

“In Principle”: Sto:lo Political Organizations and Attitudes
Towards Treaty Since 1969

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This essay topic was initially selected from those compiled by the Sto:lo Nation and intended to examine Sto:lo attitudes towards treaty since 1860. While certainly a pertinent and interesting question to examine, two difficulties arose during my initial research. One was the logistical question of condensing a century and a half of change into such a short paper while at the same time giving due consideration to the many social, political, and economic changes of that time. Two, little to no work has been done on tracing *how* exactly Sto:lo political attitudes have been voiced over time. While names such as the East Fraser District Council, Chilliwack Area Indian Council, and Coqualeetza regularly appear throughout documentary and oral sources, no one has actually outlined what these organizations were, why they formed, and where they went. Consequently, through consultation and several revisions with Dave Smith, Keith Carlson, and John Lutz, the scope of the paper was narrowed down to the period from 1969 to the present and opened up to questions about Sto:lo political and administrative organizations. Through study of the motivations, ideals, and legacies of these organizations and their participants, I hope to then examine treaty attitudes and to what extent treaties influenced Sto:lo political activity over the past thirty years.

In hindsight, I can see how study of any individual Sto:lo organization is capable of constituting a full paper in itself. Perhaps this remains to be done, as tracing Sto:lo political activity during this time is hardly an easy task; politics and organizations during this time underwent constant and often tumultuous change as a result of various internal and external factors. Given the still broad topic of encapsulating thirty years of activity, this paper could have benefited from greater length, more interviews, and greater time spent on analysis rather than on finding the bearings of simple facts and dates. However,

for the time being I hope my essay will be of use to not only those within the Sto:lo Nation, but future ethnohistory field school students, or any individual seeking a rough historical outline of events since 1970. The task of mapping these events, while appearing relatively simple given the amount of living witnesses and participants to events, was not as easy as first assumed. Not only were the locations of most of the early organizations' documentary records unknown, but oral interviews, which became the main source of the paper, often left large gaps in the chronology of events or even conflicted with other interviewees' interpretations. Complicating these factors was the discovery that, considering the past 30 years have seen so many organizations emerge, disappear, and transform, few individuals, Sto:lo or otherwise, appear to have a full understanding of events themselves. The extent to which current interests and affiliations were shaping these understandings, especially in questions surrounding the importance of treaties over time, remained another area of concern when utilizing oral testimonies. Consequently, the focus and direction of this paper as well as the extra attention given to certain periods, was a result of these factors as well as the methodological challenges inherent in any history that relies on oral sources.¹ Any errors that may exist here are purely unintentional.

This essay traces Sto:lo political activity and organizations since 1969 through the context of treaty. How have Sto:lo attitudes been manifested through political organizations over the years? When did the treaty become an issue? How do the Sto:lo

¹ See Julie Cruikshank, "Oral Tradition and Oral History: Reviewing Some Issues," In *Canadian Historical Review* LXXV: 3 (1994), 403-418; David Henige, *Oral Historiography* (New York: Longman, 1982); Robert Perks and Alistair Thomson, eds., *The Oral History Reader* (London: Routledge, 1998); Gwyn Prins, "Oral History," In *New Perspectives on Historical Writing*, ed. by Peter Burke, 114-139 (Penn: University Park, 1991); Jan Vansina, *Oral Tradition: A Study in Historical Methodology* (Chicago: Aldine Publishing Company, 1965).

perceive treaties? Initial research on this topic turned up surprising results, most notably the lack of mention of the word treaty in all early documents, declarations, newspaper articles, editorials, and even in undirected conversations with interviewees. Needless to say, this made the task of assessing the importance of treaty during this time more challenging. While this lack of reference would initially appear to indicate that the “treaty”, as we understand it today, is a modern phenomenon and was a non-issue at that time, further research into the background of the period and more directed questions on the nature of Sto:lo political activity shed light on a different interpretation: discussion over the possibility of a treaty was directly related to larger administrative, political, and economic developments within the Sto:lo Nation as well as their changing relations with Canadian governments. From this perspective, treaty only became an explicit issue following the establishment of Sto:lo self-government structures, the transfer of administrative services, ongoing assertion of Aboriginal rights and title, and background research into the land question. More importantly, discussions over treaty were only made possible through the coming together of the Sto:lo Nation tribal council, federal and provincial recognition of rights and title, and the establishment of the British Columbia Treaty Process. Only this approach allowed me to then examine the question of the treaty as it made central the interdependent relationship between Sto:lo administrative and political developments, the fight for rights and title, and perceptions of treaty.

This paper “begins” in 1969. While this year is perhaps the best place to start, given it represents the point at which a new wave of Aboriginal participation in political activity began and new inter-tribal organizations formed, the arbitrary nature of selecting a “starting point” should not imply that Aboriginal assertion in politics was anything new.

The previous century, up to the 1860's, saw numerous Sto:lo political manifestations through speeches, statements, petitions, delegations, protests, and organizations. Interestingly, historical perspective reveals that not only were these early actions cumulative in light of following developments, but also that many of the issues of concern at that time still underlie modern political activity.² Aboriginal politics in British Columbia since earliest times, however, have hardly remained constant or stable. Rather, regional peculiarities, shifting tactics, and varying local and national affiliations, have contributed to both successes and failures in the realization of different politics ideals.

