River Resistance in 1870, and the North West Rebellion in 1885 are all examples drawn from the literature that trace Métis nationalism, Métis identity, as well as Canadian state formation in a complex web of Indigenous-Indigenous and Indigenous-Settler relations.

³⁴ James McKay was said to weigh 18 stone, or about 250 pounds.

This chapter will argue that the Métis possess an awkward and multidimensional relationship with colonialism that can be elucidated by examining several moments and processes in history. While Adams captured the oppressive relationship between colonizer and colonized, the Métis were also embedded in inadvertent relations of colonization through some of their interactions with other Indigenous peoples in the nineteenth century. They are also engaged in advertent relationships with colonization through some of the ways they conceive of their claims to their homeland, as well as the way they choose to engage the expanding Settler state to assert those claims. The Battle of Grand Coteau in 1851 and the buffalo hunt will show the Métis inadvertently contributed to the colonization of the Sioux, while engaging in their own economic activities. In this case, these two Indigenous peoples engaged in armed conflict against each other to create this awkward dynamic situated within the process of Sioux dispossession. The Convention of Forty in 1870 will be used to examine the way the Métis framed and advanced their own political claims and processes in an attempt to establish themselves as the dominant political power in Red River to the exclusion of other Indigenous peoples. At the same time, the Métis were swamped by the expansion of the Settler state, and within nine years of the Convention, lost their numerical and consequently electoral superiority. In this case, the Métis are attempting to establish a colonial power dynamic over shared Indigenous territory and in the process are dispossessed themselves. This illustrates a more complex relationship to and with colonialism than that articulated by Adams. In this more complex formulation, I show inter-Indigenous politics to be situated in a zero-sum framework.

By way of introducing the two primary historical illustrations, Patricia Dickason described the Battle of Grand Coteau in 1851 as “[a] confrontation with a much larger body of Sioux³⁵ in 1851 . . . from which they [the Métis] emerged victorious, proved to be of even greater importance than Seven Oaks in encouraging their sense of identity” (2009, p. 233). This battle became something of a legend in Métis folklore. The Manitoba Métis Federation has been looking at purchasing the land on which the battle took place to preserve it as a landmark of the Métis Nation. However, a more nuanced examination of the battle and Sioux/Métis/Settler relations both before and after yields a picture of the Métis making unintentional contributions to Sioux colonization.

The second illustration will consider the deliberations of the Convention of 40 at Red River in 1870. The Convention is known for its largely Métis-driven effort to draft a list of conditions for Red River’s entry into the Canadian federation. However, examining the deliberations from a perspective that privileges inter-Indigenous relationships generally and a relationship with colonialism specifically shows that the activities of the Convention were aimed at setting up a Métis authority in the North West, without regard for the other Indigenous peoples who also had territory between Lake of the Woods and the Rocky Mountains. The result of not thinking about Métis

³⁵ Sioux is a reference to a peoplehood grouping that contains within it several peoples. As McCrady has set out in his book, “[t]he Mdewakantons, Wahpekutes, Sissetons, and Wahpetons (using English forms) called themselves the Dakotas and are also collectively known as the Santees or the Eastern Sioux . . . The Yanktons and Yanktonais are collectively the Yankton or Middle Sioux, although they, too, call themselves Dakotas. . . . The Oglalas, Brulés, Minneconjous, Two Kettles, Sans Arcs, Blackfeet, and Hunkpapas (again, using English forms) call themselves Lakotas and are collectively known as the Tetons or the Western Sioux” (McCrady, 2010, pp. xv-xvi). I have chosen to delineate the Sioux people when the analysis requires it. However, I primarily use the standalone term “Sioux,” as this is generally how the Sioux people are discussed in the sources I have consulted and its not usually clear which people are being discussed.

relationships to colonialism and instead prioritizing Métis interests resulted in an attempted colonization of other Indigenous peoples and, counterintuitively, ensured the dispossession of the Métis.

Grand Coteau

W. L. Morton (1970) penned one of the most well-known descriptions of the battle. In early June 1851, two parties of Métis, one from Red River and the other from White Horse Plain, rendezvoused at Pembina and departed west across the Prairies into Sioux territory to hunt buffalo. Morton argues there was an agreement between the two camps not to admit the Sioux into either of their camps. Shortly after June 28, the main hunting party from White Horse Plain encountered Sioux and chased them away, upholding their agreement not to allow the Sioux into their camp. On the evening of July 12, Métis scouts in advance of the main party came upon a large number of Sioux. Twenty Sioux rode out to meet these scouts and took three of the five Métis prisoner, though two scouts were able to escape the Sioux.

The two escaping Métis scouts were pursued by the Sioux and upon arriving at the now fortified Métis camp, a brief parlay took place. The Sioux informed the Métis they were in need of material support and not interested in war. The three other scouts taken prisoner would be freed in the morning. The Métis believed that the Sioux overtures were insincere and dug in for an attack. Over the course of July 13 and 14, the White Horse Plain party fought and repelled the larger party of Sioux hunters. There were roughly 60 Métis hunters against what was described at the time as 2000 Sioux. There is speculation that the figure of 2000 represents Métis hunters' impressions of the numerical size of their adversary, rather than a definitive count. Over the course of two

days of fighting, two of the three captured scouts were able to successfully escape. The only Métis casualty was the third scout, Jean Baptiste Malaterre. While it is impossible to know exactly how many Sioux were killed, there have been reports that anywhere from 18 to 80 Sioux lost their lives in the conflict (McCrary, 2006, p. 13; Morton, 1970, p. 59).³⁶ Morton argues that “[t]he battle of the Grand Coteau was perhaps the proudest memory of the Métis nation. It symbolized their highest achievement as a people. Nothing more conclusively proved their mastery of the plains by which they lived” (Morton, 1970, p. 59).

Morton’s account reads like a nationalist pamphlet, intent on extolling the victory as a watershed moment in Métis-Sioux relations. He imparts the distinct sense that by routing a much larger party of Sioux, the Métis solidified their dominion over the Prairies and were “masters of the plains wherever they might choose to march” (Morton, 1970, p. 59). Morton’s narration of the battle suffers from two problems of interest to this dissertation. The first is that—as David McCrary has pointed out—Métis-Sioux relations continued to be fractious with other battles, peace agreements, and retaliations after 1851 (McCrary, 2010). Second, Morton does not engage with the meaning or effect of two Métis hunting parties inside Sioux territory. Rather, he treats the movement of Métis hunting expeditions into and out of Sioux territory as unproblematic.

The dynamic of Métis-Sioux politics complicates Morton’s analysis. As mentioned in the previous chapter, the Métis have kinship ties linking them to the

³⁶ Much of the knowledge from the battle stems from the accounts of Rev. L. F. R. Lafleche, who accompanied the hunting band; Father Albert Lacombe, who was traveling with a separate Métis hunting party at the time; Abbe Georges Dugas, who Morton identifies as reliable by virtue of his detailed description; an account from Francois-Xavier Falcon; and A. S. Morice in his *Dictionnaire Historique des Canadien métis*.

Indigenous peoples around them, and the Sioux were/are no different. The longstanding kinship ties linking Métis and Sioux families could take the form of adoptions for a political purpose. Consistent with what one would expect from a self-aware people, the Métis made peace treaties and treaties of safe passage with the Sioux on a regular basis. In the fall of 1844, a peace conference between the Métis of White Horse Plain, the same Métis community involved in the Battle of Grand Coteau, and the Sioux failed. Following the conference, the Sioux killed several Métis, and in retaliation, the Métis killed eight Sioux.³⁷ Burnt Earth, chief of the Sisseton Sioux, sent a communiqué to White Horse Plain, asking that four cartloads of goods be sent to compensate the families of the deceased. In their response, the Métis stated they wanted peace, but argued they were not the ones who started the killings and that no compensation would be forthcoming. After holding a council over the Métis response, the Sioux concluded that this was a peaceful advance and replied that the families of the deceased wished to adopt the Métis who had killed their kin. McCrady argues that “[c]reating these kin ties brought peace to the two groups and lessened the prospect of future warfare” (McCrady, 2000, p. 14). The two communities hunted together in the summer of 1845.

Adam Gaudry has argued in his dissertation that the Battle of Grand Coteau is an example of the complex diplomatic activity taking place in the North West at the time. He argues convincingly that the kinship ties formed in 1844 were with Sisseton Dakota Sioux, while the battle at Grand Coteau was with the Yankton Dakota Sioux, with whom Métis did not possess kinship ties (Gaudry, 2014, pp. 153-155, 160). McCrady uses the

³⁷ McCrady identifies four Sissetons and four Yanktonais (McCrady, 2006, p. 14), though Gaudry uses the term Yanktons (Gaudry, 2014, p. 153).

English name Sissetons for the 1844 negotiations (McCrady, 2006, p. 14). However, McCrady raises some suspicion about who was at Grand Coteau, arguing that

[t]he historians W. L. Morton and George Woodcock have both written that they were Lakotas, [not Dakotas as Gaudry argues] but this identification appears to be guesswork. It is possible that these Sioux were Yanktonais [Dakotas]. In his description of the Sioux (written in 1855 and 1856 at Fort Union) the fur trader Edwin Denig referred to conflict between the Sioux and the mixed-blood hunters from Red River only when he discussed the Yanktonais. (McCrady, 2006, pp. 12-13)

I have chosen not to hinge my argument on definitive statements about which Sioux peoples were at Grand Coteau, largely because I find McCrady's view compelling that it will be hard if not impossible to ever know for sure. Further, the sources informing Morton's description are dominated by pro-Métis orientations consistent with Morton's interest in writing a compelling story about this conflict.

Both before and after the battle Métis-Sioux relations were complex. However, Métis-Sioux politics were not the only dynamic playing out in the region at the time. Examining this event with an eye to colonial power relations and Settler pathways to the elimination of Native peoples shows that Grand Coteau has a broader meaning than the genesis of Métis nationalism ascribed to it by Morton, Dickason, Dugas, and Lafleche. Gaudry's excellent analysis of the event with an eye to inter-Indigenous diplomatic relations opens the door to thinking about the event through the eyes of the Sioux and the political pressures they faced at the time as an Indigenous peoples resisting Settler colonial expansion.

J. R. Miller (2004) notes that the Sioux certainly viewed Métis hunting expeditions onto the Plains to be "incursions into what they [the Sioux] considered their hunting territory" (Miller, 2004, p. 23). This was also acknowledged by Métis

contemporaries at the battle. George Dugas, in his chapter on the battle, writes that the Métis hunting party was anxious about their trip onto the Plains to hunt buffalo, because it took them into Sioux territory (Dugas, 1906). In a *Manitoba Daily Free Press* article dated March 26, 1887, Rev. George Flett retold the Battle of the Grand Coteau and remarked:

The hunters of the Red River settlement travelled in large or small companies wherever the chase led them, and on these occasions often followed the buffalo far from home, through the Sioux country. This was by no means agreeable to the Sioux, who, regarding themselves as lords paramount over a vast region, claimed the buffalo as their cattle, and resisted [heartily?] the raids made on these animals by the halfbreeds. As a rule the resistance proved ineffectual, and the intruders from the Red River colony continued to run buffalo wherever they could be found. ("The Prairie Nimrods", March 26 1887, p. 2, columns 1-2)

Métis-Sioux relations were sometimes characterized by Sioux restricting access to the dwindling buffalo herds, forcing the Métis to gain access through trade agreements (McCrady, 2000). However, in the Battle of Grand Coteau, the Métis marched from the traditional staging point of Pembina fully aware that they were moving into Sioux territory without having treated with the Sioux for this particular expedition, and according to Morton, with no intention to invite the Sioux into Métis camps.

With this in mind, there are at least two different ways of looking at the event, both possessing merit. The first is Métis access to the herds is necessary to Métis economic wellbeing. Buffalo robe trade was a major economic activity for the Métis, complete with spinoffs like ox-cart brigades needed to bring products of the hunt to larger centres. It is also part of Métis life on the Plains by virtue of providing one of the major sources of foodstuffs for Métis people (G. J. Ens, 1996). Thus, to say that the Sioux could claim the buffalo as “their cattle” rings hollow as it is an open access resource on

which many peoples depended, not just the Métis and Sioux (Spry, 1976). Indeed, this argument is convincing, as Gerald Friesen points out trade and use of the herds had been part of inter-Indigenous life from time immemorial (Friesen, 1987).

However, the event is also an incursion into Sioux territory, which challenged Sioux territoriality at a time when there was no shortage of challengers. For the Sioux, the herds were an economic engine, a spiritual anchor, as well as a political tool in Sioux resistance to American colonialism. Both during the Battle of Grand Coteau and a decade later in the lead up to the Dakota Conflict, the American government encouraged the Sioux to take up agriculture and settle onto fixed parcels of land. Jeffrey Ostler (2004) provides the context when he argues: “In the years before the 1851 Treaty [of Fort Laramie] the United States had become committed to a particularly aggressive phase of empire building” (Ostler, 2004, pp. 37-38). To put this into context, the United States Settler state increased their territorial claim by 67% between 1845 and 1848 (Ostler, 2004, p. 38). To facilitate this rapid expansion, the period between 1841 and 1851 saw the development and implementation of what would come to be known as “the reservation system” (Ostler, 2004, p. 35). This policy was explicitly designed to facilitate the settlement of the West.

The Sioux resisted this system and, as Ostler argues in his examination of American colonialism, “most continued to rely on hunting.” The Sioux were “deeply suspicious of the motives behind American exhortations to take up the plow. In 1856,³⁸ [Sioux tribes] declared that ‘the real object’ of the government’s encouragement of farming was to ‘confine the Indians to a small tract of country to live on corn for food,

³⁸ After the battle of Grand Coteau.

and take away from them all the rest of the Indian country, and give it and the buffalo to whites” (Ostler, 2004, p. 43).

Sioux ability to resist American expansion waned along with the herds. While the herds were plentiful, the Sioux had an economic base from which to challenge Settlers. The American government knew this and believed that total control of Sioux territory, meaning the Sioux were pacified by the Settler order, would not occur until “the Sioux . . . [became] economically dependent on the government” (Ostler, 2004, p. 57).

Ostler goes further and points out that:

[i]n the early 1870s, most Sioux bands left their agencies to hunt bison at some point during a given year. In addition to keeping them culturally tied to their usual ways of life, this practice allowed them an independent source of food and hides, both for their own use and for trade, as well as freedom from agents’ oversight. Once bison herds ceased to exist, Indians would be more closely bound to the agencies, and agents would be able to use food as a weapon to compel compliance. The demise of the bison would also force nontreaty bands to give up armed resistance. (p. 57)

The buffalo and the hunt were a base from which Sioux peoples resisted the imposition of Settlers in their territory. Without the herds and by extension the hunt, Settler access to land was secured against Indigenous protestation.³⁹

Seen in this light, one can begin to understand the problem associated with a Métis hunting party’s incursion into Sioux territory. An uninvited Métis hunting party traveling through Sioux territory to gain access to the herds challenges Sioux territoriality, as well as the economic strength from which the Sioux resisted colonialism. Métis presence was resented by the Sioux and led to open hostilities. Yet, the Métis are

³⁹ It is worth noting the debate over the involvement of the American military in the destruction of the herds. David Smits (1994, pp. 313-338) argues that the American military undertook a planned and deliberate extermination of the herds. However, Andrew Isenberg’s book (2000, pp. 130-143) argues that the army did not actively partake in the killing of bison, though they certainly supported the hunters.

portrayed in this conflict by nineteenth and twentieth century sources as the glorious victorious protagonists, fending off unprovoked aggression. Indeed, Dugas frames the Métis as noble hunters who overcame insurmountable odds to defeat a “savage” horde.⁴⁰ What these depictions miss is that the uninvited Métis were present in territory they themselves would have identified as Sioux, in order to gain access to the herds that the Sioux were relying on to defend their territory and way of life from Settler states.

There are two nuances to this point. First, this problematic construction ought not to be construed as a critique of the Métis hunting economy. As will be shown, Métis people seeking out the herds was entirely appropriate and commensurate with their Indigeneity, political structure, and culture. Nor is the argument that had the battle not occurred, American colonialism in Sioux territory would have turned out differently. If one wanted to make such a causal claim, one would need a different research project. Rather, the point is that just as Settler and American military incursions into Sioux territory undermined Sioux territoriality, so too did this Métis incursion. By placing Métis self-interest (quick access to the herds) ahead of the larger processes of dispossession being deployed against the Sioux, the Métis supplied another moment where Sioux peoples unsuccessfully tried to repel those who freely admitted they did not belong in Sioux lands. This challenge to Sioux territoriality facilitates the colonization of Sioux spaces by weakening Sioux claims to their own lands and undermines their capacity to defend Sioux places from Settler challengers.

The size and relative importance of the Battle of Grand Coteau is not germane to the relationship. That the battle may not have been the cornerstone policy or event in the

⁴⁰ In the original chapter written in French, Dugas uses the language of “savage” and “savages” to describe the Sioux.

colonization of Sioux spaces does not negate the fact that it fits within an overarching process of Settler colonization. The Battle of Grand Coteau is worth interrogating because it illustrates the complicated relationships in which the Métis find themselves historically. In the process of hunting to supply food and goods in support of the Métis economy, they inadvertently contributed to the broader project of eliminating Natives to make way for the incoming Settler state. Only by thinking relationally rather than as self-interested peoples does this become a possible consideration for inter-Indigenous politics. Care must be taken not to use Métis political gain to justify undermining other Indigenous peoples. In the case of Grand Coteau, Settler colonial society was unleashing an assault on the Sioux. The Métis viewed Sioux territory as an obstacle that hindered Métis access to the herds. Such a non-relational view clouds the notion that undermining Sioux territoriality contributes to Sioux colonization and hurts Métis interests over the medium and long terms.

A more relational view of colonialism might appreciate that the plight of the Sioux is not exclusively a Sioux problem. At the time of Grand Coteau, it was not immediately clear that British colonialism would stretch west along the forty-ninth parallel to encompass what is now western Canada. Indeed, there was discussion in the lead up to 1851 about the possibility of American annexation of the northwest (Fridley, 1968). In other words, the Métis might not have been far removed from dealing with the American cavalry in their resistance to an expanding Settler state, rather than Colonel Wolseley. The struggle between the Sioux and the United States could have evolved into a struggle between the Métis and the United States.

This is not to say that one expanding Settler colonial entity would have been better than the other. Instead, Indigenous peoples have, as Adams stressed, unity by virtue of their experience as colonized subjects. Not thinking about colonialism in a relational fashion makes it harder to see that the Métis are not isolated from the anti-colonial struggle unfolding south of the porous forty-ninth parallel. Narrow Métis interest sets up inter-Indigenous politics as a zero-sum, win-lose interactions instead of realizing that Métis relations with colonialism link Indigenous peoples to a common plight. One must be careful in advancing this argument not to lay blame for the colonization of Sioux, or other Indigenous peoples, at the feet of one Indigenous people on the basis of a single battle. In making the case above, the intention is to outline problematic relationships that both the Métis and Sioux must live with on an ongoing basis, rather than ascribing blame or motivation. Indeed, on Métis and fur trade historiography, Jennifer Brown has cautioned:

There is always some risk, however, that historical work done in response to the perspectives and pressing concerns and needs of the present may distract us from understanding people of the past on their own terms, in all their complexity and variability. The viewpoints and interests of the living are projected onto the dead, who regrettably refuse to answer our queries and questionnaires or to dispute our interpretations. . . . We can only infer [the dead's] opinions (or lack thereof) from the incomplete records that they and others have left, and try to avoid co-opting them into groups or categories that were absent from or irrelevant to their own lives and communities. One thing we have been learning, after all, is that the northern fur trade of the seventeenth to nineteenth centuries was a multiplicity of social settings, too shifting and variable to allow unitary categorization of all the biracial individuals born in its midst. (Brown, 1985, pp. 196-197)

The surviving evidence does not support that the Métis knew they were engaging in an action that would see their opponents in this fight dispossessed of their territory. Nor is

there evidence that the Métis at Grand Coteau knew that the bison herds were headed towards collapse. To reverse Brown's temporal view, the Métis at Grand Coteau did not know the details of what their future—or their grandchildren's future—would hold, making it impossible for one to look at the past for help with answering a current enigma (Skinner, 1966).

However, if the orientation to the past discussed in chapter 2 is taken into consideration, one can better appreciate that Grand Coteau possesses many lessons for contemporary Indigenous politics, some of which are different from those advanced by previous scholars on the subject. The Métis and Sioux are linked by political relationships laid down in this engagement. As Métis people grapple in their contemporary political struggles with how to interact with the Sioux, keeping Grand Coteau in mind would be important. The passage of time has made clear that both the United States' and Canada's insatiable need for Indigenous land created the contours of what was a colonial and later a Settler colonial project. In essence, Indigenous peoples, including the Métis, are now fully aware that the Settler state will try to get their land by any means necessary. Let the situation of a clear colonial project spur action that is informed by relationships to colonialism. When the Sioux agitate against the Settler state, the Métis have an opportunity to respond introspectively by asking, "Given what happened at Grand Coteau, and given what we know now about colonialism and Settler colonialism, what are we going to do?" Such an orientation establishes a connection from the past to the present, while still thinking about the world in which Indigenous people *wish* to live. This also helps build good relationships between Indigenous peoples, founded on an orientation of common struggle. Thus, Grand Coteau is important also for

its ability to frame one's relationships to and with colonialism upon which peoples in their contemporary and future selves can reflect.

There is also evidence that the complicated dynamic at Grand Coteau was not unique to Métis-Sioux relations. In the summer of 1862, eleven years after the Battle of Grand Coteau, the 7th Earl of Dunmore, Scotland, set out on a hunting tour from Red River, led by the well-known and well-respected Métis guide James McKay. After some backtracking to avoid a war between the Blackfoot and Young Dogs, a Cree-Assiniboiné people, the expedition found itself confronted by the Assiniboiné. War almost broke out between the two parties. McKay, knowing the leaders of the Assiniboines, was able to broker a peace ("Hunting Tour in the Prairies," October 9, 1862).

The *Nor'Wester* newspaper reported on the negotiations on the return of the hunting expedition. The lead negotiator for the Assiniboiné informed Dunmore that the Assiniboiné would no longer tolerate pleasure hunters entering their territory and killing the animals on which they depended for their livelihood. The passage is also interesting for its comment on Métis-Indigenous relations and the interpretation of those relations through the eyes of non-Métis Indigenous peoples. Lord Dunmore's log confirms that the meeting took place and indicates it happened on the 14th of September 1862.

Dunmore writes out an account of the negotiations in his log as he would have understood them through a translator (Seventh Earl of Dunmore, 1862). It is not clear who is writing the *Nor'Wester* article, though possibilities include a member of the expedition who witnessed it first-hand, a reporter who was relayed the story by someone on the expedition, or even one of Dunmore's travelling companions. James McKay confirmed the dates of the expedition some years later in an affidavit in the court of

Queen's Bench. McKay does not, however, confirm any of the details contained in the paper ("Local and Provincial," March 4, 1876). Nonetheless, Dunmore's log confirms central happenings of this newspaper report.⁴¹ The *Nor'Wester* reported the lead Assiniboiné to have said:

Some of you are Halfbreeds and natives, the rest Englishmen. The latter [Englishmen] we would not willingly harm, and the former [Métis] we regard as our countrymen – born on the soil and having some of the same blood that flows in our own veins. These we cannot and will not harm, they have the same right on these prairies as ourselves. If I kill a buffalo, they can claim one half, and I the other. They can have half of everything. But, though Englishmen would receive injury at our hands only amid our most profound sorrow, we must warn them and all other foreigners off our hunting grounds. We have to do it - we must do it – for our lives depend on it, and the lives of our children and their descendants. . . . “What would you think,” he added, “if we went to your country, killed your cattle and destroyed your grain for mere pleasure's sake? Would you not retaliate and shoot us down? Well, good friends, you understand our feelings. We feel sore. Never come again; and make known to all whom it may concern that we are resolved to defend our territory hereafter against all intruders. This is the last time. There must be an end

⁴¹ There are some discrepancies in language. For example, where the *Nor'Wester* talks of Métis being “born on the soil and having some of the same blood that flows in our veins,” Dunmore only recorded that the Assiniboiné were glad to share “the half of what lives in this country” with the halfbreeds, as they too are a poor people. He adds that “where there is a buffalo on the prairie I share it with him [halfbreeds].” Dunmore's log seems to struggle with explaining if the Assiniboiné believe Dunmore and his two fellow officers are Americans or British. The *Nor'Wester* seems to suggest the Assiniboiné knew they were British, while the log suggests they were mistaken for Americans. The language of the recounting in Dunmore's log is that the Assiniboiné are drawing a comparison between the incursion of Dunmore's party and the American incursion happening at the same time. However, the log and *Nor'Wester* article both categorize the response from the Assiniboiné to be one of hostility to Dunmore's hunting incursion (regardless of where Dunmore is from) and awareness that they are being led by a halfbreed, a people in whom they trust and with whom they are happy to share the land and resources. This is all to say that while there is a difference in language, the two recounts agree on the central topic, theme, and explanation of Métis presence within other Indigenous peoples' territory. Dunmore's log was examined at the National Register for Archives in Edinburgh.

to all this wanton useless destruction.” (“Hunting Tour in the Prairies”, *Nor'Wester*, October 9, 1862)

There are a number of interesting impressions in this passage. First, the Métis here are clearly included as Indigenous peoples. This categorization is not framed to refer only to McKay. The sentiment in the article is one of being seen by other Indigenous peoples as native to that place. The Assiniboine saw themselves and the Métis as people of the land. Second, there are aspects of James McKay's activities that can be linked with the events at Grand Coteau in 1851. McKay was hired last minute as the guide for Lord Dunmore's pleasure hunting tour. It was well known that for this expedition to be considered a success, they would have to locate the herds such that Dunmore and his men would be able to run them. Indeed, the title of Dunmore's log reflects this: “Log of the Wanderers on the Prairies in search of Buffalo, Bear, Deer & C.” The log and the *Nor'Wester* make clear they are on an expedition to hunt and kill for sport.

McKay was not the only Métis guide Dunmore could have turned to for access to the hunt and safe passage through other Indigenous peoples' territories. My own ancestor and close friend of James McKay, William Hallett, took out an ad in the *Nor'Wester* on 23rd of May of 1868 extolling his knowledge of the land and people between the “Missouri and Saskatchewan Rivers” and that he was available for hire to any person seeking access to the herds (Hallett, May 23, 1868, p. 3, column 3). Given what has been said above about the buffalo herds, this activity displays the awkward position in which the Métis find themselves. While McKay and others are part of an economic spin-off aspect of the hunt—guides for sport hunters—they are also contributing to the depletion of the herds by facilitating, as safely as possible, non-Indigenous access to the hunt for the purposes of trophy hunting. Thus, while non-

Indigenous peoples get to go on a “shoot-em-up safari,” McKay inadvertently contributes to the inability of other Indigenous peoples to defend against the Settler state. Irene Spry suggests that, in some cases, McKay used the trust bestowed upon him by other Indigenous people to manipulate situations in favour of the “white interlopers” he was guiding, using “trickery to impress and control his Indian friends” (Spry, 1974, p. 6).⁴²

McKay’s response to the Assiniboine was full of its own complexity.⁴³

According to Dunmore’s log, McKay defended his leading this group of non-Indigenous sport hunters across the prairies. Bearing in mind McKay was hired to get Dunmore out of such a predicament, McKay argues that “[m]y friend you have seen me before and heard of me and if you look round you will see my footsteps through this Prairie and through the country and I have been where no whiteman have yet been, and I intend to travel when where and as long as I please, and the gentlemen with me will travel wherever I go. I don’t believe any Indian can stop me” (7th Earl of Dunmore, 1862, entry for September 14, 1862). McKay is asserting his personal knowledge of the people and places in the North West as part of his insistence that he can lead whomever he chooses through the Prairies.

Thinking beyond McKay’s insistence that he personally cannot be stopped from going where he pleases, the Métis side of this dynamic is more complex still. The Assiniboine spared the intruders what could have been a bloody conflict because amongst them was a Métis person they were willing to trust and with whom they could treat. This

⁴² Spry incorrectly identifies the date of this hunting expedition as 1858 in this piece; however, she correctly identifies it as 1862 in her other works.

⁴³ The language used by McKay in the exchange seems to have some of the hallmarks of Métis treaty-making language described by Adam Gaudry in his well-argued and thought-provoking dissertation. Please see Gaudry, 2014.

was the appeal of hiring men like McKay or Hallett as guides. Indeed, those Métis who led non-Indigenous people on scientific, exploration, settlement, and hunting expeditions were selected in part because they could talk with other Indigenous peoples an expedition might encounter. Part of this, as we have seen, is attributable to deep and wide kinship ties across the Prairies. Language was also a factor in selecting a guide, and both McKay and Hallett were fluent in several Indigenous languages, in addition to English and French. Further, trade and strategic military relationships play a part in making Métis guides useful to non-Indigenous peoples. At the heart of all these reasons for employing a Métis guide is the ability to navigate Indigenous territories by virtue of being Indigenous. In the case of McKay and Hallett, they facilitate, as safely as possible, non-Indigenous access to an open access resource using their Indigenous identity as credentials.

This is not about ascribing blame. The Métis are trying to sustain their way of life amidst a highly complex Indigenous/Indigenous and Indigenous/non-Indigenous dynamic. Rather, all of this is to point out how Métis people exist in complex, awkward, and even contradictory relations within the colonial context. But, placing self-interest ahead of relational views of Métis action serves to structure political engagements with other Indigenous peoples as zero-sum and even hostile. Pointing this out through case study illustrations is designed to emphasize historically constituted relationships and political considerations in the present. The creation of Manitoba provides further elucidation of the problems with not placing one's relationship to colonialism at the centre of one's political action, vis-à-vis other Indigenous peoples.

