

KANIEN'KEHÁ:KA COUNTRY

Community History Kanehsatà:ke

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Kanehsatà:ke

Foreword

The objective of this report is to provide a historical overview of the Indigenous community, from the point of view of the principles contained in the Gladue (1999) and Ipeelee (2012) rulings. It begins with a short, historical review of the community, and in particular of the episodes that created historical trauma within the community in the past. In Canadian history, these historical traumas are widely recognized as having had a devastating impact on Indigenous communities at the political, social and economic levels. They include the genocidal policies enforced by governments, economic marginalization, loss of the traditional political systems that excluded the role of women, and the dispossession of Indigenous peoples' countries or homelands that included their hunting, fishing, gathering and sacred sites. The repercussions of these events are still felt in Indigenous communities today.

We are aware that the approach used and the brevity of the reports tend to present Indigenous history in a biased light, in which Indigenous peoples appear as powerless victims of History. However, it is important to note that our objective is not to summarize the history of the community, but to present historical and contemporary traumas experienced from the standpoint provided by the Gladue and Ipeelee rulings.

The analysis and points of view expressed in this document are binding only on the author and do not necessarily represent the position of the Ministère de la Justice or the Québec government.

The community of Kanehsatà:ke has occupied this portion of their homelands on the north shore of Tékeni Teionontó:te (Lac des Deux-Montagnes) at the mouth of Kaná:tso kania'taratá:tie (the Outaouais River) for thousands of years. The lands were *already occupied by Kanien'kehá:ka*, with hundreds of acres of land already cleared and under cultivation. The Seminary of St. Sulpice of Paris brought Christian converts to Kanehsatà:ke in the 1720s to justify asking the King of France for more and more lands for the "Indians.". Kanehsatà:ke is the smallest of the Kanien'kehá:ka communities in Québec. It has almost 2,500 members, including around 1,300 living in the community. The village's name means "at the foot of a silky ribbon of sand." Many of their relatives had lived at a place the Kanien'kehá:ka know as **Tiohtià:ke Otsira'kéhne**; this is the same spot French settlers later called "Ville Marie." It is translated as "*Where the people split up – At the Fire.*"

A Condensed History of the Kanien'kehá:ka

At the time of the first contact with the Europeans, the Kanien'kehá:ka was the first founding member of the Wisk Niiohontsá:ke (Iroquois) Confederacy along with the Oneidas, Onondagas, Cayugas and Senecas. Kanien'kehá:ka at Kanehsatà:ke are descendants of the "St. Lawrence Iroquois" terms quaintly coined by Euro-Academics. Euro-Academics also declared the St. Lawrence Iroquois "disappeared," like other Indigenous peoples had "disappeared" from Cahokia and the Anasazi from the Southwest. The country of the Kanien'kehá:ka's original homelands is estimated at 9.9 million acres lying north to the opening and along the shores of the St. Lawrence river and to territory now claimed by both Canada and the United States. Like the other Confederacy nations, the Kanien'kehá:ka lived mainly from farming (corn, beans and squash), hunting, fishing and trade between Indigenous Nations throughout the Americas. In fact, the Hopi peoples knew the Kanien'kehá:ka as the "Wind Row People." At times, the Kanien'kehá:ka lived in large, fortified villages with several long houses occupied by Clan families.

Under French rule, the fur trade along the St. Lawrence plunged the Kanien'kehá:ka (known as "Agniers" by the French) into a conflict with the French Crown, who were allied to the Hurons and Algonquins.¹ At the heart of this war was the question of control over the fur trade in the northeast of the American continent. The Kanien'kehá:ka launched regular attacks against the French colony, especially in the Montréal area and in the Richelieu valley.² During the 1640s and 1650s, European diseases and wars with the Iroquois decimated the Hurons. According to the French Crown, it was the arrival in North America of the Carignan-Sallières regiment that led to the signing of a peace treaty with the Kanien'kehá:ka in 1667.³

