The new tribe: Critical perspectives and practices in Aboriginal contemporary art

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Naming: Why do you call us Indians?

Introduction
I became acutely aware of the unfolding identity politics in the United States, in September of 1992, when a distraught artist from the American Southwest called me to complain about an exhibition being held at the National Gallery of Canada in Ottawa. In his words, the exhibition ought to have “real Indian artists” like him, instead of artists posing as Indians. I soon realized that he was bringing to my attention the newly introduced U.S. legislation called Public Law 101-644: Expanding the Powers of the Indian Arts and Crafts Board,\(^1\) which explicitly states that it is unlawful for individuals to exhibit or advertise as “Native American artists,” who are not from a “federally recognized tribe.”\(^2\) The artist about whom the caller took issue was Jimmie Durham, whose work the National Gallery had included in its landmark exhibition, Land Spirit Power: First Nations at the National Gallery. Durham is an artist who has long considered himself to be of Native descent, though not from a federally recognized tribe. The caller felt Durham was not legitimate and should have stepped aside in deference to some other “legitimate” artist of Native ancestry. The issue raised by the caller indicated a continuing tension surrounding Native American and Canadian aboriginal identity which has entered the political arena of the art world—a tension that will continue unabated for some time. This became a turning point for my interest in the subject, because it brings into play the contradictory positions of aboriginal subjectivity in relation to shifting communities.

I once read a most rhetorical yet curious question—Why do you call us Indians?—posed by an unknown individual who was aboriginal. It is a critically important question, despite being somewhat innocent and double-edged. It is also existential, in that being named by someone else fixes one into another’s world. Such a question has been central to the issue of identity for aboriginal people all across the Americas; it is a problematic response that signals a consciousness of being “non-European,” of being “other,” and thus different.

The unresolved perspectives on contemporary aboriginal identity that set the stage for the attendant cultural issues, derive from two ideas—one political, the other philosophical, and form the focus of this dissertation. I begin, with the political question, by framing the relationships between aboriginal people and non-aboriginal Canadians
within two periods, “reservation” (colonial) and “post-reservation” (post-colonial), two terms appropriate to Canada. This leads to the philosophical question of how identity is applied to the aboriginal peoples of Canada and the United States. What does it mean to be “Indian”? Who is included and excluded? My primary analysis for this dissertation relates to “Indians,” with a secondary interest in the Métis, people of mixed Indian and Euro-Canadian parentage. I do not deal with the Inuit because of their particular geographical historical circumstances. The words composing the question “why do you call us Indians?” will serve as the guideline for the analysis of identity—you, us, “Indians,” and, finally: why?

Defining Aboriginal People
Many labels have been used to describe the aboriginal peoples of the Americas, first named “Indios” by Columbus—Aboriginal, Indigenous, Native, Native American, American Indian, Amerindian, Autochthonous, First Nations, First Peoples—however, the label “Indian” has been consistently retained as the most powerful and highly contested inscription. In Canada, for example, Indian is a legal signifier and thus draws discursive boundaries around its exclusivity; yet, in general “Aboriginal Peoples”—including Indian, Inuit, Métis—are the only “ethnic” group legally defined in the Constitution. The peoples now referred to as Indian and Inuit have coexisted alongside each other for thousands of years. The Inuit live as they always have in the far North, where they created a peerless culture in one of the most inhospitable climates on earth. To the south of them, hundreds of Indian cultures existed. In Canada alone, at least fifty-three totally distinct aboriginal languages continue to be spoken. And, the Métis are the descendants (or progeny) of the union between an aboriginal and a non-aboriginal persons, usually someone of European descent; they are a people who have developed a syncretic culture. All three aboriginal groups in Canada have been marginalized, with the Métis being additionally marginalized from the Indians.

For this dissertation, I will limit my use to the legal definitions, although in other cases I will explain particular preferences. Accordingly, I will address the issue of identity in its many constructions in the works of aboriginal contemporary artists, who often engage these constructions in serious and rhetorical terms. But before examining their works, I direct the reader’s attention towards the many ways identity as
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Furthermore, I will make a distinction between what I call the reservation and post-reservation period. These two conceptions, roughly equated to the colonial and post-colonial, signify the complex and traumatic relations between the original inhabitants of North America and the European newcomers, and help to frame my discussion on identity.

The reservation period roughly coincides with a period of European conquest and domination, beginning in the mid-eighteenth century and lasting until World War II. It began when the British defeated the French, to take full control of North America; the British had already set up a colonial office in New York complete with its first Indian commissioner, which led to the first Department of Indian Affairs; and, in 1763, the Royal Proclamation outlined its relationship with aboriginal people, including the mention of lands “reserved” for Indians. For the next hundred years several land surrender treaties further ensured a complete shift in power as British colonial rule took total control. With the confederation of Canada’s provinces in 1867 to form the Dominion of Canada, the new Canadian government passed the first Indian Act, which consolidated previously existing laws. The Act was intended to extricate aboriginal people from their traditional ways of life, thereafter to be modelled on the European ideology of modernity. The Indian body politic was now completely dismembered: the church ensured the spirit was split from the body; the children were taken from their families and educated in military-style boarding schools; and, the sick bodies were segregated and taken to hospitals for treatment. During the reservation period, most aboriginal people lived in reserve communities and the federal government dealt with them collectively through segregated institutional structures. The reserve became the key component for an assimilation policy that served other purposes: for example: to assimilate yet segregate Indians from the Euro-Canadian population and from other band/tribes; to extricate them from their cultural traditions and save them from the vices of the outside world, such as, controlling the flow of alcohol; to facilitate the confinement of nomadic peoples; to bring about the gradual withdrawal of traditions, and the transformation of aboriginal people into productive, self-reliant and God-fearing citizens. Tribal or self-government became only a memory as the federal government took control and instituted a new model. Yet far from being total victims, aboriginal people not only adapted to their new conditions,
but also continued their traditional practices, albeit in a clandestine fashion. Thus, within a colonial framework, isolation did provide a sanctuary. In effect, the policies of the reservation period subjected aboriginal peoples to genocide, economic exploitation, cultural decimation, and political exclusion—an assimilation experience very different from that of settlers who came from various parts of Europe.7