This essay's use of the term "treaty" also needs clarification. The idea of the treaty as an comprehensive exchange of title for compensation, an entrencher of Aboriginal rights, a means of attaining self-government, and the blueprint for resource management and future relations with federal and provincial governments, is a modern understanding. The idea of the "treaty" at different periods in history has hardly remained static. Treaties in Canada can be loosely grouped into three categories: the peace alliances of the fur trade, the numbered treaties in the prairies, and the modern treaty and process. When referring to treaties, this essay refers to the latter, although those interviewed rarely referred to the treaty with such specificity. Ironically, the question "what the treaty means to you" always provoked the longest pause before reply as well as the most thoughtful of responses.³

² For a timeline of events see Keith Thor Carlson, ed., *A Sto:lo Coast Salish Historical Atlas* (Vancouver: Douglas & McIntyre, 2001), 162-192.

³ I would like to thank the Sto:lo Nation and Sonny McHalsie and his family for their support and hospitality during our stay in Sardis, as well as my interviewees, John Lutz and Keith Carlson, and my fellow ethno-history students who also provided support and helped make this course a memorable learning experience. This essay is hardly able to represent the comprehensive nature of the course and the open and positive community response we experienced.

* * *

The 1969 federal Liberal Indian Policy, better known as the White Paper, was a policy statement aimed at removing all constitutional and legal distinctions between Amerindians and other Canadians. Partly a response to the growing Red Power movement from Minnesota for greater Aboriginal autonomy in governance, and partly rooted in Trudeau's ideological opposition to the notion of special status in democratic Canadian society, the White Paper proposed sweeping changes.⁴ These included repeal of the Indian Act, dissolution of the DIA, amendment of the BNA Act, and the termination of all treaties, rights, special services and welfare, and the notion of the Status Indian itself.

For the first time in Canada, First Nations acted unanimously when they met the White Paper with overwhelming opposition. Not only were the White Paper recommendations drafted without any Aboriginal involvement, the Indian Act was seen as the last guarantor of Aboriginal rights and indigenous people viewed its repeal as the most concerted step towards assimilation undertaken by the Canadian government. George Manuel, the former president of both the provincial and federal North American Indian Brotherhood states, "The main value of the Act from our point of view was that it was the one legal protection of our lands, and spelled out the basic rights and privileges of living on the reserve."⁵ The revocation of the Act and the other provisions of the proposal not only attempted to remove existent Aboriginal rights and title under the Indian Act, but also the basis for future potential land claims and settlements.

⁴ Olive Dickason, *Canada's First Nations* (Toronto: Oxford University Press, 1997), 363-4.

⁵ Manuel George and Michael Poluns, *The Fourth World: An Indian Reality* (New York: Collier-Macmillan, 1974), 123.

The White Paper rekindled the dormant issue of Aboriginal rights and title and provided the impetus and common cause for the formation of the largest pan-Indian political organizations at that time. Paul Tennant describes B.C. Aboriginal strategies during the 20th century as the politics of survival; given their lack of common language, culture, and political tradition, “it seemed inconceivable to the Whites that the Indians, who seemed to be a dying race, would mount a prolonged political response to the denial of their land claims.”⁶ Unlike experiences east of the Rockies, circumstances in Aboriginal British Columbia were unique as a result of several developments. One, the reserve system kept intact individual tribal and geographical identities. Two, given the recent nature of first contact in B.C. and the relatively intact kinship lineages, Native leadership structures changed little in the half century since contact and were hardly suited to meet the new needs of the 20th century.⁷ Three, earlier Aboriginal political activity had been inhibited at all levels: federally by the DIA and legislation such as the ban on land claim-related activities, locally by Indian agents who held jurisdiction over important areas such as child welfare, and individually by the assimilative efforts of missionaries and the residential school system. Early missionary and residential school activity, however, while aimed at displacing traditional languages, beliefs, and customs, also facilitated the rise of a class of educated Aboriginals equipped with the skills required for political organization. Ironically, the colonial devices intended to assimilate

⁶ Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver: U.B.C. Press, 1990), 68.

⁷ White families and ideals little influenced Aboriginal societies during this time as mixed blood marriages, commonplace in the fur trade era, fell from precedence by the 20th century. When they did occur, usually between Aboriginal women and lower class white men, women would lose their status and right to live on reserve as a result of an Indian Act provision. See *Ibid.*, chapter 6.

provided the very means and environment for forging and strengthening new alliances between diverse and remote tribal groups.⁸

Despite these generally contrary factors, B.C. Natives did in fact exercise political action throughout the 20th century with petitions, delegations to Ottawa and London, and membership with organizations such as the Allied Tribes of B.C. (1916) and the Native Brotherhood of B.C. (1931). Although the chosen means and communities represented varied with each, the themes of title, rights, and land claims became recurrent themes in Aboriginal political discourse. 1969, however, marked the most unified and directed Aboriginal political action to date. That year in British Columbia saw the formation of the British Columbia Association of Non-Status Indians (BCANSI) and the Union of British Columbia Indian Chiefs (UBCIC). BCANSI was the first to emerge and intended to be a grassroots organization for status-denied Natives and Métis. More generally, the Association provided a political voice for unregistered Natives or those without membership rights before Bill C-31.

The UBCIC was the largest and most representative Native assembly ever created in B.C., considerably larger than the North American Native Brotherhood created by George Manuel a decade earlier. Similar to the Brotherhood, the UBCIC came together over common concerns about Aboriginal land title and management, rights, and solidarity but the Union enjoyed wider support with one hundred and forty of the province's bands representing eighty five percent of the status Indian population from all areas of the province participating.⁹ The Union also was the first pan-Indian organization to receive

⁸ Frank Calder perhaps presents the best example of this. The heir to a family tradition of political activity, Calder spent time at Coqualeetza Residential School, graduated from the University of British Columbia in Anglican Theology, and later became a prominent figure in Nisga'a protest movements.