The French Crown took advantage of this truce to encourage Kanien'kehá:ka converts to Catholicism to resettle with their northern brethren, hoping to distance the converts from Rotinonshón:ni and English influence. A number of Kanien'kehá:ka converts responded to this invitation and began to settle with their relatives near Tiohtià:ke Otsira'kéhne [Montréal] in the 1670s, especially in the seigniory of Laprairie-de-la-Madeleine on the south shore of the St. Lawrence.⁴ At the same time, the invasion of Kanien'kehá:ka country, settled by the English encouraged many to migrate northwards.⁵ Through their missions, the Jesuits encouraged the Kanien'kehá:ka to settle and tried to convert them to Christianity. The Iroquois lifestyle, based on agriculture, made the missionaries' task easier. By 1680, over half of the Kanien'kehá:ka population had returned to the Tiohtià:ke Otsira'kéhne region.

Since Kahnawake was already overpopulated, several Christian Kanien'kehá:ka moved to a mission of Algonquins and Hurons newly established by the Sulpicians on the island of Montréal (1675). In 1696, this mission moved to Sault-au-Récollet, near Rivière des Prairies. This Christian community were then coerced to be moved in 1721 to the Lake of Two Mountains, where the Sulpicians had again been granted a seigniority "for the Indians" a few years earlier by the King of France (1717). They obtained a new land grant in 1733 to occupied lands at Kanehsatà:ke.⁶ For the French and Rotinonshón:ni, the village at Kanehsatà:ke at the Tékeni teionontó:te (Lake of Two Mountains) was a strategic choice. At Kanehsatà:ke, the community secured the mouth of the Kaná:tso kania'taratá:tie (Ottawa River), at the time the main access route to the fur trade in the West. Like Kahnawake and Ahkwesahsne to the south, the community also acted as a buffer between the French settlers and other Rotinonhseshá:ka attacks.

The land question

Rotinonhseshá:ka oral tradition maintains that the Kanien'kehá:ka have occupied their vast country including their ancient town of Tiohtià:ke Otsira'kéhne and Kanehsatà:ke, a Turtle Clan town mentioned in the Condolence Rite of the Rotinonhseshá:ka, as given to the Onkwehón:we (the original people) at the formation of the Great Law of Binding Peace around the year 1142. We are the descendants of peoples that Euro-Canadians refer to as the St. Lawrence Iroquois. According to Kanien'kehá:ka oral tradition, the French authorities had promised that the land at Kanehsatà:ke would be given to the Kanien'kehá:ka, but the Sulpicians had insisted that they should be granted the land themselves. According to sociologist and philosopher Robert Vachon, the Sulpicians foresaw that the Kanien'kehá:ka would move, and expected to be able to sell the land on at a profit.⁷ The question of the ownership of the seigniority of Tékeni teionontó:te (Deux-Montagnes) surfaced again under British rule, and it can be considered to underlie the 1990 crisis in Kanehsatà:ke. However, France, using the Discovery Doctrine and Terra Nullius, granted lands to various French religious orders, military and wealthy fortune seekers; however, these lands were already occupied by Indigenous Peoples. This is actually the crux of the 1990 land conflict and underlies all Indigenous land rights conflicts in North America.

The Kanien'kehá:ka who moved from Sault-aux-Recollet firmly believed that the Sulpicians were not the legitimate owners of the land, and held it only on behalf of the Kanien'kehá:ka⁸; the Sulpicians believed themselves to be the rightful owners from the land grants from the King of France. When New France fell to the British in 1759, promises were made to Kanehsatà:kehró:non that if they gave back their British prisoners, they would be secure in their lands. While the British honoured this promise to Kahnawake, they reneged on their agreement to the people of Kanehsatà:ke.⁹ The Kanien'kehá:ka of Kanehsatà:ke brought the matter before the courts in 1781, but the court found in favour of the religious body although there were several dissenting opinions.¹⁰ Chief Aughneetha also called upon Sir John Johnson to honour the promise made by his father, Sir William Johnson in 1787 and presented the Two Dog Wampum belt to forward this belt to Sir Guy Carleton.¹¹ All efforts fell on deaf ears. This dispute sometimes hindered the community's development, for example when the Sulpicians prohibited the Kanien'kehá:ka in the 1840s from using the seigniority's forest land.¹² To mark their ongoing opposition to the Sulpicians concerning the status of the land at Kanehsatà:ke, around sixty