The period following World War II can be described as the post-reservation period. At this time aboriginal peoples began working together nation-wide to form political organizations, such as the curiously named North American Indian Brotherhood, and to change the conditions to which they had long been subjected. Previous attempts to establish nation-wide aboriginal political organizations had been essentially controlled by the government.8 The return of World War II aboriginal veterans reinforced the burgeoning political process, as they actively contested the racist legacies of colonialism. Eventually, these efforts yielded results. In 1951, for example, the government made several amendments to the Indian Act, lessening certain restrictions. First Nations across the country began to gain greater control over their reserve communities. Also during this period, more aboriginal people began to move into urban centres to search for work, and escape the poor conditions of reserve life. On every scale, aboriginal people began asserting the concept of aboriginal rights, which Menno Boldt interprets as “sovereignty”: “rights deemed to be held by the indigenous peoples of Canada by virtue of their ancestors’ original and long-standing nationhood and their use and occupancy of the land” (25). All the while, several generations had been severely affected by federal government assimilation policies as many aboriginal cultural institutions were outlawed and forgotten, or their existence rendered tenuous at best. By the 1960s, issues of land claims, self-government, and autonomy began stimulating aboriginal peoples to affirm their cultural identities, while demanding recognition from the larger society. And at the start of the 1990s, Elijah Harper said “No” to the Meech Lake Accord,9 an eloquent and poignant gesture of resistance on behalf of aboriginal people, that caught the attention of everyone, in Canada and around the world. Today, reserves are a continuing reality as a land base is fundamental to the self-government movement and vital to aboriginal identity. During this period, Native political leadership greatly influenced the thinking and action, and indeed the very possibility of aboriginal contemporary artists. Artists began to form cohesive groups to address common issues that were aimed at negotiating discursive and literal spaces within the
art world. In turn, aboriginal politicians understood the value of using artists and their works to give a cultural identity to their purposes.

Removing Tribal Identity

The teachers couldn’t pronounce our Indian names so they gave us new ones. They [...] gave everyone a last name. When it came to me they gave me the name of Buller. [...] The teachers also gave us first names too. Because I had [an English] first name already, they let me keep it. They named most boys after kings of England and most girls after queens. There were a lot of new students and many were called the same first name. The teachers gave us middle names from the bible. Mine was Solomon. — Cree elder, James Buller.

As the following will show, the historical sanctioning of identity—of who is or is not an Indian—originates with federal policy makers, who paved over all the cultural differences among the band/tribes and homogenized everyone into one monolithic signifier, “Indian.” American Indian anthropologist Annette Jaimes characterizes this as “the federal manipulation of the question of American Indian identity” (129).

One of the first steps governments used in the assimilation process during the nineteenth century was to impose new identities on the children. It was far easier for governments to alter the minds of the young than to do so with the old: the younger ones were forced to attend boarding schools en masse; the older people were kept on reserves. In 1874, for example, the first Canadian Prime Minister, Sir John A. Macdonald, introduced into the Indian Act a proviso explaining that aboriginal children had to be taken away from their parents in order to erase their savage influences and to expose them to the benefits of Western civilization. The program was patterned after the American model of colonialist education that began in the early 1800s, in which the idea of boarding, residential, or industrial schools was to give Indian students Western religious, academic and practical instruction. By 1880, a new federal department was created under the Ministry of the Interior to oversee the affairs of Native people. Its mandate was simply to carry out a policy of assimilation, one stage being the education of all Native children. Then in 1884, Canada introduced the more severe Indian Advancement Act, which called for the forced removal of young children from their homes. For the next one hundred years, boarding schools dotted the Canadian and American landscape, leaving in their wake a legacy that
traumatized many Native people. Forced removal broke up homes and families. Devastated mothers, fathers, and grandparents felt like prisoners on their own land. Legislators, however, benevolently insisted it was for the Indians' own good. Times were changing; the Indian now lived under strict assimilation policies.11

Residential schools were often situated not only far from white settlements but also far from the reserves, to lessen contact between children and their parents. The only adults present were those non-Natives who ran the schools. Schools were highly regimented and insisted on strict conformity. Such militaristic arrangements took away all forms of free expression from children, as had already been denied to their parents by federal law. It was up to these schools to reinforce such principles as removing all traces of tribal and personal identity.

From the beginning, the Indian Act legally arranged for provincial governments and religious organizations to educate Indian children. Having the schools run by churches was cost-effective. The Roman Catholic, Anglican, United, and Presbyterian churches educated Indian children in the ways of the Christian European. Many aboriginal people believe today, however, that the dissolution of their cultural, religious and societal practices is not to be blamed solely on the churches. The government used the churches to realize its assimilation policies. Nonetheless, the participation of the churches in European imperialism has contributed immensely to alcoholism, family breakdown, and numerous other problems that torment Native communities across the Canada and the United States. Today the boarding school is all but non-existent in its original form—that is, administered by religious denominations for the sole purpose of conversion and assimilation. Many of Canada's original boarding school buildings still exist, some still operating as schools, albeit usually Indian-controlled, while others are destined to be torn down.

With the children's lives and minds under control, the remaining adult population also had to be subjected to a universalizing force, a concept that powerfully reminds us of the brutal side of modernity and rationality. This was the reserve system. Not only was it an instrument of assimilation; it became a system for aboriginal people living and surviving in a condition of dependence. The systematic domination of the state also created discursive boundaries around and within the adults' sense of self, to be different, and thus "other." The solution was in the definition.
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In the following, I will examine the convoluted legal definitions by means of which governments of Canada and the United States codified aboriginal people. As applied by the state and its legal bodies, these definitions put the discursive subject in place, metaphorically and literally. In Canada, an aboriginal Canadian has been either Status or non-Status, although many in Canada recognize four indigenous groups: Status; that is, registered Indians, non-Status Indians, Métis, and Inuit. Only the first group is legally defined, while the remaining three groups—one self-identifying—have now been recognized as Aboriginal Peoples. (In the United States, both federal and tribal governments consider two major criteria in determining Indian identity: blood ancestry and tribal membership; the Métis were not recognized as a separate category.)

The Indian Act is the foremost piece of legislation affecting Aboriginal peoples in Canada for the past one hundred years. It has been the principal vehicle through which the federal government has exercised control over Aboriginal peoples’ lives. Its history is complex. Métis and historian Olive Dickason calls the Indian Act a “total institution; with the treaties, it touches on almost all aspects of the lives of status Indians, placing them in a separate category from other Canadians” (286). (In spite of this, aboriginal people came to realize in 1969 during the White Paper debates, that they wanted to remain separate and distinct.) From the beginning, the homogeneous expression “Indians” needed definition to differentiate them from other members of Canadian society.