The Creation of Manitoba

Between 1868 and 1870, the Dominion of Canada attempted to purchase the HBC's charter in order to bring Red River into the Canadian fold. In their effort to purchase the land, neither the HBC nor the Dominion government made any attempt to consult with the inhabitants about the transfer. The resentment that had been building in the region for at least a decade boiled over. The Métis, being the dominant peoples at Red River, challenged the uninvited expansion of Canada into their territories. The Dominion's Lieutenant-Governor William McDougall was barred entry into the settlement and holed up in Pembina across the international boundary. A council of delegates met in November of 1869, made up of twelve English-speaking and twelve French-speaking residents, to discuss a French sponsored bill of rights. In response to a commissioner and two good-will emissaries sent from Canada, a second Convention of twenty English and twenty French residents was elected to draw up a new bill of rights. This Convention of Forty formed and met in January and February 1870. Following this, a Legislative Assembly was convened to continue to provide a provisional government, while delegates from Red River were negotiating in Canada. On May 12 1870, the Manitoba Act 1870 was given Royal Assent, bringing Manitoba into the Canadian federation.

The body of historical literature on the 1869-70 Rebellion led by Louis Riel has grown considerably from the turn of the twentieth century. This dissertation will not make an original contribution to the history of the Red River Resistance, but rather, uses secondary interventions and well-known primary sources to provide another concrete example of how the Métis were caught in a complicated and awkward position within the colonial context, specifically in relation to the Indigenous people living on the same

territory. Using the debates that raged in Red River over the nature of Métis title to the land and the deliberations of the Convention of Forty, it will be shown that there were competing schools of thought on Métis relationships to those Indigenous peoples around them. However, the school of thought that ultimately won out contributed both systematically and knowingly to the dispossession of First Nation territory, as the Métis attempted to achieve their own measure of autonomy within a Canadian federal order.

A word on the selection of sources for this section is necessary. Newspapers make up an important part of this section's source material. The two principle newspapers used here are the *Nor'Wester* and the *New Nation*. The prolific Manitoba historian J. M. Bumsted said of the *Nor'Wester*, "Many residents were highly critical of the newspaper. It certainly was highly partisan, hostile to the Hudson's Bay Company and blatantly enthusiastic about Canadian annexation. And it was the only newspaper in town, at least until late in 1869. But in its pages one could find much attention paid to cultural amenities, ranging from imperial political philosophy to racial theory to the history of the settlement itself" (Bumsted, 2003, p. 4). Bruce Peel (1974) said of the paper that it "tended to reflect the private views of its successive proprietors. Editorially, it was usually critical of the Council of Assiniboia and of the Hudson's Bay Company, and advocated union with Canada" (Peel, 1974, p. 5). The *New Nation* receives an even frostier review from both its contemporaries and twentieth-century historians. Set up after Louis Riel closed down the *Nor'Wester*, it was run by an American. Major Henry Robinson introduced the paper in 1870 and used it to promote the Riel provisional government. The *New Nation* also promoted the annexation of Red River to the United States. Henry eventually fell out with the provisional government and resigned as editor

(Peel, 1974, pp.37-36). Alexander Begg, a Red River historian, gave eyewitness accounts of the resistance in a series of letters he wrote to the *Toronto Globe*, under the *nom de plume* Justitia. Begg described the *New Nation*'s coverage in his journal as "flippant" (Peel, 1974, p. 36).

While there are many problems with using newspaper sources from any time period, both of these newspapers—even with their inherent biases described above—provide invaluable accounts of public meetings and, in the case of the *New Nation*, a transcript of the proceedings of the Convention of Forty. While some historians have shied away from using the accounts from the *New Nation* (more so than the *Nor'Wester*), it has important qualities that recommend it. The public nature of the reporting was anticipated by the editor to be of great interest to the residents of the settlement. It was readily available to those who wished to read it. This included people who did not see eye-to-eye on the political questions of the day. The shorthand reporter at the meetings, William Coldwell, is highly regarded by nineteenth- and twentieth-century historians. Tension between the Métis and pro-Canada segments of the population made it important that the topics being discussed at the Convention be reported in a way that did not invite the birth of rumours. The suggestion at the time that the deliberations of the Convention were being mischaracterized would have made a tense situation worse.⁴⁴

Secondly, Donald Smith, a commissioner sent by Canada, stated that "[t]he proceeding of the convention as reported in the 'New Nation' newspaper, of the 11th and 18th February, copies of which I have had the honor of addressing to you, are sufficiently

⁴⁴ I have used the same rationale in my decision not to use the proceedings of the first Convention of English and French delegates in-depth, as the only record of these meetings were made in Louis Riel's diary (Bumsted, 2003, p. 198).

exact, and render it unnecessary for me here to enter into details” (D. Smith, 1870, p. 5). Smith can only comment on the proceedings for which he was present; however, that he felt confident enough in the transcript to append it to his report speaks volumes of the *New Nation*’s recorder and the paper’s attention to accuracy.

Finally, I am interested in how the Métis understand their relationship with other Indigenous peoples and the way Indigenous peoples are considered in Métis deliberations. If the representation of the deliberations reported in the *New Nation* had been amended to portray the delegates in the best possible light, it would still be worth using, as it would capture what the leading power brokers of the day thought would reflect best on the Métis people and themselves. Further, because this record was widely accessible, it was used by state actors in the twentieth and twenty-first centuries as the Settler state tried to understand and adjudicate what the Métis of Red River desired in 1869-70. All of these reasons make both newspapers important sources for understanding the events as they took place and as they were intended to be interpreted.

The Crown Colony of Red River

The question of Métis relationships with other Indigenous peoples was a hotly debated topic in 1860, when it appeared that Red River was going to become a British Crown Colony. Ens (1994) has argued that the formulation of Métis claims into the language of Aboriginal rights was central to this debate. In particular, this formulation gave a defined form to the idea that the Métis possessed rights that they had inherited from their First Nations parents, grandparents, and great-grandparents. The issue at hand was that the HBC was seeking payment from the Métis for the lands on which they were living. In the event that they did not pay, the honourable company informed the residents

that their lands would be sold to the first purchaser and all improvements made would be forfeit ("Indignation Meetings," June 15, 1861; G. Ens, 1994). The suggestion sparked a series of "indignation meetings" at which it was reported many residents "declared they would not pay one cent, . . . The principal reasons urged against compliance with the late claims are, that the Company have no right to the lands themselves, never having purchased it, and that the Halfbreeds have a very palpable right, being the descendants of the original lords of the soil" ("Indignation Meetings," June 15, 1861, p. 2, column 5).⁴⁵

This point was brought up again in the lead up to the 1869-70 conflict, when William Dease argued in the same vein as in 1860-1861 that the Métis have an Indigenous claim to the land. In addition to Dease, this argument was also made by William Hallett and several other prominent members of the community. Darren O'Toole (2008) also used the *Nor'Wester* debates to show where Métis people both explicitly and implicitly argue they have an Indigenous claim to the land. He points out that Métis leaders like Pascal Breland substantiated this position by virtue of being "partly the descendants of the first owners of the soil" (*Nor'Wester* qtd. in O'Toole, 2008, p. 248).

This view was pitted against that of Louis Riel, who argued that there was a French Catholic basis for a Métis claim, rather than on the basis of Métis Indigeneity. Ens goes into some detail describing Riel's victory over Dease in this fight. However, Ens concludes that "[u]sually treated as a minor and almost inconsequential interlude, the Dease/Riel conflict played a major role in defining the nature of the Métis Resistance in 1869-1870. On a symbolic level, it was a battle over whether the Resistance would be

⁴⁵ Note that the word "halfbreeds" has a capital "h," which means it is being treated as a proper noun.

grounded broadly on a concept of Métis aboriginal rights and led by the traditional Métis leadership, or whether the Resistance would be more narrowly a defence of French and Catholic rights in the settlement and led by the young Riel” (Ens, 1994, p. 121). O’Toole has pointed out that contrary to the assertion by Tom Flanagan—that Métis title was never understood by Métis people in what would be now understood as an “Aboriginal rights” discourse—some Métis people were clearly enunciating an Indigenous claim to the land (O’Toole, 2008; O’Toole, 2010). The subsequent deliberations at the Convention of Forty touched on these topics. Appreciating the delegates’ understanding of these rights debates is helpful when examining the work of the Convention.

There are two points worth noting about the indignation meetings and the Dease meetings. First—in both the indignation meetings and the meetings called by Dease—by emphasizing ancestral connections to First Nations peoples, the Métis are acknowledging a relationship to other Indigenous peoples. This also provides them with the ability to frame their claim in a manner consistent with being an Indigenous people. The logic of the claim suggests a continuity with the concept of prior occupation and sovereignty of First Nations peoples through to their children. Here again, there are extensive kinship links between Métis and other Indigenous peoples that make such an assertion at the time entirely palatable. Recall also the language used by Macdougall to describe Métis genesis. She uses the phrase “living in the homeland opened to them [the Métis] by their maternal connection to the land” (p. 88). Second, it is likely that the delegates to the Convention of Forty had at least some familiarity with these debates and the competing frames for Métis rights. This was not a new debate in 1870 and, as pointed out by Ens and O’Toole, these ideas had been around for at least a decade by the time of the Red

River Resistance. Indeed, O'Toole points out that the historical literature has looked to 1816 as an important year for the formulation of the idea that the Métis have a claim to the land inherited from their mothers (O'Toole, 2013). Thus, by 1870, situating Métis rights to the land through First Nations mothers is a proposition that had been around for at least fifty-four years.

The Convention of Forty

On January 19, 1870, Donald A. Smith, chief factor of the HBC and Canadian Commissioner to Red River, attended an open-air meeting where his commission was discussed and Canada's intentions towards the settlement were explained. A second meeting was held on January 20, where it was decided that a convention of twenty English and twenty French delegates be elected from the parishes to consider Smith's commission. When the representatives gathered, Smith said he would "be happy to answer any questions put to me [by the Convention of Forty]; and, after ascertaining the desires of the Convention, will point out, as far as I can whether the Canadian Government will accede to them or not," which was met by a round of cheers (*New Nation*, January 21, 1870, p. 2).

The Convention began the work of drawing up a bill of rights, starting with the creation of a drafting committee. It was expressly desired that "none but natives of the country should be appointed on the committee" (*New Nation*, January 28, 1870, p. 2). The committee consisted of six members, five being Métis and one who was born in Red River to European parents. It is worth noting that "native" here seems to mean "born in the country," and that at this Convention, the result was Métis numerical superiority. It appears that of the forty delegates, at least twenty-six were Métis and one was First

Nations (Rev. Henry Cochrane from St. Peter's parish, more commonly known as the Indian Settlement) (Barkwell, May 2011; Bumsted, 1996).⁴⁶

Upon the committee's completion of the draft bill, the Convention as a whole went article by article examining, debating, amending, or deleting the committee's work. There are several articles of interest to this dissertation. Article twelve read in draft form: "[t]hat the military force required in this country be composed of natives of the country during four years" (Begg, Bumsted, & Hargrave, 2003, p. 236). While the article was deleted, the debate surrounding it illuminates what the Convention believed their future and their relationship with other Indigenous peoples contained. Riel wanted an armed force because he did not trust that troops from Canada or the United Kingdom would treat the Métis fairly, a concern that would turn out to be justified. In the event the deal with Canada was not to Riel's liking, he would have an armed force to resist the imposition of conditions deemed to be contrary to the interest or unfair to Red River.

James Ross, an English Métis and often referred to as Riel's English counterpart and opponent in some cases, gave an interesting response to the article. He argued that:

There is no objection to a native force on the ground that we have anything to fear from each other. The point is really this: Here is a new Government starting up in the eyes of the Indians. The time has come when they have to part with their lands, and when probably there will have to be a good show of force in order to over awe them. In that service we would need a larger force than we could spare in the Territory. I would suggest that the article be dropped altogether. (*New Nation*, February 4, 1870, p. 6, column 2)

⁴⁶ Lawrence Barkwell identifies Cochrane as Métis; however, several other sources identify him as First Nations. He is recorded in history as a First Nations member of the clergy.

Ross is expressing something that would come up in a subsequent article, namely what is going to happen to the other Indigenous peoples of this territory. Ross is quick to say that he is a “Half-breed” and claims those rights associated with being a Halfbreed. However, he seems to have a view, quite consistent with actual future events, of what will transpire for First Nations peoples in the North West. He sees a not too distant future where the state will require the territories of the First Nations for the state’s continued expansion. However, a local force, hypothetically comprised mostly of Métis, could not possibly secure the land on its own, leading Ross to argue the Convention should not bother with the effort and expense in the first place.

Riel was explicit in his belief that a regular armed force in the territory would not be needed against other Indigenous peoples. He argued that “[i]t would not be necessary, in my opinion, to have a regular force organized in the North-West to act against Indians. I hope we will never have the misfortune to be under that necessity” (*New Nation*, February 4, 1870, p. 2, column 6). This sets up an important distinction between Ross and Riel. For Riel, the threat is untrustworthy expansionist forces in Canada and Europe. For Ross, the threat is other Indigenous peoples resisting dispossession. This dispossession would be conducted in part to facilitate the transfer of land from Indigenous peoples to the local legislature.

Ross was not the only one to express a similar sentiment. John Sutherland, who was not Métis but was born in Red River, also argued “[w]e are going to enter on a new state of existence; all the Indians will know it; and at once commence to look after their interests. And even if there were no Indians on the Saskatchewan at all, I believe, as I said, that troops will be a necessity here within four years” (*New Nation*, February 4 1870,

p. 2, column 7). These pronouncements of expected friction with the First Nations, made public by the *New Nation*, shed light on what Métis and non-Métis members of the community expected for their future with other Indigenous peoples.

Any suggestion that these were little more than guesswork on an unknown and uncertain future rings hollow. The fifteenth article taken up by the Convention read “[t]hat treaties be concluded between the Dominion and the several Indian Tribes of the country” (*New Nation*, February 4 1870, p. 6, supplement, column 4). Ross went on at some length to impress upon the Convention that this was of the utmost importance. It appears Ross read at the debates a letter from Earl Granville, secretary of state for the colonies in the Imperial government addressed to the Canadian government (Laybourn, 2001, p. 141). The *New Nation* reported the text as being:

I am convinced your Government will not forget the care due to those who will soon become exposed to new dangers, - who will be, in the progress of civilisation, deprived of lands which they have been accustomed to enjoy as their own home, and shut up in resorts other than those they have been accustomed to. These are things, he says, which did not escape my observation when dealing with the Canadian delegates and the Hudson Bay Company. (*New Nation*, February 4, p. 6, supplement, column 5)

Ross’ view that there would be a need for a force to “over awe” the other Indigenous peoples of the North West was not made on a whim, or concocted devoid of evidence. Ross—and after the publication of this issue of the *New Nation*—the Convention, and potentially the literate members of the settlement knew what was being planned for the Indigenous peoples.⁴⁷ Every member of the Convention was fully aware that a program

⁴⁷ Recall that it is through First Nations that the Métis asserted political and land rights and with whom they intermarried and traded.

of civilisation and land dispossession was planned for the Indigenous peoples of the North West, they just were unaware they too would be swept up in it.

A further debate ensued after Riel asked, “Had the Indians the whole claim to the country? . . . Are Indians the only parties in the country who have to be settled with for land claims? If so, alright. But if there is some section for which the Half-breeds would have to be dealt with then the article as it stood was too general” (*New Nation*, February 4, p. 6, supplement, column 4). Riel further eschewed the argument advanced by Dease when he proposed that there are places where the Métis defeated First Nations people. Riel was not articulating a derived title from First Nations peoples, but rather title to the land derived from the logic of *conquest* of First Nations peoples.⁴⁸ Riel continued, “I have heard of Half-breeds having maintained a position of superiority and conquest against the incursions of Indians in some parts of the country. If so, this might possibly be considered to establish the rights of the Half-breeds as against the Indians” (*New Nation*, February 4, 1870, p. 6, column 4). In light of what has been said at the debates about Red River becoming a Crown Colony and the Dease meetings, I find O’Toole’s interpretation of these words to be convincing. O’Toole argues that:

When the Métis inquired about Indian title, this obviously did not stem from an altruistic sense of duty to “represent” the Amerindians and thereby selflessly assure that the latter would be fairly compensated for the extinction of their title. The only

⁴⁸ Riel may be floating a trial balloon of sorts, rather than advancing a deeply held conviction. The language he chooses to deploy in this instance is decidedly cautious, adding that “I merely suggest this for consideration” (*New Nation*, February 4, p. 6, supplement, column 5). However, he is also deepening the complexity of his relationships. This type of argument would make Métis not just colonizers, but perhaps a new variation of colonizers known to parts of the Indigenous world as conquistadors. This, in concert with some of Riel’s religious views, provides a unique take on his personal musings about the relationships between Métis and First Nations peoples. There is some evidence that he was not the first to articulate this view (O’Toole, 2012, p. 20).

logical conclusion that explains why the Métis were so concerned about the extinction of Indian title is that they believed that they themselves held a co-existing radical or derivative Indian title, and in either case had a right to compensation for its extinction.” (2008, p. 255)

Indeed, everyone at the Convention table would have been aware of what Riel was talking about. As discussed above, these were hotly debated topics in the decade leading up to 1869-70. By arguing that treating with First Nations people for the whole country may be “too liberal” (*New Nation*, February 4, 1870, p. 6, column 5), Riel is setting out a claim to land that may not fit into a treaty—as the word was understood then—with First Nations peoples because Métis hold a claim by conquest.⁴⁹

Riel, Ross, and others stated clearly they would not advance their claim in the style of treaty or annuities,⁵⁰ but instead, sought the rights accorded to “civilized men.” Pierre Thibert, who Lawrence Barkwell identifies as non-Métis, argued that the idea of Métis rights need not be confused with First Nations claims. He argued that he would like to see reserves put aside for the use of the Métis. Indeed, George Flett, a well-known Métis personality in Red River and the region at the time, insisted that the Métis should support the assertion of First Nations rights. He told the Convention that “[a]s to the poor Indian, let him by all means have all he can get. He needs it; and if our assistance will aid him in getting it, let us cheerfully give it (cheers)” (*New Nation*, February 4, p. 6, supplement, column 6).

Donald Smith confirmed the importance the Dominion and Imperial governments placed on the matter of Indian title. When Smith was invited into the

⁴⁹ Riel makes the comparison with the British Empire, which holds most of its territory by virtue of conquest (*New Nation*, February 4, 1870, p. 6, column 5).

⁵⁰ The suggestion of doing so elicited a laugh from the Convention, hearty enough for William Coldwell to make note of it in the proceedings.

committee to provide comment on each article in his capacity as a commissioner, he came to this article and stated, “Fully alive to the necessity of doing this, the Dominion Parliament will not fail to take an early opportunity of dealing with this matter with the view of extinguishing, in a equitable manner the claims of the Indians - so that Settlers may obtain clear and undisputable titles” (*New Nation*, February 11, 1870, p. 4, column 6).

O’Toole returned to these debates in an article published in 2012 and applied an interesting analysis to the deliberations. O’Toole argued that there are differing views on how to conceptualize the issue of Indian title in the French- and English-speaking communities. While some conceived Métis and Half-Breed claims to the land using the law of nations, others, usually English speaking, framed it in the language of the rights of British subjects. These are not mutually exclusive categories. As O’Toole rightly points out, there are English Halfbreeds who understand their claim to be rooted in their Indigenous connection to the land, and even some whose claims changed from an Indigenous one to one rooted in the rights of British subjects. O’Toole argues that Riel sought to deal with these competing conceptions by framing his own claims in a way that would bring the English community on board with some kind of land claim. On the quote from Riel above, O’Toole states, “Riel’s speech-act was more concerned with the effect or response that he hoped to bring about – Half-Breed support of land claims – than with communicating his innermost thoughts concerning the source of Métis title” (O’Toole, 2012, p. 20).

O'Toole believes that the language of "rights as civilized men" is used by the English Half-Breeds to ensure they retained their civil and political rights, as well as their right to hold property. Thus:

What the Half-Breeds feared was that such acts [as the blockades and resistance generally] would be construed as acts of rebellion against the Imperial Crown, that they would be branded traitors and consequently not only stripped of their political and civil rights, but also have their property confiscated. Their opposition to Indian status was for precisely the same reasons: it would have stripped them of their political and civil rights and transferred the common law title of their property to the Crown. (O'Toole, 2012, p. 23)

Riel concluded the debate on Indian treaties by reiterating that "[t]he Half-breeds have certain rights which they claim by conquest. They are not to be confounded with Indian rights. Great Britain herself holds most of her possessions by right of conquest. In conclusion he moved that the article pass with the addition of the words, 'as soon as possible'" (*New Nation*, February 4, p. 6, column 5). Notably, the only identifiable First Nations person elected to the Convention, Rev. Henry Cochrane, seconded this motion and it was carried without a recorded division. O'Toole's analysis of this passage is that even though some English Half-Breeds used the language of Indigenous title, "[n]evertheless, the emphatic rejection of land claims grounded in Indian title on the part of the Half-Breed representatives at the Convention explains why Riel tried to avoid phrasing Métis land claims in terms of derivative Indian title when he finally did raise the issue in public" (O'Toole, 2012, p. 21).

O'Toole's analysis is well argued and compelling. However, it is worth adding that this clause was not explicitly about a Métis land grant or even a Métis land claim. Clause fifteen was a clause from the drafting committee on concluding treaties with

Indians. O'Toole's 2008 analysis captures the element of Métis interest in setting out a possible claim when the issue of Indian title came up. Second, it is also worth adding that the clause passed without a recorded division, suggesting that there may have been broad agreement. Taken together, it is difficult to know definitively if the delegates as a whole are lining up on different sides of the conception of Métis interests in the land, because the clause under consideration is only implicitly about Métis interests in the land. Without a recorded vote on a question related to a Métis land grant, much of what Riel is doing at the Convention becomes not about what he says, but his strategy for achieving a set of unknowable goals.

O'Toole does not include article nineteen in his analysis. Article nineteen is not interesting so much for its debate, but the absence of deliberation in the face of several key changes. The clause in draft form read "[t]hat every male person, 21 years of age, resident in the country one year, shall be entitled to vote for the election of a member to serve in the Legislature of this Territory and in the Parliament of the Dominion" (*New Nation*, February 11, p. 1, column 5). The debate was concerned with how long a newcomer to the region ought to be a resident before being granted the franchise. This debate went on for some time until Louis Schmidt, seconded by Charles Nolin, both described by Bumsted as Métis leaders, offered this amendment: "That every man of this country, *except Indians*, who has attained the age of 21 years, and every British subject, a stranger to this Territory, after three years of residence in the Territory, shall have the right to vote; and every foreigner, not a British subject, shall have the right to vote after residing the same length of time in the Territory, on condition that he take the oath of allegiance" (*New Nation*, February 11 1870, p. 1, column 5, emphasis added). This was

the first time in the debates that the question of First Nation's access to the franchise had been raised. There was no further discussion on the topic of denying First Nations the franchise. The Convention continued to debate whether a property requirement was needed; however, First Nations people were not mentioned as being relevant here either. After a meeting between Riel and Ross, the Convention passed the article in the following form:

That every man in the country (*except uncivilized and unsettled Indians*) who has attained the age of 21 years, and every British subject, a stranger to this country, who has resided three years in this country and is a householder, shall have a right to vote at the election of a member to serve in the Legislature of the country and in the Dominion Parliament; and every foreign subject, other than a British subject, who has resided the same length of time in the country, and is a householder, shall have the same right to vote on condition of his taking the oath of allegiance, - it being understood that this article be subject to amendment exclusively by the Local Legislature." (*New Nation*, February 11, p. 2, column 1, emphasis added)

Not a single word was raised, be it for, against, or questioning the exclusion of First Nations peoples from the franchise. This article received more than a day's worth of debate, and in all of it, the issue of excluding First Nations from the vote never entered the recorded deliberations.

This article went through three iterations. The first had no exclusion of First Nations people, possibly because there was the assumption that First Nations either would not vote, or on its face, could not vote by virtue of being First Nations. The second, sponsored by two French delegates, excluded all of them. The third excluded only unsettled and uncivilized First Nations people. This emphasizes the point made by George Flett in the debate on negotiating treaties with First Nations people that "[w]e have taken the position, and ask the rights of civilized men" (*New Nation*, February 4

1870, p. 6, column 6). This distinction hammered out first by Schmidt and Nolin and then refined by Riel and Ross suggests that O'Toole's analysis may need to take into account the fact that French-speaking Métis delegates were the first, and seemingly without provocation, to deny the vote to their Indigenous cousins. This happened while they also played a hand in refining the disenfranchisement alongside those committed to "the rights of civilized men." Without any recorded debate on the topic, it is difficult to say more, other than this line in the sand was seen to be important enough to enunciate through a key mode of securing the main levers of power, namely the franchise. It also seems to be uncontroversial to the degree that nobody thought to speak to it explicitly in the debate.

This debate also included an examination of the gender dimensions of the franchise. Shortly before the final form of the amendment was put to the convention, Mr. Scott, who was not Native, offered on the question of the franchise: "Is it the intention of the Convention to allow women to vote? No doubt many such will come in and be householders. (Laughter)", to which the Chairman replied: "All of these resolutions will have to be submitted to a good deal of filling" (*New Nation*, February 11 1870, pp. 1-2). It is not clear if Scott meant this to be a joke, nor how many people in the room interpreted it as such. However, it is clear that this suggestion is seen to be absurd by a large enough constituency of people that the recorder, Mr. Coldwell, recorded the reaction. Thus, the idea of granting women the franchise is clearly seen by some within the Convention as ridiculous.

It is tempting to see the reaction to Scott's comments as a product of the time; however, that would be only partially compelling. In 1870 other British colonies were

not far-removed from granting the franchise to women. This is where Collier and Collier's methodology of including some form of cross-national comparison will be helpful. A comparative perspective would nuance some of these comments. This is also an important moment to reflect on Macdougall's framing of Indigenous women opening the land to their Métis children, as well as the orientation of the Dease meetings that proposed something similar. As an orienting framework, locating land rights in one's relationship with Indigenous women further highlights the shortcomings of dealing with conflict through the structures of Settler-representative institutions. If women are the locus of Métis connection to land, it is not a logical leap, regardless of the time, to extend that power into the political sphere. Doing so makes extending the franchise to women rather obvious, instead of ridiculous.

In this discussion of Métis and First Nations claims, how much land do the Métis believe they are negotiating to control? There is evidence to suggest that those at the Convention believed the entity they were creating to be much larger than the area governed by the Council of Assiniboia, and perhaps as large as the whole of the North West. Riel believed that he was negotiating on behalf of a territory "larger than the four Provinces in Confederation put together" (*New Nation*, February 4, p. 2, column 2). Indeed, on the questions of schools and roads for the territory, the delegates have a much larger territory in mind than just Assiniboia.⁵¹

⁵¹ Support for this is also found in the report of the Dennis survey of 1869-70, which reported that the Métis were claiming territory they had never occupied (O'Toole, 2008, p. 255). Indeed, Jean Teillet has argued that the North West was a Métis playground, with high levels of mobility between different posts and hunting grounds over both land and waterways (Teillet, January 17, 2013). While Métis people did not live on the land, in a way, Dennis was wise enough to understand that they were and are very much *of* the land in the North West.

The Convention eventually passed article eighteen to provide the local legislature with full control over lands within a sixty mile radius from the settlement. Sixty miles is the approximate distance between the junction of Red River, Assiniboine River, and the forty-ninth parallel. Métis interest in this sixty-mile limit was rooted in a debate over their hay privileges. Alexander Begg suggests this when he comments that this clause evolved into a concern that speculators would cut up the settlement, and that the local legislature ought to protect the farms of those who may be impacted by the building of the railroad (Bumsted, 2003, p. 238).⁵² However, there was an interesting exchange between Riel and Reverend Cochrane, who represented the “Indian Settlement.” Cochrane asked: “I would like to ask a question about this 60 miles or more for which it is proposed to ask. I represent here the Indian Settlement. Of course, there is a Chief there, who thinks he has control over those lands. How would it affect him if the large tract were granted?” To which Riel responded: “His right would stand good. We are not here to deprive anybody of their rights. For my part, I wish the whole country [meaning all of the North West] were under the control of the Local Legislature. We have to work for the country [meaning the North West], in case the Canadians will not work for us”

⁵² The debate on this article involved a disagreement between Riel and Ross. Ross proposed that the Convention ask for fee simple title for all the hay lands two miles behind the lots. Riel proposed that a much larger tract be set aside under the control of the local legislature. Not all the English delegates supported Ross. George Flett and Thomas Bunn, both English Half-Breeds, did not see eye to eye on this, with Bunn asking for the fee simple lots and Flett asking for a common beyond the two mile limit under the local legislature’s control (*New Nation*, February 11, 1870, p. 1, column 1). Indeed, the vote on this was recorded and Flett voted with Ross in the end, but clearly has some interest in a broader common. The division here is almost exclusively along linguistic lines, with Alfred Scott voting with the French delegates to pass the provision. This may be a fruitful area to add to O’Toole’s 2012 analysis, as it provides a clear vote on the question of Métis interests in the land, though it only tangentially makes reference to Indian title. Riel in this debate reiterates his view that Métis claims are not Indian claims.

(*New Nation*, February 11 1870, p. 1, column 4). The division on the provision was eventually carried without Cochrane's vote. A great sadness of this process is that Cochrane cast votes in the proceedings that could have resulted in the disenfranchisement of people in his constituency.⁵³

Within this sixty-mile radius of Red River, there are many Indigenous peoples who would point to Red River being, at minimum, a meeting place for many different Indigenous peoples (Ray & Freeman, 1978; Ray, 1998). Indeed, as Cochrane's question shows, the Convention is being confronted by the challenge other Indigenous peoples pose by living on the land needed to build this new territory. Even Métis political rights doctrine as enunciated in the indignation and Dease meetings had as its basis a right to the land by virtue of being the children of Indigenous peoples who also lived on the places they were agitating to claim. By passing articles fifteen, eighteen, and nineteen concerning First Nations title and voting rights, Riel and the Convention knowingly created a Métis authority over land claimed by many different Indigenous peoples, gave control of that land to a local legislature, and disenfranchised other Indigenous peoples from that legislature's selection process.⁵⁴ All of this done without having other Indigenous nations present to contribute to the deliberations.

