

“With a Vow to Defend”: Indigenous Direct Mobilization in Canada

by

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Abstract

Since 1969, Indigenous contentious mobilization has become a fixed feature of public life in Canada. Demonstrations, marches, blockades and occupations are important repertoires of action for Indigenous peoples pursuing historical redress, contemporary recognition, and redistribution of lands and resources. Moreover, institutionalized action channeled primarily through *Indian Act* band councils and associated peak advocacy organizations increasingly faces legitimacy challenges in Indigenous communities. Adopting theory from the comparative study of intergroup conflict, this dissertation explains the emergence of Indigenous contentious mobilization over the past forty years, and explores the dynamics of individual protest actions. I argue that Indigenous mobilization is best explained by models that emphasize norms and value rationality over interests and instrumental rationality. Historical change cannot be explained without reference to the changes to the complex of norms and institutions that govern Indigenous-Settler relations. Micro-level protest action follows a “calculus of right”, wherein mobilization swells and declines with the perceived righteousness of contentious action, rather than material cost-benefit analysis.

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Chapter 1 Introduction

In 2010, a novel called *Uprising* was published by a retired lieutenant-colonel of the Canadian army. It tells the tale of an armed Indigenous insurgency led by a charismatic Mohawk leader, working furiously to bring Canada to its knees. The militants strike at the distant outposts of Canadian civilization: at resource extraction sites, hydroelectric plants, and the fragile arteries that connect the country overland across huge distances. Successful attacks on military installations drag the country into an existential crisis.

The Clancy-esque thriller engendered an unusual amount of attention in the public square. One senior political scientist declared: "For my money [it] deserves a Giller Prize" (Cooper 2010). A more modest endorsement, from the National Post columnist Barbara Kay, conceded the author was "no Tolstoy" - but simply on "a one-man crusade to awaken Canadians from their complacency" (Kay 2012). If literature is a reasonable representation of the zeitgeist, *Uprising* suggests several things. The first is that Canadians are newly and broadly aware of the profound challenge to the established order that emanates from within Indigenous society. Indigenous people are no longer seen as they once were (according to Northrop Frye), as "nineteenth-century literary conventions" (Frye 1971, p.232). The second is that the phenomenon of Indigenous contentious mobilization cries out for sober analysis, lest tenebrous fears fuel creative but delegitimizing flights of fancy.

It may not be since the eighteenth century, in fact, that the condition of the Indigenous-settler relationship has commanded such central intellectual and discursive space in Canadian public affairs. There is only one explanation for this: Indigenous people have inserted themselves - forcefully - into the minds and policy agendas of non-Natives, who had been long content with the older convention of malignant neglect. The new political assertiveness of Indigenous peoples has achieved a stunning measure of discursive change over a relatively short period. It has

accomplished something uniquely difficult, provoking Canadians to begin to re-consider the bedrock of their political community.

The most significant political change of the last four decades has been the migration of Indigenous mobilization away from institutions and established channels, and into the contentious politics of protest and direct action. The non-institutional acts of Indigenous people, and the conflict which has often followed, is particularly responsible for pushing Indigenous-settler relations onto the main stage of public life. It has proven hard to ignore. But Indigenous protest has been sufficiently recurrent as to assume the appearance of routine and inevitability. Much like other intergroup conflicts underway, there is a real and often realized danger that we succumb to present-mindedness, default to primordialist thinking, and cease to see this brand of conflict as a specific, time-bound phenomenon. The reality, however, is that direct action by Indigenous people has a short history relative to the Indigenous-settler relationship itself, and to the history of colonialism.

This is well-worn territory for historians (see especially, Miller 2004), but social scientists working only in the present tense should be reminded of the wax and wane of Indigenous-settler relations in the time since contact. The early period was characterized by a balance of power (relative to what would come), and the genesis of consensual, mutually-beneficial political compacts between Indigenous nations and settler colonies, through the political mechanism of the treaty. The middle period, beginning approximately with the end of the War of 1812, witnessed a dramatic tilt in the power balance, and a concomitant disengagement by colonial entities in North America from the treaties. But despite the new and profound constraints that were imposed on Indigenous polities, Canada survived this period without facing a dramatic challenge or contesting a major conflict (with some few exceptions).

It was only in the third epoch of Indigenous-settler relations, beginning at the end of the 1960s, that Indigenous people took political grievances outside of established channels, and conflict has

ensued. One quantitative analysis of Indigenous contentious action from 1951-2000 found that incidents of protest suddenly doubled at the end of the 1960s, and that became the new floor in levels of contention, with far more dramatic peaks in mobilization at other points in the ensuing decades (Ramos 2006). Not only was there an increase in the quantity of protest, but also a qualitative shift towards more confrontational repertoires of action; demonstrations and teach-ins evolved towards occupations and blockades, especially after the seminal conflict at Kanesatake/Oka in 1990.

This thesis is motivated by the empirical questions: What explains the turn to contentious politics amongst Indigenous people in Canada, in exercising claims to land and resources? What is the basis for contentious mobilization by Indigenous people, as well as counter-mobilization by non-Indigenous people?

These questions occur at the intersection of several (sometimes arbitrarily) distinct academic literatures, including the studies of nationalism, intergroup conflict, social movements, and mass mobilization. They can be rephrased at a higher level of abstraction as: What motivates people to pursue protest action outside of institutions, in defence of collective national grievances?

To answer these questions, the thesis unfolds in two steps – examining both the underlying or “permissive” conditions, and the proximate or “catalytic” causes of contentious mobilization (Brown 2001). Working at the macro-level, I perform meta-analysis to seek explanations for the epochal change that occurred at the end of the 1960s, which has resulted in the recurrence of conflict outside of institutions. This is important, as the scant existing explanatory research on Indigenous mobilization in Canada tends only to examine why protest occurs when and where it does, working primarily within the present, conflictual era (Wilkes 2004; Ramos 2006). In emphasizing historical change, I contend that while different mobilizations by different bands and communities at different times are important to examine, it is also essential that we do not overlook the fact that any Indigenous community in Canada is profoundly more protest-prone

today than fifty years ago. Ignoring the temporal context has the effect of excluding certain kinds of explanations, and focusing our attention on other, more proximate and often material bases for conflict. This thesis takes seriously the suggestion, made by Paul Pierson and others, that "placing politics in time" not only strengthens explanation, but also "suggests new questions and reveals new outcomes of interest" (Pierson 2004, p.7). In this case, recognizing the temporality of Indigenous contentious mobilization suggests a macro-historical question: what produced a new and sudden readiness to step outside of institutions, which has persisted to the present day?

The second step is to visit the micro-foundations of contentious politics, and seek explanations for how the large scale structural changes described above become manifest in actual incidents of contentious mobilization. After all, 'prone-ness' to contentious politics can be easily overstated; cooperation is always more prevalent than conflict. The macro-level explanation alone is incomplete, and its particular failure is in overlooking the typically uneven quality of conflict in both time and space, across a single context. That variance internal to a national case also speaks powerfully about the foundations of mobilization (Varshney 2002, p.6). Therefore, a persuasive model should work on both levels: identifying the general inclination towards conflict which is temporally unique, and the actual micro-foundations of mobilization.

The field of ethnic and nationalist mobilization has given rise to several nuanced explanatory models, but fundamentally it breaks around one central cleavage. This is sometimes called the "greed" versus "grievance" debate (Collier 2000, Collier and Hoeffler 2004). I suggest that a better way to encapsulate the debate is in distinguishing between explanations that connect mobilization with either instrumental or normative types of motivation. Instrumental behaviour - "greed" - is anchored in individual self-interest, and structured by the pursuit of goals and the avoidance of punishment. At crudest, people are expected to participate in nationalist mobilization when they perceive it to be in their interests to do so. A recent, significant theory of instrumentalism argues that the likelihood of action against the state is most closely related to "feasibility": men and women rebel if they think they can get away with it, and win material and political rewards (Collier, Hoeffler, and Rohner 2009). Most instrumentalist accounts of mass action on the part of ethnic and national groups use the intervening mechanism of self-interested

elites to explain why people mobilize in defence of ostensibly public goods like group status. In the pursuit of money and power, elites adopt nationalist discourse in order to rally constituents and develop support. The actual content of protest - participants' expressed motivation for joining - is considered by proponents of this model to be immaterial, as either intellectually dishonest or self-deluding post hoc rationalization.

Normative models, on the other hand, insist that people will mobilize around national issues and identity without expecting direct private benefit, and even anticipating private pain. At crudest, people are expected to participate in nationalist mobilization when they feel there is inherent value in doing so irrespective of outcomes. Typically, this sub-field takes seriously the emotional and social-psychological foundations of intergroup conflict, as well as the inherent power of the group in humans. Prominent normative models have attributed mobilization to relative deprivation (Gurr 1970), horizontal inequality between groups (Stewart 2010), and symbolic politics (Kaufman 2000) – to name a very few.

The field has been pendulum-like in its suspension between these two poles. In the early years after the end of the Cold War (when scholarly attention turned seriously to understanding intrastate conflict between groups), tremendous enthusiasm abounded about the significance of identity to all human behaviour, and certainly intergroup relations. But in the last two decades, instrumentalism and economic theories of conflict have proliferated, and not without some impressive empirical support (Zartmann 2011, p.300). The scholarly study of Indigenous mobilization in Canada specifically has yet to achieve a critical mass sufficient to allow an assessment of prevailing tendencies. Instrumentalist accounts of contentious action exist (Alcantara 2010), but most work on the issue is oriented towards advancing moral rather than explanatory arguments. As a result, Christopher Alcantara is right to comment that "...the existing literature has yet to address... important theoretical puzzles relating to Indigenous contentious collective action" (2010, p.22). The bulk of thinking about Indigenous mobilization in Canada has occurred outside of academia, and this has been stridently, if not always consciously instrumentalist.

Examples abound. Douglas Bland, author of the aforementioned *Uprising* as well as several scholarly tracts about Indigenous militancy, has argued on behalf of a major national think tank that: "the prevention and/or suppression of [Aboriginal] insurgencies and rebellions requires a determined effort directed not at so-called root causes, but at the factors that make such uprisings feasible" - making explicit reference to the "feasibility" hypothesis (Bland 2013, p.10).

Columnist Christie Blatchford, who has become a leading chronicler of Indigenous protest for much of the non-Native population, has repeatedly explained the robustness and longevity of particular contentious acts by the unwillingness of state authorities to apply sanction, and to the fact that "anything – criminal conduct, lawlessness, state abuses – is tolerated if it is done in the name of aboriginal self-expression" (Blatchford 2011b). This too is a feasibility argument, which seems to suppose that "aboriginal self-expression" is a pretext for licentiousness and interest-seeking under the protective umbrella of political correctness.

Blaming the machinations of corrupt and self-interested chiefs for the confrontational behaviour of Indigenous people is routine to the point of orthodoxy, in popular discourse. This argument has been extended to protest elites as well; Harry Swain, former Deputy Minister of Indian and Northern Affairs, describes the nationalist warrior societies that now proliferate in some Indigenous communities as: "...group[s] of people with mixed motives, few economic opportunities as attractive as smuggling and gambling, and time on their hands... it appears they learned that de facto sovereignty and the protection of economic activities judged illicit... can be achieved with sufficient belligerence" (2010, p.203). And the wave of protests occurring in late 2012 and early 2013 connected with the "Idle No More" movement invited a barrage of instrumentalist responses in the popular press. John Ivison insisted, for example, that "the real source of the current upsurge in unrest" was "old-fashioned covetousness. Natives see resource development on their lands and they want a bigger slice of the pie" (Ivison 2013). One side of the academic debate is therefore well represented in public discussions of Indigenous mobilization; in non-Native society, instrumentalism represents something approaching consensus on the issue.

David Keen has suggested that "greed" theory is popular for its intuitiveness, but also for the fact that it is "politically convenient. The work represents a pretty far-reaching delegitimization of political violence that might threaten existing power structures" (Keen 2012). This is a moral objection which is often true – though it is unfair, at least, to the serious scholars that work in this tradition. In the context of Indigenous mobilization outside of institutions in Canada, a simpler objection exists: instrumentality does not fit the historical or contemporary experience particularly well. Until we build norms, ideas, and identities into our model, it is difficult to account for the nature and timing of Indigenous contentious action.

Macro-historical change is difficult to explain with sole recourse to instrumentalism. In the first place, it is difficult to explain the relative absence of conflict in the century prior to the hypothesized conflict era, in light of the unrelenting incursions on Indigenous land and material and political resources. But changes to the balance of power and wealth occurred within a complex of symbols and institutions – the "national model" (Bertrand 2004) – that remained constant. Conflict arose only when this set of normative and institutional structures governing intergroup relations was destabilized at a critical juncture. Indigenous contentious mobilization emerged out of the "constitutional odyssey" (Russell 2004) period, when Canadian elites re-engineered the national model by shedding elements of its colonial past, and defining the political community in the terms of ostensibly colour-blind liberalism. The constitutional odyssey period is typically understood to begin with the liberalizing reforms of the Pearson/Trudeau Liberals - including bilingualism, multiculturalism, and the Canadian Charter of Rights and Freedoms. For Indigenous peoples, the seminal event in this process was the White Paper of 1969, a policy document that proposed the elimination of any kind of exceptional status for Indigenous people in the country, thereby disrupting ancient political conventions that had survived in some symbolic ways into the *Indian Act* era. While Indigenous activism existed elsewhere on the continent before that time, Red Power and the American Indian Movement had little presence in Canada prior to the White Paper. Moreover, the global Indigenous rights movement was not yet launched – this came later, led in large part by Indigenous leaders from Canada. The White Paper, and the damage that it dealt to the national model, was chiefly responsible for engendering a massive mobilizational response from within Indigenous societies, quite unlike anything that had preceded it but neatly presaging the conflict outside of institutions

which was to come. Repertoires of contentious action that were largely unknown in Indigenous communities pre-White Paper were to become conventional in the decades after.

It is possible to make sense of this response within instrumentalist theory. The White Paper constituted an obvious and severe threat to the interests of Indigenous political elites within the Canadian political system, who drew their governing authority from the institutions of the *Indian Act*. As a result, band council chiefs had a clear self-interested incentive to rally their people around resonant nationalist discourse in opposition. It is harder to explain how the White Paper episode destabilized relations the way it did, ushering in a new conflictual era despite the fact that the federal government formally abandoned the White Paper barely two years later. Norms are helpful for understanding this kind of epochal change. The national model is understood here to describe the complex of national institutions most central in defining a political community, but it exists apart from the purely instrumental functions of those institutions. It exists where the institutional and symbolic orders meet. As a result, critical junctures in the national model can stimulate new and lasting norms, as well as patterns of politics. The White Paper episode had the effect of deepening distrust and perceptions of illegitimacy of the Canadian government amongst Indigenous peoples, while also insulating the institutions of the *Indian Act* against change. This persistent legitimacy deficit, combined with stasis in the actual institutions, has produced an upsurge in political action outside of institutions.

At the local level, normative processes are also central to understanding mobilization. Major flash point events have often been genuinely "mass-first" mobilizations (Stroschein 2011, p.2), occurring amongst grassroots actors without influence or even sanction from established community leaders. This presents an immediate challenge to instrumentalist accounts that rely on elites to translate private interest into public action. Major mobilization also often occurs without a clear precipitating event, like a new resource or political threat. This makes accounting for the timing of protests difficult, without considering the broader normative framework and 'prone-ness'. The dynamics of protest events underway cannot be neatly folded into instrumentalist theory either. Instrumental rationality is at play at certain stages in a mobilization; for example, it is clear that Indigenous activists have closely observed the early responses of

state authorities to small-scale protest, in considering whether to escalate mobilization in degree and kind. But profound normative forces are at play as well, as Indigenous peoples detach emotionally from institutions and established channels which fail them, and react to "moral shocks" (Jasper 2011) when the bargaining partner - Canada - fails to uphold a perceived moral standard in the relationship. Most damaging to the "feasibility" argument is the fact that in several high profile flashpoint events, contentious mobilization has escalated massively in the face of punitive action from the state, suggesting that the collective action problems that accompany these protests can be overcome not through incentives, but through normative arousal in the face of heightened costs of participation. Legitimacy exerts a powerful influence on the blockade or occupation event, and in a variety of ways.

Some clarity is required with respect to what does form the basis of motivation, if it is not only instrumental rationality. The alternative answer cannot be irrationality, or "emotion" - as is sometimes posited in the social movements literature (ibid.), but which strips its subjects of agency and is unable to account for the discipline shown by protest participants; or "identity" - which echoes the old fallacious primordialist assumption that conflict is hardwired (disproven empirically by every intergroup conflict ever). There is value, therefore, in returning to an old sociological distinction (Varshney 2006). In *Economy and Society*, Max Weber identifies two categories of rational social action: instrumental-rational, and value-rational. The first is approximately the notion of rationality (*homo economicus*) that is commonly applied in scholarship today: calculated, goal-oriented behaviour in the pursuit of self-interest. I argue that the second, value rationality, is particularly useful for understanding Indigenous contentious mobilization in Canada. Value rationality is "determined by a conscious belief in the value for its own sake of some...form of behavior independently of its prospects of success" (Weber, in Beckermann, p.232). It is distinguished from emotion "by its clearly self-conscious formulation of the ultimate values governing the action and the consistently planned orientation of its detailed course to these values" (ibid.). Value rationality is, in short, goal-oriented, calculated behaviour governed by norms of justice, legitimacy and the general "rightness" of action, as opposed to interests and incentives. No credible theory of conflict can exclude instrumental rationality altogether. But this thesis will argue for value rationality as a driving force in all stages of

mobilization. Contentious action is calculated by actors in light of its righteousness, as well as feasibility.

This is not a study of Indigenous ‘resistance’ or ‘resurgence’. It is often declared rhetorically that Indigenous resistance is not a modern phenomenon, but has been ongoing for 400 years. This is true in myriad ways, and resistance has taken forms that have often eluded the attention of social scientists. Leanne Simpson writes that “when resistance is defined solely as large-scale political mobilization, we miss much of what has kept [Indigenous] languages, cultures, and systems of government alive” (2011, p.16). With this caution in mind, I emphasize that the phenomenon under investigation is limited to the time-bound, broadly observable emergence of contentious action which – it is true – constitutes only a single contemporary expression of Indigenous resistance.

Above, I have sketched in broad terms the argument presented here. For the sake of clarity, the specific empirical and theoretical claims I will advance in this thesis are summarized below.

Empirical Claims

- The present epoch of Indigenous-settler relations in Canada is unique historically for the prevalence of conflict, and for Indigenous political mobilization outside of formal institutions and established channels. Recognition of this fact is important in explanations of Indigenous mobilization. It requires us to look beyond the proximate, time-bound provocations of specific, micro-level conflicts. It also makes this issue a pressing concern for our time.
- The critical juncture that ushered in this conflict epoch was produced by efforts originating from within the federal government in the late 1960s to redefine Canada's "national model". The most important moment in this process with respect to Indigenous

people was the aborted effort by the government of Pierre Trudeau to end the practice of differentiated status for Indians, detailed in the so-called White Paper. Though the White Paper was quickly abandoned, it had a lasting effect on Indigenous politics in Canada, spurring two parallel mobilizations both within and outside "normal" politics.

- The emergence of Indigenous contentious politics in Canada was primarily a domestic phenomenon, though US-based activists became important actors in early mobilization after the White Paper. Despite the linkages between Red Power, the American Indian Movement, and early post-White Paper organizers in Canada, Indigenous direct action in Canada followed its own trajectory, quite distinct from that of the United States. Indigenous activism was also well established in Canada before the global Indigenous rights movement took flight.
- Contentious mobilization has been a bottom-up or "mass first" phenomenon as often as it has emerged from elite-level politics. It can rarely be easily attributed to charismatic, self-interested elites.
- The relationship between policing and Indigenous protest is ambiguous. Tolerance of small-scale, non-contentious mobilization has facilitated a spiral dynamic towards more ambitious repertoires of action. However, police repression has also massively escalated conflict, bringing larger numbers of more committed community members into blockades, occupations, and other forms of protest.
- Non-natives are important actors in their own right in Indigenous mobilization, and constitute a distinct third party presence autonomous from the state. This is a commonsensical assertion, but the literature on "settler colonialism" sometimes fails to

distinguish elite and mass-level settler actors. The counter-mobilization of non-Natives also has normative, as well as instrumental underpinnings.

Theoretical Claims

- Understanding nationalist mobilization requires recognition of the important normative content of political behaviour. Norms of legitimacy are particularly significant in generating conflict outside of "normal" politics.
- The Weberian notion of "value rationality" is useful for understanding non-instrumental goal seeking behaviour in conflict. Value rationality captures the performative, affirmational, and esteem-boosting functions of contentious action, which make it innately valuable to those who participate in it regardless of the material and political benefits it engenders. At the same time, the value rationality concept recognizes the disciplined and calculated nature of even non-instrumental behaviour.
- The "national model" is causally important in stimulating nationalist conflict, and its symbolic content needs to be recognized and understood. The institutional study of intergroup relations is sometimes too functionalist in its treatment of the relationship between institutions and conflict. But even where institutions 'work' - in the sense of incentivizing cooperative behavior from segmental elites - their symbolic or normative content can stimulate conflict outside of institutions.
- The so-called free rider problem often identified with group mobilization can be overcome not only through coordination mechanisms and other changes to the incentive structure, but also the "moral shocks" (Jasper 2011) that are generated from state repression or horizontal counter-mobilization from other groups within society. This means that mobilization can peak when the costs of participation are highest.

1.1 Case Selection and Limitations

Working at two levels of analysis, this thesis constitutes: first, a unique, theory-driven meta-analysis of Indigenous-settler relations in Canada, with a focus on the expressions that Indigenous protest have taken over time; and second, extensive original research into two recent and notable cases of Indigenous contentious collective action, as causes, consequences, and processes (Horowitz 2003). Macro-historical context is central to understanding the emergence of Indigenous direct action. Where existing accounts of Indigenous protest focus on the period after 1969 when contentious mobilization became commonplace, they ignore those large-scale socio-cultural changes that have engendered protest readiness - in other words, the structural foundations for conflict. But the politics of local-level, episodic protest require exploration too. Scholars have persuasively argued that studies of conflict must heed the unevenness in scale and grade of conflict across a single context (Varshney 2003b). Working only at the national level obscures these important dynamics. And the model is unsatisfactory if it fails to account for how a general proclivity for conflict becomes manifest in the specific action of specific individuals at certain points in time.

At the macro-level, I will make the argument that Canada itself is a relevant analytical unit of analysis, and not just an error of "methodological nationalism" (Wimmer and Schiller 2002). Indigenous mobilization in Canada is related in several profound ways to international movements. This is particularly true of the American Indian activism of the 1960s and '70s, and true to a lesser extent of the global pan-Indigenous movement. Despite this, it has occurred along a unique trajectory, and is worthy of study in isolation from international developments.

At the micro-level, two specific cases of contentious action and conflict are explored here:

Anishinabek Mobilization at Kettle and Stony Point: Small-scale mobilization at the Kettle and Stony Point First Nation at Lake Huron in southwestern Ontario in the early 1990s culminated in two long-term occupations. The first began in 1993, and targeted an active army camp situated on land appropriated from the Stony Point First Nation¹ during the Second World War. The second began in 1995, and targeted the adjacent Ipperwash Provincial Park. Clashes with the Ontario Provincial Police resulted in the shooting death of a protester, Dudley George. After a public inquiry into the death of Dudley George concluded in 2007, the Government of Ontario announced it would return the provincial park to the Kettle and Stony Point First Nation. This process is ongoing, as is a long-stalled process to transfer the army camp back to the Anishinabe. The occupations have been maintained to present day.

Onkwehonwe Mobilization at Six Nations of the Grand River Territory: A uniquely lengthy history of small-scale contentious action intensified in the late 1990s and early 2000s at the Grand River territory, the largest reserve in Canada situated close to Brantford Ontario. This mobilization culminated in the occupation of a 40 hectare development site adjacent to the town of Caledonia. The land in question has been subject to ongoing dispute since the original purported surrender in 1843. The occupation and road blockades engendered counter-mobilization from local non-Natives, producing an unusually high degree of horizontal group violence. The Government of Ontario ultimately purchased the disputed territory from the developers, and negotiations have occurred intermittently to determine its final status. The occupation is maintained to present day.

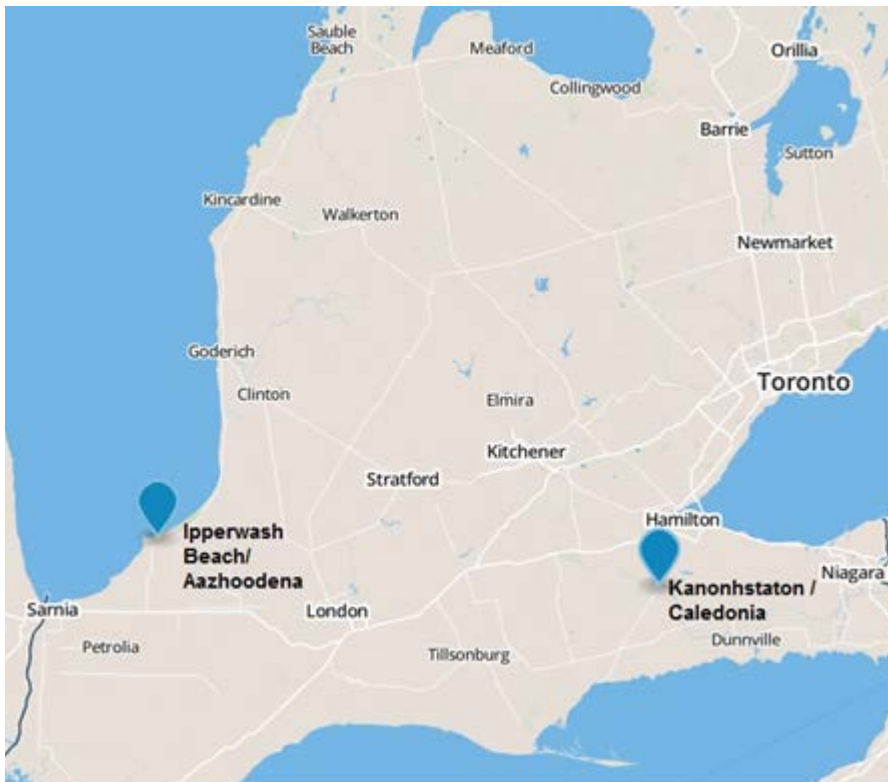
Both are physical occupations² by Indigenous activists of contested territory – a module of contentious action which emerged in the 1990s and 2000s as a primary figure in the repertoire,

¹ The spelling of Ston(e)y Point is itself contested, with Stony Pointers themselves favouring “Stoney”. Both Stony and Stoney are used here, the former to refer to the formal name of the modern reserve, and the latter in other usage.

² The term “occupation” is itself highly contested in this context. At Caledonia, for example, participants and supporters referred only to the “reclamation” that was underway. It is true that in some usage, occupation can carry pejorative connotations. It is also often accurate to suggest that the land that is subject to protest is being reclaimed.

along with the often concomitant blockade. Both occurred in southern Ontario, which introduces both controls and limitations to the study and its findings. Working with only two Indigenous national communities, with only pre-Confederation treaty nations, and with First Nations of similar socio-economic standing imposes some limits on the generalizability of the study. I suggest that there are few persuasive reasons to suppose the conclusions presented here are only relevant to Ontario, or Anishinabe and Onkwehonwe. Both episodes unfold with a clear relationship to a pan-Canadian context, and replicate patterns in evidence in many Indigenous nations. Nevertheless, this material cannot in any definitive way preclude important regional or national variance, which may be revealed in future study.

Figure 1. Southern Ontario



Nonetheless, occupation is used in this thesis because it is a widely used term in the study of protest politics. In that context, I receive the term to be descriptive, and not to denote any value judgement.

The comparative approach adopted here is something approximate to what Skocpol and Somers identify as "parallel demonstrations of theory" (1982, p.176) - both the theory of epochal change observed at the macro-level, and of the micro-foundations of mobilization. Comparison is both across cases and longitudinal. The latter is important to identify why, in light of historical interest threats, conflict failed to occur at precipitant moments prior to the conflict era. This is a loose adaptation of Mill's "method of difference", where similar values on other variables yielded different results at different historical moments.

Cases were selected in accordance with an old but problematic tradition in conflict studies; they are both instances of unambiguous conflict. This approach - quite clearly selection on the dependent variable - is often identified as a failing of conflict studies. Fearon and Laitin suggest that it is responsible for massive overprediction of intergroup conflict, which is actually rare relative to "potential" conflict (Fearon and Laitin 1996, p.716). Ashutoush Varshney agrees, arguing that studying conflict but not peace "can only give us the building blocks of a theory, not a theory", and that "placing variance at the heart of the new research is likely to provide by far the biggest advances in our understanding" of intergroup relations (2002, p. 6).

This is an important and somewhat persuasive critique, and one I had initially planned to account for in the design of the study. I encountered problems, however, with identifying analytically useful negative cases to juxtapose with conflict cases. There is limited value in studying variance in levels of mobilization at the provincial or regional level (some variance has been observed in quantitative study [Wilkes 2004, p.452], but there are host of other factors - most importantly, variance between First Nations - which suggest that it is probably spurious to speak of conflict-prone and conflict-proof provinces.) The band unit is likely the most suitable level of analysis for studying variance, but problems remain in constructing a meaningful comparative study. While it is easy enough to identify reserve communities that have not yet staged major protest events, it is still difficult to select cases which can be confidently registered as conflict-proof. Many communities have yet to experience major contentious mobilization, but are vocally supportive of communities that have, suggesting a potential for conflict that has not yet been actualized. Strong recent entries to the literature have studied variance in success at achieving

modern treaties, but this is not really a proxy for intergroup 'peace' in the sense germane to this project, and the research itself raises causal arrow questions with respect to contentious politics and treaty outcomes (Alcantara 2013).

Because of these uncertainties, I have decided to conduct case studies of conflict and not of ostensible peace. This does not preclude variance in the research design. As noted above, the research entails longitudinal comparison. Each case exhibits periods that are relatively conflict-free, or during which Indigenous grievances are processed through formal institutional channels. This variance is highly significant to the epochal change hypothesis. In other words, the histories of both conflicts offer both positive and negative cases, much as other historical institutional studies have compared (for example) the failed Russian revolution of 1905 to the 1917 revolution (Skocpol 1979). Not only does this avoid the problem of selecting dubiously conflict-proof cases, but it also assists with the problem arguably present in studies of Indigenous-Canadian conflict of too many variables and too few cases (*ibid.*, 36). Despite this, I concur with Varshney's suggestion that studies of this nature can only provide "the building blocks of theory". In examining two of the defining flashpoint events, scientific fidelity has admittedly been balanced out with general, public interest relevancy - a compromise often made in historical institutional research. But the cases presented here can be used to falsify theories like instrumentalism, as well as to suggest alternative explanations to be scrutinized in future work. If that much is accomplished, I believe the project is worthwhile.

1.2 Methodology

The primary method adopted here at both macro- and micro-levels is "process tracing", defined as the "method that attempts to identify the intervening causal process - the causal chain and mechanism - between an independent variable (or variables) and the outcome of the dependent variable" (George and Bennett 2005, p. 206). This form of historical narrative does not, according to Capoccia and Keleman, "equate with undisciplined or ad hoc storytelling. In

political science and in comparative analyses in particular narratives are often adequately structured by explicit theoretical models" (2007, p.67). As argued by David Collier (2011) and James Mahoney (2010), process tracing involves extensive "static" description, and pays particularly close attention to sequence in events (Collier 2011, p.823). Process tracing is distinguished from historical description as it is guided by theory, directed towards testing explicit and precisely defined hypotheses, and with the intention of deriving generalizable conclusions. Recent work devoted to elevating process tracing to the level of formal methodology has identified several forms of "tests" that it can perform (and that have always existed in qualitative research and general argument, albeit unspecified). Implicitly included in this thesis are "straw-in-the-wind" tests (which strengthen or weaken hypotheses without confirming or denying them), "hoop" tests (which establish conditions that competing hypothesis must necessarily satisfy in order not to be disconfirmed), and "smoking gun" tests (which strongly support one hypothesis without sufficiently disconfirming competing hypotheses) (ibid., p.826-827). The material does not lend itself to any form of "doubly decisive" tests; the processes described here are not sufficient to confirm my hypothesis of norms-oriented behaviour and concretely disconfirm the alternative instrumentalist hypothesis.

At the macro-level, I construct a chronology of Indigenous protest in Canada and explore the processes that have engendered change. For this task I use archival materials including national and regional newspapers, government and other correspondences, and petitions and band council archives, as well as the secondary historical literature, and some oral sources. I also draw from existing quantitative datasets of Indigenous protest in the country (Wilkes 2004; 2006; Ramos 2006), though these only extend back as far as 1950 at the earliest. It was necessary to consult the historical literature extensively, as primary history was necessarily limited by time and resource constraints. As a result, the literature was approached with caution. Given the diversity of visions of history presented by scholars on any single subject, there is a danger of selection bias - relying on those works of historical scholarship that confirm my hypothesis (Lustick 1996). The historiography of Indigenous-Settler relations clearly demonstrates this problem; it presents a range of narratives, provoked in no small part by a range of contemporary political commitments. While I favour a particular telling of history that I find persuasive - one that emphasizes the agency of Indigenous peoples in early encounters with colonialism, and treats

colonialism as having varied expression and impact over time - I have tried to incorporate the approach Lustick terms "quasi-triangulation": "construct[ing] a... narrative from the... claims made by different historians despite their approach from different archival sources and/or...theoretic or political angles" (ibid., p.616).

The two case studies consisted of:

- A broad reading of primary and secondary historical documents and sources, as well as oral histories. Primary documents included letters, petitions, and wampum. Secondary historical accounts of the two communities were also consulted.
- Local newspapers and Indigenous media sources. In the case of Six Nations, there are two on-reserve newspapers that provided in-depth and contextually rich reportage of mobilization. I relied primarily on the weekly *Tekanawake* newspaper. No comparable resource existed for Kettle and Stony Point, so I consulted local non-Native newspapers.
- Ipperwash Inquiry testimony. The Ipperwash Inquiry, a public inquiry into the shooting death of Dudley George, provided an incredibly rich primary resource for studying the conflict. The Inquiry heard testimony from over 100 witnesses over three years, including all the living Anishinabek participants in the occupation. The result is many thousands of pages of attributed testimony exploring all dimensions of the conflict, including motivations for mobilizing, understandings of the history, and close description of the events themselves. I focused on 33 key individuals who gave testimony over approximately 70 days of hearings.
- Key informant interviews with 32 front-line activists, government officials, and local non-Natives. Interviews were conducted with participants in both conflicts, but in light of the Ipperwash Inquiry resource, the primary focus of interviewing was Six Nations of the Grand River. No research was conducted at the First Nation itself, as band council withheld permission. This precluded access to members of band council, which was an unfortunate exclusion. Community members who participated in the mobilization (and some that did not) were interviewed in Caledonia, Hamilton, and Toronto. In light of the

sensitivity of the material, interview participants were recruited upon the understanding that their contributions were not for attribution. The approximate breakdown of interview subjects by relationship to the conflicts was: 2/5ths Indigenous participants (primarily activists, but also political leaders and other elite-level community leaders); 2/5ths governmental officials (including federal and provincial negotiators, federal and provincial ministerial staff, and politicians); 1/5th local non-Natives (including media personnel involved in covering the conflicts, 'community leaders', and non-elite non-Natives living adjacent to or with other forms of close contact with the occupation sites). Because of the proximity of both sites to Toronto and my family home in Grand Bend, Ontario, interviews were conducted on an ongoing basis from October 2012-July 2013.

1.3 Outline of Chapters

The body of the thesis is organized as follows. Chapter 2 explicates the macro-level theoretical framework. In it I provide a review of the literature on intergroup conflict and ethnic mobilization, and argue for a symbolist historical institutional model that links national models, norms of legitimacy, critical junctures, and conflict. Chapter 3 offers an overview of the micro-level theoretical framework, my formal interpretation of the occupation as a central figure in the repertoire of Indigenous contentious actors. Chapter 4 provides a broad, meta-analytical overview of the history of Indigenous-settler relations from contact into the early 20th century. The objective in this chapter is to illustrate the epochal nature of the relationship, and the somewhat surprising absence of conflict during the first two eras - which I connect with the persistence of the national model in isolation from other developments. Chapter 5 examines the critical juncture itself, beginning with the White Paper episode and culminating in the Oka Crisis. I also address the international influence on Indigenous mobilization in Canada, arguing that the domestic context is significantly more important in explaining the emergence of contentious collective action. Chapters 6 and 7 are case studies of Anishinabek mobilization at Kettle and Stony Point, and Onkwehonwe mobilization at Six Nations respectively. The final

chapter concludes the thesis with a brief exploration of the normative and public policy implications for the argument presented here.

Chapter 2

Macromobilization: A Theoretical Framework

2.1 Introduction

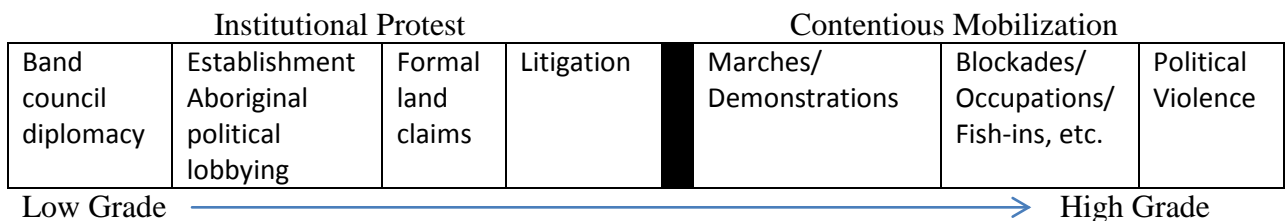
The following two chapters will propose a theoretical framework for understanding the emergence of extra-institutional conflict between Indigenous peoples and the Canadian state. This chapter will address national-level epochal change – the contentious mobilization of Indigenous peoples at a macro-level of analysis. It begins by identifying the relevant comparative literatures that should inform research on Indigenous direct action in Canada. I will argue that Indigenous contentious politics is best understood as the contemporary expression of a dynamic intergroup relationship. As a result, the most germane comparative literatures are those concerning ethnic conflict and nationalism. The chapter then broadly sketches the theoretical debates in the field. In particular, a fundamental distinction exists in the literature between rational choice and social-psychological models explaining the emergence of macro-level conflict between groups. Rational choice models are not persuasive when applied to the Canadian historical case. A leading variant of social-psychological theory – symbolic politics – offers the beginnings of a theoretical basis for making sense of epochal change in the Indigenous-Settler relationship, particularly when it is complemented by historical institutionalist analysis. Subsequently, the chapter explores the fruitful potential of marrying institutional and symbolist analysis by applying this model to Canadian and Indigenous history. The notion of a “national model” – the complex of institutions most central to defining the symbolic political community – is adopted here. The national model, which was rooted in treaty making from early contact, survived into the modern era despite increasing British and Canadian incursions on Indigenous interests. Conflict only erupted when the national model itself was brought into question, and this occurred in 1969 with the publication of Pierre Trudeau’s White Paper on Indian Affairs. I argue that the White Paper episode constituted a critical juncture in the national model, a fundamentally important historical moment which stimulated contentious mobilization of Indigenous peoples across the country. The new repertoires of action experimented with

during the critical juncture – including blockades and occupations – have stabilized as fixed features of Indigenous politics in its present iteration.

2.2 Studying Indigenous Mobilization as Intergroup Conflict

In the interest of addressing this empirical puzzle to comparative theory, it becomes first necessary to clarify the outcome of interest, and situate it within bodies of comparative literature. This project seeks to explain the broad emergence of a new mode of Indigenous politics, and a change to the character of intergroup relations in Canada. This change is characterized by the increase in frequency of contentious mobilization – political mobilization outside of state institutions – in all parts of the country. Contentious mobilization is here understood to exclude normal politics and institutionalized protest, such as petitioning and lobbying. It will include land occupations, road blockades, resource extraction that is illegal in Canadian law, marches and demonstrations. The macro-level puzzle is built around the quantitative increase in contentious acts in and after 1969, and a qualitative increase in the degree of contention that is employed. I treat marches and demonstrations as lower-grade contentious mobilization, and blockades and occupations – which are typically more strongly felt in the intergroup relationship, and court violent confrontations with state agents – as higher-grade mobilization (see figure 1).

Fig 1. Degrees of Mobilization



There are several overlapping comparative scholarly literatures that are germane to explaining this outcome. The most extensive theoretically situated comparative work on Indigenous protest politics to date has drawn on the social movements literature of Ted Gurr, Sidney Tarrow, Charles Tilly and others. For example, both Rima Wilkes and Howard Ramos have used Aboriginal mobilization in Canada to test the applicability of several theories of social movement mobilization: relative deprivation, resource mobilization, political opportunity structures, and the emergence of new identities (Wilkes 2004; Ramos 2006). Christopher Alcantara (2010) makes a case study of the Labrador Innu occupation of the Goose Bay Military Air Base, and attempts to derive an explanation for specific protest acts using rational choice variants of social movements theory.

This approach has obvious value. The field's chief concern is the emergence of political action outside of state institutions; the language of "contentious politics" is itself born of social movements theory. But in other respects, it is inadvisable to study Indigenous contentious action alongside (for example) the LGBT and environmental movements, which arise rapidly over newly politicized issues, and generate previously unknown social cleavages. Rima Wilkes (2006) has argued that unlike in the United States, Indigenous mobilization in Canada has never developed into a social movement. She bases this claim on the fact that Indigenous mobilization fails to fulfill two *de facto* defining criteria of social movement status in the broader literature: the presence of social movement organizations, and the development of new collective identities. She is persuasive on both points; despite the emergence of establishment lobby groups like the Assembly of First Nations, and the strongly expressed solidarity between Indigenous contentious actors across the country, contentious mobilization has generally been at the level of the band or nation, and national specificity is very strongly felt in patterns of contentious politics. As a result, Wilkes is correct to conclude that while replicating important attributes of a social movement challenge to the established order, Indigenous contentious politics in Canada has not coalesced into a true social movement. Leanne Simpson (2011) disagrees, suggesting that social movement theory erroneously overlooks the existence of Indigenous social movements in Canada because of its unfamiliarity with Indigenous political culture and organizational forms (p.16). According to Simpson, Wilkes' conclusion "flies in the face of 400 years of Indigenous resistance" (ibid.) - but it may be that 400 years of resistance is precisely what renders

Indigenous contentious mobilization a poor fit for the social movement concept (without a great deal of conceptual stretching). Rather than a social movement, Indigenous contentious mobilization has been the episodic local manifestations of a national-level intergroup conflict, occurring along a pre-existing social cleavage over centuries-old grievances.

Indigenous contentious politics is treated in this thesis as the function of a new epoch in the relationship between Indigenous peoples and the settler state. It is a diffuse, semi-organized nationalist mobilization that has produced new repertoires of political action. The most precisely relevant theoretical literature, then, is that which deals specifically with nationalism and ethnic conflict - nationalism as the content of a political movement, ethnic conflict as its result. This field offers the most precise analytical focus, looking to explain why and how identities become politicized, and why group claims, grievances and tactics change over time.

Borrowing from scholarly work on ethnic conflict has prompted two critical questions: a) is Indigenous contentious politics sufficiently 'ethnic' to constitute ethnic conflict?; and b) is it sufficiently conflictual to constitute ethnic conflict? The former poses a credible concern. To assert the immense diversity of Indigenous peoples in Canada is platitudinous. Some Indigenous scholars have also protested vehemently the application of the label "ethnic group", which Taiaiake Alfred calls an "artificial, state-created identit[y] that [is] imposed on original peoples in this colonizing process of redefinition from autonomous to derivative existence and cultural and political identities (2005, p.59)." Of course, 'Indigenous' is not an ethnic category, any more than 'European' is. The conflict has involved numerous Indigenous nations, and excluded others. But analytically, ethnic conflict does not require a clearly defined, finite number of discrete ethnic groups, but simply societal conflict experienced along ethnocultural fault lines. At the macro-level, this thesis focuses on one of Canada's three constitutionally recognized "Aboriginal" groups – First Nations – with the expectation that there are generalizable experiences across Indigenous nations in Canada in modern history.

The second question refers to whether the Indigenous contentious mobilization generates conflict which is of a severe enough grade to be situated it amongst violent intergroup conflicts around the world. This speaks to a larger question in the study ethnic conflict. There is no consensus over how to operationalize the subject, or whether a single body of theory can address both non-violent and violent forms of conflict. Fearon and Laitin (1996) operationalize conflict as violence in their seminal study, therefore concluding that recourse to conflict is in fact quite rare despite the prevalence of interethnic tensions. Horowitz (1985), on the other hand, encapsulates significantly more in his study of ethnic conflict, identifying (for example) the ethnic organization of political parties and trade unions alongside civil wars and genocide to illustrate the near-ubiquitous character of ethnic conflict (p.3). The difference is dramatic. What Fearon and Laitin characterize as “potential incidents” – intergroup competition over resources, for example – are treated elsewhere in the literature as ethnic conflict itself. They may well regard Indigenous-Settler tensions over land, rights, resources and recognition as an aggregation of potential incidents that have not devolved into large-scale violence and thus cannot be characterized as ethnic conflict. Varshney makes an important distinction between ethnocultural contention “waged in the institutionalized channels of the polity” versus that which is carried out on the streets. But he subsequently confuses matters by assuming that non-institutional conflict will take violent forms, therefore endorsing Fearon and Laitin’s disaggregation of violent and non-violent conflict (2002, p.25). This dissertation adopts the view that, as a study of intergroup contention outside of institutions, it can usefully draw (at a level of abstraction) from the study of bloodier conflicts elsewhere. Furthermore, the field ignores these cases to its own detriment. Donald Forbes has argued that “...the familiar, even banal versions of the more intense conflicts elsewhere, may provide the best basis for thinking clearly about the nature and causes of ethnic conflict”, suggesting it is easy to subject contained intergroup conflict “closer to home” to social scientific analysis (Forbes 1997, p.6). Below, the basic debates in this field are sketched in broad strokes.

2.3 Theories of Intergroup Conflict

There are several ways to typologize the literature on intergroup conflict, some more useful than others. Conventionally, four schools of thought are identified (Varshney 2002): *primordialism*, which views intergroup antagonism as *a priori*, rooted in ancient tribal history and ascribed differences; *instrumentalism*, which argues that ethnicity is manipulated by political elites seeking legitimacy in the interest of obtaining power or material goods; *constructivism*, which seeks to identify the long-run mechanisms which shape identities and inflame identity conflicts; and *institutionalism*, which highlights the ways that institutions structure the choices of political elites and populations, as well as shape identities. In fact, this four-part typology is probably dated, and unnecessarily complex. The vast majority of modern scholarship tends to fall into one of two schools listed above – either constructivism, which is appropriately described by Ashutoush Varshney “as the new conventional wisdom in the field of ethnicity and nationalism (2008, p.285)”, or instrumentalism, which incorporates all of the rational choice work on the subject.

Primordialism is prevalent in the literature as a kind of bugbear, but is rarely actually present in scholarly analysis (Horowitz 2004, p.72). There are few to no full-throated proponents of the school. However, it merits a discussion in the context of research on Indigenous politics in Canada. This approach has been in bad repute for some time, if indeed it ever existed in serious scholarship in the way that it is generally presented. But despite its general, wide-spread rejection in academe, variations of it have persisted in the study of Indigenous peoples in Canada to an astonishing degree. Alfred and Wilmer (1997) argue, for instance, that “with regards to Indigenous ethnicity... it is the profound difference between the core values of traditional indigenous ways of life and those of the 'modernizing' societies that lies at the heart of indigenous peoples' conflict with the state... (p.28)” Cultural differences that are seen as inherent in Indigenous-Settler relations are identified as the fundamental cause of conflict. Similarly, in explaining the inability of Aboriginal people to integrate with mainstream Canadian society, Widdowson and Howard (2002) offer simply: “Never in history has the cultural gap between two sets of peoples coming into contact with one another been wider (p.34).” Writing from radically

different political orientations and with radically different intentions, both sets of authors converge on a belief in empirical cultural distance between native and newcomer which helps to explain conflict. This belief is commonly expressed in the literature. It is one symptom of a generally “culturalist” orientation, which is characterized by an unwillingness to critically interrogate the "creation, transformation, politicization and mobilization" of national feeling, but rather to take it as given (Lecours 2000, p.502). This style of analysis becomes exposed in a significant way by any historically situated research. Adopting the assumptions of analysts such as Alfred or Widdowson and Howard would predict unceasing conflict between groups since contact. On the contrary, the early period – when cultural distance was most extreme – was a period of interethnic cooperation relative to what followed. It was even a period of blurred ethnic boundaries, as will be discussed at length in the Chapter 4. The first task for a persuasive theory of macromobilization, in sum, is to fight an engagement with the primordialist leanings of the Indigenous studies scholarship in Canada.

In the theoretical literature, a more fundamental fault line exists which is partly but not entirely captured by the typology above. This is between rational choice and social-psychological models of macro-level ethnopolitics. Each school will be explored in brief below.

Rational choice models of intergroup relations exist in several different iterations, but share foundational assumptions about the nature of human political behaviour. In short, conflict participants are expected to mobilize in defence of the group when it is in their rational self-interest to do so. On a macro-scale, some rational choice models for the emergence of non-institutional conflict between groups have imported the notion of “security dilemmas” from the study of international relations. This vision predicts that in the context of “emergent anarchy”, or structural change that renders groups unusually vulnerable, groups are likely to assume zero-sum assumptions about security, and mobilize against each other in order to secure their positions in society (Posen 1993). Several variants of the security dilemma in intergroup relations have been proposed. In one influential version, Barbara Walter (1999) identifies five environmental conditions likely to stimulate this kind of horizontal conflict: government breakdown, geographic

vulnerability, a shifting balance of power between groups in society, economic hardship and the redistribution of resources, and forced or voluntary disarmament.

While security dilemmas create the structural preconditions for conflict, it is often assumed that the agency of elites is required to translate fear into mobilization or conflict. Political elites are the critical mechanism that translates private interest-seeking into general mobilization for public goods. Predatory elites will adopt ethnic discourses when those frames are resonant, in order to strengthen their positions vis-à-vis both intergroup and intragroup rivals. Rational choice theories currently enjoy a privileged place in the theoretical literature, and have underpinned the bulk of conflict research since the 1990s (Kauffman 2006). This might be seen, in the context of ethnic conflict studies, as an extension of the long retreat from primordialism. Emphasis is placed overwhelmingly on interests and incentives, and rational choice scholars such as Russell Hardin insist that the mindsets of conflict participants are not themselves of interest in explanatory social science (1995, p.8-9) .