According to the Indian Act 1876, a Status Indian (“legal” or “registered”) is a person registered as an Indian or entitled to be registered as an Indian. Two types of individuals fall within this definition, “Treaty Indians” and “Reserve or non-Reserve Indians.” Non-Status Indians are persons who have Indian ancestry, are usually self-identifying, and yet are not considered Indians by the government; others are disenfranchised Indians who “lost” their status by marrying non-Status or non-Treaty persons. In the past, such individuals gained the federal franchise, and thus the vote, by disenfranchising from the reserve (it was not until 1960 that Canadian law finally allowed all Indians the federal vote).

It was in 1851 through the Act for Lower Canada that Parliament framed the first legal definitions of an Indian: 1) All persons of Indian blood, reputed to belong to the particular Body or Tribe of Indians interested in such lands and their descendants; 2) All persons intermarried with any such Indians and residing amongst them, and the descendants of all such persons; 3) All persons residing among such Indians, whose
parents on either side were or are Indians of such Body or Tribe, or entitled to be considered as such; and 4) All persons adopted in infancy by any such Indians, and residing in the village or upon the lands of such Tribe or Body of Indians and their descendants. Due to partisan opposition, the Act was amended forbidding non-Indians from living with Indians; and furthermore, it created new categories of “Status” or registered Indians and “non-Status” Indians or non-registered Indians, which survive to this day. At this time, aboriginal women marrying non-Indians kept their status, but their descendants were not allowed the right to claim an Indian identity. Non-Indian women were, however, allowed to marry registered Indians and thus attain status not only for their children, but themselves as well. Marrying into Indian society was not uncommon, although it eventually had political ramifications, which were to reach dramatic proportions in the 1970s and 1980s.

In 1857, the government wanted to assimilate Indians into Canadian society to enfranchise them. The means was the Act for the Gradual Civilization of the Indian Tribes. In essence, the idea was to free the people from being Indians; in other words, they had to surrender their Indian status. This led to the 1859 Civilization and Enfranchisement Act which added the “blood quantum” proviso (Woodward 1989). This idea of blood quantum is not based on cultural differentiation or practices; rather, it is an ideological phenomenon that controls marriages across “racial” lines. Thus Indians marrying Indians do not corrupt this standard; but Indians marrying non-Indians produce the kind of problems that have been articulated by artists like Edward Poitras as I will discuss in Chapter 3. The Enfranchisement Act of 1869 further eroded aboriginal societies by imposing a condition on Indian women: if an Indian woman married a non-Indian male, she would, along with her offspring, no longer be considered Indian. The government applied several measures to get Indians to enfranchise. (For example, in the 1920s when the government realized that so few Indians were enfranchising, the Indian Act was amended to allow off-reserve Indians to vote. This amendment prompted nearly five hundred people to accept.) These disparate Acts were consolidated in 1876 under the comprehensive term, the Indian Act, which then described an Indian as “a person who pursuant of this Act is registered as an Indian, or is entitled to be registered as an Indian.” This was a significant departure from earlier racist language; now, membership was gained through registration.
With the formation of the first Department of Indian Affairs, the Act had to cope with changes in western Canada, such as encouraging marginalized groups like the Métis to take land or money-scrip in exchange for renouncing a claim to Indian status. In 1884 two amendments were made, including the ban on cultural expressions like the “Potlatch.” Further amendments in 1886 and 1887 forced all children to attend school. Increasingly, areas such as education, religion, local government, and land resources fell under government regulation.

The Indian Act was amended in 1951, legally permitting Indian people to express their cultural traditions publicly and privately. However, the Act’s definitions of identity remained the same, including those affecting the status of Indian women. In the early 1980s, Sandra Lovelace, a Maliseet from New Brunswick, challenged the removal of Indian status by marriage to non-Indians to the U.N. Human Rights Commission, which promptly condemned it as blatant gender discrimination. In the wake of this decision, the Canadian government in 1985 again amended the Indian Act and repealed sections which had stood over one hundred years, dealing with Indian women’s rights and federal control of band membership. Known as Bill C-31, it granted women the right to retain their status upon marrying non-Indians and to pass it on to their children. No longer was it possible to lose or gain status through marriage. Additionally, the Bill reinstated many who had lost their status through enfranchisement. In the future only those children whose parents were both status Indians would be eligible for status; those with only one parent with Indian status would be ineligible. Bill C-31 gave reserves the power to control membership and thus uphold an individual’s right to regain status. There are, however, still many cases of people who identify themselves as Indians, but who remain ineligible for status, because they are unable to meet the criteria as set out in the Act, particularly individuals who live in urban areas.

Today, the Act continues to create legal and therefore economic and political boundaries between those who have membership in band/tribes and those who do not. On the positive side, assimilation is no longer the official policy because it is harder to police, and based on an outdated ideology. In its place are new conflicts at the level of bands, who now have control through the efforts of self-government. At this time there are no published reports that would confirm these conflicts; they are personal stories only.
Métis Identity in Canada

The Métis are largely defined as “people of mixed Indian and non-Indian ancestry.” As a result of opposition to the biracial connotations of this definition, however, the Métis have redefined themselves in terms of a socio-cultural heritage and a sense of hybrid ethnicity. Furthermore, the Constitution Act 1982 has legally recognized them as an aboriginal people. Today, two-thirds of the Métis live in the Prairie Provinces and the Northwest Territories, and their provincial organizations are strong indicators of their presence and tenacity.