With the Convention's awareness that the Imperial and Canadian governments sought to have Indians "deprived of lands which they have been accustomed to enjoy as their own home, and shut up in resorts other than those they have been accustomed to," delegates at the Convention were able to envision a political authority with its seat of

⁵³ Being a member of the clergy probably would have made Cochrane a "civilized Indian" in the eyes of the Settler authority.

⁵⁴ Article fifteen became fourteen in the final draft after the renumbering was completed. The renumbering was made necessary by the deletion of some articles in their entirety.

power at Red River and dominated by Métis. In essence, the Convention gave prominence to Métis claims and attempted a land grab of territory claimed by other Indigenous peoples with full knowledge about what awaited other Indigenous peoples in the pending treaty process.

To summarize, in the process of drafting the bill, the Convention had: asked that shared Indigenous territory be placed under the control of a local legislature; denied the franchise to all Indigenous peoples except the Métis and those who behaved in a manner consistent with European standards of civilization, which served to deny other Indigenous peoples a say in the composition of that legislature; publicly contemplated military engagement with First Nations who may need to be removed from their land by force or who might be displeased with the deal struck in Red River; and been made aware of Dominion plans to “civilize” First Nations communities and place them under a new governing authority away from their lands. Even in the event that none of these political choices were intentionally designed to exclude other Indigenous peoples, the immediate and long-term effect would be to deny most Indigenous peoples a political voice in a perceived Métis territory. To be clear, this is a territory in which other Indigenous peoples have a demonstrable Indigenous interest in the land.

One might wonder how representative these delegates were of the Métis population. Another irony of article nineteen was that many Métis would probably not have met the qualifications of a “settled and civilized Indian.” While the buffalo herds were in decline by 1870, there were still people in Red River engaging in the hunting economy and the cart brigades, as well as the trapping economy. These non-sedentary lives were probably not what the Convention had in mind as “civilized and settled

Indians.” Indeed, George Flett came from an active and highly mobile family of trappers and hunters. James Ross’ father, Alexander (not Métis), often criticized the hunt on the basis that it stunted Métis progress towards settlement and agriculture, which is what is meant by the term “unsettled” and “uncivilized” (Bumsted, 2003, p. 95).

On the other hand, these men were sent by a community of male residents to be their representatives. The majority were Métis. They went before their respective parishes and either defeated a challenger or stood uncontested for the job to speak on behalf of a segment of the Red River community. There are documented cases of contested elections in some parishes, which took time to settle. Also, in several instances, both French and English representatives expressed their role as “speaking for the parties that sent me here” (*New Nation*, February 11 1870, p. 1, column 1) or of having to return to seek the advice of their constituents. There was some cross section of occupation and education: several farmers, a few small merchants, and at least one freighter, fur trader and clerk (Barkwell, May 2011; Bumsted, 1999). This is not to say this was a mirrored representative council. No representative body is ever a mirror of its constituent community, and the suggestion it should be begs the question why representative bodies are not selected by lot (Kymlicka, 1995, p. 139; D. E. Smith, 2007, pp. 103-104).

The life of the articles after the conclusion of the Convention of Forty is complex. This document was in fact a second list of rights, the first having been drafted in 1869, but questions about the completeness of that document, the authority of the delegates to engage in the drafting process, as well as the entry onto the scene by commissioners and emissaries from Canada undermined its content (*New Nation*, January 28 1870, p. 2, column 7, p. 3, column 1). After this second list of rights was passed at the

Convention, a third list was drafted by Riel and a group of advisors (Flanagan, 1991, pp. 30-32; Morton, 1965).⁵⁵ In this third formulation, Riel made provincehood a condition of entry into confederation, where the Convention of Forty passed a resolution seeking territorial status. Provincehood made the reference to local control over public land sixty miles in any direction from the settlement unnecessary. Also, in this third list, Riel sought control from Red River over all lands in the vast North West. The voting restrictions were maintained from the Convention's list, with a change in wording reflecting Riel's desire for provincehood. And, with the notable addition of "by and with the advice and cooperation of the Local Legislature of this province," the article on treating with the Indians re-emerged in this third draft. The addition of "advice and cooperation" would have provided the Métis, through control of the legislature by their electoral superiority, an important say in shaping the content and outcome of the treaties. It would also mean that the federal and provincial governments, both of which forbid First Nations participation, would influence a treaty process primarily impacting First Nations peoples.

It is also not plausible that Métis leaders forgot about the other Indigenous peoples who share that space. Prior to the start of the meetings at the Convention of Forty, Alexander Begg records a meeting between the Métis and a party of Sioux. On December 30, 1869, word reached Fort Garry that a party of Sioux were heading towards

⁵⁵ There was a fourth list developed after the arrival of Bishop Taché. Taché returned from Rome at the behest of George-Étienne Cartier. This list was in fact the one taken to Ottawa by the Convention's delegates. It contained both the voting restriction as well as the treaty provisions. The voting restriction replaced "Territory" in the Convention's list with "country" (Morton, 1965). If "country" is interpreted to mean "Canada," the provision would allow anyone residing in Red River to vote, assuming they had lived somewhere in the Dominion for three years. However, the term "country" was frequently used at the time to refer to the North West.

the settlement. He reports that when they reached White Horse Plains, they were informed to turn back because they were not wanted in the settlement. Undeterred, the Sioux continued on until they were met by a Métis party at James McKay's house on December 31st.⁵⁶ It was here that a meeting took place and Francis Dauphinais, James McKay, and Pierre Poitras all informed the Sioux that "the band [should] turn back as there was trouble in the Settlement, in which they had no right to interfere" (Begg et al., 2003, pp. 206-208). The Sioux Chief responded:

That he and his braves having heard so many tales regarding the difficulties amongst the settlers, had determined on coming down to see for themselves so as to find out the truth – that they did not wish to interfere in the quarrel – nor did they want to harm any one being at peace with the Settlement – referring to a large silver medal with Victoria's head on one side and British coat of arms on the other, he said that he and his band had received protection during the last eight years under that medal, and he wanted to know if there was any fear of his losing that protection. (Begg et al., 2003)

Riel arrives to this meeting sometime after this speech and provided 25 pounds of tobacco. The Sioux agreed to leave the area having received their "New Year's presents."

At this meeting, Riel and the Métis are confronted by the explicit question of how this resistance to Canada is going to impact another Indigenous people. The response from all the Métis at every juncture is for the Sioux to return to their homes, this being a Métis affair. Of course, as this chapter has attempted to lay out, the events transpiring are not exclusively Métis affairs because Red River is not an exclusively Métis space. Further, the Métis at the Convention of Forty did not take seriously the real concerns of other Indigenous peoples that were being articulated at the time.

⁵⁶ The same James McKay of the Dunmore expedition.

In fairness to Riel, after the Convention of Forty accomplished its work in March of 1870, he had a notice distributed in French with the following text:

For the savage nations that the people of Red River do not want to leave to be mistreated by Canada; we have told the Government of Canada that we are going to agree to go in with them: If Rupert's Land and the North-West entered the Canadian confederation with all the rights common to other provinces. If treaties are concluded between Canada and the various Indian tribes of Rupert's Land and the North-West, *with the advice and cooperation of the legislature of the country* (Peel, 1974, p. 28, translation by Lori Johnson, emphasis added).

Riel is being honest about the content of the third list of rights. Also, it shows that Riel, or somebody advising Riel, is thinking about the place of the Métis within the broader alignment of Indigenous life at the junction of the Red and Assiniboine rivers. However, the provision crafted by Riel and his advisors denies First Nations the option to involve themselves with matters at Red River. By virtue of First Nations interest in their lands, the happenings in the legislature would concern them absolutely. It also provides the Métis with a voice in First Nations treaty processes after the Métis have concluded their own agreement with the Settler government. Conversely, it was unlikely that the Blackfoot or the Dene, over whose land Riel was trying to assert control, were aware of this notice.

The elected delegates to the Convention of Forty would pass articles and engage in debates that would have far-reaching implications for Manitoba and the Métis. The publicly deliberated articles appended to Donald Smith's report to Ottawa were known in passing by the general population in Canada, thanks to Alexander Begg's letters, and were consulted when drafting the Manitoba Act 1870. The deliberations and articles were also considered in the next century as evidence submitted to land claim court cases.

The definitions in the first chapter provide some instruction on how to see the work of the Convention within the framework of colonialism. Recall that colonization is a practice and colonialism is the idea informing the practice. The practice seeks to “[establish] a settled outsider presence beyond the outsider’s territories (both physical and conceptual) for either the purpose of permanent agricultural settlement or trade/resource extraction.” This involves the imposition of an outsider (colonial) coercive political sphere. There are some elements of this at play in the work of the Convention.

While the Métis are Indigenous to Red River and all of the North West, they are not the only Indigenous peoples in this space. Consider the sixty-mile radius provision passed by the Convention. This is the imposition of a Métis sphere of political power over both Métis territory and other Indigenous peoples’ territory. Coupled with the public knowledge that the Settler state planned to dispossess the non-Métis Indigenous peoples, this measure would have given the Métis government exclusive power over territory shared by numbers of Indigenous peoples. The other Indigenous peoples’ interest in the land would have been eliminated, and all that would have remained were Métis interests protected by a local legislature. This would have established a Métis sub-national authority within the Settler state. This also would have been a type of Métis colonization of Indigenous peoples. The Métis, who are insiders, would have empowered themselves within an outsider Settler state. Where the hunt was concerned, the Métis showed themselves to be awkwardly positioned in a colonial context; however, at the Convention, they positioned *themselves* awkwardly as a type of colonizer through their political choices.

The establishment of this sphere of power did not come to pass. The articles of the Convention were amended two more times, and the Dominion of Canada with the British Empire, being the masters of colonization, concluded the negotiations and then began an aggressive scheme to settle all of the North West and pacify the Métis and other Indigenous peoples. By the Manitoba election of 1879, Ens shows that there were only four Métis elected to the legislative assembly out of twenty-four seats (G. J. Ens, 1996, pp. 141-149). In the process of negotiating a strong Métis dominant power at Red River with the Settler government, the Convention of Forty had instead dispatched (non-Métis) negotiators to engage in a process that resulted in the colonization of Métis territory, inauspiciously kicked off by Colonel Wolseley's reign of terror. The Convention certainly did a good job ensuring that "settlers may obtain clear and undisputable titles" (*New Nation*, February 11 1870, p. 4, column 6). The significance of the work of the Convention of Forty ought not to be measured by the translation of its deliberations to actual policy or power dynamics. Rather, it is the way in which politics are framed to promote Métis interests at the expense of Métis relationships with other Indigenous peoples and the legacy of the real political choices taken that make the Convention of Forty important to this dissertation.

The theme of this chapter as a negotiation of complex and contradictory relationships within the process of colonization is captured by James Ross at the Convention. Ross said, "We must seek to preserve the existence of our own people. We must not by our own act allow ourselves to be swamped. If the day comes when that is done, it must be by no act of ours. I do not wish in anything I may do to hurt the stranger; but we must, primarily, do what is right and proper for our own interests." (*New*

Nation, February 11, 1870, p. 1, column 4). At the Legislative Assembly of Assiniboia, the representative body formed after the Convention but prior to entry into Canada, James McKay spoke in favour of the interests of Indians but added, “I respect the Indians and all that live in the country. But at the same time I do not want to be deprived of my rights until the Indian claim is satisfied” (*New Nation*, May 6, 1870, p. 2, column 3). At the Convention, the Métis sought to protect and advance their own interest to the demonstrable exclusion and detriment of other Indigenous peoples around them.⁵⁷ Since Grand Coteau was not a Settler colonial context, it would have been difficult for the Métis to know what the “colonial express” would bring for them and other Indigenous peoples. However, in 1870, the program of Indigenous land dispossession envisioned for the region after it was opened to expanded permanent European agricultural settlement had been explicitly laid out for the Métis. In their efforts to get the best deal for themselves, the Métis cut out their kin, their allies, and their trading partners, seeking rather to establish a Métis power to the exclusion of most other Indigenous peoples.

As the Métis engage in what is now Manitoba with other Indigenous peoples, it is important to think about what was attempted at the Convention of Forty. Possession of the land was framed by the Convention as zero-sum, whereby the local legislature took control over public lands to the exclusion of all other claims pending the conclusion of treaties. A Métis legislative assembly was to be elected by Métis and Settlers to manage those lands, to the exclusion of other Indigenous peoples. Political engagement designed to promote narrow interest without thinking about one’s relationships can result in the

⁵⁷ James McKay insisted that by granting a Half-breed right to the hay privilege, nothing would be taken away from the Indian (*New Nation*, May 6, 1870, p. 2, column 2-3).

intended and unintended consequence of facilitating or outright colonization of other Indigenous peoples.

The point is not that had the Convention acted differently, colonization of the North West would have not happened, or happened differently. Rather, it is to say that Métis and First Nations people have relations that connect us to our past as well as to each other. As this chapter has stressed, there are relationships of kinship and community that crisscross and link Métis and First Nations people. However, there are also political relationships of colonization. The critical juncture of 1869-70 established relationships of colonization that Métis people live with and must think about in our present actions, which in turn shape what our future relationships may look like.

Quentin Skinner offered in 1969 that “[t]o demand from the history of thought a solution to our own immediate problems is thus to commit not merely a methodological fallacy, but something like a moral error. But to learn from the past – and we cannot otherwise learn it at all – the distinction between what is necessary and what is the product merely of our own contingent arrangements, is to learn the key to self-awareness itself” (p. 53). While I find Skinner’s views on this compelling, in the context of critical junctures in which a legacy of zero-sum politics unfolds, it is important to be able to see within the contingent arrangements of Métis political life the possibility of a larger mechanism perpetuating the legacy past the event. Indeed, among the inadvertent and advertent relationships of colonialism are interactions that, in the latter case, advance a type of engagement well into the future. Thus, in the process of becoming “self-aware,” as Skinner offers, one must be prepared to engage the complexities of localized ideas

responding to localized problems that shape relationships into the future. To do so seems helpful to making the Métis self-aware.

Conclusion

This chapter has added to the argument that Métis people possess an awkward and multidimensional relationship with colonialism. The battle of Grand Coteau and the hunt show that the Métis inadvertently contributed to the colonization of the Sioux, while engaging in their own economic activities. In this case, these two Indigenous peoples faced off against each other to create an awkward dynamic situated within the process of Sioux dispossession. The Convention of Forty illustrates the way Métis framed and advanced their own political claims and processes, in an attempt to establish themselves as the dominant political power in Red River to the exclusion of other Indigenous peoples. At the same time, the Métis were swamped by the expansion of the Settler state and, within nine years of the Convention, had lost their numerical, and consequently, electoral superiority. In this case, the Métis are at once attempting to establish a colonial power dynamic over shared Indigenous territory and in the process were dispossessed themselves. By couching the debate in the context of the indignation and Dease meetings, I have endeavoured to illustrate the variety of ways in which Métis claims to their homeland were conceived, including by virtue of “being the descendants of the original lords of the soil.” The point has been to illustrate a multidimensional relationship, whereby Métis political claims are couching in being the existential product of the colonial fur trade, while also engaging in relationships of colonization as well as being colonized themselves.

As the Métis in what became Manitoba were outnumbered and the 1885 conflict ended large-scale military resistance to Settler colonial expansion, the nature of the complex relationship shifted. The ability to bring the state to the table was circumscribed, meaning the option of setting up a Métis sphere of power largely faded away. The resistance to the Settler state that accompanied the entrenchment of Settlers in Indigenous spaces meant that Métis politics needed to take a different form in the twentieth century. Though the option of setting up a Métis sphere of power was no longer possible, the new Settler-dominated order would emphasize the zero-sum dynamic at play within inter-Indigenous politics. This dissertation will now turn to this changed political dynamic.

Chapter 4 – Breaking Bad: The Breakup of the Indian and Métis Conference and Twentieth Century Zero-Sum Politics

“Then there were our Indian relatives on the nearby reserves. There was never much love lost between Indians and Halfbreeds. They were completely different from us – quiet when we were noisy, dignified even at dances and get-togethers. Indians were very passive – they would get angry at things done to them but would never fight back, whereas Halfbreeds were quick-tempered – quick to fight, but quick to forgive and forget.

The Indians’ religion was very precious to them and to the Halfbreeds, but we [Halfbreeds] never took it as seriously. We all went to the Indians’ Sundances and special gatherings, but somehow we never fitted in. We were always the poor relatives, the *awp-pee-tow-koosons* [half-people]. They laughed and scorned us. They had land and security, we had nothing. As Daddy put it, ‘No pot to piss in or a window to throw it out.’”

— Maria Campbell, *Halfbreed*, 1973, p. 26

After the passage of the Manitoba Act 1870 and its ratification by the Legislative Assembly of Assiniboia, the human typhoon finally hit Red River and continued across the North West. It appears that the worst fears of the delegates in the Convention of Forty and the Legislative Assembly of Assiniboia and the promises contained in the letter from Earl Granville were all to come true. The Indigenous Nations west of the Great Lakes would be swamped by non-Indigenous Settlers from Canada and Europe. Métis people, true to form, would not go quietly into the night; however, by the dawn of the twentieth century, a Settler state had put down roots in Métis and other Indigenous peoples’ territories.

In essence, the Canadian Settler state had moved from the North West’s geographical doorstep of Ontario through the threshold to sit on top of the kitchen tables

of the Métis people. In relatively short order, the now-Settler state advanced claims to all of the lands north of the forty-ninth parallel. In the process, the Métis were unceremoniously kicked out of their homes, both figuratively and literally. Métis people lost their superior numbers, which meant they also lost their electoral power. Ushered in with this new order was what Adams would identify as a deeply racist society, where the Métis and the other Indigenous peoples around them were robbed of their territories. The military resistance of the previous century was no longer a feasible option. The buffalo population, which had served as a key economic base, had retreated to the precipice of extinction. Métis and other Indigenous peoples were chased off the best agricultural land to make way for non-Indigenous Settlers. Métis and other Indigenous peoples had no economic base from which to resist the Settler state.

This change to a European-Settler-dominated context meant that Métis and other Indigenous peoples in the swamped province of Manitoba were required to agitate differently.⁵⁸ Métis leaders formed political associations to advocate on their people's behalf. Where once stood captains of the hunt and provisional governments now stood presidents of local associations and provincially incorporated organizations with committees, sub-committees, meeting minutes, and bureaucracies. This changed environment saw continued pressure to place Métis interest ahead of those of their allies, enemies, and kin. At a key juncture of Métis politics in Manitoba, Métis people gathered in a loose association with other Indigenous peoples, run largely by Settlers. Starting in 1954 and meeting in every year except 1957 until 1969, The Indian and Métis Conference was an important political and social organization that sought to provide a

⁵⁸ As outlined in chapter 1, it is not the goal of this dissertation to enunciate a clear distinction between the colonial and Settler colonial contexts.

voice to Indigenous people in Manitoba through a non-Indigenous organizing committee.⁵⁹ This pan-Indigenous organization began the formal process of splitting up in 1967 and became the Manitoba Métis Federation (MMF) and a re-formed Manitoba Indian Brotherhood (MIB). While the formal process began in 1967, there is ample evidence to suggest that the Conference struggled under the weight of divisions between Métis and particularly Treaty peoples from almost the first gatherings.

With the Conference both situated in and oriented towards Indigenous peoples in the city, the gathering changed from one focused on social and economic integration of Indigenous peoples to being an organization oriented towards political agitation. Social and economic integration did not go away; however, as the Conference developed, those concerns came to be articulated through political agitation and political organizing. Its orientation towards voicing concerns for both Métis and other Indigenous peoples was not exclusively localized in Winnipeg. Rather, part of the stress under which the organization struggled was having a mandate for social development in Winnipeg, while organizing a Conference attended by large numbers of Indigenous peoples from outside the city.

While this moment is critical in Métis politics, it itself is not a critical juncture. Rather, it is part of the legacy of the juncture in 1869-70. In this way, this chapter explores how the legacy of zero-sum politics unfolds within the Conference and among the Conference participants. This chapter will argue there was a persistent drive from Indigenous and non-Indigenous people over the life of the Conference to create a

⁵⁹ I have chosen to capitalize the word “Conference” in this chapter to emphasize the name of the organization as a proper noun, as well as to distinguish the annual gathering from smaller conferences held during this period.

dedicated political organization for the Indigenous peoples in Manitoba. This drive started small and problematically and, through a number of false starts, led to the end of the Conference, the creation of a new organization, and the reinvigoration of an older one. I argue there are four theoretical interventions that help make sense of the politics behind this breakup. First, Howard Adams' intervention into the power dynamics between colonizer and colonized suggests the breakup is part of a complex and multifaceted colonial divide and rule tactic, which implicates Indigenous leaders. Second, Bonita Lawrence's work suggests that Métis people within the Conference were embracing and organizing around colonial imposed identities. Third, the legal and historical contributions of Paul and Larry Chartrand suggest that the breakup was inevitable, because as a distinct people the Métis need their own vehicles for political agitation. Finally, cutting across the previous three, the politics of the breakup represent a failure to see the legacy of zero-sum colonial politics at play in inter-Indigenous politics. Unlike the events at the Convention of Forty, the Métis in the Conference do not colonize, intentionally or unintentionally, a particular space. However, like the Convention of Forty, they are engaged in complex anti-relational politics that result in the entrenchment of zero-sum inter-Indigenous competition. Without being conscious of the broader multi-dimensional aspect of Métis relationships with colonialism, Métis politics deteriorate into base competition, which create clearly delineated zero-sum winners and losers. Winning and losing in this framework exacerbates the domination of all Indigenous peoples.

Towards Political Organization: The Indian and Métis Conference

Starting in the 1950s, an increasing number of Indigenous people moved into Winnipeg and other cities from their rural and remote communities. Jim Silver (2006)

has pointed out that although this shift was gradual, it became more emphasized by the late 1960s and early 1970s. Silver notes the 1951 census recorded 210 Indigenous individuals living in Winnipeg; by 1961, that number had increased to 1082, and by 1971, there were 4940. On its face, the increase from 1951 to 1961 is over 400%. Though these figures may not be comparable for a variety of sampling and methodological reasons, if the shift were as large as it appears to be, one would expect to see a response from civil society to the change in the urban demographic landscape. This is exactly what happened in the early and mid-1950s.

The subtext of Silver's analysis provides important context for the development of political organizations. The return of Indigenous peoples to Winnipeg after nearly eight decades at the social, economic, and geographic margins of Manitoba would have been the first encounter for many Settlers with Indigenous peoples. This phenomenon physically brings Indigenous people into the line of sight for a wide cross-section of Settlers. Prior to the 1950s, Indigenous peoples were an abstraction if they were thought of at all by many Manitobans; in the 1950s, Indigenous peoples once more became part of life at the junction of the Red and Assiniboine rivers. Social workers, clergy, betterment societies, educators, and philanthropically minded citizens felt compelled to engage with what they would articulate as the deficiencies of this "new" facet of life in Winnipeg.

The precursor to the Social Planning Council of Winnipeg, the Welfare Council of Greater Winnipeg (WCGW), was made up of individuals committed to improving the lot of the poor and disadvantaged. In response to the emerging so-called "urban Indian problem," the WCGW sponsored a conference in 1954, chaired by scholar

of Métis history W. L. Morton. The conference adopted the theme of Indian integration into the city. The stated purpose of the gathering was “[t]o [c]onsider . . . the problems of the Indians and Métis in Manitoba [and] [i]n [o]rder to . . . achieve their integration into the economic and social life of the Province [sic].” (Community Welfare Planning Council, 1954, p. 1). This was the first gathering of the Indian and Métis Conference, which would meet annually until 1969. As this orienting statement might suggest, the Conference was Settler run. The first Indigenous person to chair the Conference was John Turner in 1963. Further, because of the role that the clergy played in Indigenous peoples’ lives both in and outside cities, the clergy occupied a central place in both the Conference itself as well as the running of the organizing committee.

The Indian and Métis Conference was a conference in two senses. First, it was a gathering of people to discuss a range of topics and network over several days. Second, it was a permanent political body that advocated on behalf of Indigenous peoples between gatherings. The Conference passed resolutions and struck committees. The resolutions took on a distinctly political character, calling for action and redress in a host of areas. Housing, education, treaty entitlements, on and off reserve infrastructure, and economic development all were addressed by resolutions. The Conference was open to both Indigenous and non-Indigenous people. Conference resolutions sought to “help” Indigenous people adjust to life in Winnipeg.⁶⁰ No consideration was given to the possibility that Winnipeg had been an important Indigenous space long before there were Settlers to “help” Indigenous peoples.

⁶⁰ This included Métis, non-status, and reserve communities.

The secondary literature on the Conference is sparse. Two books written in the aftermath of the breakup were penned by former employees of the agencies that grew out of the Conference. James Burke (1976) wrote *Paper Tomahawks: From red tape to red power* using his experiences as an employee of the Manitoba Indian Brotherhood to inform his analysis. In this work, he covers the lead up to the release of the 1969 White Paper on Indian Policy. Burke suggests that the federal government had incentivized the split between the Métis and treaty communities, going so far as to argue that “[i]t appears that Ottawa had committed itself to provide funding for the spokesmen for Manitoba’s registered Indians when they broke away from the Métis” (Burke, 1976, p. 50). While Burke does not provide clear evidence to support this claim, it does provide added weight to the importance of studying the Conference, its breakup, and the aftermath more closely.

Stanley Fulham (1981) wrote his book also using his experience with a post-Conference Indigenous organization. Fulham was the executive director of the MMF and wrote *In Search of a Future* (with new editions in 1972, 1976, and 1981). In it, he inked what would become the accepted wisdom of the breakup in the Métis Nation. He argued that the Indian and Métis Conference was dominated by the concerns of treaty Indians, which meant Métis and non-status delegates were forced to “[stand] by in frustration as they observed the Conference ‘Indian’ delegates debate ‘their’ [treaty] programs” (Fulham, 1981, p. iii). Fulham then argues the Métis walked out of the 1967 Conference. Interestingly, Fulham also argues that the federal government created a “racial wedge” that resulted in the need for two separate political bodies (p. iii).

Sheila Jones-Morrison (1995) mentions the breakup of the Conference in her work, *Rotten to the Core: The Politics of the Manitoba Métis Federation*. Morrison

argues that at the 1967 Conference, a disagreement broke out among the treaty and Métis delegates. The Métis had become so disruptive that they were asked to leave the meeting. The Métis found their own room and held a meeting, at which it was decided a Métis-only group ought to be formed. All of these works treat the Conference with passing interest, barely scratching the surface of the organization.

The most comprehensive examination of the Conference to date has been undertaken by anthropologist Joe Sawchuk. Sawchuk's (1978) analysis predates and is consistent with Fulham's assertions. While being careful not to attribute the breakup of the Conference to any one community, Sawchuk argues that the Métis were concerned that their interests would not be well represented should the treaty community create its own political vehicle (p. 47). He also provides some support for Fulham's assertion of frustration with the Conference being treaty focused, arguing that bad relations between treaty and Métis organizations "dates back to the Indian and Métis conferences when Métis members felt that their problems were being ignored by the Indians, and is exacerbated by their frustration at seeing the many special programs the federal government has set up for Indians (such as housing) for which they [the Métis] are ineligible" (pp. 63-64).

Sawchuk's body of evidence seems not to take into account the archival material that became available at the Archives of Manitoba throughout the 1970s and was likely unavailable before his book went to print. He describes much of the MMF's official line on the history and creation of the MMF without engaging with the specifics of the Conference or the numerous ways one can interpret the activities and stresses the Conference experienced. Further, Sawchuk does not provide a critique that takes into

account the complex colonial and Settler colonial dynamics at play within the Conference or the lived political realities of the leaders and delegates. The information housed at the Archives of Manitoba tells a more nuanced story. Without this data, Sawchuk is unable to interrogate the crossroads of the Conference and inter-Indigenous relations within a Settler colonial context.

Beyond the scattered references in the secondary literature, the information for this chapter comes from primary source archival work, drawing on newspaper reports, agendas and minutes of the Conference planning committee meetings, the Conference newsletters, and “Conference Proceedings.”⁶¹ The organizers of each annual gathering collected minutes of the meetings and breakout sessions and published yearly proceedings in a single document. It is not clear who the recorders are, so one is forced to see the Conference through the eyes of unidentified recorders and editors.

The question of creating a political organization tasked with representing the interests of Winnipeg’s Indigenous peoples arose early in the life of the Conference. At the 1959 gathering, there was an initial discussion on the creation of a permanent Indian and Métis agency. A document in a Conference planning file listed the reasons for the “proposed Indian and Métis Agency” as: “Indians and Métis coming into the city,” dealing with “Indian distrust based on historical experience of the white man and his motives,” and “Indians’ feelings of personal insecurity and lack of self-confidence which may be expressed in timidity and diffidence or in aggressive compensation.” Additional reasons for the agency were a “[l]ack of acquisitiveness and drive for personal advancement which creates problems for Indians coming to live in the city” and “public

⁶¹ I consulted these holdings at the Provincial Archives of Manitoba in February and March of 2013.

discrimination against people of Indian descent” (Archives of Manitoba, 1959, file P6820/1). The agency’s envisioned mandate was to help orient Indigenous peoples to the city, both psychologically and geographically, arrange housing, and build and maintain a family budget “help in rudimentary levels of personal hygiene; correct attire for different occasions and family behaviour in an urban setting.” Employment adjustment, showing up on time for work and functions, assisting “the Indian achieve full legal status,” and helping change non-Indigenous attitudes towards Indigenous peoples also informed the desire for this agency (Archives of Manitoba, 1959, file P6820/1). Full legal status is likely a reference to the enfranchisement provisions of the Indian Act.