⁹ Tennant, 152-3.

federal funding for the purposes of land claim settlements, which the Union hoped to comprehensively resolve through a province-wide treaty. The UBCIC's first annual budget, along with BCANSI, exceeded two million dollars.¹⁰

Sto:lo bands participated in the Union through the East Fraser District Council (EFDC). The EFDC was one of many pre-existing conglomerates of bands created by the Department of Indian Affairs in the 1960's. These districts, headed by District Managers, were intended to increase Native participation and support for departmental actions and policies concerning the delivery of programs and services, and more generally, assist in the administration of the Indian Act among the province's 196 bands.¹¹ The West Fraser District Council encompassed the area west of Abbotsford and Vancouver Island south of Nanaimo; the East Fraser District Council administered the twenty-four bands between Fort Langley and Yale. The EFDC initially acted solely as a consultative body with the DIA. Steven Point notes, "When they [DIA] wanted to consult with Indians about changes, policy development they would meet with the Indians and call them together to a meeting. Then the Indian agent would meet with everybody and set the agenda and set the time."¹² The EFDC, however, soon developed a secondary political function when member bands began to meet outside DIA agendas and discuss among themselves issues such as fishing rights and education.¹³ While not originally intended by the DIA, the EFDC and other districts became conduits for the formation of tribal councils and the component parts of the Union of B.C. Indian Chiefs.

¹⁰ Ibid., 154-5, 159, 168.

¹¹ Steven Point, personal interview, June 3 2002; Tennant, 183; Clarence Pennier, personal interview, May 31 2002.

¹² Steven Point interview.

¹³ Ibid., Bob Hall and Bill Mussell, interviewed by Morag MacLachlan, 23 February 1974 at Coqualeetza Centre, Chilliwack, <<http://collections.ic.gc.ca/langara/sscc508tran.htm>> (June 20 2002).

The early 1970's also saw parallel developments with the birth of Sto:lo administrative organizations. Most notable was the Chilliwack Area Indian Council (CAIC) which became the first Sto:lo organization delegated the authority to administer services such as welfare, education, and health. The CAIC began in 1971 for two purposes: the Council allowed the DIA to cut costs by transferring programs and services to Native organizations and facilitated the development of local Sto:lo self-administrative initiatives. Discussion of the formation of a Chilliwack joint council first took place in late 1969 between Ed Kelly and Richard Malloway. At that time, the small population of some bands, as low as six residents in the case of the Aitchelitz reserve, hindered their ability to not only finance administrators, offices, and programs, but also to lobby government for change. Ed Kelly states, "We were experiencing difficulties having our voices heard and our concerns heard by the Department of Indian Affairs and also more so by members of parliament in Ottawa. In those days we had very little dealings with Victoria and the MLA's."¹⁴ Consequently, Kelly and Malloway began to travel around the Chilliwack area to discuss the idea of a joint council with various chiefs and councilors. Immediately, twelve of the local thirteen bands expressed interest in joining.

The announced closure of the DIA Chilliwack District office likely acted as the catalyst for the formation of the CAIC. The CAIC's future first executive, consisting of Grand Chiefs Sam Douglas and Ritchie Malloway, and Gordon Hall, occupied the office in protest over the prospect of having to drive to Vancouver to pick up welfare checks and health services.¹⁵ As the government at that time was happy to offload this service and reduce expenditures, the CAIC immediately became recognized by the DIA office in

¹⁴ Ed Kelly, personal interview, June 5 2002. See also *Kw'eqwalith'a Coqualeetza Newsletter* no. 8 (April 1976), 5.

¹⁵ Steven Point interview.

Vancouver and later by Ottawa; the CAIC soon became a registered society.¹⁶ In no time, bands outside the Chilliwack area also expressed interest in joining and the Council grew to enjoy the support of 21 of the 23 Sto:lo bands, from Fort Langley up to and including Yale.¹⁷ Ed Kelly acted as the first CAIC executive director along with the assistance of Gordon Hall and several other local support staff, which over time grew to include secretaries, assistants, an accountant, and home school coordinators.¹⁸

The CAIC financed its first budget of roughly ten thousand dollars through individual and band applications to the First Citizen's Fund, a provincial funding program established in 1969 for First Nations' economic development, education, and social and cultural activities in British Columbia.¹⁹ However, later and more notably, the CAIC budget grew with the collecting of band contributions, which varied from full band budgets to partial percentages.²⁰ The first Sto:lo organization to collect band funds for national purposes, the CAIC immediately emerged as a better means of dealing with the DIA's policy of providing core funding, which consisted of the distribution of band funds on a reserve per capita basis. Following the closure of the Chilliwack District DIA office and the transfer of welfare distribution, the CAIC began to operate in contractual partnership with the DIA on a co-management basis. The addition of federal funding,

¹⁶ Ed Kelly interview.

¹⁷ Skwah, Lakahahmen, and Seabird Island did not join initially but later. Ed Kelly interview.

¹⁸ Ed Kelly also served as the Sto:lo representative for the EFDC and the National Indian Brotherhood during his early involvement with the CAIC, and chairmanship of the Union Of B.C. Indian Chiefs following Joe Mathias's resignation., Ed Kelly interview.

¹⁹ The First Citizen's Fund's original budget was twenty five million dollars. The program continues to exist today and has recently committed to a budget increase from thirty-six to seventy-two million dollars between 2001 and 2004, Ministry of Community, Aboriginal, and Women's Services, <<http://www.mcaaws.gov.bc.ca/fcfund/>> (June 19 2002).