Offspring from the union of aboriginal and non-aboriginal people resulted, as some facetiously say, “nine months after the arrival of the first white man.” Indeed, in the early seventeenth century, French explorer Samuel de Champlain said to the Huron: “Our young men will marry your daughters, and we shall be one people.” The children of intermarriage were often assimilated into the Indian body politic; if they were to live in non-aboriginal communities, however, they had first to be baptized. The union of two aboriginal people from different cultures was not so problematic as the union of aboriginal people and early white traders. Nevertheless, as Dickason notes: “Abbé Joseph A. Maurault held that intermarriage in New France was at its peak during the first three-quarters of the seventeenth century” (449, note 19). Furthermore, for a while during the mid-eighteenth century the British officially encouraged their soldiers to intermarry with aboriginal women in order to win over the Mi’kmaq as allies. Overall, aboriginal, French and English peoples saw only political and economic advantages to intermarriage: aboriginal people also saw personal and social reasons for intermarriage (167). Advantages for the bilingual/bicultural children of intermarriage included work as interpreters and go-betweens, especially during the great Fur Trade period. Dickason suggests that, “these political factors, coupled with economic importance of the fur trade for which the Métis were especially well qualified and the remoteness of the Old Northwest from centres of official control, meant that the Métis sense of separate identity began to emerge” (172). The idea of “Métis” as a political identity, however, did not take root until the early nineteenth century in southern Manitoba at the Battle of Seven Oaks, 1816. Dickason observes that whereas a mix of cultures often results in a kind of pidgin or creolization of language, this did not happen in western Canada. Instead, a whole new language called “Michif” resulted. This is a fully developed language combining French nouns with a Cree verbal system; further to the east, Michif used Ojibwa verbal systems. Though not as widespread as it once was, Michif continues to be used among some elders.
The Métis exercised their political identity throughout the nineteenth century. Though recognized under the 1870 Manitoba Act, the Métis, alongside the Indians, challenged the expansionist move of the Canadian government, which was intent on unifying the country from east to west. The greatest struggle culminated in the now famous Riel Rebellion of 1885. Modern Métis refer to this moment as “resistance.” Louis Riel, the Métis, and Indians, were defeated, thus allowing the Canadian government to expand its jurisdiction. With the expansion came the railroads that brought surveyors and settlers. As a people, the Métis continued to be distinct from both Indians and non-Indians; they were considered either “savages” or “half breeds.”

The Métis have been variously defined. In 1934, for example, the members of the Métis Association of Alberta defined themselves as “anyone with any degree of Indian ancestry who live the life ordinarily associated with the Métis.” Then in 1940, the province of Alberta amended the definition as “a person of mixed white and Indian ancestry having not less than one-quarter Indian blood [but did not include] either an Indian or non-Treaty Indian as defined in the Indian Act.” In 1982 the Métis were successful in gaining national recognition in the Canadian Constitution as Aboriginal Peoples along with Indians and Inuit.

The patriation of the British North America Act signified Canada’s formal independence from Britain. As a result, a new constitution was created and enshrined, and the principle of collectively held Aboriginal and Treaty rights was recognized and affirmed as an important part of the writing of the Canadian Charter of Rights and Freedoms. It stated that the Charter would not abrogate or derogate from any rights and privileges recognized, for example, in the Royal Proclamation of 1763. This process, however, was not a simple act of recognition. It was “won” through intense legal and political battles waged by aboriginal leaders. In the end, Section 35 (2) of the Constitution Act 1982 defined the Aboriginal Peoples of Canada: “In this Act, ‘aboriginal peoples of Canada’ includes the Indian, Inuit and Métis peoples of Canada.” This Act singled them out as the only ethnic group to be so recognized, a recognition that led to affirming their self-determination. It also signified aboriginal peoples’ seizing an authority for self-government over their people, lands and resources. Aboriginal people have often referred to this concept as “an inherent right to self-government.” It also gave individual Indian governments the right to define membership, and thus inclusion and exclusion of potential members.
Indian Identity in the United States

I will touch briefly on Indian identity in the United States, since some of the artists on whom I focus are American citizens. Moreover, the border is purely a geo-political demarcation drawn by European settlers and has not severed organic ties between aboriginal cultures near or on the demarcation. Some of the issues affecting aboriginal artists in the U.S. have equally affected contemporary artists in Canada, and vice versa. More specifically, much of what we know about historic relations between aboriginal people in Canada and the U.S., and their respective federal governments, is almost identical.

In the contemporary United States of America, according to Taylor, “most of the estimated 20 million people in the [United States] with some Indian blood do not identify as Indians and are scattered throughout the land” (5). This creates some confusion for federal and tribal governments, especially where self-identification arises. M. Annette Jaimes says that the government’s way of deciding on Indian identity typically centres on the notion of “blood quantum”: “not especially different in its conception from the eugenics code once adopted by Nazi Germany in its effort to achieve ‘racial purity,’ or currently utilized by South Africa to segregate Blacks and ‘coloreds’” (124). In fact, she goes on to say, “this aspect of US policy has increasingly wrought havoc with the American Indian sense of nationhood (and often the individual sense of self) over the past century” (124).

As in the Canadian context, the United States historically enforced Native Americans to become “civilized,” a route in which tribal identities would be erased. Jorge Noriega observes that programs like compulsory attendance at boarding schools began as early as 1654 at Harvard College, Massachusetts; in 1693, the first Indian students were being enrolled at the College of William and Mary, Virginia (373). These higher educational institutions were out of reach in the Canadian context, since to gain a post-secondary education was to invite disenfranchisement from the tribal community.

In 1887 the U.S. Congress, as part of the General Allotment Act of distributing land to individual tribal members, determined the standard of “blood quantum” or “degree of Indian blood,” in which Indians of one-half or more Indian blood were entitled to receive parcels of land. The remaining numbers were disenfranchised. Jaimes argues that the blood quantum issue was a systematic way for the government to gain economic interests (127). Realizing that some Indian reservations sat on major mineral deposits, the U.S. government again tried another tactic,
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this time opening up “citizenship” to all Indians. This meant that the state could now conduct expropriation business amongst its citizens rather than with an Indian nation.

As a result of the 1982 Indian Identification Project, which failed to produce any consensus on the meaning of the term “Indian,” both the federal and tribal governments considered two major criteria in determining Indian identity: blood ancestry and tribal membership. Tribal governments are able to determine membership and exclude persons from their reservations. On the other hand, the American government, represented by the Bureau of Indian Affairs, recognizes as “Indians” individuals who have one-quarter or more ancestry from a member of a “federally recognized tribe.” There is no such notion as different kinds of aboriginality, as in the Canadian situation with Métis and non-Status Indians. In the United States the state encodes different aboriginal groups as federally recognized tribes, thereby empowering communities to determine who is a member of their tribe. In this way, the state assumes a position of seeming neutrality and removes itself from centre stage in any controversy over individuals’ tribal status. The “politics of place” that this codification results in will be the subject of chapter three.