The problematic intentions of this proposed organization are in part explained by the absence of Indigenous peoples in leadership positions within the planning body. This absence would become a topic of debate in future Conference gatherings. Further, the proposed agency was to be governed by a board consisting of different denominations of Christian clergy operating residential schools, Indian Affairs, and “the community as a whole” (Archives of Manitoba, 1959, file P6820/1). It becomes clear from these documents that non-Indigenous people are exclusively constructing the interests of Indigenous peoples. There is a sense in the early years of the Conference that there was a desire for some type of stand-alone representation for Indigenous interests. However, it was not seen to be appropriate that those interests be advanced by Indigenous peoples themselves. The idea of a political organization to undertake these tasks ultimately came to nothing and faded from the Conference’s official planning records for several years.

Though such an organization did not materialize, there were other issues that kept the creation of political groups on the organizing committee’s radar. The

Conference experienced growing pains associated with the heterogeneity of the communities attending the annual gatherings. In 1959, the official Conference proceedings contain signs of strain between the Métis and treaty communities, suggesting that a single, pan-Indigenous organization may not be appropriate in Manitoba. For example, Mrs. McIver of Norway House “‘said that non-treaty people were worse off than the treaty Indian for there were no constructive plans to help them educationally or otherwise.’ She pointed to treaty hunting rights. ‘In the past the two peoples used to trade together but now regulations forbade it. What was the difference’, she asked?” (Community Welfare Planning Council, 1959, p. 11). In 1960, an effort was made to encourage treaty and non-treaty peoples to work together. A resolution was passed calling on “all communities represented to set up community planning committees, preferably made up of both treaty and non-treaty people, but failing that, with separate committees for treaty Indians and others, and that these committees carry out such activities as: [training, resource assessments, industry assessments, service provision and getting grants from government to finance “community improvement projects]” (Community Welfare Planning Council, 1960, p. 3 of appendix). The wording of this resolution is interesting not only for its attempt to encourage the two communities to work together, but also for its pessimistic orientation to the task, almost admitting that to do so is impossible in some cases. It suggests a widespread acknowledgement of the challenge of getting treaty and non-treaty groups to work together.

There were also separate resolutions passed for treaty and non-treaty groups, suggesting further complications within a single organization. For example, the treaty resolutions sought to address the concerns about the quality of education in residential

schools, while the Métis and non-treaty resolutions called for access to education for Métis, non-treaty Indians and Settlers. The Conference program lists separate rooms for treaty and non-treaty debates on education. A discussion group agenda also had distinct meetings on employment services. In 1965, Edward Campbell, a Métis delegate to the Conference, was quoted complaining that the Conference “was weighted in favour of Indians and . . . he could find no official to explain his community’s problems. ‘I’m not blaming the Indian chiefs,’ he said. ‘I just couldn’t find any government man to speak for the Métis or listen to our problems.’” (Help yourselves indian message, February 9, 1963). In 1964, Métis delegates met separately and called for better organizing of Métis communities that abut reserves, in part to strengthen their voice at the annual gathering (Community Welfare Planning Council, 1964, p. 44)

However, there were sites of resistance to this division. It is worth noting that most topic areas did not distinguish between treaty and non-treaty communities. At the 1960 Conference, only four of the fourteen subject areas held separate treaty meetings. In particular, key topic areas of housing, fishing, health and welfare, and women in the community all had unified resolution meetings. It was announced at the 1964 Conference that a joint Métis and treaty First Nation committee had been formed in Churchill. Chief Nelson Scribe of Norway House said that “he felt that if Indians and Métis in his area formed an association together, they could have a stronger voice in working with the federal and provincial governments” (Community Welfare Planning Council, 1964, p. 7, 10). Indeed, wherever these moments of Indigenous unity within the single organization came up, they were singled out and applauded by keynote speakers, organizers, and delegates. In 1966, Chief A. E. Thompson, representing the latent but soon-to-be-

reformed Indian Brotherhood, called for the Conference to pay closer attention to the condition of the Métis because “we must never forget that they are Indians too” (Community Welfare Planning Council, 1966, p. 6). The point is not that the Conference should be judged by the standard of how divided or unified it was in its organization and operation. Rather, the point is to say that there are tensions within this organization that manifest early and in a variety of forms and seem to keep the idea of a new political organization(s) in the minds of organizers, right up to the moment the Conference splits asunder.

In 1962, the question of a permanent Indigenous political organization surfaced explicitly again in the organizing documentation. In this second formal iteration, the notion of a new political organization would manifest far more robustly than its predecessor. At the February 1962 Conference, John Melling addressed one of the plenary sessions. Melling was the executive director of the Indian and Eskimo Association of Canada based in Toronto. The *Winnipeg Free Press* reported that Melling pointed out, “[The] responsibility for implementing resolutions so far had been left to white delegates. That may have been necessary until now, he said, ‘but is it any longer?’ He urged Indian and Métis delegates give progress reports on implementation to next year’s Conference rather than individual reports on problems in their respective communities” (Get Words Into Action, Indians, Metis Urged, 1962, p. 8). Melling seems to have done two things with his address. First, he captured a palpable feeling with Conference delegates that it was not appropriate to have non-Indigenous people running what was primarily an Indigenous-focused Conference. Second, he laid the foundation

for dialogue between his organization and the Conference organizers concerning a second attempt to create an Indigenous political organization.

In a letter dated September 18, 1962, Conference secretary Lloyd Lenton provided notice for an upcoming planning meeting, where the third item on the agenda would be “[d]iscussion of a proposal to establish a new organization to work on the provincial level, similar to the Indian and Eskimo Association of Canada on the National Level” (Archives of Manitoba, 1962, file P3719/12, D3-2).⁶² On the date of the meeting, September 28, 1962, the fourth item on the agenda reads “proposal to form a provincial organization – Canon Scott.” Scott is listed on the roster of the Indian and Métis Conference Committee as a liaison member for the Anglican Church. This is most likely the Reverend Canon E. W. Scott. At this meeting, Scott provided an oral report that the Indian and Eskimo Association had begun drawing up plans for a provincial political organization. Bernard Grafton was tasked with providing the committee with a complete report of the actions taken to date at the following meeting.

Through a number of false starts and agenda item deferrals, it seems that the topic finally came up for a full discussion in November of 1962. The report on this agenda item stemming from that meeting indicated that following the Conference in February, the Manitoba directors of the Indian and Eskimo Association initiated discussion on coordinating the work “within the Province of Manitoba of all groups interested in assisting the Indian and Métis of the Province” (Archives of Manitoba, 1962, file P3719/12, D3-2). The proposed organization would enrol every Indian community and would include representation for some rural municipalities. The

⁶² Melling had also advised in his address in February to refocus the issues to be of a provincial, rather than purely local, nature.

reference to “municipalities” is likely a nod to prominent Métis communities. The organization would seek financial support from businesses and would need to attempt to convince Indigenous peoples of the value of the idea. It was believed that this task required some level of support from Churches and government “in the field.”

By early 1963, there were new developments on the planning front. Kate A. Bastin became chair of the planning committee for this new provincial organization. Bastin advanced a plan to build a federated organization. The broad structure would be a central provincial organization made up of smaller community-based committees. The local committees would work on their own issues and call upon the provincial organization should they require additional help on any given problem. Bastin mailed a letter in January of 1963 to Conference delegates, in order to prime debate on the topic at the February 1963 Indian and Métis Conference (Archives of Manitoba, 1963, file P6819/7). At the Conference itself, some discussion was facilitated by Canon Scott, and the major decisions on organization and structure were put off until a future meeting. There is some evidence that those present were reticent to create a new political organization if that meant losing the annual Indian and Métis Conference. Bastin, who is identified by the *Winnipeg Free Press* as non-Indigenous, is reported to have said “[w]hen we discussed it [in 1963] . . . the Indians and Métis were not happy about it because they felt they didn’t want to lose their conference” (“Chiefs and Leaders Study Independence,” February 5, 1964, p. 8).

It was not until the 1964 Conference that proposals key to the creation of a new organization began in earnest. A full meeting was held on February 4, where Scott argued that any group ought to include both treaty peoples and the Métis. He “suggested

that the executive of the Native Brotherhood could form the nucleus of a new Conference committee” (Community Welfare Planning Council, 1964, p. 38). Father Laviolette spoke on behalf of the thirteen delegates from the Interlake region of Manitoba. He believed that “[i]n this area there is no friction between Indian and Métis communities and it was felt that regional conferences would be possible, although a central office would still be needed in Winnipeg” (Community Welfare Planning Council, 1964, p. 38). The idea of a stand-alone organization seems to have been well received. These discussions laid the groundwork for important debates in future years. For example, the question of having a single organization for both treaty and non-treaty peoples would become a key issue in the breakup of the Indian and Métis Conference three years from this meeting.⁶³ The question of how many organizations and who would be included would come up again during debates about re-forming the Manitoba Indian Brotherhood.

The Welfare Council of Greater Winnipeg seems to have experienced strains related to being the primary organizer of the Conference. In a small report, the Welfare Council takes the view that the Indian and Métis Conference is akin to a child who needs to grow up and leave the home. The tone of the document is unforgivingly patronizing, given the call at successive Conferences for an end to the paternal attitudes within Indigenous-Settler relations. The main evidence of strain, however, comes when the document explains that “[u]sually when the Welfare Council sees that there is a need for help, [as there was in this case with Indigenous peoples moving into the city] it sets up a committee such as our Conference Planning Committee. After a committee is started, it is expected to carry out the work required on its own initiative, and thus leave the

⁶³ Grafton, Laviolette, and Bastin are all identified by the Free Press as non-Indigenous ("Chiefs and Leaders Study Independence," February 5, 1964, p. 8).

Welfare Planning workers free to start committees to help others” (Archives of Manitoba, 1963, file P6819/7). The Welfare Council had some financial link to the Conference. The Welfare Council paid for Conference secretary Lloyd Lenton’s salary, stationary, and office supplies. In addition, the Council’s mandate was to serve greater Winnipeg, not the province as a whole. The Conference becoming provincial in its scope seems to have added additional strain by extending beyond the Council’s mandate. Thus, there appears to have been pressure from within the Welfare Council itself to have the Indian and Métis Conference taken off its hands, both financially and administratively.

Additional strains between Métis and other Indigenous peoples became visible in 1964. Thirteen Métis people gathered at the end of the Conference and submitted a “Report of Meeting of the Manitoba Métis Association” (Community Welfare Planning Council, 1964, p. 44). The minutes of the meeting record that “[i]t was felt by the group that the Métis have not had full hearing of their problems during the Indian and Métis Conference” and “that members were encouraged to hold a meeting of Métis people in their area at least once a month. The suggestion was made that each group send the sum of five dollars to Mr. Fiddler to cover expenses of mailing, etc.” (p. 44).⁶⁴ The point here is twofold. First, this is additional evidence that there was discontent at the meetings with what was felt to be a treaty focus within the Conference. Secondly, this is also a moment where one can clearly see the Métis are starting to organize themselves independently within the framework of the Conference. This is key,

⁶⁴ The thirteen individuals are William Hart of Cedar Lake; James Moar of Crane River; John P. Fiddler of the Pas; George McKay of Berens River; Henry Chief of Duck Bay; George Beauchamp of Pelican Rapids; Edward Campbell, Oliver Monkman and Charlie Arthurson all of Norway House; Leo Laflour of Camperville; Alfred Settee of Cross Lake; Percy Laubmann of Churchhill; and Percy J. Bird of Winnipeg. John Fiddler was elected chairmen of the group.

as it shows a desire to build a Métis organizational base from which to address grievances inside the Conference and in the larger lived world of the Métis.

Efforts to bring an independent political organization into existence continued over the next three years in fits and starts. In a Conference, post-mortem chairmen S. J. Borgford wrote that there was a “need for an effective political organization of Indian and Métis” (Archives of Manitoba, 1964, file P3719/1, p. 1 of Chairmen's remarks). In May 1964, the Conference planning committee passed a motion to work with the Indian and Eskimo Association to create “an independent Indian and Métis Conference” (Archives of Manitoba, 1964, file P3719/2). The 1965 Conference also included a meeting “of people of Indian ancestry to discuss organization of the proposed Manitoba Indian and Métis Conference.” The man became the first president of the MMF, Adam Cuthand, is quoted in the *Winnipeg Free Press* supporting total Indigenous control over all facets of the Conference. A questionnaire sent out to delegates after the 1966 Conference indicated there was a constituency of individuals who were displeased with the Conference. Complaints ranged from dissatisfaction with resolutions not being acted upon to the Conference becoming too large, resulting in Indigenous delegates not receiving enough time to speak (Archives of Manitoba, 1966, file P6819/4).

By the March 1967 Conference, the Métis and treaty communities met separately. The Métis Housing Association convened and prepared a brief to the Conference, in which it recommended that a parent provincial organization be created as the central housing body. It is not clear if this is a call for an exclusively Métis organization, a pan-Indigenous body, or type of Crown corporation. However, the committee's report stressed that a central issue in Métis housing policy is the discrepancy

between treaty housing entitlement and Métis housing policy, which suggests this would be an exclusively Métis organization. For the first time, the Conference received greetings from both the Manitoba Indian Brotherhood and a representative of the Métis.⁶⁵ These were the prelude to the major break in the Conference that would happen in October of 1967. Calls for the Conference to pay more attention to the plight of the Métis had now become commonplace (Community Welfare Planning Council, 1967, pp. 2, 14). The March 1967 Conference would be the last Indian and Métis Conference where treaty and non-treaty Indigenous peoples gathered without formalized separate political organizations.

In October of 1967, a sub-committee of Indigenous peoples organized a communications conference to “[i]mprov[e] communications among themselves and the white communities” (Louttit, October 13, 1967, p. 22). Conference organizer Tom Eagle said one of the objectives of the conference was “[to] find ways of developing better communications between Indian communities, Indians and Métis, and Indian, Métis and whites” (p. 22). It was at this communications conference that the tensions within the umbrella annual Indian and Métis Conference came to a head. In an article published by the *Winnipeg Free Press* on October 16, 1967, different political organizations are explicitly contemplated for the treaty community and the Métis. The paper reported that on “Sunday, Indian and Métis groups met separately to discuss problems of organization. The Métis group felt that when the two groups meet, the treaty Indians dominate by talking of treaties and specific local problems. . . . The Indians discussed mainly the question whether they would include the Métis in their organization. Today, the question

⁶⁵ Prior to this, only the MIB brought greetings.

will be resolved by the Indians, who outnumber the Métis at the conference. It appears that if the Indians do not agree to include the Métis in their organization, the Métis will form their own” (p. 22).

When the dust settled following the vote, there were two separate organizations. Burke (1971) argues that the Métis were taken by surprise by this move and the media accounts at the time support this claim. Tom Eagle said, ““We didn’t expect this to happen. . . . But the two groups will work together. This [communications] conference has brought us closer together”” (Metis, indians split: Unanimous: Two groups but one goal. October 17, 1967, p. 1). This seems to contradict Fulham and Jones-Morrison’s account that the Métis delegates either walked out or were kicked out. The Métis delegates seem to have been caught off guard by the move more than anything. None of the agenda items in the lead up to the conference raised the possibility that treaty First Nations were about to splinter off on their own. After the breakup became official, Eagle had the awkward task of explaining to the media how, at the communications conference, nobody had communicated to him or the Métis that the treaty First Nations wanted their own organization without the Métis.

The deliberations on the split covered in the *Winnipeg Free Press* indicate that, though surprised by the move, the Métis appreciated the rationale behind the split. The Métis responded that “administration by different levels of government will force such a move” (Louttit, October 16, 1967, p. 1). The treaty First Nations voted to form an organization open only to treaty peoples. They chose to reorganize the Manitoba Indian Brotherhood and elect new leadership. The Métis passed a resolution indicating a desire to form their own organization. Both groups promised to be closer than they were before

and passed resolutions enabling Chiefs and Métis leaders to meet quarterly to review and discuss communication. The office of the Provincial Secretary of Manitoba received an application to incorporate the Manitoba Métis Federation on December 28, 1967.⁶⁶

There would be two more Indian and Métis Conferences, one in 1968 and another in 1969. Both were entirely organized by Indigenous peoples, and both the Manitoba Indian Brotherhood and the Manitoba Métis Federation were represented on the planning committees. While the previous gatherings had an increasing number of Indigenous peoples in attendance, the majority of delegates to the 1969 Conference were non-Indigenous. The standard refrain that Métis people are both worse off and have fewer opportunities manifested at the final Conference. Even David Courchene, the president of the MIB, said, “And while the plight of Indians under federal responsibility is bad, the plight of the Métis under provincial responsibility is worse” (Community Welfare Planning Council, 1969, p. 31). Tom Eagle and Vera Richards went to great pains to point out that the Métis do not blame their First Nations kin, but rather emphasized that things must change (Community Welfare Planning Council, 1969, pp. 13-14, 16). Change they did: the Indian and Métis Conference did not meet again. In its place stood two organizations and their respective annual gatherings.

Notably absent from the Indian and Métis Conference’s archival records are the voices of women. The Conference seems to count very few women in key leadership positions. Further, the two organizations that grew out of the Conference started with what seemed to be heavily male-dominated leadership. It is unclear from the way the Conference was reported on, both officially and by the press, to know to what extent

⁶⁶ The document was signed by Reverend Adam Cuthand, Joe Keeper, and Alfred Disbrowe.

women were engaged with the tensions that both pulled and pushed the Conference apart. It is likely that much of the tension that divided treaty and non-treaty communities was gendered in nature, even though it does not appear that it was reported as such. Given that colonial and Settler colonial oppression is operationalized through categories of gender, the tensions in the Conference are likely undergirded by the way Indigenous women's bodies and identities are attacked in lived experiences. The result is that even if there is not explicit mention of gender discrimination or domination, the Conference's existence operates within gendered forms of domination.

Howard Adams missed the way the domination he sought to name and fight against was gendered in nature. Missing this also allowed him to advance an understanding of the sexualized nature of colonial power that depoliticized Indigenous women, while normalizing predatory violence between women on one hand and Indigenous and Settler men on the other. However, as we shall see in the following section of this chapter, Adams' analysis of the way colonial power becomes naturalized as real and ordinary could be extended to explain the absence of significant, explicit gender violence unfolding at the Conference. Instead, coming to see gendered violence as part of the range of normal political possibility may be blinding the editors of the Conference Records. The result is that a gender critique of the Conference is placed outside the realm of reasonable possibility for Conference delegates.⁶⁷

⁶⁷ This framework serves as both an explanatory as well as theoretical tool for archival research projects dealing with the Conference. Extending this explicitly to the Conference is beyond the scope of this chapter, requiring significantly more space than is available in this dissertation. With so little known about the life and breakup of the Indian and Métis Conference, there are several new and pressing research projects that grow easily from this chapter alone.

Unpacking the Breakup of the Indian and Métis Conference

While the Conference exhibited signs of stress in its infancy that persisted until the creation of the two separate political organizations, there were forces at play that help contextualize this stress. There is an interplay of dynamics that help explain the centrifugal forces involved in the breakup. Howard Adams, Bonita Lawrence, and Paul and Larry Chartrand all offer insightful ways to understand the breakup of the Conference. Adams' work on divide-and-rule tactics of colonialism suggests the breakup is part of the colonizers' interest in ensuring a divided Indigenous world. Lawrence's insights on Indigenous identities in a colonial world suggest that the Conference participants are organizing around imposed identities. Paul and Larry Chartrand would offer that the Conference was destined to split up, given the need for Métis people to organize in structures rooted in their own people. These dynamics offer competing and complementary ways to view the breakup and its aftermath. What follows is not a causal tracing of the reasons for the breakup, but rather, a theory driven examination of some of the elements at play. Each of these elements can be seen in the machinations of the Conference. This section argues these prominent thinkers' intellectual interventions can help make sense of the breakup. These interventions capture important dynamics that pulled and pushed the Conference apart.⁶⁸ Each also misses central elements in the breakup that make its account, on its own, incomplete. Cutting across the three thinkers is a fourth perspective that brings to the fore the multidimensional, complex, and contradictory relational politics that need to be negotiated when Indigenous peoples engage each other in a Settler state and the legacy of zero-sum political engagement.

⁶⁸ "Pull" in the sense that a non-Indigenous outsider force is engaged in breaking up the Conference. "Push" in the sense that an Indigenous insider force is engaged in the breakup.

Appreciating a multidimensional political relationship with colonialism provides important considerations for Métis people as they make political choices.

Howard Adams: (Dis)Unity of the Colonized

In the second chapter, I discussed the way Howard Adams' work complexly and uncomfortably opens space to interrogate complex relationships with and within colonialism. He also provided helpful elucidations of the political landscape of Indigenous peoples. This work was informed by his political activism during the years the Conference was breaking up. Adams was involved in an intra-Métis political fight in his home territory in Saskatchewan that proves instructive for understanding both his thought and the broader Indigenous political context in the 1960s. His thought is helpful for understanding the Conference because he was a political actor in Indigenous conflicts during the 1960s and 1970s. Adams came to believe that a distinct political program existed, which was designed to divide the colonized in order to solidify the rule of the colonizer. This program was at the heart of Indigenous politics. The development and enunciation of this idea will be shown to be germane to the breakup of the Indian and Métis Conference.

Adams' interest in colonial divide and rule tactics was not purely academic; he was both an observer and participant in the development of Indigenous political organizations in Saskatchewan. These experiences anchored his intellectual interventions on the struggle of the colonized. Of particular interest to this dissertation is Adams' involvement in the bitter intra-Métis tussle between the Métis Society of Saskatchewan

and the Métis Association of Saskatchewan, between 1965 and 1967 (Pitsula, 1997).⁶⁹ At issue was the degree to which the Métis movement would allow itself to be funded by government. The northern-based Métis Association resisted funding, while the southern-based Métis Society of Saskatchewan embraced it. By the spring of 1967, the two organizations united under the name Métis Society of Saskatchewan (MSS), and they “requested a substantial increase in provincial government funding from \$500 to \$31,000, but the province responded with a grant of only \$1000 . . . [t]he Métis Society continued lobbying for more funds, noting that the Federation of Saskatchewan Indians was receiving \$65,000 compared to the Métis’s \$1000” (Pitsula, 1997, p. 222). All of this is to say that Adams has some familiarity with Indigenous political organizations and the politics they try to negotiate.

Adams would have been present for both the unification of the two groups and the application for funding. When Adams published *Prison of Grass: Canada from the Native point of view* in 1975, he had Indigenous unity squarely in his sights. Toward the end of his book, he speaks directly to the connection he sees between Indigenous unity and the project of colonialism:

“Divide and rule” is a basic method of oppressive action that is as old as imperialism itself. Since the colonizer subordinates and dominates the rank-and-file natives, it is necessary to keep them divided in order to remain in power. The oppressor cannot permit himself the luxury of tolerating the unification of indigenous people, which would undoubtedly cause a serious threat to the status-quo rule. Accordingly, oppressors prevent any method and any action by which the oppressed could be awakened to the need for unity. . . . This is done by various means, from repressive methods of police action to

⁶⁹ Indigenous activists will remember that Métis activist and organizer Malcolm Norris was a founding member of the Métis Association of Saskatchewan. Norris was also a mentor for Adams.

forms of cultural imperialism and community action programs. The colonizer manipulates the people by giving them the impression that they are being helped, e.g., community development programs, free education, etc. (Adams, 1975, p. 178; Adams, 1989, p. 154)

Adams is not talking here purely from a place of intellectual abstraction. Like other parts of his work, he was making pointed interventions about the world of the colonized from his experiences.

Adams situates the 1960s as a cradle for the development of what he would describe in 1984 as “bureaucratic authoritarianism” and the “political deactivation of Indigenous peoples” (Adams, 1984, p. 32).⁷⁰ This concept gives shape to the idea that “[w]hen colonized people organize themselves for political action, the response of the bureaucratic authoritarian state usually incorporates both manipulation and co-optation” (Adams, 1984, p. 32). While not directly mentioned, I believe this to be a reference to the Métis infighting mentioned above, and it also fits the history of the breakup of the Indian and Métis Conference in 1967. It is through direct grants that government actors are able to exert control over both Indigenous leaders and the policy stance of the organizations, while keeping Indigenous peoples divided (Adams, 1975, p. 181).⁷¹

One can see this element present in the case of the Indian and Métis Conference. While the Conference received nominal funding from the provincial and federal government before 1967, government involvement in agenda setting was another

⁷⁰ Adams’ 1984 work focuses almost exclusively on the American Bureau of Indian Affairs. However, Adams would argue that colonial oppression follows similar trajectories in all countries. Indeed, many of the elements of political deactivation he enunciates in his 1984 work can be seen in his 1975 interventions on Canada.

⁷¹ Recall that in 1968, Adams was invited to serve as a deputy minister in Ross Thatcher’s government (Adams et al., 2005, p. 234). Here again, Adams is reflecting on Indigenous political relations from his own experience.

matter. Agenda items from 1962 indicate that the planning committee was in conversation with the federal and provincial governments on how the Conference ought to be run (Archives of Manitoba, 1962, file P6819/8). By 1967, there is more dialogue between the formerly distinct Indigenous political organizations and government on the topic of money. Burke believes that part of the impetus behind the split was the federal government's desire to deal only with treaty First Nations and a promise of grants was made to incentivize the split.⁷² I have not found direct evidence of this. However, when Chief Walter Dieter from the Federation of Saskatchewan Indians (FSI) addressed the Conference in 1967 and explained how the FSI received unconditional grants from the federal government, this was met with great interest on the part of the treaty First Nation delegates (Community Welfare Planning Council, 1967, p. 4). At that same meeting, treaty First Nation delegates expressed "unanimous agreement on the need to re-organize the Brotherhood in order to give Indians a chance for individual protest" (Community Welfare Planning Council, 1967, p. 1). Not to be outdone, in a matter of hours after the October communications conference meeting concluded, the first resolution of the yet-to-be-named Métis organization called for a provincial "grant to administer the organization we are about to form" (Metis, indians split: Unanimous: Two groups but one goal, October 17, 1967, p. 1). At the Conference, following the creation of separate organizations, David Courchene spoke after Manitoba Premier Walter Weir and "[t]hanked the Premier for his wise and sincere concern for the Indian people. . . . The

⁷² Please see Leslie Pal's work on state funding of non-governmental services and advocacy groups in the 1960s (Pal, 1993). His work does not address Indigenous political organizations; however, there is a parallel in the uptick in state funding of Indigenous groups and the increase in funding for multiculturalism, language, and gender groups all around 1968.

success of the New Indian organizations would be almost impossible without the financial backing and moral support of the Premier” (Community Welfare Planning Council, 1968, p. 5). J. B. Carroll, Provincial Minister of Welfare, addressed the Métis at the 1968 Conference and reportedly “congratulated the delegates on the formation of their new organization saying the government of Manitoba is happy to have this ‘voice’ to talk to” (Community Welfare Planning Council, 1968, p. 22).⁷³ This is not to say government serves as a causal factor behind the reorganization of the MIB or creation of the MMF; rather, it is to point out that the two ideas (government funding and political organizations) are spoken of together and were regularly in the presence of one another.

While the MMF was a new political organization, the MIB was different. Adams asserts that when Indigenous peoples formed political organizations in the 1960s, “some . . . were old organizations revived under different leaders” (Adams, 1975, p. 181). This is exactly what happened with the Brotherhood. Though the Indian Brotherhood had been formed in 1935, by 1967 it had become latent, not electing a board of directors the prior six years. Adams explains Indigenous political organizations were not needed by government until the emergence of the Red Power movement in the 1960s. The MIB is again a good illustration of his point. Prior to 1967, there seemed to be no reason for the government to pay much attention to the MIB. However, the rise of Red Power brought heightened levels of awareness and resistance to the oppression experienced by Indigenous peoples. Adams argues this resistance was deeply threatening to the ongoing stability of the Settler state. The Settler state responded by using financial and other

⁷³ This is reminiscent of the claims made by Pitsula in his examination of Métis organizations under the Thatcher government. The government sought to create divisions amongst the Métis by creating an official voice for the Métis people. This voice would be funded by the provincial treasury (Pitsula, 1997).

methods of support to exert control over these Indigenous organizations and their leaders, which allowed the state to pacify the Indigenous resistance movement from the inside-out.

The Red Power movement also factored heavily in the breakup of the Conference. The evidence suggests that those resisting the divisions between First Nations and Métis within the Conference and beyond were also deeply influenced by Red Power. They also seem to have been predominantly made up of young Indigenous people. At the 1967 Conference, prior to the official split, approximately 85 First Nations and Métis youth gathered to hold their own meeting. The minutes indicate that they concluded, “There seems to be an unfair distribution of aid to the treaty Indian as differing from the Métis. The degree of Indian blood may be the same, but the Indian on the reserve has received housing benefits and medical care that are not given to his Métis *brother* off the reserve” (Community Welfare Planning Council, 1967, p. 6, emphasis added). This language of brotherhood among the First Nations and Métis youth delegates is important in light of the impending breakup of the Conference. It shows that there was an appreciation of the ties that bound the two communities together.

At the 1968 Conference, after the creation of two separate organizations, youth leader Brian Ranville provided comments on behalf of Indigenous youth and was reported to say that “the young people are concerned about the splitting of the Indian and Métis and that they look to the day when all may speak as Indian people regardless of government jurisdiction. When we unite, he said, we will have something accomplished” (Community Welfare Planning Council, 1968, p. 3). His words set up a sharp contrast with the largely self-congratulatory speeches provided by the leadership of the MMF and MIB at the 1968 Conference. Note that the youth are staking out a clear distinction

between themselves and the decision to form separate organizations. To them, it is a question of unity. Presumably, the reason for a unified Indigenous political voice would be to build a stronger resistance movement to the common problem of oppression of all Indigenous peoples. Ranville is pointing out that dividing Indigenous peoples into different camps is not overcoming a great challenge. Rather, it is the task of uniting Indigenous peoples that ought to be seen as an achievement worthy of congratulation.