Here lies the major divergence between rational choice and social psychological models for conflict. The latter refer to models of intergroup relations, including most notably those of Donald Horowitz (1985) and Crawford Young (1976), which draw lessons from social psychology about the nature of behaviour and conflict. Horowitz, for instance, cites the experimental research of the British social psychologist Henri Tajfel. Tajfel's work suggests several problems with strictly rationalist assumptions. It reveals the causal importance of what he deems "subjective" bases for intergroup conflict, rather than "objective" bases such as competition for scarce resources: "not only are incompatible group interests not always sufficient to generate conflict... but there is a good deal of experimental evidence that these conditions are not always necessary for the development of competition and discrimination between groups" (Tajfel and Turner 1979, p.38). Tajfel found that arbitrarily drawn distinctions between groups were enough to generate both in-group feeling and out-group discrimination. Moreover, in the pursuit of goals, "maximum difference" - successful competition vis-a-vis the out-group - was valued over "maximum in-group profit" - greater gain in real terms. He also found that a link was established between self-esteem and valuations of the group and other group members,

making individuals innately unwilling to believe negative value judgments of other in-group members despite evidence of bad conduct (1978). It has been argued by proponents of the social psychological school that all of this suggests forms of motivation for participation in group conflict that are intrinsic, rather than instrumental. At a macro-level, this suggests the influence of non-material structures, such as symbols, affect, and culture, on conflict outcomes.

The historical narrative presented in this thesis fits more comfortably with the second class of explanations. The macro story of Indigenous contentious mobilization cannot be easily accommodated within rationalist/instrumentalist models. Neither interests-centered nor incentives-centered assumptions are confirmed in the historical experience. Like primordialism, the primary challenge to rationalist theory is in explaining the relative absence of conflict in the first and second epochs of Indigenous-settler relations. Many of Walter's environmental conditions for a security dilemma were present in the experience of Indigenous peoples in Canada. Beginning in the late 18th century, a dramatic redistribution of both resources and power occurred at the expense of Indigenous peoples. At several junctures on the road from consensual treaty federacy to Canadian unilateral control through the institutions of the *Indian Act*, when Indigenous mass and elite interests were severely damaged, apparent provocation existed for extra-institutional political mobilization. The robustness and persistence of institutional participation by Indigenous peoples remains a puzzle. A persuasive theory of macromobilization, then, must look beyond interests and incentives to the normative framework that structures macro politics.

A body of scholarship has developed in the past two decades with this task in mind. "Symbolic politics" has emerged as the self-proclaimed "main contender" amongst newer social-psychological models for explaining national level conflict (Kaufman 2006, p.47). It holds that the "myth-symbol complex" (Edelman 1985) belonging to a group holds causal importance in its relations with other groups. The myth-symbol complex is a cultural canon, which specifies a group's boundaries, connects its membership to a shared history and homeland, gives meaning to membership and content to 'national character', and presents stylized narrative of the relationship with out-groups over time. The myth-symbol complex is dynamic. Though grounded in a

mythical past, it is itself often a recent innovation (therefore distinguishing the symbolist approach from primordialism). Irrespective of its actual genesis, it is received by its constituents as ancient and enduring. The myth-symbol complex of group membership operates as cognitive schemata: "highly organized and generalized structures in memory that guide cognition and memory recall" (Monroe et al, 2000, p.423). They constitute more than simply ideas or beliefs about what has been, but influence that way that new information is assimilated. "Symbolic choice theory" involves building recognition of these schemata into a model that still involves rational decision-making. Kauffman explains: "the core assumption of symbolic choice theory is therefore: *people choose by responding to the most emotionally potent symbol evoked* (italics in original)" (2000, p.24).

One of the primary reasons that this model appeals is that it provides a platform for synthesizing many aspects of the four traditional schools identified above. The insistence by primordialists that history and collective identity matter is taken up here, albeit in a more sophisticated way. Elite agency, the primary focus of the instrumentalist school, can also be present. The myth-symbol complex offers an affective backdrop against which power elites operate, but mobilization itself may require conflict entrepreneurs to choose to manipulate the symbolic order. This helps to account for a major shortcoming of the instrumentalist school - the unanswered question of why ethnic discourse is adopted by elites in the first place. According to the symbolist approach, normative resources exist to mobilize into ethnic or nationalist discourses in some places and elsewhere, where these myths do not exist, other discourses will be adopted instead. Scholars of the symbolist approach are careful to acknowledge that the myth-symbol complex can be recent in origin, adopting the basic insight of constructivism. It is also easy to see how institutionalist and symbolist approaches may coexist. This will be explored in greater depth below. Symbolist theory is particularly helpful in explaining enduring patterns of intergroup relations at the macro-level - epochal equilibria of conflict or cooperation, a primary focus of the project.

However, there remain severe shortcomings that limit the usefulness of the theory. For example, it offers few clues for explaining change. While insisting on the recent origins of a given

symbolic order, Kaufman fails to adequately explain how such a process of mythological genesis unfolds, and what independent effect it subsequently has on conflict. He identifies three necessary conditions for the emergence of intergroup conflict: a) the existence of a hostile myth-symbol complex, b) fear of group extinction, and c) conflict entrepreneurs willing to mobilize chauvinistic sentiment. Conflict is typically, then, attributed to changes to the second or third conditions - following very closely, if unintentionally, with rational choice scholars who emphasize the importance of security dilemmas and strategic elites. The symbolist dimension simply plays in the background, making it very difficult to establish any kind of causal relevance for it.

This also raises questions about the direction of the causal arrow. As a critic of the model has pointed out: "...it would be difficult to find any conflict that was not accompanied by rallies around the flag, remembrances of heroes and martyrs of wars past, and hateful and hostile rhetoric directed at the opponent. Such behavior invariably accompanies conflicts, because conflicts cause it" (Grigorian 2007, p.181). Disproving the model requires finding conflict where hostile myths do not exist, and that does seem nearly impossible. The model is more valuable if changes to the symbolic order itself are tracked more precisely with changes to the character of intergroup relations. If this can be established, then the myth-symbol complex becomes more than simply an environmental condition in an otherwise rationalist account.

Kauffman's first precondition for ethnic conflict - "a group mythology that justifies hostility" (2006, p.52) - is altogether too vague a value on the group myth variable. Critics of the model have picked at this point. Not only will expressed hostility be inevitably present in any conflict, as noted above by Grigorian, but few bodies of national mythology are sufficiently univocal to be pronounced exclusively or demonstrably 'hostile'. According to Fearon and Laitin (2000, p.863): "it is hard to see how a structure as complicated, rich, and multivalent as Sinhalese mythology, or even Rwandan political ideology can be reliably deemed to be inherently prone to violence... If discourses are typically complex enough to justify a range of actions... then how can they determine the actions of those who are held in their grip?" There is a tradition in the

field of distinguishing between, for instance, ethnic and civic nationalisms (Ignatieff 1993), but the reality is that even these discourses tend to bleed into each other.

The "hostile myth" is a thin notion that must be improved upon. One way to tackle this problem is engaging in longitudinal comparison in a single context. This can help to identify changes to the myth-symbol complex over time that renders it more or less conflictual. How general perceptions of institutions, or narratives of intergroup relations change over time is instructive in linking the myth-symbol complex with conflict outcomes. Revisions to historical narrative, whether endogenous or exogenous, and subtle shifts in emphasis can help to predict the stabilizing of a new and more conflictual or more cooperative politics. This will chiefly be the approach adopted here, as it is best suited to explaining epochal change. The following section will explore how symbolist analysis can be fruitfully combined with institutionalism to locate sources of both change and continuity.

2.4 Institutions, Myths, Symbols

If the myth-symbol complex is understood as a framework, which establishes a pattern of intergroup relations and constrains actors within that pattern, the problem of explaining change still remains. For this task, great value can be accessed by considering the dynamic interaction of the institutional and symbolic orders. Relatively recently, "new institutionalism" has begun to appear in studies of nationalism and ethnic conflict. This growing body of work offers a more historically situated conception of institutional impact than is found within the traditional, Lijphart-Horowitz institutional literature. For instance, Jacques Bertrand studies a sharp rise in ethnic conflict in Indonesia by examining critical junctures, moments of major institutional change during which Indonesia's "national model"- the institutional construction of the Indonesian nation – was changed (2004). He argues that the large-scale violence of the late 1990s can be explained in part as a response to the institutional changes of the Suharto regime

that affected the Indonesian national model. While focusing on one path dependent outcome, he offers a generalizable model which can be adopted in comparative work elsewhere. Andre Lecours (2005) also argues for the usefulness of historical institutionalism in understanding nationalism: “Institutions are central forces in the development and mobilization of identities in at least two ways. First, their weight is felt on political self-identification in a way that is quite independent of agency. Second, they shape agency, particularly elite struggles, behaviour, and their relationships with the masses (p.184).” His study of Basque nationalism uses the various manifestations of the Spanish state over time to explain the formation and politicization of Basque national identity.

The notion of the national model in flux at critical junctures offers an interesting explanatory model, and it carries obvious relevance for symbolist analysis. A national model speaks to something more than the complex of political institutions built to manage group difference or the practical exercise of sovereignty. It refers specifically to those institutions that carry discursive currency beyond their function, and excludes institutions of significance that do not weigh on the construction of group identity. For example, Canada took several objectively significant steps out of empire and towards nationhood that had no discernible effect on the national model. The Balfour Declaration of 1926, which pledged Britain's recognition of Canada as a free and equal participant in the Empire, is an example of this. It changed significantly the status of the political community, but did not engage the self-identity of the national community (which in English Canada remained stubbornly British). The incremental liberalizing and anti-colonial reforms of the 1960s, on the other hand, did drag the national model into question, and as a result provoked the dissensus and soul-searching of George Grant *et al.* The national model exists where the institutional and symbolic orders meet. When it becomes the subject of heightened contingency in an historical moment of critical juncture, it can affect changes to both.

The national model can explain conflict in several ways. First and most simply, because of its centrality in the symbolic order, the stakes for participant groups become extremely high during moments of critical juncture. Even in stable contexts, it is possible to perceive the emergence of a modified form of a security dilemma. When the national model is in flux, the symbolic

sovereign has disappeared. Physical security itself may not be in question, but fears over the extinction of group status can stimulate a survivalist impulse that engenders conflict. One group's efforts to protect or maintain its status may be viewed in-group as a defensive measure, and out-group as an offensive one requiring a response. In short, group strategic logic is driven by competition over symbolic as well as material resources, and this competition is most severe when the national model is weak or questioned openly.

Second, the demands that groups make in change moments are born of group-specific national myths and narratives. When the national model is no longer consensual, a shared framework for negotiating status is lacking, as is basic agreement about what symbolic resources are subject to dispute. Where rationalist accounts assume a finite set of interests that are readily identifiable by all parties to the conflict, the notion of divergent symbolic orders undermines this expectation (Rothman and Olson 2001, p.294). This makes compromise difficult to achieve and conflict difficult to curb. In recent constitutional conflict between English and French Canada (for example), seemingly minor concessions proved immensely difficult to accomplish. In part, this can be attributed to divergent national myths, affecting dissensus over the very meaning of constitutional change. In the case of the "distinct society" debate, what was perceived in Quebec as a small, almost inconsequential act of recognition was understood in English Canada as an unacceptable violation of the new national myth. The change became unsaleable in the intragroup sphere, destabilizing elite accommodation in the intergroup sphere that was seen to serve concrete and instrumental ends. In the absence of a consensual national model, divergent discourses engendered mutual incomprehension, confusion about the very source of conflict.

Third, changes to the national model can also explain persistent patterns of conflict after the critical juncture has closed and continuity again prevails over contingency. This is partly but not wholly a result of disjuncture between the institutional and symbolic orders. If one group prevails in erecting a new national model in exclusive accord with its own myth-symbol complex, out-groups will feel aggrieved. Moreover, they will cease to see in the state a reflection of their collective identity. As a result, they are more likely to pursue extra-legal redress and contentious politics. Nor can this condition be easily remedied by revisiting the national model.

Crises of group status feed back on the symbolic order. They produce new narratives that recall the treachery of out-groups and past threats to in-group survival, and counsel distrust as the prudent order of intergroup relations. Efforts at accommodation are received by aggrieved group members through cognitive schemata conditioned by stories about previous experiences of injustice. This is not to replicate the "slippery slope" argument *per se*, which has insisted that accommodation of claims-making minorities will only provoke further claims, culminating where possible in the stimulation of secessionism. But it offers a corrective to the simplistic relationship between institutions and identity suggested by some 'old' institutionalists, which often treat group status as a simple, finite, and stable interest that can be satisfied by redrawing institutions. Narratives of distrust make those kinds of change exceptionally difficult. Stories about abuse and betrayal furnish an unsatisfied desire for recognition. The symbolic order therefore can emerge from a period of critical juncture in the form of a conflict equilibria, highly resistant to change.

In sum, placing conflict in time can reveal the shortcomings of an instrumentalist framework, by revealing patterns of conflict and cooperation that defy easy explanation on the basis of interests and incentives. This is true of Indigenous-Canadian relations. Social-psychological forces also play a central role in producing new conflict equilibria. The myth-symbol complex is a useful heuristic for identifying these forces at the level of macro-historical change. Where institutional change affects the national model (the idealized vision of the appropriate political community), the myth-symbol complex can become destabilized, and produce a generally conflict-prone condition. Below, I explore how national models help to clarify the timing of the emergence of Indigenous direct action in Canada.

2.5 National Models and Indigenous Contentious Politics in Canada

Before 1969, there were powerful structural obstacles to effective Indigenous mobilization in Canada. Shortly after the arrival of the Loyalists at the turn of the 19th century, Indigenous peoples constituted only a tiny minority of the population counted as Canada. They also suffered supreme economic hardship, and had few resources to mobilize in opposition to the ever-growing power of the colonial and then Canadian state. These structural conditions cannot be treated as the sole explanation for the absence of major extra-institutional conflict during that period, however. It was also the case that institutional change in the Indigenous-non-Indigenous relationship did not radically overturn the national model, which *de facto* acknowledged Indigenous difference in law. This is despite the fact that policy changes were dramatic, particularly in mid-19th century when Indian Affairs was transferred from military to civil, and later British to Canadian administration, and when the treaty order was gradually supplanted by colonial domination anchored in the *Indian Act*. The symbolic order was not challenged by either actor. Colonial officials were careful to maintain elements of the earlier treaty federacy, which had been based from a consensual understanding of the political community. Post-*Indian Act*, new lands were still sought primarily through treaty making, which mimicked the style of the older "Peace and Friendship Treaties" that undergirded treaty federacy. The rhetorical appeals of Indian Affairs officials continued deep into the 19th century to invoke early frontier diplomacy and by extension, treaties like the Two Row Wampum and Covenant Chain: fundamental figures in Indigenous national mythology. The reserve system itself exercised complete control over the lives of First Nations, but also accorded a degree of faux self-determination – an institutional innovation that did not formally challenge the status of Indian bands as autonomous and constitutionally *sui generis*, and which nominally continued to recognize an Indigenous political class. The system allowed chiefs to continue to hold office and exercise traditional intergroup diplomacy, which colonial and Canadian orders of government simply ignored. It should go without saying that Indigenous peoples understood and fought the changes that took place. They did so, however, mostly through the established intergroup channels that had in past been used to process grievances. Crucially, the *Indian Act* regime adopted the power-sharing footprint of the "cooperative" era. Here we perceive the value of studying institutions in time, contrary to

traditional institutionalist studies of nationalism and ethnic conflict. The *Indian Act* system did not initially breed large-scale conflict in part because it emerged incrementally, and was framed in a way to avoid overturning the mutually acceptable national model of an earlier era. Treaty-making continued in the *Indian Act* era, and replicated earlier treaty forms even in the late stages of historical treaty making (Long 2010). This is an expression of the dynamism recognized in new institutionalism, where "changes in the socioeconomic context or political balance of power can produce a situation in which old institutions are put in the service of different ends..." (Thelen and Steinmo, p.16). More recently, this has been termed "conversion" - an incremental, endogenous process of institutional change, which typically occurs when institutions outlive their authors and environmental origins (Streeck and Thelen, 2005, p.26). Some continuity in the national model, paired with structural obstacles to mobilization, precluded major conflict outside of institutions.

It would be ludicrous to suggest that during this period Indigenous and non-Indigenous symbolic orders were consensual. Most Indigenous nations adopted a tragic discourse, which spoke of the decay and death that were both literally and figuratively a first-order truth. They foresaw the end of their peoples, and deeply lamented the betrayal of their former allies the British/Canadians. They perceived their peoples as newly isolated, torn from profitable intergroup partnerships of the past. A Haudenosaunee diplomat, speaking on radio in 1924, declares: "We didn't think we would ever live long enough to find that a British promise was not good... [But] We have a little territory left - just enough to live and die on" (Deskaheh 2005). Non-Indigenous discourses in Canada tended toward the romantic, hailing the birth of a new nationality and forecasting a heroic rise. The decline of the Indian was associated with birth rather than death, seen to prepare the ground and nourish this genesis. A Canadian poet writes in 1905: "Until now, where the smoke of the wigwam curled/ A new life has begun/ For see! 'Tis the birth of a nation!/ And the men who will mingle now/ ...are founding a race, 'neath whose sovereign hand/ the Knee of the world shall bow" (Manseu-Scanian in Miller 2004, p.256).

But both narratives lived within an ambiguous national model, the product of an evolutionary rather than revolutionary departure from the colonial era. Toryism prevailed in institutions and

attitudes. The connection to Britain remained strong in symbolic politics, sustaining figures like the Crown that carried independent meanings for Indigenous and non-Indigenous peoples. The negative discrimination experienced by Indigenous peoples also preserved their parallel status, and set them outside the bounds of Canadian citizenship (and before that, imperial subjecthood). The importance of this to Indigenous peoples was reflected in the protectiveness with which they guarded their status against attempts by the federal government to enfranchise individual Indians – that is, to strip them of Indian status in exchange for Canadian citizenship – involuntarily. The Haudenosaunee activist F.O. Loft called it "denationalization" (Letter, 9 February 9 1921). To repeat, there was profound incongruity between Indigenous and non-Indigenous narratives about the nature of the Canadian political community. This was observed, for instance, in the reports of the 1966-1967 Hawthorn Commission: "The discrepancy between the relative unimportance of treaties as determinants of government policy and Indian perceptions of the treaties as basic items in self-identity constitutes an important complicating factor in Indian-government relations" (Hawthorn 1967, p.248). The institutional order also clearly favoured one set of interests massively over the other. However, it did not directly challenge the narrative of either party, and group status was unchanged in a *de jure* sense. As a result, continuity prevailed in the expression of Indigenous grievances, through channels long ago constructed for that purpose.

Change is dated to the late 1960s, when a critical juncture opened in the national model. Explaining the timing of critical junctures, when stable patterns are knocked suddenly from their axes and contingency is heightened, is one of the profound challenges of historical institutionalism. Traditionally, explanations are sought in exogenous shocks to the system – wars, invasions, economic collapse, natural disasters, global structural changes. None of these can help to explain why the government of Canada sought at the end of the 1960s to unilaterally dissolve the *sui generis* status of First Nations, breaking with centuries of convention. According to Vivian Schmidt: "It is only relatively recently that [scholars] have sought to endogenize institutional change, by looking to explain the origins of or shifts in interest-based preferences, historical paths, or cultural frames" (2010, p.2). This is the approach best suited for the research question posed here. More specifically, this dissertation follows several recent institutionalist works that take seriously the transformative potential of ideas and norms (ibid.).

Much of the effort that has been invested in "endogenizing" change has emphasized gradual and incremental change. This is in contrast to the "punctuated equilibrium" (Baumgartner and Jones 1993) model previously popular in historical institutionalism, which imagined change occurring in short, volatile bursts after long periods of stability. Both kinds of change can live together, and do in the case of Indigenous-Settler institutional relations. The Trudeau government's White Paper was an abrupt change, a radical new policy direction that ran counter to even the federal government's own reform proposals of a few years previous. That said, it was also partly the product of a longer-term process, and so needed only an ideational shock at the political level to 'tip' the national model into question. Streeck and Thelen (2005) identify "exhaustion" amongst their processes of endogenous change, whereby the operation of an institution "g[ives] rise to dynamics that ma[k]e it more and more vulnerable and indeed, self-undermining over time" (p.29).

In the case of Indian Affairs, the decreasing returns of the early 20th century are explained by the awkward and incomplete conversion of the institutions of treaty federacy to serve the interests of the *Indian Act* regime. The maintenance of discriminated status and *de jure* autonomy continually undermined the assimilative impulse of Indian administration, frustrating Indian Affairs policy makers. Chiefs and councils continued to obstruct the federal intent, even after they existed as creatures of the federal government. The reserve system provided territorial independence - in the simple sense of distance from settler population centers - which made the development of "western" economies in Indigenous communities difficult. The surviving treaty order posed occasional political legitimacy problems for the assimilationist project; Indian agents are recorded complaining about band members under their stewardship who "tried to make trouble" with their "knowledge of these treaties" (Brownlie 2003, p.69). In short, while allowing for efficient authoritarian control of Indigenous communities, the *Indian Act* regime impeded efforts at absorbing Native people into the mainstream body politic. "Exhaustion" can be observed in the efforts of Indian Affairs policy-makers to wriggle out from under the framework they constructed. The occasional, temporary surfacing of involuntary enfranchisement presaged the 1969 White Paper, for example.

However, as noted above, the White Paper constituted a stunning break from history. It cannot be explained by social or economic change, or change to the political balance of power. Sally Weaver, the author of an intensive study of the Indian Affairs policy makers responsible for the White Paper, writes that the DIA operated in relative immunity from societal inputs, because: "there were no effective lobbying groups among Indians or whites at that time to mould Indian issues and exert pressure on the government for continued reform" (p.12). Change came entirely from within government. Nor, however, was the White Paper simply a logical next step, following on the internal changes already taking place as a result of institutional exhaustion. Roger Gibbins (1984) notes that in crafting the White Paper, "very little attention was paid to extensive academic and departmental studies of Indian affairs" - including most notably the 2-volume Hawthorn Report, published only in 1966 and '67, which had called for the continuation of differentiated Indian status (p.3).

The answer to what precipitated the change in institutional thinking that produced the White Paper has always been obvious on an empirical level: it was the liberal individualism of Prime Minister Trudeau and those close to him. That was clear at the time, and even clearer in retrospect. They came to power as agents at the front-end of a re-definition of the national model, which would seek to define Canada in 'colour-blind' terms, as a political community of rights-bearing individuals. Though Trudeau's orientation was first towards Quebec, Indian Affairs was the first field of federal policy to feel the impact of the liberal national model. The language of the White Paper strongly suggests its liberal philosophical underpinnings. It emphasizes "non-discrimination" of either positive or negative varieties: "The road of difference... because it is a separate road, cannot lead to full participation, to equality in practice as well as in theory" (Canada 1989). Moreover, the content of the White Paper was plainly disconnected from the applied thinking that existed on Indian Affairs at the time.

In fact, this type of explanation sits comfortably within recent innovations in the field of historical institutionalism, or what is sometimes called "discursive institutionalism" (Schmidt

2008, 2010). According to Vivian Schmidt (2010), authors in this school "speak the language of institutional rules and regularities, critical moments and incremental change. It is just that they infuse these structures with agency, by focusing on the ideas of real actors that help explain changes or continuities in institutions, at critical moments or incrementally over time" (p.13). It is beyond the scope of this project to offer an explanation for the liberalization of the non-Native national model during this period. This process was occurring in English Canada first under the leadership of the Pearsonian Liberals, who had cultivated in the post-war environment a new anti-colonial, continentalist orientation; it was also emerging to a lesser extent from Quebec's Quiet Revolution – the partisans of which broke into nationalist and liberal camps. The significant point is that such a thing was underway, and "sentient agents" (ibid.) motivated by those new ideas were responsible for tipping the balance. The critical juncture that opened with the publication of the White Paper can thus be explained by a combination of endogenous factors: first, the long-term institutional exhaustion that came from an Indian Affairs regime that reproduced the separateness it sought to abolish; and second, a sudden ideational shift in government toward liberalism and equality of status.

Cappocia and Keleman define critical junctures as: "relatively short periods of time during which there is a substantially heightened probability that agents' choices will affect the outcome of interest" (2007, p.348). They also helpfully identify two parameters that should be fully specified in any critical juncture: the unit of analysis and time horizon. First, with respect to unit of analysis, they note that critical junctures often affect only a single institution or institutional constellation. In other words, a critical juncture does not require regime change or another kind of system-wide breakdown, and junctures and stability can coexist in different institutions at the same time. This is the case in Canada, of course, where the critical juncture in question affected only the national model as defined above. This process began when an attempt was made to reset the Indigenous-Settler relationship via the White Paper. The same logic driving change to the national model was subsequently felt in Anglo-French relations, and finally, constitutional change.

Second, on the question of time horizons, Cappocia and Keleman suggest that a critical juncture must be measured against the periods of continuity which precede and follow it. A decade-long critical juncture should be succeeded by a century of stability (roughly speaking). There is some value in this approach, but it poses a problem for this project. The critical juncture identified here opens in 1969 and closes at the end of Canada's "constitutional odyssey" (Russell 2004). The "return to normalcy" (ibid.) is usually dated to the defeat of the Charlottetown Accord, which makes intuitive sense. However, the juncture may actually have closed slightly early than that, with the defeat of the Meech Lake Accord. Meech still seems subject, in retrospect, to a higher degree of contingency. For example, the Accord would almost certainly have passed had different, less onerous conditions for its ratification been decided on. The failure of Charlottetown appears more structurally determined, however; the new post-1982 narratives of English, French, and Indigenous Canada had taken root. The critical juncture here, therefore, lasts from 1969 to 1990, with the end of likely constitutional change and the emergence of a new form of Indigenous contentious politics.

As a result, the stable period following the critical juncture has only now lasted just barely longer than the critical juncture itself - a violation of Capoccia and Keleman's rule. I base this on the probabilistic belief that no further fundamental change is immanent, because the relationship exhibits a strong degree of stability. Adopting such an assumption allows this mode of analysis to be applied to recent outcomes rather than only those of the distant past. Moreover, the time horizon criteria of Capoccia and Keleman are better suited to a strict "punctuated equilibrium" style of path dependent analysis, which imagines absolute stasis shattered infrequently by sea-change. By turning towards endogenous explanations for change, I have already opted for a less dichotomous and in my view, more realistic path dependency. In this less dogmatic version, generally longer periods of relative stability (but always with some change underway) give way to generally shorter periods of relative contingency.

Both contingency and change are indeed on display during the two decades that follow the introduction (and swift retraction) of the White Paper. In non-Indigenous politics, the same government that sought in 1969 to eliminate Indian "special status", abolish the reserve system,

and integrate Indigenous people as full but undifferentiated Canadian citizens would oversee in the course of its tenure the recognition of comprehensive and specific land claims, negotiation of the first modern treaty with an Indigenous nation, and the institutionalization of aboriginal and treaty rights in the 1982 constitution. Much of this was provoked by the 1974 Calder ruling of the Supreme Court of Canada and other modest court wins for Indigenous peoples. But with few legal antecedents, Calder cannot be treated in isolation from the social and political context that produced it. Indeed, a recent examination of period cabinet documents has suggested that plans were underway to open up legal land claims avenues prior to the Calder ruling (Scholtz 2006). At the same time that the government pursued a confused and contradictory path in Indian Affairs, it continued to implement the new, liberal national model elsewhere. The culmination of this effort was the *Constitution Act*, 1982, which included a new Charter of Rights and Freedoms and sought to anchor Canadian identity in deracinated individual identity. A change in government meant a brief but failed attempt at retreating from the new national model, and the reinstatement of a bi-cultural national model recognizing French and English as founding peoples. Prime Minister Mulroney's Meech Lake Accord extended this recognition, but the effort foundered on procedural difficulties, opposition in English Canada where the liberal national model was enthusiastically adopted, opposition in French Canada from the monocultural secessionist movement, and opposition from Indigenous peoples who had been excluded.

In Indigenous politics, opposition to the White Paper is spoken of almost universally as the birth of a movement. It is more accurate to suggest that two parallel Indigenous political movements emerged from the White Paper episode. First, the National Indian Brotherhood – later the Assembly of First Nations – and other regional Indigenous organizations were propelled to prominence on the national stage. Harold Cardinal, the Cree leader who led opposition to the White Paper, became the first recognized national-level Aboriginal political actor since Louis Riel. Second, and concurrently, initial protests often took the form of direct action that followed political repertoires of the 1960s – primarily marches and demonstrations. This phenomenon developed and deepened in the early 1970s, as the radical US-based American Indian Movement (AIM) established a pronounced influence on Indigenous contentious politics in Canada. The first land occupation in Canada occurred in 1974, and in the mid-70s offices of the Department of Indian Affairs and Northern Development (DIAND) were also occupied. These twin

movements emerged almost as one in reaction to the White Paper, then diverged over the course of the next two decades. The peak advocacy organizations became increasingly co-opted by the Canadian state, invited to First Ministers meetings, and offered ever greater access to DIAND. Meanwhile, contentious actors developed more challenging political repertoires, began to organize underground into warriors' societies, and detached themselves from AIM (which was failing badly by the late-1970s). It should be emphasized here that notwithstanding some strong linkages between Indigenous activists based in the United States and Canada, mobilization in Canada followed a distinct trajectory – one that is chiefly explained by domestic changes rather than international currents. It occurred slightly later than in the United States, and intensified after mobilization had begun to fail there. Moreover, the international Indigenous rights movement cannot be said to have exerted substantial influence on mobilization in Canada, for the simple reason that it existed only in nascent forms prior to the mid-1970s. Canadian Indigenous leaders were key actors in stimulating global Indigenous activism, after they had mobilized in Canada and established a strong organizational base for advocacy.

The powerful role played by the White Paper in transforming Indigenous politics is highly unusual from a purely institutionalist perspective in one respect: it was not actually a change but only a proposed change, which the federal government verily fled from in the face of opposition. It cannot be said, then, that a new institutional path was taken, or that the institutionally structured calculus of political behaviour was altered. Here, symbolist analysis and attention to norms help carry the explanation further. The White Paper punctured the symbolic order, and became the central figure in new Indigenous myth-symbol complexes. Contemporary responses by chiefs and other Indigenous leaders demonstrated shock and betrayal, as well as anger on a new scale. This was despite the egregious treatment of the previous 150 years, suggesting that something uniquely sacrosanct was violated in the proposal to terminate treaty relations.

In the brief historical moment before the White Paper was eternally shelved, group status was threatened as never before. The angry political response that followed is not, as a result, surprising - from a variety of theoretical perspectives. It can be argued that the White Paper episode constituted a kind of legal (rather than physical) "security dilemma": in the face of

uncertainty and perceived vulnerability, individuals rallied to group identity for legal/political safety. Instrumentalism can also explain why chiefs mobilized as they did; abolishing the *Indian Act* would have voided the offices they held, and eliminated the power resources they exercised internally. But what norms-focused analysis is able to recognize where rationalist theories may not is that even after the calculus had been reset and the status threat retired, feelings of vulnerability, anger, and a profound trust deficit persisted. In the relative gains of the following years - the federal government's new willingness to hear land claims and make treaties, victories in court, and the inclusion of aboriginal and treaty rights in the constitution - this social-psychological structure was unchanged. Rather, those achievements were interpreted through cognitive schemata conditioned by the recent past. Emerging from 1969-1970 were new norms about the federal government and institutions of Indian Affairs shared by Indigenous peoples across the country.

The normative transformation occurring primarily in English Canada at the same time complicated this relationship between symbolic orders still more. Followers of the liberalizers turned seriously against remnants of the colonial national order, embracing in its place new moral norms rooted in liberal procedural principles like equality and individual rights. This discourse is identifiable with innovators of the "colour-blind" liberal national model in their attack on the old nationalisms of English and French Canada - and implicitly in the White Paper, Indigenous Canada - and on their insistence that official bilingualism, official multiculturalism, and the 1982 constitution represent an end to conflict, a freeing from irrational and inequitable structures. This narrative provides little space for the possibility of unjust exclusion.

To further complicate this model, non-Indigenous Canada was actually, during the critical juncture, contested between two symbolic orders. In English Canada, the balance between the tory and liberal national models tipped increasingly and then precipitously toward the latter, particularly as it came to incorporate a multiculturalist variant of liberalism that suited its new demographic reality. In French Canada, the trajectory was almost opposite. After 1982, Quebecois elites set to work innovating a new tragic discourse, which both predicted and lamented the imminent absorption and assimilation of the Quebecois nation. Before the juncture

had closed, a concerted effort - originating in Quebec but finding support amongst Tories in English Canada - was made to re-instate a dualist national model. The Meech Lake Accord would have accomplished this, and almost did. It foundered on several political difficulties. The first was a discovery that the liberal national model had been widely embraced in English Canada short years after its creation. The second was that Indigenous peoples had obtained a powerful presence in national politics, and would not accede to a slide back into a national model that excluded them entirely. There was immense symbolic resonance in the fact that Elijah Harper, a Cree MLA from Manitoba, delivered the filibuster that formally killed the Meech Lake Accord ratification process. Meech Lake was entered as a new figure in Indigenous symbolic orders, serving to confirm the duplicity and insincerity of Canadian orders of government, irrespective of any recognition gains that had been rendered in recent decades.

Meech was not the last attempt at rewriting the national model. Canada's "constitutional odyssey" (Russell 2004) continued through the Charlottetown Accord negotiations. Charlottetown failed badly though, victimized by the same social structures that had ultimately doomed the Meech Lake Accord. As a result, as I have suggested above, the contingent moment had arguably already closed. In July 1990, several weeks after the Meech Lake Accord had officially expired, Mohawks from Kahnnesatake organized an armed blockade of disputed land slated for development by the municipality of Oka. The action turned into a confrontation involving the Canadian army, and lasted until late September. Oka became a figure of supreme importance in both Indigenous and non-Indigenous mythologies. It reoccurs in discourse at every instance of contentious politics, with radically different meanings amongst Indigenous and non-Indigenous peoples. It both drew from and contributed to a growing repertoire of contentious action, which increasingly distinguished the Indigenous contentious politics movement from social movements that had originated in the 1960s. Kiera Ladner has described it simply but succinctly as "a little thing from which big things grow" (2010, p.312).

2.6 Conclusions

Several dimensions of Oka, including the willingness of Mohawks to pursue violent direct action, and the visceral backlash provoked in both the English and French publics, reflected a new symbolic politics. At the close of the critical juncture, that national model had been altered to reflect the liberal individualist national mythology prevalent in English Canada. In concrete terms, Indigenous peoples had achieved vastly more formal recognition in the decades following the White Paper. Nevertheless, a new conflict equilibrium had been established. Markedly dissonant national narratives – rather than just "hostile myths" – effected legitimacy norms, fueled Indigenous distrust of reform through institutional means, and non-Indigenous intolerance of demands for the sui generis status of Indigenous peoples. The product of the contingent moment is greater intensity of conflict and the embrace of contentious politics - not because of change to the institutional calculus, which was ultimately minimal, but to the symbolic order represented in institutions and discourse.

This chapter has addressed the historical context for the emergence of a new conflict equilibrium, and the underlying conditions for a generation of historically-distinct contentious mobilization. The following chapter will extend the theoretical framework to incorporate the micro-foundations for direct mobilization of Indigenous peoples, examining how legitimacy norms actually foster action on a local scale. It will focus particularly on the occupation as an exemplar, and leading repertoire of action amongst Indigenous direct actors.

Chapter 3

Micromobilization: Interpreting the Occupation

3.1 Introduction

This chapter will bring the preceding theoretical discussion down to the level of specific contentious acts and the conflict that follows. It addresses several questions, including: What is the nature of the linkage between national- and local mobilization? What causes mobilization on a micro-scale? Who are the critical actors in blockades and occupations? Why do high-grade protests become so intractable and last so long?

The occupation, along with the related and often-overlapping blockade, is the primary expression of high-grade protest action by Indigenous peoples in Canada. The occupation is here defined as the contentious act of seizing territory that is subject to a formally unrecognized historical claim by an Indigenous group, through physical occupation by protesters. It has existed in the protest repertoire since the early 1970s, but has become pre-eminent in that repertoire particularly since Oka. The occupation is to Indigenous peoples today what the barricades were to urban French protesters of the 18th and 19th centuries: a ready “module” to be adopted in moments of heightened emotion or focused political energy; a behavioural script familiar not only to participants but also to their state and societal opponents; and a shared cultural keystone, allowing protesters to make sense of their actions inside of an existing historical narrative (Tarrow 1994; Traugott 2010; Tilly 1978).

Most of what has been written about occupations and blockades in Canada is not strictly explanatory, but is primarily normative in the sense of having been constructed around arguments about what ought to be. For Peter Russell, “flashpoint events are a necessity... They do not deliver full justice, but they do put a stop to furthering an injustice. And what is the

alternative for Aboriginal Peoples who have exhausted the possibilities of having an injustice dealt with through political negotiations or the courts?" (2010, p.44-45). For Kiera Ladner, occupations are "the little things from which big things grow" (2010, p.290). Alternatively, according to Harry Swain, occupations are products of professional protesters like the Mohawk Warriors, people "with mixed motives, few economic opportunities as attractive as smuggling and gambling, and time on their hands... it appears they learned that *de facto* sovereignty and the protection of economic activities judged illicit... can be achieved with sufficient belligerence" (2010, p.203). From a theoretical standpoint, there are limits to the degree to which one can enter into dialogue with already existing work (important exceptions include Alcantara 2010, Wilkes 2004; 2006, Ramos 2006, which are addressed below).

Table 1. Major Indigenous Protests Involving Blockades/Occupations (Source: Ipperwash Report v.2, p.21)

Location	Date
Anicinabe Park, Ontario	1974
Moresby Island, Queen Charlotte Islands, British Columbia	Mid-1980s
Clayoquot Sound, British Columbia	1985-1993
Algonquins of Barriere Lake, Quebec	1988-89
Lubicon Cree, Alberta	1988
Temagami Anishinabe, Ontario	1988
Oka, Quebec	1990
Lilloeet, Mount Currie Band	1990-91
Peigan Lonfighters Society, Alberta	1991
James Bay Cree, Quebec	1991-92
Chippewas of the Nawash, Ontario	1992-93
Revenue Rez, Toronto Ontario	1994-95
Gustafsen Lake, British Columbia	1995
Ipperwash, Ontario	1993-
Constance Lake, Ontario	1997
Burnt Church, New Brunswick	1999-2000
Sun Peaks, British Columbia	2000
Aroland First Nation, Ontario	2001-2003
Red Hill Valley, Hamilton Ontario	2002-2004
Grassy Narrows, Ontario	2003-
Kitchenuhmaykoosib Inninuwig First Nation, Ontario	2006
Caledonia, Ontario	2006-Present

3.2 Theories of Ethno-Political Mobilization

The theoretical debate on the foundations of local, small-scale ethnopolitical mobilization revolves around a similar cleavage as that explored in the preceding chapter – albeit with a closer focus on individual motivation rather than macro-scale historical change. This debate is sometimes presented as “greed” versus “grievance”. “Greed”-based accounts suggest that protesters have tangible goals in mind, that they are motivated by resource logics, and that their actions are carefully calibrated against the expected response from state actors (Alcantara 2010). Indigenous actors are anticipated to resort to contentious politics when they perceive it to be in their interests to do so. A thicker variant of this approach will suggest that the occupation is intended to achieve personal gain, and that occupation pioneers are merely taking advantage of a permissive environment and ready nationalistic frames for action (Posen 1993; Mueller 2000). In the rationalist literature on contentious politics, political opportunity structures are also anticipated to play a significant role in constraining or enabling mobilization. Protesters respond to opening opportunities, which can include improved access to elites, shifting alignments and dissent among state actors, new allies across social segments, and states’ evolving openness to the content of protests (Tarrow 1994). According to the “feasibility hypothesis” – a recent update to greed-based theory formulated by David Collier, one of its foremost proponents – what matters is not the basis of motivation at all, but rather, the likelihood of effecting mobilization successfully (Collier, Hoeffler and Rohner 2006).

The other side of this equation – “grievance” – is used more loosely and is therefore rather more difficult to specify. It sometimes appears that grievance is defined simply as everything left out of “greed” - inequality (or perceptions thereof), social psychology, identity, ideology, history, and symbolic politics, for example. The language itself is obfuscating, as certain variables can be read as indicators of both greed and grievance – especially if grievance is understood in an objective rather than subjective sense. Unequal economic structures can engender grievance, but action predicated on addressing inequality can be viewed as instrumental or greed-motivated. David Keen points out, for example, that in the work of Collier and colleagues, lack of access to education is treated as a greed-based stimulant of conflict. This is because young males outside

of post-secondary education are expected to be lower earners, and generally represent a lower cost of recruitment to rebel groups. But, as Keen argues, unequal access to education is also often a source of anger and resentment - that is, of grievance (2012, p.761).

A clearer distinction to draw, albeit one which does not map precisely onto the greed-grievance cleavage, is between instrumental and normative explanations for mobilization. Instrumentalism incorporates both the interests-based and incentives-based variants of greed theory. Grievance is more complex, but a focus on norms may be the unifying characteristic of this approach. Norms are required to translate social and economic inequalities into the stuff of political mobilization, but also do not require those structures to produce mobilization. Other kinds of grievance, like those rooted in group identity, historical narrative, or religious doctrine, operate in the same way. The basic insistence in normative approaches is that people will participate in ethno-national mobilization without the expectation of private rewards, but rather to serve non-instrumental ends connected with an intrinsic sense of right and wrong.

Any sensible model will recognize both instrumental and normative motivations, and most are indeed synthetic in this way. One key distinction occurs over which kind of motivation has priority in time. For example, Collier and Hoeffler (2000) argue that "subjective grievance is consciously generated by conflict to enhance efficiency, rather than being either an accidental by-product of conflict, or a prior cause of conflict" (p.9). Norms are recognized in this account to play a significant role in intensifying conflict and strengthening contentious actors, but they are contrived by self-interested elites through indoctrination, after conflict is already underway. Contrarily, Ashutoush Varshney has argued that instrumental motivation is apparent in mass nationalist mobilization, but only after group identity is entrenched as a central organizing cleavage in society, and a movement has achieved a critical mass of followers. Appeals to nationalism must necessarily be preceded by the normative foundations which establish group identity as a source of powerful intrinsic value (2003a).

Contentious mobilization on only a local scale will follow behaviour dictated by both instrumental reasoning and norms. The occupations studied here certainly demonstrate both kinds of dynamics. But this qualification aside, and contra other accounts of Indigenous direct action, I wish to re-emphasize the normative argument at the micro-level. This is not to suggest that strategic calculus is completely absent when Indigenous actors initiate protests, or when non-Native counter-protesters intervene. The occupation is no wild, formless riot. But it is a conflict that exists above and beyond basic interests. It invokes in the minds of its participants large, deep, zero-sum cultural claims.

Normative models do not lend themselves to neatly predicting when, where, and why blockades and occupations happen. But they offer an important corrective to rationalist explanations which incorrectly assume an interests calculus behind protest action. The occupation takes the form of what Marc Howard Ross has called a “psychocultural drama” (Ross 2007, p.80): “conflicts between groups over competing, and apparently irresolvable, claims that engage the central elements of each group's historical experience and contemporary identity. The manifest focus of a psychocultural drama can be over the allocation of material resources... [But] At a deeper level, psychocultural dramas are polarizing events about non-negotiable cultural claims, perceived threats, and/or rights connected to narratives and metaphors central to a group's identity” (ibid., p.79-80).

Most of the examples cited by Ross are purely symbolic conflicts – over marches in Belfast, headscarves in France, and Confederate flags in the American South, for example. At first blush, the occupation seems an odd addition to this list, considering that it advances a clearly defined claim to a resource. But while it makes a sincere resource claim, it does not necessarily follow a resource logic. Indigenous protesters take control of territory to re-assert their collective identities, and draw attention to historical abuse. The occupation is a function of expressive nationalism. 'Awareness-raising' is regularly cited as the objective in the early stages of protests. It is only after the conflict has become entrenched that protesters begin to insist that the land itself is instrumentally important to hold. The same is true of non-Indigenous counter-protesters, some of whom are not actually directly affected, and do not stand to lose from successful or

sustained occupations (as will be shown in the case of Caledonia). They mobilize in defense of a national model that they view is being violated, both by Indigenous militants and by state actors willing to accommodate Aboriginal claims. Protesters and counter-protesters are acted on by macro-level institutional and normative forces. The “large-scale cultural processes” identified in the previous chapter work through “micro-level psychological mechanisms” to direct action (ibid.)

The dispute over the national model – the “master cleavage” in the Indigenous-non-Indigenous relationship (Kalyvas 2003) – establishes the context for conflict. It also precludes normal, institutionalized politics from effectively managing the intergroup relationship, because of normative rejection of the change-resistant institutions of Indian Affairs. The legitimacy deficits facing organs of the Canadian state – including band councils – produces a broad sense of justification for action outside of state institutions. Episodic, small-scale protest activity takes place where Indigenous communities have suffered acute losses in land and political rights. In both cases studied here, community members participated in low-grade protests over land losses in the years prior to the occupations. These experiences trigger both “cognitive liberation” – a growing awareness that protest activity is possible (MacAdam 1982) – and “emotional liberation” – a growing detachment from political moderation born of a sense that past activism has not produced results (Flam 2005). Cognitive liberation entails the rational evaluation of political opportunities. Emotional liberation involves an upsurge in frustration that counsels against institutional or moderate direct mobilization. This process of “dual liberation” results in a desire amongst some non-elite community members to attempt contentious action on a more serious scale. The occupations studied here evolve organically out of more moderate protests of the immediate past. The genesis of occupations cannot therefore be connected with proximate provocations like new interest threats, or the machinations of ethnic elites – favoured explanations of the “greed” school.

The dynamics of the occupation after it is underway also reveal important lessons about the nature of mobilization. Protest behaviour is conditioned by what Weber described as “value rationality”, as opposed to “instrumental rationality” (in Varshney 2003a). While the latter

involves an interests-based cost-benefit calculus, the former emerges from “ethical, aesthetic, religious or other” ideas and beliefs, “independently of its prospects of success” (ibid: p.86). Value rationality drives people to embrace personal costs in the pursuit of certain kinds of abstract goals, like collective dignity and self-respect. Ashutoush Varshney has argued that value rationality explains the genesis of ethnopolitical mobilization, but instrumental rationality is better at explaining mobilization that is already underway (ibid.). I suggest that value rationality can also explain the evolving dynamics of the occupation, and its resilience. In the place of an instrumental calculus, mobilization is structured by a calculus of right – an ongoing evaluation of the righteousness and justifiability of contentious politics, which is detached from the pursuit of interests.

The occupations begin with only a small number of protesters. This reflects ambiguity on the part of the broader Indigenous community, which is universally supportive of the cause but divided on the appropriateness of the means. In the early phase after the occupation has begun, warriors – a semi-professional cadre of conflict actors – come from outside the community, and provide sustaining manpower. Calculus of right explains the rise and ebb of mobilization. When the legitimacy of the occupation is strong, more people participate with greater resolve. Legitimacy grows with state repression and non-Native counter-mobilization. In other words, as political opportunities close and the costs of participation rise, the occupation is seen by Indigenous participants as an ever more appropriate mode of politics. Mobilization escalates, and intractability results.

This chapter draws attention to several important dimensions of Indigenous occupations studied here which support the “calculus of right” model described above. First, I reiterate the important macro-foundations of micro-politics, and suggest the ways that historical change has produced these resilient occupations. They also demonstrate the lasting normative and institutional effects of the critical juncture. The master cleavage in national Indigenous-non-Indigenous relations is reflected in a normative embrace by Indigenous people of contentious politics, a non-Native resistance to accommodation that produces counter-mobilization, and universal distrust of the institutions of Indian Affairs.

Second, I suggest that there are no clear leadership cohorts present at the occupation. They begin as genuinely grassroots mobilizations and only attract elites after they are underway and have established legitimacy. This is theoretically significant because of the emphasis that "greed"-based accounts place on elites as conflict entrepreneurs.

Third, I consider the causes of the occupations. Rather than being connected with identifiable precipitants, occupations studied here emerge out of an environment of ongoing, moderate protest. This is counter to the rationalist expectation that new interests threats or political incentives will foster mobilization.

Fourth, I discuss the evolving dynamics of the occupation once it is underway, and the reasons for its resilience. I suggest that the action of protesters is accommodated to changing circumstances, but that their behaviour is governed by a calculus of right rather than instrumental rationality. Occupations swell and ebb with the normative commitment of individuals – their sense of justification, rather than their assessment of interests, incentives and political opportunities.

Fifth, I argue that non-Native counter-protesters should be understood as essential participants in the flashpoint event, and are autonomous from state actors. This is meant primarily as a corrective to the Indigenous Studies and "Settler Colonialism" literatures, which neglect non-elite non-Natives or stand straw men in their place. I also note that their mobilization has a normative basis, which is again anchored in the master cleavage.

3.3 Macro-Foundations of Micro-Politics

One of the prevailing weaknesses of existing research on Indigenous direct action is the tendency to disconnect individual mobilizations from their broader context. Focusing only on the micro-sphere makes it difficult to properly account for the historical, institutional, and normative bases for the occupation. The simple insistence made elsewhere in this thesis is that contentious action is more likely at any Indigenous community now than it was in the past, and that this longitudinal comparison highlights more salient differences in the degree and kind of mobilization than comparison across communities in the present historical moment. This leaves a significant challenge, however: how to demonstrate the connection between those structural conditions and the individual actions of protesters. The occupation is, after all, radically 'micro', initially operating even below local and regional leadership structures. These flashpoint events are typically ignited by the actions of just tens or dozens of protesters.

There is no simple or irreproachable method of accomplishing this. I will attempt to do so by emphasizing the normative and ideational currents that provoke Indigenous protest, and that fuel non-Indigenous counter-protest. These "micro-institutional cognitive and normative systems" (Ferner et al 2005) reflect the conflict equilibrium on a national scale, and the disjuncture between institutions and the national model. Studying discourse - taken in the limited, positivist sense as "the substantive content of ideas but also the interactive processes by which ideas are conveyed" (Schmidt 2008, p.305) - is helpful for uncovering the motivations to mobilize. Discourse consistently reveals a sense shared by Native and non-Native that the real impetus for action lies beyond the local context and whatever specific resource claim is being advanced, but emerges from a broader conflict between Indigenous peoples and the settler state.

Institutional Effects

Macro-level institutions shape the non-institutional actions of protesters and counter-protesters in a direct and meaningful way. Most importantly, the persistence of *Indian Act* institutions despite

normative changes greatly inhibited the effectiveness of formal politics to manage conflict. I have suggested that after 1969, the *Indian Act* regime has remained in place without normative support from any quarter. Significant conversion occurred beginning in the middle of the 1970s, when the Department of Indian Affairs (DIA) was tasked with new responsibilities like settling land claims. The institutions themselves were not re-negotiated, however. This has resulted in a permanent tension, with institutions designed to limit and contain Indigenous claims now called upon to advance those claims against other organs of government and the private sector. These processes also suffer profound legitimacy deficits in both Indigenous and non-Indigenous spheres. The result is a not only a turn toward contentious politics, but also profound constraints on political elites from both communities in managing the intergroup relationship.