As Charlotte Heth, Cherokee, and Assistant Director of Public Programs at the National Museum of the American Indian, points out: “No other group of Americans must prove identity by means of formal enrollment in a tribe or nation”:

Tribal membership entails important rights and responsibilities, including voting in tribal elections, holding land in severalty, benefiting from tribal agreements with industry and government, and determining rights of enrollment. Enrollment in a tribe, however, may not be easy. Often tribes require a certain degree of Indian blood—confirmed by a Bureau of Indian Affairs Certificate of Degree of Indian Blood (CDIB). Indians of mixed ancestry can be voting members of only one tribe—and so a person or his or her parents must choose which tribe to enroll in. Some tribes honor descent from only the mother or only the father; children of non-Indian and Indian ancestry may be ineligible to enroll depending on who among their ancestors is Indian. Children who were “adopted out,” or adopted by non-Indians, often cannot find their birth parents, and thus, cannot become enrolled.21

Patricia Nelson Limerick, in The Legacy of Conquest, recognizes the cruel game called “identification” that has become a distinctive quality of modernity, that of the state’s power to code and manipulate bodies
along racial lines. "Set the blood quantum at one-quarter," she says, "[and] hold it as a rigid definition of Indians, let intermarriage proceed as it had for centuries, and eventually Indians will be defined out of existence. When that happens, the federal government will be freed of its persistent 'Indian problem'" (338). Nevertheless, the power of imputing identity now falls largely under the authority of "federally-recognized or state-recognized tribes," but based on non-Indian documents such as marriage and birth certificates.

As we have seen, aboriginal peoples in both Canada and the United States throughout the reservation period were under strict colonial domination that set in motion the issues of identity. Aboriginal people are the only group in Canada or the United States specifically defined. This being defined as Indian continues to exacerbate problems of identity. In the next section, I proceed with how aboriginal people in Canada are dealing with this legally determined (and deterministic), yet culturally lived problem through the process of disengagement. Contemporary aboriginals are influencing change and taking control over their lives through resistance, assertion of rights, affirmation, self-determination, and land claims. These are just some assumptions and positions that define the post-reservation period, a period that began during World War II and continues to this day.

**Indian Politics in the Post-Reservation Period**

As we have considered, until the modern age, European-derived powers treated aboriginal band/tribes on a nation-to-nation basis and later as allies in their efforts to secure economic advantage over other European powers. At the start of the nineteenth century, aboriginal peoples’ lives changed forever, since they were no longer considered important allies, but impediments to territorial expansion. European population and expansion dramatically increased as colonial powers proceeded to obtain Indian lands for settlers; in 1830, civilians replaced the military in administering Indian people, who thus became government wards. Aboriginal people had to mobilize themselves as formal political bodies to represent their interests in a unified manner and as a sizeable population. Political efficacy, they realized, was vital to their survival. They discovered that formal organizations have an aura of legitimacy that can be very effective in persuading governments to act in their interests to achieve their goals. The government had always viewed with suspicion aboriginal attempts to organize politically, barely tolerating the Grand
Indian Council of Ontario and Quebec of 1870, for example, which was protesting the unfair enfranchisement of Indian women. But in 1927, aboriginal political organizations were effectively banned and denied the right to raise funds without state permission. Over the seventy years between the 1870s and 1940s, various regional political organizations sprang up, generally tied to specific concerns such as land claims. The first national organization, the North American Indian Brotherhood, which formed in 1944 and lasted until 1950, had at its core the returning veterans of World War II. These veterans had been treated as equals when in the armed forces, but found their situation on return to civilian life remained unchanged.

Although Native political consciousness arose much earlier in many parts of the country, the aboriginal Canadians who volunteered their services to the war effort during World War II were particularly important catalysts in creating a new climate for the future. The temper of the 1940s, more than previous periods, highlighted situations that were to have consequences for the future development of Native politics.

During this time, a new generation of restless Native men and women was increasingly influenced by events outside the reserves, while adapting to the new conditions their parents had struggled to create. As Native people moved across the country in search of a different lifestyle, they encountered new social pressures as well as conflicts with traditional ways of life. Generations of Indians had lived in desperately impoverished and regressive conditions on the reserves, and the experience of leaving home for urban centres or overseas seemed like an adventure. Leaving the reserves opened up new possibilities, new ways of seeing the modern world, and certainly a new understanding, or questioning, of oneself within this new context. Often the adventure must have been short-lived, and the idea of returning home must have caused many to rethink what it was they were returning to. Then came World War II, which changed the world, and the lives of aboriginal people, forever.

While Native soldiers overseas participated in the fight for freedom and security for all Canadians, other battles raged at home that seemed just as formidable. The state continued to work toward the assimilation of Native people into Canadian society, while the newly emerging Native political activists argued for the protection of treaties and treaty rights, and the freedom to govern themselves. It was during the war years that Native political organizations began more decisively to pressure the government to change its policies. In 1944, the first national congregation of Native people met as a political unit in Ottawa.
The North American Indian Brotherhood (NAIB) consisted of many independent regional political groups and gave Native peoples an opportunity to voice common grievances collectively. However, it collapsed in 1950 due to internal conflict. The leaders of these Indian and Métis organizations emerged from among the men returning from the War. Used to being treated as equals, they were more confident, worldly, and outspoken. During these years, Native leaders knowingly disobeyed the law as laid down by the Indian Act of 1927 which had banned all political organizational activities (Frideres 233). In 1947, the NAIB successfully challenged a government standing committee that called for the liquidation of Indian lands and enfranchisement of Indians, and wholesale integration. It lobbied forcefully for drastic revisions to the Indian Act. This time a special Joint Committee was formed to hear Native people. Goodwill and Sluman write that:

As a result of the hearings and investigations, a new Indian Act was introduced by the Liberal government in 1950, and after some additional consultations with Indian groups a revised Act was passed in 1951. This Act did put limits on official interference with Indian cultural activities [...] [and] an Indian could no longer be enfranchised without his consent and the ban on political organizing was dropped (195).

Although the government was forced to relax its opposition to Native political development, Native organizations over the next decade did not advance any major issues.