This dynamic seemed to spill outside the Conference as well. In 1968, the youth organized their own spinoff conference to set up a body that could “draw together into one organization all the native peoples in the province” from ages 11 to 35 (Indian youth to meet, November 6, 1968, p. 29). Conference organizer Allan Chartrand said he hoped ““people will not be afraid to rock the boat. There are all kinds of people going around now being ‘very nice Indians.’” These and other gatherings discussed the young people’s orientation to Red Power, with one delegate defining it as “the ability of the Indian to make himself heard,” which youth can accomplish by uniting all Indigenous peoples (Crockatt, May 11, 1968, p. 5). This draws into sharper focus the intellectual connection between Red Power and the youth movement’s resistance to the creation of distinct political organizations. They are resisting the breakup because they seem to appreciate that the struggle embodied in Red Power required Indigenous peoples to appreciate they have a common foe. Red Power would show up in the media coverage of the Conferences, the submissions, and discussion in 1969.

While the youth tended to emphasize Red Power’s ability to increase the voice and unity of Indigenous peoples, the official leadership tended to see it as a violent response to Indigenous-state relations. James Burke points out that MIB president David

Courchene slammed the Red Power movement as attracting the folly and radical sensibilities of Indigenous youth. Courchene was quoted as saying, “‘Unfortunate as it may be, some [Indigenous youth] revert to the extreme of views and in a flurry of sensationalism advocate what they term red power’ . . . red-power advocates are guided by ‘selfish motives’ – ‘violence is not a word to be found in the Brotherhood dictionary’” (qtd. in Burke p. 80). Burke believes that this stance was designed to curry favour with the federal government that indirectly paid Courchene’s salary. Joe Keeper, executive director of the MMF, also saw Red Power as a violent movement (Militant stance rejected, March 24, 1968, p. 12).

Adams helps make sense of some of these dynamics. Adams argued that “[i]t is a common practice of imperial governments to use middle-class native elites to provide support for their administration. Middle-class society, which shares the same value system and ideology as the ruling class, provides political stability for the capitalist system. Therefore, as soon as natives start action towards liberation, governments make serious efforts to bring native leaders into middle-class society” (Adams, 1989, p. 156). In the case of the Conference, while the so-called radicle youth movement supported unity of the colonized and Red Power, the official voice of the Indigenous organizations characterized the youth and that movement in a decidedly negative light. Adams was explicit about the realities of this type of leadership. He stated, along the same lines as Burke, “The real function of these collaborator leaders from the government’s point of view is to prevent any mass radical movement from developing and to check social action that would embarrass or threaten the government” (Adams, 1989, p. 159). The point here is that Adams is right that resistance to divided Indigenous peoples was characterized by

government-supported Indigenous organizations as a blight, even though the language emerging from youth was unambiguously discursive. By demonizing the youth as selfish and violent, the Indigenous organizations helped stymie the push for unity among Indigenous peoples. The end result was protection of the divided Indigenous political landscape.

The divided Indigenous political landscape is not an unintended by-product in Adams' view. Rather, sowing the seeds of discontent facilitates the continued oppression of Indigenous peoples both politically and as a class, which is essential to the maintenance of the status quo. Adams argued that:

All actions of the colonizer manifest his need to divide in order to facilitate the preservation of the oppressed state. There are ways of dividing the colonized in order to preserve the system that favors [sic] the ruling class. There are forms of action that exploit the weak point of the oppressed, their basic insecurity; they are insecure because they come to believe that the oppressor is omnipotent, and the system is invincible. Under these circumstances, the oppressors take advantage of these weaknesses and perpetuate divisive action. This basic insecurity is thus directly linked to their oppression. (Adams, 1989, p. 156)

This suggests that J. R. Miller's statement that distinctions between Indigenous peoples are created for bureaucratic convenience may be incomplete (Miller, 1988, p. 18). One needs to also appreciate that these divisions are essential to the operation and maintenance of the current regime of oppression lived by all Indigenous peoples. However, instances where unity is supported, like the Conference's Native youth movement, seems to both confirm and nuance Adams point. By couching his intervention in class conflict, Adams creates the impression of imposing structures that

should be readily identifiable. While he is right to make the point, I argue the case of the Conference shows the operation of his argument to be subtler and thus more insidious.

Recall that the Conference struggled with divisions between treaty and non-treaty peoples from its earliest days. Accommodating different categorizations of Indigenous peoples meant that the Conferences would divide some breakout sessions and resolutions by treaty and Métis and/or non-treaty. Even during the process of the breakup itself, while being surprised by the move to create distinct organizations, the Métis appreciated the rationale behind the split. Recall the Métis responded that “administration by different levels of government will force such a move” (Louttit, October 16, 1967, p. 1). And at the 1968 Conference, the summary of reports of regional breakout meetings included this item: “Separation of Indian and Métis – this regretted by many but there is the realization that the fact of jurisdiction by different levels of government is inescapable” (Community Welfare Planning Council, 1968, p. 27). Thus, it seems that the invincibility of the system Adams is talking about takes the form of a normalized reality for Conference participants and leaders. In the case of unity advocates at the Conference, jurisdictional restrictions take on a legitimacy and permanence of their own, such that thinking outside of those confines evokes a feeling that one is flirting with the absurd. Even in cases where one might find Indigenous people open to unity, the jurisdictional framework isolates these individuals as appearing out of touch with the reality of their situation.

Thus, while there is ample evidence to support Adams’ thesis that there are divide-and-rule tactics at play within the Conference, these jurisdictional distinctions seem to carry independent weight among Conference participants and organizers. This

nuance in the operation of Adams' point does not fully account for the complexity of the concerns with different jurisdictions that were at play throughout the life of the Conference. While the normalcy of the distinctions is key to the maintenance and operation of the divisive Settler colonial status quo, identities are also being imposed from the colonial political and legal systems with which Indigenous peoples at the Conference are negotiating.

Bonita Lawrence: Métis People and the Colonial Identities that Separate

Both Conference organizers and delegates struggled with the different jurisdictions covering those Indigenous peoples with legal ties to the federal government and those without. In an interview that appeared in the *Sakgeen News* in April of 1967, these jurisdictional tensions are discussed openly. The paper is "published monthly in the interests of the Indians on the Fort Alexander Indian Reserve" (Indian and metis conference: A closer look, April 21, 1967, p. 3). It is not clear who the interviewer and interviewee are; however, the high level of familiarity the interviewee has with the Conference could indicate it is future MIB president David Courchene. Courchene represented the north-side school on the paper's editorial committee and had been an active member in the Conference leading up to the breakup. When asked if the Conference has been more of a hindrance to building leadership among Indigenous peoples, the interviewee responds, "Status wise no doubt this conference has been a Treaty Indian conference at best, little wonder then that the Métis feel that they are being left out because our Treaty rights as Treaty Indians just does not fit with the laws that govern them, this is perhaps the main reason why it appears that it stifles rather than help

the development of leadership among the two groups despite their ancestry” (p. 3). The next exchange built on this answer:

Question 8: Another error is the usage of the term Métis in the conference title. How much have the Métis benefited by their attendance over the years. [sic] The planning of the conference is so geared on relieving problems of Treaty Indians that Métis are often forgotten.

Answer: I take it that the Métis are none other than non-treaty Indians, and as previously mentioned, the Treaty Indian rights and laws that govern the Métis conflict to a vast extent. I am just wondering if this conference does benefit them to any extent. No one knows better than them what this conference does for them. We Treaty Indians do not have much to say about it, despite the fact that we do sympathize with them and hope that the laws that govern them be modified so as to make it easier for them to compete with the outside world. (Indian and metis conference: A closer look, April 21, 1967, p. 3)

These exchanges show that the treaty delegates to the Conference are aware that their issues have tended to dominate the annual Conference and that this is partly due to the depth of jurisdictional difference between the communities.

Bonita Lawrence has examined the relationship between Indigenous identity and colonial policy extensively. Lawrence draws on the work of James Waldram and Joan Holmes to show that, in some cases, the distinction between Métis and Indian identities was imposed by colonial administrators during the treaty process. She argues that “[i]n the fifty-year interval during which the treaties numbered one to eleven were negotiated with Native bands across Western Canada and the subarctic, treaty commissioners in each location set up tables where potential ‘halfbreeds’ were to present themselves, individual by individual, to be judged by white officials as to *what they were*” (Lawrence, 2003, p. 10, emphasis original). Such judgements were carried out using a hierarchy of civilization. If an individual presented as more European in occupation, appearance, and language, she could expect to be classified as a half-breed. If entire

families and even bands did not attend the registration process, they could summarily be categorized as half-breed families and communities (Lawrence, 2003, p. 10). In these cases, Métis identity is imposed using racist rationale conceived from outside Indigenous communities.

In the case of the Conference, some of these imposed distinctions are captured by the participants. Recall the words of Mrs. McIver from Norway House quoted above. Identifying the ambiguity in some of the distinctions, she said, ““In the past the two peoples [Métis and treaty] used to trade together but now regulations forbade it. What was the difference . . . ?” Indeed, given what has been said about the extent of kinship ties among Indigenous peoples, it would not be surprising if there were familial connections across delegates from the two communities.

Lawrence provides important analysis about the way these legal and imposed jurisdictions can shape Indigenous identity. She argues that her historical analysis suggests that

both Indian and Métis identities have been shaped to a phenomenal extent by the racism inherent in the Indian Act. In this sense, to view these groups as the products of entirely different histories and the bearers of entirely different destinies belies the common origins of all Native people in the West, as members of different Indigenous nations who faced colonization pressure in different ways or who were classified in different ways by colonial legislation. Focusing solely on contemporary differences between treaty Indians and the Métis, without any exploration of what both groups have in common (as well as the diversity *within* each group masked by such colonial terms as *Indian* and *Métis*), at this point seems to conform too closely to the logic of the Indian Act. (Lawrence, 2004, p. 96, emphasis original)

Lawrence adds that part of this interrogation involves appreciating that these imposed distinctions have created tangible differences in the experience of being Indigenous (p.

96). Lawrence seems to appreciate the subtle ways distinctions are imposed and then come to be internalized and reproduced by Indigenous people and peoples living within a legalized world. Lawrence argues one can find the worst divisions in places like Manitoba, where legal distinctions between peoples with kinship ties have been in place for over a century. She argues that “[t]hese divisions can truly be said to have been naturalized, to the extent that contemporary struggles to renegotiate Native identity still rigidly maintain these distinctions” (p. 97).

The Conference Record captures numerous moments where this struggle is negotiated. During the community report period of the 1962 Conference, a Mr. Norman Shorting of Fairford provided an update for his Métis community: “Turned off the reserve, they had no land of their own. It is also hard to make the children attend school as it is three miles away and the truck used to transport them often breaks down” (Community Welfare Planning Council, 1962, p. 9). He is identifying many of the elements of what Lawrence is talking about. Without status, Mr. Shorting’s community’s experience of being Indigenous in a colonized space has been shaped by the exclusion of educational support. For many Indigenous peoples, the support stemming from their legal status “enables rural or northern communities to *physically* survive” (Lawrence, 2004, pp. 97-98). While both communities live in a Settler colonial environment, those with status at the Conference experienced colonialism differently than those Indigenous peoples without status. These distinct experiences seem to manifest in decisions like the necessity of holding separate resolution and policy sessions for each legal category at the annual gatherings. The breakup itself is steeped in the naturalization of these divisions, as the Conference split into two organizations with the Métis admitting that it is

impossible to avoid the jurisdictional divisions between Indigenous peoples (Louttit, October 16, 1967, p. 1).

Lawrence draws on historical interactions to show that, in some cases, there have been long standing distinctions between First Nations and Métis. She identifies the tensions between the Blackfoot and Métis buffalo brigades (pp. 91-92) and the absence of robust Cree support during 1885 Rebellion (p. 92), among others. In this light, some of her analysis is weakened when considering the negotiations to create Manitoba in 1869-70. As discussed in the previous chapter, not only did the Métis attempt to negotiate a deal without significant participation of other Indigenous peoples, they did so in a way that would have colonized a shared Indigenous space to create a sphere of Métis power. This was done with full knowledge of the Canadian and Imperial government's plans for the other Indigenous peoples in the North West. These negotiations and the resulting creation of Manitoba predate both the Indian Act and the numbered treaties. Certainly, some of the racist assumptions and Eurocentric worldview that inform the Indian Act are at play in the negotiations at the Convention of Forty.⁷⁴ However, the Métis are not only wrapped up in the imposition of colonial racist attitudes held by non-Indigenous peoples at the time, they are also distinguishing themselves to achieve a particular political end for their people. In the case of Manitoba in 1869-70, it was the creation of a Métis-dominated sphere of power over a defined territory.

To bring this back to the Conference, the Métis delegates are undoubtedly trying to navigate the colonial-imposed divisions between them and their treaty cousins. Lawrence is correct that these divisions permeate the identities of colonized subjects.

⁷⁴ The letter from Granville read into the record at the Convention discussed in the previous chapter is an example.

Further, these distinctions seem real, despite the evidence of deep and meaningful political and familial relationships connecting different Indigenous peoples. However, Métis delegates at the Conference are also dealing with the political ramifications of the decision in 1870 to pursue territorial or provincial status instead of treaty. This should not be construed to be an argument setting up the Métis as the engineers of their own disadvantage. Rather, the point is that at a key moment in history, a decision was taken by Métis and non-Métis people not to pursue treaty.⁷⁵ Subsequent generations are forced to negotiate that decision in the Settler colonial context of the Indian and Métis Conference. On the other side of the same coin, Indigenous peoples who have treaties are advocating for their treaty rights at the Conference in no small part because of the political choices made by their forbearers in signing the numbered treaties. One does not advocate for a treaty right if one does not have a treaty. The result is that Lawrence provides important insights into the internalization of colonially imposed identities without being able to account for some of the modern manifestations of historically constituted political decisions. In this light, the story of the breakup of the Conference, in part, started after the conclusion of the Convention of Forty in 1870.

Lawrence and Adams are both deeply concerned about the political divisions that imposed and internalized identities create. Lawrence argues eloquently and convincingly that “[i]t is almost impossible to avoid profound intergroup conflicts while everybody is struggling with a colonial government to access rights for their community

⁷⁵ This is also not to say that if Métis people desired a different relationship with the Settler community, by living in their territory, they could not agitate for a treaty relationship. Indeed, as the previous chapter showed, Métis relationships with the other Indigenous peoples around them were revisable. There is no reason why, in the face of overwhelming evidence that the deal made in 1870 was detrimental to Métis people, Métis could not contemporarily agitate for a different relationship.

under government legislation, rather than attempting to develop lateral relationships among Aboriginal communities that diminish colonial control” (p. 101). Adams would probably add that this is exacerbated by the co-optation of Indigenous leaders and communities by the colonial government’s use of money, power, and prestige. However, Lawrence’s remedy that Indigenous activists see “differences between contemporary Indian and Métis communities as distinct branches of the same root [which] might bring about the possibility of working together for common goals as Indigenous communities” only works if the common root is “Canadian-enforced division” (p. 100). Lawrence’s remedy is unhelpful if the root is comprised of several branches, one of which is the past political choices made by Indigenous peoples that establish political relationships in the future. I will return to this point following the third examination of the breakup of the Conference.

Paul and Larry Chartrand: The Political Ramifications of Being a Distinct People

Paul Chartrand seems to better understand the role that history plays in the political relationships lived by Métis people in the twentieth century. He makes a connection between the choices made by Métis people and the political constraints those choices create. He argues that many Métis individuals

were tempted by the prospect of a quick cash settlement to leave the ranks of “treaty Indians” on reserves and join the growing ranks of the landless Métis. This phenomenon gave rise to the growing numbers of landless “non-status” Indians who joined the ranks of the dispossessed Métis. Subsequent generations of these people have been doomed to live in Third World conditions in settlements often on the edge of “Indian” reserves, unable by government policy to participate in the community life or the regime of federal administration of reserve populations under the *Indian Act* legislation. (Chartrand, 1991 p.474)

This line of argument sets up a connection between historical happenings and the political and oppressive ramifications those happenings bestow upon future generations of Métis people. Chartrand takes as his starting point a Métis group identity with a common political history, rather than family, kinship, or mixed heritage, and it is this history that also establishes the contours of Métis political life (Giokas and Chartrand, 2002, p. 24). These contours are distinct from those of other Indigenous nations.

This connection between the historical relationships of the past and the political struggles of the present is at issue in what would now be called derivative rights discourse but was articulated, in part, during the indignation and Dease meetings discussed in the last chapter. The debate centres around Métis political and rights claims being derived from First Nations progenitors. As the argument goes, Métis people can claim legal rights to the extent that those claims can be traced back to the activities and actions of pre-contact First Nations. Larry Chartrand engages with this argument in his 1999 article “Are we Indians or Métis? A Commentary on *R. v. Grumbo*”. In an impassioned statement, Chartrand argues that “[a]s a unique Aboriginal Nation, distinct from the European and Indian Nations, we need not deny our difference or our separateness to defend our legal rights. . . . As a result, we should avoid framing our rights as Indian rights that happen to also belong to the Métis people. Our rights can be and should be Métis rights that belong to the Métis people in and of their own right” (Chartrand, 1999, p. 275). Further, he uses Catherine Bell’s work to point out that the characteristics that make Métis people unique—like common history, culture, language, political, and legal traditions—would not result in protected rights if they could not be linked back to a First Nations practice or custom (L. Chartrand, 1999, p. 278). Both Paul

and Larry Chartrand are unequivocal in their view that Métis people, understood as the historic community of the North West, are most certainly distinct from Indians (L. Chartrand, 1999, p. 274; P. Chartrand, 2002, pp. 107-108; P. Chartrand, 2003, pp. 88, 90). Paul Chartrand points out that a Métis Nation, which engaged in military conflict in the nineteenth century to protect their communal survival, cannot in good conscience be asked to rationalize those rights through their First Nations allies and enemies.⁷⁶

This argument sheds important light on the breakup of the Conference. Where Adams and Lawrence were concerned with the way Settler colonial interactions shaped both the politics and identities involved in the breakup of the Conference, Chartrand and Chartrand's analyses suggest a different interpretation. Because history "reveals . . . the emergence of a small indigenous nation in western Canada in the unique circumstances of the imperial fur trade system of the nineteenth century," a community that is distinct from First Nations communities, the organizers and delegates at the Conference were living in a fool's paradise if they thought a single organization for both Métis and First Nations people could survive (Chartrand, 2003, p. 90). An organization designed to advocate for both Métis and First Nations peoples cannot adequately manage the distinct claims and aspirations of Métis and First Nations peoples. In this light, the breakup of the Conference seems to have been inevitable.

In this analysis, the stresses within the Conference cannot wholly be explained by Adams' divide-and-rule tactics, whereby the colonizer pulls Indigenous peoples apart to maintain the status quo. Rather, there is a push from within Indigenous

⁷⁶ Recall in the previous chapter it was made clear that Métis people had fractious military relationships with First Nations people. The derivative rights argument would seem to call on Métis people to find their rights within their military adversaries.

Nations to divide the communities because there are fundamentally different peoples trying to advance their goals in the same organization. The Conference was papering over real difference between Métis and First Nations peoples. In the same way that Chartrand and Chartrand argue Métis rights must be appreciated through the distinctness of being Métis rather than through historic ancestors, modern politics—even in a Settler colonial context—are frustrated by trying to advocate for distinct political claims in a political organization comprised of Métis and First Nations peoples. Thus, the breakup was both appropriate and to be expected. While there is clearly supporting evidence of divide-and-rule at play within the Conference, divisions are also visible because there are two distinct peoples with distinct histories and political ambitions trying to agitate from within the same organization.

Similarly, the distinct identities at play within the Conference pre-date the Indian Act and represent longstanding distinctions between peoples. This tempers Lawrence's interventions on imposed and entrenched colonial identities. Lawrence would be quick to add that she is aware that there are real distinctions at play. However, for the Métis Nation, which Lawrence insufficiently describes by virtue of mixed ancestry, these distinctions become far more pronounced and historically contextualized by Chartrand and Chartrand's analyses. Here again, Lawrence's attempt to see disunity among Indigenous peoples as characterized by "distinct branches of the same root" is found to be wanting by the real differences between Métis and First Nations peoples (Lawrence, 2004, p. 101).

This should not be construed to mean that Paul Chartrand detests unity among Indigenous peoples. In an unpublished paper presented for the National Centre for First

Nations Governance, Chartrand takes up the problem of Indigenous disunity explicitly (June, 2007). The piece was written to “assist the Centre’s goal of looking for ideas that may be useful in thinking about political leadership and how ‘self-government’ might be brought about, particularly by cooperative political action. Who will argue against the idea that there is more strength in political unity than in disunity?” (p. 1). Chartrand mentions in this work that Stan Cuthand, a Cree elder, became an important guide in his life. Stan is the brother of Adam Cuthand, who was a leader within the Indian and Métis Conference and would go on to become the first president of the MMF. Sawchuk identifies Adam Cuthand as an enfranchised Indian (Sawchuk, 1978, 47-48).⁷⁷ Chartrand argued that “[t]he close relations between Métis and First Nations people in the past were evident in many ways. Some people would live with one community and then with another” (P. Chartrand, 2007, p. 6).

Chartrand seems to be aware that although there are distinctions between peoples, there is also a need to appreciate the Settler colonial power dynamics that confront all Indigenous peoples. Chartrand sums up this point well when he separates the personal connections among Métis and First Nations people from relationships between political organizations. He argues, “There are many very close personal and community relations between First Nations and Métis people, but the relations between the political representative organizations are not close” (P. Chartrand, 2007, p. 12). The inability to work together in Chartrand’s view is created by small electoral constituencies providing mandates to advocate and agitate on behalf of specific peoples. This results in

⁷⁷ While being an enfranchised Indian is insufficient evidence to show that Cuthand did not have connections to the historic Métis Nation, it does highlight that there could have been members in the early MMF who would not qualify for membership using a strict historic nation definition.

incentivizing thinking predominantly within the bounds of one's constituency, rather than taking into consideration the broader good. Remembering that "political alliances among Michif and First Nations people were established long ago: what we might do is remember them and learn from them. Kinship bonds and common political interest compel unity" (P. Chartrand, 2007, pp. 13-14).

Thus, while Adams, Lawrence, and the Chartrands offer compelling and helpful insights into the way different political processes are at play in the breakup of the Conference, they also all seem to miss the broader political legacy at play. Adams' divide-and-rule analysis cannot accommodate the complexity of jurisdictional identities and the perceived legitimacy of those identities at play within the Conference. Lawrence is right that those jurisdictional identities are imposed by colonial powers; however, the root of the cause possesses several branches that include past political decisions. These decisions of a people are better understood by Paul and Larry Chartrand; however, they also miss the way small electoral constituencies are part of a larger legacy of zero-sum political engagement, stemming from a people's political decisions.

Political Relationality within Colonialism

Without question, the breakup of the Indian and Métis Conference in the 1950s and 1960s is different from the politics of the Convention of Forty in 1870. The context in the latter is colonial, with Indigenous peoples possessing significant economic and military power. The context of the former is Settler colonial, with Indigenous peoples possessing little economic power and negligible military power. At the Convention of Forty, the Métis attempted to create a Métis-dominated sphere of power. At the Indian and Métis Conference, the Métis are trying to organize themselves

politically within the context of a permanent Settler presence and lived Settler colonial domination.⁷⁸ While the Métis tried to establish relationships of colonization at the Convention of Forty, the same is not true at the Indian and Métis Conference.

However, the Métis are still engaged in the same legacy of politics in both contexts. Chartrand's point that current inter-Indigenous politics are inwardly focused to the detriment of broader political goals is insightful. However, Chartrand's desire to recall historic alliances does not take into account that inwardly focused politics were also at play in the nineteenth century. Inwardly focused politics were at the centre of the attempt to make Red River a Métis-dominated space to the exclusion of other Indigenous peoples. The Convention of Forty focused on Métis concerns over the broader Indigenous good. While the evidence points to the Métis being surprised by the decision in October 1967 to break up the Indian and Métis Conference and form separate organizations, the politics after the split between the two organizations became acrimonious and filled with the same brand of self-interested politics not long after the ink dried on the articles of incorporation of the new and reformed organizations.

Consider two illustrative examples. First, in 1970, the MMF signed a local bush-clearing contract with the provincial government. Consistent with what Adams calls colonialism's power to place an "emphasis on a local view of problems," which serves to shroud the larger oppressive context lived by all Indigenous peoples (Adams, 1989, p. 154), these contracts were temporary and locality specific. The MMF publicly expressed anger that while the government had consulted the MIB on the program, the

⁷⁸ It is worth noting that while Settlers are permanent, there is no logical reason that Settler colonialism and the accompanying domination will also be permanent. The first is the presence of a people, while the second is the actions of those people. The actions can certainly change without the people relinquishing their permanence.

MMF had only been invited in to witness the signing of the deal (Schreyer hints at metis fund, January 17, 1970, p. 49). Putting aside the question of nefarious colonial motivations on the part of the Schreyer government, within a few years of creating new organizations, the MMF was pitting itself against other Indigenous peoples to compete for the resources and power provided by Settler governments. In this case, the Métis are attempting to leverage the limited consultative power granted to First Nations people to gain at minimum the same limited amount of power and influence over a \$278,000 contract to be shared between all Indigenous peoples in northern Manitoba (Schreyer hints at metis fund, January 17, 1970, p. 49). The effect engenders an inherently divisive and competitive political relationship between Indigenous peoples suffering under the same program of oppression and dispossession.

Second, in a spectacular display of division, the MMF challenged the MIB's right to take over the vacated Canadian Forces Base (CFB) Rivers north of Brandon, Manitoba, from the Crown without Métis consultation. The issue would again flare up when the MMF discovered the MIB was denying Métis people access to the training programs planned for the site (Cuthand calls for talks,, April 10, 1970, p. 2; Remark (statement) angers metis, November 6, 1970, pp. 1, 2, 9). Adam Cuthand, now former president of the MMF, was reported to have "advised the Manitoba Indian Brotherhood . . . that the brotherhood would be making a 'very serious mistake' if it didn't consult with the federation on native land claims" (Cuthand calls for talks, April 10, 1970, p. 2). Cuthand envisioned Métis people making joint representations to the Indian Land Claims Commissioner. In both examples, limited state resources, power,

and prestige serve to focus Métis leaders on their particular concerns and goals, rather than the broader Indigenous fight with colonialism.

This dynamic also shows the way these narrow constituent interests are funnelled into politics and framed as zero-sum. Recall Riel's question at the Convention of Forty: "Had the Indians the whole claim to the country? . . . Are Indians the only parties in the country who have to be settled with for land claims? If so, alright. But if there is some section for which the Half-breeds would have to be dealt with then the article as it stood was too general" (New Nation, February 4 1870, p. 6, supplement, column 4). The effect of Riel's question framed Métis territorial claims in direct competition with First Nations claims. In the Canadian Forces Base (CFB) Rivers case, the MMF are also setting up a territorial claim to explicitly advance a Métis interest in the land. In both political engagements, the land is conceived as an object to be fought over. The contexts and nature of the level of control over the land are different in each time period; however, the framework of these political disagreements is strikingly similar: setting up competing claims driven by collective, competing Métis interests.

The issue is not a question of the validity of Métis interest in the land. That stands along with Cree, Salteaux, Assiniboine, and other Indigenous interests in the land. What is at issue is the funnelling of Métis claims into zero-sum competitions, where the opponent is not the oppressor, to use Adams phrasing, but rather, other Indigenous peoples also struggling against the devastation of forced relocation, dispossession, genocide, and Settler colonialism generally. There are of course situations where the Métis need to point out to their First Nations brothers, sisters, cousins, allies, and historic adversaries that the Métis cannot be overlooked in inter-Indigenous political organizing.

However, every time Métis select the option to take the fight over their wellbeing to other Indigenous peoples, Métis actors contribute to the collective oppression of all Indigenous peoples.

Following the warning on the CFB Rivers file in 1970, the MMF continued to attract government money using other Indigenous peoples as leverage. By 1978, the MMF was receiving \$220,000 in core and program grants from the provincial government.⁷⁹ \$30,000 of the core grant had been secured explicitly because the MMF had complained they were not receiving the same amount as the MIB (Legislative Assembly of Manitoba, 1978).⁸⁰ The approach to securing land, funding, power, and prestige, as well as the funding system generally, orient Métis towards resenting their First Nations cousins for receiving funding. The same is true for First Nations who feel their Métis kin are trying to undermine access to scarce resources for First Nations organizations. This orientation serves to drive a wedge between Indigenous peoples as one organization seeks to secure additional funding using the other as leverage.

In an effort to agitate against the injustice of dispossession and alleviate its related symptoms, Métis people end up deepening the divisions that support the perpetuation of the conditions of their oppression. Competing with other Indigenous peoples to eke out small victories over money, power, and land ensures that the battle is fought between the colonized over things placed on the negotiating table by their oppressors, rather than by Indigenous peoples over the imposition of the house in shared

⁷⁹ \$130,000 in core grants and \$90,000 in program.

⁸⁰ This is reminiscent of the attempt by the Métis Society of Saskatchewan to extract additional grants from the Saskatchewan government using other Indigenous peoples, as discussed by Pitsula (1997).

Indigenous territory in which the negotiating table can be found. As Paul Chartrand says, “[t]he Michif and the First Nations shared our territory. . . . We Shared language. We had to, in order to develop our cooperative economic and political actions. Where the land is flat people meet easily and deal with one another and they develop a common way of communicating” (P. Chartrand, 2007, p. 5). The political task is to resist the temptation to fight other Indigenous peoples.

Such a reframing of political engagement requires more than an agreement to resist a common enemy. For Métis politics, Métis people must engage with the complicated relationship with colonialism enunciated over the last two chapters. While the relationship at play in the breakup of the Conference is, in part, one of the colonized organizing to resist Settler state oppression, placed alongside the events discussed in the nineteenth century, one can see that there are similarities in the brand of politics in both periods, particularly after the breakup. In the nineteenth century, the Métis resisted the expansion of the Settler state and, in so doing, created an opportunity to negotiate the conditions of their entry into the Canadian federation. In the breakup of the Conference treaty, First Nations delegates created their own political organization without the Métis, producing an opening for an organization to advance Métis interests. In both cases, the Métis seized upon circumstances that were not initiated by them and pursued a political agenda to advance their interests in a way that competed with those of the other Indigenous peoples around them.