catholic Kanien'kehá:ka converted to Methodism in 1869.¹³ The Sulpicians, in turn, hastened the sale of seigniorial land to settlers to encourage the Kanien'kehá:ka to leave. Between 1780 and 1809, the Sulpicians granted almost one thousand lots to Euro-Canadian settlers.¹⁴ The municipality of Oka was incorporated in 1875.

By the mid-19th century, the creation of reserves had become the authorities' main tools for assimilating Indigenous peoples. Assimilation was seen by the civil and religious authorities as a solution to the economic hardship that resulted from the dispossession of land and the unpredictable nature of the fur trade.¹⁵ In Kanehsatà:ke, relocation was also seen as a solution to the ongoing dispute over ownership of the Deux-Montagnes seigniorial land. In 1853, the Kanien'kehá:ka of Kanehsatà:ke and Kahnawake obtained the Doncaster reserve in the Laurentians. Because of its remoteness it was considered as the perfect place to establish the Kanien'kehá:ka. Although a few did agree to this exile, settlers quickly encroached on the land of the reserve. Next, in 1881, the Sulpicians attempted to relocate the Kanien'kehá:ka to Gibson, Ontario, but only a few actually moved.

In the 1930s, the Sulpicians experienced financial difficulties and began to sell land in Kanehsatà:ke. In 1945, the federal government purchased the remaining unsold land enclosed within the village of Oka. The land had no status as a reserve, despite the demands made by the Kanien'kehá:ka in the 1960s.¹⁶ For the Kanien'kehá:ka, the purchase did nothing to settle the underlying problem, since they still did not have ownership and simply gained a new tutor. The federal government sold part of the land in 1947 to the city of Oka, which built a golf course in the 1960s despite opposition from the Kanien'kehá:ka. In 1977, the community of Kanehsatà:ke filed a special claim, requesting that no development be undertaken in the region of Oka. This claim was rejected by the federal government and, in 1988, the municipality of Oka made plans to extend the golf course. The Kanien'kehá:ka obtained a temporary moratorium on the development project, but the municipality began work regardless. In the summer of 1990, the Kanien'kehá:ka erected barricades on a side dirt road in the hope of halting the work. In June, a delegation of Rotinónhseshá:ka met with Federal Indian Affairs Minister Tom Siddon and in July 1990, met with the Quebec Human Rights Commission attempting to find a just and peaceful solution. The people had agreed to the offer from the Quebec Human Rights Commission. However, as usual for Kanehsatà:ke, Canada refused to negotiate and chose to take a military approach. This became known throughout the world as the Oka crisis. Sadly, Corporal Marcel Lemay of the Quebec provincial police force lost his life, the Mercier Bridge was blocked and negotiations have never, to this day, been satisfactorily resolved for the Kanien'kehá:ka of Kanehsatà:ke.

According to philosopher and sociologist Robert Vachon, the Kanien'kehá:ka were "betrayed" three times. First by France which, in the Treaty of Paris (1763), ceded land which did not belong to it: Indian land. Next by England which, in the Treaty of Paris of 1783, similarly ceded Indian land. And then a third time by the United States in 1784, when it seized Kanien'kehá:ka homelands by force.¹⁷ More specifically, successive governments have refused to recognize the claims of the Kanien'kehá:ka of Kanehsatà:ke concerning the same land since the early 1700s.