Because of the macro-institutional context, political opportunity structures for coopting Indigenous elites exist, but do not contain contentious politics as they might be expected to. Institutional stasis precluded the absorption of newly mobilized Indigenous peoples into so-called normal politics via modernized and legitimate institutions. Instead, *Indian Act* band councils remained the principal actors in policy lobbying and negotiations over comprehensive and specific land claims. As a result, opportunities to seek redress through newly created institutional avenues like the formal land claims process were soured by their association with the old institutional order, and failed to assuage mass-level Indigenous grievances. Often, glacially paced negotiations exist, leading elective chiefs and band councils to insist that progress is being made. In both the cases studied here, negotiations were active, and the *Indian Act* band council system provided the venue for a “grand coalition”-type relationship between Indigenous and Canadian elites. Viewed functionally, the institutional infrastructure to contain conflict was in place. But viewed historically, it is clear that the institutions only facilitated the emergence and resilience of the occupations, by nature of their illegitimacy.

Non-elite Indigenous people from the communities studied here generally disregarded the active negotiated processes. Elite Indigenous actors, who arguably had an incentive to contain conflict and pursue redress within institutions, were unable to translate that interest into collective behaviour because of those popularly held attitudes. Moreover, state actors are largely unable to

engage the protesters directly, because of their investment in the formal processes of the legitimacy-deprived institutions.

Normative Effects

Normative forces that I have identified at the macro-institutional level are also reflected in local politics. They play a significant role in shaping the actions and attitudes of all participants, Indigenous and non-Indigenous alike. A calculus of right is demonstrated in the actions of protesters, and it originates in a sense of profound justification for going outside of institutions. Moreover, the heightened distrust that characterizes the post-White Paper era leads protest participants to view their actions in stark terms, as nation- and life-saving acts against an opponent bent on their eventual and utter elimination. This is regularly reflected in the discourse. Historical narrative also has an obvious and immediate effect on the willingness of individuals to participate in occupations. It is repeatedly the case that participants express their protest action not in isolation or as in response to a single, recent provocation, but rather as a single point on a long historical trajectory, and a response to a litany of past abuses by settlers and the Canadian state. This phenomenon is observed in other studies of micro-level group conflict (Horowitz 2001, p.530).

A normative embrace of the liberal Canadian national model is also vividly reflected in the behaviour of non-Native counter-protesters. The discursive bases of the local non-Native counter-mobilization are rigorously consistent. Non-Natives reject what they frame as any kind of special treatment for First Nations. This incorporates a range of possible state responses to the occupation, from some measure of toleration for the protest itself in the form of police constraint, to entering into negotiations with the occupiers over the content of grievances. There is an unwillingness even to accept that the occupation is a manifestation of intergroup conflict; non-Native counter-mobilizers commonly insist that the protesters be treated as individuals, stripped of any collective identity, and that their actions are unrelated to any historical or group-based

claims. The attitudes and discourse of non-Native counter-mobilizers strongly reflect these ideas, and their interventions are typically intended to disrupt conciliatory or negotiated processes. This exacerbates the conflict on a local level, and imposes further constraints on Indigenous and government actors trying to end the conflict.

3.4 Leadership

Rationalist accounts of ethno-political mobilization often assume the existence of a clearly defined, relatively autonomous leadership. Leaders are the mechanism through which selective interest-seeking is translated into collective action, in the instrumental view of nationalism. According to this view, elites will mobilize personal support by making identity-based appeals. What appears on the surface as mass ethnic mobilization is therefore explained by the private instrumental rationale of leaders (See for example Rabushka and Shepsle 1972; Hardin 1995). This element is often missing from local-level Indigenous direct action. In the cases studied here, there are no strong or clearly defined leadership cohorts associated with the occupations. The protests begin as genuinely grassroots mobilizations, initiated by small numbers of people without formal or (seemingly) informal leadership positions. There are, of course, both leaders and followers. But occupation pioneers did not hold formal positions in politics or established civil society organizations that could provide them with a basis for mobilizing others. Their informal standing in their communities is more difficult to assess. In both cases, occupation pioneers had both supporters and detractors. But in neither case did they have large profiles, and this is reflected in the relatively small number of people who participated in the occupations at the beginning – around 20-30 people for both, and those numbers declined in the early phase. In both cases, the pioneers' organizational structure was horizontal and non-hierarchical. Some attempts were made to invent leadership structures, but these were disbanded or ignored often as quickly as they were established. People holding formal or de facto community authority played leadership roles only after the occupations were already underway. Other kinds of Indigenous leaders and leadership structures – such as warrior societies, traditional governments, and clan mothers – become engaged at the occupations, but this is only after they are underway.

3.5 Causes

Among the more important explanatory questions to address is: why did these occupations occur when they did? The cases examined here defy a simple answer, and frustrate many of the rationalist assumption about ethno-political mobilization. They are not contrived by cynical elites for instrumental ends. Nor do they appear to be connected to sudden local provocations in the form of new interest threats. They cannot be linked to obvious changes in the local political opportunity structure, either. Both emerge out of long-term, lower-intensity, episodic protest, without any kind of obvious exogenous or endogenous change. They are related to resource and political threats to Indigenous interests, but these threats are longstanding rather than new.

This is one dimension of Indigenous direct action that has attracted some social scientific work. There are two notable works addressing the causes of Aboriginal protest. The first is by the sociologist Howard Ramos (2006), who contrives a quantitative test using a large data set. But his conclusions, while interesting and informative, do not greatly assist in determining the timing of occupations and blockades. He finds some support for the hypothesis that resources fuel protest, but the resource data he consults are DIA budgets and the founding of Aboriginal political organizations. Neither of these resource pools is available to occupation participants, who operate in opposition to both the federal government and establishment Aboriginal political elites. He also finds a significant relationship between protest activity and political opportunity structures (POS), but POS is found to work in both directions – both accelerating and diffusing protest. This account identifies some meaningful correlations, but does not specify the micro-causal processes that are important here.

The second, Christopher Alcanatara's (2010) case study of the Innu occupation of Goose Bay, is more directly relevant. Drawing on rational choice and POS scholarship, he suggests that Indigenous groups are most likely to adopt confrontational tactics when the following four conditions are met: 1) when the goals of Aboriginal and non-Aboriginal peoples for the lands

and resources under discussion diverge widely; 2) when "the nature, scope and frequency of intrusions on Aboriginal lands" are substantial, affecting large numbers of Indigenous peoples in a serious way; 3) when Indigenous actors perceive openness on the part of Canadian institutions, and expect a sympathetic response from courts and politicians; and 4) when Indigenous actors feel they will be able to win the support of non-Natives. The first two conditions refer to the real, immediate severity of threats to Indigenous interests. The latter two conditions refer to political opportunities to effectively pursue the claims under discussion.

These conditions do not resonate in the empirical stories presented here. With respect to the interests-based conditions, both are satisfied in the cases studied here but neither is subject to change that can explain the timing of the occupations. Certainly, Indigenous and non-Indigenous intentions for the land under dispute diverge radically. It is also true that the non-Indigenous intrusion onto Indigenous territory occurred in both cases on a massive scale, profoundly affecting entire local Indigenous populations. These factors, however, are unable to explain the emergence of contentious politics. The territorial incursions occurred between approximately 50-150 years prior to the occupations. Territorial and resource incursions are a stable fact of life for many Indigenous communities, and have been for their entire modern histories. In short, while it is easy to identify the Indigenous interest in physically reclaiming territory after such severe losses, it is much more difficult to locate a temporally specific interest threat that could precipitate conflict. Anecdotally, some cases of contentious mobilization can be connected with specific provocations. That was plainly the case at the watershed flashpoint conflict of Kanesatake / Oka, for example. But the cases studied here suggest, at minimum, that new interests threats are not necessary conditions of contentious mobilization.

Rather than result from some exogenous change to interests or incentives, both occupations emerged organically from other, much smaller and more moderate protests. In both cases, many of the occupation pioneers had been involved in these past protests. The experience of these past protests had two kinds of effects on the pioneers. The first, drawing from the rationalist study of mobilization, has been termed "cognitive liberation" (McAdam 1982). McAdam describes cognitive liberation as a process whereby "the altered responses of members to a particular

challenger serve to transform evolving political conditions into a set of 'cognitive cues' signifying to insurgents that the political system is becoming increasingly vulnerable to challenge" (McAdam 1982, p.49). A certain kind of qualified success on a smaller scale encouraged protesters to escalate their actions, expecting a similar response again from Canadian authorities. This process rests comfortably within instrumental explanations for conflict, but only if it is divorced from a second, concomitant process which also appears to play an important role in conflict escalation.

The second has been called "emotional liberation" (Flam 2005), a process which involves "detaching loyalties and other positive emotions from the institutions and organizations to which they were hitherto attached" (ibid., p.31). In the context of already-deep distrust, this is meant to simply refer to a growing frustration over the failure of both institutions and moderate protest, leading to a stronger embrace of contentious politics. Frustration has long been connected with mobilization in psychological research, at least since the frustration-aggression hypothesis was first formulated in 1939 (Berkowitz 1978). Frustration stimulates action, and broadens the normative range of justifiable behaviour. Protester discourse is replete with expressions of frustration over past failures to reclaim territory.

This process of dual liberation generates a willingness on the part of a small number of protesters to escalate the challenge in a bigger, more visible, more ambitious, and more contentious way. There is a dovetailing effect, then, between emotional and rational motivations to mobilize. Experience with past protest convinces participants that they can initiate direct action without courting immediate repression. It also contributes to anger over the perceived intransigence of those in power, and powers a normative embrace of militancy.

3.6 Evolution and Resilience

The occupation is an uneven mobilization. The intensity peaks and wanes – and in both cases studied here, it acquires intractability over time. The contours of conflict after an occupation is underway are shaped by the value, rather than instrumental rationality of protesters. It is possible to perceive a kind of calculated, negotiated action. But participants do not behave in the way that is anticipated in instrumentalist theory. Instead, they are governed by an individual “calculus of right”: an ongoing, dynamic evaluation of the appropriateness and legitimacy of contentious action, which influences the individual degree and kind of commitment. This dynamic can be difficult to distinguish from instrumental adaptation to changing POS. Protesters maneuver for legitimacy, but also respond emotionally to state repression. In both cases, mobilization peaked dramatically when political opportunity structures were closed most firmly.

Despite decades of focussed research, the literature on ethno-political mobilization is inconclusive about the effects of repression. It appears impossible to identify a reliable expectation for protest behaviour in response to state-applied sanctions. It is now commonly insisted that no single relationship exists between concepts as broad as 'mobilization' and 'repression', and we are counseled to consider the kind of repression that is applied (Earl and Soule 2010; Koopmans 1997), the temporal moment in the mobilization at which repression occurs (Sullivan, Loyle, and Davenport 2012), and other kinds of additional variables which helped to predict whether repression will accelerate or decelerate contentious action - if it has any effect at all (Gurr and Moore 1997). The two cases do not provide a test for these competing models, but it is important to note that rationalist assumptions about mobilization and opportunity structures are frustrated. At moments when state actors demonstrated that contentious action would bring serious repercussions – moments when further protest activity would be perceived as increasingly detrimental to Indigenous interests – the protesters re-dedicated efforts. They also brought new supporters to the occupations. These are precisely the moments, it should be noted, when the supposed free-rider problem –when collective action is difficult because the costs of individual participation outweigh the general benefit – should be most acute. For the joiners, sincere fear about the cost of further conflict did not deter participation. On the contrary, fear and anger helped to overcome some of the existing stumbling blocks to collective action, including intra-community divisions, and a preference to let negotiations proceed without the destabilizing effects of the occupation. At other times,

however, contentious action was contained and even drawn back at moments of heightened vulnerability, in order to sustain legitimacy in the face of harm done to public relations and morale.

In short, there is no simple or unidirectional relationship between POS and protest activity. In a way, this finding matches Ramos' argument that there is a correlation between changes to the opportunity structure and patterns of mobilization, but that this relationship can act in either direction (2006). This is an important finding, though it tells us that opening POS can accelerate protest, and that closing POS can accelerate protest too. The additional value of qualitative research is in further elucidating these processes. Studying these cases up close shows us that protest activity and POS are related through a calculus of right. The legitimacy of the occupations was never stronger than immediately after state or non-Native counter-mobilization. The notion of “moral shock”, which is drawn from the emotions-centred literature on social movements, works to describe the effect of police repression and radical non-Native demonstrations. Moral shocks can bring new participants into protests, by "suggest[ing] to people that the world is not as they had thought. Their visceral unease... leads to political action" (Jasper 201, p.292). Moral shocks also have a radicalizing effect on people already involved in protests, demonstrating to them the righteousness of their cause and the need to dig in (Gould 2009). Participants evaluate contentious politics more favourably and commit more strongly in the face of an intransigent or dangerous foe.

The calculus of right provokes different patterns of behaviour than an instrumental calculus would. It counsels participants to embrace greater costs without expectations of success, because of normative notions of righteousness and justifiability. The master cleavage and previous protest experience is sufficient for small numbers of grassroots actors to attempt an occupation. They are reinforced by the professional protest cadre in early days when support is very low. But when state actors and non-elite non-Natives are aggressive, repressive, or uncooperative, the resulting moral shock hugely increases mobilization in scale and kind. The moral shock is a powerful mobilizing tool, precisely because it appeals to a belief that the state and non-Indigenous people will only answer the assertion of Indigenous nationhood with violence. The

occupation is expanded as a result, and participants entrench. In short, the negotiated action of Indigenous protesters is structured by norms rather than interests.

3.7 Counter-Protesters

A final important empirical finding from the cases is that local non-Native counter-protesters are critical actors in occupations. This is of theoretical importance too, as there is a great degree of conceptual fuzziness in the Indigenous Studies literature about who 'the other' is. Studying the occupation makes clear that non-Natives are not synonymous with the state. The conflicts studied here are tripartite, and produce surprising temporary alliances between Indigenous people, state actors, and non-Indigenous counter-protesters. If non-Natives are key actors, then the normative basis for their participation is also important to understand. In both cases, discourse and behaviour suggest that it is closely linked with the 'colour-blind' liberal national model of the White Paper and *Charter*. The principle of unequal treatment is sufficient to mobilize non-Natives, and counter-mobilization sometimes also plays an expressive or performative role.

The comparative literature on intergroup relations treats the groups participating in conflict symmetrically, as one would expect. The same is generally not true for the Indigenous politics literature, which tends to treat Native and non-Native as analytically distinct. In fact, the non-Native is rarely present as an actor at all in studies of Indigenous politics. Typically, the presentation suggests a conflict solely between Indigenous peoples and the state, and the parameters of 'state' are not strictly defined either. Often, the state and non-Indigenous Canada become collapsed into a single category.

In recent years, a new literature on "settler colonialism" has been developed by scholars such as Lorenzo Veracini (2010). This emerging sub-field is intended to refocus attention on the settler agent. It has produced theoretical sophistication around some commonsensical notions – for instance, that settler colonialism is different from colonialism, and that settlers must marginalize Indigenous people to create the space in which new societies are created. It does not really address the conceptual fuzziness identified, however. Veracini is right to note that colonial studies imagine a bilateral relationship between Native and colonizer which does not exist in the modern settler colonial reality (2010, p.18). But the model he proposes still focuses only on settler elites, as well as metropolitan elites and Indigenous people. The occupations studied here reveal a state-society dynamic of the modern settler state that is not captured in the literature.

There are normative – that is, moral and ethical – reasons why non-Indigenous people should not be excluded from analysis. Focusing solely on Indigenous people contributes to the construction of the non-Native as an identity-neutral "universal subject", against which cultural deviants are opposed (Baron 1994, in Veracini 2010, p.15). More important – for our purposes – is that non-Native actors are key to understanding the trajectory of occupations. In both cases, local non-Natives mobilized in opposition to the protests, and played a central role in the unfolding drama.

Grassroots non-Natives are important participants, distinct in norms and interests from state actors. Both cases demonstrated a distinctly triangular political dynamic, and created an unexpected system of temporary alliances, including between the state and Indigenous protesters against non-Native protesters. Provincial government officials were occasionally even tasked with trying to persuade non-Natives of the veracity of Indigenous claims, in order to justify their willingness to negotiate with the occupiers. Recognizing this triangular relationship is key to understanding the political dynamics of flashpoint events.

It is also important to examine the normative and emotional content of non-Native mobilization. Patterns of non-Native mobilization suggest both interests-based and normative foundations. In

both cases, local non-Natives experienced a real material cost because of occupations, though in both cases, this was vastly over-estimated in popular discourse. There was, in other words, an obvious incentive to seek the end of the occupations. However, there was also a strongly normative basis for mobilization. It is notable that in the case of Caledonia, where hundreds of non-Natives amassed weekly to counter-protest, most of the participants - and the hardliners in particular - were not from the community (Interview with Caledonian civic leader, 27 February 2013). The leading non-Native organizer, Gary McHale, was a resident of Richmond Hill, more than 100km removed from the occupation. Many of the mobilized non-Natives actually sought the occupation out, and forcefully inserted themselves into the psychocultural drama. This suggests a principled, ideological opposition to the occupation, which was based in the master cleavage rather than derived from any immediate or direct impact.

Norms matter here, and the field has not taken the normative foundations for non-Native mobilization sufficiently seriously. It is crude in its treatment of non-Native ideas about the national model, erecting an eminently hateable straw-man in their place. For Taiaiake Alfred, the settler mentality is burdened with "irrational notions of racial and cultural superiority" (2005, p. 106). According to Verancini, "the settler mentality and its ultimately ethnocidal racism [is not] a full-fledged ideology - neither [] a coherent conceptual system, nor [] a discourse..." (2008, p.148).

There is a fine line to walk here, especially in studying discourse to uncover the ideational bases for behaviour. Nationalism researchers have been cautioned to avoid "taking subjects' narratives or discourse at face value" (Hayward and Dochartaigh 2013, p.7). Distinctions can be drawn not only between ideas and practice (ibid., p.8), but also between articulated justifications – which are framed inside of widely accepted norms - and the psychocultural constructs that may actually produce behaviour. Nevertheless, March Howard Ross is right to argue that "while competing narratives serve rhetorical purposes, they are much more than political posturing. They are also 'obviously true' to group members and offer plausible explanations about the conflict, its causes, the motives of the parties, and what appropriate behaviour follows from them" (2001, p.16). It

follows that while racism is doubtless a motivating factor in counter-mobilization, it is still important to study non-Native ideas about the occupation as expressed in discourse.

At the centre of the non-Native ideational construct driving protest behaviour is an embrace of the 'colour-blind' liberal national model. Counter-protesters make conscious reference back to pillars of constitutional liberalism. At Ipperwash, cottagers and locals angered by the occupation formed an organization they called the Ontario Federation of Individual Rights and Equality (ON-FIRE). At Caledonia, the most energetic and hardline non-Native organization was called Canadian Advocates for Charter Equality (CANACE). They framed their cause as opposition to any "special treatment" for Indigenous peoples. As a result, they addressed themselves not only to the Indigenous protesters, but to the state as well. In both cases, they justified their direct action in light of what they presented to be a failure on the part of governments to enforce law. The common tendency was to bracket out the historical and political context of Indigenous claims, and focus solely on the issue of "race-based policing" or "two-tiered justice". This imposed real constraints on state actors' abilities to engage in negotiation, and contributed to the longevity of the occupation. Thus, local non-Native behaviour also reproduces the master cleavage at the micro-level, and this had a meaningful impact on conflict outcomes.

3.8 Conclusions

An elite non-Native expressed frustration to me about his experience with the negotiations that had failed to bring the Caledonia occupation to a close. He accused the Onkwehonwe of lacking the willingness to seek a concrete resolution, preferring to rehearse historical grievances that he saw as irrelevant and unhelpful. He claimed that for the Six Nations, "It was 'how often can we restate the same issues, the same gripes, the same problems...'. We know the history, we know the issues. But let's have a dialogue about common vision. Just like you do in strategic planning, you go: here's current status, there's the desired status. How are we going to accomplish the process? There was really none of that!" (Interview with Caledonian leader, 27 February 2013).

This frustration is rooted in the nature of the mobilization. Protesters behaved according to a calculus of right rather than an instrumental calculus, adopted norms-based rather than interests-based goals, and were provoked by “grievance” rather than “greed”. The same was true of many of the most committed non-Native counter-mobilizers, some of whom who travelled from their homes to the affected sites in order to perform their opposition to Indigenous exceptionalism. The conflicts became intractable in part because they did not operate according to the resource logic implicitly preferred in the quote above. In the place of a strategic planning exercise was a psychocultural drama, which carried for its participants deep implications for personal and collective dignity and recognition. And the micro-politics of the occupations were bound up in a master cleavage that did more than simply offer rhetorical frames to adopt in the pursuit of particularistic interests. Rather, it produced the normative basis for mobilization.

The following chapters will demonstrate this theoretical model – first, through a meta-analysis of the history of Indigenous-Settler relations in Canada, and second, through case studies of two occupations initiated by Indigenous protesters. The next two chapters contribute flesh to the theoretical framework for macro-level change sketched above, by examining in much greater detail continuity and change in the Indigenous-settler relationship from contact to the modern era.

Chapter 4

Continuity in Indigenous-Settler Relations (Contact-1960)

4.1 Introduction

Central to the argument of this thesis is that the Indigenous-Settler relationship has been expressed through several broad iterations, epochs marked by persistent, 'sticky' patterns. The first reason for establishing the macro-historical context, then, is simply to demonstrate that that dependent variable exists as such - that there is, in fact, a change in the degree and kind of conflict post-1969. Paul Pierson has discussed how "putting politics in time" can reveal these kinds of outcomes, which present-minded analysis may entirely overlook, and which draw our attention to different kinds of temporal variables (2002). Second, through the historical record we can begin to evaluate theories of intergroup conflict. I have suggested that the Indigenous politics literature in Canada first demands a refutation of the primordialist position, acknowledging that elsewhere such a project has already been successfully concluded. I have also argued that models rooted in interests and incentives fail to successfully explain the timing of Indigenous macromobilization. Both points are established by performing history. The epochal vision set out here demonstrates that conflict is not the simple product of contact between culturally disparate groups. On the contrary, conflict is actually negatively correlated with cultural distance, as the history of the early colonial period demonstrates. Nor does major contentious mobilization occur in the context of interest threats or security dilemmas. The institutional participation of Indigenous peoples through the 19th and early 20th centuries continues in the face of a massive redistribution of power and material resources in the favour of settler society. Third, we can begin to observe the interaction of institutions, symbolic politics, and political behaviour, and fill the gaps left in the explanatory frameworks addressed above. Treaty federalism established a path from which neither party is easily able to depart. This constellation of institutions fed back on colonial attempts to reorganize the relationship around the time of Confederation, creating a set of inefficient and self-undermining institutions and "institutional drift". The historical overview presented below focuses primarily but not

exclusively on the Great Lakes region, where much of the continent's fate was decided in those years.

4.2 The Cooperative Period

In the early period, northeastern North America was distinct in the Americas for its long-standing and close alliances between particular Indigenous and European powers. Such relations did not exist in regions of the Americas colonized by the Spaniards, where alliances with Indigenous populations were short-term strategic ploys on the road to complete domination (Havard 2001, p16). In the north-east, geopolitics revolved around two political entities, the Anishnaabek-French alliance, and the Covenant Chain Alliance that united Haudenosaunee and English settlers (Ibid.).

Franco-Indigenous Alliance

The first creole political entity, and eldest as measured by European participation, involved an array of Anishnaabek and other nations – Huron-Petuns, Odawas, Potawatomis, Ojibwas – and the French, and it extended from the eastern St. Lawrence watershed to Lake Huron and Georgian Bay. It had its origins in the earliest French exploration and settlement, which were distinguished by Samuel de Champlain's enthusiastic efforts at winning over Indigenous populations diplomatically (c.f. Fischer 2009). Champlain, having borne witness personally to the hellish oppression, slavery, and systematized murder practiced in the Spanish colonies, opted for a radically distinct model of intercourse with Indigenous peoples (Ibid.). This stemmed from an instrumental calculus in part; domination was hardly an option for the colony, which existed in supreme isolation along the borders of British imperial ambition. New France survived only so long as it was suffered by neighbouring Indigenous nations. Upon considering the possibility of the dissolution of ties with the Anishnaabe and other allied nations in 1699, Jean Bouchard de Champigny, Intendant of New France, concluded simply: “the result will be the inevitable loss of the colony, which could never be sustained without them, and much less still if they were against

us” (Havard 2001, p.31). The Jesuit Charlevoix concurred: “If [our Indigenous allies] ever joined with the Iroquois and the English, a single campaign would suffice to oblige all the French to leave Canada” (Ibid., p.40)

Beyond the military imperative, Indigenous and French economic interests converged during the early period. Indigenous technologies were necessary for the French to navigate the continent and extract resources with any efficiency. The limited extractive capacity of the small colony posed no real threat to the availability of resources relied upon by Indigenous peoples (Miller 2000, p.50-72). Yet while the instrumental relationship cannot be overlooked, the discourse of diplomatic exchanges between the French and several Indigenous nations from earliest encounters suggests the forging of linkages more substantive than what one might imagine in retrospect. Champlain famously exhorted the Innu he encountered near what would become Quebec to join his people in a single nationality: “Our young men will marry your daughters, and we shall be one people” (Fischer 2009, p.495). He, as well as other leaders of New France, pursued a deliberate policy of cultural transfer, sending young “*truchements*” - ostensibly as translators - to live in Indigenous villages (Ibid., p.496). They were accepted as in keeping with Indigenous practices of population exchange with partner nations (Miller, p.47). Many became fluent practitioners of cross-cultural dialogue. Some assimilated entirely, and refused to return to New France. Others retained some element of Frenchness, and would later become the progenitors of a new nation: the Métis. Certainly this population exchange served a strategic purpose for all parties. Nonetheless, it bears noting that neither early French settlers nor Indigenous peoples shared the revulsion to mixity which became characteristic of settlers in the 19th century. Put simply, it is important to recognize that contact between French and the Indigenous nations close to New France did not breed conflict. J.R. Miller writes:

...the relationship in these early decades was one of mutual benefit. Certainly it posed no threat to the Indians, who were more numerous, more at home in the North American environment, and capable at any moment of repelling the few thousand French who at first came to their shores. Accordingly, Indian-European relations in this initial period were not just mutually beneficial but also harmonious (2000, p.49).

Silver Covenant Chain

A similarly cooperative period existed in the British colonies. Arrayed in opposition to the Franco-Indigenous alliance was the Silver Covenant Chain, an evolving multilateral alliance system which would become centered upon the Haudenosaunee Confederacy and British Empire. Geographically, it was based initially in the colony of New York.

The Haudenosaunee Confederacy itself emerged as a mechanism for resolving a lasting conflict between five 'Iroquoian'-speaking nations in the northeast of the continent – the Mohawks, Cayugas, Onondagas, Oneidas, and Senecas – and later, Tuscaroras. While the precise date of its founding is disputed (see Mann and Fields, 1997), it has a near-indisputable claim to being the oldest continuously operating federation and multinational polity in the world. The practice of interethnic power sharing was thus well-established at the time of contact with colonial powers, and likely more familiar to Indigenous political elites than their European counterparts. As a result, the existing Indigenous frameworks adapted relatively easily to the inclusion of new national members within a power sharing network.

The alliance was first inaugurated by Dutch colonists and the Indigenous peoples settled around the Hudson River, at around the same time that Champlain sought to construct new nationhood in New France. At that time, the alliance was symbolized by a rope binding European and Indigenous peoples – in other words, still tenuous, uncertain on either end, and easily dissolved. In 1643, Mohawks took hold of what had become an iron chain of alliance. In 1664, the English supplanted the Dutch on the settler end of the chain. Finally, in 1677, treaty-making at Albany resulted in the first iteration of the Silver Covenant Chain, which bound the whole of the Haudenosaunee to the English colonists and vice versa (Havard 2001, p.38).

An important question in surveying this stage of Indigenous-Newcomer relations is whether these early treaty relationships in fact constituted something more substantial than simple international alliances. James Sakej Young Blood Henderson (1994, p.251) proposes the concept of "treaty federalism," which has become a popular way to understand the early "Peace and Friendship Treaties" concluded by British colonists and Indigenous peoples:

[Treaties] between First Nations and the Imperial Crown created nation to nation relationships... Together, these relationships are often called treaty federalism. Treaty federalism was the original Aboriginal-prerogative federation with Britain. It was an indispensable step that had to occur before the creation of colonial authority in British North America. Each treaty illustrated the spirit and intent of treaty federalism its outline. The terms of treaty federalism were concerned with: 1) protection of inherent Aboriginal rights; 2) distribution of shared jurisdictions; 3) territorial management; 4) human liberties and rights; and 5) treaty delegations (ibid.).

Henderson and Barsh, considering the modern meaning of the early treaties, make the argument more succinctly in a discussion of the American context: "intent, interpretation and practice combine to make these instruments something more than 'treaties' as they are understood in international law. They are political compacts irrevocably annexing tribes to the federal system in a status parallel to, but not identical with, that of the states" (1980, p.270).

Treaty federalism has been studied primarily in legal and moral contexts, looking forward to the restoration of more just and equitable relations in the present day (White 2002, p.92). It is not widely applied in the historical literature. As a result, it demands closer scrutiny. The first treaties conducted between British settlers and Indigenous powers were intended to establish economic and military partnerships. European powers pursued treaty-making both to ensure peace with the Indigenous nations bordering settlements, as well as to enlist the military support of those nations in contesting the rival French power on the continent. But while largely

instrumental, they established close bonds between the polities - close enough to justify the language of federalism.

The Two-Row Wampum (Kaswentha) is amongst the most significant of the treaties that constituted the Covenant Chain, and it is illustrative of these power sharing mechanisms. The early treaties were largely conducted according to Indigenous custom (Henderson 1994, p.248). For the Haudenosaunne, this meant wampum - beaded belts used to codify political and diplomatic accords. The Two-Row Wampum was originally negotiated between Dutch colonists and the Haudenosaunee, and later inherited by the English after they were welcomed into the Covenant Chain. It would later be extended to include other First Nations in the Great Lakes region of Canada, after the conquest of New France (Borrows 1996, p.170). The belt depicts two rows of purple beads on a bed of 3 rows of white beads. The white rows "symbolize peace, friendship and respect" (Robert A. Williams, in Borrows), the "building in" element of the federacy (Simeon and Conway 2008). The purple rows, representing the "building out" (Ibid.) element of the federacy, expressed:

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

The Two-Row Wampum has become a potent symbol in contemporary Indigenous politics, and is most commonly invoked in a defence of parallelism and deep autonomy (Cairns 2000, p.95). But Indigenous legal scholar John Borrows encourages us to recognize the federal principle that it expresses: "it reflects a conception of governance that recognizes the simultaneous interaction and separation of settler and First Nations societies... founded on peace, friendship, and respect; neither nation will interfere with the internal affairs of the other" (Borrows 2002, p.126).

Arguably, the principles of peace, friendship and respect could be read as too minimal to constitute a true federal covenant, and may only represent an alliance between independent polities. To understand the depth and strength of the relationship, the interdependency element of the treaty federacy, it is necessary to consider other wampum in the treaty relationship. The Friendship Belt, which accompanied the inauguration of the Silver Covenant Chain alliance between Iroquois and English in 1677, is another core treaty binding the British colonials and Haudenosaunne (Muller 2007, p.129). At either end of the belt are pictured men, one Indigenous and one white. Each holds in one hand the end of a heavy purple band – the Covenant Chain. The symbolism of a silver chain was intended to illustrate "the steadfast and everlasting attachment of the two nations...." (Ibid., p.134). A 1746 diplomatic exchange illustrates the shared understanding of the Covenant Chain. A representative of the Governor of New York, in his presentation to Iroquois officials: "[We] renew and confirm the Covenant-Chain... This Chain has from the Beginning, remained so firm and strong, that it has never once broke or slipt (sic) since it was first made; and we, on our Parts, shall endeavour that it remain so, unshaken, as long as the Sun and Moon shall endure." An Onondaga chief responds: "[we]... made a Covenant Chain of Silver, which we mutually have held fast to this Day; should it now slip from either of our Hands, it would prove Destruction to both Sides..." (Ibid.). If the Two-Row Wampum clearly expresses the autonomy and divided sovereignty elements of the federal covenant, the Friendship Belt of the Silver Covenant Chain illustrates the timeless mutual bond, made to the exclusion of other nations, which constitutes a federal power-sharing arrangement.

4.3 The Character of Conflict (Contact-1760)

In both the French and English colonies, then, we are able to identify an early period characterized not only by cooperation, but even the consensual participation of both Indigenous and Settler in the founding of new political communities. The Franco-Indigenous alliance is notable for the physical and cultural mixing that accompanied the commercial relationship and that was a central element of policy for all parties. The Silver Covenant Chain represented a

kind of treaty federacy, which both preserved respective autonomies but also committed the Haudenosaunee and British settlers to a spirit of a centripetal citizenship. The primordialist thesis begins to disintegrate in the light of these creole innovations. It is difficult to imagine more culturally distant peoples than the French and Anishnaabek, or English and Haudenosaunee at the time of contact. But this cultural distance was not antithetical to cooperation. Richard White, in his seminal *The Middle Ground*, emphasizes that a mutual need for the latter overcame any hindrance posed by the former. He writes that at the time contact, “Europeans and Indians met and regarded each other as alien, as other, as virtually nonhuman”. However, in the interest of survival – for early Europeans – and the exploitation of new opportunities – for Indigenous peoples (this calculus would later be reversed): “they constructed a common, mutually comprehensible world... This world was not Eden, and it should not be romanticized... But in this world the older worlds of the [Indigenous nations] and of various Europeans overlapped, and their mixture created new systems of meaning and exchange” (White 1991, p. ix-x).

The narrative presented above emerges from what was once called the “new Indian history” (White 1991, p.xi). It diverges from previous historical narratives, both sympathetic to and oblivious to Indigenous peoples, which shared a common and profound shortcoming: “They largely portray Indigenous peoples as passive objects in their relationship with others. They depict them as people who are acted upon, not those who are much given to action” (Borrows, 2009 p.63). By emphasizing the agency of Indigenous peoples, and the cooperative character of the period, this vision portrays a less-immediately destructive colonialism. As a result, it courts some controversy. Some have suggested that the discovery of “Native agency” can become a “colonialist alibi”, used to diminish the wrongs perpetrated on Indigenous peoples by the agents of colonialism (Brownlie and Kelm, 1994). This is a normative concern, though, which has more to do with how we use history than how empirically accurate our telling of it is. Others have suggested that in reacting to the two old fallacies – that Indians quietly and inevitably gave way with the onset of European modernity, or that First Nations were consumed in a centuries-long genocide – practitioners of the ‘new’ history have overcompensated, and now look backward through rose-coloured glasses. Richard White anticipates this criticism and qualifies his “middle ground” thesis. Notwithstanding the accommodative patterns he identifies, early colonial North America “could be a violent and sometimes horrifying place” (White 1991, p.x). Violent conflict

was a near-constant in this era. The critical empirical point, for our purposes, refers to the fault lines along which conflict occurred. Warfare was not between Indigenous and Settler *per se*. Instead, the chief antagonists were the multinational polities described above.

4.4 William Johnson and the Royal Proclamation

The degree of mixity that was possible in the early period of colonization is illustrated in the experience of Sir William Johnson, the first Superintendent of Indian Affairs in North America. Johnson arrived in the Mohawk River valley, in the western region of the colony of New York around 1740, the nephew of an Irish admiral and estate holder. By establishing himself so far west of Albany, he quickly became an important go-between in the fur trade, and a wealthy merchant. This brought him into close contact with the Haudenosaunee, and particularly, the Mohawks. In time, British colonial authorities came to recognize his value as a diplomat. He would be designated the “Colonel of the Six Nations” during “King George's War”, and later, Superintendent of Indian Affairs. He was, in effect, the first head of Indian policy in British North America, and also became a chieftain in the Haudenosaunee. Johnson should be read as a both exceptional, and illustrative of the “building in” elements of the Covenant Chain. He occupied a multinational world that understood conflict in political and economic, rather than ethnic terms. As a result, a closer look at his Mohawk Valley is merited, for the purposes of mapping the character of Indigenous-Settler relations in the era.

Johnson had close ties, including familial ones, with the Kanien'keha. After his first wife died, he entered into a lifelong relationship with Konwatsitsiaienni (Molly Brant), a clan mother. She would become one of the most powerful figures in the Great Lakes border country and later, early Upper Canada. They were not formally married under colonial law, but remained together and had eight children (Taylor 2006, p.48). These mixed-blooded children would hold positions of prominence in the eyes of both Haudenosaunee and British-Canadians for a few generations to

come. Johnson also acted as patron to Molly's younger brother Tyendinaga (Joseph Brant), who, with Tecumseh, is likely the best remembered and most celebrated Indigenous leaders amongst the settler population of Canada. He would become a fierce proponent of maintaining the Covenant Chain and later, an equally fierce opponent of Canadian colonial domination.

Fort Johnson and later Johnson Hall, Johnson's homes in the Mohawk Valley, became central meeting places for the Confederacy, and for Indigenous peoples from further afield. Gatherings would reach into the thousands of chiefs and warriors, and last for days upon days (O'Toole 2005, p.114). The town and school he built on his expansive estate was “a remarkable polyglot community in which Irish, Mohawk, Dutch, French, Scottish and English people lived side by side...” (O'Toole 2005, p.289). He was also a master of the diplomatic protocol of the Haudenosaunee, even playing a public role in the internal political life of the Confederacy – for instance, by investing a new chief with power to replace one that had been slain.

The substance, as well as the process of Covenant Chain diplomacy during the Johnson era demonstrated a federal spirit of cooperation, accompanied by respect for autonomy. The pinnacle constitutional development of the period was the Royal Proclamation of 1763, called a “fundamental document in First Nations and Canadian legal history” (Borrows 1997, p.169), and even an 'Indian Magna Carta'. It followed the conquest of New France and the Treaty of Paris, in which France ceded all its territorial claims in northern North America. For Indigenous peoples, its significance lay in the principles it handed down for the management and acquisition of territory. Indigenous peoples, the Proclamation established, “should not be molested or disturbed in the possession of such Parts or Our Dominions and territories... are reserved to them...”. The imperial policy disallowed private land deals conducted by conniving speculators and frontiersmen, in recognition that these were severely eroding the Indigenous land base in the Great Lakes region. Subsequently, the Crown would seek the surrender of Indigenous land before it was sold into private hands.

Contemporary scholarship has emphasized that the Proclamation itself is only one half of a foundational treaty, in which Indigenous peoples did themselves participate (Borrows, Wampum). A year after the Proclamation, William Johnson hosted a massive conference at Niagara to ratify it. It was attended by some 2000 chiefs, coming from as far away as the Atlantic coast, Mississippi, and Hudson Bay (Ibid, p.5). During the course of the conference, Johnson extended to the 'Western nations' (including the Anishnaabe) one end of the Covenant Chain, binding them to the British in mutual cooperation as the Haudenosaunee had almost a century before. They replied with a two-row wampum belt, to reassert the autonomist elements of the covenant (Ibid.). The interplay at Niagara demonstrates that the Royal Proclamation was not only, as John Borrows writes, “a 'fundamental document' but, along with the Treaty of Niagara, the most 'fundamental agreement' yet entered into between First Nations and the Crown, and much more than a unilateral declaration of the Crown's will” (Ibid., p.8) Debates in the literature persist over whether British colonials wielded the Proclamation as recognition of Indigenous sovereignty, or simply intended to extend a measure of protection to Indigenous subjects. There is no simple answer, because there was no consensus amongst contemporary British on this subject. It suffices to note that Johnson, the ostensible head of Indian policy-making and negotiator of the Treaty of Niagara, felt the former was true. He would later explain to others in the colonial administration that: “You may assured that none of the Six Nations, Western Indians, etc., ever declared themselves to be Subjects, or will ever consider themselves in that light whilst they have any Men, or an open Country to retire to, the very Idea of Subjection would fill them with horror...” (Schmalz 1991, p.83)

4.5 “Pontiac's War”

Pontiac's War is an exceptional occurrence during this period of relatively stable relations, in that it constitutes a clear and violent conflict between Indigenous peoples and settlers. As a negative case, it begins to offer clues about the source of stability in the relationship. Rather than arising from economic causes, as was commonly argued in the past, recent research has suggested that the conflict had its origins in violations to the symbolic and institutional orders.

The early 1760s experienced the first major puncture in the relatively stable set of institutions and political practices that mediated the relationship between Indigenous nations and the (then) dual colonial powers. Quebec was captured by the British in 1759, Montreal in 1760, and France ceded its colonial possessions in that region unreservedly in 1763. This, of course, reverberated strongly on the Indigenous-Settler relationship. In the first place, a great swath of Indigenous nations was now severed from their partnership with New France. Now outside any sort of covenant with Settlers, they posed a dramatic threat to the colonial enterprise. The Anishnaabek and others made quite clear to British colonial diplomats that though they had been bound to the French in friendship, their fates as polities were not determined by the fate of New France. Minavana, an Ojibwe chief from Michilimackinac, explained: “Englishman, although you have conquered the French you have not yet conquered us! We are not your slaves. These lakes, these woods and mountains, were left to us by our ancestors. They are our inheritance; and we will part with them to none” (Borrows, Wampum, p.2).

This was a moment of institutional weakness. British territorial claims now outpaced the treaty-making process. Imperial high-handedness between English and French meant that there were newly included national actors in the colonies that had not consented to their inclusion. From an Anishnaabek perspective, their nations had just undergone a dramatic unilateral alteration of status, from voluntary allies to conquered subjects. This was the context of the bloodiest colonial war fought strictly between Indigenous peoples and Settlers, rather than hybrid associations of each (though even in this case, there were Indigenous peoples that contested the war on the British side [Allen 1993, p.33]). This has become known as Pontiac's War, named for its Odawa leader. Inspired by the anti-White preachments of a Delaware prophet, Neolin, Pontiac constructed a pan-national alliance of Indigenous peoples in the western Great Lakes region, current day Illinois and Ohio. Before suffering military defeat at the hands of the British, the Indigenous warriors killed approximately 2000 settlers (Miller 2000, p.92).

Debate continues about the primary causes of this conflict. It has often been treated simply as a war over land - a resource logic of conflict that was the inevitable result of the westward expansion of settlement, or “only another angry response by hunter-gatherers to the encroachments of farmers” (Miller 2000, p.93). More recently, the historian Gregory Evans Dowd has revisited the causes of the uprising, and suggested a new, less strictly-instrumental explanation: “The *status* of the Native American peoples in this part of the realm claimed by the British Crown emerged as the single most important issue in Pontiac's War, far more important than, for example, trade, Indian hating, or even title to the lands themselves” (emphasis added, 2004: p.2). The argument is uneven, but this contribution to our understanding of “Pontiac's War” is generally persuasive. He points out that the war began in the west, where pressure on Indigenous resources was slightest. While a need to defend the remaining Indigenous land base was evident - as it was at most times, when wars didn't result - the Western Confederacy of Indigenous peoples were moved to violence by the repeated and often deliberate violations by British colonial officials of the terms of the treaty relationship. Other historical interpretations agree with this basic insight. For instance, Calloway (1987) suggests that an official policy of retrenchment after the collapse of New France, which limited the flow of goods to Indigenous communities, played a significant role in igniting the conflict (p.63). This should not necessarily, however, be read as evidence suggesting material causes of conflict. Gift-giving fulfilled both instrumental and symbolic roles. Retrenching gift-giving practices imposed some economic hardship (though this is less the case for the western Odawa who started the fight), but more importantly, it represented a supreme violation of the treaty relationship – an assault on the status of Indigenous nations by treating them as conquered peoples and subjects to unilateral policy change.

A full independent assessment of the facts is beyond both my scope and capacity. However, these revisionist views of the origins of “Pontiac's War”, which are well-supported empirically, suggest that the war coincided with a moment of weakness in the (pre)national model, as well as a challenge to the existing symbolic order. The collapse of New France engendered a conflict over status within the new political reality of British North America - one which ultimately led to a temporary re-commitment by colonials to the Covenant Chain model of treaty federacy. This

fits with the macro-historical argument, which links conflict to institutional instability and changes to the national model.

4.6 The End of the Cooperative Period

The time of Sir William Johnson and Molly Brant may have been zenith to the cooperative period, but Johnson lived long enough to witness profound ideological changes that would usher in the next epoch, which J.R. Miller has dubbed the "coercion" period. Towards the end of his tenure, he had to defend his policies of gift-giving and treaty-making against a colonial administration that grew increasingly averse to the cost. Johnson had to contend with contemporaries like Field Marshall Jeffrey Amherst, the officer notorious for ordering the distribution of small pox-infected blankets to Indigenous villages during "Pontiac's War". In letters to Johnson, he defended the "Total Extirpation" of those Natives who stood in the way of Britain establishing an absolute claim to the continent (Amherst to Johnson, 1763). The balance of power was changing and with it, the necessity that had given birth to treaty federacy.

This process was uneven and actually was temporarily reversed during the American revolutionary war and again during the War of 1812. In both instances, the suddenly vulnerable British were forced to furiously re-build their relationships with partners of the Silver Covenant Chain. Both American rebels and British sought to present themselves as the natural settler dimension of the old alliances (Graymont 1972, p.48). The Americans understood that they were unlikely to take significant numbers of Haudenosuane, Anishnaabe and others out of the existing institutions of treaty federacy, and so only pleaded for Indigenous neutrality in the coming wars (Ibid., p.84). They were successful in splintering the Confederacy, however. The Oneida and Seneca agreed to back the rebels, creating what was then described as the worst dissension the Confederacy had ever known (Ibid., p.87). It is worth noting, then, that while the Indigenous-Settler Covenant Chain alliance did partially break under the strain of the revolutionary war, this was no less true of the Six Nations Confederacy itself.

After the Revolutionary War, changes to the relationship that were underway before it began again in earnest. British colonial officials reverted to a policy of retrenchment in the Indian Department, though the Governor of Quebec, Frederick Haldimand, placed great care in avoiding direct insults to Indigenous allies of the kind that precipitated Pontiac's War (Willig 2008, p.13). The Grand River land tract was offered to displaced Six Nations, creating a kind of buffer state between much of Upper Canada and New York. British forts were maintained in formally American territory along the western Great Lakes, and Indian Agents there fought to keep gifts flowing. An agent explained, in protest of retrenchment: "this breach of so old a custom may greatly operate to the diminution, if not the total extinction of our influence and may infinitely prejudice His Majesty's Indian Interests in these parts" (Ibid., p.74.). The western nations, which were perpetually in an defensive stance vis-à-vis the expansionist American state, were subject to deepening British colonial ambivalence, oscillating "between encouragement and restraint, support and desertion" (Calloway 1987, p.223). The great betrayal came in 1794, when warriors of the Western Confederacy sought refuge at British-held Fort Miami, after defeat at the Battle of the Fallen Timbers. They were denied, and left to the mercy of the US Army (Calloway 1987, p.226-227; Willig 2008, p.56).

Yet, the continued performance of treaty federacy allowed for a continued degree of amity between allies, even as it was repeatedly undermined by the British. The British and Indigenous peoples of the Great Lakes did not fight a war during this period, and once again burnished the Silver Covenant Chain at the time of the War of 1812. The intervention of the nations of the western Great Lakes was particularly essential in the successful defense of Canada. Indeed, at that moment, with the British already embroiled in a Europe-wide war with Napoleon, the Shawnee, Delawares, Anishnaabe, and Haudenosaunee were amongst the only significant allies left to the British in the world (Willig 2008, p.2). To some degree, an instrumental logic prevailed in these acts of cooperation. The western nations perceived an opportunity to exact damage on the militarily superior force that was encroaching on its territorial base. Nevertheless, this cooperation was structured by inherited institutional and cultural frames born of the federacy

period. These frames persisted, even as the relationship began to undergo profound and permanent change.

4.7 The Coercion Period

The “cooperation” period gave way to the “coercion” period unevenly, affected by exogenous shocks caused by geopolitical changes. As noted above, even during William Johnson’s tenure as Superintendent of Indian Affairs, a new racist colonial doctrine was beginning to establish itself within British policy-making and colonial governance spheres. Despite this, the continued vulnerability of the British holdings in North America necessitated maintenance of relationships along traditional terms, at least until permanent peace had been established between the British and Americans. From 1818 onward, there is a decisive shift in Indigenous-British relations. Indigenous peoples were increasingly treated as subjects rather than allies. British authorities were increasingly less willing to accommodate in disputes with Indigenous nations. Moreover, British administrators showed an increasing willingness to interfere directly in the internal governance of Indigenous nations. This movement culminated in the enactment of the *Indian Act*, 1876, an amalgam of previous legislation that established cradle to grave regulation of Indigenous life, and ended any pretext of Indigenous self-determination.

For the purposes of this thesis, the most pressing question to answer with respect to the “coercion” period of Indigenous-non-Indigenous relations is: why did this transition fail to provoke serious conflict between the parties? Certainly, Indigenous peoples found myriad ways to resist new impositions on a small scale. However, they generally forwent mobilization for open conflict, and tried to work within the political system that had been built mostly without their participation and primarily to pen them in. Put differently, the modest tenor of conflict between groups seems wholly asymmetrical to the massive scale of injustice perpetrated upon Indigenous peoples, the damage that was done to Indigenous political and material interests, and

the grievance that resulted. Any answer must acknowledge the massive structures militating against effective open conflict with the nascent Canadian state. Indigenous peoples were radically impoverished during this period, had suffered from dramatic demographic losses as the direct result of settler colonialism, and were forced to address myriad social pathologies introduced through contact with Settlers and the state. However, also significant were British and Canadian efforts to preserve legitimacy by replicating some of the symbolic dimensions and cultural frames of treaty federacy within the new order. This becomes clearer when the cooperative equilibria becomes broken not by meaningful structural change, but through policy change in violation of the national model.

Closer study reveals that the period is characterized by both change and continuity from the “cooperative” period that precedes it. Substantive changes in the relationship – changes to the power balance, to British administrative goals and methods, to the economic relationship – were accompanied by consistency in the symbolic rendering of the relationship. Indigenous status was not directly threatened in a formal way, though it was quietly undermined over the course of nearly 150 years. The British and later Canadian governments continued to observe certain customs that were in accord with the institutions and practices of treaty federacy. This remained the case in the push west, when Indian Affairs officials continued to perform old conventions of treaty-making with new Indigenous partners, even after the *Indian Act* regime had been constructed. The vocabulary of intergroup relations was unchanged, and the myth-symbol complex left intact. This significantly allayed the possibility of severe conflict. The period ended with the introduction in 1969 of the Trudeau government’s White Paper on Indian Affairs, which proposed massive changes to the symbolic relationship despite being consistent with the substantive, assimilatory intent of the previous 150 years of Indian policy.

4.8 After the War of 1812

In the years after the War of 1812, inter-colonial stability in North America meant a dramatic transformation in the relationship between First Nations and colonial powers (Miller 2000, 103). On 24 December 1814, a peace treaty between the British and Americans was concluded at Ghent. Initially, the British delegation had insisted on including a boundary on Indian country, based on a boundary founded in the Greenville Treaty signed between western Great Lakes First Nations and American settlers. These terms were categorically refused by the Americans, and the British quietly let them drop (Calloway 1987, p3). The bilateral peace was extended to Indigenous nations despite their non-participation. The British also forfeited by proxy many of the territorial claims made by its western Indigenous allies. The British public reaction to the treaty expressed full recognition of the bitter betrayal that had been dealt to the Indians (Allen 1996, p.175; Calloway 1986, p.3). The *Times of London* pronounced simply: "We have abandoned our Indian Allies to [President Madison's] mercy" (Schmalz 1991, p.168). The Sauk chief Black Hawk recalled learning of the peace: "at this news I many times rubbed my eyes and cleared my ears before I could believe what I saw or what I heard (ibid., 176)." The shock came in part from recognition that a fundamental realignment in relations between nations had begun to take shape. The multinational polity was broken, and a new common frontier shared throughout North America – dividing Indian and settler – was beginning to take shape.