As noted earlier, following World War II, aboriginal people across Canada moved into urban centres seeking employment. But these were alien spaces. Given aboriginal people’s need to share the transplantation process with other Indians, urban community centres were formed, like the North American Indian Club (NAIC), established in Toronto in 1951. Many of its members had served in the military during the War and preferred to work in the cities rather than return to the reserves. In the later 1950s and well into the 1960s, urban centres remained important for the swelling aboriginal populations. In 1954, the National Indian Council (NIC)—heir to the NAIB—was formed, and in 1961, it became the official organization for both Status and non-Status Indians. As Goodwill and Sluman point out, the NIC proposed a new idea—the role of the artist in the empowerment process:

To illuminate the whole spectrum of Indian arts, crafts, philosophical concepts and aspirations of Indians to the Canadian public, in a
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way that would provide a positive image to counteract the negative stereotyping of the past. It inaugurated travelling exhibitions of Indian art. There were, for the first time, annual Princess Pageants and exchange visits of Indian students between eastern and western Canada. Powwows were enjoyed again in areas where Indian culture had long languished, giving regained pride and a sense of identity back to people who had almost lost them completely (209).

And, in 1957, the Canadian Association in Support of Native People (CASNP) was organized to bring “together a largely non-Native group of influential people to act as a lobbying force for Natives. Although its legitimacy came under attack from Natives several times in its short history, the CASNP did provide the first national organization for Natives, and did [much] to influence some of the policies that emanated from Ottawa” (Frideres 250). Over the next several decades, aboriginal organizations were to become multifaceted, complex political structures, representative of aboriginal people all across Canada. These political organizations now saw their mandate including the influencing of government policies, the development of new programs for Indians, and the administration of some of these programs.

The great changes that took place globally in the 1960s raised many people’s consciousness so that identity politics began to emerge as an effective opposition and struggle for recognition. In the United States, Civil and Women’s Rights movements and the youth counterculture were seen collectively to oppose the establishment as represented by the so-called “dominant Western male.” Were these forces a reaction to modernity? The 1960s was the age of protest and those in power positions had to be aware that large numbers of angry people would eventually force change. Coincidentally, Status Indians were finally granted citizenship under the Canadian Bill of Rights in 1960.

In this era of social change, aboriginal political organizations began to have a substantial impact on both Native peoples and the government. For Native peoples, the organizations provided the means for input into the federal and provincial government policies that affected them, and the instruments to bring about social change. For their part, governments found it beneficial to deal with organizations, especially when they could work with one organization, rather than many small ones. By the 1990s, however, the large national organizations began to lose some of their impact as individual First Nations started to deal directly with the state, particularly on land claim issues.
In 1968 the NIC split in two: the National Indian Brotherhood (NIB) made representations for Status Indians and the Canadian Métis Society (CMS) for non-Status Natives. In 1970 the CMS became the Native Council of Canada (NCC), and is now known as the Congress of Aboriginal Peoples (CAP); and, at the end of 1981 the NIB changed its name to the Assembly of First Nations.

The introduction of the Liberal government’s *White Paper* in 1969 was protested by all Indian political organizations, especially the NIB, because it proposed to abolish the *Indian Act*. Basically, the *White Paper* was an attempt on the federal government’s part to absolve itself of its obligations toward Canada’s Native population through forced assimilation. It was perhaps tongue-in-cheek, but the Alberta Indian Association’s answer to the *White Paper*—a report entitled *Citizens Plus*—came to be known as the *Red Paper*. Furthermore, Harold Cardinal’s book entitled *The Unjust Society: The Tragedy of Canada’s Indians*, gave a powerful voice to the Native community’s bitter opposition to the plan. James Frideres points out that:

Supporters of the White Paper proposals [are] in essence advocating cultural genocide. They seek the removal of the “citizen’s plus” policy that grants special status to Natives, arguing that Natives cannot truly integrate into White society unless the special status is removed. Yet, as the charter group of Canada, British Canadians have always claimed special status, as have French Canadians, with their entrenched language and religious rights (264).

At the start of the 1980s, Native Canadians became engaged in constitutional battles with the federal government. The federal Liberals were preoccupied with repatriating the Constitution from England. Native political leaders, on the other hand, were stalling these efforts, because they feared the patriation of the *British North America Act* would terminate the obligations contained in the *Royal Proclamation* 1763, thus dissolving their special rights and status. Native people across the country protested and held huge demonstrations in large metropolitan areas. Responding to the need for a stronger political voice, the NIB changed its name in December 1981 to the Assembly of First Nations. The Constitution was returned to Canada and Native people won recognition of “aboriginal rights,” although these rights remained undefined. As well, the Constitution now defined the “Aboriginal Peoples of Canada” to include Indians, Inuit and Métis, a recognition that led to their affirming their self-determination.
At the beginning of the 1990s, two major events captured the imagination of Native communities across the country. First, there was the courageous stand of a Cree member of the Manitoba Legislature, Elijah Harper, whose decisive vote against the Meech Lake Accord sent the country into a political tailspin; and second, there was the stand-off at Oka, Quebec, between Mohawk warriors and the combined forces of the Quebec provincial police and Canadian army. Both events provided very tense and yet liberating moments. Almost overnight, Native peoples everywhere rallied into action. As a demonstration of a new consciousness and affirmation of identity, artists also seized the moment by participating in several exhibitions that displayed their solidarity with Native political leaders and with those manning the barricades at Oka. For the first time, Canadians everywhere became aware of Native people’s growing restlessness and resentment over the government’s repeated manipulation of Native issues.

Conclusion

The idea of the post-reservation period foregrounds the politics of opposition and struggle, and problematizes the key relationship between centre and periphery. The prefix “post” in post-reservation not only refers to that time “after” the reservation period, but more importantly, signals the end of total state control, with authority shifting to the band/tribes. As well, aboriginal people began leaving the tedium and confines of reserves for the stimulation of urban centres for social and economic reasons; both regional and national aboriginal organizations came into being to protect treaties and treaty rights; aboriginal people began defining themselves based on the ideals of self-determination and self-government; and through the new Canadian Constitution of 1982, aboriginal peoples were now recognized as having aboriginal rights. In short, as “First Nations” and as “a people,” aboriginal people began reclaiming their subjectivity to achieve full possession of self. Yet, without the driving force of large political organizations, individual aboriginal people found it more onerous to contest their own positions. Disenfranchised women, for example, did not have the benefit of such organizations; they did, however, manage to find other ways to make known their positions of inequity, as their voices tended to be excluded in the context of greater concerns about treaties, because the treaties affected everyone. Individuals, disenfranchised for whatever reason, needed other ways to politicize their struggle.
As we will see in the next chapter, aboriginal contemporary artists began building on these political advances, and individually or collectively, articulated their positions through more confident manner and means. For many of them, identity has been an integrating purpose for their practice, their relationships with members of their community, their position in the art world, and their genuine interest in sharing ideas. In part, the motives behind their practice are based in historical circumstances that prompted them to express their position as a political identity: their objectives are to create a space for their practice and their tribal identity; to recover and reconnect with their ancestral artistic roots; to critique practices that have systematically controlled them and their ancestors; to articulate new practices based on tribal principles; and, to re-establish relationships with tribal communities.