Assimilation policy

In the 19th century, the Canadian government aimed to end the "Indian problem" by forced assimilation of Indigenous peoples into the newly-emerging Canadian society. For the Kanien'kehá:ka in Québec, the Canadian government's assimilation policy was expressed mainly in the political sphere. The Indian bands gradually lost their political independence as the Euro-Canadian governments increasingly asserted their control.¹⁸

The introduction of band councils, in the last decades of the 19th century, did more than anything else to threaten traditional leadership. As early as 1869, the Canadian parliament had passed a law requiring bands to hold elections.¹⁹ The objective of the 1876 *Indian Act* was to introduce a new political and administrative structure, the band council, elected every three years. The new system went against Mohawk political traditions, where chiefs were appointed for life by the clan mothers.²⁰

Throughout Kanien'kehá:ka country, including Six Nations, Ontario, the violently enforced imposition of a simple minority elected band councils by the federal government encountered fierce opposition, once resulting in the murder of unarmed Jake Ice by the RCMP. . Many Rotinónhseshá:ka went underground to ensure modern day traditional leaders, clanmothers and faith keepers survive to re-emerge in their communities.²¹

According to researcher Robert Vachon, the imposition of the election system on the Kanien'kehá:ka undermined the power of the traditional councils, divided the community and nation, and diluted the very idea of nationhood.²² The result was that the traditional political culture, language and traditional knowledge were in grave danger of disappearing entirely.

The community of Kanehsatà:ke experienced other problems stemming from the government's political power exerted under the *Indian Act*. By granting Indian status on the basis of place of residence, the Act divided the community in political terms.²³ In addition, status was granted on patrilineal grounds, contradicting the traditional matrilineal Rotinonhseshá:ka society. The *Indian Act* also established legal discrimination against Indigenous women, stipulating that an Indigenous woman who married a non-Indigenous lost her Indian status. The woman could be banished from the reserve and her parents' home, and had to dispose of any land she owned in the reserve at the time of her marriage. She could be refused the right to inherit her parents' land, no longer took any part in band affairs, and her children were not recognized as Indians. She could also be refused burial with her family. However, Indigenous men who married non-Indigenous women became a full status "Indian." The objective of the *Indian Act* was to reduce the number of Indigenous peoples on reserves and assimilate them into the Euro-Canadian population. Indigenous protests about the way in which these women were treated remained without effect until 1985. The Kanien'kehá:ka still contest the underlying legitimacy of the *Indian Act*.

Residential schools

The collapse of the fur trade in the 1930s led the governments of the time to conclude that the traditional subsistence lifestyle could no longer meet Indigenous needs. The government, hoping to give them a way to join the labour market and improve their socio-economic conditions, chose to provide them with the same education as that offered to Euro-Canadians. While this is the

official stated aim of Canada, it provided the federal government with the opportunity to segregate Indigenous peoples to specific areas of the country so the government could restrict access to traditional hunting, fishing and gathering places; this resulted in poverty and traumatic loss in all areas of life – their homelands and food security being an important aspect of reserve life. Meanwhile, the forced assimilation in education occurred in Kanehsatà:ke, between the 1880s and the 1960s with around 150 children from the community who were sent to the Shingwauk Industrial, later the Indian Residential school in Sault-Sainte-Marie, Ontario.²⁴ With the small population, this meant that almost every family has a child/ren taken to Shingwauk Indian Residential School. Six children from Kanehsatà:ke never came home and are presumed missing and deceased, leaving grief stricken families wondering what had happened to their children. The school, managed by the Anglican church, operated from 1873 to 1971.²⁵

The children sent to these residential schools suffered extensive and long-lasting trauma. In some communities, the priests went out into the forest in trucks to pick up children. In the schools, the children were exposed to a form of strict discipline that they had never experienced in their families.. Boarders were isolated from their communities and families. The children's isolation was not just physical or emotional; torn from their community, they were unable to learn traditional skills and their Indigenous languages, traditional knowledge, and family bonding. Such devastating losses created a gulf between generations and led to feelings of acculturation and alienation. When they left the residential schools, former students found it hard to become integrated in either Indigenous or non-Indigenous communities, having been isolated from both for many years. Sexual assault, emotional and/ or physical violence were reported in several residential schools, including the Shingwauk Industrial (later Residential) school in Sault-Sainte-Marie, Ontario.²⁶