Along with the establishment of permanent peace between Britain and America, the character of Native-non-Native relations was profoundly affected by demographic changes taking place in the Great Lakes region. Already in 1812, Indigenous peoples constituted only 10% of the population of Upper Canada (Surtees 1983, 67). In the decade following the end of the war, the non-Native population of Upper Canada doubled, from 75 000 to 150 000 (Surtees 1994, 112). By 1840, it was close to half a million (ibid.) In 1851, it was 952 000 (Miller 2009, 94). During the same period, the Indigenous population remained basically constant in real terms. Indigenous peoples were quickly reduced to a marginal minority in the region, and dwindling numbers were reflected in dwindling power vis-à-vis colonial authorities. The Indigenous counter-balance to

settler power was vastly diminished. Indigenous peoples would continue to constitute an extreme minority until major demographic advances were made in the late 20th century.

Despite these changes, both British and the western nations continued for some time to replicate the style of earlier nation-to-nation diplomacy. The British continued to give gifts to the chiefs and warriors that had lately been allies. This became a source of conflict between the Americans and British, as the American viewed this as a covert effort to keep the Indians of the western Great Lakes agitated against them in the event of a renewal of hostilities. Trade relations between the British and western Indigenous nations also aroused suspicion. One American Indian agent, frustrated by his limited success in securing peace with various communities, complained that “every British trader among the Indians is a political partisan, sowing the seeds of distrust and dislike against the Government and people of the United States” (Calloway 1987, p.6). In fact, in a position of weakness and fearing fresh violence, British colonial authorities worked hard to persuade Indigenous warriors not to respond to American harassment. There are numerous accounts of bitter exchanges between Indian agents and Anishnaabe, Sauk, Winnebagos and others over the failure of colonial authorities to provide material or military aid – particularly to the members of those Indigenous nations that had ended up on the opposite side of the newly imagined border. The Covenant Chain relationship, even where it was of a more recent vintage in the west, had become deeply rooted in the collective imaginaries of frontier peoples. It proved resilient under new geopolitical conditions, notwithstanding changes to the British instrumental calculus. As the historian Peter Schmalz writes, “The purpose of the Proclamation of 1763 had ceased to be a benefit to Britain shortly after the War of 1812, but the principle continued to be law” (1991, p.122).

4.9 Changes in Indian Administration

In the several decades that followed the War of 1812, colonial administrators substantially altered the institutions of Indian policy. In doing so, they incrementally and then dramatically

increased their control over Indigenous peoples. When the balance of power ceased to demand compromise, negotiation, and attention to local knowledge, British policy-makers began to demand system, order, and "legibility" (Scott 1999) in Indian policy.

The most significant change of the early 19th century occurred when the responsibility for Indian Affairs was transferred from military to civilian authority (Miller 2009, p.104). This reflected a change in aims, from the traditional objective of protection (at one point, mutual protection) to "civilization" (Tobias 1983, p.40). Indigenous peoples were viewed less as allies, and increasingly as subjects and later wards. With the shift to civilian authority came changes to the way that policy was administered in the field. Early Indian agents were primarily "men whose familiarity with First Nations derived either from relations with them in the fur trade or diplomacy and military association with them, or both" (Miler 2009, p.104). They were prized for their interpersonal connections with Indigenous peoples and with their immersion in frontier society. Because of their acumen, they were expected to operate with a certain degree of flexibility and initiative, and as a result possessed "a power to influence policy far out of proportion to [their] official position" (Calloway 1987, p.70). Moreover, they were expected to operate as "dual representative(s) of the government and the Indians" (*ibid.*, p.64). Their work was more than just overseeing the output of colonial policy. They fed the preferences of Indigenous communities back into the administrative apparatus, as well as incorporating them immediately into the directives they were ordered to carry out. The system was much admired by the Americans for its effectiveness. However, it meant that Indian policy was a confused patchwork of initiatives wholly, partly, or not ever administered on the ground. Under civilian control, these practices ceased. Indian agencies were increasingly staffed by patronage appointments, rather than knowledgeable, multilingual, and often mixed-blooded locals. Indian Affairs became dramatically more centralized, and Indian agents increasingly played a more interventionist role in Indigenous communities. As Allen writes, "by the late 1830s, the old days of courting the military allegiance of the tribes against the Americans, of grand and colourful councils full of pomp and ceremony, of fiery speeches, pledges of mutual loyalty, and the distribution of gifts, flags, and medals of King George III, were becoming a distant memory" (Allen 1996, p.178). In their place was a bureaucratic machine committed to building the governance architecture of orderly "high modernism" (Scott 1998).

The DIA's new means and ends were formalized in the middle and second half of the 19th century in several landmark pieces of legislation. The first early forerunner to the Indian Act was the *Gradual Civilization Act*, 1857, enacted by the Parliament of the Province of Canada. Most notably, this act introduced the concept of enfranchisement, whereby an educated Indian male free of debt could apply to forfeit his Indian status and claim to treaty annuities in exchange for becoming a full British subject. According to John Milloy, the act constituted a break from previous policy regimes in three respects: a) it intervened more directly in internal band affairs than had previously been customary; b) the ultimate goal was changed from creating civilized, Christian, self-sustaining autonomous communities under British protection to effecting the complete absorption of Indigenous peoples into the white mainstream; and c) it courted conflict with chiefs carelessly, as policy-makers no longer worried about maintaining vital military alliances (Milloy 1983, p.59).

The policy was largely a failure, with only a single Indian successfully becoming enfranchised in the period of 1857-1876. It also provoked considerable protest from the chiefs. In order to strengthen the effect of the law and circumvent the obstructionist chiefs a new bill - the *Gradual Enfranchisement Act* - was introduced in 1869. Most importantly, this new law enabled the creation of municipality-like band council governments at reserves, to replace the traditional, often hereditary leadership that existed then. Band councils were offered authority over public health, "the observance of order and decorum and public assemblies", "repression of intemperance and profligacy", "prevention of trespass by cattle", "maintenance of roads, bridges, ditches, and fences", "construction... of school houses, council houses, and other public buildings", and the appointment of treasury officials. But the Dominion government assumed the power to disallow by-laws passed by band councils, as well as the power to depose elected councillors who were viewed as unsuitable. Internal Indian governance had now been subsumed under the expanding role of the Indian Affairs regime in Ottawa.

These two acts were consolidated in the *Indian Act*, 1876. This law was amended frequently in the late 19th- and early-20th centuries, primarily to strengthen the role of the Department of Indian Affairs in managing native affairs, and to make the assimilative thrust of the legislation more strongly felt. Some of the changes during this period include: an amendment prohibiting deposed band council members from immediately seeking re-election (1884); the outlawing of traditional religious ceremonies and dances, including the potlatch and tamanawas (1885); an amendment to allow municipalities to expropriate reserve land for public works (the Oliver Act, 1911); an amendment to allow for the involuntary enfranchisement of an Indian male deemed fit (1920, later removed, then re-introduced in a modified form in 1933); and an amendment prohibiting anyone from hiring a lawyer to pursue a legal claim on behalf of an Indian band (1927).

4.10 Continuity in Intergroup Relations

Why was major conflict avoided, in light of the serious unilateral changes described above? The most immediately apparent answer lies in the massive obstacles to mobilization facing Indigenous peoples during this period. As noted above, demographic changes rendered Indigenous peoples as tiny minorities in the growing settler state – increasingly marginal and peripheral communities amidst large-scale immigration and settlement. Geopolitical changes also greatly diminished the military standing of Indigenous nations. As the 19th century progressed, the possibility of a British-American conflict being fought over Canada became increasingly remote. The absence of colonial competition on the continent denied Indigenous leaders what had previously been a key political instrument for exercising leverage and resisting the impositions of treaty partners. The advancement of the colonial project also brought calamitous poverty and disease to Indigenous communities, particularly as the introduction of the reserve system, as well as the invasive presence of new settlers, led to the collapse of many hunting, fishing and trapping economies. Settler colonialism also brought new social problems to Indigenous communities, which required much political energy to be directed inwards. Finally, and in light of these factors, the settler state possessed significant coercive authority, and exercised it freely. Different policy tools for maintaining order were available at different time.

Activist Anishinabe and Onkwehonwe, for example, were threatened with being stripped of Indian status, and were discriminated against by Indian agents in the distribution of social assistance, employment, and in the provision of other responsibilities held by the agents over band affairs. As noted above, for several decades it was also illegal to hire professional legal assistance in pursuing Indigenous claims. All of these factors dampened the feasibility and likelihood of large-scale, open conflict. But these structural conditions do not tell the entire story, because it is difficult to muster a structural explanation for the change that would come. In truth, there were institutional and symbolic factors sustaining some measure of cooperation as well. While at first blush, the profound changes described above suggest that Victorian Canada broke radically with the past of Native-Settler relations, it is also true that the "coercion" period carried over essential features of the relationship. These threads of continuity are important in understanding how Canada avoided a major conflict in the Confederation era, despite subjecting Indigenous nations to a new and plainly authoritarian governance regime.

Crucially, land acquisition practices remained largely the same. After 1812, the British set to work achieving the surrender, first, of remaining Anishnaabek lands in the southern part of Upper Canada. This was accomplished relatively easily, through treaties - an experience which stands in stark contrast to similar processes elsewhere: "The angry Indian frontier of the American experience, with its thousands of American and Native casualties, was not repeated north of the Great Lakes" (Surtees 1983, p.112). Early historians of Canada offered a cultural explanation for this. It was attributed to the uniquely "peaceful disposition" of the Anishnaabe compared to the Plains Indians of the American Midwest, as well as the relatively humane and enlightened approach adopted by the British for dispensing with Native occupation of desired territory (Shmalz 1991, p.120). The truth is, of course, more complex. In his seminal text on the history of the Southern Ontario Anishnaabe, Peter Shmalz presents a structural argument for the relatively simple process of seeking land from Indigenous peoples. He argues that the Anishnaabe were eager to conclude treaties in order to access much-needed annuities and relieve surging poverty, recognizing that use of their lands was already becoming increasingly limited by the presence of squatter non-Natives. The economic impulse was plainly present, and played a significant role in Anishinabek political decision-making. However, it is not clear that this constitutes the entire explanation. Those structural pressures do not necessarily distinguish the

experience of the Ontario Anishnaabe from that of their more martial counterparts south of the border. As a result, attention also must be paid to the continued observance of at least the symbolic dimensions of treaty federacy, an institutional framework that left intact elements of *de jure* autonomy. British and Canadian authorities continued to pledge themselves, albeit disingenuously, to the old institutional and symbolic relationship.

Even where land acquisition policy changed, it was able to achieve resonance within the Indigenous symbolic order. For example, colonial officials changed the traditional method of payment for land in the 1830s, from a single lump sum to yearly annuities. This was a self-interested move; leases from white settlers for the surrendered land covered the annual cost of the annuities, which were invariably below market value (Surtees 1983, p.112-113). However, the new practice likely held appeal for the Anishnaabek leadership, as it fit nicely with the conventional practice of annual gift giving to renew the alliance (Miler 2009). In fact, British authorities worked hard in this period to eliminate or dramatically reduce gift giving as another cost saving measure. So, though the Anishnaabe experienced a net asset loss, the treaty annuity exchange filled a symbolic void that had would have otherwise been left.

In 1827, over 2.7 million acres adjacent the southwest shores of Lake Huron were surrendered. In 1836, Lieutenant-Governor Francis Bond Head developed a scheme to set Manitoulin Island aside as an Anishnaabek reserve, and push communities on the mainland to relocate there. In performing the first Manitoulin treaty, Bond Head carefully invoked the diplomacy of William Johnson and the Silver Covenant Chain: "Seventy snow seasons have now passed away since we met in Council at the crooked place [Niagara], at which time and place your Great Father, the King, and the Indians of North America tied their hands together by the wampum of friendship" (Treaty No.45, Indian Treaties and Surrenders). In the midst of the 1830s remake of Indian policy, attention was still paid to the myth-symbol complex inherited from the cooperative period. Nor was this simply a rhetorical ploy. The proposal, though greatly diminishing the land base of the Anishnaabe, replicated the roles, relationships, and formal status of each party: the Anishnaabe exercising *sui generis* autonomy within a treaty federacy, the British central authority responsible for protecting that autonomy against "the encroachments of the whites".

Structural pressures required the Anishinabe to make deep land and resource concessions, but they continued to seek assurances that their pre-existing political status would be respected. (Ultimately, this particular proposal proved hugely unpopular; it was firmly rejected by Anishnaabe and condemned in Britain by humanitarian organizations).

Honouring the constitutional convention of treaty-making remained essential to maintaining peace in Upper Canada, irrespective of other changes taking place. This was made doubly clear where the practice was neglected. In the 1840s, the government of the United Canadas began leasing mining licenses to prospectors for land around Lake Superior and acres of Lake Huron not covered under treaty. By 1845, sixty-four licenses had been issued (Telford 2003, p.72). The Anishnaabe of the region were enraged by these incursions, which obviously violated the Treaty of Niagara. As no other treaty had been made subsequently to justify the new land use, Anishnaabe leaders such as Chief Shinguakonse considered the mining activities to be unconstitutional. Shinguakonse petitioned the colonial government at least fourteen times (*ibid.*, 73), and travelled to Montreal. When he was unable to reach a sympathetic ear, talk amongst the Anishnaabe of northwestern Ontario turned to military action. Throughout a lengthy lobby campaign, Shinguakonse made clear that he and his fellow chiefs did not oppose resource extraction, or indeed other activities that would bring more non-Natives onto their territory (Chute, 1998). However, he insisted that this could not happen until a treaty was brokered. In 1849, less than a week after a meeting in which government officials declined from promising a treaty, several hundred Anishnaabe and Métis forcibly occupied mines at Mica Bay.

The government responded quickly and with force. The Governor General the Earl of Elgin ordered troops to Mica Bay. He blamed the occupation on radicals from outside the community - "blackguard whites" and "American Indians" (Telford 1993, p.78), mirroring to a remarkable extent the standard discursive political response to Indigenous contentious collective action 150 years later. Shinguakonse and the other leaders were arrested and brought to Toronto, but later pardoned. The legacy of this direct action at Mica Bay was to persuade British and Canadian leaders that treaties were indeed still required as they had been in the past - that, as Schmalz argued, the Treaty of Niagara was still law. The Robinson Treaties for Lakes Superior and

Huron were concluded in 1850. Here is a case where despite structural obstacles, Anishinabe mobilized for conflict in defense of the treaty institutional and symbolic order.

The Numbered Treaties, which were used to establish a Canadian claim to land on the Plains and in the northwest, retained important similarities to the earlier Peace and Friendship treaties, the constitutional documents of treaty federacy. Canadian officials understood that treaty-making was essential to avoiding conflict as the country expanded west. It was justified as such, despite becoming a source of controversy for the high cost it seemed to entail (Miller 2000, p.210). But Canada was also restricted by its own institutional legacy. The terms of the Indigenous-non-Indigenous relationship set during the Treaty Federacy period formed the basis of Indigenous expectations, even in the west. James Sakej Youngblood Henderson describes the Numbered Treaties as "the beneficiaries of this political and legal legacy", which looked different only because they were "less concerned with explaining the established political relationships" (Henderson 1994: 249). At times, Canadian officials may have been surprised to discover that those conventions had penetrated Plains nations, which previously had had little political intercourse with the British and Canadians. For instance, the Lakota nation under Sitting Bull, which crossed into Canada after annihilating Custer's cavalry at Little Bighorn, greeted RCMP with medals and insignia depicting George III - physical representations of Johnsonian-era diplomacy (Allen 1996, p.195). These were used to remind the Canadians of what constituted appropriate intergroup relations.

Recent scholarship on Indigenous understandings of the Numbered Treaties emphasize continuity with the old language and practice of treaty federacy. Verne (1997) writes that elders' interpretations of Treaty Six typically present it as a Peace and Friendship Treaty, rather than the mechanism for land surrender that it appears in print, for example. John Long's (2010) comprehensive historical examination of Treaty Nine uncovers substantial variance in the "parchment" version of the treaty versus oral promises even as they are documented in treaty commissioners' diaries and records, suggesting that peace and friendship discourse around treaty negotiations persisted into the 20th century (see also, Treaty 7 Elders and Tribal Council 1996). These insights overturn the narrative of naïve Indigenous leaders, pledging their peoples to legal

agreements that vastly diminished political status and standing. The distance between promises and parchment – in both treaties and legislation – helps to explain the absence of conflict. When the style and substance of peace and friendship was violated by the Canadian government, these actions were viewed by Indigenous leaders as implementation failures.

Irrespective of other changes, there remained formal rigidity in the national model. One party was resolutely unwilling to depart from it, and the other was disinclined to cause provocation by doing so. The result was that Indian policy became itself a crossbreed, blending the substance of colonial domination with the style of treaty federacy. For example, 1876 paradoxically saw both the introduction of the amalgamated *Indian Act* – reducing Indigenous peoples in practical terms to a dependent and peripheral minority, and Treaty 6 – which Kiera Ladner argues mimicked earlier federal forms and expressed a "similar status of co-existence to that described in the Two Row Wampum treaty" (Ladner 2003, p.178). Replicating the national model served an essential role in mitigating conflict during a period of increasing Settler domination.

4.11 The "Northwest Rebellion"

One specific episode stands out in the “coercion” period, and requires a closer look: a bloody conflict ostensibly contested between Indigenous peoples and the Canadian state. It is impossible to exclude the "Northwest Rebellion" from this analysis, despite the fact that any original interpretation of the complex and historiographically fraught conflict is evidently also outside its scope. In many respects, it was similar to "Pontiac's War" - an unusually violent conflict at a moment of institutional weakness. Conflict originated with Canada's acquisition of Rupert's Land, a transaction between the Hudson Bay Company and Canadian government that excluded Indigenous participation. The nations of the Prairies were faced with a similar kind of political transition as those of the western Great Lakes after the collapse of New France – a transference of territory from one colonial authority to another that obligated those nations to renegotiate the terms of their belonging. But Canada acquired Rupert's Land in 1870, and First

Nations did not participate in the first disturbance, the Red River Resistance. Indigenous participation in the violence occurred in 1885, significantly after treaties had been entered into. It is therefore a qualitatively unique conflict, and one that does not fit easily within the explanatory framework presented here.

The first point to be made with respect to the violence of 1885 is that while the Cree became involved in their own violent episodes, they were not, in fact, party to the Métis uprising led by Louis Riel (Waiser and Stonechild 2010; Flanagan 2000: p.3; Tobias 1983b; Miller 2004: p.226). Cree violence occurred at a time of a large-scale political mobilization, when chiefs such as Big Bear, Piapot, and Little Pine were trying to apply pressure to the Canadian government to honour the terms of recently settled treaties, as well as consider some revisions. It was also concurrent with (and related to in indirect ways) the Métis insurrection. As a result, it was easy for officials of the Canadian government to present the Cree violence publicly as a function of the uprising, even while admitting in private that it was really just the sporadic, unorganized "acts of a desperate starving people" (Tobias 1983b, p.544). Tobias writes:

...the Cree did engage in some acts of violence... These acts were unrelated to the Cree movement for treaty revision. In fact, these acts that led to the subjugation of the Cree were committed by persons not involved with the Cree movement for autonomy. It is one of the ironic quirks of history that the leaders of the Cree movement had little or nothing to do with the events which would destroy that movement to which they had devoted ten years of their lives. Nevertheless, they would be held responsible for the actions of their desperate and hungry people. To heighten the irony, it was the Metis movement, from which the Cree had held aloof, which would give [Canada] the excuse to use military force to subjugate the Cree." (Tobias 1983b: p.542-543).

For a century after the uprising, historians had largely accepted the self-interested narrative propagated by the Canadian government in 1885 – that Cree had taken up arms against the state

in defiance of the treaty order. The Cree themselves always insisted that this version of events was deeply incorrect (Waiser and Stonechild 2010). One early Indigenous advocate of the 20th century insisted: "When the Métis people were preparing to have this uprising, they [Indians] all said no... We signed an agreement with the Crown not to fight any more; they were to live in peace with these people. We signed a treaty, we have to live up to this treaty." (Waiser and Stonechild 2010, p.3) There is a general consensus amongst historians now that the documentary evidence supports this version (see Tobias 1983b). In short, the behaviour of the Cree leadership does, in fact, align with the moderate and pacific patterns familiar elsewhere.

Some violence did occur, however, and this is still worthy of examination. In 1884, confrontations between police and Cree on reserves escalated tensions to the point that hardliners in Cree Nation advocated open war, and began to present a serious legitimacy challenge to the more reconciliatory chiefs. By 1885, Big Bear, for example, had lost effective control of his band at Frog Lake to the war chiefs Little Poplar and Wandering Spirit (Miller 2000, p.240). Though there was little intercourse with the Métis, word of the Métis victory over government forces at Duck Lake in March reached Frog Lake, and provided the spark that was wanting. Cree youths attacked and killed nine non-Natives on the reserve - employees of the Hudson's Bay Company and Indian Affairs. At roughly the same time, in a deeply confused encounter, some members of Poundmaker's band took food from stores near a fort, after the entire town had evacuated on the erroneous assumption that the band had come for violence. This was treated in official governmental discourse as a "siege", and the two occurrences were disingenuously linked to Riel's rebellion. The Canadian military response was overwhelming. The Cree fought only half-hearted defensive engagements, as the moderate chiefs Big Bear and Poundmaker had reasserted control and were primarily interested in reducing the costs of the conflict they had tried to prevent (Ibid., p.243). By July, both Poundmaker and Big Bear had surrendered and the "rebellion" was over.

It is not easy or desirable to simply dispense with this episode. A few observations may be made, however. First, 1885 likely commands more attention than it deserves, in part because of longstanding confusion that has linked the Métis uprising with Cree violence. Second, the kind

of conflict initiated by the Cree did not constitute a political movement, but more closely resembled a "deadly ethnic riot" (Horowitz 2001). Rumours about the defeat of government troops, mixed with extreme deprivation and rage, were sufficient to provoke some Cree to attack non-Natives in their vicinity. The short war that followed was a function of the response chosen by the Canadian government in the context of the other, more serious regional challenge it was facing. As such, it is a unique conflagration in the Indigenous-Settler history, connected with a serious exogenous shock (if we understand Métis-Canadian relations as an entirely different and external intergroup relationship). While it cannot be easily explained, it is also not sufficient to seriously disrupt the narrative presented here, of relatively low-grade Indigenous resistance during the period.

4.12 Indigenous Protest during the Coercion Period

Indigenous peoples were not passive in the face of an expansionist *Indian Act* regime. New impositions were experienced, understood, and resisted. The bulk of recent historical literature on post-Confederation Indian Affairs takes its cues from Richard White's *The Middle Ground*, and works hard to demonstrate the exercise of Indigenous agency during this period. Some have suggested that in practice, many of the most repressive functions of the *Indian Act* became effectively unenforceable due to local resistance. Cole and Chaikin (1990) make this argument with respect to the notorious prohibitions on the West Coast potlatch, the tamawana dance, and other ceremonies. Faced with local intransigence - resolute non-participation in the law, rather than angry confrontation - Indian Affairs field agents were forced to water down the prohibition, innovate with creative exemptions, and look strategically in other directions when such practices occurred (See also, Loo 1992). Other forms of resistance were felt at the level of national policy-making. The *Indian Act* was amended in 1884, for example, to prevent individuals from running for band office if they had recently been deposed as councillors by the Department of Indian Affairs (DIA). This obviously reflects a problem for the DIA, where the anti-government councillors it ejected were continuously re-elected by voting reserve Indians. Other examples abound, leaving no question over whether Indigenous peoples pushed back at Canadian domination during the "coercion" period.

This carries significance for the argument of the dissertation, which asserts a qualitatively and quantitatively 'quiet' period in Indigenous-non-Indigenous relations prior to the confrontation era. What distinguishes this period from the present one, it should therefore be noted, is the character of resistance. In short, it was mild by modern standards – particularly in light of the extraordinary exercise of colonial power. It was also mostly operated within the bounds of institutions and 'normal' politics. Bands and band councils observed the authority of their assigned Indian agents, to varying degrees, and used the tools available to them to eke out small political victories. The late 19th- and early 20th centuries saw the beginnings of pan-Indian civil society mobilization, but this too operated according to old patterns of formal diplomacy. Because of efforts to mould the new system to the old architecture of treaty federalism, conflict occurred primarily over implementation – the failure of the government of Canada to uphold the terms of the treaty relationship as it was understood in Indigenous communities – as opposed to a contest over the terms of the political community itself.

Historical accounts that emphasize Indigenous resistance in the *Indian Act* era often look to the local exercise of colonial power, and the small-scale subversions that were achieved by Natives. The local dimension of Indian administration in Ontario is intensively studied in Robin Jarvis Brownlie's *A Fatherly Eye* (2003). Brownlie examines the interaction between reserve residents and Indian agents at two Georgian Bay-region Indian agencies serving Anishnaabek reserves on Manitoulin Island and in the area of Parry Sound, during the interwar period. She finds that agents wielded remarkable coercive authority by, for instance, tearing up the minutes of band council meetings when their own views were not endorsed, refusing to submit to the DIA bylaws passed by council that they deemed "too frivolous and nonsensical to send forward" (p.60), and using the dispersion of social security during the Great Depression to punish dissenters (p.110). Acknowledging that the agents were in a "strong strategic position to exercise power", Brownlie also finds that "within the constricting framework of the *Indian Act* system, Native people negotiated for power, attempting to advance their interests and turn the agent's power to their own account" (1996, p.22). In Brownlie's study, this form of resistance features prominently. Demonstrated compliance to the Indian agent often served instrumental ends. It was

paradoxically the case that the authoritarian agents often stood as bulwarks against some more immediately threatening colonial incursions. Indian agents would, for example, lobby on behalf of their charges for exemptions to new game and fish regulatory regimes (2004, p.151). In doing so they would not only help stave off starvation in the communities they oversaw, but also begin to articulate an early discourse of aboriginal rights. It was in their interests to so; if the Indians on their reserves could hunt and fish, fewer would require social assistance and the agents would be rewarded for operating frugal agencies. What Brownlie's study demonstrates is that the Anishnaabe proved adept at exploiting these opportunities within the *Indian Act* system. However, the institutions themselves were not directly challenged.

This was also true of Indigenous mobilization on a larger scale. Along with several minor and *ad hoc* associations, there were two notable Indigenous political organizations founded before the Second World War: the Grand General Indian Council of Ontario, founded in 1870, and the League of Indians, founded in 1919. Both are sometimes cited as forerunners to the political organization of the 1960s and 70s, as early activists too often disregarded in studies of modern Indigenous militancy (Kulchyski 1998: p.95; Brownlie 2004: p.153). This is only true in superficial ways. A closer look at both organizations reveal that to varying degrees, they replicated the character of non-contentious discourse that became prevalent in band-level resistance.

The Grand General Indian Council of Ontario was primarily an association of Anishnaabek communities in the province, though until 1882 the Haudenosaunee also participated. It was unique in its time: at least initially, the first 'pan-Indian' political organization, and a new level of political authority that had not previously existed in Anishnaabek society (Shields 2001: 14). As a forum for discussion and debate, its focus was monopolized by the imposition first of the *Gradual Enfranchisement Act*, then the amalgamated *Indian Act*, and subsequent changes to it. Of particular concern to the Grand General Indian Council were *Indian Act* provisions defining Indian status, as well as the enfranchisement mechanism. The Council evaluated new legislation clause by clause, debating which provisions to endorse and which to reject. The Council seemed to interpret its role as addressing the minutia of the law, suggesting incremental changes to the

means employed, but rarely directly challenging the ends defined in Ottawa. This produced some surprising outcomes, like a 66-1 vote endorsing the 1876 *Indian Act*, and another resolution on the same occasion to "express gratitude" that the government had adopted the council's preferred enfranchisement scheme in the new act (ibid., p.57). The relationship did worsen toward the turn of the century, when the Council began to perceive that its deliberations were having no effect on DIA policy-making. Council minutes show that delegates were openly deriding Canadian politicians and administrators - expressing attitudes that would have garnered rebuke from other delegates in the past. Nonetheless, the challenge which the Council presented was always a moderate one. It was viewed in Ottawa as basically "innocuous" (Titely 2011: p.95). Its retrospective defenders have proposed that it did exercise some influence in the development of Indigenous activism, but even they have suggested only indirect ways that it did so - for instance, by providing opportunities to master political discourse and deepen strategic acumen (Shields 2001: p.143). In fact, such skills were amply present in the world of Anishinabek politics long before the Council. Participants at the Grand General Indian Council appear to have simply exercised the consensus-building diplomacy practiced by Anishnaabe and Haudenosaunee in past centuries, only in a new arena.

A second pan-Indian advocacy organization posed a more serious challenge to the DIA. Anishnaabe, Haudenosaunee, Cree and some other First Nations participated in disproportionately large numbers in the First World War. Several individual Indigenous men were distinguished in action. The wartime experience facilitated a unique degree of intergroup contact which sharpened the injustice felt by returning Indigenous servicemen. One returned veteran, a Mohawk from Six Nations named F.O. Loft, sought the establishment of Canada-wide political organization to represent Indian interests. In September 1919, an inaugural convention for the League of Indians was held at Sault Ste. Marie with representation from Ontario, Manitoba, and Saskatchewan. Loft addressed bands across the country with a circular that called for multinational unity: "We as Indians, from one end of the Dominion to the other, are sadly strangers to each other; we have not learned what it is to cooperate and work for each other as we should" (Letter, 26 November 1919). He directed attention to recent achievements of the labour movement, arguing that mass organization was the only way to win concessions. His

message was not outright rejectionism, promising that "We will cooperate with the government, but we must have its sympathy, encouragement, and assistance so as to make good" (ibid.).

The League of Indians was a genuinely novel presence in Indigenous-non-Indigenous relations. Unlike the Grand Council, it sustained its multinational character, achieving particular popularity in the west after its founding by a Grand River Mohawk. It also expressed a more contentious message. The reaction of Indian Affairs policy-makers and Indian agents to Loft and the League illustrate their unpreparedness for the new challenge. In DIA correspondence, agents suggest Loft should be banned from visiting reserves, and that band members who enlist in the League should be punished. Loft became the subject of personal attacks. Deputy Superintendent General Duncan Campbell Scott characterized him as "one of a small number who are trying to gain prominence and perhaps a little cash" (Letter, 19 November 1921). The DIA ultimately conspired to forcibly enfranchise him, stripping him of Indian status – a move to which he passionately objected.

Is it therefore the case that the League of Indians "posed a drastic challenge to the established order" (Kulchyski 1988: p.102)? In certain respects, perhaps. Unlike many band-level resisters, Loft tried to circumvent the DIA bureaucracy and seek redress outside regular channels. He lobbied Parliament directly for policy change, and publicly derided the department, telling the *Toronto Star Weekly*: "If anything is responsible for the backwardness of the Indians today it is the domineering, dictating, vetoing method of the Indian Department" (ibid., p.107). This behaviour broke with conventional Indigenous politics, and inspired the uniquely edgy response of the DIA.

Nonetheless, surviving documentation suggests that much of Loft's advocacy involved petitioning DIA officials on behalf of member bands on particular grievances that were brought to him – in effect, lending his professional eloquence to the work of the chiefs and councils. These were conventional complaints, subjects typically dealt with in council resolutions. For

example, in November 1921 Loft wrote to the Indian commissioner in Regina about one band that was concerned by the unexplained presence of surveyors on the reserve, and another that had had cordwood removed and sold without its permission (Letter, 9 November 1921). The focus of the League's broader advocacy also resembled the integrationist intent of the Canadian government more closely than the Indigenous nationalist discourses of earlier and later periods. Loft protested the government's involuntary enfranchisement policy, but on the grounds that it "is putting the cart before the horse" (F.G.G., 1920). He argued that an improved education system must come first. Equality was what the League sought: "[The Indian] wants to be educated on the same basis of his white brother. He wants to be... allowed to compete on an equal footing with his white brother" (ibid.).

The League was an important innovation, unquestionably. By creating a (briefly) sustainable multinational Indigenous political vehicle, and by establishing direct ties with Parliament, it forged repertoires of action followed presently by peak advocacy organizations such as the Assembly of First Nations. There remains a profound distinction, however, between the mobilization of the League and the direct action by Indigenous activists after 1969.

4.13 Conclusions

This birds-eye-view meta-analysis of Indigenous-settler relations over approximately three centuries has necessarily excluded some nuance. It is simply intended to highlight three central observations, which are important to the argument of the thesis. First, Indigenous-settler relations in Canada have undergone several broad iterations or epochs. The first was largely cooperative, and the second was characterized by colonial control of Indigenous polities. The third is distinguished by conflict outside of institutions, and will be discussed in the next chapter. Second, the primordialist vision of conflict – which still commonly pollutes discussions of Indigenous-settler conflict in Canada – is plainly and deeply erroneous. This is vividly revealed in the historical record, as conflict has not been a constant in the relationship despite cultural

distance. Third, instrumental and structural models are also ill-equipped to explain the robustness of Indigenous participation in institutions, despite the curtailment of power. Conflict flashpoints – such as Pontiac’s War and the Northwest Rebellion – occurred at moments of institutional weakness, and when colonial and Canadian governments violated relational norms. On the other hand, material and political impositions occurred against Indigenous peoples without courting contentious action, when state agents operated within norms established consensually during the treaty federacy period. Major structural obstacles may have precluded open direct resistance to the Canadian state, and necessarily required Indigenous peoples to sustain major land losses and political marginalization. But the cooperative pattern of relations relative to other settler societies cannot be explained by these factors alone. It also reflects the paradoxical persistence of treaty federal institutions concurrent with the roll-out of the *Indian Act* regime.

Chapter 5

Critical Juncture – The White Paper to the Meech Lake Accord

5.1 Introduction

This chapter will review the state of Indigenous politics after World War II, the transformation provoked by the 1969 White Paper, and the emergence of Indigenous direct action over the course of the critical juncture period. Following the periodization suggested by J R Miller and adopted in the previous chapter, this chapter focuses on the emergence of the “confrontation” period in Indigenous-settler relations.

Just as there had been after the First World War, there was modest development in the political organization of Indigenous people returning from the war in the 1940s and 50s. In the 1960s, with the development of the National Indian Youth Council, Red Power, and American Indian Movement in the United States, Canadian First Nations were provided with new repertoires of action. They would draw on these repertoires, and the basic organizational infrastructure established in previous decades, to contest the White Paper in a transformative historical moment. Direct action was used in several high profile incidents in the early 1970s. In the late 1970s and early 1980s, Indigenous peoples were drawn into the constitutional debate - or rather, forcefully entered the conversation despite efforts to exclude them. A revolution of rising expectations met disappointment in the "constitutional odyssey" period, and the late 1980s saw another escalation of direct action, following more militant and nation-based repertoires of action. In 1990, Mohawk warriors from Kahnesatake became the face of the new, assertive contentious Indigenous politics.

I wish to emphasize the distinctiveness of the contentious politics turn in Indigenous Canada. While heavily conditioned by its broader context, including parallel international movements, it unfolded in its own time. Direct action was late to arrive to Indigenous communities in Canada,

and has also vastly outlived the other contentious movements of the 1960s and 70s. The White Paper episode stands out starkly, as a tipping point in the Canadian-Indigenous relationship.

Sally Weaver (1981, p.5) draws our attention to a National Film Board documentary that helps to illustrate this point. The *Encounter with Saul Alinsky* series was shot in 1967, when the civil rights movement was well advanced and '60s student activism was in its heyday. Two films feature conversations between Saul Alinsky, the famed American community organizer and author of *Rules for Radicals* (1971), and young Canadians. In Part II he visits the Rama reserve, where he argues with young Anishnaabek men about how best to accomplish the abolition of the *Indian Act*. The Rama residents insist that persuasion and "non-participation" are Indigenous approaches to protest. When Alinsky lectures them to organize and take direct action, they resist. One young man replies - to Alinsky's disgust - that "...Indians can be organized around the amount that they can give the white man, not so much what they can take from them... a way of life that is better than the one that they have now." To this, Alinsky opines that "[white society] would like to see all the negroes in America" take this approach, and that: "You're the god-damndest best ally the establishment has when you take a position that you don't want to communicate with them in the only terms that they understand. They couldn't buy a better ally!"

Here, short years before the White Paper, young educated Anishnaabek articulate a commitment to traditional, institutionalized means for processing grievances. This is to say nothing of older generations, the contemporary leadership cohort that Alinsky dismisses as "absolutely hopeless". This illustrates a degree of resistance to external currents at a time when direct action had been embraced by other oppressed peoples and social movement actors. It also points to the massive attitudinal shift to come with the opening of a critical juncture, after which many Indigenous peoples cease to view institutionalized protest as ineffective, and were much more likely to resort to direct action than the partisans of other causes.

5.2 Indigenous Political Organization, pre-1969

Out of the gradual decline of the League of Indians arose several regional and provincial organizations, primarily in western Canada where the League had achieved its greatest support and popularity. In British Columbia, where minimal treaty relationships existed and Indigenous activism had always been more strident, the Native Brotherhood of British Columbia was founded in 1931. The Indian Association of Alberta followed in 1939, then the Federation of Saskatchewan Indians in 1941. There were passing attempts to forge a pan-Canadian movement. Most notably, the North American Indian Brotherhood was established on the west coast, and sought alliances in the Prairies and Ontario but with little success (Miller 2004, p.323). These organizations followed the template of the League of Indians, acting as clearinghouses for the grievances of individual bands.

A moderate breakthrough occurred in 1961 with the establishment of the National Indian Council (NIC), championed by prairie chiefs but with multinational and pan-Canadian participation. Over the next several years, the NIC strengthened its funding model and bolstered its organizational capacity, as did other provincial Indigenous advocacy organizations (ibid., p.330). This progress was small-scale and incremental, though. Harold Cardinal recalled that when he became president of the Indian Association of Alberta in 1968, the organization struggled to achieve a quorum of 25 members at its annual general meeting (Cardinal 1977, p.171). The NIC also proved unable to survive dissension between status and non-status Indigenous people. In 1967 it was disbanded and replaced by two organizations: the National Indian Brotherhood (NIB), representing First Nations, and the Native Council of Canada for Metis and non-status Indians.

What really propelled actors like the NIB and the regional organizations to national prominence was the federal government's decision to pursue extensive consultations in 1968-9, in the run-up to proposing large scale reform of the *Indian Act*. With a new and more privileged position in

DIA policy-making, the NIB celebrated "...a new era. Because for the first time our people as a whole are proposing to work with you on a basis of partnership rather than on a basis of directives from your officials" (ibid., p.331). The celebration ended abruptly, when the content of the new policy supposedly born out of those consultations was presented in a 1969 White Paper on Indian Policy.

5.3 Making the White Paper

An important point of emphasis from this historical vantage point is the degree to which the White Paper engendered shock, as well as anger. Entirely unexpectedly, it broke dramatically with the government's own policy approaches of recent past, to say nothing of the preferences of Indigenous peoples ostensibly consulted on the change. Even though it emerged amidst currents of change in Indian administration, it arrived as though from an ideational vacuum.

Discontent amongst state and other non-Native actors with the evident failures of Indian policy was a long-term phenomenon, which deepened in the post-war years. The *Indian Act* and its predecessors were intended to facilitate the eventual assimilation of Indigenous peoples into the Canadian body politic. But the reverse occurred; Indigenous peoples fiercely opposed the assimilationist thrust of the legislation, and used the institutions created out of the *Indian Act* – especially elective band councils – to preserve the unique political status of First Nations. This represented an incremental “conversion” of the *Indian Act* system, in the sense used by Streeck and Thelen to describe endogenous institutional change engineered by new actors within old institutional frameworks (2005). The enduring and self-reinforcing failure of Indian policy also engendered “exhaustion” (ibid.) amongst state actors with the policy framework, rendering it vulnerable to change or collapse.

The Department of Indian Affairs was viewed as an anachronism by others inside Ottawa; it was referred to dismissively as "Colonel Jones' Lost Battalion" for the pseudo-military, paternalistic, and Victorian operating code imposed under the tenure of a retired army colonel between 1953-1963 (Weaver 1981, p.46). It was also widely derided in the press, dubbed by the *Globe and Mail* in 1968 as the "dinosaur rattling his bones" (ibid., p.72). Prior to the White Paper, Indigenous political actors themselves were not sufficiently mobilized to challenge the government over Indian policy nationally (Weaver 1981, p.41). Nor was there substantial pressure from non-Native advocacy groups, notwithstanding the presence of some social services-oriented benefit societies like the Indian-Eskimo Association. However, the general perception of the DIA was deeply unflattering - the product of a system that had maintained separateness while demanding assimilation for a century. Additionally, the premiers of the western provinces, who felt burdened by the failure of federal Indian policy, had begun to push the federal government for a review. These factors were sufficient to provoke a basically internal decision to explore policy reform (ibid., p.52).

The assumption, initially, was that reform would build from the recently published Hawthorn Report - the product of a large review process that engaged dozens of social scientists over several years to investigate the condition of Indigenous life in Canada. The Hawthorn Commission was also a largely internally provoked process, with only minimal inputs from chiefs who wished to operate with more autonomy, and non-Natives away from government who expressed "a growing fear that the 'economic burden' of the indigenous communities was to become intolerable..." (Weaver 1993, p.76). The commission was given broad license to investigate and propose anything, including calling for the end of the DIA itself (ibid, p.77). The research team, consisting of 52 anthropologists, economists, political scientists, and legal scholars, worked from 1963 to 1967, delivering the report in two volumes in 1966 and '67.

Ultimately, the Hawthorn Report did not perceive the need for radical overhaul, or complete departure from the DIA infrastructure and the practice of 'special status'. Its central proposition was given the name "citizens plus": "in addition to the normal rights and duties of citizenship, Indians possess additional rights as charter members of the Canadian community" (Hawthorn

1966, p.13). Assimilation and even integration were explicitly rejected as policy goals. DIA was entrusted with acting "as a national conscience to see that social and economic equality is achieved", and "to see that the 'plus' aspects of Indian citizenship are respected, and that governments and the Canadian people are educated in the acceptance of their existence" (ibid.). From an institutional perspective, the changes proposed in the Hawthorn Report were incremental. However, a significant step had been taken at the level of norms and objectives. It is also worth noting that the report took time to anticipate and refute the liberal objection to the positive discrimination implied in "citizens plus". The report argued that egalitarianism and equal individual rights "should be kept separate from the rights of Indians derived from the special way they came to be members of the Canadian community" (ibid., p.397). Indians' "charter" membership was recognized, correctly, as a longstanding historical fact.

Hawthorn was, in short, no precursor to the White Paper - wildly different in both principle and proposals (Gibbins 1984, p.3). It was far more closely aligned with the status quo practice of Indian policy. Instead, the inherited 'wisdom' of the DIA policy-making community encountered, in the formulation of the White Paper, an ideational current brought into the arena by new and purposive political agents. These broader environmental determinants of policy entered into direct conflict with the "domain-specific" determinants that had long directed the DIA in relative isolation, and produced a dramatic break from established practice (ibid.). Chief amongst them was a government committed to liberalism and individual rights (ibid., p.2).

In Sally Weaver's (1981) exhaustive examination of the process that led to the White Paper, she identifies three competing approaches, championed by different actors in the federal government. Robert Andras, a minister without portfolio assigned to work on the issue, advocated a social services approach that did little to affect Indian status; its primary output would be convening a task force on social development. Jean Chrétien, Minister of Indian Affairs and Northern Development, and his deputy minister called for an effective end to the department, and devolution of most of its powers to the provinces. Jim Davey, PMO programme secretary and the man arguably closest to power in the centralized structure of Prime Minister Trudeau's government, offered the most radical proposal, and the proposal that reflected most clearly the

liberal philosophical orientation of his leader: a complete end to Indian 'special status'. After some debate, cabinet was presented with a document that blended Davey's and Chrétien's proposals (Weaver 1981, p.117).

Despite the enormous position that the White Paper occupies in Indigenous history and politics, it is frequently overlooked in the study of Pierre Trudeau's premiership, and his reforms to the Canadian national model. In a recent landmark biography, the White Paper occupied barely more than a footnote, failing to merit an entry in the index (English 2009). It should, in fact, be viewed as Trudeau's first meaningful foray toward liberalizing the terms of the Canadian political community, the project widely discussed elsewhere in Canadian political science (see for instance. McRoberts 1996; Russell 2004; Laforet 1995; Cairns 1996; etc.). Trudeau's commitment to 'colour-blind' liberalism is extensively discussed in these works and others. In the more polemical entries to the literature, it is sometimes misrepresented as something instrumental - a useful bulwark against long-time political opponents in Quebec. Rather, Trudeau's challenge to the Canadian national model appears deeply rooted in principles expounded before his entry into politics (Forbes 2007). While he led the country, these principles emerge first in the White Paper, then with the inauguration of official multiculturalism, and finally in the *Canadian Charter of Rights and Freedoms*. Nor was the White Paper marginal in this mission; it was reported at the time that Trudeau had worked more on Indian Affairs in his first year in office than on any other government business (Gwyn 1981).

The White Paper has a clear intellectual relationship to Trudeau's earlier theoretical musings. Two essays of the early 1960s in particular, "New Treason of the Intellectuals" and "Federalism, Nationalism and Reason" are often thought to best illustrate Trudeau's philosophy of state and civic identity (Forbes 2007). In them, he identifies a fundamental weakness of the Canadian national model as then constituted, arguing that in the century since Confederation "rational compromise... was gradually replaced by an emotional sop" to the symbols of British imperial citizenship (Trudeau 1968, p.200). The national model was exclusionary, and its effect was the fostering of a reactionary nationalism amongst excluded peoples. The solution was not to reserve separate symbolic and institutional space for the excluded, but rather to construct "a truly

pluralistic and polyethnic society," which divorced ethnocultural identity from state institutions (ibid., p.177).

In this treatment, the sociological nation is "...the guardian of certain very positive qualities... but these qualities are more private than public, more introverted than extroverted, more instinctive and primitive than intelligent and civilized, more self-centered and impulsive than generous and reasonable. They belong to a transitional period in world history" (ibid., p.177). When a people is content to retreat within its own "nationalistic shell, they will condemn themselves to... stagnation" (ibid., p.179). The ideal national model would be stripped of identity and built upon universal liberal principles. This was not republican liberalism; Trudeau often quoted approvingly from Lord Acton, who famously declared that "the co-existence of several nations under the same state is ... the best security of its freedom" (ibid., p.179). In calling for a "pluralistic and polyethnic society", Trudeau implied a positive valuation of collective identity of a kind, presaging official multiculturalism and its hyphenated identities. But collective identity could not be an organizing principle of state.

This theory and language is echoed throughout the White Paper. Non-discrimination was its watchword, and complete integration within a single, inclusive public sphere its objective. It called for an end to the *Indian Act* and Indian status, an end to the special relationship that existed between the federal government and First Nations, devolution of responsibilities over social services for Indigenous peoples to the provinces, and a de facto voiding of the content of treaties. The Indian must cease to be "a race apart" (Canada 1969), irrespective of anachronistic historical commitments. On the threat of isolation and stagnation: "For many Indian people, one road does exist, the only road that has existed since Confederation and before, the road of different status, a road which has led to a blind alley of deprivation and frustration. This road, because it is a separate road, cannot lead to full participation, to equality in practice as well as in theory" (Canada 1969).

Thus, over a period of less than a year, the Department of Indian Affairs was set on a radically new course - directly in the face of a century of standard practice and professional opinion. It was a course that carried profound consequences for the Canadian national model. Considering the distance travelled from the Hawthorn Report to the White Paper, it is difficult to deny the impact of agents and their ideas. In this case, the longstanding failure of Indian policy made the institutional and cultural equilibrium vulnerable. Trudeau and his liberalizing vanguard provided the shock necessary to destabilize it.

5.4 The Indigenous Response to the White Paper

When the White Paper was made public, the response from Indigenous peoples was blistering. Contemporary non-Native reactions to the White Paper demonstrate how marginal Indigenous peoples had previously been in national politics, and the degree to which their participation was overlooked. Newspapers predicted conflict between the federal government and provincial governments (who had been unilaterally saddled in the policy with new responsibilities), rather than conflict with First Nations (Weaver 1981: 171). Instead, the Indigenous response was so powerful and overwhelmingly negative that the premiers had no need to even respond to the White Paper (ibid.).

The policy inspired new political behaviour, which was nearly universal amongst Indigenous political actors relative to the hardline-direct action/moderate-institutional split that would emerge in the next few years. Even leaders of the 'establishment' Aboriginal organizations threatened a physical response, including promising to bodily remove any government officials who appeared on reserves to promote the new policy (Weaver 1981, p.175). Before the end of 1969, Harold Cardinal published *The Unjust Society*, a milestone manifesto that preached confrontation. The text is a good example of the new resistance discourse, expressing shock and betrayal over the policy while simultaneously cataloguing it amongst centuries of misuse by colonial authorities. With the White Paper, according to Cardinal, "The Indian has reached the

end of an era. The things that we hold sacred, the things that we believe in have been repudiated by the federal government" (Cardinal 1999, p.164). But while the major problem lies in "the refusal of our present Canadian government in its most recent white paper.. to honour commitments for treaties signed with the Indians", it is also the case that "as far as the Indians are concerned, there is not one treaty that has not been broken by the white man, not one treaty fulfilled" (ibid., p.16-17). The White Paper was located, in its instant, in a stylized narrative that saw continuity throughout the history of Indigenous-settler relations. At the same time, there was acknowledgement of profound change, and the need for a historically unique response.

It is difficult to locate any persuasive structural explanation for why mobilization in 1969 was significantly more feasible than it had been in the decades previous. Some have pointed to population growth amongst most Indigenous peoples after the Second World War as a force for change in those communities. But while it is true that the real population of First Nations, Métis and Inuit peoples grew considerably in the second half of the twenty century, this had done little to alter power relations in 1969. According to census data, the Indigenous component of the overall population of Canada had increased in only imperceptible increments, from 1.1% in 1951, to 1.2% in 1961, to 1.4% in 1971 (major population gains would come later). Indigenous communities remained mired in poverty; the Hawthorn Commission found that average yearly earnings for First Nations men were barely more than $\frac{1}{4}$ of the national average, and that only 28.5% of men were employed for more than nine months of the year (according to Hawthorn, comparable data from earlier periods unfortunately does not exist) (1966, p.45-46). The Government of Canada had retired some of its most aggressively coercive policy tools, including involuntary enfranchisement, prohibitions on religious ceremonies, and prohibitions on legal counsel for First Nations. But these reforms took place in 1951, and may have influenced formal band advocacy activities but had little appreciable effect on the levels and kinds of contentious action. The grievance attached to the White Paper itself stimulated mobilization in the face of old structural inhibitions.