Conclusion

While all the above scholars make important contributions to understanding the centrifugal forces pulling and pushing the Conference apart, I have argued connecting

Métis politics to a multidimensional relationship within colonialism helps to web together individual author's intellectual strengths and brings to light their weaknesses. More to the point of this dissertation, such an approach allows Indigenous people to see far more clearly the detrimental effects a zero-sum politics has on the political struggles of Métis people and other Indigenous peoples. Adams' intervention into the power dynamics between colonizer and colonized suggests the breakup is part of a complex and multifaceted colonial divide and rule tactic that implicates Indigenous leaders.

Lawrence's work suggests that Métis people within the Conference are embracing and organizing around colonial-imposed identities. The legal and historical contributions of Paul and Larry Chartrand suggest that the breakup was inevitable because, as a distinct people, Métis need their own vehicles for political agitation. Better appreciating the ways these works intersect while engaging with the way uncritical political decisions exacerbate fractious inter-Indigenous relationships can help avoid zero-sum political engagements. Appreciating this complex relationality provides a stronger critique of colonial and Settler colonial politics as well as fosters a decolonizing resistance attuned to the complications of Métis relationships within colonialism. The benefit of such an appreciation is that it emphasizes unity to resist colonial oppression, while deemphasizing short-term political calculations to achieve material and other resources (land, influence, power, and prestige) for Métis people at the expense of other Indigenous peoples.

One of the other methods of colonial resistance deployed by both Métis individuals and political organizations has been legal mobilization. This option has sought to challenge the dispossession and devastation of Settler colonialism through the strategic use of the State's legal institutions. In light of the zero-sum pitfalls of Métis

political organizing discussed in this chapter, the next chapter explores the risks associated with using complex and power-laden legal structures to navigate multidimensional relationships with colonialism.

Chapter 5 – Her Majesty’s Justice Be Done: The Strategic Limits of the Law for Inter-Indigenous Political Action

“I think that by far the most serious consequence of *Delgamuukw* for Gitksan people is an impaired ability to manage and resolve internal conflict. *Delgamuukw* was huge – larger than life, powerful, demanding, insatiably hungry, and a very slow learner. For years, it sat right in the middle of people’s lives, soaking up energy, resources, and intellect. But over time, it marginalized Gitksan people’s own ways of dealing with conflict according to the Gitksan legal order.”

—Val Napoleon, 2004, p. 120

At the April 1968 Indian and Métis Conference, delegates passed the following resolution: “RESOLVED that the Manitoba Métis Federation continue its work of investigation into the Manitoba Métis land grant question” (Community Welfare Planning Council, 1968, p. 30). With these seemingly bland words, the Manitoba Métis Federation became embroiled in a fight with legal as well as political dimensions before its first birthday. It would not be until March 8, 2013—almost forty-five years later in the case of the *Manitoba Métis Federation vs. Canada*—that this conflict would finally come to a head. This land grant question would come up at the final gathering of the Conference in 1969, where the delegates were informed that new information had been discovered showing the Métis received less land than was promised to them in the Manitoba Act 1870. According to the Conference Record, after the federal government received this new information, bureaucrats tried to destroy the original documents provided to them by the MMF. The Conference called for a Royal Commission into the Métis land grant (Community Welfare Planning Council, 1969, pp. 20-21). The ongoing

efforts to research and litigate the Métis lands question quickly became a complex process that would sponsor duelling books by D. N. Sprague and Tom Flanagan on Métis land claims, occupy significant amounts of space in Métis political consciousness, and impose a demand on limited human and financial resources.

While the Supreme Court's ruling in *MMF v. Canada* was hailed as a great victory by the MMF leadership, it is unclear what litigating the case did to Métis relationships with other Indigenous peoples. The previous chapter showed that the relationships within the Conference, and the new organizations that grew out of it, were fraught with zero-sum political relations. This chapter will argue that looking at the interaction between the MMF and Treaty 1 peoples seeking leave to intervene illuminates the way courts exacerbate zero-sum political dynamics already at play in a colonized inter-Indigenous political world. This chapter uses Andrea Smith's interventions on the moral limits of the law as its point of departure. Smith used an eclectic and effective combination of game theory and moral theory within an Indigenous feminisms framework to argue that the law can be used to achieve strategic gains for Indigenous peoples generally and Indigenous women in particular.⁸¹ While Smith's argument is compelling, I offer that a further consideration of using the law as a strategic tool also

⁸¹ In what follows, I am primarily interested in strategic uses of the law, rather than emergency uses of the law. I share the depth of Smith's concern about the epidemic levels of violence against women. Indigenous women confronting violence in their lives or the lives of their loved ones may not necessarily be concerned with questions of strategic deployments of the law. This includes but is not limited to children and the GLBTTQ community. Also, I am aware that the law may possess strategic utility for Indigenous women in states of emergency and these deployments are to be supported. Rather, by strategic deployments, I mean the use of specific cases in an attempt to achieve advancements in legal discourses impacting Indigenous peoples. Indigenous women facing violence may be in states of emergency and it is incumbent on all Indigenous peoples to support them in getting to a place of safety.

includes the way legal institutions structure relationships between Indigenous peoples. Further, deploying Christopher Manfredi's work on legal mobilization displays the anatomy of successful strategic engagement with the law, while also making clear the limitations for Indigenous litigants in a Settler colonial context. While many have pointed out that using the law to advance claims against the Settler state is fraught with shortcomings, this chapter will offer that legal mobilization also serves to pit Indigenous peoples against each other, essentially opening two fronts to a legal fight: the first with one's oppressors, and the second with other colonized peoples. The chapter proceeds by first outlining the *MMF v. Canada* case, then exploring shortcomings of Smith's "moral limits of the law" argument in the Canadian context while offering alternative lessons from game theory and legal mobilization. I then illustrate how court cases can engender zero-sum relationships by interrogating the interaction between the MMF and Treaty 1 peoples in the Manitoba Court of Appeal. The aim of this chapter is to emphasize the need for non-legal approaches to political resistance to Settler colonialism that take into consideration multidimensional and complex relationships with and within colonialism. To this end, not all politics are a good fit. While prominent Canadian political scientists have also been concerned about the move to litigate Indigenous-State relationships in the courts, their concerns are motivated by problematic logics of entrenching the unjust mechanics of the Settler state and avoiding difficult conversations about decolonizing state institutions.

Consistent with the rest of this dissertation, this chapter will focus on Métis engagement with other Indigenous peoples. However, it will focus almost exclusively on these interactions as they play out in Canadian courts. The case connects well to the

critical juncture and fallout outlined in the previous two chapters. In chapter 3, I showed that Métis organizing in 1870 created troubling dynamics for inter-Indigenous relations, and in chapter 4, these dynamics were at play in the breakup of the Indian and Métis Conference. The origins of the *MMF v. Canada* case can be traced directly to the Conference, as outlined at the start of this chapter, but the case also perpetuates the fractious politics played out at the Convention of Forty in 1870. This chapter analyzes the attempt by Treaty 1 First Nations to intervene at the Manitoba Court of Appeal and the resulting response from the MMF.⁸²

The Case

Keeping in mind that it is not the intention of this chapter to outline the current state of the law on Métis people, it is worth providing an outline of the case and its findings for the sake of context. The case itself focused on the disbursement of land negotiated by Assiniboia's representatives with Canada in 1870. The MMF argued in the case that the land was not expeditiously provided and, as a result, Métis people were unable to access the full value of their land entitlements under the Manitoba Act 1870,

⁸² To fully understand the courts as an avenue for political agitation, one must also pay attention to the structure and operation of the institution as it relates to Indigenous peoples within an Indigenous-Settler dynamic. Thus, this chapter will contain the largest quantity of discussion on Indigenous-Settler relations. In addition to the robust body of critical legal scholarship and the work of Andrea Smith, the material for this chapter is drawn from the court filings made by the legal counsel for the MMF and Treaty 1 peoples in their attempt to intervene in the case. All the documents are a matter of public record and are accessible through the Manitoba Court of Appeal document registry. They were viewed at the Manitoba Archives building in May of 2014. While Treaty 1 first Nations intervened at the Supreme Court with different counsel, only the Manitoba Court of Appeal documents were consulted in the writing of this chapter. This choice was made in light of the orientation of this chapter. The point of this chapter is not to offer an analysis of the current state of Canadian reconciliation of Métis people with Canada, but rather to illustrate relationships through legal mobilization. Given this orientation, there is no immediate need to examine Treaty 1 peoples' intervention at the Supreme Court.

and their land grant was not handled in a fashion consistent with the legal concept of the honour of the Crown. The MMF sought a declaration or declaratory relief⁸³ from the court to aid in their land claim negotiations with Canada and Manitoba, in a harsh twist of history, the latter defendant being the province the Métis created. In 2007, the trial judge, Justice MacInnes of the Manitoba Court of Queen's Bench, did not find for the Métis on any of the MMF's claims. According to Jean Teillet, MacInnes did find that there was a delay in providing land to the Métis after the passage of the Manitoba Act. This delay was due to government mismanagement and "inaction. However, he [the trial judge] found that there was no fiduciary duty or a duty based on the honour of the Crown. The trial judge took the view that a fiduciary duty required proof that the Métis held the land collectively prior to 1870. Since the evidence showed that the Métis held their lands individually, he concluded the claims failed" (Teillet and Madden, 2013, p. 1). On appeal to the Manitoba Court of Appeal in 2010, Chief Justice Scott—writing for a unanimous court—upheld the findings of the trial while making several changes to the legal reasoning and logics deployed by the trial judge (O'Toole, 2014, p. 181). The Supreme Court ultimately held in 2013 that the Crown did not fulfil its responsibility to act honourably in distributing the land owed to the Métis after 1870.

The MMF argued at the Supreme Court that because the Métis possess an Aboriginal interest in the land, disbursing the land promised in the Manitoba Act was a federal fiduciary duty undertaken on behalf of the Métis (Teillet and Madden, 2013, p. 4). Rather, the Court held "that the relationship between the Métis and the Crown was and is

⁸³ This is a form of legal remedy, whereby a judge provides legal clarity of the points at law without awarding damages. The MMF wished to use this declaration to strengthen its hand in its negotiations with the governments of Canada and Manitoba (Harrison, Maurice E., *California Law Review*, July 1921, number 5, p. 359).

fiduciary in nature; however, that does not mean all dealings between the Crown and Métis give rise to fiduciary duties” (Teillet and Madden, 2013, p. 4). Given the trial judge’s finding of fact that the Métis did not hold their lands collectively, and given the Supreme Court held that a fiduciary duty only arises if the interest in the land is communal, thereby making it “distinctly Aboriginal,” there was no finding of a fiduciary duty (Teillet and Madden, 2013, pp. 4-5).

This is not to say that the honour of the Crown was not engaged in the agreement reached with the delegates sent from Louis Riel’s provisional government. The MMF argued, and the Supreme Court agreed, that the honour of the Crown was very much engaged in the case. The government of Canada had promised to provide land to the Métis as quickly as possible. This was in light of the government’s and empire’s plans to settle Manitoba quickly, as discussed in chapter 3. Section 31 of the Manitoba Act stated that “it is expedient, towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents” (Manitoba Act 1870, S.31). Because this promise was entrenched into the constitution, the Supreme Court held that it “engaged the honour of the Crown, requiring the federal government to interpret s. 31 purposively and diligently pursue fulfilment of the purposes of its obligation” (Teillet and Madden, 2013, p. 9).

The MMF did realize part of their goal of declaratory relief. The Court declared “[t]hat the federal Crown failed to implement the land grant provision set out in s. 31 of the Manitoba Act, 1870 in accordance with the honour of the Crown” (qtd. in Teillet and Madden, 2013, p. 11). Litigating was a strategy designed to actively challenge the

Canadian state's narrative west of the Great Lakes. Though no damages were awarded, the decision has the potential to provide material benefits from negotiated resources and remedies to the Métis for the fumbled disbursement of the Métis lands to the Métis people. Put differently, going to court was not a passive symbolic gesture. It was a decision to take action, rooted in a defiant Métis narrative and the evidence to support that narrative. The opening arguments made by the applicants were accompanied by a march of Métis people to the Manitoba Law Courts building in Winnipeg and a rally to support the important work done to get the case before a judge. Litigation was action amidst a difficult history of dispossession and a concerted program of disempowerment.

Unpacking the Moral Limits of the Law

Andrea Smith explores the contradictions inherent in using the courts to achieve the goals of Indigenous activists. Specifically, she highlights the challenges faced by Indigenous anti-violence activists in their use of the courts. Many scholars have identified the shortcomings of using laws and legal systems developed by and for Settler peoples to fight the oppression and dispossession wrought on all Indigenous peoples. Both Canada and the United States deployed deception, armed and forced removal, erasure, and genocide as essential tools in the establishment of the Settler state. Law-making power as well as the adjudication of those laws was an integral part of the project of creating a state comprised of Settlers. The effect of this program is felt on all Indigenous peoples, particularly Indigenous women and children. As Smith points out, violence against Indigenous women "is at epidemic rates" (Smith, 2012, p. 69). Indigenous women face clear and immediate threats to their health and safety. Smith argues the contradiction for activists lay in trying to fight colonial violence through the

very same courts implicated in the historic and ongoing process of Settler colonization. This includes dealing with Indigenous governments who have, in some cases, embraced colonial gendered oppression within their governing structures. Finally, the crux of the contradiction is that activists “must also address women who need *immediate* services, even if those services may come from a colonizing federal government or a tribal government that may perpetuate gender oppression” (Smith, 2012, p. 70, emphasis added). Thus, Smith argues activists “are often presented with two dichotomous choices: short-term legal reform that addresses immediate needs but further invests us in the current colonial system or long-term anti-colonial organising that attempts to avoid the political contradictions of short-term strategies but does not necessarily focus on immediate needs” (Smith, 2012, p. 70).

Frustrations around these dichotomous pathways to action seem to be exacerbated by advancing moral claims in legal spheres. Appealing to the legal institutions of the state on the grounds that an action or set of actions are morally wrong is ultimately futile, because those same institutions are unconcerned with the morality of arguments. Smith uses Christopher Leslie’s game theory analysis of drug cartels to illustrate that if one’s goal is to end drug cartels, one must be prepared to use morally suspect strategies towards the desired end. Leslie’s point is that in order to achieve the goal of destabilizing cartel networks, one must take action for their strategic value. In Leslie’s case, he recommends undermining trust networks within cartels by offering ringleaders amnesty. This policy serves the goal of breaking down the cartel, even though it is morally questionable to provide amnesty to a cartel’s leadership (pp. 74-76). Smith’s use of Leslie’s as well as Derrick Bell’s (1995) work sets up the possibility that

one may be able to “engage in legal reform in the midst of these contradictions if one foregoes the fantasy that the law is morally benevolent or even neutral” (Smith, 2012, p. 73). Thus, in a powerful formulation, Smith at once accepts the criticisms of legal mobilization for Indigenous peoples while embracing their potential for effecting change for Indigenous women. She offers, “In particular, what would happen if we pursued legal strategies based on their strategic effects rather than based on the moral statements they propose to make?” (Smith, 2012, p. 74).

Smith interrogates this framework through efforts to moralize the law. For many decades, non-violent civil disobedience was an important strategy deployed to deal with morally problematic social and economic conditions in North America. The point of breaking laws in superficial fashion is “to shame the system. People are supposed to get arrested, and those in power are supposed to be so shamed by the fact that an unjust system required people to break the law. The expectation is that they will then change the laws. Acts of civil disobedience often are not targeted toward changing a policy directly or building alternative systems to the current one” (Smith, 2012, p. 83). However, by returning to her earlier framework on the futility of legal morality, Smith is able to point out that it is difficult for a system to feel shame, an emotion derived from morality, when that system is at best unpersuaded by moral arguments and at worst immoral itself. She puts a finer point on it by saying:

We can challenge the assumption that the law will reflect our morals and instead seek to use the law for its strategic effects. In doing so, we might advocate for laws that might in fact contradict some of our morals because we recognize that the law cannot mirror our morals anyway. We might then be free to engage in a relationship with the law which would free us to change our strategies as we assess its strategic effects. (Smith, 2012, p. 86)

Smith would develop this point in her subsequent work on voting within Indigenous communities in the United States. In her concluding comments, Smith lays out several responses to voting in Settler states. Tom Porter “stress[es] that that there is a radical incommensurability between claiming US and Native citizenship. Native peoples cannot assert sovereign status while claiming citizenship in the country that is trying to colonize their nation” (Smith, 2013, p. 365). However, building on her work in 2012, she leaves the door open to the possibility of pursuing a strategic use of laws. She seems to emphasize the orientation of these strategies achieving short-term goals in this later formulation.⁸⁴ She states, “[M]any Native scholars and activists who understand the USA to be a Settler state, also feel the need to engage in short-term legal strategies” (Smith, 2013, p. 366).

This preserves the point she made in 2012, but she also addresses an important shortcoming in her 2012 argument. She takes seriously the critique that the engagement within Settler institutions—like citizenship and voting—can shape Indigenous peoples’ understanding of themselves, even when that participation is oriented towards deconstructing Settler power structures and reinvigorating Indigenous institutions. Smith states, “As Glen Coulthard has noted, Native peoples’ participation in US elections, even as a matter of political subversion, can alter Native peoples’ perceptions of themselves as members of sovereign nations. One cannot presume that it is possible to engage the system without being simultaneously interpolated into it” (Smith, 2013, p. 366). Indeed, there is robust literature on this topic, which argues Indigenous people enter Settler

⁸⁴ In her 2012 work, Smith does discuss some aspects of short-term goals. However, she uses the entirely appropriate language of immediate need. Given the 2012 work’s frame of dealing with violence against Indigenous women and the 2013’s frame of voting in Indigenous communities, one should not make too much of this language shift.

institutions and at some point they become former-Indigenous people (Alfred, 2005). Smith contends that the pathway in activism and decolonizing strategies is not always obvious; however, she maintains that even when facing the risks of engaging within non-Indigenous political and legal institutions, “it may be possible to strategically engage the US political system without granting it legitimacy” (Smith, 2013, p. 66).

Smith tackles this question with a great deal of care and thoughtfulness. While she is right that the method by which Indigenous peoples should resist their oppression is rarely clear, it is also unclear if Indigenous peoples’ goals, short-term or otherwise, are best served by deploying litigation strategies at all. There are two additional dangers faced by Indigenous litigants.⁸⁵ The first stems from the legal system’s treatment of Indigenous claims. There is compelling literature on the limits Indigenous peoples ought to expect from Settler legal institutions. This literature suggests that the courts struggle to find for the state, even when logic is on the side of Indigenous litigants. Thus, even short-term or immediate goals, regardless of how they are framed, are unlikely to result in victories for Indigenous peoples. The second is more insidious. As this dissertation has been endeavouring to articulate, inter-Indigenous politics are fraught with a number of complex political relationships, not the least of which is the framing of goals as zero-sum. Not only does the law exacerbate this through its adversarial structure, it also sets up Indigenous peoples to fight against each other, even though their broader strategic interests would be to work together.

⁸⁵ By Indigenous litigants, I mean Indigenous communities hiring lawyers as well as Indigenous lawyers working within the courts.

Legal Critiques of the Law

The Canadian legal system outside of Quebec is a British common law system.

The common law uses precedents or *stare decisis* to ensure that like cases are decided using similar findings of law. Indeed, as Michael Asch and Catherine Bell point out, the use of the term “findings of law” is used to emphasize the belief that the law exists prior to and independent of the decision or the case at bar (Bell and Asch, 1997, p. 40). They argue, “According to the doctrine of *stare decisis* lower courts must follow like decisions of higher courts within the same judicial hierarchy to the extent that they apply to the case before them” (Bell & Asch, 1997, p. 39). The rationale is that justice and fairness demand that all people are equal before the law, and similar circumstances are treated similarly, thus eschewing, in theory, the application of the law in an uneven and arbitrary manner (p. 39).

In a fashion not unlike Smith, Bell and Asch set out to save the law from itself. While asserting that they do not seek to eviscerate precedent, they level pointed critiques against its application in Indigenous litigation and call for a reconceptualization of the operation of precedent. They argue:

One of the most serious impediments to the use of the domestic courts as a vehicle to resolve Aboriginal rights issues, and especially those that relate to Aboriginal ownership and jurisdiction, is the framework they use to interpret Aboriginal culture. This framework . . . relies on precedents which contain an approach to the analysis of culture which is out of date, biased, and ethnocentric. As a result, Aboriginal plaintiffs are required to carry a burden of proof with respect to establishing fact which is absurd, and for this reason, among others, the legal system places them at a tremendous disadvantage in litigation. (Bell and Asch, 1997, p. 56)

Their point is that using cultural understandings of Indigenous peoples that are rooted in findings of empty land or *terra nullius* as the court’s default position unfairly structures the legal playing field. It also imposes British discourses of civilization, whereby the

absence of European characteristics of society denote a corresponding absence of a civilized Indigenous peoples. These are then used to deny Indigenous peoples' claims for legal redress for a host of wrongs perpetrated against them by the colonial and Settler colonial state (Asch, 2002).

The effect of the uneven playing field carries with it a deep violence. The courts have insisted that Indigenous peoples go through the expensive and humiliating process of proving that their people were not society-less savages without law or meaningful institutions. Bell and Asch are arguing above that it falls to Indigenous peoples to refute the default position of Crown superiority over an inferior Indigenous society. The key here is that this sets up judgements biased against Indigenous litigants, regardless of the outcome of the court case. Bell and Asch argue, "[T]he need to establish the facts for such a proof creates prejudice against an Aboriginal party, even when a judgement explicitly confirms that the Aboriginal litigant has proved 'equivalence,' for it assumes that 'Canadian' society is 'civilized' without requiring any proof and also suggests that the 'civilized' nature of the Aboriginal society was in doubt" (p. 72). The upshot of this is that the legal system itself is oriented towards perpetuating the Canadian state's civilizing myth. As Bell and Asch point out, questioning the magic of the Crown's assertion of sovereignty would be the more logical activity for the courts; however, that would call into question the vast body of legal decisions on land transfers within which the courts, as a branch of government, are implicated.

John Borrows echoes this view in his submission to *Speaking Truth to Power*, where he states, "Failure to question the Crown's assertions of underlying title and sovereignty (while strictly scrutinizing Aboriginal assertions) appears to create a bias in

the law in favour of non-Aboriginal groups who rely on Crown assertions in Canada” (Borrows, 2001, p. 39). Borrows, while also critiquing the assertion of Crown sovereignty, offers an optimistic view of the future of Canada’s legal system. Interestingly, he grounds the salvation of law from itself in the independence of the judicial branch of government and that of judges. He argues that it is well within a judge’s range of power to question Crown sovereignty and the history of that assertion over Indigenous territories. He argues that “Canadian courts are separate and autonomous from the Crown and the legislature, and do not function as the servants of the Queen or Parliament” (Borrows, 2001, p. 44). This allows courts to interrogate and even invalidate the fashion by which the Crown asserts its power (p. 45).

It is worth noting that Borrows in this contribution does not distinguish between the courts as beholden to the Crown and courts as agents exercising Crown power. While he is right that courts have a long history of judicial independence from the sovereign who appoints them and the power to question Crown assertions, he does not identify the source of the power to decide. As David E. Smith has argued, “the Crown is the organizing force behind the executive, legislature, administration, and judiciary in both the federal and provincial spheres of government” (D. E. Smith, 1995, p. x). The power to decide on a case is power the Crown has agreed to delegate to a judge. So while they are independent from the Crown and other branches of government, they exercise a particular brand of power from an Indigenous litigant’s perspective. This point is probably best captured by Viscount Haldane’s description of the relationship between the Judicial Committee of the Privy Council (JCPC) and the Crown. Haldane laid out the constitutional relationship between the Crown and the JCPC on which he sat to the

Attorney General of the Irish Free State in 1923. David Smith quotes the explanation to be:

It is a long-standing constitutional anomaly that we . . . giv[e] advice to His Majesty, but in a judicial spirit. . . . We are really Judges, but in form and in name we are the Committee of the Privy Council. The Sovereign . . . always acts on the report which we make. Our report is made public . . . it is delivered in printed form. . . . In substance what takes place is strictly a judicial proceeding. (D. E. Smith, 1995, p. 141)

The point here is that the Committee's power stems from the willingness of the Sovereign to act upon the advice of the Crown's law lords. This perhaps most clearly links the origins of judges' powers to the Crown.

The invalidation of Crown sovereignty may undercut the legitimacy of the power judges exercise. This subtle point can both consciously and subconsciously shape one's view of the institution that supplies one's power. The suggestion here is that the structural biases in the courts identified by Asch, Bell, and Borrows may be reinforced by the interpellation of judges within Crown power. This would significantly constrain the transformative potential Borrows identifies in his work.

That is not to say Borrows' point about the potential to invalidate Crown power is incorrect. Returning to the Hudson Bay drainage basin for a moment, Kent McNeil has argued that there is legal precedent for courts challenging Crown sovereignty, which could have sweeping implications in the heart of the Métis homeland. McNeil engages the question of British sovereignty over Rupert's Land through the HBC charter with magnificent cogency. He argues that "[i]n fact, it has been decided in a number of Canadian court cases that Rupert's Land was acquired by settlement. What is not so clear is how and when this occurred" (McNeil, 1999, p. 3). Asserting sovereignty through settlement would have been a readily recognized legal option seventeenth, eighteenth,

and nineteenth century jurists could have used to legitimize the expansion of Crown sovereignty to new territories.⁸⁶ As has been discussed at some length in this dissertation, the HBC did not engage in settlement in the lands granted to them by their charter. Rather, they employed trappers and sojourners. McNeil reiterates this point in his work, deepening the problem of British claims to sovereignty within the Hudson Bay drainage basin. Indeed, even by the legal standards of the eighteenth century, using explorers and sojourners to establish sovereignty instead of Settlers would have been met with laughter in the international arena. There are documented cases of the British scoffing at their colonial rivals upon being presented with this argument.⁸⁷ Even as late as 1899, British courts were quick to insist on a Crown interest in the land being robust and substantial.

Nor could the HBC charter itself be used to advance a legal claim to the land. In what is now Zimbabwe,⁸⁸ McNeil shows how the Judicial Committee of the Privy Council rejected the argument that a Royal Charter provided Crown sovereignty over the land for the British South Africa Company in *Staples v. The Queen*:

The Lord Chancellor: Have you ever heard of sovereignty being insisted upon by reason of such a grant [the Royal Charter]. It is new to me that such a thing was ever heard of.

Staples' Counsel: I ask you to look at the terms of the grant.

The Lord Chancellor: The terms of the grant cannot do what you assume it can do, namely give jurisdiction of sovereignty over a place Her Majesty has no authority in. (qtd. in McNeil, 1999, p. 3)

⁸⁶ Other options for claiming sovereignty would have been “inheritance from another sovereign, conquest, cession by international treaty” (McNeil, 1999, p. 3). As McNeil points out, these other can be ruled out immediately and unequivocally in the case of the Hudson Bay drainage basin.

⁸⁷ Please see Barbara Arneil (1996) and Paul Keal (2003) for further discussion on the debates among colonial powers regarding the nature of their claims to Indigenous lands.

⁸⁸ Zimbabwe was called Matabeleland at the time of the court case.

The point here is that Borrows is both correct and insightful in his observation that courts can and do question the Crown's assertion(s) of sovereignty. The failing, however, is that despite these glimmers of judicial hope, there has been ample opportunity for the courts to challenge underlying claims and historical myths of Crown sovereignty in what is now Canada. In Canadian jurisprudence, judges have chosen to leave these structural inequalities intact in favour of the Crown. While not conclusive evidence, it does suggest that the courts, which derive their power from the Crown, may be shaping the identities of jurists to protect the shoddy legitimacy of the broader Settler state.

Returning to a strategic deployment of the law, the important contributions of Asch, Bell, Borrows, and McNeil all reinforce that there are structural reasons why Indigenous peoples not only need to be concerned about providing legitimacy to the institutions and myths of their oppressors through litigation, but also that the procedures of litigation *per se* are skewed against them. Further, McNeil (2004) dissects the logic at play in the *Delgamuukw* decision and finds the Supreme Court engages in reasoning that is at times inconsistent with core tenants of the common law. For example, he points to the ability of the Crown to infringe on Indigenous land rights through regulation of natural resources, the expropriation of Indigenous territories for the public good, and the transfer of Indigenous title in whole or in part to private interests. McNeil argues that this legal reasoning would do something that has never been done within the bounds of the common law—namely use expropriation, a tool for taking private land for public purposes—and give it to private individuals for their personal gain. He states, “I am not aware of any expropriation legislation in Canada that would empower the Crown to take

property under the guise of expropriation for the purpose of transferring it to other persons for a purpose like agriculture” (McNeil, 2004, p. 294). He goes on to say:

With all due respect, from a property perspective this aspect of Chief Justice Lamer's judgment borders on the bizarre. Aboriginal title is not only a property right that includes the right of exclusive occupation and use—it is also a *constitutionally protected property right!* And yet the Crown might be able to infringe it by granting the land to third parties for agriculture, for example, because, "in principle," this is a compelling and substantial purpose that might justify the infringement. (McNeil, 2004, p. 294 emphasis original)

As McNeil points out, this creates a catch-22 situation, whereby the very act of having protected rights in Canada is used as a strange justification for any kind of infringement and even the unprecedented transfer of Indigenous title to private non-Indigenous peoples.