I began this chapter with reference to the current identity politics in the U.S.; specifically, how American legislation now demands that those who advertise themselves as being Native American artists, submit proof they are from a federally recognized tribe. Indeed, since the legislation’s initial introduction in December 1990, galleries and museums have terminated exhibitions that featured artists of questionable heritage, out of fear of prosecution. Initially, craftspeople called for consumer protection legislation in the lucrative market place for their products, because mass quantities of cheap reproductions manufactured in countries ranging from Japan to Lebanon were usurping the market from “legitimate” Native American producers. Within the ranks of the art world, certain artists gained rapid recognition as Native American artists; this was, however, difficult for other artists to accept. The accusations were that some of these fast-rising Indian art stars were indeed bogus Indians, prompting a group of artists to begin a campaign lobby for protection against those usurping the market under false pretenses. This resulted in PL. 101-644. One senses that meaningful, if not critical, discussions must come from within the Native American art community regarding the cultural and ethical issues of this legislation. It may interest the reader to know that Jimmie Durham issued a brief statement in Art in America in 1993, stating: “I am not Cherokee. I am not an American Indian. This is in concurrence with the recent US legislation, because I am not enrolled on any reservation or in any American Indian community.”

So, why do you call us “Indians”? It would seem the term should have lost its efficacy, as band/tribes all across North America now prefer to use the names they have always called themselves. It is still easier for
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non-aboriginal people to use this discursive term, because it situates aboriginal people. We know, however, that historically these designations were very much part of the colonial discourse of the “other.” More recently, as I will argue, the world is conceived as vastly more complex than simple oppositions; with the rise of feminism and post-colonial discourses, for example, we can no longer rely on old paradigms of recognition. “Indian” is not just a legal term. It is also almost nostalgic in the sense of appearing to be truly recognizable within a complex ocean of identities. It is still a term—like American, Canadian, European, Mexican—that names everyone until, of course, tribal specificities are acknowledged—like New Yorker, Torontonian, Parisian—that is present tense. Once a term of otherness and generalization, “Indian” continues to be a strong signifier for identity though it remains contentious and contradictory.

Notes
1 Public Law 101-644, November 29, 1990, Sec. 104, 1159. Misrepresentation of Indian produced goods and products:
“(a) It is unlawful to offer or display for sale or sell any good, with or without a Government trademark, in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization, resident within the United States.
“(b) Whoever knowingly violates subsection (a) shall
“(1) in the case of a first violation, if an individual, be fined not more than $250,000 or imprisoned not more than five years, or both, and, if a person other than an individual, be fined not more than $1,000,000; and
“(2) in the case of subsequent violations, if an individual, be fined not more than $1,000,000 or imprisoned not more than fifteen years, or both, and, if a person other than an individual, be fined not more than $5,000,000.
“(c) As used in this section
“(1) the term ‘Indian’ means any individual who is a member of an Indian tribe, or for the purposes of this section is certified as an Indian artisan by an Indian tribe;
“(2) the terms ‘Indian product’ and ‘product of a particular Indian tribe or Indian arts and crafts organization’ has the meaning given such term in regulations which may be promulgated by the Secretary of the Interior;
“(3) the term ‘Indian tribe’ means
“(A) any Indian tribe, band, nation, Alaska Native village, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or
“(B) any Indian group that has been formally recognized as an Indian tribe by a State legislature or by a State commission of similar organization legislatively vested with State tribal recognition authority; and
“(4) the term ‘Indian arts and crafts organization’ means any legally established arts and crafts marketing organization composed of members of Indian tribes.
“(d) In the event that any provision of this section is held invalid, it is the intent of Congress that the remaining provisions of this section shall continue in full force and effect.”
“Federally recognized tribes” are considered sovereign nations and have more authority over issues that happen on their land than, for example, municipal governments. There are 557 federally recognized tribes, and another 245 petitioning for recognition. As defined by United States Senate and House of Representatives, PL 103-454: Federally Recognized Indian Tribes. (Washington: GPO, 1994): “Indian tribes presently may be recognized by Act of Congress; by the administrative procedures set forth in part 83 of the Code of Federal Regulations denominated ‘Procedures for Establishing that an American Indian Group Exists as an Indian Tribe’; or by a decision of a United States court. […] the list of federally recognized tribes which the Secretary publishes should reflect all of the federally recognized Indian tribes in the United States which are eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”

The Inuit, known in the U.S.A. by the derogatory Algonquin word “Eskimo,” are genetically distinct from most Indians; they live high in the Canadian Arctic, well beyond the treeline. Historically, the Indians to the south of them seldom ranged into their territories. Because of the extreme cold, it was not until the second half of the twentieth century that modern Europeans began trekking into the North; by then, they understood the survival techniques of the Inuit. The Inuit, however, have been in contact with Europeans at least since AD 1000 when the Norse travelled to North America. Today, the Inuit continue to live in the far North. On April 1, 1999, the Inuit population became the majority when the new territory of Nunavut was inaugurated. The Indian Act never included the Inuit, but in 1939 the Supreme Court decided they should be, under the term “Indian.” Today, there is an agreed-upon definition worked out with the federal government which is based on traditional land occupancy, possession of “disk” numbers, or the blood quantum. Simon Arnaviapik once said: “Some people … still use the old disk numbers that have been discarded. My number was E5752” (quoted in Moses and Goldie, 1992:80). The Constitution Act, 1982, has since recognized them as one of Canada’s Aboriginal Peoples.