New funding arrangements between the federal government and Aboriginal organizations allowed the latter to formulate detailed and research-based responses to the White Paper over the

course of the next year (Cardinal 1977, p.181). As a result, a reasonably strong political opportunity structures argument can be made for the emergence of the new cohort of establishment Aboriginal lobby groups. Most famous was the presentation made by the Indian Chiefs of Alberta, formally titled "Citizens Plus" - invoking the Hawthorn Report - but popularly known as the Red Paper. The Red Paper clearly expresses a perception that the national model was under attack, and that status threats represented existential threats to Indigenous peoples: "To us who are Treaty Indians there is nothing more important than our Treaties... We have concluded that [the White Paper] offers despair instead of hope... future generations would be condemned to the despair and ugly spectre of urban poverty in ghettos" (Chiefs of Alberta 1970, p.1). The presentation of the Manitoba Indian Brotherhood emphasized that the treaty relationship was at the heart of, and essential to the Canadian national model: "...for any government to turn its back on historical obligations to the native people of this country would be an insult to and a degradation of the integrity of the Canadian people as a whole" (Manitoba Indian Brotherhood 1971, p.47). But it went on to declare the treaties "unconscionable agreements" (ibid., p.33), once again blending two accusations: that the federal government had violated the sacrosanct, and that it had acted in much the way it always had.

The ferocity of the response stunned federal actors, who were not prepared for a fight. The government backed off from the landmark policy in remarkably short order. In June 1970, at a meeting with the Indian Association of Alberta, Trudeau practically apologized on the spot, whilst acknowledging the ideational origins of his policy: "...I'm sure that we were very naive in some of the statements we made in the paper. We had perhaps the prejudices of small 'l' liberals and white men at that who thought that equality meant the same law for everybody... perhaps we were a bit too theoretical, we were a bit too abstract" (Weaver 1981, p185). This was the first time in the *Indian Act* era that Indigenous political actors had successfully contested and reversed policy made in Ottawa. The policy was formally retracted in 1971.

The mobilization that the White Paper had engendered did not subside, however. The retraction of the White Paper was not celebrated, and Indigenous actors continued to perceive a status threat. Serious damage had been dealt to the condition of intergroup trust, such that many

Indigenous people continued to express disbelief that the government was indeed retiring the White Paper. Seven years later, Cardinal reported that "Many of our elders feel that, within the foreseeable future, we will witness the demise of the Indian reserve system... The question is... how can we salvage the basic tenets of our nationhood?" (1975, p.220). Low-grade fear that a White Paper-style obliteration of the treaty order was imminent was to become a stable feature of the Indigenous national myth. Epochal change in the character of the relationship was taking place, though it would not congeal until the national model again stabilized.

5.5 Emergence of Direct Action

Two political developments occurred in the immediate aftermath of the White Paper. The first was that the NIB and its constituent regional organizations improved their organizational capacity, and enjoyed increasingly greater access to DIA and the government. The second was the arrival of direct action to Canadian Indigenous communities. Protest acts were ongoing in the early 1970s.

Protest took several forms, and addressed several targets. Some was directed specifically toward the White Paper, but in a general climate of mobilization protest was also directed towards specific, local-level grievances. For example, in January 1970 approximately 200 First Nations and Métis occupied the Alberta New Start community centre in Lac La Biche in protest over the cancellation of a research program (Burke 1976, p.351). The decision to defund was taken in Ottawa, and the occupation was really the result of the specific provocation blending with general anger over the White Paper and DIA administration. In October 1971, more than 1000 Indigenous students were pulled by their parents from school, in protest of the fact that the federal government was supporting a move toward integrated, provincially run schools at the ostensible expense of reserve schools (Craig 1971). The leadership threatened a province-wide boycott, and was supported by chiefs in Manitoba and Ontario. A leading organizer warned: "Up to now, we've been taking out our aggressions on each other... Now our aggression is turning

outward. The young people won't back down" (ibid.). In August 1973, approximately 200 Indigenous youth occupied a DIA building in Ottawa for 24 hours. The occupation was organized by a group called the Native Youth Association, in response to a series of grievances including the inadequacies of DIA youth professional programs, and inaction on treaty-making in British Columbia and James Bay. The department requested their eviction but Ottawa police refused (CP 1973; Globe and Mail 1973a).

In the same period, warrior societies first made their presence felt at Mohawk communities in Ontario and Quebec. In September and October 1973, conflict erupted at the Kahnawake Mohawk reserve near Montreal, in what became known as "the siege at the longhouse" (Alfred and Lowe 2005: p.11). In a certain sense, this conflict was internal - a power struggle between the *Indian Act* band council and the traditional Haudenosaunee Confederacy. However, the Confederacy challenge emerged out of a perception that the band council had been co-opted by the Canadian state. The Confederacy demanded the immediate eviction of non-Native residents on the reserve (Shepherd 1973). On October 15th, the deadline set by the Confederacy for the removal of white residents, a house formerly belonging to a non-Native was set on fire. This sparked a fight between the Sureté du Quebec and about 200 Confederacy supporters, who stormed a police station (Canadian Press 1973b). The Mohawk Warrior Society, with license from the Confederacy, administered the eviction and did battle with the police.

In July 1974, the first major land occupation in Canada occurred at Anicinabe Park, just north of Kenora Ontario. A conference was held on July 20 and 21st amongst Kenora-area Anishnaabe to discuss grievances and foster unity, and by the second day many of the attendees favoured taking action to reclaim the park land they believed had been wrongfully appropriated and sold to the municipality (Burke 1976, p,355). The occupation lasted 39 days. It was led by Louis Cameron and the newly formed Ojibway Warrior Society, who were armed with rifles, bombs, and molotov cocktails (Globe and Mail 1974a; Burke 1976, p.364). In interviews, Cameron articulated a growing divide between Aboriginal political organizations and the new post-White Paper militancy, accusing *Indian Act* band chiefs and leaders such as Harold Cardinal of also having been co-opted by the state (ibid.).

In September of the same year, a Native Peoples' Caravan marched on Parliament Hill in solidarity with the Kenora occupiers. Approximately 800 Indigenous protesters converged on Ottawa (*ibid.*, p.391), where they had violent clashes with the RCMP. Protesters were hospitalized with their injuries (*Globe and Mail* 1974b). The Native Peoples' Caravan was hailed as a success when, in response, the federal government pledged to allow the NIB closer ongoing access to cabinet (*Canadian Press*, 1974). In November, around 30 Indigenous people occupied the Calgary district office of the DIA. The primary focus of the protest was discontent over the department funding model for the Calgary Urban Treaty Indian Alliance specifically, and the treatment of status First Nations in cities in general. The occupation lasted around two days, but it was followed by further protests sporadically over the next two years (Ryan 1978).

These incidents signaled that Indigenous peoples had embraced new repertoires of political action that reflected 1960s radical activism, and that conflict was moving from institutionalized to irregular arenas. The character of resistance also demonstrated a pronounced international influence. The next section considers the importance of American Indian mobilization, Red Power, and the American Indian Movement on Indigenous militancy in Canada.

5.6 Red Power and the American Indian Movement

The explanation sketched above for the sudden upsurge in Indigenous militancy looks to a domestic trigger: the Canadian government's attempt at redefining the Indigenous dimension of the national model. Here, the project clearly courts the charge of "methodological nationalism" (Wimmer and Schiller 2002). It is particularly vulnerable to the accusation that it falls into a trap of "taking national discourses, agendas, loyalties and histories for granted, without problematizing them or making them an object of analysis" (*ibid.*, p.304), given that many of the

Indigenous peoples in question regard their group boundaries as existing in defiance of and contradiction to Canada's geopolitical ones. An obvious alternative to this version would point to broader trends in contentious politics, and in particular, the mobilization of Indigenous people in the United States that was occurring at roughly the same time.

Indeed, there is a clear relationship between the two movements that cannot be overlooked. It is even true that the same sets of networks basically facilitated direct action on both sides of the border in the early 1970s. There are equally important differences in the trajectories of the two movements, however, which suggest that the impact of the American mobilization was primarily in providing Canadian Indigenous peoples with ready repertoires of action. While the American Indian Movement (AIM) only became active in the late 1960s, and was at the height of its activity in the early 1970s, it evolved out of earlier mobilizations of Native Americans. In more general terms, then, the Red Power movement predated Canadian mobilization markedly. Despite this, prior to the domestic trigger First Nations in Canada were disinclined to adopt direct action. When mobilization did come, however, the American experience became very important. It has been argued in the literature on repertoires of contention that "only rarely is a new type of collective action invented in the heat of the moment" (Stinchcombe 1987). More often, groups react in modes determined by "what they know how to do and what society has come to expect them to choose to do" (Tarrow 1996: 91; Tilly 1978: 151). Faced with the sudden provocation of the White Paper, then, Canadian Indigenous people drew from the canon of contention (and resources) that had been developing over a decade amongst their counterparts south of the border.

Red Power reached its zenith with the AIM in the late '60s and early '70s. Many of the landmark accomplishments of that movement occurred in approximately the same timeframe as the major mobilization in Canada. In 1968, Dennis Banks and others began to organize AIM. The occupation of Alcatraz by a group called the Indians of All Tribes began in 1969. A series of occupations and demonstrations took place in the early 1970s (Smith 2012, p.151). In 1973, AIM achieved international notoriety when it spearheaded the military occupation of Wounded Knee, on the Pine Ridge Indian Reservation in South Dakota.

Despite these striking parallels, the evolution of the two movements was quite different. The origins of Red Power lay in the National Indian Youth Council (NIYC), founded in 1961. In a recent monograph, Bradley Shreve (2011) describes the NIYC as an overlooked trailblazer in intertribal organizing and contentious politics - a student group which was the first Indigenous organization to adopt sixties-era protest politics. The founding impetus of NIYC was, in part, to challenge the existing Indigenous leadership, which was perceived to be too wedded to American political institutions (Cornell 1988: p.179). A similar challenge did not exist until later in Canada. The NIYC played a leadership role in a broadening mobilization, hosting "protest powwows" on numerous college campuses. In 1963 and '64, urban protests by Indigenous peoples occurred regularly (ibid., p.189). The movement intensified in 1964, when the NIYC helped to organize a series of fish-ins in Washington State as a protest over broken treaties (Shreve 2009). The fish-ins united a diverse mix of young, largely urban Indigenous peoples with the traditional authorities of some west coast nations. They culminated in a protest at the state legislature that brought out somewhere between 2-5 000 Indigenous people (ibid., p.420).

Though efforts were made to distinguish Red Power from other Sixties movements, and interventions by leaders from the Black Power and hippy communities were sometimes rebuffed, the early activism of the NIYC was a clear and organic product of its context (ibid.) Sherry Smith (2012) suggests that normative concerns over how to represent the historical agency of Indigenous peoples have created a tendency to understate the role of non-Natives from other social movements in Red Power, but that empirically, the parallel movements blended easily and often. The entire swath of "counterculture and radical types" was in some ways active in the mobilization (Smith 2012, p.42). This was also true of AIM, albeit to a lesser extent. Dennis Banks acknowledges drawing inspiration from the Weathermen and Black Panthers (Banks 2005, p.61), and was at times assisted by leading African American militants. Two important distinguishing points, then, are first, that Indigenous militancy in the United States originated in the early 1960s, and second, that it was highly integrated with other contentious movements. Both aspects of its genesis distinguish it from Indigenous militancy in Canada.

Moreover, the content of the movements differed in an extremely important way. Red Power began as and remained a pan-Indian movement, which anchored identity in race rather than nationality (Cornell 1988). Canadian mobilization occurred simultaneously in multiple Indigenous communities, but with only some early exceptions, was nation-based (Wilkes 2006; Alfred and Lowe 2007). Red Power's pan-tribal make-up was partly a result of its urban and campus roots with the NIYC. It is reflected in the language and objectives of the movement. "United Indians of All Tribes" occupied Alcatraz, in the interest of establishing a pan-Native American cultural centre and university. Another occupation in California in 1970 led to the establishment of Degana-wida-Quetzalcoatl University - named for a Haudenosaunee prophet and an Aztec deity (Smith 2012, p.157). Even the occupation of Wounded Knee, which occurred on the Pine Ridge Reservation and emerged out of internal Lakota politics, involved "Navajo, Ojibwa, Sac and Fox, Potawatomi, Iroquois, Lumbee, Shinnecock, Pueblo, Kiowa, Comanche, Ponca, and several more" (Banks 2005, p.165).

All of the above suggests that the origins of the two movements differed temporally and qualitatively. Their trajectories differed even more significantly. AIM was practically smashed after Wounded Knee, and Red Power became a spent force in the next few years (Weyler 2007, p.96). Conflict in Canada, on the other hand, would only intensify into the 1990s.

This is not, however, to downplay the influence that American Indigenous activists had in Canada after the White Paper. Red Power was a constant inspiration, and during the 1970s AIM shared its organizational resources in a supporting role across the country. As early as February 1970, in the midst of the White Paper opposition, the famed Lakota activist and scholar Vine Deloria was in Montreal calling for a "mutual defence pact between U.S. and Canadian Indians against the white man" (Canadian Press 1970). The DIA occupations of 1973 bore an obvious resemblance to an AIM occupation of the offices of the Bureau of Indian Affairs in Washington, and it was alleged that AIM members were also present in Ottawa (Canadian Press 1973c). Six members of AIM supported the Mohawk Warrior Society at the Siege of the Longhouse (ibid; York and Pindera 1991, p.174). Louis Murphy had visited South Dakota during the Wounded Knee occupation before organizing the Ojibway Warrior Society and the occupation of

Anicinabe Park (Burke 1976, p.359). Several AIM chapters were established in Canadian cities from Ontario to British Columbia, and AIM was consulted in the Calgary occupations (Ryan 1978: p.31).

Despite this, from the beginning Canadian Indigenous militants pursued a different path. It does not appear that the AIM membership in Canada was ever substantial (ibid., p.72-74). Even where close ideological ties were acknowledged, Canadian activists on the radical vanguard felt pushed to locate their movements within existing national communities. Louis Murphy, for example, explained that though he was highly sympathetic to AIM and viewed his struggle as connected with theirs, "... In Kenora they put us down if we say we believe in AIM. So for the purpose of our own people here we titled the movement - which is the same movement as the American Indian Movement across the continent - the Ojibway Warrior Society" (Ojibway Warriors' Society, 1974: p.5). From this, Alfred and Lowe conclude that: "the Ojibway Warrior Society did not stem from an ideological struggle, but [the] ideology [of the Red Power movement] and the label of a warrior society was grafted onto a movement that developed with the Ojibway community and in northwestern Ontario" (2005, p.14). This seems to overstate the degree to which Anishnaabek militancy (in this case) was insulated against the larger mobilizations. However, it is at least the case that the oppositional frames which activist elites found resonant in Canadian Indigenous communities were ones that invoked the nation and nationalism. Red Power, on the other hand, was able to innovate identity but invoking new, race-based pan-Indigenous frames. In this sense, Red Power more closely resembles a new social movement.

5.7 Other International Currents

Red Power is not the only possible international influence that could explain Indigenous mobilization in Canada outside of the domestic institutional frame. The global indigenous rights

movement of the past several decades is often thought to have played a formative role in its constituent domestic movements. Here, the domestic and international feed each other in complex and multidirectional ways, and it is difficult to do the relationship justice within the scope of the project. My contention is simply that the first mobilizations in Canada took place before the global Indigenous rights movement had been properly launched. Instead, Canadian Indigenous people played a large role in fostering that movement, but this was already after they had organized to resist the White Paper. Nor can the international movement said to have played a large role in shaping Indigenous identity in Canada. Because the global movement did not have the same discursive and identity-constructive impact in Canada as it did elsewhere, its overall impact on direct action has been small.

Global organizing, and the forging of international Indigenous networks, began in earnest in the early 1970s. Prior to then, Indigenous peoples were not present as actors in international fora, and recognition of Indigenous issues was minimal. The canon of international legal documents now so central to a shared global understanding of Indigenous identity - ILO Convention 167, the United Nations Declaration of the Rights of Indigenous Peoples, etc. - was not yet written. The ILO passed the Indigenous and Tribal Populations Convention (no.107) in 1957, which was the first international legal instrument providing some superficial recognition of Indigenous peoples. However, the content of the convention was the product of colonialist paternalism. According to Ronald Niezan (2000): "The institutional objective of the ILO was to implement practical programs of technical assistance in order to bring about the assimilation of indigenous populations into national societies. Indigenous peoples themselves were entirely absent from the processes of designing and implementing such programs" (p.127).

According to Henry Minde, Indigenous people in Canada became pioneers of the global movement in the aftermath of their domestic organizational successes (1996, p.235). In particular, he cites George Manuel, the president of the National Indian Brotherhood, as a central actor in the mobilization of international networks. Manuel was able to play this role because of the privileged position of the NIB vis-à-vis the Canadian government, after 1969:

As head of the NIB, Manuel took part in several Canadian delegations on major visits and conferences overseas. In 1974 the NIB was granted non-governmental status by the UN, the first organization amongst indigenous peoples to be so. Through the contacts Manuel made with representatives of other indigenous peoples from around the world, the NIB was able to stage a conference at Port Alberni in British Columbia in October 1975 which attracted delegates from 24 countries (ibid.)

Manuel established networks in New Zealand, Australia, and amidst the Sami of the Nordic countries (Minde 2008, p.59). In 1974, he published a manifesto titled *The Fourth World* which he dedicated to the Sami, calling for cooperation amongst Indigenous peoples across the globe in reasserting control over culture, politics, and territory (ibid.). At the 1975 conference he organized, the World Council of Indigenous Peoples was founded, which held observer status at the United Nations and was a central player until its dissolution in 1996.

Minde suggests that the Port Alberni conference was a milestone for the nascent international movement, but there is no consensus on this front. Depending on the specific Indigenous peoples in question, others have identified other meetings, such as a 1971 World Council of Churches conference in Barbados (Brysk 1996, p.44), or the 1977 International Non-Governmental Organization Conference on Discrimination Against Indigenous Populations in the Americas (Jung: 156). Nor is Manuel always taken to be the catalyst Minde presents him as. In none of these accounts, however, are launch moments in the global Indigenous rights movement named which predate the White Paper. As a result, it seems reasonable to suggest that during formative stages, the domestic mobilization of Indigenous peoples in Canada played a greater causal role in the development of the global movement than vice versa.

It is also important here to again reiterate the argument that modern Indigenous organizing in Canada did not correspond with or result in the genesis of modern identities. This is another critical factor distinguishing Indigenous peoples in Canada from Indigenous movements elsewhere, which suggests that the global dimension is of generally lesser causal importance in Canada. Courtney Jung (2008) argues that the principal significance of the global movement has been in constituting Indigenous identity in domestic contexts. By providing a ready catalogue of claims that had been validated in international fora, global Indigenous discourse actually fostered indigeneity where it did not exist before. It was acknowledged by no less than the Zapatista leader Subcomandante Marcos, for example, that before the global movement emerged in force "[Mexican] indigenous people [were] part of the community, but without any specificity. They were an exploited people - peasants - and they had to be treated like peasants" (in Jung 2008, p.147). In time, the class-based cleavage was reconstructed as an identity-based one.

I have argued that such a transformation did not need to take place in Canada. A further example of the historical consistency in Canadian Indigenous claims-making can be offered here which particularly suits the question of international organizing. When First Nations turned to international institutions in the 1970s, they actually had a domestic tradition to follow. In 1924, Deskaheh, the Speaker of the Six Nations, travelled to Geneva to plead for membership in the League of Nations. He became a minor celebrity, earning a sympathetic hearing from some members of the League and international NGOs. The claim he advanced (summarized by a Canadian diplomat) was that the Haudenosaunee constituted "an organized and self-governing people so as to form a political unit apart from Canada" (Hauptman 2008, p.134). He fiercely resisted attempts to represent his peoples' challenges as anything other than the denial of sovereignty to an Indigenous nation. For instance, he became offended when a British attorney for the Aborigines Protection Society suggested he apply to the League as a "minority" rather than a nation (ibid., p.138).

The example of Deskaheh is simply meant to reinforce an argument offered throughout, which is that no significant re-imagining of First Nations identities occurred in the contemporary period. Indigenous political discourse in Canada has always been nationalistic. We cannot, then, assume

the same relationship that has been argued to exist between global Indigenous rights discourse and other domestic Indigenous movements. Nor was the international movement significant in provoking Canadian mobilization. The movement itself was a response to political processes already underway in local contexts; it was not conjured in the abstract at international meetings. The anti-White Paper opposition falls primarily into the category of an "initiator movement" in this context, rather than a "spin-off movement" (McAdam 1996, p.217). Simply put, Indigenous peoples in Canada were more makers than takers of global Indigenous rights discourse.

5.8 Constitutional Conflict

I have proposed a particularly long period of critical juncture, rather than restricting its scope to the White Paper alone. This is because contingency remained heightened in the years after the White Paper, even when the pattern of Indigenous-State relations familiar today had begun to emerge. After the direct action of the 1970s, there was a relatively 'quiet' period, when political energies were channeled into establishment Aboriginal organizations in their negotiations with the federal government over constitutional change (Ramos 2006). Direct action returned after the patriation of the constitution, despite Indigenous peoples' significant victory with the inclusion of Aboriginal and treaty rights in the new constitution.

Quantitative accounts of Indigenous direct action register a tailing-off of protest in the early 1980s (Wilkes 2004). This was the period when Trudeau sought the culminating achievement of his redefinition of the national model, by patriating the constitution with a new Charter of Rights and Freedoms. Despite the White Paper episode, prevalent attitudes still overlooked the potential of Indigenous actors participating centrally in the constitutional debate. Their insertion into the process was therefore deemed "the least expected and most exotic part of the story" of patriation

(Sanders 1983, p.301). Sanders notes that in 1978, when the process began to gather momentum, "most politicians and bureaucrats assumed the aboriginal issues could be handled by legislation, and were not of a constitutional order; and they regarded the aboriginal group as factionalized and political unsophisticated" (Sanders 1983, p.303).

These assumptions were quickly overturned. The National Indian Brotherhood and regional organizations lobbied fiercely, making several trips to the United Kingdom to appeal directly to the Queen and British House of Commons, as well as organizing a "Constitution Express" to bring hundreds of Indigenous people from the west coast to Ottawa (Sanders 1983, p.311; Macfarlane 1993, p.264-284). Their success was uneven. A Section 34 guaranteeing Aboriginal and Treaty rights was promised, then eliminated in drafts in late 1981, then returned as Section 35 to ameliorate anger over the betrayal. The Indigenous 'London lobby' lost a British court ruling challenging Canadian jurisdiction over the treaty relationship. The final constitutional outcome was viewed by many non-Natives as a victory for Indigenous people, but most Indigenous actors saw it as a disappointment and worse. On 17 April 1982, when royal assent was given to the bill inaugurating the new constitution, the NIB declared a day of mourning (Sanders 1983, p.324).

The quiet period of activism continued after 1982, along with constitutional processes concerning Indigenous people. After its last minute reassertion, Section 35 read:

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

(2) In this Act "aboriginal peoples of Canada" include the Indian, Inuit and Métis people of Canada.

Because of a general lack of clarity concerning the section, all parties agreed to insert a further clause which stipulated that first ministers' meetings would be convened with Indigenous participation in future (Schwartz 1986, p.xv). Conferences took place in 1983, 1984, and 1985, but early promise ultimately failed to lead to any substantive agreement over what shape future clarifications of Section 35 or Aboriginal self-government ought to take. Indigenous and non-Indigenous actors expressed optimism in the run-up to a 1987 conference (Erasmus 1989, p.17; Schwartz 1986, p.xv), suggesting that the contingent moment had not yet closed. However, no agreement was reached on self-government and Prime Minister Mulroney declared the process closed. Worse, at a First Ministers conference short months later, Mulroney engineered the Meech Lake Accord acknowledging Quebec as a distinct society.

Meech Lake was an attempt to re-revise the national model, by formalizing asymmetrical recognition of Quebec. This was viewed as a particular betrayal. Indigenous groups were overwhelmingly opposed to the Accord, which emerged from a process that had excluded them, and which recognized one national minority but not others. In the words of Mohawk scholar Patricia Monture: "We've been waiting to be recognized as 'distinct peoples' for 500 years! ...Effectively, I think that you have these two founding nations and there is a big crevice in between them and that's where First Nations people have gotten disappeared" (Turpel and Monture 1990, p.347). The National Chief of the Assembly of First Nations, George Erasmus, declared that an "extremely racist" double-standard had been revealed (1989, p.27), and that "sadly, as we head towards the 1990s, we the people of the First Nations, have to admit that our relations with Canadian governments have never been worse" (ibid., p.8). In a speech in 1988, he warned that if the conduct of Canadian governments did not change, "we cannot promise that you will like the kind of violent political action that we can just about guarantee the next generation is going to bring to you" (CBC News 1988). Indigenous resistance to the Accord became symbolized in Elijah Harper, a Manitoba MLA and member of the Sucker Lake Cree nation. His filibuster in the legislature precluded Manitoba from ratifying the Accord within the designated time-period, formally killing the Accord.

In the latter stages of the constitutional process, there was a quantitative increase in instances of contentious action, meeting and then exceeding the levels that were reached in the early 1970s. Unlike the early 1970s, however, this was a genuinely domestic movement with no parallel south of the border. The repertoires of action had changed too, with Indigenous actors departing from some more banal forms of protest. In the mid-1980s, for example, coastal First Nations in British Columbia engaged in several blockades primarily to impede logging. In 1984, the Nuu'Chah'nulth established logging blockades at Meares Island in Clayoquot Sound, in 1985 the Haida established blockades at Athili Gwaii (Lyell Island) and Moresby Island, and in 1986 Kwagiulth held protests at Deere Island. Other nations, including the Nlaka'pamux, Lillooet, and Nisga'a, impeded railway development projects in 1986 and 1987 (Tennant 1990: p.207). The Haida action was among the more successful contentious acts, because it led - after multiple blockades and legal action - to the establishment of a co-managed national park (Borrows 2013: p.76-82).

These repertoires of action were repeated in all regions of the country. In June 1988, the Teme-Augama Anishnaabe of Ontario established a blockade on the Red Squirrel logging road, in the midst of a legal battle over whether they enjoyed Aboriginal rights over a territory subject to intensive logging. The blockade remained in place until it was removed after a court injunction in December (Potts 1989; Borrows 2013: p.120-125). In September, approximately 75 Sheshatshiu Innu of Labrador broke into the NATO air force base at Goose Bay, and set up tents on the runway. The occupation followed on years of protest, particularly over a low-level flight training program that had been initiated in 1979 and that was exacting an environmental, health, and hunting cost on the Labrador Innu. Its immediate provocation was plans to dramatically increase the training program at Goose Bay. The initial occupation lasted until December, but sporadic protests at the base continued over the next several years (Alcantara 2010; Ashini 1988).

In October of the same year, the Lubicon Cree of Northern Alberta established blockades on four highways leading into their territory to protest Canada's intransigence in recognizing their treaty rights. RCMP took the barricades apart and arrested 27 protesters after five days (Richardson

1989; Borrows 2013: p.128-132). The following September, the Algonquins of Barriere Lake, Quebec established blockades on several logging roads leading into their territory. This was also the product of a decades-long struggle with the federal and provincial governments over control of territory and resources. The specific provocation in this case was that logging companies were spraying herbicides in the forests. In October, the Sûreté du Québec attacked and forcibly removed the blockades (Sarazin 1988; Borrows 2013: p.116-120).

These actions reached a crescendo in July 1990, when the Mohawks of Kahnésatake established blockades to protest a decision by the neighbouring municipality of Oka to expand a golf course onto territory called the Pines, which was claimed by the Mohawks. Residents of Kahnésatake were reinforced by Mohawk Warriors from other communities. When the Sûreté Du Québec attacked the blockades, a firefight ensued, which resulted in the death of a police officer. The RCMP was subsequently deployed but without success, with 10 RCMP officers hospitalized on one day of fighting in August. In early August, the Canadian army was deployed. The occupation of the Pines lasted for 78 days. Oka also triggered extensive Indigenous mobilization in other parts of the country, and the summer of 1990 was dubbed "the Indian Summer".

Two observations can be made about the wave of mobilization that followed the collapse of the constitutional process, in comparison with the wave that followed the White Paper. First, a very distinct repertoire of action had come into play, in contrast with the 70s activism that produced a wider array of modes of protest. After the White Paper, there were some urban protests, protests in Ottawa, protests that targeted offices of the DIA, as well as occupations like the one at Anicinabe Park. In the latter wave, protests actions almost entirely followed the template established at Anicinabe Park and Wounded Knee; blockades and occupations became and have remained the primary units of contentious action.

Second, the contentious acts were highly band- and nation-specific, despite being obviously connected with a larger, Canadian national context. Any AIM-influenced, pan-Indigenous

dimensions of the early wave were lost in the second wave. This is not to suggest that the individual mobilizations occurred in isolation to each other. High profile action often engendered sympathy protests from other nations across the country. This was particularly true of Oka, which was viewed as carrying vast significance for Indigenous people everywhere (Ladner 2010). Also, particularly into the 1990s, a small cadre of experienced militants associated with the warrior societies and of diverse national backgrounds began to appear from protest to protest (this will be discussed at greater length in the case study chapters). But the provocations that ignited conflicts were typically local in nature, and irrespective of the actual participants, protests were framed in national discourse.

At Oka, a new expression of the Indigenous-State relationship was crystallized. It was the product of twenty years of political innovation, a period of vulnerability in the Canadian national model. The White Paper episode threatened the stability of the national model, and was perceived by Indigenous people to constitute a lethal status threat. As a result, it accomplished what external political control and resource deprivation had not, which was to engender conflict between Indigenous peoples and Canada outside of normal institutions. This process was suspended briefly, while establishment First Nations organizations wrangled with the Canadian government over recognition within the new constitutional order. A revolution of rising expectations meant not only that Section 35 was viewed as insufficient to protect Indigenous interests, but in fact that the position of Indigenous peoples had never been worse (Erasmus 1988). At the close of the critical juncture, contentious politics had coalesced around more high-grade and challenging repertoires of action.

5.9 Conclusions

The process of revision to the national model, which began with the White Paper and culminated in the *Constitution Act*, 1982, engendered new and more conflict-prone myths. Indigenous peoples began to express norms which spoke of a collapsed treaty order, corrupt institutions, and

the absence of a shared framework that could facilitate collaboration across the national divide. New norms counseled direct action and rejection of state institutions. The Canadian English majority, on the other hand, embraced the liberalizing project that had birthed the White Paper and the new constitution. This new narrative complex bred conflict.

The role of the White Paper in the genesis of the new nationalism preserves it as a central figure in Indigenous national myths. It is a resonant "chosen trauma" (Ross 2001, p.166), cited frequently to bolster opposition to the Canadian government and collaborators. This is evident in the discourse surrounding some recent mobilization. In 2012, for example, a Crown-First Nations Gathering between the AFN and the government of Canada was derided by hardline opponents of the AFN leadership as "like the 1969 White Paper assimilation plan using modern words" (Palmater 2012). A proposed *First Nations Property Ownership Act*, which would create an opt-in framework for bands to convert some reserve land to fee-simple ownership, was dubbed "the White Paper Lite" (Vowel 2012). An omnibus bill that included some changes to the Indian Act was called "the White Paper with a twist" (Palmater 2013), with protesters insisting: "If you look at the White Paper ... that's exactly what the Conservative government wants to do" (Winter 2012). The original text of the White Paper was available at the official website of Idle No More – a movement that brought unprecedented levels of Indigenous protest activity across the country in late 2012 and early 2013 – with the comment that it "is the fight we are currently invested in" (Idle No More 2013). At a 2014 policy conference, the Aboriginal wing of the Liberal Party of Canada promoted a resolution, ultimately accepted by the party membership, which pledged the party to officially apologize for the aborted White Paper. Little remembered by non-Native Canadians, it carries immense and enduring symbolic, emotional and normative weight for Indigenous peoples, equal to the impact it would have caused to the national model governing Indigenous-non-Indigenous relations if it had been realized.

The following two chapters will examine high-profile occupations – at Ipperwash/Aazhoojena and Caledonia/Kanohstaton – as exemplars of local, episodic and micro-level Indigenous contentious mobilization.

Chapter 6

Conflict at Ipperwash Beach / Aazhoodena

6.1 Introduction

The Ipperwash / Aazhoodena conflict unfolded over the course of several years in the early 1990s, but the occupation has been maintained to the present day. It is focused on an army camp and neighbouring provincial park, which are both located on territory formerly belonging to the Anishinabek Stoney Point First Nation, in southwestern Ontario along Lake Huron, west of London. The Anishinabe of the region traditionally used institutional means to protest the loss of land, including after 1942 when the reserve was appropriated by the Department of National Defence (DND) and turned into an army camp. In the late 1980s and early 1990s, former residents of Stoney Point began to adopt moderate repertoires of contentious action, in an effort to pressure the government into returning the land after decades of inaction. They also began to assert their independence from the Kettle and Stony Point First Nation chief and council, which formally represented them. After demonstrations and several short-term occupations, Stoney Point protesters established a permanent occupation in 1992 in parts of the army camp away from the barracks and administrative buildings.

Despite a 1994 promise from the federal government to return the land, in 1995 the Stoney Pointers expanded the occupation to take in the rest of the army camp, forcing the complete eviction of remaining DND staff, and then, Ipperwash Provincial Park. They occupied the park for only two days before the Ontario Provincial Police (OPP) performed a violent nighttime raid, shooting two protesters and killing one, Dudley George. After the shooting, the ranks of the protesters swelled and police drew down their deployment. Since that time, the army camp has been continuously occupied and the park has been intermittently occupied, and access has been prohibited to state authorities. In 2003, the newly elected Liberal provincial government of Dalton McGuinty responded to sustained campaigns by Dudley's brother Sam George and

Liberal MPP Gerry Phillips by commissioning an inquiry into the death of Dudley George. In 2007, after the Inquiry had issued a wide-ranging report, Ontario signaled it would formally transfer control of the park to the First Nation. This process is currently underway, as are negotiations with the federal government over the long-promised return of the army camp.

The material in this chapter draws primarily on the testimonies of 33 individual participants in the conflict, given at the Ipperwash Inquiry over approximately 70 days of hearings. These testimonies were augmented by interviews where informational gaps existed, especially in relation to non-Native participation in the conflict, which did not feature prominently in the inquiry. I did not conduct extensive interviews for this case for several reasons. Distance in time and geographic dispersion made contacting front-line participants in the mobilization difficult and in some cases, impossible. I also learned in early consultations that there existed strong reticence in the community to rehash personal narratives after participation in the intensive truth-telling process of the public inquiry. In light of the immeasurably rich, attributable data resource produced out of the inquiry, I deemed it unwise and unnecessarily invasive to push against this exhaustion. The case is also based on archival materials pertaining to the historical story, including archived correspondences and local and national newspapers. I also examined submissions to and commissioned research of the Ipperwash Inquiry, the report of the Inquiry, and other documentary evidence submitted as exhibits, including letters, declarations, and press releases.

The chapter begins with a brief history of the relationship between Canada and the Anishinabe of southern Lake Huron, beginning in the 17th century. It will discuss the severe reduction in the Anishinabek landmass, which occurred primarily between 1825 and 1942. Notably, this process occurred without major conflict, despite the severe resource threat posed to Indigenous people and the authoritarian control exercised by Indian Affairs on the remaining reserves. The chapter will discuss the turn from institutionalized to contentious protest, which was clearly connected with national mobilizations of Indigenous people. Demonstrations and short-term occupations illustrated that the army and police would tolerate protest, while simultaneously provoking frustration over a lack of progress. This contributed to gradually more contentious mobilization.

The negotiated process that was underway between the federal government and band council was not effective in decelerating contentious mobilization, as the band council was viewed with distrust and contempt by the Stoney Pointers. Police repression at Ipperwash Provincial Park resulted in an upsurge in mobilization. This, combined with constraints posed on governments by local non-Natives who favoured a more confrontational stance, contributed to the deep intractability of the conflict, and the robustness of the occupation that has now lasted two decades.

6.2 Early Relationship

The Anishinabek inhabitants of the eastern shore of Lake Huron spread south from Lake Superior and the north shore of Lake Huron in the mid- to late-17th century. In the 1640s and 50s, the Anishinabe and Haudenosaunee fought a bloody war over control of present day Ontario. The Haudenosaunee successfully routed the Hurons who were settled around Lake Huron and Georgian Bay in 1648, shattering their settlements and generating a massive movement of refugees to other nations to the north, south and west. The end of Huronia created opportunities for both the Haudenosaunee from the east and the Anishinabe from the north to expand their territorial holdings on the peninsula. A series of escalating provocations beginning in 1652 resulted in the Anishinabe-Haudenosaunee War (Copway 2001, p.78-83; also Shmalz 1991, Chapter 2). By about 1667, the war had been won decisively by the Anishinabe (Bellfy 2011, p.21), and they began to settle in the southern part of the peninsula. They also entered into a political, economic, and military relationship with the French. In 1701, representatives from approximately twenty Anishinabek nations participated in the Great Peace of Montreal, which established peace between Anishinabe, Haudenosaunee, and the French, removing barriers to a multilateral economic relationship based in the fur trade.

As military allies, they participated in the war over colonial control of North America. The historian Peter Schmalz has suggested that this far west, there was less in the way of "any

binding 'patriotic spirit' or loyalty that inspired the Indians to fight for the kings of France" (1991, p.61), but that the network of French forts that sprung up along Lake Huron was tolerated because of the economic benefits that it brought. Notable among the new French settlements was the fort established at Detroit in 1701. It was intended to be a central meeting place for a broad swath of Indigenous allies to the French (Bellfy 2011, p.23). It was well south of the traditional territory of the Anishinabe, and stimulated some more southerly settlement because of its economic and geo-political significance. Villages sprung up around Detroit, at the site itself and also along the Riviere a la Tranche (Thames River) and base of Lake Huron, in present southwestern Ontario (Johnston 2004, p.12).

The Anishinabe of Lake Huron underwent a major re-negotiation of political relations after the collapse of New France. The English were initially disinclined to engage in a new round of treaty-making, or to invest heavily in symbolically important gift giving. Uncertainty over the new terms of political engagement resulted in Pontiac's War in 1763. According to the historian Timothy Willig, though, this conflict was easily repaired once the British accepted that they had to formally seek consent of the western nations through political federacy: "Once the two sides developed a mutual respect for the other, the foundation was laid" for a strong treaty-federal relationship (2008: p.4). Rather than surrender, the evidence suggests that Pontiac was convinced by Sir William Johnson, the Superintendent of Indian Affairs, that his grievances would be properly addressed through treaty-making (Schmalz 1991, p.80).

This occurred formally the following year. Chiefs and warriors of the Lake Huron Anishinabe were among the 1500-2000 present at the Treaty of Niagara. Two wampum belts were brought into law to signify the new British-Anishinabek federacy. The first displays the date 1764, and depicts an Indigenous person and non-Native joining hands. The second depicts 24 people, symbolizing the 24 nations present at the Treaty of Niagara, clasping hands and reaching from a British ship to an Anishinabek dwelling (Johnston 2004, p.14-15). According to the Anishinabek missionary Peter Jones, author of another 19th century history of the Ojibway, this political pact with the British was stronger than the largely instrumental relationship with the French that had preceded it:

The old chiefs often mention these treaties in their councils, using at the same time a striking metaphor, in which is apparent their superior attachment to the English. They say that when the French came, they bound their hands together with an iron chain; but that when the English came, they broke asunder that chain, which had already become rust, and then their great Father... bound their hands together with a silver chain, which he promised should never rust and never be broken (Jones 1861: p.244-247).

The pact endured the Revolutionary War, when, according to the Indian agent Henry Rowe Schoolcraft, more than 5 000 Anishinabe fought on behalf of the British and none fought for the Americans (Belfy 2011, p.43). The Anishinabe allied themselves again with the British during the War of 1812. Many fought behind the charismatic Shawnee leader Tecumseh, who had forged an alliance of Indigenous nations in the western Great Lakes to impede the westward push of American settlers. Anishinabe were essential contributors in the captures of Fort Michilimackinack and Fort Detroit in July and August of 1812 (Schmalz 1991, p.111). They also helped keep an invading force at bay in southwestern Upper Canada, mostly because the American commander William Henry Harrison was crippled by irrational fear of Indigenous people. By war's end, Anishinabek chiefs from Lake Simcoe, Garden River, Sarnia, Saugeen Territory, and Manitoulin Island had distinguished themselves through military service (Schmalz 1991, p.114). This contribution to the War of 1812 would be cited time and again by the Anishinabe around Ipperwash Beach into the 20th century, in diplomatic efforts to stem the loss of land.

6.3 Territorial Losses

Over the course of approximately one century, from the 1780s to the 1880s, the Anishinabek lost almost their entire territorial holdings in Ontario. According to the historian Peter Schmalz, the losses arrived in three waves:

- 1781-1806: Waterfront land along the St. Lawrence River, Lake Ontario, the Niagara River, Lake Erie, the Detroit River, Lake St Clair and the St. Clair River was obtained by the colonial government primarily for the settlement of Loyalists;
- 1815-1830: Territory in-land from the Great Lakes on the Ontario peninsula was obtained by the colonial government to accommodate new immigrants;
- After 1830: The Saugeen (Bruce) Peninsula, Manitoulin Island, and the north shores of Lake Huron and Superior were surrendered (1991, p.121).

This massive loss of territory is notable in that it occurred in the absence of conflict. This was remarked upon by contemporaries. The common and unpersuasive explanation – offered, for example, by the historian WD Canniff in 1869: "The Mississaugas [Anishinabek] being a race of naturally peaceful disposition, the settlers never had any reason to fear them, even had the Canadian Government, like the American, forgot to recognize the rights of the natives... no attempt was ever made to disturb the settlers" (1869: p.332). Chapter 3 presents reasons apart from the "peaceful disposition" of the Anishinabe; namely, that the practice of treaty-making survived into the 19th century, and was only undermined incrementally to avoid courting violent conflict.

The land transfer that created reserves along the south-eastern shore of Lake Huron occurred in 1827. The process began in 1818, when the Indian Agent John Askin received instructions to acquire the Anishinabek lands north of the Thames River in southwestern Ontario. Askin met with representatives of Anishinabek communities at Chenail Ecarte (Walpole Island), the St. Clair River, the Thames River, Big Bears Creek, and the Aux Sauble River - which emptied into Lake Huron alongside Ipperwash Beach (Minutes of a Council held at Amherstburg the 16th Oct 1818..." (NAC MG 19 F1Vol. 11 pp. 95-96 Reel C-1480.). The Anishinabe asked that if they surrender the lands, five reserves be set aside at desired locations, including at Kettle Point and Stony Point at the mouth of the Aux Sauble River (ibid.). They also asked that the government provide a blacksmith and animal husbandry expert, and that the payments for land were kept

separate from "the presents our Great Father the King gives us yearly for our loyalty & past services" (ibid.). The Lieutenant Governor agreed to consider the terms. Separate deals were made for the more southerly land included in the original proposal, along the Thames River. The northerly portion of the land became known as the Huron Tract.

When the chiefs and agent met again in 1819, the Huron Tract territory under discussion had grown considerably from the 712 000 acres originally discussed, to approximately 2 756 040 acres (Holmes 2004, p.14). A multi-year delay ensued because of concerns over the proposed cash settlement. Finally, a new provisional agreement was established in 1825 and ratified in 1827 (Holmes 2004, p.15). Reserves were established on the St. Clair River in the area of Sarnia, at Chenail Ecarte or Walpole Island, at Kettle Point and Stoney Point. Provisions were made that the annual treaty annuity of 1100 pounds decrease if the Anishinabek population declined dramatically (as was generally anticipated by colonial authorities at the time), but no commitment was made to increase the annuity with a population increase (Canada 1891). In transferring the control of this vast tract of land - leaving themselves less than 1% of their original holdings - Anishinabek chiefs made reference to the lasting political relationship with the British, and intimated the expectation that this mutually beneficial relationship would continue:

We have always been obedient Children and ever ready to serve our Great Father as well in War as in Peace, as it is your wish to have the Land... so it is our will to oblige you. We are fully sensible of the paternal kindness of our Great Father and We throw ourselves upon his generosity. The land is Yours. (NAC, RG10, Volume 43, p.2273-2276).

6.4 Administration of the Reserve

Not only did the massive territorial losses not engender conflict, but neither did cool high-handedness of Victorian Indian administration. Over the next century, one of the defining political issues for the Anishinabe of southern Lake Huron was how to structure the

administration of their reserves. The four communities were considered one band in the eyes of the Department of Indian Affairs. Governance was based from the largest community, the reserve in Sarnia. Kettle and Stoney Point councillors were outvoted, and so, could not control even those decisions that only affected their reserves. They made entreaties to the DIA to remedy the situation and give them administrative autonomy through repeated petitions, and were repeatedly turned down, often without explanation. The request was not finally granted until 1919. In historical research prepared for the Ipperwash Inquiry, it is suggested that the DIA's sudden willingness to indulge the request after nearly a century of formal protest is partly explained in a note written by the Deputy Superintendent General of Indian Affairs stating that the DIA was seeking the surrender of portions of the Sarnia reserve, and that the other reserves' presence on council made this process more difficult (NAC RG 10 Vol. 2568 File 115678 pt.2). The reserve autonomy question is just the most notable case of the DIA exercising autocratic control over the Anishinabe of southern Lake Huron, and imposing profound political constraints. This too failed to provoke conflict or push political activism outside of established channels.

Figure 2. Stoney Point and Ipperwash



6.5 Precipitant: Surrenders and Appropriation at Stoney Point

In the early 20th century, residents at Kettle and Stoney Points continued to experience pressure to surrender territory. Local non-Native business interests saw immense value in the white sand beaches, and the local Indian Agent supported the sale of lands that did not serve an agricultural purpose despite their obvious tourism potential (NAC RG 10 Vol. 7794 File 29029-2). In 1927, momentum towards a sale of shoreline property at Kettle Point generated dissensus on the reserve. Some councillors appear to have strongly favoured the sale. Another reserve resident, Cornelius Shawanoo, engaged in a vigorous letter-writing campaign against the sale, claiming that the developers looking to purchase the land were offering bribes to councillors in exchange for their support (NAC RB 10 Vol. 7794 File 29020-2.). In March of 1927, council approved the surrender of some land along the lake. The developers pre-emptively appealed to the local MP, insisting that the sale was conducted ethically and for the government to ignore protestations: "...I am sure some of the Indians are going to make as much trouble as they can" (Holmes p.40, n.194). Not surprisingly, protest did follow the surrender of land. Barristers were immediately hired by reserve members to seek a stay on the surrender, in light of alleged illegal and corrupt conduct. The DIA insisted that the surrender had met its standards, and declined the stay. In 1928, another 377 acres were surrendered along Stoney Point. A portion of this land was sold to the Government of Ontario in 1936, becoming Ipperwash Provincial Park.

The most significant modern territorial loss occurred in 1942. The Department of National Defence (DND) was shopping for land to erect a new infantry training base, and identified the Stoney Point reserve as ideally situated. DND approached the Department of Indian Affairs (DIA) about seeking the surrender of the entire Stoney Point reserve. The Indian Agent was enthusiastic about the plan, which he saw as "a wonderful opportunity to gather a few straggling Indians and locate them permanently with the main body of the Band at Kettle Point. It would solve many problems and dispense with a great deal of expense from both Band Funds and Departmental Appropriations such as schools, roads, visitations, etc..." (NAC RB 10 VOL. 7754 File 27029-2 pt.1). The proposal to transform the reserve into an army base and relocate its

residents to Kettle Point was embraced by both departments, then, both in order to meet the needs of wartime mobilization, and to reduce costs in the administration of the reserve.

Unlike the shoreline sales proposals, the band was mostly united in its evaluation of this proposal. The council flatly refused the move, citing the continuing force of the 1827 treaty. In a general meeting in April 1942, the residents rejected the proposed sale by a vote of 59-13. Inexplicably, a DIA official involved in negotiating the surrender blamed the refusal on "a few white neighbours", and went on to demonstrate the depth of his department's indifference and cynicism respecting the reserve residents' position (as well as to express a kind of paleo-instrumentalism):

...the various reasons given... hardly seem adequate for not surrendering for the military purpose. These reasons covered: 'We have our land so long as the sun shines and the grass grows', 'It is our heritage and we must retain it,' 'in the last surrender we did not get enough money'. It seems fairly obvious that had they been offered a cash distribution of around 25% to 50% of the purchase price, the 'heritage' though would quickly have disappeared" (NAC RG 10 VOL. 7754 File 27029-2 pt.1).

DND continued to survey the site, despite the refusal. Using the exceptional powers of the *War Measures Act*, the federal government passed an Order-in-Council enabling the appropriation on April 14. Some compensation was to be paid to the residents along with moving costs, and Stoney Pointers were given two weeks to relocate to Kettle Point (Residents of Aazhoodena 2006, p.15). The uprooted Stoney Pointers were forced to settle on back lots and in swampy areas of Kettle Point, because the desirable territory was already settled. They constituted a tremendous strain on the space and resources of Kettle Point. As a result, they were not welcomed, and were referred to as "refugees" by the Kettle Pointers (NAC RG 10 Vol. 7754 File 27029-2 pt.1). Moving was itself an ordeal, resulting in the destruction of a great deal of personal property. Moreover, the small-scale agriculture that had been conducted at Stoney Point could

not be replicated on the poor lands at Kettle Point, forcing families onto welfare within a year of the move (Roos 1998, p.97-98). The result of the appropriation, summarized in the report of the Ipperwash Inquiry, was "emotional turmoil", "the loss of... livelihood and self-sufficiency", and "friction that resulted between" Kettle and Stoney Pointers (Linden 2007, p.75).

6.6 Response: Institutionalized Protest

Despite this enormous blow to Anishinabek interests, the response at Kettle and Stoney Point was politically mild. Residents of the old Stoney Point recall some acts of resistance during the forced relocation. One resident stood between her home and the truck driver that had been hired to move her, and refused to leave for some time (Rose Manning 2005, p.209). Another, a school teacher on the reserve, sat on her porch with a shotgun, and had to be physically carried off to allow for the demolition to proceed (Clifford George 2004a, p.45). But there was little beyond these one-off, individual protests. One former resident of Stoney Point recalls a council meeting to consider the response to the appropriation. Amidst "crying and praying", community members expressed a belief that the war would soon end, which would mean that the land would be returned; as a result, "we might just as well go peacefully" (Rose Manning 2005, p.199). The question of whether there was an explicit, unconditional promise by the federal government to return the land after the war is subject to some historical debate (see Lackenbauer 1999), though it is clear that was the understanding of the Stoney Pointers. Nonetheless, it is notable that the residents of Stoney Point were content to trust this promise and make do at Kettle Point, in light of the obvious and deeply destructive impact that this relocation had on their lives. DIA correspondence summarizes the cooperative attitude of the Stoney Pointers, despite the severe blow that had been dealt to their interests: "The Indians of Stony and Kettle deeply resent the fact that their Reserve has been taken from them... Generally speaking, however, the Indians of both Kettle and Stony are... resigned to the fact that their Reserve is gone as far as they are concerned" (NAC RG 10 Vol. 7754 File 27029-2 pt.1).