²⁰ *Kw'eqwalith'a Colqualeetza Newsletter* No. 8 (April 1976), 5; Ed Kelly interview. The standards for establishing each band's contributions were difficult to determine given the large number of off-reserve status Natives. Contributions thus were based largely on the number of on-reserve Natives and those residing within Sto:lo territory who would benefit from CIAC services.

however, which increased the CAIC's budget to over one hundred thousand dollars was contingent on annual audits and only secured on a year-to-year basis.²¹

Unlike the EFDC and UBCIC's focus on rights and the land question, the CAIC was solely concerned with administrative affairs. The CAIC and the EFDC appear to have had few working relations with each other provided their different mandates.²² Ed Kelly remembers, "In those days we were more concerned about getting proper programs and help for our band members, for the various bands in general, and not so much concerned with treaties and so on."²³ This is perhaps best reflected in the CAIC's early activities, which initially consisted solely of the distribution of welfare checks, then later, education and housing. Were these issues considered Aboriginal rights or viewed as preliminary steps toward the acquisition of treaty? According to Ed Kelly, these sorts of questions were not the primary motivations behind the CAIC. Rather, its early activities were driven by necessity given the DIA's poor administration of welfare, education,²⁴ and housing combined with individual bands' inability to effectively lobby government. Rather than being seen as a right to Aboriginal self-government, collective Sto:lo management of local matters was seen as a more effective and responsive means of administering services traditionally handled by the DIA. Only later, into the mid 1970's did the land and treaty question enter into CAIC directives.²⁵

²¹ Ed Kelly interview; Steven Point interview. One audit even included a full-scale investigation by the federal Auditor General over claims of misappropriation of funds. No incidents of mismanagement were found.

²² Interestingly, Ed Kelly notes that the CIAC worked closely together with the West Fraser District Council rather than the East and had close relations with Delbert Guerrin and Grand Chief Joe Mathias.

²³ Ed Kelly interview.

²⁴ Letters voicing concern over dropout rates, drug and alcohol abuse, and the importance of speaking Halq'emeylem appear in the Stalo Nation News during this time. See *The Stalo Nation News* vol. 4 no 57 (Sept 1980), 5-6, and vol. 4 no. 56 (August 1980).

²⁵ Ed Kelly interview.

Consequently, the activities of the CAIC and the EFDC in this early period remained distinct. 1975, however, proved to be a pivotal year for subsequent political developments across the province and within the Sto:lo territory. In December of that year, Cecil Wing replaced Ed Kelly as administrator and the Council expanded its service delivery, in some cases assuming the entire accounting responsibilities of smaller bands.²⁶ More notable were developments within the UBCIC and the EFDC, and the beginnings of what Paul Tennant describes as a province-wide turn away from big organizations to tribalism. In other words, a new movement emerged which marked the realignment of Aboriginal politics onto more specific and localized tribal councils. Ironically, this movement also marked a retreat back to the DIA-created reserve and district council categories of reference and identity.

In April the UBCIC Annual Assembly met in Chilliwack, a meeting, Tennant argues, that incited this shift away from pan-Indianism towards tribally oriented politics. Developments at the conference were partly a result of the Union leadership's general failure to meet its goals but more in response to unexpected waves of emotional expression and cultural revival among participating tribal groups.²⁷ In addition to assembly protocol being broken by spontaneous outbursts, numerous resolutions were passed which were to have dire consequences for the Union. One included the opening of the electorate of the three-member executive to the general assembly. This move intended to ensure that the executive was directly responsible to the delegates from local communities rather than the chiefs' council. Another resolution was the inclusion of all

²⁶ *Kw'eqwalith'a Colqualeetza Newsletter* No. 8 (April 1976), 5.

²⁷ Tennant, 178.

B.C. Natives into the sharing of land claims settlements.²⁸ While appearing to be an acceptance of the ideals put forth by BCANSI and a solution for long standing problems over eligibility, who could become members, and who was having their interests represented, emotions appeared to have overridden more practical issues surrounding how these changes were to actually take place. Coinciding with this proposal, and perhaps most significant of all, however, was Union member Bill Wilson's motion to reject all federal funding of the Union. The phasing out of band payments immediately provoked protests at the local level and, now without funds, staff, and grass-roots support, the BCANSI, UBCIC, and their reform ideals collapsed. As Paul Tennant notes, "The big organizations had failed to meet the expectations of the new social and political confidence among British Columbia Indians."²⁹

Did this movement away from big organizations characterize political developments within the Sto:lo? The importance of the land question to the Sto:lo appears to have diminished little in 1975 with the presentation of the Land Claims Action Proposal by the East Fraser District Council to the UBCIC. The Proposal was a tentative plan for land claim action and explicitly linked the relevance of land claims to community development. It states, "Land Claims is directly related to the everyday needs of (1) housing (2) employment opportunities (3) education, etc. A successful land claim can provide Indian communities with the economic base to meet these needs."³⁰ While land claims remained a strong motive for pan-Aboriginal solidarity, the favoured context

²⁸ Ibid.

²⁹ Ibid., 180. Clarence Pennier recalls the decision to reject federal funding was decided at an earlier meeting held in Chilliwack in 1973, Clarence Pennier interview.