I would go one step further and offer that this is an exercise in logical contortion, the intent of which is to justify something that runs afoul of major tenets of the law. It also suggests that a huge amount of effort was used to find in favour of the status quo, such that the court would be able to find Indigenous title to the land without that finding changing anything about the operation of the state in which the title was “found.” While Bell and Asch argued that denying Indigenous peoples have complex rights “is particularly appealing to a lower court or a judge with an emotional and intellectual commitment to the status quo as it allows one to empathize with the discriminatory treatment of Aboriginal people and at the same time declare helpless bondage to fundamental principles firmly established in the common law,” we see from McNeil’s analysis that this may be a sentiment present all the way up to the Supreme Court of Canada (Bell and Asch, 1997, p. 45). Where Bell and Asch place a great deal of faith in the Supreme Court’s ability to shift precedents and reasonings, McNeil is showing that

there is no magical enlightenment that comes with being appointed to the Supreme Court. There are justices who are fully committed to the protection and maintenance of the status quo at the top and seem not to be bothered by tying themselves in logical knots to protect Settler interests in the land.⁸⁹

To put a finer point on this for the purposes of this chapter, McNeil concludes by summing up what all of this means for Indigenous activists in their efforts to seek judicial remedies for the ills perpetrated against them in their territories. The statement is so important as to require it to be quoted in full:

The lesson to be learned from the decisions examined in this article can, I think, be summed up like this: regardless of the strengths of legal arguments in favour of Indigenous peoples, there are limits to how far the courts in . . . Canada are willing to go to correct the injustices caused by colonialism and dispossession. Despite what judges may say about maintaining legal principle, at the end of the day what really seems to determine the outcome in these kinds of cases is the extent to which Indigenous rights can be reconciled with the history of British settlement without disturbing the current political and economic power structure. I think this is a reality that Indigenous peoples need to take into account when deciding whether courts are the best places to obtain redress for historical wrongs and recognition of present-day rights. It may be advantageous to formulate strategic approaches that avoid surrendering too much power to the judicial branch of the . . . Canadian state. (McNeil, 2004, pp. 300-301)

I would only add that the situation has become so dire as to question if Indigenous peoples ought to surrender any more power in their struggle. One could argue without much effort that Indigenous peoples have surrendered enough land, people, and power to the Settler state.

It is possible to identify what appears to be strategic “wins” for Indigenous peoples in the courts. Indeed the *MMF v. Canada* struggle includes images of a

⁸⁹ It is worth noting that McNeil agrees with justice McLachlin’s view that “Chief Justice Lamer’s approach to this matter was more political than legal” (pp. 299-300).

triumphant MMF president marching down the stairs of the Supreme Court of Canada, waving a piece of paper in exultation for the golden era the court victory would surely usher in. But as Jeremy Patzer (2013) has eloquently pointed out we are losing, even when we are winning. The issue becomes that Métis litigation is coming from a place without significant judicial discourse on Métis rights. In the case of First Nations litigation, the legal effort is to revise the list and understanding of rights, but for Métis people, the task is to create a body of justiciable Métis rights. Patzer argues, “Unfortunately, the finality of juridical discourse is such that once Canadian courts assert that an Aboriginal right does not exist legally, it will be all the more difficult for Métis organizations to convince governments and the rest of Canadian society otherwise” (Patzner, 2013, p. 307). This intervention highlights the other side of Bell and Asch’s analysis on precedent. When the courts get it wrong, getting it fixed is a long and expensive endeavour conceivably spanning a generation or more. Further, Patzer argues there is no guarantee that a “win” will not set off a chain reaction across cases that will affect issues not actually addressed in a given litigation. Patzer’s concern is that when precedents are set down by superior courts, those principles will be used in new cases with different factums to not find rights for other Indigenous peoples. Specifically, he offers that in Métis litigation cases, this means some Red River Métis communities may realize the wholesale denial of their rights, because they do not fit the particularities established by a different case’s precedent (pp. 319-320).

While I recognize Andrea Smith is aware of the limitations of litigation in these large land claims and Indigenous rights cases, my point in all of this is to say that the structure of the law is such that it goes to great lengths to find for the Settler status quo.

It also has biases built into its structure, which create an uneven playing field.

Particularly for Métis people, the law creates long-term problems that, even if at first seem like victories, result in problems for Métis people in other locales.

With these Indigenous-Settler legal dynamics in place, even careful selection of cases for targeted short-term or immediate results should be looked at with some scepticism. Engaging in litigation that does not include questions of land title and state sovereignty, but rather focuses on safety of Native women, may be able to move through the system faster to achieve targeted ends. However, we should be highly suspicious of a system that is oriented so unfairly, regardless of the scope of litigation. Indeed, in this case, the problem is not the moral trappings of Indigenous litigants' arguments, but the inherently uneven field of play in the venue in which they must advance even the most targeted and strategic of claims.⁹⁰

Returning briefly to Smith's use of Christopher Leslie's work on drug cartels, there are additional structural reasons to be sceptical of the strategic use of the courts.

⁹⁰ As Christopher Manfredi has shown, using the courts can be a fairer alternative to other forms of political agitation. For example, the Legal Education Action Fund (LEAF), which will be discussed in further detail below, was able to bring about far more change by deploying legal mobilization than if it had tried to achieve its goals through conventional political channels like parties, elections, and parliament. In this way, the courts provided a more effective, and in some respects, fairer vehicle for the advancement of LEAF's agenda. Where women's organizations have struggled to get the attention of legislatures and executives and continue to suffer structural inequality in elections, the courts offer an avenue to advance claims without having to compete with other issues of the day. Put differently, in courts, litigants do not have to convince the dominant powerbrokers that their issue carries enough votes to warrant time or attention, nor do the courts require moral suasion to agree to hear the voices and views offered by LEAF. In this light, legal mobilization possesses a comparative advantage over conventional political agitation. As I will discuss below, this is effective for LEAF and other social movement groups because they do not challenge the legitimacy of the state, are not disadvantaged by the rules of the courts, and do not litigate an interest in land. The same cannot be said for Indigenous litigants.

Smith uses Leslie's game theory model to point out that realizing a strategic goal is aided by divesting oneself of all notions of morality from the game to maximize the likelihood of achieving the stated objective—in Leslie's case, shutting down drug cartels. Smith is not saying Indigenous activists should construct all their litigation goals as modelled games; rather, she is using game theory to show her reader how strategic goals can be achieved if one stops advancing morally constructed arguments.

There is one small wrinkle in Smith's argument. Game modelling requires clear rules, and the players of the game must be familiar with what the rules will and will not allow for the game to work. This is because "[r]ules of the game define the limits of action – what can and cannot be done in the game" (Flanagan, 1998, p. 20). Game theory works in Leslie's analysis because there are clear sets of rules for two or more players to use to their benefit. However, what McNeil is telling us is that some of the rules of argumentation within litigation involving Indigenous claims have exogenously imposed limits. While Indigenous peoples may bring cogent, logical arguments to the court that the rules of the system or common law suggest should produce certain types of results, judges are imposing limitations on the effectiveness of those arguments for reasons exogenous to the rules of judicial argumentation.

While this dissertation has not used game modelling in its approach to its argument about relationships with and within colonialism, nor does it seek to make any contribution in the field of game theory, it is worth noting that the structure of the rules within the game cannot be amorphous if a player is to act strategically. In his analysis of the parliamentary response to the *Morgantaler* decision, Flanagan argues that the participants (MPs) of the game did not appreciate that a game's "outcomes are

conditioned by institutional decision-making rules and by strategic behaviour within those constraints” (1998, p. 131). But there is a requirement for these rules to be clear across games, for the players to learn and adapt their strategies. McNeil is giving Indigenous activists reason for pause on this score. If McNeil is right that there are limits to what the court will grant, regardless of the strength or logical cogency of the argument, then the rules of argumentation may be shifting from case to case to allow the court to find in favour of the broader Settler status quo.

One of the weaknesses in this appreciative critique of Smith’s contribution to Indigenous activism is that it has deployed literature primarily focused on large-scale litigation regarding Indigenous and Crown relationships to land. Smith is arguing that there are small victories to be had that can alleviate what Alfred has called the “symptoms of colonialism.” Smith has in her sights the pressing issues of violence against women, homelessness, violence against children, and immediate relief from the ravages of colonialism. Presumably with the question of land and Crown legitimacy no longer at bar, the court will be able to enforce the rules of argumentation more uniformly, which will allow Indigenous litigants to strategize with greater effect. Without question, Smith is identifying important goals.

However, from a strategic perspective, deploying these tactics seems to be setting up a new dilemma for Indigenous legal mobilization. By not challenging the Crown’s assertion that it legitimately controls the land, litigants seem to be giving up their challenge to Canada’s Settler state logics. They are also allowing themselves to be treated as any other litigant before the court, wherein Indigeneity is not a substantive or relevant fact to the case at bar. This strikes me as providing the clearest strategic victory

to the Settler state. The state in this case seems to have pacified Indigenous peoples to the point where they have embraced the state's legal system to access the resources and progressive remedies available through institutional channels. This is to say nothing of what happens to the psychologies of Indigenous litigants in their interaction with these legal systems. On the other hand, activists will be litigating to achieve vital targeted goals and, as this chapter thus far has argued, litigating on questions of land and legitimacy may be a non-starter and even dangerous.

Further, if the law can be deployed strategically by Indigenous peoples, it can also be done so by the state. Particularly in federations like Canada, the state in effect gets to argue its case two different ways: once in right of the federal government, and again in right of the provincial government. This is true in large Indigenous land and rights cases, as well as in cases that seem to be limited and targeted.⁹¹ Indeed, the courts provide provinces and the federal government with political resources that they may or may not deploy to suit their respective strategic goals (Russell, 1985, pp. 165, 168). Even the decision to appeal a ruling is itself frequently more strategic than legal (Hennigar, 2007). Thus, it is worth keeping in mind that whatever strategic benefit Indigenous peoples accrue from targeted legal strategies also accrues to their oppressors.

Finally, as will be shown with the Women's Legal Education Action Fund (LEAF), civil society organizations are turning to the courts when the case at bar seems tangential at best to their interests. As Manfredi points out, the desire to intervene in the case may not be driven by the particular facts, but rather, a particular point at law. A case

⁹¹ I would also add that given Indigenous peoples are at play even in limited cases, this will likely draw the attention of both orders of government in Canada, regardless of the scope or content of the litigation. Recall that in Canada, responsibility for dealing with Indigenous peoples continues to be a contentions division of powers question.

that LEAF may seek to intervene in may attract a diverse array of organizations seeking to have the law interpreted in a particular way. This proves to be a particularly chilling prospect for Indigenous litigants, given the number of private interests in their lands. One does not have to stretch the bounds of one's imagination to envision resource extraction companies seeking leave to intervene in litigation involving Indigenous peoples and their territories. Thus, in this formulation, the strategic benefit also accrues to non-Indigenous and corporate entities that have demonstrable (though possibly tangential) interests in the development of Canadian law as it applies to Indigenous peoples.

The Inter-Indigenous Risks of Litigation

The preceding sections have argued that there are structural and macro legal considerations that limit the strategic utility of the law. But there is a still more insidious reason to reject Indigenous legal mobilization: its effect on already divided Indigenous peoples. By examining the way different Indigenous peoples interact through a single court case, one can see both the failing of Indigenous legal strategies as well as the exacerbation of the divided Indigenous political landscape. The *Manitoba Métis Federation v. Canada* case serves as an interesting avenue through which to investigate these dynamics. At first blush, the case seems to be about the macro legal questions of land and sovereignty, rather than the limited, targeted short-term goal cases that are the object of Smith's intervention. To argue that the case was not about land would be to stake out an indefensible position. For reasons set out in chapters 3 and 4, land in the Métis case is a sensitive question in inter-Indigenous politics. *MMF v. Canada* focused on questions of land and Métis claims to Red River and Manitoba. However, the case was crafted to not seek material remedies from the Crown in right of Canada and

Manitoba, but rather to win declarative relief.⁹² In essence, the Métis wanted to use a ruling of the court to help bolster their political negotiations with the provincial and federal governments in their land claim, economic development, and other items on the MMF's agenda. In that sense, it was a targeted strategy similar to what Smith has in mind.⁹³

My analysis will focus on the interaction between the MMF and Treaty 1 peoples. Treaty 1 peoples sought intervener status using a single attorney for their collective representation at the Manitoba Court of Appeal. This group included Brokenhead Ojibway Nation, Fort Alexander (Sagkeeng First Nation), Long Plain First Nation, Peguis First Nation, Roseau River Anisibe First Nation, Sandy Bay First Nation, and Swan Lake First Nation. They sought to intervene collectively as Treaty 1 First Nations. The application was the first attempt that Treaty 1 peoples made to intervene in the court case, not having done so at trial before the Court of Queen's Bench. Interveners must prove to the court that they meet the requirements to intervene set out by the Manitoba Court of Appeal. The criteria are that they have an interest in the subject matter in the appeal, the person or group seeking to intervene may be adversely affected by the judgement in the matter, or there is an issue of law or fact between those seeking

⁹² At the trial, the MMF also argued that the Manitoba Act was a treaty between the Crown and the Métis. This was dismissed by the trial judge and seems not to be one of the questions that the MMF appealed. It is worth noting that the Supreme Court made unequivocally clear that it does not believe the Manitoba Act is a treaty (Para 95). Additional research needs to be done to examine both the genesis of the MMF's position on this claim as well as the impact this claim had on the treaty nations. It is possible that this too stems from the stresses within the Indian and Métis Conference, where fault lines were exposed early along treaty and non-treaty lines.

⁹³ With the notable exceptions that *MMF v. Canada* is probably larger in scope than what Smith is talking about and does not address violence against Métis women explicitly.

to intervene and the parties to the case within the proceedings. However, the court will not allow an intervention if it will cause an undue delay in the progression of the case.

Treaty 1 peoples argued in their motion that if the MMF is successful in the case, which will lead to receiving a land grant from the province, this land grant would likely come from Crown land. There is little unoccupied Crown land within the geographic area that constitutes Treaty 1. Further, Treaty 1 peoples have outstanding Treaty Land Entitlement claims of their own. Thus, for every hectare of land given to a potentially successful Métis land claim,⁹⁴ there is one hectare less to fulfil the land entitlements of Treaty 1 peoples. They also wished that some of the trial judge's historical narrative findings be declared non-binding. Specifically, they were concerned with the narrative relating to the assertion of Crown sovereignty, extinguishment provisions from the Selkirk Treaty in 1817, and the extinguishment of Aboriginal title generally within Treaty 1 territory. They argued that the trial judge could not have made findings of fact on these types of questions, because information was not entered into evidence by Treaty 1 peoples who are the keepers of this knowledge.

The motion contained several arguments that would have raised considerable indignation from among the MMF litigants and the Métis. Treaty 1 Peoples offered that the Crown had no right to grant *any* land *or* rights to the Métis in 1869-70 without full consultation with and accommodation of Treaty 1 peoples. Finally, "to cure this invalidity the Canadian and Manitoba Governments must today consult with and accommodate the Treaty 1 First Nation in respect of their Aboriginal title, lights [sic] or Treaty rights that might be affected by any future negotiations between the Crown and

⁹⁴ This is a claim which would have been bolstered by the court case.

the Métis in Manitoba” (Kempton & Wolfe, 2008b, p. 6). On this point, Treaty 1 peoples posited in their brief that “[n]either the Métis community, nor the federal or provincial government considered the interests of Treaty 1 First Nations in these proceedings” (Kempton & Wolfe, 2008a, para 6).⁹⁵

Notice that in the choice of language, the Métis are placed with the federal and provincial governments in their collective lack of concern for the interests of First Nations peoples. The framing sets the Métis up not as an Indigenous people agitating for their dispossessed land and rights, but rather, as part of the general dispossession of First Nations peoples along with the two Settler colonial orders of government. It is worth pointing out that the phrase “these proceedings” emphasizes the role Métis people play in undermining current First Nations struggles, expanding the point beyond the struggles of the nineteenth century discussed in chapter 3.

Adding to this, Treaty 1 peoples argued in their notice of motion that the Manitoba Act 1870 provided 240 acres of land per Métis child, whereas Treaty 1 provided only 160 acres per family of five, working out to be 32 acres per person in families of five. They added in their notice of motion that “Treaty 1 First Nations are and were entitled to be treated fairly with respect to the allotment of land by the Crown” (Kempton & Wolfe, 2008b, p. 5). Recalling that in the previous chapter where we saw the Métis using the funding levels of First Nations organizations to leverage additional money from the state, here Treaty 1 peoples are using the deal negotiated by the Métis as leverage to extract additional land from the state. Again, this sets up the two as competitors, rather than as subjects of the same dispossession. Indeed, as we saw in the

⁹⁵ This also is an interesting twist, given the Métis in 1870 sought to give themselves a say in the negotiation of treaties through their control of the local legislature.

preceding chapter, the differences in particularities of oppression serve to obscure the common plight of all Indigenous peoples from each other.

On the question of having parts of the trial judge's findings thrown out, Treaty 1 peoples were offering something the MMF should have wanted. The trial judge created a judicial history in his reasons that set up the context of the Red River Resistance in the nineteenth century.⁹⁶ The trial judge stated that after 1763, "Britain gained sovereignty over all of Canada which would have included the area not covered by the grant, but which ultimately became Manitoba" (Kempton & Wolfe, 2008a, para 28). The trial judge also found that Lord Selkirk had extinguished the Indian title two miles back from either side of the Red River in 1817 (Kempton & Wolfe, 2008a, para 23). In a fashion similar to Patzer's concerns, Treaty 1 peoples have been sideswiped on issues that are not directly linked to the MMF's case at bar. Where Patzer was thinking about other Métis communities, one can see here that other Indigenous peoples are the collateral damage in what is a Métis-focused court case. Treaty 1 peoples have an obvious interest in challenging such a historical narrative. First Nations' interests are clearly implicated in the trial judge's pro-state view of northern plains history. But counsel for the MMF argued that no court would ever look on the trial judge's historical narrative as binding on future cases. The MMF argued in their response that "those comments are a mere recounting of the historical narrative, or of the conventional understanding at the time. The comments are *obiter dicta*, and they are plainly not binding on anyone" (Berger & Aldridge, 2008, para 10).

⁹⁶ Please see Arthur Ray (2011) and Darren O'Toole (2010) for the complexities of judicial histories and expert testimony.

It does not help the MMF to have such blatantly pro-Settler interpretations of history connected, even as background, to their claims. As the preceding section has pointed out, such interpretations of the past are patently ethnocentric in their construction of Indigenous peoples and serve as feats of judicial-historical magic in the service of Crown sovereignty. Without a doubt, having such views re-examined and potentially re-written would have added hugely to the costs of the case for the MMF. However, the MMF's decision to defend the recounting as inconsequential and/or "the conventional understanding at the time" is not helpful even in their own case. At the very least, this is a clear moment for judicial coordination among all the Indigenous litigants, because the outcome here benefited neither the Métis nor Treaty 1 peoples.

For their part, the MMF responded on the whole to Treaty 1 peoples by using the rules of the court to undermine the application to intervene. They argued that Treaty 1 peoples did not have an interest in the issues under appeal, that their intervention would unduly add to the time and cost of the case, and that they would not make a useful contribution to the litigation. Speaking directly to the question of the right to provide a grant of land in the Manitoba Act 1870, the MMF argued, "Whatever the rights and titles of the First Nations people may have been in 1869 and 1870, they clearly did not create any constitutional impediment to Parliament enacting the *Manitoba Act*, and in particular sections 31 and 32 thereof" (Berger & Aldridge, 2008, para 16). They would go on to add, "Finally, if the Applicants' point had any merit, it would apply not just to sections 31 and 32, but to section 30 and all of the other legislation authorizing land grants to Settlers and others. It is quite beyond the pale for the Applicants, in the guise of an

intervention in this appeal, to seek to argue in effect that the entire land system of Manitoba is ‘invalid’” (Berger & Aldridge, 2008, para 20).

The court dismissed the application, stating that adding Treaty 1 peoples as interveners would unduly add to the length and cost of the case without providing a new unique perspective. The court also ruled that their presence as interveners would likely change the nature of the litigation before the court.⁹⁷ However, the relevance of studying this interaction between Métis and First Nations people is not found in the reasons for denying the application to intervene, but rather, for what it says about how Métis and other Indigenous peoples agitate against their dispossession and continued oppression within the Settler colonial state. It seems the MMF did not construct the arguments of their case with the common oppression of all Indigenous peoples in mind or the problematic nature of the Convention of Forty’s deliberations in 1870. To that end, Treaty 1 peoples had a point when they argued no party is taking into consideration the interests of Treaty 1 peoples. As argued above, this is part of a much larger history of advancing specific interests to achieve the goals of specific peoples, sometimes over the well-being of other Indigenous peoples and Indigenous peoples in general. The Métis tried to set up their own sphere of power to serve their interests in Red River in 1869-70 to the detriment of the other Indigenous peoples around them and ultimately to their own detriment. In the twentieth century, they continued to advance their own interests in a zero-sum framework.

⁹⁷ Canada and Manitoba also argued against Treaty 1 intervention, each using a different argumentation strategy to arrive at the same conclusion. In a strange and probably unintentional way, Canada’s and Manitoba’s agreement with the MMF does make it look like the MMF are happy to work with the common oppressor of Indigenous peoples to cut out a competing Indigenous interest for a single slice of land.

To this end, Treaty 1 peoples are not helping in their intervention. They constructed their arguments in a confrontational fashion, aligning the Métis with their common oppressors in a way that pits the two Indigenous peoples against each other for access to a single slice of land. The result is that in a single court case, there is a fight on two fronts: Métis and First Nations peoples against the state, and First Nations peoples against the Métis. The crux here is that this construction of action misses the way the Métis *and* Treaty 1 peoples have been dispossessed by the same process of expanding Settler colonialism. Intervening in this fashion only deepens the mistrust and animosity between Indigenous communities. Nor is the MMF's response helpful. The MMF's counsel joined with Canada and Manitoba's legal representation to undermine the intervention of their former allies and kin in a formal institution of the state. This helps to entrench the competitive zero-sum nature of political relationships amongst Indigenous peoples within a formal institution of the Settler state. In the final estimation, both sides' arguments are not conducive to collaboration or coordination in a struggle that has gripped and devastated both communities.

This dynamic exposes what Val Napoleon has identified as a two-edged sword in Indigenous-state litigation. She argues, "[L]itigation for aboriginal peoples is like a two edged sword that cuts internally into the aboriginal communities and externally into the legal relationship between aboriginal people and the state" (Daly & Napoleon, 2003, p. 114). Richard Daly comments that with the *Delgamuukw* decision, it seems that unity among First Nations is in decline, driving more litigation and greater reliance on the state (p. 114). In her work on the *Delgamuukw* decision, Napoleon found that resorting to courts undermined the ability of Gitksan people to deal with internal conflict (pp. 118-

120). I would point out that this dissertation has argued that there have always been inter-Indigenous political challenges. Indeed, working together was a challenge in the twentieth century, and litigation has provided a ready-made venue to exacerbate poor management of conflict and a failure to coordinate strategies among Indigenous peoples.

The Anatomy of Successful Coordinated Legal Strategy

None of the above should be construed to say coordination across distinct but related interests cannot be achieved in the legal arena. In his book on the Women's Legal Education and Action Fund (LEAF), Christopher Manfredi examined in wonderful detail the organization's strategic use of the law to advance women's rights through the courts after the advent of the Charter. He showed how carefully and successfully LEAF selected the cases they intervened in and how deliberately the organization constructed their arguments. He also documents the way their arguments have been embraced by judges in the rendering of decisions. However, for the purposes of this chapter, his discussion of the coordination between different social movements seems most helpful.

Manfredi points out that LEAF has forged alliances with disparate social groups, like the Canadian Civil Liberties Association (CCLA), DisAbled Women's Network, Equality for Gays and Lesbians Everywhere (EGALE), the Foundation for Equal Families, Coalition of Provincial Organizations of the Handicapped, Canadian Aboriginal Rights Action League, and the Canadian Jewish Congress (CJC). Though on some cases, they may find themselves providing opposing argumentation, particularly with the CCLA, LEAF nonetheless has built strategic partnerships and coalitions of like-minded groups to bolster their arguments and coordinate legal strategy. As Manfredi argues, "The importance of these partnerships and coalitions, along with the relative absence of

nongovernmental groups on the opposing side, lies in the signal it sends to the Court about general social support for the positions advanced by LEAF” (Manfredi, 2004, p. 30). Thus, when LEAF offers the courts arguments that are supported by Gay and Lesbian organizations and the CJC, the Court comes to see LEAF’s view as carrying more weight than that of just a single organization or social group.

These types of alliances and partnerships require the management of complex and contradictory views across social movement groups. For example, in the *Butler* case—which dealt with pornography—LEAF argued successfully that pornography was a harmful obscenity for women and used gay male material as an example in their submission to the court. This caused significant friction among feminists and lesbians. When the *Little Sisters* case came before the Supreme Court, Winnipeg lawyer and gay rights activist Karen Busby intervened for LEAF to argue the Court should reframe their view of lesbian erotica to see it as emancipatory for a particular group of women. Manfredi points out that “LEAF had to focus on lesbian material for the simple reason that it had offered gay male material as examples of harmful obscenity in *Butler*” (Manfredi, 2004, p. 80). For the purposes of this chapter, “[t]he intervention, [in *Little Sisters*] however, was as much about healing wounds within the feminist movement as it was about achieving a particular legal objective” (Manfredi, 2004, p. 81). The point is that strategic legal coordination and collaboration requires a deft hand to manage different interests and goals; however, when done correctly, it does seem to provide greater weight to the arguments on offer before the courts. In *MMF .v Canada*, however, it appears that the case brought by the MMF itself was uncoordinated, and the intervention application and the response were reactionary, inflammatory, and divisive.

The case and the intervention contributed ill will to an already fractured Indigenous political landscape.

It is also important to note that Manfredi's work on LEAF differs in important ways from the struggle of Indigenous peoples inside and outside the legal system. As Manfredi himself identifies, "LEAF did not emerge in explicit opposition to the state, or at least to the federal state. Its founding document was a report commissioned by the federally funded Canadian Advisory Council on the Status of Women" (p. 33).

Furthermore, LEAF has through its history included the Crown in right of Canada and the Crown in right of several provinces as an ally. Indigenous peoples, by the very fact of being Indigenous in a Settler state, challenge the foundation of the Crown's legitimacy. Indeed, the coalition and partnerships in which LEAF is engaged are for the most part non-threatening to the ontology of the Settler state. EGALE, CJC, and even the CCLA are not intervening in the courts for the purpose of deconstructing the narrative of the state as they pertain to the state's inherent legitimacy.

In addition, organizations like LEAF are not litigating from a place seeking to define or shore-up an interest in the land, and thus the questions of land are equally irrelevant to the governments in their responses to LEAF.⁹⁸ While *MMF v. Canada* sought to strengthen the Métis' negotiating position, it was also about relationships to and interests in the land. Putting aside the legal reasoning on Métis title to the land discussed at trial and by the Supreme Court, the land as a complicating factor further engenders a zero-sum relationship between Indigenous litigants. In *Delgamuukw*, Chief Justice Lamer defined "aboriginal [sic] title [to the land] in terms of the right to exclusive use

⁹⁸ This helps explain why LEAF can count the Crown as an ally more easily than one would expect in Indigenous litigation.

and occupation of the land” (*Delgamuukw*, 1997, para 155). He further rationalized his decision by saying, “Were it possible to prove title without demonstrating exclusive occupation, the result would be absurd, because it would be possible for more than one aboriginal nation to have aboriginal title over the same piece of land, and then for all of them to attempt to assert the right to exclusive use and occupation over it” (para 155). This is less of an absurdity in the world of Indigenous politics and more an indication of Lamer’s failed effort to reconcile Indigenous peoples with the Crown and, in the process, make Aboriginal rights intelligible to the common law.

In an effort to include shared territory and Indigenous perspectives into his reasoning, Lamer found that “the requirement of exclusive occupancy and the possibility of joint title could be reconciled by recognizing that joint title could arise from shared exclusivity. . . . Shared exclusive possession is the right to exclude others except those with whom possession is shared. There clearly may be cases in which two aboriginal nations lived on a particular piece of land and recognized each other’s entitlement to that land but nobody else’s” (*Delgamuukw*, 1997, para 158). Because the *Delgamuukw* case did not have issues of shared occupation, Lamer left out many of the details of how this might work but did note two important caveats to shared title. First, that even in shared title cases, there may be limits to the title of one band that also shape, and probably circumscribe, the way a second band uses the lands claimed (para 158). This sets up a dynamic whereby it is always better to be the exclusive title holder. Adding another Indigenous people to a title claim contributes an added level of uncertainty. It may be not necessarily clear what the presence of a shared or competing claim will do to the range of power that title will confer. Given this risk, it is likely a safer strategy to try and

undermine the shared or competing claim to maximize the benefit of a favourable finding by the court.

Secondly, Lamer offered that “if aboriginals can show that they occupied a particular piece of land, but did not do so exclusively, it will always be possible to establish aboriginal rights short of title” (para 159). This would not be a title to the land itself, but rather, the right to engage in some kind of activity on or with the land. To help illustrate his point, he stated, “If for example, it were established that the lands near those subject to a title claim were used for hunting by a number of bands, those shared lands would not be subject to a claim for aboriginal title, as they lack the crucial element of exclusivity. . . . This does not entitle *anyone* to the land itself” (para 159, emphasis added). On the latter point, Lamer is not being entirely honest, since not finding an Aboriginal title to the land would likely leave the title in the hands of the Crown. Thus, it is not fully correct that *nobody* would have title. More to the point, this emphasizes the dynamic of the first caveat. In the event there are competing claims to a single piece of land, there seems to be the possibility that none of the Indigenous parties will be granted title to it, further entrenching the desire to secure a finding of exclusivity from the courts.

In the *MMF v. Canada* case, the trial judge found that the Crown possessed effective control sometime between the commencement of the HBC charter in 1670 and the Royal Proclamation in 1763. Because the Métis did not exist yet, they could not possibly have title to give up in 1870. This contributed to not finding Métis title (O’Toole, 2014, p. 181). This is unlikely to be the end of the legal test of Métis title to the land in and around what is now Winnipeg. However, in light of Lamer’s findings in *Delgamuukw*, the stage is set for Treaty 1 peoples to not only contend with each other in

findings of exclusive title, but also with the Métis. Thus, where Manfredi correctly noted that organizations like LEAF do not challenge the legitimacy of the state, they also are not wrapped up in the complex and multilateral claims to land made by multiple Indigenous peoples. It is in these battles for land where the rewards for deploying zero-sum strategies to show exclusivity are highest.