At war's end, the army base was not re-converted to a reserve as had been (at least) strongly intimated by the federal government. The band sought its return beginning immediately after the war, pursuing negotiations first in 1946 (Holmes 2004, p.59). In the late 1940s, the federal government vacillated between recognizing the legitimacy of the claim and desiring to retain the land for military purposes. It landed in a place of intransigence, deciding instead to re-purpose the base as a cadet training centre. In 1963, negotiations were again attempted but went nowhere. In 1972, Minister of Indian Affairs Jean Chrétien wrote a letter encouraging DND to consider returning the land, suggesting that political dynamics on reserve mirrored the activism that was beginning to emerge at the Akwesasne Mohawk reserve with the development of the Mohawk Warrior Society: "there are signs... that they will soon run out of patience... They may well resort to the same tactics as those employed by the St Regis Indians... - to occupy the lands they consider to be theirs" (ibid., p.60). This too had no effect. In 1976, the Kettle and Stoney Point band council believed it was on the verge of achieving federal approval of the land transfer, but the decision did not come to pass (Canadian Press 1976).

Throughout this period, the band petitioned and pursued legal redress. Clifford George, the oldest Stoney Pointer to participate in the occupation, recalled how routine this institutionalized protest became:

... [Stoney Pointers] were always getting together. And they had to raise money to send to lawyers - for litigations and a lot of letter writing, writing letters to the government...if one group quit then there was another group that started right up... They were always negotiating for the return of Stoney Point (Clifford George date unknown, p.217-218).

This process entered the vernacular at Kettle and Stoney Point:

There was an old saying that come to our Reserve and there was one lawyer, I think his name was Chisholm and that's what they used to say: 'Well, whenever Chisholm pays'... They never gave up hope that that land would come back..." (Clifford George 2004b, p.162).

The same approach was adopted to deal with other smaller contentions connected with the appropriation, including the condition of the Stoney Point cemetery. Stoney Pointers were aware that their cemetery was open to the army base and had been badly vandalized in military training exercises. Though this was "devastating" (Clifford George 2004a, p.28), the Stoney Pointer response came through formal appeals to uninterested officials at DND and DIA. Into the 1980s, and despite very little progress, the Kettle and Stoney Point Anishinabek worked within Canadian institutions in the pursuit of redress.

6.7 The Beginnings of Contentions Action

Despite several decades of adherence to institutional politics after the appropriation, Stoney Pointers had become accustomed to contentious action by the time the permanent occupation began in 1993. One of the youngest members of the occupation counted protests and demonstrations as a fixed feature of life at Kettle and Stoney Point: "there had been several demonstrations over the years, basically all my life" (Kevin Simon 2004a, p.69). When the occupation did occur, it emerged from incremental increases in the degree and kind of mobilization undertaken, a spiral pattern that produced the high-grade protest act without any new, exogenous precipitant. The early protests leading up to the occupation were mostly ignored in the report of the Ipperwash Inquiry, which moves quickly from the appropriation itself to 1993, when "long-building frustration" produced the occupation (Linden 2007: p.89). But they are important in understanding the dynamics of mobilization.

In the early 1970s, Jean Chrétien was already describing a fear that Stoney Pointers could resort to extra-institutional action, and he consciously connected this to national trends in Indigenous politics. But contentious mobilization would not come to Kettle and Stoney Point until the 1980s, and then only on a small, fairly moderate scale. At this time, meetings of the "locatees" - or former residents of Stoney Point and their descendants - became common at the reserve (Gerald George 2005a, p.201). These are recalled as emotional meetings, not "focussed on - on technicalities... They were talking more about their existence [at Stoney Point]" (Ron George 2005, p.50). These meetings were primarily dedicated to achieving the return of Stoney Point, but also became venues for broader discussions about federal mistreatment of Aboriginal people, producing some mobilization around other issues like education funding (ibid., p.53-54.). In the course of meeting, a stronger sense began to develop that Stoney Pointers and their descendants were separate from Kettle Pointers and required autonomy; participants acknowledged that this had not previously been a "premier point of focus" in the community (ibid., p.63).

After the locatee meetings began in earnest, several small demonstrations were organized. They took place at the army base, at the band council offices, and along the highway that runs between the reserve and the army base. In 1988, a demonstration occurred to protest the firing of Anishinabek youth that were employed at the army base (Kevin Simon, 2004a, p.70). This followed on the heels of a formal protest from the band council alleging discrimination, when reserve-based caterers were not awarded the catering contract for the army base (Graf 1988, p.A7). A larger demonstration took place in May 1989, when approximately 20-30 Stoney Pointers marched alongside the army base with signs that read "We have been patiently waiting for 47 years but now we want our homeland back" and "War is over; we need our land" (Residents of Aazhoodena 2007, p.21). This demonstration garnered little media attention.

In 1990, in the midst of a summer of Indigenous mobilization across the country, Stoney Pointers turned towards more contentious repertoires of action. These actions were explicitly linked with the broader mobilization, occurring nationally but based at Khanestake/Oka. In July,

approximately 100 protesters demonstrated outside the camp and provincial park – significantly more than had participated in past demonstrations (Canadian Press 1990). They also pledged to stage a temporary occupation of the army camp after the summer cadet program was finished. Protesters signaled that their actions should be understood both as sympathy protests for the Mohawks engaged in blockades at Oka, and in connection with their own cause, the return of Stoney Point (ibid.; Gerald George 2005a, p.194). Four of the demonstrators filled a van with blankets and other supplies and drove it to Oka (Kevin Simon 2004b, p.13).

Three short-term occupations also took place in the summer of 1990. The first time protesters entered the camp, they were cautious and deliberate, handling camp authorities with care and basically negotiating the contentious act. A one-time spokesperson of the occupation group recalls: "I told them - the Military and the ones that were at the front gate - that being that we're coming in not to cause any problems, but just to - to be there for a short while as a short demonstration. And we're going to talk and maybe sing a couple of songs..." (Cecil Bernard George 2004, p.148). The protest was framed as banal and unthreatening, and base security offered no resistance. Later in the summer, three Stoney Pointers established a camp along a feeder creek in the back bush area of the army base. This too had been presented to military authorities some weeks before it took place, and it was also permitted. It was calibrated to pose only a low-grade challenge, occurring after the army cadets summer program had ended, and in a part of the army camp that was not in use anyway. The three remained for about three days. At the end of the summer, more than 100 Stoney Pointers again entered briefly, staying in the camp for "one minute for every day of the Oka standoff", which was then more than six weeks old (Belzner 1990, p.A1).

More demonstrations took place in the summer of 1991, when Stoney Pointers were joined by some non-Native supporters, including the National Association of Japanese Canadians (Globe and Mail 1991). In April of 1992, Stoney Pointers served DND with a notice of eviction, garnering media attention. In the summer, they once again staged a modest demonstration inside the camp gates, involving what was reported as "a friendly exchange with the army officers" at

the base (Canadian Press 1992). The chief army administrator of the camp and the recently declared 'chief' of the Stoney Pointers posed together for photographs.

Several important observations should be made about the development of contentious action. First, the national context had a clear and direct bearing on local mobilization. Mobilization took a distinctly more contentious turn in the summer of 1990, when the Oka Crisis was underway. Oka stimulated both anger and sympathy amongst Stoney Pointers, who saw it as an extension of their own cause and felt compelled to contribute. The spirit of pan-Indigenous solidarity accelerated local protest over band-specific issues. Second, while these protests did not constitute victories per se - DND continued to publicly insist that it required the use of the base as late as August 1992 - they were successfully undertaken without courting backlash from authorities. Protesters saw some specific accomplishments in the early occupations and demonstrations - for example, one cites the fact that the Lieutenant Governor did not attend a cadet graduation ceremony at Ipperwash "for the first time in history", because of the presence of Stoney Point protesters (Kevin Simon 2004a, p.69). After ceding ground by allowing the protests, the military acquiesced to more regular visits by Stoney Pointers to the army base to pick medicines (Cecil Bernard George 2004, p.150). They also allowed a former resident of Stoney Point, Dan George, to be buried at the Stoney Point cemetery - the first body entombed there since the appropriation. This was viewed by the Stoney Pointers as an immensely important breakthrough.

Contentious action encountered a permissive environment, and this resulted in what Douglas McAdam terms "cognitive liberation" - a growing sense the contentious politics was viable and offered some possibility of achieving traction. The language of cognitive liberation is partly misleading, suggesting a constructivist understanding of normative change. What McAdam actually describes is simply "a relatively instrumental reading of available information about the likelihood of repression" (Goodwin et al 2000, p.71). The learning process was made quite explicit by several of the occupation pioneers, in testimonies at the Ipperwash Inquiry. One pioneer, Carl Tolsma, was an employee at the army base in the early 90s, and in that role he was able to closely observe the frequent demonstrations and short-term occupation of 1990:

When I was working there I just seen [the three occupiers]... and they stayed for three days... it was pretty well all peaceful and National Defence didn't do anything and Provincial Police didn't do anything. Just - the police were there. They were just mainly watching for traffic and kept people off the highway and kept the traffic flowing... I watched all these things happen and I watched National Defence. They just ignored it... So that's when I talked to a few other people and they felt the same about, like, what if we went in? And I said naturally they're going to think it's just another three day demonstration and they're going to let us in and what happens if we don't leave?" (Carl Tolsma 2005, p.35-36).

This is echoed by other occupation pioneers that participated personally in the early protests. For example, Stoney Pointer Rose Manning described her participation in earlier demonstrations in and around the camp as attempts "just to try the waters, see if - see if there was going to be any - any fuss about us going in... But for some reason, they always let you in" (Rose Manning 2005, p.236-237). These early experiences generated a sense of collective efficacy. There was little to suggest that protest would necessarily yield the return of land, as little ground had been gained vis-à-vis the federal government as a result of the protests. But they did at least suggest that protest could be effectively performed, that the means of a higher order mobilization - most importantly, a degree of tolerance from state authorities - were at hand.

At the same time, this process produced normative change. It fostered further frustration, deepened distrust, and amplified the perceived illegitimacy of the state, when the federal government proved unyielding. While remarking on the relative acquiescence of state authorities to the presence of protesters, Tolsma also noted that "...the government, they never took notice and they didn't care so I just thought to myself, what - what can you do to more or less shake them up and make them see?" (Carl Tolsma 2005, p.35-36). These sentiments were echoed by almost all the occupation pioneers. For example: "There was nothing; there was no response... like, they - they'd come by and they said, well the Government said this, the Government said

that and, you know you have to wait a little longer" (Rose Manning 2005, p.217). As a result, organizers began to warn that "the next demonstration might not be so easygoing", and could involve "roadblocks, civil disobedience and further demonstrations" (Canadian Press 1992). It also deepened the relatively new sense of collective identity amongst the Stoney Pointers as a group apart from the rest of reserve. This sense was reinforced when the elective band council opposed contentious action, and continued to counsel moderation.

Apart from an instrumental calculation, there was a clearly normative and emotional shift taking place. One of the protesters, Ron George, explained this complex of processes in connection with the burial of Dan George at the Stoney Point cemetery in 1990:

It's kind of weird to express, because it was almost like this magic occurred all of a sudden, that we were finally back, you know. That somebody had - had kind of finally made it. And there's something to be said about that, when all of a sudden this is no longer just somebody else's experience, it's not about somebody else's mother or grandfather... we were witnessing it and we were participating it, and so that was very important. ...And the other thing was that it was very clear that if this was any indicator of some progress, in terms of pursuit of their goals and their dreams... then progress was being made.... For me personally, it was a pretty significant thing to occur and with respect to that, I had even recalled taking a container with me and taking some of the soil around where Dan was buried and in taking it off the Base with me, as if to say... we're connected with it again (Ron George 2005a, p.67-68).

Along with the cognitive liberation that came with recognizing indicators of progress, there was something akin to what Flam (1993, 2005) has called "emotional liberation" – a detachment from existing loyalties and normative commitments, and the construction of new bonds. According to Benski and Langman (2013), "...when the expectations involved in trust and respect are not met, then loyalty and gratitude diminish and the counterparts of these emotions tend to appear in the

form of disrespect, distrust, anger, and indignation" (p.534). Protesters adopted an increasingly more combative posture towards both the band council and police and military officials; in the occupation to come, there would be no more posing for photographs with army administrators. Emotional liberation entails more than just unmooring from previous attachments, too, but also new emotional investment in issues. This is clear in the quotation from Ron George above, who describes developing personal ownership over the Stoney Point land question as the mobilization develops - "all of a sudden this is no longer just somebody else's experience" (Ron George 2005a, p.67-68).

It is possible, therefore, to speak of a process of "dual liberation", which is connected with both instrumental and value rationality. The permissive atmosphere around protest, bound up with general governmental intransigence over the land issue, created a kind of dangerous banality. Small-scale mobilization was seen as carrying few costs, but also yielding small rewards. This environment provoked the decision to escalate mobilization, and undertake a permanent occupation of the army camp.

6.8 The Occupation of the Army Camp

After several months of planning, a group of 15-30 Stoney Pointers entered the army camp on 6 May 1993 (Linden 2007, p.90). This was arranged in advance with the OPP, who were presented with a notice explaining that the occupation would last until the federal government agreed to return the land, and that it would be peaceful. They brought in a small trailer and tents and established living sites near the grenade and transition ranges, away from the "built-up area" that contained army barracks and other inhabited buildings. Only some of the people who entered would stay overnight. On May 18, a wire fence was broken, and approximately 50 Stoney Pointers assisted in what was intended to be the 'official' beginning to the occupation of the army camp.

The emotional fulfillment associated with the contentious act was described by many of the participants. Marcia Simon said: "...these old people that went in there, some of them they would say things like it was the happiest days of their lives. You could see the tears in the back of their eyes. They were so happy - they didn't think they would ever see that time" (Marcia Simon 2004, p.126-127). Ceremonies were conducted in celebration of the return. Protesters describe exploring the land, learning about where their families had been settled before the appropriation, and experiencing a recommitment to the cause.

In the early months of the occupation, DND deliberated on its response. Protesters served several notices insisting that the army vacate the camp. These were ignored but DND officials decided against seeking an injunction to remove the protesters, deciding instead to work towards "a long-term peaceful solution to the difficulties presented by the illegal occupation of Camp Ipperwash by the SPG [Stoney Point group]" (Linden 2007, p.98). Over the summer, the occupiers established more permanent shelters, bringing another trailer and a school bus, and then building a church - which became known as the "argument hall" - and later a cabin - "Uncle Cliff's Cabin" - for the eldest occupier, Clifford George.

Several incidents escalated tensions between the occupiers and army and police officials. In July 1993, occupiers tried to open the military beach to tourists, charging admission. Three were arrested and later released on the condition that they stay away from the army camp, a condition they promptly ignored. In August, one of the buildings occupied by a protester was robbed and razed to the ground, and the occupiers suspected military cadets. The protesters responded by dumping the burned wood of the structure in the parade ground during the cadets' graduation. More seriously, in August a military helicopter took rifle fire over the army camp, and was struck in the tail. This resulted in an exchange of recriminations. OPP searched the occupation camp but did not recover any firearms. The occupation was sustained through the winter of 1993, but support and personnel waned. For much of the winter, the occupying force dwindled to only two protesters: Clifford and Dudley George.

In February 1994, after federal Finance Minister Paul Martin announced budget cuts requiring the shuttering of several military facilities, DND announced publicly that it would allow the army base to be decommissioned and then submitted to the additions-to-reserve process. This outcome emerged primarily from negotiations between the Kettle and Stony Point band council and government. The chief of the band council, Tom Bressette, had been able to privately lobby Jean Chrétien immediately prior to his election as Prime Minister in late 1993, which may have had some impact on the outcome. The council distributed an announcement to the community hailing "a landmark victory... for all those who fought for the return of the land since 1942" (Linden 2007, p.104). The promised transfer has yet to occur, and remains mired in technicalia. However, in its historical moment it was the first time the federal government had signaled its willingness to return the land. In light of this, the announcement had an oddly minor effect on the mobilization. The protesters did not abandon the site. Nor did they expand the mobilization. Instead, the status quo prevailed for about a year following the announcement. This reflects the gulf that had opened between the Stoney Pointers and the band council. Stoney Pointers deeply distrusted Chief Tom Bressette, and were unwilling to place faith in any outcome originating in institutional dialogue. This dynamic is explored in greater depth below.

6.9 Leadership and Institutions: Band Council and Indian Affairs

The tepid response to DND's promise to return the army base reflects a complete disengagement by the protesters from the institutions of Indian Affairs. This made elite-level efforts at cooperation, which worked inside the institutional infrastructure, deeply ineffective. Contentious mobilization occurred despite the fact that the band council at Stoney Point consistently maintained a cooperative posture towards the federal government. This was based from instrumental fear that contentious mobilization could destabilize negotiations. Addressing his public denunciation of the occupiers, Bressette explained:

...we were concerned that we had already entered dialogue with the Federal Government and they had basically outlined that they were prepared to return all of that land. And we didn't want to lose the opportunity... The Minister, basically, advised me if there was occupations, it was going to hamper things" (Bressette 2005a, p.235, 255).

Bressette also mentioned other costs associated with conflict – to tourism, on-reserve businesses, and public safety. At the elite level amongst Anishinabe, then, the costs of conflict were perceived to be much too steep, and it was believed that cooperation would yield better outcomes. This posture was lauded by various governmental elites. In 1993, for example, the Minister of DIAND, Tom Siddon, thanked Chief Bressette: "you and your Band council have been open and very constructive over the past year, in trying to help us better understand your concerns" (Exhibit no. P-190 1993). The ingredients for elite-level, "grand coalition"-like cooperation were in place, and facilitated by institutions of intergroup relations that both Anishinabek and Canadian elites were invested in.

This did not stem the contentious mobilization. In fact, it had no bearing on the actions of the Stoney Pointers. They had already issued a "declaration of independence" from the *Indian Act* band before the occupation, and when it began they elected a chief and councillors. The relationship only soured as the occupation wore on. Chief Bressette publicly questioned the character of the protesters, and called for them to be removed. He even lobbied the provincial government to cease welfare assistance to the protesters:

The people who are occupying Camp Ipperwash are now suggesting "confrontation methods" [which] gravely concerns me that things may get out of hand. If your government continues to provide services which already exist at the Band level, you will only perpetuate the internal dispute... (Exhibit no. P-238 1993).

There was no cooperation or even communication between the occupiers and band council during negotiations. By the time the agreement was reached, Stoney Pointers testified that they had no notion negotiations had progressed as far as they had, that they heard about the agreement through news media, and that they had no dialogue with the band council about the transfer afterward (R. Abraham George 2004, p.110).

Despite this disconnect, federal and provincial officials continued to lean on the band council to curtail the mobilization. While promising goodwill negotiations over the camp, Minister Siddon sternly instructed Chief Bressette: "I must re-emphasize we cannot effectively conclude negotiations until the current trespass at Camp Ipperwash ends" (Exhibit no P-238 1993). This became a source of frustration for the chief, as the conflict escalated toward violence:

I was tired of being called continuously by [governments and police] over this matter, asking me what to do, what's the situation, bothering me repeatedly. They should have went to court and resolved the matter... And I told [them] repeatedly I was not in connection with the people there. I was not speaking for them, they wouldn't talk to me. How - how much more clear could I make it? (Bressette 2005b, p.59).

Protesters expressed a related frustration: "all the government wanted to do was talk, and all the government wanted to do was talk to the Kettle Point [band council]... How were we ever going to get the land back, when they're dealing with another faction that did not own these lands? (Gina George 2005, p.35). At several levels of government, behaviour suggests a continued and erroneous expectation that Anishinabek elites could exercise control over the mobilization if they were so induced.

Two important lessons can be drawn from this. The first is that the Ipperwash occupation is an example of "mass-first mobilization" (Stroschein 2011, p.2), which emerges from the actions of grassroots individuals, rather than the machinations of elites as the instrumentalist view would anticipate. The occupation was detached from existing leadership structures, and lacked a single consistent leadership presence even amongst participants. Some of the older Stoney Pointers and early pioneers were eventually forced out of the army camp by younger members favouring more militant repertoires of action. There was ongoing internal conflict over what gains were specifically being sought. The Stoney Pointers heatedly debated the extent of the territorial claim they should make, in the chapel-esque plywood "argument hall" that they had constructed. No single interest was capable of imposing direction. No authority went unchallenged.

The second lesson is that the explanation for the escalation of mobilization and intractability of conflict lies partly in institutions. Even where the literature recognizes the possibility of mass-first mobilization, there remains an expectation that elites can assume a role in ending or accelerating conflict after mobilization has taken place. Of mass-first mobilization, Stroschein writes: "Instead of successfully inciting mobilization, evidence shows a primary role for elites in negotiating with elites of the other group... elites have the ability to prevent mobilization or demobilize publics via negotiation, but are less successful in the act of manipulating the public into mobilization itself" (ibid.). In this case, elites neither played a role in mobilization's genesis or subsequent trajectory despite a willingness to cooperate, because of the legitimacy deficit associated with the institutions of Indian Affairs.

The institutional problem was fundamentally normative. Its negotiated processes were perceived as illegitimate by the protesters. Functionally, Indian Affairs provided channels for negotiation, and incentives for cooperative behaviour - such as Minister Siddon's promise of good faith negotiations in exchange for an end to the occupation. These processes did indeed affect cooperative behaviour in Anishinabek elites, but they themselves were unable to operate with segmental autonomy, and achieve the followership that would have translated elite-level cooperation into demobilization. In the minds of the protesters, Chief Bressette was identified as a state actor, rather than a credible Indigenous leader. This was likely understood, but because of

existing institutions, Canadian orders of government were unable to engage the active protest parties. As a senior negotiator with the Ontario government explained in an interview: "the government's first inclination is to ask the chief to go fix it. It's his community members - that's one of the complications" (Interview with Government of Ontario Negotiator, 23 November 2012). The unloved institutional infrastructure of Indian Affairs delivered on one of its intended purposes by coopting Indigenous leadership, but the mass-driven Ipperwash mobilization was unaffected by this elite-level dialogue.

6.10 The Occupation of Ipperwash Provincial Park

During the course of 1995, tensions continued to escalate at the occupation site. Despite DND's promise to eventually return the land, mobilization became more contentious in the summer of 1995. In late July, a decision was taken to occupy the built-up area of the army camp, including the barracks, kitchens and other living facilities. At this time, a call went out to warriors and other veteran protesters, who "showed up at the camp from everywhere" (Linden 2007: p.130). One segment of protesters drove a bus into the built-up area, and smashed an army jeep that tried to contain it. Protesters and military police fought briefly. Other protesters entered the built up area from elsewhere, on foot and using other mechanized transport. Unlike previous actions, this one was not discussed with military authorities beforehand. The base commander was completely surprised by the action, as he had perceived relations to be generally good, and was in the process of removing military assets in anticipation of an eventual transfer (*ibid.*, p.132-133). More altercations took place at the gate, with soldiers using pepper spray on several protesters. The base commander recognized that holding the base was impossible, and all military personnel vacated the premises - the first domestic surrender for the Canadian military since the War of 1812.

Following closely on this expansion of the occupation were discussions to escalate the mobilization still further. Protesters considered a blockade of the highway, but this never came to pass. They also discussed pushing the boundaries of the occupation site out still further, by moving into the bordering Ipperwash Provincial Park. The OPP caught wind of this development and prepared to respond, creating a crisis management plan called "Project Maple" in late August and beefing up human resources in the region. On September 4, on the last day of operations for the seasonal park, approximately 20-30 Stoney Pointers entered. The decision to occupy the provincial park was taken approximately one week earlier (ibid., p.193). Waiting until the end of the Labour Day weekend suggests a cautionary calculus, probably reflecting a view that if the occupation was attempted while campers were still present, it would stimulate a larger police backlash.

Altercations took place over the next two days. Police and protesters exchanged threats, windows were smashed in a police cruiser, and both parties readied for a major confrontation. Again, the police - in this case, the OPP - were forced to concede control of the park to the protesters. The recently elected Progressive Conservative provincial government adopted a confrontational posture, and exerted pressure on the police to bring an immediate end to the occupation. Much debate has occurred around what kind of involvement the premier and his government had in directing police. In the evaluation of Justice Sidney Linden of the Ipperwash Inquiry, the Premier did not violate the law by acting *ultra vires*, but: "The evidence demonstrated that Premier Harris and his officials had a different perspective than the OPP on how the occupation should be handled by the police. The OPP's wish to pursue a go-slow approach contrasted with the government's desire for a quick end to the occupation" (ibid., p.675).

On the night of September 6, the OPP Crowd Management Unit and Tactics and Rescue Unit were deployed along a cottage road that led to the park, armored and heavily armed. Stoney Pointers saw the approach, and collected clubs, bats, sticks and rocks. They also shone headlights and spotlights down the road, in an effort to disorient the police during their advance. In a sandy parking lot next to the beach, the OPP halted. They were confronted in the parking lot by one Stoney Pointer, who was also a band councillor. He rushed out of the park with a pipe and

screamed at the police to leave. He was taken down hard and beaten, causing other Stoney Pointers to emerge from the park, including in a car and school bus. A melee ensued, and the OPP opened fire. Two protesters were shot. One - Dudley George - died shortly after arriving to a hospital in Strathroy.

6.11 Response to Police Repression

It is clear in protesters' remembrance that the degree and kind of police repression that occurred on September 6 vastly exceeded expectations, notwithstanding the pre-existing distrust of Canadian state authority. Shortly before the shooting, the victim Dudley George had told others that he was not afraid of violence, because the OPP understood that the protesters were unarmed and did not pose a serious threat to public safety (Bonnie Bressette 2004, p.18). Another protester was asked if he anticipated a violent attack from the police: "Did we ever imagine that? No. Figured maybe be dragged off to jail would be like the worst - the worst thing" (Marlin Simon 2004a, p.85). Another community member said: "I didn't think in - in today's society that things would ever come to what had happened there... [Protesters] didn't have no fear of being shot..." (Sam George 2005, p.74).

It is also clear that after the attack, fear amongst protesters peaked. One protester recalled the feeling that conflict had escalated to a place no one had imagined: "It felt like a gang war... They showed up with their goons and, you know, they wanted to kick the shit out of us..." (David George 2004a, p.53). The assaulting police were "like a pack of dogs, a pack of wild dogs" (ibid., p.96). Protesters dreaded the next move of the police, assuming that they would pursue their advantage and seek to clear the park and possibly the army camp. Rumours about police repression spread through the group, and in the atmosphere of heightened emotion, the worst rumours were viewed as credible. Respected community members received and spread word that the first protester to have been beaten was later shot in the head after being taken into custody.

This was only later understood to be false (David George 2004b, p.151). The trauma from the night was so acute that it affected people for years to come. As one protester explained a decade later: "even today I see a OPP car go by and I'm on the highway I'll watch it in the mirror; it's just reflex" (Gerald George 2005, p.156). Another said wryly: "It's something that never leaves. It's just like the Buckley's cough syrup I got to drink right now - it stays with you, the taste" (Bonnie Bressette 2004, p.122). The reality was that the OPP had mostly withdrawn from the immediate area, and was in 'damage control' after the disastrous deployment. But there was no way for the protesters to know this, and they did not.

This is a theoretically important moment in the mobilization. The perceived costs of contentious action had suddenly and dramatically increased. Police had exercised a much stronger degree of repression than the protesters had imagined was likely or possible. In light of how the police were deployed - at night, without communication with the protesters, in heavy armour and with heavy armaments - protesters also did not perceive the shooting as an accident or freak occurrence, which would naturally be followed by some sort of conciliation. Rather, they feared and anticipated that repression would continue in kind. This change to the incentive structure would lead purely rationalist explanations for protest to predict demobilization. This manifestly did not occur.

On the contrary, in the immediate aftermath of the shooting protesters redoubled efforts to hold the park and camp, and community support for and participation in the occupation increased to a new high. Protesters prepared molotov cocktails and stockpiled rocks for the next confrontation, which they all assumed was coming. Some occupiers also set fire to a store and visitor's centre in the park, committing what was really the first major property damage to be caused during the occupation. They were also reinforced by many more people than had ever previously participated in the occupation.

When word spread of the shooting, residents of the Kettle Pointer reserve amassed outside the on-reserve mall plaza early the following morning, and marched 5 kilometers down the highway to the army camp. Estimates for the marchers range as high as 300, which is a large proportion of the on-reserve population of only approximately 900, and which vastly exceeds participation at any point prior to the shooting. They ignored a police checkpoint, though OPP officers shouted at them that their safety would not be guaranteed. One marcher recalls: "...I just walked past them and said, 'If you want to shoot me, then go ahead, because I'm walking past you anyway'" (Gina George 2005, p.134). In the mindset of the marchers, they were entering a highly dangerous "combat zone" to protect the remaining occupiers (Gerald George 2005b, p.145). Confirming the sincere fear felt by everyone, occupiers were overcome with relief when they saw the marchers approach. They also decided to return to the park, which they'd temporarily abandoned, and to drive the OPP from their Tactical Operations Centre (TOC) a short distance from the parking lot where the shooting took place. Occupiers marched on the TOC in force, and the OPP were forced to withdraw, conceding control of scene of the shooting, an operations base, and a large amount of surveillance equipment. The protesters battered the vehicles that were left behind, and raided the equipment. In the days after the shooting, the scale of mobilization increased to previously unprecedented levels, and more contentious means were prepared and used.

The occupation also arguably became more intractable after the police assault. Protesters discuss a sense of raised stakes, a notion that the land had to be held in order for Dudley George's death to have meaning. In the face of more contentious mobilization, the OPP had to wind down its presence significantly, reducing the visibility of uniformed officers in the region, conceding the responsibility to patrol the area to the reserve police force, and allowing local and national Indigenous leaders to be present in various ways in the investigation (Linden 2007: p.623). The injunction to remove the protesters from the park was withdrawn after some discussion, in a further effort to de-escalate conflict. The Report of the Ipperwash Inquiry describes the "development of a status quo" in the months after the shooting, in which both orders of government backed away from pressuring the end of the occupation but little or no progress was made in negotiations. This condition persisted over the next several years, really until the Inquiry was convened. During this time, the army camp and park were consistently occupied. The park

was officially deemed "Temporarily Closed", while DND had begun to employ occupiers to keep the grounds of the camp. *De facto* control of the park and army camp remained with the Stoney Pointers, while title remained with the province and federal governments respectively.

The shooting of Dudley George was a textbook example of a "moral shock": "an unexpected event or piece of information [which] raises such a sense of outrage in a person that she becomes inclined toward political action, with or without the network of personal contacts emphasized in mobilization and process theories" (Jasper 1998, p.409). Kettle Point residents who had been non-participants and even opponents of the occupation prior to the shooting, including people who would not identify as Stoney Pointers, were provoked to join the site in response to the event. Through a moral shock, the presence rather than absence of threat has an escalatory effect on mobilization. This is a vivid demonstration of the calculus of right, where individuals receive new information that provides ideational support for direct action, and this is sufficient to stimulate protest despite instrumental costs.

6.12 Warriors

A possible rejoinder to the argument that Ipperwash was a mass-first mobilization would be to point to the role of non-institutional elites in Anishinabek society. It is indeed the case that political elites exist in Indigenous societies who maintain no formal relationship to the institutions of the *Indian Act*. At Kettle and Stony Point, no parallel order of traditional governance has survived as it has elsewhere. However, in the context of protests, attention is often focused on warrior societies. In a study of Oka, for example, Harry Swain builds a highly instrumentalist argument for high-grade mobilization around the exacerbating role of warriors, who he presents as glorified mobsters in pursuit of economic opportunities. Another study, commissioned by the Royal Canadian Mounted Police, accuses warriors of using nationalistic discourse and protest activity to hide profit-seeking organized crime (Dickson-Gilmore and

Whitehead 2003). It is important, therefore, to clarify the role of the warriors at Ipperwash. They were present at various points in the occupation, contributing manpower at important moments and counselling the Stoney Point occupiers in paramilitary preparation. They were not, however, central actors in certain important senses. They played no role in initiating the occupation, and mostly participated at the behest of (at least some) local actors – though their presence was opposed by others. Regardless of whether the critical assessment of warrior societies as classic self-interested ethnic elites is accurate, therefore, the implied material impetus had no effect on the genesis of the occupation, and a limited effect on their development.

Warriors – individuals belonging to established warrior societies, with experience at other contentious actions– were absent in the early cycles of the mobilization, as well as at the beginning of the occupation. The protesters themselves toyed with the notion of using the warrior discourse and organizing principles in their own action. In the summer of 1993, the younger members of the occupation inaugurated a Stoney Point Warrior Society, and received teachings about the roles and responsibilities of warriors (Marlin Simon 2004b, p.227-231). This approach was not maintained for long, however. A one-time member, Kevin Simon, explained:

...a bunch of people seen in the paper, they talk about Warrior Society, they think of, like, Oka and stuff like that where people are masked and armed and we had had that ceremony where we had buried the hatchet and we were always talking about living in a peaceful manner... so we were given another name. We had talked about possibly naming it something different instead of Warrior Society so we weren't basically -- the media wouldn't just draw that line that we were the same (Kevin Simon 2004a, p.108-109).

They instead settled on the name “Etwagnikegig”, or nation-builders.

While the Stoney Pointers ultimately declined from organizing within a warrior society framework, they relied from time to time on support from warriors from outside the community. In particular, warriors from the well-established society at the nearby Oneida Nation of the Thames participated frequently in the occupation. It is difficult to draw a clear picture of when they were present. It seems they were not at the army camp in early 1993, when the occupation had stronger local support (Carl Tolsma 2005, p.111). Sometime after that, warriors arrived from Oneida. Their presence was always contentious. In 1994, some of the occupation pioneers gave a presentation to the Oneida Longhouse, where the traditional Confederacy chiefs governing the warrior society presided. The Stoney Pointers thanked the Oneida for their support, but requested that the warriors be withdrawn. At this point, most but not all warriors did leave the occupation site (*ibid.*, p.120-125). The warriors were always controversial within Anishinabek society, and a particular bone of contention between the Stoney Point occupiers and band members not participating in the protest.

In the summer of 1995, when momentum was gathering toward a major confrontation, the warriors returned in strength, ostensibly to assist with security. They participated in the capture of the barracks area of the camp. The ranks of the protesters were swelled by support from other reserves after the park take-over. It is difficult to draw a distinct line between warriors and other protesters from outside the community, as warrior societies are not highly institutionalized and their boundaries are porous. While they may not have all self-identified as warriors, on the day of the confrontation, the park occupiers apparently included people from Oneida, Walpole Island, Chippewa Nation of the Thames, Munsey Delaware Nation, Moraviantown, and the Sarnia Reserve – in short, almost every Indigenous community in southwestern Ontario (Marlin Simon 2004a, p.13). After the shooting, the Oneida Warriors specifically played a key role in readying for further confrontations, instructing Stoney Pointers on establishing look-out points and barricades, and personally securing the provincial park after the clash with police (Clayton George 2004, p.91-93). Several of the warriors at Ipperwash had been present at other large protests, including at the Kahnawake and Akwesasne Mohawk reserves where the warriors had a major presence, and they had clashed with authorities at Oka, Wounded Knee, and demonstrations across the continent for the imprisoned AIM activist Leonard Peltier (Isaac Doxtator 2004, p.87; Larry French 2005, p.67-68; Marlin Simon 2004c, p.65).

Put simply, the warriors were contributors but not leaders. Their presence did coincide with confrontation, but it is not obvious how the causal arrows points in this case. Their support was solicited by the Stoney Pointers at moments of vulnerability. They also were perceived by both reserve residents and some other occupiers as constituting the hardline of the occupation, and operating beyond the control of the local protesters. Their presence was feared by many within the community, although this was partly because of the public relations implications of hosting warriors. The story told here, in parallel with the other case, suggests that warrior societies and affiliated individuals constituted a regional mobilizational infrastructure, which spanned First Nations, conducted experience taken from past mobilizations by other groups, and that could be activated by local protesters – but that did not drive the agenda *per se*.

6.13 Non-Native Counter-protesters at Ipperwash

Non-Indigenous residents of the Ipperwash area were players in the conflict, but they did not exercise the same independent influence on events as they will be shown do have done at Caledonia. There are two reasons for this. The first is that they were less directly affected by the occupation. It was geographically contained away from residential areas, so the only interest threat to Non-Natives stemmed from a perceived problem of general regional "lawlessness": vandalism, purported theft, and intimidation along the beach (Interview with Lambton Shores elite non-native, 1 April 2013). The second reason is that the provincial government of the day had already made a programmatic commitment to cater its Aboriginal Relations policy to non-Native concerns. The state placed an emphasis on the interests of non-Natives, and so their independent participation was less significant.

The Progressive Conservatives behind Mike Harris's leadership had signaled during the 1995 election that the interests of non-Natives would play a larger role in land negotiations with Aboriginal peoples. The party produced a consultation document in early 1995 which cited the fact that:

Non-natives voiced concern and consternation that land claim negotiations are conducted behind closed doors... Queen's Park [is] alienating non-natives. People believe that two systems of conservation law are being created: one for natives, and another for non-natives (Linden 2007: p.115).

In response, the party promised to:

...balance the interests of native and non-native Ontarians by ensuring that all stakeholders are represented in native land claims negotiations. Native rights must be respected, but land claims negotiations cannot be the exclusive preserve of provincial bureaucrats and native band leaders" (ibid.).

Before the conflict at Ipperwash became a preoccupation, the Ontario government had promised to champion non-native interests in Aboriginal relations venues.

This promise was delivered in the context of the conflict. After the shooting, government officials held meetings with local non-Natives while insisting that no meetings would take place with Indigenous leadership until the occupation ended. The local MPP, a PC member, was in close contact with the non-Native residents of Ipperwash, telling the inquiry "I had clients that lived there and I had acquaintances, friends that lived there also" (Beaubien 2006, p.280). This pattern was replicated in negotiations across the province. A senior provincial land claims

negotiator recalls that in receiving a mandate from the new political masters, "there was a much heavier emphasis on, what do third parties think? Third parties like stakeholders, non-aboriginal people" (Interview with Government of Ontario Negotiator, 23 November 2012). A programmatic commitment on the part of the provincial government to prioritize local non-Indigenous interests in negotiations had the effect of limiting non-Native mobilization. Non-natives had ample opportunity to process grievances about conflict through normal channels, and generally did so. There was little bilateral interaction between the Anishinabek protesters and local non-Natives, apart from some low-grade daily unfriendliness emanating from both parties.

But despite a concerted effort by the PC government to represent non-Native interests, some mobilization still took place, and local non-Natives still imposed constraints on the possibility for conciliatory behaviour from state elites. After the major confrontation in 1995, residents organized the Ontario Federation for Individual Rights and Equality (ON FIRE), which by early 1996 claimed 1300 members from a local population of only approximately 10 000 (Schultz 1996a). Members of ON FIRE lobbied both the provincial and federal governments intensively, insisting that they end the occupation and restore the "rule of law" to the Ipperwash area:

The law-abiding citizens feel victimized by the lawbreakers and the no action government. They are rewarded for their behaviour with unrelenting verbal abuse. The law-abiding citizens do not feel safe... The lack of clarity for [law enforcement] action permits a perception that the lawbreakers may, at any given moment, decide to go on a rampage, vandalizing everything in their path, terrorizing the children and the elderly without fear of intervention... the law-abiding citizens are victims. Victims without refuge or the safety net that they trusted government to provide (Author unknown 1996a).

ON FIRE took a hard line on enforcement. Its members publicly decried the peacekeeping approach of the OPP, even lobbying for the RCMP to be deployed at the army camp on the assumption that it would be more aggressive (Forest Standard 1996). The public perception of

the OPP at Ipperwash that was promoted by ON FIRE is reflected in an editorial cartoon that appeared in the London Free Press.

Figure 3. OPP Cartoon (Source: London Free Press, 29 July 1996)



Political energy was focused on policing, and seeking compensation for losses to property value. The slow pace of negotiations meant that the land issue itself was not a non-Native preoccupation, but residents organized in opposition to other kinds of accommodation of the occupiers. For example, when the municipality planned to re-route a planned waterline after occupiers prevented access to contractors, ON FIRE members were "shocked and appalled" that the council would acquiesce to Stoney Point protesters: "we live this hostage situation every day. It is time to stand up" (Hillman-Rapley 1998). In short, even in an open and sympathetic political environment - and in the aftermath of a fatal shooting - local non-Native mobilization was oriented toward pushing for the adoption of a more confrontational response to the occupation.

Non-Indigenous mobilization was framed in a way that consciously reflected the liberal national model. This is evident in the ON FIRE appellation itself, which accesses a rights discourse, and emphasizes individual rather than collective identity. Inclusion and non-discrimination are

central to the ON FIRE discourse; correspondences regularly emphasized that "membership and representation in this Association has also been offered to all First Nations" (Schultz 1996b). Residents' impact statements often make careful reference to identity-neutral terms like "lawbreakers" (Author unknown 1996a) and "special interest group" (Author unknown 1996b) to describe the occupiers. They also commonly draw distinctions between legitimate Aboriginal claimants on the one hand, and "non-local Natives" who are accused of causing the real problems on the other. Many ON FIRE letter writers acknowledged a history of mistreatment of Indigenous peoples, but bracketed this acknowledgment out of their assessments of whether Indigenous people should be accommodated in the present. Above all else, they protested an apparent state of "two sets of laws in Canada" (Author unknown 1996c). A member summarized the position: "There is a wider spread awareness of the need for equality in our country. [ON FIRE] has just begun to build support for fairness to all. ONE country - ONE law for all... we are not racist people, however, Gov't native policies tend to be racist - treating natives better than taxpayers" (ibid.).

6.14 Conclusion

This chapter has argued that the emergence of contentious mobilization at Stoney Point is connected with the national turn towards a more conflictual and less institutionalized relationship between Indigenous peoples, the state, and non-Indigenous people. The occupation was also not a response to a specific provocation or new interest threat, but rather evolved out of mobilization on smaller and more moderate scales. These earlier experiences of protest generated a dual process of cognitive and emotional liberation, contributing towards willingness to attempt more ambitious repertoires of contentious politics. The institutions of Indian Affairs were causally important in that they contained the negotiated process, which as a result was highly ineffectual. Stoney Point protesters viewed Chief Tom Bressette as more closely aligned with the Canadian state than with their community, and did not consider it legitimate that the Kettle and Stony Point band council act on their behalf. The moral shock produced by the OPP shooting death of an unarmed protester brought new supporters to the cause, and provoked the existing occupiers to adopt a more militant posture. Local non-Natives were a constraint on any conciliation between

governments and the protesters. However, they were only marginally important as autonomous agents in this mobilization, as their ideational orientation was already championed in the approach of the Progressive Conservative provincial government.

Chapter 7

Conflict at Caledonia / Kanonhstaton

7.1 Introduction

The conflict over disputed land in the town of Caledonia Ontario erupted in early 2006, and tensions remained high for the next several years with occasional incidents of violence. The disputed territory is an undeveloped building site, formerly called Douglas Creek Estates (DCE) by the private landowners, and later re-designated Kanonhstaton (“the Protected Place”) by protesters from Six Nations. Kanonhstaton falls within the Haldimand Tract, a vast territory tracking the Grand River through central Ontario. The land was reserved for the Six Nations of the Haudenosaunee Confederacy – the Onkwehonwe – after the end of the American Revolution. The tract was degraded over time, mostly during the 19th century, through ostensible sales and surrenders that the Onkwehonwe have consistently contested. Contentious action has a longer history at Six Nations than is typical of Indigenous communities in Canada. However, mobilization became increasingly more challenging in the late 1990s. Several short-term occupations took place off-reserve between 1998 and 2005. In late 2005, an advocacy group at Six Nations hosted two demonstrations at DCE and initiated planning of an occupation, which began in February of 2006.

The occupation occurred on a relatively small scale initially, but escalated dramatically after a failed OPP raid on the site in April. The occupying force increased numerically, and blockades were established on local roads and highways which remained for several months. This courted serious conflict with non-Natives, who responded to the occupation by engaging in escalatory contentious acts including demonstrations, marches, and raids on the disputed territory. Heavy police resources were deployed in order to prevent a major violent confrontation. Tensions were eventually reduced, but a small cadre of non-Native protesters continued to confront the occupiers over the next several years. The site, which was purchased by the provincial

government from the private landowners shortly after the occupation began, remains occupied to present day.

The material in this chapter is drawn from 29 interviews of participants in the conflict, including front-line activists, local Indigenous and non-Indigenous observers, and government officials. It is also based on archival materials pertaining to the historical story, local, national, and on-reserve newspaper coverage of the conflict and its aftermath, other documentary evidence including letters, declarations, and press releases, and video-recorded oral testimony drawn from documentary and amateur film.

The chapter begins with a brief history of the relationship between Canada and the Onkwehonwe from the 17th century. It will discuss the degradation of the Haldimand Tract, which occurred primarily between 1798 and 1841 but did not produce major conflict outside of normal institutional channels. It will also discuss the turn towards contentious politics. Unlike some other communities, there was modern precedent for extra-institutional mobilization. However, the White Paper episode still had an important effect on attitudes towards institutional redress in the community, and contentious mobilization in the post-Oka era demonstrated a familiar spiral dynamic. Short-term occupations produced both cognitive and emotional liberation, contributing to a willingness to attempt more ambitious contentious acts. The complex politics of Six Nations, where the traditional Confederacy council continues to operate in defiance of the *Indian Act* regime, rendered the negotiated processes between federal and band governments particularly ineffectual for containing anger. While the occupation suffered from a collective action problem in its early stages, with many Six Nations residents supportive but non-participant, the repressive police act of raiding the site produced mass mobilization. In the case of Caledonia, where the occupied territory was less geographically contained from non-Native residential and commercial neighbourhoods than in other instances of contentious action, non-Native counter-mobilization was particularly intense, and directed both at state and Indigenous actors.

7.2 Early Relationship

The early period of relations between the Onkwehonwe and colonial and later Canadian state is detailed somewhat in the historical overview of chapter 2. This is because the Onkwehonwe were central actors in the Indigenous-non-Indigenous relationship from earliest times. As a powerful military and political player on the continent and an early ally to the British, the Haudenosaunee Confederacy positioned itself strategically as a key intermediary between the British and other Indigenous groups. The political compacts negotiated between the British and the Haudenosaunee, including the Tekani Teyothata'tye Kaswentha or Two-Row Wampum, and the Tehontatenentson-terontahkwa or Silver Covenant Chain, were frameworks frequently re-adopted by the British in crafting treaty federacies with other Indigenous nations.

In the early 17th Century, the Confederacy encountered and established a treaty relationship with Dutch colonists at New Amsterdam. When the Dutch were supplanted by the British, their treaty responsibilities were also transferred over. In 1677, at Albany, the English and Haudenosaunee forged the Silver Covenant Chain alliance, a treaty meant to be strong, enduring, and indissoluble by one party unilaterally. Each party was empowered to shake its end of the chain in times of need, signaling to the partner nation that they were in need and required help; the other was obliged to respond (Hill 2007).

The Confederacy maintained and managed relations between both the British and French. In 1701, it entered into treaties with both: the Great Peace of Montreal, establishing an economic relationship with New France, and the Nanfan Treaty with the English at Albany deeding land to the west in exchange for military support (Graymont 1972, p.27). In the colonial wars of the 18th century, the Confederacy fractured at times, but the Mohawks were key and reliable allies to the British. The British Superintendent of Indian Affairs, Sir William Johnson, maintained an estate in the Mohawk Valley, and took a prominent Haudenosaunee clan mother, Molly Brant, as his

wife. Their estate assumed prominence in Confederacy affairs of state, and became a meeting fire for internal political deliberations as well as diplomacy. The Johnson-Brant dominion was a critical intersection of British and Haudenosaunee empires, which facilitated economic and military cooperation and fostered closer, even familial relations. The Confederacy emerged again as prominent ally during the American Revolution, when four of the six Onkwehonwe nations backed the British. The Mohawks also acted as "diplomatic liaisons" to other Indigenous peoples, working on behalf of the Silver Covenant Chain alliance (Willig 2008, p.3).

After the war, the position of the Confederacy within the newly independent United States was badly compromised because of its support of the old treaty alliance. In recognition of this, the Governor of Quebec, Frederick Haldimand, signaled that land could be set aside for the Onkwehonwe in Upper Canada. He also hoped to restore the strong past relationship between Haudenosaunee and the British, in order to maintain a military buffer between the dangerous American colonies and Upper Canada (Willig 2008, p.13). Joseph Brant, the war chief and Anglophile Mohawk, was invited to survey the colony. He visited the Grand River Valley - part of the Onkwehonwe beaver hunting grounds as specified in the Nanfan Treaty of 1701 - and determined that it was suitable site to rebuild the Confederacy. The land was purchased by the colonial government from the Mississauga who resided locally, and in May 1784, Governor Haldimand issued a decree reserving six miles on each side of the Grand River for the Haudenosaunee. The Haldimand Tract constituted a total of approximately 950 000 acres that ran across the middle of the Canadian peninsula, from present-day Dunnville at Lake Erie, through Brantford, Cambridge, Kitchener and Waterloo, to the highlands of Grey County. The Grand River became the new population centre of the Confederacy, though some Onkwehonwe remained back in the United States, and others settled further east at Deseronto.

The Haldimand Tract was also, initially, an Indigenous power-base - at least relative to the declining position of other Indigenous people in Canada the late 18th and early 19th centuries. It was geographically large, in a central part of Upper Canada, and had the largest population of any reserve at the time. The Confederacy was also led by Joseph Brant, a leader educated in British law, well-connected, and with a great deal of experience negotiating colonial power

structures. It would become a site of bitter rancour in the early years of the new colony, however, as Brant and other leaders fought to assert control over the territory that had been set aside, and later, to preserve it.

7.3 Territorial Losses

Despite the strong position of the Onkwehonwe, they too experienced massive territorial losses during the 19th century. The degradation of the Haldimand Tract was a cumulative process, occurring in numerous small steps. The first blow came very quickly after the Haudenosaunee had settled the Grand River. In 1791, John Graves Simcoe became the first Lieutenant Governor of the new colony of Upper Canada. A growing dispute over the nature of Haudenosaunee title to the tract provoked them to appeal to him for a clarification. In doing this, he adopted a different interpretation of the Haldimand Tract than had been promoted by Governor Haldimand and adopted by the Onkwehonwe. In 1793, he issued the Simcoe Patent, ostensibly to confirm that Haldimand Grant as well as establish that land sales in the Grand River Valley had to conform to the standards established in the Royal Proclamation (Surtees 1985, p.77-78). The patent described a reduced territory that excluded the headwaters of the Grand River, an area constituting approximately 275 000 of the original 950 000 acres. These competing interpretations of the Haldimand Tract have been the source of conflict since then, and are currently the subject of a formal land claim (Six Nations Claim no.23). Significant portions of the tract were also mortgaged by Joseph Brant after he received power of attorney from the Confederacy in 1796, with the intention of leveraging the value of the land to provide the necessary capital to develop the inhabited portions. Six Nations maintains with strong documentary support that the promised revenue from these lands and other leases throughout the tract was never paid, or was invested by the government of Upper Canada in Six Nations' name in public works projects without ever yielding a return.