³⁰ East Fraser District Council, "Land Claims Action Proposal," in *Sto:lo History and Information*, ed. by Clarence Pennier, Sto:lo Nation Archives, 68. George Manuel also stresses the importance of the land question to economic development. Manuel, 122.

in which organization and activity took place does appear to have changed around this time. Perhaps in realization that distinct community goals were best identified and attainable through national tribal assertion and action, tribal councils and cultural development centers across the province began to gain precedence. One such example of this turn towards more localized activity was the growth of interest in the Coqualeetza Education Training Center (CETC), created and funded through Indian and Northern Affairs' 1971 Cultural Education Program. A surprising policy change from the White Paper proposal two years earlier, the CETC emerged as part of a larger federal program aimed at Native cultural preservation and education. The CETC, largely seen as a non-political entity, focused on the collection and education of any material related to culture including history, language, and stories.³¹

The 1975 drafting of the Sto:lo Declaration, which outlined and largely continues to represent the Sto:lo position, can be seen as corresponding to this general shift towards tribalism. Signed by Sto:lo band chiefs, the Declaration describes the Sto:lo Tribes' spiritual relationship with the Creator and Sto:lo rights to title, land, and resources. The Declaration also notes that these rights are immemorial, have never been subject to treaty, and that "the people of the Sto:lo Tribes declare that we shall do all in our power to see that the governments of Canada and British Columbia recognize in law, and in practise, our aboriginal title and rights."³² While the Proposal and Declaration clearly assert Sto:lo claims to land, they still lack mention of treaties as the logical end product of the claims

³¹ Steven Point claims that the Scowkale Heritage Project preceded Coqualeetza as the first Sto:lo resource center. Steven Point interview. See also Indian and Northern Affairs Canada's website for details on the Cultural Education Program, <http://www.ainc-inac.gc.ca/nr/iss/cec_e.html> (July 3 2002).

³² "Sto:lo Declaration," in *Sto:lo History and Information*, 54-5.

process; this demonstrates that the preliminary fight for Aboriginal rights and title dominated Aboriginal political discourse during this time.

An example of early Sto:lo assertion of title arose over control of the Coqualeetza grounds, the current location of the Sto:lo Nation. Debate over the future use of the lands and buildings, then being used as a hospital, traces back to 1969. On March 4th of that year, the North American Indian Brotherhood inquired, on behalf of the Sto:lo, for rights to the land. Soon after, the Coqualeetza Indian Education Committee formed for the express purpose of negotiating the transfer of the lands.³³ Sto:lo assertion of title over Coqualeetza gained national coverage in 1976 following the March 18th and May 3rd protest occupations of the nurse's residence on the Coqualeetza property. Propelled by government stalling over the East Fraser District Council of Chiefs' land claim of the Coqualeetza lands, the Stalo Nation News stated the occupation, "was done because WE NEED the Nurse's Residence for our Cultural education programs, our resources center, and our library."³⁴ Occupation, the same tactic used in the protest over the EFDC office closure in Chilliwack, became seen as not only effective, but also as a prerequisite to land claim negotiations, "the first step in recognizing the land claim of the Stalo tribe."³⁵ While the CETC initially gained control over the lands as part of an interim agreement with the DIA, control which was later handed over to the Sto:lo Nation by the Sto:lo Chiefs,³⁶ the complete transfer of the Coqualeetza lands never has taken place.

³³ Melissa McDowell provided these sources from her research.

³⁴ *Stalo Nation News* no. 9 (May 1976), 1.

³⁵ *Kw'eqwalith'a Coqualeetza Newsletter* no. 6 (March, 1976).

³⁶ *Stalo Nation News* no. 41 (February 1979), 3; Sto:lo Nation Notice by Cecil Malloway, *Stalo Nation News* vol. 11 no. 108 (July 1986), 6.

While the CETC in this instance provided the impetus and vehicle for Sto:lo solidarity, the Center also became a source of controversy and division. Steven Point notes:

The problem was that when Coqualeetza—well Coqualeetza was getting its budget from Department of Indian Affairs under its cultural heading and they wrote a constitution and they got this signed by all the bands saying that they could get this money which was just an allotted budget from Ottawa for the Indian bands on a per capita basis.³⁷

Conflict developed when bands began to question how funds and the information were being handled.³⁸ According to Mark Point, the fact that a woman, Shirley Leon, managed the Center raised further problems. He states:

Shirley Leon was the manager and she's still the manager. And she was always considered, I guess an outlaw or something. She always used to question the chiefs, what they were doing. And the chiefs didn't like that – male dominated – didn't like being questioned by a woman about what their decisions were and why they did certain things. So Coqualeetza, the organization became an outcast. Although, in the 70s and 80s, Coqualeetza was a very powerful organization in the Sto:lo Nation and was one of the biggest cultural centers operating in Canada.³⁹

The large sums of money involved with Coqualeetza, which had a budget of 1.2 million in 1981-2, invariably played a role in the controversy surrounding an organization charged with the task of identifying and distributing “heritage”. While some bands still support the Center today, its support pool hardly compares to its one time claim of representing 51-bands.⁴⁰

Coinciding with developments at Coqualeetza were the beginnings of DIA-funded tribal councils, another source of friction between and within Sto:lo bands. Conflicts emerged over the distribution of federal funds and the coming together of previously

³⁷ Steven Point interview.

³⁸ Ibid..

³⁹ Mark Point interview, courtesy Melissa McDowell.