The impacts on former students and succeeding generations were multiple: alcohol and drug abuse, domestic violence, sexual harassment, suicidal tendencies, criminality and dropping out/pushed out from school, racism and discrimination. Many children sent to Indian Residential Schools as children and returned home in their late teens. They didn't know how to parent and comfort their own children – because they were separated from their role models, their parents. These consequences were recognized by the Royal Commission on Aboriginal Peoples (1996) and by the Canadian government, which signed the Indian Residential Schools Settlement Agreement (2007) and presented an apology (2008). In 2015, the Truth and Reconciliation Commission of Canada concluded that the residential schools had been a tool used in the forced assimilation and cultural genocide of the Indigenous peoples. We assert that it was genocide.

The quote below is from an article by Lex Gill and Cara Zwibel entitled “Why does Canada Spy on its own Indigenous communities?”²⁷ It states:

Sixty percent of First Nations children on reserve continue to [live in poverty](#) and there are [over 70 First Nations communities](#) where drinking water advisories have been in effect for one year or more. A systemic pattern of over-policing and over-incarceration of Indigenous peoples by the Canadian government remains a core feature of our legal system. Though First Nations, Métis and Inuit peoples comprise about 4% of the Canadian population, they make up [over 23%](#) of the federal inmate population, leading commentators to describe Canada's prisons as “[the new residential schools.](#)” This pattern of criminalisation means that Indigenous people in Canada are more likely to be disproportionately subject to the kinds of “everyday surveillance” associated with poverty, urbanisation and incarceration, alongside the enhanced surveillance threats faced by those who are active on issues of land and water. The

surveillance of Indigenous activists and organisations in Canada must be understood as part of this larger context.

Social, political, economic, demographic and territorial upheavals have marked the history of the community of Kanehsatà:ke since the first contacts with European settlers. The dispossession of their homeland and resources, and the trauma created by federal, provincial governments and police and military forces, the Seminary of St. Sulpice and warehousing of children in residential schools and now the overrepresentation of Indigenous peoples in the prison system have left an indelible mark on the community's social and emotional fabric. Sadly, many Kanehsata'keró:non have extreme difficulties trusting and believing that any level of government and the justice system will be fair.

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Timeline

- 1675 Establishment of the Sulpician mission at the foot of Mount Royal
- 1696 The mission moves to Sault-au-Récollet (near Rivière des Prairies)
- 1717 King granting of the Deux-Montagnes seigniory to St. Sulpice of Paris
- 1721 Relocation of the mission to Lac des Deux-Montagnes
- 1733 King granting of land in Kanehsatà:ke to the St. Sulpice of Paris, France
- 1760 Treaty of Oswegatchie, 1760
- 1781 The Kanien'kehá:ka appeal to the court to obtain recognition of their ownership of the Deux-Montagnes seigniory
- 1853 Granting of the Doncaster reserve
- 1869 Apostasy [renunciation of faith] of around sixty Kanien'kehá:ka
- 1875 Incorporation of the municipality of Oka
- 1964 Rotinónhseshá:ka in Kanehsatà:ke
- 1989 Kanehsatà:ke Preservation Committee negotiate with the province of Quebec to co-manage Oka Park and protect the potsherds stay on the territory.
- 1989 CKHQ-FM radio staff assaulted; related to political unrest between the Six Nations Traditional Hereditary Chiefs and those who wanted an elective system.
- 1990 Land dispute at Kanehsatà:ke – same one – different era.
- 2004 Failed Federal Government & Kanehsatà:ke Band Council community raid – resulted in burning down of Grand Chief's home.
- 2006 Mohawk Council enters into Specific Land Claims with Canada
- 2006 Canada pays the legal fees of the town of Oka related to harmonization of S-24 Interim Land Governance Agreement
- 2017 Protest by Kanien'kehá:ka over non-Indigenous housing development on Lands claimed by Kanehsatà:ke
- 2017 No Free, Prior and Informed Consent for community members by MCK regarding: specific land claims; borrowing money on negotiated settlement; negotiations on water system, dealing with province to have provincial laws apply to the new daycare. Actions lead to stress and unrest in the community.