Because of the centrality of the Haldimand Tract, the value of the land from an agricultural perspective, and the Grand River's importance as a highway through the heavily forested peninsula, the problem of non-Native squatters was endemic to the Grand River Valley. This was a constant complaint of Six Nations, placing real strain on their ability to hunt in the territory, amongst other things. Colonial authorities took an interest in this issue at moments of vulnerability, when it was feared that discontented Haudenosaunee could destabilize the colony. For example, on the eve of the War of 1812 and in response to council appeals, General Isaac Brock issued a declaration insisting that "All white persons are forbidden to establish themselves or reside in any Indian Village or Country..." and that "no person may pretend ignorance of the Law..." (Brock 1964, p.113). Despite these warning, de facto territorial loss was ongoing from earliest settlement because of the presence of squatters.

At the end of the 18th century and the first half of the 19th century, small and block leasing consumed much of the remaining Grand River territory without yielding ongoing revenue. Block leases and surrenders ranged from the hundreds to thousands of acres. Significant territorial losses occurred in 1798 - involving 352 707 acres, 1831 - involving 20 670 acres, and 1834 - involving 50 212 acres (Johnston 1964, p.120). Finally in 1840, the government suggested that a small reserve be created and that the rest of the Haldimand Tract, encompassing about 220 000 acres, be surrendered in a single, massive block transfer. In 1841, the Indian Agent Samuel Jarvis brought this proposal to the Six Nations band council, framing it - as was typically the case when Indian Agents sought land surrenders - as the only hope of retaining some land against the relentless encroachments of white squatters. There was no real alternative: "it cannot be expected... that upwards of 2000 white persons nearly equal in number to the Indians upon the Grand River, should be utterly removed from their homes" (Jarvis 1964, p.189). The council was left little opportunity to register its dissent. Jarvis warned:

In case any further division should take place in Council, and by declining amicably to meet the views of Government, the Indians should continue to thwart the measures devised as most conducive to their interest, I am apprehensive that the Government will

be compelled... to take into their own hands the exclusive management of their affairs (ibid., p.191).

The general surrender occurred in January of 1841. This created the reserve familiar today which, at approximately 47 000 acres, constitutes just 4.8% of the original Haldimand Tract. The surrender was and is heavily contested. It did not specify territory, the Jarvis proposal having referred only obscurely to "all [the land] with the exception of what is necessary for [the Six Nations'] own cultivation and for firewood..." The Confederacy and band council maintain that the small number of signatories to the general surrender relative to other documents implicating smaller territory indicates that it occurred without the formal authority of the Confederacy Council (Devries 2011, p:38). A significantly greater number of chiefs and warriors immediately petitioned to protest the purported surrender on 4 February 1841, and then again on 7 June 1841 (ibid.).

The degradation of the Haldimand Tract was a complex process, involving evolving legal interpretations of land transactions on the part of the colonial government. A final example, worth noting for its contemporary significance, is the Plank Road agreement of 1835. Six Nations agreed to lease land for the construction of a plank road from Hamilton to Port Dover. The Council designated a half-mile on either side of the planned road, with some stipulations - like a ban on the sale of alcohol along the road (Deyotowehgoh 2007). In short, they permitted the construction of the road on their territory to yield revenue, with the expectation that they could exercise some governance authority over the road. In 1845, the colonial government was officially treating the Plank Road agreement as a permanent surrender, and over the next 100+ years issued letters patent to private landowners along the road (now Highway 6).

This experience is emblematic of the general pattern of land loss: the Confederacy Council provided license for the release of lands in one temporary and advantageous form, but these terms were disregarded and agreements were reinterpreted as constituting permanent surrender

of title. This was acknowledged in Lord Durham's 1839 Report on the Affairs of British North America. After seeking explanation from colonial officials of the alienation of Six Nations' land, he grudgingly concluded:

...I could not obtain any testimony upon which I could feel myself justified in relying. It is, however, certain that the consideration paid for it was for the most part of merely temporary benefit to [Six Nations]. The government, under whose guardianship the Indians were settled...would seem, in these instances, to have neglected or violated its implied trust (Durham 1839, p.57-58).

The experience of appropriation was generally more rancorous than it was with the Anishinabe to the west. Joseph Brant fought bitterly with colonial authorities in the early period after settlement in Canada - over the nature of Six Nations title to the Grand River, over his ability to lease and sell lands, and over the degree of political autonomy that the Confederacy could operate with - insisting that the colonial government "had no right to interfere with us as independent nations" (Willig 2008, p.127). He complained that that the Six Nations had been misled, and would not have settled on the Grand River had they known that they wouldn't "have the free and indisputable Right to [the land]", and "remain[ed] a free people as formerly we were" (Brant 1964, p.94). Brant apparently threatened an insurrection in 1797, and even led 300 Mohawks to Toronto to protest (Willig 2008, p.139-140). The conflict is described by the historian Timothy Willig as "the first internal Indian crisis in Canada that the British faced after the United States gained independence, [and] it would influence subsequent British colonial jurisprudence and the Canadian Indian policy down to the present time" (2008, p.124). But despite the immense ill-will that developed between the colonial administration and Haudenosaunee Confederacy - ultimately turning an ancient ally into a voice of subversion amongst other Indigenous allies to the Crown (Willig 2008, p.157) - violence never occurred.

7.4 Precipitant: The 1924 Canada-sponsored Coup

The incessant threat to lands and resources that greeted the new reserve on the Grand was - in a sense - exhausted by the middle of the 19th century, when 95% of the territory had been alienated from Six Nations control. Over the next 50+ years, Haudenosaunee political energy was directed towards seeking redress through diplomacy and petitioning. These patterns persisted through the early 20th century, despite new and severe interest threats. The most notable potential precipitant for conflict occurred over the early 1920s, not as a territorial loss but as a political coup engineered by Canada's Department of Indian Affairs. Tensions culminated in 1924 with RCMP forcibly deposing the Confederacy chiefs, and overseeing the installment in their place of an elected band council in accordance with the *Indian Act* model. Consistent with broader historical patterns of Indigenous politics, this event failed to incite violent conflict despite representing a severe threat specifically to the interests of elite Onkwehonwe actors.

In the mid- to late-19th century, Six Nations experienced ongoing conflict between traditionalists and reformers, a predictable result of economic hardship and political isolation (Fenton 1989, p.402). At the turn of the century, an element within Six Nations consisting of educated and Christianized Onkwehonwe began to agitate for the removal of the hereditary council and the institution of elections. The membership of this clique was small and peripheral, but they were effective communicators and well-positioned to achieve a hearing from the Indian Affairs bureaucracy. In 1923, Lieutenant-Colonel Andrew Thompson, an army colonel that had commanded Six Nations troops in the First World War, was appointed to head a commission to "Investigate and Enquire into the Affairs of the Six Nations Indians". This appointment was likely a deliberate attempt to contrive a one-sided hearing, as veterans were chief among the element pushing for elective governance (Johnston 1986, p.19). Confederacy chiefs and their close supporters also boycotted the process of public hearings, further skewing the process (Catapano 2007, p.230). The commission determined that the exemption from prescribed band council forms that Six Nations had enjoyed to that point should be ended in favour of an elected *Indian Act* band council. Thompson's report criticized what he described as a "separatist

movement" promoted by the Confederacy, and accused the chiefs of being corrupt, self-interested, and inefficient administrators (ibid., p.237).

At the same time, the Confederacy Council began to explore new legal avenues for challenging the Indian Act regime. The Confederacy sent Deskaheh, the Speaker of the Six Nations, to Europe to advance the Haudenosaunee cause on a global stage. He was accompanied by an American lawyer, George Decker, and the two explored several avenues for advocacy. They appealed directly to the King of England - a well-established protocol in Indigenous diplomacy. When this failed to yield a hearing, they travelled to Geneva and prepared a formal case for membership in the League of Nations. Deskaheh used tough and challenging language, accusing the Canadian government of "planning our extinction as a separate people" (quoted in Catapano 2007, p.219). In the summer of 1923, he presented the League with "The Redman's Appeal for Justice", a pamphlet that was circulated in England and garnered some attention (ibid., p.224). He achieved a respectful hearing from some member states, and genuine support from the Irish, Persian, Panamanian and Estonian delegates, but was not granted the right to address the League.

The overseas excursion was a great embarrassment to the Canadian government, and one it was unprepared for. The Thompson Commission provided an excuse to impose sanction on the mobilized Six Nations. Tensions around the reserve reached new levels when the Confederacy sought to raise a tax in order to support its international advocacy. The Indian Agent counseled band members not to pay the tax, and publicly insisted that RCMP had to be stationed on the reserve to protect the citizens from their council. Non-native newspapers in Canada and the United States told lurid stories about an imminent purge of all on-reserve Christians by the pagan chiefs (ibid., p.247). In an antagonized atmosphere, the Canadian government proclaimed the creation of an elective *Indian Act* band council on 7 October 1924 - officially deposing the Confederacy that had governed for at least the past five centuries. The Indian Agent read the order-in-council to the assembled chiefs, then a squad of RCMP entered the council house and removed administrative records and wampum belts (ibid., p283).

7.5 Response: Institutionalized Protest, Non-Participation

This move on the part of the DIA and RCMP was viewed by most in the community as a stunning disruption of internal Onkwehonwe politics. It is true that for one small segment of Six Nations, the imposition of the elective band council system was a victory. The general mood, however, seems to have been deep distress over the sudden and wholesale overthrow of a system of government that had persisted for many hundreds of years. Nonetheless, the response was peaceful. It consisted in three parts: of petitioning and diplomacy, non-participation in the new system, and passive resistance in the form of preserving the Confederacy against formal sanction.

With respect to open advocacy, the community response was immediate. In 1924, 800 on-reserve adults signed a petition protesting the change. This would be the first of many. International advocacy was also sustained. The Mohawk Workers, a traditionalist association on the reserve, continued to commission delegations to Geneva, London and elsewhere. Chiefs on the Confederacy council also pushed hard for an audience with Prime Minister MacKenzie King, though unsuccessfully.

Non-participation in the new system spoke even more powerfully. When he learned about the coup, Deskaheh's lawyer George Decker advised the Confederacy against participating in any way in the next election, as an alternative to responding with violence. This advice was enthusiastically adopted, setting a pattern that has persisted to present day (*ibid.*, p.282). According to Decker, in the first election for the new 12-person council, twelve willing candidates could not be found, so Six Nations men in the employ of the federal government were installed in the slate and elected by acclamation (quoted in Catapano 2007, p.287). It was reported publicly that 52 band members voted in the first election, but private correspondence allege that in fact only 26 voters participated, with each voting twice (*ibid.*).

Finally, the Confederacy simply continued to conduct its business, and supporters continued to heed it as the legitimate law-making authority on the territory. They persisted despite the ready sanction of the Indian Agent, who wanted to threaten Confederacy supporters with banishment to "the extreme Northern Ontario where [they] will be out of mischief" (ibid., p.286). The Confederacy even gained some supporters after the coup, which had caused outrage among some of the acculturated reformers and caused them to rethink their support of an elective band council. In an exhaustive history of the Grand River reserve, Andrea Catapano describes the Confederacy as staying away from major legal or political challenges through the middle of the 20th century, instead simply "performing the appropriate ceremonies and rituals of offices as a shadow government" (ibid., p.312). The continuing force of Confederacy power on the reserve was described at mid-century by the anthropologist John Noon: "...although the Confederacy no longer exercises any semblance of sovereignty, the claim persists on an ideological level and is still a factor to be reckoned with..." (Noon 1949, p.14). In short, a severe political threat did not stimulate open conflict in the early- and mid-20th century. Onkwehonwe responded with several non-contentious forms of resistance, including diplomacy, non-participation, and continued adherence to traditional governance practices.

7.6 The Beginnings of Contentious Action

The history of contentious action at Six Nations is unique relative to that of other Indigenous communities in Canada, as Six Nations was host to some high grade protest prior to the White Paper episode. Ten years pre-White Paper, in a kind of precursor to the occupations to come, a "Warrior's Rebellion" took place in support of the Confederacy, which culminated in the seizing of the old Council House. This incident merits attention, as it fits uneasily inside the historical narrative presented elsewhere in this thesis. But while the action may indeed have carried the seeds of protest behaviour to come, it was primarily a function of the uniquely complex internal

politics of Six Nations. Six Nations experimented with direct action sooner than was typical because of the legacy of the 1924 coup and the uniquely poor fit of *Indian Act* institutions. In a sense, Six Nations underwent a microcosmic experience of the national model drama to occur on a pan-Canadian scale later. However, the community still ultimately also underwent the normative transformation felt elsewhere.

In 1959, a dispute over the sale of 3-acre parcel of land provoked open conflict over control of the reserve, which had been constant but latent since the 1924 coup. This resulted in a crowd of protesters storming the council house in Ohsweken on May 5, where the elective band council had been meeting. The self-proclaimed warriors then announced that the Confederacy chiefs had been restored to their rightful place as governors of the territory. Off-reserve reportage ran sensational, with headlines proclaiming "Six Nations on War Path" (Toronto Daily Star 1959a). In fact, the warriors had removed the front doors of the council house while the band council fled out the back doors, and convened a dance within the council house (Martin-Hill 2007). But they followed this by sharpening their challenge to Canadian institutions, proclaiming their independence from the *Indian Act* system, and inviting the prime minister and president of the United States to a summit at Six Nations to discuss new terms for peaceful diplomatic relations (Toronto Daily Star 1959b). The Confederacy also voided the law enforcement authority of the RCMP, and invested it in a newly formed outfit called the Iroquois Police. The chiefs even appealed to the Russian embassy for assistance, as a showdown loomed (Toronto Daily Star 1959c). Finally a week later, the RCMP initiated a 3am raid, sending sixty heavily armed officers to clear the council house and arrest the membership of the Iroquois Police.

This was an exceptional occurrence - high-grade protest well before such action was conventional. Its unusual quality is reflected in non-Native reporting of the event, the tenor of which suggests unfamiliarity and even some paternalistic amusement at the notion of contentious politics at an Indigenous community. The end of the occupation was described by the Toronto Daily Star in language meant to evoke the old west: "the Redcoats of the Great White Queen staked out an ambush athwart the trail today, and picked off the braves of the Iroquois

confederacy as fast as they came along. This was the cleanup of the Indian Uprising of '59" (Toronto Daily Star 1959d).

While exceptional, the Warriors' Uprising still reflects some of the same ideational and institutional processes behind the turn towards conflict widely experienced after 1969. It was simply the product of a unique local history. Where band councils elsewhere grew more organically out of the treaty order, and were absorbed into the *Indian Act* system incrementally, the 1924 coup at Six Nations constituted a radical break from history. On a micro-scale, this produced a national model crisis at Six Nations pre-White Paper. In the middle of the 20th century, the band council faced much the same legitimacy challenges as were experienced elsewhere, including at Kettle and Stony Point, after the White Paper. It was rejected by large swaths of the community, creating this early failure of the *Indian Act* institutional infrastructure to contain Indigenous protest.

Despite this historical anomaly, Six Nations still participated in the general political changes ushered in by the White Paper. Large reserve that it is, there is an historical record of Six Nations residents' direct reaction to the White Paper. It was reported at the time that "...feelings are running much higher than they were during the trouble we had in 1959" (Brantford Expositor 1969a). Rumours circulated that all Six Nations members would have Canadian citizenship foisted upon them at once and against their wills, provoking anger and panic on the reserve (Catapano 2007, p.394). Warriors discussed another occupation of the council house. They were dissuaded by the Confederacy chiefs, who counseled peaceful methods but acknowledged profound frustration over the failure of normal politics and death of the treaty order: "We have no redress as Indians. Ever since the Queen and the governor-general were reduced to figureheads, we have no one to turn to. If we sent them letters, they send them to the federal government... They mean nothing" (Brantford Expositor 1969b). The White Paper was described as "genocide" by the chiefs (ibid.).

In the aftermath of the White Paper, political developments at Six Nations neatly paralleled the bifurcating mobilizations nationally. The elected chief Richard Isaac established, along with several other First Nations of southern Ontario, a new political organization called the Association of Iroquois and Allied Indians (AIAI), responding to new federal funding for regional Aboriginal organizations (Catapano 2007, p.398). The organization persists to present day, but Six Nations is no longer a participant. At the same time, a youth-driven, sixties-style social movement organization - the Committee for Social Action for Indians of the Americas (CSAIA) - became active on the reserve, allying itself with the more nationalist elements of the community. In December of 1969, only 13 per cent of eligible band members voted in band council elections, demonstrating the extent of disaffection with the *Indian Act* system (ibid., p.401). The table was set for more ambitious and contentious mobilization, which arrived at Six Nations in the decade after Oka.

Several contentious acts occurred in the late 1990s and early 2000s which escalated in severity, demonstrating a similar spiral dynamic as has been observed at Kettle and Stony Point. In January of 1998, Haudenosaunee of the Ononadaga Beaver Clan attempted to reclaim the old council house. This was actually the third protest that targeted the council house; in the midst of anti-White Paper activism in 1970, Confederacy supporters had padlocked the doors of the council house to prevent its use by the elected band council. In 1998, a small group of approximately twelve protesters - including some highly respected traditionalist community members - served the Minister of Indian Affairs with written notice that they would reclaim the council house, which was then used as a library. They hoisted the flag of the Haudenosaunee Confederacy over the library, circulated their plans for using the building as a headquarters for clan research, then took up occupation in the building (McCarthy 2006, p.238). The aims of this action were modest; according to a spokesperson, the protesters only sought space within the library to work "in a peaceful and respectful way", and clarified that they were not seeking to reinstate the Confederacy per se (McCarthy 2006, p.241). The action was controversial in the community, though many supported the aims of reclaiming the council house and restoring its use to the Confederacy.

In the same year, another confrontation occurred - this time, off-reserve and as such, a more direct precedent for the Caledonia action. A dispute arose over whether a private landowner in Brant County could license a logging company to perform a limited cut in the woods around an area called Tutela Heights. A group named the Haudenosaunee Environment Delegation (HED) - involving at least some of the same activists that had participated in the council house occupation - protested this decision, claiming that the site contained a burial plot. The county refused to intervene and so, when the cut began in April, the HED established a blockade preventing the logging company from removing the felled timber. The standoff captured the attention of warriors on-reserve, who deliberated on whether they should support the action (Doxtator 2011). Ultimately they stayed away, and after just a few days the HED permitted the loggers to remove their timber, and logging activity was postponed indefinitely (ibid., p.54). A multi-partite mediation process unfolded over the summer, reducing tensions somewhat. The issue remained contentious, and reappeared two years later when logging was restarted (Barlow 2000) - but no major confrontations occurred.

The council house occupation and Tutela Heights blockade were related in important ways. The same spokesperson who had headed the council house reclamation, Ken Hill, again spoke on behalf of the HED. In fact, the longhouse-affiliated HED had based its operations from the library/council house while it was occupied (Ken Hill, quoted in McCarthy 2006, p.301). Tutela Heights also marked a progression from previous contentious acts. While it emerged within the context of the conflict between the elective council and Haudenosaunee Confederacy - and was led by supporters of the Confederacy, as previous mobilizations had been - it occurred away from the reserve. Moreover, its focus was not on political control of the reserve. Instead, it advanced a territorial claim, and courted conflict with non-Native private citizens as well as state authorities.

Following close on the heels of Tutela Heights was another confrontation over development off-reserve. In the early 2000s, the City of Hamilton began to move towards construction of an expressway through a natural north-south corridor within the city, the Red Hill Valley. In 2001, the Confederacy signaled its opposition to the expressway, citing concerns over the

environmental impact and the possibility of Indigenous burial sites in the valley (Barlow 2001). Confederacy representatives threatened "a standoff on the scale of an Oka or Ipperwash", warning: "We have young people that are pretty keyed up and ready... [We] will do everything to stop (the digging)" (Werner 2002).

In the Red Hill Valley mobilization, Haudenosaunee were joined by numerous non-Native allies, who opposed the expressway on environmental grounds and quickly adopted the Indigenous discourse. Non-natives initiated an occupation in 2003 after seeking authorization to do so from the Confederacy (McGuinness 2003). After several days, representatives of the Confederacy joined the occupation, constructing a roundhouse on the site (Bowers 2003). The city sought and obtained a temporary injunction, in consultation with the legal counsel for the Confederacy. But clan mothers and other protesters objected to the conciliatory measure and refused to vacate the site (Michael-Allan 2003). The occupation continued, and was expanded in October to incorporate satellite sites along the Red Hill Valley (Werner 2003). Finally on 31 October, police invaded the main protest site, arresting four people and destroying the camp. This brought an effective end to the occupation, with the exception of some small camp sites distributed throughout the valley.

These episodes of contention demonstrated some dynamics that are consistent with the Stoney Point mobilization. They began on a smaller, less contentious scale. The targeting of the old council house was only a small derogation from traditional patterns of contention post-1924, which often focused on the reserve governance issue (albeit as a proxy for colonialism and dispossession). Mobilization produced multiple protests in quick succession, often involving some of the same protesters. This suggests a small but committed cadre of community members that carried the weight of mobilization in early stages. It also suggests a process of learning carried forward from one conflict to the next, producing the cognitive and emotional liberation described elsewhere previously. The contention increases by degree, from one protest to the next. At Tutela Heights protesters established a territorial challenge by force, but the physical blockade was short-lived. The expressed grievance at Red Hill Valley was of a similar nature,

but the occupation was sustained for several months. The spiral dynamic in mobilization is even clearer in the immediate run-up to the occupation at Caledonia/Kanonhstaton.

7.7 Mobilization at Caledonia

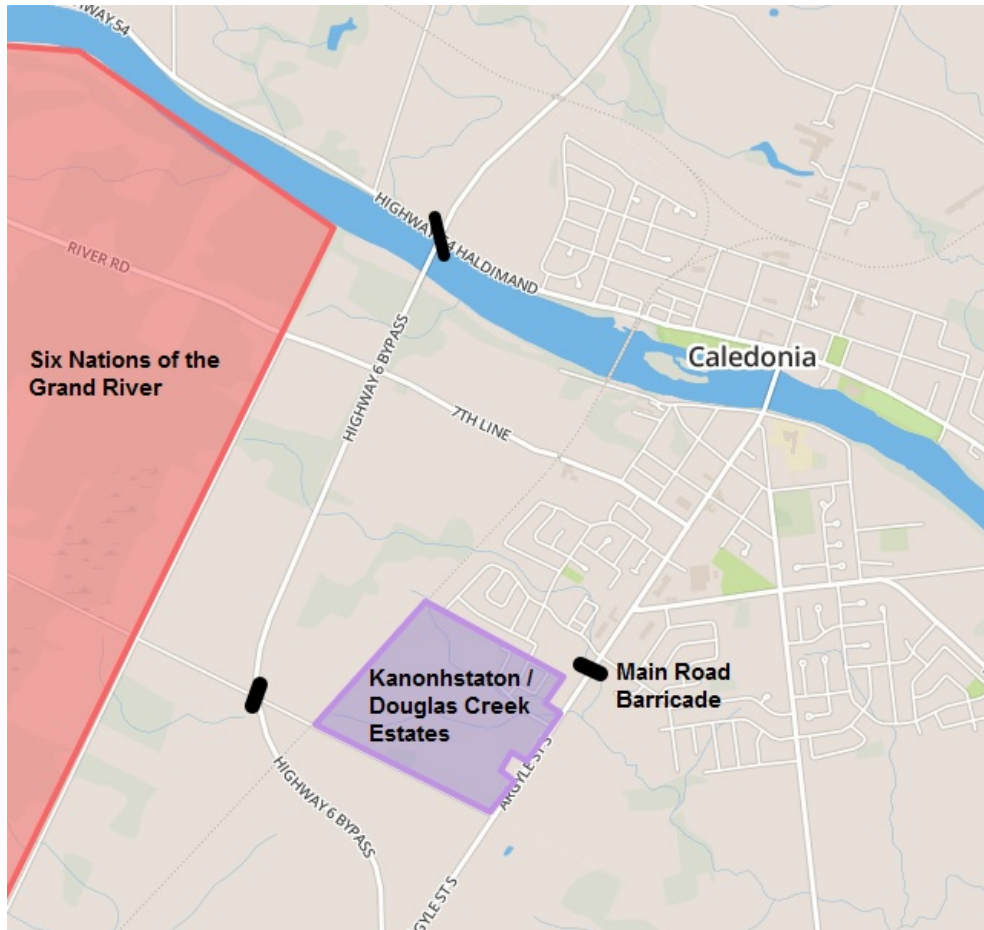
The eventual occupation of a building site in Caledonia emerged out of the advocacy of two women, Janie Jamieson and Dawn Smith, who in 2005 founded an organization called the Six Nations Land Claims Awareness Group (SNLCAG). They met at a public discussion about the history of the Haldimand Tract, and began discussions about how to galvanize the claims process to the benefit of the Onkwehonwe (Martin-Hill 2007). Word of a new housing development - Douglas Creek Estates (DCE) – on the outskirts of the town of Caledonia, immediately beyond the boundaries of the reserve, and in the area covered by the Plank Road agreement – provoked them to engage in a series of escalating acts of contention. With a handful of supporters, they stopped work at the construction site for one day on 25 October 2005. They came to the site again on the 16 November with more supporters, this time to distribute information pamphlets about Six Nations' claim to the Haldimand Tract to passers-by on Highway 6 (which ran alongside the DCE site). Dawn Smith has described this experience:

The first day that we went out, the construction workers weren't happy that we were there, but they let us go. And the second day... a bulldozer went after [JanieJamieson], bobcats came after us. We had a truck with stone dumped at our feet, and unless we didn't move they were going to cover us. And this is their mentality. They will push and push and push and see how far they can go before you back down (Dawn Smith, in Martin-Hill 2007).

In this description is a combination of sentiments, reflecting both cognitive and emotional liberation. The construction workers (and implicitly, the police to whom they would appeal)

were upset by their presence but unable to prevent it - suggesting the potential for more and greater action. At the same time, the experiences were obviously frightening, but had the effect of steeling the activists' resolve by engendering anger.

Figure 4. Caledonia and Kanonhstaton



After the SNLCAG forced the work stoppage, the chief of the elective band council wrote to the owners of DCE, Henco Homes, alluding to general mobilization around the Haldimand Tract land dispute: "as you may be aware, you are not the first proponent within the Grand River Tracts to have experienced peaceful protest by Six Nations members" (Dave General, quoted in

Devries 2011, p.41). He also appealed to the mayor of Haldimand County, but continued to encourage the SNLCAG to maintain "the education route" versus more high-grade contentious action (Windle 2006 "Council Suggests Patience", p.7). In response, Jamieson expressed the frustration that had accompanied their early forays into protest over development in the Haldimand Tract:

We have tried to get the attention of the government for three months now and have been ignored. Knocking on municipalities' doors and asking them to listen to us will not work. I'm not willing to trust they will. Wouldn't it be more beneficial for all Canada to know Six Nations is here and willing to fight for everything that belongs to them? (ibid.)

As with Ipperwash, the protesters were disappointed by the reaction to their initial demonstrations. The frustration generated a sense that more militant means needed to be adopted. This emotional liberation from the so-called "education route", combined with new information about the unwillingness of non-Natives to actively resist protest, created momentum toward a highly visible occupation.

It is important, in evaluating interests-based explanations for Indigenous contentious action, to consider whether development at DCE should be understood as a proximate provocation producing protest. Christopher Alcantara's (2010) model, for example, anticipates that conflict will occur when new interests threats, such as new developments on contested land, arise. *Prima facie*, this appears to match the Caledonia case. However, the historical record suggests that while the land ultimately targeted for the occupation was the same development that had been the focus of the previous SNLCAG protests, this was not a foregone conclusion during the planning stages of the occupation. In early January of 2006, when the SNLCAG was actively promoting the idea of a planned occupation, their objective was reported in the on-reserve Tekawennake newspaper as "...to set up an unarmed, peaceful occupation of a tract of contested

land in the Brantford region", not specifying which tract this would ultimately be (Windle 2006, "Council Suggests Patience"). By late January, it was reported that a target territory had been secretly chosen by the leaders of the SNLCAG, who "have been touring the region for what they feel will be the most visible and, therefore, the most effective location, while at the same time, considering the history of certain possible locations, ensuring the occupation is, indeed, on Six Nations land" (Windle 2006, "Occupation receives support"). When the occupation began, pioneers also cited some instrumental reasons for why DCE had been selected. According to Jamie Jamieson: "We chose this site because there is nobody living here. I didn't want to disrupt any families...[also] we felt it would be safer here than somewhere else" (Windle 2006, "Residents Begin Occupation"). This suggests that despite the earlier protests at the DCE site, at least some thought was given to hosting an occupation elsewhere.

As a result, the Caledonia occupation can be understood as a product of spiralling contention, rather than just a single response to a new interest threat. It is true that new development was occurring at DCE. It is also true that after the occupation was underway, protesters repeatedly asserted that the DCE territory constituted a unique encroachment on the reserve, as well as land of particular instrumental importance for the future of the Six Nations. Sentiments around the importance of the land were sincerely felt, but the occupation was not - in the first place - a narrow response to a single contested resource. It was born out of a generalized grievance, and meant to evoke a much larger claim - to all parts of the Haldimand Tract that had been lost through ostensibly illegitimate means. DCE was a carefully reasoned target, but the grounds for evaluation appear to have related to the practical suitability of the site for a sustained occupation, rather than the value of the territorial asset.

On February 28th, Jamieson, Smith and approximately 20-25 supporters entered the construction site again, this time with the intention of remaining indefinitely (Windle 2006, "Six Nations residents stand up"). Smith recalls that the construction workers were resistant (Martin-Hill 2007), but they left. The OPP adopted a similar posture as it had at the other, smaller-scale protests: "We want to give the group a chance to voice their concerns and make their statement. We just want to make sure nobody gets hurt on either side" (Windle 2006, "Six Nations residents

stand up”). The protesters established barricades controlling access to the site, slept in cars, erected tents, and established a makeshift kitchen and dining area. On March 5, the developers, Henco Homes, received a temporary injunction to have the protesters evicted from the site. This injunction was delivered to the site and promptly set on fire. While the pioneers remained committed to staying in place despite the injunction, there was at least some discussion of drawing down the occupation, and possibly planning a new one elsewhere in the future (Windle 2006, "Confederacy Council says other occupations"). Protesters were somewhat deflated by the instruction of the Confederacy Council that the protesters not interfere with construction workers on site in the future, and that they would not sanction open conflict with the police (Muse 2006, "Caledonia land occupation swirls").

The initial injunction deadline passed without incident and another – March 22nd – was established. By all accounts, during this period the occupation was only experienced as a very minor presence in the community of Caledonia, if at all. According to a non-Native woman from Caledonia: “[Non-native outsiders] go "Oh, they’ve been suffering since February the 28th". Excuse me, the construction workers and the owners... they had hardship and a hard time. But the rest of the world and Caledonia was not suffering whatsoever...” (Interview with Caledonian, 8 December 2012). This view was echoed by other Caledonians, and by individuals from Six Nations. One woman from Six Nations who later became involved in the protest described the posture of the majority of the reserve at the time: "Six [Nations] was just supportive, just watching where it went." As a result, the occupation suffered from a lack of physical support outside the tight and committed cadre of occupation pioneers. Editorials in a Six Nations newspaper lamented the problem of "Not enough chiefs and not enough Indians at Douglas Creek", and signaled a sense of resignation: "Once again, like so many times before, it appears that now is not the time" (Tekawennake 2006a). Occupation pioneer Hazel Hill publicly appealed to community members in mid-April in a published tract titled "Oh Brothers & Sisters, Where Art Thou?", which attempted to counter negative apprehensions of the occupation that may be responsible for "discourag[ing] others to join" (Hill 2006a). There was a persistent collective action problem of a kind, which dampened mobilization despite generally supportive attitudes in the community.

As the occupation wore on, the mobilizational challenge was partly overcome by support from outside the community. In the face of the imminent threat of expiring court-established deadlines, warriors were dispatched from the Tyendinaga, Oneida, and Akwesasne First Nations (Muse 2006, "Occupation attracts supporters"). Later in April, after the OPP again declined to enforce the injunction, warriors had arrived from Treaty 3 Anishinabek nations in Manitoba, with more approaching from British Columbia (Windle 2006, "Tensions Mount"). *Tekawennake* conceded "It's almost embarrassing that most of the occupiers aren't even from Six Nations" (Tekawennake 2006b). The importance of warrior support at this stage was later acknowledged by Jamieson, after Six Nations community members complained about the presence of the outsiders: "Many men from Six Nation have stated they would show their support at the site if these men would leave or agree to 'be on the same page as the rest of us.' The truth is the men from other territories weren't here until two weeks after the Reclamation began. So where were our men up until then?" (Muse 2006, "Barricades should not"). Consistent with Ipperwash, the occupation was launched by local grassroots actors, but external warriors provided human resources necessary for sustaining the occupation when the community was relatively disengaged.

The mobilization changed fundamentally on April 20th. Tripartite negotiations had recently begun between Canada, Ontario and Six Nations, after the elective band council agreed to defer to the Confederacy council as the representative of Six Nations at the negotiations. The OPP had also been present, and made several promises to the Confederacy - including that they would not move on the protest site while negotiations were underway, and they would not initiate any kind of police action at night to avoid an Ipperwash-type conflagration (Martin-Hill 2007; Powless 2007: p.5). Despite these assurances, hundreds of heavily armed OPP entered the site at around 4am on the morning of the 20th, to arrest or otherwise evict the small overnight occupying party of just more than a dozen protesters (Windle 2006, "OPP Raid Raises"). The OPP made 16 arrests in all, and was temporarily successful in clearing the site - but provoked a massive, rapid mobilization from Six Nations that elevated the conflict dramatically.

7.8 Response to Police Repression

Though the OPP had attempted to impair wireless communications in the region, word still travelled quickly throughout the reserve, and people from Six Nations streamed to the site en masse. Within 1.5 hours, approximately 100 new protesters had appeared at the site (ibid.). The OPP had established barricades to prevent access from the reserve to the site, but the growing number of Onkwehonweh forced them to relinquish the barricades and give way, allowing the new arrivals to re-establish the physical occupation of DCE (Martin-Hill 2007). After dawn, the flow of people to the site intensified. One Onkwehonweh woman that had not previously been a part of the occupation recalls she discovered the massive influx of people while trying to drive to work, and opted to join the protest: "people were just pulling over off to the side of the highway dumping their cars and running. You couldn't drive any further 'cause there was just too many cars... Everybody was converging, it was just crazy" (interview with protestor, 9 February 2013). Physical altercations occurred throughout the site. Dawn Smith recalled: "I've never seen our people that angry, where you see actually a crowd of people pick up a van and toss it over the bridge like it was nothing" (Smith, in Martin-Hill 2007). As their numbers increased, Six Nations protesters began to walk the OPP off of the territory, flushing out hidden sharpshooters as they did (Powless 2007, p.17). By 9am, OPP had vacated DCE entirely and retreated back into the town of Caledonia. Interviewed participants and observers estimate that by mid-morning, 1000-2000 people from Six Nations had joined the occupation site (interview with Caledonian, 8 December 2012; interview with protestor, 9 February 2013).

After reclaiming the site, protesters erected several barricades, crippling traffic in the Caledonia area. They established barricades on the town's main street, Argyle Street, where it ran past the site, and on a nearby highway overpass that represented one of the main commuter arteries through Caledonia. Participants recall watching two truckloads of gravel dumped onto the highway, and protesters wielding chainsaws on hydro poles (ibid.). Later, tire fires were ignited along the highway, with the billowing black smoke meant as a signal to Six Nations that help

was needed. A wooden bridge over rail tracks was also burnt down adjacent to the site. All of this provoked profound shock and fear amongst residents of Caledonia. One non-Native Caledonian recalls:

Kids had already left for school... And then the word starts to get out, and people are terrified. Women are calling their husbands at work sobbing... No one knows what to do. There was no communication, there was no nothing.... I'm sure [Caledonians] talked to the mayor, but she was of the nature of "oh my god, we're all going to be slaughtered in our beds" (interview with Caledonian, 9 December 2012).

After two months of a quiet and contained demonstration, the repression effect engendered a stark turn toward more contentious methods, sparking panic throughout the region.

The upsurge in mobilization occurred in the context of fear and uncertainty amongst Six Nations, as well. As was the case at Ipperwash post-confrontation, OPP had rapidly drawn down its presence, conceding control of the territory to the protesters. OPP officials also attempted to reassure protesters that they would not attempt another repressive action. This did little to assuage protesters. Clyde "Bullet" Powless, a Confederacy liaison and head of site security, described the anxiety that followed the successful repulsion of OPP from DCE:

I didn't know what the police's attitude was, OPP. We ran 'em out, were they going back to regroup? Bring back 5 times as many?... They was telling us 'No, we're not coming back in', but you going to let somebody slap you like that then say 'trust me'? No, you don't trust 'em. It's still hard to trust 'em today. (Clyde Powless, in Martin-Hill 2007)

An Onkwehonwe woman that joined the occupation on that day recalls: "I had this moment with my sister, where she said 'I don't care what [the police] bring in, they're not moving me', and I said 'Yeah, me too' It was this incredible moment" (interview with protestor, 22 February 2013). *Ex ante*, new participants arriving at the site expected and feared a new outbreak of police violence, but nonetheless joined the occupation in many cases for the first time.

Police repression brought two reactions: an escalation of contention by already-committed protest parties, in this case through the establishment of blockades; and a sudden influx of community support that vastly exceeded rates of participation in the occupation at any time previously. Both processes occurred in the context of heightened fear and the expectation of further violence. An occupation pioneer reflected: "As far as I can tell, the only thing this police action has done is to solidify support" (Windle 2006, "OPP Raid Raises"). It is difficult to distinguish a purely instrumental calculus in either act, but a value rationale is ubiquitous in the discourse. Onkwehonwe anger was focused on the perceived betrayal of the OPP, which had violated promises made to the Confederacy negotiator in deploying when it did. In an interview, a Six Nations woman explained succinctly the moral shock underlying sudden participation by Onkwehonwe who had previously only been sympathetic observers: "[Six Nations] were given assurance that they wouldn't get raided with less than 24 hours notice. There's no goodwill and no trust left after that." The betrayal narrative greatly enhanced a general sense of the righteousness of the cause amongst Onkwehonwe.

It is important to note that the instantaneous response to the pre-dawn raid was not a kind of extinction burst, followed by an ultimate reduction in protest behaviour to previous levels or less. Rather, the police crackdown changed the nature of the occupation entirely. Estimates for the average size of the occupying force vary, as numbers themselves did. It appears, though, that for several months after the raid, the overnight occupying party numbered at least one hundred people - far more than it ever had previously, and a large number relative to other acts of contentious politics by Indigenous people in Canada - and the occupation swelled mornings, evenings and weekends. Ruby Montour, a key organizer at the occupation, recalled that her kitchen was tasked with producing 150 sandwiches 4-5 times a day on a regular day, suggesting

as many as 500-700 protesters at busy times (Martin-Hill 2007). The blockades also provoked new kinds of conflict, particularly between Onkwehonwe and non-Natives from Caledonia (which is addressed below). In short, the intensity of conflict deepened immediately after sanctions were initiated against the occupiers, and remained that way for a long time afterward. The anger that was generated in response to state duplicitousness overcame the collective action problem that had seen community members largely sidelined at earlier phases of the occupation.

7.9 Dynamics of Occupation

The ebb and flow of protest behaviour at Kanonhstaton is not easily explained with recourse to instrumentalism. Nor can it be attributed to “emotion”. But the concept of value rationality again proves useful for understanding both escalation and demobilization. We have discussed the effect of repression on mobilization. The application of sanction on the protesters and the promise of further punishment strengthened the resolve of protesters already present, and brought geometrically more individuals into the mobilization. This defies assumption built around instrumental rationality. Nor, of course, was the occupation some formless emotional performance. Though lacking strong central coordination, a distinct kind of goal-seeking discipline was displayed, chiefly in the interest of maintaining the legitimacy of the occupation. While state repression amplified mobilization, negative spill-over behaviour at the site that hurt the normative legitimacy of the mobilization produced acts of conciliation.

Two episodes at the site in 2006 illustrate this dynamic. The first occurred over the May 24th long-weekend, amidst the worst conflict between local non-Natives and the occupying force. Bread and Cheese Day is a historical celebration of the Onkwehonwe-Crown relationship held at Six Nations on the Monday of the long-weekend. It had been slated in negotiations as the appropriate time for the main road barricade to come down. The Argyle Street barricade was indeed removed on Monday morning, but non-Native townspeople amassed on the road and, in a

demonstration of anger over the presence of the Onkwehonwe, established their own human barricade where the constructed Six Nations barricade had just come down. After three Onkwehonwe in a car were assaulted as they attempted to drive through the crowd of Caledonians, occupiers re-erected their own blockades, this time by dragging hydro towers onto the road and digging up a segment of the highway with a backhoe.

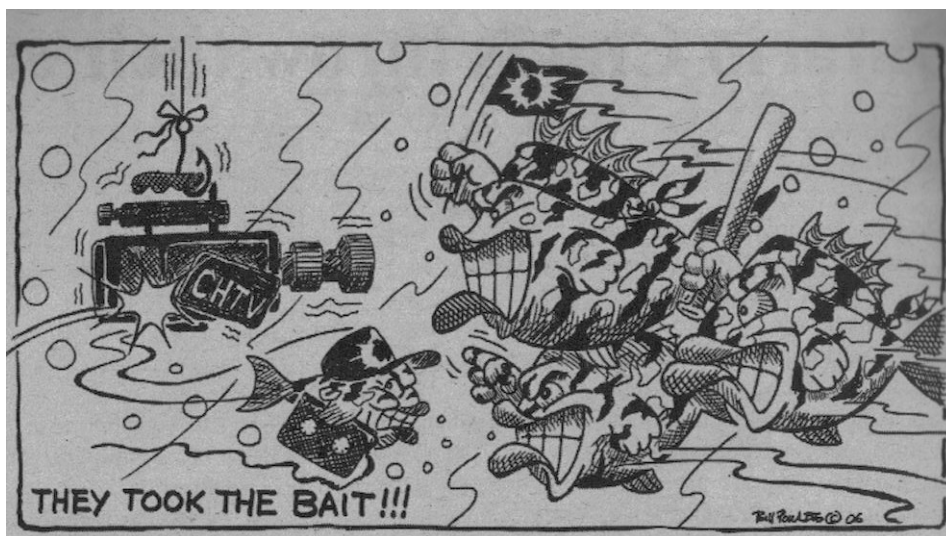
The rest of the day is remembered as uniquely ugly, and explosive. According to an Indigenous woman living in Caledonia: "May 24th weekend - oh that was the worst. I sat here and I didn't even want to go outside, didn't want to face anything" (interview with Onkwehonwe observer, 23 February 2013). A member of the occupation recalls: "When it did come to a complete brawl that was the scariest. That was on the May long weekend, when it finally broke through and a great big huge fight broke out between everybody... It was a crazy scene". Mini race riots occurred throughout the day in fields and parking lots adjacent to the site. Mid-afternoon, a hydro-electric transformer station was deliberately set on fire, creating a power outage for most of the region. A state of emergency was declared. Ontario's lead negotiator, former Premier David Peterson, conceded at the end of Monday: "It's been a disastrous day" (Kruchak et al 2006).

The escalatory act belonged to the non-Natives who had established a revenge blockade after the first blockade came down. Nonetheless, there was general and widespread unease, even embarrassment amongst Onkwehonwe community members about the violence of the holiday Monday - attitudes reportedly shared in Caledonia (interview with protestor, 22 February 2013). This appears to have played a role in stimulating a second attempt at removing the barricades (ibid.). Despite concerns that had proved credible the day previous about the safety of the occupiers without barricades, occupation pioneers again took the barricades down the following day with the support of most present. The process leading to the second occurred largely between local non-Natives and members of the occupation, with handshakes and a symbolic exchange of olive branches. Government officials were notably absent. The conciliatory move was celebrated by the protesters; Six Nations media reported "relief and happiness" at the occupation site with the barricades coming down (Muse 2006, "A Different Feeling"). While the first attempt

emerged out of negotiations with government actors and likely served instrumental ends, the second appears driven – in part – by non-instrumental legitimacy-seeking. The normative validity of the mobilization was in question, and conciliatory behaviour resulted.

This impulse is clearer in the second example. The last remaining road blockades came down on June 12, and the events leading to their dismantling are worthy of note. On June 9, a small but damaging altercation took place. Members of the occupation followed an elderly non-Native couple to a nearby parking lot, to confront them about taking photos of the site. Two cameramen from a local television station (notorious for its antagonistic coverage of Six Nations) rushed onto the scene (interview with protestor, 21 February 2013). They were punched and kicked by the protesters, and ultimately taken to hospital. This was a dark moment for the occupation from a public relations standpoint, and internally, intense anger was expressed towards the assailants for inviting the negative attention (ibid.). An editorial cartoon in the on-reserve newspaper *Tekawennake* accuses the Native assailants of allowing themselves to be baited (implicitly, by the state or non-Indigenous society) into hurting the credibility of the occupation.

Figure 5. “They Took the Bait” Cartoon. (Source: Tekawennake, 14 June 2006, p.6)



The premier of Ontario responded to the assault by ending negotiations until search warrants were prosecuted for six Indigenous men. In this context, the Confederacy chiefs and clan mothers convened a meeting at the occupation site and, after a lengthy discussion the decision was taken to remove the remaining barricades - to "reduce the possibilities of future [violent] incidents" (Tekawennake 2006c). The decision was controversial, and exposed divisions between Six Nations and outsider warriors, who were largely responsible for manning the barricades and felt they should remain (interview with protestor, 23 February 2013; Muse 2006, "Barricade Removal Causes"). Ultimately, however, those opposed acquiesced, and all remaining barricades were removed.

Both incidents could be read *prima facie* as indicators of instrumental rationality. It was arguably in the strategic self-interest of occupation leaders to de-escalate conflict – or risk bad publicity that could destabilize negotiations and bring serious sanctions. In the second instance, the incentive was explicit; the Ontario government suspended negotiations as a direct response to the assault incident. But these dynamics, studied in combination with the repression effect which saw mobilization escalate in the face of sanctions, suggest the applicability of a calculus of right. While the Confederacy chiefs were present in negotiations and party to the incentives offered by government negotiators to induce cooperation, consensus was sought before major decisions were taken at the site. Decision making occurred after long public consultations, in adhering to Haudenosaunee protocol, meaning that the conciliatory acts described above only occurred with the support of large majorities of participants in the occupation (interview with protestor, 9 February 2013). To the extent that protesters were goal-oriented, their goals included protecting the legitimacy of Onkwehonwe claims for a wider audience, and performing a nation-building exercise that served positive affirmational and esteem-boosting functions. Not just their strategic position vis-à-vis state and Indigenous opponents, but their legitimacy in prosecuting contentious acts mattered to the participants, and influenced the ebb and flow of mobilization. While the repression effect suggests something other than a simple instrumental calculus, the conciliatory actions that followed less-easily justifiable conflict demonstrate a disciplined approach by protesters, not captured in the agency-less language of "emotion". Conflict did not have a single effect on mobilization, in short. Depending on its normative context and value content, it both escalated and de-escalated the occupation.

7.10 Leadership and Institutions: Band Council, Traditional Government, and Indian Affairs

For reasons described in the historical overview above, the condition of governance is more complex at Six Nations than at Kettle and Stony Point; it is uncontroversial, in fact, to suggest that the Grand River territory is among the most politically complex bands in the country (interview with provincial official, 19 June 2013; interview with provincial negotiator, 16 July 2013). But the institutional effect on mobilization carries significant similarity across cases. Like Ipperwash, Caledonia/Kanonhstaton was a "mass-first mobilization" - originating outside of both *Indian Act* and traditional leadership structures. Institutional dialogue was more effective in the Caledonia case, but this is because of intracommunity accommodation amongst Haudenosaunee which enabled Canada and Ontario to access the appropriate leaders within Onkwehonwe society. This success was only relative, however, and again consociational bargaining structured by the *Indian Act* failed to contain or control conflict.

As described above, the mobilization began with the SNLCAG, a recently formed association of young activists that existed independent of both the band council and Confederacy. SNLCAG did originally seek the approval of both governing parties before it initiated the occupation. In early January, SNCLAG announced to the band council its plans to host a peaceful occupation. The council was not directly opposed, but counseled patience and caution (Windle 2006 "Council Suggests Patience"). In late January, they made another presentation, this time to a combined meeting of band council and Confederacy. The councils responded opaquely that they could support a "peaceful, respectful and educational" demonstration (Windle 2006, "Occupation Receives Support"). Despite the appearance of deference to authority, representatives from SNLCAG made clear that they acted autonomously. Janie Jamieson: "It is out of respect that we ask. But the driving force behind the group is people. We don't really need their approval, but we would like it. The longer we wait and do nothing, the more chance for [non-Natives] to continue to move full steam ahead with their [development] plans" (Windle 2006, "Unarmed Occupation"). This was demonstrated when, *in lieu* of sanction for a peaceful occupation, the band council instead produced a mealy-mouthed endorsement of a "youth information

campaign", without mentioning the act of occupation. The pioneers were not dissuaded: "We wanted to give them the opportunity to [become involved], and they don't want to... but as far as asking their approval, no, that wasn't it. If they aren't going to support us, then we have no choice but to walk away..." (Windle 2006 "Land Claims Awareness").

After the occupation began, the role and presence of leadership structures was highly changeable. Band council officially maintained its distance, though some individual council members were often present and pushed for support. According to Chief Dave General, the band council did not officially support or reject the occupation (Muse 2006, "Chief Dave Fed Up"), but the chief himself campaigned actively against it. His repeated insistence was that "more has happened on [land claims] in the last 20 months than in the last 20 years" (Smith 2006a). In public forums, General insisted:

There needs to be understanding, by those participating in the occupation, that things were on-going. There was the exploration into speeding up the [negotiated] claims process. The Six Miles Deep [education] program was being worked on as the first wave of notice throughout the tract that we were interested in what was happening in development.... (Windle 2006, "Why General Does Not")

Chief General used much stronger language on another occasion, suggesting that the occupation was actually a ploy by his opponents in the community to undermine his progress:

The Douglas Creek Estates Occupation was created to derail the Exploration Process. The Exploration was seeking a mandate from Six Nations Elected Council to enter into negotiated settlement discussion for two claims... Six Nations, Canada and Ontario were already at the claims table - long before

protestors launched their occupation of the DCE lands... At risk is the reclamation being reduced to a 'wreck-lamation' (General 2006).

The council did not reflect the chief's determined and vocal opposition; individual members split in different directions, and the council actually committed material aid to the occupiers after the OPP raid. But Chief General's behaviour does again suggest that the elective political elite were content to cooperate within normal institutions, and that negotiated processes were underway. However, those processes faced resounding normative rejection by the grassroots actors that performed contention.

At Six Nations perhaps more than any other Indigenous community in Canada, there is a powerful national political elite that is detached from the *Indian Act* system. The Haudenosaunee Confederacy is commonly thought to have been the driving force behind the occupation, but this does not appear to be strictly accurate. Later in the mobilization, the Confederacy came to exercise a strong though incomplete degree of control over the occupation. But as discussed above, the occupation pioneers asserted their right and willingness to prosecute the occupation with or without Confederacy permission (interview with protestor, 15 February 2013). The Confederacy role at the site seems to have waxed and waned in parallel to general community mobilization. Before the raid, there were complaints that the Confederacy-appointed representatives to the occupation were rarely present. At one point in the first month of the occupation, Confederacy secretary Tom Deer appeared on site to insist that the protesters abandon the occupation at the instruction of the Confederacy (Windle 2006, "Shifting Sands"). Then, at the end of March 2006 Confederacy chiefs held a press conference re-establishing their support. Their engagement deepened significantly again after the OPP raid, and remained solid subsequently. All of this led an on-reserve observer to write that "Leadership behind the present occupation of the Douglas Creek subdivision seems to be just about as stable as the shifting sand of the Gobi Desert" (ibid.).