⁴⁰ Ibid.

distinct political and administrative bodies. Current Soowahlie chief Doug Kelly notes, “There was conflict arising from fear of job certainty, fear of change, fear of politics taking over service delivery, all those kinds of things.”⁴¹ These disputes climaxed in 1985 when member bands of the Sto:lo Resources Center, the then current political body which had grown out of the EFDC, split into 2 factions: Sto:lo Nation Canada, which later joined with the CAIC and was headed by Wayne Bobb, and the Sto:lo Tribal Council, which had a flat organizational structure characterized by a management team.⁴² The reasons for the split are difficult to pin point with certainty as they possibly included interpersonal quarreling, disagreement over political orientation, as well as the structure of representation as smaller reserves were to be given the same political voice as the largest. Archie Charles notes, “Small bands [with as little as ten residents] had as much clout as Seabird [Island]. ... That’s why we went independent.”⁴³

From Mark Point’s perspective the main reason for the split was ideological, namely over the importance of the land question. He stated in 1986, “I don’t think the guiding principle of our Tribal Council [like Sto:lo Nation Canada] is a formation of Indian government. ... [W]e are here because a group of bands want to move forward and address the issues dealing with specific land claims and comprehensive land claims.”⁴⁴ From this perspective, Sto:lo Nation Canada, much like the CAIC, was more concerned with self-government initiatives and social and economic development, especially among smaller bands, than the land question.⁴⁵ Steven Point notes:

⁴¹ Doug Kelly interview.

⁴² Ibid.

⁴³ Archie Charles interview.

⁴⁴ Mark Point interviewed by Larry Commodore, *Stalo Nation News* vol. 11 no. 103 (January-February 1986), 11-12.

⁴⁵ Wayne Bobb interviewed by Larry Commodore, *Stalo Nation News* vol. 11 no. 103 (January-February 1986), 10. These interests were in line with the CAIC’s at that time. Then CAIC manager Phil Hall noted in

Some of the big bands formed their own organization called the Sto:lo Tribal Council and some of the smaller bands formed their political organization called the Sto:lo Nation, and they started tapping this nipple from the federal government called tribal council funding. And so the Area Council itself was getting administration dollars and the idea originally was that the Area Council would get this money and fund its political movements and that never did happen. So when the two organizations split you had this very odd thing.⁴⁶

The rift also saw the splitting of administrative services and even the start of Sto:lo Tribal Council's own cultural center. Duplication of the same services invariably strained funds and limited the abilities of each council to not only provide services but also to lobby government for change, factors which led to the merging of the two tribal councils in 1995. The Sto:lo Tribal Council during this time, however, did successfully lobby and negotiate a Pilot Sales Agreement with the Department of Fisheries and Oceans in 1992, present a submission to the federal Specific Claims Commission, and continue researching for land claims purposes.⁴⁷

The 1995 merger brought all Sto:lo administrative and political bodies together under one organization, the Sto:lo Nation. This facilitated the further transfer and development of Aboriginal administrative services as begun in the 1970's. Clarence Pennier notes:

There has been more devolution since the early 70's. More programs and services are being administered by- right now we seem to be using the Sto:lo Nation as an example. There are more programs and services being offered, delegated authority given by the provincial government by family and child services, delegated authority given by Health Canada for health programs so nowadays it is a lot different than it was in the 70's. Back then it was strictly administration.⁴⁸

1986 that the CAIC's goals and objectives had somewhat changed and the Council acted as a program service agent to bands in the areas of education, social development, a community health program, counseling, and administration support for chiefs and councils., interview with Phil Hall, *Sto:lo Nation News* vol. 11 no. 104 (March 1986), 6.

⁴⁶ Steven Point interview.

⁴⁷ Doug Kelly interview.

⁴⁸ Clarence Kelly.

While all bands within Sto:lo territory receive services from the Sto:lo Nation, some bands, such as Yale, have exercised their right to opt out of the Nation. Currently, eighteen of twenty-one bands are part of treaty negotiations.⁴⁹ A reflection of the persistence of political conflicts between reserves and within the Sto:lo Nation, some bands have chosen to either negotiate with government on their own terms⁵⁰, or have rejected the treaty process altogether. The question of at what level treaties should be negotiated, whether with the band or nation, is worthy of further research. While all of the individuals interviewed for this paper agreed that the national level is the most effective means for negotiating the best treaties, they also noted that they are the most difficult as compromises must be made to meet band interests. The delegation of powers, jurisdiction, control over resources, and compensation monies, while future concerns, are current issues at the treaty table.⁵¹

Pursuit of treaty and a resolution to the land question, while dependent on the coming together of Sto:lo Nation Canada and the Sto:lo Tribal Council, was only possible through government recognition of rights and title, as well as with the establishment of a process and means of financing land claims research and negotiations. Consequently, it was only after several court cases recognized unresolved title and rights in B.C., *Calder* (1973), *Sparrow* (1990), *Delgamuukw* (1993), and *Van der Peet* (1997)⁵² that British Columbia was willing to set up the B.C. Treaty Commission in 1990 to facilitate, fund,

⁴⁹ B.C. Treaty Commission website, <<http://www.bctreaty.net/nations/stolo.html>> (June 28 2002). Cheam is shown as both a member and not part of the treaty process.

⁵⁰ Yale, represented by chief Robert Hope, recently agreed to an interim transfer of 180 hectares from the provincial Liberals in hopes of providing incentive for the finalization of a treaty within two years. *Sannich Weekend Edition*, June 28 2002, 6.

⁵¹ Clarence Pennier interview; Doug Kelly interview.