Notes

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- ¹ Ratelle, *Présence des Mohawks au Québec...* p. 5.
- ² Ratelle, *Présence des Mohawks au Québec...* p. 5.
- ³ Ratelle, *Présence des Mohawks au Québec...* p. 8.
- ⁴ Ratelle, *Présence des Mohawks au Québec...* p. 9-10.
- ⁵ Vachon, *La nation Mohawk...* p. 3.
- ⁶ Vachon, *La nation Mohawk...* p. 11.
- ⁷ Vachon, *La nation Mohawk...* p. 12.
- ⁸ Gabriel-Doxtater, B. & Van Den Hende, A. (1995). *At The Woods' Edge: An Anthology of the History of the People of Kanehsatà:ke*, p. 30-32, Kanehsatà:ke Cultural Center. Available in French.
- ⁹ *Treaty of Oswegatchie* (1760). Online: <http://www.thecanadianencyclopedia.ca/en/article/treaty-of-oswegatchie-1760/>
Also see : *Sioui v. The Queen*. [1990].
- ¹⁰ Vachon, *La nation Mohawk...* p. 14.
- ¹¹ Gabriel-Doxtater, B. & Van Den Hende, A., p. 62.
- ¹² Parent, Amand. (1887). *The life of Rev. Amand Parent, the first French Canadian ordained by the Methodist Church. Forty-seven years experience in the evangelical work in Canada. Thirty-one years in connection with the conference and eight years among the Oka Indians*, pp. 185-235. Online: <https://archive.org/details/lifeofrevamandpa00parerich>
- ¹³ Vachon, *La nation Mohawk...* p. 15.
- ¹⁴ Vachon, *La nation Mohawk...* p. 14.
- ¹⁵ Roland Viau, « L'autopsie d'un contact, 1600-1900 », Dans Odette Vincent, *Histoire de l'Abitibi-Témiscamingue*, Québec, IQRC, 1995, p. 153.
- ¹⁶ Vachon, *La nation Mohawk...* p. 16.
- ¹⁷ Vachon, *Le Peuple de la Grande Paix...* p. 60-61.
- ¹⁸ Fillion, *Histoire du Haut-Saint-Laurent*, p. 325.
- ¹⁹ Vachon, *Le Peuple de la Grande Paix...* p. 68-69.
- ²⁰ Fillion, *Histoire du Haut-Saint-Laurent*, p. 325.
- ²¹ Vachon, *La nation Mohawk...* p. 16.
- ²² Vachon, *La nation Mohawk et ses communautés: Chapitre 1: Quelques données sociologiques majeures*, p. 23.
- ²³ Fillion, *Histoire du Haut-Saint-Laurent*, p. 326.
- ²⁴ « Quebec Mohawks honour residential school victims », *CBC News*, 10 décembre 2013.
- ²⁵ Fondation autochtone de guérison, *Répertoire des pensionnats au Canada*, Fondation autochtone de guérison, 2007, p. 22.
- ²⁶ Joanna Smith, « Many more Indian residential school stories to be heard », *TheStar.com*, 21 juillet 2013.
- ²⁷ Gill, L., Zwibel, C. (6 December 2017). *Why Does Canada spy on its own Indigenous communities?* Open Democracy. Online: <https://www.opendemocracy.net/protest/surveillance-indigenous-groups-canada>