The most consistent leadership presence may have emanated not from the band council or Confederacy chiefs, but the clan mothers. Clan mothers are traditionally at the centre of affairs of state in Onkwehonwe society. Their role as conceived in the *Kaianerekowa* is described by Renee Jacobs: "Clan Mothers are the most respected members and hold the highest positions of authority, leading the matrilineal clan... The Clan Mothers select the Sachems, or Chiefs, to serve on the Council... While the Clan Mothers have the constitutional authority to depose Sachems... no constitutional provision exists for the removal of a Clan Mother" (1991: p.500). The clan mothers proved the most reliable supporters of the occupation. They were present at very earliest stages, and even encouraged the occupiers to persist when they received instruction from the councils to end the mobilization (Roque 2010). The activists, in turn, demonstrated deep deference to the clan mothers, and placed them at the centre of the discourse in order to illustrate that they acted with community support. The clan mothers exercised real authority on the site, establishing rules of conduct for the protesters (Hazel Hill, in Roque 2010). They were not directly responsible for the genesis of the mobilization, however. The SNLCAG was highly cognizant of the importance of clan mother license, and sought it in early preparatory phases. But it ultimately acted of its own volition. A clan mother recalls the early entreaties as consultations and no more: "They had women's meetings. And we didn't know even really where they were going to reclaim... They said that they would let us know when the time came" (Roque 2010). While it is important to recognize the leadership role played by the clan mothers - a role that has gone routinely unrecognized in historical scholarship on Onkwehonwe people - it remains the case that the Caledonia occupation was a mass-first mobilization in the fullest sense of the term.

After the OPP raid, the Confederacy chiefs and clan mothers were a sustained and consistent presence over the site. However, some protesters continued to exercise autonomy. Interviewees cited several examples of on-site dissension, when participants openly flouted the instruction of the chiefs and clan mothers. When a decision was taken to remove barricades on the Highway 6 overpass, for example, some of people manning the barricades temporarily refused (interview with protestor, 15 February 2013). Another challenge to the chiefs' authority came from a spin-off occupation at a building site approximately 1 km from DCE/Kanohstaton. An occasional participant at the Kanohstaton occupation described the dispute: "There were some people there that didn't have the full support of everybody. Because we were upset we're dealing with [the

fallout from the spin-off occupation]. They were asked 'please come back into the fold, back into the room'. And they refused, and sort of went out on their own and did that" (ibid.). In this way the occupation maintained its mass-first dynamic throughout the occupation, as protest entrepreneurship continued to occur even after local leadership structures had established some control.

The institutional dialogue that existed prior to mobilization was clearly insufficient to head off extra-institutional conflict. A unique accommodation within the Onkwehonwe political classes after the occupation began did, however, allow Canadian governments to step outside of the *Indian Act* institutional framework in their response to the occupation. On 17 April, the band council elected to defer to the Confederacy as the lead negotiating party on behalf of Six Nations. This allowed Ontario and Canada to establish formal relations with the Confederacy for the first time since 1924 (excepting some low-level track-two diplomacy that had occurred in the intervening years, particularly on the part of Ontario) (interview with provincial official, 19 June 2013). As a senior provincial civil servant explained: "even though the Haudenosaunee Confederacy has no legal standing in a land claim world, or at least *prima facie* they don't...the feds were able to hide behind the fact that the band council was at the table in the early days and passed a resolution that on land rights matters, the Confederacy represented their interest. So then, alright, we're all able to deal with the Haudenosaunee..." (interview with senior provincial civil servant, 23 November 2012). The band council and Confederacy jointly organized a negotiations team with Confederacy leadership that, because it was backed by the band council, Canada could engage.

This temporarily alleviated the constraints imposed by the *Indian Act* system - but only temporarily. When negotiations stalled and the band council pulled its support for the negotiations team, Canadian governments again had to largely disengage. As a senior negotiator explained: "As soon as they did that, Canada - whose relationship is with the elected council - then goes 'well, who are we negotiating with now? Is there two positions?' So until there's such time as a leadership representative of all Six Nations [with band council backing] we're not there" (ibid.). The federal government disengaged entirely, while Ontario has maintained a

negotiations framework to address issues apart from land claims *per se*, such Six Nations' relationship with municipalities, development on Crown land, environmental assessments, and related concerns (interview with provincial official, 27 June 2013). Negotiations over the disputed territory were ceased when the elective band council became unwilling to tolerate the participation of the Confederacy Council, demonstrating again the institutional constraints on Canadian political elites' ability to respond to contentious action.

In sum, the occupation was detached from both the band council and – at key junctures – traditional authorities at Six Nations. Pioneers, warriors, clan mothers and Confederacy chiefs all exercised some influence on daily operations. The balance of power migrated from group to group at different phases of the occupation. But at no point did the protesters speak with one voice. Internal conflict and confusion resulted, for example, when the Confederacy leadership negotiated the take-down of road barricades. The warriors that had manned the barricades did not participate in this decision, and resisted the move for some time as a result (Muse 2006a). Confederacy chiefs treated the occupation as an awareness campaign at times; early on they signaled that they were content to declare a kind of victory, and cede the territory back to private/government hands. Others, including occupation pioneers and warriors, adopted the view that the territory itself was what was at stake, and that it had to be held at all costs. Different interests had different champions at the site – a fact about which government officials and local non-Natives involved in negotiations complained bitterly (Interview with Caledonian leader, 22 February 2013). Participants were not then answering a call from entrepreneurial elites when they joined the occupation, which was amorphous, moving in multiple, sometimes contradictory directions at once (Interview with protester, 9 February 2013, Caledonia).

7.11 Non-Natives at Caledonia

A key distinguishing feature of the occupation at Caledonia vis-à-vis other flashpoint events is the highly visible, bilateral mass-mobilization of both Indigenous and non-Indigenous peoples. Bilateral mobilization occurred at other protest sites examined here, but it occurred on an unusually large scale at Caledonia, and was somewhat distinct in the repertoires of highly contentious action adopted by non-Natives. The particularly deep non-Native involvement at Caledonia is partly explained by the political geography of the occupation. Caledonia has been described to me as "the first significant protest situation that involved an urban population" (interview with Caledonian, 25 February 2013). The targeted site was immediately adjacent to established residential neighbourhoods of Caledonia, as well as a school, church, and retail area. It was also removed from the contiguous reserve, meaning that there were non-Native homes between the site and the reserve and thus, behind the barricades. The Kanonhstaton occupation was less geographically bounded than Ipperwash and Oka, for example, and as a result it had a more immediate impact on non-Native lives.

This is not to suggest simply, however, that non-Natives were more highly mobilized because their interests were more directly affected. It is important to note the leadership presence of non-Natives at the forefront of mobilization who were unaffected by the occupation, and did not have direct stakes in the conflict outcome. A committed cadre of non-Native protesters intervened in the local conflict primarily, it appears, on the basis of a normative impulse - namely, outrage and anger over perceived coddling by state authorities of the Indigenous protesters. There were, therefore, both normative and interests-based motives behind the large, vocal non-Native counter-mobilization.

The other important point to note is that non-Natives were truly autonomous actors, at times equally or more at odds with the state than were the occupiers. This triangular relationship is more starkly apparent in the Caledonia case than it was with Ipperwash. State actors were more

conciliatory in their approach to the occupiers, limited by the legacy of Ipperwash and an inquiry that they had convened (ibid.). As a result, state and Indigenous actors were often in temporary alliance with each other against the escalatory actions of 'mass' non-Natives, who fiercely opposed accommodation of the Onkwehonwe. There are lessons here for the study of Indigenous politics and "settler colonialism", about the independent agency of non-elite non-Natives.

Before the OPP raid, there was only a minimal degree of mobilization amongst non-Natives. A sole rally was held in early April, led by a local lawyer who publicly disputed the Onkwehonwe claim to the territory of Kanonhstaton. The rally was reportedly attended by about 300 local residents (Windle 2006, "Caledonian Residents Protest"). After the failed raid and the establishment of road barricades, however, mobilization expanded geometrically. A few days after the raid, a "unity" rally was held by residents of Caledonia, ostensibly to bring media attention to the ill effects of the occupation suffered by townspeople. A leader of the rally, Ken Hewitt, argued that regardless of "legitimate land claims grievances with the federal government", Onkwehonwe had no right to engage in contentious action:

We have had our lives disrupted, our businesses and homes have been devalued, our freedoms to move about have been limited by this group of protesters. Since when did freedom of speech and freedom to protest give anyone the right to disrupt the lives of others, through fear, intimidation, the burning of tires, destroying public property, and the blockading of highways?... Our children are afraid to go to school, our emergency services are hampered because of this road blockade, and our businesses suffer day to day... We don't want this lawlessness to continue (Smith 2006b).

After the rally ended, approximately 500 Caledonians marched on the occupation site, requiring the OPP to deploy to keep the two groups separated. This became a pattern at Caledonia especially on weekends, with Caledonians routinely massing in a Canadian Tire parking lot adjacent to the site, and confronting protesters across police lines (interview with Caledonian, 15

February 2013; interview with protestor, 15 February 2013). The focus of the OPP deployment in the early months after the raid was largely on restraining non-Natives from advancing on the occupation site (*ibid.*).

Initially, the non-Native mobilization consisted primarily of residents of Caledonia and the surrounding area. In early May, a group was formed between political and business leaders in town called the Caledonia Citizens Alliance, led by Ken Hewitt. They adopted a "rule of law" discourse, insisting that the federal and provincial governments not countenance the claims advanced by Six Nations while Onkwehonwe engaged in civil disobedience (Legall 2006). They also framed their opposition in language blending Canadian nationalism with an appeal to liberal equalitarian values. Hewitt addressed supporters waving Canadian flags at a rally with: "It's time the Canadian ideology that exists within these flags takes precedent [*sic.*]" (Smith 2006b). The Caledonia Citizens Alliance lobbied the federal and provincial governments for emergency assistance to local businesses, and called for an investigation into the conduct of OPP leadership.

Though it was responsible for some of the early mobilization that contributed to the escalation of conflict, the Citizens Alliance did not represent the most hardline element within local non-Native society, and was eventually out-bid by more confrontational parties. There was a significant degree of internal diversity within the Alliance, with many members distancing themselves from the escalatory rhetoric of Hewitt, and some expressing moderate sympathy for the Onkwehonwe cause (interview with Caledonian civic leader, 27 February 2013). A more serious threat to both Indigenous peoples and state authorities intent on maintaining a relative peace came from outside the immediate community. According to a prominent civic leader from Caledonia:

Once there was a protest, any time you got close to a weekend, suddenly it became a grandstand affair, where everybody within 12 hours who wanted to make it a spectacle came in to grandstand. And after a while people in this community learned that when we

start to get to weekends, especially long weekends, you just disappeared, or you kind of stayed underground, or you watched from a distance - because it became a rodeo.... the [Citizens Alliance] had more influence on our own people in town. But there were weekends where you were on the speaker horn encouraging people to back off, and they'd tell you to "F" off. A huge volume of people, and none of them were locals. They were all imports. They came from wherever (ibid.)

There were some organized elements within the mobilized "import" non-Natives. According to various participants in the conflict, in attendance at major protests were "all the bikers in Ontario" (interview with provincial negotiator, 16 July 2013), white supremacists with the London-based Northern Alliance (interview with protestor, 15 February 2013), and other neo-Nazi associations. However, there were also a significant proportion of non-Natives drawn to the site specifically to protest the perceived preferential treatment of Indigenous peoples, without an explicitly racist background or organizational backing.

Most notable of the "outsider" protester leaders was Gary McHale, a computer scientist and conservative political activist from Richmond Hill who emerged as the leader of non-Native contentious actors. He launched a website in the early summer of 2006 - caledoniawakeupcall.com - that became a hub for organizing counter-protests aimed at both the Onkwehonwe and OPP and politicians. When the website first garnered attention, McHale acknowledged that he was independent of the Caledonia Citizens Alliance and had no connection to "anyone else in Caledonia, really", but was provoked to mobilize because of Ontario's embrace of a "two-tier approach" to law enforcement, when there should be "one set of laws for all" (Burman 2006). As the occupation wore on and local non-Natives began to demobilize, particularly after all the barricades had come down, McHale became the primary engine behind conflict in and around the site. In October of 2006, he organized a "March for Freedom" with the stated intent to parade through the occupied territory. All three provincial party leaders and the Mayor of Haldimand – the rural municipality that includes the town of Caledonia – attempted to dissuade him from hosting the march for fear of renewed violence. He insisted on going forward, though he ultimately altered the march path significantly.

McHale organized an ongoing series of demonstrations, earning notoriety for a particular protest performance meant to highlight the differential treatment of Indigenous and non-Indigenous people by police. On several occasions, McHale and his followers - later self-styled as the "Caledonia 8" - attempted to enter the occupied territory and hoist a Canadian flag. Each time, they were prevented from doing so by the OPP. He maintained a presence for years after the occupation began, despite numerous legal penalties including mischief charges and bail conditions barring him from Caledonia. He is cited by interviewees as leader of the "professional protest" cohort for non-Natives (interview with Caledonian civic leader, 27 February 2013), and the source of nearly all of the conflict at the site after the summer of 2006 (interview with Caledonians, 8 February 2013, 25 February 2013).

In August 2007, McHale formed an association called the Canadian Advocates for Charter Equality (CANACE) (Hamilton Spectator 2008). He did not limit his advocacy to Caledonia. Rather, he emphasized focus on a perceived broader problem, and worked to expand the mobilization into other communities. CANACE tried unsuccessfully to rent space in the eastern Ontario town of Deseronto, after Mohawks from the Tyendinaga reserve established an occupation of a local quarry. His declared intention was to teach local non-Natives how to mobilize in response to Indigenous direct action (CBC 2007). He later confronted Mohawk protesters with an outdoor "public information session". In a tract titled "Why we must go to Deseronto", Mark Vandermaas – a key lieutenant to McHale – quoted gallingly from Dr. King's Letter from a Birmingham Jail: "I think I should indicate why I am here... since you have been influenced by the view which argues against 'outsiders' coming in. I am [here] because injustice is here." Vandermaas concluded: "Simply put...Injustice in Caledonia is injustice in London. In Toronto. In Ipperwash" (Vandermaas 2007). The portability of the cause, as well as the outsider status of some of the key activists themselves, indicates the normative origins of the mobilization. The most highly mobilized non-Natives in some cases had no direct stakes in the Caledonia conflict (or the other flashpoints they sought out), demonstrating that interest is itself not a necessary condition for settler mobilization.

As is evident in the CANACE nomenclature, the discourse of McHale and his followers is suffused with explicit reference to the liberal national order in Canada. It also carefully avoids identity-based or ethno-specific language, instead elevating the principles of procedural liberalism. Refuting a claim that he was racist, McHale insisted:

The fact is we have a system now in Caledonia and Ipperwash where the laws of the land are dictated by your race... Obviously anyone takes a stand against a group in Canada, people throw out the racist card. I make no racist statements against them. The concept of equality, multiculturalism, the concept of freedom are not exclusive to any one group. (Nelson 2006).

CANACE describes its mission as "opposing lawlessness and racially-based policing during aboriginal land claims with the goal of preventing violence and civil rights abuses of both native and non-native citizens", and "...holding police, politicians and native extremists accountable for committing crimes..." - all of which constituting "one of the most important human rights struggle [sic.] in our country's history" (CANACE, "About"). Here is where a sincere question arises about how seriously conflict participants' discourses should be taken. The commonest tendency in studies of Indigenous politics is to treat settler discourse as ill-disguised racism. But even where that assumption is accurate, it confuses deep psychosocial impulses with conscious cognition. Irrespective of the source of negative attitudes (which is exceptionally difficult to determine at a political scientist's level of remove from individual subjects), the ideas through which attitudes are made manifest matter for understanding behaviour. For this reason, students of ethnic conflict have argued that discourse is a reasonable proxy for ideas held as "obviously true to group members" about intergroup relations, uncovering how participants make sense of their conflicts (Ross 2001, p.16).

As was the case with local non-Natives at Ipperwash, McHale built his case within a framework of 'colour-blind' equality. Like ON-FIRE, CANACE bracketed out land claims issues, insisting

that the principles of procedural liberalism must prevail over the performance of even legitimate grievance: "I've made it perfectly clear that since I've been involved that I don't address land claims issues. If the government owes them the land, give it to them. If the government owes them money give them the money. My issue is that you cannot use criminal offences to further your political agenda" (Windle 2006, "McHale Arrested") CANACE took great pains to avoid an ethno-specific discourse; McHale routinely insisted that "race based policing" and extremism also "victimized innocent native people as well" (CANACE, "Race-Based Policing). Instead, CANACE's anti-Indigenous advocacy was framed as support for ostensibly neutral civic institutions like the *Canadian Charter of Rights and Freedoms*.

It is important to note that not all non-Native involvement in the conflict was escalatory or antagonist to the occupiers. Several Caledonian interviewees expressed serious frustration at their presentation in national media, which they felt was homogenizing and obscured some significant conciliatory action in the community. Non-Native participants who were supportive of the aims of Six Nations belonged to chiefly two categories. The first were ideologically aligned protesters from elsewhere, who were present on site very early on. They included steel worker and university unionists from Hamilton, the Canadian Communist Party, Hamilton Quakers, the Ontario Coalition against Poverty, the Ontario Public Interest Research Group, No One is Illegal, and other left-wing social movement organizations. The second were Caledonians who perceived it to be in their interests to engage constructively with Six Nations. Tom Keefer has profiled the Community Friends for Peace and Understanding with Six Nations, which was led by Caledonians without previous advocacy involvement, and adopted an explicitly pro-Onkwehonwe agenda (Keefer 2010). Other small-scale peacebuilding groups were created in the aftermath of the worst conflict. For example, a teacher, Suzie Miller, established a pen pal project to stimulate exchange and cultivate understanding between students at Six Nations and surrounding areas. A therapist, Scot Cooper, championed a public dialogue program between the communities. Other activists worked to host low-profile, quiet meetings between Caledonians and Onkwehonwe away from media attention. These kinds of responses to Indigenous contentious action deserve closer examination in future research.

The scholarly literature on Indigenous politics treats the place of non-elite non-Natives in the politics of the settler state with some ambiguity. Even the burgeoning field of “settler colonialism” remains largely focused on elite actors. We are left to assume that the settler and the settler state are indivisible, and that mass-level actors are simply agents of colonialism. The reality is profoundly more complex, and this case again suggests that mass-level non-Natives should be understood as distinct and autonomous actors. The Caledonia occupation offers some fascinating examples of the triangularity of Indigenous-non-Indigenous-State relations. At certain moments, state and Indigenous actors were more closely aligned than might otherwise be anticipated, while mass-level non-Natives had a deeply antagonistic relationship with the state. During the most heated exchanges between non-Indigenous protesters and the occupiers, occupation site security worked in close concert with the OPP. OPP passed warnings to the occupiers when (for example) they saw non-Natives massing in the Canadian Tire parking lot or stockpiling beer, or when they received intelligence of a planned march (Muse 2006, “Quiet Weekend”; Windle 2006, “Reported Rally”). When non-Native counter-protesters occasionally broke through the barricades or entered the site, they were often restrained by site security and promptly turned over to the OPP (Windle 2006, “Reinforcing the Perimeter”) The OPP also focused its crowd control efforts on non-Natives during the rallies. During one major confrontation, a police officer told an Indigenous reporter: “We aren't too worried about the Native side doing anything. The fact we only have five police [from hundreds] facing that way kind of proves that, right?” (Windle 2006, “It’s All Good”).

Beyond day-to-day policing, there was cautious cooperation between Indigenous and state leaders in managing the conflict (if not in settling claims), and this cooperation often earned the ire of mass-level and local elite non-Natives. Provincial officials had to try to persuade non-Natives of the legitimacy of the negotiations they had entered into. In this, they were often unsuccessful. David Peterson was routinely heckled in public presentations to the people of Caledonia (and other non-Natives present), facing the accusation that: “Anything the Indians want, you'll give them” (Muse 2006, “Numerous Events”). At the same time that provincial and federal actors established negotiating tables with the Haudenosaunee, the Haldimand County Council passed a resolution condemning negotiations until all barricades were removed (Muse 2006, “Haldimand Council Asked”).

The surprising degree of cooperation between Indigenous and state actors, to the exclusion of local non-Native actors, is reflected in two anecdotes. First, upon the resignation of OPP commissioner Gwen Boniface - who had been fiercely criticized by non-Natives for perceived acquiescence to Indigenous militancy - Janie Jamieson publicly paid tribute, citing her "patience" and "peaceful resolve" (Puxley 2006). This was echoed by other Indigenous leaders. In contrast, both the Mayor of Haldimand County and Caledonia Citizens' Alliance leader Ken Hewit celebrated her departure, condemning her for failing her duties at Caledonia (ibid.). In a similar vein, the next OPP commissioner, Julian Fantino, defended site security head Clyde Powless when assault charges were brought against him. Powless pleaded guilty to an assault on Gary McHale during one of CANACE's attempts at entering the occupied territory. Fantino wrote a letter presented in court which praised Powless for "diffusing serious conflict and confrontation", and excoriated McHale for "mischief-making forays into Caledonia" (Brown 2009). In both cases, the relationship between OPP and occupation leaders appears reasonably cooperative relative to the relationship between OPP and non-Native activists.

Despite the ill-will generated by the April 20th raid, there was still meaningful cooperation between Indigenous and state actors. More important from a theoretical viewpoint is that often these two parties aligned in opposition to the expressed interests of non-Indigenous peoples. At Caledonia, Non-Natives constituted a true third party - and research on Indigenous politics should account for this presence as something quite distinct from the settler state itself. At times when Indigenous and state interests are convergent - for instance, in managing spill-over conflict around an occupation - they worked in concert. Mass and local elite non-Natives had an independent effect on the conflict, often by opposing conciliation and pressuring state actors to adopt a more confrontational tact.

7.12 Conclusion

This chapter has argued that while there is a long history of contentious action at Six Nations, it is still the case that mass territorial losses and political repression did not stimulate major open conflict until the post-White Paper and post-Oka era. The occupation at DCE/Kanonhstaton was not solely a direct response to new development on disputed territory. Rather, it grew out of cascading contention, and was meant to represent grievances existing above and beyond the single territorial claim. It was a truly mass-first mobilization, though occupation pioneers worked hard to earn the support of the various leadership constellations at Six Nations. Institutional dialogue was ongoing, and led the chief of the band council to oppose direct action. However, it was typically ineffective in containing conflict outside of institutions. The occupation suffered from a collective action problem in its early phase, until the moral shock produced by an OPP raid that had violated promises made to the occupiers generated massive mobilization. Caledonia is unique in the large-scale, visible bilateral contentious mobilization of Indigenous and non-Indigenous peoples. Non-Native mobilization was not solely a response to an interest threat. The active presence of protest leaders from outside Caledonia suggests a powerful normative basis for non-Native counter-mobilization as well. Non-native mass actors were distinct from and antagonistic to state actors, creating triangular political dynamics and surprising temporary alliances.

Chapter 8

Conclusions and Implications

8.1 Contributions

The scholarly output on Indigenous contentious action in Canada is vast and often impressive. If the literature is characterized by one prevailing inclination (notwithstanding exceptions addressed elsewhere), it is that it is built around a moral and political project. Most of the work exists to offer academic justification for Indigenous contentious action; some outliers are instead hypercritical of Indigenous protesters. A recent edited volume which is the first major published work on the Idle No More movement, for example, identifies its objective “to reflect upon this beautiful and significant moment, to remember, celebrate, think, and contribute to change we all can benefit from” (Kino-nda-niimi Collective 2014: 25). The key overarching contribution of my thesis, then, has been to seek explanations for Indigenous direct action, beyond describing or prescribing. To do so, I have imported theories and models from the comparative study of intergroup conflict. The project may only be implicitly comparative with other countries and contexts, but is nonetheless original in its attempt at fostering dialogue between the Indigenous, Canadian and comparative literatures. I believe that the study of Indigenous politics in Canada will benefit by both adopting and contributing to theoretically enriched debates from elsewhere, even if the primary focus of the field remains – quite justifiably – on advancing justice for Indigenous peoples. By pursuing this topic with some aspiration of empirical rigour and theory-building, this thesis contributes significantly to the state of our knowledge of Indigenous mobilization in Canada, as well as our understanding of the historical and microfoundations of identity-based mobilization outside of institutions generally.

I have attempted to demonstrate the shortcomings of instrumental theory for explaining both the underlying conditions and catalytic causes of Indigenous contentious mobilization. Mobilization outside of institutions failed to occur historically in the context of severe interests threats, even

when rebellion was (relatively) materially feasible – for example, in the colonial period, before the demographic and power balance shifted so dramatically in favour of the settler state, and prior to the development of a robust Canadian security apparatus. In the *Indian Act* era, powerful structures militated against open conflict, but the explanatory story does not end there. And while there was a material basis for the first major eruption of contentious mobilization – which followed on the heels of the 1969 White Paper, an obvious and profound interest threat that would eradicate the treaty basis for Indigenous belonging in the Canadian political community – instrumentalism is not helpful in explaining why this initial mobilization did not ultimately subside, but rather set the table for a new epoch of Indigenous-state-settler relations. At the local level, mobilization does not appear to neatly follow interest threats, but rather, emerges incrementally and organically over time, spiralling upward from small-scale and moderate contention, to more ambitious and contentious repertoires of action. Moreover, to the extent that the occupations at Ipperwash and Caledonia are illustrative of political dynamics experienced at other occupations and blockades, the evidence runs directly in the face of the instrumentalist expectation that the material and political costs associated with contentious mobilization are inversely correlated with the degree and kind of mobilization witnessed. On the contrary, elevating the costs of mobilization by taking aggressive police action against protests appears to stimulate more contentious repertoires of action involving larger numbers of protesters. Instrumentalism can make a real and substantive contribution to aspects of our understanding of mobilization; my research acknowledges, for example, the effects of “cognitive liberation” (or the evolving expectations on the part of protesters about the feasibility of contentious action), as well as the reality of persistent free rider problems when mobilization is underway. But all of the above findings suggest that this body of theory ultimately fails to capture the complete dynamics of contentious mobilization in defence of the group.

In the place of instrumental theory, I have attempted to develop an explanatory framework anchored in what might broadly be described as norms, including several different kinds of ideas operating at multiple levels of analysis. At the macro-level, I describe the large-scale cultural processes that underlie conflictual or cooperative equilibria in national politics. National myths are important structural conditions that play a role in rendering societies conflict-prone or conflict-proof. I have argued that national myths are bound up in institutions, and that

institutional change can provoke changes to the myth-symbol complex which, in the case of Canada, have stimulated conflict via contentious mobilization. This model is distinct from pure institutionalism in that the actual design and function of institutions matters less, in some cases, than the cultural meanings attached to institutions and events. The White Paper was an institutional change that never happened, but which has profoundly affected the political trajectory. Alongside myths are legitimacy norms, which feed back on political behaviour in several important ways. Institutions associated with the federal practice of “Indian Affairs” suffer pronounced and profound legitimacy deficits in both Indigenous and non-Indigenous societies, and this undermines their ability to contain conflict within institutions. As a result, legitimacy is attached to political mobilization outside of institutions. This is not alone sufficient to overcome free rider problems, when mobilization occurs. However, the legitimacy of mobilizations is inflated when the state acts repressively – and therein lies an explanation for why mobilization peaks when costs of participation also peak. In the place of cost-benefit calculus, I have proposed “calculus of right” as a heuristic for understanding mobilization through a norms-based lens.

Legitimacy is at the core of this explanatory model, working in distinct but central ways at both the macro and micro levels. Legitimacy – “a psychological property of an authority, institution, or social arrangement that leads those connected to it to believe that it is appropriate, proper, and just” (Tyler 2006: 375) – is an ancient concept, with an inconsistent presence in the field. It is central in Weber’s sociology of government, reappears in mid-century behaviouralism, but is often overlooked in contemporary political science, and particularly, in studies of ethno-political mobilization and group conflict. This is despite the fact that there is reasonably strong empirical evidence to support the notion that legitimacy shapes the way people behave in relation to institutions. For example, in exploring why people obey the law, Tom Tyler has famously found that popular perceptions of the legitimacy of laws and the institutions supporting them is more significant than fear of punishment (Tyler 2006). Legitimacy emerges out of procedural justice, but also “moral alignment” – the perception of shared moral values between authorities and publics (Jackson et al 2012) – and other avenues that allow for identification with authorities (Kelman 2006). This thesis draws attention to the legitimacy deficit facing the institutions that exist to govern the Indigenous-non-Indigenous relationship, the absence of “legitimizing myths”

(Sidanius and Pratto 1999) which render these institutions unable to contain normal politics. Legitimacy is a hugely important concept in understanding mobilization outside of institutions; I hope that this thesis will attract new attention to it.

Empirically, this thesis makes several contributions to our knowledge of the phenomenon of Indigenous contentious mobilization in Canada. First, it draws our attention to the epochal nature of Indigenous-settler relations, and the fact that the present era is uniquely characterized by the degree and kind of conflict between those two parties. This fact is easily lost in present-minded analysis, which often adopts largely primordial assumptions about the intergroup relationship. The thesis also underlines a fact widely acknowledged elsewhere, which is that the White Paper incident constituted a hugely important critical juncture in the relationship. I have also placed emphasis on the domestic origins of contentious mobilization in Canada. The research suggests that while Indigenous peoples in Canada initially borrowed heavily from activists in the United States, and subsequently exerted pronounced influence on the development of the global indigenous movement, the unique timing and content of mobilization in Canada is owed to institutional and normative ingredients internal to the country. Finally, the case studies suggest that more research is required on the position of non-elite non-Natives in the context of Indigenous mobilization, as actors autonomous from the settler state.

I acknowledged at the outset that my intention was to test and propose theory, but that the case selection and methods adopted here are insufficient to demonstrate a new theory. Several other limitations should be acknowledged in closing.

8.2 Limitations

First, the generalizability of the conclusions generated here remains under question. I consciously chose to frame the dissertation as a study of Indigenous contentious mobilization,

rather than Anishinabek and Haudenosaunee mobilization, in the belief that similarities with respect to recent political developments in Indigenous nations across Canada are more than superficial. Nonetheless, the macro-level processes described here have had an uneven effect from nation to nation, and I have acknowledged at several stages the salience of national difference in mobilization. The material pertaining to local-level mobilization cannot be used with complete confidence to explain other flashpoint conflict events.

Second, there is intrinsic difficulty in empirically substantiating norms-centered explanations, particularly when working at a political scientist's level of remove from individual subjects. Normative motivation cannot easily be demonstrated conclusively. As a result, the dissertation has commonly resorted to attempting to falsify instrumental explanations, en route to arguing in favour of norms. This will fall short of some expectations for supporting evidence.

Third, I have worked squarely within a conventional social scientific framework. I have not adopted the ontological, epistemological, and methodological tools that have, in the last few years, been imported into political science from various Indigenous intellectual traditions. This was a conscious and carefully reasoned decision, premised not on a rejection of that development but rather on a realistic assessment of my own capacity to work within and contribute to intellectual approaches with which I had little substantive familiarity. These developments bring the real and present danger of tokenism, which I was determined to avoid. As a result, I cannot claim to represent in any way how Indigenous peoples have conceptualized their political mobilization within traditional systems of knowledge and interpretation (See, for example, Leanne Simpson [2011] on the many meanings of mobilization, resistance and resurgence within an Anishinabek intellectual framework).

8.3 Policy Implications

The argument presented here cannot be neatly mustered in favour of a certain class or other of policy prescriptions. Emphasizing norms over interests suggests that there is a heavy historical and affective basis to conflict and mobilization - something that cannot be easily addressed in institutional reform or negotiations strategy. Much of the prescriptive literature on managing ethno-national cleavages within deeply divided societies has an unconscious tendency to default to instrumentalist or realist thinking on conflict, which also happens to be generally more voluntaristic (Morden and Paquin-Pelletier 2013). Elite competition over scarce political and economic resources can be managed in a way that the myth-symbol complex, or legitimacy norms cannot. As Stuart Kauffman notes, the normative approach adopts the view that open intergroup conflict is both difficult to start and difficult to stop (2001, p.13).

Reviewing some policy prescriptions vis-à-vis Indigenous contentious mobilization may be a good place to begin. There exist just a handful of studies addressing this issue directly, and I will address two recent prescriptive studies here. First, Douglas Bland of the MacDonald-Laurier Institute produced *Canada and the First Nations: Cooperation or Conflict?* (2013) to address how to mitigate the potential for major future conflict over resource development. This text substantively addresses what it perceives to be the sources of and solutions to Indigenous contentious mobilization. Bland suggests moving away from "grievance-centered reconciliation" - "a process... aimed at eliminating First Nations' grievances as motives for civil disturbances"(p.38). According to Bland: "redressing grievances is not simply wrongheaded, it is irrelevant... If Canada is to maintain control of its sovereignty, then the feasibility of a First Nations challenge, armed or unarmed, will need to be reduced" (p.39). The instruments proposed to accomplish this are diverse, but unlikely to reduce conflict between Indigenous peoples and neighbouring communities.

The first set of prescriptions is economic in nature: massive government investments to improve the quality of life, a negotiated distribution of natural resources revenues, and a policy emphasis on improving Indigenous educational outcomes. These are intrinsically important objectives, but their relationship to the stated purpose of reducing contentious mobilization is ambiguous. Nowhere has a clear and strong relationship been established between levels of economic development and the likelihood of contentious action. On the contrary, flashpoint events have typically occurred in more southerly, less remote, and (relatively) prosperous reserves. Profound poverty exists in these communities too, and is the source of anger, fear, and hopelessness. But it cannot be suggested that blockades and occupations are the unthinking acts of starving, desperate people. They are deeply considered performances of sovereignty and resentment, rooted in conflict over land. They are unlikely to vanish in the face of new social programs (though this, of course, is not an argument against new social programs).

An additional class of prescriptions focus on enforcement. Some are plainly unacceptable in the face of basic procedural justice norms - for instance, the suggestion that young Aboriginal prisoners should be subject to a special form of isolated incarceration to prevent criminal recruitment. Other prescriptions are likely to provoke more conflict. Bland calls for "reinforcing the federal security guarantee... in vulnerable regions and reserves" (p.40), greater involvement of the RCMP in on-reserve policing, and cracking down on drug use and trafficking at reserves. All flow from an understanding of conflict grounded in the feasibility hypothesis, and all miss their mark. It is difficult to see how "reinforcing the federal security guarantee" - presumably increasing and intensifying police and military deployment - is itself feasible without first engendering more conflict with First Nations. The Akwesasne Mohawk reserve in eastern Ontario provides a recent illustration of this dynamic. In 2009, the residents of Akwesasne mobilized against a plan to arm border guards stationed on the reserve, on the grounds that an armed foreign presence could not be tolerated. This opposition ultimately forced the federal government to relocate the border crossing at significant cost, and continues to produce inefficiencies at the new location. The RCMP carries immense symbolic baggage, and suffers from a legitimacy deficit in many First Nations communities. RCMP officers were briefly present at Caledonia to provide operational support to the OPP, for example, and this was a specific source of contention at the occupation site. The leadership of the OPP was quickly

forced to publicly relinquish that support and dismiss the RCMP. Finally, the question of drug enforcement assumes that the initiators of protests are warriors or other purportedly criminal elements that benefit from illicit economic activity. In the body of the thesis I have addressed why I believe this view is incorrect.

Justice Sidney Linden's Report of the Ipperwash Inquiry (Linden 2007) produced a more nuanced and expansive body of prescription for how governments can avoid violent conflict in the context of Indigenous mobilization. It offers a total of 78 policy recommendations addressing every facet of the issue. One of the valuable dimensions of the Ipperwash Inquiry's policy analysis is its recognition of the broader, macro-level context from which conflict arises. This produced the recommendation that a Treaty Commission of Ontario be created as an independent and impartial agency dedicated to facilitating the successful resolution of land claims in Ontario (it should be noted that by nature of its mandate, the recommendations of the Ipperwash Inquiry are catered toward provincial governments, and Ontario specifically). This plank has gone unimplemented, despite its enthusiastic reception and ongoing lobbying on its behalf by the Chiefs of Ontario and other Indigenous groups in the province. Several of the recommendations addressed Indigenous interests but, unlike the Macdonald-Laurier report, did so in the context of conflict over land rather than social problems and economic underdevelopment. Emphasis is placed on substantiating the "duty to consult", fostering co-management regimes in land use and natural resources, and material support for First Nations to participate in consultations and negotiations. Likely falling into the category of what Douglas Bland calls "grievance-centered reconciliation", these are nonetheless sensible propositions (as well as constitutional obligations) – but not panacea.

Justice Linden's recommendations with respect to policing carried some instrumental assumptions, but different ones from those present in the Macdonald-Laurier study. Linden correctly identified the effect of repression on the conflict, and suggested ways that a police deployment could avoid provoking greater and more intense mobilization. Communication was a central theme of Linden's diagnosis and prescriptions, reflecting the instrumentalist belief that information failure and the resulting security dilemmas are what produce conflict (Lake and

Rothchild 1996). Linden is, of course, correct that police should strive to maintain open lines of communication with protesters. But the importance of this can be easily overstated. The cognitive schema produced from large-scale symbolic, cultural and psychological structures affect the way we receive information even when it reaches us, and information alone is insufficient to overcome trust and legitimacy deficits. Stoney Point protester Roderick Abraham George made the point more succinctly, when pressed at the Inquiry over whether more communication with police would have made a difference: "We weren't really there to talk to no police, actually" (Roderick Abraham George 2004, p.222).

Several proposed institutional reforms, including the creation of a stand-alone provincial Ministry of Aboriginal Affairs, reflect recognition of the failure of the contemporary institutional infrastructure. Importantly, the Ipperwash Inquiry calls for a "flexible policy regarding negotiations with protesters" (Executive Summary, p.108). The meaning of this is not spelled out, but it suggests an understanding of the inherent inability of *Indian Act* institutions, including band councils, to respond to mobilization or manage conflict. Flexibility suggests a willingness to engage negotiating partners beyond elective band councils, possibly including traditional orders of government, warrior societies, and grassroots activists. These are valuable suggestions. The prescriptions contained in the Ipperwash Inquiry are, again, catered to a provincial government, and do not address the fundamental institutional problem that is anchored in Ottawa. But in light of the profound political difficulty associated with successfully abolishing the *Indian Act* despite the universal antipathy it inspires, flexibility may be an important interim strategy at all levels. While the *Indian Act* is likely to persist in the near future, it is incumbent on all orders of government to recognize that legitimate Indigenous political actors exist outside the *Indian Act* system. If they are denied an opportunity to participate in normal politics, they will mobilize outside of institutions. Ultimately, a revolutionary re-imagining of the institutions governing Indigenous-settler relations is required, and this is hardly a novel suggestion. This needs to be accomplished in a way that resonates with the national model as it is understood in Indigenous as well as non-Indigenous society.

If altering the institutions of the *Indian Act* is hard, addressing the normative foundations of conflict is much harder. We commonly assume that legitimacy norms will follow from institutional reform, good faith governance, material redistribution, and other methods for addressing interests. But the reverse may, in some ways, be true. Where trust deficits exist, any kind of meaningful change is politically difficult. Stuart Kauffman has labelled this the "symbolic politics trap" (2006). Norms of distrust, illegitimacy, anger and resentment destabilize political reform and negotiated settlement. The failure of these processes reinforces and strengthens those norms, which make future negotiations even more susceptible to failure. The symbolic politics trap has been used to explain the "escalatory, self-perpetuating dynamic" of many intergroup conflicts, and the failure of conventional, instrumentalist conflict resolution practice in international relations (*ibid.*, p.205) .

The symbolic politics trap can be addressed in policy, however. This is the function of the politics of truth-telling and reconciliation. In the scholarly literature on Indigenous politics, the politics of reconciliation has inspired major skepticism. Authors have suggested that this process is underway only to co-opt and control, to assuage white liberal guilt without addressing the colonial foundations of the settler state, or to neutralize Indigenous anger and resentment before it does serious damage to the established order (Alfred 2009; Corntassel and Holder 2008; Dorrell 2009; Short 2008). Government-initiated reconciliation measures have been correctly identified as limiting the temporal and substantive scope of recognized injustices, in order to limit the range of required policy responses (Jung 2009). The major reconciliation program that exists currently stands accused of addressing a single symptom of the colonial condition - residential schools - in isolation from the disease itself. Leanne Simpson asks "what are the consequences for Indigenous Peoples of participating in a process that attempts to absolve Canada of past wrong doings, while they continue to engage with our nations in a less than honourable way?" (2011, p.21). The question is powerful and unsettling. But the politics of reconciliation may be more palatable if it is understood as a means rather than an end. Bridging the national narratives of Indigenous and non-Indigenous peoples may be a necessary precondition for the re-negotiation of institutions, and for the just settlement of contentious claims. The Ipperwash Inquiry itself offers an example of the instrumental dimension of reconciliation politics. The Inquiry performed the role of a truth and reconciliation commission

in miniature, and fundamentally re-wrote the non-Native understanding of the Ipperwash conflict. This explains a highly unusual outcome: the unconditional return of Ipperwash Provincial Park to the Anishinabe in the aftermath of conflict, a measure which was inconceivable before the Inquiry, and exceeded even its recommendations (Morden 2013).

The politics of reconciliation can be built into land claims negotiations, just as it has been built into international diplomacy. "Track-two" and "multitrack" diplomacy involve practices designed out of recognition that peace is not easily derived from elite-level interests bargaining. They open the diplomatic arena to civil society actors in order to substantively include - and win 'buy-in' from - people outside of the political classes. This avoids the problem of successfully negotiated elite-level peace deals failing implementation in the face of popular opposition. They also provide opportunities for horizontal exchange between opposing group members, rather than funneling all intercourse vertically through the state or states. There are precedents for multitrack treaty-making in the Indigenous-Settler relationship, but not recent ones. This was arguably the approach in the Johnsonian era of forest diplomacy. Sir William Johnson and his Haudenosaunee counterparts were immersed in each other's societies. They cultivated the relationship between British North America and the Haudenosaunee Confederacy in commercial, familial, cultural, religious, educational as well as political spheres. The relationship was stronger, more consensual and mutually beneficial as a result.

Accomplishing this in the modern era requires creativity. T'hohahoken Michael Doxtator suggests something in this spirit, based from his experience assisting to resolve the conflict over lumber activity at Tutelo Heights in the Grand River territory (2011). He calls for the creation of a long-term "Grand River Valley learning community", which "involves more groups or individuals beyond the principal disputants... Ideally, mediators include a larger community of stakeholders in cross-cultural mediation. At the local level Native housing, realty, legal, cultural, environmental, religious and political stakeholders increase the size of the core group" (p.59). The process he imagines largely sidesteps the immensely difficult task of determining which parties have standing in land claims negotiations - who speaks for whom - by being broadly inclusive. Rather than a starkly interests-oriented exercise in horse trading, parties to the learning

community are engaged in "workshops, muralized shared histories, role playing, mapping, reading, talking circles, team learning, collaborative inquiry, and joint planning" (ibid.). In the case of Caledonia, a learning community has begun to emerge organically in the years after the occupation began, thanks to the dialogue-oriented activism of community members from both Caledonia and Six Nations. Examples include a stunning Indigenous-settler student pen pal project and the Neighboring Communities Project, an exercise in cross-community narrative therapy. These and other projects have benefitted from the support of the provincial Aboriginal Affairs office which opened in Brantford. What Doxtator describes works too slowly and is too process-oriented to satisfy Indigenous or non-Native parties in the context of open conflict. Governments and Indigenous communities are wise to adopt these multitrack methods on an ongoing basis, to head-off conflict or better manage it when it arises. Addressing the normative bases of conflict in a local context will prove more immediately effective in the short-term; state-sponsored efforts at revising big, structural national metanarratives - as the Royal Commission on Aboriginal Peoples attempted, for example - are likely overestimating the efficacy of the politics of reconciliation.

8.4 Normative Implications

As noted above, in relation to the Indigenous political literature this dissertation is unusual for its primarily explanatory rather than normative (that is, in this context, moral) orientation. The project began with empirical and theoretical questions, rather than political answers, and there has been a conscious effort to defer the normative implications of the presentation. In the first place, this project has, to this point, been agnostic on whether contentious mobilization and flashpoint conflicts that are fundamentally a good or bad thing. Mobilization itself is unambiguously positive. Politics should happen both within and outside of institutions, generally. Moreover, in light of the deep absurdity of the *Indian Act*, extra-institutional action on this issue is an ironclad requirement for the health of our democracy. But the conflict that results is more difficult to assess. Flashpoint events have an ambiguous relationship to the achievement

of justice. Kiera Ladner is correct to assert the value and importance of blockades and occupations, as "little things from which big things grow", the risks embraced by a small number of which echo down through future acts of resistance (2010: 290-291). There is some empirical evidence to suggest that contentious mobilization compels governments to pay attention to their treaty and fiduciary obligations, because "Aboriginals are angry, motivated, in the news"(Scholtz 2009: 421).

But it also seems that while the effect of contentious mobilization is felt at a macro-level, specific acts of contention can breed intransigence on the part of federal and provincial governments, and rarely result in specific settlements that favour Indigenous interests. In Christopher Alcantara's study of comprehensive claims outcomes, he finds that adopting contentious methods often militates against settlement (2007, p.196). John Borrows reaches a similar conclusion in surveying a number of prominent flashpoint events (2013). I was also struck by the deep personal costs borne by participants in the conflicts I studied. The trauma of the Ipperwash shooting persists to this day, and several Six Nations protesters described to me the emotional exhaustion they experienced from having to maintain the occupation in the face of ferocious antipathy. I was told a story about a young person who served a long stint at the occupation site, and endured abuse from racist interveners that came regularly to Caledonia. When it was time to leave and travel to another reserve for work, the Onkwehonwe shook with fear for having to share a train with only white people. This is a high cost to pay for recognition and restitution. I believe many Indigenous people are willing to pay it, but they should not be asked to.

Nor should certain local non-Native communities be suddenly and arbitrarily asked to pay a unique price for a theft of land that the Canadian state is ultimately responsible for. My exposure to the people of Caledonia required me to revise some preformed attitudes (the region encompassing Ipperwash is home, and a community I already knew well). Many impressed me deeply with their openness to dialogue, and to the painful work of re-learning their regional and national histories. Away from conflict, in the progressive circles of big cities and universities, the angry redneck townspeople persists as a stock-plot caricature just as false and crudely

constructed as the menacing, bandana-ed warrior so ubiquitous in mainstream media. But conflict brings fear, and fear is a bad advisor. This brand of horizontal conflict is likely to engender the kind of ugly exchanges that were, undeniably, a central feature of the Caledonia occupation. With such a dearth of palatable institutional and diplomatic avenues open, it would be absurd to expect Indigenous activists to calibrate their mobilization in a way that shields non-Native citizens from any possible impact. To do so would be to blunt its effectiveness. But it is callous, intellectually dishonest, and unnecessary for self-proclaimed "ally" scholars to affect supreme unconcern for the non-Natives that are brought unexpectedly into conflict. It is also strategically unsound.

There are no parsimonious normative conclusions about the flashpoint event to offer, because it is simply a symptom of a broader conflict and a bigger problem. It is neither ameliorative nor ruinous, and should not be romanticized or condemned. Having considered the occupation as a cause, consequence and process (Horowitz 2003), I resort to a classical formula of Canadian political thought: occupations if necessary, but not necessarily occupations.

The causal account presented here can also be read to contribute to one of the most important normative debates in the field, over the place of "Indigenous knowledge" in scholarship. In the first place, the macro-level emphasis on the causal importance of narratives, myths and symbols fits comfortably with the conventional ontological thinking of many Indigenous peoples in North America. The power of stories and story-telling are commonly emphasized in Indigenous scholarship, though there is tremendous heterogeneity with respect to how the importance of stories is understood. Stories are argued to be the basis for social reality - "the truth about stories is that's all we are" (King 2003, p.2). Stories are placed at the centre of collective jurisdictional and territorial claims - "if this is your land, where are your stories?" (Chamberlain 2004, p.1). Several authors have emphasized the importance of stories in Indigenous methodology, as instruments for testing theory, examining causal relations, and disseminating ideas. John Borrows (2010) explicates a relatively positivist understanding of stories in his text *Drawing Out Law*, and one that most closely reflects the relationship between stories and behaviour that is argued here:

Stories provide perspective for judgement. Their setting, characters, plot, themes, and language can confirm or challenge our deepest understanding of the world around us. Their structure and substance can corroborate or contradict our perception of the issues they raise. If well told, stories may even prompt both reactions... Stories can reveal a range of choice in structuring thoughts, behaviour, and relationships" (p.62).

Though my argument is grounded in "western" social science, the model I defend lends support to the notion that stories play a powerful role in human affairs.

Finally, in this dissertation I have adopted the view that theoretical formulations derived elsewhere can be usefully applied to the study of Indigenous peoples. This is, itself, a contested notion, as there is a strong tradition of exceptionalism in the Indigenous studies scholarship. Its origins lie in the bad old practice of Victorian and Edwardian anthropology, which drew a firm line between civilized and savage peoples and derived its subjects only from the latter category. But it has been maintained in much post-colonial scholarship, which insists on the profound difference that "indigeneity" confers. The most salient difference between Indigenous and non-Indigenous people – it is argued – is the relationship to land. This assertion has drawn some criticism within academia, and much beyond. Historical materialists Frances Widdowson and Albert Howard, for example, have argued that "what is promoted as a spiritual connection to the land is actually a result of the absence of ecological understanding" (2008, p.219). This refrain has been adopted in popular discourse by many critics of Indigenous mobilization. Jeffrey Simpson of the *Globe and Mail* writes that "large elements of aboriginal Canada live intellectually in a dream palace," where they cultivate "the mythology (blasted by the reality of what one actually sees on too many reserves) about environmental protection and the aboriginals' sacred link to their lands" (Simpson 2013). This self-perceived realism is misplaced and unempirical.

In the first place, I do not share the view that Indigenous peoples must be sequestered from the wider world of theoretical scholarship. I worry about the civilized-savage binary that that idea threatens to reinforce. However, the model presented here suggests that that which is said to be distinct – norms around the meaning and importance of land – can exist, and should be recognized for the important impact they have on collective and individual behaviour. To *homo economicus*, land is a resource from which utility should be maximized. But norms can imbue land with intrinsic, rather than economic and political value. Mass-level mobilization in pursuit of the control of land can serve value rational ends. The social psychologist Jonathan Haidt finds that one of our most powerful moral intuitions involves judgments around sanctity (2012). We abhor as immoral acts which bear no physical or material costs to ourselves, but which violate what we consider sacrosanct. It is for this reason that Indigenous people can be expected to mobilize to stop development, halt resource extraction, and register claims over territory when there is little immediate likelihood that they will profit from doing so. There is nothing mystical or romanticist in this recognition, and it can save us a lot of trouble.

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