⁵² These cases themselves rested on sections of the Royal Proclamation of 1763, the B.C. Terms of Union (13), and the Constitution Act of 1982 35(1), which acknowledge existing Aboriginal rights.

and negotiate land claims. For the Sto:lo, the first stage of this process was reached on November 25th 1994 with the drafting of their statement of intent. One year later their current constitution was adopted, outlining the Sto:lo position on treaty rights and self-government.⁵³ Current treaty negotiations between the Canadian governments and the Sto:lo Nation, as conducted by the Sto:lo Rights and Title Department, are frozen at the fourth, stage, Agreement in Principle, between stage three, the Framework Agreement and stage five, the Final Agreement.⁵⁴

As the political history of the Sto:lo people demonstrates, treaty, while always an issue for most Sto:lo, only became an explicit one in the 1990's with the cooperation of the provincial government. In many regards, the current treaty process is the product of over a century of assertion and political organization. This view is furthered by the fact that every Sto:lo person interviewed for this paper agreed that the treaty has always been an issue. Clarence Pennier notes, "It's always been with the people. When you review the history it's always been there with our ancestors because they are making their petitions with the government."⁵⁵ Grand Chief Archie Charles adds, "It's always been there. It will surface every once in awhile."⁵⁶ Doug Kelly also notes, "research has been taking place from the late 70's right through. So even though it may not have looked like we were doing anything in terms of treaty, we actually were."⁵⁷ While this interpretation certainly explains Aboriginal interests and justifies the modern treaty process itself, the changing ideas surrounding what treaties are, what they mean, and whether or not they are needed,

⁵³ Clarence Pennier interview; *A Sto:lo Coast Salish Historical Atlas*, 169.

⁵⁴ B.C. Treaty Commission website. The framework is available for public viewing at this website.

⁵⁵ Clarence Pennier interview.

⁵⁶ Archie Charles interview.

⁵⁷ Doug Kelly interview.

reveals a more pragmatic impetus behind the “treaty” over time as well as disagreement over its desirability.

Clarence Pennier, the chief negotiator for the Sto:lo, notes the problems created by the term “treaty” itself. He states, “What we are trying to resolve is the land question more than anything else rather than using the word treaty. That was the kind of terminology they used way back when.”⁵⁸ Pennier notes the past three decades of Sto:lo political and administrative activity can be seen as a process. He states:

People used to say we have to resolve our bread and butter issues as well as the land question. The bread and butter issues are how we deal with our people in the community, with the best programs and services that we can, [services] that the government provides and we’ll try to provide them better. Part of the other thing is, right now, if we’re going to have delegated authority, it gives us knowledge and experience of how to operate these programs. So if we take this one step further and give us jurisdiction at least we have experience of how to do it.⁵⁹

The treaty process today thus represents a comprehensive means for dealing with a whole set of issues revolving around, but not exclusive to, the land question, such as self-government, health, education, and welfare administration.

Similarly, Steven Point frames events of the past thirty years into a more historical perspective:

[In 1969] all that we were fighting for in those days was the recognition of the *existence* of Aboriginal rights. We weren’t fighting for a treaty; we were saying because we don’t have a treaty, we still have Aboriginal rights. They haven’t been extinguished. ... Right up until the time that B.C. came to the table to negotiate land claims, they said that B.C. didn’t have Aboriginal rights, that they were extinguished when they became a province. ... By 1969 you have the Union of B.C. Indian Chiefs being formed to fight for Aboriginal rights. That was their primary purpose, just the fight for fishing rights, for hunting rights, for land rights. To get our rights recognized again. But B.C. was still going, “we don’t recognize your rights.” They wouldn’t even talk to us about it. So these

⁵⁸ Clarence Pennier interview.

⁵⁹ Ibid.

organizations in those days weren't talking about treaties because they couldn't get anyone to talk to them!⁶⁰

Twenty five years earlier Mark Point also articulated this same point in an editorial in the Kw'eqwalith'a Coqualeetza Newsletter: "Our movement should be primarily for recognition of title, and secondly for compensation for loss of aboriginal rights and land. ... The Canadian government does not have enough money to buy our land, and at any rate OUR LAND IS NOT FOR SALE."⁶¹ This perspective, however, contrasts that of Ed Kelly from the same period, who noted that the early activities of the CAIC were primarily practical and specific. His interpretation of early developments emphasizes the more immediate desire to improve existing services rather than the recognition of Aboriginal rights or a resolution of the land question.

The definition of what exactly constitutes Aboriginal "rights" is still much debatable. While the 1982 constitution acknowledges, "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed,"⁶² it does not define what those rights were or what they mean today. Another question remains over *how* these rights are to be entrenched. Are treaties seen as the means to define and protect Aboriginal rights and title rather than legislation or revision of the Indian Act? Steven Point notes the constitutional role of the treaty itself in resolving these questions:

Because the Constitution is silent on what Aboriginal rights mean; the meaning has to be filled in by the common law. So Aboriginal rights could remain as they are under the common law. The only problem with that is that the next Supreme Court of Canada could change it altogether again.

⁶⁰ Steven Point interview.

⁶¹ Kw'eqwalith'a Coqualeetza Newsletter (March 19, 1976).

⁶² Canadian Constitution, Section 35(1). Department of Justice Canada, <<http://laws.justice.gc.ca/en/const/>> (July 3 2002). Steven Point recalls occupying the U.B.C. Museum of Anthropology in protest over the constitution drafting which initially avoided mention of Aboriginal rights and Native consultation in its drafting. Protest movements in Canada, England, and Europe led to the inclusion of section 35. Clarence Pennier et al., *How Secure is Our Future? A Look at Historical and Current Developments within Sto:lo Territory*, Special Edition (March 1984), 32.