In a letter to Luis de Santangel about his first voyage Columbus writes: “As I know that you will be pleased at the great victory with which Our Lord has crowned my voyage, I write this to you, from which you will learn how in thirty-three days, I passed from the Canary Islands to the Indies (las Indias) with the fleet which the most illustrious King and Queen, our sovereigns, gave to me. And there I found very many islands filled with people innumerable, and of them all I have taken possession for their highnesses, by proclamation made and with the royal standard unfurled, and no opposition was offered to me. To the first island which I found, I gave the name San Salvador, in remembrance of the Divine Majesty, Who has marvellously bestowed all this; the Indians (los Indios) call it ‘Guanahani’. To the second, I gave the name Isla de Santa María de Concepción; to the third, Fernandina; to the fourth, Isabella; to the fifth, Isla Juana, and so to each one I have a new name” (quoted in Greenblatt, 52).

“At first, lands were reserved for First Nations on an ad hoc basis, as demand arose; from 1850 onward, however, beginning with the Robinson Huron and Robinson Superior treaties, provision for setting aside lands for exclusive Aboriginal use was incorporated as part of negotiations for the land surrender treaties.” Personal comments of Olive Dickason.

“Band/tribe” is an equivalent designation: the former is used in Canada while the latter is used in the United States.

Ania Loomba, Colonialism/Postcolonialism (New York: Routledge, 1998), 9-10, underlines the fact that Europeans as colonizers always held a privileged difference.

“Fred Loft, a veteran of World War I, attempted as early as 1919 to establish a nation-wide League of Indians. He ran into official opposition, but his league
did get going in the prairie west and managed to survive there for a few years.”


9 The Meech Lake Accord, created to recognize the French-speaking province of Quebec as a distinct society, had to be ratified unanimously by all the provinces. The lone aboriginal member of the Manitoba legislature Elijah Harper took a stand by withholding his vote, because he, like other aboriginal people, felt that denial of this status has been endemic to the country’s history. The result of his delaying tactic eventually killed the Accord. Aboriginal people, everywhere, celebrated; and, Elijah Harper became an instantly recognizable figure.

10 From unpublished transcripts of conversations with Plains Cree elder, James Solomon Buller (whose Indian name is Kasawapamat, or “He who looks out”). He was seven years old in 1896 when he entered the first grade. I am especially indebted to his grandson, Ed Buller, for allowing me to use this material on his grandfather. Ed said it was gathered for the sake of his children and grandchildren so they will know the history of their family.


12 Olive Dickason points out that the “responsibility for status Indians was (and is) solely that of the federal authority, whereas the Métis, even though now constitutionally recognized as an aboriginal people, are classed as ordinary citizens and so come under provincial jurisdiction in matters of property and civil rights. Non-status Indians are in the same legal category as the Métis” (316).

13 Treaty Indians are descendants of those tribes who formally signed treaties with the Canadian government. Up until 1975, the number of treaties have approached five hundred.

14 Reserve Indians mean those people for whom the government had set aside land for their common use and benefit, with its legal title vested in the Crown or federal government.

15 The two terms “Body” and “Tribe” appear homogenizing, yet there is a subtle differentiation between general and specific.

16 The contemporary Potlatch is described by Gloria Cranmer Webster who points out that: “The reasons for giving Potlatches are the same as they were in the past—naming children, mourning the dead, transferring rights and privileges, and, less frequently, marriages or the raising of memorial totem poles” (1991:229). Government officials and missionaries understood the Potlatch as the central institution of the people; outlawing its practice aimed to bring about the demise of the culture.


18 Maggie Siggins writes: “The fur traders who ventured early into the wilderness … could never have survived without the help of Indian women. These marriages, à la façon du pays (“according to the custom of the country”), were encouraged by Natives and Europeans alike for they established an economic symbiosis which fuelled the St. Lawrence-based fur trade.[…] Some of these marriages were long and happy, even after the husband had left the fur trade. More typically, the Native woman was unceremoniously dumped as soon as the white had no further use for her; she and her children would simply melt back into her family’s clan—at an emotional and physical sacrifice that can only be imagined” (7).

19 J.B. Brebner, “Subsidized intermarriage with the Indians,” Canadian Historical Review, VI, 1 (1925), pp. 33-36. Brebner furthermore points out that this policy was intended to apply not only to Nova Scotia, but to British colonies all across North America.
The British North America Act was promulgated in Britain. Even though it applied to Canada, Britain was its legal home as it was a British law. In 1982, Canada became its home when it was “patriated,” so that now it is Canadian law.

Taken from a handout at the National Museum of the American Indian’s George Gustav Heye Centre, New York City, 1996.


Sheila Staats, Warriors: A Resource Guide, writes that an estimated 3,000 men and women from reserves across Canada enlisted to fight with the Allies in World War II. Historically, Native involvement in armed conflicts extended from the first days of colonization to the Vietnam War. For example, “Champlain depended on them in his campaigns; in fact, they were essential to the French colonial effort throughout the period of New France. The Iroquois of the League of Five (later Six) Nations fought on the side of the British; it was to reward these efforts that the Six Nations reserve was established on the Grand River after the British defeat of the French in 1763.” Personal notes of Olive Dickason, 1999.

Goodwill and Sluman point to the struggles of Status Indians to confront constantly shifting government policies regarding the state’s responsibilities to the indigenous population: “When the voluntary assimilation of Indians did not materialize, the cruelty began [...] it became the policy to erode the reserves. [...] Forced enfranchisement had been another ploy [...] but the stubborn Indians, although an endangered species, were not about to follow their buffalo into oblivion. [...] The average Canadian can have no idea of the merciless and prolonged pressures brought to bear upon Indian people to allow themselves to be legislated out of existence” (170).

Frideres mentions the NAIB was originally a Catholic organization founded in British Columbia in 1943 (236); whereas, the Report of the Royal Commission on Aboriginal Peoples (v.1) indicates it was in 1946 that the NAIB made an attempt to organize nation-wide (582).

John A. Price, Native Studies: American and Canadian Indians, 164, indicates this centre “was formed, primarily as an organization for Whites and relatively acculturated Natives who held common interests in the history, arts, crafts, dances, and so forth of traditional Native cultures.”

The first “Indian and Métis Friendship Centre” was created in Winnipeg, in 1959; its mandate, to provide social services and assistance to Native people in their communities, became the framework for future centres.

In the summer of 1982, the largest assembly of indigenous peoples from around the world gathered in Regina. Called the World Assembly of First Nations, it opened a new chapter in Native politics.

See Ward Churchill’s rather amusing chapter about the issues surrounding the events of this legislation, entitled “Nobody’s Pet Poodle: Jimmie Durham: An Artist for Native North America,” 89-113.