Canadian Political Science and the Law

With these critiques of the strategic limits to legal activism, are all political arenas good alternatives to strategic uses of the law? Canadian political science has noted the problems associated with attempting to settle disputes between Indigenous peoples and the Canadian state through courts, as opposed to using political arenas like protests, legislatures, and federalism. Prominent political scientists Peter Russell and Alan Cairns both express concerns, though with different logics and analyses, about the desire to litigate conflict between Indigenous and non-Indigenous peoples in Canada. In this, I share their conclusions that the law is not a helpful place to settle political disputes; however, I come to that conclusion for reasons that are different than either of those used by them, while also being equally concerned about recommending mainstream political institutions as alternatives to legal agitation to Indigenous peoples.

In his discussion of the work and findings of the Royal Commission on Aboriginal Peoples, Alan Cairns argues there is a general interest on the part of the Commissioners to create a new Canadian framework that eschews majoritarian liberal democratic politics for the certainties of law. He states that there is a desire to create institutions and constitutionally entrenched rights to insulate Indigenous peoples “from the ups and downs of democratic politics” (Cairns, 2000, p. 143). Cairns believes this

“preference for law over politics feeds on Aboriginal, especially First Nation, distrust of Canadian governments and the majority society” (p. 143).⁹⁹ While scholars like Russell, Asch, Borrows, and McNeil have argued courts do not provide a level playing field for Indigenous agitation, Cairns seems unconcerned with the logics of these critiques. Rather, he argues that the law is not the best place to resolve questions like how to build common citizenship and how to live together.

In *Citizens Plus* (2000), Cairns congratulates the work of legal academics and legal practitioners for their zealous advancement of Aboriginal law in Canada, while displaying a deep anxiety that doing so does not address the questions that matter most. As one might expect of a political scientist who lectured and researched through the Quiet Revolution in Quebec, the election of the first sovereigntist government in 1976, mega constitutional politics of the 1980s and 1990s, and the Quebec Referendum in 1995, the questions that matter most to Cairns are ones of citizenship and common bonds to a Canadian community. This is perhaps best captured in his section on legal scholarship, where he argues that while he is supportive of the work accomplished by legal scholars on self-government, rights, and Indigenous title to the land, he ultimately is concerned that such work and the resulting judgements from Canadian courts “tend to be accompanied by a lack of concern for, or attention to what we will share, what moral ties will hold us together. These highly relevant Canadian concerns, when noted at all, are found in asides, in *obiter dicta* that are not germane to the main argument” (Cairns, 2000, p. 177). Cairns argues that in works written by prominent legal scholars Ryder, Macklem, and McNeil, the question of “[t]o what extent Indian people had Canadian and provincial

⁹⁹ It is not immediately clear why Métis people are found by Cairns to be less concerned about deceitful practices of Canadian governments.

identities in addition to their Aboriginal identities is unclear In general, the almost exclusive focus is on Aboriginal identity” (p. 177).

Cairns is not alone in his concern that legal scholarship and by extension Indigenous legal mobilization leaves unexamined and/or underemphasized the ties that bind a common Canadian community together. Peter Russell positions himself using similar logic, though using different analysis and showing a greater appreciation for the problems of litigation and Cairns. Russell argues that while court cases provide important “wins” for Indigenous peoples, “[t]hese juridical wins come with a downside - a reminder of the subordinate place of native [sic] societies within the larger settler societies in which they are embedded, and of their dependence on the courts that pronounce upon their rights in that larger society” (Russell, 1998, p. 247). Along the same lines as what has been argued above, Russell notes there seems to be fundamental limits to how far the courts will go with their analyses:

Even the most progressive judicial pronouncements on Aboriginal rights—from John Marshall to Antonio Lamer—have retained an ideological core that is antithetical to Aboriginal perspectives. This is their treatment of sovereignty. Progressive as the highest courts in these four English-settler countries¹⁰⁰ have been at times in constructing legally enforceable Aboriginal rights, they have always held back from questioning the legitimacy of the full sovereign power of the settler state over the Aboriginal peoples. (Russell, 1998, pp. 274-275)

This analysis published in 1998 carries the same tenor as that penned by Kent McNeil six years later. Both identify the significant limitations to what Indigenous peoples can expect to achieve in litigating their disputes with the state in the state’s courts.

¹⁰⁰ These countries are Canada, Australia, New Zealand, United States.

However, in the Canadian context, Russell shares Cairns' desire for a unified common citizenship. Recall that Russell sees Indigenous peoples as embedded in larger settler societies. While he is not wrong, it does show his orientation to the problem of Indigenous-state relations (p. 247). This statement foreshadows his conclusion, where he offers his own analysis of decolonization. He argues first that

the prospects of Fourth World decolonization, the recovery of full independence and "sovereignty" for most Indigenous peoples is neither a desired nor possible objective. The descendants of the settlers and of the original inhabitants of these "new world" countries are fated to live together, sharing their lands and waters, and sharing also citizenship in a common political community. But this inescapable integration and sharing of citizenship, if it is to be based on mutual respect and consent, must at the same time have room for Aboriginal people to enjoy a significant degree of autonomy in their traditional country. (p. 275)

As distinct from Cairns who wants to dissuade Indigenous people from opting for the legalistic nature of federalism over politics, Russell locates salvation for the Canadian community in federalism, whereby "[i]t is only by moving to an understanding of sovereignty that is fundamentally federal, that is open to a sharing of sovereign powers, that the hard imperial residue in the doctrine of Aboriginal rights can be overcome" (pp. 275-276).¹⁰¹

Though Russell and Cairns deploy different means, their end goals are the same: securing a common Canadian community. Further, their desire not to engage in a reflective analysis of the colonial and Settler-colonial history that bring political

¹⁰¹ Left uninterrogated, however, is the history of the Canadian Settler state's willingness to provide *any* (never mind "significant") degree of autonomy. It creates a strange logic in which Indigenous peoples—in rejecting things like citizenship or self-governing discourses—are somehow asking for too much. In the light of what has been given up, Russell's position is not defensible.

institutions like federalism and legislatures to the present, makes their shared prescription deeply problematic. The argument that neither Indigenous nor non-Indigenous peoples are going anywhere, so we better figure out a way to live together, is used by both Cairns and Russell to thinly veil the privilege and injustice upon which Canadian political institutions are based. Similar to what the so-called radical youth found at the Indian and Métis Conference, ideas that do not question the foundation of what the presumed common society in which Cairns and Russell would have Indigenous peoples subsumed are communicated as rational, logical, and practical. This positioning then allows Cairns and Russell to argue that scholars and activists—who argue for a broader examination of the Settler-colonial injustice on which things like law, citizenship, legislatures, and federalism are built—must be flirting with the absurd. Cairns sees such broader discourses of decolonization as impractical (Cairns, 2000, p. 184).

Taiaiake Alfred, Brock Pitawanakwat, and Jackie Price (2007) have offered a similar critique in the case of low voter participation among Indigenous youth. Believing that Indigenous youth must participate in the franchise—a mechanism of common citizenship—and need additional education to increase their engagement with voting, starts from a place that assumes both the intrinsic value and legitimacy of the franchise. This assumption removes criticisms of that mechanism from discussion. Indigenous youth told Elections Canada that one of the reasons for their low electoral participation was a “non-acceptance of Canadian citizenship” (qtd. in Alfred et al., p. 14). Alfred points out that there is little evidence to indicate that the institutions of common citizenship are making an effort to reflect upon these types of criticisms (p. 14). Further, “[r]ecommending [educational and pro-vote marketing] measures to increase Indigenous

youth participation is rooted in the assumption that Indigenous youth need to be educated into participation. A concentrated focus on such education programs further privileges and legitimizes state electoral and representative systems, and argues that it is Indigenous perspective that is limiting Indigenous participation in these processes” (Alfred et al., 2004, p. 15). The activity of trying to drive Indigenous peoples to institutions of common citizenship suggests that those institutions are somehow released from engaging with the processes of decolonization.

One of the troubling aspects of framing politics in this fashion is that it deploys a subtle but pernicious logic of blaming the colonized for being colonized. The devastating aspects of colonization and settler-colonization that overwhelmed Indigenous populations, dispossessed Indigenous peoples from their lands, and destroyed Indigenous economies then become the reason for denying Indigenous peoples a decolonized politics in the settler-colonial present. That Russell sees decolonization to be neither “desired nor possible” betrays the desire to maintain the unjust and oppressive status quo for the explicit benefit of non-Indigenous peoples in Canada. It is not that Indigenous peoples are demanding a politics of “go back to where you came from.” Rather, it would be a good start for non-Indigenous scholars to engage institutions of common citizenship with discourses of decolonization. For example, it may be fruitful to ask, “How might one decolonize legislatures?” or “What would a decolonized electoral system look like?” Such questions are germane to this chapter, given arguing Indigenous peoples ought to eschew colonial law for colonial politics seems to have missed the point of analysing the limits of legal agitation. Thus, the challenge for political scientists is to resist promoting politics that direct Indigenous peoples away from legal activism, with the hope of

funnelling them to equally settler-colonial and problematic institutions like common Canadian citizenship, legislatures, and federalism.

Conclusion

It is tempting to look at the preceding sections of this chapter and make the case that it is unclear if these criticisms fall at the feet of Indigenous litigants or are more appropriately the fault of individual legal counsel concerned with legal strategy and securing a win for their clients. Even if the bulk of what has been said here is the result of legal strategy deployed by counsel, there is a certain amount of accountability that Indigenous actors must take for the fallout from these decisions. Indeed, as Napoleon states, “[i]f, in the end, people decide they must go to court, then they have to invest serious thought in the almost insurmountable job of educating and controlling litigious legal counsel” (Daly and Napoleon, 2003, p. 122). Lawyers in these cases are frequently non-Indigenous and are hired to provide legal advice to their clients. It is up to Indigenous clients to take responsibility for the direction given to counsel. One must hear legal advice and measure it against the broader inter-Indigenous political concerns. Thus, Indigenous litigants must take responsibility for the outcomes, intended and unintended, of their cases.

On the broader question posed at the start of this chapter, is the decision to litigate a good option for the Métis? In light of Andrea Smith’s contributions, one must be careful when deconstructing options to resist the Settler state. To say “no” to an action designed to ameliorate the horrendous position in which all Indigenous peoples find themselves comes from a place of privilege. This is particularly true of issues of violence against Indigenous women and girls. In a fashion similar to the impetus behind

the *MMF v. Canada* case enunciated at the outset of the chapter, Napoleon argues there is a feeling of strength and excitement that comes from engaging in legal and intellectual activism. Describing her work on the *Delgamuukw* decision, Napoleon states, “It seemed that our work, no matter what we were actually doing, had become part of something that mattered, something connected to the rest of the world. A delicious fierceness surrounded us” (Daly and Napoleon, 2003, p. 117). She then goes on to discuss how her views of living the knowledge she was bringing to trial was overly simplistic. Rather, she came to realize that she was living the static culture imposed by the courts in an act of destructive cultural interpretation. Despite this problematic, *Delgamuukw* also was a focal point for Gitksan people to organize around and acted as a symbol of their resistance to colonial oppression.

Undoubtedly, many Métis will feel the same way about *MMF v. Canada*. The case served as a visible testament to the resistance struggle of a people who had lost their land and then were relegated to the roadside of the incoming Settler state.¹⁰² Napoleon, like many of the other bright legal minds deployed in this chapter, has a deep suspicion of the law yet cannot discard it. She argues that

I do not advocate abandoning litigation, but the assumptions behind it need to be challenged: legal platitudes such as the beliefs that litigation is a benign, bloodless process; that the Western legal system is totally objective and empirical; that the rights framework is universally applicable; or the truth as one unified entity can be rationally determined. *I think it is important for aboriginal peoples to set realistic goals for their legal actions.* (Daly and Napoleon, 2003, p. 121, emphasis added)

¹⁰² Indeed, this takes on a literal meaning, given many Métis communities can be found along road allowances. Please see Maria Campbell (1995).

Setting legal goals for litigation is a key challenge of this chapter. Everyone seems to acknowledge the need to be strategic in the selection and articulation of legal goals and to be aware of the biases within the rules of legal argumentation while being conscious of the limitations of what the courts can and cannot provide, and to be mindful of the way litigation shapes and imposes damage on litigating Indigenous communities. However, everyone also seems prepared to try and save the law from itself.

This chapter has pointed out that while Napoleon was right that litigation cuts into Indigenous communities, it also exacerbates inter-Indigenous zero-sum political conflicts. In light of this and the critiques levelled by critical legal thinkers, it is my view that legal mobilization for Indigenous peoples is not salvageable. It cannot be manipulated to produce specific outcomes to the exclusion of others. While Manfredi provides important insight into the way legal strategy can be coordinated and deployed across related but diverse interests, it was also shown that this is difficult to achieve in the case of Indigenous litigation.

The only realistic goal in the strategic deployment of the law is to not deploy it in Indigenous struggles. Métis people are a threat to the narrative of the state. Litigating limited cases for short-term targeted gain will not change this fact. The courts serve to exacerbate the inter-Indigenous political struggle within the Settler state, and this dissertation has emphasized there is no shortage of venues for Indigenous peoples to fight each other for access to limited zero-sum resources. In the face of the failings well documented by critical legal scholars and the intense inter-Indigenous political competition that can and does manifest within the courts, I am advocating abandoning the law as a political strategy.

If Métis and other Indigenous people can come to see themselves as distinct parts of a unified process of domination and craft political strategies as such, I will advocate for revisiting the question of legal strategy. If such a state is realized, Manfredi's advice about the care and strategic acumen needed in managing legal coordination could form the foundation on which to build strong inter-Indigenous legal strategies. However, until such time when Métis can organize outside the courts in a coordinated, strategic fashion that can critically engage with a multidimensional relationship with and within colonialism, which means ending the practice of sniping at other Indigenous peoples for resources, the courts ought not to be part of the Métis political toolkit.

Chapter 6 – Conclusion: The Utility of Awkwardness

Howard Adams made important contributions to understanding the experiences of colonized peoples in general and Métis people in particular. His work in this area constitutes his most well-known intellectual interventions. However, his work also provides an important opening to interrogate his and his people's array of relationships with and within colonialism. There is an inherent discomfort and awkwardness to Adams' situation of himself and his people within his pointed analysis of colonial history and power. This concluding chapter will emphasize the utility of this awkwardness, arguing that entertaining uncomfortable relationships has the potential to transform inter-Indigenous politics for the benefit of all Indigenous peoples. I will also identify potentially fruitful areas for future research.

The second chapter of the dissertation argued that Adams framed Métis people as colonized subjects, while effacing the broader array of Métis relationships with and within colonialism. In particular, Adams showed the process of colonialism in North America to be rooted in immoral and racist logics perpetrated by pirates in the employ of expansionist fur trade companies. Within a few pages of this offering, he constructs his own people using affectionate language to describe these same pirates' role in his and his people's genesis. This framing sets up an uncomfortable dynamic, whereby the immoral and expansionist pirates are constructed as one uncomplicated component involved in the virtuous creation of a new Indigenous people.

Faced with this framework, there are at least three paths to deal with this uncomfortable coupling in Adams' work. The first is to ignore it. Adams was seen by some as overly theoretical in his examination of colonialism in North America. This has

led some to argue that Adams was helpful as long as one did not engage him on the theoretical underpinning of Indigenous oppression. Murray Hamilton recalls receiving a phone call from Métis politician and activist Rod Bishop to assist with a dispute between the Saskatchewan government and the Métis community at Green Lake. Hamilton remembers Bishop to have said, “[Y]ou get that Adams up here! Never mind all that bullshit theory, we’ve got work to do up here” (Adams, Lutz, Hamilton, Heimbecker, & Gabriel Dumont Institute, 2005, p. 253). What Bishop may be capturing with this statement is the desire to hive-off pieces of Adams’ scholarship that do not contribute to a particular political goal. The point of doing so would be to dispense with aspects of Adams’ work that are underdeveloped or contradictory to one’s purpose. Such a selective deployment of ideas emphasizes and reinforces the reasons one chooses to deploy Adams in the first place.

This option is tempting because it provides easy access to some of Adams’ most compelling interventions on topics, like the explication of Fanon’s psychological power of colonialism in the Canadian context, the role of divide and rule in Indigenous political movements, as well as the relationship between capitalism and Indigenous activism. By bracketing his less clear, or less helpful interventions, activists can focus on the useful pieces for immediate effect. However, I have suggested that Adams is interesting not only for his useful interventions, but also for his contradictions. It has become clear in the course of writing this dissertation that Adams possessed controversial ideas and lived his life with a number of internal contradictions. His views on gender, discussed in chapter 2, represent just a single example of this dynamic. It seems that some components of his complex and contradictory life also manifested in his scholarly works.

Understanding Adams both in his temporal context and his lived experience requires one to appreciate the aspects of his work that, at first glance, appear less than helpful.

Second, when faced with Adams' strange positioning, one could critique Adams' construction of Métis genesis. There have been a number of important contributions made to the understanding of Métis genesis that eschew the mixed-race fur trade origins of Métis people. Chris Andersen has elaborated on his critique of mixedness to argue convincingly that the racialization of Métis people as mixed race, in a fashion that other Indigenous peoples somehow are not, has its origins in Canada's colonial logics. This mixed-race misrecognition has been exacerbated in Canadian society by its deployment in court cases and the census. Adam Gaudry has traced the political origins of Métis people through the kinship and familial relationships at play in nineteenth-century hunting brigades. With these works in mind, Adams' statements about his and his people's origins become less compelling from a historical perspective. Instead, Adams becomes part of the perpetuation of Métis-as-mixed dynamic within political, historical, and legal scholarship.

This second path has the potential to yield important insights into the weaknesses of Adams' work. One potential future research project could be to re-examine Adams' work to test if his phenomenological use of his and his people's history has the unintended consequence of reflexively reproducing and reinforcing the aspects of Métis oppression that stem from mixedness being misrecognized as the primary organizing characteristic of the Métis people.¹⁰³

¹⁰³ Please see Anthony Giddens' (1984) discussion of the repetition and reproduction of everyday activities.

I think this line of criticism would be both helpful and important. It would be important to note that the construction of Métis people that Adams provides for both himself and his people manifests in ways that require broad analysis. Recall that in the third chapter, I argued that in the 1860s, Métis people constructed their political rights as well as their rights to the land using their First Nations mothers. While this claim was made in response to the HBC's desire to clarify title to the land, it also has roots in fur trade company/Indigenous conflicts forty-five years earlier. Thus, while Andersen offers wonderfully insightful as well as theoretically grounded interventions into Métis identity and the challenges of misrecognition, there are aspects to this problem that Métis people have had a hand in perpetuating. This dissertation has tried to engage directly with the meaning and *effect* of those perpetuations.

This point leads to the third way to deal with Adams' awkward dynamic. I have argued in this dissertation that Adams' awkward positioning of himself and his people within colonialism creates an opening to look at the full array of relationships within colonialism and Settler colonialism. Rather than ignoring or minimizing this contradiction within Adams' work, the space created by his contradictory statements has allowed me to examine uncomfortable dynamics both between Métis people and colonialism, as well as the relationships between Indigenous peoples within a colonial and Settler colonial context. I used Adams' positioning to argue that he creates an existential relationship with colonialism, while at the same time, being oppressed by colonial power structures. Embracing this strange positioning has illuminated other difficult and awkward political relationships for Métis people within colonialism. The utility of this third path is that it opens space to talk about relationships that break down,

are self-serving, and oppress one's friends, kin, and fellow colonized subjects. With this realization, it becomes easier to trace these relationships and shine a critical light on the effect they have on several political phenomena, like pan-Indigenous political movements, struggles against circumstances common to all Indigenous peoples, and the ability to strategically fight against problems that transcend individual Indigenous collectivities.

Specifically, I showed in chapter 3 that at the critical juncture of the creation of a province and the bringing of the North West into Confederation—a pan-Indigenous problem—the Métis cut out most of the other Indigenous peoples around them and attempted to secure an exclusive Métis sphere of power over what was shared Indigenous territory. There has been a desire to see the denial of a Métis land base and the accompanying Métis exclusion from treaty and treaty entitlements as part of the Settler state's program of dispossession. Without a doubt, this is correct, and Adams' would have agreed with this characterization. However, this line of argument does not capture the full and complex array of relationships at play during this time period. One must also take into consideration the ways Métis people, in their complicated and immediate situation, distanced themselves from other Indigenous peoples around them in the advancement of their exclusive interests. What is less clear is the way this legacy of zero-sum politics would have crystalized after the advent of the 1869-70 critical juncture. A different research design with a causal process tracing methodology may be able to provide better links between the debates in the 1860s and the political movements that emerged in the first twenty years of the twentieth century.

Chapter 4 laid the foundation for this future work by looking at the creation, maintenance, and breakup of the Indian and Métis Conference in Manitoba between 1954

and 1970. Here, both Métis and First Nations people attempted to coexist within the same political organization. The chapter showed how the debates in the previous century conditioned the perceived realistic political options for Indigenous peoples. This zero-sum legacy of the critical juncture showed the way exclusionary political relationships were not unique to the Convention of Forty. Within the context of the critical juncture at 1869-70, we see that zero-sum political engagements continue to stretch past the moment of the Red River Resistance. The creation, life, and breakup of the Indian and Métis Conference shed much-needed light on the complex way zero-sum political engagements unfold through the mechanism of entrenched Settler colonial Canadian institutions.

The Conference also provides additional lessons on the way non-Indigenous peoples engage Indigenous peoples. The Conference struggled with a desire to integrate Indigenous peoples into a Settler world. This manifested in the non-Indigenous composition of the organizing committee, as well as the prevalence of concerns raised that non-Indigenous peoples were taking time away from Indigenous peoples. Indigenous delegates were concerned that they were not receiving enough time to speak and debate the issues that drew them to the Conference in the first place. Further, the orientation to non-Indigenous peoples by Conference organizers mirrors the arrogance and paternalism found in the Indigenous-State relations of the time, embodied by the Trudeau government's 1969 White Paper on Indian Policy.

A great deal of information and oral knowledge exists about this era in Indigenous political organizing. It would be worthwhile to examine, in greater detail than space allowed here, the connections between the breakup of the Conference and the role of the federal and provincial governments in funding and organizing the Conference.

In particular, it seems possible to trace out the reproduction of the legacy of the critical juncture through the desire of the federal government to split off Métis from Treaty peoples. This would provide additional context to the breakup of the Conference within the broader Indian policy unfolding in Canada. Such work would add significantly to our understanding of the complex political relationships of this time.

Chapter 5 explored this aspect of governments' roles in Indigenous legal mobilization more closely than chapter 4. Legal interactions are complex, even in cases with the most straightforward factums. Combining Indigenous peoples and the state that oppresses them into one of the state's branches of government creates a toxic mixture. This dissertation has shown that there are multiple arenas where complex zero-sum political relationships manifest. Chapter 3 showed how they can even be present when Indigenous peoples are the majority power brokers in a shared Indigenous space. However, the courts exacerbate the pitfalls of zero-sum inter-Indigenous political interactions more so than any other arena. This is in part because the rules of the game are decidedly non-Indigenous in their construction and designed to produce wins and losses. The other side of the same coin is that there are arenas other than the courts that allow for greater flexibility in the management of zero-sum relationships. I propose avoiding Indigenous legal mobilization that aids in the management of divisive zero-sum relationships.

Growing out of the politics of the Conference and the longer history of Métis political engagement, the courts became an important avenue of contestation and, for Métis, engagement with the state more broadly. In deploying legal mobilization, the challenge is always to negotiate if and how one should engage with legal institutions.

What I have offered in chapter 5 is that these legal strategies also impact Métis relationships with other Indigenous peoples. The Métis sought to prevent Treaty 1 peoples intervening. In the process, Métis and Treaty 1 peoples argued their positions in a way that was hostile to each other's needs and interests. These arguments also missed the way many of the issues at bar were in neither peoples' interest. Further, we see in this chapter how Settler institutions reproduce the legacy of zero-sum politics.

While this dissertation has been focused on Métis interactions in the Canadian political context, it would likely be both fruitful and important to examine if the lessons gleaned from the analysis of the Conference and strategic deployments of the law have explanatory currency at the international level. To this end, Sheryl Lightfoot's (2008) foundational work on over-compliance and the United Nations Declaration on the Rights of Indigenous Peoples seems to be perfectly positioned to inform a cross-national examination of zero-sum political engagement by Métis people within internationally oriented institutions. Further, her detailed qualitative engagement within the United Nations Permanent Forum on Indigenous Issues serves as an excellent methodological starting point for such a study.

Within all of this work, I have tried to highlight the urgent need to examine the gendered dynamics within these political relationships. Adams, in his problematic situation of Indigenous women within colonial power dynamics, has again provided an opening to explore the role played by gender in Métis politics. Maria Campbell's work offers an excellent framework to unpack Adams' failings. In addition, there are also issues concerning the way identities of women and queer Indigenous people are constructed in the buffalo hunt discussed in chapter 3. There are tantalizing snippets of

complex queer identities showing up on the hunts. These complexities contrast well-known works that have described the hunt in hyper-masculine and heterosexual terms. Here, Macdougall's analysis and the framework enunciated at the Dease meetings may provide the foundation for a broader orientation to the gendered relationship between Métis people and land. Her framing of Métis genesis and the fashion in which access to the land is rooted in Indigenous women has the potential to refocus much of the Métis decolonizing movement to questions of gender. In addition, an examination of the sexualized construction of Métis women during the political organizing of the 1950s through to the 1970s would provide an important explication of Adams' temporal context, as well as a much-needed deconstruction of Adams' orientation to gender. This is particularly important given the grounding of Métis political claims and claims to the land through the wombs of First Nations women.

There is also an important need delve deeper into the Indian and Métis Conference by deploying additional gendered analysis to its operation and breakup. While space has not allowed me to take this up here, it is hard to miss the absence of women's voices and LGBTQ Native people in that otherwise complex gathering. In particular, it would be helpful to examine if the normalized power dynamics outlined by Adams obscures and/or suppress explicit gender critique inside the Conference. Such work would help connect the tensions between Treaty and non-Treaty communities using gender oppression as the common link. Further, it could help scholars and activists appreciate that the "normal" ways their communities have conceived of their relationships with kin (across Treaty/non-Treaty lines) are soaked in gendered violence.

It is important to note that the awkwardness in Adams' work that this dissertation has embraced is not deterministic. Framing the complex relationship as a burden on Métis political action would be incorrect. The existential relationship that Adams' sets up and I build on is designed to help frame inter-Indigenous political action in a way that discourages problematic zero-sum competition, while encouraging thoughtful, informed coordination. The existential framing developed in this dissertation does not possess its own set of active properties. It should not be seen as creating a burden whereby Métis people become lesser Indigenous people. As Andersen suggests, there is a risk that this frame "naturalizes the various 'purities' of progenitor collectivities" in deeply unhelpful ways (Andersen, 2011, p. 55). It is also not the intention of this dissertation to set up a politics of guilt for Métis people. One could take Adams' positioning and argue that Métis people's claims are secondary to those of other Indigenous peoples, due to the claimants' existential relationship with colonialism. This creates an inter-generational remorse that Métis people would be forced to live with, even when the experiences of other Indigenous peoples may be strikingly similar. Instilling into Métis political organizing a feeling of guilt would create an inaccurate depiction of Métis Indigeneity, while also contributing measurably to the paralysis that chapter 2 is trying to avoid. Thus, the existential relationship possesses no active properties unto itself. Rather, its utility comes from the space it opens and the range of questions and considerations for inter-Indigenous interaction that can be asked within that space.

This is not to say that Métis people ought not take responsibility for the decisions made by previous agitators. All political actors respond to the immediacy of their situation. However, this dissertation has tried to point out that there are immediate,

medium, and long-term consequences for Métis political relationships that stem from the political decisions made by Métis political actors. This dissertation has sought to help clarify these temporal relational considerations by emphasizing an orientation to history that connects the past, present, and future. This historical frame lends itself well to considering future generations in present political discussions. Temporal linkages create the potential for Indigenous political actors to make their relationships with future generations an active part of their present political strategizing. This frame shows how the decisions taken in 1870 shaped the strategic considerations in the era of the Indian and Métis Conference, as well as in Métis legal mobilization. The task is to take responsibility for the decisions that strengthened Métis people as well as those that weakened the ability to fight colonial and Settler colonial domination in a coordinated fashion.

When I argued in chapter 3 that the Métis set up a relationship of colonialism in their effort to create an exclusive Métis sphere of power, this relationship was not inevitable. It was created by a series of political decisions taken by elected Métis leaders to secure the best deal for their homeland and their people to the detriment of most other Indigenous peoples around them. The prescription then is to engage with the process of decolonization in ways that eschew the likelihood of perpetuating zero-sum competitive dynamics, while maximizing opportunities for successful inter-Indigenous political collaboration. Just as Settlers need not be Settler colonizers in the way they engage Indigenous peoples, the Métis did not need to engage in relationships of colonialism in their interaction with other Indigenous peoples to fulfil a type of existential destiny.

Finally, this dissertation has tried to show that thinking about the awkwardness of having an existential relationship with colonialism provides a useful starting place to decolonize Métis political relationships. More to the point, these uncomfortable relationships that I have engaged with and analysed possess a political practicality. It is in our discomfort that Métis people can both *see* and, more importantly, *feel* what it is to be pitted against other Indigenous peoples. I offer this awkwardness and discomfort as a potential way to advance Métis decolonization. It is entirely possible that thinking through this argument could be helpful for other Indigenous peoples. Given the dissertation's orientation to dealing with Métis political relationships, it would be wholly out of step to dictate to other Indigenous peoples how they should or should not deal with their complex relationships. However, if Métis people can show that it is possible to effectively and sensitively negotiate the complexities of their relationships with and within colonialism, then it is possible that other Indigenous peoples may also find embracing awkward, complex, and multidimensional relationships helpful to decolonizing their politics.

By engaging in political agitation with the fullness of these uncomfortable relationships in mind, Métis people can unlock the counterintuitive potential of this dissertation's argument: the utility of awkwardness is that it can help decolonize Métis politics by building a strong and coordinated inter-Indigenous decolonizing movement.

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