We don't have no guarantee then that Delgamuukw is going to remain the same. We don't even have the guarantee that Aboriginal rights is going to stay *in the constitution* but it's there. ... The best we can do is to have the Canadian government and the Canadian people put Aboriginal rights in the Constitution and define it, to mean something. The only way to do that is by developing it in a treaty, by putting it in writing.⁶³

The treaty, from this perspective, takes on a constitutional role in the shaping of future Aboriginal-Canadian relations. The Sto:lo Tribal Council, who headed the first drive towards land claim settlement in the 1980's, has maintained this view of the treaty. Their 1984 publication *How Secure is Our Future? A Look at Historical and Current Developments within Sto:lo Territory* makes only one, but very clear, reference to treaty:

The relationship of each First Nation to Canada is a nation-to-nation relationship, requiring the free and informed consent of each first Nation to all aspects of the relationship. ... The details of the relationship and the manner in which consent is given by a First Nation can be the subject of treaties and agreements.⁶⁴

Pennier also notes the malleability needed in this process as, "what we decide today may not be suitable for tomorrow. They [treaties] have to be a living agreement so that as times change and people change then they [treaties] have to change too. ... There has to be an amendment process." Treaty as such, does not symbolize the *end* of relations between Aboriginal-Canadian governments, but rather the blueprint for the nature of *future* relationships, relationships which will undeniably be ongoing and subject to unforeseeable change.

While this essay has largely focused on the current position of the Sto:lo Nation, the testimonies of those in or previously in leadership roles, and modern political developments, consensus over the meaning and desirability of treaty remains elusive; the treaty has and continues to mean different things for different people, as demonstrated

⁶³ Steven Point interview.

⁶⁴ Pennier et al., 31.

from the interviews conducted. For instance, when asked what treaty meant to him,

Archie Charles replied:

Not very much right now. But if we keep it alive our next generation might get a better deal. That's why I was against it. Because we got such a debt. ... My great grandson, he'll be paying for this. But that was only one chief saying no. Look at those people [the Nisga'a], they're no further ahead. You go there and there's nothing. They got hunting and fishing, but you can't do that here. The government's smart. They took all the land around us. We can't expand at all. They got parks all the way around.⁶⁵

Archie Charles clearly does not think the Sto:lo need a treaty:

I don't think so. I can't see where they gain anything. ... My grandfather was a chief too. He says never change that [points to copy of Indian Act] until you get something better. ... I don't think they'll get a treaty either. It's in principle but that's as far as they'll go. I guess we're all like that, in principle, here.⁶⁶

Ed Kelly also reflects a similar pessimism towards Sto:lo treaty negotiations, negotiations

which have not progressed beyond stage three since January of 1998. He notes:

I don't think I, or my children, or my grandchildren are going to see a treaty. ... We seem to be making some headway and then government walks away from the table and that's been going on for years, right back to the early 70's. ... That's 30 some odd years back and we're still at stage one so to speak.⁶⁷

Kelly also notes the lack of communication and general awareness on the part of the Sto:lo regarding political issues. Even the 1969 White Paper, he argues, was less a factor than perhaps assumed. He notes, "there was concern about it but in those days, most of the bands were ill informed. They would not be getting the information."⁶⁸ Bill Mussel also noted the lack of awareness in 1985: "We're too used to being told what needs to be

⁶⁵ Archie Charles interview.

⁶⁶ Ibid.

⁶⁷ Ed Kelly interview.

⁶⁸ Ibid.

decided and what will happen. We're too ready to accept that we can do little about what is happening."⁶⁹

Steven Point perhaps deserves the final word as he views the treaty as a matter of both principle and pragmatism. He notes, "treaties to me means justice. Finally, justice done, to recognize that we were the first people here, that we had land rights, and that [making treaties] was the right thing to do. ... Treaty means preserving what he have left of who we are for future generations if we can." During our discussion, Steven Point also raised a basic point, perhaps so overt that it was not mentioned by other interviewees: that the treaty is a necessary matter of survival:

Without the treaty right now—Where were we fifty years ago? Where are we going to be fifty years from now? ... Without a treaty there isn't even going to be any reserves left. That is pretty plain and simple. They want to make us into the same as everybody else. Without a treaty we are not going to be able to fend off the legislative changes that appear to be coming. ... Constitutional protection prevents that because legislation has to conform to the constitution, not the other way.⁷⁰

Perhaps this comment best highlights the future dilemmas facing the Sto:lo people and the practical importance of a treaty settlement to subsequent generations.

This essay's primary intent was to point out developments between Sto:lo political organizations and their relationship to current treaty discourse. Judging from the sources collected during my five-week stay in Sardis, most evidence suggests that treaties have been, both directly and indirectly, central to the realization of Sto:lo economic development, claims to rights and title, and national sovereignty.⁷¹ While developments

⁶⁹ *Stalo Nation News Think Tank Special Edition* (1982), 14. See also Darrell Ned, Letter to the Editor, *Stalo Nation News* vol. 10 no. 100 (July-August 1985), 5.

⁷⁰ Steven Point interview. This comment proved prophetic in light of the recent federal proposal to overhaul the Indian Act.

⁷¹ This view contrasts that of Taiaiake Alfred, who not only contests the idea that real Aboriginal sovereignty can exist under the greater Canada state, but also that the treaty is the means to attain it. He argues that sovereignty is an exclusionary concept rooted in an adversarial and coercive Western notion of

in Sto:lo self-government and administration since 1969 have preceded any treaty agreement, they can be viewed as both practical improvements on poor pre-existent conditions under the DIA as well as cumulative steps to the fulfillment of Aboriginal rights, steps which eventually culminate in treaty. Treaty, whether favoured or not, stands as the only comprehensive means in which current interpretations of Aboriginal right and title can be defined and preserved. While reliant on federal and provincial cooperation, funding, and ultimate ratification, the current treaty process is the only platform for establishing fundamental changes in the nature of future Aboriginal/non-Aboriginal relations in British Columbia.

power that can never be matched by Aboriginals. The B.C. Treaty Process thus “represents an advanced form of control, manipulation, and assimilation.” Taiaiake Alfred, *Peace Power Righteousness: An Indigenous Manifesto* (Toronto: Oxford University Press, 1999), 55-59, 119-128.

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